

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 28th March, 2017

*The House met at the County Assembly Chamber,
Malindi Town, at 9:00 a.m.*

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

PRAYERS

MOTION

ADOPTION OF THE REPORT ON THE KILIFI COUNTY SUSTAINABLE FOREST RESOURCE MANAGEMENT
POLICY, 2016

Hon. Matano: Asante mheshimiwa Spika. Nimesimama kuweka Mswaada huu mbele ya Bunge hili:-

THAT, this House adopts the Report of the Select Committee...

The Deputy Speaker (Hon. Mwambire): Hon. Matano, please stick to one language. You cannot speak two...

Hon. Matano: Thank you Mr. Speaker. The Motion is in English, so let me read it in English.

The Deputy Speaker (Hon. Mwambire): Next time do not start with another language. We will exempt you if you use sign language rather than using Kiswahili then switch to English.

Hon. Matano: Thank you hon. Speaker.

THAT, this House adopts the Report of the Select Committee on Delegated County Legislation on the Kilifi County Sustainable Forest Resources Management Policy, 2016, laid on the Table of this honourable Assembly on Monday, 27th February, 2017.

I call upon hon. Mramba to second.

POINT OF ORDER

ADJOURNMENT OF DEBATE

Hon. Mramba: Mr. Speaker, I am not a Member of this Committee, therefore I do not think I fit to second the adoption of the Report. I wish to stand on a point of order under Standing Order No. 50 (b) to seek the adjournment of the debate of this Report because all Members are absent except one, so we need to adjournment so that we can adopt it some other time.

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The Deputy Speaker (Hon. Mwambire): Even before I get interventions from Members, any Member can second when it comes to plenary. If it was a Committee, then the Committee could have deliberated and you cannot give a vote in that Committee but when it comes to the plenary, any Member can second and even you can be allowed to move on their behalf. When it comes to deliberations, if the Members are not here, then with a Motion you should get a seconder so that we can make a decision.

Hon. Mramba: I ask hon. Stanley Karisa Kenga to second.

The Deputy Speaker (Hon. Mwambire): Hon. Kenga had an intervention.

Hon. Kiraga: I also had an intervention...

The Deputy Speaker (Hon. Mwambire): Just take your seat because I am looking at the intervention and the mode for seconding the Motion, we do not see...somebody should stand and bow. Hon. Nixon Mramba has proposed hon. Kenga to second. I was expecting him to either stand and bow or contribute but he was pointing at his microphone...

Hon. Kenga: Thank you, Mr. Speaker. I have an opportunity to second, either by bowing or making contributions. What I want to say is that this is not the first time. Hon. Mramba is the father of adjournment Motions in this County Assembly.

Mr. Speaker, we cannot stand to be led the way he wishes. He is not prepared but the document was tabled in this Assembly and it became a property of the County Assembly and we have Members. The quorum is there and I am not ready to second and therefore I wish that we proceed. Thank you.

The Deputy Speaker (Hon. Mwambire): So hon. Mramba, let me give you a chance to give your submission so that we can rule out on your Motion but it is already "dead" because we do not have a seconder. It is a natural death, so we should move on. Let us get Members...I am seeing we have a problem with our switch board. I cannot access most of you so we are going to use the movable microphones for you to make contributions. So, hon. Matano, get somebody to second the Motion because hon. Mramba said he will not be seconding but instead he was even moving another Motion to adjourn. He also faced stiff opposition from his proposed seconder. Who is seconding Matano's Motion?

Hon. Matano: Thank you, hon. Speaker. May I call upon hon. Stanley Kenga to second the Motion.

The Deputy Speaker (Hon. Mwambire): Hon. Members, a Motion by the Delegated County Legislation Committee has been moved and it is now ready for debate. Give him the movable mic so that he can make his contributions.

(Hon. Kenga seconded)

(Question Proposed)

Hon. Kenga: Thank you very much Mr. Speaker, I seek that I make my contribution later as we proceed.

The Deputy Speaker (Hon. Mwambire): You are the seconder so you can...

Hon. Kenga: Yes, I am but I want to believe that I am not against the Law by seeking to make my contribution later.

The Deputy Speaker (Hon. Mwambire): Obligated. Hon. Kiraga, please.

