

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 21st February, 2017

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

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

PRAYERS

PAPERS LAID

REPORT OF THE KILIFI-MARIAKANI WATER AND SEWERAGE
COMPANY FOR THE FINANCIAL YEAR 2013/2014

Hon. Kaingu: Mr. Speaker, Sir, today being Tuesday, 21st February, 2017, I beg to lay on the Table of this honorable House:-

A Report of the Committee on Public Investments and Accounts on the Financial Statements for the Kilifi-Mariakani Water and Sewerage Company (KIMAWASCO) for the financial year 2013/2014.

Thank you, Mr. Speaker.

(Hon. Kaingu laid the Report on the Table)

REPORT ON THE FINANCIAL OPERATIONS OF THE COUNTY ASSEMBLY
OF KILIFI FOR THE FINANCIAL YEAR 2013/2014

Hon. Kaingu: Mr. Speaker, Sir, again today being Tuesday 21st February 2017, I beg to move on the Table of this honorable House:-

The Report of the Committee on Public Investments and Accounts on the financial operations of the County Assembly of Kilifi for the financial year 2013/2014.

Thank you Mr. Speaker, Sir.

(Hon. Kaingu laid the Report on the Table)

MOTION

ADOPTION OF THE AD HOC COMMITTEE REPORT ON REMOVAL OF THE CEC MEMBER IN CHARGE OF EDUCATION, YOUTH AFFAIRS AND SPORTS; MS. SALMA MUHIDDIN

Hon. Mwachethe: Thank you, Mr. Speaker. On behalf of the second Ad hoc Committee I beg to move:-

THAT, this honourable House adopts the Second Report of the Ad hoc Committee on removal of the County Executive Committee (CEC) Member in charge of Education, Youth Affairs and Sports, Ms. Salma Muhiddin laid on the Table of this honourable Assembly on Wednesday, 15th February, 2017.

It is my pleasure and duty to present to the Assembly, the Committee Report on the investigation of the County Executive Member in charge of Education, Youth Affairs and Sports.

The County Assembly of Kilifi during its plenary sitting on of 22nd November, 2016, deliberated and adopted the First Report of the Committee on General Oversight on the interrogation of the CEC Member in charge of Education, Youth Affairs and Sports on the status of its Departmental projects in Kilifi County for the financial year 2013/2014, 2014/2015 and 2015/2016.

The County Assembly of Kilifi during its plenary sitting of 30th November, 2016, adopted a Motion which resolved that the CEC Member in charge of Education, Youth Affairs and Sports, Ms. Salma Muhiddin, be removed from office forthwith due to incompetence.

The adopted Motion further resolved that the County Assembly appoints a Select Committee comprising five of its Members to investigate the matter and report within ten days to the County Assembly whether it finds the allegation against the CEC Member to be substantiated.

Committee mandate; the Ad hoc Committee is one of the select Committee established under Section 40 (a) and (b) of the County Government Act, 2012 which provides that the County Assembly shall appoint a Select Committee comprising five of its Members to investigate the matter; and the Select Committee shall report, within ten days, to the County Assembly whether it finds the allegations against the CEC Member to be substantiated.

Mr. Speaker, I would not want to wear out the House in reading the whole Report because it is bulky but at the same time, I believe that copies of the same Report were availed to every Member. Therefore, I will just go to the findings of the investigations and the Committee recommendations.

During its investigations, the Committee made the following findings; that, out of the 172 projects that the County Executive Department of Education, Youth Affairs and Sports intended to do in the financial year 2015/2016, only 19 projects were completed, 36 projects had not started at all and 117 projects were ongoing at the time the County Executive Member in charge of Education, Youth Affairs and Sports appeared before the Committee on General Oversight for interrogation on 24th October, 2016.

That, on the 24th October, 2016, the CEC Member submitted before the Committee on General Oversight that out 57 projects, the County Executive Department of Education, Youth Affairs and Sports intended to do in the financial year 2013/2014, only 44 projects had been completed and 13 projects were incomplete.

The Committee found that as at 10th January, 2017, two projects which the County Executive Department of Education, Youth Affairs and Sports intended to do in the financial year 2013/2014 were still incomplete.

That, the Executive Department of Education was not able to complete the Departmental projects in the financial year 2015/2016 because the tenders were awarded to a contractor who lacked capacity to do the projects. The CEC Member submitted before the Ad hoc Committee that the contractors and suppliers depended on payments from the Department for their prior work to proceed.

That, the Executive Committee Member exhibited and/or demonstrated lack of knowledge and control in her line Department.

The CEC Member in charge of Education, Youth Affairs and Sports did not table any documentary evidence showing efforts to address the issue of delayed payments thus putting the County Government at risk of interest accruing out of unpaid certificates.

Committee recommendations; the Ad hoc Committee was tasked to investigate the matter and report within ten days to the County Assembly whether it finds the allegations of the County Executive Member to be substantiated. From the interrogation of the CEC Member in charge of Education, Youth Affairs and Sports through the scrutiny of evidence tabled and the findings above, the Ad hoc Committee recommends the following;

That, the allegation of incompetence against the CEC Member in charge of Education, Youth Affairs and Sports, Ms. Salma Muhiddin is hereby substantiated.

That, the Ad hoc Committee upholds the resolution of the County Assembly that the CEC Member in charge of Education, Youth Affairs and Sports (Ms.) Salma Muhiddin be removed from office due to incompetence.

Mr. Speaker, this is the work that was done by the Ad hoc Committee and today I wish to report to this House that after thorough investigation, the Committee resolved to uphold the recommendation that was taken by the House on the 30th of November that (Ms.) Salma Muhiddin be removed from office due to incompetence. I ask my able Vice-Chairperson to second. Thank you, Mr. Speaker.

(Hon. Ms. Chiku seconded)

(Question proposed)

(Hon. (Ms.) Chiku spoke off record)

The Deputy Speaker (Hon. Mwambire): Hon. (Ms.) Chiku, but you have to use the microphone because your machine has a problem or you can just go forward. You can chose number three which can assist.

Hon. (Ms.) Chiku: Thank you Mr. Speaker, Sir. I rise to support the Report of the Ad hoc Committee. I want to bring to the attention of this honourable House that the objective of the Department of Education in our county is to promote quality education and the priority of this Department is the construction of model ECDs and good classrooms.

These projects are part of the county's larger projects that the county was implementing. The objectives were also to improve the learning facilities because some of these projects were initiated by the Rapid Response Initiative (RRI). The main objective was to provide adequate classrooms. The projects were funded and the contract period was estimated. The chronology of

events are now stipulated in the Report which every Member has a copy. I will not dwell on that since we all have the copies and I am sure the Members will refer to that.

What I am trying to say is that (Ms.) Salma Muhiddin throughout the interrogation with the General Oversight and the Ad hoc Committee kept giving contradicting information which is tabulated in the Report and the list is long. Ms. Salma went further ahead to say that projects could not be completed in time because tenders were awarded to contractors who lacked financial capacities and they could not execute their jobs.

Mr. Speaker, the CEC now is coming out clear that the Department under her watch is not following the tendering procedures. She is not adhering to the Procurement Act and this can easily result into corruption. Mr. Speaker, something somewhere is wrong. There is a vacuum between this Head of Department and her staff. Truly this Department needs a Head of Department who is hawk-eyed.

During the interrogation, I was saddened that the head of this Department is a primary school teacher. She is a former teacher of Central Primary School in Malindi. The CEC has no knowledge and no control over her Department whatsoever according to both the Committees on Oversight and Ad hoc. Any documentary proof to show any effort to address the issue of any problem or challenges she had in her Department...

The Deputy Speaker (Hon. Mwambire): There is a Point of Order from hon. Kiraga. Give him the microphone please.

Hon. Kiraga: Thank you very much Mr. Speaker, Sir. Does it mean that a primary school teacher cannot head a docket in this County as alleged by the Member on the Floor?

Hon. (Ms.) Chiku: Should I carry on Mr. Speaker, Sir?

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga wanted to know, in your submission you said that you discovered that the Department is headed by a primary school teacher. So he wanted to know if a primary school teacher cannot head the Education Department within the devolved Government of Kilifi.

Hon. (Ms.) Chiku: Thank you Mr. Speaker, Sir. I think this Department is so complex and cannot be headed by a primary school teacher. We are not short of manpower in this County; we have educational professionals, retired officers and we have even commissioners from the Teachers Service Commission (TSC)...

The Deputy Speaker (Hon. Mwambire): There is another Point of Order from hon. Dele.

Hon. Dele: Thank you Mr. Speaker. Hon. Kiraga asked a question whether a primary school teacher could not hold that docket but the Member on the Floor is now agreeing that due to complexity of the docket, a primary school teacher cannot handle it. I think this House is guided by rules and procedures and to my knowledge it is that before one is vetted for that position there are qualifications. I believe the current CEC had all the qualifications. We do not look whether she was a primary school teacher but only the qualifications for that position. Thank you Mr. Speaker, Sir.

Hon. (Ms.) Chiku: Mr. Speaker, Sir, whether the qualifications were there or not, it is now coming out that there is no functional authority...

The Deputy Speaker (Hon. Mwambire): I think hon. (Ms.) Chiku if I may guide you, let us deal with the issues as they are because mentioning a primary school teacher, there are so many school teachers who have even PhDs like her she has Masters. So the law requires a person with a Bachelors degree. It is the same House which adopted a Report by the Committee on Appointment that she is fit to be in that docket. If maybe there are some issues then those issues should be on her but not the whole profession. I think you should put it that way so that it does not offend others.

Hon. (Ms.) Chiku: Mr. Speaker, Sir, I have been thrown overboard but I think the functional authority is lacking and that is why it is costing her job. All the allegations about inefficiencies were substantiated. She had no control of her Department and she lacked the managerial skills. So everything that came out in that Oversight Report was substantiated through the Ad hoc Committee Report. So hon. Members, truly and sincerely I ask you to uphold the resolution of the County Assembly that she has no other alternative but to relinquish her of the duties of the CEC Education.

Hon. Members, we have a lot of educational professionals. I am sorry I want to drive my point home that they are lying at home being wasted and they could actually take this position easily. I am sure we have commissioners who have retired from the TSC but if the worse comes to the worst, then we could even go for an education officer. Let us get the right driver to drive this vehicle. Thank you Mr. Speaker, Sir.

AMENDMENTS TO THE MOTION

The Deputy Speaker (Hon. Mwambire): Hon. Members, my office has received a proposal for an amendment to the Motion. I was giving time to hon. (Ms.) Chiku as a seconder to make her submissions before giving an opportunity to hon. Hamza to move his Motion on the amendment so that we can follow the procedure as it is required. Hon. Hamza, please.

Hon. Hamza: Thank you Mr. Speaker, Sir. I have been keenly following the debate especially coming from the seconder of the Motion and I beg to move amendments to the Report of the Ad hoc Committee that recommends the removal of the County Executive Committee Member in charge of Education, Youth Affairs and Sports, Ms. Salma Muhiddin:-

THAT, this honourable House adopts the amendments to the recommendations of the Report of the second Ad hoc Committee on the removal of the County Executive Committee Member in charge of Education, Youth Affairs and Sports, Ms. Salma Muhiddin.

