

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KILIFI**  
**THE HANSARD**

**Tuesday, 17<sup>th</sup> July, 2018**

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

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

**PRAYERS**

**COMMUNICATION FROM THE CHAIR**

VISITING PUPILS FROM MARY JOY KINDERGARTEN AND PRIMARY SCHOOL

**The Temporary Speaker** (Hon. Mumba): Hon. Members, we have Communication from the Chairperson. I would like to acknowledge the pupils from Mary Joy Kindergarten and Primary School. The pupils are here for a study visit to appreciate the legislation procedures, practices, traditions and parliamentary proceedings.

I request each pupil to stand when called out so that they may be acknowledged in Parliamentary tradition. So when I call your name, you will just stand and wave so that we can acknowledge your presence:-

1. Catherine Njane
2. Rajab Mohamed
3. Brenda Kiseu
4. Lee Kazungu
5. Tiffany Wambua
6. Lukman Khalif
7. Collins Kinyajui
8. Maureen Waceke
9. Nassor Hamisi
10. Sylvia Itambo
11. Radhia Mohamed
12. John Baraka
13. Beatrice Mbeyu
14. Nicole Nerea
15. Mary Vinyanywa
16. Bruce Murimi
17. Betty Buko
18. Mariam Muthoni

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19. Mary Gabriella
20. Job Junuio mecha
21. Bethel Mwandau
22. Jawad Salim
23. Nelly Farah
24. Ismail Gobu
25. Linda Asoi
26. Libert Msindi
27. Alice Johanah
28. Hamza yaa
29. Bruno Maina
30. Esther Mwikali
31. Purity Sidi
32. Riziki Sakah
33. Faith Salama
34. Hilluck Kuya
35. Maxwell Kiarie
36. Solomon Chege
37. Samuel Machoka Arita
38. Effie Achieng
39. Elizabeth Cherrie
40. Karen Ochieng
41. Abdulkadir Husein
42. Laith Chuli
43. Gideon Fondo
44. Mary Adhiambo
45. Joyce Kenga
46. Samuel Ngethe
47. Najma Mukoma
48. Ezirah Nyange
49. Kenneth Masha
50. Grace Ndila
51. James Ganika
52. Jimmy Wang'ombe
53. Stanely Emmanuel
54. Brian Gikonyo
55. Nduku Peter
56. Sammy Machoka
57. Christian Wafula
58. Alice Herry gwengele
59. Margret waino
60. Abgail Furaha
61. Ivy Mutheu
62. Constance Chula
63. Sylvia Mwikali

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64. Mariam Godoma
65. Faiz Fahmy
66. Rehema Kazungu
67. Faith Mueni

The Pupils are accompanied by their teachers and I will read their names too;

1. Mr. Safari Peter Menzah
2. Mr. Kahindi K. Kalu
3. Mr. Charles Muchina Chekati and
4. Mr. Dennis Amunga Ouma

*(Applause)*

I hope that they will have a fruitful programme. On behalf of the County Assembly of Kilifi and on my own behalf, I welcome them to the Assembly and I wish them well. Hon. Members, as a practice I will give an opportunity to one Member who can welcome them as well.

Mary Joy is a school from Mombasa County and they have chosen to come and learn from our County Assembly here in Kilifi County. Hon. Mramba, please you can welcome them.

**Hon. Mramba:** Thank you Mr. Speaker. The County Assembly of Kilifi today feels greatly honoured to receive pupils from Mary Joy Kindergarten and Primary School which is located in Mombasa County.

Mary Joy is an academic giant in Mombasa County. If the results of the past three years are anything to go by, students from Mary Joy Kindergarten and Primary School have excelled and they have joined National schools, Mr. Speaker.

*(Applause)*

We feel greatly honoured for hosting a school from our neighbouring county. They have come all the way from Mombasa to Malindi so that they can see the architectural design of Kilifi County Assembly which is one of its own. Mr. Speaker, Kilifi County Assembly was designed in its own way and to be sincere, it is number one in the Republic of Kenya.

It is number one in its architectural design and again it is number one when it comes to legislation. We know very well the purpose or the duty of a Member of County Assembly (MCA) is representation, legislation, and oversight. When it comes to representation, we are number one, when it comes to legislation we are number one and also in oversight.

Mr. Speaker, I wish to tell the pupils who are seeing me today that my name is Nixon Mramba, MCA Kakuyuni Ward in Malindi Constituency.

