

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI
SPECIALSITTING

THE HANSARD

Tuesday, 13th December, 2016

(Special Sitting convened vide Gazette Notice No. 10214 of 6th December, 2016)

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

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

PRAYERS

PAPER LAID

REPORT ON THE VETTING OF THE NOMINEE FOR THE APPOINTMENT TO THE POSITION OF
CHAIRPERSON OF THE MBEGU FUND BOARD

Hon. (Dr.) Chitibwi: Mr. Speaker sir, on behalf of the Planning, Trade and Cooperative Committee, I beg to lay the Report on the vetting of the nominee for the position of the Chairperson of the Mbegu Fund board.

(Hon. (Dr.) Chitibwi laid the document on the Table)

MOTION

ADOPTION OF THE REPORT ON THE VETTING OF THE NOMINEE FOR THE APPOINTMENT TO THE
POSITION OF CHAIRPERSON OF THE MBEGU FUND BOARD

The Deputy Speaker (Hon. Mwambire): Hon. (Dr.) Chitibwi you have not put your request, are you the one moving the Motion?

Hon. (Dr.) Chitibwi: Yes Sir, I beg to move that THAT, this honourable House adopts the Report of the Committee on Planning, Trade and Cooperatives on the Vetting of the nominee for the Appointment to the position of Chairperson of the Mbegu Board laid on the Table of this hon. Assembly on Tuesday, 13th December, 2016. I request hon. (Ms.) Chiku to second the Motion.

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(Hon (Ms.) Chiku seconded)

The Deputy Speaker (Hon. Mwambire): Hon. Members, the Motion has been Tabled and successfully seconded, it is now ready for debate.

(Question proposed)

Yes hon. (Ms.) Chiku please.

Hon. (Ms.) Chiku: Thank you Mr. Speaker Sir. I rise to oppose the appointment of Madam Dorothy Zawadi Kamango. Mr. Speaker, the nominee did not support ...

The Deputy Speaker (Hon. Mwambire): There is an intervention from hon. Kiraga. Take your seat hon. Member.

POINT OF ORDER

ADJOURNMENT OF DEBATE

Hon. Kiraga: Thank you so much hon. Speaker. I do not know whether I am the only one but I have just received the Report a few minutes ago. I do not think I am in a position... and I believe that is the position of the other Members. We are not in a position to debate constructively on what is in this document.

I therefore move under Standing Order No. 50 (b) to adjourn this Motion to a later date and I call upon hon. (Ms.) Arafa to second me. Thank you.

(Hon. (Ms.) Arafa seconded)

The Deputy Speaker (Hon. Mwambire): Okay before deliberation of that Motion, there are other Members who had also put their interventions. Let's hear from them before we go that far.

Hon. Nzaro: Thank you Chairperson. I also wanted to seek your guidance on whether it is prudent to deliberate on this Report. When you look at page five, only three Members of that Committee signed this Report.

The Deputy Speaker (Hon. Mwambire): On page five, my document shows only one Member did not sign. So, I do not know what happened because I have the original copy here whereby the Vice-chairperson did not sign but the rest signed.

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

Hon. Nzaro is that your only concern?

Hon. Nzaro: Yes Speaker.

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga has another intervention before I respond to that.

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Hon. Kiraga: If you look at the following page, we have two Reports, a Report for and a Report against, that is why we have three Members signing here and the others have decanted in the other page.

The Deputy Speaker (Hon. Mwambire): In fact, if you go to Standing Order No. 180 (2) it directs that it is only the Chairperson who is supposed to sign on behalf of the Committee Members. “The Report of the select Committee having been adopted by a Majority of the Members shall be signed by the Chairperson on behalf of the Members”, that is what it says.

That is in response to hon. Nzaro’s concern. Secondly, if you go by what hon. Kiraga has shared, there are Members who are in support and those who are not in support and they have also attached their minority Report. Hon. Kiraga, you have shared concerns. First, let’s look at the number of the Committee Members, there are six, other Members were removed...

Hon. Nzaro: They are eight.

The Deputy Speaker (Hon. Mwambire): They are eight? Look at number five, they are supposed to be eight, okay, but I am seeing six Members who are sitting. There is no problem, I have understood.

I want to respond to the issue raised by hon. Kiraga, he was of the opinion that we shelve this Report for another date. If you look at why we are here today, we are supposed to be on a long recess and this day was gazetted specifically for the deliberation of this Report looking at the urgency of the issue of the Mbegu Fund that is why this day was gazetted for Members to come and deliberated on the issues of this nominee.

So, I do not think if it will be prudent for us to deliberate on other issues unless there are other issues you need to ventilate on, then I can give you time to deliberate on as we leave then come back because we cannot come back tomorrow.

I believe you know very well that once the day is gazetted, that is the only day that you will deliberate on those issues, so in case you feel you cannot proceed then notify me so I give you time to share the concerns that you have, the Chairperson will clarify the concerns that you have so that later on we come back and proceed with the business of the day. Do you need more time? Let me get interventions, but let us not go to the Motion as Kiraga has shared. I will use Speaker’s rule number one to give you time about 40 minutes so that you can meet briefly then come back and proceed but we cannot go by the Motion as prayed by the Member. In case there is need, let me get your interventions but remove your intentions to deliberate. In the interventions, I would like to get your concerns in case there are thorny issues that we need to deliberate on. Hon. Kadenge (Mwathethe).

Hon. Mwathethe: Thank you Mr. Speaker, for allowing me to give my views on this issue. Hon. Kiraga has got a point in asking that we adjourn now but the only problem that we have is we do not have time. I think it is the feeling of so many of us that we adjourn. Unless then we go for 40 minutes so we can maybe read and deliberate amongst each other but as I stand, the mood of the House is that this Report is just about to be shut down.

We cannot go ahead and rubber stamp on the issues that we have little information about. So, unless you give us the 40 minutes where we can maybe read and go through the Report and take a stand. It has been a trend that most of the time you are given a Report...as I was seated here, hon. Foleni was also raising his hand to get a glimpse of the Report because he did not even have it. I had just received my copy while he had not. You see, now we cannot come here to...

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The Deputy Speaker (Hon. Mwambire): I think Kadenge you have put your point. I wanted your concerns so that we can move forward. If that is the position, then instead of taking so much time we do not want to make an extension thereafter.

Hon. Mwathethe: The other issue is by giving us the 40 minutes but when we come back you should weigh the issues, supposing the Report is shut down...

The Deputy Speaker (Hon. Mwambire): Our concern is not to pass the Report; our concern is Members to make their decision.

Hon. Chai: Thank you very much Mr. Speaker, for giving me this time to give my comments on this Report. I think as I have checked, though I did not have much time but I saw the recommendations of the Committee. It would not be prudent to shut down the recommendation of the Committee. I checked the ones who dissented, they were two Members and one did not sign. On the side of who did not agree with the recommendations, I have seen at least three Members out of all those who supported. So, most of them supported the rejection of this member. We are not rubber stamping or doing anything. As I have read, we will be going as per how this Committee saw this member and went ahead to see that it was not prudent for the Committee to absorb her as the Chairperson of Mbegu Fund. So, I went straight to the recommendations...

