

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 4th July, 2016

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

ADOPTION OF THE COUNTY BUDGET ESTIMATES, 2016/2017

The Speaker (Hon. Kahindi): Hon. Members good afternoon?

Hon. Members: Good afternoon Mr. Speaker.

The Speaker (Hon. Kahindi): Congratulations on passing the budget estimates in my absence and this time, no doors were kicked and no chairs were banged. I had a very personal issue I had to attend to and had to be away but all the time I was in touch with your Chairperson. I am so impressed that you spoke with one voice.

VISIT BY KILIFI COUNTY SENATOR, RETIRED JUSTICE STEWART MADZAYO

Secondly, I want to communicate that I have received official communication from our Senator retired Justice Madzayo that he will be officially visiting the County Assembly on Monday, 11th July; that is next week, to make his first address to the County Assembly. Now, this is very serious, it is not a laughing matter, and I have responded... to deliberate on his speech. He actually called me last week and I said finally our senator is visiting. It is something to be proud of, isn't it?

So the Business of next week will only have one order in the Order Paper. Hon. Members that is the communication we had for the day. Thank you so much.

STATEMENTS

**REPORT ON SOLID WASTE MANAGEMENT IMPLEMENTATION AND
REQUIREMENTS**

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker. I would like to take this opportunity to read this Report before the House for the second time. I read this Report previously but I had to go back to the Chief Officer after the hon. Members requested for

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realistic figures from the relevant Department. I took the initiative and went back to the Chief Officers and here is the Report:-

“This is in reference to County Assembly Report dated 26th April, 2016 reference No. CAK/ADM/3/VOL.8/54 on solid waste management challenges affecting Mtwapa and Marikanai towns. The challenges and recommendations cited in the Report had been looked into with the aim of improving solid waste management in the county.

Attached please find the Report on implementation and requirements of the resolutions on solid waste management as suggested by Members of the sectoral Committee on Environment, Natural Resources and Solid Waste Management for your action in the budgetary allocation.”

The Reply: - “Increased human population, budgetary deficiencies, understaffing, inefficient public awareness, enforcement of legislation and unsustainable consumption patterns are among challenges hindering effective solid waste management not just in Kilifi County but the world over.

The challenges witnessed in Mariakani and Mtwapa cut across in the other towns within the county. In addressing these challenges, the Department has continuously tried its level best to put in place measures that would help the effective solid waste management and provide clean and safe environment for people to live in.

In implementing the resolution, the Department plans to do the following in line with the 2016/2017 budgetary allocation;

- Increase the number of staff for solid waste collection by engaging 20 youth and women per six townships for six months at an estimated budget of Ksh. 21.6 million. This is aimed at increasing the existing casual workforce to promote efficiency in solid waste collection.
- Purchase of protective gears for occupational safety and health of staff and increase efficiency in waste collection. These will include; gumboots, heavy-duty gloves, overalls, overcoats, nasal masks, raincoats, goggles, reflector jackets and yellow road corns at a cost of Ksh. 6,197,000.
- Purchase of tools and equipment to provide staff with requisite work tools. Wheelbarrows, spades, rakes, slashers, pangas, fork jembes, hard brooms, shears, rodding sticks, rasp files, hose pipes, garden rakes, watering cans, dust pans, axes with handles and jembes with handles. These are estimated to cost Ksh. 6,164,000.
- Procurement of double cabin pick-up at an estimated cost of Ksh. 5 million for monitoring and coordinating solid waste management activities.
- Purchase of six motorcycles for supervision of garbage collection and disposal at a cost of Ksh. 3.6 million.
- To hire vehicles for solid waste collection when there are breakdowns of garbage collection trucks and to increase capacity of garbage collection. Four trucks will be hired for two weeks annually for Ksh. 13,440,000.
- To clear the accumulated garbage heaps, scrap off sand in the receptacles and maintenance of dumping sites, the Department has allocated Ksh. 7.2 million to hire shovels, 10 sessions per six townships.
- The Department will support community based organizations, youth groups and women groups to engage in solid waste collection from household by purchasing two handcarts for five groups per township. Apart from supplementing existing workforce, these initiatives will provide source of income for the community.

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- On vehicle maintenance and repair, the Department has set aside funds for maintenance and repair of trucks, tractors, tuk tuk, taka bikes, handcarts, and motorcycles.
- For the purpose of capacity building to community on sustainable waste management and practicing the 3Rs (reduce consumption, reuse, and recycling) in their daily lives, the Department is set to engage the community on education and awareness creation programmes in two episodes per township. The target group being youth and women.
- To ensure casuals payments are done on time, the Department has set aside Ksh. 70, 200,000 for payments to be done on time.

The Department would wish to purchase more vehicles, engage enough casuals, buy land for dumping sites and carry out sufficient community sensitization but the budgetary allocation for the Department is not sufficient given that the total allocation for solid waste management in 2016/2017 financial year is Ksh.178, 784,060. We therefore request that this sector be allocated more funds so as to ensure effective and sustainable solid waste management in the county.

On enforcement, the sector has no legislation in place since the Kilifi County Environmental (Regulation and Control) Act, 2016 draft is yet to be passed by the county. This will empower the officer to enforce environmental regulations in the county.”

Mr. Speaker, attached find a logical frameworks of the same. Hon. Members, I think each and every Member has these figures so I do not think we can...

The Speaker (Hon. Kahindi): Hon. Members, anybody who would want to seek further clarification on this issue? Yes.

Hon. Kiraga: Thank you Mr. Speaker, Sir. If I may ask, is this Report originating from the CEC or it from the Sectoral Committee? Because on the first page or whatever the Leader of Majority was reading, the last paragraph; ‘attached please find the Report on implementation and the requirements of the resolutions on solid waste management as suggested by members of the Sectoral Committee on Environment, Natural Resources and Solid waste Management’. So, does it originate from the CEC or this is something which has been taken from the Sectoral Committees’ resolutions. I believe the Chairman is here and he can also help in confirming the same. Thank you.

The Speaker (Hon: Kahindi): I think, The Leader of Majority needs to respond to that.

The Leader of Majority (Hon. Mwingo): Mr. Speaker, according to my understanding, this originated from the Sectoral Committee and I am sure they would have sat with the Executive side because it sounds as if the Sectoral Committee is the one which requested for the efficiency of ...

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

The Speaker (Hon. Kahindi): Okay, just take a seat hon. Mwingo. Hon. Kiraga, let me give some clarification. I am informed that there was a Report which was debated before this House and that there were some recommendations which were made and that the Leader of Majority is now making a response on those recommendations. Is that the position? Hon. Mwingo can you explain to hon. Kiraga exactly the genesis of this matter?

Hon. Mwingo: Thank you Mr. Speaker. This is a Report that was adopted by the Committee on Environment before the House.

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The Speaker (Hon. Kahindi): What question arose that warranted the response given today? Is it that there were questions which arose in the Report that warranted Government to respond to or what is the position?

The Leader of Majority (Hon. Mwingo): Mr. Speaker, according to this response, it is clearly indicating that there were some questions which needed some answers because it sounds as if the Department concerned is not performing its work properly due to some allegations which were put in this Report. So, the CEC (County Executive Committee) Member took the initiative to elaborate that the inefficiency is being caused by lack of ...

The Speaker (Hon. Kahindi): Who is the Member that sought this Statement in this House?

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

With all due respect hon. Mwingo, I think I need to get more insight on this matter. I am still wondering why it is coming as a Statement whereas it is being referred to as 'a Report of the Committee of the House.' So, let me have this matter deferred until tomorrow so that I get to understand and advise whether we are really doing the right thing or not.

(Statement deferred)

REQUESTS FOR STATEMENTS

STATUS OF TWO GRADERS ACQUIRED BY THE COUNTY GOVERNMENT

Hon. Pascal: Thank you Mr. Speaker for granting me an opportunity to present a Statement to the CEC Transport and Infrastructure through the Chairperson, Committee on Transport and Public Works:-

Whether the Chairperson of the Sectoral Committee on Transport and Public Works is aware that the County Government procured two graders as one of the flagship project in the department.

