



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

THIRD ASSEMBLY-THIRD SESSION

THE HANSARD

Tuesday, 8th October 2024

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

VISITING STUDENTS FROM MALINDI JOY CHILDCARE ACADEMY

The Speaker (Hon. Mwambire): Honourable Members, I wish to recognize the presence of visiting pupils from Malindi Joy Childcare Academy who are accompanied by their teachers. The students and teachers are seated in the public gallery. The pupils are here for a study visit to appreciate the legislative procedures, practices, traditions, and parliamentary proceedings. I request that each pupil or teacher stand when called upon so that they may be acknowledged in the parliamentary tradition and practice: -

1. Joy Makena
2. Victoria Jilani
3. Laura Kadzo
4. Didina Ruwa
5. Valentina Sidi
6. Peris Pendo
7. Princess Njoki
8. Dorcas Neema

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9. Joshua Kioko
10. Seith Mumo
11. Victor Dziro
12. Melvin Fundi
13. Daminia Jake Wanje
14. Sebastian Mwenda.

Acknowledge them, honourable Members. You are not acknowledging them. Acknowledge them so that they can understand how to acknowledge guests in parliamentary tradition and practice.

15. Florence Ruwa.
16. Raphael Gerald.
17. Eunice Baraka
18. Gift Wambua
19. Bravin Alalwa
20. Brenton Marwa
21. Envi Dena
22. Stacey Wanja
23. Leila Zawadi
24. Faith Wangui
25. Grace Nema
26. Dennis Amani
27. Kevin Mundi
28. Joshua Pio
29. Mary Patience
30. Alvin Kambi
31. Samuel Mwaka
32. Brighton Masha
33. Fabian Dominique
34. Sasha Sidi
35. Rosique Morimi
36. Leah Patrick
37. Destina Nafula
38. Tecla Muthoni
39. Johnson Kamau
40. Blessed Momo
41. Prince Tumaini
42. Gift Waweru
43. Velma Nimrod

Teachers: -

1. Mr. Masha
2. Madam Lynette
3. Madam Irene.

(Applause)

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In our usual traditions of receiving and welcoming visitors to the Assembly, I extend a warm welcome to them on behalf of the County Assembly and on my behalf, I wish them a fruitful visit as they enjoy the environment and the deliberations that will be going on. Thank you very much.

We can get one or two Members to welcome the visitors. They come from within Malindi, and I believe you are a commoner in this Town.

Hon. (Ms.) Meso: Thank you so much, Mr. Speaker. It is lucky enough that I met them and then I just told them, “*Semani shikamoo nyanya*” and everyone said, “” and I said, “*Marahabaa wajukuu wangu.*” So I welcome them.

The Speaker (Hon. Mwambire): Now you are a Mheshimiwa, you are a *shosho* (*grandparent*) outside the precincts of the Assembly.

Hon. (Ms.) Meso: I am *Mheshimiwa* Meso, nominated MCA (Member of County Assembly) with the ticket of ODM (Orange Democratic Movement). So I welcome my grandchildren, welcome to this wonderful Assembly. I want to give them a short history of this Assembly. There are 51 Members in this Assembly, but right now you can see some seats are vacant.

It is not that they are not here, but they are attending some other committee meetings. That is why they are not here. We also have seven Sub-Counties which make up seven Constituencies in Kilifi. We have 35 elected MCAs and 16 nominated. So, we welcome you to this wonderful House.

Our Speaker was number one this year during the election of Speakers of the 47 counties. We are lucky. He is a short man, but very brave and very active. That is why he became number one. So, the thing that I can advise you young children is that you must know that you must respect God; that is the first thing that you must do.

I know you are from JCC Church. Your Bishop is very active, Bishop Kakala. I worked with him when I was in CDF (Constituency Development Fund). That was in 2007 when our Governor was the MP (Member of Parliament) of Malindi. I was with him for five years and he named me Mrs. Obama. He was calling me Mrs. Obama, reasons best known to the committee members of the CDF of 2007.