It is this County Assembly that came up with the County Ward Scholarship Fund which today we are distributing Kshs350 million to all students in the 35 Wards; that translate to Kshs10 million per Ward. This money is meant to benefit the students in Polytechnics, Secondary schools, Colleges and Universities. To add onto that, we have increased the amount from Kshs10 million per Ward to Kshs 20 million per Ward.

I wish to tell the pupils that this is a replica of the National Assembly and the Senate and it is the work of devolution that was championed by none other than *baba*, Raila Amollo Odinga.

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(Applause)

Were it not for Raila Amollo Odinga, we would not be here today because these are the fruits of devolution. I wish to therefore request the pupils who are seeing me or hearing my voice to be very obedient to their teachers Mr. Speaker...

(Applause)

...to practice high standards of discipline because it is the only way for them to excel. We are sure that some of these students here will one day become MCAs, Doctors, Members of Parliament and even the President of the Republic of Kenya. It is only after these students practice very high levels of discipline; leave alone the few students who are always ready to burn dormitories in order to evade examinations, Mr. Speaker.

It is a pity that the Education Principal Secretary the other day was saying if this trend will not cease, boarding schools will be abolished. Now you can see a student from Malindi going to Alliance High School then all of a sudden he is told to look for accommodation elsewhere. It will be a very big problem.

Therefore, I appeal to the pupils on behalf of my fellow Members of the County Assembly to abide with the advice of their teachers and practice a lot of obedience and hard work because it is only through hard work that they will one day take these seats we are holding today. We are growing old and we need such young brains to take over these roles, Mr. Speaker.

Otherwise, I wish to welcome them and tell them that this is a County Assembly; a true replica of the National Assembly. The only difference is that theirs is a National Assembly; otherwise everything is equal to it. I beg to welcome them and tell them to feel free and learn how to debate because we are going to debate here. Let them learn so that one day when one becomes an MCA in his area, he will have the know-how of debating. Thank you and I beg to welcome them.

**The Temporary Speaker** (Hon. Mumba): Thank you very much hon. Member for Kakuyuni for that elaborate acknowledgement and warm welcome to the students and the advice from a former teacher to the students.

## STATEMENTS

### GROUNDING AMBULANCE AT GANZE HEALTH CENTRE

**The Temporary Speaker** (Hon. Mumba): Is hon. Chengo around? Please proceed.

**Hon. Chengo:** Thank you Mr. Speaker. I beg to seek a Statement from the County Executive Committee (CEC) Member in charge of Health Services through the Chairperson Committee on Health Services;

Whether the County Executive Committee Member (CECM) in charge of Health Services is aware that the ambulance is grounded, hence leading to the challenges in accessing Health Services at times resulting to death in cases of emergencies. If yes, what actions and plans has the CECM taken to correct this anomaly?

### DEPLORABLE CONDITION OF GANZE HEALTH CENTRE STAFF HOUSES

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**Hon. Chengo:** Again, I beg to seek a Statement from the County Executive Committee Member in charge of Health Services through the Chairperson, Committee on Health services;

Whether the County Executive Committee Member (CECM) in charge of Health Services is aware that the staff houses at Ganze health centre are in a deplorable condition, resulting to the staff renting at Kilifi Town making it impossible for emergency cases at night to be attended to? If yes, what measures is the CEC Member planning to undertake to address the problem?

**The Temporary Speaker** (Hon. Mumba): Is the Chairperson or the Vice-Chairperson for Health Committee around? The Statements are committed to the Committee on Health and you are supposed to Report to this House in 14 days time. Go and liase with the CEC Member so that you can bring a substantive Response to this House. Is hon. Ndago around? Any Member on his behalf? Yes proceed.

#### SOLID WASTE MANAGEMENT AT SHIMO LA TEWA WARD

**Hon. Mbura:** Thank you Mr. Speaker. On behalf of the Member for Shimo la Tewa Ward, hon. Ndago, I beg to seek a Statement directing it to the County Executive Committee Member (CECM) Department of Environment and Natural Resources through the Chairperson, Environment and Natural Resources Committee;

Whether the County Executive Committee Member in charge of Environment and Natural Resources is aware that groups identified by the Department for solid waste collection in Shimo la Tewa Ward are dumping waste at Kitaruni area and along the Mombasa-Malindi Highway when the County has a designated dumping site at Kizingitini? If yes, what action is the CEC Member taking to address the challenge?

**The Temporary Speaker** (Hon. Mumba): Chairperson Water, Environment and Natural Resources? I saw hon. Hassan, is he around? Is the Vice-Chairperson around? Yes, the Statement is committed to that Committee. Make sure you bring a Response in 14 days to this House.

