

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 30th November, 2015

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

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

PRAYERS

REQUEST FOR STATEMENTS

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker, Sir, for giving me this opportunity to present these Statements on behalf of hon. Foleni.

STATUS OF THE KILIFI COUNTY RESOURCE MAPPING EXERCISE

I rise to seek a Statement from the County Executive Committee Member in charge of Land, Energy, Housing and Physical Planning on the status of the Kilifi County Resource Mapping exercise that was advertised and tendered in 2014.

30% AFFIRMATIVE ACTION RULE IN THE CPSB

Whether the Kilifi County Public Service Board (CPSB) adheres to the thirty percent (30%) affirmative action rule in female employment. If yes, what is the status of the same?

OPERATION OF QUARRIES IN TEZO WARD TILL MIDNIGHT

I rise to seek a statement from the County Executive (CEC) Member in charge of Water, Forestry, Environment, Natural Resources and Solid Waste Management on why the Department has allowed quarries within Tezo Ward to operate until midnight. Thank you Mr. Speaker, Sir.

PROTECTION OF NATURAL RESOURCES IN KILIFI COUNTY

Hon. Chai: Thank you Mr. Speaker, for giving me the chance to stand on behalf of hon. (Ms.) Arafa Salim Baya. This Statement is directed to the CEC Member in charge of Environment and Natural Resources and Solid Waste Management. It reads: Whether the County Executive Committee Member in charge of Environment and Natural Resources is aware that the

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Coastal Zone is one of the most important terrestrial and Marine Environment found in our esteemed County, which not only serves as a tourist attraction but also provides high drought resilience.

Whether the CEC Member is aware that there is a provision in the Environmental Management and Coordination Act (EMCA Revised Edition 2012 Sec. 55) that, the Minister may, in consultation with the relevant lead agencies, by the notice in the Gazette, declare any area of land, sea, lake or river to be a protected natural environment for the purpose of promoting and preserving specific ecological processes, natural environment systems, natural beauty or species of indigenous wildlife or the preservation of biological diversity in general.

Whether the County Executive Committee Member is aware that in the Fourth Schedule of the Constitution of Kenya 2010, the County Government is mandated to implement specific National Government Policies on Natural Resources and Environmental Conservation and Article 183 (b) also gives mandate to the County Executive Committee Member to perform any other functions conferred on it by the Constitution or National Legislation.

What has the County Executive Committee Member done to make sure that the Coastal Zone that Kilifi County prides itself and is protected from encroachment, pollution and damage of its Flora and Fauna? Thank you Mr. Speaker, Sir.

CHARGING FOR ISSUANCE OF CERTIFICATES

The Leader of Minority (Hon. Pascal): Thank you once again Mr. Speaker, for giving me an opportunity to seek a Statement directed to the Leader of Majority. The Statement reads: Whether the Leader of Majority is aware that the County Government is charging the public for issuance of certificates to both Groups and Community Based Organizations (CBOs) yet it is a mandate of the National Government. Thank you Mr. Speaker, Sir.

MOTION

PERMANENT EMPLOYMENT OF THE FOREST GUARDS

Hon. Kenga: Thank you very much Mr. Speaker. Allow me to table before the Assembly the following Motion which is directed to the Department of Water, Forestry, Environment, Natural resources and Solid Waste Management.

Aware that, the County Government of Kilifi conducted a Forest Guard recruitment exercise. Noting that the minimum requirement for the appointment was a Kenya Certificate of Secondary Education.

Acknowledging that there are some individuals volunteering as Forest Guards offering Forest Guarding/Conservation Services without pay and have been denied employment due to their low levels of education, this County Assembly urges the Department of Water, Natural Resources, Forestry, Environment and Solid Waste Management to initiate measures to ensure that all Forest Guards who have been and are still working voluntarily within the County Government are absorbed permanently within the County. Thank you very much.

The Deputy Speaker (Hon. Kahindi): Who is seconding this Motion?

(Hon. Chai stood at his place to second)

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(Question proposed)

Hon. Members, the Motion as read by hon. Kenga and tabled by hon. Chai is ready for debate. Hon. Chai.