Whether, he is aware that these graders have been lying without use since November, 2015 citing that they do not have insurance cover...

The Speaker (Hon Kahindi): Yes, just a minute hon... do you have a point of Order?

(Hon. Kiraga stood on Point of Order)

Hon. Kiraga: Mr. Speaker, I don't know whether this Statement has been drawn rightly but the Statement is to the CEC and I don't know whether we can call them prayers; he is saying whether the Chairperson... so does it mean that it is the Chairperson who is responsible to go and get the responses or the answers and come with them to this House or it is the CEC getting answers taking them to the Assembly through the Chairperson? I think we need some elaboration. Thank you.

The Speaker (Hon. Kahindi): It is actually the Chairperson who now has the responsibility. You remember we put that oversight Committee in the Standing Orders but it still has challenges constitutionally. Since you cannot bring the CEC here, it is the responsibility of the Chairperson to go to the other side and get information and bring it back to the Floor of the

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House. If that information is not convincing to the Members, the Chairperson can convene a Committee and summon the CEC to come and elaborate the matter before the Committee and then the same is presented to the House.

Actually, if you are a Chairperson, you are a conveyer belt. You are supposed to run up and down and get this information. Just the same way the Leader of Majority will go to the government side and get information if a question has been directed to him. Is that clear with you? So, it is the Chairperson.

Hon. Kiraga: So, should it be, 'whether the CEC in charge of the docket' or 'the Chairperson'; as it has been written here because we are used to saying 'whether the CEC...' that is what we are use to.

The Speaker (Hon. Kahindi): You see, it is, 'whether the CEC is aware', and then it is the responsibility of the Chairperson to go and find out from the CEC. A Statement is sought from the CEC, not from the Chairperson because the Chairperson is a Member of the County Assembly. I think there is a typo there; you are referring a question to the Chief Executive Committee Member. Whether the CEC is aware X and Y is happening but who should bring that information to the House? It is the Chairperson of that respective Departmental Committee.

Hon. Pascal: Thank you Speaker, for enlightening our doctor on matters...

The Speaker (Hon. Kahindi): Hon. Kiraga is so much awake and he is looking into details. So do you wish to make that amendment on record? It is a very simple issue.

Hon. Pascal: Thank you so much.

Whether, the Chairperson of the Sectoral Committee on Transport and Public Works is aware that the County Government procured two graders as one of the flagship projects in the Department.

Whether, he is aware that these graders have been lying without use since November 2015 citing that they do not have insurance cover. Noting with concern that these graders are few and are needed to open up our feeder roads in the wards. When will this insurance cover be procured so that the graders can be operational?

The Speaker (Hon. Kahindi): Where is the Chairperson of Transport Committee? The vice-chairperson is present. Okay, hon. Kambi you need to find out whether the position as claimed by hon. Pascal is true then you report back to this House. You are always holding brief for your Chairperson.

EMPLOYMENT OF FOREST GUARDS

Hon. Pascal: Thank you Mr. Speaker. Let me again present another Statement to this hon. House, to the County Public Service Board, through the Chairperson, sectoral Committee on Labour and Social Services on employment of forest guards:-

Whether, the Chairperson Sectoral Committee on Labour and Social Services is aware that the County Government of Kilifi recruited youth early last year to join some Departments; one; fire, two; forestry, three; traffic marshals, and four; beach marshals, but one year down the line, some of the successful candidates from the Forest Department have neither been notified nor engaged in service. When will they be notified and subsequently hired? Thank you.

The Speaker (Hon. Kahindi): If they have not been notified, then how did they know they are successful?

Hon. Pascal: Can I respond?

The Speaker (Hon. Kahindi): I am just looking at the way it has been drafted. You are saying that one year down the line, some of the successful candidates from the Forest Department have neither been notified of what?

Hon. Pascal: These members were recruited in the field and every successful candidate was told on the spot because it was through some kind of running and all that. They were notified that they had succeeded in that exercise. They were to wait for their appointment letters from the County Government and they have not been contacted yet. They are still waiting. They know that they were engaged but...

The Speaker (Hon. Kahindi): I am seeing a lot of interjections here. Let me get hon. Mramba.

Hon. Mramba: Thank you Mr. Speaker. I would like to give some clarification. Apart from the other position, we do not have the position of beach marshals. We have Coast guards; that is clarification number one. These other positions like forest guards and traffic marshals reported on 1st of July, so this statement is overtaken by events. Thank you.

The Speaker (Hon. Kahindi): You were going to refer this to the Chairperson on Labour. Hon. Kenga, do you wish to respond today on these matters? Hon. Mramba are you a Member of the Labour Committee?

Hon. Mramba: I am a Member of the Labour Committee and the Chairperson of the Committee on Implementation.

The Speaker (Hon. Kahindi): Yes hon. Kenga make your interjections.

Hon. Kenga: Thank you very much hon. Speaker. One of the issues I wanted to raise is that the Statement was sought from the County Public Service Board (CPSB) but again through the Chairperson... the issue that was sought out by hon. Kiraga.

The other issue is, I appreciate that hon. Mramba has been able to make contribution. I am the Chairperson of the Labour Committee and the official position is that we do not have the issue of Coast guards. The time the CPSB made the advert, it was for the position of the Coast guards but the advice we got from the security agencies in the country was that we should not advertise for that position so the name had to be changed to Beach Management Unit. It is in order for the hon. Member to seek the Statement for a response. I guarantee that we are going to provide a response to this matter.

LACK OF ENOUGH BEDS AND STAFF IN MALINDI HOSPITAL

The Speaker (Hon. Kahindi): Yes hon. Mlanda, are you in the House?

Hon. Mlanda: Thank you Mr. Speaker for giving me this chance of presenting a Statement directed to the County Executive Committee (CEC) Member in charge of Health: - Whether the County Executive Member in charge of health is aware that the Malindi Sub County hospital has insufficient beds. Patients in this hospitals share beds and even sleep on the floor. What action has been taken so far to address the problem?

Furthermore, is the Member aware that the Malindi Sub County Hospital is understaffed with doctors in the emergency wing. That, patients at the wing stay for long hours unattended especially when doctors go for lunch break or during early morning shift changeover. What measures has the Executive Committee Member in charge taken to ensure during lunch break and early morning changeover doctors are accessible since many patients lives have been endangered due to delay in receiving medical attention.

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The Speaker (Hon. Kahindi): Thank you. Chairperson Health, I think you need to respond to that at a convenient time.

(Hon. Kenga stood at his place)

Hon. Kenga you have an interjection?

Hon. Kenga: Thank you. Mr. Speaker there is some funny sound emanating from this gadget. What is the problem? It may be alarming. I am worried.

(Laughter)

(Serjeant-at-Arms walked to hon. Kenga's place)

The Speaker (Hon. Kahindi): Are you okay now? You have no reason to worry.

LACK OF WATER IN SOME WARDS IN THE COUNTY

The Speaker (Hon. Kahindi): Do we have hon. Mwambire in the House? Yes hon. (Ms.) Mbeyu.

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker Sir. May I present this Statement holding brief for hon. Mwambire. Statement to the County Executive Member in charge of Water, Environment and Natural Resources through the Chairperson of Water Services Committee.

Is the CEC Member aware of the following and what are the immediate measures he is taking in mitigating the same:-

- i. That water has not been flowing for over two weeks in Sokoke Ward despite Zakhem water pipeline to Mombasa passing through the heart of the ward.
- ii. Schools among other institutions in Ganze Sub-County have not been served with the services of water boozers and if served, some are compelled to pay yet the service is catered for by the county.
- iii. That all the water surveys budgeted for in 2014/2015 budget have not been done.

