



REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI
SECOND ASSEMBLY –THIRD SESSION
THE HANSARD

Tuesday, 9th July 2019

*The House met at the County Assembly Chamber,
Malindi Town, at 9:30 a.m.*

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

PRAYERS

COMMUNICATION FROM THE CHAIR

VISITING STUDENTS FROM DUNGICHA PRIMARY SCHOOL

The Speaker (Hon. Kahindi): Hon. Members, I wish to acknowledge the students seated at the gallery from Dungicha Primary School. The students are here on a study visit to appreciate the legislative procedures, traditions and parliamentary practice. I request each of the students to stand up whenever your name is called upon and this is in line with the traditions and practices. We have:

1. Samuel Charo
2. John Mangi
3. Nickson Kenga
4. Rodgers Ponda
5. Kitsao Ponda
6. Moses Charo
7. Jackson Charo
8. Thoya Wasi
9. Benson Kazungu
10. Jacob Beja

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11. Mohammed Ndokolani
12. Peter Safari
13. James Dena
14. Sofia Bora
15. Sofia Charo
16. Dama Moses
17. Harriet Nyevu
18. Fransisca Kalume
19. Konde Alfonse
20. Hendry Kalume
21. Kalama Karisa
22. Mulewa Karisa
23. Juliet Amina
24. Furaha Hare
25. Emily Silani
26. Kadzo Benson
27. Mary Rehema
28. Hadija Amina
29. Joyce Amina
30. Mohammed Kenga
31. Omar Charo
32. Martin Mramba
33. Gabriel sifa
34. Zainab Karisa
35. Mwanajuma Karisa
36. Kadzo Kalume
37. Matilda Mbonga
38. Rehema Kadhengi
39. Cosmas Maitha
40. Pricillar Jaji
41. Margaret Karemba
42. Selina Ramadhani
43. Bakari Kenga
44. Kitsao Katana
45. Khamis Karisa
46. Bakari Tumaini
47. Anthony Kazungu

The said students are accompanied by their respective teachers. We have;

1. Anderson Mbaru
2. Daniel Wanjala
3. Cynthia Asila and
4. Jessie Mwaringa

On behalf of the County Assembly of Kilifi and on my own behalf, I welcome you to the County Assembly of Kilifi. Thank you.

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As a matter of practice I will give one Member to welcome you. Dungicha is in which Ward? Anybody who is from Ganze Sub-County to welcome the students? Hon. Thaura Mweni.

Hon. Thaura: Thank you Mr. Speaker, for giving me this opportunity to welcome the students from Dungicha Secondary School which is situated in Ganze Sub-County where I also happen to reside. I am hon. Thaura Mweni the Member for Sokoke Ward. I would like to take this opportunity to welcome you to this hon. House. I believe you will teach yourself a few tricks which will be important to you as you prepare yourselves to be leaders out there. I believe this hon. House actually emulates what happens in the National Assembly so as students who aspire to be leaders, you will be acquitted with tips that you can actually use as you prepare to be citizens of good reputation out there.

One thing I would like to tell you is, as students, you need to have self discipline. Being a leader isn't actually very easy and you should actually start from an early age. At this time you are actually at the right position and I believe as you prepare yourself for what will happen in your life, you will realize that as leaders here we believe that we are making the right strides to make sure that we prepare you to actually get what can make you achieve a good life. Here in this House, we believe that we have role to play in the society when it comes to education.

This hon. House has different Committees and one of the Committees is to look into the payment of bursaries and scholarships. We believe as leaders, we look into your welfare to make sure that you actually have a swifter environment in paying fees in your schools. So, students and teachers, I would like to welcome you to this honourable House and I believe that you will learn a few things that are very important in actually preparing you to be good leaders. Welcome and God bless you.

The Speaker (Hon. Kahindi): Thank you very much. Next Order!

MOTION

THE FIRST ADDRESS OF THE SECOND COUNTY ASSEMBLY
BY SEN. JUSTICE (RTD.) STEWART MADZAYO

The Leader of Majority (Hon. Mwathethe): Thank you Mr. Speaker for giving me a chance to Move this Motion. Mr. Speaker, yesterday I gave a Notice of Motion that today we would be discussing the speech of the Senator which was given on the 14th of November last year (2018).

Mr. Speaker, we should have discussed the speech thereafter but because of unavoidable circumstances, we were not able to and as a matter of procedure, it is necessary that we ventilate on it. Before I give a chance to my colleagues to second me, I have just but very few remarks to say...

The Speaker (Hon. Kahindi): Yes, hon. Kiraga.

Hon. Kiraga: Thank you so much Mr. Speaker. I am very concerned with the massive exit of the hon. Members from the Chamber. I do not know what is happening but I think we should be told what is happening because we cannot have a lot of hon. Members just getting out and yet we have very important Business we are about to undertake in this House. Thank you.

The Speaker (Hon. Kahindi): You know for as long as we have quorum, I really do not care. Let us proceed. Hon. Kiraga, as long the House has quorum, whoever wishes to walk out I am sure they have been paid to be here and the people of Kilifi are here to watch. So, if they have any other better reason not to be in this Chamber it is not my business. They are being paid

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by the public tax payer's money to come and represent them inside this Chamber. So, it is up to them; it is actually none of our business for as long as we quorum, the Assembly will transact its Business. Hon. Majority, kindly proceed.

