



## REPUBLIC OF KENYA

### COUNTY ASSEMBLY OF KILIFI

#### SECOND ASSEMBLY –FOURTH SESSION

## THE HANSARD

Tuesday, 17<sup>th</sup> March 2020

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

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

### PRAYERS

### STATEMENTS

#### STALLED CHIKAHI-KAHI FISH PONDS IN MWAWESA WARD

**Hon. (Ms.) Carol:** Thank you Mr. Speaker. I have a Statement to the CECM in charge of Agriculture, Livestock and Fisheries through the Chairperson; Agriculture, Livestock and Fisheries committee on Chikahi-Kahi fish ponds in Mwawesa Ward.

Whether the CECM in charge of the Department of Agriculture, Livestock and Fisheries is aware that Chikahi-Kahi fish ponds project for financial year 2016/2017 are yet to be completed four years down the line.

Whether the CECM is aware that the delay in completion of the project has affected eight women groups whose livelihoods depend in the project.

If yes, why the continued delay in completion and how much has been paid to date and what measures is the CECM putting in place to ensure completion of the project and its subsequent handing over?

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## INCOMPLETE MWAWESA CATTLE DIP IN MWAWESA WARD

**Hon. (Ms.) Carol:** I also have another Statement to the same department of Agriculture, Livestock and Fisheries in regard to the Mwawesa Cattle dip.

Whether the CECM Agriculture, Livestock and Fisheries is aware that Mwawesa cattle dip a project for the financial year 2014/2015 is yet to be completed?

If yes, why has the project not been completed five years down the line? Who was the contractor of the project? And how much money has been paid to date? What action is the CECM taking to ensure completion of the project so as to benefit the great people of Mwawesa?

## IMPASSABLE MWAWESA-CHONYI-CHIFERI-BWAGAMOYO ROAD IN MWAWESA WARD

**Hon. (Ms.) Carol:** I also have another Statement. This is to the Department of Roads, Transport and Public works through the Chairperson, Transport and Public Works Committee on Mwawesa-Chonyi-Chiferi-Bwagamoyo road.

Whether the CECM in charge of Roads is aware that Mwawesa-Chonyi-Chiferi-Bwagamoyo road is impassable and has affected transportation of people, goods and services including foodstuffs to school, water boozers and agricultural produce from the area.

Whether he is aware that this is a major road that connects Mwawesa to Mwakirunge road in Mombasa County.

Whether he is further aware that the county grader assigned to the Rabai sub county is currently not operational and that it has never done any roadwork in Mwawesa Ward for the past three years now.

If yes, what measures is the CECM putting in place to ensure that the situation is rectified in time to enhance the movement of people and goods in that area?

## INCOMPLETE CHANG'OMBE DIP, MIKAHANI, CHONYI, BWAGAMOYO AND KANYUMBUNI BOREHOLE PROJECTS

**Hon. (Ms.) Carol:** To my last Statement Mr. Speaker, Sir, to the Department of Water, Environment, Forestry, Natural Resources and Solid Waste Management through the Chairperson.

Whether the CECM in charge of Water, Environment, Forestry, Natural Resources and Solid Waste Management is aware that Chang'ombe dip, Mikahani, Chonyi, Bwagamoyo and Kanyumbuni borehole projects for the financial year 2017/2018 are yet to be completed.

Whether the CECM is aware that the contractors who were awarded the contract on casing and equipping of the boreholes have been waiting for the County Government to compete the drilling process for them to do the casing and equipping.

If yes, why has the drilling process been delayed for over three years now and what measures is the CECM putting in place to ensure the projects are complete? Thank you Mr. Speaker, Sir.

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## MOTION

### THE KILIFI COUNTY MICROFINANCE (MBEGU ) FUND REGULATIONS, 2019

**Hon. Jana:** Mr. Speaker, Sir, I beg to move a Motion that this House adopts the Report of the Sectoral committee on Delegated County Legislation on the Kilifi County Microfinance (Mbegu) Fund Regulations, 2019 laid on the Table of this House on 16<sup>th</sup> March 2020. Before I call upon hon. (Ms.) Nuzla, I would like to make my submission.

The Committee considered the regulations and found that regulation (e) on a loan application for sole and cooperative firms in the first .....Attached to the regulations and declaration (e) of the form (b) loan application for groups of the first .....contradicted declaration 1 on fee charges of advanced loans.