Thank you Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Thank you. Chairperson, Water Services...Vice Chair? Okay, the matter needs to be taken up by the Committee and the vice chairperson will make a response.

BILLS

First Reading

THE KILIFI COUNTY APPROPRIATION BILL, 2016

(Order for First Reading read – Read the First Time and ordered to be referred to the relevant Departmental Committee)

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The Speaker (Hon. Kahindi): Thank you. That Bill having been read for the First Time I commit it to the Budget and Appropriations Committee to have a look at it. You need to quickly look at that Bill and present your Report in the quickest time possible because we have run out of time. Next order!

COMMITTEE OF THE WHOLE HOUSE

(Order for the Committee read)

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

IN THE COMMITTEE

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

THE KILIFI COUNTY ANTI-PORNOGRAPHY BILL, 2016

The Chairperson (Hon. Kenga): Once again hon. Members welcome to this session. We are in the Committee of the whole House and we are deliberating on the Kilifi County Anti-Pornography Bill, 2016.

The rules are a bit relaxed so you have an opportunity to make consultations but in the manner allowed in the Standing Orders of the County Assembly of Kilifi. Welcome and please let us all get involved in making the deliberations a success. Thank you.

Clause 4

The Chairperson (Hon. Kenga): Hon. Members by proposing Clause 4 to be part of the Bill it gives us an opportunity to be able to make contributions. Hon. Matano.

Hon. Matano: Thank you hon. Chairperson. On behalf of the Committee I beg to move the following amendment:-

That Clause 4(f)(i) be amended by deleting the word “less” in between the words “not” and “than” and replace it with the word “more” thereof to read as; “imprisonment for a term of not more than six years or to a fine not less than Ksh 500,000 or both.”

I would also propose some amendments in Clause 4(f)(ii) be amended by deleting the word ‘less’ in between the words “not” and “than” and replacing it the word “more” thereof to read as; “Upon subsequent conviction, to imprisonment to a term of not more than seven years without option of a fine.” Thank you, hon. Chairperson.

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

(Clause 4 as amended agreed to)

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The Chairperson (Hon. Kenga): Thank you very much hon. Members.

(Clause 5, 6, 7 and 8 agreed to)

Clause 2

Hon. Matano: Thank you hon. Chairperson. I beg to move the following amendments in Clause 2:

THAT, Clause 2 be amended by inserting a new definition as follows; “Authorized officer” means an officer appointed under section 5 of the Kilifi County Cultural Heritage Act, 2016. Thank you.

The Chairperson (Hon. Kenga): Okay. Thank you very much Hon. Matano standing in for the Chairperson.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

Long Title

Hon. Matano: Thank you hon. Chairperson, I would like to move some amendments in the Long Title that the long title be amended by deleting the word “importation” in between the word “publication” and “sale” to read as; “An act of the County Assembly to prohibit and penalize the production, printing, publication, sale, distribution and exhibition of obscene and pornographic materials and for connected purposes”. Thank you, hon. Chairperson.

(Question of amendment proposed)

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

(Long Title as amended agreed to)

(Short Title agreed to)

The Chairperson (Hon. Kenga): Thank you very much hon. Members. We are through with the Kilifi County Anti-pornography Bill, 2016 deliberations in the Committee of the whole House.

There is communication from the Chairperson that we do the two Bills that are left so that once we report we shall be in a position to report to the Speaker of the Assembly after having gone through all the three Bills.

THE KILIFI COUNTY PUBLIC ENTERTAINMENT AND AMENITIES BILL, 2016

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The Chairperson (Hon. Kenga: The Chairperson, on the next Bill; that is the Public Entertainment and Amenities Bill, 2016, should get prepared for us to be able to deliberate on it in the Committee of the whole House. Is the Chairperson ready for us to deliberate?

(Hon. Kiraga stood on a Point of Order)

The Chairperson (Hon. Kenga): Yes Hon. Kiraga.

Hon. Kiraga: I just wish to seek some guidelines from the Chairperson of the Committee of the Whole House. If we are to go to the other Bill, has it been committed to the Committee of the Whole House for us to go to the other step? Thank you.

(The Chairperson consulted with Clerk-at-the-Table)

The Chairperson (Hon. Kenga): Thank you very much. There is a concern from the hon. Member for Gongoni ward whether the two Bills have been committed to the Committee of the whole House. Guided by the Speaker, we are in order deliberating on the two Bills that are left for us to be able to move ahead and report on the Bills that are before the House. Therefore, I call upon the clerk to proceed.

(Clause 3, 4, 5, 6, 7, 8 & 9 agreed to)

Clause 10(2)

Hon. Matano: Thank you hon. Chairperson. I beg to move the following amendment that Clause 10(2) be amended by inserting the phrase “or imprisonment for a period not exceeding six (6) months or both” after the word “shillings” to read as; “A person holding any public entertainment contrary to an order or condition imposed under sub section one (1) commits an offence and is liable, on conviction, to a fine not exceeding Ksh. 50,000 or imprisonment for a period not exceeding six (6) months or both”. Thank you, hon. Chairperson.

(Question of the amendment proposed)

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

(Clause 10(2) as amended agreed to)

(Clause 11&12 agreed to)

Clause 13

Hon. Matano: Thank you hon. Chairperson. I beg to move the following amendment:

THAT, Clause 13, be amended by inserting the phrase “or imprisonment of a period not exceeding six (6) months or both” after the word “shillings” to read as; “A person who mistreats any animal taking part in a public entertainment commits an offence and is liable, on conviction,

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to a fine not exceeding Ksh. 50,000 or imprisonment for a period not exceeding six (6) months or both. Thank you, hon. Chairperson.

(Question of the amendment proposed)

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

(Clause 13 as amended agreed to)

(Clause 14, 15, 16, 17, 18 & 19 agreed to)

Clause 20 (4)

Hon. Matano: Hon. Chairperson I beg to move the following amendments:

THAT, Clause 20 (4) be amended by inserting the phrase “or imprisonment for a period not exceeding six (6) months or both” after the word “shillings” to read as; “A person who alters, defaces or otherwise tampers with any information on the notice board commits an offence and is liable, on conviction, to a fine not exceeding Ksh. 50,000 or imprisonment for a period not exceeding six (6) months or both.” Thank you, hon. Chairperson.

(Question of the amendment proposed)

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

(Clause 20 (4) as amended agreed to)

(Clause 21&22 agreed to)

Clause 23(2) (p)

Hon. Matano: Thank you hon. Chairperson. I beg to move the following amendments:

THAT, Clause 23(2) (p) be amended by deleting the word “thirteen” in between the words “or” and “years” and replacing it with the word “fourteen” thereof to read as; “Play or sit on play-park equipment, except if the person concerned is a child under the age of fourteen years.” Thank you, hon. Chairperson.

(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)

(Clause 23 (2) (p) as amended agreed to)

Clause 23 (2) (u)

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Hon. Matano: Thank you hon. Chairperson. I beg to move the following amendments:
THAT, Clause 23 (2) (u) be amended by deleting the word “disturb” as repeated after the word “follow” and after the word “displace” to read as; “Hunt, injure, disturb, feed, kill, hurt, follow, ill-treat or catch an animal, or displace, destroy or remove a bird, nest or egg, or skin or gut an animal, except if authorized to do so.” Thank you, hon. Chairperson.

(Question of the amendment proposed)

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

(Clause 23 (2) (u) as amended agreed to)

(Clause 24, 25, 26, 27, 28, 29 & 30 agreed to)

(Clause 31, 32, 33, 34, 35, 36, 37, 38, 39 & 40 agreed to)

The Chairperson (Hon. Kenga): I want to reiterate that by proposing the question, it gives an opportunity to each and every hon. Member to make contribution.

(Clause 41, 42, 43, 44, 45, 46, and 47 agreed to)

(Clause 2 agreed to)

(Long Title agreed to)

(Short Title agreed to)

The Chairperson (Hon. Kenga): Thank you very much hon. Members for your participation in the Committee of the whole House in deliberating on the Public Entertainment and Amenities Bill, 2016. We have now come to the end of this Bill.