The Leader of Majority (Hon. Mwathethe): Mr. Speaker, I was being advised by the Clerk...I gave a Notice of Motion yesterday which I want to move now:-

THAT, Pursuant to the provisions of the Standing Order 20 (5), the Thanks of the County Assembly recorded for the exposition of Public Policy contained in the First Address of the Second Assembly by Senator Justice (Retired) Stewart Madzayo (Wednesday, 14th November 2018) laid on the Table of this honourable House on Monday, 8th July, 2019.

This is perhaps one of the longest speeches that the Senator has been able to give in this House because it is a 16 page speech. But, again you will remember it was given last year.

I would wish to quote just but a small paragraph that the Senator talked about. This paragraph is found on page five and it is the second paragraph. After the Senator had said so many things then he had this to say which I wish to read; "This was in my view, the best test for the 2nd Senate of the Republic of Kenya. Devolution will survive only when men and women of courage set aside their partisan and selfish interests for the greater good of the country.

Mr. Speaker Sir, the Senate of the Republic of Kenya is prepared to co-operate and collaborate with the County Assemblies to ensure that devolution in Kenya is a success. We must collectively exorcise the ghosts of 1966, which led to the abolition of the first Senate of the Republic of Kenya. Sessional Paper Number 10 of 1967 is possibly the genesis of all the inequalities highlighted in the advisory opinion."

As I had said, this speech is a bit long but particularly this paragraph reminds me of the dangers that transpired last week. Last week, there was a Motion in the National Assembly where MPs were discussing and trying to threaten the Senate and thereby threaten devolution at large. It is known by Constitution that the Senate is the protector and safe-guarder of devolution. Without the Senate, devolution will be at risk. MPs have now ganged up. They are saying they are more senior than the Senators. In my opinion, I think they are threatened by the Senators. All this is an indication that something is wrong because for us to start thinking of abolishing the Senate knowing very well that without the Senate we will not have devolution.

In any County that you walk into today, like in Kilifi County where we are as we already know, roads, ECDs (Early Childhood Development), bursaries and so many other things that were not there before and now they are here because of devolution. As County of Kilifi and all the 47 Counties of Kenya, we must stand against the wish of Member of Parliament (MPs) to try and threaten devolution.

All these goodies that we have seen will be abolished when we remove devolution even my position as the Member of County Assembly. We have seen the greed of MPs trying to gang up and coming up with a way of removing Senators. Senators today are thinking of going to court so that they can get protection from the court. We have to mobilize our people and ourselves all over across the County to see that devolution is protected...

(Hon. Kiraga stood on a Point of Information)

The Speaker (Hon. Kahindi): Yes hon. Kiraga. Hon. Majority Leader would you like to be informed by hon. Kiraga.

The Leader of Majority (Hon. Mwathethe): Hon. Kiraga is a friend of mine. I would like to hear what he has to say. It is important to be informed.

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The Speaker (Hon. Kahindi): Yes hon. Kiraga proceed.

Hon. Kiraga: I wish to inform the hon. Leader of Majority that in this County as it is today we can still operate without the Senate. In fact, the Senate has done more harm than good; that is what I wanted to inform him.

The Speaker (Hon. Kahindi): Hon. Majority Leader, are you satisfied with that kind of information?

Hon. Mwathethe: Mr. Speaker, it is his opinion and I respect him but according to me holistically there would be a problem. I will just windup because the Speech is long and I would also like to give my colleagues a chance to air their views but not before I am seconded by my Chief Whip hon. Mwayaa.

(Hon. Mwayaa stood to second)

The Speaker (Hon. Kahindi): Hon. Members, a Motion has been presented by the Leader of Majority for the discussion of the Senator's earlier Speech.

(Question Proposed)

Hon. Mwayaa: Mheshimiwa Spika nakushukuru kwa kunipa hiyo nafasi niweze kunena machache kuhusu hotuba ya Seneta wetu. Hotuba hiyo iligusa mioyo ya wengi ndani ya Kilifi hii. Nasema hivyo kwa maana alisema tuwache tofauti zetu tulizo nazo na kuhudumia watu wetu wa Kilifi. Kama unavyoona hapa, tulichanguliwa na vyama tofauti, na tukiacha tofauti hizo tutalenga maendeleo na kuhudumia watu wa Kilifi.

Katika hotuba yake Mheshimiwa Madzayo, aliongea kuhusu Galana Kulalu ambako ni mahali kunakokuzwa chakula. Pia alisema kwamba watu wa Serikali kuu walikuwa wanasimamia ule mradi. Aliiomba Kamati yetu ya Ukulima ya Kaunti ikaangalie na kuchukua ile sehemu pale panapokuzwa chakula kwa sababu Kilifi ni sehemu ambayo ina njaa.

Pia aliongea kuhusu hati miliki za ardhi, na akatoa mfano wa *Kilifi Farm* ambayo iko hapa Sabaki. Akaendelea kutoa mfano wa Mwendu wa Panya iliyopo katika sehemu ya Mtepeni na kuagiza Kamati ya Ardhi kufika na kufanya kazi kwa haraka kuhakikisha sehemu zilizo na utata zimepimwa na watu wapate hati miliki za ardhi ili tusiwe maskota katika Kilifi yetu.

