



REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI
THIRD ASSEMBLY-SECOND SESSION

THE HANSARD

SPECIAL SITTING

Thursday, 6th July 2023

*The House met at the County Assembly Chamber,
Malindi Town, at 9:30 a.m.*

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

PRAYER

PAPERS LAID

**TABLING OF THE PROPOSED MSABAHA SQUATTER FORMALIZATION
SCHEME-REF NO.139/K LF/1/2021**

Hon. Tete: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table: -
The Proposed Msabaha Squatter Formalization Scheme- reference No. 139/KLF/1/2021.
Thank you.

(Hon. Tete laid the document on the Table)

The Speaker (Hon. Mwambire): Okay, that document will be taken to the Committee on
Lands for consideration. Next!

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REPORT OF THE COMMITTEE ON WATER, ENVIRONMENT AND NATURAL RESOURCES ON THE
KILIFI COUNTY CLIMATE CHANGE (AMENDMENT) BILL, 2023

Hon. Ngirani: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table: -

The Report of the Committee on Water, Environment and Natural Resources on the Kilifi County Climate Change (Amendment) Bill, 2023.

(Hon. Ngirani laid the document on the Table)

PROCEDURAL MOTION

STAGES OF THE KILIFI COUNTY CLIMATE CHANGE AMENDMENT BILL, 2023

Hon. Ngirani: Thank you, Mr. Speaker. I beg to move the following Motion: -

THAT, notwithstanding the provisions of Standing Order 117 of the Kilifi County Assembly Standing Orders, I move that, more than one stage of the Kilifi County Climate Change (Amendment) Bill 2023 be taken in this Sitting.

I call upon hon. Tete to second. Thank you.

Hon. Tete: Thank you, Mr. Speaker, I stand to second.

(Question proposed)

The Speaker (Hon. Mwambire): Chairperson for Water Committee, kindly give us clarity on the issues on the said Bill.

Hon. Ngirani: Mr. Speaker, I wish to inform the House that this Motion is very important because we are behind time schedule for the Climate Change Bill and that was supposed to be done before uploading of this budget. Because of time, I would like this House to consider the said Bill so that we support this Motion, and we have the Second and the Third Readings today. Thank you.

(Question put and agreed to)

BILL

First Reading

THE KILIFI COUNTY CLIMATE CHANGE (AMENDMENT) BILL, 2023

(Orders for First Reading read-Read the First Time - Ordered to be read Second Time today by leave of the House)

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BILL*Second Reading*

THE KILIFI COUNTY CLIMATE CHANGE (AMENDMENT) BILL, 2023

(By Leave of the House)

Hon. Ngirani: Thank you, Mr. Speaker, Sir. I beg to move that the Kilifi County Climate Change (Amendment) Bill, 2023 be read a Second Time. Before I call my seconder, I wish to make my submissions.

Mr. Speaker, in this Climate Change Bill, as a committee, we did some amendments after the first Report we brought to the Assembly. We had a memorandum from Nature Kenya that proposed that the qualifications for the youth be reduced from seven years to two years and the reason was two years for a youth is the best experience because seven years for a graduate with 24 years and the youth bracket is below 35 years; that will be difficult.

Two, they wanted incorporation of the CBO (Community Based Organization) and the CSO (Civil Society Organization) in those steering, planning and ward planning committees.

Another change for the Bill, we understand we passed the budget and the grant that was supposed to be given to all the County Assemblies, there was a need to have two per cent of the total development budget to be considered in the annual budget. From the previous parent Act, it was 0.5 per cent to two per cent so we corrected that. This Bill is of importance for the climate change of this County. Therefore, I call upon hon. Thomas Chengo (Mumba) to Second. Thank you.

The Leader of Minority (Hon. Mumba): Thank you, Mr. Speaker. I rise to second.

(Question proposed)

The Speaker (Hon. Mwambire): Any Member with contributions, please, this is the time. Yes, hon. Mumba.

The Leader of Minority (Hon. Mumba): Thank you, Mr. Speaker, for this opportunity. Today, the 6th of July, I want to declare that it is my birthday. So, I thank God for this far he has brought me, and I believe there are so many more coming and with that, I do not have anything to offer today but only the contribution that I will submit before this House. So, if you are expecting a cake, I am sorry.

Mr. Speaker, today is very momentous to us and to the whole world and indeed these are things which are attributable to human activities. I know God created this world very well with good intentions with good plans but again, we human beings came in and God had prepared a very nice place for us to dwell, but our own activities led to this mess we are in today. God again gave us the wisdom and the minds to use in such times and that is why we are here today to address the same problems that we have created. By saying so, I believe this is a learning lesson and our life patterns will change henceforth so that the issue of climate change will not have great impacts on us as it is now.