THE KILIFI COUNTY CULTURAL HERITAGE BILL, 2016

Clause 3

The Chairperson (Hon. Kenga): Yes hon. Chairperson.

Hon. Matano: Thank you hon. Chairperson. I beg to move:

THAT, Clause 3 be amended by inserting the word “preserve” in between the words “protect” and “promote” to read as: “The objects of this Act are to regulate, protect, preserve and promote the following activities and services for the interest and enjoyment of the community and person visiting the county.”

The Chairperson (Hon. Kenga): Thank hon. Matano.

(Question of the amendment proposed)

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

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(Clause 3 as amended agreed to)

The Chairperson (Hon. Kenga): I can see two hon. Members very happy. I do not know what is making them happy but I want to believe that they are following the deliberations of the House.

(Clause 4 agreed to)

Clause 5

The Chairperson (Hon. Kenga): Yes hon. Chairperson.

Hon. Matano: Thank you hon. Chairperson. I beg to move:

THAT, Clause 5 be amended by deleting the words “recommended by notice in the county gazette through” and replacing with the words “in consultation with”. To read as; “The Executive Committee Member shall, in consultation with the County Public Service Board appoint such number of officers to be authorized officers to oversee the activities taking place in cultural sites under this Act.” Thank you.

The Chairperson (Hon. Kenga): Thank hon. Matano for moving the amendment.

(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 be inserted, put and agreed to)

(Clause 5 as amended agreed to)

(Clause 6 and 7 agreed to)

Clause 8

The Chairperson (Hon. Kenga): Yes hon. Matano welcome for the amendment.

Hon. Matano: Thank you hon. Chairperson I beg to move:

THAT, Clause 8 be amended by inserting the phrases “within the county where” in between the words “centre” and “the” to read as: “The Department shall establish at least one cultural centre within the county where the objects of which are to provide.” Thank you.

(Question of the amendment proposed)

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

(Clause 8 as amended agreed to)

Clause 9

The Chairperson (Hon. Kenga): Yes, proceed hon. Matano.

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Hon. Matano: Thank you hon. Chairperson. I beg to move:

THAT, Clause 9 be amended by inserting the words “in every sub county” between the words “forum” and “for” to read as; “The Department shall establish at least one public forum in every sub county for the purpose of encouraging participation of the community in the cultural activities in the county.” Thank you.

The Chairperson (Hon. Kenga): Thank you very much. Before I propose the question, I know Members are making consultations. We want to hear their contributions on the business that is before the Committee of the whole House.

(Question of the amendment proposed)

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

(Clause 9 as amended agreed to)

(Clause 10, 11, 12, 13, 14,15,16,17 and 18 agreed to)

Clause 19

The Chairperson (Hon. Kenga): Let us proceed hon. Matano.

Hon. Matano: I wish beg to move an amendment in Clause 19:

THAT, Clause 19 be amended by inserting “sub-Clause (1)” immediately after the number 19. Further amend Clause 19 (o), by deleting repetition of the word “disturb” after the word “follow” and “displace” respectively. Thank you, hon. Chairperson.

The Chairperson (Hon. Kenga): Thank you very much hon. Matano.

(Question for the amendment proposed)

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

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

(Clause 19 as amended agreed to)

Clause 20

Hon. Matano: Thank you hon. Chairperson. I beg to move the following amendment:

THAT, Clause 20 be amended by inserting the word “or a database” after the word “register” to read as; “The Department shall keep a register or a database of all articles of cultural nature and cultural sites declared under this Act and shall include in the register the type of article or site, the community to which it relates and any other information of interests relating to the article or site.” Thank you, hon. Chairperson.

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(Question for the amendment proposed)

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

(Clause 20 as amended agreed to)

(Clauses 21, 22, 23, 24, 25, 26, 27, and 28 agreed to)

The Chairperson (Hon. Kenga): Hon. Members, thank you very much for the wonderful session that we have had together. We have come to the end of this session. I now call upon the Mover to proceed.

Hon. Matano: Thank you, hon. Speaker. I beg to move that the Committee do report to the House its consideration of The Kilifi County Anti-pornography Bill, 2016, The Kilifi County Public Amenities and Entertainment Bill, 2016 and The Kilifi County Cultural Heritage Bill, 2016 and its approval thereof with amendments. Thank you.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS

The Speaker (Hon. Kahindi): Yes hon. Stanley Kenga.

Hon. Kenga: Thank you very much Mr. Speaker. I would like to report that the Committee of the Whole House has considered The Kilifi County Anti-pornography Bill, 2016, The Kilifi County Cultural Heritage Bill, 2016 and The Kilifi County Public Amenities and Entertainment Bill, 2016 and approved the same with amendments. Thank you.

COMMUNICATION FROM THE CHAIR

CONSIDERATIONS OF THE REPORTS OF THE WHOLE HOUSE

The Speaker (Hon. Kahindi): Now, as much as you have done the Bills together under the Committee of the Whole House which as I was watching, hon. Kiraga had a concern... is that actually they are all at the Committee of the Whole House stage so they were totally in order to be where they were today.

Now for purposes of the record, you will report independently so that were are able to know what has transpired in The Kilifi Anti-pornography Bill, because you will have to move a Motion for the Committee to agree with that Report. There has to be a debate and once that has been done, you need to move that the same be read for a Third Time. So you cannot now join them together though it was totally proper for you to have debated them all together to save time.

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Otherwise if you were to do them independently it is misuse of time; then it means the Speaker would have to go wait in the office, come back, go back, come. Now, I ask you to go to The Kilifi County Anti-pornography Bill and we proceed with that and finish and then we go to the other one.

THE KILIFI COUNTY ANTI-PORNOGRAPHY BILL, 2016

Hon. Kenga: Thank you very much hon. Speaker. I beg to report that the Committee of the Whole House has considered The Kilifi County Anti-pornography Bill and approved the same with amendments.

The Speaker (Hon. Kahindi): Yes proceed.

Hon. Kenga: I beg to move that the House do agree with the Committee of the Whole House in the said Report.

(Hon. (Ms.) Dzidza stood at her place to second)

The Speaker (Hon. Kahindi): Hon. Members, a Motion has been moved by the Chairperson of the Committee of the Whole House that seeks an adoption of the Report.

(Question proposed)

Hon. Members, the same is ready for debate. Yes hon. Gibson Matano.

Hon. Matano: Asante mheshimiwa Spika. Ninaunga mkono kupita kwa Ripoti hii na Mswada huu ambao uko mbele yetu. Mswada huu unalenga kudhibiti maswala ya ngono ambayo yamekithiri sana katika Kaunti yetu ya Kilifi na maswala haya yameathiri vijana na hata wazee wetu. Yameingia mpaka unakuta kuna mambo kama ya ubakaji wa watoto wadogo, na naamini changizo mojawapo ni vitu kama hivi ambavyo vimekuwa kwa wingi ndani ya kaunti yetu.

Langu ni ombi kwa waheshimiwa walio ndani ya Bunge hili kwamba tukaukubali Mswada huu ili tunapoupitisha tutakuwa na uwezo na tutakuwa tumeweka mikakati thabiti katika kudhibiti maswala haya ya kanda hizi za ngono kuenea. Pia itakuwa tumesaidia kutunza mila na desturi zetu. Asante mheshimiwa Spika. Naunga mkono ripoti hii.

The Speaker (Hon. Kahindi): Thank you Hon. Matano. Hon. Members having had that debate, I now put the question.

(Question put and agreed to)

Yes hon. Stanley Kenga.

Hon. Kenga: Thank you very much Mr. Speaker. I beg to move that the Kilifi County Anti-pornography Bill, 2016 now be read a Third Time.