Kwa maoni yangu, hotuba yake iligusa mioyo ya watu wa Kilifi; mimi nikiwa mmoja wao na ni kiongozi ambaye nimeongoza kwa muda mrefu. Hizi ndio hotuba ambazo tukizifwatilia kama waheshimiwa wa Bunge hili, tutasonga mbele na kuwahudumia watu wa Kilifi...

(Hon. Kenga stood on a Point of Order)

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

Hon. Kenga: Mr. Speaker, I am rising on a point of Order concerning what the Member on the Floor is saying. Galana Kulalu is in my Ward. By him saying that the issues that the Senator was talking about will in a way improve the people of Kilifi, I want to say that Galana Kulalu is a National Project not a County project. We have tried as an Assembly to make follow up on the same. Why is it that the Senator is trying to run away from responsibilities? He is just saying things that do not amount to anything. I thought as a Senator he has every reason to get

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into these issues by himself through the Senate instead of engaging the County Assembly like the issues of ADC land; these are lands of National Government and not of the County Government.

So when he says he is pushing the County Assembly through its Committees to take up these issues, he is running away from his responsibilities as the Senator. We need to see him coming up clearly and strongly in advocating for the issues of the people of Kilifi. He is misleading us; we know we have a role to play and we are playing our role as legislative Members of the Assembly but the Senator must up his game.

The Speaker (Hon. Kahindi): Thank you hon. Kenga. Yes hon. Mwayaa.

Hon. Mwayaa: Mheshimiwa Spika, sijui kama hiyo ni *point of information* ama *Point of Order*, kwa sababu naona alikuwa anataka kunijaza mambo fulani na mimi kwa ujuzi wangu niliongoza kwa muda mrefu na nina ujuzi wa kutosha. Singependa anifahamishe kwa sababu wahenga walisema, *'charity begins at home.'* Kulingana na hotuba ya Senator, alikuwa anasema tuanzie hapa nyumbani kwa sababu sisi ndio tunajua shamba la ADC liko wapi. Sasa ukisema Senate itoke kule...

(Hon. Kiraga stood on a Point of Order)

The Speaker (Hon. Kahindi): Yes hon. Member that is a Point of Order or a Point of Information?

Hon. Kiraga: It is a Point of Order No. 87. I think the Member who is also the Chief Whip is misleading this House. I do not know whether he knows the roles of the Senators. We cannot form smaller Committees in the County Assembly to execute issues of the National Government. The Member should be informed of the roles of the Senate *vis-a-vis* the roles of the County Assembly. As the Deputy Speaker has put it, we have a role as a County to venture into a National project. In his speech he could have at least told us that I have presented this matter to the Senate and this is where we are as the Senate.

He cannot come here and tell us that the Committee on Agriculture to go to Galana Kulalu and do some fact finding and try to rescue whatever is happening there. If you look at the speech the Senator violated, it is like he does not know his roles and our roles. So I think the Chief Whip, I don't know whether he has read this speech *vis-a-vis* the roles as enshrined in the Constitution more so in the County Government Act. Let us stick to our roles. Is this speech worth discussing? I don't think it is because there is nothing that will come out of this speech Mr. Speaker.

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

Hon. Mwayaa: Mheshimiwa Spika, Bibilia inasema tuwasamehe kwa maana hawajui wanalosema. Ni kwamba ni sisi viongozi wa Kilifi ambao tulisimama na tukasema ya kwamba Galana Kulalu ni mradi ambao umeletwa na Serikali kuu na hautatusaidia sisi kama watu wa Kilifi kwa sababu viongozi na wakaazi wa Kilifi hawajashauriwa. Tulivyoongea hivyo kwa sauti kubwa ni kama ambaye Serikali kuu ilitusikia wananchi na viongozi wa Kilifi na hivyo ikabidi Seneta aje na kwamba Kamati yetu itembelee kule maanake sauti hii iliyosemekana Kilifi ni yetu na mlango wetu uligongwa na kabla ya kufungua wakaingia.

Sasa inabidi Kamati yetu ya Kilimo itembeee Galana Kulalu ili kwamba tuchukue ule mradi na unufaishe watu wa Kilifi. Ni sisi viongozi wa Kilifi ambao tulipiga kelele kwamba mahindi yale ya Kulalu yanayopandwa kule ama chakula kile hata mahali ambapo kinawekwa hatujui na ikiwa ardhi ni yetu na Galana Kulalu iko Kilifi. Sauti zile baada ya kuzipiga kama viongozi wa Kilifi ndio Seneta akaja na sauti hii. Ndio maana nikasema tuwasamehe maana

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wamesahau. Kwa hivyo, mnasema ya kwamba hawa wanaojaribu kupita mbele yangu ni kwamba hawajasoma vizuri ama pengine hii hotuba ni ya kitambo kwao.

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

Hon. Mramba: Yes, I have a Point of Information.

The Speaker (Hon. Kahindi): Hon. Mwayaa, do you wish to be informed? It is your choice to make though.