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Hon. Kiraga: Thank you very much, Mr. Speaker. I rise to oppose the adoption of this Report. If you look at the Committee recommendations and having thoroughly scrutinized the Kilifi County Sustainable Forest Resources Management Policy, 2016, and considered the experts and stakeholders views and opinions, the Select Committee on Delegated County Legislation recommends that; the Kilifi County Sustainable Forest Resources Management Policy, 2016, be revoked by the County Assembly of Kilifi.

Mr. Speaker, I do not know whether this Committee read the County Policy as far as this issue is concerned and to put such a recommendation ...

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

Hon. Matano: Thank you, hon. Speaker. I wish to inform the Member who is on the Floor...

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

Hon. Kiraga: I do not want to be informed. I am very much conversant...

The Deputy Speaker (Hon. Mwambire): Take your seat hon. Matano.

Hon. Kiraga: Mr. Speaker, I wonder whether a Committee comprising of nine Members read this Policy intensively. Mr. Speaker, I just want to highlight a few things from the policy guidelines and from which even a layman cannot come up with such a recommendation.

Policy guideline number one; There is promotion of sustainable management of forests for climate solid water and biodiversity conservation. Is this what we need in this county? I do not know which angle the Committee was reading these statements for them to arrive at such a recommendation. The policy statement also states that it carries out inventories and valuation of forest recourses and the actualization to generate information for decision making.

If you go to the policy recommendation for the forest management, is this what we need in this county? That the policy says there will be promotion and support to community forest management and conservations. Also, re-organize right of community to manage forest and forest recourses on community land, introduce benefit sharing arrangement in forest management agreements. I fail to understand whether a whole Committee used county resources just to arrive at such a recommendation.

Mr. Speaker, I lack words to express myself as far as this Committee is concerned and the Vice Chairperson is here. I do not know if he is the Vice Chairperson or the Chairperson. Mr. Speaker, we have a lot of good things in the policy statement...

The Deputy Speaker (Hon. Mwambire): Hon. Matano is a Member. The Vice-Chairperson is hon. (Ms.) Elizabeth Muthoka.

Hon. Kiraga: Okay, it is unfortunate that the leadership of the Committee is not within the House but I believe he is undertaking the duties of the Chairperson currently and he is going to carry this information to his Committee.

Mr. Speaker, we have a lot of good things in this policy. I do not know which stakeholders and experts sat with this Committee to arrive at this awkward recommendation. I do not agree with the recommendation and let them learn that we do not give recommendations the way they did here. They had a lot of findings. So, does it mean that these findings can be concluded with just a single minute or does it mean they did not have enough time? Mr. Speaker, I highly oppose the adoption of the Report. Thank you very much.

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

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The Deputy Speaker (Hon. Mwambire): Yes another Member please. Hon. Stanley Kenga.

Hon. Kenga: Thank you very much, Mr. Speaker. I stand to demonstrate my opposition to the said adoption of the Report. The Committee held several meetings as from Wednesday, 30th November, 2016, to Friday, 9th December, 2016, and then other meetings were held as from 9th to Saturday, 11th February, 2017. Out of the Committee meetings that were held by the Members of the Committee, there were various findings. If you go to page seven of the Report, like item number one of the findings, the policy is defective in its drafting and it calls for elucidation.

Two, the Kilifi County Forest Resources Management Policy, 2016, is not aligned with the National Government Forest Policy, 2014.

Three, the policy does not determine synergies and areas of complementary with other relevant sectoral policies to ensure considerations of cross-cutting issues. There are various findings like the last item, which is item number ten of the findings. I am trying to look at the findings that were made by the Committee against the recommendations that were made. I do not think that we are just told to revoke the whole document. Out of the findings, Members should have proposed solutions or weaknesses that were coming out from the policy so that out of these weaknesses, these are the proposed solutions. If the policy does not align itself with the National Government Policy of 2014, then they would have proposed that a solution be found whether it is in the form of an amendment to that section so that it is aligned with the National Government Policy but when we say we are revoking the whole document, I do not think this is the way to go for us.

Resources have been used. When Committees sit they use public resources. We want to get value for public money being used as regards to this issue. Therefore, in these observations, I am convinced this is not the best way to go. Out of ten findings, we would have expected that as a Committee, they would have provided solutions to the weaknesses that we have in the document but not revoking the whole document and therefore I am against the adoption.

The Deputy Speaker (Hon. Mwambire): Okay, thank you very much. Hon. Members, before I give it to hon. (Ms.) Arafa, there is some information I am getting which the Committee ought to have shared with Members. There are Committees which have not been bringing some of the Reports to this Assembly to the extent that we do not know their guidelines. So as Members are making contributions then you flush out the guidelines that you use, it becomes very difficult to make a ruling on the same. So, let us hear from hon. (Ms.) Arafa and hon. Emmanuel Kazungu Chai and then I will give it back to the Member who wanted to do other things.

