



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

THIRD ASSEMBLY-THIRD SESSION

THE HANSARD

Wednesday, 9th October 2024

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

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

PRAYER

MOTION

ADOPTION OF THE REPORT ON THE INTERNAL ADVERT OF THE COUNTY PUBLIC SERVICE BOARD

(Hon. (Ms.) Faith on 01.10.24)

(Resumption of Debate interrupted on 01.10.24)

THAT, this House adopts the Report of the Sectoral Committee on Devolution, Public Service and Disaster Management on the Internal Advert of the County Public Service Board.

The Speaker (Hon. Mwambire): Hon. Members, the Motion before us is resumption and in our records, it is indicating that only the Mover and the Seconder spoke and thereafter hon. Twaher proposed that the Motion be adjourned to another date which was taken back to the House Business Committee for reallocation of time which was today. Therefore, all Members apart from the Mover and the Seconder are able to speak. I do not have any Member who spoke

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apart from the two that is the Mover and the Seconder. Hon Members, this is the time any Member can participate in the debate of this Motion. Hon. Ngirani it is your time.

AMENDMENT TO MOTION ON REPORT ON DEVOLUTION, PUBLIC SERVICE AND DISASTER MANAGEMENT ON THE INTERNAL ADVERT OF THE COUNTY PUBLIC SERVICE BOARD

Hon. Ngirani: Thank you, Mr. Speaker, Sir. I stand before this House to draw some amendments to the original Motion. I beg to move: -

THAT the Motion be amended as follows: By deleting recommendation number one which says, "The recruitment process should be null and done afresh". Mr. Speaker, due to time and public demand, I wish therefore the County Public Service Board should continue with the recruitment process subject to the fulfilment of the following: -

- (1) That the Board cancel the list of all shortlisted candidates.
- (2) All candidates who have been interviewed or are pending to be interviewed but did not meet the mandatory criteria of internal recruitment should not be considered.
- (3) The County Public Service Board should shortlist the names of all candidates who have met the mandatory criteria of internal recruitment in the County Government of Kilifi Website within 14 days.

Mr. Speaker Sir, amending the Report by adding recommendation number three; the County Public Service Board shall facilitate this House with a Report of the successful candidates within 21 days after completion of the recruitment process.

Before I call upon the Seconder, I wish to give a few submissions before this House. Mr. Speaker, the Committee in charge of Devolution sat and upon the Recruitment of the Public Service Board which advertised internal recruitment, went ahead and shortlisted both internal and external candidates. This, Mr. Speaker in my view...

(Hon. Members stood on a points of Order)

The Speaker (Hon. Mwambire): There is an intervention. Yes, hon. Twaher.

Hon. Twaher: Thank you, Mr. Speaker, Sir. I stand under Section (88) of the Standing Orders. Hon Ngirani is giving a Statement which he needs to substantiate the information to this House. Mr. Speaker, this issue is for debate and the information given that Members of the public have been shortlisted or appointed by the Public Service Board has no evidence and if he has evidence then he should substantiate to this House. Thank you.

The Speaker (Hon. Ngirani): Yes, Hon. Ngirani put the Statement in an understandable way. You have given a Statement of fact which some Members feel is not clear. There is also an intervention from Hon. Koki.

Hon. (Ms.) Koki: Thank you, Mr. Speaker. I need some clarification on this amendment. Amendment number one says that the Board cancels the list of shortlisted candidates. To my understanding, it means anybody who was shortlisted should be cancelled. Number two says that all candidates who have either been interviewed or are yet to be interviewed but did not meet the mandatory requirement of internal recruitment should not be considered, it is confusing.

The Speaker (Hon. Mwambire): Hon. (Ms.) Koki, I think we are yet to receive the proposed amendment. It is not yet a property unless it is seconded, then we can consider it. It is good that we can seek clarity as we move or the Seconder to give clarity but if we get the

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Seconder then we can admit it. If you have been following the Senate, they had a Motion to establish an 11-member committee that would investigate the Deputy President. However, they did not have a Secunder; so it died a natural death. Hon. Members, I am still waiting to see if the child will see the light of day before we make consideration that is why I am quietly listening to him. Proceed, hon. Ngirani.

