

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 6th December, 2016

*The House met at the County Assembly Chamber,
Malindi Town, at 9.30 a.m.*

[The Speaker (Hon. Kahindi) in the Chair]

PRAYERS

MOTION

CONDUCT OF THE COUNTY SECRETARY AND THE CHIEF OFFICER FINANCE AND ECONOMIC PLANNING

Hon. Mwambire: Mr. Speaker, Sir. I have the pleasure to Table a Motion seeking for adoption of the Second Report of the Committee on General Oversight on the conduct of the County Secretary and the Chief Officer Finance and Economic Planning on Tuesday 29th November, 2016 at the County Assembly Chamber.

THAT, this hon. House adopts the Second Report of the Committee on General Oversight on the conduct of the County Secretary and the Chief Officer Finance and Economic Planning on Tuesday 29th November, 2016 at the County Assembly Chambers laid on the Table of this hon. Assembly on Monday 5th December, 2016. Mr. Speaker, Sir, may I call upon hon. (Ms.) Gertrude Mbeyu Mwanyanje, the Kibarani Ward Representative to second this Motion.

The Speaker (Hon. Kahindi): Hon. Members, a Motion has been presented by the hon. Deputy Speaker Teddy Mwambire for the adoption of the Second Report of Committee on General Oversight on the conduct of the County Secretary and the Chief Officer Finance on Tuesday, 29th November, 2016 at the County Assembly. I now propose that the same is ready for debate.

(Question proposed)

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. I rise to support the adoption of this Report. This is the Second Report from the Committee of General Oversight on the conduct of the County Secretary and the Chief Officer Finance which was held on Tuesday 29th November 2016 at the County Assembly Chamber.

Mr. Speaker, allow me to take you through a few findings of the Committee; “It is in view that the conduct of the two officers was an abuse of this Assembly and its mandate to oversight”. Permit me to take you to the second paragraph of the findings, and I will read: “To **Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

decline to produce the Government documents or records, the Officers were in direct violation of the Article 35, which is access to information, of the Constitution of Kenya. It is therefore against the supreme law of the Republic of Kenya for the County Secretary to allude that, the Committee on General Oversight acted irregularly and contrary to the law inviting him to appear before the Committee”.

On the other side, “the County Secretary and the Chief Officer Finance are Public Officers and the Constitution has placed a responsibility on them to produce information that they hold by virtue of the positions should that information be requested for. It is not in doubt that the two Officer’s conduct went against the letter and the spirit of the Constitution when they declined to produce information held by them by virtue of the offices they hold which information had been properly sought. Their conduct when against the letter and the spirit of the Constitution when they set out to demean and disrupt the County Assembly of Kilifi, an arm of the same government that they serve”.

From these findings and the recommendations on this Report, I want it to go on record that this Assembly stands firm and it should not be intimidated because the information which was sought from these two Officers was for the benefit of the tax payers of Kilifi County.

The biggest issue was to produce figures highlighting the money that was collected by the Defunct Local Authorities then before the inception of the County Government compared to the revenue collected by the private firm so called Raindrops. These two officers could not give the comparison of the two bodies to the people of Kilifi. It is in the open mind of the Kilifi people that there is something fishy about these records and this is the right time that this House takes this matter up to give the right information to the people of Kilifi.

Thank you, Mr. Speaker. I stand to support.

Hon. Dele: Asante Mheshimiwa Spika. Kabla nichangie katika Mjadala huu, nimejaribu kutafuta usaidizi hapa kutoka kwa *Serjeant-at-arms*, nipewe hiyo *Order Paper* lakini nasikia kwamba hayo tunayoyajadili hapa hayako kwenye *Order Paper*; sijui imefanya kuletwa ghafla. So I need guidance.

The Speaker (Hon. Kahindi): Hon. Dele, the Members of this County Assembly have petitioned the House Business Committee this morning and there were about 24 Members which constitutes a quorum.

(Applause)

This morning they petitioned the House Business Committee to hold an extraordinary sitting to change the business and that has been done. That is why we are seated here today. There is a supplementary Order Paper which is being distributed and that has been done following a petition by the hon. Members.

(Applause)

Hon. Dele: Asante. Sikuwa nimefahamishwa; umefanya vizuri Mheshimiwa Spika kunifahamisha na ningepomba ikiwa imebadilika hivyo basi *due procedure* iwe itaweza kufwatwa kwa sababu sikuwa na lolote. Nimemwona Mheshimiwa (Ms.) Mbeyu akisoma na ni matumaini yangu kwamba si mimi peke yangu nafikiri kila Mheshimiwa alikuwa hana hiyo Ripoti aliyokuwa akisoma mheshimiwa (Ms.) Mbeyu....

Hon. Kiraga: Mheshimiwa Dele alikuwa ameiona wapi na yeye ndio ameingia?

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Hon. Dele: Ukinihusu kumjibu maanake nafikiri ni swali. Kwa kawaida nikija bungeni, katika dawati ninalokaa huwa kuna *Order Paper*; nimeita *Serjeant-at-Arms* anionyeshe. Nikamuuliza kinachosomwa kiko wapi akaniambia hakiko hapa maanake kilikuwa kiwe mchana...

The Speaker (Hon. Kahindi): I have put the record straight that there was a petition.

Hon. Dele: Ndio na Spika akanieleza vizuri; nashindwa Mheshimiwa Kiraga swali lako umelizaa upande gani?

The Speaker (Hon. Kahindi): Proceed.

Hon. Dele: Haya yote acha niendeleo. Kama Mbunge katika Bunge hili, Bunge hili limefanya Kilifi imesonga mbele sana hata Kaunti nyingine zinatamani kwamba zingefanya kama Kilifi. Nina uhakika kazi ile imefanywa katika Serikali ya Kilifi haijafanywa na Bunge wala *Executive* peke yake, bali ni kushikamana kwa viungo hivi viwili na ndio maana tumefanikisha Kilifi kimaendeleo. Tulifanya kazi yetu hapa ...

The Speaker (Hon. Kahindi): Hon. Mramba, you have a Point of Order?

Hon. Mramba: Thank you, Mr. Speaker. We need guidance from you. We respect you; you have said in this Assembly that the House Business Committee has been petitioned by the Members but it is unfortunate that some Members of the House Business Committee were not consulted and did not attend that meeting. So was that meeting legal?

(Loud Consultations)

The Speaker (Hon. Kahindi): Order!

Hon. Mramba: Mr. Speaker, I need guidance from you because some Members were not invited to that meeting.

(Loud Consultations)

The Speaker (Hon. Kahindi): Order Members! Hon. Mramba, you have asked for guidance and let me give it to you. Let us maintain order. The petition was not expected to be done today because the House Business Committee had initially allocated the business to be done in the afternoon but when a petition is raised by a House and that number constitutes quorum, you have no reason to act otherwise.

Members of the Business Committee who were present have been notified and those who were not present have also been notified. However, the House Business Committee had more than quorum and therefore legally it is dully constituted and can conduct business.

(Applause)

I want you to be advised since you have asked for my advice that business of this House cannot proceed if there is no quorum but where the quorum has been constituted; it is immaterial whether the Chairperson is present or not. Any person can be appointed to oversee the work of the committee and hon. Mramba you are a senior Member of this House and the rules as to how Committees conduct their business are well known to you. So, yes, the House Business Committee was petitioned and it had more than enough quorum and the records are there even

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for the public to verify. So that matter is done. Let us proceed with hon. Dele. Yes hon. Hassan, you have a Point of Order?

Hon. Hassan: Asante sana Mheshimiwa Spika. Nitarudi pale kwa Mheshimiwa Mramba. Kuna mawasiliano ambayo huwa yanafanyika kujulishwa kwamba kuna mkutano ama hakuna mkutano. Hilo halikufanyika. Pili; jambo lengine ni kwamba watu wengine wakiwa wanazungumza kunakaa kimya, kwa nini tunakosa kuheshimiana? Hii inamaanisha tunaenda pabaya na labda inaweza kuwa vibaya kuliko vile unavyofikiria. Asante.

(Loud Consultations)

The Speaker (Hon. Kahindi): Yes hon. Ibrahim, you have a Point of Order? Hon. Dele take your seat; you know the procedure very well.

Hon. Ibrahim: Bw. Spika ninataka kuwafahamisha wenzangu Mheshimiwa Mramba, Mheshimiwa Hassan na Mheshimiwa Dele ya kwamba ukisimama kuchangia usiogope unaunga mkono ama unakataa. Tumejipanga vizuri na kule mlipotoka siko; shikaneni na sisi. Asanteni.

(Applause)

The Speaker (Hon. Kahindi): Can we allow hon. Dele to proceed? Because these Point of Orders are not heading anywhere. Hon. Dele, kindly proceed.

Hon. Dele: Mheshimiwa Spika yale ninayoenda kunena yamejitokeza kabla sijafika huko. Wanayoongea hapa yanaambatana na yale nataka kunena. Bunge hili limefanya kazi pamoja kushirikiana na *Executive*. Kaunti ya Kilifi imesifika kwa yale tumeyafanya kwa hii miaka minne kwa sababu ya ushirikiano. Tulifanya kama jukumu letu kuwaita *Executive* hapa kuwahoji kama jukumu la Bunge lakini katika yale mahojiano kila baada ya uchao tulipata ni wapi shida inatokezea. Kitu cha ajabu ni kwamba tumeanza na wengine wetu tumeanza kukosa muelekeo; tunaweka siasa katika mjadala wa kuchunguza hawa *Executive*.

Nataka unifahamu vizuri Mheshimiwa Spika pamoja na waheshimiwa wenzangu walioko hapa; tuliita kuanzia chini, tukaenda stage nyengine mpaka mwishowe tumeita Chief Officer Adan. Mheshimiwa Spika naomba unisaidie nimalize kwa sababu...

The Speaker (Hon. Kahindi): Yes hon. (Ms.) Mbeyu. Let us hear your Point of Order.

Hon. (Ms.) Mbeyu: Hon. Speaker, the Report before us for this sitting today is the Report on Committee of General Oversight, we want people to...

Hon. Dele: But have I concluded my points?

The Speaker (Hon. Kahindi): Order hon. Dele!

Hon. Dele: Speaker, if you entertain such a thing it is not good.

Hon. (Ms.) Mbeyu: Mr. Speaker, we want to go by this Report. This Report was tabled yesterday and put today for discussion. We want people to base on this Report and move forward...

The Speaker (Hon. Kahindi): Thank you. Let us hear hon. Dele.

Hon. Dele: Mheshimiwa Spika mimi ningeomba hapa sisi ni Waheshimiwa na tuheshimiane. Nimesoma vizuri naelewa kila kitu. Angesubiri Mheshimiwa nimalizie aone kama niko nje ya hiyo Ripoti aliyosema ama nimeenda kando ndio anaweza *ku- comment*. Sasa mnanikatizia muda wangu ili uishe.

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Bw. Spika narudi kwako tena. Kazi ni njema tumeifanya na tunaiharibu kwa kuweka misingi tofauti ya kisiasa ndani ya kazi ya hili Bunge ambalo linafanya sasa hivi. Kwa mfano, Ripoti hii ambayo imesomwa hapa tunapoipitisha inamaanisha hawa wafanyikazi wa *Executive* ikiwa ni *County Secretary* na *Chief Officer wa Finance*; lakini tulifunzwa vizuri sana hapa juzi kwamba tutaendelea kuwafuta kazi; yule akataja kwamba hawa ndio wenye shida lakini acha nikuambie kitu kimoja, Owen Baya hawezi kufanya chochote katika hii kazi kwa sababu anapata maagizo. *He is not the final! What Owen Baya has been doing for the three good years* ni kwamba *the boss knows and the boss is the Governor. If you want to stop the boss now* afadhali tuseme *Governor must go* kuliko tuseme mnachukua mtu ambaye anachukua *instruction* kama vile Adan alikuwa anachukua *instruction*. No, mimi sisemi *Governor must go* nawaambia...

(Laughter)

Hon. Dele: Nawaambia nataka munipe muda munielewe vizuri...

The Speaker (Hon. Kahindi): Order! Order! Order! Hon. Dele, I was listening to you because I was hoping you are going to stick to the point in question. Are you saying that the Governor gave instructions to Owen Baya not to release the information to us? Are you telling us that the Governor instructed Owen Baya to even take the oath of office while sited? Are you telling me that Article 195 of the Constitution is not applicable to this House? Is that what you are saying hon. Dele?

Hon. Dele: Wacha nikujibu mheshimiwa Spika; umeuliza swali zuri na majibu yake ni haya sasa. Mheshimiwa...

The Speaker (Hon. Kahindi): The reason why we are deliberating this is very clear. The conduct of these people...

Hon. Dele: Spika, umeniuliza maswali na ungenipa nafasi nikakujibu...

The Speaker (Hon. Kahindi): Order! Order! Order! Standing Order 87 demands that when you make statements you need to be able to substantiate. These Members came here; one they refused to take an oath; number two, they challenged even the authority of this House. They challenged on record that Article 195 does not apply to them.

Now you need to substantiate because you are telling the House that they are taking instructions from the Governor. Is it your statement that the Governor issued instructions for these people not to take an oath? Is it your statement that the Governor issued a statement to demean the House the way they did? The Standing Order will also guide you and I also want you to stand guided. Now proceed.

Hon. Dele: Naomba munisikize kwa utaratibu ninapenda kujibu maswali yale mumeniuliza. Spika, Owen na Ben Kai waliitwa katika Bunge hili lakini mtakubaliana na mimi kuwa Bw. Owen alikuwa na *procedure* waliyoileta kutoka *Executive* waweze kutuelimisha mawili matatu lakini vita vikatokea ya kwamba mheshimiwa Spika...

The Speaker (Hon. Kahindi): Yes hon. Teddy Mwambire, you have a Point of Order. Order! Hon. Dele you cannot have a cake and eat it. If a Member raised a Point of Order...

Hon. Dele: Sasa mimi ni basi...

(Laughter)

Hon. Dele: *Point of Order* kila wakati hata Spika hunitetei...

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(Laughter)

(Loud Consultations)

The Speaker (Hon. Kahindi): Order! Members order! Let us hear hon. Teddy Mwambire, what is your Point of Order?

Hon. Mwambire: Mr. Speaker, as much as you applied rule number one of the Standing Orders, the Member who is on the floor is over exposing himself for unnecessary reasons. One; I was expecting you rule him out of Order for using two languages, two, I do not think it is justified to even go ahead to give him questions when he has already violated the Standing Orders of this House.

This is a House of procedure and we do not allow Members to break the procedures of this House. Let us not be emotional but let us stand guided as per the standing Orders.

The Speaker (Hon. Kahindi): I will give you one minute to finish. I am being lenient because you have flouted Standing Order 87 where you are supposed to substantiate. It is said very clearly; responsibility of a statement of fact.

Hon. Dele: Nipe basi hiyo one minute...

(Laughter)

Hon. Dele: Sasa nitasemaje kama...

The Speaker (Hon. Kahindi): Order! Order Member. I think you are out of Order hon. Dele; you are pushing me too far. Sit down or you walk out. You cannot continue to flout the rules in my presence I have taken this House through a rigorous training...

Hon. Dele: Nilichokokesea ni nini?

The Speaker (Hon. Kahindi): Order! You started in English and you are speaking in Swahili...

Hon. Dele: Ah! Si mimeongea maneno mawili ya Kiswahili hapa? Ah! Spika, sawa.

The Speaker (Hon. Kahindi): You are out of Order.

Hon. Dele: Sawa lakini...

(Laughter)

The Speaker (Hon. Kahindi): You are out of Order hon. Dele.

Hon. Dele: Nimesikia...

Hon. Nzaro: Thank you, Mr. Speaker, Sir, for allowing me to air my sentiments on the Motion at hand to adopt this Report on the Committee on the General Oversight on the conduct of the County Secretary and the Chief Officer Finance...

(Hon. Mramba stood on a Point of Order)

The Speaker (Hon. Kahindi): What is the Point of Order?