Hon. (Ms.) Arafa: Thank you very much, Mr. Speaker. I stand to oppose the adoption of this Report with facts based on their Report which they have tabled in this House. The Committee came up with different findings but I am surprised that they wrote only one recommendation for the more than ten findings. What we want to get from this Committee is a recommendation per finding...

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

Hon. (Ms.) Arafa: Yes, Mr. Speaker, Sir.

Hon. Kenga: Thank you very much, Mr. Speaker. I want to acknowledge that the Member who is making contribution is an expert in the field of environment and forestry issues. Therefore please proceed.

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Hon. (Ms.) Arafa: Thank you very much, hon. Stanley Kenga for your applaud. I am not only an expert but was also a presidential award winner in 2010 on the issues of environment and youth employment.

Mr. Speaker, I was contributing as per the findings which were presented by this Committee. For example finding number five, ‘the Kilifi County Sustainable Forest Resources Management policy does not infringe on fundamental rights and freedom.’ I know the Forest Act Review, 2014, Community Forest Association have rights to have forest uses. So, I am shocked when the Committee says that this policy has infringed on the fundamental rights and freedom. In Kilifi County, we have a lot *Kayas* and the community benefits from these *Kayas*. They have different activities and are benefitting from the natural resources we have in Kilifi County.

Finding number six; ‘The Kilifi County Sustainable Forest Resources Management Policy does not contain imposition of taxation.’ I do not agree with this. I know that hon. Renson Kambi is not here but we have charcoal users and producers association and they benefit the County Government of Kilifi through taxation because they pay for charcoal burning and production.

When they say they are revoking this policy, they have to tell us the reason why they are revoking it not just coming up with one recommendation that is saying; “Having thoroughly scrutinized the Kilifi County Sustainable Forest Resources Management Policy, 2016, and considered the experts and stakeholders views and opinions, the Select Committee on Delegated County Legislation recommends that the Kilifi County Sustainable Forest Resources Management Policy, 2016, be revoked by the County Assembly of Kilifi”. We cannot just work by their recommendation without experts.

This Assembly has people who have gone to school. They understand each and everything. They cannot just say that we revoke things which they think is not sustainable to Kilifi County. Even though it is a Committee on Delegated County Legislation, this Committee lacks experts on environmental issues. So, they have to go back and come up with good recommendations. I have participated in a lot of policies; this is one of the best.

I also want to congratulate Kilifi County Stakeholders. They have put their recommendations in this document and I am happy that their recommendations have been attached to the Report but it is a shock that after getting recommendations from these stakeholders, the Committee just recommends revoking this policy after using all the resources in Kilifi County. It is very sad. I am opposing the adoption of this Report; this policy is talking on things that touch on Kilifi County. We are talking of dry forests, wet lands, marine eco-system, urban and forest roadsides tree planning. These are some of the things that will create opportunities and employment to our youths.

Mr. Speaker, Sir, I wish to ask all the Members in the Environment Committee because I know they know more on environmental matters and they have gone through this Report to revoke this Report and if they do not have experts in their Committee, let them join us.

Mr. Speaker, Sir, though I am not in this Committee, I will not stand here and see the resources in Kilifi County be managed in an unsustainable way. We have gone through a long drought season, so if this policy goes through and is implemented fully, we are going to benefit from it. I wish to urge Members to fully revoke this policy. Thank you very much.

Hon. Chai: Thank you Mr. Speaker, Sir, for granting me this opportunity to air my views on the adoption of this Report. I think as we have heard from various Members especially from the Member who was just on the Floor, the policy has contributions from stakeholders and to my

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surprise, the recommendation here reads that the experts and stakeholders views and opinions were that the policy should be revoked.

So, I was wondering which group of stakeholders brought their recommendations and which one suggested revoking the same policy? I thought from these findings, there should be a recommendation of the same from the responsible Committee that these findings should be included in the policy instead of revoking the whole thing. What I have learnt from this recommendation is that the Committee went ahead to decide on one recommendation in their meeting. It is possible and we have seen it during public participations on Bills.