THAT, delete recommendations number one and two and replace them with:

1. "That the County Executive Committee Member is not incompetent as it was alleged but works in an administrative system that hinders her performance."
2. "The Department is given two months from the date of the adoption of this Report by the House to complete all pending projects."

THAT, introduce recommendation number three:

3. "That a joint meeting between the County Executive Committee Members in charge of Finance, and Economic Planning, Transport and Infrastructure and Education, Youth Affairs and Sports and their respective Chief Officers and the substantives of those Departments together with the Members of the County Assembly be held in two weeks to discuss ways of timely project implementation because all these Departments had a hand in the delay of the projects implementation."

Thank you Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Who is seconding? Because you have not mentioned anyone and I am seeing two Members standing and I do not know who is seconding.

Hon. Hamza: I thought you could use the Standing Orders because the two are both very able but I am going on record that hon. Nzaro seconds.

(Hon. Nzaro seconded)

(Question proposed)

The Deputy Speaker (Hon. Mwambire): Thank you very much hon. Members. A Motion to amend the recommendations of the Report of the Second Ad hoc Committee on the removal of the County Executive Committee (CEC) Member in charge of Education, Youth Affairs and Sports, hon. Salma Muhiddin has been tabled and seconded and it is now ready for debate. Before making consideration of whether the amendments are to be considered or not, allow me hon. Members to give an opportunity to hon. Nzaro to make his contribution.

Hon. Nzaro: Thank you Mr. Speaker, Sir. I rise also to second the adoption of the amendments to the Motion as moved by hon. Hamza to the Report of the Ad hoc Committee. I am a true believer of fairness bearing in mind that it is my submission that no thorough investigations were done. Why am I saying this? This Report wanted to establish whether there was some incompetence on the part of the CEC Member for Education in carrying out her mandate. One observation which I have made from the Report is that there were several people who were adversely mentioned in that Report...

The Deputy Speaker (Hon. Mwambire): There is a point of order from hon. Kiraga.

Hon. Kiraga: Mr. Speaker, I might not cite the exact Standing Order but I believe the Clerk can guide us. Not that I am against this Motion; whatever we are discussing today is very important and it is in the public domain. My point of Order is are we in the right position to introduce a Motion which has not been given a Notice, or is an Amendment Motion one of the Motion's which can be debated without a Notice of Motion? I want us to go according to the rules and regulations so that we do not get hindrance as we are moving.

The Deputy Speaker (Hon. Mwambire): The Standing Orders require that in case somebody has an amendment in a Motion or a Report, the Speaker should be notified at least 30 minutes before the sitting.

If you look from numbers 50 to 53 of the Standing Orders, you will find it there. It is very open and it gives all the details as per the procedure of making an amendment. My office was notified but I could not give it directly to the Mover of the amendment until it is moved and seconded. If you looked at Parliamentary practice, the Mover moves and the seconder gives his/her opening remarks; they have played their roles. Now what I am supposed to do is, after it has been moved, Members are going to contribute towards the amendment then I put a question to the amendment whether it is going to be agreed to or not. In case the amendments failed then the Report will go as per the way it is.

In case the amendments are agreed on, then the recommendations will change to be as moved by hon. Hamza. We are amending the recommendations not the findings but I think hon. Nzaro was sharing the reasons why he is supporting the amendments, that is why you were supposed to listen and get the details. Other Members who are in support or not will give their reasons then I will put the question to get the position.

Let me read Standing Order No. 53 that is:

“Amendments to be in writing

53. (1) The proposer of an amendment to a Motion shall, before moving it, hand the proposed amendments in writing, signed by the proposer, to the Clerk at least two hours before the order is read.

2) Despite paragraph (1), the Speaker may, in exceptional circumstances, allow a Member to move an amendment to a Motion before the Assembly at any time during

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consideration of that Motion.”

So it is in order. I was notified around 12:30 p.m. but I got the written amendment around 1:00 p.m.

Hon. Dele: Asante sana Bw. Spika. Ningeomba wabunge wote na hasa mheshimiwa Kiraga, itakuwa jambo la aibu vitabu vya sheria la Bunge viko na mheshimiwa awe hatazingatia na kusoma, uje utafute Spika, akusomee kipengee hiki kinasema hivi na hivi, kwa kupoteza muda wa Bunge ni jambo la aibu. Mheshimiwa Spika, usiendeleo kubembeleza watu kama hawa.

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

Hon. Kenga: The Ad hoc Committee was mandated by this Assembly to carry out investigations on the conduct of the CEC Member, Education. It is not in Order for a Member to discredit the Report that was laid by the Ad hoc Committee on whatever amendments that we have and given that they have found their way to the House, which should be in Order.

Saying that the Committee did not carry out proper investigations then we are left worried, because the Members who form the Ad hoc Committee I believe were guided by the resolution of this House... They did not go out of their way to do whatever they wanted; they did whatever they did and they were guided by this Assembly. I am not against the introduction of amendments but against the statement that this Committee did not carry out their roles in the way that they're expected as given out by the hon. Members.

The Deputy Speaker (Hon. Mwambire): Hon. Members, allow me to guide this House so that we do not raise unnecessary emotions. There are two things that can be done in such a scenario. One, if Members are not in agreement with the resolution of the Ad hoc Committee, instead of supporting, they can reject completely but a Member has gone ahead and brought some amendments which can assist and give it more weight. Hon. Nzaro was sharing his sentiments that the Committee did not do a thorough job. He was supposed to elaborate on that if not, then a Member can rise to ask him to withdraw the statement.

Currently, we do not know the reasons because he was opening to read the issues which he thinks he has picked for the betterment of this Assembly. It will be advisable to give time to the Member to proceed and then we make decisions. I know we are here guided by the wisdom that we have; we will not go astray. In case a Member will raise issues which are not acceptable in the House, that Member will have to withdraw and even apologize. So hon. Nzaro, please proceed.

Hon. Nzaro: Thank you, Mr. Speaker, for giving me this time to continue with my submissions. I had started by saying that in my opinion, the Committee did not do thorough investigations and I was coming to the point of why I am saying this. By saying this, it is not like I am thrashing the Report because as we can all see the findings of this Committee are very okay but I am basing my arguments on the recommendations.

This is because any matter of fact should be considered by the recommendations. We should give it some light so that it can be implemented and it is only through the recommendations. If you look at the Report, there were several key actors who were mentioned and to blame the CEC Member for incompetence and yet this incompetence is due to shared Departments... for example, in the submission to the Committee you find that the CEC Member candidly shared that there are times when these Bills of Quantity (BQs) are not prepared in time and it is not the work of that Department; it is the work of the Works Department and when these BQs are not given in time, then it means the line Department which is the Education Department cannot also start working in time.

It was also pointed out that, even when the contractors complete the phases of the projects, they are not paid on time and there are so many certificates and invoices that were raised and they are lying at the Treasury; it is candidly articulated in the Report.

So, we cannot wholesomely blame the Department of Education as the one that is delaying all these projects; this delay is shared between three Departments. When we look at the amendment number three which is being raised by hon. Hamza, he is saying that there should be a meeting between the CEC Member in charge of Finance and Economic Planning, Transport and Infrastructure and the Education and Youth Affairs Department and the whole Membership of this Assembly so that we deliberate on how best these projects can be completed on time and I believe we will be curing the laxity which is going around in all those Departments.

Mr. Speaker, another key actor of incompetence which has been shared here and the essence of the administrative system of Government, I think when you look at this administrative system of Government there are some other people who should play their parts in order that these projects go in line with the timelines which are effectively stated.

If we are supposed to be fair enough, I think the best option we could have done was also to call the CEC Member for Finance and the CEC Member for Public Works in this Ad hoc Committee so they could share their views because they were adversely mentioned by the CEC Member for Education according to the Report which is before us.

If you look at the submissions by the Ad hoc Committee Report, the Members of these Departments were not even called to give evidence on their know-how of what transpired after being adversely mentioned. The CEC Education and more so when we were having the Committee on General Oversight, I think the former Chief Officer Aden made very candid remarks on the Floor of this Assembly that is in the knowledge of every Member who was present on that day that the blame of implementing these projects is shared among various Departments. So we should streamline these Departments so that they act in tandem and togetherness and bring what we want as an Assembly.

In fact, he went on to say that we will be firing all the CEC Members because of incompetence because every time you hear something... incompetence... but this incompetence is being brought by other Departments. I think it is very reasonable and to be fair because I have said from the onset that I am a believer of fairness, I do not want to be judged harshly because even God is looking at us as gentlemen in this Assembly. Let us be fair to everybody. Everybody should be given a chance to perform and I am very sure that if we go by the amendments as having been provided by hon. Hamza, then we will be curing the anomalies that have been going on in these Departments so that these Departments work in tandem for the benefit of the people of this great county. Thank you, Mr. Speaker. I stand to support.

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

Hon. Nzaka: Thank you, Mr. Speaker, Sir. First of all, I would like to take this opportunity to strongly support the amendments of this Report and to also congratulate my fellow hon. Member, the Mover of these amendments hon. Hamza; he is a very wise hon. Member.

I want to be on record that I am the Chairperson of the Committee on Early childhood and I have realized that the Department of Education cannot be compared to the Department of Water or the Department of Roads. This is because in the Department of Water has its own engineers and other people who supervise their work and so does the Department of Public Works. Once a road is being done, the same Department is going to supervise that same work before the payment is done.

For the Department of Education, they depend on different Departments; for example, the Department of Procurement is under Finance. The Department of Public Works is another Department that the Education Department depends on. A contractor has done a job to a certain level and that type of job has to be supervised by a person from another Department that is Public Works so that he can certify and a payment can be done.

The Department of Education depends on the Department of Finance so that after the certificate has been raised, it is also that Department which is supposed to pay that contractor or supplier.

During the time we invited the hon. CEC, she told us vividly that for all these works to be done, they depend on other Departments so that their projects can be completed. If at all we are going to fire this CEC, then we are going to fire all the other CECs and their Chief Officers. This is because there are some Departments which are not decentralized. Some of the officers are seconded and some are not seconded in this Department of Education.

So, I urge my fellow hon. Members, time is not with us. If we are going to fire her then we will have to fire all of them including the Chief Officers and the County Secretary but where are we heading to? Hon. Hamza has clearly stated that there should be a joint Committee that will call the CEC of Finance and Public Works so that we can share this information. Members, time is not with us and we are very busy at the ground. Let us do our job so that at least the people of this great county can enjoy the fruits of devolution. So, I urge my fellow hon. Members to support this Motion raised by hon. Hamza. Thank you.

Hon. (Dr.) Chitibwi: Thank you very much hon. Speaker. I stand to seek your guidance. One, any amendment to a Motion should not change the intentions of that Motion and these amendments are changing the intentions of the Motion.

Two, these recommendations that are being put here do not constitute what the Ad hoc Committee had recommended. These are arising from the recommendations of the Committee on General Oversight. So, these amendments to me were better fitting at that time when we were discussing the recommendations of the Committee on General Oversight.