The Deputy Speaker (Hon. Mwambire): Hon. Chai, I think you are going out of Order. The question I had raised which I wanted to get your concern was should I give you minutes to deliberate so that when we come back we proceed? The issue was you say 'yes' or 'no.'

Hon. Chai: Thank you Mr. Speaker, Sir...

The Deputy Speaker (Hon. Mwambire): Hon. Kadenge (Mwathethe) and...

Hon. Chai: I say no, Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Your intervention was here hon. Foleni.

Hon. Foleni: Thank you hon. Speaker, Sir, I am also for the view that we have 40 minutes to take on the issues that are on this Report and then we come back here fully. Thank you.

The Deputy Speaker (Hon. Mwambire): Thank you very much. Hon. Members, let us not waste a lot of time. Hon. Kiraga.

Hon. Kiraga: Mr. Speaker, I think in the HANSARD I have introduced a Motion and I do not think you are being fair to me if this Motion is not debated in this House.

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga your concerns are well captured...

Hon. Kiraga: It is like you have introduced another Motion which is now on the Floor. I do not think I am getting a fair treatment in this House...

(Applause)

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga, I think I shared the reasons why. I have said we are here courtesy of the deliberations of this Report. Just take your seat. I have shared the reasons that we are here courtesy of this Report today and this is a Special Sitting. I said if we could have another sitting because the only sitting that we have is on 13th February, 2017 when we will be coming back; we are on long recess.

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Now I have opted instead of taking your Motion let us give you 40 minutes to deliberate on these issues so as to have time to share with the Committee. Thereafter, we will come back and proceed with the business of the day. I have not said you should support the Report or not but just going by that Motion, it calls for completely shut down until further notice and there will be no other notice.

Remember all Special Sittings have to be gazetted. Gazetting consumes public funds so let us get concern on those issues. That is why I have opted to use Speaker's rule number one to give you time, at least forty minutes, to deliberate on the issues that you feel need to be addressed because we have come to a Special Sitting, you knew exactly even when the Sitting was gazetted that you are coming to deliberate on the issue of the Chairperson for the Board of the Mbegu Fund. If you are not ready, why have you come for this session because it is a Special Sitting? So kindly Members, it is in good faith; take time and deliberate. When I come back whether you agree or not we will have executed our mandate. So Members, we will be here by 3.45 p.m. thank you very much.

(The House temporarily adjourned at 3:00 p.m.)

(The House resumed at 3:35 p.m.)

The Deputy Speaker (Hon. Mwambire): Hon. Members, we have now resumed to our business. Now allow me to call hon. (Ms.) Chiku.

Hon. (Ms.) Chiku: Thank you Mr. Speaker, Sir. I rise to adopt the Report and oppose the appointment of Ms. Dorothy Zawadi Kamango. The nominee did not show any experience in handling matters of finance especially in micro-finance. She has been a media person all along until 2017 that was her last working station in Juba under the Netherlands Media. She has been a TV news editor and even during her time in Rwanda she was working in the health sector. She has no experience in micro-finance completely and she actually confirmed to the Committee that she is only a beneficiary of Kenya Women's Finance.

She also dwelled on many political appointments during the KANU error; she has been a member of the ten years celebrations in Nyayo. So, she actually does not meet the requirement. She actually dwelled on depending to work with the Chief Officer Cooperatives... and I do not think we want to make that decision where we have a lesser of a Chairperson who has no functional authority but rather depends on her junior staff to run the Department. At the end, I know there is an urgency of a feeling that come January, the fund will not start running because we do not have a Chairperson.

We should all be afraid because at the moment, we have been put in a very difficult situation of appointing CEC's and they are leaving their work to their Chief Officers and this has put Kilifi at the present situation, which has actually turned our name low. It is no longer Kilifi County but it is Kilifi *chafu* this is what I learnt from the people of Kilifi because of what is in the media at the moment.

So, Members, I would urge you to adopt this Report and support it. Let us not make haphazard decisions and we should not work on impulse but consider this important Report which the person who should be in charge should actually be qualified. The Act says that, "The

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persons should have finance discipline, trade and social services,” which I think Madam Kamango can do well in social services but not in Mbegu Fund. Thank you Mr. Speaker, Sir.

Hon. Mwathethe: Thank you Mr. Speaker for giving me a chance to air my views. This House has got a mandate to decide how things will be run in the County. That is why we have got a law that even when the Executive or the Governor feels that a person is fit to serve in a certain position this House must approve or disapprove those sentiments.

That is why today we are here to discuss the suitability of Zawadi Kamango, whether she can serve in the capacity of Mbegu Fund administrator. A Committee was appointed to go and scrutinize, to go and closely look into her suitability. Afterwards, the Committee recommended to this House and gave tangible evidence that our daughter Zawadi Kamango is not fit.

Therefore, I would urge this House; it is not for the purposes of denying her a job rather it is for the purpose of taking a leadership position that we can lead Kilifi County to go in the direction that is good to its people. A person who has worked, who is also learned as we have been told by the Chairperson, possesses a lot of education and knowledge but not in the field that we are looking for. Therefore, I stand to support the adoption of this Report that this lady is not given the position to serve in this capacity because she does not fit.

I know and I agree that she comes at least from one of our Wards and she has a representative in this House but for the purposes of taking Kilifi further. It is this morning that we had *maandamano* dubbed “we want our money” because somehow somebody slept on the job. This one is not even going to be sleeping on the job; she has no information at all about financial management, no certificate, no degree no diploma, just nothing.

Now, you want us to take her and put her in an office to manage money for the people of the County of Kilifi. You can imagine what is going to happen. We have learned people like Ben Kai, they are in charge of finance and money is being stolen. Now, put somebody in the same capacity who does not know even... I know she knows how to count money and what not but she cannot manage money, it is not her career. So, giving her an opportunity to run that Department, you can imagine we shall be taking this County into a mess and this mess would have been done by this House.

The Constitution allows us to reject or accept the appointment; I am standing here today representing the people of Shella Ward by rejecting the appointment of this lady. Thank you, Mr. Speaker.

(Applause)

Hon. Mangi: Thank you Mr. Speaker, Sir, for giving me this opportunity. First and foremost, let me take this opportunity to thank the Chairperson of Planning hon. (Dr.) Chitibwi for a very good Report that he has presented to this Assembly. I stand to support the adoption of this Report.

By supporting this Report, I am doing a favour to the nominee; this is because it is bad giving an opportunity to somebody who will not know where to begin. One should be answerable, there is something called ability to perform within ones jurisdiction. I want to urge the Executive; in future they should not bring somebody who is surely not up to the task that the documentation she or he has are not up to the threshold expected. She should not have reached

this far, she should have been rejected at the first stage when she was being interviewed for this particular job.

Long gone are the days when an MCA could stand before a plenary and say; ‘though he or she is not fit, she or he is from my Ward’, which is something that as Members of the County Assembly let us rise above. You are an MCA of the County Assembly not only your Ward, stand firm and be fair.