Hon. Ngirani: Thank you, Mr. Speaker. I want to respond to the first intervention from hon. Twaher who represents the great people of Shella Ward, that the Report was signed by the Devolution Committee and has an attachment of all shortlisted candidates in various categories that the CPSB wanted to recruit. We have the list of the Report in panel one which is the Agricultural Officer that is in your Report. We have from numbers one to 17; the names, gender, Sub-County, Wards and current work whereby I will give an example of Suileman Ngala Kazungu another one is Isaac Masha who is from Kilifi-Watamu where our Majority Leader comes from.

I think what hon. Twaher is asking for is in the Report that we have in this House. If he has no Report, then he can get it from the Serjeant.

The Speaker (Hon. Mwambire): Just proceed. I understand some Members have put their interventions but please proceed so that at least you can make it clear where there are doubts, because you are the one who is moving the amendments. So, by the time the seconder moves, then we will understand what is happening and make it very clear so that Members can either support or not support your amendments.

Hon. Ngirani: Mr. Speaker, on my first amendment, I want to be very clear that the CPSB should continue with the recruitment process subject, the term there is “subject” to fulfilment of the following: Number one; that the Board cancels the list of shortlisted candidates and the list of the shortlisted candidates. Mr. Speaker, it is in our Report, which includes those working within the County Government of Kilifi and those who are working outside the Kilifi County Government of Kilifi.

Number two; Mr. Speaker, all candidates who have either been interviewed or pending to be interviewed. Again, those candidates in the shortlisted Report that we have, pending to be interviewed and did not meet the mandatory criteria of internal recruitment should not be considered. I mean, in this Report, if there is any candidate who was shortlisted but is not currently working within the Board of Kilifi County Government should not be considered in the fresh shortlisting.

Number three, Mr. Speaker, shortlist the names of all candidates who had met the mandatory criteria of internal recruitment. Remember, Mr. Speaker, the original advertisement was for internal recruitment, Mr. Speaker and so the recommendation is for the CPSB to shortlist the names of all candidates who have met the mandatory criteria of internal recruitment in the County Government of Kilifi website within 14 days. So, in other words, Mr. Speaker, we want to see on the Kilifi website within 14 days, shortlisted candidates; only those who have met the criteria of internal recruitment.

Mr. Speaker, after they have completed their process of recruitment, interviewed, and given the letters, the CPSB within 21 days after the recruitment process is completed, shall facilitate the House with a Report of the successful candidates. Mr. Speaker, I think I am clear on that.

Mr. Speaker, I was in the process of giving my submission before I called upon the seconder to second this Motion. Mr. Speaker, the original advertisement was strictly, and I repeat

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Mr. Speaker, strictly an internal advertisement meaning, Mr. Speaker, those who are supposed to be taken or shortlisted to be successful in these various job groups, should only be current employees of County Government of Kilifi.

This one, Mr. Speaker, was deliberately done to save most of the casuals of this County, who have worked tirelessly for many years and have not been absorbed permanently by the CPSB of this County. The CPSB, after recruiting or shortlisting the candidates who were not working within Kilifi County Government were going against the advertisement policy of internal recruitment.

We are just asking to save the fluctuation, and frustrations that our casuals have been going through. The CPSB should start a process of absorbing them little by little. One way of absorbing these people, Mr. Speaker, is by the internal advertisement, whereby the room will only be for those who are within the Kilifi County Government.

Mr. Speaker, with that submission, I think my amendment is clear and let me call upon hon. Mkumbi (Mariam) to second this Motion. Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): Maybe before you second, hon. Mkumbi (Mariam), Members, you should understand that the rules of the game are very clear. After it has been seconded, you will be given an opportunity to interrogate the amendment. I will even put a Question to the amendment before it is adopted. So, you cannot even intervene now when it has not even been well-tabled. Let the Secunder make her contribution.

