



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 2:30 p.m.*

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

PRAYERS

MOTION

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

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.

(Hon. Mwathethe on 9.7.2019)

(Resumption of Debate interrupted on 9.7.2019)

The Speaker (Hon. Kahindi): Hon. Members, this is a resumption of the Debate and we will proceed with hon. Hadad Feiswal Almas.

Hon. Hadad: Thank you Mr. Speaker. Having read the speech given by our Senator, I have come to realize that as hon. Kiraga has said, it more meaningful that we work best without

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the Senate. Since our hon. Senator has so many titles, so many accolades of education and has attained higher education yet what he speaks is so irrelevant.

I have come to realize that our Senator tries to diminish the seniority of this House and the Senate in general. If you read through page 10, you will realize that at the end he says, “Without turning it into a personal vendetta” but what he is doing is more personal than the people of Kilifi. We do not care how many houses or how much wealth you have. What matters is what you deliver at your job; that is what matters to most of us. Let the Chief Officers have even billions in their bank, we do not care but are they working to deliver what we are pushing for? That is what matters.

(Applause)

When you turn to page 11, I would like to quote where he says; “Sections 164 and 166 of the Public Finance Management Act provides for quarterly and yearly financial Reports by the Executive Committee Member in charge of Finance. My office should be supplied with a copy as a matter of course once they are tabled”. If he is asking us to supply the copies of Reports, I think it is a mistake from him because he is not following up; it was him to request to follow up so that we can realize what he is doing. We can realize his impact as he is trying to watch over everything that we are doing.

Mr. Speaker, when you turn to page 13 and I read; “Honourable Members, on concerns of appointments, this honourable House is on record to have rejected a Chief Officer nominee for Public Health on 16th May 2018. This is something that made you win unconditional love and trust from the hearts of our people. However, honourable Members, before I joined them in congratulating you, this same House on 31st October 2018 approved the once rejected unpopular nominee. I don’t wish to say what the image of the House is from outside but to ask you honourable Members, what had changed to demand your shift from a strong *no* to a strong *yes*? As a student of history, I leave it to judge us.”

When you come back to page 14, he points out the same matter again. I think he has some personal issues or there is a conflict of interest between him and the Chief Officer Alio Ibrahim Adan because why give emphasis on the same thing while there is so much you can give us. So much we have to learn still yet so much you can show us on how to do things. I think having so many titles on your name does not mean you have knowledge; those are just certificates and certificates are just papers. I am really disappointed with this speech Mr. Speaker. Thank you.

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

Hon. Mbura: Mr. Speaker, Sir, thank you for this opportunity to contribute towards this speech of our hon. Senator. I stand to agree with the negative criticisms given by the Members towards this speech although this speech has value to some certain level. The visit of our Senator culminated to a visit by the Agriculture Committee of the Senate that came to visit Galana-Kulalu. That same visit arose a round table meeting where I was called as a Committee Member of Agriculture from the County Assembly at the Governor’s Office and from the meeting arose a meeting that was held in Nairobi and our Deputy Speaker was invited and our Chairperson...

(Hon. Kenga stood on a Point of Order)

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Hon. Kenga: I am rising on a Point of Order claiming that there was an invitation that was sent to me to attend a meeting, unless he is in a position to substantiate. As I sit here I have not been invited unless he has evidence on the same.

Another issue is at what point did we have the Agriculture Committee within the County attend a meeting because he is a Member of the Committee and so when was this Agriculture Committee called upon to attend a meeting concerning an issue of County importance? The most important thing that I need the Member to substantiate is on the allegation that I was invited to attend a meeting yet there is no evidence of such an invitation. I was not invited.

Hon. Mbura: Mr. Speaker, before this I was about to state it categorically that it is not an allegation; he was invited although he was not given a notice to prepare himself for the meeting and he rejected to attend. The meeting was held, our Chairperson...

(Hon. Gogo stood on a Point of Order)

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

Hon. Gogo: Ni Hoja ya Nidhamu. Nimesimama kama mmoja wa Kamati ya Ukulima ndani ya Bunge hili. Kiongozi mwenzangu ambaye tuko ndani ya Kamati moja sijawahi sikia Kamati imealikwa mkutano kama huu. Labda alienda yeye kama kiongozi kivyake ama kama alitumwa na Bunge mbona sisi wanakamati wengine hatujaalikwa kwa mkutano huo?

Hon. Mbura: I wish to state that our hon. Member Victor Mwanganda (Gogo) has not been attending Committee meetings he has been out of information on what has been going on in the Committee...

(Hon. Kiraga stood on a Point of Order)

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

Hon. Kiraga: The Member is misleading this House. We know how the procedure of inviting a Committee to a certain function is done. The Clerk must be notified of that invitation, then after the invitation has been authorized all Members whether they will attend or not get a message and that is why the Member for Mtepeni is saying that he has never gotten an invitation.

The Speaker (Hon. Kahindi): Attendance is a question of fact. Even me I get invitations every day. Does it me I have to attend all of them even though I am aware that I was invited? It is best instead of dismissing the hon. Member on grounds that he does not attend meetings, it is proper to say that a meeting was called because if a meeting was called then most definitely the Member would be aware not unless he is bluffing. Hon. Gogo, you have a Point of Order. Whether or not he attends meeting is not an issue; the issue is whether there was any meeting on this matter.

Hon. Gogo: Matamushi aliyoongea mheshimiwa mwenzangu wa Wadi ya Chasimba ni mazito kwa sababu leo tuko na wageni ndani ya Bunge. Kama itachukuliwa kwenye rekodi kwamba mheshimiwa wa Mtepeni hahudhuri vikao vya Kamati ya Ukulima, naomba alete kielelezo ama aondoe hayo maneno.

The Speaker (Hon. Kahindi): Hon. Member, I would request you to substantiate because when you allege that a Member does not attend meetings that goes down to his performance record in this Assembly. So unless you have evidence to prove so, then I would categorically withdraw. However, if you have evidence that he does not attend, you can bring it tomorrow.