Hon. Mwayaa: Mheshimiwa Spika nina ujuzi mwingi sana kwa sababu hii kazi nilianza zamani lakini kwa sababu Mramba ni rafiki yangu acha azungumze machache.

Hon. Mramba: Okay, I wish to come to the rescue of hon. Mwayaa because it seems there is a calculated move by the Member for Adu and Gongoni. They have combined forces to scuttle this process. For information purposes, after the speech of the Senator, the Governor himself requested this Assembly to appropriate Kshs30 million so that as Kilifi County Government we would start our own Galana Kulalu if I am not mistaken. We did allocate Kshs30 million so that the Governor himself his Excellency Governor Amason Jefwa Kingi ...

(Hon. Kenga stood on a Point of Order)

The Speaker (Hon. Kahindi): There is a Point of Order on that Point of Information.

Hon. Kenga: Mr. Speaker, let us not allow Members of this hon. House to mislead this Assembly. At what time was this speech presented in this House?

The Speaker (Hon. Kahindi): 2018.

Hon. Kenga: 2018 what time because hon. Mramba is talking about the Governor having called for allocation of resources in the budget for the issue of Galana Kulalu, what time was this speech?

The Speaker (Hon. Kahindi): 14th of November 2018.

Hon. Kenga: Now if we are talking of 14th of November 2018, that means we were already in the financial year 2018/2019. So why is it that the Member for Kakuyuni is misleading this House because we had already passed the budget? In fact, remember I was the one who moved the Motion regarding the issue of Galana-Kulalu. I was seconded by the Member for Marafa. So we want to hear what the Senator has done...

The Speaker (Hon. Kahindi): And for that reason the delivery unit from the Office of the President came specifically looking for you.

Hon. Kenga: Yes! So he should withdraw and even apologize. Remember we have students from Dungicha in Sokoke Ward and they want to see the dignity of this House. If we allow Members to just provide information that is not factual then they are even worried on the kind of leadership we have.

The Speaker (Hon. Kahindi): Let us not go there.

Hon. Kenga: Thank you Mr. Speaker.

The Speaker (Hon. Kahindi): Yes hon. Mramba, you still want to inform hon. Mwayaa despite the Point of Order? Or now you wish to inform hon. Stanley (Kenga)?

Hon. Mramba: Yes! As I had stated earlier, there is a very calculated move by the two Members but nevertheless I wish to inform hon. Mwayaa that it is this Assembly that allocated Kshs30 million to be set aside as Kilifi County for Galana- Kulalu project and the Governor himself told us that we had been allocated 400,000 acres of land at Galana Kulalu if I am not mistaken. We allocated Kshs30 million for that purpose but where did it go? What was done remains a mystery. We allocated money and nothing happened. So I wish to inform ...

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The Speaker (Hon. Kahindi): So are you saying the Kshs30 million that was allocated for the Kilifi Galana Kulalu is also a mystery?

Hon. Mramba: Nothing! I stand to be corrected. It is not a matter of blaming the Senator alone. Let us look at our House first before we blame hon. Mwayaa.

The Speaker (Hon. Kahindi): Now I understand where you are coming from. Hon. Mwayaa, wind up please.

Hon. Mwayaa: Asante mheshimiwa Mramba maanake inaonekana tuko pamoja. Nakumbuka ...

The Speaker (Hon. Kahindi): If you heard what hon. Mramba has concluded, he concluded by saying you don't just go for the Senator. The problem is with the County Government of Kilifi...

Hon. Mwayaa: Na mimi namuunga mkono kwa kusema alikuwa karibu kuwa diwani wa hapa Malindi kwa sababu ya ushauri wake na mimi wakati huo nilikuwa diwani wa kule Mariakani na ndio maana tuko washupavu. Ukiangalia hivi hapa mheshimiwa Seneta maanake alituma Kamati kutoka Bunge la Kilifi. Hakungoja Kamati itoke kule juu ije iingilie tena mambo ya Kilifi. Alisema Kamati ya hapa ishughulike kuenda Galana- Kulalu na ikaangalie vile ardhi iko na vile imepangwa ili kwamba pesa zile ambazo Mramba amesema zikaweze kufanyia kazi watu wa Kilifi.

Pili, akaongea kuhusu ADC; ADC ni kama tunavyojua. Tuna mheshimwa Dele aliyeshikwa na akapelekwa mahakamani. Kwa hekima yake Seneta akasema lile shamba lichunguzwe na Kamati ya hapa ili kusishikwe mheshimiwa mwingine na afungwe. Hotuba ya mheshimiwa Seneta ina nguvu na kama ingekuwa pengine ni mbolea ni mbolea ambayo imejaa mambo mazuri.

The Speaker (Hon. Kahindi): Okay, thank you. Lets us hear from hon. Stanley (Kenga).

Hon. Kenga: Thank you. I had not wanted to be the first one after the Seconder to make my contributions but let me say thank you for giving me this opportunity. The speech by the Senator is very disappointing. The Senator is doing his second term and the great citizens of Kilifi had very high expectations from their Senator in terms of his performance. We have and from experience; the First Assembly did not have an opportunity to interact with the Senator. Our point of interaction was when the electioneering period was just approaching and then he thought it is wise to come and address this County Assembly. So we worked as orphans, without the advice that we had expected from the hon. Senator.

