

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 25th October, 2016

The House met at the County Assembly Chamber, Malindi Town, at 2:30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

FINANCE CEC MEETING WITH COMMITTEE ON GENERAL OVERSIGHT

The Speaker (Hon. Kahindi): Hon. Members, the office of the Speaker has received questions that are to be laid to the County Executive Committee (CEC) Member in charge of Finance and Economic Planning and this is pursuant to Standing Order No. 42. This is from hon. Pascal Jacob and I will read it:

Pursuant to the provisions of Standing Order No. 42, I wish to request that the County Executive Committee Member of Finance and Economic Planning and his officers be invited to appear before the Committee on General Oversight to answer the following questions on Wednesday, 2nd November, 2016 at the County Assembly Chamber starting from 10:00 a.m.

One; to provide the total local revenue in summary that was collected by the defunct local authorities within the County before the inception of the County Government of Kilifi between the years 2008 and 2013.

Two; how much local revenue the county collected in the F/Y 2013/14, 2014/15 and 2015/16?

Three; why the County Government has not been able to meet its revenue projections even after privatizing revenue collection?

Four; provide comprehensive details on the contract agreement between the County Government of Kilifi and the private revenue collection company that is Rain Drops Limited?

Five; whether there are casuals engaged in the Department of Finance and Economic Planning handling revenue collection and their terms of engagement?

Six; provide the professional and academic qualifications of the senior officers serving in the County treasury.

Seven; how much revenue the County Government has collected in the FY 2016/17 as at 20th October, 2016 vis-à-vis its local revenue projection of Ksh 1.4 billion?

Eight; whether the Department of Finance and Economic Planning treasury has a service charter?

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Nine; explain the circumstances that lead to the loss of funds in the Department through the IFMIS system of Ksh. 15 million. What administrative and technical measures have been taken to address those queries?

Ten; whether the Department of Finance and Economic Planning has put in place adequate controls and measures to ensure there is no loss of public funds or revenue.

Eleven; whether the Department of Finance and Economic Planning is aware that the Kilifi County contractors face bureaucratic challenges and loss of documents at the hands of alleged corrupt county officers to delay payments? If yes, what measures the County Government is taking to address this vice that has contributed to under-performance of the County Government and rendered many projects re-voted every year?

Hon. Members under the Standing Orders, this list of questions having been received by the Speaker and read out to the Members will be forwarded to the CEC Member and this is also to inform you that this House on 2nd of November at 10:00 a.m. will have a special sitting for the Committee on General Oversight, just like what happened yesterday, for the CEC Member Finance to answer all those questions that have been raised in this document.

HEALTH CEC MEETING WITH COMMITTEE ON GENERAL OVERSIGHT

I also have questions directed to the CEC Member in charge of Health and this is from hon. Emmanuel Kazungu Chai, the MCA for Jaribuni Ward and the questions are as follows:

Pursuant to the provision of Standing Order No. 42, I wish to request that the CEC Member in charge of Health and his or her officers be invited to appear before the Committee on General Oversight to answer on the following questions on Wednesday, 2nd November, 2016 at the County Assembly chamber starting at 10:00 a.m.

Whether the CEC Member in charge of Health is aware of the loss of approximately Ksh 30 million through irregular IFMIS transactions? What actions has the Department of Health taken to recover the lost funds? Whether the Department of Health has put in place adequate control and measures to ensure there is no loss of public funds.

Having received this letter that contains the questions to the CEC Member Health, the same will be forwarded to the CEC Member and that is to give notice to the House that on this material day, a special sitting of the House will convene itself in a Committee of the Whole House to determine these matters as provided. Thank you.

Hon. Japhet Nzaro.

NOTICE OF MOTION

INVESTIGATION OF THE CONDUCT OF THE DEPUTY GOVERNOR AND THE COUNTY SECRETARY

Hon. Nzaro: Thank you Mr. Speaker. I rise to give a Notice of Motion of the formation of an Ad Hoc Committee:

AWARE THAT, the County Government has experienced on several occasions disharmony between the Deputy Governor and the County Secretary and other officers of the County for example in the 2016 Mashujaa day celebrations and the Deputy Governor's Building confrontation on Friday, 21st October, 2016.

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NOTING THAT, the disharmony has caused this County a lot of damage in terms of its image portraying its administration as lacking dispute resolutions mechanism.

FURTHER NOTING THAT, on various occasions the county has experienced tense confrontations between citizens supporting the different parties jeopardizing the smooth running of our Kilifi County Government.