You know we should have somebody who is up to execute his or her duties diligently. I am shocked that when you go through her CV she is a member of the *Bunge la Wananchi* and her CV is really long. The much I can see is that she has been a Chairperson of the Board of Management in a certain school. The lady is good, aggressive but where she has not convinced the Committee is that she is knowledgeable to what we expect of her in financial management and she has to manage a fund of such magnitude. She is supposed to manage Mbegu Fund in a County Government not even a local government; surely we have done our mandate. I am a Member of the Planning Committee; let us be guided by the laws and the objectives of the Mbegu Fund. Just because she is from my Ward and I am sure she is not fit but still I support her? That is absurd, let us stand firm. When you are in this plenary you have been approved, let me put it this way, there are even other people in your ward who are capable. If there is another advertisement please advise people from your ward who are capable...

The Deputy Speaker (Hon. Mwambire): There is an intervention from hon. Kiraga.

Hon. Kiraga: Thank you Mr. Speaker, Sir. I think we are not going to be fair if the hon. Member is saying this lady is a Member of *Bunge la Wananchi*. So, does it mean that to be a Member of a certain organization can deny you a certain post because the Constitution allows people to be part of groups which are known to support the community? So, I beg him to withdraw. Thank you.

Hon. Mangi: Maybe before I withdraw, I would like to make a point then you will give me direction. There is what we wanted as qualifications for this position. If she could have quoted; I have six years experience, fine. There are very many documents she has produced but they do not meet the threshold we require. More so, I support *Bunge la Wananchi*. They have supported me in my budget process but does that mean they should all be Chairpersons of such a fund? I was just giving the position of where or what kind of person we expect. It is not just because she is part of *Bunge la Wananchi*, she does not have the qualification to be the Chairperson of Mbegu Fund, are you saying we should consider because of that. Mr. Speaker, Sir, you may give direction. I do not refuse to withdraw but is it fair when I have given my point and elaborated on it then I withdraw, I think due process should carry the day.

So, I am repeating, let us call a spade a spade and not a big spoon. When there is a requirement within a portfolio let us respect that particular portfolio. Can you allow a driver as a substitute of a pilot? You cannot expect a teacher to perform the duties of a nurse because we have nurses striking; that is not what is expected of them; that is why I am in full support of the adoption of this Report and plead with hon. Members to support irrespective of any other affiliations and conclude this issue. Thank you very much Mr. Speaker.

Hon. Nzaro: Thank you Mr. Speaker, Sir, for giving me this chance to air my views on this Report. As I rise to support the adoption of this Report, I want to congratulate this Committee for the work which it did. The reason for congratulating the Committee is because we

have to give positions of leadership in this county to people who deserve such positions. In fact, I am dismayed by what happened when this name was presented to the Governor. I believe the interviews were made and one of the requirements was if the qualifications were according to the law which we passed and from the qualification of this nominee, you do not require to be a lawyer to understand that she does not meet these qualifications and one thing I ask myself is, was this appointment brought to the Assembly by design so that it delays the realization of the Mbegu Fund to the citizens? I think hon. Speaker, Sir, the Executive should take this very candidly because we do not want names to be brought to this Assembly which do not meet the threshold required. It is just like to be given a ship without radar, what do you expect? This County should not be treated as such, we require people who are very qualified for the positions which we advertise. Mr. Speaker, I do not understand if we give this nominee this position, a lot of money will be lost because the junior officers will take advantage of this and hoodwink so that money is lost in this County.

We do not want money to get lost because we put people who do not qualify in such positions. This great County has so many qualified people who can fit this position that I hope the Governor will bring to this Assembly so that we can pass it and by rejecting this nominee, we do not want to be portrayed as the Assembly is delaying the appointment of the Chairperson of Mbegu Fund so that people of this County do not benefit. We want people who can deliver on their mandate. Thank you Mr. Speaker, Sir; I support the adoption of this Report.

Hon. Foleni: Thank you hon. Speaker, Sir, for giving me this opportunity to pass across my sentiments in regard to the appointment of this lady; one Zawadi Kamangu. I want to say that this lady fits the bill; she has what it takes for her to move the Mbegu Fund a notch higher. When we interviewed this lady, I wish the video or audio could be around so that Members could see for themselves, facts speak for themselves. This lady is qualified. The mere fact that she did not do anything to do with finance does not have the best reason for us to deny her this job.

Hon. Speaker, Sir, I want to reiterate that this House should rise above board today so that we can have this name approved. Hon. Speaker, I want to give a practical example; we have had several appointments within both the County and National Government done by the respective Governors and even the Head-of-State. Some of these appointments are not commensurate to the education that they did in college but to my surprise, the names that I am going to mention are exemplary... I remember the National Government appointed one Dr. Macharia who heads the Ministry of Health and he is not a medical doctor. Dr. Macharia did the very best on the basis of the passion he had.

Mr. Speaker, we have a number of Chairpersons in this House including my able Chair (Dr.) Mzungu (Chitibwi) who heads the Planning Committee but his career path is a veterinary doctor whose main work is to treat scabies arising from both domestic...

Hon. (Ms.) Chiku: Thank you Mr. Speaker. I think the Member on the Floor is misleading this House. Dr. Mzungu (Chitibwi) yes he is a doctor and in charge of Planning, I know what he is driving at but Dr. Mzungu (Chitibwi) is not looking for a job as a CEC or Livestock Officer. I also want...

(Applause)

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I have not finished, I am just warming up hon. Member.

(Loud consultations)

What I want to inform the Member on the Floor is that Mr. Macharia was a banker and he was taken to the Ministry of Health. You can now see what is happening, we are reaping. We have lost a lot of money. That is why I said in my speech that let us not put lesser... for leaders who are not familiar with that portfolio for them to be taken for a ride and especially when money is concerned. Thank you.

Hon. Foleni: Hon. Speaker, I wish to inform hon. (Ms.) Chiku she is the Vice Chairperson of ICT but she has no knowledge on matters of ICT and she is doing good.

(Laughter)

These are the points I want to drive to this House this afternoon that we should not judge Madam Zawadi Kamango on the basis of lack of financial skills. Let us give her this job so that she can rise above the challenges and be able to perform. Hon. Speaker, hon. Gambo, the Member for Junju, is an able Chairperson for the Committee on Agriculture and he is doing marvelous but he did not attend any agricultural class...

(Laughter)

Hon. Speaker, I want to inform you that these Members that I have mentioned are being driven by the passion to deliver services to the great County of Kilifi.

Hon. Rachael Musyoki our CEC in charge of Health is doing wonders in the Department of Health and she is not a doctor. Mr. Speaker, we have no reason to deny Madam Zawadi Kamango the chance to head the Mbegu Fund. As I conclude hon. Speaker, the urgency of the Mbegu Fund... and I remember every Sub-County has already constituted a Mbegu Fund Committee and the main purpose of the Committee apart from other duties is to advise the Chairperson. Hon. Speaker, this might be a delaying technique from the Executive to deny us this money in the course of next year.

I want to urge my fellow hon. Members that we give this job to this lady so that she can be able to perform as per her capability. Thank you, Mr. Speaker.