(Hon. Matano stood at his place to second)

The Speaker (Hon. Kahindi): Hon. Members, a Motion to have the Kilifi County Anti-pornography Bill, 2016 has been moved in order to have the Bill read a Third Time. I now propose that the same is ready for debate.

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(Question proposed)

The Speaker (Hon. Kahindi) Yes Hon. Matano

Hon. Matano: Asante Mheshimiwa Spika. Bado nasimama pale pale kuunga mkono kupita kwa sheria hii katika Bunge letu. Kunazo mila na desturi ambazo zimeanza kupoteza mwelekeo na kuna watu ambao ndani ya kaunti yetu wameanza kuelekeza fahamu zenye kushawishi maswala ya ngono.

Ninaposimama mahali hapa, kunalo janga ambalo watu wanajaribu kulipiga vita katika shule zetu na nikiwa mwakilishi wa vijana ninaona vijana wadogo wameanza kuathirika na mimba za mapema na hawawezi kuendelea na masomo. Sababu ni kwamba tumekaribisha maswala kama haya; kanda za ngono na mambo yanayohusiana na ushawishi wa ngono katika kaunti yetu. Mambo haya yameleta madhara makubwa hata yameshinda gharika la maji ambalo lingefurika mto wa Sabaki.

Ni masikitiko makubwa na ndiposa tukaona ni vyema kama kamati tulete Mswada huu ili tuweze kuthibiti mambo haya na tuweze kurudi pale tulipokuwa zamani ya kwamba tutajiheshimu na ndugu zetu watajiheshimu na watatekeleza na kutimiza malengo yao katika maisha yao. Mheshimiwa Spika naunga mkono swala hili. Asante.

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

Hon. Kiraga: Thank you very much Mr. Speaker. I also rise to support this Bill to be read the Third Time. The pornographic films have done more harm than good especially to the young flock of Kilifi County. These films have made our education standards deteriorate bearing in mind that the analysis which was made in last year's KCSE, nobody from Kilifi County schools managed to get a plain 'A' noting that in Kilifi County we have over 200 secondary schools and these are some of the things that have contributed to such poor performances.

For this Bill to go for the Third Reading, I think we are now hastening it so that we give room for his Excellency the Governor to assent the same so that it can now come for an operationalization in this county. I therefore stand to support the Third Reading of this Bill. Thank you very much.

(Hon. Mwambire stood on a Point of Order)

The Speaker (Hon. Kahindi): Thank you. Hon. Teddy (Mwambire) you have an interjection?

Hon. Mwambire: Thank you very much Mr. Speaker. I think it is not in order for a Member to claim that nobody in Kilifi County got an 'A' in KSCE because in my ward I have four people who got clean A's and a number of 'A-'. They went through schools in this county so I think the speaker who was on the Floor should get clear facts because it will not be fair...

The Speaker (Hon. Kahindi): Are you on a point of order or a point of...?

Hon. Mwambire: It is a point of order Mr. Speaker because I do not think that it is in order for a Member to just claim... maybe because he is referring to his ward. Thank you very much.

The Speaker (Hon. Kahindi): I do not want to turn the debate on who got an 'A.' I think the message has been driven home that pornography is one of the contributing factors to failure. Let's end that debate there please. Hon. (Ms.) Mbeyu you also have...

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. I am rising in support of reading of this Bill the Third Time. I concur with the Members that pornographic materials have brought big

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harm to our communities and families. It is not only the youths but even the adults and I think there is a lot to be considered and this Bill may bring about some good discipline.

By the use of these gadgets (*holds her phone*) accessing the internet, all these materials are found in these gadgets, and the ones who are getting more spoilt if I should use this word, are the school-going children. These kids come home and have access to pornographic materials. I support the Third Reading of this Bill. Thank you.

The Speaker (Hon. Kahindi): Thank you hon. (Ms.) Mbeyu for your contribution. Hon. Members, having heard the debate, I now put the question that the Kilifi County Anti-pornography Bill, 2016, be now read for the Third Time.

(Question put and agreed to)

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

The Speaker (Hon. Kahindi): Thank you Mr. Clerk. Hon. Members, the Bill having now been read for the Third Time, I think it is ready to be forwarded to the Governor for his assent.

THE KILIFI COUNTY PUBLIC ENTERTAINMENT AND AMENITIES BILL, 2016

The Speaker (Hon. Kahindi): Chairperson of the Committee of the Whole House proceed.

Hon. Kenga: Thank you very much hon. Speaker. I beg to report that the Committee of the Whole House has considered The Kilifi County Public Entertainment and Amenities Bill, 2016 and approved the same with amendments.

The Speaker (Hon. Kahindi): Thank you. Hon. Matano?

Hon. Matano: Thank you hon. Speaker. I beg to move that the House agrees with the Committee in the said Report. Thank you, Mr. Speaker.

(Hon. (Ms.) Dzidza stood at her place to second)

The Speaker (Hon. Kahindi): Hon. Members, a Motion has been moved that seeks the House to agree with the Committee on the said Report. I now propose the question that same is ready for debate.

(Question Proposed)

Hon. Matano: Asante Mheshimiwa Spika. Nami nimesimama kuunga mkono Ripoti ya Mswada wetu tulionao wa maswala ya Kilifi ili tutenge sehemu maalum ambazo zitakuwa ni za burudani. Sheria hii inalenga kutenga sehemu maalum na iwapo utakuwa mwenyeji au mgeni kutoka sehemu nyengine ama hata nje ya nchi, utajua kwamba kuna mahali fulani pametengwa tayari kwa maswala ya burudani.

Burudani ni sehemu moja wapo ya maisha. Kama mwanadamu, tunazo shughuli nyingi ambazo tunafanya, ikiwa moja wapo ni kama vile waheshimiwa walio mahali hapa wanafanya kazi. Lakini karibuni, naamini kwamba tunavunja Bunge kwa mapumziko kidogo na wanahitaji kuwa na maskani maalum za kujivinjari wakiwa peke yao ama hata wakiwa na familia zao.

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Mheshimiwa Spika, sehemu hizi hazijatengwa na kuonyeshwa ki maalum kwamba hapa ni mahali pa burudani. Ndiposa Mswada huu ulioko mbele yetu unapeana nguvu kwa *Executive* kutenga sehemu hizi na wazielekeze ziwe zinaeleweka kwamba tunapofika Kilifi, tunapoenda mahali fulani, tutapata burudani tunayohitaji.

Mheshimiwa Spika, naunga mkono Ripoti hii tuendeleo kuijadili na tuiunge mkono ili sheria hii inapopita tutengeze mahali pa burudani. Asante Mheshimiwa Spika.

The Speaker (Hon. Kahindi): Hon. Members, having had the debate, I now put the question that the House now agrees with the Report of the Committee of the Whole House.

(Question put and agreed to)

The Speaker (Hon. Kahindi): Yes hon. Matano?

Hon. Matano: Thank you hon. Speaker. I beg to move that The Kilifi County Public Entertainment and Amenities Bill, 2016 be now read a Third Time. Thank you, hon. Speaker.

(Hon. Ms.) Dzidza stood at her place to second)

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion has been moved by hon. Matano to have The Kilifi County Public Entertainment and Amenities Bill, 2016 be read for a Third Time. I now propose that the same is ready for debate.

(Question proposed)

Yes hon. Kiraga?

Hon. Kiraga: Thank you so much Mr. Speaker. I also rise in support of this Bill to be read for the Third Time. By creating some public amenities in this county, it will greatly remove some idleness which is being experienced by most of the youth in this county.

By this Bill being read for the Third Time, it will create a room for the same to be assented by the Governor so that this Bill can take its course. I therefore urge my fellow Members to support the reading of this Bill for the Third Time. Thank you very much.

Hon. Mwambire: Thank you very much Mr. Speaker. I rise to support the continuity of going to the Third Reading. This Bill will give an opportunity to safeguard the parcels of land that have been left idle for some time. If you go round this county, in most cases those parcels of land along the sea shores were grabbed.