Hon. (Ms.) Mariam: Thank you, Mr. Speaker, Sir. I stand to second the amendment brought in this House by hon. Ngirani as one of the Members of the Devolution Committee. Thank you, Mr. Speaker.

(Question of the amendment proposed)

The Leader of Minority (Hon. Mumba): Thank you, Mr. Speaker, for giving me this opportunity to add my voice to the proposed amendment to the Motion.

Mr. Speaker, the Mover of the amendment now has given us the issues that he wishes to amend on the recommendations, but before this yellow paper was circulated, Mr. Speaker, there was a white paper that had been circulated here, on the same amendments. That white paper had two issues that were to be amended in that Motion. If you allow me, Mr. Speaker, I will read it because this is a paper that had been circulated here and again, I saw another yellow paper being circulated. So, I do not know the source of these two documents.

The Speaker (Hon. Mwambire): Hon. Mumba, maybe to assist us maybe you can share a copy of it with the Clerk so that I can see because I think the one which is approved is the one before Members...

The Leader of Minority (Hon. Mumba): Maybe the Leader of Majority can share that because I have just taken a photo...

The Speaker (Hon. Mwambire): If there is any other amendment which has not passed through my Office and is not approved, then that is not an amendment.

The Leader of Minority (Hon. Mumba): Again, Mr. Speaker, on the same note looking at the first issue, this is pure grammar, that the Board cancels the list of shortlisted candidates. In simple terms, it tells you that the whole list is cancelled. In pure grammar that is what it means. In submission by this Mover of this amendment, it says those who are not meeting the threshold

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of internal advert are the ones who should be removed from the list Mr. Speaker, because now that is why a Member rose on a Statement of facts.

At least now we can understand which direction exactly are we moving before we approve the amendment or not. I second the Member who rose to seek more guidance on what exactly this Motion says. You can see from the first letter which has not been admitted here that the amendment was not captured.

Mr. Speaker, I think it is very important we get it right before we move forward and if this is what has been approved, then I wish to submit as follows. The question at hand here is not about the casuals. You and I know that the casual is a different issue and a very emotive issue before this County. It is a very sensitive matter that is ongoing. I am aware there is a case in court and again there is a Petition that was submitted to this House.

I want to be very categorical that today we are not discussing the issue of the casuals. We are here discussing a Motion by the Committee on Devolution which seeks to stop the process of recruitment based on the fact that there is an allegation some of those people who are shortlisted are not meeting the threshold of internal advert. Based on that Mr. Speaker, when we talk of internal advert, there are those who are even on permanent terms, they are still internal and if there is an opportunity of a higher job group, they can still apply.

So, I want to make it clear so that it may not be deemed as if it is an issue of the casuals here. So, you must understand what an internal advert entails. Having said that, Mr. Speaker, I have been looking at this Report and I have gone through the findings. Before I make submissions to the mother Motion, I want to say that for now, this is my opinion that I do not support this amendment. I do not support it because one, it is not clear. Two, if what has been proposed here is the amendment then in short it is misleading as per what had been deliberated before. If this is the way to go, then I think it is a cat-and-mouse race that we shall be playing around here.

For us to be very steady first in whatever we are doing, then this amendment should not find the light of the day. I propose that we throw away the amendment, we discuss the Motion, and we find the light of the day. Thank you.

Hon. Hassan: Asante, Mheshimiwa Spika, kwa kunipatia nafasi hii. Mimi nimesimama kusema kwamba hii Hoja ambayo imeletwa na mheshimiwa Ngirani haina umuhimu kwa sasa hivi. Niki nukuu, *“All candidates who have either been interviewed or are pending to be interviewed but did not meet the mandatory criteria of internal recruitment should not be considered.”* Naomba tutulie hapo hapo niwarudishe kwa Katiba ya Kenya, 2010.

“Article 27 of the Constitution of Kenya, 2010 provides for equality and freedom from discrimination. Every person is equal before the law and has the right to equal protection and equal benefit from the law.”

