

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 26th June, 2018

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

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

PRAYER

PAPERS

The Deputy Speaker (Hon. Kenga): Yes, Leader of Majority.

The Leader of Majority (Hon. Mwathethe): Thank you Mr. Speaker. Today being Tuesday, 26th June, 2018, I wish to lay on the Table of this House the following Reports;

1. Quarterly Report for the financial year 2017/2018 from the Department of Health Services.
2. The Quarterly, Financial Statements for the financial year 2017/2018 from the Department of Treasury.
3. The Report of the Auditor General on the financial statements of Kilifi-Mariakani Water and Sewerage Company Limited for the year that ended 30th June, 2016.

(Hon. Mwathethe laid the Reports on the Table)

The Deputy Speaker (Hon. Kenga): Thank you very much Leader of Majority. Having had the Quarterly Report Financial year 2017/2018 from the Department of Health Services, this Report is now committed to the Health Committee, County Assembly of Kilifi. The Report on the Financial Statements for the financial year 2017/2018 from the Department of Treasury stands committed to the Committee on Economic Planning, County Assembly of Kilifi and finally the Report from the Auditor General on the Financial statements of Kilifi-Mariakani Water and Sewerage Company Limited for the year that ended 30th June, 2016, stands committed to the County Public Investments and Accounts Committee. Thank you.

The Chairperson Budget, proceed.

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REPORT ON THE PROPOSED KILIFI COUNTY BUDGET ESTIMATES 2018/2019

Hon. Kiraga: Thank you so much Mr. Speaker. I beg to table the Report of the County Budget and Appropriations Committee on the proposed Kilifi County Budget estimates for the financial year 2018/2019.

(Hon. Kiraga laid the Report on the Table)

REPORT ON A PETITION ON LACK OF PUBLIC PARTICIPATION
FRAMEWORK IN KILIFI COUNTY

The Deputy Speaker (Hon. Kenga): Thank you Chairperson for the tabling of the Report. Proceed, the next Report. Chairperson Justice?

Hon. (Ms.) Scholastica: Thank you Mr. Speaker. Pursuant to provisions of Standing Order No. 203(2), I wish to lay on the Table of this House a Report on Justice and Legal Affairs Committee on a Petition on lack of a framework on public participation in Kilifi County. Thank you.

(Hon. Ms. Scholastica laid the document on the Table)

The Deputy Speaker (Hon. Kenga): Thank you very much hon. Chairperson of the Justice and Legal affairs Committee. Pursuant to the Standing Orders of the County Assembly of Kilifi, a copy of the said Report is to be forwarded to the petitioners.

NOTICE OF MOTION

ADOPTION OF THE REPORT ON THE KILIFI COUNTY
PROPOSED BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2018/2019

The Deputy Speaker (Hon. Kenga): Yes, proceed.

Hon. Kiraga: Thank you so much Mr. Speaker. I beg to give the following Notice of Motion on Adoption of the Report of the Select Committee on Budget and Appropriations on Kilifi County proposed Budget Estimates for the financial year 2018/2019. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you. Next Order!

Hon. (Ms.) Sidi: Thank you Mr. Speaker, pursuant to the provisions of Standing Order No. 41(1)...

The Deputy Speaker (Hon. Kenga): Hon. Member, hon. Kiraga was not complete with giving out the Notice of Motion. Please be guided by the Standing Orders.

Hon. Kiraga: ...THAT, this House adopts the Report of the Select Committee on Budget and Appropriations on the Kilifi County proposed Budget Estimates for the financial year 2018/2019, laid on the Table of this House on 26th June, 2018. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you. Next Order!

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STATEMENT

BUSINESS FOR THE WEEK COMMENCING TUESDAY, 26TH JUNE, 2018

Hon. (Ms.) Sidi: Thank you Mr. Speaker. Pursuant to the provisions of Standing Order No. 41(1) (a), I wish to give a Statement regarding the Business of the House for the week commencing Tuesday, 26th June, 2018;

Tuesday, 26th June, 2018, from 2:30 p.m. the Business is; A) Papers; tabling of the Quarterly Report for the financial year, 2017/2018 from the Department of Health. This will be tabled by the Leader of Majority, which is already done. Next is tabling of the Quarterly Financial Statements for the financial year 2017/2018 from the Department of Treasury by the Leader of Majority which is already done. Tabling of the Report of the Auditor General on the Financial Statements of Kilifi-Mariakani Water and Sewerage Company Limited for the year that ended 30th June, 2016. It will be tabled by the Leader of Majority, which is already done.