ADJOURNMENT MOTION UNDER STANDING ORDER 50 (B)

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Hon. Mramba: Mr. Speaker, I stand under the Standing Order no. 50 (b) and I seek the adjournment of this Motion in order for this Assembly to have enough time for consultation. Hon. Dele, please Second the Motion.

(Hon. Dele seconded)

The Speaker (Hon. Kahindi): Thank you.

Hon. Mwayaa: Mheshimiwa Spika. Mimi kama mheshimiwa wa Kayafungo nililetwa hapa kujadili Miswada ya Kilifi Kaunti ili nifaidishe watu wangu wa Kayafungo na Kilifi kwa ujumla. Nashangaa ikiwa mtu alichaguliwa kwa kura ama kwa njia yoyote ile na chama aje hapa na masaa ya kazi yamefika, anasema kazi iwachwe. Hii ni kuonyesha kwamba kuna watu hapa ambao wameshindwa na hii kazi na watu kama hawa mimi husema warudi kufanya ile kazi yao waliokuwa wakifanya maana kazi ya hapa ni kujadili Miswada.

The Speaker (Hon. Kahindi): Yes, what is your Point of Order hon. Mramba?

Hon. Mramba: Mr. Speaker, I think the hon. Member for Kayafungo is not fair. This is a House of Debate and I am entitled under the law whether to move a Motion of Adjournment or not.

The Speaker (Hon. Kahindi): That is why I have allowed you; so let us proceed. Yes, sit down hon. Mramba. That is why I have allowed you; so you cannot protest over that.

Hon. Mwayaa: Mheshimiwa Spika ukiangalia hata yule ambaye ameongea Mheshimiwa wa Kakuyuni hajavaa vizuri, koti liko tofauti na huku chini amevaa *codroy* na suti iko tofauti. Mheshimiwa Spika kama Nyumba hii ni ya heshima aanze kujiheshimu yeye kwanza. Ningeomba *Serjeant -at- Arms* aangalie vile ambavyo amevaa kwanza awe ana heshima ya Nyumba hii. Kuingia hapa Mheshimiwa Spika lazima uwe una suti nzuri.

(Applause)

Mheshimiwa Spika kama ni kufuata sheria za Nyumba hii asimame aangaliwe na *Serjeant-at-Arms* ndio tuendelee na kazi. Hatuwezi kutoka nyumbani mtu hujavaa vizuri; umeharibu tayari sheria ya hapa halafu unaongea sheria ya nini?

(Laughter)

The Speaker (Hon. Kahindi): Order! Order! What is the problem? You know with all due respect hon. Mramba can take you for a very long journey because he is good at that. He will deliberately come in jeans to interfere but let us proceed because he is good at that. Let us proceed with the issues at hand.

Hon. Mwayaa: Sawa. Manake nasema kwamba sheria ya hapa ana haki, na sisi tuna haki ya kumwambia atoke nje manake nguo alizovaa hazifai katika Nyumba hii. Kwa hivyo, mheshimiwa Spika kama umemsamehe msamehe lakini asiseme ya kwamba ana haki. Sisi pia tuna haki ya kumwambia aende kama hajavaa vizuri.

Mheshimiwa Spika napinga vikali; tuliletwa hapa tufanye kazi ya Kilifi na inayoendelea hapa ni kazi ya Kilifi. Kwa hivyo, nasema Mswada ambao uko mbele yetu uendelee maana tuna

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haki ya kujua Kilifi inakusanya pesa ngapi na Kilifi ina mapato gani ili tusaidie Kilifi yetu. Mswada uendelee na tusiweze kuleta mambo mengine. Napinga vikali.

The Speaker (Hon. Kahindi): Thank you. Hon. Japhet Nzaro

Hon. Nzaro: Thank you, Mr. Speaker. As much as I respect hon. Mramba, on this one I am afraid I am differing with his position. Mr. Speaker, I do not support the Motion of Adjournment of debate on this Motion.

(Applause)

I am not supporting on two grounds. One; if you look at hon. Mramba, hon. Dele and hon. Hassan, they came to this Assembly very late today and that is why they are having this problem of wanting to adjourn this Motion. If they could have come much earlier, they could have seen the light of the day and even not Move such a Motion of Adjournment at this time. It took the Members of this Assembly to petition the Speaker so that the House Business Committee can have an extra ordinary sitting to move the Business of the day from afternoon to morning.

It has been after wide consultations. I think on that ground, the Members of this Assembly have a right to be heard and it is very appropriate that Mr. Speaker you saw that petition fit and as the House Business Committee of which I belong, we sat and deliberated on these issues and that is why we had the Supplementary Order Paper before this House.

Secondly, I want to speak on the benefit of the people of Kilifi. If you are elected, you do not just represent the ward you are representing and the actions the Members of this House will take will be very harsh on them at the grassroots. Why am I saying this? If you look at the social media what they talk in this County, it relates to the matters at hand and we should stand by the people who elected us to make sure that we give them what is right and the answers come open so that this County can be made in a manner which is very right and transparent where people who wish to get records from the Government can get the at their wish.

Article 35 of the Constitution clearly gives us that right to access to information. Now, if this information is denied to us what do we do as a House? It is to make sure they step aside and we get that information to help this County move forward in the right direction. I oppose the adjournment Motion. Thank you.

The Speaker (Hon. Kahindi): Yes, hon. (Ms.) Mbeyu.

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker. I stand to oppose firmly the Motion brought by hon. Mramba. If you can remember and it is in the HANSARD when we were discussing the day these officers appeared here, Hon. Mramba is the one who said these officers should go. It is amazing; today he comes here to oppose this Report. Mr. Speaker, I would not agree on a few people who are being misused because there is no way you will say...

The Speaker (Hon. Kahindi): Yes, hon. Mramba, What is your Point of Order?

Hon. Mramba: Mr. Speaker, I am not opposing this Report. Please advise hon. (Ms.) Mbeyu accordingly or if she did not go to school, I can do tuition for her. I did not oppose this Motion; what I did is Move an adjournment Motion so that we can consult. There is nothing wrong with that; please be advised.

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker. I am advised. I did not go to school while hon. Nixon Mramba went to school very well. What made him not to come at 9 a.m at the Assembly? He is coming in now and he wants an adjournment and things have already been done. The House Business Committee has been petitioned by this House...

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The Speaker (Hon. Kahindi): Yes, hon. Hassan has a Point of Order.

Hon. Hassan: Asante sana mheshimiwa Spika. Mimi nafikiria kuna lugha zinatumiwa ambazo hazifurahishi. Pengine mheshimiwa aliye kwenye *Floor* angeeleza haya mambo ya sisi tumekuwa *misused*, kivipi? Halafu mimi nafikiria mheshimiwa Nzaro kutaja watu majina haitasaidia ni afadhali mara mia moja ungeleta Hoja ya kuhusu baa la nja kule kwenu Ganze tungelikuelewa vizuri. Asante.

The Speaker (Hon. Kahindi): Yes.

Hon. (Ms.) Mbeyu: Thank you Sir. We are guided. Mr. Speaker, I stand ...

The Speaker (Hon. Kahindi): Hon. Hassan has said he wants to know what you mean when you say...

Hon. (Ms.) Mbeyu: I said this to hon. Nixon Mramba; I did not say to the whole group. I said this because when I quote him and I said we could refer to the HANSARD, when we had called these Officers because they refused to give information he is the same person who said they should go and now we have organized; we thought afternoon was too far for Kilifi people to wait for this Report from this House.

The Members petition the House Business Committee for this Report to be discussed now. It is still early working hours of the day, why should it be adjourned? Unless he gives reasons because there is nobody who is tired; it is not past 4:30 p.m? It is still morning hours so what does he want? We do not need any consultation; we did consult in the morning and this is why we petitioned the House Business Committee for this Report to be done now. Unless he has other reasons, let us hear. I stand firmly to oppose the Motion. Thank you.

The Speaker (Hon. Kahindi): Hon. Lali Sadi

Hon. Sadi: Asante sana mheshimiwa Spika kwa kunipa nafasi hii. Mimi nasimama kupinga Hoja ya kisitisha kuzungumzwa kwa Hoja hii kwa sababu zifwatazo. Hakuna sababu za kimsingi za kusitisha Hoja hii. Ikiwa ni watu wasitisha Hoja hii kwa ajili ya kujadiliana, tumekuwa hapa asubuhi, tukaitana kikao maalum tukajadiliana mpaka *House Business Committee* ikakaa chini tuka *allocate time* ili tukaja hapa tuzungumze mambo hayo. Kwa hivyo, sababu ya kwamba watu wajadiliane tena hakuna; watu washajadiliana.

(Applause)

Mheshimiwa Spika, lengine nataka kukwambia ni kuwa, hii Hoja ambayo iko mbele yetu ni Hoja muhimu na Bunge hili lilihairisha vikao kwa ajili ya kuchunguza mambo yanayoendelea upande wa *Executive*. Ikiwa sisi tuliweza kusimamisha vikao vyetu kwa ajili ya kujadili mambo haya ni kwamba kuna umuhimu wa mambo haya yazungumzwe na kufikishwa tamati; ikiwa Bunge hili kesho lina Hoja ya kuwa liweze kusimamishwa watu waende kwa mapumziko marefu huu ni wakati mwafaka tuzungumze mambo haya ili tuangalie mbele tutafanya mambo gani. Nasimama kupinga Hoja hii.

The Speaker (Hon. Kahindi): Hon. Naftali Kombo.

Hon. Kombo: Bw. Spika mimi pia nimesimama kupinga Hoja hii ambayo Mheshimiwa Mramba ameileta na ikaungwa mkono na mheshimiwa Dele. Kwanza mheshimiwa Mramba angetaka tupate wakati wa kujadiliana, Nafikiri Bunge hili kazi yake ni kujadiliana; kwa hivyo hapa tuko na nafasi nzuri ya kujadiliana Hoja ambayo iko hapa.

Pili ni kwamba aliyemuunga mkono ni mheshimiwa Dele na Dele amepewa nafasi ajieleze vizuri. Hakuna kitu cha maana ambacho amekielezea hapa...

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(Laughter)

(Hon. Dele stood on a Point of Order)

The Speaker (Hon. Kahindi): That is not proper, hon. Dele take a sit. I want to protect you because of his sentiments... hon. Naftali Kombo I appreciate that, that is your opinion but it is also not in order to entirely dismiss what a Member has contributed. So, it might not be in any value but keep it to yourself; I would wish that you kindly withdraw that.

Hon. Kombo: Mheshimiwa Dele hakuweza kutueleza maneno ambayo yangeweza kutubadilisha nia zetu...

The Speaker (Hon. Kahindi): Now that is in Order.

Hon. Kombo: Kwa hivyo ameongea ya maana lakini kwa waheshimiwa hata tukiangalia hizo sura zao...

(Hon. Dele stood on a Point of Order)

The Speaker (Hon. Kahindi): Hon. Dele...

Hon. Dele: Bw. Spika nimeangalia kutoka kitambo wewe hunipendelei kabisa lakini sawa.

The Speaker (Hon. Kahindi): He has rephrased his statement and that is important.

Hon. Dele: *And he is repeating it in another way,* lakini mheshimiwa Spika wacha niseme hivi. Mimi hata kabla nifikishe mwisho wa maoni yangu ukanikatizia ukanipa *one minute* mwanzo ukawa mkali juu yangu....

The Speaker (Hon. Kahindi): You are diverting. I will not go back to that since I have already ruled...

Hon. Dele: Even the Members are right *kuniambia ya kwamba sijacontribute chochote...*

The Speaker (Hon. Kahindi): Order!

Hon. Kombo: Kwa hivyo nimesimama...

The Speaker (Hon. Kahindi): I think I am very conversant with the rules and I am trying as much as possible, okay, hon. Dele before you even rose up to object...

(The Speaker spoke off record)

I think before... somebody is killing the system from somewhere. The devil is a liar, okay this is what I am saying hon. Dele, before you could even rise to protest. I saw the line which hon. Naftali Kombo took that is why I have stood before you to say that you have a right to say whatever you have to say since it is your opinion.

So do not say that I am not being fair; for the very first time hon. Dele you are pushing me to the wall. Because you are a member of the Committee of Procedure and Rules you are actually one of the Members who fought very hard to have our amendment of these Standing Orders.

You actually sit at the Committee that even brought the Committee on General Oversight. So above anything else your position as a Member of the Committee of rules and procedure puts you in a position where the rules are more conversant to you than any other person and that is

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why today I am surprised because you seem like you are running away from your responsibility. Hon. Dele is a member of the Rules and Procedure Committee; the very Committee that came with our Standing Orders and I know that he knows each and every Standing Order.

Now, today I do not know what is happening; he is trying to act like he is not a member of the Committee. You think members should not know that you are a member of the... you are one of the people who went to Nairobi to the National Assembly with me and we made amendments to the Standing Orders. Now why are you flouting them deliberately? Do not push the Speaker to the limit; I am trying to be very fair to every one of us. And that is why I say it is important hon. Naftali Kombo withdraws what he has said or rephrased it, so, it is no longer on record that whatever you have said was useless. Now let us give hon. Naftali Kombo to conclude.

Hon. Kombo: Asante Bw. Spika. Kwa hivyo mimi nimesimama kupinga na kama nilivyokuwa nimepeana sababu mbili za kwanza. Ya tatu, ni kwamba Hoja ambayo iko mbele yetu ni kwamba mgeni ameingia katika Nyumba yetu na akaonyesha tabia ambayo haikutufaa. Na kama tabia aliifanya jana ama juzi tumepata wakati mzuri sana wa kutafakari matendo yale yaliyofanyika na kuja kwetu kuzungumzia tabia zao ni sawa kabisa kwa wakati wowote.

Kama Wabunge wa Bunge hili la Kilifi tunajulikana kwamba hapa tunajua kazi yetu na tunafanya kazi yetu kulingana na matarajio ya wengi. Kwa hivyo, Hoja ambayo iko mbele yetu ni kuzungumzia tabia ama mambo ambayo yalifanyika. Mtu awe na msimamo wa kusema ndio ama la. Nimesimama kupinga Hoja ambayo mheshimiwa Mramba ameiweka na kwa heshima nafikiri Hoja hii ambayo tunaizungumzia haingechukua muda mwingi mheshimiwa Mramba angesimama akasema tuondowe Hoja hii ili tuzungumzie hili jambo ambalo watu wa Kilifi na Wakenya kwa jumla wanangojea matokeo yake. Asante.

Hon. (Ms.) Arafa: Thank you very much Mr. Speaker. I stand to oppose the adjournment of this Motion. The matter we are having on the floor today is not only in the interest of this hon. Members of this House but for the interest of Kilifi citizens. If you try to give it more time, it is the baggage that we carrying as hon. Members. We do not want to talk much. We want to contribute deeply on the Motion and I will kindly ask you to put the question and then we go straight to the other Motion. Thank you very much.

The Speaker (Hon. Kahindi): Thank you. Hon. Ibrahim.

Hon. Ibrahim: Asante sana Bw. Spika nimesimama kupinga Mswada ambao umeletwa na rafiki yangu Nixon Mramba. Hii hoja ambayo tunajadili leo imeangaziwa katika Taifa zima la Kenya. Wananchi wa Kilifi Kaunti wanaangalia mpangilio katika Bunge hili uamuzi wetu tutaupeleka wapi? Leo Mswada umekuja; nashangaa rafiki yangu Mramba anasema uhairishwe. Uhairishwe kwa sababu gani? Je, hawa tunaowajadili ni wagonjwa? Ni watu na afya zao na ikiwa tutawajadili watakuwa wagonjwa wacha wagonjeke ni lazima tujadili maana ni Mswada ambao unangojewa kwa hamu kila mahali.

Nataka utupatia mwelekeo; umeona *mood* ya Waheshimiwa tusipoteze muda kwa sababu wengi wa Waheshimiwa wanataka Mswada uendelee. Kile ambacho kiko hapa Mheshimiwa Spika ni kutupotezea muda kwa hivyo tupatie mwelekeo.