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Hon. Mburu: I will withdraw the statement and state it clearly that an invitation was brought through the Clerk. The Chairperson was the one who was invited but he delegated that to me and I went through the Clerk so it was official

The Speaker (Hon. Kahindi): Was the Deputy Speaker invited as well because I think that was his contention?

Hon. Mburu: The second trip to Nairobi he was invited...

Hon. Kenga: Mr. Speaker...

The Speaker (Hon. Kahindi): Yes hon. Kenga. Order! Order! Let me take the point from hon. Kenga.

Hon. Kenga: I am an elected Member by 7,355 votes in one of the remotest wards of Kilifi County. You can imagine the number of people who have confidence in me by giving me this mandate knowing very well that I will be able to perform. When a Member alleges that I was invited to a very crucial meeting and that I failed to attend yet I did not have that invitation that must be withdrawn from the records of the Assembly because I was not invited. Until and unless evidence is brought before this Assembly, Mr. Speaker, order the Member to withdraw and apologize to the great people of Adu.

I have been a champion of the interests of the people of Adu especially on the issues of Galana-Kulalu because I know of the injustices that have been committed to the people. I have always been on the frontline to make sure that the rights of the people are protected. Therefore if for any reason an invitation was given, the Office of the Clerk should be in possession of that invitation because I do not get individual invitations. If it is official business, it must come through the official channel of communication and that must be addressed to the Clerk and then information is given to me. I was not invited to a meeting regarding the issue of Galana-kulalu on the purported day of the meeting that he alleges to have been held. I am not aware and not informed.

The Speaker (Hon. Kahindi): Yes hon. Mburu, what do you have to say to that?

Hon. Mburu: I want to make it very clear it is only the procedures that were not followed but the CECM (County Executive Committee Member) for Agriculture called the Deputy Speaker only that it was not procedural; it did not go through the Clerk.

The Speaker (Hon. Kahindi): Was it an official invitation? Let me just put it very clear for the record and a matter of procedure so that we are both at par. There is no Member of the County Assembly who would have a meeting to attend in Nairobi without an invitation letter coming to my Office. The Standing Orders are very clear it is the Speaker who authorizes Members to travel outside the working jurisdiction; I personally haven't received any letter. So I do not know whether it was a formal invitation or a phone call, because if it was a phone call, then let us not consider it as an invitation. An invitation would have come to the Assembly and would have been received by the Clerk. If it then had required the Deputy Speaker to travel to Nairobi, it would have come to my Office for approval and authorization. The finance office would then facilitate the Member in order to travel; that is what we call an official invitation.

However, if it was a phone call that was made to the Deputy Speaker; so many phone calls are made and that to me is not formal invitation. This is a serious matter which we are speaking on and it is going on record. Honestly if your voters come later in 2022 and realize that there was a meeting that you were called upon to make contribution on behalf of our community and failed to show up, it will cause lots of problems. Standing Order No. 87 is very clear; if you

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make a Statement then you must be able to live with it and unless you withdraw it... because I also want to add to that sentiment.

Hon. Mbura, if it was an official invitation, that invitation and I repeat you would not know but if you find yourself in a flight going to Nairobi it is because I have signed somewhere and I never received that invitation. I have also heard you say that procedure was not followed. If the procedure was not followed that means there was no communication and there was no invitation.

Hon. Mbura: The only thing is for hon. Kenga to agree or accept that he was invited though not formally ...

The Speaker (Hon. Kahindi): Yeah but for the record that cannot be taken as an invitation. You remember what you are saying is going on the HANSARD. If it is to be an invitation, it also needs to come to my Office which never did.

Hon. Mbura: Fine. Mr. Speaker to make the matter end, I simply withdraw.

The Speaker (Hon. Kahindi): Thank you. Proceed with your contributions.

Hon. Mbura: From the speech by the hon. Senator, he mentioned the stalled projects in our county and this directly touches on our responsibility that projects for 2014/2015 have not been completed to date. It is true and this has been made clear to the House so that we can take a move or an action against such observation from the Senate and I really agree with him and pinpoint that there is a weakness with our Executive. That has been highlighted and it is our role now to have such follow ups for our projects completed. I can consider it as a positive to our ...

(Hon. Kenga stood on a Point of Information)

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

Hon. Kenga: No it is a Point of Information.

The Speaker (Hon. Kahindi): Hon. Mbura, do you wish to be informed by your friend hon. Stanley (Kenga)?

Hon. Mbura: Yes.

Hon. Kenga: Mr. Speaker, I want to inform the Member that the challenges that we face as a county in not completing projects. The Chairperson for the Budget Committee was very clear that on the 28th of June this year we received funds from the National Treasury to Kilifi County. Now, you can imagine where funds are now given to Kilifi when we are left with two days before the end of the financial year and we are expected to utilize those funds and within two days, reports are made and we close the books of accounts. It cannot happen that way and because the Constitution is telling us one of the roles of the Senate in Article 96 (1) is that the Senate represents the counties and serves to protect the interest of the counties and their governments, participates in the law making function of the Parliament by considering, debating and approving Bills concerning counties as provided for in Articles 109 to 113. But above all, the Senate determines the allocation of national revenue among counties as provided in Article 217 and exercises oversight over national revenue allocated to the county governments.

Mr. Speaker, this is the information that I want to pass across to the Member that as much as we may have weaknesses in our County Government, most of these weaknesses are occasioned by failure of the National Government in realizing funds and the Senate has a role to play in making sure that funds are disbursed at the opportune time for us to be able perform as a County Government. Thank you.

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The Speaker (Hon. Kahindi): Thank you. Hon. Mbura proceed.

Hon. Mbura: I really agree with my hon. Member though the contributions towards stalled projects have come in various manners. For instance in my ward Chasimba, a project worth Kshs17 million that was initiated in 2014; Bundacho water project, up to date the community has not benefited from that project and have been told how that money was in deficit. So that is a weakness of our County Government and the Senator here has stated categorically that that is one of the issues that is bringing us down here in Kilifi County. Thank you.