Another thing, respect your teachers after that you do your studies. You must work extra hard and be disciplined without that you will go nowhere. So, I only wish you the best of luck. This is the end of the year. I hope next year some of you will be promoted to new classes. So, you must work very hard and welcome again next year to this wonderful Assembly.

The Speaker (Hon. Mwambire): Okay, because of age allow me to also call another Member who has an advanced age, then I will call the long-serving Member of the Assembly and the youngest and conclude with the overseer because you have mentioned the Bishop. I have seen the overseer he has already made a request he will be the one to conclude.

Hon. Shehe: Thank you, Mr. Speaker. The school is a Pre-Primary, and I saw some young kids who are now coming up. This is an opportunity for you to visit the highest level of law. This is where the law is being made in Kilifi County.

All these honourable Members you are seeing here, I hope everybody will understand that law and order are made from this honourable House, and other departments depend on all that will be decided in this Chamber. As the honourable Member has said there, discipline is paramount that you will have to have. We have honourable Members here; we respect one another and when you are in your schools, try to respect teachers and parents at home.

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Try to make yourself a career that is going to be even more than this. You can be a lawmaker, you can be an engineer, but that is a profession that will choose as per your school goals. I thank our honourable Speaker for giving us this opportunity to welcome you. I hope you will enjoy this short time that you are with us. Feel welcome and be accepted here. When you get home tell your parents and teachers that we were received very well at Kilifi County Assembly. Thank you very much, Mr. Speaker.

The Speaker (Hon. Mwambire): I think I have given you an opportunity to hear from the elderly Members in the Assembly in terms of age. Hon. (Ms.) Meso is serving her second term; she is well known in the political circles. She has been there for over 40 years. She was in Mombasa and Kilifi. She has served in the CDF. She has always appeared in the County Coordinating Committee of ODM. She has a wealth of knowledge. Hon. Shehe has knowledge both in Kenya and Switzerland. He has been in Switzerland for over 35 years working there.

He was in the 11th Parliament which is the National Assembly. He is here serving the people of Jaribuni Ward. So, let me give this opportunity to a ranking Member who is long-serving. A Member who served as a councillor has been here since the onset of devolution. He has the right history of this House, and I believe his advice is worthy for our young stars who have visited today. Hon. Hassan, please, the representative for Matsangoni Ward.

Hon. Hassan: Asante sana, mheshimiwa Spika, kwa kunipatia nafasi hii. Vijana na Waalimu habari zenu? Langu kubwa ni kuwakaribisha katika Bunge hili na vile vile kuwaomba hekima na busara na kama mwenzangu alivyotangulia kwamba kumcha Mungu zaidi ndio ukawe muongozo katika maisha yenu. Karibuni sana na asante, mheshimiwa Spika.

The Speaker (Hon. Mwambire): Okay since they have a Teacher, allow me to also give an opportunity to a Kiswahili Teacher to give her remarks. A nominated Member; from a Teacher to a Politician.

Hon. (Ms.) Mapenzi: Thank you so much, Mr. Speaker. Good morning students?

(The students in the public gallery responded in unison)

The Speaker (Hon. Mwambire): Kindly address the Assembly. Do not go beyond the traditions.

Hon. (Ms.) Mapenzi: I should great them; they are our visitors. I hope you are doing well all of you. Thank you so much for this opportunity, Mr. Speaker. For the benefit of the students, my name is hon. Elina Mapenzi, a teacher by profession. I want to welcome you to the Chamber, County Assembly of Kilifi. You are most welcomed. Where you are seated, there is much you can learn in this House. By your level of education, I will give you some few things so that you can understand easily.

