



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

SECOND ASSEMBLY – FOURTH SESSION

THE HANSARD

Wednesday, 14th October 2020

*The House met at the County Assembly Chamber,
Malindi Town, at 2.30 p.m.*

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

PRAYERS

MOTION

CONSTRUCTION OF A WASTE RECYCLING PLANT IN KILIFI COUNTY

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

Hon. Ndago: Thank you hon. Speaker for this wonderful opportunity. Before I read my Motion, today seems to be a very busy day as the Chairperson Health Committee had earlier suggested and I think once I read this Motion, he will be informed that health matters are very important to the people of Kilifi. I would wish to read my Motion, which I brought last week:-

THAT AWARE THAT, the Constitution of Kenya, 2010 in the 4th Schedule Part 2 (2) (g) mandates County Governments with the functions and powers on refuse removal, refuse dumps and solid waste disposal,

AWARE THAT, Article 42 of the Constitution of Kenya, 2010 states that every person has the right to a clean and healthy environment,

FURTHER AWARE THAT, Kilifi County Government has no waste recycling plant in the County,

Noting with concern that this continued dumping of waste, which is not recycled, will lead to unclean environment to citizens of Kilifi leading to outbreak of diseases,

This County Assembly therefore urges the Department of Water, Environment, Forestry, Natural Resources and Solid Waste Management to provide funds in the next financial year and

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subsequent financial years that will enable the County Government to construct or acquire waste recycling plants.

Mr. Speaker, I know that Kilifi County is one of the largest counties in the country and as a County; we have several towns like Mariakani, Malindi, Kilifi, Magarini, and including Shimo la Tewa that is the only 24-hour economy. We as the citizens of Kilifi are the producers of garbage but the County Government has a mandate to make sure that its citizens are living in a very clean environment.

According to the Constitution of Kenya, which was promulgated by Kenyans in 2010, the mandate of taking care of the environment is to the county level. Our towns are looking very dirty because there is no proper structure of controlling garbage. Therefore, we are urging the Department of Environment to purchase a recycling plant, which can actually recycle garbage, and can be used to produce energy that can be recycled and used in our villages where there is no power.

Mr. Speaker, I am very aware that health issues are very fundamental and we have actually seen in our Order Paper today where so many health issues have appeared. Looking at Kilifi County at large there are three or four big towns that produce a lot of garbage and this garbage is being dumped at Tezo Ward where hon. Thomas Chengo comes from. We also have human beings at Tezo. We need to come up with a structure and make sure that as a County, we are controlling this garbage. I am aware that the Municipality of Malindi has got donors who are ready to bring a recycling plant and make sure that we can recycle our garbage and produce energy.

The people of Malindi will be happy because the environment will be clean and the jobless youth will get job opportunities. I therefore urge the County Government to buy this recycling plant. I am very aware that the budget of Kilifi Municipality is very wanting. If the County Government can chip in and buy this recycling plant, I am sure the people from Mariakani, Kaloleni, Kilifi and Shimo la Tewa, that is Mtwapa, Mtepeni and Junju will also get the job opportunities created by the plant. People are ready to work for the recycling plant.

It is very unfortunate that across the country, there is no single county with a recycling plant but according to the investigation and research that we did with my colleagues who are in this House and I believe after giving my submission they will also contribute, a recycling plant costs Kshs 120 million from Italy. Here in Kilifi we are giving out a tender to someone who is actually taking home Kshs 125 million in each financial year. As a County Government, we can sit down and make sure we sacrifice so that we buy this recycling plant and create jobs for our people at the same time we make our environment clean. Right now, people think we already have a contractor who is collecting garbage but in the near future, we are not going to be able to control garbage.

As am talking Mr. Speaker, you can pass by where we have a dumpsite now in Tezo Ward you will be surprised because there are a lot of children and garbage while Tezo Ward cannot even produce one tone of garbage. This is because some of us do not have land we depend on Tezo. We are the producers but Tezo is the receiver; it is very painful. I therefore urge this County Assembly of Kilifi with all due respect hon. Members, let us come up with a way where we can create job opportunities, keep our towns clean and even attract investors for example in the tourism sector.