The Speaker (Hon. Kahindi): Hon. Stallone Humphrey Mkadi.

Hon. Mkadi: Asante sana mheshimiwa Spika kwa ajili ya nafasi hii. Mimi pia nasimama kuunga mkono hotuba hii ya mheshimiwa Seneta. Ni kweli kwamba katika wale wenzangu ambao wametangulia, wengi wanasema anatumkumbusha mambo ambayo labda yeye mwenyewe angeyafanya. Lakini kulingana na vile mimi ninavyoelewa ni kwamba yale majukumu yetu ambayo sisi tuko nayo hapa kama wabunge mengine ameyagusia. Lile ambalo nimeliona lilikuwa likipingwa na katika mtazamo wangu naona ni kama alikuwa anatumambia ukweli kwamba haitakua vizuri sisi kama serikali tuone kwamba kuna umuhimu wa mtoto kupata elimu. Tuchukulie mtoto kama vile alivyomtaja kwamba ametoka mbali, ametembea hatua ndefu, apate masomo yake tena kwa njia ngumu ambayo labda wazazi wake wanapitia ndio wamlipie karo.

Pale serikali imeingilia imemlipia karo na mtoto hatimaye amefaulu tena baadaye nafasi ile ambayo tumempa sisi ambayo ni ya kazi tumpatie. Wewe uje umlinganishe na yule mwengine ambaye amesoma vizuri ambapo katika kumuelewa ni kuwa ni kwamba labda alikuwa anagusia swala la hongo; labda mtu atoe hongo ndio apate kazi.

Sisi kama kaunti na tunajua katika yale matunda ya ugatuzi basi ni moja kwa moja, mengi yana faida hapa kwetu. Labda kama mheshimiwa *Majority Whip* kwamba kuna hizi asilimia ambazo ni 70 kwa wenyeji na asilimia 30 kwa wageni, halafu ikifika pale sasa mtoto kama yule ambaye umemtambua amepitia katika mikono yenu tukamsaidia na karo na tena baadaye ameomba kazi ambayo inapatikana katika eneo lake aje anyimwe katika misingi ya umaskini. Hilo ni swala ambalo ameligusia na si kwamba ni makosa, ni tu kutukumbusha kwamba katika zile kazi zetu ambazo tunazifanya, mambo kama hayo tuyatilie manani ili tuinue kaunti yetu. Asante Bw. Spika.

The Speaker (Hon. Kahindi): Humphrey Kombe Mwarandu.

Hon. Mwarandu: Thank you so much Mr. Speaker, for this opportunity. Coming from a Minority Party, I think today I am a happy because I feel like I'm vindicated. I am vindicated because the so called ODM (Orange Democratic Movement) Government in Kilifi County I think is rejecting or disowning their own and I am also vindicated in a way because now the electorate of Kilifi County will realize electing six oranges has done more harm than good. This is because the orange that is with the Senator has turned to be a lemon. Why am I saying that Mr. Speaker...

(Hon. Mwathethe stood on a Point of Order)

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

Hon. Mwathethe: Mr. Speaker, maybe I am lost but I want the hon. Member to explain to me, which are these oranges that were elected? I think it was six elections of six people other than oranges that we buy in the market.

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The Speaker (Hon. Kahindi): Yes, can you break it down so that it is well understood. Which oranges you are talking about? For the record, I mean it is...

Hon. Mwarandu: Mr. Speaker, the ODM leaders were on record telling the media that the electorate of this county should elect six pieces. Those six pieces had their own slogan which was six oranges. So it is not my own but it is their own slogan that they elect six-piece which they translated to six oranges. It is this orange that turned to be a lemon.

Hon. Mramba: Point of Order Mr. Speaker.

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

Hon. Mramba: Mr. Speaker, the hon. Member whom I respect so much is bringing some issues of party politics. Every one of us here will agree that when it comes to elections every party must campaign for their candidates. The same way KADU ASILI did, they were campaigning for five *minazi* and one orange. So, I think the ODM Party is not different from KADU ASILI; we advocated for six pieces while they advocated for five pieces. Maybe he can come out clean on that.

(Hon. Kenga stood on a Point of Information)

The Speaker (Hon. Kahindi): Hon. Stanley (Kenga) also has a Point of Order.

Hon. Kenga: Mr. Speaker mine is on a Point of Information and I know my good friend will...

The Speaker (Hon. Kahindi): Yes, do you wish to be informed hon. Humphrey (Mwarandu)?

Hon. Mwarandu: Yes.

Hon. Kenga: Mr. Speaker, I am a member of ODM. I am one of the six oranges that are being alleged. When we went out campaigning, that was the message that we were trying to put out to the people. We were even questioned if these six oranges were actually oranges or lemons as he put it. It is now coming out very clearly that they were not all oranges; some were lemons and not just lemons but rotten lemons as the Member is putting it; so he is very much in order. It was party politics that we played. I was part of the game and most of these Members I know... I went to Kakuyuni; we campaigned together with the Member on a six piece...

The Speaker (Hon. Kahindi): Okay, enough of the oranges and lemons. Let us hear you now hon. Humphrey (Mwarandu). Just leave out the part of the lemons and oranges, we already know.

Hon. Mwarandu: Okay, thank you so much Mr. Speaker and thank you Deputy Speaker. I was saying that I am disappointed because the Senator is the second most senior leader in this county. He has an upper hand to address all these issues he brought in this House to the Governor himself. Again, the Senator is not a political activist; the Senator is a leader ... to come here and lecture us on matters on corruption. I think it is un-sound as a leader of this county and also as a retired judge. He ought to know the institutions that he ought to go to and send all those allegations of corruption and not to bring them to this House. We are not here to crucify anyone including a Chief Officer who has not even been sent to court. So I am disappointed. Thank you so much.

The Speaker (Hon. Kahindi): Thank you. Hon. Cantona Mae.

