

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 2nd October, 2017

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

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

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:-

1. Hon. Victorine Atieno Nyamolo

The Speaker (Hon. Kahindi): You are now a Member of County Assembly of Kilifi. Congratulations.

(Applause)

COMMUNICATION FROM THE CHAIR

PROCEDURE TO BE FOLLOWED IN ELECTING THE DEPUTY SPEAKER/CHAIRPERSON OF COMMITTEES

The Speaker (Hon. Kahindi): Hon. Members, I take this opportunity to read out to you the procedure to be followed in the election of the Chairperson of Committees also known as the Deputy Speaker.

Standing Order No. 14 provides that:-

“(1) As soon as practicable after the election of a Speaker following a general election, a Deputy Speaker shall be elected.

(2) The Speaker shall preside over the election of the Chairperson under paragraph (1).

(3) The person elected in accordance with Article 178(2) (b) of the Constitution and referred to Section 9 (5) County Government Act shall be the Deputy Speaker.

(5) The procedure for election of the Deputy Speaker, shall, with necessary modifications, be the same as that prescribed for the election of the Speaker.”

Hon. Members, pursuant to the Standing Orders, a number of activities are required for the election of the Deputy Speaker. I will proceed to detail each activity and the manner in which it will comply with the Standing Orders.

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First, Standing Order No. 5 (2) and 5 (3) require that the names of the candidates for this election shall be entered upon nomination paper accompanied by the names and signatures of at least two members who support the candidate. Hon. Members, I can confirm that the names of the candidates for the election of the Deputy Speaker were entered once the nomination papers of the candidates were handed back to the Clerk's Office accompanied with the supporters' signatures.

Secondly, Standing Order 5 (4) requires that the Clerk maintains a register for each candidates nomination paper as received and ascertain that every candidate is qualified to be elected as such under Article 193 of the Constitution.

Hon. Members, I hereby confirm that the register has been maintained in accordance with the requirements of this Standing Order. Also, since the candidates are Members of the County Assembly, they have already fulfilled the requirements under Article 193 of the Constitution.

Thirdly, hon. Members, Standing Order No. 5 requires that:-

“Immediately upon the close of the nomination period provided for in Standing Order No. 5(2), the Clerk shall –

- (a) publicize and make available to Members, a list showing all qualified candidates; and
- (b) make available to all Members, copies of the curriculum vitae of the qualified candidates.”

Hon. Members, I hereby confirm that the list was made available. I further confirm that the copies of curriculum vitae of the qualified candidates are available for the position of the Deputy Speaker of the County Assembly. The following candidates were validly nominated.

1. Hon. Stanley Karisa Kenga
2. Hon. Carol Makau Kalume

Hon. Members, Standing Order 7(1) provides for the election threshold of the Speaker and we shall use the same for today's election. It states:-

“A person shall not be elected Speaker unless supported in a ballot by the votes of two-thirds of all Members.”

In our case, this translates to 36 votes which are two-thirds of 54. If no candidate is supported by the votes of two-thirds of all Members, the candidates who receive the highest...

(The Clerk-at-the-Table consulted with the hon. Speaker)

It is *Carol Maku Kalume*, the HANSARD can capture that correctly. In our case, this translates to 36 votes which are two-thirds of 54. If no candidate is supported by the votes of two-thirds of all Members, the candidate who receives the highest number of votes in the ballot referred to in Standing Order No.7 (1) and the candidate who in that ballot receives the next highest number of votes shall alone stand for the election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be the one elected.

Hon. Members on voting, Standing Order No. 6 provides that the election shall be by secret ballot. We shall now proceed to the ballot for the election of the Deputy Speaker. Standing Order 6 explains in detail how the voting process shall be carried out.

Standing Order No.6 (2) provides that the presiding officer shall at the commencement of each ballot cause the ballot, empty and unlocked, to be displayed to the County Assembly and shall, in the presence of the County Assembly, lock the box which shall thereafter be kept in the full view of the County Assembly until the conclusion of the ballot.

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Hon. Members, I now direct that the ballot box, empty and unlocked, be displayed to the County Assembly.