Next is tabling of the Report of the Select Committee on the Budget and Appropriations on the Kilifi County Proposed Budget Estimates for the financial year 2018/2019 by the Chairperson Budget and Appropriations Committee; which is already tabled. Next is tabling of the Report of the Justice and Legal affairs Committee on the lack of public participation legal framework in Kilifi County by the chairperson Justice and Legal affairs Committee; which is done.

B) It is Notices of Motion; Adoption of the Report on the Select Committee on Budget and Appropriations on the Kilifi County proposed Budget Estimates for the financial year 2018/2019; it will be done by the Chairperson Budget and Appropriations Committee and that is done.

C) It is Bills; the Kilifi County Microfinance (Mbegu Fund) Amendment Bill, Second Reading.

Wednesday, 27th June, 2018, from 2:30 p.m. the Business of the day will be A) Papers; tabling of the Report on Committee on Water, Environment and Natural Resources on the vetting of the nominee for appointment to the position of Chief Officer, Environment and Natural Resources; it will be tabled by the Chairperson Water, Environment and Natural Resources. Next, is tabling of the Report of the Committee on Administration, Labour and Social Services on the vetting of the nominee for appointment to the position of Chief Officer Public Service; that will be tabled by the Chairperson Administration, Labour and Social Services. B) Notices of Motion; Adoption of the Report of Committee on Water, Environment and Natural Resources on the vetting of nominee for the appointment to the position of Chief Officer Water, Environment and Natural Resources. The same will be moved by the Chairperson Water, Environment and Natural Resources.

Next is the adoption of the Report of the Committee on Administration, Labour and Social Services on the vetting of the nominee for appointment for the position of Chief Officer, Public Service Management. The Notice will be given by the Chairperson for Administration, Labour and Social Services, followed by Motion of adoption of the Report of the Committee on Water Environment and Natural Resources, on the vetting of the nominee for appointment to the position of Chief Officer, Environment and Natural Resources. It will be moved by the Chairperson for Water, Environment and Natural Resources.

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Then, adoption of the Report of the Committee on Administration, Labour and Social Services on the vetting of the nominee for appointment to the position of Chief Officer, Public Service Management. It will be given by the Chairperson for Administration, Labour and Social Services.

Adoption of the Report of Select Committee on Budget and Appropriations on Kilifi County proposed Budget Estimates for the FY 2018/2019. The Motion will be moved by the Chairperson for Budget and Appropriations Committee.

The last Business will be a Bill: Kilifi County Appropriation Bill, 2018 (First Reading). Next, the Kilifi County Appropriation Bill, 2018 (Second Reading). Third, Committee of the Whole House on the Kilifi County Appropriation Bill, 2018. Lastly, the Kilifi County Appropriation Bill, 2018 (Third Reading).

Thank you, Mr. Speaker.

BILL

Second Reading

THE KILIFI COUNTY MICROFINANCE FUND (MBEGU FUND) AMENDMENT BILL, 2018

Hon. Ziro: Thank you Mr. Speaker. I beg to move a Motion that the Kilifi County Microfinance Fund (Mbegu Fund) Amendment Bill, 2018, be now read for the Second Time. Before I call the hon. Member for Kakuyuni to second, I would like to make the following observations or contributions. The Kilifi County Microfinance Fund (Mbegu Fund) Amendment Bill, 2018, was published as a special issue in the Kenya Gazette supplements number four on the 4th of May, 2018, as a Bill originating from the County Assembly of Kilifi.

It was read for the First Time on Wednesday, 8th May, 2018, and pursuant to Standing Order No. 120, the Bill was committed to the Sectoral Committee on Economic Planning, Trade and Cooperatives Development for consideration.

Guided by Article 196 (1) (b) and Standing Order 123 the Office of the Clerk ran some adverts in the local dailies and invited interested members of the public to submit any memorandum of that Bill to the Office of the Clerk, County Assembly of Kilifi. The Committee did not receive any memorandum.

