

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KILIFI**

**THE HANSARD**

**Tuesday, 9<sup>th</sup> February, 2016**

*The House met at the Temporary Chambers at the defunct Malindi Municipal Council, Malindi Town, at 2.30 p.m.*

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

**PRAYERS**

**QUORUM**

**The Speaker** (Hon. Kahindi): Mr. Clerk, do we have quorum?

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

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

*(Quorum Bell was rung)*

**The Speaker** (Hon. Kahindi): Mr. Clerk, do we have quorum?

**Clerk-at-the Table:** Yes, we have quorum.

**MOTION**

**APPROVAL OF THE HOUSE BUSINESS COMMITTEE MEMBERS**

**The Leader of Majority** (Hon. Mwingo): Thank you Mr. Speaker. I beg to move the following Motion before the House;

THAT, pursuant to the provisions of Standing Order No. 151 (1) (e), this Assembly approves the appointment of the following Members to the House Business Committee in addition to the Members specified under the Standing Order No. 151 (1) (a) (b) (c) and (d):-

1. Hon. Alphonse Charo Mwayaa
2. Hon. Cosmas Foleni Kenga
3. Hon. Japhet Katana Nzaro
4. Hon. Daniel James Mangi
5. Hon. Anderson Ngombo Kithi
6. Hon. Abert Kiraga Hare
7. Hon. Adamson Kadenge Mwathethe
8. Hon. Anthony Kenga Mupe

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9. Hon. Bakari Ali Mwinyi
10. Hon. Elizabeth Tabu Ngala
11. Hon. Lali Omar Sadi
12. Hon. Stanley Karisa Kenga
13. Hon. Jane Mwaro
14. Hon. Elizabeth Muthoka

Mr. Speaker Sir, may I call hon. Mwayaa to second. Thank you Mr. Speaker.

*(Hon. Mwayaa stood at his place to second)*

**The Speaker** (Hon. Kahindi): Thank you hon. Members. A Motion to adopt the names of the House Business Committee has been laid down by the Leader of Majority. Standing Order No. 151 requires that at the beginning of every new Session these names must be approved by way of presentation to the County Assembly through a Motion to be debated and approval to be made, so that the House Business can be able to continue with legislation. That having been done, I now propose the question that the Motion is now ready for debate. Yes hon. Mwayaa.

*(Question proposed)*

**Hon. Mwayaa:** Asante sana Mheshimiwa Spika. Nimesimama kuunga mkono Mswada ambao umeletwa na kiongozi wa wengi Bungeni. Ni haki kabisa kwamba tukawe na Kamati yetu ambayo inapanga mipango ili kwamba Bunge letu liweze kuendelea. Ningeomba Bunge hili liweze kuunga mkono ili Kamati hii ambayo majina ya wanachama wake yamesomwa mbele yake wawe ni watu ambao wanakaa kila wiki na kupanga mipangilio ya Bunge letu. Nasimama kuunga mkono Mheshimiwa Spika.

**The Speaker** (Hon. Kahindi): Yes hon. Nzaro.

**Hon. Nzaro:** Thank you Mr. Speaker. I rise to support the adoption of this Motion to approve the House Business Committee of this Assembly. Mr. Speaker, as you are aware this Committee has to be forwarded by the political parties of this Assembly, which I believe we have extensively done. Being the Deputy Majority whip in this Assembly, our party did a rightful thing because I am privy to the information that some of our Members have received letters to the effect that they explain why they are not towing the party line. Mr. Speaker, we do not have a scenario where we are incapacitated to do the Business of this Assembly.

Members, you will agree and note that there is one Member of this Assembly who has been removed from this crucial Committee because he is one of the Members who have received a letter from our party. So, I think Mr. Speaker, we are going in the right direction because we do not want a scenario where this Assembly has been incapacitated in a way that we cannot work because quorum has not been forthcoming.

Mr. Speaker, I support this Motion and I beg the hon. Members to do the same so that this Assembly can move with the dignity we require. Thank you, Mr. Speaker.

**The Speaker** (Hon. Kahindi): Yes hon. Nzaka.

**Hon. Nzaka:** Thank you, Mr. Speaker, Sir. I rise to support the adoption of this Motion. After reading the names of the Members who have been listed here, this committee has been well represented. I am seeing people living with disability; both religions; Muslims and Christians,

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and even gender has been captured in the formation of this Committee. So, I rise to support the adoption of this Motion. We are from long recess and there are several activities which are supposed to be done by this Committee, so I believe that everything will be in order. Thank you.

**The Speaker** (Hon. Kahindi): Yes hon. (Ms.) Tecla.

**Hon. (Ms.) Tecla:** Asante Mheshimiwa Spika. Nimesimama kuunga mkono hoja hii ambayo iko mbele yetu. La kwanza ni kwa sababu majina yalioandikwa hapa ni ya Waheshimiwa wateule na wale wa kuchaguliwa. Tunapata waheshimiwa wake kwa waume na hata wale wanaoishi na ulemavu pia wako. Hakuna ubaguzi ambao unaweza kufanyika. Kila mmoja aweze kufanya mipangilio ya wiki ili Bunge liweze kuendelea.