(Applause)

Hon. Mwayaa: Asante mheshimiwa Spika. Nimesimama kuunga mkono Ripoti ya Kamati ya *Planning*. Mheshimiwa Spika, lori ni gari na iliundwa ili ibebe mizigo na matatu ni gari iliundwa ili ibebe abiria. Huwezi kulazimisha ati kwa sababu lori ni gari uifanye ya abiria waingie pale ndani utaonekana kidogo ni tahira wa akili.

(Laughter)

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Mheshimiwa Spika, nasimama kuunga mkono kwa sababu sheria yetu ilisema kwamba tukiajiri huyu mwenyekiti, lazima awe ana ujuzi wa maswala ya fedha lakini huyu mama aliyehojiwa na Kamati hii hana hata chembe ya ujuzi wa maswala ya fedha.

Juzi muliona vile tulivyofanya na hata tukasema watu wengine wakae kando na ni watu ambao tuliona ni wasomi. Leo hii tukiwa tunachukua mtu ambaye hana ujuzi, ni kweli anatoka Kilifi, kwenye Wodi fulani lakini kama tunachukua mtu ambaye hana huo ujuzi atatupeleka vibaya na ndio nikasema acha lori ibebe mizigo na matatu ibebe abiria.

Hana ujuzi acha akae na huo ujuzi wake na mahali anaona ni sawa aendeleo na hiyo kazi, hatuwezi kubadilisha lori ikabeba abiria na matatu ikabeba mizigo. Mheshimiwa Spika, nasema kwamba mama huyo kwa vile hana ujuzi huo wacha akatafute kazi nyingine kwani Kilifi tuko na watu ambao wamehitimu na wanaweza wakashikilia hii sehemu ya Mbegu Fund.

Mheshimiwa Spika, hata mimi ni mmoja wao ambaye nilipeleka Kamati na makundi huko lakini siwezi kulazimisha iwe leo. Hata mimba ya ndovu ni mwaka mmoja, huwezi kulazimisha ndovu azae na miezi mitano atakuwa si mtoto wa ndovu...

(Laughter)

Kwa hivyo, nasema huyu mama atafute kazi ambayo inamfaa na tutafute mtu ambaye atakalia hiki kiti cha Mbegu Fund ili tusonge mbele kama wakaazi wa Kilifi naunga mkono.

(Applause)

The Deputy Speaker (Hon. Mwambire): Hon. Kazungu Chai?

Hon. Chai: Thank you very much Mr. Speaker for giving me a chance to support the adoption of this Report. I will be very short and clear. As I have already said, we will not belittle the Chairperson and his Committee Members for the job we gave him to go sit and bring us the Committee findings and recommendations.

As an Assembly how are we reacting? We gave this job to a Committee to go and bring us all this findings and recommendations, so if you are going against the Report it means you are belittling the Committee. I am supporting the rejection of Madam Zawadi Kamango as the Chairperson of this board. Thank you very much Mr. Speaker, Sir.

Hon. Ibrahim: Asante sana Bw Spika, kwa kunipatia nafasi hii. Ninasimama kuunga mkono Ripoti. Nimeangalia Waheshimiwa wenzangu wanaangalia sana mambo ya elimu na ni kweli lakini mimi kabla sijaangalia elimu huyu mama amezaliwa mwaka wa 1955 na kisha *marriage status* ni *single*. Yaani 1955 na bado ni *single*. Kuna kizungumkuti hapo. Ukiangalia mahali amefanya kazi yeye ametembea hii Afrika; Ethiopia na Nairobi amekaa sana na bado ni *single*. Ni lazima pengine ana kasoro zake. Vile vile bunge hili tunaona jimbo letu la Kilifi limekumbwa na mambo mengi ya ufisadi, ndio changamoto ambayo tuko nayo na tukipeleka mama kama huyu pale... Naona pengine Gavana wetu na yule ambaye alisema huyu mama achaguliwe sijui urafiki wake na mama huyu. Maanake kwani yeye hakuangalia huyu mama hana stakabadhi za kutosha? Hakuangalia au hakuangalia sheria ile ya Mbegu Fund? Hakuangalia huu umri?

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Kuna vijana wengi wasomi ambao wanaweza kuchapa hii kazi vizuri sana na wanaranda randa tu. Tukiambiwa tulate hata 100 tutaleta. Hii ndio sababu mojawapo inayochangia ufisadi katika jimbo letu. Tunaweka watu ambao hawana taadhima, hawajasomea kazi, pesa zinafujwa. Huyu tukimuweka pale hii pesa ya Mbegu Fund atapigiwa mahesabu aambiwe imetumika hivi na vile. Kuna watu wamekaa kazi yao ni kudanganya wasomi kama hawa. Wamesoma na ukiangalia stakabadhi hana karatasi yoyote ya kwamba yeye alisomea upande wa *accounts*, kwa hivyo huyu atapigwa chenga nyingi sana. Pesa zitapotea.

Kazi kama hii ni muhimu tumpatie mtu mwenye ufahamu vizuri na siongei kwamba ati umri umepita sana lakini tuangalie pia, 1955, sijui kama anamfikia nani hapa. Mambo mengine ninataka kushauri hii Kamati, ninashukuru mumefanya kazi nzuri maanake mumefanya uaminifu na mimi ninawapongeza. Mwenyekiti nakupongeza sana kwa sababu hukuwa na huruma. Umeona ya kwamba jimbo la Kilifi linatajikana kusonge mbele; awe ameletwa na nani. Asante sana Bw. Spika.

Hon. Kiraga: Thank you Mr. Speaker. The words of the hon. Member who was just on the Floor that this lady is very old to do something in this county... We have older aged people in this House and they are doing wonders. The likes of hon. the Chairperson Dr. Mzungu Chitibwi and hon. (Ms.) Chiku Wanje are doing wonders. I believe in this lady, let us put aside the age, she can do wonders. Thank you.

Hon. Ibrahim: Asante. Bw. Spika ni kweli tuko na watu wamezidi umri hapa lakini siasa na kuchapa kazi kama hii ambayo anataka ni tofauti.

(Applause)

Marehemu Ole Ntimama amekuwa kwa siasa mpaka ametuacha na miaka karibu 87 na bado yuko kwa siasa. Kwa hivyo, siasa unaweza kukaa ule umri unaotaka lakini hii ni kazi. Huyu ako na miaka 61, amebakisha miaka 4 aende *retire*. Kwa hivyo Bw. Kiraga uangalie hiyo pia.

Hon. Kaingu: Asante sana Bw. Spika. Kwa unyenyekevu, mimi nasimama kukosoa hiyo Kamati ambayo imeleta Ripoti hii Bungeni kwa sababu ikiwa kazi ilifanywa na *Executive*, *interviews* zikafanyika kule mpaka hatimaye tukapata hilo jina la Dorothy Zawadi Kamango hapa Bungeni, naamini wale si watu ambao hawajui kazi yao. Kazi yao waliifanya kwa ufasaha wakifikiria kwamba ile kazi anaiweza mbali na yale masomo ambayo alihitimu. Kazi ni kugawanya pesa naamini hatakuwa peke yake na ni naamini *Executive* waligundua ya kwamba ile kazi anaiweza huyu mama.