Where you are seated, it is called 'public gallery'. That is a place where we receive visitors like you so when people visit the Assembly that is where they sit to watch the proceedings of the House. Where we are seated, this place is called Chamber, and it is only the honourable Members who sit in this place. There are some few items you can see when you get back to school; maybe your teacher will ask you that seat is for the Speaker. The one who is giving us the opportunity to speak is called the Speaker. He is the head of this County Assembly and he leads us while seated there.

Again, who follows the Speaker in the House is called the Deputy Speaker who is not with us today. We have two sides of the Chamber. This side where I am seated is called the Minority side and the other side is Majority side. We have the Leader of Majority who is not

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with us, who sits here and we also have the Leader of Minority who sits on the other side. Again, we have the Leadership of the Assembly, who is the Deputy Majority Leader, we have Deputy Minority Leader, and we also have Whips from both sides of the House. We thank the House because the rule favours all the gender because in leadership we have both male and female. There are some few items we use like this one we call it Ipad...

The Speaker (Hon. Mwambire): Hon. Mapenzi, I think you may take four hours...

Hon. (Ms.) Mapenzi: I will take 10 minutes. So far I have used two. So that is an item which stores all the information and business we carry in the House. When a Member comes in the Chamber, all the business for the day is stored in that Ipad. Allow me to show them the mace. Because of time I will not tell them the importance, you are rushing me a lot.

The Speaker (Hon. Mwambire): You will get an opportunity after the session.

Hon. (Ms.) Mapenzi: This is a microphone, thank you so much and you are most welcome.

The Speaker (Hon. Mwambire): Hon. Mapenzi, kindly show them the right way. Go to the other side, bow then go to seat. They would love...

(Hon. (Ms.) Mapenzi complied)

Hon. (Ms.) Mapenzi: This is the procedure, whoever comes in and the Speaker is seated, we normally bow. Then you walk majestically to your position. Thank you so much, Mr. Speaker.

The Speaker (Hon. Mwambire): Maybe she has not explained it on how it is supposed to be. She has gone to bow because she has changed from the side of Minority to the Majority side to speak. Traditionally, if she is doing that she is supposed to go, bow then turn to the other side. So any Member from either side who wants to go to the other side when the Speaker is on the seat, you have to bow. So allow me to give it to the youngest Member in the House to also give her an opportunity to share her welcoming notes.

Hon. (Ms.) Betty: Asante sana, mheshimiwa Spika, kwa fursa hii. Kwa manufaa ya wanafunzi na walimu, kwa majina naitwa mheshimiwa Betty Kache. Niko hapa ndani ya Bunge kuwakilisha vijana wa Kilifi yetu. Kama vile mheshimiwa Spika alivyosema, tumepata kutoka kwa mwalimu, pia mheshimiwa Spika niruhusu nijaribu kuwaeleza wanafunzi ya kuwa katika Bunge hili tuko na lugha tatu. Lugha ya kwanza ni Kiswahili na mimi nasema kitukuzwe. Pili ni lugha ya Kiingereza, mlisikia mheshimiwa Meso akiongea na lugha ya tatu ni lugha ya Ishara kwa wale ndugu zetu wanaoishi na ulemavu. Kwa hivyo, mkisikia wengine wanaongea Kiswahili, wengine Kiingereza msione kuwa kuna mahali kumekorogwa. Hizo ni lugha ambazo tunaruhusiwa kuzitumia hapa Bungeni.

Vile vile, kitu nataka kuwaambia wadogo zangu, heshimu wazazi wenu ambao wako nyumbani. Walimu pia ni wazazi wenu kwa sababu wanachukua muda mwingi sana kuwa na nyinyi shuleni. Kwa hivyo, wanastahili heshima na mimi pia nawaombea Mungu maanake hapa nilipo kati ya hawa waheshimiwa hamsini na moja (51), mimi ndio yule mheshimiwa ambaye nina miaka kidogo ama michache. Kwa hivyo, pia nyinyi ndoto zenu zinaweza kutimia iwapo tu mtafanya kile ambacho kinastahili.