The Ad hoc Committee was only given the mandate to investigate and see whether the allegations had been *cooked* but these recommendations to me are taking us back to the Committee on General Oversight. Is this procedural that these amendments came at this time? I just need that guidance before I have anything else to say.

The Deputy Speaker (Hon. Mwambire): Hon. Members, I think the question that hon. (Dr.) Chitibwi is enquiring is on recommendation number three which looks to be similar to the recommendations of the General Oversight Committee which seems as if we are being taken back to the Committee on General Oversight.

Just as I had shared earlier, the Ad hoc Committee had recommended that the CEC Member be removed from office. So, Members contributions have two or three options. One, to abstain, two, to uphold the recommendations; that is to remove the CEC Member and three, is to refuse to remove the CEC Member.

Hon. Hamza's amendments want to give another window of one; the recommendations one and two were objecting the removal of the CEC Member. Recommendation number three, instead of just leaving her there, they want other Departments to be affected because they are also involved.

That is what he is citing in his amendments. He wanted the three Departments to also be involved in this so that projects can be completed in a time frame. If you read the other recommendations, they did not talk about what is happening in recommendation number two. They just say the CEC Member be removed from office and they do not say all the Departments

to be given two months from the date of the adoption of this Report to complete the pending projects.

So, I do not know whether in one way the amendment is objecting the removal of the CEC Member or not. If you read it through, it is seeking the removal of the CEC Member from office but they are having other issues which need to be done. The Ad hoc Committee had recommended the removal of the CEC Member. Both two and three are looking for a solution; the projects to be completed in a time frame. So, allow me to give to somebody who had made a request.

Hon. (Dr.) Chitibwi: Do I continue?

The Deputy Speaker (Hon. Mwambire): You can continue so that we can conclude because you wanted that clarity so that is what I am observing in this.

Hon. (Dr.) Chitibwi: Okay. Thank you hon. Speaker...

The Deputy Speaker (Hon. Mwambire): Just a minute. As we are debating these amendments, when I will be putting a question, I will not put a question to all the three. I will be going one by one because they are supposed to be debated as they are. Like the first one that “the CEC Member... as it was alleged but works in an administrative system that hinders her performance...” we are going to vote on that. Two, that “the Department is given two months from the date of the adoption of this Report by the House to complete all the pending projects”, we are going also to vote on this if it should be there as an amendment and the third one which calls for a joint meeting between the CEC Member in charge of Finance and Economic Planning, Transport and Infrastructure and Education, Youth Affairs and Sports and their respective Chief Officers and the substantives of those Departments together with the MCAs held in two weeks to discuss ways of timely project implementation because all these Departments had a hand in the delay of the project implementation.

We are going to vote on this so that we can agree whether it should be included or not in the amendments. So, as you are debating, do not just look at one, try to share in all those cited amendments. Proceed hon. (Dr.) Chitibwi, please.

Hon. (Dr.) Chitibwi: Thank you very much hon. Speaker. I would like to say that these amendments have been brought as an after-thought. I stand to oppose these amendments. Technically, they have been brought as an after-thought of the decisions made by the original Committee because the work of this Ad hoc Committee was only to investigate to see whether the charges brought and adopted by the Committee on General Oversight have improved and that was the only mandate as can be seen on page three of this Report.

The Ad hoc Committee is one of the Select Committee established under Section 40 (a) and (b) of the County Government Act, 2012, and provides that the County Assembly shall appoint a Committee comprising of five persons to investigate the matter and the Select Committee shall report within ten days to the County Assembly whether it finds allegations against the CEC Member substantiated.

Here, these allegations which are being amended now came out of the Committee on General Oversight. They did not come out of the Ad hoc Committee and I believe this is just an after-thought for us to change what the Committee on General Oversight had brought. If there is need for that and I believe sometimes there may be need for that, it should come substantially for a review but when we have an Ad hoc Committee giving a Report and insert other issues here, we are setting a dangerous precedent.

I can say this clearly, even in our recommendations as the Ad hoc Committee, in our discussions we technically found that our hands were tied. Now Mr. Speaker, you have got a very big task. If you say that we continue with this one, we will continue but are we doing it on

procedure; are we doing it according to the law or we are doing it on emotions? I can assure the hon. Members that the Ad hoc Committee looked on this issue very passionately...

(Hon. Nzaro stood on a Point of Information)

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

Hon. (Dr.) Chitibwi: I am just finishing if you will allow me please...

(Hon. Nzaro spoke off record)

I do not want to be informed thank you very much. We also looked at these issues and we said that the Ad hoc Committee has the powers to do some of these things that you are thinking of and we tried but we saw it coming and in my thinking, it is coming through the back door. That is where we need to consider. Thank you very much hon. Speaker, Sir.

Hon. Chai: Thank you very much Mr. Speaker, for giving me the chance of opposing this Motion. I think the Mover of the amendments should have come during the Committee Stage after the interrogations here by the Committee on General Oversight. I was wondering why some amendments are coming now or is it because an officer once said that this is an administrative problem of the whole Executive? If it was a problem, Members, come on the 8th of August this year whether there was a problem in a Department or not, you will be judged by that and you cannot tell the electorates that the problem was from our CEC Member. So I would like the Mover of the amendments to think twice. That the joint meeting between the CEC Member Finance and the others were here when we were interrogating them and I do not know which questions you would like to ask them again; that would be a waste of time.

If we came up with this Report when we interrogated them all here, I do not see if a second sitting with them will be of any benefit and already we even recommended the removal of the procurement officer who is already out of office and we cannot call him back here. Calling him back here will be going against our stand as Members of the County Assembly to discuss amendments of the recommendations of an Ad hoc Committee. I think Mr. Speaker, if you allow me, I would say these amendments have come very late and if allowed, it will take us back as MCAs of Kilifi.

The Deputy Speaker (Hon. Mwambire): Thank you very much hon. Emmanuel Chai. The words "very late" are misplaced because if you read Standing Order No. 53 (1) and (2), it talks of two hours, the other one gives a leeway to the Speaker. So it is the Assembly to agree on a way forward on this and not the Speaker, because if it had surpassed the time limit, I could not have allowed it. I have now allowed it so that Members can decide whether to proceed with the amendments or not. Hon. Pascal, please.

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker, Sir, for this opportunity. As hon. Members, we need to look for solutions to the problems that affect us here. First, I would like to support this Motion because the work of the Committee as stipulated here was to investigate and come up with a Report. When you go through this Report, there are Departments that have been mentioned and sincerely speaking, this Committee does not say whether these Departments were called to give their side of the Report on what is happening.

To come up with a Report to this House without any contributions from these Departments, then in one way or the other this Report is half-baked. We all understand how these

Departments work and we have been given an example of three Departments; which are Public Works, Education and Finance Departments which co-exist in their day to day work.

Now, penalizing a CEC of one of the Department's without questioning what is happening in the other Departments will be harsh judgment Mr. Speaker, I am telling this House that if we went in that direction, then we will be penalizing one CEC after the other if we are not very careful.

What I would say is that the work of the Committee would have been better if they had given their recommendations as that of the proposed amendments within their Report, then we would say that they have considered a way forward after our deliberations because by adopting these recommendations, then we will be giving a way forward on what we want to do after maybe penalizing what is at stake for the House.

Mr. Speaker, Sir, I think this is an opportunity for the County Government and the Assembly at the same time to ensure that despite all the rot that has been there, we have found a way forward that will give direction on what should be done so that we can complete this remaining term. I believe we are about to be judged by what we have done as hon. Members and that will go a long way with the legislation that we pass here.

I strongly support these amendments which will culminate into having a proper consensus that will take care of our future. Thank you Mr. Speaker, Sir. I stand to support.

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

Hon. Mwathethe: Mr. Speaker, let it be recorded that the Ad hoc Committee did its work. Now it is upon this House to adopt or not to adopt. I wish to contribute on the amendments to the Motion by hon. Hamza, which seeks to put some amendments to this Report. The Ad hoc Committee did not recommend that the CEC be sent home because of incompetence. The Committee only upheld a resolution that was passed by this House through a Motion that was debated on the 30th of November...

The Deputy Speaker (Hon. Mwambire): There is a point of Order from hon. Kiraga.

Hon Kiraga: I wonder whether the Chairperson of the Ad hoc Committee has read his recommendation number two properly because it is saying that she be removed from office forthwith due to incompetence. This is a recommendation from your Committee and today as you are standing there, you are denying this.

Hon. Mwathethe: If you look at recommendation number one, it says that the Ad hoc "upholds", what is to "uphold?" This is English and it is not your mother tongue, to "uphold" is to go by a decision that has already been made. That is what the Committee did. I am on the Floor I also need to continue...

The Deputy Speaker (Hon. Mwambire): You are protected, just proceed.

Hon. Mwathethe: I also want to point out that hon. Pascal appended his signature agreeing to the removal of the CEC Member on the 17th of November; this is a copy of signatures of the hon. Members who said that the CEC Member should go. I can read it to you one by one but I will not do that; let them deny here that they did not sign. Hon. Hamza who is the proposer to these amendments also appended his signature to the Motion saying that the CEC Members should be sent home...

The Deputy Speaker (Hon. Mwambire): Point of Order from hon. (Ms.) Barka.

Hon. (Ms.) Barka: Hatukatai kwamba ilipitishwa lakini ilikuwa kabla hatujapata ushahidi. Baada ya ushahidi, twataka kujua kama Kamati yenu ya uchunguzi mliiziita hizi idara tofauti ambazo tunataka pia zifanyiwe mabadiliko? Hilo ndilo swali langu.

Hon. Mwathethe: Let me now major on my contribution to the amendments on the recommendations. As hon. Chai and hon. (Dr.) Chitibwi have put across, it is not the Ad hoc

Committee that will send the CEC home; it is this House here and now to adopt or not to adopt. Those options are still open to the House as we are standing here. The reason I disagree with the amendments is that there are some projects which were not completed which started way back in 2013 up to date and they are still incomplete.

For hon. Hamza to say that the Department is given two months from the date of the adoption of this Report by the House to complete all the pending projects, I do not understand how projects which were not completed in years will be completed in two weeks; we are not getting the facts right. Where is that man power? If this Report is adopted today and we give the CEC Members time to complete the project in two month, how is that going to work? These amendments will not help any of us if we may pass and agree to them because they are not practical. You cannot go to the ground and implement this in two months; it is not possible. Hon. Nzaka I also see here he appended his signature...

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

Hon. Chai: I want to add a point here...

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

Hon. Mwathethe: Yes.

Hon. Chai: Thank you very much for giving me the chance to add a point on that. On the second point, that the Department is given two months from the date of adoption, I do not know whether I am in the same line; if we already adopt the way it is, I do not know how we are going to get the two months. The sentence here reads that from the date of the adoption of this Report...

(Loud Consultations)

The Deputy Speaker (Hon. Mwambire): Who is informing who? Take your seat hon. Chai. Proceed hon. Mwathethe.

