

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 6th March, 2017

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

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

PRAYERS

MOTION

POOR SOLID WASTE MANAGEMENT IN TRADING CENTRES

Hon. Pascal: Thank you Mr. Speaker...

The Deputy Speaker (Hon. Mwambire): Just hold.

POINT OF ORDER

ADJOURNMENT OF DEBATE TO DELIBERATE ON UN-REMITTED PAYE DUES

Hon. Kiraga: Thank you Mr. Speaker, Sir. I want to move a Motion for Adjournment of this Debate to debate a very pertinent issue in this County Assembly, about the Kenya Revenue Authority (KRA), that dues for the year 2016 have not been remitted. The Pay As You Earn (PAYE) has not been remitted to the relevant body and I believe that is a very touchy issue that we should discuss. I therefore call upon hon. (Ms.) Kwekwe to second this Motion. Thank you.

The Deputy Speaker (Hon. Mwambire): Before seconding, you said you are moving under which Standing Order?

Hon. Kiraga: No. 223.

The Deputy Speaker (Hon. Mwambire): Hon. Members if we are to read:

“223. (1) Subject to paragraphs (2) and (3), a Motion may, with the approval of the Speaker, be moved by any Member, either with or without notice that the proceedings on any specified business be exempted from the provisions of Part VI(Sitting and Adjournments of the Assembly), Part VIII (Order of Business), Part XVI(Limitation of Debate), Part XVIII (Public Bills), Part XIX (Private Bills), Part XVII (Committee of the whole Assembly), Part XXI(Select Committees), Part XXII(Public Petitions) and Part XXV(Public Access to the Assembly and its Committees) of these Standing Orders”

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Okay, I have understood your concern hon. Kiraga but if possible, let us not adjourn the debate of this Motion. I will give you time to debate on the issues that you are raising but let us conclude this Motion then we move to that. There is ample time and we do not have any other business today apart from this Motion. Hon. Pascal Thuva, please just go ahead and immediately after conclusion of this we will go to that issue.

Hon. Kiraga: Mr. Speaker, Sir, I feel you are doing harm to me because I have moved this Motion under the relevant Standing Order and there is a seconder for the same. With due respect, may you please leave the debate to the Members so that they can also have a say. This is a very important issue we have to discuss bearing in mind that there are some documents which are very mandatory for us to be cleared. Without getting a proper position on the PAYE issue as regards 2016 dues, I think some of us might be locked out and I feel this is the right time for us to discuss this issue. I beg with due respect you allow this Motion to proceed. Thank you.

The Deputy Speaker (Hon. Mwambire): Hon. Members, hon. Kiraga is very clear but the procedure of moving this Motion has somehow been altered. One; you were supposed to have notified the Speaker some minutes before coming to the House so that he knows what will be coming to the Floor.

Two; when I called hon. Pascal, he was to move his Motion, get a seconder then you move in to adjourn it. Hon. Pascal has not even moved his Motion, how can we adjourn something that has not been moved? The Motion is in the Order Paper. It is not the first time we are adjourning Motions in this Assembly, so if you would allow let us to follow the procedure because I have read the part that we have used but it said with the approval of the Speaker. That is why I have said it would be fair if you give him time to move the Motion. We can even discuss this after the Motion. Let us follow the procedure; otherwise the timing of your Motion is premature.

We have been in this Chamber for some time and we know exactly how we normally adjourn Motions. Because I had not been notified earlier; I have just heard it from the Chamber I have given it time but let us give the considerations as per what it is supposed to be.

Hon. Matano: Asante mheshimiwa Spika. Ni kweli tumekuwa katika hili Bunge kwa mda mrefu na sheria tunazijua lakini swala ambalo mheshimiwa Kiraga amelileta ni swala ambalo linagusa karibia robo tatu za Bunge hili na ule mda wa makaratasi yale ambayo yanahitajika unaenda kuisha. Ni ombi langu kuangalia vile utafanya lakini tujadili hili swala mheshimiwa Spika. Ni swala ambalo linagusa moja kwa moja kwa swala la mheshimiwa. Kuendelea na Hoja ya mheshimiwa Pascal ni sawa kabisa lakini tutakuwa tumekaa na tumbo joto. Hatutakuwa na urahisi wa kuchangia kikamilifu. Kwa hivyo, ni ombi langu uangalie na utupe ule mwelekeo mzuri. Asante.

Hon. Kiraga: Thank you so much Mr. Speaker, Sir. I believe the Standing Order I have sighted is in another way a continuation of Standing Order No. 50(b). These are Motions which can be moved without giving notices although it needs the approval of the Speaker. With all due respect, may you allow this Motion to proceed.

The Deputy Speaker (Hon. Mwambire): I think we need to ...