(The ballot box was displayed empty and unlocked)

I now direct that the ballot box be now locked in the presence and viewing of the County Assembly.

(The ballot box was locked and kept in the full view of the Members)

Hon. Members, Standing Order No. 6(3) stipulates that:-

“ The Clerk shall issue not more than one ballot paper to each Member who comes to the Table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box.”

The polling booths are on my left and right as displayed. Pursuant to this Standing Order, I now direct that a ballot paper be issued to each Member who comes to the Table to obtain it. To facilitate this process, the name of each Member shall be called out following which the Member shall come to the Table on my extreme left and obtain a ballot paper. Each Member shall then proceed to either of the two polling booths which are clearly marked and while there, mark the ballot paper and fold it. The Member will then place the marked ballot paper in the ballot box. We are now ready and shall commence the voting process. Clerk-at-the-Table, kindly call out the names for issuance of ballot papers.

(The ballot papers were issued to the Members and they proceeded to vote)

Hon. Mramba: Point of Order!

The Speaker (Hon. Kahindi): Yes hon. Mramba, what is your Point of Order at this time?

Hon. Mramba: I thought it will be prudent if the two candidates would walk out?

The Speaker (Hon. Kahindi): They have their votes too.

(The voting process continued)

The Speaker (Hon. Kahindi): Hon. Members, from our records every Member present has collected a ballot paper and voted. However, I still avail the opportunity for any Member present who has not been called or who has not come down to collect a ballot paper and vote. There being none, hon. Members, Standing Order No. 6 (6) provides that:-

“When it appears to the Clerk that all Members who were present and wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot

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papers and having rejected those ballot papers that are unmarked or spoiled, report the result of the ballot and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.”

Hon. Members, pursuant to this Standing Order it now appears to me that all Members who are present and who wish to vote have done so. Therefore, I now direct that the ballot box be unlocked and that each ballot paper to be examined. Once unlocked, the contents will then be emptied and there be a clerk each to take the votes for each of the candidates. One clerk will call out and display such ballot paper prominently and say aloud the person for whom the ballot paper is marked. We will provide a microphone for that purpose so that you can be heard. Proceed.

Hon. Kiraga: What about the agent of the respective candidates?

The Speaker (Hon. Kahindi): Yes Clerk, call out the agents to come and witness.

(Hon. Kiraga stood for Hon. Kenga)

(Hon. Shaban stood for Hon. (Ms.) Carol)

(The Clerks-at-the-Table opened the ballot box and proceeded to count the votes)

The Speaker (Hon. Kahindi): Hon. Members, I wish to declare the results as follows:

Name	Votes
Carol Kalume	19
Stanley Kenga	35
Spoilt votes	0
Absent	0
Total	54

The threshold of 36 has not been attained; therefore we require that the voting goes to the second round. I am informed that the ballot papers for the second round are ready so we will give Members five minutes and allow the clerks to prepare then we come back.

(The House adjourned for five minutes)

(The House resumed)

The Speaker (Hon. Kahindi): I want us to confirm that everybody is in because as per the Standing Orders, when there is a requirement of voting the bar is drawn and the Serjeant-at-Arms is aware of that. So, whoever is left out according to the Standing Orders will not be allowed in. On that note, can the Serjeant please confirm that everybody has walked back in?

(The Serjeant at arms confirmed that all Members were present)

Thank you. Hon. Members, we shall have the Serjeant open the box for verification and then the box will be locked and the second round of voting will proceed.

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(The ballot box was emptied, displayed and locked)

(The Members proceeded to a second round of voting)

The Speaker (Hon. Kahindi): We can proceed to open the ballot and count the votes. Agents of the two candidates please step forward.

(Hon. Kiraga stood for Hon. Kenga)

(Hon. Shaban stood for Hon. (Ms.) Carol)

(The Clerks-at-the-Table opened the ballot box and proceeded to count the votes)

Hon. Members, the following are the results of the votes that have been cast in the second round.