Hon. Mwathethe: I have never been in high spirits like I am today. Every Department stands on its own but this is the Department of Education and it will be judged alone. Whether it fails or succeeds, you cannot come back and say that I did not succeed because the Department of Finance did not pay workers on time. If the Department has been separated, they take blame standing alone.

I will not agree to a Department failing because it was failed by another Department. If they were separated, it means they will also be judged separately. So Mr. Speaker, agreeing to these amendments will change the Report. The Report can pass or fail as it is which is also fine but I disagree with these amendments because the Report did nothing apart from uphold a Motion that was passed in this Assembly by the Members who are seated in this Assembly today.

It is surprising me because the same Members contributed and I have shown you very few out of the 53 Members did not append their signatures. So to bring amendments today and want to incorporate them and to believe that the CEC will do her job in the next two months is impossible. Thank you so much, Mr. Speaker.

(Laughter)

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

Hon. Sadi: Asante sana mheshimiwa Spika kwa kunipa nafasi hii. Mimi nasimama kuunga mkono Hoja hii ya marekebisho ya Ripoti hii. Nasimama kuunga mkono moja hii kwa sababu zifuatazo; lengo la Bunge hili ni kurekebisha na nataka nimshukuru mheshimiwa Hamza

kwa kuja na Hoja ambayo inaleta mwelekeo wa kurekebisha. Kweli Hoja ilikuja ya kwamba mheshimiwa Salma achunguzwe na akapatikana ana matatizo. Katika uchunguzi uliofanywa, imeonekana wazi kwamba katika utendakazi wake wa Idara yake, kuna Idara zingine ambazo lazima zishirikiane ili kuwe na utendaji kazi mufti.

Ikiwa Wizara ya Elimu ina miradi ya ujenzi, hawana wahandisi wa kuweza kusimamia mambo ya ujenzi isipokuwa ni wafwate Wizara ya Ujenzi na Mawasiliano ili wapate wahandisi. Ikiwa katika kandarasi zile zilizotolewa kuna uwezekano wa kwamba mtu amefanya kazi anastahili alipwe ili kazi iendelee, mheshimiwa Salma hana uwezo wa kulipa. Wizara ya Fedha ndio ilikuwa inapanga mikakati jinsi vile itakavyolipa wanakandarasi. Si siri kwamba Kaunti nzima ya Kilifi kuna malalamiko mengi ya wanakandarasi kwamba kandarasi kadha wa kadha hazilipwi na hazitolewi. Sababu hizi ni miongoni mwa sababu zilizosababisha mpaka mheshimiwa Salma kazi zake hazikuweza kwenda kwa njia iliyostahili.

Nataka nimsifu mheshimiwa Hamza kwa kuja na Hoja ya kuwa kupatikane miezi miwili ili hizi huduma ziweze kufanyika. Kwa nini zifanyike kwa miezi miwili? Kwa sababu sasa kunapatikana mwafaka wa kuwa Wizara ya Ujenzi, Wizara ya Fedha na Wizara husika ya Elimu zije zikae chini pamoja ili zijadiliane kwa kina ni wapi palipokoseka na njia gani mwafaka itakayotumika kuendelea. Mimi fikiria yangu inaniambia kwamba Bunge hili limefanyika mda kidogo ili tumalize kipindi chetu. Lingekuwa jambo la maana tutafute mwafaka upi utakaotumika ili hii miradi ifanyike hata waheshimiwa wakiregea tena nyanjani kuomba kuregeshwa tena wawe wana vitu vya kuzungumzia ili wananchi waweze kuwakubali tena kwa kipindi kingine.

Lingine, mheshimiwa Spika, natakaka kusema Serikali yetu ya Kaunti imeweka viwango mbali mbali vya mtu ambaye atachaguliwa. Waziri anatakikana awe na kiwango cha elimu kiasi gani? Mtu akiwa ni mwalimu wa shule ya msingi, amehitimu na shahada ya chuo kikuu, huyu ana uwezo kamili kusimamia Wizara yeyote ile watakatopewa. Mheshimiwa Salma kiwango chake cha elimu chamwezesha yeye kusimamia Wizara ile isipokuwa ni miundo msingi Serikali ya kaunti hii ndio inaanza.

Serikali hii ya Kaunti inaanza na ni lazima mapungufu mbali mbali yapatikane na ni kibinadamu. Hata wewe nyumbani kwako ukiwa una jambo unalianza, ni lazima upatikane na changamoto ili ndio jambo lile liweze kusonga na lipate sura mzuri. Hizi ni changamoto ambazo zinakumba Kaunti yetu ya Kilifi na ni wajibu wetu sisi kujifundisha kutokana na changamoto hizi. Lakini si kuzikimbia na kusema kwamba huyu hafai au yule anafaa; haitatupeleka pahali. La msingi ni kuangalia palipo na upungufu ni wapi paweze kurekebisha ili Kaunti yetu ya Kilifi iweze kusonga mbele. Nasimama kuunga mkono Hoja hii. Asante mheshimiwa Spika.

The Deputy Speaker (Hon. Mwambire): Hon. (Ms.) Dzidza.

Hon. (Ms.) Dzidza: Asante mheshimiwa Spika. Mimi nasimama kupinga marekebisho yaliyoletwa na mheshimiwa Hamza kuhusu hii Ripoti. Kamati hii ilipewa uwezo na Bunge hili ili iweze kufanya uchunguzi kuhusu Waziri wa Elimu ambaye ni *Madam* Salma. Kamati imefanya kazi mliyowatuma ifanye na imeleta Ripoti. Bila ya kupoteza wakati na kuingia msituni msituni, mimi naona ni vyema tujadili Ripoti hii ambayo imeletwa na Kamati hii ambayo tuliituma. Unaweza kukataa Ripoti hii kwa kupinga ama kukubaliana na Ripoti hii. Hizi zingine tunaletewa hapa ni vitu ambavyo viko nje.

Ukituambia Idara hii na hii, basi itakuwa Idara zote za Kaunti ya Kilifi zimeanguka basi inamaanisha Kaunti ya Kilifi hakuna kazi imefanyika na kaunti ya Kilifi ndio imeanguka sasa. Ukituambia kuwa Idara ya Fedha na Idara ya *Public Works* zimeanguka ndio hakuweza kufanya hiyo kazi, ni nani alikuwa amfanyie hiyo kazi? Ni nani alikuwa afatilizie? Kuna mambo mengi tumeyaangalia katika hiyo Ripoti tukaona hata kulikuwa kuna tetesi anatoa kuwa hakuweza

kufika pale chini kwenye kazi kwa sababu hakuwa na usafiri wa kumfikisha huko mashinani ilhali Waziri amepewa gari na serikali ya Kaunti ili kuweza kutembea, kuangalia na kuona kazi inavyofanyika.

Mkituambia hivyo inamaanisha kwamba Kaunti ya Kilifi imeanguka na hakuna kitu imefanya. Tujadili hii Ripoti imeletwa na hii Kamati ya *Ad hoc* ambayo ilifanya hii kazi, ukubaliane nayo kwamba Waziri atoke kwa ofisi, ama ukatae, ama ukae hujulikane wewe uko moto ama uko baridi ama uko vuguvugu; ukae hapo hapo. Lakini mkianza kuleta mambo mengine, sisi tunasema kwamba ni kama tumeingia gari na gari inaingizwa kwa msitu mheshimiwa Spika ukiwa umeketi kwa kiti na unaona. Asante.

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

Hon. Matano: Asante mheshimiwa Spika. Nami nimesimama kupinga marekesbicho haya ambayo yameletwa. Tunapongea swala la kuhusisha Idara mbali mbali kwamba ndizo zimechangia kutofanyika kwa miradi ama kutosonga kwa kazi katika upande wa elimu; hilo mimi ninapinga.

Kuna miradi ya 2013/2014 mpaka leo hii haijafanyika. Miradi hii ukiuliza Ripoti yake, utaelezwa mambo ambayo hayaeleweki. Ikiwa tunaongelea maswala ya fedha, kuna kandarasi ambazo ndani ya mwaka huu wa 2016/2017 zimefanyika, zimekamilika na zimelipwa.

Tunapongelea swala la kwamba michoro ya *BQ*, niruhusu niseme hivi; haijamaliza kuchorwa ndio sababu mheshimiwa Waziri kazi yake haingeenda vizuri. Wacha kila mmoja abebe mzigo wake sawa sawa na vile ulivyo. Mimi napinga marekebicho haya nikisema kwamba turudi katika ile sehemu ya Ripoti iliyofanywa tuiangalie kama itapita ama itaanguka tuhakikishe kwamba tunafanya kazi yetu.

Jambo la pili; ni Bunge hili lililochemka sana wakati kulipoletwa Hoja ya kwamba Waziri aende. Kila mmoja alikuwa na ari akasimama kidete akaweka kidole chake katika majina yale ambayo mheshimiwa Kadenge Mwathethe ameyasoma, kwamba ni kweli tumegundua kwamba kuna shida. Ni jambo la kushangaza kuwa kuna mabadiliko yametokea mahali ambapo hatujui yameanzia wapi na yanaelekea wapi. Ni kweli kila mmoja, mheshimiwa Spika, ana uamuzi wake ndio mimi nimesimama kupinga marekebicho haya. Asante mheshimiwa Spika.

Hon. Kilabo: Asante sana Bw. Spika. Naunga mkono jinsi mheshimiwa Hamza alivyokuja na mikakati ya Hoja hii ya leo. Bw. Spika, kumekuwa na changamoto nyingi ambazo zimepita na Bunge hili liliona na pia tumekuwa na mambo mengi. Idara mbali mbali zimekuwa na hujuma na hakuna kitu ambacho tumesuluhisha. Tumeandika Ripoti zetu na wengine mpaka sasa hawajafanyiwa kitu chochote.

Bw. Spika, ninasema ya kwamba vile ambavyo mheshimiwa alikuja hapa na tukamsimamisha na akawa radhi tukae na kuzungumza, mimi naomba aendelee na kusiwe na mambo yoyote ya kupinga huku na huku. Asante Bw. Spika.

Hon. (Ms.) Barka: Asante Bw. Spika kwa kunipa nafasi hii. Nimesimama kuunga Mswada huu wa marekebicho ya nakala hizi za Kamati ya uchunguzi katika Bunge letu. Moja kwa moja, napinga kwa sababu hizi; ni kweli hatukatai Bunge hili ndio lililopitisha kwamba Waziri huyu achunguzwe na kila mtu ilimgusa kwa sababu elimu ndio ufunguo wa maisha ya kila mtu katika nchi yetu, lakini baada ya kumuita *Chief Adan*, alivyoelezea mambo ambayo yanatendeka katika Wizara hii, kila mtu roho yake iliridhibika na tukaona ukweli pale ulipo. Tukiangalia marekebicho yameingiliana moja kwa moja na yale mazungumzo aliyokuwa ameyazungumza *Chief Adan* kwamba; la kwanza kabisa alilolalamika nalo ni kwamba katika Idara yao ni kama mwili wa mwanadamu. Kichwa kiko mbali, mikono iko mbali na miguu pia iko mbali na vyote hivi lazima vishirikiane ndio mwanadamu akamilike au awe anaweza

kutembea. Wanasema kwamba wao sio wanaopeana barua za mapendekezo na hilo hapa likazungumzwa na kila mtu akalisikia.