I think from these findings, the Committee should have come up with some recommendations numbers one and two to be included in the policy instead of just revoking the whole thing. With those few remarks, as the Vice Chairperson of Environment and Natural Resources, I stand against the adoption of this Report. Thank you.

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

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. I rise to oppose the adoption of this Report. I belong to the Committee of Environment and Natural Resources in this House and reading through this Report, it is the first time to get a Committee Report with only five papers. Looking at the membership of this Committee, they have nine Members and only one is in this House. The Chairperson, the Vice Chairperson and other six Members are not in the House to protect their own Report.

Mr. Speaker, Sir, this Report sounds fishy. It looks like the Committee Clerk just sat and did the writing of this Report himself. We are missing even the attendance lists of the Committee on all these days they sat at Sai Roc. We have seen Reports in this House with the attendance of Members on a daily basis. They had five days sitting at Sai Roc; there are no attendance lists attached. Two, the stakeholders' attendance lists and recommendations are not attached. Nothing is attached to this Report and I pity hon. Matano sitting in this Committee to bring such kind of a Report to this House.

Mr. Speaker, Sir, we have come of age in this House and we cannot just be brought such a kind of a document being called a Report on a policy brought in by a Committee to get such contradicting recommendations from the same Committee. I doubt if this Committee really did sit and scrutinize the policy document. This is shoddy work with very unhealthy recommendations. Natural resources and forest issues are very pertinent in Kilifi County and this was a good policy for the Delegated Committee to go through. I have a feeling they left their clerk to write whatever is written in this document.

Mr. Speaker, Sir, we refuse the adoption and I urge all the other Members and I recommend being a Member of the Environment Committee that this Committee sits without any other allowances to do a better Report and bring it to the House. Thank you Mr. Speaker, Sir.

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

Hon. Matano Thank you hon. Speaker, Sir. First and foremost, I want to inform the House a few things...

The Deputy Speaker (Hon. Mwambire): Is it possible you use the other microphone?

Hon. Matano: Thank you hon. Speaker, Sir. I wish to inform this honourable House a few things. The Committee received this policy and after receiving it, we called for a meeting. We met with all the stakeholders and all those groups which this policy touched on. In that meeting, it was seen by the stakeholder and all the community members whom we had invited

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that the policy was not fit. So we had to come up with another Report in that joint meeting. So, as a Committee when we went to do our Report we had two...

The Deputy Speaker (Hon. Mwambire): Let me ask you a question before you proceed. Did you involve the Committee on Environment?

Hon. Matano: No hon. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Okay, proceed.

Hon. Matano: So, as a Committee on Delegated Legislation hon. Speaker...

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

Hon. (Ms.) Arafa: Mr. Speaker, Sir, I want hon. Matano to come out very clearly. He says that they sat and wrote a Report but the way he is putting it is that the Report we have here is not the one that hon. Matano is supporting in this House. So, I want him to tell us, is this the right Report you have presented to this House or you are talking about another Report?

Hon. Matano: Thank you, hon. (Ms.) Arafa. Hon. Speaker, Sir, kindly allow me to respond. After we did our Report with the stakeholders as a Committee we were mandated to go and do the final Report. When we went to Sai Roc, as hon. Members were saying that we took some allowances, we were forced to make sure we consider all the recommendations from the stakeholders and the community that is where we arrived at this recommendation.

The Deputy Speaker (hon. Mwambire): There is an intervention from hon. (Ms) Mbeyu.

Hon. (Ms) Mbeyu: Thank you, Mr. Speaker, Sir. As much as hon. Matano wants to protect this kind of a Report, we cannot even find the recommendations of the stakeholders he is talking about. We do not know which stakeholders attended because the names are not attached. There is nothing on this Report to tell us that there is any stakeholder who attended the meeting. Mr. Speaker, Sir, I think hon. Matano should do the honourable thing in this House; he withdraws, sits again and does the Report. Thank you, Mr. Speaker, Sir.

Hon. Matano: Thank you, hon. Speaker, Sir. I think after I say whatever I am trying to tell this honourable House, hon. (Ms.) Mbeyu, the women representative to be, will get some light.

The Deputy Speaker (hon. Mwambire): Hon. Matano, what hon. (Ms) Mbeyu was sharing was something genuine and particular in your Report. The Reports that we normally get have the sittings, how Members signed and all those things. In your findings, you shared about professionals among other stakeholders. The Members are claiming that this information is not contained in their Reports making them worried about the type of professionals and stakeholders invited.