### MOTION

#### VOTE ON ACCOUNT

**Hon. Kiraga:** Thank you so much Mr. Speaker. I wish to move the following Motion;

THAT, Pursuant to provisions of Section 134 of the Public Finance Management Act, 2012, and Regulation 36 of the Public Finance Management (County Governments) Regulations, 2015, this County Assembly grants authority to the County Executive Committee Member in charge of Finance and Economic Planning the withdrawal of Kshs3,862,605,011.50 (Three billion, eight hundred and sixty two million, six hundred and five thousand, eleven shillings and fifty cents) from the County Revenue Fund representing up to fifty percent (50%) of the estimates of budget for financial year 2018/2019 submitted to the County Assembly made up in the manner set out in the Vote on Account schedule attached, be authorized for the purpose of meeting expenditure necessary to carry on the services of the County Government of Kilifi during the year ending on the 30<sup>th</sup> June, 2019 until such a time as the Appropriation law for financial year 2018/2019 comes into operation.

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Mr. Speaker, before I give this opportunity to the seconder, I have the following submissions. Today we are witnessing a situation whereby the people of Kilifi are going to be denied proper services as enshrined in the Constitution. The repercussion behind the Vote on Account is that the County Government will only manage to use up to 50 percent of the recurrent expenditure. Unless the Appropriation Law is passed, no development expenditure is going to be witnessed in this County. This is not the way to go; this is a scenario which we as Members should not encourage.

The reason why we are going to the Vote on Account is because of the refusal to assent to the Bill by the Governor of Kilifi, Amason Jefwa Kingi. On his refusal, he noted some few areas and made those areas as the basis of refusal and I wish to touch on only two areas. One is failure to abide by regulation 37 of the PFM (Public Finance Management) regulation, 2015, and what does this say? Regulation 37(1) provides that where a County Assembly approves any changes in the annual budget under Section 131 of the Act, any increase or reduction in expenditure of vote shall not exceed one percent of the vote ceiling. We are aware of this regulation and since this is a House of regulations and laws, we are bound to abide by any regulation and that is why we were very much aware that the Budget and Appropriations Committee was very much aware that it could only appropriate funds up to one percent but I want to refer this House to the resolutions we made in the County Fiscal Strategy Paper, resolution number six; we all understand what transpired that in the first and second supplementary budget, some projects worth more than Kshs1.2 billion both Ward Development Fund projects and from the Executive were collapsed. That is why we made a resolution as a Committee that in the subsequent budget, these projects should be reinstated.

The Committee was guided by that resolution. Mind you Members, this resolution; the County Fiscal Strategy Paper, after having been approved goes to the Controller of Budget. How could we just play around with one percent vis-à-vis that resolution? That is why we made sure that the Ward Development Fund projects were reinstated. So if the Governor is telling this House that we went against this Section that we cannot accept as a House. Infact, we did not even play around with that one percent because I understand the one percent will transpire to Kshs130 million according to our budget. What we did was reinstatement of projects. So this Section as alleged by the Governor cannot hold water.

Reason number two was the deviation from the financial objectives in the 2018 County Fiscal Strategy Paper (CFSP). If you look at the CFSP vis-à-vis the big five of the county; food sufficiency, provision of safe water, good performance, quality education, good healthcare and beneficial use of land vis-à-vis the ceilings in the CFSP; they don't even marry. A mistake started at the Executive because we did not do any harm to this Section therefore as a Committee or a House, this reason cannot also be used as basis for rejection. This is a lie because we were expecting that since food sufficiency is number one here, provision of water is number two, then if you look at the ceilings, they could also marry whatever was in the CFSP.

I would wish to wind up by saying another reason which the Governor used is the Department of Agriculture. He also said how do you deny monies in the Department of Agriculture while agriculture is in infact in our big five agenda in the County? Look at this Department, what has this Department been doing from the first financial year that is 2013/2014 when devolution came into being? Has it really addressed the issue of food sufficiency? It has not. That is the answer we can give. It has greatly failed this county on the issues of all Wards. The Department of Agriculture has always forced this House to appropriate funds to service the

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issues of disasters and farming in this county at a tune of almost Kshs 200 million. If we can reflect what we did in the second supplementary budget, we appropriated Kshs 200 million to address the issues of farming and emergency. How long are we going to appropriate these monies? If we are to do that yearly that means in five years we are going to have one billion shillings going to the issues of farming while the docket of agriculture is there. What are they doing to alleviate these problems?

We have a lot of rivers in this county. We have River Sabaki and so many other rivers. Why can't the Department of Agriculture use these natural resources to alleviate these problems we are having as a county? As a Committee, if this is going to be a trend, we are going to deny funds to this Department every financial year and I think the Agriculture Committee should try to help this Department. Let us try to help the executive to realise that they are doing a gross mistake in this County. With those few remarks, let me wind up there and let me call upon hon. Chai Chiriba to second me. Thank you.

