



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

SECOND ASSEMBLY – FIFTH SESSION

THE HANSARD

Wednesday, 7th April 2021

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

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

PRAYERS

MOTION

ADOPTION OF THE REPORT ON THE VETTING OF NOMINEE
COUNTY PUBLIC SERVICE BOARD MEMBER; OMAR SAID OMAR

Hon. Kadenge: Thank you Mr. Speaker. Allow me to request the House to adopt the Report of the Sectoral Committee on Devolution, Public Service and Disaster Management on the Vetting of the County Public Service Board Member; Mr. Omar Said Omar.

THAT, this House adopts the report of the Sectoral Committee on Devolution, Public Service and Disaster Management on the Vetting of the Member of the County Public Service Board; Mr. Omar Said Omar, laid on the Table of this House on the 7th April 2021.

Mr. Speaker, before I call upon my able Deputy hon. Dickson (Shaban) to Second, allow me to make some submissions. I wish to take this opportunity to thank all the Members of the Devolution Committee for their input and their valuable contributions during the deliberations and inquiries from the nominees that guided them to make their final recommendations. Let me also thank your Office and the Office of the Clerk for their logistical support accorded to it during the vetting exercise.

The Committee is also grateful to the media for their coverage of the proceedings that hastened the accountability and transparency to this exercise. I would also sincerely applaud the

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nominee for honoring the Committee's invitation for the vetting exercise and making valuable contributions to the Report and its recommendations.

Lastly, the Committee wishes to record its appreciation for the services rendered by the staff of the County Assembly attached to the Committee led by Charity Mwarumba. Their efforts made the work of the Committee and the production of this Report possible.

Mr. Speaker, this person, Omar, was vetted and few of the Members had conflict of interest one being the Chairman and I stepped aside and the Committee was led by my Deputy, who was hon. Dickson (Shaban), and with those few remarks, the person whom we are talking about meets all the requirements. I would wish to ask the House to adopt this Report which the whole committee adopted without any problems whatsoever. Thank you.

(Hon. Shaban seconded)

(Question proposed)

Hon. Shaban: Thank you Mr. Speaker for giving me the opportunity to support this Motion of Mr. Omar Said Omar. First I would like to thank my able Chairperson for trusting me with the other Members of the Devolution Committee.

Mr. Speaker Sir, this is a vacancy that arose following the demise of Mr. Mohamed Abdulatif who passed away last year. May his soul rest in peace.

(Mr. Pascal stood in his place)

Hon. Pascal: Thank you Mr. Speaker. I want the Hon. Member on the Floor to clarify; did this vacancy arise out of dismissal or demise?

The Speaker (Hon. Kahindi): Demise.

Hon. Shaban: Thank you Mr. Speaker.

Hon. Ziro: Thank you Mr. Speaker for this noble opportunity. The hon. Member on the Floor has something appearing on his back. I do not know if it is a gun or what. Can he be searched through your authority so that we can know whether we are safe or not?

Hon. Shaban: Am not a gun holder Mr. Speaker. It is just the wallet. This is a vacancy that arose when one of the Board Members passed away last year. After that Member of the County Public Service Board passed away this position was advertised and an interview done and the following name Omar Said Omar was forwarded to this House by the County Secretary, through H.E. the Governor.

I rise to fully support the appointment of Mr. Omar Said Omar to become the County Service Board Member of Kilifi. The late Mr. Mohamed hails from Malindi Sub-County that is why we have the nominee also coming from Malindi Sub-County. More so, Mr. Omar Said Omar is a youth aged 26 years and I would like to thank the Governor, because most youth complain they are not being considered for the top county jobs.

When we were interviewing Mr. Omar, he showed that he is equal to the task having worked in Human Resource Departments in some of the companies here in Malindi.