Hon. Chai: Thank you Mr. Speaker, for giving me the chance of standing and supporting the Motion before us brought by hon. Stanley Karisa Kenga. I was the very first person to support it because we have a large number of our people in the County Government who have been volunteering in various Departments; it is not only in the Forestry Department. In numerous occasions, you will find out that because one has a higher education level specifically from the college or the university, they have a greater advantage over their positions regardless of the number of years these staffs have worked and their level of experience.

It is common knowledge that the experiences of these staffs are demeaned. It is up to this County Assembly to come up with a policy and allow these people to have a chance to serve this County with their long term experience. I am sure that they have sufficient experience in the jobs that they are currently doing. It will be noble for us to support this Motion so that at least the workers who have been working in the various positions can secure permanent positions. This will help them feel motivated unlike the casual positions they are currently holding. I stand to greatly support this Motion. Thank you very much.

The Deputy Speaker (Hon. Kahindi): Hon. (Ms.) Zawadi.

Hon. (Ms.) Zawadi: Asante Mheshimiwa Spika kwa kunipa nafasi hii niweze kuchangia Mjadala ulioletwa na mwenzangu Mheshimiwa Stanley Kenga. Kama sijasahau, sijui kama ni *Motion* ama ni *Statement* lakini nakumbuka kuna jambo ambalo tulilitaja kuhusu hawa askari ambao wamekuwa wanalinda misitu kwa mda mrefu na tukawa tumesema endapo wakati watakuwa wanaajiriwa wapewe kipao mbele kwa sababu wameshikilia hizo nafasi kwa mda mrefu wakiwa wamejitolea. Sijui ilikuaje mpaka hiyo bodi ambayo inajiri wafanyikazi haikuona kwamba watu hawa wana umuhimu. Hata ingawaje kisomo chao ni cha chini lakini tukumbuke kwamba sio wote waliobahatika kuenda shule ama kupata vile vibali ambavyo vinatakikana na pia si kupenda kwao. Kuna wengine hukataa kusoma lakini kuna wengine si kukataa kusoma bali hali ziliwalazimu wasiende vyuoni ama wasisome. Si ati watakosa haki lakini Kaunti ya Kilifi kisa na sababu hana elimu. Elimu inayotakiwa nadhani wako nayo maanake ile ya juu ndio hawana lakini ya chini wako nayo ambapo wanaweza fundishwa na wakajua.

Hata kwa mfano kujenga nyumba, kuna wale ambao wamesomea na kuna wale ambao wanatumia kwa kuambiwa fanya hivi na vile. Kwanini ile sekta mnatafuta waliosoma na wale ambao hawajasoma wapelekwe wapi? Ni kazi gani ambazo zinatoka ambazo zinaandikwa tu watu waliosoma na wale ambao kisomo chao ni cha chini watafanywa nini? Kama huyu hataangaliwa mahali hata aliyesoma hatakuwa na bahati maanake hata vitu vyake havitakuwa salama kwa ajili ya yule ambaye hakusoma. Kama hatutawapa nafasi na wao pia wakafanya kazi kama wengine wakasomesha watoto wao ili kule kudhalilishwa hatakubali mtoto wake apitie ile hali anayoipitia saa hii.

Ni kwa kumpa nafasi yeye kufanya kazi ndio awasomeshe watoto wake ndio hali kama hii isitokee hata kwa watoto wake. Tunavyofanya kwa kuandika wazi na ubaguzi huu ni kumaanisha hata watoto wake nao hawatasoma, wajukuu nao hawatasoma kwa hivyo umaskini wataurithi miaka nenda miaka rudi. Hatutakuwa tunatendea haki kwa watu wetu tukizingatia ya kwamba elimu ya watu wetu huku haikuwa juu sana miaka iliyopita, saa hii ndio watu

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wanag'ang'ana kusomesha watoto wao. Tuwape nafasi hawa vijana nao waelimishe watoto wao. Naunga mkono Mheshimiwa Stanley (Kenga) kwa kuleta Mjadala huu maanake ni Mjadala ambao utatendea wema watu wa Kaunti ya Kilifi. Tukiangalia watu waliosoma hatujafanya wema bado. Asante.