Kabla Mheshimiwa Mramba hajaleta Mswada huu wa kuhairisha, wa kwanza kupinga alikuwa ni Mheshimiwa Dele. Angalia sababu zake za kupinga; alikuwa anapinga kitu ambacho hajui anapotea na hajui anajitetea kiviipi. Yaani watetea mtu na makosa yako hapa na yale anaongea hata hayako hapa. Ninapinga na tunaungojea tuchangie kwa maneno mengi. Asante sana.

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The Speaker (Hon. Kahindi): Yes hon. Dele.

Hon. Dele: Mheshimiwa Spika, heshima ni kitu cha bure. Mimi nimelipokuwa naongea, *interruptions* zimezuka kila mahali na ukawaruhusu wote wakaongea mpaka mda ukaisha bila kunene lolote. Mheshimiwa hajaongea lolote isipokuwa anarudia kile mimi nimesema. Sasa yeye anamaliza wakati wake kwa kusema Mheshimiwa Dele hakusema kitu. Sio heshima na my *point of order* is Order number 152.

(Laughter)

The Speaker (Hon. Kahindi): You said on which Standing Order?

Hon. Dele: Yes, Order 152.

(Laughter)

Hon. Dele: It is them saying 152

The Speaker (Hon. Kahindi): No, no.

Hon. Dele: I want to go on record...

The Speaker (Hon. Kahindi): Order! Which Standing Order are you rising up on as a Member of the Committee on Procedure and Rules? The Committee that did the Standing Orders. It is very dangerous to just flank because I will refer you to the very Standing Orders we put.

Hon. Dele: Haya sawa.

The Speaker (Hon. Kahindi): Which Standing Order? If you cannot please because...

Hon. Dele: Mheshimiwa unaona vile *umenitreat*, wengine wamesimama hapa bila Standing Orders hukuwauliza lakini the way you treat me, they are taking advantage kwa hivyo hata mimi natoka hapa.

(Hon. Dele withdrew from the chamber)

The Speaker (Hon. Kahindi): Yes hon. Kenga.

Hon. Kenga: Thank you very much Mr. Speaker. We need to be guided so that we can transact business in decorum. One; hon. Dele did not withdraw when he said that Owen Baya was receiving instruction from the Governor; that was not substantiated. Two; if you look at the way he is dressed though he has gone out because I had raised this interjection a long time ago. Look at the tie...

The Speaker (Hon. Kahindi): I understand and that is why I ruled him out of order. The essence of ruling somebody out of order, it means whatever you have stated is out of order so it cannot be taken anywhere. So whether he has substantiated or not, when you are ruled out of order it means whatever you have said on record is nullified by the Speaker.

Hon. Kenga: Thank you very much. Three, when he rose and said he was rising on Standing Order 152, it was not for him to be asked what order number because it is in the HANSARD we can confirm what it says so that we are guided and we are sure in doing the business the right way. Thank you very much.

The Speaker (Hon. Kahindi): That is why he knew it is erroneous and actually I did not know why he walked away but it is very disappointing because hon. Dele sits in the Committee on Procedure and Rules; the Committee that went on a journey to amend the Standing Orders in Nairobi together with the National Assembly. He knows very clearly that when a Member rises

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on a point of order and he is asked to state the point of order. When you state it wrongly, you are in gross violation and Standing Order 107 can be applied to you. It is quite unfortunate but none the less we have heard the debate on whether this Motion is supposed to be adjourned or not which a Motion has been moved under Standing Order 50 (b). Hon. Nixon Mramba, do you have any submissions to make? Please proceed.

Hon. Mramba: Thank you, Mr. Speaker, for granting me this opportunity. I am not against the adoption of this Report of the General Oversight but I really wanted sometime so that we can consult further simply because first, does the County Assembly have powers to impeach the CS?

The Speaker (Hon. Kahindi): Let me respond to that as the Speaker. There is no Motion for impeachment we are discussing here. So you need to stand guided hon. Member. I want it to go on record that the Motion which is before us is not on impeachment of the County Secretary.

Hon. Mramba: I was saying that because we have some other cases pending in courts in various County Assemblies and where the Assembly has passed a Motion just like we have...

The Speaker (Hon. Kahindi): This is not a Motion to impeach so let us talk about other things. You are having it there with you. There is no Motion for impeachment hon. Mramba. Nobody wants to impeach the Cs. You have the Motion with you.

Hon. Mramba: Mr. Speaker, I need your protection.

The Speaker (Hon. Kahindi): I am protecting you and guiding you as well.

Hon. Mramba: Hon. (Ms.) Mbeyu...

The Speaker (Hon. Kahindi): No! Forget about hon. (Ms.) Mbeyu. I am protecting you at the same time guiding you. This House as it sits today is not deliberating any impeachment Motion. It is just a Report.

Hon. Mramba: Okay, today there was a Kamkunji in the conference hall. As the name ordinarily all Members are supposed to be invited to that Kamkunji. I did not get a message that was inviting me to that Kamkunji and in that Kamkunji is when it was decided that the House Business Committee is to be petitioned so that they can change...

The Speaker (Hon. Kahindi): Let me also guide you. The House rules that apply to us state very clearly that where a quorum is present then any business that is valid before the House can be transacted. The Members who were present here were 24 and our quorum is 18. It is the same Membership which was here that petitioned the House Business Committee but because the petition is not something which can be discussed in this Chambers, they requested to be heard at the conference hall.

I want it to go on record that, it is your responsibility as a Member of this County Assembly who is duly elected or nominated and who is receiving his salary from public coffers; the Order Paper requires you to be here by 9.00 a.m. You owe the people of Kilifi who elected you to tell them where you were. So, if you were not there and decisions are made, you cannot say that those decisions are erroneous simply because you are not present.

Our business according to this book; which is the Standing Order demands that, each and every MCA be present here at 9.00 o'clock that is where your money comes from. For those who were present at 9.00 o'clock and if they are more than quorum that means that they are ready to conduct business. So, if you were not here and decisions were made, please do not question the authority, because the authority was granted by the quorum which as present. Now finalize on your submissions.

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Hon. Mramba: Thank you, Mr. Speaker. I had wanted us to adjourn the discussion of this Motion because I had wanted us to sit as a County Government. I believe the two arms which County Assembly plus the County Executive form the Kilifi County Government and in this way I do not think that we are moving in the right direction. This is because some Members like hon. Ibrahim are bringing politics in this issue. This is because we know very well that hon. Ibrahim and Owen Baya are not together in politics.

The Speaker (Hon. Kahindi): Now you are out of order hon. Member. Hon. Mramba, are you done? This is because I think you are wasting time and you are going out of order. You have raised a Motion under Standing Order 50 (B) and the same has been deliberated and I will now put the question.

(Question put and negatived)

Hon. Members, the Motion to adjourn having being duly kicked out, we now revert to the normal Motion of adoption of the Report and I think hon. Nzaro was on his feet when that was happening. Kindly proceed.

Hon. Nzaro: Thank you, Mr. Speaker. It is a great day for the membership of this Assembly to stand above the occasion and do right for the benefit of the people of this great County. Article 1 of the Constitution gives the sovereign power to the people of this Republic and the Kilifi people have the power under their Constitution that granted them. We as Members of this Assembly were donated that power as the duly elected representatives of those people. Article 201 of the Constitution; the principles of public finance says that there should be openness, transparency and accountability in the way we handle our affairs in the public. When the County Secretary and the Chief Officer Finance were required to give us information on the revenue of the Defunct Local Authorities, a very simple question and they could not answer and they withheld that information.

When you read the provision of the Constitution Article 35 where every citizen has a right to information then the people of Kilifi were denied that information. I cannot sit here as a representative of the people from Ganze to make sure that they do not get the right information which they can receive by virtue of the Constitution of Kenya, 2010. I will always stand by what the people and the law which is the Constitution and which is supreme.

The officers acted very badly because you guided them severally but they refused to see the light of the day. If they could have seen the light of the day and given us the information that we required at that time then we could not be here today discussing this Motion. If you look at these recommendations then you will realize that we have not sacked them generally but we have told them to step aside. This is because if we require information from them and we cannot receive it, then what are we supposed to do? The best thing we can do as an Assembly is to make them step aside then as an Assembly go to those offices and make sure that we get this information which we require to enable us make a good judgment on the matters which we wanted them to give to this Assembly.

The second recommendation; the Governor also makes sure that there are smooth operations in this County. This is a very clear recommendation because in the absence of these recommendations then it means more disharmony in the operations of this Government will occur but I am very sure for the interest of the people of this County and the Assembly we want

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to make sure that this County is ruled in an orderly and efficient manner for the benefit of everybody in this County.

I just want to borrow a leaf from what his Excellence the President did when he was one day travelling to overseas. He left this Country to be run by his Deputy. In this County, we have the Deputy Governor so when the Governor is not around then he can step in his shoes and take over. Hence the Deputy Governor can take over this issue at hand. This is because in our recommendations, we wanted the Chief Officer Finance and the County Secretary to step aside immediately. The key word is immediately.

These recommendations when they are presented to the Executive they have to act upon them in the least possible time so that this County Assembly can be given the time to move with speed to investigate the issues at hand and give a Report for the benefit of the people of this County. Let us be sure as Members and stand by what is right because we should not be judged harshly because of the stand we take against the people who want to take this County backwards. Thank you Mr. Speaker. I stand to support.

The Speaker (Hon. Kahindi): Thank you. Hon. Mangi.

Hon. Mangi: Thank you Mr. Speaker, Sir. I rise in support of this Motion and before I do that, let me take this opportunity to congratulate you for having enabled this County Assembly not only to initiate Standing Order 153 but invoking the same that gave birth to the General Oversight Committee.

Sovereign power belongs to the people and the Kilifians are the stakeholders and the custodians of this power. We are here representing the Kilifians and they are watching. Allow me to quote what the Prime Minister of Australia, Edmond Burton, once said, "Creating a Nation requires the will of the people. Some politicians join politics driven by personal conviction but this conviction can do no good if it is not tempered with the will of the people and court".

(Applause)

Mr. Speaker, we are here representing the people of Kilifi and we are custodians of that power. They have bestowed that power on us and what I am really stressing today is our common goal in this County Assembly; what is unifying us all is representation, legislation and oversight. Colour, tribe, clan, religious connections notwithstanding, we are united in these three jurisdictions Mr. Speaker.

Let me move a notch higher. Today allow me to quote my clan; I am a "Mwabayamwaro" and one of the officers is a "Mwabayamwaro", I'm a catholic Christian and both of them are Christians.

(Applause)

That notwithstanding, I cannot shy away from my duty and do what is expected of me. I represent Bamba Ward and of course this is part of Kilifi County. It is really absurd; today if as a County Government the National Government wakes up and says you have to go alone without the national share of revenue, we are done. What was wrong with us getting that information? We wanted that information so that we would make a comparison.

What did we use to get in the local authorities then and what is that we are getting now that we are in the new County Government dispensation? So, as a County Assembly we can have

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a positive resolution so we may improve the same. What was bad of that? And if you ask for that information, we are now divided.

Hon. Members, why should you be divided? We have a common goal. Kilifians are watching any hidden agenda in this County Assembly. We are here to serve the Kilifians and that is where we belong. There are certain areas that have really dictated me to confirm or rather to support this Motion in this Report; incompetence, arrogance, bureaucracy, corruption, impunity and mediocrity are the vices that can destroy an institution and not only an institution, and this arrogance and incompetence have been adversely mentioned in this Report. Why should I not support it? I'm supporting it because we want to give a new shape to our County Government of Kilifi. Let us stand steadfast. Let us unite as we execute our jurisdiction and if we stand firm and safeguard what is function of us as an Assembly we shall appear in the annals of history as the first County Assembly that did what was expected of it by Kilifians. Otherwise, believe me or not, if we are going to shoot down this Motion; do this at your own peril Members.

Speaker, you have guided us accordingly. You have really done what is expected of you. We have done our representative roles very well; we have done our legislation role very well. Our percentage before the General Oversight Committee really started its serious work because we were rated at 34%. Now believe me or not we are rated at 85%. Now Members, are you ready to go back to 34 or 0? The answer is No! Let us stand firm and safe guard what is before us and let us try as much as possible to make sure that we pass this Motion.

We are not saying let them go home for good, but to step aside and come after the investigation. How can you be investigated while you are still in the Office? The question is; will you be ready to give the information that is required of your office and yourself? It is obviously, no. We want them to step aside so that the investigations can take its rightful course. Those who were investigating can get the rightful information; the documents, name it but when I'm in office am I a fool to give information that will kill me? Can I give a gun to somebody to shoot me? This is obvious. That is why we are here.

Last but not least, let me quote the first President of the United States of America John F. Kennedy who once said "a house divided amongst it cannot stand. Divided we fall and united we shall stand". Thank you very much. Mr. Speaker.

(Applause)

The Speaker (Hon. Kahindi): Okay. We are getting so philosophical. Yes...

Hon. Kaingu: Asante sana Bw. Spika. Mimi vile vile nasimama kuchangia kwa kusema kwamba ninaunga mkono kabisa Mswada ambao uko mbele yetu kwa sababu mbili. Ni aibu kuona kwamba kufikia sasa Waheshimiwa hawajajua mapato ambayo tunapata kila mwaka hapa Serikali ya Kaunti. Watu wa Kilifi hawajui kinachoendelea kuhusiana na mapato ambayo tunakusanya kila mwaka. Hii inadhihirisha kwamba juzi hawa wenzetu Bw. Kai na Bw. Baya walishindwa kutuelezea tunapata pesa ngapi kila mwaka. Hii ni aibu na ninaona hatari kubwa.

Vile vile wale mafundi ama *contractors* ambao wanatufanyia kazi bado wanahangaishwa. Wanahangaishwa kuhusiana na malipo na ni aibu na makosa kufikia sasa kazi nyingi ambazo ni zifanyike zimerundikana. Kazi haziendelei; serikali yetu ya Kaunti imesimama kimaendeleo na ni kwa sababu ya hawa maofisaa wawili ambao tunawajadili siku ya leo.

Maoni yangu ni kwamba ni vizuri hata si kesho, ni leo wasimame kando kwa sababu hao ndio vizuizi. Tumeangalia hao ndio chanzo kikubwa kwa maendeleo ya Serikali ya Kaunti.

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Kwa hivyo naunga mkono wasimame kando ili tuweze kupata watu wengine Kilifi yetu ibadilike.

The Speaker (Hon. Kahindi): Thank you.

Hon. Mwayaa: Asante Mheshimiwa Spika. Nimesimama kuunga mkono Mswada ambao uko mbele ya Nyumba hii. Ofisi ambazo zinashikiliwa na Kai na Owen Baya ni za umma. Inatushangaza kama Bunge hili likitaka stakabadhi fulani hapa hatuwezi kuzipata. Ofisi wanazoshilia ni za umma; si ya Owen Baya binafsi wala ya Chilumo. Si kwa bunge hili tu lakini zile ofisi stakabadhi zake ni za wanakilifi. Watu wa Kilifi wanashangaa Ben Kai alipofika hapa alisema tumpe mda wa kutosha na tukampa ili kwamba aweze kutayarisha stakabadhi zile ili kile ambacho tunakihitaji kama wenye kusimamia Kaunti ya Kilifi.

ilitushangaza siku tatu zile zikapita; alipokuja hapa akasema si yeye anayehusika kujibu hayo maswali. Ujumbe ambao uko kwa ofisi yake ambayo ni ya umma alikuwa hataki kuutoa. Ndio maana leo hii tunasema ya kwamba watu kama wale wakae kando. Wakafungue ofisi zao binafsi na hatutazifuatilia maanake zitakuwa ni zao za binafsi lakini kama ni zile za umma wanazoshikilia katika Kaunti hii ya Kilifi bado tutahitaji ujumbe ule na kama walikuja wakatunyima maana hawataki kuutoa inaonekana wakibaki pale ujumbe ule hatutaupata. Wakae kando ili kuje watu ambao wako tayari kutoa *records* zile ambazo ni za umma. Tuna wasiwasi, tukiwaacha pale ni wale ambao wanatunyima haki zile za ujumbe ambao tunauhitaji hapa. Mheshimiwa Spika, naunga mkono wakae kando kuanzia sasa ili tupate kile ambacho tunataka.