Hon. Mae: Asante mheshimiwa Spika. Mimi kwanza nachukue nafasi hii kuipongeza na kuipamba hotuba hii ya Seneta wetu mstahiki. Ingekuwa uwezo wangu ningeamrisha iandikwe

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kwa wino wa dhahabu ili kwamba iweze kuwekwa katika kumbukumbu za vizazi vyetu vijavyo. Mheshimiwa Spika, tunavyojua Seneta amebobea kwa maswala ya sheria; yeye ni msomi na kama vile ametajwa hapa kwamba yeye ni Hakimu mstaafu.

Mheshimiwa Spika, haya maswala yote ambayo Seneta aliyaangazia hapa ni maswala ambayo ameyaweka wazi na si jambo la kwamba sote tusukume lawama kwake ya kwamba yeye amefanya nini? Sisi sote ni viongozi na jambo linapoanikwa ni kwamba sote tushirikiane tuone tutatafuta suluhu gani kwa pamoja kwa sababu sote ni viongozi tuliochaguliwa na wananchi wa Kilifi.

Vile vile mheshimiwa Spika, haya maswala ambayo Seneta ameyaanika kwa mfano maswala ya wale makatibu kwamba ugatuzi haukuja tu kuwatajirisha wao bali kubadilisha maisha ya mkaazi wa Kilifi. Waswahili wakasema lisemwalo lipo na kama halipo liko njiani laja. Kwa saa hii tumeshuhudia katibu wangu katika ile Kamati ya Maji kusimamishwa kazi na kuna kesi kortini...naomba ulinzi mheshimiwa Spika...

(Hon. Kiraga stood on a Point of Order)

The Speaker (Hon. Kahindi): Yes, hon. Kiraga you have a Point of Order? Very interesting. Yes, what is your Point of Order?

Hon. Kiraga: Mr. Speaker, if there is any Member in this House I do respect then it should be the Member on the Floor. I respect him under various aspects but he is misleading this House. One; it is not that we are against the Senator; what we are against are the deeds...and deeds is a Greek language that when you translate it into the British language it becomes the actions. So, we are against the actions that were undertaken by the Senator. The Senator in his speech it is very evident that he has diverted from his core mandates; he talks of the Chief Officers having accumulated wealth in a very short time span in other meaning...

(Hon. Pascal stood on a Point of Order)

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

Hon. Pascal: Yeah, he stood on a Point of Order but it is like he is lecturing and giving some information to the Member. Now, which is which? We want to understand Mr. Speaker, Sir.

Hon. Kiraga: Mr. Speaker, you see if you want to drive a point to somebody...what we call...I may not use that word but for him to understand better what I want to speak Mr. Speaker...

The Speaker (Hon. Kahindi): Hon. Kiraga, do not...

Hon. Kiraga: Mr. Speaker I am taking him to...

The Speaker (Hon. Kahindi): Hon. Kiraga, a Point of Order in a court room is like where an advocate rises and says objection your honor. The objection can either be sustained or overruled; essentially you are taking the time of the other Member, so your Point of Order must strictly be on a point of facts and law. The Standing Orders have raised circumstance under which a Point of Order can be raised. If hon. Mae has made a statement for example that you would want him to substantiate or you think he is misleading the House then you can point out that on a Point of Order that he is misleading the House in this position; do not take it too far.

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Hon. Kiraga: In short, if the Senator is of the view that we have corruption in this county, we expect the Senator to take this issue to Senate, especially the Governor because this county is being lead by the Governor. He is the one to take the Governor to the Senate for questioning as we have seen most of the governors being summoned by the Senate; that is what we are asking. So I think the Member should withdraw, as per now this County has no corruption issue unless we...

(Loud consultations)

The Speaker (Hon. Kahindi): I do not think...Order! Order! Hon. Kiraga, I do not think hon. Mae has said anything that warrants being withdrawn. Why? He says let us look at the issues, and he has gone even further to say let us not dismiss the fact that the Senator said there are corruption issues because even my own Chief Officer was taken to the EACC (Ethics and Anti Corruption Commission) and he is not working now. I would have ordered him to substantiate facts but there are facts which some are very common. Hon. Hassan, you are the Chairperson Water, can you confirm that the Chief Officer Water was interdicted?

(Hon. Hassan nodded in affirmation)

Yes, it is a question of fact because it is in the public domain and I want to protect hon. Mae because he is simply saying, let us not just dismiss everything that was said. If there is corruption, a Chief Officer in the Department of Water is currently not in office. Shouldn't we look at that? We do not need the Senate to come tell us if we are corrupt or not. So hon. Mae you have had ear and attention; you are protected. Can you kindly proceed.

Hon. Mae: Asante mheshimiwa Spika nafikiri kufikia sasa umepata kuona ile taswira ya kati ya sisi hapa kina nani waliosoma chini ya miti na ...

The Speaker (Hon. Kahindi): No, no. Now I direct you to withdraw that. I have protected you so much and you are... kindly withdraw that. Hon. Mae, it is a privilege for some people to go to class; it is not a privilege to others but we are all here as MCAs. So please withdraw.

Hon. Mae: Naiondoa Mheshimiwa. Mimi namheshimu sana Seneta wetu. Alipogusia swala la uteuzi wa yule Katibu wa Afya, kulingana na hii Ripoti yake alisema imekuaje mtu huyu mliyemkataa sasa mmemkubali? Sio kwamba alikuwa anapinga ni kuuliza tu kulitokea nini? Je tutawaambia nini wale ndugu zetu kina Charo na Kenga ambao pia wanatajiriba kama hiyo na walikuwa wameomba kazi ile. Tusiyapime haya mambo katika mizani ya ukabila; tunapomlaumu na hili nitalipeleka moja kwa moja kwa Mwenyekiti wangu wa Bajeti. Tunapomlaumu Seneta kuwa hapigani mgao wa kitaifa pengine kwa nini mgao wa kitaifa umeletwa kidogo ama umekatwa. Sisi wenyewe tujiulize tumeweza kukusanya kikamilifi pesa za hapa ndani ya Kaunti.