Najua kuna wengine wanataka kuwa kama mheshimiwa Betty, wengine wanataka kuwa madaktari, wengine wanataka kuwa *lawyers*; hiyo yote inawezekana. Cha msingi tu msome kwa bidii. Wale ambao watapata nafasi, najua nyote mtapata nafasi baada ya kumaliza kiwango cha elimu ambacho mko. Wengine watapanda juu na nawaombea nyote mpande juu muende

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sekondari. Mkienda sekondari sisi hapa katika kaunti yetu kuna kitu tunaita *bursary*. Huu ni mfuko wa pesa ambao sisi tunaweza kusaidia wanafunzi huko nje ili waweze kuendelea na masomo yao zaidi.

Vile vile, mheshimiwa Spika, wacha nichukue fursa hii tena kuwaalika wanafunzi katika jumba hili na waalimu ambao leo mko hapa; hii leo isiwe ni mara ya mwisho. Bado wanafunzi wako na mambo mengi sana ya kujua kuhusu jumba hili la sheria na sisi tunawakaribisha. Sisi ni wakarimu na tuko hapa kwa ajili yao na kwa ajili yenu. Karibuni sana na iwapo kuna kitu chochote ambacho mnataka kuuliza baada ya Bunge tunaweza kuonana hapo nje, tuko na *Clerks* wetu, tuko na Spika wetu, tuko na waheshimiwa ambao wanaweza kuwapatia mafunzo yale ambayo mnataka. Asanteni na karibuni tena.

The Speaker (Hon. Mwambire): Just to sum it, we have all the professions in this House. We have seen teachers, soloists like hon. Rafiki, Thaura, Engineers like hon. Ngirani, we have doctors and morticians who is also a pastor and an overseer, hon. Moses Kea.

Hon. Kea: Thank you very much, Mr. Speaker, for giving me this opportunity and I would like to congratulate you for recognizing my efforts that I am giving to this County Assembly as an overseer. When things do not work well, I do intercession with God and ask him to take care of the situations that we are normally in. Currently, I am working on the issue of the Deputy President. I am praying for him, and I am very sure he will be out of the mess that he is currently in because my God is able.

I want to congratulate the teachers who organized this trip for the kids to come and learn what we are doing here at the County Assembly and charity begins at home and you thought it was wise for these children to come and learn from us. I am hon. Moses Furaha Kea representing Kibarani Ward. Again, I sit as the Chairman of Scholarship Committee as it has been mentioned by the youngest Member in this County Assembly.

Welcome to this County Assembly of Kilifi. As an Overseer, what I can say is that put God first in everything that you do and all that you want to happen and take place in your life will be perfectly done because God is able and he is the perfecter of everything. So, whatever you are doing, respect your parents, teachers and every person you see in this society can be a key to your success in life. I will be praying for you and I pass my greetings to Pastor Kakala. May God bless you and welcome again to Kilifi County Assembly.

The Speaker (Hon. Mwambire): Hon. Members, I have chosen to make it a little bit funny and educative so that at least we can remove the emotions of what is happening in the country because I know some Members might not be that comfortable with the conversation depending on what is happening. So, because I am also sensitive, I thought it was good to put it that way so that at least we can remove the emotions and concentrate on our agenda for that day.

STATEMENTS

STATUS OF DANIDA GRANT DISBURSEMENTS

Hon. Ngirani: Engineer Ngirani. Thank you, Mr. Speaker, Sir. Mr. Speaker, I also want to take this opportunity to welcome the students and teachers who are seated at the gallery. Number two, I want to take this opportunity to read a Statement that is addressed to the County Executive Committee Member in charge of Health and Sanitation Services through the Chairperson, Health and Sanitation Services Committee on the disbursement of the DANIDA

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(Danish International Development Agency) grant to dispensaries and health centres within Kilifi County.