The Speaker (Hon. Kahidi): Yes hon. Kiraga.

Hon. Kiraga: Thank you very much. Mr. Speaker, by the time the Officers appeared before the Committee...

The Speaker (Hon. Kahidi): Proceed or you want me to listen? No, it is going on to the HANSARD. I am not carrying it in my head.

(Hon. Mwambire stood on a Point of Order)

The Speaker (Hon. Kahidi): Yes hon. Teddy Mwambire, you have a Point of Order?

MOTION OF EXTENSION OF TIME UNDER STANDING ORDER 50 (M)

Hon. Mwambire: Yes, Mr. Speaker. I am standing under Standing Order 50 (M) to seek extension of time. Mr. Speaker, I see the deliberation will surpass the required time as per the Standing Orders. I beg Members to support so that every Member can make contribution as per the adoption of this Motion.

(Hon. Kiraga seconded)

The Speaker (Hon. Kahidi): Hon. Members, the morning sitting ends at 12.30 p.m. according to our Standing Order and we want to be guided so that it cannot be said we were out of order. Now a Motion has been moved, under Standing Order 50 (M) which does not require notice and hon. Teddy Mwambire has just moved it and seconded by hon. Kiraga. Yes hon. Kiraga go back to your feet and say why you want this time to be extended.

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Hon. Kiraga: Thank you very much, Mr. Speaker. Looking at the gravity of this matter, the Members should have enough time to deliberate on this issue and that is why as per this Motion I wish you put the Question.

(Laughter)

The Speaker (Hon. Kahidi): Thank you. I also stand guided hon. Karaga; much obliged. Hon. Members, a Motion has been moved by the Deputy Speaker to extend the morning sitting which ends at 12.30 p.m. I now put the question.

(Question put and agreed to)

So now the morning sitting has been extended. Let us proceed.

Hon. Kiraga: Thank you very much. Mr. Speaker, by the time the two officers appeared before the Committee on General Oversight, which was on 29th November 2016, personally I was away. I was in a workshop at Maanzoni Lodge doing some County Health advocacy Budget monetary. When I came in the morning, I was given the report but it took me just one minute to decide whether I should contribute to or not.

I therefore stand to say that I am in support of the recommendations as put by the Committee on General Oversight.

(Applause)

Mr. Speaker, I am also perturbed by the actions of the Implementation Chairperson of this County Assembly. I also wish to state that this is one of the reasons why most of the projects are not taking place if we are having a Chairperson who does not see the light and...

(Hon. Mramba stood on a Point of Order)

The Speaker (Hon. Kahindi): Yes hon. Mramba, what is your Point of Order?

Hon. Mramba: Mr. Speaker, hon. Kiraga is going too far; first hon. Kiraga is a Member of the Implementation Committee and if he has anything he brings it to the Committee rather than bringing it here unless he brings a substantive Motion to this Assembly to discuss the conduct of the Chairperson, Mr. Speaker. Otherwise, let him be guided that the projects are being supervised by the Sectoral Committees but not the Committee on Implementation. Thank you, Mr. Speaker.

The Speaker (Hon. Kahindi): I would want to protect hon. Nixon Mramba. Let us not focus on issues of committees; so withdraw that line of submission.

Hon. Kiraga: Thank you Mr. Speaker, but I have been trying very much in that committee to have the Chairperson step down....

(Laughter)

But I have been frustrated by him and I want this to go on record...

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(Laughter)

The Speaker (Hon. Kahindi): There is another forum that you can bring all that.

(Laughter)

So now you want to move a motion to...

Hon. Kiraga: Mr. Speaker, I am going to do that now since it has been given more weight by his action. Mr. Speaker, what we have experienced this morning by the action of our fellow Members in this County to bring down whatever we want to discuss here I term them as the kicks of a dying horse and I believe they are not going to take us back in serving the great people of Kilifi.

Mr. Speaker, the officers who appeared before the Committee on General Oversight know the laws of this Country; they are aware of the Constitution of Kenya and what it entails and they are aware of the County Government Act and all relevant laws. They cannot come here and claim that this Committee on Oversight has got no powers to either call them or sermon them. In fact, we are not moving together as a County because we as County Assembly make laws and they are the people who implement and if we are going to have such like officers in this County; I wonder if we are going to move ahead as far as the expectations of the people of Kilifi.

I therefore, wish this Motion goes through so that whatever we have been experienced ranging from the collection of the local revenue up to the implementation of the projects can have an end. It is very much disturbing and in the Health Department we need a lot of funds to run the Department. Mr. Speaker, Sir, where do these monies come from? The amount which this County receives or any other money received from the National Government is pegged at how much you collect as local revenue. So when we collect very little amount of money that means even from the National Government that is percentage that is going to be looked into.

So these are issues which as Members of the County Assembly should be very serious on. I do not want to go into details on what has transpired with the other few Members but those actions are wanting and we should not have such like MCAs in the next Assembly. Thank you very much.

The Speaker (Hon. Kahindi): Yes hon. Stanley Kenga

Hon. Kenga: Thank you very much, Mr. Speaker. I rise to support the Motion on adoption of the Second Report of the Committee on General Oversight on the conduct of the County Secretary and the Chief Officer Finance. Mr. Speaker, Sir, I need to be protected since I can see there are a lot of consultations going on and they are destructing me from making my contribution.

Article 35 of the Constitution; and I want to quote this Article because it gives more light to us as hon. Members and the people of Kilifi. Every Citizen has the right of access to information held by the state. I want to ask Members who are the citizens as referred to in Article 35. The great people of Kakuyuni represented by hon. Nixon Charo Mramba, the Chairperson Implementation Committee, make part of the citizens of this County. The great people of Sabaki who elected hon. Edward Kazungu Dele form part of the citizens of this Country. The great people of Matsangoni represented by hon. Hassan also form part of the citizens of this County. They are the same citizens that have their right to access information held by the state. My

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colleague hon. Nzaro took us through the values and principles of Public Finance but I want to take Members...

Hon. Kiraga: Thank you, Mr. Speaker. The list as being provided by the hon. Member on the Floor is not complete. Can he...?

(Laughter)

The Speaker (Hon. Kahindi): Okay, hon. Stanely Kenga, you want to take his advice and

...

Hon. Kenga: Thank you very much. The County of Kilifi is made up of 35 Wards and I had given 3 but in other words I am saying the people within all the 35 Wards of Kilifi are the citizens of this great County of Kilifi and they have the right to access information held by the state.

Hon. Nzaro took us through the principle of Public Finance; I want to take Members through the principles of Public Service. I am guided by Chapter 13 of the Constitution on Values and Principles of Public Finance and Article 232.

The values and Principles of Public Service include: -

(a) High standards of professional Ethics

(b) Efficient, Effective and Economic use of Resources and remember time is a resource, the issues that we are seeing; dillydallying trying to play us Mr. Speaker, it is not proper but I will come to that later.

(c) Responsive prompt effective, impartial and equitable provision of services

(d) Involvement of people in the process of policy making

(e) Accountability for administrative acts

(f) Transparency and provision to the public of timely and accurate information. The right to access information held by the state must be timely and this information must be accurate.

This Assembly is not a House where somebody can deny being the representative of the people and that sovereign power belongs to the people and can be exercised through the elected or can be delegated to the National Government or the County Government. We are the elected representatives and those who were nominated to the County Assembly of Kilifi to represent the interest of the people of Kilifi. We cannot just sit and watch that these fundamental rights are denied to our people. We have suffered as a County that from the time of inception of this County we have not been in a position to meet our revenue projection and this has hindered the provision of services to our people.

I want to concur with the Chairperson of Health Committee that as a Department more funds are needed to make sure that it runs smoothly. Therefore, we have to sit and see that measures are taken to give us way forward on how best we can raise. This can only be done when we sit and that is what we did during the time when these people were invited to come before the Committee so that they could share with us whatever information they have. Now, as an Assembly we could also be able to make recommendations on how best we could move so that we achieve our revenue projections and even correct the other issues that had been raised by Members.

It is not for the good of this County that one holds information and refuses to give it and the recommendations that have been put in the Report are very contrary to what the hon. Member for Kakuyuni was trying to portray to this Assembly that we are saying, let the two officers step aside so that further investigations can be conducted. Once the investigations are

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complete then we can have the way forward and we are now in a position...the Governor has a lot of pledges that he made to the people and we can only assist him in making sure that he fulfills the promises he made to the people of Kilifi once we are in a position to achieve our revenue targets.

Mr. Speaker, I wish to call upon all Members including the County Assembly Member of Kakuyuni to support the adoption of this Report so that we can move ahead and get the way forward for us to be able to meet the wishes of the great people of Kilifi. Thank you very much, Mr. Speaker. I beg to support.

(Applause)

Hon. Mramba: Thank you, Mr. Speaker. At this point, I wish to support the adoption of this Report.

Mr. Speaker, earlier I had tabled the Motion of Adjournment because I had wanted us to form a select Committee so that after the two officers step aside; that select Committee would start the investigations but now that the Motion has been shut down, I fully support the adoption of this...

(Applause)

In good faith and I want to repeat that my bringing of the Motion of Adjournment was not in any way and should never be in any way seen as a move to oppose the adoption of this Report; only that there were consultations I had really wanted but now that it is over.

I wish to support the adoption of this Report and the two officers who came to this Assembly were only asked to bring statistics. They bring what they use to collect before the County Government came into being vis a vis what we collect now so that we would be in a position to know if we are moving in the right direction or not. They really offended this Assembly, Mr. Speaker and now, let everybody carry his own cross.

(Applause)

I am saying this because we Members of County Assembly need to do our best because whatever we are getting from the National Treasury depends on the County Revenue. Two months ago, a court in Malindi ruled that the County Government should pay Rain Drop Ksh.120, 000, 000 and already as we speak Ksh. 90,000,000 has already been paid to Rain Drop. In fact the next thing we can do is to call the County Legal Director to face the Assembly Committee on General Oversight to see why every time the County Government goes to court we are losing.

We do not know why? No, Mr. Speaker on the side of the our County Assembly we have a case of hon. Kiraga, the hon. Chair person of the County Assembly Health Service Committee; he took a delegation to Italy to inspect apparatus that were to be used in Malindi Hospital. It is one year now and the apparatus are still there. They have not come yet the Assembly used millions of shillings to go to look at the apparatus.

Now, hon. Kiraga is complaining about the Chairperson of Implementation. Let him first sought his own mess in his own Committee. I beg to support the adoption of these recommendations so that every Member of the County Government must have information at his finger tips. Whenever one is summoned to this Committee, let him be conversant with whatever

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is required and provide the necessary information to the Assembly. Otherwise, I stand to support. Thank you.

The Speaker (Hon. Kahindi): Hon. Mramba and this is on a light note, you are a very good friend of mine. I want to ask you a question, how many colours do you carry in a day?

(Laughter)

Are you still black now or you have changed to be red?

Hon. Mramba: No, Mr. Speaker, Sir. I carry only one colour.

The Speaker (Hon. Kahindi): Okay, Thank you. Let it rest there and I said it was a light note.

Hon. Chai: Thank you, Mr. Speaker, for giving me this opportunity and I would like to have a very short moment of standing in support of the Motion. If you will allow me to go into the three hon. Students if I may call them, I call them three hon. Students because in the morning when we were having a Kamukunji they were in a class somewhere maybe because from what I was seeing it is as if they were doing exactly what the County Secretary and the Chief Officer...

(Hon. Mramba stood on a Point of Order)

The Speaker (Hon. Kahindi): Yes hon. Mramba, what is your Point of Order?

Hon. Mramba: Mr. Speaker, the hon. Member for Jaribuni is saying three students in this County Assembly and as we know...

The Speaker (Hon. Kahindi): We have hon. Members.

Hon. Mramba: We have hon. Members. Let him withdraw.

The Speaker (Hon. Kahindi): Let us stay focused on the debate.

Hon. Chai: Let me straight away withdraw that statement. Mr. Speaker, I would just like to explain exactly as what the County Secretary had prepared himself to come and tell the hon. House instead of going to the question which was asked here. We were discussing the second Report of the Committee on General Oversight on the conduct of the County Secretary and the Chief Officer Finance.

The Members here were talking of some other issues; without going far it would be very much in order for me to stand in support of this Committee report. Just because of that conduct that they did to us and at first I was saying it is very bad for a hon. Member to come and say he is not in support and he saw what exactly happened here. When a Member says that he is not in support, it is as if we are encouraging these officers to continue doing what they were doing and not giving us this Report every time we ask them. I stand in support of this Report. Thank you.

The Speaker (Hon. Kahindi): Thank you. Hon. Chiriba.

Hon. Chiriba: Thank you Mr. Speaker for giving me this opportunity, I stand in great support to the adoption of this Report. Being one of the Members who have been very dedicated in spending restless hours, you saw the Members willing to go without even lunch because of the concern of our people. Let me go on record that I did not actually expect anyone to stand in opposition of this Report because of the fact that we are the same people who came up with this very important Report.

We used the findings to come up with the recommendations; so, it is my prayer that we stand by our own word and that we remain to be principled because what I witnessed on that

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material day when these officers came to this House was not encouraging. We are respected and we stand to be respected. I want to thank hon. Teddy Mwambire for seeking time extension so that at least every Member will register his support in this Motion. Mr. Speaker, much has been said so I stand in support. Thank you.

The Speaker (Hon. Kahindi): Thank you. Hon. Pascal.

Hon. Pascal: Thank you hon. Speaker for giving me this opportunity to air my views on the floor and I start by saying I support the passage of this Report. As one of the two main bodies comprising the County Government; that is the Legislature and Executive, nobody is at liberty to deny information to this second arm of the Government.

We understand that all the policies that we normally make we pass them to the Executive to implement and of course they have a duty to bring what is required of them for us to actually digest and probably pass to the electorate. So the conduct of these two officers in front of this hon. House was really grave that we could not contend as a House and even if you went outside there and started to ask about the behavior or conduct of these people you will be shocked, because almost everyone knows how they behave.

Contractors, workers, and the public out there are frustrated at every given point just because... I do not know these two people could be having some hidden agenda that they would not want the people of Kilifi to understand.

Mr. Speaker, Sir, we all had in front of this House that a Public Officer had the audacity to point it out in front of this House that we are not duty bound to ask him any question regarding information on the County Government. So if a person we hired as an officer of this Government can stand here and start denying us information with all the pride then I think this person does not meet the prerequisite condition to serve this County Government.

I want to support the passage of this subject in front of this House and again to warn even the public that is seated in this House that, we all understand that corruption fights back and we should expect these people to maybe come up with wrong information ready to taint one of our own or the whole House in one way or the other so that they can hide their filth. So as we all do this, I want us to understand that these officers may stand up in arms but we should all remember that the kicks of a dying horse are always fatal. We should actually investigate any information that we get to test its authenticity before we digest it so that we can know where the truth lies. Otherwise, I stand to support this Report. Thank you very much.

The Speaker (Hon. Kahindi): Hon. (Ms.) Chiku.

Hon. (Ms.) Chiku: Thank you Mr. Speaker, Sir. I rise to support this Report about the two gentlemen who are supposed to step aside due to their conduct on that particular day during the interrogation in this House. Every Officer who came here during the IFMIS saga and even the RainDrops contract issue, their names had been featuring in every witness statement in this House.

This hon. House wanted to just know about the revenue collection and I do not think that was a hard question to answer. Neither did it hurt them to give us the amount of revenue being collected but it is sad to find out that Mr. Owen Baya and Ben Kai decide to behave like Popeye in the cartoon network of KTN in front of the media and the cameras were actually rolling.