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

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker, for giving me an opportunity to contribute towards the same. With all due respect to the Mover of this Motion, I stand to oppose or have a diverting opinion about this Motion. We understand that this is a House that is supposed to make laws that are implementable. Looking at the prayer of this Motion that we have of all those who have been in the Forest Department as volunteers to be employed by the Country Government without us knowing how many they are and taking into account that we have more than 10 Departments which might be having the same number of workers who are in the same category, in my opinion I feel like we are missing a point somewhere and we might be burdening the Government without proper mechanisms being put in place. Mr. Speaker...

Hon. Kenga: Point of Information Mr. Speaker, Sir!

The Deputy Speaker (Hon. Mwambire): Do you wish to be informed?

The Leader of Minority (Hon. Pascal): Yes, let him inform me.

Hon. Kenga: Thank you very much Mr. Speaker. I wish to respect the opinion of the Member on the Floor who is also the Leader of Minority in the House. I just want to inform him that last week we received a response for a Statement that had been raised by a hon. Member in this House and the Statement was giving us the status of all the casualties that was inherited by the County Government from the defunct local authorities.

The same response also informed us of the 72 casualties that we inherited from the devolved Ministries of the National Government that are supposed to be absorbed by the County Government on a permanent status.

The only Department that had workers as volunteers is the Forestry Department and they were not absorbed. So already 72 workers have been absorbed as per the response that we received last week placed in the pigeon holes of each and every hon. Member, I believe even the Labour and Implementation Committees have been pushing on this. The 255 casualties that we inherited from the defunct local authorities consist of very few guarding staffs as volunteers who have not yet been absorbed. The others issues have already been taken care of. Thank you very much.

The Deputy Speaker (Hon. Mwambire): Proceed.

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker. To just slightly respond to my colleague's statement, the Report that was brought to this House last time was about casualties that were inherited. It was not about volunteers and up to now we have not heard the number of the volunteers that we are talking about here. So I will urge the Member not to mislead this House by talking about something that we did not discuss about.

As I have said, it will be a bit ambiguous for this House to pass or rather absorb a number of workers that we had not planned for. All that we need to do here is that we will have to move with the budgetary allocations that we are likely to make as a County.

Again, as I have pointed out; we have different Departments, there are Departments that we have not even gone to and looked at the number of affected staffs. That is something that also

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needs to be done before this House discusses and passes issues touching on casuals and Members to join the County Government.

As we stand now, this County Government cannot sustain the wage bill that is needed to cater for all the workers in the County, and the National Government has been passionate on the issue that the County government needs to reduce its wage bill. So that it can be in terms with the expenditures that are necessary. If we are not careful in moving with the relevant educational requirements, then in one way or the other we will be opening a can of worms because many will be doomed and we will not be able to sustain the needs of our public. I stand to oppose this Motion. Thank you so much.

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

Hon. Mangi: Thank you Mr. Speaker, Sir for giving me this opportunity. First and foremost, may I take this early opportunity to congratulate hon. Stanley Karisa Kenga for bringing this Motion which of course is somehow a way out as to how we should handle this sensitive issue as regards to employment to our forest guards. Let me say this; experience is different from qualification and I am quoting an example; if I may recall the late hon. Makubo Hare who was not educated at all but he was the most hardworking Councilor then. If the late Makubo would be alive today, surely I would not be very comfortable battling out with him because even without education he really made it.

Those who were really educated then, never did what the late Makubo did for his people. Let us try to adjust the tendency of being too official. This Government is still very young so let us not be very strict to an extent that we are going to shut out avenues for our youths. Much as I uphold education, Kilifi County is yet to lead in the whole Country in regards to Education. Nevertheless, we have gone very far since devolution started. I am supportive of education but that notwithstanding, we cannot just wake up one morning and say; let us shut all the loopholes that are available. We are leaders, we have been voted in. let us use all the avenues to employ our youths.