Kuna mahali hapa, na nitanukuu kama maandishi yalivyo, kwamba Mwanaharakati Marcos Gavey "*once asked a question to the Negro that I wish to repeat to us, I have heard what the white man is doing to the Negro, tell him what the Negro is doing to himself...*"

Walisema "mgala muuwe na haki yake umpe." Tusimbandike matope kwani hivi ni vitu ameviweka wazi. Sisi pia ni viongozi lazima tuone tuna uwezo wa kupambana na lipi na lile ambalo hatuna uwezo nalo. Seneta hafanyi kazi ulaya; ni hapa Nairobi na ni mkaazi wa Kilifi na

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tuna uwezo kama Bunge kumuita hapa tumwambie sisi wajumbe wa Kaunti tumefanya hili wewe twambie na wewe umefanya nini ama utaweza kutufanyia lipi. Nawaomba wajumbe wenzangu na kama muda uko wale waliokuwa wanaikosoa hii Ripoti wape muda tena wasimame waikubali Ripoti hii ili sote kwende kwa pamoja.

The Speaker (Hon. Kahindi): Thank you hon. Mae. Your submissions are very well articulated but apparently this is not about *nays* and *ayes*; it is our view and our input and what we think and what we can do best but thank you for your well articulated contribution. Yes hon. Shaban.

Hon. Shaban: Thank you Mr. Speaker, Sir. I have heard Stewart Madzayo aka *Mkoi*. I have noticed some good that hon. Senator has pointed out. If you read page 15 he has acknowledged that if we have to employ then we should also consider the minority and marginalized, examples; the Jibana, Watha, Duruma, Kambe and Ribe. This is something that we should take up as the County Government and Assembly of Kilifi to make sure that in the future appointments we consider the minority. I have also noted the issue of 70 and 30 percentages. The Senator is complaining that in Kilifi County it is vice versa when you go to other Counties...

(Hon. Kiraga stood on a Point of Order)

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

Hon. Kiraga: I am rising on a Point of Order under Standing Order No. 187. The Member on the Floor is implying that this County as it stands has never employed people from the minority side. Can he substantiate, the Kambe and Ribe?

(Hon. Mwarandu stood on a Point of Order)

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

Hon. Mwarandu: Mr. Speaker we are here guided by these Standing Orders. The Standing Order that hon. Kiraga is standing on is the wrong one; it has nothing to do with what the hon. Member is saying. Standing Order No. 187 is on reports on Committees.

The Speaker (Hon. Kahindi): You say 87?

Hon. Mwarandu: No, 187.

The Speaker (Hon. Kahindi): No, that is a wrong Point of Order. I heard 87.

(Hon. Kiraga spoke off record)

Hon. Mwarandu: No, he said 187 Mr. Speaker.

The Speaker (Hon. Kahindi): Okay, let us get it very clearly. The Standing Order ...

Hon. Mwarandu: He said 187 Mr. Speaker; we still have time we can re-visit the HANSARD and it is on matters to do with Committee Reports.

The Speaker (Hon. Kahindi): I would be surprised because Standing Order No. 87 is very common in my head. I heard 87 so if he said 187 then like he has already put it, it must have been a slip of the tongue. That is now corrected hon. Humphrey. It is 87 that borders on responsibilities of you know... Whom do you want to inform hon...

(Hon. Mwamtsi spoke off record)

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Hon. Mwamtsi: I want to inform hon. Kiraga.

The Speaker (Hon. Kahindi): No, he is not on the Floor.

Hon. Mwamtsi: Then the same Point of Information goes to the person on the Floor.

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

Hon. Shaban: Yes because he also comes from the minority tribe.

Hon. Mwamtsi: Mr. Speaker, the Point of Information is; indeed it is true that there are some sub tribes of the Mijikenda who are not part of the Executive like we have the Ribes; they are not featuring in the senior positions. So that is what I wanted to inform the Member.

The Speaker (Hon. Kahindi): I know that touches the heart of hon. Shaban...he is not on the Floor, he was informing him, and so he is the guy to be informed. You cannot inform somebody who does not wish to be informed. Do you wish to be informed hon. Shaban?

Hon. Shaban: Yes, he is also marginalized.

The Speaker (Hon. Kahindi): Hon. Humphrey (Mwarandu) yes, do you wish to inform hon. Shaban?

Hon. Mwarandu: Yes Mr. Speaker.

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

Hon. Shaban: Yes Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Okay proceed.

Hon. Mwarandu: I want to inform the hon. Member that it was just the other day that we approved the name of Patience Mkambe Mwangiri. So when they come here to say that ...

The Speaker (Hon. Kahindi): Who, sorry?

Hon. Mwarandu: Patience Mkambe Mwangiri.

The Speaker (Hon. Kahindi): From where?

Hon. Mwarandu: From Ribe, as a Member of the County Public Service Board (CPSB). So when they come here and say that ...

The Speaker (Hon. Kahindi): Hon. Shaban can you confirm that you had your cake just the other day?

Hon. Shaban: Mr. Speaker, she is from the minority group but she is the only one. I also want to respond to my senior. I was saying that in the future as we go by the speech of hon. Stewart Madzayo that we must go by the same consideration in our appointments. Being in Kilifi County, we need to see that the marginalized get positions; not just two positions compared to other tribes. That is why I was saying according to the Senator's speech, he indicated that future appointments should consider the minority too in terms of employment.

I also want to echo hon. Madzayo on page 13 when he said that the issue of 70 and 30 percentages on employment that when it comes to Kilifi County it is vice versa. When you go to other counties they stick to the 70-30 percentages rule. This is something that I want to congratulate hon. Senator for raising this issue and we hope that the new Board which was recently appointed will look at it and make sure that we get the 70-30 percentages in our county.

I want to agree with hon. Mae that this was a good speech by hon. Madzayo and we hope that next time he will do better than this.

Another issue that I want to highlight is the issue of Alio. We want that the next time hon. Senator wants to debate a nominee in this House, he should as well give us advice. This is because he said that it is like some papers were coming from River-Road. So in future, he should

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also advice us so that we can check on the credibility of the papers before we approve any nominee. With those few remarks, thank you.