Sasa sijui hawa ambao niwatengwe itakuwaje kwa sababu Katiba imewatetea. Bado katika kipengele cha Pili,

“The Act of the Employment 11, 2007 Section 5(2) and (3) of the Employment Act, 2007; discrimination in employment; an employer shall promote equal opportunity in employment and to strive to eliminate discrimination in any employment policy or practice. No employer shall discriminate directly or indirectly against an employee or prospective employee or harass an employee or a prospective employee.”

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Kwa mfano, kama kwa *grounds on sex, rape, race and others*, sijui kama hapa maanake wote ni watu wa Kilifi na wote ni wakenya. Mimi ombi langu naomba kwanza hii tuweke pembeni tuendelee na lile ambalo limetuleta. Asante.

Hon. (Ms.) Mapenzi: Asante sana, mheshimiwa Spika, kwa kunipatia fursa hii nami kutoa changizo zangu kuhusiana na mada ambayo iko kwa Sakafu ambayo inazungumzia mabadiliko ya mjadala katika Bunge hili. Nasimama kuungana mkono na mheshimiwa Ngirani kwa hayo mabadiliko kwa sababu zifwatazo. Mabadiliko yenyewe nataka niseme nimeyaelewa maana yako wazi. Haya mabadiliko yatakuwa yanazingatia tangazo la awali la kuajiriwa kwa hawa walioorodheshwa. Tangazo lenyewe lilikuwa ni lifanyike ndani kwa ndani (*Internal advert*). Lengo ilikuwa ni kuwapatia nafasi wale wafanyikazi waliokuwa wamehudumu hapo kwenye gatuza kwa miaka kadhaa...

The Speaker (Hon. Mwambire): There is an intervention from hon. Twaher.

Hon. (Ms.) Mapenzi: Under which Point of Order?

The Speaker (Hon. Mwambire): Just take a seat, he will be stating.

Hon. Twaher: Mr. Speaker, hon. Mapenzi is out of Order because she is debating the main Motion, not the amendment. In the amendment, there is nothing like the issue of the initial recruitment and advertisement.

Hon. (Ms.) Mapenzi: Under which Standing Order is he standing? Hon. Speaker, kindly guide me.

The Speaker (Hon. Mwambire): Just hold...

Hon. Twaher: Mr. Speaker, when I state like she is misleading the House, I mean this, the amendment before us is the Motion we are debating right now. She is debating the main Motion, not the amendment Motion. So, if she states that she has read this amendment and she understands it, let her confine herself to this Motion before this House. Thank you.

The Speaker (Hon. Mwambire): Proceed, hon. Mapenzi.

Hon. (Ms.) Mapenzi: Asante sana, mheshimiwa Spika. Nitaendelea kufikia pale nimefika maanake najua ninafanya nini, nimetoka wapi na ninaenda wapi. Haya mabadiliko mheshimiwa akisema haelewi mimi nitashangaa maanake ile ya kwanza imesema, "*That the Board cancels the list of shortlisted candidates*". Hiyo haimaanishi wote walioorodheshwa kwamba ni wanaenda tu hivyo. Kuna kipengele cha pili pale ambacho kinatoa tena nafasi. Ikizingatia lile tangazo la awali kwamba, "*All candidates who have either been interviewed or pending to be interviewed but did not meet the mandatory criteria...*", ambapo "*mandatory criteria*" ilikuwa ni nini? Ni sharti uwe mfanyikazi wa Kaunti ulifanya kazi pale. Hiyo ndiyo *mandatory criteria* ambayo Board ya uajiri hapa Kilifi ilitangaza.

Haya, tuseme wale wa nje walipata fursa ama nafasi ya kuelewa tangazo hili kwa njia zao walizotumia. Wale waliotangaza hii ajira na wamebaini kwamba wako wale wa nje walipata tangazo hili na wakaweka pendekezo lao la kuomba kazi. Walikuwa sasa ni wao warudi katika matangazo yao, waangalie taratibu zao walizokuwa wameziweka katika tangazo hilo na wawapatie kipaumbele wale wafanya kazi waliokuwa pale ndani wakihudumu kama vibarua kama vile tangazo lilivyokuwa linasema.