**Hon. Chiriba:** Thank you Mr. Speaker, for giving me this opportunity as I stand very much supportive to this Motion on the Vote on Account. Mr. Speaker, the Chairman started by saying that he will be very brief but I know there are touchy issues that he really had to divert and shade light on. In as much as we may dwell on the reasons following the Governor's refusal in assenting to the Bill, today we are faced with passing a Motion on a Vote on Account and let me say hon. Members that whatever we are doing here today...

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

**The Temporary Speaker** (Hon. Mumba): Yes, what is your Point of Order hon. Humphrey (Mwarandu)?

**Hon. Mwarandu:** Thank you Mr. Speaker. Is the hon. Member on the Floor in order to give his submission before you ask for the deliberation? Thank you.

**The Temporary Speaker** (Hon. Mumba): Yes, the hon. Member for Jilore is very much in order. He can proceed and submit then I will propose for the rest of the Members now to proceed with the deliberations. Thank you.

**Hon. Chiriba:** Thank you Mr. Speaker for your protection. We are in the process of learning. I was saying that in as much as we may dwell into the reasons as to why the Governor did not assent to this Bill, the issue is that today this Assembly will be doing a noble duty in passing this Motion on Vote on Account given that almost all services that are so vital to our people are on a stand still. If we can look at what is happening in the Health Sector, it is very pathetic. In the morning, there was a Statement from one hon. Member trying to ask the Department of Health why we have got ambulances not functioning. Mr. Speaker, as I stand with the able Chairperson today, I pray that today we will not have any long debate as far as this Motion is concerned.

Given that this County needs to run issues of great importance which have been denied just by the simple refusal to assent this Appropriation Bill Mr. Speaker, it is therefore my wish to the rest of the House; even if you look at our Chamber...I am happy that the hon. Member for Kakuyuni has said much concerning the Chamber to be a unique one, but you can see that today we are not using these gadgets, why? Something is not happening because as a county we do not have money. Therefore, I pray as hon. Members in this county we show the real concern to our people by allowing release of these funds so as to make sure that these important services reach

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our people in due time. In that way, I call upon all the hon. Members to stand for the passage of this Motion. Thank you, Mr. Speaker.

**The Temporary Speaker** (Hon. Mumba): Thank you.

*(Question proposed)*

### COMMUNICATION FROM THE CHAIR

#### VISITING STUDENTS FROM HIGHER FOCUS ACADEMY IN GANZE SUB- COUNTY

Hon. Members, I wish to acknowledge the presence of students from Higher Focus Academy; that is in Ganze Ward who just came in as we are proceeding. So, feel welcome and learn from the proceedings and procedures of this House.

*(Debate on Motion resumed)*

You will raise your hand because the system is not functioning. So when I see your hand that is the only time you will catch the eye of the Speaker to grant you permission to contribute. Hon. Pascal, proceed.

**Hon. Pascal:** Thank you Mr. Speaker for giving me a chance to also give my views on the subject matter on the Floor of this House. Mr. Speaker, let me take this opportunity to support the discussion on Vote on Account as the prayer of the Motion seeks the permission to grant the CEC (County Executive Committee) Member to actually withdraw the said amount of money. This is to say that without the passage of this Motion, it means that Kilifi will be grounded. It will be grounded because there will be no services that will be taken care of; there will be no projects that will be done and it is to say that Kilifi will be on its knees.

Mr. Speaker, the reasons that have been given by the Governor for not signing this document do not hold any water because we believe that the Finance Bill was brought before this House and it was an honour for this House to pass that Bill with the best reasoning that we had as Members of this Assembly; we were very much aware or very much hopeful that the Governor will assent to it so that Kilifians will get their rightful share of what belongs to them.

Now, it is ironical that we are seeing today this Bill has not been assented to and it is like circumnavigating; kind of. It is brought back again for this House to decide on. Mr. Speaker, the reason brought about the shelving of projects and last year was because of hunger as the Chairperson has put it. Again, in the County Fiscal Strategy Paper even before they shelved the projects, we agreed that the projects will be implemented immediately after that ending financial year and that is what the Committee did. We reinstated those projects because we thought we were fulfilling a promise that had been put before the projects which were shelved.