Pili, wakasema sio wao wenye kulipa ilhali pesa wanazona kama namna ya kivulivuli tu cha shetani; hawazigusi bali zinafanya tu kukadiriwa na kuziona wakiziweka kwenye vibonyezo vya mitandao lakini kwa uhaswa hawapewi pesa zile kulipa au kuzijua ziko mahali gani. Kwa hivyo, ni lazima kazi ipungue ama isiende kwa kasi kwa sababu wanalipa kwa muhula. Kwanza kabisa, wanapoweka seruji chini lazima walipe robo, anapoendelea mwenye kujenga alipwe tena kidogo. Sasa swala kama hili mtu huyu ataendelea vipi? Alituuliza sisi wenyewe hapa waheshimiwa na tukakubaliana na yeye kwamba haiwezekani mtu anapomimina kifusi cha chini hawezi kuendelea mbele mpaka alipwe na kama mpaka saa hii kuna ma elfu ya *files* kwenye ofisi zao watu hawajalipwa, wafanyeje?

La mwisho kabisa, wakazungumza kuhusu mambo ya *BQ* kwa lugha ya kimombo; makadirio ya jinsi gani mjengo kama ule unataka kujengwa kitu kama kile ambacho kikitaka kujengwa kama darasa...tukiangalia hivi hata mimi nina mfano mzuri ndani ya Watamu. Nina *social hall* ya akina mama leo ina miezi sita; nilipelekwa huku na huku nikaifuata mimi mwenyewe kama ambaye ndio mchaguliwa ilhali siye niliyechaguliwa. Mimi niko pale kumsaidia mwenzangu na mpaka leo haijatoka na nina uhakikisho kwa Bunge hili hata mkiniambia kesho nilete nitaleta. Ikiwa mtu kuchora tu ama kukadiriwa jambo la maji na moto imemaliza miezi sita jamani? Haya mambo ni lazima tuzungumze mahali pa kurekebisha; tusipige tu kuzungumza kwa sababu twataka tuonekane kwenye vioo ama kwa wananchi vile tulivyo hapa Bungeni. La! Tuangalie suluhisho la kudumu. Ikiwa hawa ni mwili na viungo vyake, ni lazima tuje tukae nao tujue jinsi gani Bunge hili litapitisha kazi hizi zinapotolewa zitaenda vipi. Kila mtu analilia mtoto wake ama mwananchi wa ile Kaunti akae mahali pazuri jinsi tulivyokadiriwa pesa zetu na kila kitu lakini tukisema tutawafuta kama Adan alivyozungumza, tutawaondosha wote na hakuna chochote kitakachoendelea katika Kaunti hii.

Pili pia wamefutwa wangapi kwenye Bunge hili na mpaka leo kazi zaendelea? Sisi hatutaki iwe ni mambo hayo; twataka suluhisho la kudumu. Kwa hivyo Bw. Spika, nimesimama kuunga mkono na ikiwezekana haya ya kuita hizi Idara tofauti ambazo zinatajikana ziwe mojawapo za kusaidia Kaunti yetu kwa jumla. Twaomba tupitishie kwa usalama na hawa watu ikiwezekana waitwe kwa haraka. Asante kwa kunipa nafasi hii.

Hon. (Ms.) Elina: Asante mheshimiwa Spika. Nimesimama kupinga ile Hoja iliyoletwa na mheshimiwa Hamza kwamba kuwe na maridhiano baina ya Idara zote. Tutakuwa sisi kama Wabunge tunajirudia. Kama mtu amepatikana na makosa tumekubaliana sisi sote, kila mtu ametia sahihi kwamba hapana haiwezekani. Kama mtu atasema hana gari ya kuenda nyanjani kuangalia kazi yake, atakuwa yuafanya nini katika ile Idara? Na kama yeye hahusiki kwa pesa, sheria inamruhusu yeye kama msimamizi wa ile Idara achukue hata kama ni boda boda aende aangalie ili akiulizwa swali aweze kujibu katika Bunge ama mahali popote.

Mheshimiwa Spika, ni kama kitu ambacho tunajifanyia sisi wenyewe; tuende mbele halafu turudi nyuma. Haya si maendeleo ambayo tunayajadili hapa. Kama mtu ameshindwa na Idara yake na hii yote inayosemekana kwamba tuite wale watu ni kupoteza mda tu; Bunge livunjwe, lakini huyu mtu ni kama ambaye hatajikani kutoka. Haya makosa aliyoyafanya huku mashinani wanajua na tukimtoa pia watajua na pia tusipomtoa, wananchi watajua.

Kwanza, nataka niwaambie Waheshimiwa kwamba tunalolifanya hapa tusifikiri ni sisi tu; kuna watu wengine wanapata hivi vitu na ukiweka katika *Google* mahali popote...zile hotuba zote zilizokuwa hapa, wakati mmoja tulikuwa na Spika wa Bunge la Seneti, ukiweka katika *Google* unamuona vile alivyoongea hapa Bungeni. Vile tunavyozungumza hapa vingine vinatoka katika habari ukiangalia kwenye simu zetu. Kwa hivyo, nataka niwaambie kama ni kumpendelea

mtu na tumpendeleo akiwa yeye mwenyewe pia yuko na ile bidii ya ile Idara. Shida ya ile Idara ni kwamba yule mtu hawajibiki kabisa na niko na ushahidi.

Niko na shule ya Mbaoni Primary School iliyoanzishwa 2013/2014; juzi nikamwambia sina haja tuongee mambo mengi, twende tuangalia ule mradi ili tuwaambie wananchi ni nini kilichoendelea pale bali akaniambia hana wakati maana yuko na shughuli nyingi sana ofisini. Nataka niwambie; tetea mtu anayejitetea lakini kama ni kutetea mtu kwa sababu unasema una jambo a, b, c, d na wewe mwenyewe ulikuja ukatia sahihi kwamba tuko tayari, tukaunda Kamati ikatoka hapa ikaenda kukaa siku nne *Sai Roc Hotel* ikitumia pesa za Bunge hili, wamechukua *allowance* za Bunge halafu turudi tena tuje tuseme ‘hapana hii Kamati imefanya makosa kwa sababu hawa wenzake hawakutolewa.’

Nataka niwaambie wenzetu, kama wewe ni mwanasiasa, kuwa mwanasiasa shupavu. Usiseme ati huyu akizungumza atanirudia aniambie kwa nini wewe ulizungumza kitu Fulani; tunajikaranga wenyewe na kila mtu alitia sahihi kwamba huyu mtu ni kweli idara imemshinda. Mimi nina ushahidi kabisa kumpigia simu kumwambia mheshimiwa, nakuomba kama itawezekana twende tukazungumze na wananchi niko na miradi miwili 2013/2014 na 2014/2015 Mjanaheri *Primary School* ECD ya 2014/2015 na 2013/2014 Mbaoni ECD mpaka leo haijasimama basi twende tuwaeleze wananchi kama huu mradi utaanza lini lakini akaniambia hana nafasi.

Juma lililopita siku ya Ijumaa nilipigiwa simu na *Chief Officer* Bw. Katana akaniambia tutaenda sote Jumatatu lakini ilipofika, akanielezea kuwa wameambiwa na Gavana waende Junju hawatakuja Magarini lakini tutapanga siku nyingine. Nataka ninukuliwe nikisema kwamba hiki kitengo hakifai na hakiwezi kufanya maendeleo katika hii Kaunti yetu. Mimi napongeza kitengo cha Maji; kimejaribu kila mradi wa maji wanasukuma hata kama ni mkokoteni lakini afadhali unaenda, na kama wenzangu hawajaona hiyo shida, mimi nimeona katika Wadi yangu.

Ninakataa kabisa hayo mapendekezo yaliyoletwa na mheshimiwa Hamza eti tuwapatie miezi miwili. Hakuna cha miezi miwili kwa sababu wanajua mda umeisha na Bunge wakati wowote linaweza kuvunjwa. Bw. Spika, mimi napinga kabisa hayo na ninaunga mkono mapendekezo yaliyofanywa na Kamati tuliyounda hapa Bungeni. Asante.

Hon. Matsaki: Asante sana mheshimiwa Spika kwa nafasi hii. Mimi nimesimama kupinga Hoja hii. Tuko hapa kuhakikisha kwamba sehemu zile ambazo tunaziangalia kama waheshimiwa ama utendaji kazi wa serikali yetu ya Kilifi unaenda sawa sawa. Nilipokuwa naibu wa mheshimiwa Nzaka hapa wakati nikiwa mwanachini wake wa wa Kamati ya Elimu, yalikuwa ni mambo ya kusikitisha wakati tukitembea katika hizi shule ili kuhakikisha kwamba miradi ambayo ilikuwa imewekwa imejengwa kulingana na wakati uliowekwa.

Ni jambo la kusikitisha na pia hata kwenye mapendekezo ambayo Kamati hii imeweka ni kwamba wale maofisaa wakiongozwa na *Madam* Salma wawe wakitembea kuliko kukaa ofisini wakati wanafanya michoro ya majengo yale. Pia tunaelewa kwamba kuna barabara hazipiti magari lakini hata hivyo Bw. Spika, inaonekana kwamba walikuwa hawakufuata yale mapendekezo ambayo tulikuwa tumependekeza wakati huo nilipokuwa mwanakamati. Sasa tuko hapa kuhakikisha kwamba kitengo hiki cha Elimu tulikipatia muongozo na hawakuwajibika kulingana na mapendekezo ya Bunge hili.

Ni mambo ya aibu ikiwa miradi ya tangu 2013/2014, 2014/2015, 2016/2017 haijafanyika na sisi tukiwa nyanjani tunawaeleza wananchi kwamba miradi mtapewa na serikali ya Kaunti inajenga mashule. Jambo la kusikitisha katika hii *Supplementary Budget* ambayo tumeona hapa ni kwamba hata zile pesa ambazo tulikuwa tumewekeza pale nazo zimepunguzwa ili tufidie ile miradi ambayo haikutumika miaka ile ya nyuma. Sasa zile pesa zilienda wapi na hili ndilo swala

ambalo tunaongea kila siku. Hii nayo haitatendeka kwa sababu pesa tuliambiwa ziko na kila mheshimiwa hapa akakadiria ile miradi.

Mwaka huu kama ulipeana madarasa mawili ni darasa moja litajengwa na sisi tumeambia wananchi pale ya kwamba mutajengewa madarasa mawili. Bw. Spika, tunaenda ama tunaelekea wapi? Sasa leo hii tunasema tuwaadhibu ili kitengo kingine kisifanye makosa yale yale. Ikiwa tutasimama hapa tufungue mlango huu tufunge ule na tutoe mwengine hapa, itakuwa tunarekebisha kweli makosa yale ambayo yanatendeka katika hivi vitengo?