Also we have now realized that people are moving very fast to grab even the parcels of land owned by the county in areas like Kayafungo in Kaloleni, Ganze and Magarini Sub Counties.

This Bill will give an opportunity for even the current adjudication sections which are going on across the county to get some parcels of land set aside for such activities. I believe even in the next budget, the moment this Bill is assented it will be highlighting a number of recreational centres to be uplifted, which will also be created for the great people of Kilifi to enjoy like other people. We normally see such features in other Counties like Mombasa whereby, we have Uhuru gardens, Mama Ngina among other places but in Kilifi we are surprised because even accessing the sea shore is a big problem.

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We will now be having guidelines on how best we can have some space set aside and beautified for the purposes of this Bill. Thank you very much Mr. Speaker. I support the Third Reading of this Bill.

The Speaker (Hon. Kahindi): Thank you.

Hon. (Ms.) Tecla: Asante Mheshimiwa Spika. Nami nimesimama kuunga mkono kusomwa kwa mara ya tatu kwa Mswada huu. Ni kweli kwamba mahali pa burudani paweze kutengwa kwa sababu kuna vijana wetu chipukizi ambao wanataka mahali pa wazi kuweza kufanya michezo yao lakini huwa hawana nafasi kwa sababu hazijatengwa. Kukitengwa sehemu zile, watakuza zile talanta zao na watajivunia na kwenda mahali hapo na kujifunza talata zao.

Wale wengine wadogo wanaoinukia pia wataweze kupata nafasi hizo za kujiinua katika michezo yao. Hata kwa wazee pia wengine huwa wameenda masafa marefu na wanahitaji mahali pa kujipumzisha lakini mara nyengine huwa hawapati. Kukitengwa mahali kama hapo, kutakuwa kuna uzuri wa kuwa mtu yeyote anayekuja hata kama ni mgeni kutoka mbali pia hufurahikia mahali kama hapo na kuenda kujiburudisha na kuangalia ile michezo inayoendelea.

Kwa hivyo, ni wakati mzuri wa mahali hapo kutengwa ili watu wetu wa Kaunti ya Kilifi na hata wageni waweze kufurahikia. Nimesimama kuunga mkono.

The Speaker (Hon. Kahindi): Thank you.

Hon. Mramba: Asante sana Bw. Spika. Nimesimama kuunga mkono sheria hii iende kwa kiwango cha tatu na ipite. Tukiangalia mji wetu wa Malindi hatuna sehemu kama hizi ambazo watu wanaweza kuenda wakati wa wikendi kujivinjari. Kule Mombasa tuko na *Uhuru Gardens* na *Mama Ngina Drive*, hata ukienda Nairobi kuna *Jeevanjee Gardens* na ukienda Kakamega kuna *Muliro Gardens* ambazo ni sehemu mtu anaweza kwenda kukaa na kujivinjari na familia yake.

Tukiangalia hata Malindi tulikuwa na sehemu kama hizi lakini zimenyakuliwa. Tulikuwa na *Silver Sands Camping Site* ambayo imeenda, tulikuwa na familia moja Malindi zamani ikiitwa *Belly House* wakatoa ardhi ikaitwa *Belly House Gardens* hiyo ikanyakuliwa na wanasiasa mashuhuri na sasa ukienda pale kumejengwa *cottages*. Bw. Spika, tuna haja sana ya vitu kama hivi, ili vizazi vyetu vipate raha ya hapa mjini, sio vijana wadogo wazaliwe na wakae kule Gongoni ama Kambi ya Waya mpaka wazeeke bila kujua Malindi. Hiyo itakuwa hatufanyii haki kizazi chetu. Lazima tuwe na sheria maalumu kwa sababu bila hizo sheria, kuna watu wataenda kuzitumia sehemu zile kufanya mapenzi. Naunga mkono Hoja hii izidi kwenda mbele. Asante.

Hon. Kenga: Thank you so much Mr. Speaker. I also rise to demonstrate my support for the Third Reading of the Bill. From the records in the Department of Health, Kilifi County is witnessing a rise of diseases related to stress especially for people from Kakuyuni...

(Laughter)

...and other areas of Kilifi County. We have had these problems which have resulted in numerous deaths of people who suffer from high blood pressure and other related diseases. Through this Bill, the issue of entertainment is very vital to the human body; it is one aspect that is an avenue for the release of stress, motivation and rejuvenating the body to enable one to undertake other activities after having a wonderful time through entertainment. We cannot as a county and realize all this if we do not set aside amenities and places for the members of the public.

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

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Hon. Pascal: Mr. Speaker, is the Member in order to present in this House alarming information that there are deaths in some areas that are caused by stress? Can he substantiate further on those claims.

Hon. Kenga: Thank you. On numerous occasions, I have attended burials of people within the county and most of these deaths are caused by stress. I have given an example of high blood pressure which is now very common. Initially we would not have such cases. I sat with the Chairperson of Health Committee in the County Assembly of Kilifi who was in a position to provide this information having gotten it from the various health facilities within the county. I believe the message is home.

Another aspect that I want to put across in support of this Bill, Mr. Speaker, is the issue of permits and licenses that is highlighted in this Bill. This is going to increase...just the other day we had a session with the Governor and Members of this County Assembly were up in arms why as a county we are not in a position to achieve our projection as regards to the issues of revenue. This is an avenue that we are getting with the issue of permits and licenses given during the regulation of issues of public amenities and entertainment. It is a source of revenue that we are going to better our revenue as the County of Kilifi and in doing that, we shall be able to offer even more services to our people.

Another aspect that we have witnessed in most of the major towns within the County of Kilifi is the issue regarding environmental cleanliness. This Bill has clearly outlined the issues of taking care of the environment but in the public amenities, we will have an opportunity to go and take care of the environment and people are going to be entertained. We are going as a county to regulate so that nobody is allowed to dump or dispose of anything just anyhow like what is happening in most of our towns. Through the passage of this Bill, we are going to regulate that so that we are able to offer a better, conducive, healthy and clean environment to the people of Kilifi. Therefore I beg to support and call hon. Mramba who is highly affected by the issue of stress related deaths to be in support of this Bill. Thank you.

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker. I rise in support of the reading of this Bill the Third Time. I support the big role that this Bill is going to play on the lives of Kilifi people. In Kilifi we do not have public amenities and recreational places. The ones in Kilifi are not gazetted and they cannot be maintained. We cannot set aside funds for the maintenance of this place. It is the right time for by the passage of this Bill we can have these places.

We have our people all the way from Chakama and Kamale who come in Malindi to look for their able leader hon. Kenga. They stay around the stage area to wait for him to come out of the Assembly to meet their leader. If we have such recreational places, our Members from far ends could sit, have fresh air, relieve stress from the long travels, and then meet their leaders. This is the right time that we pass this Bill so that we can set aside monies for this recreational place. Thank you Mr. Speaker. I support.

The Speaker (Hon. Kahindi): Hon. Members, having had the debate, I now put the question that The Kilifi County Public Entertainment and Amenities Bill, 2016 be now read for a Third Time.

(Question put and agreed to)

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

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The Speaker (Hon. Kahindi): That Bill having been read for the Third Time is ready to be assented to by his Excellency, the Governor. Let us move to the next item.

THE KILIFI COUNTY CULTURAL HERITAGE BILL, 2016

Hon. Kenga: Thank you very hon. Speaker. I beg to report that the Committee of the Whole House has considered The Kilifi County Cultural Heritage Bill, 2016 and approved the same with amendments. Thank you.

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

Hon. Matano: Thank you hon. Speaker. I beg to move that the House do agree with the Committee in the said Report. Thank you.

(Hon. Ms.) Dzidza stood at her place to second)

The Speaker (Hon. Kahindi): Hon. Members, a Motion has been moved by hon. Matano to have the Report of the Committee of the Whole House adopted.

