

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

SPECIAL SITTING

Tuesday, 18th July, 2017

*(Convened via Kenya Gazette Notice
No. 6753 of 12th July, 2017)*

*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

CONVENING OF SPECIAL SITTING OF THE COUNTY ASSEMBLY

The Speaker (Hon. Kahindi): Hon. Members, this sitting has been called pursuant to a Gazette Notice No. 6753 and I will read:-

“The Constitution of Kenya; the County Government Act, No. 17 of 2012; the County Assembly of Kilifi; Special Sitting of the Assembly.

Pursuant to Standing Order 26 of the Kilifi County Assembly Standing Orders, it is notified for the information of Members of the County Assembly of Kilifi and the general public that a Special Sitting of the Assembly shall be held in the County Assembly Chamber at the County Assembly buildings, Malindi, on Tuesday, 18th July, 2017 at 2:00 p.m.

The business to be transacted shall be the adoption of the report of the Kilifi County Assembly Committee on Procedure and Rules on the amendments to the Kilifi County Assembly Standing Orders.

Dated the 12th July, 2017, MR/3588611; Jimmy Kadhua Kahindi, Speaker, County Assembly of Kilifi.”

PAPER LAID

SECOND REPORT OF THE PROCEDURE AND HOUSE RULES COMMITTEE ON THE AMENDMENTS TO THE STANDING ORDERS

Hon. Dele: Mr. Speaker, Sir, I wish to Table the Second Report of the Procedure and House Rules Committee on the amendments to the Standing Orders. Thank you Sir.

(Hon. Dele laid the document on the Table)

MOTION

ADOPTION OF THE SECOND REPORT OF THE PROCEDURE AND HOUSE RULES COMMITTEE ON THE AMENDMENTS TO THE STANDING ORDERS

Hon. Dele: Mr. Speaker, Sir; I beg to move the following Motion:-

THAT, this House adopts the Second Report of the Procedure and House Rules Committee on amendments to the Standing Orders laid on the table of this honourable House on 18th July, 2017.

I call upon hon. Mwingo to second.

(Hon. Mwingo seconded)

(Question proposed)

The Speaker (Hon. Kahindi): Thank you.

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker for this opportunity to second the adoption of this Motion. I want to congratulate the Committee concerned for the work well done. It is upon us Members to adopt this Motion because these amendments are supposed to be adopted in order for the Members who are going to come in the next parliament to see exactly what we have done. There was a need for the provisions to be made especially for the Members who are now independent because in the previous Standing Orders they did not have any space. I stand to support the adoption of this Report.

The Speaker (Hon. Kahindi): Thank you.

Hon. Nzaro: Thank you Mr. Speaker, Sir. First and foremost, I would like to congratulate the Committee for making the amendments to the Standing Orders in a very clear way. The Committee realized that this Constitution provides for the election of independent candidates in County Assemblies. They amended the Standing Orders to allow the independent Members to sit in the committees of this Assembly through the Constitution which was passed in the year 2010. You will realize that I once petitioned this County Assembly on the reconstitution of the Budget Committee and this has been done so I am very sure those who will be elected as representatives from all Sub-Counties will be alive to the fact that they will be addressing the issues which are affecting the residents of those sub-counties in that Committee.

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The other thing I want to support is professionalism in the Constitution especially the Chairperson's of these committees. If you want to be a Chairperson, you have to make an application for that position. I support the work well done by this Committee and I urge the other Members to also support.

The Speaker (Hon. Kahindi): Thank you.

Hon. Matano: Asante mheshimiwa Spika. Nami naunga mkono marekebisho ya sheria zetu za Bunge na sababu kubwa inayonifanya niunge mkono ni kwamba kuna jambo ambalo limetatiza sana ndani ya Bunge letu na lilileta tetesi ikiwa ni ubunifu wa ile Kamati ya Bajeti kama mheshimiwa alivyosema. Kuna wawakilishi wa mahitaji mbali mbali ambao hawakuwa wakihusishwa na kumekuwa na vilio lakini nimefurahi sana nilipoona ya kwamba Kamati hiyo imefanyiwa marekebisho na watu wa mahitaji maalum watahusika katika Kamati ya Bajeti.

Jambo la pili ambalo linanifanya kuunga mkono ni ile mbinu iliojitokeza wazi wazi ambayo tunaweza kutoa mwanachama wa Kamati kwa mfumo wa halali na uhaki. Kuna baadhi ya waheshimiwa wenzetu walitolewa kwa Kamati na mambo hayakueleweka mpaka sasa. Tukiangalia yale mabadiliko yamefanywa, mtu atakuwa anatolewa kwa uhaki kwa sababu atakuwa ameenda kinyume na zile sheria ambazo ziko kwa hili Bunge. Naunga mkono kikamilifu Ripoti hii. Asante.

Hon. (Ms.) Mwaro: Asante sana mheshimiwa Spika na Bunge kwa jumla. Nami ningetaka kuchangia mdahalo wa leo kuhusu kupitisha mabadiliko ya sheria za Bunge. Mheshimiwa Spika, kwa muda mchache ambao tumeweza kukaa hapa Bungeni, tumeona kwamba kulikuwa na utata mwingi na yote yalikuwa yanakuja kwa jinsi ya utendakazi wa Kamati. Katika orodha ya watu watakaowakilisha Kamati ya Bajeti ni kulingana na sheria hizi na ni nzuri maana tunaona kwamba kuna vitengo maalumu ambavyo vimechaguliwa katika Bunge hususan tunasema kwamba ni viti maalum.