So, for the Governor to come here today and say that we went against the law then it is like he is forgetting that it is payback time, Mr. Speaker. They were supposed to pay back so that these projects that are supposed to be implemented in the Wards can be implemented for the people of Kilifi to see and use, Mr. Speaker. So we are saying very boldly that this Budget which was passed by this Assembly will not be denied the funds that we proposed as an Assembly. We want everything to be implemented as per the passage of that law because we know it is only the Assembly that normally decides on matters regarding the running of this Assembly. Therefore, I

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kindly appeal to hon. Members to actually support the Vote on Account and again kindly ask the Governor to have a change of mind and actually assent to the Bill the way this House passed it. Thank you very much, Mr. Speaker.

**The Temporary Speaker** (Hon. Mumba): Yes, hon. Mramba.

**Hon. Mramba:** Thank you, Mr. Speaker. I am rising in support of the Motion as tabled by our able Chairperson, hon. Albert Kiraga Hare; Member for Gongoni. Mr. Speaker, I wish to once again congratulate and thank the hon. Chairperson together with the able Vice-Chairperson of the Budget Committee and all the Members for doing a very good job.

Now that we are here, the Governor has refused to assent to the Budget and he has cited some reasons but I agree with the sentiments raised by the hon. Chairperson and I wish to give an example that at the National Assembly when the Department of National Youth Service was seen to be given a lot of money but nothing is being done, in this financial year, that is 2018/2019, the Members of Parliament at the National Assembly decided to deny that Department a lot of money simply because we are giving you that money but you are not utilizing the same. We cannot allocate more money to the Department of Agriculture while it does extremely nothing. We are giving them money but what we can see in the Budget is purchase of rabbits in Ganze, fertilizers for all wards and purchase of bee hives in Sokoke Ward but if you go to the ground, there is totally nothing to be seen. Why should we have to buy relief food year in year out yet there are areas that can be utilized well?

We can say for example; along River Sabaki starting with Shakahola, Chakama, Langobaya in Jilore Ward, Mongotini, Madunguni, Kavunyalalo, Paziani to Sabaki. That river if well utilized can feed the whole of Malindi Sub-county. Look at it right now; nothing can be seen. In my Ward that is Kakuyuni which is commonly referred as Kitale of Malindi, I have never received even a single water pump from the County Government, Mr. Speaker. What we have received are pumps from the Ward Development Fund. Why?

His Excellency the Governor during the campaigns promised people at Madunguni that he will make sure a project worthy Kshs150 million is pumped into that Ward in form of irrigation. Funny enough, we go to the budget and there is nothing; not even a single cent was allocated. Why should we take money and allocate it to that Department yet it does extremely nothing? We do not have to do that. Let us take this money and put it somewhere where it will be utilized. Therefore, I beg to support the Chairperson, Budget Committee and pass that Vote on Account so that essential needs are taken into account.

**Hon. Maitha:** Asante mheshimiwa Spika. Nami nasimama kuunga mkono hoja hii. Ninamuunga mkono Mwenyekiti wa Kamati ya Bajeti kwa kazi nzuri anayoifanya na ninatofautiana kidogo na Gavana wetu kwa kutotia sahihi ile bajeti tuliyopitisha hapa. Nimesimama hapa kuwakilisha wadi ya Jaribuni na wiki iliyopita siku ya Ijumaa, wafanyikazi wa Kaunti hii katika Idara ya Kilimo ambayo tunaambiwa tuitengee pesa za kutosha ni kwamba walienda kuweka *sign board* sijajua neno lake la Kiswahili Bw. Spika, ya kwamba kuna zizi la ng'ombe huko Marere ambalo lilipeanwa 2013/2014; lakini la ajabu hakuna hilo zizi mpaka sasa.

Jaribuni iko na Mdachi *irrigation scheme* bado hatujaona mazao kwa wakaazi wa huko kupitia huo mradi. Je, mpaka lini tutalisha watu wetu wa Kilifi kama zile pesa chache tunazipeana kwa Idara hii hazitumiki vizuri? Mimi nasema ya kwamba bado tutasimama pale pale na ninawaomba waheshimiwa wenzangu tusiongeze pesa hapa mpaka zile pesa tulizowatengea miaka iliyopita ziwe zimetumika vizuri ndio tuone kama tunaweza kuongeza pesa upande huo. Nasimama kuunga mkono hoja hii. Asante Mheshimiwa Spika.

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**The Temporary Speaker** (Hon. Mumba): Hon. Members, a Motion has been moved and the same has been deliberated upon. I now to put the Question.

*(Question put and agreed to)*

### **ADJOURNMENT**

There being no any other business, this House remains adjourned until tomorrow Wednesday at 2:30 p.m. Thank you.

**The House rose at 3.17 p.m.**