Mr. Omar being a youth and a Muslim representative at the Board, we do hope that our brothers and sisters would be considered when other vacant opportunities arise. My wish is to urge this House to approve Mr. Omar Said Omar to become a Member of the CPSB of Kilifi. Thank you, Mr. Speaker. I support.

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Hon. Pascal: Thank you Mr. Speaker for this noble opportunity. Before I submit, I take this opportunity to thank the Committee Chairperson for steering the Committee in the right way, even for the Members who got the opportunity to vet this nominee.

Mr. Speaker, Omar Said Omar is a young person who exhibited some good ideas. As we vetted him, he proved to be academically fit to hold this office. We were able to know out of this young man he is a holder of a degree in Environmental studies and again he is undergoing a Masters degree on the same; that means that academically he fits to hold this office. Mr. Omar Said Omar holds no criminal records and also I came to realize when we were vetting him that he proved he will be working within the law and not from duress from certain quarters and he will always be guided by law while doing his work. Therefore, I want to stand with the proposal that we adopt this Report and call upon hon. Members to support the adoption of this Report. Thank you, Mr. Speaker.

Hon. (Ms.) Radhia: Asante mheshimiwa Spika. Mimi nami nasimama kuunga mkono Mswada huu kwa sababu mimi pia nilikuwa mmoja wa wale ambao walio *vet* huyu kijana. Kwanza kabisa, kijana huyu alikuwa na nidhamu ya kupita kiasi, na pia alikuwa amevalia vizuri. Kijana huyu alikuwa na makarastasi yake ambayo yalimpa kipaji chake cha kusoma na hiyo ilinipa nguvu ya mimi kuja hapa na kumpitisha aende asaidie vijana wenzake. Pia, namshukuru mheshimiwa Gavana kwa kuleta jina lake kama kijana wa Kaunti ya Kilifi, maana amepatia vijana wenzake moyo wa kusoma maanake ajira ziko kwa Kaunti.

Kwa hivyo, mheshimiwa Spika, nawaomba Waheshimiwa wangu wote wamuunge mkono huyu kijana na tumpitisha na aende akafanye kazi na akifika uko, aende akawaingize vijana wenzake kwa wingi ili hii Kaunti iweze kuendelea.

Hon. Humphrey: Thank you Mr. Speaker for giving me this opportunity. I would also like to thank the Chairperson, Vice-Chairperson and the Committee Members but more so to congratulate the Chairperson for his un-matched leadership in Committees.

Mr. Speaker, vetting is a process and it's a process which requires a law to be followed and in this regard, the Law that we followed was the County Governments Act especially Section 58 and also the Public Appointments Act Section 8. All these Laws are to be fulfilled before he is nominated, vetted and approved.

Mr. Speaker, from where I sit or stand as the Chairperson for ICT in this House, I want to bring to the attention of this House that I actually scrutinized using the available resources especially the academic, Tax Compliance, HELB (Higher Education Loans Board) certificates using the portals that were available to attest that these documents were valid, genuine and beyond any reasonable doubt, I found that these documents were valid and genuine. Therefore, I urge this House to approve the nominee to be a Member of the Board. Thank you.

Hon. Kiraga: Thank you so much Mr. Speaker. At first, I held my button for intervention while the Chairperson was making his submissions but you did not manage to see it; that was a concern I had. I hope you would allow me before...

The Speaker (Hon. Kahindi): The system has just been restored that is why maybe I did not see it, sorry.

Hon. Kiraga: Okay, I was to ask is it in order if the Chairperson has declared himself in terms of the nominee that there is a bit of relationship and that is why he has declared his personal interest and hence delegated the same to his Deputy. Now, is he in order to be the Motion Mover of the same? I am bringing this concern because this is a House of Records and such moves can be used to rectify challenges in future so I was to ask, was it in order?

The Speaker (Hon. Kahindi): Chairperson, did you declare that you have interest?

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Hon. Kiraga: Yes, on this matter at the Committee level and that is why he delegated those duties to his Vice-Chairperson and again he became the Motion mover. So I was asking, is that in Order?