Name	Votes
Carol Kalume	20
Stanley Kenga	34
Spoilt votes	0
Absent	0
Total	54

(Applause)

Hon. Members, pursuant to Standing Order No. 7(2), I now declare hon. Stanley Kenga as the duly elected Chairperson of Committees and the Deputy Speaker of the County Assembly of Kilifi.

(The Speaker accordingly declared hon. Stanley Kenga elected Deputy Speaker of the County Assembly of Kilifi)

Hon. Stanley (Kenga), with all sense of humility, I ask you to come and take your Oath.

(Hon. Kenga was escorted by hon. (Ms.) Elina and hon. Juma)

(On arrival, the Speaker thereupon administered the Oath of Allegiance to the Deputy Speaker-elect, hon. Stanley Kenga)

COMMUNICATION FROM THE CHAIR

APPOINTMENT OF ORANGE DEMOCRATIC MEMBERS (ODM) IN RESPECTIVE LEADERSHIP POSITIONS

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The Speaker (Hon. Kahindi): Before we go to the next Order, I have a Communication to make which I had spared because as the Speaker, I have the discretion to decide what comes first during the plenary session. So, I had reserved my Communication for this time and this is a very important communication which is dated the 2nd of October, 2017.

Hon. Members, the County Assembly is in receipt of letters dated 15th of September, 2017, from the Executive Director Orange Democratic Movement, designating the following Members of the County Assembly to positions as here under:-

Hon. Members, if I mention your name, please stand up and give an acknowledgement to the House.

1. Hon. Mwathethe Adamson Kadenge, (Identity number) ID No. 1176256, Leader of Majority Party and a Member of the County Assembly Service Board.
2. Hon. Samuel Ndago Gambo, ID No. 29260938, Deputy Majority Leader
3. Hon. Alphonse Charo Mwayaa, ID No. 10689445, Majority Whip
4. Hon. Nuzla Abushaib ID No. 27935252, Deputy Majority Whip

On behalf of the staff of the County Assembly and on my own behalf, I wish to congratulate all of them on their appointments to their respective leadership positions. I also direct the Clerk to hand over the office of the Leader of Majority to hon. Adamson Mwathethe Kadenge immediately after this session.

APPOINTMENT OF KENYA AFRICAN DEMOCRATIC UNION (KADU ASILI) MEMBERS IN RESPECTIVE LEADERSHIP POSITIONS

Hon. Members, the County Assembly is in receipt of a letter dated 20th of September, 2017, from the Secretary General, Kenya African Democratic Union (KADU) ASILI designating the following Members of the County Assembly to positions as here under :-

1. Hon. Valentine Matsaki Mwamanga, Leader of Minority Party and a Member of the County Assembly Service Board.
2. Hon. Benson Kazungu Chengo, Deputy Minority Leader
3. Hon. Frank Fondo Kiru Kimosho, Minority Whip
4. Hon. Mary Anzazi Maneno, Deputy Minority Whip

On behalf of the staff of the County Assembly and on my own behalf, I wish to congratulate all of you on your respective leadership positions. Likewise, I also direct the Clerk to hand over the office of the Leader of minority and all its amenities to hon. Matsaki. I further direct that he also hands over the Office of the Deputy Speaker to the hon. Member for Adu Ward, hon. Stanley Kenga.

(Applause)

APPOINTMENT OF HON. MEMBERS TO THE CHAIRPERSON'S PANEL

Hon. Members, Standing Order 14B provides that:-

“(1)There shall be a panel to be known as the Chairperson's Panel appointed by the Speaker which shall comprise of three Members to be known as the First, Second and Third Chairperson of Committees respectively.

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(2) The Speaker shall communicate the names of the nominees to the Assembly and upon communication the list shall be deemed to have been approved.”

Fortunately this is the part where the Speaker does not have to consult anybody so that is what the Standing Order says.

“(3) The Members elected under this Standing Order shall-

- (a) in the absence of the Speaker and the Deputy Speaker preside in the Assembly;
- (b) assist the Deputy Speaker in presiding over the Committee of the whole Assembly.
- (c) perform any other functions as may be provided for under the Standing Orders.