The committee after consultations with the relevant department recommends that this House ....

*(Hon. Kenga stood on a Point of Order)*

**Hon. Kenga:** Mr. Speaker, I am worried. The Order Paper that I have for the business today does not have Order number 8. I am not sure about my friends; even hon. (Ms.) Koki is having the same problem.

*(Hon. Ziro stood on a Point of Order)*

**Hon. Ziro:** Thank you Mr. Speaker. The day before yesterday when the President was about to give the official announcement about the corona virus, he drove a vehicle that the plate number was upside down and that was a sign of something. Now we are seeing the Deputy Speaker dressed in a manner that is upside down. I do not know whether he is imitating the President or there is any sign he is giving to this House.

**Hon. Kenga:** Mr. Speaker, infact I had initially explained to him when I came to this House because he had said he was going to rise on a Point of Order in the way I am dressed and I told him that ....

*(Loud Consultations)*

But I told him we should also be live to the fact that as a country we are faced with the corona virus and therefore if it warranted the President's plate numbers being upside down ...you see, it is not a full suit as ...

*(Laughter)*

**Hon. Jana:** Therefore Mr. Speaker, I urge this hon. House to adopt the Report so that ...

*(Loud Consultations)*

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**Hon. Mwarandu:** Actually Mr. Speaker, I have a statement on matters of dress code. Maybe the House should come up with a dressing code then it has to be defined. When you look at some of us especially the Member for Sabaki Ward hon. Dele, yesterday we said that we should come with a tie not even a bow tie but the hon. Member does not even have a tie.

**Hon. Koki:** I also want to give my opinion about how hon. Deputy Speaker is dressed. He is dressed very well. Mheshimiwa, that is a broken suit and he is looking on point; that is very good.

**Hon. Ziro:** Thank you, Mr. Speaker. I think I have been thrown out of this House for dressing like that and he did it like that the other day. He is the one who threw me out of this House, but now how do you throw me outside of the House and you make the same mistake and he is a senior Member of this House? I think you throw him out so that he can know the law cuts both sides. Even hon. Dele has no tie.

**Hon. Kenga:** Mr. Speaker, I want to be very categorical on this issue, that during the last session when you were not present when I was chairing the plenary; he was in and he had not tucked in and the Point of Order was raised by hon. (Ms.) Saumu Sidi Julius. I ordered that he gets out to dress properly then return and he decided to shout off and never returned; that was one. Two, because the information he is giving is false we can go to the HANSARD. I was here and he did it and it was on a Point of Order that was raised by the hon. Member. He must apologize and withdraw. We cannot take the Office of the hon. Speaker lightly; we are hon. Members who are supposed to be led by Standing Orders of this assembly and that is what I did in practice.

**Hon. Ziro:** I think that is why we are taking the seat of the hon. Speaker with a lot of weight because of how he is dressed. Thank you.

*(Hon. Hassan stood on a Point of Order)*

**Hon. Hassan:** Asante sana Mheshimwa Spika. Haingekuwa vyema Mheshimiwa wa kutoka Garashi akupeleke vile anavyotaka. Nafikiri huchukui maagizo kutoka kwa mtu yoyote. Asante.

*(Hon. (Ms.) Carol stood on a Point of Order)*

**Hon. (Ms.) Carol:** Thank you. Mine is in regards to the Motion by hon. Jana Tsuma Jana. He was reading his Motion and throughout his reading, there were a lot of interruptions. If he could repeat, Mr. Speaker. This is a Motion he has to convince us so that we can adopt. Thank you.

**Hon. Jana:** Mimi kama nilivyosoma sheria tulifundishwa kuweka *notes* kidogo. Pengine nilipokuwa nasoma hakuelewa labda alikuwa amelala. Asante Spika.

**The Speaker (Hon. Kahindi):** Let me give directions because I see you are getting things wrong in every manner. One; read the Standing Orders, you are not supposed to be reading a Statement when you are making your submissions, and you see when you are sitting here you have to be prompted by a Member who raises a Point of Order. As a Speaker, at times I am limited. In fact, I cannot see you are not properly dressed if one Member does not raise it passes on. Hon. Jana I saw you read a piece of paper. You are not supposed to do that. This is a House of debate.