Wale wengine watajua kwamba ukifungua mlango huu, Bunge litafungua mwengine na wengine watatoka na huu. Kwa hivyo, kama ni kuamua katika Bunge letu tunafunga mlango tufunge mlango na itakuwa ni jambo la aibu yale tuliyopendekeza wakati ule sasa hapa tunasema hapana tusifanye hivyo kwa sababu hawa ni ndugu zetu na ni wafanyikazi wema. Kwa sababu tuliita kila kitengo hapa lakini mwisho wa siku wakajieleza vizuri na ikaishia hapo hapo na mapendekezo pia tukapeana lakini hawakutolea kwa maofisi sababu wakizijua wenyewe.

Hili jambo linaniuma kwa sababu hii ni miradi ya umma na umma ni wananchi ambapo watoto wadogo kabisa wasome katika madarasa haya na madarasa hakuna, ama hayajakamilika. Hii miezi miwili imeisha ndio watakikana sasa ile miradi iwe imekamilika; je, tukienda kule tutawaambia nini na miradi haijakamilika? Ama tutasema sababu ni Waziri dada yetu na ni kipenzi chetu na ni mtu mwenye ujuzi ana digrii zake, hivyo ndio itakuwa tunaambia wananchi. Bw. Spika, nimesimama kupinga Hoja hii. Asante.

The Deputy Speaker (Hon. Mwambire): Hon. Leader of Majority.

The Leader of Majority (Hon. Mwingo): Asante mheshimiwa Spika kwa kunipatia hii nafasi ili nami niweze kuchangia Hoja ambayo iko mbele yetu na niruhusu niseme kwamba ninaunga mkono mabadiliko haya. Ndugu zangu wabunge wenzangu, najua wananiangalia tu kwa sababu mimi ni kiongozi wa wengi ila sina budi kuongea kwa niaba ya serikali yetu ya Kaunti. Lakini kama ninavyosema kila wakati kwamba mimi pia nilichaguliwa na niko na Wadi na yale mambo ambayo yanaendelea katika kila Wadi yanaendelea mpaka kwangu Mtepeni. Nataka niwaambie waheshimiwa kwamba, Mgala muuwe na haki yake umpatie.

Kulingana na maelezo ambayo yameelezwa ni kwamba shida ambayo inaendelea si shida ya mtu mmoja na nataka niyazungumze nikipeana mfano wa juzi tu. Tulikuwa na ziara na mheshimiwa Gavana katika Wadi ya Junju na tulipofika eneo moja linaitwa Bureni pale tukakuta mradi wa kitengo cha Elimu ambao ulikuwa ufanywe tangu mwaka wa 2013/2014 lakini ule mradi kufikia leo haujakamilika na mheshimiwa Gavana alitaka kujua sababu ni nini? *Chief Officer* Katana alikuwa pale na akaitwa na akaja lakini hakupata jibu mwafaka.

Uzuri yule mwanakandarasi ambaye alikuwa amejenga ule mradi naye alikuwa karibu aliitwa mbele ya Gavana na wale wengine na akaulizwa kwa sababu gani ule mradi haujamalizika kufikia leo. Alivyojibu ni kwamba 'Gavana mimi sijashindwa kujenga huu mradi lakini malipo, ikiwa mimi sijalipwa miaka hiyo yote na kuna baadhi ya wanakandarasi wengine miradi yao ni ya juzi lakini wamelipwa, huu mradi nitaufanya namna gani?' Sasa ukiangalia majibu kama yale, je utajua shida iko wapi na licha ya Junju hata katika Wadi yangu ya Mtepeni kuna miradi mingi ya kitengo cha Afya mpaka kufikia leo miradi ile bado haijamalizika na mda uliobaki ni mfupi. Na ukiangalia wanakandarasi wanalia wamekopa katika benki, simiti inaganda hawajalipwa mpaka leo; jamani mgala muuwe na haki yake mpatie. Ukiota kidole hivi jua kuna mangapi yanayokuangalia. Ninaunaga mkono mabadiliko ya Ripoti hii.

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

Hon. Kenga: Thank you Mr. Speaker. The Chairperson for Education has acknowledged that he chairs a Committee in Education and that he overlooks a failed Department. Let us look at the funds that have always been re-voted regarding the issues of projects that have not been

completed. In the morning while we were considering adoption of a Report by the Budget and Appropriations Committee on the Annual Development Plan, item number four of the recommendations was priority on incomplete projects. We have had so many meetings with the Executive trying to find ways of how we can make sure that the Departments are in a position to perform.

We would have expected that if the challenges in a Department were not of the making of the CEC, then the Department would have sought out the issue with the other Departments that seems to work in connection. Let me take back Members to a recommendation that was done by the Committee on General Oversight, recommendation number six, page 12 that was the last page of the Report done, that 'all incomplete projects in the Department must be complete before, on or before 28th of February 2017', we are left with less than a week. As a Department, they had ample time to re-organize themselves and make sure that something is done to complete these projects. That has not happened and we do not want people to create scape-goats. You are given a responsibility and a function to perform and we need to see you performing. When you are not in a position because of whatever reasons that are there, those reasons must find their way to the various meetings at the Executive to seek out their challenges. If the issues are about lack of engineers in the Department, they would have made a proposal for them to be employed that would have assisted them in carrying out their duties.

Why did they not make such a proposal? We have had so many meetings all in vain. They have not been able to give something tangible that we can say this is what came out of the meeting. We had meetings with all the CEC Members in the various Departments and we were able to share the challenges that we face and all that has yielded nothing. We want to believe that a change can give us an opportunity to see things moving in the Department. In that regard, I say let us stick to the recommendations set by the Ad hoc Committee because they are the recommendations that will give us the best way forward. Anything short of that, I do not expect to see anything positive.

The Deputy Speaker (Hon. Mwambire): Hon. (Ms.) Chiku:

Hon. (Ms.) Chiku: Thank you. I rise to oppose the recommendations which have been brought before this House by hon. Hamza. I want this to go on record that formation of the Ad hoc Committee was by the resolution of the General Oversight Committee. I also want this to go on record that let your *noes* be *noes* and *ayes* be *ayes*; do not have double standards. It is sad that we had agreed as per the Report of the General Oversight Committee but today I am shocked and suddenly people have now gone behind what they had recommended.

Kilifi County is not a welfare society were we have people coming here to do trial and error and we expect to have full performance and it is sad that hon. Members are now making excuses for the CEC Member of Education. When she was called in this House, the lady was not aware of anything; she kept on referring us to her officers. She had no idea of what was happening in her own Department. I can see maybe Members have had a second thought because of what the Chief Officer Aden said but I want to say that Aden is not an angel. All he was saying was not true. I asked a question during the interrogation. I asked Mr. Katana; there was a time when he was removed from that Department and it is public knowledge, he was not able to answer me. We all know what made that man be asked to step aside by the Governor; it is because of incompetence.

So hon. Members, let us not go back because you are creating a bad picture. Anybody who signed that document like hon. Nzaro you signed on 17th November, 2016 today you are in this House denying you are actually giving yourself a bad name and what face are you giving the Executive? They will be here whether they do their work or not because they know the County

Assembly is not united. I do not know and I do not want to say much but it is like daddy's big pocket so let me end it there. It is very sad and it is very shameful and if I go back home maybe today *nitazomwa niambiwe mama* what happened? Thank you Mr. Speaker, Sir.

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

Hon. Mwayaa: Asante Mheshimiwa Spika. Nimesimama kupinga ile Ripoti ambayo imeletwa na ndungu yangu, rafiki yangu mkubwa mheshimiwa Hamza. Unajua mheshimiwa Spika, ukiona umepatiwa lori uendeshe ni uwe uko na kibali. Sasa utatushangaza ukipanda juu ya lori lakini kibali chako ni kidogo; hiyo lori haitaondoka. Hayo ndiyo ambayo yanafanyika sasa, mtu tulimpatia lori aendeshe aende Nairobi; tulimpatia idara kubwa halafu tunaona mambo hayaendi vizuri. Hivyo basi, inabidi tumchunguze anayeendesha hili lori kwa sababu hana stakabadhi za kutosha kusimamia hii idara.

Ndio tumepata ya kwamba mambo hayaendi kwa sababu maarifa ya kufanya hii kazi hana. Kule kwangu kuna mambo ambayo hayaendi vizuri na sitakubali kwa sababu huyu mtu tuna wasiwasi naye. Mimi naona yale maoni ambayo tuliunda na ile Kamati ya *Ad hoc* ilifanya kazi yake vizuri; wa kuenda nyumbani aende nyumbani na mapema kwa sababu hata mda pia umeisha.

Sioni mimi kama kuna wakati tena wa kubembelezana na watu ambao hawana stakabadhi kamili za kufanya hiyo kazi. Nikisema hivyo ni kwamba kazi hatuioni ikienda. Mjengo wa darasa moja unachukua mda huo wote kwa sababu nina madarasa karibu matatu hayajaanza kujengwa. Jana nilikuwa kwa ofisi yake na nikiuliza unasikia mchoro namna gani?

Mheshimiwa Spika, wacha nitoe mfano; kuna mdudu mmoja ambaye yeye chakula chake ni kile kinyesi cha ng'ombe. Na yule mtu ako na macho lakini hawezi kusukuma chakula chake akiangalia mbele; huwa anasukuma kinyuma nyuma. Na kile chakula chake huwa anakisukuma mpaka akifikishe pale anapotaka, kuoneka ana uhakika na ile kazi ambayo anafanya. Leo hii mtu ambaye ana makaratasi yake tumempa idara lakini hawezi kuisukuma mpaka akafikisha mahali ambapo tunataka. Ikiwa mdudu mwenyewe anaweza kusukuma chakula chake kinyuma nyuma mpaka akafikisha lile shimo ambalo anataka kuonekana anajua anafanya kazi yake.

Kama ni kuenda na aende. Na kama si kuenda kwa sababu amejibidisha, wacha iwe hivyo na ninasema ile Ripoti ya Kamati ya *Ad hoc* ibaki kuwa vile vile. Mimi wakati wa kupitisha nitapitisha hiyo Ripoti ya Kamati ya *Ad hoc* maana niliweka sahihi na mimi ni mtu wa msimamo hata ndio unaona wale watu wa bahasha wananiogopa; hawawezi kunifuata maanake mimi ni mtu mwenye msimamo wangu. Mimi nitaunga mkono hii Ripoti ya Kamati ya (Dharura) *Ad hoc* maanake niliweka sahihi kwamba iwe hivi na itakuwa hivyo upande wangu. Asante. Napinga ili kwamba niunge mkono ile ya Ripoti ya *Ad hoc*.

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

Hon. Mangi: Thank you Mr. Speaker, Sir, for giving me this opportunity. I want to go strictly to how we tackle issues at the County Assembly. One, I am blaming the Clerk's office for not advising this County Assembly very well as to the procedure that follows before an amendment is allowed in the plenary. We should get the proper advice on the timing of amendments. This is because procedures have to be followed in this Assembly. I am really not happy on the procedure that was followed to bring these amendments currently. I am opposing these amendments; the reason I am opposing is not because I am against hon. Salma. I am against what we call collective responsibility of a Committee. All Committees are an extension of the County Assembly and as such, it is very bad; how do you feel as a Chairperson of a Committee when you come to this plenary and your Motion is shut down?