Then came the Second Assembly; we thought he was going to learn from the past mistakes but like I want to take you to page nine of the speech where he is talking about the wildlife conflict in the larger Arabuko area that should be taken seriously. Indeed it is true that many residents have suffered from destruction of their crops or loss of their relatives because of the human wildlife conflict. But, again when he is trying to engage the County Assembly through its Committees to engage the County Wildlife Conservation Committee, the funds are coming from the National Government; it is the National Government where compensation is supposed to be made.

Mr. Speaker, you will realize we have so many cases for so many years where people have not been compensated either on the issues of destruction of crops or the loss of lives of their relatives. We want the Senator to come out very clearly and tell us what steps he has taken to ensure that these problems are addressed because it is not for him to now talk about ...yes; it is indeed very true that there has been a lot of destruction but what is he doing as a Senator? How is

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he engaging the offices in the National Government so that funds can trickle from Nairobi and make sure that people are compensated?

Mr. Speaker, when the legislator for Kakuyuni was informing the Whip, if I was the Whip I would not have accepted the kind of information that was being given. We are considering the speech of the Senator and not the speech of the Governor. The Governor did what we expected; an allocation was made after we passed the Motion. There was an urge to make sure that we set aside some funds for the projects. These funds were available during the Supplementary Budget. They were taken to other projects because at that time we were not in a position as a County to execute the projects that were there. These funds were not misappropriated, it was done through the window...and the Budget is here.

When Members do not follow the proceedings of the Assembly and do not even follow what is happening in the County then they are always getting confused on matters that are very obvious. Therefore, we are saying as a County and as a leader I am very disappointed and I do not see anything good from this speech from the Senator. He needs to come out very clearly with measures that will address the perennial issues that have been hindering the people of Kilifi but not just talking of goodies or just showing that have nothing. It is only when we see action then we can be able to take him seriously. We have engaged him; personally I have engaged him on various issues and nothing of importance has been able to come out of the discussions that we have had. I am disappointed in his speech...

(Hon. Mbura stood on a Point of Order)

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

Hon. Mbura: Thank you Mr. Speaker. Although the Senator as the Deputy Speaker says he has not given us a way forward on the problems, rather he has highlighted the problems to us. Hence it is us to take advantage of that fact and take action towards them. One thing that I support the Senator on his speech is immediately...

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

Hon. Mbura: I am just standing a Point of Information on...

The Speaker (Hon. Kahindi): Okay, if it is a Point of Information, I will have to ask the Member if he wishes to be informed. Hon. Stanley (Kenga), do you wish to be informed by hon. Mbura?

Hon. Kenga: From the first time that I was born, I was informed and I do not wish to take more information.

The Speaker (Hon. Kahindi): Hon. Mbura, hon. Stanley (Kenga) wishes not to be informed. So, that one passes.

Hon. Mbura: Let me take this opportunity then to give my ...

The Speaker (Hon. Kahindi): It is either a Point of Order or a Point of Information. You said you wanted a Point of Information and he says he does not wish to be informed so that rests the matter. Unfortunately he does not wish to be informed; so maybe in your submissions you can craft a way of informing him. Hon. Stanley (Kenga) I hope you are done?

Hon. Kenga: Thank you very much, I am disappointed.

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

Hon. Masha: Thank you Mr. Speaker for giving me this opportunity and for the benefit of the visitors I am hon. Maitha Masha representing Jaribuni Ward. Dungicha is in Ganze Ward and it is central. I have students from Jaribuni who are learning there and I believe the other

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wards in Ganze Sub-County have students who are learning at Dungicha Secondary School. It is one of the schools we benefited from the CDF (Constituency Development Fund).

Coming to the speech from our hon. Senator, I also lodge my disappointment. Mr. Speaker, I wonder if this speech is coming from a retired judge. From the introduction on page one, allow me to read; “Mr. Speaker, I wish to be on record that I am addressing this house as son of this Coast soil, a Honorable member of the senate and most centrally as a Pan-Africanist. I was elected to represent this country in the affairs of the continent in the Pan-African Parliament that sits in South Africa. So honourable Members, as I present this address to you, let it be known that I am extending on the mark of the First Pan-African Nationalists.”

How can a Pan-Africanist Mr. Speaker become a tribalist? If we go to page 13...not 13 Mr. Speaker but page 14, he gave a story here if you allow me to read ...

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

Hon. Masha: “Honorable members, let us imagine of this situation where a child born in Shirango walks more than ten kilometers to join Jira Primary school, gets an average performance in his KCPE (Kenya Certificate of Primary Education) and walks an additional ten kilometers to join Midoina Secondary. This student through the make-break situation is forced to take six years to finish secondary school contrary to the status quo. The boy gets C plus grade and goes to college. He takes a diploma, then bachelors’ degree and ends up graduating with a masters’ degree. Remember that all through this, the boys’ parents are around the buffer zone of Tsavo East illegally burning charcoal to sponsor the education of their child. I am inviting you to simply see a typical situation of the process that a child of this soil has to go through to acquire genuine papers.”