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Number two, when you first took Oath of Office, I think the manner of dressing was made clear to you. Hon. Dele, I know these ties become difficult for you to wear. Let us take matters seriously. You must treat the assembly with the much respect it deserves.

On the issue of hon. Kenga, let me advice you hon. Ziro. When I am not present here anybody who sits here in the capacity of a Chairperson has the powers to exercise as provided by the Standing Orders. Hon. Kenga cannot sit here and throw you out; if you feel offended and you walk out you only ashame yourself. That is why sometimes I leave it to you to continue exhibiting your ignorance because at one point in time somebody will be looking and asking is this the person I elected to go to parliament?

Hon. Dele there is no explanation of you having a medical condition on your neck. If that exists then it has to be reported; if it is not reported it does not exist but you are presumed to know the law and that is why you are here. If you continue narrating the law at some point you feel that you are irritated we would...if a Member says you are improperly dressed, we will send you out but do you know what that proves; you are only packaging your ignorance. Then one day when mzalendo.com is going to compute your contribution to the Assembly, you will be rated as the person who could not dress up properly and could not understand the Standing Order after having being elected. It's building your character.

Hon. Dele, a point of Order has been raised that you are not properly dressed. I found that it is true you are not properly dressed. Please go out and get a tie. If you have any medical condition, we will excuse you; if you have Corona God forbid. Let us register it but hon. Mwarandu is right. Hon. Mumba was better yesterday at least he had something on. You have nothing all together. You are urging that you have a medical condition which is not known to me or the Office of the Clerk. I am sure you can get a tie around. You are a senior Member and you have sat with me making the Standing Order in the Procedure and Rules Committee in 2013.

**Hon. Dele:** I do agree that I did not come to your office to let you know that I may not put on a tie; that is the mistake I made. Since I am a senior Member, I know I should put on a tie but due to the doctor's advice, I am not able to wear one. I was advised to let fresh air circulate. I will not go into details because that is my personal life. I beg please allow me to sit until we finish with today's business then I will come to your office to elaborate further.

**The Speaker** (Hon. Kahindi): Yes hon. Mwarandu.

**Hon. Mwarandu:** Mr. Speaker, the Principle of Law is that "he who alleges must proof" and Standing Order number 7 says so. Someone cannot come here and purport to be sick and he does not prove to be sick. This is a House of rules and procedures and we should not take it lightly.

**Hon. Dele:** Hon. Speaker, allow me to communicate...

**The Speaker** (Hon. Kahindi): No hon. Dele. You are out of order. Compliance with the rule does not mean a senior or junior Member. I was going to excuse you but now you should go get a tie. The rules have to be followed...

*(Hon. Dele spoke off record)*

Back to business, yes hon. Kenga.

**Hon. Kenga:** When the Member of Garashi alleges that I threw him out of the Chamber because he was properly dressed, I can confirm that he was not and that I had to ask him to go and dress properly before coming back. He must take responsibility of the statement he made by

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withdrawing it and apologizing. What does that show by alleging that the Speaker threw him out while properly dressed?

**The Speaker** (Hon. Kahindi): I totally concur with the Deputy Speaker. He represents my office in my absence. I would have done the same. I want to explain to you hon. Ziro that, as I sit here if you are properly dressed, I cannot throw you out. It is your fellow Members who can rise on a Point of Order and notify the Speaker. Once that has been raised the person presiding over will do an assessment of what is required. I would not want us to go back to the HANSARD and pull it. Do you feel that you were improperly thrown out? Who raised the Point of Order? How was he dressed?

**Hon. (Ms.) Sidi:** Thank you Mr. Speaker. I stand to prove the point that is being talked about; he was not parliamentary dressed.

**The Speaker** (Hon. Kahindi): So why should we have a debate over that. Let us be wise. We are not here to settle scores no...

**Hon. Ziro:** Mheshimiwa Kenga hakunielewa. Wacha nieleze kwa Kiswahili aelewe. Alinitoa nje kwa sababu sikuwa nimevaa vizuri. Leo pia yeye hakuvaa vizuri. Sikusema nilikuwa nimevaa vizuri na akanitoa; hapo ndio anakosea. Yeye anajaribu kukushawishi ukubaliana naye. Kama ni sawa kuja hapa na *broken suit* utwambie ni sawa.