Kwa hivyo, mimi sijaridhika kwamba kulingana na kima chake... na si kwamba ati anatoka katika wadi yangu ya Kaloleni basi ndio maana aingie pale, hapana! Mimi naamini mambo ya umri na mambo ya ndoa hayo ni mambo ambayo si muhimu. Na tuangalie utendakazi na shughuli ambayo ilitoka kule kwa *Executive* mpaka hapa. Kwa hivyo, tumpatie fursa afanye hii itakuwa jambo la busara kwa sababu kufikia sasa kule mashinani watu wanalia sana na naamini pengine kama tutatofautiana itabidi tungoje mpaka mwezi wa tano ndio tupate mtu kama huyo na sisi waheshimiwa wachaguliwa tutakuwa tumeramba chini. Tutakuwa tumepoteza kwa sababu mwezi wa tano tutakuwa hatuna chetu tena. Majina yote waliyakataa wakaleta jina hili, tungeenda mbele na tumshike mkono huyu Dorothy Zawadi Kamango apate hii kazi ili

tusonge mbele kama waheshimiwa. Nimesimama kukosoa na kukataliwa kwa huyu mama na Kamati ya *Planning*. Apatiwe hiyo kazi. Asante.

Hon. Kambi: Asante sana Mheshimiwa Spika. Nasimama kuunga mkono Ripoti hii. Sheria lazima tuzifuate na wale ambao wanaona kufuata sheria ni vigumu Bunge hili ni Bunge la sheria na saa hii sioni kama mtu anaweza kuingia na *T-shirt* kwa hili bunge na akiingia nayo atakuwa anavunja sheria. Sio kwamba akiingia na *T-shirt* atakuwa hawezi kuwakilisha watu wake, anaweza lakini sheria hairuhusu. Kwa hivyo, ni lazima tufuate sheria.

Huyu mama kuna vitu ambavyo hapa hana na hayo mambo ndio yametutaliza sana. Tukipenda njia za mkato saa zingine hatuwezi kufaulu. Mheshimiwa Spika, nikitaka kukupa mfano juzi nilikuwa kwa safari naenda Kilifi, nikawa na mwenzangu, nilipokuwa napeleka ile gari akaniambia lete nikusaidie kwa sababu naona tunaenda pole pole na wakati unaenda, sikumnyima nikampa gari. Tulipofika Mida tukasimamishwa na polisi, alipoambiwa toa leseni akatoa leseni lakini ilikua ya *fork lift*...

(*Laughter*)

Tukateremshwa pale pale. Dereva akaulizwa kwanini unaendesha hii *pick-up* na leseni inaonyesha kwamba wewe ni uendeshe *fork lift*? Akasema kwamba hii ni leseni, akaambiwa ni leseni lakini haijapigwa muhuri ya kwamba unaweza kuendesha hii. Ikabidi ile safari hatukufika na akachukuliwa akawekwa ndani. Na sisi malengo yetu ni lazima tuhakikishe tumefika, ile safari tumeikamilisha. Kwa hivyo, wale ambao wanasema kwamba mama huyu ni mchapa kazi ni sawa. Kama dereva yule alikuwa ni dereva shujaa sana na alikuwa ana *overtake* magari vizuri sana na anaendesha kwa kasi bila gari kuyumba lakini alikuwa haitimu kendesha lile gari. Kwa hivyo hapa tusishindane, mimi ninapongeza Kamati hii kwa ujasiri ili ochukuwa kuona kwamba lazima ifwate sheria. Mbuzi ya kamba hulisha urefu wa kamba yake. Huyu hakuweza kulisha kwa sababu hana kamba ya kulisha ile sehemu ambayo inatakikana.

The Deputy Speaker (Hon. Mwambire): There is an intervention from hon. Ibrahim.

Hon. Ibrahim: Asante sana Bw. Spika. Ningetaka kumwambia munenaji atuambie dereva yule ambaye alikuwa hana ile liseni kama pengine ni mmoja wetu hapa hatutaki siku nyingine yeye pia atuendeshe tupate kukosa kuenda ile safari. Kwa hivyo ingelikuwa bora atuambie ni nani.

(*Laughter*)

Hon. Kambi: Mheshimiwa Spika, mimi sitasita kwa sababu mimi huongea ukweli na neno la ukweli hukithiri ilhali neno ambalo si la ukweli hushikwa na watu wengi lakini halikithiri. Yule kijana alikuwa anaitwa Nelson Nyundo na unamjua vizuri sana tumekaa sote pale Timboni wakati nikikufunza siasa ndugu yangu.

(*Laughter*)

Kwa hivyo Mheshimiwa Spika, mimi Kamati hii naipa kongole kwa juhudi hizo walizochukuwa na kwa wale wanaosema mda unaenda na sisi tutatoka, ni sawa, acha sisi tutoke

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hata kama hutarudi lakini je, tumeweka mikakati ya kunufaisha haya makundi yaliyoundwa huko mashinani? Lazima tuhakikishe wamepata mtu ambaye anaweza kuwaongoza vizuri na kulinda pesa ili hata watoto wako waweze kuja kufaidika katika maisha ya baadaye. Hiyo itakuwa ni bora kuliko uweke mtu hapa saa hii wakati ukiwa pale nje usikie pesa zimeporwa itakuwa kuna mwelekeo gani? Ni lazima tukiwa tuko hapa tufuate sheria na tuweke mikakati ambayo itasaidia wanachi wetu mashinani. Nasimama kuunga mkono Kamati hii ilivyofanya. Asante sana mheshimiwa Spika.

Hon. Mlanda: Thank you Mr. Speaker, I stand in support of the adoption of this Report. Secondly, I take this opportunity to congratulate the Committee on Planning on their findings and recommendations. Mr. Speaker, allow me to read employment records as this Lady has put it here. As from May 2012, to 2005 until 1996 this is her employment records and on the same page there are honors and awards which she received during her time of employment.

Mr. Speaker, there is no year which this lady did or got certificates on finance management in any of those areas of work. So my main worry is, we might go back to the issues we have been having in this Assembly; the passwords, withdrawals and management of passwords; these are the things which we are trying to avoid.

Mr. Speaker, let us have somebody who can manage the finances in the Mbegu Fund so that we can avoid such cases of losing the Kilifian money in the way we lost Kshs 51 million in this County. I stand in support the adoption of this Report. Thank you, Mr. Speaker.

Hon. Kiraga: Thank you so much, Mr. Speaker. I have two versions in contributing to this Report. I want to start with the first version. One; if we are to follow the law, the law also states that if there two Reports in a Committee those two reports should be submitted for debate on the Floor of the House. We have some Members who were for the rejection of the said candidate and other Members who were for the candidate to get this job. That means there were two Reports which should have been produced and Tabled on the Floor of the House for debate. If we are to follow the law then today we should now be discussing this Report.

To our amazement we are seeing only one Report of which we are flouting the law and this can also be used even in the court of this country. I do not think...