Pili, katika hawa wote, vyama mbali mbali vimewakilishwa ili pia nao wajisikie wanaweza kuchangia katika mipangilio ya wiki maana Bunge hili tunavyo vyama vingi. Kwa hivyo, nimesimama kuunga mkono.

**The Speaker** (Hon. Kahindi): Yes hon. Pascal.

**Hon. Pascal:** Thank you Mr. Speaker, for giving me an opportunity to contribute towards the Motion on the Floor. Mr. Speaker, I stand to have a deviating opinion in regards to this Motion. As much as this is a party issue Mr. Speaker, I feel that removing somebody from this list is... only but from the party is a continuous process and the process that has started is having Members receiving some letters. Those are only but allegations given to these Members. So, I feel if effected, it will be too quick for this House to remove these Members from the list because they still have to present their side of the story to the parties, so that they can explain what went wrong that made them drive themselves into a different decision. As a House, I feel like it is not the right time for us to expunge these names from this list until probably they are heard and their fate determined.

Mr. Speaker, I stand to oppose this Motion because I think it is pre-mature for us to make that decision. Thank you Mr. Speaker.

**The Speaker** (Hon. Kahindi): Yes hon. Hamza.

**Hon. Hamza:** Thank you Mr. Speaker, Sir. I would like to support this Motion. I would also like to give more direction to the Leader of Minority who probably might not understand the Standing Orders of the Parties and more so the decision that has been reached by the Party. He cannot actually stand to contribute on the issues of a Party that he does not belong to. He might not be having full information and therefore lacks adequate information to be able to stand at the right position.

Mr. Speaker, the decision reached by the Party which has been communicated to this House officially by the Chief Whip is actually a decision which has been given a clear and thorough observation. The letters that we have received is for the victims to show cause as to why maybe the Party should not take action against them. Mr. Speaker, if...

**The Speaker** (Hon. Kahindi): Hon. Hamza, let us not deviate from the norm. I have also received a Notice. I am yet to make it official before this House so you are preempting my work. Just contribute towards the Motion. I am going to read it. The letters are with me here.

**Hon. Hamza:** Thank you Mr. Speaker, for giving that direction. Actually whatever Mr. Speaker has is what the Leader of Minority was trying to do...

**The Speaker** (Hon. Kahindi): I understand the Leader of Minority...

**Hon. Hamza:** Thank you Mr. Speaker, for that. I thought maybe I stand at a better position to inform him. Actually we cannot be able to transact Business haphazardly just because some Members are not in the Committee. Therefore Mr. Speaker, having a determination to

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equate the number by having some Members absorbed in the Committee is quite in order, so that by the end of the day we have the business transacted as usual and therefore be able to operate smoothly. Thank you Mr. Speaker. I support the Motion.

**The Speaker** (Hon. Kahindi): Hon. Emmanuel Chai.

**Hon. Chai:** Asante sana Mheshimiwa Spika kwa kunipa nafasi hii ya kusimama na kuunga mkono Hoja hii. Waheshimiwa hawa ambao watatupangia mambo ya wiki, nimeangalia kama vile wenzangu walivyosema kwamba jinsia imezingatiwa, watu wanaoishi na ulemavu tuko nao na vyama pia vimezingatiwa. Nimefurahi kwamba chama changu kimewakilishwa vizuri kabisa. Kile kitu ambacho nataka kusema ni kueleza tu Kamati hii kama vile ambavyo naiunga mkono nayo ijaribu kutuletea vitu vizuri Bungeni. Isije ikatokezea kwamba kuna vitu vingine kama wakati ule ambao tulikua bado hatujaenda mapumziko, tulikua tunaletewa vitu ambavyo havijaiva. Kuna vitu vyengine ambavyo kila mara vinaletwa Bungeni, tunavisoma halafu tunashangaa kweli vilipitia kwa Kamati hivi? Inabidi tunaviregesha. Kwa hivyo, nina uhakika mkija mkisikia sauti yangu vile nimewaunga mkono najua kwamba mtaniletea vitu ambavyo vimeiva. Kwa hayo machache nitakaa nikiunga mkono Mjadala huu.

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

**Hon. Mwambire:** Thank you very much Mr. Speaker. I am humbled to get an opportunity to at least speak in this session. This is my maiden speech but again I do support this Motion because I have looked at it and it is well balanced. Mr. Speaker, all the details that are required for a democratic undertaking of the Assemblies' work have been adhered to in this Committee.

Mr. Speaker, I understand even the concerns raised by the Leader of Minority. They may sound genuine but he should be celebrating because incase of anything he might end up getting another Member from his party to join him. As a party, I think we have reserved those places for those Members who are in this Committee; it is lacking a Member from our Party, which we will do as time goes by because whatever is happening in our party has some timelines which we are following up very closely. If we get clear communication then we will know what to do.