Honourable Members, think of the sort of disappointment that shall be brought to the life of that student, now professional if he attends an interview and wins but the position is awarded to a person who grew up in a wealthy family in Mandera, never went to school and who rushed to River Road in Nairobi to make fake papers after realizing their importance. I am talking about a process that took him only one day...”

Now, him being a tribalist, why is he quoting somebody from Mandera? We have these tribes living in Kilifi and he went further telling us that we have fake papers. He went further and mentioned this person but never mentioned the one who had the genuine papers. So, how is he becoming a Pan-Africanist then turns to become a tribalist Mr. Speaker?

The Speaker (Hon. Kahindi): It was rather too personal...proceed.

Hon. Masha: I guess that is the right word. I still wonder because this is the second term for hon. Senator Madzayo but he is still bringing a feasibility study report that he went round and saw a boy from Midoina but still went round to Galana-Kulalu without solutions. I am disappointed by this and I believe this is not a report from the hon. Senator but may be somebody, a spanner boy wrote this Report.

(Hon. Mwayaa stood on a Point of Order)

The Speaker (Hon. Kahindi): Yes, there is a Point of Order.

Hon. Mwayaa: Nataka kumwambia kwamba katika Katiba ya Kenya...

The Speaker (Hon. Kahindi): Ni Hoja ya Nidhamu ama ya Kumfahamisha?

Hon. Mwayaa: Ni Hoja ya Nidhamu. Je anajua kwamba katika Katiba ya Kenya asilimia 70 wanafaa kuwa wenyeji na asilimia 30 ni wa Kaunti zingine, huo sio ukabila.

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Hon. Maitha: Thank you. I respect him as one of my friends and a senior. Our Constitution clearly states that 70 percent is from the County and the other 30 percent from other areas. Why is the Senator against this...

(Hon. Pascal stood on a Point of Information)

The Speaker (Hon. Kahindi): Yes hon. Pascal. Point of Order or Information?

Hon. Pascal: Thank you for this opportunity Mr. Speaker. I would like to kindly inform the Member the meaning of that statement given by the Senator.

The Speaker (Hon. Kahindi): Hon. Maitha do you wish to be informed?

Hon. Maitha: No.

The Speaker (Hon. Kahindi): That rests the case. Wind up hon. Maitha.

Hon. Maitha: As I wind up, I still think that we should allow other people to work in our county. Thank you.

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

Hon. Kiraga: I am here to object...

The Speaker (Hon. Kahindi): You only express your displeasure, nothing to object.

Hon. Kiraga: I just want to express the magnitude of my displeasure. We are not here to be reminded of the length of the highway from Mombasa to Malindi that is 120 kilometers. We are not here to be reminded that Kilifi has got Gede ruins. Again, we are not here to be told that Kilifi is a home of Arabuko Sokoke forest. We are not here to be told that Kilifi is home to one of the largest food security projects that is Galana-Kulalu by the Senator. We are also not here to be told that Kilifi is home to water sources. Do we really expect a whole Senator to stand in this Assembly and tell us all this? We did not expect such from the Senator and a retired judge.

Looking at this speech, it does not add value to the services of the Kilifi people. I also want to remind this House that one of the biggest roles of the Senators is to look at the interest of counties and they are bound to this role.

On budget issues, in the current financial year Kilifi County is in deficits of around Kshs1.5 billion and its cuts across all the 47 counties and the Senate is there while these matters are undertaken by the National Government. How are they protecting the interest of the counties? Look at the disbursement of the monies from the National Treasury to the counties.

In the case of Kilifi, in the month of April, May and June, monies from the National Treasury were not channeled to this County. It is only on the 28th of last month when the National Treasury disbursed to Kilifi monies at a tune of Kshs2.6 billion and on 30th June we all know that systems for that financial year close. These things happen when the Senator is there. The Senator should come here and address these issues. How far has the Senate gone...

(Hon. Mwayaa stood on a Point of Information)

The Speaker (Hon. Kahindi): Hon. Mwayaa, do you have a Point of Order or a Point of Information?

Hon. Mwayaa: Point of Information.

Hon. Kiraga: Mr. Speaker, I do not want to be informed. Do you think while I am talking I am not informed? I am very informed. We were thinking the Senator would have come here and try to address these issues on how far the Senate has gone in addressing them. We all know that counties were forced to have the medical equipment by the National Government

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without constructive engagement. Now all county governments have a debt with the National Government of over Kshs200 million for every financial year. Most of the medical equipment is defective and lying at the medical facilities. This is happening while the Senate is seeing; we expected him to address such things.

If somebody comes here and says this is a good speech, I wonder where the Member is coming from. This is not a speech to echo. The Senator also talked of corruption especially in this county. If he is sure that corruption is taking place in this county, what measures is he taking in addressing these issues, bearing in mind that other Senators have written to the Senate and made various Governors to appear before the Senate to answer questions on corruption in their Counties. We have never heard the Senator doing the same. How then can he come here and claim that this County is corrupt...

(Hon. Mramba stood on a Point of Information)

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

Hon. Mramba: I am standing on a Point of Information Mr. Speaker.