I hereby urge this County Assembly in exercise of its powers to form an Ad Hoc Committee of nine Members to investigate the conduct and circumstances leading to this disharmony which injures the reputation of this county and also look at whether the actions of the Deputy Governor and the County Secretary are consistent with the respect and dignity of the offices they hold and whether their actions qualify them to be unfit to hold public office pursuant to Chapter six of the Constitution of Kenya, 2010. Thank you, Mr. Speaker.

The Speaker (Hon. Kahindi): Thank you, you have not read the list.

Hon. Nzaro: Thank you Mr. Speaker, the suggested Membership of the Committee which is prior to the House approval, we have; hon. Japhet Nzaro representing Ganze Sub-county, hon. Nixon Mramba representing Malindi Sub-county, hon. Renson Kambi representing Magarini Sub-County, hon. Anthony Mupe representing Rabai Sub-County, hon. Said Mwachenda representing Kaloleni Sub-County, hon. Tecla Muye representing Kilifi South Sub-County, hon. Gertrude Mbeyu representing Kilifi North Sub-County, hon. Hamza Hussein representing Kilifi North Sub-County, and hon. Elina Mbaru representing Magarini Sub-County. Thank you, Mr. Speaker.

The Speaker (Hon. Kahindi): Thank you, that Motion will be deliberated later. There is a Motion by hon. Kiraga? Is he in?

(Motion deferred)

MOTION

CREATION OF SMOKING ZONES

Hon. Kiraga: AWARE THAT, cigarette smoking is harmful to one's health.

FURTHER AWARE THAT cigarette smoke contributes to most of the respiratory related diseases.

This House therefore urges the County Executive Committee Member in charge of Health Services to set aside smoking zones in all trading centres within Kilifi County.

(Motion deferred)

Next Order

BILLS

Second Reading

THE KILIFI COUNTY COOPERATIVE SOCIETIES BILL, 2016

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Is the Chairperson for planning hon. (Dr.) Chitibwi in? Yes hon. Foleni?

Hon. Foleni: Thank you hon. Speaker. I am standing in for Dr. Mzungu Chitibwi who is the Chairperson of this Committee.

I beg to move;

That the Kilifi County Cooperative Societies Bill, 2016 be now read a Second Time and I call upon hon. (Ms.) Jane Mwaro to second.

(Hon. (Ms.) Mwaro seconded)

(Question Proposed)

Hon. (Ms.) Mwaro: Asante sana mheshimiwa Kinara kwa kunipa nafasi hii ili kuunga mkono kusomwa kwa mara ya pili kwa Sheria hii. Ningetaka kuunga mkono na kueleza ya kwamba ...

The Speaker (Hon. Kahindi): Hon. Nixon Mramba, what is the matter?

Hon. Mramba: Mr. Speaker, although I am not very much conversant with Kiswahili but I fail to understand if 'Kinara' means Speaker. Can we have an elaboration on this, Mr. Speaker?

Hon. (Ms.) Mwaro: Asante sana mheshimiwa Spika kwa kupata fursa nyengine tena. Ningetaka kumueleza mheshimiwa Mramba kwamba nimefanya utafiti wa Kamusi na hata akili zangu najua ni timamu ndiposa nikatimia neno hili 'kinara' na ninaamini kwamba linasimamia jina Spika kwa Kiswahili.

The Speaker (Hon. Kahindi): Kinara wa Bunge ama namna gani?

Hon. (Ms.) Mwaro: Ndio Kinara wa Bunge. Nikiendelea na Hoja zangu, *Cooperative Societies Bill*, 2016 nikiwa nitazitafsiri kwa lugha ya Kiswahili nafikiri hivi ni vyama vya Ushirika na vyama hivi vimekuwa vikiendeshwa hapo awali pasipo na sheria na hivyo basi ikiwa sheria hii itasomwa kwa mara ya pili, tutaweza kukuza uendezaji wa vyama vyetu vya ushirika kulingana na mujibu wa sheria.

Sheria hii pia ikisomwa kwa mara ya pili itaweza kusaidia uongozi mwema katika vyama hivi. Vile vile pia tutaweza kukuza uchumi wa jamii. Vyama vya ushirika vimekuwepo tangu jadi na vyama hivi vimeundwa kwa minajili ya masilahi ya wananchi. Hivi si vyama vya kuwa vitaleta faida bali ni masilahi ya wale wananchi ambao wako katika ushirika ule. Tumekuta ya kwamba hivi vyama vimekuwa vikiendeshwa lakini kumekuwa na shida nyingi sana. Wanachama huunda vyama hivi na kisha baadaye kwa sababu hakuna hii sheria wamekuwa wakipoteza rasilmali zao. Wamekuwa wakipokonywa hata nyumba na wengine hata biashara zao za mahoteli. Tunakuta kwamba hata wananchi wamepoteza pesa nyingi sana kwa ajili ya kuendesha vyama hivi pasipo na sheria mwafaka.