Hon. Gogo: Asante mheshimiwa Spika. Mimi napinga hotuba hii. Hotuba hii imejaa malalamishi. Kipindi kilichopita tulikuwa na naibu wa Gavna ambaye sasa ni marehemu ambaye wakati mwengine angeenda kufanya maandamano ndani ya Kilifi akipigania haki ya mwananchi wa Kilifi. Nilikuwa najiuliza huyu yuko ndani ya Serikali halafu anaandamana, ambapo kama ni suluhisho yeye ana uwezo wa kutoa suluhu. Halafu ukiangalia hii hotuba kila mahali anakuwa anarusha lawama. Hapa amejionyesha kuwa ni msafi na yuko sawa kikazi isipokuwa viongozi wa Kaunti ya Kilifi. Kitu ambacho kinanishangaza ni kuona Mbunge wa Bunge hili anasimama na kuunga mkono hotuba hii ambayo anasema Bunge hili lilipitisha *Chief Officer* ambaye hajasoma na ana stakabadhi kutoka River-Road.

Bunge hili najua lina vitengo ambavyo kabla upitishie mtu huwa linamchunguza mtu kwa kina ili kuona kama anastahili. Leo hii Seneta anasema tulipitisha mtu ambaye alikuwa hafai. Halafu mheshimwa hapa anasimama na kusema anamuomba mheshimiwa Seneta wakati tunafanya *vetting* aje atoe ushauri kwa Bunge kwa sababu hapa mheshimiwa amesema hakuwa na stakabadhi sawa. Hivyo inamaanisha zile Kamati ndani ya Bunge zinafanya kazi gani?

Mimi nasimama kupinga hii hotuba. Ukiangalia ukurasa wa 13 anazungumza kusema uteuzi ni sheria ya kikatiba na asilimia 30 ni za watu wa nje na asilimia 70 ni za watu wa Kilifi na kulingana na hotuba yake ni kwamba Kilifi tuko sawa sawa na sheria hii. Sasa hapa chini anauliza kama Kilifi tuko sawa mbona kule kwengine?...hapa chini ameanadika Wajir, Kisumu, Mandera, Isiolo, Migori, Nakuru, Nyeri na zenginezo. Mbali na *Chief Officer* ama Katibu Alio, tuko na *officers* wengi ndani ya Kilifi Kaunti ambao wao ni ile asilimia 30. Je, huyu Seneta yuatuambia tuende kama Bunge tuwafukuze ndio tuweke wale wengine wetu wa Kilifi ama anatuambia nini? Kwa hivyo, badala ya huyu Seneta kulalamika angekuwa pia anatupatia suluhisho.

Mimi ni Mwanakamati wa Kamati ya Ardhi mheshimiwa Spika. Unaona anazungumza mambo ya mashamba ukurasa wa 14; hapo amegusia *issue* ya shamba ya Kijipwa. Mheshimiwa Spika, Seneta yuatoka katika wadi yangu; mimi ni Diwani wake na *issue* ya shamba ya Mapandeni ama Kijipwa yeye kabla hajakuwa Seneta ashawahi kuwa Wakili wa wananchi wa Kijipwa akiwakilisha ndani ya Koti. Tulipojua ya kwamba amechukua mamlaka kama Seneta, *issue* kama hii angeipeleka Seneta alete suluhisho kwa watu wa Mtepeni ambao walipokonywa mashamba mwaka wa 1984 mpaka leo hawajayapata.

Leo yuaja hapa analeta hotuba anabwaga shida hii kwa Kamati ya Bunge tena la Kaunti. Sioni mheshimiwa Spika, sisi kama Bunge la Kaunti tuna uwezo wa kutoa hati miliki za mashamba kwa watu wa Kilifi. Hayo si majukumu yetu bali ni mjukumu yake. Kwa hivyo, hii hotuba yake mimi naungana na wale wenzangu kwa kuipinga na nafikiri hii hakuiandika yeye; nafikiri alipeana mtu mwengine akamuandikia tu akaja akasoma hapa. Wakati mwengine akiandikiwa hotuba aisome kwanza vizuri ndio alete katika Bunge. Asante. Ni hayo tu.

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

Hon. Hassan: Asante sana mheshimiwa Spika kwa kunipatia nafasi hii. Nilifikiri labda nitashawishika kuunga mkono lakini hata nimepotea kabisa. Mimi siungi mkono hata kesho. Mheshimiwa Spika, nafikiri huyu mheshimiwa Seneta ni kama amechanganyikiwa. Ameelezea vizuri sana kwamba waheshimiwa wa Kilifi Kaunti wako na shilingi 350 za *bursary*; sawa kabisa. Akaelezea historia ya huyu kijana kutoka Shirango kwamba mpaka akasoma sijui akafikia wapi akafanyaje akapata *Masters*, sawa. Lakini, hizi pesa sisi tunazitoa kwa masharti,

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kuna sheria na masharti ambayo tuliyapanga hapa kwa Bunge letu. Kwa hivyo, ilikuwa inamaanisha kwamba mtu yoyote hata bila kuomba *bursary* ... kwa sababu *bursary* lazima uombe. Kuna fomu zimewekwa, kuna sheria zimewekwa, sasa kama huyu mwenyewe hakuenda kwa hiyo ofisi kutaka *bursary*, ilikuwa sisi tumfanyie nini? Tutampelekea kule aliko? Kwa hivyo ni lazima kwanza ajue kuna sheria na tuko na Kamati ambazo zinahusika na kuna vipengee mbali mbali vya kufatwa kwamba imeekwa shilingi milioni 10 kwa kila wadi basi pesa inaenda tu inamwagwa kiholela, hapana.

Akaelezea hapa kwamba wananchi wanaishi karibu na *forest* ...kwa hivyo sasa hii ni kutuambia na sisi tukaanze kuiba miti ya *forest* tukachome makaa? Kwa hivyo, mimi nakuta huyu mheshimiwa ni kama kuna sehemu nyingi sana amechanganyikiwa. Yaani unakuta ya kwamba badala ya kutupatia moyo ni kama kutuchochea kwamba kuna zile *conflict of interest* samahani kidogo hapo.