Hon. Members, pursuant to Standing Order 14B, I wish to appoint the following Members of the County Assembly to serve in the Chairperson’s Panel:-

1. Hon. Harrison Thaura Mweni as the First Chairperson of the Committee.
2. Hon. Thomas Mumba Chengo as the Second Chairperson of the Committee.
3. Hon. Mary Anzazi Maneno as the Third Chairperson of the Committee.

NOMINATION OF TWO MEMBERS TO THE COUNTY ASSEMBLY FORUM (CAF) GOVERNING COUNCIL

Hon. Members of the County Assembly, the Speaker received a letter from the County Assembly Forum (CAF) requesting for the appointment of two Members who will sit in the CAF Governing Council. I wish to communicate that the following two Members shall serve in the CAF Governing Council:-

1. Hon. John Mwangwe Mwamtsi
2. Hon. Elina Stephen Mbaru

Thank you very much. Let us proceed to the next Order.

MOTIONS

APPROVAL OF MEMBERS TO THE COMMITTEE ON SELECTION

The Speaker (Hon. Kahindi): Leader of Majority hon. Mwathethe.

The Leader of Majority (Hon. Adamson Kadenge Mwathethe): Yes, thank you Mr. Speaker:-

THAT, pursuant to the provision of Standing Order No.152 (3), this Assembly approves seven other Members to the Committee on Selection in addition to the Members specified under Standing Order No. 152 (1) (a) and 152(1) (b). The other Members are:-

1. Hon. Harrison Thaura Mweni
2. Hon. John Mwangwe Mwamtsi
3. Hon. Martha Koki Musyoki
4. Hon. Victoria Mnyazi Mzungu
5. Hon. Frank Fondo Kimosho
6. Hon. Hadad Feiswal Almas
7. Hon. Thomas Mumba Chengo

(Applause)

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I call upon hon. (Ms.) Nuzla to second.

The Speaker (Hon. Kahindi): Just stand up, bow down and then take a seat. Do not worry you will learn these rules.

(Hon. (Ms.) Nuzla seconded)

Thank you very much. Now, hon. Members, just housekeeping formalities, we have buttons in your desk if you wish to speak...what is the button labeled Mr. Clerk?

The Clerk (Mr. Mkare): *Mic.*

The Speaker (Hon. Kahindi): Yes, there is a button on your gadget which says *mic*. If you wish to speak, please press that button and you do not have to raise your hand because I will see your name here and in the event you want to make a Point of Order which you will learn as you proceed you press a button called *intervention* and then we will allow you on a Point of order.

(Question proposed)

Hon. (Ms.) Nuzla because you have seconded the Motion, I will give you the first opportunity to contribute as to whether you support or you disagree with this Motion, but it is unlikely that you will disagree because you have seconded it. So, can we have your contribution please?

Hon. (Ms.) Nuzla: I agree with this list.

The Speaker (Hon. Kahindi): Okay, thank you. Yes, hon. Matsaki.

The Leader of Minority (Hon. Matsaki): Mr. Speaker Sir, I want to say that this list was given by the political parties and that all the Members agreed. I am certain that this list has no problem and we can as well pass it in this hon. House. Thank you.

(Question put and agreed to)

APPROVAL OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE

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

The Leader of Majority (Hon. Mwathethe): Thank you Mr. Speaker, Sir.

THAT, pursuant to the provision of Standing Order No. 151 (2), this Assembly approves the following seven other Members to the House Business Committee in addition to the Members specified under Standing Order No. 151 (1) (a) (b) (c) (d) and (e);

1. Hon. Peter Ziro Ngowa
2. Hon. Jana Tsuma Jana
3. Hon. Hon. Christopher Mwambire
4. Hon. Victorine Atieno Nyamolo
5. Hon. Mary Anzazi Maneno
6. Hon. Saumu Sidi Julius
7. Hon. Daniel Kitsao Charo

Thank you Mr. Speaker, Sir. I call upon hon. Carol to second.