Whether the County Executive Committee Member in charge of the Department of Health and Sanitation Services is aware that there have been lists of DANIDA grant disbursements distributed to the dispensaries within the county.

Whether the CEC Member is further aware that upon distribution of these lists to the dispensaries, there has not been subsequent disbursement of the funds from the grants.

If he is aware, what plans and missions is the Department taking to ensure the funds from the DANIDA grant are effected and disbursed to the dispensaries?

Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): Yes, the Committee on Health, make sure that the Response is brought to the House within the stipulated time, which is 21 days.

STATUS OF KALOLENI MARKET

Hon. Shehe: Thank you, Mr. Speaker. I wish to read a Response from the hon. Member of Kaloleni regarding the market situation written and sent to us here by a Director from the Trade and Tourism Cooperative Department, the hon. I think it is Joseph Katana. In this Response, Mr. Speaker, I would wish to state that the hon. Member has a copy, and I would wish to highlight those areas that are really pinching.

The Speaker (Hon. Mwambire): It is good you read so that it can be captured in the HANSARD.

Hon. Shehe: Exactly, okay. The Report is in Response to a letter, dated 27th of August 2024, reference CAK/ DPT/TRD volume 1, 2 up to 6, to the CECM Member in charge of the Department of Trade, Tourism and Cooperative Development on issues raised by hon. Jonathan Birya Fondo, the MCA Kaloleni Ward, regarding the state of Kaloleni Market. The issues that the CECM was to respond to were: -

If the CECM was aware that the current situation of the market, the measures that have been taken to remedy the situation and this Report covers a brief of the Kaloleni market, analysis of the current situation, the issues that were noted, the measures taken and the way forward.

Brief of Kaloleni market; the current Kaloleni Market, who are originally spaced, created and designated for use by artisans, most of the artisans still owning spaces of the market are tailors. Due to the growth of the town and demand for fresh farm-produced fish and traders converted some of the spaces to wet market trading stalls that could sell fresh products e.g. vegetables and dry fish. It should be noted, therefore, that the initial plan for the current market was originally meant for different purposes. After devolution, there were plans to build a market at Kaloleni. The plans for the BQs (Bills of Quantity) and the BQ were made by the Department of Public Works, but the project did not take off, reasons that are not clear.

Analysis of the situation; CECM Trade is aware that the current situation of the market. A meeting was held on 1st December together with several stakeholders at the market. The meeting involved: -

1. Physical inspection tour of the market. This included the stalls, garbage area, ablution block and the administration offices.
2. Interactions and conversations with the traders on issues affecting them.
3. A meeting with the market management committee, revenue officials and traders at the market.

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4. Planning and the way forward.

Issues noted, were as stated below: -

1. The dilapidated state of the roof and rain gutters.
2. Lack of drainage system causing the market to flood during rains,
3. Illegal structures. This also contributed to the drainage challenge,
4. A tree that is posing a danger to some of the business.
5. Challenges of these netted garbage collection area including collection of garbage,
6. Challenges on the management of the ablution block,
7. Security challenges in terms of watchmen and floodlights,
8. Insufficient support from the administration office.

Measures taken: -

- a. Repairs to the market - The Department has written a letter to Public Works to have a new assessment of the status and also prepare BQs.
- b. Cutting of the tree -The Department is currently sourcing for funds to cut down the tree. This was after the Environment and Disaster Departments were unable to assist due to the unavailability of parcels.
- c. Ablution management - The management of the ablution block was handed over to the market management committee.
- d. Security - The market committee was advised to rally the traders to organize for their security. The County Government does not have funds to employ security guards.
- e. Garbage collection - The committee was asked to look for another garbage area that will be conducive to the traders because they had suggested that they want to use the current garbage area for a market day. On collection, feedback on the delays was conveyed to the Director of Environment.
- f. Support from the administration office - The CECM assured the committee and the traders of full support.