Back to the business of today, the issues of revenue collection is very sensitive and these officers must give us the answers even if they step aside and go down to Mwanza, we need those figures. Ben Kai as I said before had featured in the IFMIS saga including Mr. Owen and they have actually been obstructing most of the Chief Officers and they have been unable to carry out

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their duties properly to the extent that we are even going to get rid of some of the Officers in the County Government.

Mr. Speaker, Owen Baya signed the RainDrops contract regarding the revenue of this County. It is there in black and white and what has this County gained so far? This contract has been put in black and white and it did not even pass in this County Assembly. Is Owen Baya running this County as his pumpkin farm, Sir?

(Laughter)

It is very sad. Before this County was devolved, it used to collect its own revenue and it was running very well. Unexpectedly started getting money from the Exchequer every financial year and suddenly we do not know where our collection goes. Can Ben Kai tell us where is this money going or is it being used as petty cash for this County? This is because he found it very hard to explain to us where the money was being used and how it is collect. It looks like it is getting in and out and rumor has it that it is being banked into different accounts and not in the Kilifi County account.

We have learnt a lot about these two gentlemen in the last one month and I have already said that they feature in every scandal that we have had in this County and the two Chief Officer from the Education Department said it all. These two gentlemen are indispensable; we can do without them. Let them go and do their own business. These culprits have been obstructing even Members of this Assembly, their colleagues and everybody else in this County.

The other time, he was involved in the Scholarship issue; we could not get cheques on time. Such a person is an enemy in this County. The children of this County are slightly behind in their Education and what is even sad is that most of the domestic workers in Kibokoni are coming from Kilifi County. It is so sad to see that, such a person was there as an obstruction to the scholarship process; even the Chairperson had to fight with him. We called him here and skinned him alive and that is when we found a way forward.

Hon. Members, I want to urge you to support this Motion. It is a high time these people leave the place; actually it has been long overdue and they should have left this place. We have been very diplomatic, kind and given them so many second chances and we have called them here several times but it appears that these officers are not tamed and we are not going to stand any arrogance from any employee in this County. If they cannot be tamed then they cannot fit to work in this County. Thank you very much, Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Hon. (Dr) Silas Mzungu Chitibwi.

Hon. (Dr.) Chitibwi: Thank you very much hon. Speaker. I stand to support the adoption of this Report. I know I am disappointing somebody here who is probably listening. This House had given a lot of hope to the people of Kilifi County and where we have reached we are at a stage where that hope is going to continue or they are going to lose hope completely.

Yesterday, I had an opportunity to defend this House in a forum in Nairobi. Some residence of Kilifi County learnt that I was in Nairobi and they asked to see me after my work on behalf of this Assembly. The main question was; do we have an Assembly in Kilifi? What are you people doing there? Then somebody has the audacity to say that you people are being misused by your Speaker to fight the Executive. I did my best and I believe I convinced them.

So, to some people they are saying that this is done to be a war between the Speaker and the Executive but I asked for what reason will that be so? Hon. Speaker, you have said a lot; you

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have guided this House and we are very thankful. This morning as I was waiting for my flight somebody called me and advised me not to come to the Assembly so that there will be no quorum and I did not know why. So I called another Member of this Assembly and asked what was going on and that is when he informed me that there was a Report waiting for its adoption on the conduct of the

The Speaker (Hon. Kahindi): Yes hon. Mramba, you have a Point of Order?

Hon. Mramba: Mr. Speaker, what hon. (Dr.) Chitibwi is saying is very amazing. If somebody called him and told him not attend this sitting in order to deny it quorum then it is very serious. Can he please name that person for the benefit of this Assembly?

Hon. (Dr.) Chitibwi: Hon. Speaker, he is not a Member of this House and I have no reason to name him or her but I have said, residents of Kilifi had asked to see me in Nairobi yesterday. It was just funny that somebody is telling me not to attend this House. When my colleague informed me what was in front of this House, I said it was my duty to come and oppose or support it. I have come to support. There is a lot expected of us and we have very many questions from the people we represent and a number of them we have failed to answer simply because our officers are not giving us information.

Contractors can assure this House by the end of this year very many of them will be bankrupt simply because of delays in payments. I know somebody who had to sell his car to cover for his child who had taken a loan to do a County job and when we asked and many of them are experiencing this; works are complete and the contractors have to come to us to push the Executive to pay. There is no need of that contractor to come to me and unfortunate when we enquire about these delays, some people say we are pushing simply because we want a cut of that payment; very sad. We know the contractors; somebody working on a loan and paying something like 24%, expecting that they will be able to pay in three months, they then stay for a whole year unable to pay. That person is not making any money and we do not know why. So when we ask of which it is our job to ask, we expect answers.

It is very unfortunate that these answers are not forthcoming where an officer of this County comes to this House and deliberately defies giving that information. I felt very sad; those officers, Mr. Speaker, you and I were in the panel vetting them and I began asking myself what did I do in this House recommending that this House accepts those people? But see what they have done for this County. The only thing we are saying is we are not condemning them because they have refused to give us information; we are saying there are other ways we are going to get this information. Let them step aside so that we get this information.

We are seeing this contract that was signed by the County for revenue collection, who was involved? Was it a one person affair? A two people affair or was it a Committee? People are refusing to give us that information although legally the CEC Member did not have to get permission from this House but we know it is something very new, a new County, privatisation is very new; there should have been more consultations. Worse still hon. Speaker and Members of this House, many of us are aware of what happens during transitions.

We are now entering this transition from this Assembly to the one in 2017, if we cannot get answers and we suspect a lot of things to have been done wrongly, what is going to happen between now until the next Assembly is constituted? It is possible that in the next Assembly the people will be in the dark; it might take a bit of time to know what is going on. What is going to be done in Kilifi by the officers who openly defy this Assembly? I do not want to be a lawyer to suspect them but I can say there is a lot of suspicion; there are a lot of queries on these officers

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and the people under them. Let us ask them to step aside so that we can get the information that is required by us as representatives and the people of this Assembly. I support. Thank you very much.

The Speaker (Hon. Kahindi): Thank you. Hon. Lawrence Kazungu Kilabo.

Hon. Kilabo: Asante sana Bw. Spika kwa kunipa nafasi hii nami kuweza kuzungumza juu ya Ripoti hii. Naunga mkono Ripoti hii na ningeomba bila kupoteza wakati niwe wa mwisho na tupitishie mambo haya. Ninaomba kwamba hawa watu wawili ambao walikuwa wanatajwa; Owen na Ben wasimame kando na uchunguzi uendelee kisawasawa na wakishafanya hivyo wengine washike usukani ili kazi iendelee kwa wakati unaofaa. Nimesimama kuunga mkono Ripoti hii. Asante.

The Speaker (Hon. Kahindi): Hon. Teddy Mwambire.

Hon. Mwambire: Thank you very Mr. Speaker. It is very ironical because I have come to realise that the two officers that we are recommending to step aside are classmates and the Leader of Minority who brought the Statement to this Assembly is their schoolmate. I know it is very difficult to some Members especially the way the contributions have gone but let me take this opportunity to congratulate them especially on their contributions and for those who had contrary opinion over the Motion. I think there comes a time when friendship, be it economical, political or social can be subsided to as to save the integrity of the great people of Kilifi.

This House understands all the ups and downs and even the legal implications that might arise from this. We know very well that civil servants are supposed to step aside when there is a criminal suit but these two officers, these classmates, erred seriously on the Constitution especially, the highly quoted Article 35 of the Constitution, among other sections. The demonstration of these two officers including the Report they had earlier tabled in this House especially by the Chief Officer on behalf of the County Executive Member, that Report has a number of faults.

The Statement the Leader of Minority sought was very clear and it could have been responded in only two lines while the issue of tabulation of the revenue collection by the defunct local authorities could have been responded by even directing us to the audit report which contained everything. The issue of RainDrops could have been responded to very well by directing and even sharing the special Audit Report which this House at some point sought to have but if you read what the Chief Officer for Finance and Economic Planning shared with this Assembly before the day he came and sought three days and he came back and refused to give more elaborations.

It gives us a lot of question and I do not know why such a well learned officer can give such response to a dignified House like this. The only one when it comes to this County; this is the only House which should be respected unless these people do not appreciate Devolution.

Mr. Speaker, the political integrity of this County being one of the senior politician in this County, I feel very much ashamed because this is an ODM Government where I serve as one of senior Officer of the party. I feel very sad when senior Government portray in a way as if they do not even feel concerned of the generality of the mood of the great people of Kilifi and it is for those reason hon. Speaker, that I think even those Members who have contrary opinion...

The Speaker (Hon. Kahindi): Hon. Foleni, you have a Point of Order?

Hon. Foleni: Hon. Speaker, I want to thank the Deputy Speaker for informing us that the Government of His Excellency, the Governor, and the Chief Officers and even the Executive has failed in undertaking the mandate of this County. Thank you.

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The Speaker (Hon. Kahindi): So, what is your Point of Order?

Hon. Foleni: Hon. Speaker, it is a Point of information that is why I pressed a wrong button.

The Speaker (Hon. Kahindi): Okay, just take a seat. Let us not start another...

Hon. Mwambire: Mr. Speaker, I need Foleni's vote so I will not dwell much on his Jubilee alignment but I do not think there is any information being shared but giving me a chance...

The Speaker (Hon. Kahindi): Just proceed...

Hon. Mwambire: Mr. Speaker, I wanted to beg my colleagues who have contrary opinion on the adoption of this report that there comes a time that we compel to shed political blood and this is the right time. We want to salvage that face of this County; we want to salvage the integrity of this House. No matter what will come out there after but it is good to take a stand in this House so that we can have something to say that at least we tried our level best to move forward. This being the first County Assembly we cannot accept somebody to come in and delete the whole effort that we are doing.

Lets safe guard our integrity, lets stand by the oath of office that we took that we will always act without fear, favour or partiality and we said, "So help me God". May I believe that God will help us all to stand by the recommendations of this Report. With those few remarks I call upon hon. Members to go by the recommendations of this report which is the second report of the Committee on General Oversight.

Hon. Ibrahim: Bw. Spika ilidhihirisha wazi ya kwamba wacha yale ambayo tunasikia nje, sisi wenyewe kama Waheshimiwa tuliyaona tulipowaita hapa ni madharau na kiburi. Bw. Spika, Owen Yaa Baya, ameitwa hapa zaidi ya mara mbili akakataa na alipokuja hana sababu za maana alizoeleza Bunge hili na kuelezea kwake ana kiburi na anazungumza kana kwamba ni yeye ametuandika sisi kazi.

Ben kai, ukiangalia maswali ambayo aliulizwa yalikuwa kumi. Moja wapo ni kuhusu ushuru ambao ni sheria sisi kumuuliza; alishindwa kutueleza ambapo mbeleni Ben kai alikuja na akathibitisha kwamba tumpatie siku tatu na baada ya siku tatu atarudi na Ripoti yote. Bw. Spika, alienda akageuza na kizungumkuti ni kwamba, akakaa kwenye kiti kile na wakili wake Owen akiwa anamdanganya na hakuna la maana aliloeleza Bunge hili.

Nikielezea mambo mengine ni kwamba sina kinyongo na Owen kama alivyoeleza Mheshimiwa Mramba; zile ni siasa. Owen Yaa Baya anataka kiti katika Eeeo Bunge la Kilifi Kaskazini na hiyo ni siasa tutapambana naye ki siasa lakini hapa katika Bunge, tunaangalia majukumu yetu kama Waheshimiwa.

(Applause)

Kila mahali unapopata Ripoti unaskia Owen Yaa Baya; mambo ya RainDrops, mambo ya uandikishaji wa vibarua, mambo ya LPO, watu wa benki walikuja hapa wakasema karatasi ...twataka sasa akae kando tuchunguze zile karatasi alizoandikia wale watu wa benki tuangalie sahihi yake na hatuwezi kumchunguza akiwa yuko kwa ofisi. Bw. Spika, kuongezea ni kwamba Owen Yaa Baya na Kai ni moto wa kuotea mbali; ni watu wamedhalilisha hii Kaunti na wafanyikazi wenzao na dakika ya mwisho tumewaona vile wanavyoendelea.

Ni wazi leo hii ukiangalia Bunge hili, mimi nimekuwa mpinzani mkubwa wa Serikali ya Jimbo la Kaunti lakini siku ya leo niko na raha; nimepata wenzangu na wameona ukweli uko

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wapi. Kila siku nilikuwa nikisema watu hawa lazima waondoke kwa sababu ya yale maovu ambayo wanayafanya kwani hatuonei mtu, Bw. Spika. Yale maswali ambayo tuliuliza wangeyajibu siku hiyo hapa kungalikuwa hakuna shida. Hatungetaka Owen wala Bei Kai aondoke kwa sababu wangetupatia majibu; ni wangapi tumewaita na wamekuja wakatuelezea na tukashukuru? Hakuna kitu ambacho wanaweza kufanya ndio tunasema wakae kando na uchunguzi uendele. Wakipatikana na makosa ambapo mimi najua makosa yako na ni mengi sana. Kwa hivyo, Bw. Spika naunga mkono ripoti hii na nimeshukuru Bunge hili kwa kuunga mkono Ripoti hii.

The Speaker (Hon. Kahindi): Hon. Bakari.

Hon. Bakari: Asante sana Mheshimiwa Spika. Mimi pia nashukuru kwa kupata nafasi kuweza kusimama na kuunga mkono Ripoti hii. Kwanza ni kupongezi Kamati yetu ya *General Oversight* kwa kufanya kazi nzuri na kuja na hii Ripoti. Ukweli kabisa Bw. Owen Baya pamoja na Bw. Kai, ni maafisaa wakubwa katika Serikali ya Kaunti.

Kwa kweli hawa ndio wangukuwa wa kwanza kuja kuonyesha ile tabia nzuri katika Bunge hili. Ni jambo la kusikitisha kwamba wao walipokuja hapa na madharau waliyokuwa nayo basi wao wakiwa maafisaa wakubwa katika Kaunti hii sijui walikuwa wanaonyesha picha gani kwa Kaunti ya Kilifi ama kwa wakaazi wa Kilifi pamoja na wale wafanyi kazi ambao wako chini yao. Ni dhahiri kwamba si kwa sababu ya kwamba Bunge hili limeweza kuonea mtu na uamuzi huu ambao umeafikiwa si uamuzi wa Spika, ni uamuzi wa ile Kamati ya *General Oversight*.

Kwa yale walioyafanya na yale mazungumzo na changizo zilizotoka hapa Bungeni, Bw. Spika, ni lazima hawa watu wakae kando na uchunguzi zaidi ambao unastahili ufanyike ili uweze kufanyika bila shida ya hawa watu. Nimefurahi sana kwamba leo hii tuko na wakaazi wa Kilifi; wenyewe wameona na wanasikia na watajua kwamba Bunge hili si Bunge la kuweza kuchezeza wala kufanyiwa dhahaka. Wanaelewa kwamba Bunge hili limeweza kuamua maana ni mengi yanazungumzwa na wananchi wa Kilifi. Kwani Owen Baya ni nani? Owen Baya ni nani? Lakini leo tunathibitisha ya kwamba Bunge hili limeweza kupitisha kwamba wakae kando...

The Speaker (Hon. Kahindi): We have not arrived to that.

Hon. Bakari: ... uchunguzi zaidi uweze kufanyika. Asante sana Bw. Spika.

The Speaker (Hon. Kahindi): Okay. Thank you. I have not put the question and I will put it so do not worry. Yes, hon. Mlanda.

Hon. Mlanda: Asante sana Bw. Spika kwa nafasi hii. Mimi pia ningetaka kuungana na wenzangu kuunga mkono Ripoti hii ambayo iko mbele ya Bunge hili. Katika wale ambao wamebeba majukumu ya kuhakikisha ya kwamba Serikali yetu ya Kilifi inasonga mbele lakini kwa wajibu wa kazi zao ni kwamba wana dhalilisha wananchi wale ambao waliwafanya wao wakae kwa zile ofisi.