Indeed, the Ad hoc Committee was formed and the origin of the formation of the Ad hoc Committee was appointed by this plenary; why do we again go against our approval? Going

against our approval is really not procedural. What I am saying is; let us follow protocol and let us uphold collective responsibility in this Assembly and even if the recommendations of the Committees Report are defeated, that is not a problem. The problem is protocol; whatever is acceptable in all scenarios. There should not be an area where there is a loop hole; somebody may go to court because he or she thinks that protocol was not observed. So, I really and strongly oppose the amendments. Thank you, Mr. Speaker.

MOTION FOR THE EXTENSION OF SITTING TIME OF THE COUNTY ASSEMBLY

Hon. Nzaro: Thank you, Mr. Speaker, looking at the time, it is now five o'clock. Under Standing Order No. 50 (m), I want to move that we extend the sitting time of this County Assembly so that we can dispose this matter once and for all. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Who is seconding that?

Hon. Nzaro: Hon. Matano.

(Hon. Matano seconded)

(Question proposed)

(Question put and agreed to)

(Resumption of Debate on original Motion)

The Deputy Speaker (Hon. Mwambire): Hon. Members, allow me to call upon the Mover of the Motion to amend the recommendations to make his remarks.

Hon. Hamza: Thank you, Mr. Speaker, Sir. Much has been said regarding the Motion which I had proposed and I think that if we had been following keenly, I think I will just add my voice on a few issues probably to put weight to some of the issues which have been raised but there is nothing fresh that probably I want to come up with. I want to inform this House that I have seen that while we were arguing, Members were contradicting some information. I would like to put this record very straight so that by the end of the day, you will see what you are doing for yourself and probably you have the full knowledge of how things are supposed to move.

The signatures that were appended in this House had a purpose and I fail to understand when Members rise to contribute they are discussing the issues of signatures and how one is rendered useless just because they appended their signatures.

Today's Motion is not based on the signatures and I want to say this because when you appended your signature there was a purpose for it and the Ad hoc Committee was in fact chief amongst them. Whatever the Ad hoc Committee was trying to do in the findings and bring to this House is subject to acceptance or denial. When that is arrived at, there is nothing in relation or marriage with the signatures and I would like to put that one on record. Let it go on record.

Amendments to the Report are not anything to make us you know; get wet or get shaken. Why am I saying this? The Report is coming to this House for determination by the Members and Members will articulate as per their understanding and will put their weight on which side to go.

Even the Bible itself, and I am using the Bible because I strongly believe that most Members here go to church. So, in the Bible we have the New and Old Testaments and that is the word of God. Therefore, if that one can have a New Testament, I fail to understand why

somebody today just because it has an Ad hoc Committee, it cannot be amended when we know there are issues in this Report. It is not gospel truth and this needs to go on record. The Chairperson of the Ad hoc Committee was deliberating the issues. If I am not mistaken, he even showed how he was wondering in the valleys to find facts to support what he was saying because he was even contradicting recommendation numbers one and two and when the questions were squarely put on him, he decided to blame recommendation number one when he knew there was also number two where he is supposed also to build his facts on that.

Therefore Mr. Speaker, when you look at this Report, there are some issues...even when the Vice Chairperson was discussing, she was trying to tell us the issues of academics and whatever which are very personal and when you look at them, all have been passed by time because these are things that she as a Member was here at one time and decided to say she has the right qualification and therefore if one would go and argue on issues that we passed by law and said this person has qualified documents, that seems somebody is going personal. Otherwise, we can only talk of incompetence probably on the issues of experience and other things because even if you tell us that this person needs to be taken home because there are so many people languishing at home, then what is the experience that tells you of the people who are at home?

Therefore Mr. Speaker, I think if we look at the way the arguments are going, I have a lot of questions on the Committee. I wish if we would even be in a position to put a questionnaire so that these Members would be guided on what to do. I am saying that because as we are speaking today, we have seen that there are other Departments which were supposed to appear either as witnesses or whichever but they are mentioned and are supposed to give information. Only one Department has been put to task and the other Departments have been left out.

We have seen that this Department is not working in isolation; it is not an island. This Department was relying on other Departments and we cannot run away from that. We have experience on issues of the BQs and everything; so if somebody has an experience from their wards, we also have an experience from our wards. We are aware how complex and complicated it is to get BQs to the Department and everything gets square. It is not as easy as we may think.

To finalize, we have offences and the punishment; not every offence can carry the capital punishment of death sentence Mr. Speaker. When I say that, I do not discredit that the work has been done by the Committee and there could be issues of course with the Department but I think the punishment that is carried might be too heavy because this is a joint thing and we cannot run away from the other Departments.

Mr. Speaker, I wish we would have been given an opportunity probably if this is what we would know that the Committee would come up with, we would have given them direction because it is all about meandering in the valleys; no specific direction. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Hon. Members, allow me to put question to the recommended substitutions of the recommendations of the Ad hoc Committee. I will read from number one then we go to number two and then the third one. The first one is that the County Executive Committee Member is not incompetent as it was alleged but works in an administrative system that hinders her performance...

Hon. Members: Division! Division!

(The Division Bell was rung)

DIVISION

ROLL CALL VOTING

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The Deputy Speaker (Hon. Mwambire): Because our machines have a problem, I think you know the procedure of tallying on that so allow me; take your seats please hon. Members. Take your seat hon. (Ms.) Chiku. We are going to vote on the first one but if you allow me, so that we can save time let us go to the second one and the third one then we will go back to vote for those which will need to be voted on. Currently, we know that we are going to vote for the first one so that we know which ones need to be adopted or not. I believe you understand hon. Members.

On the second one, it reads that, ‘the Department is given two months from the date of the adoption of this Report by the House to complete all the pending projects.’

(Question put and negatived)

Let us go to the third one. It reads, ‘that a joint meeting between the County Executive Committee Members in charge of Finance and Economic Planning, Transport and Infrastructure, Education, Youth Affairs and Sports and their respective Chief Officers and the substantives of those Departments together with Members of the County Assembly be held in two weeks to discuss ways of timely projects implementation because all these Departments had a hand in the delay of the projects implementation.’

(Question put and the House divided)

Okay, hon. Members, we are going to have a division for the first one and the third one. So the Clerk-at-the-Table will do as required so that we vote. I wish our machines were in good condition we could have done it in the technological way but we will have to go back to the manual way. Members, I believe you understood the third one, I could not tell whether the ayes or noes have it because the voice was somehow equal, but you stood up for a Division and there were more than the number that is why we are going for a Division. I think it is on record now.

Hon. Members the procedure as per Standing Order No. 69 the Sergeant-at-Arms will ring the Bell for ten minutes... Members excuse me please. Hon. (Ms.) Barka take your seat so that I can guide you please. Take your seat so that we share. The Sergeant-at-Arms will ring the Bell for ten minutes as Members will be consulting and lobbying. The Clerk-at-the-Table will come in thereafter and will be calling your names so that you give your position, are you getting me hon. (Ms.) Chiku? When your name is called, you will say the position of the first one and the third one. Hon. (Ms.) Chiku and hon. Nzaro take your positions. The doors should be closed... hon. Members take your positions.

Hon. Members, because of time we want to move very fast. One, we are supposed to have tellers. I can see we can have two Clerks who can assist one will be for ayes the other one will be for noes and they will also note down those who are abstaining. Hon. Lali Sadi, you have an observation?

Hon. Sadi: Mr. Speaker, Sir, I wish to stand under Standing Order No. 50 (b) to move an Adjournment Motion so that this Motion can be discussed at a later date.

The Deputy Speaker (Hon. Mwambire): No. Let us vote now and then we will make consideration for that. Let us clear the issue of voting. Hon. Members, we have these two and hon. Matano assist us with one thing; which one should be the teller for the ayes and for the noes between these two Clerks-at-the-Table?

(Hon. Matano spoke off record)

Okay, Mr. Libendi (Clerk-at the Table) will be the teller of the ayes and Ms. Lilian (Clerk-at the Table) will be the teller of the noes. Ms. Lilian will call the names; if you are called hon. Members, you will say 'I vote yes' or 'I vote no' or 'I abstain.'

(Hon. Mwathethe spoke off record)

I am still moving on. The items we are voting on are two; one is that 'the County Executive Committee (CEC) Member is not incompetent as it was alleged but works in an administrative system that hinders her performance', you want that to be included in the recommendation. The other one if you want it to be included in the recommendation is number three which says that, 'a joint meeting between the CEC Members in charge of Finance and Economic Planning, Transport and Infrastructure, Education, Youth Affairs and Sports and their respective Chief Officers and the substantives of those Departments together with the Members of the County Assembly be held in two weeks to discuss ways of timely project implementation because all these Departments had a hand in the delay of the projects implementation.'

So, if you want number two, for example I vote ...for the first one and then say I vote ...for the second here which is the third one so that we can save time. But she will read the names, are we in agreement? Those who will be voting either yes/no will be those who want these two to be included in the recommendations of the Ad hoc Committee or not. Those who are abstaining are those who do not have a problem with either of the positions. I think we are in agreement from there. Allow me to hand over the matter to the Clerk to read the names so that you can make your decisions. Ms. Lilian, please.

AYES: Hon. Nzaka, hon. Hamza, hon. Nzaro, hon. Kilabo, , hon. Mwingo, hon. Pascal, hon. (Ms.) Kwekwe, hon. Sadi, hon. (Ms.) Barka.

NOES: Hon. Mwathethe, hon. Mwayaa, hon. Mangi, hon. (Dr.) Chitibwi, hon. Kaingu, hon. (Ms.) Elina, hon. Chai, hon. (Ms.) Mbeyu, hon. Karisa, hon. Kenga, hon. Mlanda, hon. Matsaki, hon. Matano, hon. (Ms.) Chiku, hon. (Ms.) Muthoka, hon. (Ms.) Ngala, hon. (Ms.) Dzidza.

The Deputy Speaker (Hon. Mwambire): Hon. Members, I have the pleasure to present the outcome of the exercise that we have just concluded. Those who said *yes* were nine and those who were against the inclusions of the amendments were 17.

AYES: 9

NOES: 17

ABSENTIONS: Nil.

(Question negated by 17 votes to 9)

(Applause)

MOTION FOR ADJOURNMENT UNDER STANDING ORDER 50

Hon. (Ms.) Barka: Ninaomba Bunge hili tukubaliane kwamba muda umepita kwa hivyo tuahirishe Mjadala huu. (Motion for Adjournment under Standing Order No. 50 (b))

(Hon Nzaka stood to second)

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The Deputy Speaker (Hon. Mwambire): Hon. Members, an Adjournment Motion has been moved by hon. (Ms.) Barka and seconded by hon. Nzaka. It is now ready for debate.