That is why, initially you heard me ask whether the Committee on Environment was invited because hon. Emmanuel Kazungu Chai claimed to be the Vice Chairperson and he was not involved. Hon. (Ms) Mbeyu also shared that the Members of the Committee were not involved. The issues were more or less dealing with environmental matters; this policy was supposed to be handled by your Committee.

So the issue is will it be possible for the Members to be furnished with the information of the stakeholders who were involved so that they can be able to make their decision in regard to the recommendation that you have made?

MOTION FOR ADJOURNMENT**FURNISH MEMBERS WITH MORE INFORMATION ON THE REPORT OF THE KILIFI COUNTY
SUSTAINABLE FOREST RESOURCES MANAGEMENT POLICY, 2016**

Hon. Matano: Thank you, hon. Speaker. That is where I was coming to; I am seeking an Adjournment Motion of this debate under Standing Order No. 50 (b) so that this honourable House can be furnished with all the relevant information so when they come up with the conclusion, they will have all the information in their hands. I believe when they get the right information, all hon. Members will be in support of the recommendations from the honourable Delegated Committee in this House.

I call hon. Stanley Kenga to support the Adjournment Motion. Thank you.

(Hon. Kenga seconded)

The Deputy Speaker (hon. Mwambire): Okay, a Motion for the adjournment of the debate on the adoption of the Committee on Delegated Report has been moved and successfully seconded. Hon. Kenga, Please make your contributions.

(Question proposed)

Hon. Kenga: Thank you very much, Mr. Speaker, Sir. I second the Adjournment Motion because I see that the Mover is overwhelmed with the task ahead of him. Why is he always seeking hon. Stanley Kenga to second? People have always mistaken hon. Kenga with hon. Fondo who is the Chairperson of Delegated County Legislation Committee and he is always mistaken for me. All the same Mr. Speaker, Sir, hon. Fondo is a colleague, a friend of mine and we talk on a daily basis. He even called me to tell me that he is chasing issues of URP (United Republican Party) and other matters that are pending for him to get clearance as soon as possible.

Therefore, I am ready to take the responsibility and make sure that we move forward. Mr. Speaker, Sir, I think the challenge that the Committee is facing at the moment is that most Members are not present. Just to inform the hon. Members that the Report that was tabled in this Assembly is comprehensive, all that is there is a huge Report. What other Members may be having might just be some few pages of the entire document.

I am not seconding the Adjournment Motion because other people do not have all the information, because this information was tabled and the Reports were given to Members. I feel that the contributions made by Members are making ... because the recommendations of the Report is "revocation". They are seeking the County Assembly to revoke the policy. Members who are opposing may not be getting why they are opposing. They are opposing the revocation of the Report and when they do that, it means that the policy has to move forward because you are agreeing with the original policy statement that was presented to the Assembly.

I am seeing that challenge to most Members. I want to second the adjournment of the same and ask the Chairperson and the Committee to organize for an informal *Kamkunji* where these issues will be explained clearly and Members will have a forum to engage with the Committee and resume business. I want to believe Members will be informed and will have an

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opportunity to make contributions. In that regard Mr. Speaker, I beg to second the Adjournment Motion. Thank you.

Hon. (Ms.) Arafa: Thank you very much, Mr. Speaker. I stand to oppose the Adjournment Motion reason being I am very shocked by hon. Matano because he has not gone through the Report. I have the whole Report from different stakeholders and they have put their recommendations here. I will give examples of recommendation from Mazingira Women Group from Watamu, National Museum Coast Region, Nature Kenya Coast Region and Natural Resource Network Kilifi County. They have put their different recommendations in this Report and no one has come up with a single recommendation of revoking. If we decide to approve the Adjournment Motion, it will not give us a solution. The only issue is for the Delegated Committee to agree that they ended up with their own recommendation and not the stakeholders.

This is because I have the Report and in this Report there is not any stakeholder who has recommended that we have to revoke the policy. They have come up with different recommendations to be added and subtracted in the policy. So, if hon. Matano is saying that we come up with an Adjournment Motion, is he and his Committee seeking for another allowance because they have not understood the Report? The only thing that we have to do is to oppose the Report, you put the question and then we come up with a consultation meeting. Thank you very much.

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

Hon. Mangi: Thank you, Mr. Speaker. I sympathize with the predicament hon. Matano is facing today. He has really tried to safeguard this document but refusing the adjournment is penalizing him and it is not fair. You know by adjourning, it means that we need extra time to see the areas of concern and in a nutshell, I will describe this document as one that does not meet the threshold of admissibility in this plenary and that is why I am supporting this Adjournment Motion.