Look at this scenario; if people have to volunteer and work, give sacrifice on behalf of those who have education, then why would we consider others for employment instead of them? Is that fair Mr. Speaker? No! It is not. Let us call a spade a spade. Much as we uphold education, let us be humane. You cannot say because somebody did not go to school then he should not be part and parcel of the County Government as far as employment is concerned.

Look at the second scenario; the village elders we have today are doing a donkey's job. A time will come for us to approve the village elders in this Assembly. When those posts are advertised, you will see how people will come with their degrees and again we will consider them without thinking twice about the people who are dying in poverty giving sacrifices to this County and this Republic of Kenya while going home without a penny. It is high time we recognize the roles of those who are sacrificing and volunteering without expecting anything in return.

This is the time to support this Motion, let us say thank you to them in this way, but the more we put strict measures then it will affect many people. As a County Assembly, we should be flexible but in favor of those who have brought us in this hon. House. I stand to support and plead with other hon. Members to follow suit in assisting these youths whom we really require in the near future. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Hon. Mzungu (Dr. Chitibwi).

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Hon. (Dr.) Chitibwi: Thank you very much Mr. Speaker. I stand to oppose this Motion very regretfully. The intention of the promoter is very good and I accept it because we need to create employment for our people. We also need to recognize what people have done but we have a saying in our Mijikenda language that “*before you throw a kick ask the hip*”. Now let us not be ruled by emotions. Last year in this House we had a Motion that all community health workers be absorbed. We went through the same debate and it was not possible. They have done a good job but as much as we appreciate the work they are still doing, can we realistically absorb these people? The answer is no.

We have nursery school teachers who have been working for ages, being paid peanuts and sometimes as volunteers. We recently took 500 as a County Government and they were almost 33,000 of them. Are we saying that those ones should be absorbed?

The idea of recognizing their work is good but lets us find a way of recognizing them instead of burdening the County Government with this. It is also important that the recommendation coming out of this House be realistic. We have got volunteer teachers in primary schools. We have got many other people volunteering in other fields. Can this House recommend that all those volunteers be employed? It is impractical. I like the idea, it is very noble but I believe it is impractical. Let us pass Motions which will stand a good chance of an audit and acceptance. I stand to oppose.

The Deputy Speaker (Hon. Mwambire): Hon. Renson (Karisa).

Hon. Karisa: Asante sana Mheshimiwa Spika. Nasimama kuunga mkono Hoja hii na nasimama kuunga mkono kwa sababu zifuatazo. Labda kwa wale ambao hawajasikia kuna msitu ambao unaitwa Dakacha Woodland na ni msitu ambao unatumbulika ulimwengu mzima na ndio msitu ambao una ndege amboa hawapatikani katika ulimwengu mzima isipokua pale. Uko katika eneo la Marafa na wale ambao wamekua msitari wa mbele kuhifadhi msitu ule hakuna hata aliyefika darasa la nane. Hata serikali yetu ya Kilifi siku hii ya leo ikiwa waziri Mwachitu anatambua wazi kwamba msitu ule unahifadhiwa na watu ambao walijitolea na hawakusoma. Hata dakika hii Serikali Kuu inajivunia wale ndege wa pale ambao hawapatikani popote ulimwengu mzima isipokua Kilifi Kaunti.

Naunga mkono Hoja hii ya kwamba watu kama hawa ni watu ambao wangestahili kuwekwa msitari wa mbele kwa sababu si wengi. Ukiangalia Wadi ya Shella hakuna msitu ambao kuna watu wamejitoleakuuhifadhi. Ni baadhi tu ya misitu micache tulio nayo Kilifi kwa mfano Arabuko Forest na Dakacha Woodland miongoni mwa zingine, hizi zinapatikana sehemu tofauti tofauti, si sehemu nyingi. Kwa hivyo naonelea watu kama wale ambao walijitolea na kuhifadhi msitu ambayo hata Serikali Kuu ama nchi za nje zinatambua misitu ile na hatakama watu hao hawakufika darasa la nane, kwa nini wasitambulike? Na ni watu ambao wamejitolea hata saa hii sehemu zengine tunapata mvua kwa sababu ya wao.