Hivyo basi mheshimiwa Spika, sheria hii itakaposomwa kwa mara ya pili na hatimaye kupita tutakuwa na sheria mwafaka ambayo itasaidia uendeshaji wa vyama hivi vya ushirika na wanachama watapata faida na kuona umuhimu wa vyama hivi na maslahi yao yatakuwa yanatimizwa kupitia kwa vyama hivi vya ushirika. Asante mheshimiwa Spika.

The Speaker (Hon. Kahindi): Thank you. Hon. Mramba, I thought you had requested to speak. I am putting you on microphone and you are switching it off. Okay.

(Question put and agreed to)

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

Second Reading

THE KILIFI COUNTY INVESTMENT AND SOCIAL DEVELOPMENT BILL, 2016

Hon. Foleni: Hon. Speaker, I once again I beg to move; That the Kilifi County Investment and Social Development Bill, 2016 be now read a Second Time and I call upon hon. (Ms.) Asha Chiku Wanje to second.

(Hon. (Ms.) Chiku seconded)

(Question proposed)

Hon. (Ms.) Chiku: Thank you Mr. Speaker, Sir. I rise to support the Second Reading of this Bill. I am so excited to read about the Bill. The Kilifi County Investment and Social Development Bill, 2016 is actually very vital to this county as investment is a devolved function now and this Bill has actually come at the right time when we are coming up with the law about investing. This Bill will assist the investors and the locals. As you can see at the moment the locals are not doing big investments. It is sad when I pass at Mavueni I see our people selling *Kunazi*. It is that kind of trade that we are doing but I am sure with the guidelines and laws passed in this Bill we should be able to attract investors.

Right now it is hard to get investors because we have to consider a few things but once we have this Act in force, the investors will be able to go through the Bill and see what it is there for them and the locals.

We have an example of Titanium in Kwale. I do not know how their Bill was done but ours has fully covered the locals that they will not suffer especially on the issue of land. With a new investment, this Bill caters for public and private participation for the company which will attract a lot of investors. Kilifi has a lot of idle land and this will attract investors to our county. Other counties like Murang'a and Nairobi do not have that kind of land and so we are in a good position of getting more investors.

When I was in America in 2014, I attended the World Investment Conference and we had a lot of inquires about Kilifi. We sold Kilifi and there was a proposal of having an industrial airport in Kilifi because we have land. The industrial airport... if we happen to get them invest in this county, it means having a container from Asia to East Africa, that is Kilifi County, within 24 hours and I am sure if we succeed in doing that then we are going to finish Kenya Ports Authority (KPA). A lot of luggage will come through Kilifi County and it is a good distribution centre for Ethiopia, Rwanda and Mozambique and a lot of counties around Kilifi County and this will be an envy of other counties like Kirinyaga; they do not have that kind of land. So once this Bill is passed, I am sure Kilifi will go to a higher level than were we are now.

This also will cover the environmental hazards which we have been having by the investors coming to invest in this county. There was no proper law, for example, we have a problem with Athi River today and we have tried to do what we can but since there was no guidance and policy, the locals are still suffering in the hands of investors. The same thing is

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applying to Mabati Rolling Mills factory in Kokotoni which was refused in several countries in Africa but it landed in Kilifi County because we do not have a policy to guide us.

The life or health of a local in Kilifi cannot be compromised so we need this so that we have a policy so as to be able to deal with investors who go against this Bill. In this Act we are going to have an investment authority which will be going round the world to sell Kilifi. At the moment we do not have somebody doing that so I urge my fellow hon. Members to support this Bill as investment is going to make money to go round in the county. Thank you.

The Speaker (Hon. Kahindi): Hon. Members, the Motion to have The Kilifi County Investment and Social Development Bill, 2016 to be read for the Second Time has been moved and deliberated.

(Question put and agreed to)

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

ADJOURNMENT

The Speaker (Hon. Kahindi): Hon. Members, there being no other business in the Order Paper, I wish to adjourn the House until tomorrow in the afternoon. Thank you.

The House rose at 3:20 p.m.