Mr. Speaker, I am sure you will agree with me that this document is more technical. I want to blame the advisory team that always sits with the Committee. It is really absurd to expect an MCA who is very busy to be aware of the technicalities in a document of this nature. I find this document at fault because there is only one recommendation while they write 'recommendations'. They are using wrong words. There is a difference between 'recommendations' and 'recommendation'. This should not be allowed in the first place because they only have one recommendation and not two recommendations.

So, I sympathize with the predicament you are facing hon. Matano. I am in support of the Adjournment Motion so that... and believe me or not, you have done very well. What has let you down is the document itself.

So, I am supporting this Adjournment Motion so that we can thoroughly peruse this document and see the challenges that this document is facing and where we can be able to address the areas of concern so that this Report can meet the threshold of admissibility in this plenary. I support we adjourn. Thank you.

Hon. Kiraga: Thank you, Mr. Speaker. I rise to oppose the Adjournment Motion...

The Deputy Speaker (Hon. Mwambire): There is a Point of Order from hon. Kenga. Take your seat hon. Kiraga.

Hon. Kenga: Thank you very much, Mr. Speaker. Initially when we started this debate, hon. Kiraga was seated here ...he has now shifted. I do not know whether he is in order to make contributions from where he is seated now?

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The Deputy Speaker (Hon. Mwambire): He is in order because he wanted to get... where he is, the machine is okay. He can also be traced by the switchboard. Proceed hon. Kiraga.

Hon. Kiraga: Thank you. Those are kicks of a dying horse. I am opposing the Adjournment Motion because I feel it is another way of evading the resolutions of this County Assembly which are almost being made. There are two things. I believe the oppositions to this Motion are going to cut their day short. So, bringing a Motion of Adjournment is like running away from the verdict which is almost being made in this Assembly.

There are two scenarios; one, the time frame. I believe Matano and his group need sufficient time to...

The Deputy Speaker (Hon. Mwambire): There is a Point of Order from Hon. (Ms.) Mbeyu.

Hon. (Ms.) Mbeyu: Mr. Speaker, I wanted hon. Kiraga to address hon. Matano as hon. Matano and not just Matano. He is a hon. Member of this House.

Hon. Kiraga: Okay, thank you very much; my apologies. So, as I was saying time frame is also very crucial here. One; we need to give them ample time. As my friend hon. Kenga has put it, it is a very comprehensive Report and I believe they have nothing else to offer to this Assembly in two or three weeks; that is what I believe. So, let us give them ample time. How do we give them ample time? It is by rejecting their document. The law allows them to have almost six months after rejection of a document. They can have half a year to mend whatever they want.

You know if we go by the Adjournment Motion and I am wondering whether he is the one standing in for the Chairperson; I believe he should have consulted earlier enough and not let this Assembly sit here for all those minutes. I call it wastage of time; we have been wasting time if we go by Standing Order No. 50 (b). We cannot be carried like that; we have been here debating since morning and we are almost coming up with the verdict and here the sitting Chairperson is trying to maneuver some underground issues just to repeal whatever we want to... Mr. Speaker, we do not go by such tactics. He should have projected that idea earlier on.

Members, let us reject this Report so that we can give them ample time for them to go and bring an excellent Report. This county, by the way, can still move with the County Sustainable Forest Resources Managing Policy the way it is. There is no harm and in fact, I believe we want to come and do this as our first assignment in the next Parliament. Thank you very much.

(Laughter)

Hon. Chai: Thank you very much, Mr. Speaker, for allowing me to stand against the Adjournment Motion. As hon. Kiraga has put it, if we say 'no' to the adoption of this Report, I do not think their recommendations will be thrown out. They can be reconstituted or have some time to analyze the Report. From my view, I do not see the point of adjourning the discussion of this Report because most of the Members have already given their contributions and you will direct us Mr. Speaker. I am sure if we adjourn the discussion, we will not have some other contributions from any other Members, so put the question so that the *nays* have it.

The Deputy Speaker (Hon. Mwambire): The guidance that I can give from my side is that if you oppose the recommendations from the Committee, it means that the policy that came from the Executive is the one that will be adopted automatically. Thereafter, you can seek to bring a proposal of amendment to amend the one that came from the Executive. We are still on

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the Motion. Any other contributions or I call upon hon. Matano to make his submissions? Kindly make your submissions.