Sheria inasema mwananchi ana haki ya kupata habari zozote kwa Serikali ya Kaunti na hata kwa Bunge kwa sababu sheria inasema hivyo lakini picha tuliyoiona hapa wakati Bw. Owen na Ben Kai na wale maafisa wengine waliokuwa hapa walionyesha hawako tayari.

Yalikuwa ni madharau ya hali ya juu sana kwa Bunge hili baada ya Ben kai mwenyewe kukubali kuleta takwimu ambazo walikusanya wakati ule wa Serikali za Manuspaa. Sisi tulikuja hapa kutekeleza kazi za wananchi; ni wananchi wenyewe walituleta hapa tuhakikishe ya kwamba tunafanya kazi kulingana na sheria na Bunge hili linafuata sheria pia singesita kukupongeza wakati maafisaa walipokuwa hapa uliwapa muda na muongozo kiasi cha masaa kama mawili.

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Uliwapa muongozo hasa waheshimu Bunge hili. Yote yale, maofisaa wale waliyadharau. Sisi kama tunavyowakilisha wananchi kule nyanjani ni kwamba wanangoja kwa hamu na ninashukuru wale ambao wamekuja hapa tangu asubuhi mpaka saa hizi wakitaka kujua mwelekeo wa Bunge hili.

Ni ushuhuda wa kutosha kwamba tuliajiri watu ambao hawaheshimu Bunge hili na hawaheshimu wananchi wa Serikali yetu ya Kilifi kwa sababu si kwamba walidharau Bunge hili lakini pia walidharau wale wananchi ambao sisi tunawakilisha katika Wadi zetu. Hili ni jambo la aibu sana Bw. Spika ikiwa tunaajiri watu ambao wanakuja kudharau Waheshimiwa na kudharau wale wananchi ambao walituleta hapa tuwawakilishe kwa kila jambo katika Bunge hili.

Nataka nimalizie nikisema kwamba katika kukatazwa Bunge hili kujua mapato yale na pesa ni zile zile ambazo wakati Serikali yetu ya Kilifi ikienda kortini kuhusu kesi ambazo zina gusa mambo ya RainDrops; yale malipo ambayo yanalipwa kule ilikuwa ni wajibu wa Ben Kai kutoa uamuzi ama yale matakwa Bunge hili lilitisha ili tujua kile kiwango cha pesa kinachotoka na kile ambacho kinatumika baada ya muda kulipa RainDrops ikiwa kule kortini tulishindwa. Nataka niseme mfano huu ni kama yule bwana aliyetoka shamba akaenda mjini na akaambiwa kuna shida ya maji na akaona kwamba kikapu hujazwa maji akabeba akapeleka nyumbani. Alienda weka kikapu kile kwenye bomba la maji akafungua maji yanaingia kwenye kikapu na yeye amekaa pale anangoja kijae. Ni hali hii kwamba pesa haziji na kule kortini tunapigwa mafaini kila siku sisi tukilipa; kikapu kile kitajaa lini?

Kwa hivyo hatua ambayo Bunge hili litachukua kuhakikisha kwamba watu hawa wawili wamekaa kando ni mwelekeo mwafaka na mimi pia naunga mkono tuhakikishe kwamba wamesimama kando ili uchunguzi uendelee. Asante sana, Bw. Spika.

The Speaker (Hon. Kahindi): Thank you. Hon. Foleni.

Hon. Foleni: Mr. Speaker, Sir, I want to thank you for this wonderful opportunity so that I can be able to make my sentiments in regards to this report. I recall the words of great philosopher in Kenya by the name P. L. O Lumumba and this is what he said, “We are busy employing hyenas to take care of goats and when the same goats are consumed, we wonder why”.

Hon. Speaker, Sir, I want to state categorically that these two gentlemen have failed this great County. They have put us into problems and as a result of them being in office, Mr. Kai and Mr. Owen instead of paving way, I want to put it straight that the Governor should take responsibility and make sure that these two go home and go home forever.

Mr. Benjamin Kai Chilumo and one Mr. Owen Yaa Baya “Dr.” are the authors of our problems within Kilifi County. We have had cases of unpaid suppliers. We have had several cases of unpaid contractors as a result of their actions.

Mr. Speaker, Sir, *Kilifians* including the people of Tezo will never ever forgive them for the actions that they have shown this great County. This County Assembly has the mandate to fearlessly scrutinize and oversee these Executives, but what I wonder is when we send them letters to bring information into this House and to the best of my knowledge information is power. That is what we wanted as a County Assembly; they denied those reports. This shows their level of ignorance, and disrespect towards this House. Hon. Speaker, Sir, I want to assure you that even God above will never forgive them.

Mr. Speaker, Sir, as a County Assembly we have a monumental role in realizing an effective devolved system of Government. Kilifi is one of them; we are not exceptional if other Counties are able to fire and hire, why not us here? This rests in the mandate of our Governor

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and I want to say this, that as a result of their actions, they have put my people in grave danger. We are lacking water because of them. We are lacking food because of these two culprits. Hon. Speaker, Sir, I remember...

The Speaker (Hon. Kahindi): Hon. Teddy Mwambire, you have a point of intervention?

Hon. Mwambire: Mr. Speaker, Sir, I wanted to get clarity from the Member on the floor if the Governor is the one who is supposed to fire and hire the officers in this County or the County Public Service Board because I think it is good to go on record. I know the Governor is an Executive like the President whom he supports and there is a number of rot that we are seeing and we have never seen the President hiring and firing. As Member Mr. Speaker, Sir, we need to uphold the law and everything is black and white in the legislation, so let him put it clear in the Hansard.

Hon. Foleni: Hon. Speaker, I remember two or one year back when one of our CS our own son hon. Kazungu Kambi was made to step aside by none other than his Excellency the President...

The Speaker (Hon. Kahindi): Okay, let me just put the matter....

Hon. Foleni: What I want to put across is...

The Speaker (Hon. Kahindi): Order! Let me just give direction on that so then we do not leave any speculation. At least as at this morning, just take a seat hon. Foleni. Of course with any other officers of the County and this was from the Chairperson of the County Public Service Board that the Governor's appointees from the Chief Officers, CEC Members and the CS, these are Governor's appointees; so the responsibility goes to the Governor. But any other person below that it goes to the County Public Service Board and I think that was the statement which the Chairperson of the County Public Service Board reported to us in the morning.

So let us keep word, of course if you are talking about all the other employees then of course the County Public Service will come in but if your statement is in reference to the CS and the Chief Officer the word from the Chairperson of the Public Service Board is that these are the Governor's appointees so recommendations will go to him.

Hon. Foleni: Thank you hon. Speaker, Sir. I want to conclude that we people of Tezo are crying for justice for our little children that are lacking basic ECD knowledge as a result of these two gentlemen and justice for the youth within Tezo that is what is before you hon. Speaker, Sir, and before the House to cry and enlighten the cause as to why we should all support this honourable Report.

Hon. Speaker, Sir, I want to say that enough is enough; we have had cases of RainDrops, the authors of Rain Drops are well known to these two gentlemen. We have had cases of lack of good health care, lack of water, name it; they have been authored by none other than Benjamin Kai Chilumo and his counterpart Owen Yaa Baya. As I conclude I want to let the House know that 2032 I shall take the...

The Speaker (Hon. Kahindi): Please save us that...

(Laughter)

Hon. Foleni: Thank you, Mr. Speaker, Sir. I beg to sit.

The Speaker (Hon. Kahindi): Yes hon. (Ms.) Muthoka.

Hon. (Ms.) Muthoka: Asante mheshimiwa Spika kwa kunipa nafasi hii mimi kama "bishop" wa Bunge hili ama Mheshimiwa wa kiroho ili nikaweze kutoa changizo zangu. Mimi

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nami nasimama kuunga mkono Ripoti hii. Mtakubaliana na Waheshimiwa kwamba si mara ya kwanza sisi kuwaita mabwana hawa katika Bunge hili na kuweza kujadiliana nao kuhusu mambo yaliyokuwa yamekoseka na tumekuwa tukiwaonya.

Mheshimiwa Spika imefika wakati wa kwamba huyu Owen Baya na Ben Kai wamekuwa miungu ya Kilifi Kaunti ambao wafanyikazi wa Kilifi Kaunti na wanakandarasi wa Kilifi Kaunti wanawaabudu wao.

Mheshimiwa Spika, imefika mahali kwamba wamejiinua hata wanaona Bunge hili haliwezi kuwafanya chochote ndio sababu wakaja hapa wakaonyesha madharau. Wakiwa wameulizwa maswali tu wakaweze kutoa jibu, wakaona sisi hatuna mamlaka hayo ya kuweza kuwauliza maswali kama hayo. Mheshimiwa Spika haijalishi kama mabwana hawa watasema tunawafuata namna gani; haijalishi kama watasema sisi tumetumwa tuwe kinyume nao. Sisi tunafanya kazi yetu inavyotakikana ifanywe katika Bunge hili na tunafuata sheria.

Kwa hivyo sisi hatutababaishwa na hao watu wawili ambao wameharibu Kilifi Kaunti kwani wametrudisha nyuma; wacha wasimame kando tukaweze kufanya uchunguzi wetu vizuri na bila shaka makosa wako nayo hata sio kitu cha kuangalia huku na huku.

Katika kila kashfa Ben Kai na Owen Baya wamehusika. Kilifi Kaunti imepoteza pesa nyingi sana na Waheshimiwa wale ambao ni wafuasi wao wapeleke habari ya kwamba tumesema waende kando tufanye uchunguzi. Kama vile tulivyoona dalili asubuhi ya leo; mimi nilikuwa naongozwa na roho wa bwana. Kuna Waheshimiwa baadhi yetu hawakufika kwa wakati uliofaa; wameingia hapa kuchelewa na wakaleta utata ndani ya Bunge hili ni kuonyesha wazi ya kwamba ni wafuasi wao na wao wanawaabudu. Nataka niwaambie mshindwe katika jina la Yesu; Bunge hili litaendelea kufanya kazi yake na tumesimama kidete.

Mheshimiwa Spika wetu akiwa anatuongoza vizuri kisheria na tutahakikisha wanaozembea katika Kilifi Kaunti wataenda nyumbani. Hata kama ni kusafirisha Mawaziri wote na *Chief officers* wacha wasafiri. Ikiwa kuna uwezekano wa kwamba wameshindwa na kazi; Kaunti ya Kilifi ina wasomi wengi sana wataweza kuchukua nafasi hiyo na kazi itaendelea. Ninaunga mkono kwa dhati bila kupoteza wakati. Aliye nena ni Bishop wa Bunge la Kaunti ya Kilifi. Asante Mheshimiwa Spika.

The Speaker (Hon. Kahindi): Hon. Jared Kaunda Chokwe Barns.

Hon. Kaunda: Thank you Mr. Speaker, Sir. I know there are some Members in here who are really waiting to hear my voice. I am not very far with the rest in fact let me say that I stand to demonstrate my support in the adoption of the Second Report of the Committee of General Oversight.

(Applause)

Let me congratulate you for guiding this House and its Members to greater heights of coming to do things to the position that this House is in today. If at all anybody would ask me, I would say that let the Standing Orders be amended once again so that we can also have you as the Speaker bring in your opinions and ideas in the floor of this House. This is because your hands are tied; you can only do it in the Committee of General Oversight, I think you need to take that into consideration and let the Standing Orders be amended.

Let me also speak about the recommendations that the Committee had. I will quote hon. (Ms.) Elina Mbaru who is not in the House today. I remember there was a time we used to have *fungua roho* meetings in our *Kamukunji* with the Governor. One thing she used to say and emphasize more was on the issue of “technical people”. She would tell the Governor that his

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“technical people” are the ones spoiling his reputation and taking us down into the books of history that projects are actually not being implemented.

This time, I want to say that the work of the Governor has been made very easy. I remember on those meeting he would say that his hands are tired because we were not doing our work. This time wherever he is, he must be very happy that we are doing the work that we are supposed to do and we have made it very simple for him to actually echo his voice and stamp his authority as the CEO of this County. So that the two people; the County Secretary and the Chief Officer Finance, pave way so that investigation can be carried out and we see if they are clean or not. It is very important that they pave way and step aside so that investigations are carried out on their conduct and also in the offices that they are working.

Again, I would like to say that and if I may quote my undisputed Chairperson of the Budget and Appropriations Committee none other than hon. James Mangi who quoted JF Kennedy and I would also like to say that, it is important that this House stands as one. This is because what usually used to happen previously is that this House used to be divided into two.

This time round I want to say that let us stand united and let us all remember that history is going to judge us hon. Members very harshly if we are not going to stamp our authority here to make sure that things are moving well and rightly in the direction that we are needed to move so that the people of Kilifi can get good services, experience development and have good leaders. We can move forward as other Counties in terms of development and service delivery. Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Hon. Valentine Matsaki Mwamanga.

Hon. Matsaki: Asante sana Bw. Spika. Mimi kwanza nimesimama kuunga mkono hii Ripoti ilio mbele yetu. Nataka niwe mchache wa maneno kwa sababu mengi yamezungumzwa na nina imani kila atakayesimama huenda tukayarudia. Yale niliyoyaona wakati tulipowaita hawa mabwana wawili niliona madharau kwa Nyumba hii; upande wangu mimi nikiwa Mwenyekiti wa Sheria naona waliniudhi zaidi.

Hii ni Nyumba ya kuheshimika na sisi tunahaki kikatiba wakati kuna shida tuna *sermon* yeyote yule ili tupatiwe ule ukweli wa maneno yale yanayoendelea. Kwa hivyo, tayari hata kama wangesoma baadaye lakini ile mara ya kwanza yale madharau pia hayo ni lazima kama Bunge tuyaangalie.

Tukisema wasimame kando ni kwa sababu mara nyingi huwezi ukasema unachunguza mtu ambaye bado yuko kwa ofisi manake mengi yataendelea. Mimi naunga Ripoti hii wawe kando na ile Kamati ambayo itapatiwa majukumu waende chini na kuangalia ni nini ambacho kinafanyika.

Kama si zile pesa zinazotoka kwa Serikali kuu basi Kaunti hii ingekuwa haiko. Tungekuwa tuko chini na hakuna miradi yeyote ambayo inafanyika. Hii ni kwa sababu, katika ule ushuru tunaopata kama Kilifi Kaunti kusema kweli ni aibu; pengine utasimamisha tu mradi mmoja.

Sisi tuna haki kabisa ya kuuliza; je, wakati ule tulipokuwa na mabaraza ya Wilaya na sasa tofauti iko wapi? Haya si maswali ya mzaha; haya yalikuwa ni maswali ambayo wao kama wangepatilia maanani wangetujibu na haya mengine yote hayangefikia hapa.

Mimi nataka niseme kwamba inaonekana wakati sisi tulikuwa tunafikiria hayo, wao walikuwa wana ajenda nyingine tofauti na ndio sababu hata wakati ule wa watu waapishwe walikuwa na shida. Kwa hivyo, sasa wakati umefika kama Bunge tusimame imara ili tuonyeshe watu wa Kilifi Kaunti kuwa Bunge hili si lile Bunge walilokuwa wakizungumzia.

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Kitu kingine, mimi nataka niseme hivi; hasa kwa wale Waheshimiwa katika Bunge hili. Mara nyingi kuna mambo yale ambayo utayachukulia kibinafsi lakini mahali Serikali nzima inamiliki pale sisi kama Bunge tunataka kupata kile ambacho ni muhimu. Hii si kwa sababu ya mapenzi yetu sisi; ni kwa ajili ya zile shida ambazo Kilifi Kaunti tuko nazo. Ni juzi tu tulipokuwa hapa tukizungumza na nikawa ninamuuliza Mwenyekiti wa *Scholarship* kwamba majibu yametoka je, mambo yako vipi?

Kama tunavyojua, Serikali Kuu imeweza kutusaidia pa kubwa basi kusema ukweli tunaenda njia ambayo sio. Wengi wameyangumza singetaka kuyarudia lakini ningekuomba Bw. Spika kwamba Kaunti hii tuko na Wadi 35 na kila mmoja atahukumwa kulingana na msimamo wake. Ningeomba wale wote ambao wako hapa najua muda umeenda lakini kwa sababu tumeongeza muda tunataka tusikie wanasema nini ili kwamba tukishatoka hapa hata mwananchi wa kawaida kule mashinani ajue kwamba hawa wanaunga mkono haya. Asante Bw. Spika na nimesimama kuunga mkono Ripoti hii. Asante sana.