Hon. Kiraga: I do not want to be informed. I am very much informed and the Deputy Speaker can attest to this

The Speaker (Hon. Kahindi): For purposes of record hon. Members, hon. Kiraga does not want to be informed.

Hon. Kiraga: So if the Senator sees that there is corruption in the county, then he should be at the forefront to summon our Governor to the Senate and answer questions regarding the same but we have never heard of him and therefore we feel as an Assembly we are diminished by his allegations that this county is full of corruption. I know hon. Nixon Mramba is a good friend to the Senator but I want him to recall that his speech does not add anything.

If you go to page six, there is a paragraph there that I wish to read, "I propose that the Water Act 2016 and the Health Act 2017 be interrogated by this Assembly to determine how best it can improve these two sectors. I played a fundamental role during the debate and I still hope that I can persuade the country to set up water companies in each of the 47 counties".

Is that something we should be told here? What value does it add to this House? We already have water companies here? We have MAWASCO and KIMAWASCO. We should not be told such things and next time when the Senator wishes to come give his address to this County Assembly...

(Hon. Kiraga spoke off record)

The Speaker (Hon. Kahindi): Security is a national function...

Hon. Kiraga: Yes, but if you come here and try to lament that what has the Land Committee...

(Hon. Kiraga spoke off record)

Hon. Hassan: Linaheshimika na viongozi walioko hapa vile vile ni wa kuheshimika. Nisingetarajia hotuba kama hii iletwe hapa. Tuko hapa kufanya mambo ambayo ni muhimu kwa kaunti yetu kama vile mnavyojua ya kwamba kazi yetu tunawajibika kuchunguza, kuunda sheria na kuwakilisha watu wetu lakini si kupewa historia hizi ambazo tunazifahamu. Tulizisoma shule tangu darasa la saba. Ikiwa ni maswala ametaja hapa ya maji, mimi ni mmoja wa wale ambao

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wako kipao mbele katika maswala ya maji. Vyanzo vya maji vimeanzia Kajiado kufuatia mto wa Galana. Hatutegemei maji kutoka Arabuko Sokoke; kama hajui historia tunaweza kumuelimisha na kumueleza ukweli halisi wa Kilifi uko vipi.

Katika maswala ya haya mabaraza ya kampuni ya maji, tunavyojua tuko na kampuni mbili kama mwenzangu mheshimiwa Kiraga alivyozungumza hapa; KIMAWASCO na MAWASCO. Sijui yeye mheshimiwa Seneta alikuwa anataka kampuni ipi ama alikuwa anamanisha kitu gani.

Mimi kwa niaba ya watu wa Matsangoni tunasema hii hotuba ya Seneta huku ni kupoteza mda na hatutegemei kitu kama hiki kitokee tena wakati mwengine hapa kwetu tafadhali. Tuko hapa kwa mambo ya maana na wala sio mambo madogo madogo kama haya. Huu ni upuzi tu!

Mheshimiwa Spika, ikiwa ni baa la njaa limetokea kama huko Galana-Kulalu. Yeye amewajibika vipi? Sisi tulimchagua muhula wa kwanza kama Seneta, tukamchagua muhula wa pili kama Seneta ili atusaidie kwa sababu sheria anazifahamu, lakini hajafanya lolote! Sasa leo hana la kusema wala la kufanya. Mheshimiwa Spika, mimi utanisamehe vitu kama hivyo wakati mwengine naomba visitokee tena hapa kwetu. Asante.

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

Hon. Mwambire: Asante sana mheshimiwa Spika. Pia mimi nasimama kukosoa hotuba ya mheshimiwa Seneta ambayo aliwasilisha hapa Bungeni. Nitaunga mkono waheshimiwa wenzangu ya kwamba hotuba hii ilikuwa haistahili kamwe kuletwa mbele ya Bunge hili. Sababu ya kwanza ni; yeye kama Seneta aliyehudumu kipindi cha kwanza na mimi kama mjumbe ambaye nimeingia katika Bunge hili kwa mara ya kwanza, nilikuwa natazamia kuwe kuna mpangilio ama maandishi fulani ya yale mambo ambayo tuliyapata wakati ule yeye akiingia kama Seneta. Ni mambo gani ambayo Kaunti ya Kilifi iliyapata?

Pili, aweze kuleta zile changamoto ambazo anaona yeye kama Seneta anaweza akakabiliana nazo ndani ya kipindi hiki cha pili...

(Hon. Kenga stood on a Point of Information)

The Speaker (Hon. Kahindi): Hon. Stanley (Kenga) you have a Point of Order?

Hon. Kenga: Yes and I am very sorry for interrupting my good friend; the Member for Bamba. Mr. Speaker, looking at the mood of the House and given that we already had an opportunity to make contributions towards the same for those that are for and those that are against the speech of the Senator, is it in order we request that the same is withdrawn from the Assembly so that there is nothing to discuss because it does not add any value to the Assembly and the people of Kilifi? Please advise us.

The Speaker (Hon. Kahindi): One; any visiting dignitary who comes to the Assembly is at liberty to leave a speech which again is supposed to be discussed at four consecutive sittings. In this speech, Members are free to air their views in support of the speech or expressing their displeasure. Apparently, there is no question which can be put because we are not seeking to adopt anything. We have had sessions here where we have Members who have spoken; I have five Members who are yet to speak. I am sure they would want to express their opinion; we cannot just end it summarily despite the fact that people have to speak.