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

Hon. Matano: Thank you hon. Speaker. I have very few submissions to make. One; this honourable House needs to be furnished with relevant documents needed so that they can go through the documents then make their decision. Two...

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

Hon. Kiraga: Mr. Speaker, can he name some of the documents which this House needs to be furnished with?

Hon. Matano: Thank you. One is the list of the experts who sat with the Committee and the CEC. That is one of the most important documents which some of the hon. Members do not have on their desks.

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

Hon. (Ms.) Mbeyu: Mr. Speaker, I think you need to give better direction to hon. Matano and we will be most obliged if he can understand what this House needs at this hour. The documents we need are the recommendations of the Committee against the policy. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): The documents were issued to all Members in their pigeon holes sometime back. The only challenge is that this Motion came at some point in this House but there was nobody to move or second. That is why it went back to the House Business Committee. The House Business recommended that the Motion be brought today and it is by good luck that hon. Matano is around and he is playing his role strongly as a Committee Member so give him time to share.

Hon. Matano, all the documents were issued to the Members that is why when hon. Chai was inquiring about what will happen if they just reject. I told him if you look at the documents there are two sets of policies. One is the proposed policy by the County Executive and the other one which had been brought by the experts who had modified it. What will happen if you reject it? The one from Executive will be used. If the Executive will find that there are some issues in regard to the recommendations that the Delegated Committee had made as part of their observation, then the Executive will make recommendations then the recommendations will be brought back to the Committee to look into them. That is the position as per what hon. Chai was enquiring in his submissions.

Hon. Matano, do not be worried that Members were not furnished with the documents. They were given. I went through it yesterday and this morning so I have almost everything like the one hon. (Ms.) Arafa was sharing on the recommendations by different stakeholders except the Committee on Environment which was not involved. There is another intervention from hon. Kiraga.

Hon. Kiraga: Mr. Speaker, I want to echo your sentiments that the sitting Chair is also not very conversant with this Report because the minutes of meetings of the County Assembly Committee on Delegated County Legislation held on Friday, 9th December, 2016, had the experts and the list is here, so I do not know...the attendance is here and submissions from the experts,

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so what kind of documents do you wish to submit to this Assembly which in your own mind can change our stand?

Hon. Matano: Hon. Speaker, I wish to inform hon. Kiraga that there are two policies that came to the Committee on Delegated Legislation and I am very sure that we have not got the second document which emerged as...

The Deputy Speaker (Hon. Mwambire): They are all included in that Report.

Hon. Matano: Thank you. Whatever hon. Speaker was saying is we have some Members who do not have this document and you are very lucky because maybe you had time to go through the document...

(Hon. Kenga stood on a Point of Information)

The Deputy Speaker (Hon. Mwambire): Do you wish to be informed hon. Matano?

Hon. Matano: Yes.

Hon. Kenga: Thank you very much Mr. Speaker and I need your protection. They are denying me the document that would have enabled me to...

The Deputy Speaker (Hon. Mwambire): Give him the document so that he can inform the Chairperson accordingly.

Hon. Kenga: Anyway, I am very smart and I know...

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga just give him the document so that...

Hon. Kenga: Mr. Speaker, I am standing to inform Members on what hon. Matano is seeking that this House must understand. The Leader of Minority has not contributed on this; he was about to contribute. The position which I want to take is this policy has been seen not to be consistent with the National Government Forest Policy and you know the dangers of a policy that does not align itself with the National Government policy. What are the dangers? We are all lovers of devolution and we do not want this policy to have the repercussion that will hard hit the Members of this great County of Kilifi. That is why we are saying let us be given more time.

Mr. Speaker, Members may make contributions but may not be aware hon. Matano is very much conversant with the document. He is telling us that there is something wrong with this document; it does not align with the National Government Forest Policy and that is where we need to take time and engage in this document. We cannot do it if we do not seek adjournment so that we get more time. I am suggesting that we go for a *Kamukunji* where we will be able to engage this document in detail so that we can make an informed decision. Thank you very much, Mr. Speaker. I beg that we adjourn. Thank you.

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga you are on. Hon. Kiraga then hon. (Ms.) Arafa. It seems I have done a mistake here.