Mr. Speaker, before us is an Amendment Bill and as the Chairperson has illustrated before this House, I also rise to urge Members that actually we need to do these amendments.

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They were necessitated by even the funding itself. The impact that is there can only be addressed if you are going to allocate reasonable amounts of money to this fund that is why what has been allocated then was not enough. So, with that now, the committee through the wisdom of the Chairperson was guided to raise the amount and that is why we are here today looking at the objects of this Act. Indeed, we are moving in the right direction, though behind schedule but I believe with the good intentions that are there, we are going to bring change to our people and again there will be a smile on the faces of our people.

Mr. Speaker, I do not want to labour much because I said it is my day today and I wish to reserve my energy for other things. No cake but the other things I need to do to commemorate this very day. I stand to second. Thank you.

The Speaker (Hon. Mwambire): Hon. Thomas Chengo (Mumba) the dignified Member for Tezo, you are not again seconding but you are supporting. Okay, congratulations for the additional year and I wish you all the best. We know you have already curtailed Members from eating a cake but unfortunately, you did not know where you are making those directions because these are Members who used that cake which does not need any other weapon but their hands which is made of maize flour, water, and heat over 100 degrees. So, I do not think you can deter them like hon. Shehe from taking that kind of cake. It will be taken, do not worry. So, happy birthday, brother, and good friend hon. Chengo Mumba for the age adjustment. May God take extra care of you. Hon. Shehe.

Hon. Shehe: Thank you, Mr. Speaker, Sir. I rise to support the good work of the Chairperson of this committee and the rest of the Members.

One clarification from hon. Chengo Mumba; he has consistently said that he needs the rest of the time to have enough energy to articulate the day's performance and that he is not very fast in elaborating on our issues today. I do not know whether he can elaborate on what type of energy that he is requesting from you? Thank you.

The Speaker (Hon. Mwambire): Probably he will be taking wine, do not worry.

(Laughter)

The Speaker (Hon. Mwambire): Okay, another Member, please. Any other contribution Members? Or we close that chapter of the Second Reading, I am not seeing you. Hon. Mwambire from Bamba (Mohamed).

Hon. Mohamed: Yes, Mr. Speaker...

The Speaker (Hon. Mwambire): But you call yourself Mohamed.

Hon. Mohamed: Yes, I use Mohamed; Mwambire we are many including you. So maybe they might confuse me.

The Speaker (Hon. Mwambire): Okay, proceed.

Hon. Mohamed: Thank you, Mr. Speaker, for giving me this opportunity. First and foremost, I would like to thank the almighty God for giving us this opportunity to meet again. I also wish to take this opportunity to say happy birthday to our Leader of Minority and we wish you all the best.

I stand to support the amendment of the Bill because as elaborated by our able Minority Leader, climate change has really affected us by now in mitigating already the effects of the change. We need such amendments including the increase of the share of the amount to be used in this and as said by the Chairperson, it is difficult for a youth with seven years experience for a

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youth to be a member. So, I stand to support the amendments and I urge hon. Members to support the amendment so that we can actually pass and deal with climate mitigation properly. Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): The window is still open for observations and suggestions. Hon. Tatu.

Hon. (Ms.) Tatu: Asante sana, Bw. Spika. Kwanza, nachukua fursa hii kumshukuru Mwenyezi Mungu kwa kutufikisha hapa salama salmin. Pia, ningetaka kumtakia heri ya kuzaliwa mheshimiwa *Minority*; Mwenyezi Mungu amjalie kila la heri na mafanikio na furaha tele.

Mimi naunga mkono Ripoti hii kwa sababu hii sheria ilikuweco na ilipokuwa, ilikuwa iko katika hii pesa ya *development*. Pesa ya maendeleo ilikuwa katika asilimia 0.5 ila ikatulazimu tuibadilishe kwa sababu kuna ufadhili. Ikatulazimu tuibadilishe ifike asilimia mbili, kwa kimombo ni “*two percent*” kwa hivyo, nawaomba waheshimiwa wenzangu tuiunge mkono Ripoti hii ili tuweze kunufaika katika hii Kaunti yetu. Asante sana, Bw. Spika.

The Speaker (Hon. Mwambire): Tuwezekunufaika kwakupata washikadau wengine ama? Asante, hakuna shida.