**The Speaker** (Hon. Kahindi): Have you read the Standing Orders and the Speakers rules? I do not want us to turn this debate into a lecture. What is wrong with what hon. Kenga is putting on?

**Hon. (Ms.) Scholastica:** If I am not wrong that day he was on a Khaki or jeans trousers and I do not know whether that is allowed.

**Hon. Pascal:** We are consuming time for nothing because on that day I was here and he proved that hon. Ziro was not properly dressed. We can see he is comparing with how he was dressed that day with what the Deputy Speaker is dressed up today but he is orderly dressed, so what is the big issue? Thank you.

**Hon. Gogo:** Nimemuelewa vizuri Mheshimiwa wa Garashi. Mimi pia nitamuunga mkono mahali kidogo. Siku nyengine nilivaa kama alivyovaa Naibu wa Spika na *Serjeants* wakaniambia kule nje sijavaa vizuri. Jambo la Mheshimiwa wa Sabaki nafikiri ameingia ndani ya Bunge mmoja wa *serjeants* amembebea koti kwa hivyo angejua amevaa makosa nadhani huyo *serjeant* angekuwa amemwambia hakuvaa inavyostahili lakini akamruhusu akaingia ndani na wengine wakionekana wako vile wanazuiliwa nje. Kuna swala ameongea mheshimiwa wa Garashi akauliza hii sheria kuna wabunge wengine ambao hizi sheria hawafwati ama ni zetu sote? Tuambiwe ndio tujue *broken suit* ni sawasawa; tutakubali.

**The Speaker** (Hon. Kahindi): Let me just make a final determination. Whose responsibility is it? How you are supposed to be dressed up? Why are we blaming the Serjeant-At-Arms? Did you know how you are supposed to dress up? You were given the Speaker's rules when you came here. You were given the Standing Orders. It is not the responsibility of the Speaker or the Serjeant-At-Arms, it is about you. Take responsibility of yourself.

**Hon. Chiriba:** Mheshimiwa Spika tutaenda mbali na huu mjadala lakini lile ambalo lingekuja tu wazi ni moja tu kwamba kuvaa kama mheshimiwa Kenga alivyovaa inaruhusiwa. Ikiwa tu hivyo hakuna mjadala wa kuzidi.

**The Speaker** (Hon. Kahindi): The Speakers rules say you must be in a suit...

*(Loud consultations)*

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This matter rests now. I will ask that each Member be given a copy of the Speaker's rules. We will not seat here wasting a whole hour debating how you are supposed to be dressed. We have a lot of Business to transact. Can we just rest this matter? We are not spending one more minute discussing how we are supposed to dress. We are responsible Members. I will not turn this into a lecture where I am teaching Members how to dress. We had induction in the first month when you became an MCA. So if you are here serving your term and you do not even know how to dress, it is going on record that you do not know how to dress. Can we now proceed? Who is seconding the Motion?

**Hon. Mwarandu:** The hon. Member for Mwawesa Ward...

**The Speaker** (Hon. Kahindi): I had just corrected hon. Jana. Hon. Jana, what you are allowed to read is the Motion as printed. Your opening speech should not be written. I have what you have simply done; your presentation was written. You are not allowed to. So can you kindly take that because clearly there were a lot of interruptions probably people did not even pay attention to what you were saying. You can do it now or at the closure. You do not have to make your opening statement now. Which way do you want to go?

**Hon. Jana:** Wacha nieleze kidogo kabla ya mheshimiwa Nuzla kumpa nafasi.

**The Speaker** (Hon. Kahindi): Now let us start afresh. You have started in Swahili, please proceed in swahili.

**Hon. Jana:** Bw. Spika sheria hii ya *Mbegu Fund* ni muhimu sana katika Jimbo letu la Kilifi. Tuliweza kukaa na kuangalia mambo ambayo yalikuwa yanakinzana na nafikiri kwa *pigeon* pale kunazo nakala zote japo pengine *serjeants* wetu hawakupata nafasi ya kuzigawanya kabla ya mjadala huu kuwa wazi. Basi kulingana na zile sheria kwa sababu tuliona kwamba kuna sheria moja ilikuwa inasema mtu akiomba mkopo aweze kukatwa; sheria moja ilikuwa inasema kima kidogo na nyengine ikawa inasema kima kikubwa. Ndio maana tukakutana na Idara na tukarekebisha hilo tatizo na sasa hivi sheria hiyo iko sawasawa ili kusudi wakaazi wetu wa Kaunti ya Kilifi wapate hii mikopo ambayo imefanya vijana na kina mama wetu waweza kujiendeleza kikamilifu na kuboresha biashara zao. Kwa hayo machache wacha nimsimamishe naibu wangu mheshimiwa Nuzla aunge mkono.