(Question proposed)

Hon. Matano: Asante mheshimiwa Spika. Nimesimama tena kuunga mkono kusomwa kwa Ripoti hii. Ikiwezekana mheshimiwa Spika, kusomwa kwa mara ya tatu kwa Mswada huu ambao malengo yake ni kulinda, kutunza, na kuhakikisha hata kama kuna vifaa vya kimila ambavyo tuko navyo katika kaunti yetu, watu pengine wakaona tumepumzika na tumelala wakavibeba wakaenda navyo sehemu nyingine basi tuvifuate na tuviregeshe nyumbani ndani ya kaunti yetu.

Mheshimiwa Spika, ni jambo la kunifurahisha na ni jambo ambalo limeanza kunitia moyo maana ndani ya mwaka huu ambao unaenda kuisha tulikaa kama kamati tukazunguka kila wadi tukiangalia iwapo kuna sehemu zimetengwa ambazo mila, desturi na tamaduni zinafanyika. Mheshimiwa Spika, nataka nikwambie kwamba maeneo mengi kati ya zile wadi 35 yametenga sehemu na ndani ya hizo sehemu kuna wazee, vijana na kina mama ambao wanaendeleza shughuli zao za kimila. La kushangaza na la kusikitisha ni kwamba sehemu hizi hazijatambuliwa kirasmi ndani ya serikali yetu ya kaunti. Ndiposa tukaona ni vyema Mswada huu upitishwe na kamati na tuulete ndani ya Bunge hili.

Pili, kunazo mila na desturi ambazo toka hapo zamani ikiwa nilihadithiwa na babu zangu maana kama unavyoelewa mimi ni mwakilishi wa vijana mambo mengine sikuyaona. Zilikuwa ni mila ambazo zimekita mizizi ndani ya Kilifi lakini watu wameanza kuziiba moja moja na kuzifanya mila hizo kuwa zao. Ni wakati tupitishie sheria hii na tuweze kulinda mila hizi. Mheshimiwa Spika, kuna wakati tulifika ofisini kwako na mwenyekiti wangu tukiwa na maswala kwamba tuna vitu vya kimila vilivyoibwa ama vilivyotolewa hapa kwetu na kupelekwa ulaya; tutakapopitisha sheria hii, vitu vile kupitia sheria hii itabidi tuvifuatilie na tuviregeshe.

Kwa hivyo Mheshimiwa Spika, Mswada huu utaweza kulinda vifaa vyetu na kulinda hata mambo yetu ya kimila ambayo ni muhimu na msaada na ni ya thamani kwa mwananchi wa Kilifi. Ni ombi langu kwa wale walio hapa tuunge mkono swala hili na...

(Hon. Mlanda stood on a Point of Order)

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The Speaker (Hon. Kahindi): Yes hon. Mlanda, what do you have to say?

Hon. Mlanda: Asante Bw Spika kwa kunipatia nafasi hii. Mwenzangu anasema vitu vilivyoibiwa. Je, anaweza kutuelezea ni vitu gani vilivyoibiwa ili tuweze kupata ufahamu? Asante.

The Speaker (Hon. Kahindi): Yes hon. Matano, respond.

Hon. Matano: Asante Mheshimiwa Spika. Napenda kumuarifu mheshimiwa ambaye amesimama akiomba maelezo. Kuna vitu vilivyoibiwa na kwa jina mwafaka la Kiswahili kidogo linanipita lakini wache nikwambie kwa lile jina ambalo wengi wataelewa; vinitwa “vigango”, ambavyo viko katika nchi mojawapo ya kule ng’ambo. Nilivyoongea hivyo nimeongea kama mwenyekiti mdogo wa hiyo Kamati na mheshimiwa inavyofahamika ni kwamba hivyo “vigango” vipo na tunavifuatilia na karibuni vitarudi katika kaunti yetu.

Mheshimiwa Spika, langu ni ombi tu ya kwamba waheshimiwa walioko hapa waunge mkono Ripoti hii na pia tuweze kusoma kwa mara ya tatu na ikawe sheria ili mila na desturi na vitu vyote kama hivyo viweze kutunzwa na viweze kutusaidia. Asante.

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker. I also rise to support the Third Reading of this Bill. Culture is really playing a very vital role as far as our lives are concerned. As I speak, we are facing a lot of problems because...

(Hon. Pascal stood on a Point of Order)

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

The Leader of Minority (Hon. Pascal): May I kindly ask the Member on the Floor if we are dealing with the Report or we are dealing with the Third Reading of the Report? Thank you, Mr. Speaker.

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker, I think I have said I stand to support the Third Reading of this Bill.

The Speaker (Hon. Kahindi): You have jumped the gun hon. Majority leader; the debate is now on the adoption of the Report of the Committee of the Whole House.

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

The Speaker (Hon. Kahindi): You could still withdraw your statement and proceed if you have anything to say on the adoption of the Report.

The Leader of Majority (Hon. Mwingo): Okay let me withdraw that. However, I still support the adoption of this Report. As I previously put, culture plays a very big role as far as our lives are concerned. At the moment, we find that we are facing a lot of problems because we have totally abandoned our culture. As we speak, we are having shortage of rain and I understand that long time ago our people used to do some special activities when rain was not available and by doing that, we used to get a lot of rain but now we have abandoned such activities and we are now facing a lot of problems.

Mr. Speaker, our people have totally abandoned their culture and as a result, we have to change so that our young generation can get to know the culture of their people. So I stand to support. Thank you.

Hon. Mwambire: Thank you very much hon. Speaker for giving me this opportunity to share my gratitude in support of the adoption of this Report. I am on record to have brought a number of Motions on the issues of culture and I am very grateful that Members have always been supporting them. I am very sad because the last time when we were passing the budget I

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discovered that the Department of Culture, ICT and Social Services was not given enough money because we did not have legal backing for these issues.

So out of the Motions that we have been adopting in this House, I believe the great people of Kilifi will get an opportunity to celebrate and enjoy the feeling that they are true Africans because they will have everything in their hands. There are a lot of things that people can get from our county some of them can even be tourist attractions. On the 13th of August this year, we will be celebrating and appreciating the roles and activities that were done by one of our great leaders Mekatilili wa Menza. On that day and in most cases, most of the cultural related issues will be showcased and I believe that should not end on that day but should spill out to the rest of the days and the year so that people can identify us as Kilifi people; these are Chonyis, Giriomas, Pokomos, and Kaumas, as a way whereby we will be in a position to celebrate because the different cultures we have are not repugnant to the Constitution and I do not think being denied an opportunity to showcase our culture is a very harmful issue because the generations coming will not know the beauty of the issue that we have. There are so many issues that can be corrected by showcasing and practicing our culture.

One notable thing is whereby in our culture we recognize that a son or a child of your colleague is just the same as your child. These were even enhanced in the Children's Act No. 4 of 2001 and I believe that by putting this in practice we will be directing people to follow the law of the nation. With those few remarks, I stand to support the adoption of the Report. Thank you.

Hon. Mramba: Asante sana Bwana Spika kwa kunipa nafasi hii. Nami nachangia nikiunga mkono kwa dhati kwamba sheria hii iendelee na ipitishwe ili ituletee manufaa. Zamani nikiwa mdogo, wakati mvua ilipokuwa imekatika tulikuwa tukipikiwa uji chini ya mti haswa kuna mti unaitwa *mnyumbu* ama *mgandi*, tunaenda pale na kuna wale wazee waliobobea wanacheza ngoma na kabla halipoondoka mahali pale tulinyeshewa vibaya mpaka tufike nyumbani.

Mila hizi zimeshaondoka na hivi sasa ukajaribu tu kuthubutu kuleta tena Hoja kama hizi utakatwa panga maanake utaambiwa wewe ni mchawi. Tukiona hivi tulikuwa na wazee ambao wanaitwa *vaya*; hawa wazee ni wale waliofika umri fulani kama miaka 80 kuenda mbele na wakati kama amekufa ni lazima azikwe, afunikwe na ngozi ya ng'ombe ambayo bado ni mbichi kama vile marehemu *mgogo* Emmanuel Karisa Maitha alivyozikwa.