Halafu mheshimiwa Spika, ukitueleza kwamba eti Alio vyeti vyake havifai...nafikiri hiyo sio wajibu wetu sisi. Mheshimiwa Spika, wewe ni msomi na uko hapa kutuongoza sisi vizuri si kutuongoza kwa njia mbaya. Ingelikuwa hivi vibali vyake havifai, nafikiri wewe ungekuwa wa kwanza kupinga. Kwa hivyo, hii ni kama kutudharau na kutudhalilisha. Mheshimiwa Spika, mimi siungi mkono kabisa.

(Hon. Pascal stood on a Point of Order)

Hon. Pascal: Mr. Speaker, I have gone through this speech and I have not seen any line that is talking about Alio and such like. So, is the Member on the Floor in order to bring about names of people who are not in this House?

Hon. Hassan: Asante. Nafikiri pengine uzee unachangia mheshimiwa ama...si uko na miwani mheshimiwa tafadhali? Vaa miwani ama uwachie vijana sasa Mwanamwinga. Nafikiri ni wakati mzuri wa kuwaachia vijana Mwanamwinga *Ward*. Mheshimiwa Spika...

The Speaker (Hon. Kahindi): You surely want to do that? Alio's name is there. It is on page 14...

Hon. Hassan: Ama awe akija na *secretary* wake labda hapa Bunge awe akimsaidia kusoma pengine...

The Speaker (Hon. Kahindi): Hon. Pascal, the last line of page 14 says 'Alio Ibrahim Adan.'

Hon. Pascal: Ooh, okay sorry Mr. Speaker.

The Speaker (Hon. Kahindi): Yes, it is there.

Hon. Hassan: Kuwa makini mheshimiwa. Asante sana mheshimiwa Spika. Kwa hivyo, mheshimiwa Spika kama yeye ana uhakika kabisa kwamba...

The Speaker (Hon. Kahindi): Yes, hon. Stanley (Kenga) you have a Point of Order or you wanted to correct that? Because...

Hon. Kenga: I wanted to draw to the attention of the Member that it is on page 14 and it is in bold. It even does not require *miwani* (spectacles).

The Speaker (Hon. Kahindi): No, no, it is there. Thank you very much hon. Stanley (Kenga). Yes, hon. Hassan.

Hon. Hassan: Kwa hivyo, kama ikiwa yeye ana uhakika kabisa na ambacho tulikifanya sisi kwamba ni makosa, nafikiri vyombo vya sheria vipo, ana haki ya kuchukua hatua. Hii nchi haiwezi kumuandika mtu kazi hasa kazi kubwa kama ile kama vyeti vyake si sahihi. Ana haki ya

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kuchukua ...si kutueleza sisi, hayajatuhusu sisi hayo. Hata yule *Chief Officer* wa kitengo cha Maji, sio sisi ambao tulimsimamisha kazi. Mimi siwezi kusema alisimamishwa kwa sababu ya ufisadi ama tatizo gani? Hayo ni mambo yao wenyewe wanajua watu wa hizo Idara husika. Mheshimiwa Spika, ametueleza hapa kilio cha wanyama pori. Wanyama pori nafikiri ...

(Hon. Kiraga stood on a Point of Order)

The Speaker (Hon. Kahindi): Yes, hon. Kiraga, you wish to inform hon...?

Hon. Kiraga: Mr. Speaker, I also wish to inform the Member that Mr. Alio Ibrahim is performing wonders in this county.

The Speaker (Hon. Kahindi): Currently?

Hon. Kiraga: Yes.

The Speaker (Hon. Kahindi): Okay, that is very nice to hear.

Hon. Hassan: Kwa hivyo, *he needs to substantiate*.

(Laughter)

...ama *disseminated*.

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

Hon. Hassan: Mheshimiwa Spika, kwa hivyo, naomba kuwe kuna umuhimu nafikiri wa kumfahamisha ndugu Seneta ajue ni Kamati aina gani ambazo sisi tuko nazo. Sisi hapa hatuna Kamati ya *Wildlife* au ya wanyama pori. Kwa hivyo, afahamu tuna Kamati aina gani. Halafu mheshimiwa Spika, nafikiri hapa amejieleza vizuri ndugu Seneta kwamba majukumu yake nafikiri yamefanana na yale majukumu yetu. Wao pia wako na Kamati pale katika Bunge. Sijui wamechukua hatua gani wao katika Bunge lao la Seneti katika zile Kamati zao maanake huwasikia wametembelea maeneo Fulani kwamba Kamati fulani imeenda ...yeye katika Kilifi Kaunti amechukua jukumu gani maanake hatujawahi kumuona akichukua *active role* katika Kaunti ya Kilifi?

Hata juzi juzi mheshimiwa Spika, Gavana alikuwa Nairobi akihojiwa na watu wa DCI ama sijui ni kitengo gani kile cha mambo ya ufisadi. Yeye alikuwa yuko pale, alichukua *role* gani? Aliuliza swali gani? Kwa hivyo, mheshimiwa Spika, hizi kama ndio anaona labda ndizo barabara za kumpelekea Ugavana 2022, mimi naomba kumfahamisha kwamba amechelewa jamvini na karamu imeshaliwa. *Document* kama hii mheshimiwa Spika iwekwe katika kaburi la saha. Asante.

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

Hon. Pascal: Okay, thank you Mr. Speaker for giving me an opportunity that I have really longed for. Let me take this opportunity to demonstrate my support for this speech that is before this House. As a County Government, we are supposed to work hand in hand with the National Government to ensure that we better the lives of the people. The Senator highlighted many of the issues that are eating into the affairs of the common *mwananchi* and therefore as a House, it is better for us to go through some of these things he highlighted so that we can see how we can come up with solutions to these problems.

(Hon. Kenga stood on a Point of Order)

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

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Hon. Kenga: Mr. Speaker, I am worried about the outfit the Member on the Floor has put on. I am not sure if it is a shirt or a t-shirt?