*(Question proposed)*

**Hon.(Ms.) Nuzla:** Asante Mheshimiwa Spika kwa kunipa nafasi hii. Natoa shukrani zangu kwa Kamati ya *Delegated* ikiongozwa na babalao Jana Jana; tulibarikiwa na Mwenyekiti mchapa kazi. Kamati ilikaa chini na kuona haja ya kuwa na sheria maalumu juu ya hii *Mbegu Fund*; vijana wanapewa pesa lakini hakuna sheria za kuwashika. Sheria ya kwanza ilisema ukichukua mkopo laki moja utakatwa asilimia 8 na sheria nyingine ilisema ukichukua mkopo wa laki moja utakatwa asilimia 4; hizo sheria nyingi zilikuwa zinakanganya. Sisi kama kamati tulirekebisha hilo kupitia *Executive* na vijana wengi wamesaidika kutokana kwa hizi pesa. Kuna asilimia fulani ya vijana katika hii Kaunti walioingia katika dawa za kulevya lakini tunashukuru vijana wengi walinusurika kupitia *Mbegu Fund*. Kwa sasa pesa ni kidogo na haviwezi kufikia makundi yote ya vijana yaliyoko ndani ya Kaunti lakini tukiendelea namna hii vijana wote watanufaika. Sitakuwa na mengi kwa sababu mengi....

**The Speaker** (Hon. Kahindi): Hon. Gogo, you have a Point of Order.

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**Hon. Gogo:** Mheshimiwa anayeongea amesema kwamba kulikuwa na sheria mbili ambazo zinakinzana; moja ni ya asilimia 8 nyingine asilimia 4 lakini hakutuambia kwamba walikubaliana asilimia gani. Naomba athibitisha maneno yake.

**Hon.(Ms.) Nuzla:** Kama kamati tulionelea asilimia 8 ni kiwango cha juu tukikumbuka kwamba vijana wetu wanatafuta hizi pesa wengi kuanzisha biashara hawataweza kukatwa pesa nyingi, tukaamua kuweka asilimia nne. Mwenyekiti wangu ameongea mengi. Mimi kama Naibu wake nawaomba waheshimiwa wenzangu tuunge mkono hii sheria na tuiptishe ili vijana wetu wasaidike.

**Hon. Kenga:** Nashukuru kamati inayoongozwa na Mheshimiwa Jana Tsuma Jana kwa kazi njema waliyofanya. Wamefanyia sheria hii ukarabati na kuboresha huduma zinazopatikana katika hazina hii. Ninazungumza kwa Lugha ya Kiswahili kwa sababu nimelenga Mheshimiwa wa Garashi anielewe kikamilifi kwa sababu haijakuwa rahisi kwake ...

**The Speaker** (Hon. Kahindi): Can you tell us what is happening?

*(Hon. Ziro spoke off record)*

**The Speaker** (Hon. Kahindi): We have just ended one circus between the two of you. Can you just cool it down?

**Hon. Kenga:** Shukrani sana Mheshimiwa Spika. Sijasema kwamba nitawania kiti cha ubunge cha Magharini, na hata iendepo nitafikia kiwango cha kiwania, kura yake moja haiwezi kunizuia kutopata ubunge. Niko na ushawishi wa hata kushawishi mke wake ili aweze kunipigia kura.

*(Laughter)*

Niko na sababu kwa nini natumia hii lugha. Nalenga watu fulani ili waelewe na iwapo hatutaelewa hapa itakuwa vigumu.