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

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga please, I have some questions for you and I need to get clarity because I have already given guidance. Hon. Matano wanted me to give guidance and I have already done that. So, I want you to give us more information before I

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weigh my options if there is need for me to give further guidance. When are those papers required? When is the deadline? That is what I want to know.

Hon. Kiraga: Thank you. Mr. Speaker, Sir, we have different parties. Some of these papers are needed by parties and they have got different dates. I want to cite a party like the Mashinani Party which the deadline is on 15th March, 2017. You need to have submitted all the papers and Mr. Speaker, I got this information yesterday from some of the delegates...

The Deputy Speaker (Hon. Mwambire): Are you a Member of Mashinani Party?

Hon. Kiraga: I am not a Member but I believe ...

The Deputy Speaker (Hon. Mwambire): How many Members do we have in this House so that ...

Hon. Kiraga: I am saying that is just an example but I believe there are some parties whose dates are even closer than that. This is just an example. I am not a Member of Mashinani Party.

(Hon. Foleni spoke off record)

The Deputy Speaker (Hon. Mwambire): Please let us go by the order, Hon. Foleni. This is not a club; it is an Assembly. Hon. Kiraga, I wanted to get that information because of one reason. One; I think you have brought this issue for my consideration and I have already given you guidance because the issue is more personal. The issue is not even necessary that we put it in the HANSARD. We can discuss it after the session and if we have to, then the procedure of adjourning a Motion is very clear.

Somebody needs to move the Motion, get a seconder then we adjourn it. How do we adjourn a Motion without it being moved? That is why I have advised you to allow me to give an opportunity to hon. Pascal to move his Motion, get a seconder thereafter if Members feel they do not want to deliberate on the Motion, they can move a Motion to adjourn it.

I have no option as the Speaker but to allow you to adjourn the Motion so that we can move ahead with the issues that we are rising. Otherwise, you can as well give an opportunity to hon. Pascal to debate it then we conclude it and move to the other one. So there are two options that I have given you. You either allow Hon. Pascal to move the Motion, it is seconded, then you raise your Motion to adjourn it for those deliberations. If the Members say so, then we move that way but the way you are putting it, it is not procedural. Please remove your intervention so that we can follow the clear procedure. Hon. Foleni, remove your intervention please. Yes Hon. Pascal.

MOTION

POOR SOLID WASTE MANAGEMENT IN TRADING CENTRES

Hon. Pascal: Thank you Mr. Speaker, Sir, for giving me this opportunity to move before this House a Motion that was deferred sometime back because Members felt they wanted some time to have some input in this Motion. This Motion is directed to the Department of Water, Environment and Natural Resources on poor solid waste management in trading centres:-

AWARE THAT, devolution brought the growth and expansion of many townships and trading centres in the county.

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FURTHER AWARE THAT, these townships and trading centers have attracted many people to live and do businesses.

NOTING WITH CONCERN THAT, these centres have been neglected in terms of solid waste management despite being a good source of revenue for the county through the various payments of business permits.

AWARE THAT, poor solid waste management compromises the health of the inhabitants and the ecosystem at large.

THIS HOUSE URGES the County Executive Committee Member for Water, Environment and Natural Resources, to come up with a policy that will see all the potential trading centres in every ward manned by local residents/groups who will manage the general sanitation/solid waste management of these areas, thus addressing the unemployment menace within the County.

I call upon Hon. Sadi Lali to second this Motion. Thank you Mr. Speaker, Sir.

(Hon. Sadi seconded)

(Question proposed)

The Deputy Speaker (Hon. Mwambire): Hon. Members, a Motion moved by Hon. Pascal Thuva to the Department of Water, Environment and Natural Resources on poor solid waste management in trading centers has been moved and seconded. It is now ready for debate.

Hon. Sadi: Asante sana mheshimiwa Spika kwa kunipa nafasi hii. Kutoka ugatuzi uanzishwe katika jimbo letu la Kilifi, ni dhahiri kuwa miji mingi midogo imepata nafasi ya kukua kwa haraka sana. Biashara zimeendelea kwa kiwango kikubwa na kwa kuwepo na umeme na miundo msingi mingine imefanya...

The Deputy Speaker (Hon. Mwambire): Just hold, there is an intervention.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 50

INQUIRY ON UN-REMITTED PAYE DUES AND THE FOURTH DEVOLUTION CONFERENCE IN NAIVASHA

Hon. Mramba: Mr. Speaker, Sir, I am standing on a point of order under Standing Order No. 50 (b) to seek for an adjournment of this Motion to allow for more consultation because there are two Motions which are very important to be debated on. One; there is a motion that has been raised by hon. Kiraga and two; the 4th Devolution Conference that has kicked off today in Naivasha yet we are here and totally in the dark. We need to know why we are not travelling.

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

Hon. Mramba: Hon. Daniel Chai Chiriba.