The Speaker (Hon. Kahindi): Actually, that should have been brought to my attention. The clear procedure would be when a matter that is of interest at a Committee level, then you are supposed to make a declaration before the House not at the Committee level...

(The Speaker spoke off record)

...the best advice is that you remove yourself from taking part from the Committee meetings and that should happen at the Committee level. Probably the hon. Chairperson was not aware but ideally he should have not even participated in convincing Members to approve his nomination. Literally, 'I declare my conflict Mr. Speaker and therefore as the Chairperson I will not be part of this debate.' That would have been the procedure hon. Kadenge. Yes, hon. Kiraga that was a very good intervention. In fact, the system has just come up now; it was off that is why.

Hon. Kadenge: Yes, but I think I have declared the same and when I gave out my submissions I declared again. I did it at Committee level and now I said it.

The Speaker (Hon. Kahindi): Then you should not have submitted your submissions. It is safer that way.

Hon. Kadenge: But I think I was to be advised by...

The Speaker (Hon. Kahindi): Then you would not have done any submission if you have conflict of interest. Clerks to the Committee should have advised you before coming to this House ...this person is a tax payer and a resident of Kilifi and has all the rights to apply for a job in the county...

(The Speaker spoke off record)

Hon. Kadenge: But I think Mr. Speaker on the same note, I declared that he is not my family; he is just a voter of Malindi Town Ward; that was my conflict of interest.

The Speaker (Hon. Kahindi): That's not a conflict. You see the way hon. Kiraga puts it is like he is your family member. Being a voter is okay.

Hon. Kadenge: I know he voted for me.

The Speaker (Hon. Kahindi): You know every MCA (Member of County Assembly) comes from a ward so when someone applies for a job from your ward, it is not a conflict, because he is a voter, pays tax and has all the rights to apply for any job if it suits him or her. There is no any harm; this person's name was forwarded by the Executive so most likely he has the right to participate in any interview.

Hon. Kadenge: I do repeat he is just a voter of Malindi Town Ward. Thank you.

The Speaker (Hon. Kahindi): Let the record capture that. If somebody is a voter from your ward, in a nut shell he or she is a resident of Kilifi unless there is a personal relation. Is that okay, hon. Kiraga? Proceed with your submissions

Hon. Kiraga: Thank you so much Mr. Speaker. I believe the purpose of saying he had a conflict of interest did not come clear and that is why if you have noted he even went ahead by stepping down a bit so that his Deputy would carry on his submission and the clerks did not advice him nicely.

Thank you for this opportunity. May I first of all thank the Committee and its leadership for the job well done. I have looked at the Committee findings plus the Committee recommendations and I have no doubt that the Committee did a very good job. Looking at the findings against the vetting criteria, we are talking of issues to do with academic qualifications, employment record, professional affiliations, tax compliance and integrity.

Mr. Speaker, the Committee when doing their findings considered all these criteria against all the relevant laws. When we talk of the relevant laws during the vetting criteria, these are found in the Public Appointment Approval Act No. 5 of 2017 and Article 73(2) (a) (b) (c) (d) and (e).

The Committee findings were on these areas and that is why I am saying the Committee did a very wonderful job. Looking at the nominee against the professional affiliations, you see a host of experience. This is a young man who could accept short term courses just to build up his experiences; these are things that build up somebody. I really thank the Committee and also the Governor because out of those potential applicants some with a lot of experience, he settled on a young man aged 26 years. I concur with hon. Radhia. It gives morale to other youths that we are being considered as the leaders of today and not tomorrow. This is very motivating and I wish this youth well in his forthcoming engagement because I believe looking at the mood of the House, I think we are ready to adopt this Report. May God bless you so much. Thank you.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Hon. Kahindi): There being no other business to transact, this sitting is adjourned until next Wednesday at 9:00 a.m. Thank you.

The House rose at 4:15 p.m.