Hon. Kiraga: Mr. Speaker, I am also a Member who read the Kilifi County Sustainable Forest Resources Management Policy. I read it extensively and this policy is in line with the National Policy. I was expecting the Members and even the sitting Chairperson today... which item in this policy does not align with the National Policy? To tell us that this does not align, which provision, Mr. Speaker? I took time to read this document since it was tabled. I have been reading it and I am very convinced that the policy aligns with the National Policy unless they tell us which item. Members, let us just throw out this document so that they can re-visit it and give them ample time up to the next Parliament so that everybody will be....

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(Hon. Kiraga explained using gestures)

The Deputy Speaker (Hon. Mwambire): Do you expect the HANSARD to record that?

Hon. Kiraga: I feel we are being denied our rights. Let us be against this and move forward to the other agenda.

The Deputy Speaker (Hon. Mwambire): Hon. (Ms.) Arafa then hon. Mwingo.

Hon. (Ms.) Arafa: Mr. Speaker, I want to inform the House that we cannot say this policy does not align with the National Government Policy. What I want to tell this House is that we have national forests and county forests. There is no way we can say that this policy does not align with National Forest Policy. As a county, we have our forests and I will give examples. We have Arabuko Sokoke forest which is under the National Government and we have the Dakacha woodland which is under the county forests. We also have a small bunch of the forests under the county forests.

I wonder when we say that this policy does not align with the county policy..., I respect hon. Stanely Kenga and if you do not know much about the forests, I am ready to offer you more information on forests and natural resources. We have national forests, county forests and *Kayas* which they are under National Museum Act. We have to know all of these forests, their structures, who own them and who are their custodians. When we talk about county forests, let it be about the county forests and when we talk about national forests, let it be about the Arabuko Sokoke and Marine National Parks which are under the national forests. Thank you.

The Deputy Speaker (Hon. Mwambire): Hon. Mwingo please.

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker. It is good that hon. Kiraga is confident of coming back to this Parliament. It is good to have that confidence; congratulations hon. Kiraga. Mr. Speaker, I think we have heard a lot as far as this Report is concerned. I am sure hon. Matano has a reason why he has moved that Motion for Adjournment. I think it is always good to respect hon. Matano. He has really begged this House to be given enough time to rectify this Report. We have all gone through the Report and we have seen exactly where they went wrong. Hon. Matano is alone. He does not have any support from his fellow Committee Members. It is very prudent we give them time through this Motion of Adjournment so that they can rectify the Report and bring it back to this honourable House. Mr. Speaker, I beg to support the Adjournment Motion. Thank you.

The Deputy Speaker (Hon. Mwambire): We have hon. Gambo, Member for Junju Ward.

Hon. Gambo: Asante Bw. Spika, kwa kunipatia nafasi hii. Nimesimama kuunga mkono kusitishwa kwa Mjadala huu mpaka wakati mwengine. Bw. Spika, hata mheshimiwa Kiraga katika mazungumzo yake amedhihirisha kuwa anaunga mkono Mjadala huu usitishwe mpaka wakati mwengine ili kutoa nafasi kwa wanakamati kuweza kukaa na kuangalia Ripoti hii vyema.

Nikiwa nimemsikia vizuri mheshimiwa Kiraga, amesema angetaka kuunga mkono Mjadala huu usitishwe lakini changizo zake ni kama haungi mkono. Mimi naunga mkono mia kwa mia kusitisha kwa Mjadala huu na uweze kuletwa... Namuona anazunguka tena ni kama haungi mkono na mazungumzo yake ni ya kuonyesha anaunga mkono Mswada huu usitishwe ili tupate nafasi nzuri ya kuelewa haya mambo. Hata mimi naunga mkono kusitishwa kwa Ripoti hiyo na zile orodha nyingine ambazo zinahitajika hapa ziletwe. Kwa hivyo, naunga mkono mia kwa mia kwamba tusitishwe Mswada huu na uletwe wakati mwengine. Asante.

QUORUM

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

Hon. Matano: Thank you hon. Speaker. I think the matter before this House is of great importance and we do not have quorum right now, so ...

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

The Clerk-at-the-Table: No Mr. Speaker, Sir, we do not have quorum.

The Deputy Speaker (Hon. Mwambire): Okay, ring the Bell.

(The Division Bell was rung)

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

The-Clerk-at-the-Table: No Mr. Speaker, Sir, we do not have quorum.

ADJOURNMENT

The Deputy Speaker (Hon. Mwambire): Hon. Members, there being no quorum, this House adjourns until 2:30 p.m. The matter will be referred back to the House Business Committee.

The House rose at 10:20 a.m.