The Speaker (Hon. Kahindi): Hon. Lali Omar Sadi.

Hon. Sadi: Asante sana Mheshimiwa Spika kwa kunipa nafasi hii. Naunga mkono Ripoti hii kwa sababu zifuatazo. Si uongo kwamba katika Kaunti ya Kilifi hivi sasa mambo hayaendi vizuri. Wafanyibiashara wetu wanalalamika, huduma katika hospitali zimekwama, watoto kwenda shule ni shida na sehemu nyingi sana kumekuwa na shida mbali mbali na ukiangalia tatizo kubwa linaletwa haswa na idadi ya mapato; idadi ya sisi kukusanya pesa zetu za ushuru imeenda chini kabisa. Kuna makosa gani Bunge hili kutaka kujua ushuru unaokusanywa? Kuna makosa gani kutaka kujua kwamba kabla Serikali ya Kaunti kuja kulikuwa kunakusanywa nini katika Serikali za Wilaya? Ili tuweze kuchanganua baina ya vipindi hivyo viwili, tumepata nini? Kuna makosa gani kujua kitu kama hicho?

Wakati kulizuka sakata kwamba pesa zimepotea tulihoji maofisaa mbali mbali na maofisaa hawa wamesema wazi kwamba katika pesa hizi kupotea kuna wengine *passwords* zao zilitumika; kuna wengine hata ni vibarua lakini *passwords* zao zilitumika. Kwa nini vibarua waandikwe kazi na wapatiwe majukumu muhimu ya kama *password* wakati tuna County Secretary na tuna Chief Officer? Je, Bunge hili kutaka kujua mambo kama haya kuna makosa gani?

Sisi kile tunachofanya ni kuhakikisha tumelinda raslimali za watu wa Kilifi. Hilo ndilo jukumu letu lililotuweka hapa. Sisi tumesimama kuhakikisha kwamba wananchi wa Kilifi raslimali zao tuzijue zimetumika vipi na zaenda vipi. Leo tumeita maofisaa hawa Owen Baya na Ben Kai waje waeleze haya na wakapewa maswali vizuri sana. Wamekuja hapa wanaonyesha kiburi katika Bunge hili; hata wengine kuapa kwa Mwenyezi Mungu pia wanaona ni shida!

Wamenyima Bunge hili kupata habari ambayo ni haki ya mwananchi kupata. Ikiwa mbunge katika bunge lake atanyimwa habari hizi, je mwananchi wa kawaida atapata habari hizi? Imefika wakati wa kwamba bunge hili lidumishe heshima yake na heshima yake si kwamba eti sisi tunataka kuwafuta kazi, La! Wakae kando watoe nafasi kwa uchunguzi wa kina ufanyike ili tujue ukweli wa mambo.

Kwa hivyo mimi nakubaliana na Ripoti hii na nataka bunge hili muunge mkono wenzetu wengine ya kwamba Ripoti hii ikubalike na watu hawa wakae kando na uchunguzi wa kina ufanyike. Kwa hayo machache nasema asante sana Mheshimiwa Spika.

(Applause)

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The Speaker (Hon. Kahindi): Hon (Ms.) Arafa Salim Baya.

Hon. (Ms.) Arafa: Thank you very much Mr. Speaker, Sir, for giving me this opportunity to support the Report before us. Before I give my contributions to this Motion, I want to thank you Mr. Speaker and the office of the Clerk and these hon. Members. This month has been very tough for this hon. House; we have been working tirelessly and as a team and I am happy today. For those who are not with us let them see that we are working as a team.

I do not want to contribute anything out of this Report. I will just talk on the Committee findings and recommendations and I will just base on the two officers; the County Secretary and the Chief Officer for Finance, Ben Kai. Two of the findings in this Report say that, “it is not in doubt that the two officer’s conduct went against the letter and the spirit of the Constitution when they declined to produce information held by them by the virtue of the offices they hold. Their conduct went against the letter and the spirit of the Constitution when they set out to demean and bring in disrepute the County Assembly of Kilifi an Arm of the same Government they serve”.

The second finding is, “The two officers by their conduct cannot therefore be said to be worth holding public office and the relevant authority should undertake disciplinary action against them promptly”. We don’t want to base anything against this Report and if these people are not worth holding office for this County Government I think this is the right time for them to go. We are not working on any interest of this government with an exception of the Kilifi Citizen. These people think that they have conflict of interest; they feel that they are super than this House, it is time for them to go. Our interest is to make Kilifi a great County.

I want to go the Committee recommendations. The Committee on General Oversight recommended the following; there were only two recommendations; “That the County Secretary, Mr. Owen Yaa Baya, and the Chief Officer for Finance and Economic Planning, Mr. Benjamin Chilumo Kai, should step aside immediately to pave way for thorough investigations touching directly on their conduct and the respective offices they hold”.

The second recommendation is, “That upon stepping aside, His Excellency, the Governor, Amason Jefwa Kingi must ensure the officers hand over their offices and all instruments of powers to ensure a smooth running of Kilifi County Government operations”. So, I want to tell the public that this House has done its work. The Governor will set the recommendation. The outcry from the public should not be from this House anymore. We have done our work tirelessly and now we want to see the recommendations that have been put forward by this Committee are working immediately and we want to see the Governor taking the right way to make sure these things happen.

It has been very dramatic today since morning but I am happy that some of them have supported and decided to go and some did not support it at all; that is normal but it is unbelievable that this House will remain having more than quorum upto this time and we are ready to run this Motion until midnight to make sure that we get the right information and what we have recommended in this House is worked on promptly.

There is a Swahili saying that, “Siku ya kufa nyani miti yote huteleza”, and for those who have been here before I do not know why they did not wait for the question and they left. I stand to support the Motion and give a chance to each and every Member who is here; we want to hear their voices. Thank you very much ...

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The Speaker (Hon. Kahindi): Okay, for the first time the Speaker is being told what to give and not what to give...

(Laughter)

And that is what we are getting being paid, isn't it? So let us continue the morning sitting has already been extended so we are running to the afternoon sitting and if the afternoon sitting ends if Members wish they can proceed until midnight. I have no problem because the requests are coming and I cannot decline. Let us hear from hon. Nzaka.

Hon. Nzaka: Thank you Mr. Speaker, for giving me this chance. Allow me to support this Motion before the House. I would like to take this opportunity to assure my fellow hon. Members that we are guided by this new Constitution 2010 and I will read an Article...

Mr. Speaker, Sir, Chapter 11 of the new Constitution Article 183 Section (3);

“The County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County”.

(Applause)

Mr. Speaker, Sir, this House was in order to seek some clarification from the Executive side so that they can give us information about the revenue collection as per each and every financial year but I was surprised by some of the officers who refused to give us information which is for the public and for the interest of Kilifians.

We saw an example at the National Government who went under thorough investigations and some of them are hon. Kazungu Kambi, hon. (Ms.) Waiguru and hon. (Ms.) Charity Ngilu who stepped aside until investigations was done. I do not see the reason why some of the big fish are refusing to step aside.

Mr. Speaker, there is nobody who is above the law. Everybody has to carry his or her cross; we as the Members of the County Assembly are here by virtue of the electorate who gave us mandate to be here so that we represent them. Everybody cannot be in this House and Members here we are dealing with a sensitive issues. We are dealing with the lives of the people and the world is watching us and we are ready to go without lunch so that we exhaust everything.

I would like my fellow hon. Member to put jokes aside as Kilifians are watching so that we can use our oversight role as per the Constitution. If at all we are performing or not and come 2017, our people are going to judge us and I do not see a whole hon. Member either elected or nominated yet he is deceiving and cheating the House. So I am really supporting this Motion and these two officers we have not said that they are guilty or not but let thorough investigations be done while they are out of office so that we Members can do the investigations. Thank you. I stand to support.

The Speaker (Hon. Kahindi): Thank you, hon. (Ms.) Christine Fondo.

Hon. (Ms.) Christine: Asante Mheshimiwa Spika kwa ajili ya nafasi hii ili nami nikaweze kuchangia mawili au matatu. Mengi yamezungumzwa na nitakuwa mfupi wa maneno. Kama tujuavyo tuko na Serikali mbili ikiwa moja ni ya kati na nyengine ni yetu ya kaunti. Sasa Mheshimiwa Spika, ule ushuru unaokusanywa ukienda Serikali kuu ndio ule ambao tunaletewa kama mabilioni ya fedha zinazotumika...

The Speaker (Hon. Kahindi): Yes, hon. Hassan, you have a Point of Order?

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Hon. Hassan: Thank you Mr. Speaker, Sir. I kindly beg you to put the Question since we have already surrendered. Let us finish the deal. Thank you Mr. Speaker, Sir.

(Laughter)

The Speaker (Hon. Kahindi): Hon. Hassan, it is not about surrendering but it is about each and every Member to have an opportunity to make a contribution and let us allow it because the list is now going down. Proceed, hon. Member.

Hon. (Ms.) Christine: Kama nilivyosema tuko na Serikali mbili ikiwa moja ni ya juu na nyingine ni yetu ya Kaunti na vile vile Serikali kuu hukusanya ushuru ambapo pesa zake zinakuja huku chini mashinani. Vile vile Serikali ya Kaunti inakusanya ushuru na wengi wanaotoa ushuru huu ni akina mama kwa sababu wengi wao ndio wanaofanya biashara ndogondogo na utakuta wanawake wamekamatwa na wale askari wa Kaunti wakiambiwa watoe huu ushuru.

Kwa hivyo ni machungu ya kusikitisha ukiona kwamba huu ushuru unaokusanywa kutoka kwa akina mama hawa baadaye hauwarudii tena na hata kama unawarudia basi ni kwa kiwango kidogo sana. Akina mama hawa ndio hao wanateseka na afya zao ukiangalia kwa sasa kuna magojwa sugu kama vile saratani na mengineyo. Akina mama hawa wanakimbia kila siku kutafuta hapa na pale ili waweze kulipa huu ushuru na baadaye ushuru huu huwarudia uweze kuwasaidia na mambo hayo ya afya. Pia kuna watoto shule ambapo ni pesa zile ambazo zingesainia watoto wetu waweze kusoma na afya bora ipatikane.

Vile vile kilimo hakikufanya vizuri mwaka huu lakini kama ushuru huu ungetumika vizuri wale watu wengi ambao wamekufa na wanyama pia vile vile kwa baa la njaa pesa hizi ndio zilikuwa nizasaidie pia. Kwa hivyo niko na sababu zote za kusema maafisa hawa wakae kando ili wachunguzwe.

Pia kitu kingine baada ya kuleta mashahidi waliozungumza hapa ilibainika wazi kwamba hawa mabwana wawili wako na maswali ya kujibu kwa sababu kila shahidi aliyekuwa akitoa ushahidi wake majina yao yalijitokeza. Kwa hivyo nami naungana na wengine walio wengi kwamba wasimame kando ili uchunguzi ufanywe kwa sababu nikiona wale maafisaa wa chini wametolewa kazini na baada ya kusikiza ushahidi wao utagundua kuwa hawa watu walitolewa kazini lakini hawakuwa ni kazi yao ya kufanya ile ambayo walitolewa.

Mimi ninakushukuru mheshimiwa Spika. Kusema kweli haya tunayofanya kupitia wewe na usaidizi wako nina uhakika hili Bunge litasikika vizazi na vizazi na tumeacha kumbukumbu katika Bunge hili la kwanza la Kilifi Kaunti kuwa lilifanya kazi iliyokuwa ya kweli, sawa na ya uhaki. Naunga mkono hawa mabwana wakae kando ili wakafanyiwe uchunguzi. Naunga mkono Ripoti hii.

The Speaker (Hon. Kahindi): Hon. (Ms.) Ngala.

Hon. (Ms.) Ngala: Thank you for giving me this opportunity. I stand to support the Motion. I will just begin by saying this hon. House called these two officers to get information which would have assisted the whole County at large.

Mr. Speaker, but their coming here was as if they were already defending themselves because ours was just to seek for that information and to get a way forward because it is to the interest of us as a County to collect as much revenue as possible. If there are problems then they should have said we could not collect because of A, B, C and D. I am sure this House would

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have tried to assist on the way forward but because they thought they are much better than us, they did not give the information.

It is also very unfortunate because out there, we as an Assembly are being directed to and fro not knowing why and yet we have sat here to know the truth. If they would have given us the truth, the Executive and the Assembly work together and I am sure we would have charted a way forward but because they have refused they are not with the people of Kilifi. That means they do not want to see the people of Kilifi going forward and therefore we are saying they should step aside and let us do our work as hon. Members to assist the people of Kilifi. I support the Motion.

The Speaker (Hon. Kahindi): Thank you. Hon.(Ms.) Sophie Burns.

Hon. (Ms.) Sophie: Asante sana Bw. Spika. Pia mimi nasimama kuunga mkono Hoja hii. Kwangu nasema hivi, sisi kama Wabunge tunaowakilisha wananchi, pia sisi ni watungaji sheria na pia tunalinda rasulimali na ni mambo mengi yamezungumzwa kuhusu Bunge hili. Kuna wakati mmoja nikisikiza redio kuna watu fulani walitoa hoja na wakasema hilo Bunge limeoza. Sikujiskia vizuri; niliskia vibaya sana na nikajua kwamba kuna mambo fulani yanaendelea. Kwa kweli linalosemwa lipo na kama halipo linakuja na hivi limejitokeza.

Ni wakati wetu tufanye kazi. Kwa kweli itakuwa ni historia na kuonyesha kwamba yale yote ambayo yanazungumzwa na mwananchi wa Kilifi Kaunti ni kweli na hata sisi tumeyaona. Wakati ambapo tulienda kwa Gavana wakati fulani huko nyuma kulikuwa na ile kufungua roho; mimi nilikuwa nikisikiza vile ambavyo kila mmoja anajitolea kuongea lakini Gavana alikuwa hajui kunaendelea nini lakini hivi imekuwa ni wazi.

Kwa hivyo, kitu ambacho nasema, wabunge tulio hapa tuungane mkono. Tusiende mmoja nyuma na mwengine mbele. Nikisema asubuhi nimepigwa simu na nika *ignore* kwa sababu nilikuwa ninajua kile ambacho tunakuja kujadili hapa ni cha maana kwa wananchi wetu wa Kilifi Kaunti. Ikiwa sisi tutafeli, tutakuwa tunaelekea wapi? Sitaki niendeleo zaidi ila ni kwamba tusimame pamoja. Nina msembo mmoja ambao nitasema kwa upande wa Spika; Spika ni kijana mdogo lakini Mungu amempa hekima na maarifa. Luka 2:52 inasema kwamba, “Na Yesu akakua katika kimo na maarifa na hekima akipendeza Mungu pamoja na wanadamu”. Wewe una mpendeza nani? Wakati huu utatoa hesabu. Asanteni.

The Speaker (Hon. Kahindi): Hon. Gambo.

Hon. Gambo: Asante Bw. Spika. Nilikuwa nafikiri labda mashini yangu ina shida kwani nilikuwa wa kwanza kabisa kubofya niweze kuona ya kwamba naweza kuchangia katika Ripoti hii.

Bw. Spika, nasimama kuunga mkono kwa dhati Ripoti iweze kujadiliwa na kuona kwamba yale Waheshimiwa wamependekeza yaweze kufwatwa. Maofisaa hawa walidhihirishia Bunge na hata Mwenyezi Mungu kwamba ni watundu na pia ni walegevu na wakosa heshima.

Swali la kwanza tayari lilipoanza kuulizwa ni walidhihirishia Mwenyezi Mungu yale hawataweza na wakakataa hata kushika Bibilia kuweza kuapa. Wa pili naye akafwatilia hivyo na ni maofisaa hawa wawili ndio saa hii tunawazungumzia na ndio imenifanya nisimame kujadili Hoja ya kuchunguzwa na si kwamba maofisaa hawa wamechukiwa na Wabunge hawa; la hashu.