Hon. Ziro: Asante sana, Bw. Spika. Nimesimama kuunga mkono marekebisho ya *Bill* na manufaa yake ni mengi. Kama tunavyoona ndani ya Kaunti yetu, kuna hili janga la *climate change* na nina imani tukikubali haya marekebisho kuna michango ambayo ni ya wafadhili walioamua kutuunga mkono ili kutusaidia katika mkakati ya kurekebisha Kilifi Kaunti. Nimesimama kuunga mkono. Pia naona Bunge limenyamaza sana, tuongee haraka haraka tumalize ili hii *Bill* ipite na tumpe mheshimiwa Ngirani shukurani zake.

Hon. (Ms.) Mariam: Asante sana, Bw. Spika, kwa fursa hii. Nampongeza Kiongozi wa Walio Wachache Bungeni na kumtakia kila la heri na maisha marefu zaidi ili atumikie wananchi. Mimi nasimama kuunga mkono mabadiliko ya hii sheria ya kuhusiana na *climate change* kuna watu wamesimama wakasema *climate change* lakini ni tabia nchi.

Hii imeathiri sana ulimwengu mzima, sio Kenya wala Kilifi Kaunti pekee na kwa sababu ya hiyo athari ilivyo kubwa ni vizuri kuongezea ule mgao kwa sababu katika kuleta marekebisho lazima tutumie fedha. Kwa hivyo, nadhani Kamati ilikuwa sawa kuongeza kile kiwango kutoka asilimia 0.5 hadi mbili maana tutahitaji fedha zaidi katika kupambana na zile athari za hiyo tabia nchi.

Lengine ni kwamba tulipoanza, athari zilikuwa ni chache tukilinganisha na vile tunavyoendelea katika hii Kaunti; hiyo ndio sababu moja iliyofanya nisimame kuunga mkono hiyo *Bill*. Tabia nchi imeathiri sana na pia inachangia baa la njaa na ikiwa kama Kilifi ni tupate chakula ili kupunguza athari ya njaa, basi hii sheria itasaidia kuzalisha chakula ndani ya Kaunti. Kwa hayo, naunga mkono.

Hon. (Ms.) Faith: Thank you, Mr. Speaker. I am in full support of the amendment of the Climate Change Bill and from the look of things everybody is in agreement. So, I am calling upon you, Speaker, to call the Mover to respond.

Hon. Kea: Asante sana, Spika. Nataka kuelekeza kongole zangu kwa ndugu yangu mheshimiwa Mumba ambaye ameongeza mwaka mmoja lakini ningetaka kumkumbusha kwamba anapongeza kule kwingine kwapungua; sasa sijui niendeleo kumpongeza ama nifanyeje?

Nataka kuunga mkono *Bill* hii ya kufanya mageuzi ya *climate change*. Dunia inaenda mbio, haijasimama tangu iumbwe na kila wakati kunakuwa na mgeuko wa mambo na sisi kama

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Kilifi Kaunti hatujaachwa nje. Kaunti yetu pia imeathirika katika mageuzi haya ya hali ya anga. Kwa hivyo, kubadilishwa kwa huu Mswada wetu ili uwe mzuri imekuja kwa wakati ufaao kwa sababu ni juzi tu tulishuhudia janga kubwa la ukame hadi tukawa tunafikiria kutakuwaje, lakini Mungu alisikia maombi yetu na akageuza sasa tumekuwa na mvua kwa muda mrefu. Na hiyo haitafanyika kama yale yote tuliyoyafanya kwa miaka mingi hayatageuka ili kuenda sambamba na ugeukaji wa hali ya hewa.

Nataka kuwapa kongole Mwenyekiti na Kamati nzima iliyohusika kukaa na kufanya hii kazi ya mabadiliko ili tuweze kwenda sambamba. Kuna tukio la kihistoria lililofanyika juzi, kwamba jua limeenda mbali sana na dunia kwa hivyo tutashuhudia muda mrefu wa baridi na hii haijafanyika kwa muda mrefu. Ninaunga mkono asilimiamia ili tuende sawasawa na majira. Naunga mkono.

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

Hon. Ngirani: Thank you, Mr. Speaker. My gratitude to my hon. Members for allowing this Bill to go through for the Second Reading.

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

(Order for committee read)

[The Speaker (Hon. Mwambire) left the chair]

IN THE COMMITTEE

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

THE KILIFI COUNTY CLIMATE CHANGE AMENDMENT BILL, 2023

The Chairperson (Hon. Kombo): Hon. Members, welcome to the Committee of the Whole House. We are considering the Kilifi County Climate Change Amendment Bill, 2023. The rules are now relaxed, and Members can contribute with ease.

(Clause 3 agreed to)

Clause 4

Hon. Ngirani: Hon. Chairperson, I beg to move: -

THAT, Clause 4 be amended by:

- i. Repealing Section 7 (1) (f) (i) of the Amendment Bill to read, "Either, Public Benefit Organizations or Community Based Organizations or Civil Society Organization active on matters climate change within the county.