We have a famous slogan that says "This is Kilifi" and we are very proud of that slogan and happy about it but what is inside Kilifi? We should not show the good picture only. We

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should also show the bad picture because we also need to get investors who can support us. There are people who are ready to donate like what the donor did to Malindi Municipality. This was done because there are people who came out and spoke about it. As we are here in this House, we are only 54 Members but we are the voices of *Kilifians* and I believe when we speak, we speak on behalf of our people and I am sure we can get donors even before the County Government chips in for this recycling plant. I urge the County Government to take the first step before the investors. I therefore call upon the Deputy Speaker, hon. Stanley Kenga, to support this Motion. Thank you.

(Hon. Kenga seconded)

(Question proposed)

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

Hon. Kenga: Thank you very much. Mr. Speaker. I am standing to demonstrate my support for the Motion that has been moved by the Deputy Leader of Majority. Mr. Speaker, allow me to say the following in the presence of our guests who are members from Shimo la Tewa Ward. Even though the Deputy Leader of Majority may seem to be small in size, but he has a big brain and is very smart. The Motion that he has brought before this Assembly is noble.

As a County Government, we have no proper plan of managing the same. Remember it is one of the functions of the County Government as written in the Motion that Part two of the Fourth Schedule of the Constitution, one of the functions is the powers of refuse removal, refuse dumps and solid waste management but this must be done in a proper programme. We need to have plans; we need to have programmes that will make sure that we are smart in our refuse removal, refuse dumps and solid waste disposal.

One of the ways in trying to address this... remember if you go to the Fourth Schedule of the Constitution, the issue of controlling air pollution lies with the County Government and maybe having the waste recycling plant is one way that can lead to a clean environment that is devoid of air pollution. We have always wanted to create job opportunities mostly for the youth. The visitors or guests that are here will agree that most of the youth are languishing in poverty, because they lack job opportunities.

Therefore, such a plant will provide opportunities where we are able to engage our youth. Another aspect that has been said by the Deputy Leader of Majority is that, as we develop the plant, there is also the ability to produce clean energy and if we tap that energy, it will be of great benefit to the people of Kilifi.

Mr. Speaker, the right to a clean and healthy environment for the people... remember, at one time the current Cabinet Administrative Secretary hon. Gideon Mung'aro, when he was the mayor, Malindi Town was voted as the cleanest town in the entire republic at that time, but remember Malindi Town was still very small.

Currently as we speak, Malindi Town has really expanded. It is so huge. Kilifi is also expanding in population if you consider earlier years and today, it has doubled both for Malindi, Kilifi Town, Mariakani and even Shimo la Tewa. Therefore, we need this waste recycling plant put in place and I want to appreciate the research that he has done. He has done some homework and he was able to tell this Assembly that the plant costs less than Kshs 200 million yet annually we are spending around Kshs 125 million in trying to manage waste.

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If we can have this plant put in place, then in the long term we shall really cut down on the costs. Therefore, allow me to urge hon. Members of this honourable House that they support this Motion. Let the CEC Member in charge put in place an allocation in the budget that will be able to make the implementation of this Motion possible. Thank you very much. I beg to support.

The Speaker (Hon. Kahindi): Thank you. Hon. Peter Ziro.

Hon. Ziro: Thank you very much Mr. Speaker, for this noble chance so that I can give weight to the Motion that is on the Floor. I want to support the Motion with the following reasons. One of the reasons is that as enshrined in the Constitution of Kenya, 2010 Section 42, it is a right of every individual to enjoy a clean environment. Therefore, when we have this recycling plant, it will guarantee safe and clean environment for the people of Kilifi.

Currently, if you are going to Kilifi, when you get to Tezo, you get that smell and I believe the Member for Tezo will bare me witness there is smell that is coming out which is not very good for the people who stay in Tezo. Therefore, Mr. Speaker, with the provision or with the invention of this particular recycling plant, this situation can be controlled and the people of Kilifi and Tezo can enjoy a clean environment.

Reason number two, Mr. Speaker, why I support this Motion is simply because in the presence of the recycling plant, we are going to reduce diseases in our county. A clean environment is always very important and is very good for habitation. Right now when you walk around a place treated as a dumping site, you fear going there maybe when you get closer to that area you can contract a disease. Therefore, when this plant is brought, most of the waste materials will be recycled and diseases will reduce.