(Hon. (Ms.) Chiku stood on a point of Order)

Hon. (Ms.) Chiku: Thank you Mr. Speaker, Sir. There were no two Reports because there was nobody to sign the minority Report. So we do not even think of having two Reports in that Committee since nobody actually objected in writing and it was not signed.

Hon. Kiraga: Okay, thank you...

The Deputy Speaker (Hon. Mwambire): There is another interjection from hon. Foleni.

Hon. Foleni: Hon. Speaker, I think I need some guidance from you. There is the issue of dissenting and the minority Report. This morning, I called the Clerk asking for my minority Report and we were two MCAs, hon. Naftali Kombo and me. So hon. Speaker, kindly shade some light on that; is "dissenting" the same as the "minority Report"? Thank you.

The Deputy Speaker (Hon. Mwambire): Yes, Dr. Mzungu (Chitibwi). There are some interventions hon. Kiraga just relax.

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Hon. (Dr.) Chitibwi: Hon. Speaker, I wish to inform this House that as far as this Committee is concerned, there was no request for a Minority Report. There was a dissenting view, yes, but there was no request for a minority Report because even during that session hon. Foleni left much earlier. So, I accept a dissention but there was no request for a minority Report as far as I remember.

Hon. Kiraga: Mr. Speaker, who is entitled to write the minority Report, because I know the Members are there to sign the Reports?

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga take your seat please, just hold on. Hon. Gambo?

Hon. Gambo: Bw Spika, ningetaka kumjulisha mnenaji kwamba...

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga do you wish to be informed?

Hon. Kiraga: I do not wish to be informed Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Sorry hon. Yes hon. Nzaro you have an intervention?

Hon. Nzaro: Thank you, Mr. Speaker. I was trying to look at the minutes of this Committee and at no point was there a request for a minority Report in the minutes. So, I think we are guided by what is contained in this Report...

Hon. Kiraga: Mr. Speaker...

The Deputy Speaker (Hon. Mwambire): Just relax Kiraga. I will give you a chance...

Hon. Kiraga: No, Mr. Chair, we are guided...

The Deputy Speaker (Hon. Mwambire): Your chance is reserved...

Hon. Kiraga: No, these are efforts to deny...

The Deputy Speaker (Hon. Mwambire): There are interventions from Members which I am holding... your chance will be reserved...

Hon. (Ms.) Chiku: Thank you Mr. Speaker ...

The Deputy Speaker (Hon. Mwambire): Let me believe you are not repeating whatever... now anybody coming up with an intervention will have to quote the section of the Standing Orders.

Hon. Kiraga: Exactly.

The Deputy Speaker (Hon. Mwambire): Hon. Foleni will be the last on intervention so we do not want a hide and seek game. Yes, hon. (Ms.) Chiku?

Hon. (Ms.) Chiku: Thank you Mr. Speaker, Sir, is it in Order for Members to come and ask for a Report from the Clerk when we were sitting at a designated area to write this Report after leaving the venue of where we were writing the Report?

Hon. Kiraga: Thank you...

The Deputy Speaker (Hon. Mwambire): Just hold on, there is the last one from hon. Foleni, I said hon. Foleni would be the last on intervention.

(Hon. Foleni spoke off record)

I want to give you airtime what is the problem? Just take the other one and go ahead.

Hon. Foleni: My card is out and this one...

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

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Hon. Foleni: Hon. Speaker, Sir, with due respect, I think the Chairperson of the Planning Committee hon. (Dr.) Silas Mzungu is misleading this House. Why do I say so? I remember we had to go off record at Mnarani Club trying to get the views of every member who was present at that particular time.

After the deliberations that we made, the HANSARD was put on and the first person to contribute was hon. Daniel Mangi and then he left, the second person to contribute was hon. Gambo and I was the third one. I remember my submissions were very short. If I can recall vividly what I said was, I request for a minority Report in regards to this meeting. Hon. Speaker with due respect, I cannot lie to this House even the HANSARD can speak for itself and even the Clerk is here today. So I requested the minority Report before I left for Bamba for a food distribution program. Thank you, hon. Speaker.

Hon. Kiraga: Thank you Mr. Speaker, Sir. Those who are mandated to make the minority Report or the Report which is supporting are the Clerks and as I have said the Clerk's Department went ahead doing the Report which is supporting this document but forgot to do the dissenting Report.

Mr. Speaker, Sir, we are flouting the rules and regulations in the County Government Act and even the Constitution we are denying the rights of the other Members. I therefore wish that before the conclusion of this issue, the dissenting Report should also be presented in this House for debate. We want to see why did they dissent? That is my first line of debate. My second line of debate; let us go back to the roles of a Chairperson because if you look at the first page, the position of the Chairperson of the Mbegu Fund, what are the roles of the Chairperson? I remember most of us were taken through these things; one role of the Chairperson is to "Chair meetings". Another role is, "a Chairperson is a spokesperson" and that is why we have seen as it has been put here, the National and even the County Government, we have had some Cabinet Secretaries and CECs who do not even have qualifications for that docket but they are heading that docket.

I want to inform Members that we will have the Director of Mbegu Fund, who is an expert in that field and is mandated to guide the Chairperson in matters relating to technical issues of the Mbegu Fund. We are not saying Chairpersons should be technocrats in those fields, they are there to guide the Committee, they are there as spokespersons for the Committee. So Mr. Speaker, Sir, I do not think we are being fair to say that you should be knowledgeable. In fact if you look at that paper, the Daily Nation which advertised the applications for this job, some of these things we are talking of like, 'should be very conversant with money issues' were by the way. They were written as an added advantage meaning that if it were the director of Mbegu Fund, then there could be no question about him or her not having the required traits or requirements in that portfolio. But more so, my word is we cannot keep on debating this Report, this is a half baked Report. Why I am saying so is because the other minority Report is not here and we are violating the laws and regulations of this country. Therefore, if we continue debating this some of us are going to be compelled to go to court. Thank you very much.

Hon. (Ms.) Zawadi: Asante sana Bw. Spika. Nasimama kuunga mkono Ripoti hii ya Kamati ya *Planning*. Sisi kama Wabunge wa Kaunti ya Kilifi itakuwa si bora tuharakishe kwa sababu tunataka msimamizi pale na tayari tunaona mambo mengi hayaendi vizuri hapa Kilifi. Kwa sababu tunatafuta mtu mzuri, afadhali tuchelewe lakini tupate mtu ambaye atasimamia hii

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pesa kwa njia inayofaa. Hawa Waheshimiwa ambao wanasema tumuandike kazi huyu mama hatukatai ni msomi anastakabadhi nyingi lakini zile stakabadhi ambazo yuko nazo hakuna hata moja inaonyesha kwamba yeye ashawai simamia mahali kwa fedha.