Tayari kuna malalamishi kwamba vijana wengi hawana habari ya maswali ya hii *Mbegu Fund*; ni muhimu tuelewe ndio maana nasisitiza. Kama umemsikia Mhe. Ziro wakati tulipokuwa na ule mjadala mwingine alisema alitolewa bunge akiwa amevaa kama nilivyovaa. Ndio akauliza mbona mimi nibaki na yeye atoke? Nitaendelea kumueleza kama mwanafunzi. Kamati iliona pesa nyingi zinabaki katika upande wa usimamizi wakaamua ni vizuri wapunguze kiwango cha asilimia ili vijana wabaki na pesa nyingi. Wengi wamelia kuhusu ajira, idadi kubwa ya vijana na kina mama na watu wanaoishi na ulemavu katika Kaunti wanakosa nafasi katika kujiendeleza katika ajira nafasi ipo kupitia hazina ya *Mbegu Fund* waingie katika mikopo na miradi ya kujiendeleza. Watu wanaishi maisha ya hali ya chini juu ya kukosa mapato ya kukimu maisha; wanapata changamoto katika kusomesha watoto vizuri na kupata matibabu. Maswala haya yamekithiri katika eneo la makumba ili yashughulikiwe kikamilifu na tuhakikishe kwamba tunasaidia kuinua maisha ya watu wetu wa Kilifi. Ombi langu ni tuungane na Mhe. Jana Tsuma Jana pamoja na Mheshimiwa Nuzla kupitisha Hoja hii.

**Hon. Mwambire:** Asante Mheshimiwa Spika kwa nafasi hii. Ninaunga mkono Hoja hii kupitia kwa mwenyekiti wa kamati hii. Kilifi Kaunti ilihitaji hii sheria. Juzi tulishuhudia hundi zilizokatwa ile asilimia tuliyozungumza. Kama hundi ya laki moja walipata shilingi elfu tisaini na sita kumaanisha kwamba ile sheria imefanya kazi. Mbali na kipengele hicho, wananchi walikosa kufahamu kwamba zile pesa ni za kuwasaidia wao kujiendeleza, lakini kupitia sheria hii watapata ufahamu. Watu wanaotoka katika sehemu za mashinani wametamani kufikiwa na

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msaada huu. Kuna makundi manane katika Wadi yangu ambao waliomba pesa hizi na kati ya manane hayo sita yalipata fedha na wakajisaidia. Kwa kupitishwa kwa sheria hii kama vile Mheshimiwa Naibu wa Spika alivyosema kwa kupeana mfano kijiji cha Makumba katika Wadi ya Garashi na sehemu ya Sherango, Mbarako na Matayango katika Wadi yangu, makundi ya vijana yatanufaika sana na maendeleo kuonekana kupitia sheria hii. Nawaomba waheshimiwa tupitishie sheria hii ili wananchi wanufaika.

**Hon. Ziro:** Thank you Mr. Speaker for giving me this opportunity. I congratulate the Chairperson of the Committee and the Members for coming up with a good law to help us during the allocation. As the Chairperson of Trade and Tourism, most of the time we had no law controlling the distribution of this fund but now we will have the guidelines. Garashi Ward is among the wards that have benefited from the *Mbegu fund*. Several groups are in business. The Deputy Speaker has recognized Makumba that is the area...

*(Hon. Kiraga stood on a Point of Information)*

**The Speaker** (Hon. Kahindi): Hon. Ziro, do you wish to be informed?

**Hon. Ziro:** Yeah information is power. I have no problem.

**Hon. Kiraga:** This is very important but if you look at the inner details of the Amended Act for example, the terms and conditions that the fund board may approve the fund facility applied for or a lesser sum or decline the application in its own discretion, without giving any reason that the board can reject or do anything without giving reasons. This is page 20 of the Act. I think an explanation should be given to a group that has applied and failed to meet the requirements. By that it will help them rectify. I do not think this is fair to the groups.

**The Speaker** (Hon. Kahindi): It is in reference to the Report. Hon. Kiraga is making observation that they are not going into detail. It is good information.

**Hon. Ziro:** According to the information given by hon. Kiraga, it is better we suspend the debate of this Motion until an amendment is done. It might bring problems in the future. Thank you. That is my take.

## ADJOURNMENT MOTION

UNDER STANDING ORDER NO. 92

**Hon. Kiraga:** Thank you Mr. Speaker. I beg to move an Adjournment Motion of the same under Standing Order 92. May I call hon. Chai Chiriba to second.

*(Question proposed)*

**The Speaker** (Hon. Kahindi): Yes hon. Chiriba. Are there any issues that require further attention? Which card are you using? I am not seeing your name here.