Mheshimiwa Spika naona wale wenzangu labda pengine hawajatembea sana Kilifi. Watembe kule waone na wataniunga mkono. Nataka kumpongeza Mheshimiwa wa Adu kwa kuleta Hoja hii kwa wakati huu unaofaa. Ukiangalia zile Wadi zilizo na misuti na wale watu ambao wamechukuliwa, ni watu wasio kisomo cha juu lakini wana ujuzi mkubwa wa kuhifadhi msitu. Kwa hivyo naunga mkono Mswada huu na ningepomba hata ingekuwa kesho hawa watu waajiriwe, wachukuliwe na serikali. Asante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwambire): Hon. (Ms.) Mbeyu.

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. May I take this opportunity to congratulate my Chairperson of the Labour Committee for this Motion. It is a touchy Motion

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having been seconded by hon. Emmanuel Chai. As much as I want to uphold education standards in Kilifi County being the Chairperson for the Scholarship Committee and propagating for the paying of scholarship fees to our people, I want to support this Motion. These forest guards are few in number and having volunteered for quiet sometime, I wish to advocate for their absorption because the nature of their work does not require a high level of education... For that case, let us take our fellow Kilifians with a humane heart so that they can get employment.

I have been a volunteer for the Red Cross and a teacher and it is not a stable job when you have the responsibility of a family upon you to cater for. As much as we may talk about education standards and we really want to uphold the standards in all sectors, this is one of the few sectors that we can recommend that the forests guards do not need many grades to protect the forest. Let them have a mix up; lets us have these who went for the interviews be absorbed at a bigger number and the few volunteers be integrated and have a stake in the County Government jobs. Thank you Mr. Speaker, Sir.

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

Hon. Matsaki: Thank you Mr. Speaker, Sir. I rise to support this Motion which is on the Floor. It is very sad to see a person who has been working for a long time being left out because he has a low education level. These people are volunteers so when a chance comes, my take is that let them get employed. I stand to support this Motion because I have seen many people being left out for having low education standards. When we talk about forest guards these individuals have been doing this exact work in the forest before the County Government came into place. They have been manning the forest for close to ten years. When these positions are advertised you will find a person who has been doing the exact work is left out because of having low education standard; this is very sad. I stand to support this Motion. Thank you.

The Deputy Speaker (Hon. Mwambire): Hon. (Ms.) Ngala Elizabeth.

Hon. (Ms.) Ngala: Thank you Mr. Speaker, I stand to support this Motion. It is true that we are putting standards in our post and we all want them to go high. At the same time we have to look at those who are operating at this very moment. They have been working for quite a number of years though it is not indicated here but I am sure they have been giving their all. I am sure in the course of their services there have probably been no major issues as per the work they are doing, until now that we have brought these new standards and said that they must have completed form four. Fine, let us raise these standards and give the form four leavers this opportunity but also have these people there just like hon. (Ms.) Mbeyu has put it, that we can have them there but we should also encourage them to read while they are there.

I was in the Human Resource Department before and we had brought in a similar thing. We had upgraded the education for the staffs, however those who were there, we never removed them rather we gave them alternatives. We encouraged them to read and...

The Leader of Minority (Hon. Pascal): Point of clarification Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): We do not have a Point of clarification in the Standing Order.

The Leader of Minority (Hon. Pascal): Point of Information Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Do you wish to be informed?

Hon. (Ms.) Ngala: No! No! Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Proceed please.

Hon. (Ms.) Ngala: It is on this point that I want to say that let them be taken in the same positions that they are currently working in and be encouraged to read. I am sure some are pretty

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young and would like to advance their education and we have scholarship as well which can help them greatly.

The Deputy Speaker (Hon. Mwambire): Hon. Members allow me to call upon the Mover to respond.

(Question, that the Mover be now called upon to reply, put and agreed to.)