Swala la pesa Kilifi limekuwa ni donda sugu maana tunaona ufisadi umekithiri na kwa sababu hatutaki jambo hilo liendeleo tunataka mwenyekiti ambaye atasimama pale awe na ufahamu mzuri katika maswala haya ya Mbegu Fund. Kwa sababu kina mama na vijana ndio huwa wanateseka, na tunaona kina mama wengi wakipata shida. Yeye ni mama nami nikiwa pale kama mwanachama sio kwamba namkataa lakini sitaweza kumpatia nafasi kwa sababu hana stakabadhi yoyote ambayo inamuonyesha anaujuzi wa kazi hii.

Tunaona kwamba yeye ni msomi wa habari na yeye ni muandikaji wa Ripoti hatukatai anaujuzi mwingi, anaweza kututafutia fedha mahali kwengine lakini sasa habari zile atakazo zieneza kwengine... tunaona hana ujuzi kwamba alifanya kazi mahali popote ambapo pana husiana na mambo ya pesa. Kwa hivyo, sisi kama Bunge la Kaunti ya Kilifi wale waheshimiwa wote ambao wanaunga Ripoti hii mimi niko pamoja nao nikisema kwamba tunakataa kwamba mama yule Zawadi apewe kazi hii. Asante Bw. Spika.

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker. I stand to oppose this Report. First of all, I am not opposing this Report due to the fact that I am the Majority Leader and I represent the Executive side in this Assembly. Mr. Speaker, as per my knowledge we need to know the roles of a Chairperson as what my fellow hon. Kiraga was asking. The role of a Chairperson you need to Chair the Committee, to support the Committee and even in your absence the Vice Chairperson can take your roles.

Mr. Speaker, I think there is need to consider this lady because she has done a lot and according to the roles she has been playing in various sectors, I do not think she will not be in a position to Chair this docket.

In addition to that, there is on very high demand as we speak, as far as this position is concerned. I understand that we have to abide to the law but on the other side, let us also look at the functions of a Chairperson. I stand to oppose this Report. Thank you.

(Applause)

Hon. (Ms.) Elina: Asante Bw. Spika, kwa kunipa nafasi hii na mimi niunge mkono Kamati iliyokaa na ikaleta mapendekezo hapa Bungeni. Sisi tunapata mwongozo kupitia kwa Kamati zinazo kaa. Mimi ninaunga mkono Kamati kwa sababu mbili; wanaokuwa *vetted* huletwa wawili ama watatu kutoka kwa *Executive*, ndio Kamati wakapata nafasi nzuri ya kuangalia ni nani kati yao anaweza kuchukuliwa.

Shida ya *Executive* tangu mwanzo tuingie hapa Bungeni huwa tunaletewa jina moja moja na inapokuwa lile jina halistahili katika ile Kamati iliyochanguliwa huwa ndio imeisha. Kama sasa wengi wanasema tutakuwa na shida kwa sababu hatutakuwa na Mwenyekiti, tutakuwa tumechelewa na mda umeisha; si kazi yetu, ni *Executive* waliofanya hayo makosa. Sisi hatujakataa kuletewa majina na kupitisha katika Bunge lakini kwa sababu wametucheleweshwa na wametuletea jina moja ambalo ni msomi sana lakini kitengo kile yeye hahusiki na wakati tutakapokuwa tumemchukua basi tutakuwa na maswali mengi ya kujibu kwa wananchi. Kwa nini mulimchukuwa na alikuwa hastahili? Hata kama Mwenyekiti ni akae na kufanya ufwatilizaji

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wa mambo fulani lakini pia awe na ufahamu wa kuweza kutusaidia sisi kama Bunge. Kama hana huo ufahamu wa mambo ya pesa basi itakuwa shida. Tumejadili ya kutosha na kila mtu amejua kwamba hii ni shida ambayo tunataka kujiwekea. Mtu ambaye hana makaratasi ya kutosha halafu sisi tumpitishie lawama zote ziturudie.

Kwa sasa sisi sote tunajua Kilifi imekumbwa na mambo ya ufisadi na lawama zote anasukumiwa Gavana lakini Gavana hajakalia ule mtambo wa IFMIS hata siku moja kwa nini atajwe? Yeye ndiye anayesimamia hii Kilifi yote.

Ikiwa wasomi tulio wahoja katika Bunge hili na tukawapitisha wameenda wakatu *mess up* mpaka juzi tulikuja hapa wengine wakitudharau na sisi ndio tulio waeka katika hayo mamlaka. Bw. Spika nimesimama kuunga mkono Kamati na ningeomba niwe wa mwisho, wewe uweke swali lako, wale watakao kuwa wamesema ni wengi tujue ni wangapi. Lakini tusipoteze wakati kwa kubembelezana na kusema eti Mwenyekti hana majukumu mahali pale na sisi tupitishie A, B, C, D.

Bw. Spika ninaunga mkono mapendekezo ya Kamati kwa sababu mwanamke yule aliyeletwa hana stakabadhi za kutosha na hahusiki katika kitengo cha fedha nasi pia tumesimama kuunga mkono kuunga Kamati ile iliyo jadili mambo yale. Bw. Spika naunga mkono Kamati hii.

The Deputy Speaker (Hon. Mwambire): Hon. Members, allow me to call upon the Mover of the Motion to respond.

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

Hon. (Dr.) Chitibwi: Thank you very much Mr. Speaker, we have had a very lively debate and I like what I have heard from my colleagues. After everything, our duty as Members of the Assembly falls under a very small scope of what we have been discussing.

One; the summary of our Report as a Committee we say that, this nominee is not qualified and we have said why she is not qualified. She is not qualified because of a certain major set up in law, nothing else. So, if we were to talk of being qualified because of the papers, you can be right. Her CV here is 5 pages long; I have rarely seen such long CV. She has got a CV five pages long but it is this same Assembly which set the vetting Bill and it is now an Act. That Act was the work of this Assembly and the Executive and eventually the Governor signed it. We cannot work outside the Vetting Act.

Two; the Mbegu Fund is a product of this House and both of these Acts went through public participation and we finally had the last word. So, they are laws and if you want to work outside these two laws it is a decision of this House. My Committee and I want to inform you all hon. Members that we did not look at any extraneous matters; we just looked at the Act that was guiding us.

When you talk of being qualified; qualified against what measures? This is just a long CV that someone will say that she is qualified and another one will say not. If it is maybe because we want to have a lady then somebody may say yes but I would like to remind my fellow Members that you gave us a job as a Committee to work under the guidance of two laws and the Constitution. Going outside that, I think we will just be looking for trouble for ourselves.

We know we have appointed some CECs who do not have certain qualifications; they are running various Departments but remember there are no laws as far as I know guiding the

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qualifications of Members of Executive. We do not have those laws, even for the Chief Officers; we do not have the laws guiding the qualifications apart from what the Public Service Board decides. Here we are and this Assembly is depending on the Vetting Act and Mbegu Fund Act. The Mbegu Fund Act clearly states what qualifications are required. Hon. Kiraga mentioned “she will just be a Chair” and chairing a meeting is not just putting buttocks on the Chair. It is not like that. This person will not be a Chairperson of a women group, not a school board; she will be the Chairperson of Mbegu Fund with specific qualifications.