Hiki kiwango cha wazee ambao wanajiita *vaya* huwa wamefika kiwango ambacho ndio wanaweza kufundisha vijana mila zetu. Leo hii wale vijana wamepotea hawajui mila zetu zinaenda namna gani. Mavazi yao tunayaona vile yanavyoenda; suruali akivaa inateremka chini kabisa, wanaiita *mharisho*.

Pasipokuwa na mikakati ile basi mila yetu itapotea, tutaendelea kuabudu jamii ya wamaasai kwa sababu ya mila zao; sisi mila zetu zikipotea. Hivyo basi, kuna vitu vinaitwa *vigango*, kulikuja wakati wazungu walikuwa wanavitafuta sana na hiki *kigango* ni kiungo muhimu katika mila ya Kimijikenda kwa sababu *kigango* kinapowekwa pale nyumbani kinawakilisha babako ama babu yako. Unapomuona hivi unajua babangu yuko hapa. Sasa kuna wakati wale wazungu walikuwa wanavitafuta vile *vigango* wakiuza kwa pesa nyingi sana. Kwa hivyo *vigango* vingi viliibwa huku kwetu na walikuwa wanatafuta *vigango* vile vya zamani ambavyo vimeanza kuoza oza ndio vina bei kubwa zaidi; hivyo vikabebwa na vikaenda.

Kuna wakati tuliripotiwa kwamba *vigango* vyetu vimepatikana kule nchini Marekani na vinastahili kuenda kuchukuliwa virudi lakini kwa sasa havijaletwa. Ninaamini kwamba sheria hii ikiidhinishwa na mheshimiwa Gavana itatusaidia kuweza kuweka yale maeneo yetu ya mila

yasitatizwe maanake hata ukiangalia hivi ile miti mikubwa ambayo tulikuwa tukiitumia kuomba mvua sasa imekatwa kumefanywa mashamba. Bw Spika, naomba kuunga mkono. Asante.

The Speaker (Hon. Kahindi): Thank you.

Hon. (Ms.) Arafa: Thank you very much Mr. Speaker Sir, for giving me this opportunity to contribute to this Report. I am in support of the adoption of the Report on Youth, Sports, Culture and Social Services on the Kilifi County Cultural Heritage Bill, 2016. First, I want to congratulate the Committee for the good work done and the deliberations they had on the ground. I was not in the Committee but I was able to attend some of the public participation meetings.

It is very interesting and I just want to contribute highly on the Bill. The Department should set aside funds to come up with theatres for the artifacts for the people in Kilifi County so that they can display their artifacts. They can also talk about their cultural work or they can show what we have in Kilifi County.

Mr. Speaker Sir, in Kilifi County we have diverse cultural heritage and without exposing it, without showing people what we have, I am very sure we cannot get a lot in it. We have seen other counties where people benefit a lot in terms of tourism through their culture but in Kilifi County it is until during Mekatilili wa Menza cultural day that is when you will see people enjoying or displaying a lot of artifacts from the Giriama community.

With this I am sure the Department will come up with a policy which will give room for every person living in Kilifi County to display its cultural heritage. I am very happy today to say that Kilifi County is the only county where our culture is still protected and more so the Giriama culture and I'll be happy one day when we will have a day where all of us put on *mahandos* being my first day to wear *mahando*, I did not have a chance to wear *mahando*, by displaying our culture it will be very important.

We should not only talk about the culture of *vigango*, but I want to tell you I am currently doing a research on underwater cultural heritage where in Kilifi County we have diverse knowledge on it and I want to tell hon. Kiraga that your ward is the only one in Kilifi County where we have the shipwreck and we will be happy through the National Museum of Kenya to come and showcase to this House and show how Kilifi County has a product that most people do not know about.

Through your office Mr. Speaker, Sir, and with your permission we can organize and come and present that report on underwater cultural heritage. Thank you very much Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): It sounds like news to hon. Kiraga. He has no idea what hon. (Ms.) Arafa is talking about.

(Laughter)

Anyway hon. Members, the debate has been conducted on whether to adopt the Report on the Committee of the whole House, I now put the question.

(Question put and agreed to)

The Speaker (Hon. Kahindi): Hon. Members, a motion has been moved to have The Kilifi County Cultural and Heritage Bill, 2016, be read a Third Time. I now propose that the same is ready for debate. Yes Hon. Matano.

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Hon. Matano: Thank you hon. Speaker. I beg to move that The Kilifi County Cultural Heritage Bill, 2016 be now read a Third Time.

The Speaker (Hon. Kahindi): Thank you. Hon. Members a Motion has been moved to have The Kilifi County Cultural and Heritage Bill, 2016 be read a Third Time. I now propose that the same is ready for debate.

(Question proposed)

Hon. Kenga: Thank you very much Mr. Speaker. Allow me to start by thanking the Members for the contributions that we have had in the process of getting to this stage. I believe that Adu ward has something very...

(Laughter)

Just like the issues in Gongoni that through research, we have been able to hear from hon. (Ms.) Arafa, I know with more research carried out in Adu ward, we shall be able to come with specific items that can only be found in Adu Ward and we hope that time will grant us an opportunity to be able to witness this. Mr. Speaker, I support...

(Hon. Mramba stood on a Point of Order)

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

Hon. Mramba: Mr. Speaker, I think in Adu ward we have something; the lack of clean tapped water is already outstanding. Thank you.

(Laughter)

The Speaker (Hon. Kahindi): Can you conclude hon. Kenga.

Hon. Kenga: Thank you very much Mr. Speaker. The issue of lack of clean water is not a cultural thing so it is none of his business. In making my contributions, history is very important to people. With the passage of this Bill, it gives us an opportunity to protect our cultural heritage, safeguard the interests of various cultures within the County of Kilifi and regulation.

Looking at the Bill, there was the issue of being able as a county to own the cultural sites. This in a way is going to do away with the issue of land grabbing because if we do not own them then we provide an avenue for other people to come and grab these areas. The issue of growing tourism in our county, through the cultural heritage which has been greatly explained and it is a very good contribution in making sure that we raise our revenue.

One aspect in 2014, the hon. Member for Marafa who is a colleague and a neighbour at the Ward who we are seated almost together, had an intention to bring before the Assembly a Motion to ban the issue of miniskirts. This was occasioned by the fact that we are running away from our culture. If we are in a position to conserve and preserve our culture then we shall not have the issues of miniskirts within the County of Kilifi.

Mr. Speaker, a very good Report has been given out by Uwezo Kenya, World Vision, Kenya and Action Aid on the issues of *dicso matanga* that have had tremendous adverse effects to the people of Kilifi. Through the issue of *disco matanga* in other places like Kakuyuni they

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call it *tia nazi*, *zungusa* and other names. We have witnessed very small children going to *disco matangas* because we have run away from our cultures.

Getting an opportunity through the issue of *disco matanga* wasting their time and it's one of the areas where the performance of our people within our county as regard to the issues of education is very poor.

There are ways through cultures where people use to celebrate and conduct various activities and ceremonies guided by our culture but through erosion we have now ran away from those important items; we are now getting to the issues of *disco matanga* that is not of any importance. Therefore, I wish to support the Reading for the Third Time of this Bill so that once passed by this Assembly and assented by the Governor, it will give an opportunity for us to be able to achieve all the benefits that are highlighted in this Bill. Thank you very much.

The Speaker (Hon. Kahindi): Thank you. Hon. Members, having had the debate as to whether the Bill be read for the Third Time. I know put the question.

(Question put and agreed to)

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

ADJOURNMENT

Thank you, hon. Members. In the absence of any other Business in the Order Paper, I move to adjourn the house until tomorrow at 9 o'clock in the morning. Thank you.

The House rose at 5:13 p.m.