Way forward; While the above action point will remedy the current situation, it is important to know that the construction of the new market needs to be reviewed and taken up. This is the only way that the traders and the public will get to use a well-thought-out and designed wet market to improve their socio-economic well-being. This Report was drafted by Joseph Katana, Director of Trade. Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): Hon. Birya, are you contented with the Response from the Chairperson?

Hon. Birya: Thank you, Mr. Speaker. Thank you, Chairperson, Trade and Tourism and Cooperatives for this Response. Mr. Speaker, the Department did a very good brief on the Kaloleni Market. They did an analysis of the current situation. They noted the issues. Then they said that they took some measures, but Mr. Speaker, I am not satisfied with the measures they took.

Mr. Speaker, challenges number one, two, and three in their report, according to the way they noted them, I expected them to have taken some action and give an action on a renovation plan.

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Again, Mr. Speaker, challenge number four, if this Department is not able to source for a power saw, will it be able to manage the daily garbage collection? Mr. Speaker, I am not satisfied with this answer.

Finally, they have said that the project did not take off because of unclear reasons. I want to believe that the reason for bringing a Statement is to get clear answers so that we can see how we can assist the people of Kaloleni. Mr. Speaker, actually, I am not satisfied with this Response. Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): Any other Member who wishes to comment on the same? My board shows nobody is having any comment or hon. Shehe you have more information apart from what you have shared.

Hon. Shehe: Thank you, Mr. Speaker. I wish to imagine that when we, as honourable Members request for Statements from our Executive Members, they should do a thorough investigative reply. I as a Chairman of Trade and Tourism saw pockets of really unsatisfactory replies. I am sorry to say this in front of our Speaker. It is not really possible that somebody can say that the County Government has no funds to hire security guards. This one is coming from the Executive Office. It is not really something that you can come and inform our honourable Members here that they do not have money to even source for power saws.

This one, I think, I concur with my chairperson who has requested assistance from that office with all its budgetary measures to bring such a very, it is not a deeply thought reply. I am sorry to say that it is from my department, but maybe I would request that this be returned to the CECM for further reply and she has to reply conclusively because our senior member here is requesting for help and this one means he has been left in the air.

So, I request, hon. Speaker, this matter should go back to that relative office where I am the Chairperson, and it is unfortunate that I am reading something which is very mild so that they can give out a conclusive Report. Thank you.

The Speaker (Hon. Mwambire): Thank you, Chairperson. Members have not indicated to respond because they might also be surprised. You can imagine the Response as acclaiming that they found a tree which imposes danger to the market, but they are unable to hire a power saw to remove it which means in case, because we are waiting for rains anytime, the rains might come with heavy winds. So, are we waiting for the disaster, or what are we waiting for? Because if they put it the way they have put it, it makes people have many questions.

So, I think the best way forward, Chairperson, you invite the CECM to your Committee, and make sure that hon. Biryia is available so that we can give a conclusive Response; a Response that will be acceptable, so that by the time you make a Report in the Committee of what you will have done and what you have collected from the CECM, you bring a Report that will be at least acceptable because that one makes as if we are negligent. Because if you see anything which imposes danger, you cannot say that I have seen it, but I do not have any remedy to do.

We are waiting, yet you normally allocate funds to that Department, yet we have other Departments, because they are not working in isolation; the other Departments which can also do that, they can even hire someone to remove the tree, since it poses danger.

So, I think it is good you engage them so that they can revise everything and come up with the best way forward so that we can have a Report that will be fair and that will be even just, not to the people of Kaloleni but the great people of Kilifi and the region, because anybody can go to Kaloleni market and anything can happen anytime, in regard to what they have

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highlighted. So, I think if we put it that way, it will be easier. So, we are waiting for the Committee to do the necessary.

ADJOURNMENT

The Speaker (Hon. Mwambire): Honourable Members, the House stands adjourned until 2.30 p.m. today.

The House rose at 10:10 a.m.