Reason number three, Mr. Speaker, as to why I support this Motion is that there is going to be an increase in tourism and being the Chairperson of Trade and Tourism, Kilifi County as a clean environment will always attract investment. When the environment and County is clean, investors will always be ready to come and do their investment and therefore creating job opportunities for our youth. If you look at the public gallery Mr. Speaker, I can see beautiful faces of our young women, handsome faces of our young men seated and I believe most of them are jobless. If we bring this machine, it is going to create many good opportunities. They will come here smiling.

Now, I believe hon. Ndago has a burden; after this, he has to take these ladies and gentlemen for lunch which is a very big burden. When they get employment, they get jobs and they will come here smiling. I have not seen any of them smiling there. As Members, we are smiling and laughing here maybe somebody is thinking what am I going to take for lunch? How will I get home?

(Hon. Ndago stood on a Point of Order)

Hon. Ndago: I am removing my mask so that I can send a signal to hon. Peter Ziro who was on the Floor; he is a very close friend of mine. Yesterday there was something that happened at the platform of hon. Members. I sent something and my friend wanted to smile but I could not see him wherever he was but his call indicated that he wanted to smile because in his pocket he had no funds.

He is now today telling me that my youth from Shimo la Tewa are not smiling, how can you smile with a mask? You cannot smile. So hon. Peter Ziro you are out of Order when you say that you do not see them smiling. They are from a 24-hour economy; Mtwapa is busy but today

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because they have been sent by their fellow youth, they decided to come. Thank you, Mr. Speaker.

Hon. Ziro: Thank you Mr. Speaker. I respect the hon. young man from Shimo la Tewa but Mr. Speaker, it was just a prayer and if you allow me Mr. Speaker in front of this House, I will give him Kshs5,000 to support him buy lunch for these ladies and gentlemen. If you allow me, please. I will do it here so that we have evidence.

The Speaker (Hon. Kahindi): You will do that after the session hon. Ziro.

Hon. Ziro: No, right here I will give it to him right now so that they can see that I have a heart for the young ladies and men.

The Speaker (Hon. Kahindi): Okay thank you. You will present that to the Member immediately after the session.

Hon. Ziro: I present it right now here, as evidence.

The Speaker (Hon. Kahindi): No; not now.

Hon. Ziro: If we go out, how will they know? It is a kind request.

(Loud consultations)

The Speaker (Hon. Kahindi): Order hon. Members! There are things we cannot allow in this House. We are transacting official business. It is not a market; your good gesture is appreciated but that money is going to be handed over to the hon. Member immediately after the session. Kindly proceed and wind up.

Hon. Ziro: I do not believe he is going to hand it over to them but anyway it is okay. Mr. Speaker the fourth point was on jobs, which I was just about to wind up before the Member interjected. I was going to say that if we have a clean environment, we are going to attract investors and therefore creating job opportunities for our young people. Thank you Mr. Speaker. I stand to support the Motion.

The Speaker (Hon. Kahindi): Thank you. We always enjoy the light moments from hon. Peter Ziro because it has been a busy day, anyway. Yes, hon. (Ms.) Saumu Sidi.

Hon. (Ms.) Saumu: Thank you Mr. Speaker for this opportunity. I also rise to support the Motion which has been brought by our brilliant young mind here from the only town in Kilifi County which has a 24-hour economy and it is also contributing a lot in terms of revenue in this county. Mr. Speaker, if you recall in 2016, this House passed a Solid Waste Management Bill and one of the objectives of the Bill was for the county to be able to recycle, re-use and also reduce waste and this can only be done through a recycling plant.

As we are speaking, we are eight years down the line after devolution and we are four years down the line after passage of this Bill. If it were in good faith of the Executive to make sure that we at least have a recycling plant, we would not be discussing about this Motion; but that notwithstanding, we are here hon. Members and also reminding the Executive of some issues that they are supposed to do. From the Bill, I have highlighted one of the objectives was recycling so this Motion has come at the right time when we need to have a recycling plant and we also need to make sure that it gets its way into the budget estimates now that we are in the process of a new budget cycle.