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(Hon. (Ms.) Carol Seconded)

(Question proposed)

The Member for Mwawesa Ward (Hon. (Ms.) Carol Maku Kalume): Thank you Mr. Speaker, Sir. Hon. Members, I am in agreement that the seven Members that have been selected for the House Business Committee are in order and I am sure they are ready to work. Thank you.

The Speaker (Hon. Kahindi): Thank you hon. Hassan.

The Member for Matsangoni Ward (Hon. Hassan Mohamed Said): Asante Bw. Spika, kwa kunipatia nafasi hii. Nimesimama kuunga mkono hawa ndugu waheshimiwa waliochaguliwa. Asante.

The Speaker (Hon. Kahindi): Thank you. Hon. Stanley Kenga.

The Member for Adu Ward (Hon. Stanley Karisa Kenga): Thank you very much Mr. Speaker, Sir. I am standing to demonstrate my support for the list of hon. Members that constitute the House Business Committee. If you allow me to go to Standing Order 151 (4) and I quote:-

“That the House Business Committee shall-

(a) prepare and, if necessary, from time to time adjust the County Assembly Calendar with approval of the County Assembly;

(b) monitor and oversee the implementation of the County Assembly Business and programmes.”

Mr. Speaker, Sir, there are various functions and responsibilities that are supposed to be carried out by the House Business Committee and for this Assembly to be able to execute its functions, we need this Committee to be in place. Therefore, I call upon the hon. Members to support the list as read by the Leader of Majority so that we can have it in place ready to transact business for the Assembly. Thank you very much.

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

The Member for Gongoni Ward (Hon. Albert Kiraga Hare): Thank you very much Mr. Speaker, Sir. It is my humble submission that the said list can comfortably transact the business in that Committee. I therefore stand in support of this Motion. Thank you very much.

The Speaker (Hon. Kahindi): Thank you hon. Members.

(Question put and agreed to)

APPROVAL OF MEMBERS TO THE COMMITTEE ON APPOINTMENTS

The Speaker (Hon. Kahindi): Leader of Majority.

The Leader of Majority (Hon. Mwathethe): Thank you Mr. Speaker, Sir.

THAT, pursuant to the provisions of Standing Order No. 154, this Assembly approves the following six other Members to the Committee on Appointments in addition to the Members specified under Standing Order No. 154 (1):-

1. Hon. Gilbert Supai Peru
2. Hon. Carol Maku Kalume
3. Hon. Elina Stephen Mbaru

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4. Hon. Humprey Kombe Mwarandu
5. Hon. Maitha Masha Kadenge
6. Hon. Yasin Mohamed Noordin

Thank you Mr. Speaker, Sir. I call on hon. Mwayaa to second.

(Hon. Mwayaa seconded)

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

(Question proposed)

The Speaker (Hon. Kahindi): Hon. Mwayaa please proceed. Use the next microphone.

The Member of Kayafungo Ward (Hon. Alphonse Charo Mwayaa): Asante mheshimiwa Spika. Nimesimama kuunga mkono Kamati ambayo imeundwa ya *Appointment*. Mheshimiwa Spika, kama unavyojua, kuna Mawaziri ambao Gavana atateuwa ili wafike katika Bunge hili. Kwa hivyo, iko haja ya Kamati iwe iko tayari ili tuweze kuchunguza na kuhakikisha kwamba wanaweza kazi ili Kilifi yetu isonge mbele. Hivyo basi, Kamati hii baada ya kuchunguza na kuona wametoshwa kwa ujuzi na walivyojipanga, tumeona wanatosha kufanya hiyo kazi ili Kilifi yetu iweze kupata wale watu ambao wamefuzu ili Kilifi yetu iendelee mbele.

The Speaker (Hon. Kahindi): Thank you hon. Members.

(Question put and agreed to)

ADJOURNMENT

Hon. Members we are going to proceed to adjourn this House until such a date that will be communicated to you. However, it is my advisory that now that the Committee on Selection is fully constituted, it starts its work and Members support it.

Hon. Members, in the absence of any other business, I move to adjourn this House until further notice.

The House rose at 4:28 p.m.