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- ii. Repealing Section 7(1) (ii) and (iv) of the Amendment Bill to come from faith-based organizations.
- iii. Clause 4 (3) (c) to read, “Has relevant experience in any aspect of environment management, climate change or related field for at least five years; and two years for youth.

(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 4 as amended agreed to)

(Clause 5 agreed to)

Clause 6

Hon. Ngirani: Hon. Chairperson, I beg to move: -

THAT Clause 6 be amended by:

- i. Repealing Section 18 (1) (f) (i) of the Amendment Bill to read “Either, Public Benefit Organizations or Community Based Organizations or Civil Society Organization active on matters climate change within the county.
- ii. Repealing Section 18 (4) of the Amendment Bill to read “Not more than two-thirds of the membership shall belong to the same gender and the governor shall take this into consideration when appointing members under section 1 (f).

(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 6 as amended agreed to)

Clause 7

Hon. Ngirani: Hon. Chairperson, I beg to move: -

THAT Clause 7 be amended by repealing Section 20 (a) (i)(a) of the Amendment Bill to read, “Provide guidance in the development and implementation of carbon markets and non-carbon market approaches in compliance with existing law; and”

(Question of the amendment proposed)

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

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

(Clause 7 as amended agreed to)

(Clauses 8 to 23 agreed to)

New Clause 9A

Hon. Ngirani: Hon. Chairperson, I beg to move: -

THAT, Clause 4 be amended by immediately after Clause 9 to amend section 34 (c) (ii) of the principal Act to include the word “biodiversity safeguards” to read “Mainstream Climate Change and biodiversity safeguards into county development plans, programs, strategies and projects.”

(Question of the New Clause proposed)

(New Clause read the First Time)

(Question, that the New Clause be read a Second Time, proposed)

(Question, that the New Clause be read a Second Time, put and agreed to)

(The new Clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

(Clause 2 agreed to)

(The Long Title agreed to)

Clause 1 (Short Title and Commencement)

Hon. Ngirani: Hon. Chairperson, I beg to move: -

THAT, Clause 4 be amended by reading as follows, “The Act may be cited to read as the Kilifi County Climate Change (Amendment) Act, 2023 and shall come into operation upon the assent by the Governor.”

(Question of the amendment proposed)

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

(Clause 1 (Short Title and Commencement) as amended agreed to)

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Hon. Ngirani: Hon. Chairperson, I beg to move that the Committee do report to the House its consideration of the Kilifi County Climate Change Amendment Bill, 2023 and its approval thereof with amendments. Thank you, Chairperson.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

THE KILIFI COUNTY CLIMATE CHANGE AMENDMENT BILL, 2023

Hon. Kombo: Hon. Speaker, I beg to Report that the Committee of the Whole House has considered the Kilifi County Climate Change (Amendment) Bill, 2023 and approved the same with amendments. Thank you.

Hon. Ngirani: Thank you, Mr. Speaker, Sir. I beg to move that the House do agree with the Committee on the said Report. I call hon. Mumba to second.

(Hon. Mumba seconded)

(Question proposed)

(Question put and agreed to)

THIRD READING

Hon. Ngirani: Thank you, Mr. Speaker, Sir. I beg to Move that the Kilifi County Climate Change (Amendment) Bill, 2023 be read a Third Time. I call upon hon. Tete to second.

Hon. Tete: Thank you, Mr. Speaker, I stand to second.

(Question proposed)

Hon. Shehe: Thank you, Mr. Speaker, Sir. I stand to make a small notification. This is a very important step that the Chairperson and the committee have taken. We have noted that we have excessive rain, and this is not that it has come un-prepared. People have noticed how our climate change has treated our crops. For instance, many people got a lot of maize planting but there is not a single day where maize at this stage is the change we needed this time. This will also make investors come to our county on the financial part of it. I stand to support. Thank you.

The Speaker (Hon. Mwambire): Hon. Shehe is putting a very alarming statement. When hon. Mumba was declaring he was having a birthday, he said he will not be having cake and hon. Shehe is alluding that there might be no money. Okay, I have not checked on that, but Members

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will have to check. This is a very serious observation which we need to look at. Any other Member who needs to make his submission? Allow me to put the question then.

(Question put and agreed to)

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

ADJOURNMENT

The Speaker (Hon. Mwambire): Hon. Members, we have come to the end of the session as gazzeted. We are going back to our respective areas until another Special Sitting or any communication as you already know the position. Thank you for according to us the time for this Special Sitting. May God bless you.

The House rose at 10:20 a.m.

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