As a party, we will have to sit and make sure that those spaces are well filled by the Membership that we have and the quorum will be attained; everything will go as planned. So, I do not think there is any need for anybody to worry about the composition of this Committee. Let us support it so that we can move forward. Thank you very much Mr. Speaker.

**The Speaker** (Hon. Kahindi): Thank you. Hon. Members, the Motion as presented by the Leader of Majority for the approval of the House Business Committee has been deliberated and I now put the question.

*(Question put and agreed to)*

*(Applause)*

## COMMUNICATION FROM THE CHAIR

### LETTERS FROM THE MAJORITY CHIEF WHIP ON REMOVAL OF FOUR MCAS FROM ALL COUNTY ASSEMBLY COMMITTEES

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**The Speaker** (Hon. Kahindi): Hon. Members, I will revert to communication from the Chair. I have today 9<sup>th</sup> of February received four letters from the Office of the Majority Chief Whip and Majority here being the Orange Democratic Movement (ODM). The letters have been addressed to the hon. Speaker as required by law and I will read each of the letters and then give further direction. One is a letter dated 9<sup>th</sup> February, 2016.

To the hon. Speaker of the County Assembly of Kilifi; Ref: notice of discharge of hon. Ibrahim Abdi Athman from all County Assembly committees. The above subject refers. The above named Member of the County Assembly has openly made utterances and activities that he no longer owes allegiance to the Orange Democratic Movement Party that sponsored him to the County Assembly.

The Party pursuant to Section 14 of the Political Parties Act, 2011 through letter dated 2<sup>nd</sup> February asks the above Member to show cause as to why disciplinary action should not be taken against him within 7 days.

Further, the party has pursuant to provisions of Standing Orders No. 157(1) (2) resolved to remove hon. Ibrahim Abdi Athman from all the County Assembly Committees. Thank you.

From: Hon. Alphonse Charo Mwayaa, MCA, Majority Chief Whip; County Assembly of Kilifi. Cc: The Chairperson Orange Democratic Movement; Kilifi County.

Now, the same letter in the same wording, in the same manner has been addressed to the Speaker, in reference to hon. Lawrence Kazungu Kilabo with the same message that ‘further the Party has pursuant to provision of Standing Order 157 (1) (2) resolved that hon. Laurence Kazungu Kilabo has been removed from all the County Assembly Committees.’

A similar letter addressed to the hon. Speaker, with similar contents has been issued to hon. Stephen Bahati Mlanda with the same message that ‘further the Party has pursuant to the provisions of Standing Order 157 (1) (2) resolved to remove hon. Stephen Bahati Mlanda from all the County Assembly Committees.’

Lastly a similar letter with the same wording from the Majority Chief Whip has been sent to the Speaker it is in connection with hon. (Ms.) Arafa Salim Baya that ‘further the Party has pursuant to the provision of Standing Order 157 (1) (2) resolved to remove hon. (Ms.) Arafa Salim Baya from all the County Assembly Committees.’

Now hon. Members for benefit of doubt, I want to refer you to the Standing Orders which have been referred to. Here it reads that;

**‘Discharge of a Member from a Committee**

157. (1) The County Assembly Party that nominated a Member to a select Committee, may give notice, in writing, to the Speaker that the Member is to be discharged from that select Committee.

(2)The discharge of a Member shall take effect upon receipt by the Speaker of the notice under paragraph (1).’

I have received these notices today so the discharge takes place today.

This is in essence in accordance to the law that the four hon. Members are not supposed to attend any Committee meetings. Those Members who are Chairperson or Vice Chairpersons stand to lose their responsibility allowances forthwith. They will not be able to attend any function or any travel that is organized by the Committees; those are the ramifications. The only entitlements these Members have are their plenary sessions which are 16 sessions per month. Any benefit that comes along as a result of an engagement by the Committees that one is

suspended from the date when the Speaker has been served with these Notices which stands to be today.

I will as a matter of procedure forward the same to the office of the Clerk, and the Clerk will transmit them to the Human Resource, the Finance Department and all relevant bodies today, until of course I receive further communication from the Orange Democratic Movement... This is a Political Party decision as a Speaker, I am only coming in, in reference to the Standing Orders which says that I need to be notified and once I am notified I communicate. Once I have communicated it ends there with me. So unless I receive any other Communication from the Orange Democratic Party that is the decision of the Party and not the decision of the Speaker and neither is it the decision of the Clerk or the Committee Clerks. It is purely a Party decision, which as a Speaker I have no choice but to implement as it is required by law. That is the Communication. Thank you very much hon. Members.

### **ADJOURNMENT**

In the absence of any other Business in the Order Paper, I move to adjourn this House until 2.30 p.m. tomorrow. Thank you hon. Members.

**The House rose at 2:55 p.m.**