Kama ni maofisaa ama ni wenyeji wa Kilifi ambao wanapendwa na Bunge hili, hawa ndio wa kwanza kabisa. Kaunti hii ina wasomi wengi sana na wengi walijitokeza kutaka nafasi ama kazi hizo ambazo wako nazo lakini kati ya wale wote, wao ndio tuliona walifuzu kuendesha Kaunti hii vyema katika kazi zile. Kati ya kazi zao, moja wapo ni kutuletea ripoti ya zile kazi zao wanazozifanya tuweze kuchunguza kama ni kweli ule wajibu ambao tumewapa ndio wanafanya

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lakini wakatudhihirishia kwamba kazi hizi hawaziwezi na hawazijui ndio sababu hawakupenda Wabunge wao waweze kujua Ripoti hizi, Bw. Spika.

Mengi yamezungumzwa na singetaka kuregelea. Kuna msemu unaosema kwamba, ‘asiyesikia la mzazi hufunzwa na ulimwengu’. Maofisaa hawa sisi kama wazazi wao hawakutaka kutusikia lakini hata hivyo hatutaki tuwaache wafunzwe na ulimwengu. Bado tunawauliza wakae kando kidogo tuweze kuwachunguza na tunapona ya kwamba wanafaa watarudi kazini. Kama hayapendezi wananchi wa Kilifi katika maendeleo basi hatutakua tumewafanyia dhambi kwamba warudi nyumbani na wale wako tayari kufanya kazi ya maendeleo kwa wananchi wa Kilifi basi wakaweze kukaribishwa na tukaweze kuendelea vyema. Nasimama kuunga mkono Ripoti hii. Asante.

The Speaker (Hon. Kahindi): Hon. Mwathethe Adamson.

Hon. Mwathethe: Thank you, Mr. Speaker. I think unlike every day, today you have been very generous giving a chance to almost everyone and not even looking at the watch. Everybody has spoken his mind and I have also been prevailed to give my opinion.

Mr. Speaker, if the time has come, it has come. There is nothing wrong in any one who holds a public office to step aside so that investigation can be done.

We are not saying that Owen or Kai must go home; we are only saying something has to be scrutinized in their absentia and they stand to lose nothing because if they are clean they will come back. So, I am in support of this Motion. I would rather we continue to the end but then our sugar levels have gone down and I believe not only for me but even for the members of the public who are here and who also want to see the conclusion of this debate. I would urge that Mr. Speaker you put the Question because actually the end result has already been seen.

The Speaker (Hon. Kahindi): Thank you. Let us take from hon. (Ms.) Mbeyu. You have been on the waiting list since the beginning.

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker Sir. All said and done, I think you can see the whole House in support of this Report. Mr. Speaker, we are not making a judgment here but it is according to the findings; what happened in this House, the arrogance and the indisciplined officers we had and this was the finding of this House without much ado. I think is the right time now to call a spade a spade and not a big spoon; we are ready to save the people of Kilifi their faith for this Assembly. This is a legislative House and our role on oversight has to be complete here; we have done legislation, represented our people and this is the biggest representation we are doing because of the revenue of Kilifi County at large.

Mr. Speaker, Sir, the people of Kilifi are paying a lot of money; revenue is being collected and a very simple question for somebody who went to school to give us what we collected before and what we are collecting now just a comparison when two learned officers could not give. This question could have been answered in two minutes but just because they are implicated in the whole system. We are ready to tell the people of Kilifi the truth and stepping aside would be the best thing for this House to take a step ahead get these figures and tell the people of Kilifi the truth.

If the County or National Government says all Counties be independent to depend of their revenue collection what would Kilifi dwell on? What are we going to tell the people of Kilifi if we are told to be sustainable on revenue collection? It is the right time now we take action for the people of Kilifi to know from all corners of Kilifi County this is the kind of work the private company RainDrops was collecting against what the defunct local authorities were collecting.

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Mr. Speaker, Sir, if I have to add, the issue of revenue collection has done harm. Look at the cases we have had on RainDrops; Kilifian are watching and this House has reached a point that it would make a decision. Let the two step aside and let this House take steps to tell the truth to Kilifians on how the revenue collection is done and if it is of any benefit or loss to Kilifians it will speak; they are watching and they know what is happening. Thank you Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Hon. Members, a Motion has been tabled today for debate for the adoption of the Second Report of Committee on General Oversight on the conduct of the County Secretary and the Chief Officer Finance on Tuesday 6th November, 2016 at the County Assembly chambers.

(Question put and agreed to)

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Speaker (Hon. Kahindi) left the Chair]

IN THE COMMITTEE

[The Chairperson (Hon. Mwambire) took the Chair]

THE KILIFI COUNTY PLANNING BILL, 2016

The Chairperson (Hon. Mwambire): Yes take your positions. Hon. Members welcome to the Committee of the whole House. We are now deliberating on the Bill for the introduction to the County Assembly of Kilifi; The Kilifi County Planning Bill, 2016. Just as you know the rules have been relaxed and a Member can speak more than once but the other rules are still in force. So please be attentive as we move very fast. I want to call upon the Clerk to read through the Clauses, so that we can move as fast as possible.

Clause 3

Hon. Muhambi: Thank you Chairperson. I hereby beg to move the following amendments;

THAT Clause 3 be amended by inserting the phrase “coordination in respect of both national and County projects, to address environmental aspects of physical planning; urban area planning among other important objectives” between the words “planning” and “and” to read as; “The object of this Act is to provide for a legal framework to provide for County Planning, coordination in respect of both national and County projects, to address environmental aspects of physical planning; urban area planning among other objectives and to”.

(Question of amendment proposed)

(Question that the words to be inserted in place thereof be inserted, put and agreed to)

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(Clause 3 as amended agreed to)

Clause 4, 5, 6, 7, 8 and 9

(Clause 4, 5, 6, 7, 8 and 9 agreed to)

Part 2 Clause 10

Hon. Muhambi: Thank you Chairperson. I hereby beg to move the following amendments;

THAT, Clause 10 be amended by deleting the words “Director of Economic Planning” to read as, “There shall be a County Planning Unit which will be comprised of The Director of County Physical Planning”

(Question of amendment proposed)

(Question that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 10 as amended agreed to)

Clause 11 and 12

(Clause 11 and 12 agreed to)

Clause 13

Hon. Muhambi: Thank you Chairperson. I hereby beg to move the following amendments;

THAT, Clause 13 (2) I be amended by deleting Local Authority and replace with County Government to read as; “13(2) I hear appeals lodged by persons aggrieved by the director or County Government authority”.

(Question of amendment proposed)

(Question that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 13 as amended agreed to)

Clause 14, 15, 16 and 17

(Clause 14, 15, 16 and 17 agreed to)

Clause 18

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Hon. Muhambi: Thank you Chairperson. I hereby beg to move the following amendments;

THAT, Clause 18 be amended by renumbering it to clause 17.

(Question of amendment proposed)

(Question that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 18 as amended agreed to)

Clause 19

Hon. Muhambi: Thank you Chairperson. I hereby beg to move the following amendments;

THAT, Clause 19(1) be amended by deleting Local Authority and replace with County Government to read as; “19(1) No person shall carry out development within the area of the County Government without a development permission granted by the planning unit”.

(Question of amendment proposed)

(Question that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 19 as amended agreed to)

Clause 20

Hon. Muhambi: Thank you Chairperson. I hereby beg to move the following amendments;

THAT, Clause 20(1) be amended by deleting Local Authority and replace with County Government to read as; “20(1) any person requiring development permission shall make an application to the County Government”.

(Question of amendment proposed)

(Question that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 20 as amended agreed to)

Clause 21

Hon. Muhambi: Mr. Chairperson, I beg to move:-

THAT, Clause 21, 22, 24, 25 & 26 be contained in a substantive part of the Bill to be titled as types of County plans.

(Question of the amendment proposed)

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(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 21 as amended agreed to)

Clause 22

Hon. Muhambi: Mr. Chairperson, I beg to move:-

THAT, Clause 22 be amended by deleting the Clause 7 and inserting Clause 5 to read; “Every plan prepared in accordance with section 5 shall be approved by the County Assembly pursuant to Article 185 of the Constitution”.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 22 as amended agreed to)

(Clause 23 agreed to)

Clauses 24 & 25

Hon. Muhambi: Mr. Chairperson, I beg to move:-

THAT, Clauses 24 and 25 be contained in a substantive part of the Bill to be titled as types of County plans.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clauses 24 & 25 as amended agreed to)

Clause 26

Hon. Muhambi: Mr. Chairperson, I beg to move:-

THAT, Clause 26 be contained in a substantive part of the Bill to be titled as types of the county plans.

THAT, Clause 26 (2) be amended by deleting section 100 and 101 and be replaced by section 102 and 103 to read as; “the spatial plan, which shall be spatial development framework for the county, shall- give effect to the principles and objects contained in sections 102 and 103 of the County Government Act, 2012”.

(Question of the amendment proposed)

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(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 26 as amended agreed to)

Clause 27

Hon. Muhambi: Mr. Chairperson, I beg to move:-

THAT, Clause 27 be amended by deleting municipal and replace with County to read;

- (1) For each county there shall be the following plans
 - a. County land use plans
 - b. County building and zoning plans
- (2) County plans shall be instrument for development facilitation and development control within the county.
- (3) County plans shall, within the county, provide for-
 - a. Functions and principles of land use and building plans;
 - b. Locations of various types of infrastructure within the county;
 - c. Development control in the county within the national housing and building code framework.
- (4) County land use and building plans shall be binding on all public entities and private citizens operating within the county.
- (5) County land use and building plans shall be the regulatory instruments for guiding and facilitating development within the county in relation to the devolved system of Government.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 27 as amended agreed to)

(Clauses 28, 29, 30, 31 and 32 agreed to)

(Clause 33, 34, 35, 36, 37 and 38 agreed to)

Clause 2

Hon. Muhambi: Mr. Chairperson, I beg to move:-

THAT, Clause 2 be amended by inserting new interpretations;

1. Registered physical planner means a person who is holding a certificate as a registered physical planner under section 7 of the Physical Planners Registration Act, 1996.
2. Liason committee means the Kilifi County Liaison Committee
3. Director means County Director of Physical Planning

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4. Industrial area or zone means any area or zone restricted for use of industrial purposes and includes land or building to be reserved for or used for public purposes.
5. Residential area zone means any area or zone restricted for use exclusively for residential purposes and includes land reserved for open spaces, sports grounds or land reserved for public purposes.

(Question of amendment proposed)

(Question, that the words be inserted in place thereof be inserted put and agreed to)

(Clause 2 as amended agreed to)

The Short Title

Hon. Muhambi: Mr. Chairperson, I beg to move:-

THAT, the Short Title be amended by inserting the word physical between the words county and planning to read as the Kilifi County Physical Planning Bill, 2016...

(Question of amendment proposed)

(Question the words be inserted, inserted put and agreed to)

(The Short Title as amended agreed to)

(Question put and agreed to)

Long title

Hon. Muhambi: Hon. Chairperson I beg to move:-

THAT, The Long Title be amended by inserting the word “physical” between the words “County” and “planning” to read as; The Kilifi County Physical Planning Bill, 2016.

(Question of the amendment proposed)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(The Long Title as amended agreed to)

Hon. Muhambi: Mr. Chairperson I beg to move that the Committee do report to the House its consideration of The Kilifi County Physical Planning Bill, 2016 and its approval thereof with amendments. Thank you.

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(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon. Kahindi) in the Chair]

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE KILIFI COUNTY PHYSICAL PLANNING BILL, 2016

Hon. Mwambire: Hon. Speaker, I beg to report that the Committee of the Whole House has deliberated on The Kilifi County Physical Planning Bill, 2016, and approved the same with amendments.

Hon. Muhambi: I beg to move that the House do agree with the Committee in the said Report. I call upon Hon. Mwambire to second.

(Hon. Mwambire seconded)

(Question proposed)

Hon. Mwambire: Thank you very much Mr. Speaker for allow me time to support the adoption of this Report. If this Bill goes through definitely we will get the clear guidance on how matters of land in this county will be handled. We have been having a lot of issues with our towns in the entire county because of lack of proper legislation. This is a great milestone which I think if Members will support then we will be moving forward and I believe by the time we to go for elections we will have moved much higher than the way we are. It is high time this county should have clear guidelines on how best the functions that are devolved are well carried on.

We have been having some challenges of a number of Motions that are raised in this House to seek the County Government to undertake certain functions but due to lack of proper laws and legislations that could guide the Executive on how best they could undertake those functions, that has been a very big challenge to them. Now that we are coming up with this Bill, I believe if Members will support after a period of three months the Committee on Implementation can come back with great Reports about even some of the Motions we have passed in this House Mr. Speaker, because this was what was hindering the Executives to move forward in actualizing the Motions that we adopted. With those few observations, I call upon the House to support the adoption of this Motion.

(Question put and agreed to)

Hon. Muhambi: Hon. Speaker, I beg to move:-
THAT, The Kilifi County Planning Bill, 2016 be now read a third time. I call upon hon. (Ms.) Teclar to second.

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(Hon. (Ms.) Teclar seconded)

(Question proposed)

*(The Bill was accordingly read
the Third Time and passed)*

Hon. (Ms.) Teclar: Asante mheshimiwa Spika kwa kunipa nafasi hii ya kuweza kuchangia Mswada huu wa mambo ya ardhi. Ni kweli kwamba tukiwa na mikakati mizuri na mwelekeo huu itakuwa sehemu zetu nyingi sana za kupanga miji yetu itakuwa inaendeshwa vizuri. Kwa sababu wakati huu miji inakua na bila kufanywa mipangilio itakuwa sasa hakuna barabara na nyumba nyingine zitakuwa zimeshikana ambapo sasa itakuwa ni shida hata ukitaka kupitisha chombo chochote pale huwezi ukaingia katika sehemu nyingine ndani ya mji.

Kwa hivyo ikiwa mipangilio itawekwa vizuri itakuwa ni vyema; tutakuwa na majengo ya kisawasawa, itakuwa sasa majengo yanaenda vizuri na barabara zetu zitaweza kuboreshwa na miji yetu itakuwa ikinawiri kwa hivyo nimesimama kuunga mkono Mswada huu uweze kupita vyema. Asante.

(Question put and agreed to)

The Speaker (Hon. Kahindi): Thank you. Hon. Pascal, you had a Notice of Motion? Please since it is just a Notice, I will give you two minutes to do that.

NOTICE OF MOTION

FORMATION OF A TALENT TAPPING SECTION IN THE DEPARTMENT OF EDUCATION

Hon. Pascal: Thank you Mr. Speaker for giving me an opportunity to move to this hon. House a Notice of Motion to the Department of Education, Youth Affairs and Sports;

AWARE THAT, talent is a natural gift that is unique and might not be easily found in any other person.

FURTHER AWARE, that when managed properly talent can be a good source of investment to the talented person.

NOTING WITH CONCERN THAT Kilifi County has many people whose talents remain untapped and are languishing in abject poverty because they lack the necessary support to make their talent productive.

NOT FORGETTING THE FACT THAT many countries e.g. Zaire, Congo, Tanzania have established special docket and Departments that deal in talent building and tapping in different fields like music, dancing, comedy, acting e.t.c. thus, addressing unemployment and revenue enhancement in those countries.

This Motion calls the County Executive Committee Member for Education, Youth Affairs and Sports to come up with policies that will see the formation of a fully fledged section

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within the Department that deals with talent tapping and maturing to assist the many different talented youth within the County.

ADJOURNMENT

The Speaker (Hon. Kahindi): Thank you. I think now we have come to the end of the morning session. In the absence of any other Business, I would request that Members resume at 3:30 p. m for the afternoon session so that you have one hour health break. We are adjourned.

The House rose at 2:45 p.m.