The Deputy Speaker (Hon. Mwambire): Hon. Chiriba or Hon. Foleni, who is seconding?

Hon. Mramba: Hon. Foleni. Thank you.

(Hon. Foleni seconded)

The Deputy Speaker (Hon. Mwambire): Hon. Members, a Motion under Standing Order No. 50 (b) has been moved to adjourn this Motion because of some issues that have been raised

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by hon. Mramba which appear to be popular to some Members but before we take that decision, allow me to give an opportunity to some Members to make their contributions towards the adjournment of the Motion thereafter we put a question to it.

Hon. Matano: Asante mheshimiwa Spika. Nimesimama kuunga mkono Hoja iliyoletwa na mheshimiwa Mramba ya kwamba tusitishie swala ambalo linaendelea ili tujadili swala la ugatuzi ikiwa ni muhula wa nne wa sherehe hizi. Mheshimiwa Spika, tunahitaji kujua ni mafanikio gani tuko nayo na vile vile kusikiza kutoka kwa wenzetu ni mambo gani wako nayo. Itakuwa vyema ikiwa tutajadili swala hili na tulifikishe tamati. Ninaunga mkono kusitisha ile hoja iko mbele yetu tumalize yale mambo yanayotuhusu. Asante.

The Deputy Speaker (Hon. Mwambire): I do not see any requests here.

Hon. Bakari: Asante sana mheshimiwa Spika. Nimesimama kuunga mkono Hoja iliyoletwa na Mheshimiwa Mramba ili Bunge hili liweze kujadili maswala muhimu kama swala la KRA na mkutano wa ugatuzi. Sisi kama waheshimiwa tulikuwa tunastahili kuwa kule. Tunataka tuzungumze sababu halisi ambayo imetufanya sisi kuwa hapa saa hii.

Hon. Chiriba: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I am standing in support of the Motion as moved by the hon. Member. These conferences are important to us being the pioneers of devolution. We really need to be equipped with what is happening so that we are able to see the checks and balances of the systems of governance and it is in those forums where we share ideas; they are also educative. So I stand in support of this Motion.

Hon. (Ms.) Arafa: Thank you, Mr. Speaker. I stand to support the Motion moved by hon. Kiraga...

The Deputy Speaker (Hon. Mwambire): Which Motion was moved by hon. Kiraga?

Hon. (Ms.) Arafa: Hon. Mramba sorry, to adjourn the Motion we have on the Floor and discuss the issue of devolution conference which normally happens in different counties. As an Assembly, we have been participating for the last three years and it is unfortunate that the conference is commencing tomorrow and Kilifi County Members are here still not aware if we are to attend the fourth devolution conference or not and up to date, we do not have any information from the Offices of the Clerk or the Speaker. If we are talking of devolution, we are the pioneers of devolution and this being the last year, we have a lot to share; so we want to know why Kilifi County Assembly Members are not attending the fourth devolution conference.

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

Hon. Mramba: Thank you. I want to thank the few Members who have spoken about the Motion. I remember we were at Leisure Lodge for the first devolution conference, then we went to Kisumu, then Meru and we are supposed to be in Naivasha (Nakuru County). The conference will kick off today and according to the newspapers, the conference will attract more than 6,000 people amongst them Governors, Senators and Members of County Assemblies. It is now surprising that at this hour, Members of the Kilifi County Assembly are still in the dark simply because they have not been notified whether we are going or not and if not, why?

It is the norm of County Assemblies that they do attend. We need guidance because we are in the dark. If we are going, we need to know and leave immediately and if not, then we must be told why not. This is a very important occasion; we need to showcase what we have done and the challenges we have faced in this period. I really urge Members to support this Motion so that we can know from the relevant offices why we are here and what shall come tomorrow.

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The Deputy Speaker (Hon. Mwambire): Hon. Members, the Motion to adjourn the debated on the Motion by hon. Pascal has been moved and successfully debated on. I now put the question.

(Question put and agreed to)

Hon. Members, though hon. Mramba raised issues that Members think we should not proceed with the Motion by hon. Pascal so that we can deliberate on them, just a word of advice. I think if we need to have ample time to deliberate on issues raised by hon. Mramba, we should go to a *Kamkunji* because as one contributes and another ones gives his/her comments, maybe there will be other issues which will be raise which can be helpful and one will not be allowed to speak more than once in a parliamentary set up.

So, if you allow me we would adjourn this House then we go for a *Kamkunji* to consult the Offices of the Speaker and the Clerk so that we deliberate further on the issues that we have instead of handling it in such a set up. Allow me to adjourn the House and meet in the *Kamkunji* to deliberate on the issues which touches on the welfare of hon. Members.

(Motion adjourned)

ADJOURNMENT

Hon. Members, there being no other business to transact at the moment, this House adjourns until tomorrow at 9:00 a.m.

The House rose at 2:57 p.m.