Hon. Kenga: Thank you very much Mr. Speaker. Allow me to start by thanking all the Members who have made their contributions regarding the Motion that is before us. Allow me to appreciate the contributions by the Members who were opposing this Motion as well. This is because it enables and gives us an opportunity to think wider and consult further and make sure that we get the best resolution.

In coming up with this Motion, I had been looking at the number of volunteers who had given their all to make sure that the forests which we have within the County Government of Kilifi are well protected. The issues of charcoal burning and the invasion of forest causing destructions have all been addressed by the forest guards. I want to note that, the unpredictable weather conditions that we experience in our County is because we have not put up measures to make sure that we take care of our forests.

To appreciate and applaud the efforts of the people who have given their all in making sure that the forest is conserved is a dignified gesture. These people are not as many as we may think. As I had earlier on said, as an Assembly, we had already approved a Motion seeking the absorption of all the casuals from the defunct local authorities. Again, those casuals who were from the devolved ministries were 72 and the very few that were left out were the volunteers who were giving their services in the forest department.

I am happy with the path the contributions have taken. I have heard from hon. (Ms.) Mbeyu on the issue of integration where you mix those who have education with those who have the experience and the results will be enormous. Still the contributions from hon. (Ms.) Elizabeth (Ngala) on the issue of advancement were excellent; she has told us to give them an opportunity and at the same time encourage them to go to school.

I am a great champion and advocate for education within the County. I have realized that the levels of education within the County Government of Kilifi are wanting. On the same note, we want to make sure that we are also giving them an opportunity because they have offered a lot to this County and as a result I wish that they are absorbed and given an opportunity to work within the County. By doing this I understand the financial implications that this will have on the County budget. I am very aware of this because I am a Member of the Budget Committee by virtue of being the Chairperson of Labour and Social Welfare Committee.

My Motion is seeking the user Department to initiate measures and it is only when there is that need that instead of going for those who have higher levels of education, we give an opportunity to those who have been serving. Their experiences should enable them to continue serving as permanent employees within the same department? That is the position that I wish as Members we should take. Therefore, I want to say thank you very much and I wish to call all the hon. Members to support this Motion.

Just the other day we were talking about the ECD teachers and we are happy as a County that we have put measures on those who have form four KCSE certificates and have advanced to do ECD. We still realized that most of us went through the hands of ECD teachers who had not

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even attained the form four qualifications. Here we are today and we have the hon. Budget Chairperson who worked in a bank, I am here and there are others who are not here but they have held various positions in our society.

Let us give the forest guards an equal opportunity. I want to say that this is not a swoop that we want to see. All we are saying is, the Department of Forestry, Environment, Natural Resources and Solid Waste Management should see if there is a need for employment and if there is, then they should make sure that they give them an opportunity to serve.

The Deputy Speaker (Hon. Mwambire): Hon. Members allow me to go straight and put the question.

The Leader of Minority (Hon. Pascal): Point of Order Mr. Speaker, Sir!

The Deputy Speaker (Hon. Mwambire): I am not getting you hon. Pascal, what are you trying to put across.

Hon. (Ms.) Mbeyu: Point of Order Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Is the Point of Order to me or to hon. Pascal?

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, we have consulted with hon. Pascal and he has withdrawn his Point of Order. Thank you.

The Deputy Speaker (Hon. Mwambire): Okay, allow me to put the question.

(Question put and agreed to)

Hon. Members, before I go to the next order, you have been supplied with copies of the recurrent expenditure. That is solemnly for your information; to know how much we have so far utilized and how much is remaining. I believe you all know that we are supposed to go up to the 30th of June. Coincidentally it has been supplied to you together with the Order Paper and you might be wondering why it is not being featured in our order of Business today. I want to clarify that it is earnestly for your information.

ADJOURNMENT

Hon. Members there being no other Business to transact at the moment, this Assembly stands adjourned until tomorrow at 9.00 a.m. I wish you all a great evening. Have a nice night if I can start to speculate. Thank you all.

The House rose at 3.10 p.m.