(Question proposed)

Hon. Nzaka: Mr. Speaker, by looking at the mood of this House, we are really exhausted and our minds are tired and I urge my fellow hon. Members, we need to get ample time so that we can exhaust this sensitive issue. This Motion needs our minds to be fresh so I support hon. (Ms.) Barka for coming up with this Motion for Adjournment so that the House Business Committee can set other time when our minds are fresh to deliberate this Motion.

Hon. Kenga: Asante sana mheshimiwa Spika, kwa kunipa fursa ili nichangia Hoja iliyo mbele yetu. Naomba nifahamishe Bunge hili kupitia kwa mheshimiwa Nzaro alikuwa ameashiria kwamba muda umeyoyoma na kuomba kuungwa mkono ili kuongeza muda wa mazungumzo na mheshimiwa Spika, ukabaini kwa sauti ya wajumbe.

Kweli tungetaka kuendelea, tuzungumze na hatimaye tufike tamati kwa hili na ukaruhusu kwamba muda uongezwe ili tuendelee. Kwa sababu hiyo Mheshimiwa Spika, naomba utupatie nafasi ili tuendeleze mazungumzo.

The Deputy Speaker (Hon. Mwambire): Hon. (Dr.) Chitibwi.

Hon. (Dr.) Chitibwi: Hon. Speaker, the business we have before us is very short. This House agreed to extend the sitting and most of the contributions have been made while discussing this amendment. I oppose any request for adjournment because this is very serious business which needs to be completed today. I am sure in 15 minutes we can complete these discussions and take a vote. I do not see the reasons of adjourning; what motive do you have? I oppose adjournment and request that we continue.

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

Hon. Matano: Asante mheshimiwa Spika. Nami napinga Hoja hiyo ya kuahirisha iliyo mbele yetu kwa sababu nikiambuka vizuri, mimi ndiye niliyemuunga mkono mheshimiwa Nzaro kwamba tuendelee ili tupate mwelekeo. Napinga Hoja hii na kuomba tuendelee na Mjadala.

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

Hon. Kilabo: Asante sana Bw. Spika. Mimi nasema uahirishwe kwa sababu saa hii, tumekuwa na muda mgumu vile ambavyo tumefikia kwa masikizano. Ni malengo yetu sote tukubaliane tupate nafasi mwafaka wa kuja kujadiliana kwa haya yote.

The Deputy Speaker (Hon. Mwambire): There is a point or order.

Hon. Kenga: Mr. Speaker, I am worried with the trend that we are taking as a House and we need your guidance. A Member has already moved a Motion to extend the sitting of this Assembly for us to execute this business yet another Member is making a proposal on a subject that has already been determined, are we in order? Mr. Speaker, you are better placed to give direction to this honourable House that it cannot be allowed for a Member to seek adjournment on a subject that had already been determined.

The Deputy Speaker (Hon. Mwambire): Hon. Kenga, you are aware of the Standing Orders by now. When that one was raised, Members were deliberating on a Motion to amend the recommendations of the Ad hoc Committee. Before determination, a Member wanted to adjourn till later, but I said we conclude then the Motion would be another time. By the time the Motion was raised when we were deliberating on the amendment of the recommendations, it was almost 5:30 p.m., the time that we are supposed to conclude, that is why I allowed that one.

So, I have allowed this Motion because it gives another direction. Now we are supposed to deliberate on the Ad hoc Report, I believe you know the reason. What does Standing Order 50 (b) say? 'Motion for the adjournment of the County Assembly or of a debate,' so this one is a Motion to adjourn a debate. That is why I have allowed it. So do not think maybe I have allowed it because maybe I have reservations? I have nothing in this. Yes hon. (Ms.) Muthoka.

Hon. (Ms.) Muthoka: Nasimama kupinga. Wacha tuendelee na ningeomba tufunge huo Mjadala ili tuendelee maana naona wengine wanatoka huenda tukakosa *quorum*.

The Deputy Speaker (Hon. Mwambire): Yes hon. Nzaro.

Hon. Nzaro: Thank you, for your ruling Mr. Speaker. There is no cause for alarm. This is another Motion on the Floor of the House. Every Member should have an opportunity to contribute toward this Motion. In my view, I would wish we be sober because as an Assembly we have to pass Motions when we are sober and an extra ordinary situation requires an extra ordinary measure.

This is one of those extra ordinary times we are faced with as an Assembly. If we hurry on these issues as proposed by the Mover of the Motion, and if we pass a resolution of such magnitude which has big ramifications in the county with few Members of the Assembly..., I think we should give it an after thought because...

The Deputy Speaker (Hon. Mwambire): There is an intervention from hon. Emmanuel Kazungu Chai.

Hon. Chai: Thank you very much Mr. Speaker, for giving me this chance. I am standing on a Point of Information.

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

Hon. Nzaro: Yes Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Okay proceed and inform him.

Hon. Chai: Thank you hon. Nzaro for allowing me to inform you. Do not be worried about the contributions of the Members. Even those who are not here, it is like they have contributed because we are just adopting a Report of the Ad hoc Committee. I do not think even if there is any contribution that will be against what we have suggested or what we have gone through now. This is the only thing that I wanted to inform hon. Nzaro. As hon. (Ms.) Muthoka has put it, I think it will take less than 10 minutes to adopt the Report.

The Deputy Speaker (Hon. Mwambire): Proceed hon. Nzaro please.

Hon. Nzaro: Thank you, Mr. Speaker, and the great Member for informing me. However, I am afraid as I had said that there comes a time when as Members of the County Assembly, we need to rise up and make wise decisions as a County. I have been a very great defender of the rule of law and with all due respect, if we do not give fairness a chance, then I am afraid we might pass these resolutions harshly or hurriedly but when the aggrieved party goes to court, then he has the option to also make our resolution as a House redundant because we did not take time to think over them.

I think it is very prudent Mr. Speaker, for you to allow this Motion to be adjourned so that Members can have time to consult widely so that when we come up with a decision as an Assembly, then it will stand the test of time. I beg to support.

The Deputy Speaker (Hon. Mwambire): Yes hon. (Ms.) Chiku.

Hon. (Ms.) Chiku: Thank you Mr. Speaker, Sir. Allow us to continue with the debate so that we can resolve and adopt the Report today. It has taken a lot of pain and time to compile such a Report and it will not be for the benefit of the Members that we keep on hanging on this Report and giving many excuses. I think you had already allocated us time for extension. Kindly let us resolve this matter today once and for all. Thank you, Mr. Speaker, Sir.

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

Hon. Kaingu: Asante sana Bw. Spika, kwa kunipa nafasi hii vile vile niweze kuchangia kidogo. Mimi nikizisoma akili za waheshimiwa ni kama kwamba tumeongea karibu kila kitu. Wale ambao wanakosoa wameongea na wale ambao wanaunga mkono Mjadala huu vile vile wamefanya hivyo. Kwa hivyo kusaidia wakati, mimi ninaona hata zile dakika kumi ni nyingi. Ungelitoa hilo swali tu alafu tuseme kama unaunga mkono ama tunapinga tuamue tufunge huu ukurasa. Kazi imalizike.

The Deputy Speaker (Hon. Mwambire): Members, I do not want to be seen as if I am bulldozing that is why I am taking a lot of time. When Members want to contribute, I do not deny them time because of the situation at hand. This is because I know at some point this issue will go down to who coordinated and who moderated; that is why I am very keen when somebody wants to make contributions. Hon. Hamza, make your contributions then I put the question because I cannot see the Mover of the Adjournment Motion. There will be no slot for the Mover's Response.

Hon. Hamza: Asante sana Bw. Spika. Nafikiri Mjadala ambao uko hapa ni Mjadala ambao uko moja kwa moja katika swala la kuhusu labda kama tunaweza kuahirisha hiki kikao. Nafikiri kitu ambacho tunazungumzia saa hii ni kwamba hatutaweza kuendelea na kikao kwa wakati huu kwa sababu tukiangalia katika Mjadala vile ambavyo unaendela, maanake watu wanasema dakika kumi tumalize tuondoke, hatuko hapa kuhudumia wakati. Tuko hapa kuhakikisha kwamba tunazungumzia swala ambalo mwisho wa siku tunajua ni kitu gani ambacho tulikuwa tunazungumzia na kama ni wakati tu, basi ingekuwa Mjadala huu umeisha kitambo.

Bw. Spika, nataka ujue ya kwamba huu Mjadala ambao uko umejenga Hoja juu ya Hoja kwa hivyo kadri tunavyoenda ngazi moja baada ya nyingine hakuna ngazi ambayo imegezea nyingine. Kila ngazi imejisimamia kivyake; hakuna ngazi ambazo zimeoana kiasi ya kwamba tukiondoa basi hiyo haiwezekani.

Iwapo Hoja hii ya kwamba hatuwezi kuahirisha hiki kikao itaanguka, ina maana tuendeleo kuzungumza na kama ni kuzungumza, ile Ripoti ijadiliwe. Hakuna mtu asema kwamba ati tushazungumza. Tulipozungumza tulizungumza katika Hoja tofauti na nafikiri ukienda kwa HANSARD utaona kikamilifu. Kwa hivyo, ikiwa tuko tayari tuwe tutakaa hapa mpaka saa mbili hiyo haina shida, lakini tusizungumzie maswala ya dakika kumi na ndio sababu unaona kuna umuhimu wa kuahirisha kikao hiki.

Ni muhimu tuahirishe kikao hiki kwa sababu hata wale ambao wanazungumzia kuhusu kuendelea umeona umeletewa maswali mengi ambayo si ya kuulizwa. Mheshimiwa Kenga ni mtu ambaye anakaa kwa *Speaker's Panel* anakuuliza swali ambalo liko wazi; hii ni kuonyesha kwamba amechoka. Sasa watu wakianza kuzungumza kana kwamba wamechoka Bw. Spika, watu watafika mahali watafanya maamuzi ambayo si ya busara. Asante.

The Deputy Speaker (Hon. Mwambire): Hon. Members, allow me to put the question on the Motion to adjourn the debate.

Hon. Nzaro: Point of Order of Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Let me put the Motion. Take your seat hon. Nzaro.

(Question put and negatived)

QUORUM

Hon. Nzaro: Point of Order Mr. Speaker, Sir.

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The Deputy Speaker (Hon. Mwambire): Yes.

Hon. Nzaro: We do not have Quorum.

The Deputy Speaker (Hon. Mwambire): Clerk is there Quorum?

Clerk-at-the-Table: No Mr. Speaker, Sir, we have no Quorum.

The Deputy Speaker (Hon. Mwambire): Ring the Bell for us to attain Quorum.

(The Division Bell was rung)

The Deputy Speaker (Hon. Mwambire): Do we have Quorum?

Clerk-at-the-Table: No Mr. Speaker, we still do not have Quorum.

ADJOURNMENT

The Deputy Speaker (Hon. Mwambire): Hon. Members, having a hitch of quorum, we are now compelled to adjourn this sitting. This Report will have to be taken to the House Business Committee for it to be allocated another time for deliberations. May you all have a great evening.

The House rose at 5.45 p.m.