Thereafter, according to the objects in the Memorandum of Understanding, the principle object of the Bill is to amend the Kilifi County Microfinance Mbegu Fund Act, 2016, by providing a definite period during which the County Assembly will allocate funds...

(Hon. Kiraga stood on a Point of Order)

The Deputy Speaker (Hon. Kenga): There is a Point of Order, please take your seat.

Hon. Kiraga: Mr. Speaker through your guidance, I am hearing the Member moving a Motion, is it right that he is moving Motion? I think this is a Bill and it is in the Second Reading Stage.

The Deputy Speaker (Hon. Kenga): Thank you. Hon. Kiraga you are out of Order. Hon. Ziro is taking Members through the Second Reading of the Kilifi County Microfinance

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(Mbegu Fund) Amendment Bill, 2018 and therefore he is very much in order in what he is doing. On the other hand, you are out of order. Please allow him to proceed.

Hon. Ziro: Thank you Mr. Speaker. I think the Member has been guided accordingly. According to the objects of Memorandum of Understanding, the principle object of this Bill is to amend the Kilifi Microfinance (Mbegu Fund) Act, 2016, by providing a definite period during which the County Assembly will allocate funds towards the capital of the fund.

In the spirit of fiscal responsibility and prudence, the Act also utilizes the existing structures of the County Governments such as the Sub-County administrators and trade and cooperatives officers who will now form the new Sub-County committees. This is quite imperative as we consider the Mbegu Fund.

The Act also makes provisions for securing loans and it clearly outlines the roles of the Executive Committee Member of Finance as contemplated under Section 45(4) of the Public Finance Management Act, 2012. The Act also revises the role of the Kilifi County Microfinance Board to ensure that they conform to Section 116 of the Public Finance Management Act, 2012. The enactment of this Bill shall not occasion additional expenditure of public funds.

I wish to confirm that the purpose of the Bill takes care of the residents of this County of Kilifi. We were very keen when we were undergoing the process of amendment to make sure that we do not create any frictions at the grassroots level. Therefore I wish to call upon hon. Mramba the legislature for Kakuyuni Ward to second this Motion. Thank you.

The Deputy Speaker (Hon. Kenga): Yes hon. Mramba, please proceed and before we get the contributions from hon. Mramba, for those Members who may still have concerns whether the Chairperson is in order, I would wish that you refer to Standing Order No. 121 that is page 93 of the Standing Orders of Kilifi. Thank you, proceed.

Hon. Mramba: Thank you so much Mr. Speaker for giving me this opportunity so that I can second my fellow colleague by the name of Peter Ziro Ngowa, Pastor, and who is well known as “*Simba wa Garashi*”. I would like to say that these amendments are long overdue because this Bill has been in place for some time. It was here in the previous Assembly; we passed it and it went to the controller of budget but some issues were picked that warranted the same Bill to come back to this Assembly because it contravened some sections of the Public Finance Management Act.

The groups were identified long time ago in every ward. We were to get ten groups from every ward; five groups for youth groups and five groups for women which were to benefit from the fund. This has been a hindrance and I remember very well when we were campaigning in the last election period we had to fend off some questions regarding the existence of Mbegu Fund because people were claiming that we lied to them. This is because the groups were identified but money was not coming. I wish to say that it is high time that the Bill goes through so that the realization of Mbegu Fund can be felt across the county so that our youth and women can benefit from the fund and it will help in curbing poverty in the county. I beg to support the Motion. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you hon. Members. The Kilifi County Microfinance (Mbegu Fund) Amendment Bill has now been proposed and seconded. I now propose the Question that the Kilifi County Microfinance Mbegu Fund Amendment Bill 2018 be now read a Second Time. For those Members who would wish to make contributions, please be guided that the system is not in operation so you raise up your hand then you will be given an opportunity to make your contributions.