We are through with the ADP (Annual Development Plan) and we are going to the next phase. We need to make sure that this Motion sees its way there and I believe through the effort of the Mover of the Motion, he is a very brilliant young man and he is also aggressive we will

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make sure that that happens. Not forgetting the benefits of the recycling plant we will have in the county. The benefits have been highlighted; they are so many but also, we are aware that Kilifi County holds many dumpsites and we have one of the biggest in the whole Coastal region in Mwakirunge. It is in the border of Kilifi and Mombasa Counties. So, it is really important that we have this plant so that we have a clean environment and the people can also be healthy. Thank you, Mr. Speaker.

The Speaker (Hon. Kahindi): Thank you. Hon. (Ms.) Koki.

Hon. (Ms.) Koki: Thank you, Mr. Speaker Sir. I stand to support the Motion that has been brought by hon. Ndago about the waste recycling plant. It is just two weeks ago when we were going through our oversight mandate through the Committee on Roads. We found out that most of the drainage systems are not working because of waste so when we have this plant in place we will have a place where people will dispose their waste and it can be recycled to something useful in the county.

Last year but one, I was one of the Members who got a chance to visit Italy and got a chance to talk to one of the investors. I asked him what his reason was for not coming to invest in Kilifi. He categorically suggested that one of the reasons was that our towns are dirty and he cannot come invest in a dirty town. When we have this recycling plant in place, I believe we will have another chance to go to Italy to this particular investor and tell him we have the plant in place so that he can come and invest. Apart from that, most of the youth will have somewhere or something to do because waste will now be regarded as gold. People will know that when they take their waste to the plant, they might be getting something small out of it.

From where I come from in Mariakani, we have several dumping sites, which are not even identified as official dumping sites for the county. These will end up to be health hazards especially to the children because you find most children playing in those dumpsites and sometimes we have even syringes and other things that are harmful to them. So, when we have this recycling plant, we will have a safe environment and a clean Kilifi that will attract a lot of investors because that is what we lack in Kilifi and we will have a county that will develop. So I stand in support of this Motion. Thank you.

The Speaker (Hon. Kahindi): Thank you.

(Question put and agreed to)

The Speaker (Hon. Kahindi): Just a reminder hon. Ndago. You might want to see that the proposal, having been adopted in the House, finds its way in the Annual Development Plan (ADP) because when it is not in the ADP... of course the CEC Member will not be able to put it in the budget. You need to make a follow up on the same. Next Order!

BILL

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

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IN THE COMMITTEE

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

THE KILIFI COUNTY CITIZEN PARTICIPATION AND CIVIC EDUCATION BILL
(ASSEMBLY BILL NO. 4), 2019

The Chairperson (Hon. Kenga): Hon. Members, once again welcome to the Committee of the Whole House. As usual the rules are relaxed, and we are considering the Kilifi County Citizen Participation and Civic Education Bill (Assembly Bill No. 4), 2019. Welcome.

Clause 20

Hon. (Ms.) Scholastica: I beg to move:-
THAT, Sub-Clause 20 (4) (e) be deleted.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 20 as amended agreed to)

Clause 29

Hon. (Ms.) Scholastica: I beg to move:-
THAT, Clause 29 inserts Sub-Clauses;

29(3) Certified civic education provides who are non-state actors may conduct civic education in the County as per the County Civic Education guidelines” and

29(4) Non-state actors shall coordinate with the directorate at all times as they carry out civic education”

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 29 as amended agreed to)

Clause 30

Hon. (Ms.) Scholastica: I beg to move:-
THAT, clause 30 be deleted.

The Chairperson (Hon. Kenga): Hon. Members, I said that we need your participation; there is a Clause that we are deleting and there must be reasons why we are doing so. So, if you are in agreement well and good but if you have concerns you need to raise those concerns.

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(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 30 as amended agreed to)

Hon. Ziro: Thank you very much Chairperson. I think the tradition of this House when we delete a certain Clause also the numbering changes. But we are just deleting Clauses 20, 30 and also 31 and the numbering here is not factored so I do not know what actually will happen. Again, we do not even know the content that is being deleted and the content that is being inserted. I think you can enlighten me on this issue.

The Chairperson (Hon. Kenga): Do you have an explanation on the concern that has been raised?