**Hon. Chiriba:** Thank you Mr. Speaker, for giving me this opportunity and I stand very much supportive of the Motion as moved by hon. Kiraga who happens to be the Chairperson of the Budget Committee.

Appreciating that the committee did its work, and that the Office of the Clerk also complied in submitting copies, some of us hon. Members sometime happen to be very busy and

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right now we are seeing very pertinent issues concerning this Motion. What hon. Kiraga has just cited that prompts us to move this Motion is that we are on the ground and recently I did my case study concerning the groups that do benefit from Jilore Ward because there are some accusations that they had applied for funds but I personally have taken the funds and used for person reasons. I really had a hard time explaining to the groups that they do not apply to me but there is Board that is in charge but they were asking question why is it that we applied and they have never received any communication.

Following up the matter, I have done much sensitization to make sure that many groups comply with the requirements so that they can benefit. I am worried if the Board can have the powers to nullify on a group's request without explaining why a group could not benefit, this will be very serious and it will open a window that the Board can be compromised and may be have all the funds directed to Kakuyuni Ward and not Jilore Ward.

So Mr. Speaker, I pray that this debate be adjourned so that we can have time to look into the inner details of this Bill and that on a later stage be brought to the House. I believe it will find its way. Thank you.

**The Speaker** (Hon. Kahindi): Hon. Chairperson Delegated have you seen that when you look at the terms and conditions it says and I am also concerned "that the fund Board may approve the full facility applied for or a lesser sum or decline the application in its sole discretion without giving any reason". When you apply for a loan in the banks and they decline to give you they will tell you. I think that is something that calls for further interrogation.

Chairperson, have you seen that loophole? Because if you apply for a loan in the bank and they decline they will tell you are either not credit worthy or you have been enlisted on CRB. Now to give sole discretion to go silent I do not know. I do not want to contribute to the debate but legally it leaves some questions to be answered. Let us hear from hon. Gogo.

**Hon. Gogo:** Mheshimiwa Spika nasema asante kwa nafasi hii nami naunga mkono asilimia mia mheshimiwa Mwenyekiti wa Bajeti. Hii sheria ya *Mbegu Fund* inahitaji tuiangalie kwa undani sana kwa sababu kuna kipengele ambacho wananchi wetu wakati wanatoa maoni ya hiki kiwango wanataka wanasema lazima kikundi kiwe kina akaunti ambayo imefanya kazi zaidi ya miezi mitano. Unaona kwamba hawa ni vijana ambao ndio wanaanza na wanataka pesa waanze kufanya biashara ikiwa hili kundi halijakuwa na akaunti ya zaidi ya miezi mitatu wananyimwa hizo pesa. Kwa hivyo naomba tuunge mkono hii Hoja ya kwamba tuzizungumzie hili swala leo; tuwe na wakati mwafaka wa kuliangalia kwa undani. Asante.

**Hon. Matsaki:** Mheshimiwa Spika nitakuwa mchache wa maneno. Kwanza yale Mwenyekiti wa Bajeti aliyozungumza kama ndio ambayo yako kusema kweli yanatatiza na ningetaka niambie Bunge hili mara nyingi tunaletewa vitu hapa lakini nina uhakika hata mheshimiwa Jana Tsuma akiwa Mwenyekiti wa ile kamati tusiweze kuleta vitu ambavyo tayari vina matatizo kwa sababu kama Kamati inatakikana muangalie ili tukileta hapa tujue ni kitu gani lakini ikiwa tutaletewa vitu ambavyo vinaenda kimakosa watu wetu wanasukumwa sana kusema kweli si vizuri. Sijui hii ambayo tunataka tuijadili sasa; kama haina *timeline* haina haja tuzizungumzie. Inatakikana tuiangalie kikamilifu ili tuhakikishe watu wetu hawatateseka kutafuta hizi pesa.

Hizi pesa vile nimeona katika Wadi yangu; juzi nimepigiwa simu na afisaa na akaniambia makundi mawili tu ndiyo ambayo yamepata hizo pesa. Inakuwaje? Kwa nini sisi pia tusiwe na nafasi ya kujua ni watu gani wanapata? Hata kama ni kazi zao lakini kama ni pesa tumeweka halafu katika Wadi kunapatikana makundi mawili, hizi pesa zote zinaenda wapi? Kwa

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hivyo hii sheria tuiangalie kikamilifu kama Bunge kwa sababu tunaweza tukaipitisha sasa kwa uharaka wetu lakini baadaye iwe itatutatiza kwa sababu ni watu wetu ambao wataumia kule mashinani. Kwa hivyo naunga mkono tusiendeele kujidili hii.