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(Question proposed)

Hon. (Ms.) Elina: Asante Mheshimiwa Spika kwa kunipa nafasi niweze kuchangia mambo haya ya Mbegu Fund. Imefika wakati sasa Kaunti ya Kilifi tuweze kujibu wananchi kwa njia hii ya pesa za kusaidia makundi. Makundi yalipelekwa kwa mafunzo, vijana and wanawake, wamengojea hizi pesa kwa mda mrefu. Tulipoenda kwa kampeni, tulibidi tuwaeleza ya kwamba *Fund Manager* hajapatikana na atakapopatikana, hizi pesa zitaanza kupelekwa kwa makundi. Imekuwa wakati mzuri sasa kama imeletwa na imefanyiwa marekebisho; hiyo sheria wacha tu ipitishwe ili watu wetu wanufaike.

Hizi pesa tulikuwa tumezitenga tangu 2016/2017, 2018/2019. Kwa hivyo, ningeeomba kabisa waheshimiwa wenzangu, hii ni *Bill* ambayo tuliipitisha kitambo na ikafanyiwa marekebisho fulani kiutaalamu na sasa imerudishwa. Watu wetu wameingoja kwa mda mrefu sana mpaka sasa maswali yanaendelea ya kwamba zile pesa zitatoka lini? Tukaja tukaona ile *advert* ya kwamba wanataka yule msimamizi wa hizi pesa na nafikiri akiwa amepatikana itakuwa ni vizuri zaidi ili mipangilio hiii anze. Nimesimama kuunga mkono kabisa haya marekebisho tuyapishe ili hii *Bill* ianze kufanya kazi. Asante sana Mheshimiwa Spika kwa kunipa nafasi.

The Deputy Speaker (Hon. Kenga): Asante. Yes hon. Thomas Mumba.

Hon. Mumba: Thank you Mr. Speaker, for this opportunity to contribute to this Bill. I rise to support this Bill and I just feel it is high time we pass this Bill because it is something that we have been waiting for so long. Even before I came to this House, I had already heard about this Bill and that the situation out there is very critical and I think there is a lot of miscommunication to the community; people have been waiting since people have been promised and now I think this is the right time for us to pass this Bill so that the implementation can take effect.

To me, this Bill stands in the right way and at the right position to guide our youths and women as we are going to empower them through those groups so that they can be in a position to push through the difficulties we encounter. We, the people on the ground, face many challenges from the electorate and I know through this empowerment we shall at least relieve us from all those personal demands and all that. So I rise to support that we pass this Bill so that it can take effect and our people can be empowered. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Kenga): Yes hon. Pascal Jacob Thuva.

Hon. Pascal: Thank you Mr. Speaker, for this opportunity to also support the Second Reading of this Bill. Those of us who were there in the last County Assembly have known the long way that we have gone pertaining the Mbegu Fund issue. When you go to the ground in the entire Kilifi County, you will always hear the public speak bitterly about the inability of this Assembly to put in place a law that will guide the dissemination of this Fund.

I remember those of us who were in the Budget Committee had a very rough time explaining to the public why this Bill has not been in place and at times we were almost beaten up because the public was really angry about this and it's high time this Assembly rose up to the occasion and passed this law. Our youths and women are languishing in abject poverty. Many of them have nothing to do and indulge in bad activities like chewing khat and doing all sorts of ills on the ground while we have a fund that will actually be beneficial to these guys.

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The women groups we identified long time ago even went ahead and participated in trainings now have nothing to do. They have put the blame on their leaders because they say that we took them for a ride. The ground is hot on the leaders and it's high time we passed this law. This is the best time for us to conclude on this matter. We pass it here and then we leave it to the other side which we also need to push very hard. After passing this law, we ensure that the Executive are handy enough to actually implement. Thank you very much. I stand to support the Second Reading of this law. Thank you.

The Deputy Speaker (Hon. Kenga): Yes hon. (Ms.) Koki please proceed.

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

The Deputy Speaker (Hon. Kenga): Please can you hand over the mic to the Member.

Hon. (Ms.) Koki: When we empower our youths and women, we empower the whole Nation. A lot is happening. The economy is affected and a lot of questions are being asked out there. As we all know, when you go to *mashinani* (Rural areas) we are asked for handouts but when we empower our youths and women they will get something to do thus earning an income. With those few remarks, I stand to support the Mbegu Fund so that our youth and women can start benefiting in our areas. Thank you.

The Deputy Speaker (Hon. Kenga): Hon. Members, I now put the Question.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the Whole House tomorrow)

ADJOURNMENT

The House rose at 3:20 p.m.

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