Tutakapokuwa na mchanganyiko wa waheshimiwa waliochaguliwa kwa kura na wateuliwa kutoka kwa vyama tofauti, tunaona ya kwamba ile Kamati ya Bajeti itakuwa na uhaki. Mwenye ulemavu ataweza kutoa hoja zake kulingana na kundi lile la walemavu, vijana vile vile wataweza kujiwakilisha vilivyo, maswala ya kina mama pia yatakuwa yanawakilishwa. Hapo mheshimiwa Spika nawapa kongole maana ni hatua tumeipiga.

Kuhusu swala la viongozi wa Kamati hususan wenye viti itakuwa ni bora sana Mheshimiwa akiwa ana ujuzi fulani kulingana na ile Kamati. Nikiongezea hapo sijipigii debe lakini natoa mfano ulio hai. Mimi mheshimiwa Jane Mwaro nimekuwa mwalimu na kutakapokuja mwingine mwenye ujuzi kama huo ni vyema hata ile Kamati ya Elimu aweze kupewa ili awakilishe maswala yale yaliyotuhusu kama Kaunti. Itakuwa ni bora sana maana atakuwa na uzoefu wa kazi yake na tutaona kwamba itakuwa ni hatua kwa Kilifi Kaunti. Naunga mkono.

Hon. (Ms.) Chiku: Thank you, Mr. Speaker for giving me this chance to contribute towards the revised Standing Orders. I rise to support these amendments and I would not want to repeat what my fellow hon. Members have already said.

However, I am also of the opinion that it is a good idea that we do have the Chairpersons on professional basis. I must say that in the current Parliament that is running, the nominated Members were actually snookered. There is no way any of them would have been the Chairperson of any Committee irrespective of our professions. Like I have worked as a computerized secretary for the last 22 years and I actually asked for that post but it did not work. I only managed to get the position of the Vice-Chairperson. I am happy that today we have this in black and white and it is going to assist us. Even in the Budget Committee, the issue of gender

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was actually disregarded and it used to make me very sad. I was seated here fully aware that we were not represented and I remember there was a time we had a meeting at the Governor's Office and I would like to remind you that I brought it up and said...

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

Hon. Kenga: Thank you very much, Mr. Speaker. I am learning from the Member that the issue of gender has been addressed in the Budget Committee. What happens if the electorates, the people who offer mandate to the people to come to this hon. House deny us gender? I mean we are all capable and even the issues of professionals, if the members of the public have offered you an opportunity to serve in this Assembly then I believe that you are fit for each and every position that is in the Assembly.

(Applause)

This is because it is like we are discriminating one another yet the people on the ground have offered that opportunity for each and every person who comes to this Assembly to do representation. I do not know but looking at the Constitution, I am seeing and learning some sort of discrimination.

The Speaker (Hon. Kahindi): So what is your Point of Order hon. Kenga?

(Laughter)

Hon. Kenga: Thank you; it was just a point of information.

(Applause)

Hon. (Ms.) Chiku: Mr. Speaker, I think hon. Kenga is just taking us...

(Hon. (Ms.) Chiku spoke off record)

The Speaker (Hon. Kahindi): Sorry I have disconnected you wrongly, press your button again

Hon. (Ms.) Chiku: I have said that I am happy that we are coming up with a document which is going to protect gender disparity. As I had said earlier and what hon. Kenga is trying to bring up is like we are going two steps forward and three steps backwards. I am happy that we have a document today which is going to guard the gender disparity irrespective of who is elected.

We do have Members who have been nominated and they do not have to be denied Chairmanship like what happened to us where we ended up being the Vice-Chairpersons although we were capable professionals to head various Committees. This actually brought a lot of discomfort with the nominated MCAs until we had to visit the Governor's residence and I think you were also there and allow me to remind my fellow nominated Members that we actually put a case that allow me to speak in Kiswahili "*ukimwona kobe amepanda juu ya mti jua kwamba amepandishwa na mtu*". So, out of this Mr. Speaker, there will be no "*kobes*" ;everybody will be guided by this document. Allow me to sit down as I say thank you very much for your thoughts of coming up with proper procedures.

The Speaker (Hon. Kahindi): So in this case who is the tortoise?

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(Laughter)

Sometimes change is not easy because you see unlike 2013 elected Members were sworn in and then it took sometime before the nominated Members came on board. Now, the County Government Act was amended and you need to change as things change you cannot be very static. No offence but I do not think there are any tortoises here and rabbits.

Now we are going to have an equal...

(The Speaker spoke off record)

I think the Committee has done a very wonderful job; it is just like leadership, when you are leading a flock and the flock is dissatisfied then you need to listen to them. Of course it is not cast in stone; it can be amended even soon thereafter. We are doing this in order to accommodate each and every Member of this House.

Hon. Dele, do you wish to make your submissions? I am not seeing your request to speak.

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

Hon. Dele: Thank you, Mr. Speaker. I would like to take this opportunity to congratulate all hon. Members who have contributed positively and also those who were of different opinions but at the end of the day we were all in support of this Motion. The items amended in this document will provide a good environment for the next Assembly which I guess after the 8th of August will be in place and will get an opportunity to offer good services to the people of Kilifi if they are going to be guided by these Standing Orders which we are going to adopt here.

As far as Members are concerned 90 percent of us are going to come back and it is very helpful. It contains numerous avenues where in the past we were not in a good position to exploit because we did not have such nice Standing Orders as the ones we have amended. I do pray that we come back in full 100 percent so that we enjoy the amendments made here. Thank you Mr. Speaker, Sir.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Hon. Kahindi): In the absence of any other business, this House is now adjourned *Sine Die*. Thank you.

The House rose at 3:00 p.m.