

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 23rd 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

MOTIONS

ADOPTION OF THE REPORT OF THE SECTORAL COMMITTEE ON PLANNING,
TRADE AND COOPERATIVES ON THE GOVERNOR'S MEMORANDUM ON KILIFI
COUNTY ENTERPRISE DEVELOPMENT FUND (MBEGU FUND) BILL, 2015

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

Hon. (Dr.) Chitibwi: Mr. Speaker, Sir, I move that this County Assembly adopts the Report of the Sectoral Committee on Planning, Trade and Cooperatives on the Governor's Memorandum on Kilifi County Enterprise Development Fund (Mbegu Fund) Bill, 2015 laid on the Table of this hon. House on Tuesday, 16th February, 2016. I ask hon. Mangi to second the Motion.

(Hon. Mangi stood at his place to second)

The Speaker (Hon. Kahindi): Thank you hon. Mangi. Hon. Members, a Motion for adoption of the Report on the Sectoral Committee on Planning, Trade and Cooperatives on the Governor's Memorandum on Kilifi County Enterprise Development Fund (Mbegu Fund) Bill, 2015 was tabled and today a Motion has been moved for adoption. I now propose that the same is ready for debate.

(Question proposed)

The Speaker (Hon. Kahindi): Hon. Members, do we have the Report?

Hon. Members: Yes!

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

Hon. Hassan: Mr. Speaker, we received this Report just now. We are still going through the Report. We shall give the answers and contributions later. Thank you.

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The Speaker (Hon. Kahindi): Hon. Hassan says he has just received the Report, is that the position? Clerk is that the position? I thought this Report was tabled way back and Members had an opportunity to look at the Report. Yes hon. Japhet Nzaro do you have the Report or have you just received it?

Hon. Nzaro: I have received it in my pigeon hole.

The Speaker (Hon. Kahindi): You think you can make any valuable contributions?

MOTION

ADJOURNMENT MOTION UNDER STANDING ORDER 50 (b)

Hon. Nzaro: That is why I wanted to rise under Standing Order 50 (b) to seek the adjournment of the debate on this Report.

The Speaker (Hon. Kahindi): Yes, hon. Japhet Nzaro under section 50(b) of the Standing Orders. Anybody to second that?

(Hon. Hassan stood at his place to second)

The Speaker (Hon. Kahindi): Thank you hon. Hassan. Now the Motion to adjourn is ready for debate.

(Question proposed)

Yes Hon. Teddy Mwambire.

Hon. Mwambire: Thank you very much Mr. Speaker. It appears that Members will think some of us are not serious but in reality... though it is claimed that some Members had the Report yesterday in their pigeon holes, I received mine this afternoon Mr. Speaker. If you look at the magnitude of the issues that we are dealing with, which is the Mbegu Fund, we are supposed to make sure that we go through it and analyze it, so that we can at least know the contents of the Memorandum from the Governor which led to him not signing the initial part that we had passed or had resolved in this House before accepting the Report, or in case there will be any addition or subtraction from the Report from the details of the Committee, then we will be at liberty to do that Mr. Speaker.

This is a very important undertaking by the County which needs critical thinking and analyzing. For that reason, I would suggest as I support this Motion that, even the House Business Committee reconsiders putting this Report probably next week so that we can pass it as soon as possible and get ample time to go through it and come up with valuable contributions that will add up to this Report. Thank you very much Mr. Speaker.

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

Hon. Kiraga: Thank you very much Mr. Speaker. I rise to support the adjournment of the debate of this Report. Mr. Speaker, what we are seeing here is a Memorandum from the Governor. Most of us have not read the Memorandum from the Governor. I want to confirm that we discussed this Report here but the only problem is that the Memorandum from the Governor has reached to me today. So, we are not ready to give concrete submissions or views as per what the Governor highlighted and what the Committee resolved concerning the memorandum. So

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Mr. Speaker, I highly support this Motion so that we can be given time to go through the Memorandum and the Committee's findings and Committee's recommendations, so that we can come and have a very conclusive debate in this House. Thank you very much Mr. Speaker.

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

Hon. Kenga: Thank you very much, Mr. Speaker. I rise to demonstrate my support for the...

The Speaker (Hon. Kahindi): When did you get your Report?

Hon. Kenga: I received the document this afternoon when I came for the session and I saw it placed in my pigeon hole, though yesterday I was there and I did not get the document. So most likely the document has been put this morning.