Kitu chengine ambacho ningetaka kusema, ililetwa hapa kama *Statement* lakini haya makaratasi tukapewa kuchelewa; wakati ambao hatutapata nafasi ya kusoma ndio haya tunaanza kuyagundua hapa. Kama tungeyapata mapema na kusoma kikamilifu nina uhakika tungeambiana kabla hata hii Ripoti kuletwa katika Bunge. Kwa hivyo ningeomba wakati mwingine Ripoti zote ziletwe mapema ili kwamba tuende tuzipitie, kama kuna makosa tuambiane ili kama ni kusitisha mambo tukifika hapa tusitishie. Ni hayo tu. Asante.

**Hon. (Ms.) Saumu:** Thank you Mr. Speaker. I also rise to support the Motion that we need to adjourn the Business for further consultations. Mr. Speaker, just to be in line with what you have said, the whole essence of Mbegu Fund is offering loans and the general rules that we have on offering loans is that you need to apply and if there is any problem with your loan application or anything, it will then be communicated to you as the borrower but if an element is included here that you will not be given any reason whatsoever then it beats the whole purpose of it being a loan. It is also going to create a loophole where the fund Board will be able to pull strings in their own way.

Mr. Speaker, if you also continue further on terms and conditions under the element of expense and payment, it says ‘the borrower shall pay to the fund and shall fully identify and reimburse upon demand all costs charges and expenses as per the regulations of the fund, but also its being following the categories of laws’. We expect that when you are applying a loan then the charges will be deducted from that amount and that you will get net of, but they cannot say that you need to pay for those costs; that beats the whole essence. If you are applying for a loan then costs should be calculated within that amount then you get net of.

**Hon. Shaban:** Asante Mheshimiwa Spika. Pia mimi ningetaka niunge mkono Hoja ambayo imeletwa na Mheshimiwa Kiraga, na tumrudishe Mwenyekiti wa *Delegated* Mheshimiwa Jana kwa *drawing board*. Kwa hivyo itakubidi urudi tena manake hii ni sheria muhimu ambayo inaangalia Kaunti nzima ya Kilifi na najua kuna janga la Corona. *Mbegu Fund* ni sheria nzuri ambayo imeletwa na Mheshimiwa Gavana ili kuweza *ku-empower* kina mama na vijana. Kwa hivyo naunga mkono hoja hii.

**Hon. Kenga:** Asante Mheshimiwa Spika ili pia niweze kupeana mchango wangu. Nafikiri umemskia Mwenyekiti mheshimiwa Jana Tsuma Jana alipokuwa akiendesha mjadala huu, ya kwamba nakala hii ilikuwa imewekwa katika *pigeon hole* wakati wabunge wakiwa kwa Bunge hili, na nafikiri kwamba baadhi yetu tulitoka kwenda kuchukua nakala hii tuweze kusoma, sababu hakuna wakati tungeweza kuleta mapendekezo ya kupitisha na marekebisho fulani.

Mheshimiwa Jana na Kamati yake wamefanya kazi isipokuwa labda ni zile changamoto tumekuwa nazo kwa maswala ya Corona labda wamekuwa hawajapata nafasi. Naunga mkono kwamba tuweze kuahirisha na tuweze kupitia vizuri. Asanteni sana.

*(Question put and agreed to)*

**The Speaker** (Hon. Kahindi): Hon. Members, I note it was on the Regulations but the eagle eye of hon. Kiraga was able to note issues that are very fundamental. It costs nothing to tell someone your loan has not been accepted and reasons given. You might have worked on the Regulations but look at the entire Act; deliberate on it so that when we pass the Regulations as

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well as you have amended them. We also propose Amendment to the same Act and forward as one document. We do not want to adopt Regulations now then we come back and do the same thing. So we refer this document to your committee for further deliberations.

### **ADJOURNMENT**

**The Speaker (Hon. Kahindi):** In the absence of any other business in the Order Paper, the House stands adjourned.

**The House rose at 11:20 a.m.**

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