Hon. (Ms.) Scholastica: Last week, we gave out the Bill to everybody and we were expecting them to go through it so that once we come, we get an easy time going through it but right now, I do not have the Bill in front of me. We gave it out and we explained why we were doing that because there were some clauses that were relating to other clauses that were there. So the Governor decided to keep them as clause one because they were relating to some clauses that were ahead.

The Chairperson (Hon. Kenga): Thank you. Hon. Peter Ziro, the information from the Clerk is that this is an amendment that is done through a memorandum that was done to the Assembly and the document that will be taken back to the Governor is well numbered; the issue of numbering has been taken care of.

Hon. Ziro: Most obliged Mr. Speaker, Sir.

The Chairperson (Hon. Kenga): Thank you. Hon. Pascal.

Hon. Pascal: Thank you Chairperson, You just hit the nail on the head because I am a Member of that Committee and the truth of the matter is that these clauses we are deleting is like they were repeating themselves and the Governor had proposed that we delete them so we remain with the ones that had the same meaning. Thank you.

(Clauses 31 and 32 agreed to)

The Chairperson (Hon. Kenga): Sorry hon. Members there was a bit of consultations, it is now your opportunity to move hon. (Ms.) Scholastica.

Hon. (Ms.) Scholastica: Hon. Chairperson, I beg to move that the Committee do report to the House its consideration on the Kilifi County Citizen Participation and Civic Education Bill (Assembly Bill No. 4), 2019 as approved thereof with amendments. Thank you.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

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THE KILIFI COUNTY CITIZEN PARTICIPATION AND CIVIC EDUCATION BILL
(ASSEMBLY BILL NO. 4), 2019

Hon. Kenga: Thank you very much Mr. Speaker. I beg to Report that the Committee of the Whole House has considered the Kilifi County Citizen Participation and Civic Education Bill, 2019 and approved the same with amendments. Thank you.

The Speaker (Hon. Kahindi): Who is the Mover?

Hon. (Ms.) Scholastica: Hon. Speaker, I beg to move that the House do agreed with the Committee on the said Report. I call hon. Pascal to second.

(Hon. Pascal seconded)

(Question proposed)

Hon. Pascal: Thank you very much Mr. Speaker, Sir, for this opportunity to agree with the Chairperson's remarks that we pass this law. Mr. Speaker, this county has been operating without a citizen participation law that is supposed to guide matters on citizen participation. So many issues have been passed in the entire county that have not been directed by law and today we are here trying to pass a law that will guide the issues of public participation; things that will guide how public participation will be carried out in our entire county.

Therefore, Mr. Speaker, I agree and call upon hon. Members to pass this law that has actually been yearned for by many Kilifians and also Kenyans. Thank you.

(Question put and agreed to)

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

Hon. (Ms.) Scholastica: Thank you, Mr. Speaker. I want to urge this House to pass this Bill because we have really struggled at the Committee level knowing the history of this Bill. This Bill has been there before we came into power and it was a privilege because the Bill was waiting for us in order to go through. The previous Assembly struggled with it until it reached somewhere and it came back, but we have struggled with it until it came back and it was with amendments and we said we are going to consider what the Governor has said. We brought it today with amendments because there were some clauses that were relating with other clauses.

I want to urge hon. Members to take it because we know when we do public participation, we have different categories of people and when we go through the Bill you will find that all the categories of people have been captured; the elderly, youth, disabled, who will all have been captured so everybody will be able to...

(Hon. Mwarandu stood on a Point of Order)

Hon. Mwarandu: Thank you, Mr. Speaker, for giving me this opportunity. I think I am lost or maybe the Mover is lost. I think this Bill has already been passed by the Question that was put. You gave her the chance to thank the Members for passing it not urging the Members to again pass the Bill since it has already been approved. Thank you.

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Hon. (Ms.) Schalastica: Thank you for the information. I want to thank the House for passing the Bill and we pray that whenever we do our public participation, we are going to get all the people who have been mentioned. I want to thank the House so much for your co-operation and most of all, I want to thank my Committee; the Justice Committee Members for having faith in me and bringing this Bill to where it is today. Thank you so much.

ADJOURNMENT

The Speaker (Hon. Kahindi): In the absence of any other business in the Order Paper, I move to adjourn the House until tomorrow. Thank you very much.

The House rose at 3:30 p.m.