The Speaker (Hon. Kahindi): I do not think you can even make submissions hon. Stanley Kenga because I am fully aware of this issue and I want to put a question that the Motion for adjournment has been moved for this debate.

(Question put and agreed to)

Now, there is one reason hon. Stanley Kenga and do not feel offended why I have told you that you do not have to contribute... is that we have discovered a lot of laxity and particularly from the Committee clerks. Right now, I am from a meeting with the clerk of this particular Committee. It is a responsibility of every Committee clerk to ensure that once a Report is tabled it is accompanied with the full Report. It has come to my knowledge that all the Reports that were scheduled in the morning despite the fact that they did not proceed; the Reports were not ready. Now what magic do your brains have to receive a Report in the afternoon and debate it on the same day? Not even the brilliant of lawyers can do that; people will seek for a further date. That is why I did not want this discussion to go on because I am fed up! That is not parliamentary for the record.

I am going to take decisive actions against those members of staff who are just idling around. Our Legislative Calendar is at the bottom. This Bill has really delayed. My expectations are that, at the time when the Report was being tabled, enough copies would have been availed to the Members. As we are sitting here, I cannot blame any Member why we are not proceeding today. I was having a meeting before I came here and I am going back and it is going on record that drastic actions are going to be taken against these people who do not work, because the Committee Clerk for the Delegated Legislation was not ready.

The Committee Clerk for Justice did not have the Report ready that is why we did not proceed in the afternoon. Now, is it the responsibility of the MCAs to circulate these Reports? Certainly not! I thank you hon. Japhet Nzaro but I can assure you it will come with consequences because we cannot adjourn just like that. I am not missing my words; the people who have been involved in delaying the legislative agenda of this Assembly will have to carry the cross. I cannot even be able to go for a debate when the facts have just been handed to me two hours before; I mean, surely, it is not possible. We don't just do legislation but we do oversight and representation. But the law is very clear that on the day when a Report is tabled, the physical Report must be present. It would be different for the record if today the Members had these Reports previously and then you come here you say you are not ready. I mean people will not take the Members seriously but look here... three Reports! Let us just proceed.

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COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE KILIFI COUNTY SUPPLEMENTARY APPROPRIATION BILL (ASSEMBLY
BILL NO. 6), 2016

The Chairperson (Hon. Mwambire): Hon. Members, welcome to the Committee of the Whole House. We are deliberating on the Kilifi County Supplementary Appropriation Bill (No. 6), 2016. The rules are a little bit relaxed so a Member can speak more than once. I call upon the Clerk to go through the Clauses and I am informed that Members received the copies yesterday. So, after the Clerk reads the Clause, I will propose and put the question. So, proceed Clerk please.

(Loud consultations)

Hon. Members Order! Let me seek your guidance, is it a must that the Clerk should read through the whole Clause or we can just read the Clause and proceed?

Hon. Hassan: Just read the Clause and we proceed please.

The Chairperson (Hon. Mwambire): Okay then, proceed please.

(Clause 3, 4, 5 and 6 agreed to)

(First and Second Schedules agreed to)

(Clause 2 agreed to)

(Long and Short Title agreed to)

The Chairperson (Hon. Mwambire): Thank you very much hon. Members, for according me a very good atmosphere to take you through the Committee of the Whole House. May God bless you.

Hon. Mangi: Thank you Mr. Chairman. I beg to move that the Committee report to the House is a consideration of the Kilifi County Supplementary Appropriations Bill no.6 2016 and its approval thereof without amendments. Thank you Mr. Chairman, Sir.

(Question Proposed)

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(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

THE KILIFI COUNTY SUPPLEMENTARY APPROPRIATION BILL (ASSEMBLY BILL NO. 6), 2016

Hon. Mwambire: Mr. Speaker, Sir, I beg to report that the Committee of the Whole House has recommended the Kilifi County Supplementary Appropriation Bill which is an Assembly Bill No. 6 and approved the same without amendments.

Hon. Mangi: Hon. Speaker, Sir. I beg to move that the House do agree with the Committee in the said Report. Thank you Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a request has been made by the Chairperson and I now propose the question that the House does agree with the Committee on the said Report.

(Question proposed)

(Question put and agreed to)

(Applause)

Hon. Mangi: Thank you Mr. Speaker, Sir. I beg to move that the Kilifi County Supplementary Appropriations Bill No.6 be now read for the Third Time. Thank you Mr. Speaker Sir.