I also want to remind Members that we will have to end at some point because we have another afternoon sitting. So if you are online here and you find you have not had an opportunity to speak, subsequently you will speak because we are having two sittings in the morning and afternoon; I think that is what we had agreed. So, if the sitting comes to an end now and you are

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on the line, the moment we come back you will still have time to say something. However, we cannot just withdraw it because it is not a Motion; it is a speech which Members can speak freely and express their pleasure or displeasure.

For purposes of record we will have hon. Mwambire being the last person to speak on this session. When we come back we will have hon. Hadad Feiswal, hon. Kazungu Mbura, hon. Victor Mwanganda Gogo, hon. Pascal Thuva, hon. Nixon Mramba and hon. Humphrey Mkadi. They will get an opportunity to speak in the next sitting because we do not want to drag it for three hours yet we have two sittings for the day. So, hon. Stanley (Kenga) in my advisory we cannot withdraw it because it is not a Motion but just a speech which you are entitled to either support it or express your displeasure.

So, after the conclusion of hon. Mwambire, we will move to adjourn and then re-convene again and then we shall take the remainder of the five people who are yet to speak and then we proceed. Hon. Mwambire, kindly proceed.

Hon. Mwambire: Asante sana mheshimiwa Spika. Kwa hivyo, katika mtazamo wangu ni kwamba mheshimiwa Seneta naona ni kama alikuwa hajajitayarisha kuja kupeana hotuba hapa. Mengi yale ambayo ameyazungumza hapa ni kama ambaye ni mambo ambayo yalikuwa yanatukia wakati huo. Ukiangalia jambo la kwanza, alikuwa amezungumza kuhusu mambo ya ugatuzi ambao ugatuzi tayari unaendelea. Lakini katika ule ukurasa wa tano unaona kwamba anazungumza kwamba ugatuzi ni mzuri. Sasa sisi kama Wajumbe kila mmoja anajua kwamba ugatuzi uliweza kupigiwa kura na katiba ikapita mwaka wa 2010 ili tuweze kuona mendeleo ya ugatuzi.

Halafu ukiendelea, unaona amezungumza kuhusu kama hayo mambo ya wanyama wa pori. Wanyama wa pori wamekuwa pale, wamesumbua tangu hiyo miaka mitano mpaka sasa hivi tunavyozungumza wakaaji wa yale maeneo ambao wamepakana na wanyama wa pori wanasumbuka. Jana nimepigiwa simu nikaambiwa kuna nyati 20 ambao wametoka huko mbugani na wanasumbua watu. Wiki iliyopita kuna nyati karibu watano ambao waliweza kupigwa risasi na kuuawa katika sehemu zile za kule Bamba.

Vile vile amezungumza hapa mambo ya *corruption* ya *Chief Officers*. Ameandika kuwa *Chief Officers* wamejaza benki zao na pesa wakati yeye anaanza kipindi cha pili kama Seneta. Kwa hivyo, hayo mambo yote ambayo yamezungumzwa hapa na wenzangu mambo ya Galana-Kulalu yalifanyika katika kipindi cha kwanza ambacho yeye aliweza kuwa Seneta. Katika mtazamo wangu, nilikuwa naona ya kwamba ataweza kupeana njia ambazo atatumia kama Seneta wetu kuona kwamba kuna Miswada ambayo angetaka labda sisi kama Bunge la Kaunti tuweze kushirikiana na yeye ili kuona kwamba mambo haya yanaweza kupiganiwa na yaweze kuletwa katika uhaki na usawa.

Vili vile, nikiunga mkono swala ambalo limezungumzwa na mheshimiwa Maitha Masha wa Jaribuni. Yeye kama mwanaharakati mwafrika ambaye amebobea katika maswala ya uanasheria, swala la ardhi hapa Kilifi Kaunti limekuwa swala nyeti sana na jambo la kusikitisha ni kwamba baada ya hiyo hotuba wananchi wengi wa Kilifi wamefurushwa katika makao yao. Tumeshuhudia katika Wadi ya Mtepeni, katika ADC kulikuwa na hiyo fujo ambayo iliweza kufanyika na ni kama ambaye yeye alikuwa anagusia gusia tu haya maswala ambayo ni nyeti kwa wananchi wetu wa Kilifi Kaunti.

Mimi naunga mkono wale wenzangu ya kwamba hotuba yake haina uzito wowote. Ningeomba ya kwamba yeye kama Seneta wetu aweze kupata nafasi nyingine arudi ili tuje tuwe na *interaction* kati ya sisi wajumbe wa Kaunti na yeye ili maswala hayo yetu ambayo tunahitaji

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aweza kuyatekeleza kwa kurudi Seneti na kuyafanya. Asante sana mheshimiwa Spika kwa kunipatia nafasi hii.

The Speaker (Hon. Kahindi): Thank you hon. Mwambire. Hon. Members, we will adjourn and reconvene for the other sitting.

ADJOURNMENT

In the absence of any other Business in the Order Paper, I move to adjourn the House. Thank you.

The House rose at 10:00 a.m.

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