The Speaker (Hon. Kahindi): It is a shirt.

Hon. Pascal: I know he has a problem with eyesight. The Constitution mandated both governments that is the National and the County Governments to correlate so that they can sort out the problem of the common *wananchi*. The Senator in his speech highlighted some of the problems that are eating into the Kilifians society. When he talked about herders invading parts of Kaloleni and Ganze and the dry areas of Kilifi County, this is a problem that has eaten into the society for a long time. It is high time that we sit here as an Assembly to come up with ways and means of how we can fix these problems. Most of these issues directed to this House are an indication that this is the only area that is mandated to come up with laws that will help in solving the problems.

The Senator talked of the ADC land and that with the county Lands Committee... he was right by doing that. It is more advantageous for Lands Committee to go there and look into the affairs of any land problem that arises in the society and come up with a comprehensive Report and probably a suggestion on what should be taken to the National Government for arbitration.

Therefore, for us to trash the Senator for talking about the land problem just because he has been a Senator for years, I think we are missing the point. He is a leader just like us and the Lands Committee is supposed to look into the land affairs and come up with proper suggestions. It is not proper for us to vindicate him for pointing out that we can arbitrate the land issues in the County.

The Senator talked about corruption. When he talked it out, he did not mean he was targeting this House. Corruption has been rampant and it is talked about almost everywhere even in the villages. So, when he talked about it, he was highlighting that there is need for us as leaders to take charge and see how we can probably work with the relevant authority. To ensure that we slay this dragon that has disturbed the Country and County for a long time. Hon. Mae has given an example. Last year in this House, we castigated officials of the county government because of the corruption that had eaten into Kilifi County. Therefore it is not wrong for him to talk about these things because it is something disturbing almost all angles of this County.

The Senator talked about land grabbing. He was very categorical on the issue of the Giriama Ranch, which has been targeted by some people in the County to dispose the land to foreigners at their own interest. The Senator categorically said that there are people that we need to follow as a government and I am sure even the Governor himself took it seriously and came up with means where a caveat was put on the land, and the land was saved. So the Senator was right to talk about it and it is this House that can affirm his proposal and come up with great measures to guard that land.

Some Members have talked about the disbandment of the Senate; the Senate has really been fighting for the Counties. It is only that they are over whelmed by the National Assembly but they are doing some good for the County. It was recently that, we have seen them go to court just because the National Assembly wants to slash some revenue out that is meant to go to the Counties. How can a hon. Member stand before this House and start to say that the Senate is doing nothing to take care of the counties?

I think we are judging these guys harshly and we need to realize that they are here for us. For the last five years Kilifi has benefited a lot. We have been the third in terms of revenue collection out of the 47 counties. It cannot be an individual effort but I think he is doing some

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good for the County. That means we are well represented, therefore *mugala tumuuwe lakini haki yake tumpe*.

Just like hon. Shaban talked about the need to take care of the minority tribe; for a long time the minority tribes have cried foul that the county cake is not divided equitably. This is something that we need to take into consideration because we are one and the same and the share that we get has to reach to all the communities that we have as a county. He was in order to talk of all the issues that he mentioned and it is high time we considered his proposals.

The issue that he ought to have considered, which I also agree with my friend is that there are challenges that he needed to have taken care of. We have heard the late remittance of the county funds which as Senate they need to come up with measures that will enhance the National Government to remit funds in good time because it is hindering service delivery. There is also the other issues of the autonomy of the Assemblies; we are not autonomous. There is need for the County Assemblies to be given resources in good time and given enough space for them to spend on the resources. As Senate, they need to fasten their belts to ensure that this happens in good time.

Another challenge is on the issues of the Budget Committee. That is not given enough space to promptly appropriate the funds. We have seen there are supposed to appropriate up to one percent. The Senate needs to come up firmly and ensure that there is enough time given to the Budget Committee so that in its coordination with other Committees, they can have enough time to plan on how they can appropriate the funds of the county. I firmly stand with the Senator; he has highlighted very prompt issues that we need to take as a challenge. Not the way some Members were taking it as an insult. These are issues that when we stand and consider properly, we will find answers that will assist the great people of Kilifi. Thank you very much. Long live Senator Madzayo!

Hon. Mwantsi: Mr. Speaker, I stand to voice my support in the presentation by the Senator. When someone reminds you that you are naked, you don't start insulting him; you look at yourself to see if you really are naked and cover up.

The hon. Senator presented very fundamental concerns that as an Assembly we need to pick and find a way to work on them. A major role as a House is oversight; now, even if we lament and say the National Treasury is delaying monies to counties, there are situations like the citations where projects started back in 2014 and stalled. The main reason why those projects stalled is not because of lack of payments. It is because some rogue procurement officers and Chief Officers in the Departments overpaid contractors and then the contractor realized the remaining amount of work and the remaining amount of money is not in correlation so the contractor abandoned the site because he got more than what he was supposed to be paid. That does not concern the National Treasury! It falls on our moral concept as a people in Kilifi. Those are concerns we must look at.

Most of these stalled projects are not because of favoritism. As we speak, a project that began in 2014 does not mean all these years the money allocated to that project has not come to the county. Even as we speak now, we are talking of remittance for the financial year 2019/2020 but what of the money allocated in 2014? There is a problem there. We must accept and find a way to solve the same.

The other area that he highlighted about is Galana-Kulalu. It is a failed project by the National Government but as a county, we should also look at ways in which we can...

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QUORUM

(Hon. Kenga stood on a Point of Order)

Hon. Kenga: Yes Mr. Speaker, I am worried if we are transacting business with the proper quorum.

The Speaker (Hon. Kahindi): Clerk can you confirm? We are supposed to be 18 Members.

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

The Speaker (Hon. Kahindi): Ring the Bell.

(The Division Bell was rung)

ADJOURNMENT

In the absence of quorum, the House stands adjourned until tomorrow Wednesday at 2.30 p.m. Thank you.

The House rose at 4:05 p.m.

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