(Applause)

And that is what we worked against. The Chairperson of Mbegu Fund is a banker and we are looking at a fund that is going to last. We are not looking at a fund which is not going to work until they have been voted out, nope. Somebody said if you want to go far walk with others and we want to go far in this fund. We want this fund to eventually be a bank, independent of this county and it is our prayer that we shall get there but if we want to walk fast because we are late then walk alone. I know we are late but do we have to go wrong because we are late? Better late but arrive. If we just want to go fast then we are going to go without other people.

I thank what I have heard from the Members who are supporting the adoption of this Report but at the end of it all I would request my fellow hon. Members to go down to the law which guides us and the law is the Constitution, the Vetting Act and the Mbegu Fund Act which has got specific requirements of the Board Chairperson.

The Deputy Speaker (Hon. Mwambire): There is an intervention from hon. Kiraga.

Hon. Kiraga: Mr. Speaker may I also take this opportunity to thank the Chairperson, he recognizes that we are guided by laws and regulations and the same Chairperson is trying to maneuver and flout some of these laws and regulations. I have stated clearly that when we have some dissenting opinions, that opinion should also be debated on the Floor of the House. It is anchored in law and it is in the regulations. I do not know whether he does not see that we are flouting this law and encouraging us to follow other laws. I tend to think you should give us some guidelines.

I have stated clearly that what we are doing today is unlawful; we are debating a half baked Report which should have been two Reports at a go; a Report for and a dissenting Report. We should make history today because since the inception of the County Government and this County Assembly, this is the first time we are having two different opinions in a Report. So, let us have these two Reports debated here and I have said let us not conclude what we are doing here unless we get the other Report. Thank you.

The Deputy Speaker (Hon. Mwambire): Hon. Nzaka.

Hon. Nzaka: Thank you Mr. Speaker, Sir. I would like to take this opportunity to ask hon. Kiraga to give us the law he is talking about because hon. (Dr.) Mzungu (Chitibwi) has told us that he is following the Mbegu Fund Act and the Vetting Act. So can he tell us vividly the law he is trying to tell us.

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga, would you mind sighting the Article?

Hon. Kiraga: Mr. Speaker, are we hearing this issue for the first time? Even the hon. Speaker himself by the time we are discussing this oversight Committee he put it openly ...

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga, just for clarity purposes so that the HANSARD can capture what you are saying; you are saying “even the hon. Speaker himself,” do we have a Speaker right now or you are referring to another person so that we know exactly what you are trying to portray?

Hon. Kiraga: I’m talking of the Speaker Jimmy Kahindi.

The Deputy Speaker (Hon. Mwambire): So we don’t have a Speaker today according to the law?

Hon. Kiraga: I do not know whether we are on the same line but I am saying the hon. Speaker Jimmy Kahindi...

The Deputy Speaker (Hon. Mwambire): It is good to quote so that we can make reference...

Hon. Kiraga: I am saying I cannot quote exactly where...

The Deputy Speaker (Hon. Mwambire): It is not where, it is the Act.

Hon. Kiraga: Mr. Speaker, if you give me time, although I appear to be having a divergent view but I also need to be heard.

The Deputy Speaker (Hon. Mwambire): I have given you a chance...

Hon. Kiraga: When we were dealing with these oversight issues at Pride Inn we all heard hon. Speaker Jimmy Kahindi that if we are going to have an opposing opinion these two Reports must be debated and these things are anchored in law. We are not hearing these things for the first time unless you want to blanket yourself to pretend that you do not want to see the other side of the issues. We have heard these things; it is not the first time. We need the minority Report in this House. That is what we are saying.

The Deputy Speaker (Hon. Mwambire): Just hold hon. Chairperson please. Yes Kazungu (Chai).

Hon. Chai: Thank you very much Mr. Speaker. I thought you were going to give us direction on what is happening because I am not getting what hon. Kiraga is telling us to debate two Reports at the same time. Unless maybe he is going to bring the Report after and we discuss it but at the moment, I think there is no time, we have had a Report in the House, most of the time we usually have either no or yes. So maybe if he is going to bring the other Report we can discuss it and then we...

The Deputy Speaker (Hon. Mwambire): Hon. Chai take your seat. Hon. Kiraga has shared his concerns and I am not going to give other interventions because we will take a longer time and I do not want us to extend our sitting. The issues hon. Kiraga is raising have no basis. He could have notified us whether it is in the Standing Orders we look at which Standing Order. Whether it is in the Mbegu Fund Act or the Constitution we look into that but if you say you do not know but somebody said it, I think we are all human beings. Even the person who said it might have erred in one way or the other, we have references and that is why we have Clerks to look into those references.

The Clerks are here to assist the Speaker in case you point out the issues in the Constitution, they look at that so that we can share to Members but if you just bring some allegations claiming that they are in law and they are not, that is not okay. Because obviously

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when a Report comes there are three options; you can support it, you can object and three you can abstain. When you were giving your contribution you said you had two versions, out of the two you did not state whether you are supporting or not. The Chairperson is giving his submissions so that we can move forward. So, let the Chairperson proceed with giving his submissions so that we can conclude the matter instead of moving up and down without clarity of the facts that we need to look into. Hon. Mzungu (Chitibwi), please .

Hon. (Dr.) Chitibwi: Thank you very much hon. Speaker. Maybe just to clear the mind of my fellow hon. Members; this is not the first time we are having different views on whether to adopt a Report or not. I do not remember any minority Report being brought in the House but dissenting on the Floor is done. Members of this Committee remember very well as the Chairperson I said hon. Foleni you are free to bring a dissenting Report. It is not the job of the Chairperson to follow a dissenting Report. I followed the Report of this Committee and I presented it.

It was the work of the dissenting Member to follow up on that Report. So, he was to follow up and bring it here. After I presented my Report, I believe the Speaker could have also received that one. So at this point, I do not believe we are out of the law. Speaker, make your ruling and allow me to conclude my presentation.

This Chairperson is going to be a banker and I know even at the directive of a bank there is a law guiding the minimum qualifications and the Chairperson should be more qualified than the members of the board. Today is not an issue of having money for you to open your bank, there is qualification there. Our hope as Members of this County Assembly and Members of Kilifi County is that this Fund is going to grow and eventually be independent of the Executive so that this Assembly does not need to appropriate money. This fund is going to source for funding from other organizations. We need someone who is properly qualified. At the end of it all, this Committee relied on the law that is guiding us. If other Members have got other basis then let this House decide. I request Members to adopt this Report. Thank you hon. Speaker.

The Deputy Speaker (Hon. Mwambire): Hon. Members, the Motion on adoption of the Report on the Committee on Planning, Trade and Cooperatives on the vetting of the nominee for the appointment to the position of the Chairperson for the Mbegu Fund Board has been deliberated and now I'm going to put the question.

(Question put and agreed to)

ADJOURNMENT

Hon. Members, we have come to the end of business of the day. This was a Special Sitting of the Assembly to deliberate on this Report and now we have concluded. Let me now take this opportunity to congratulate you for making it possible to pursue the business of the day and wish you all the best on your long recess. May you have a happy Christmas and a prosperous new year. May God guide us all. Amen!

The House rose at 4:45 p.m.