The Speaker (Hon. Kahindi): Hon. Members, the Motion to have the Third Reading had been moved by the hon. Chairperson of Budget. I now propose that the same is ready for debate.

(Question proposed)

Hon. (Dr.) Chitibwi: Thank you very much hon. Speaker. I wish to support the adoption of the Supplementary estimates as presented, knowing that we work for this Assembly and the whole Government depends on the same. I am glad to note that as an Assembly and as a Government, we are getting more knowledgeable in our work. The work plan that we are preparing on behalf of the people of Kilifi County is going to manifest great benefits.

Earlier, we used to depend on the Executive, but right now these Committees of this hon. House have been doing a very good job. I wish to congratulate the Chairperson and all the Members for the good job done. Let us adopt this Report. Thank you Mr. Speaker.

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

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Hon. Nzaka: Thank you Mr. Speaker, Sir. Allow me to congratulate my fellow hon. Chairperson of Budget and Appropriations Committee, hon. Daniel Mangi and his entire Committee for the good job done.

Secondly, I would like to support and congratulate my fellow hon. Members to have allowed the Chairperson to present the Supplementary and Appropriation Bill for its Third Reading. Mr. Speaker, Sir, this document is the one which is delaying our monies to be remitted in our County and the Executive accounts.

Mr. Speaker, Sir, as I am the Chair for Education Committee, there are about two hundred ECD Care givers who we wanted to hire this financial year but it was quite impossible because we have not approved the Supplementary Budget.

Now, I am glad that for in this financial year, we are going to hire the care givers so that they can assist our children in schools. As we are heading to the next financial year after the passage of this Supplementary Budget, we will not allow more money to return to Treasury again because I think we are done with the habit of re-voting funds in every financial year. This Supplementary Budget is going to allow even contactors on the ground to perform their duties...

The Speaker (Hon. Kahindi): Hon. Nzaka, you need to speak in support of whether the Third Reading should go on today or for any reason, you think that it should not go on. Do not go into the details of the Budget.

Hon. Nzaka: Yeah, thank you Mr. Speaker, for your corrections. I strongly support for the Third Reading of this Supplementary Budget.

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

Hon. Kiraga: Thank you very much Mr. Speaker, I just stand to support the Third Reading of this Appropriation Bill. Mr. Speaker, it is very paramount for us to go on the Third Reading at this time so that we can allow His Excellency the Governor in time to assent to this Bill so that it becomes Law and allow monies to be released for our projects to be done in good times.

As you are aware Mr. Speaker, we are now nearing the rainy season and without the passage or the assent of this Bill into Law, it will be very hard for these projects to be completed in good time. With those few remarks Mr. Speaker, I highly support the Third Reading and eventually sending the same to His Excellency the Governor for assent. Thank you very much.

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

Hon. (Ms) Kwekwe: Thank you Mr. Speaker, for giving me this time in order to support the Supplementary Budget to be read a Third Time. It is in order for it to be read for the Third Time now for the Governor to assent this Bill into Law in time so that we can get money for Kilifians to do their projects for the betterment of our people in Kilifi and also for us as County Assembly of Kilifi to go on with our Committee work. Thank you Mr. Speaker. I really support.

The Speaker (Hon. Kahindi): Thank you very much. Yes hon. (Ms) Mbeyu.

Hon. (Ms) Mbeyu: Thank you Mr. Speaker, Sir. I rise to support the continuing of this Bill to the Third Reading. Mr. Speaker, Sir, it is the right time now that we go through and get over with this Bill. I congratulate my able Chairman hon. Daniel Mangi and I congratulate myself too. I have been a very active Member in this Committee and all the rest for having come up with this Bill to kick off the operations in Kilifi County. As at now we need to pass this Bill. Thank you, I support.

The Speaker (Hon. Kahindi): Thank you hon. Member. A Motion to have the Bill to be read a Third Time has been presented by the Chair of Budget Committee. I now put the question

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that The Kilifi County Supplementary Appropriation Bill (No. 6), 2016, be now read a Third Time.

(Question put and agreed to)

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

The Speaker (Kahindi): Thank you hon. Chair. That Bill having been read for the Third Time is now ready to be forwarded to the Governor for his assent.

ADJOURNMENT

Hon. Members, in absence of any other Business in the Order Paper, I now move to adjourn this House until 2.30 in the afternoon tomorrow.

The House rose at 3:05 p.m.