Mheshimiwa Spika, nina mengi ya kuongea lakini kwa sababu ninaambiwa nibaki katika hili, nataka nikae na nikiitisha nikiomba nafasi baadaye unipatie.

The Speaker (Hon. Mwambire): Okay, very well. I know Members had a number of issues but we want to make it very simple so that we can determine this amendment. Hon. Ibrahim, please.

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The Leader of Majority (Hon. Ibrahim): Bw. Spika, asante sana kwa kunipatia nafasi kama hii ili na mimi nichangie kuhusiana na hii *amendment* iloletwa hapa na mheshimiwa Ngirani. Sisi hapa tumeletwa na wananchi wetu watukufu wa Jimbo letu la Kilifi. Mimi nataka kusema kitu kabla sijaingilia hii *amendment* ya Mheshimiwa Ngirani. Ni kwamba, tumekuwa kwa ofisi yako na ukatupeleka vizuri sana na kila mtu alipotoka pale akawa ameridhika. Tulipokuwa tumetoka pale kila mtu alikuwa anajua ya kwamba tukampa mamlaka Mheshimiwa Ngirani ya kuleta *amendment*. Lakini ile *amendment* tuliompatia siyo hii aliyoeleta hapa.

Bw. Spika, mimi nataka kuambia waheshimiwa ya kwamba, tufanye yote tisa lakini tusicheze na maisha ya wafanyajikazi wa Jimbo letu la Kilifi na ikiwa tutacheza na tutaleta siasa katika jimbo letu la Kilifi kuhusu wafanyajikazi, basi haina maana sisi Bunge hili afadhali liende nyumbani. Orodha ziko hapa na kwa sababu wenzetu walikuwa wako na shauku ya kwamba kuna *external* wamewekwa majina hapa na sisi tukakubali tukasema kama kuna *external* majina hapa lete *amendment* wale *external* wasiwe *shortlisted*, na hayo ndio makubaliano. Hatukuongea ya kwamba ati *all the list*.

Bw. Spika, mimi ninashangaa hapa juu tuko na watu kutoka kila eneo Bunge na ningeomba hawa wananchi wote leo ambao wamefika hapa wasiondoke wasikize huu Mswada tutakavyozungumza. Je, twazungumza ya ukweli ama tunazungumza ya uongo? Kwa hivyo, mimi nasimama hapa kupinga hii *amendment*. Bw. Spika, tuende kwa Mswada uloletwa na tuzungumzie tuangalie utapita ama utaanguka. Asante, Bw. Spika.

Hon. Tete: Asante, Bw. Spika, kwa kunipa fursa hii kuchangia katika hii Hoja. Mheshimiwa Spika, mimi naona kuchanganyikiwa na jambo moja ambalo tunalizungumzia. Hii Hoja asili ambayo imeletwa inazungumziwa kwamba ilikuwa kuna waajiriwa ambao matangazo yaliwekwa ndani kwa ndani na kusiwe na kuchukuliwa kwa wafanyikazi wa nje na katika hii orodha, ninaona ni *list* ambayo imeorodhwa majina na sehemu ama Idara ya kazi ambazo zimeandikwa pale kwa *Departments, that is what I mean* na sijaona sehemu ambayo imeandikwa kwamba hawa ni wale ambao ni wafanyakazi wa ndani kwa ndani na hapa kuna *list* ya watu waliotoka nje.

Sasa, iwapo kuna ile orodha halisi kwa kupitia kwa upekuzi wa Kamati ambao walifanya na kuna *list* ya wale ambao wanaonekana waliingizwa katika huu mchakato wa kwamba wapatikane wanaajiriwa na wanatoka nje ya Kilifi Kaunti ama wanatoka nje ya wale waajiriwa wa kwanza tuwajue ndio hata tukisema wanaenda kuwa *cancelled* lakini hapa hii *list* naiona ni *list* moja kwa moja ina maelezo ya kutoka wadi baada ya wadi. Majina kutoka *Sub-County* tofauti, lakini hawa ambao wanasemekana ya kwamba wanatoka nje ya waajiriwa ndani ya hili gatu letu sijawaona hapa, mheshimiwa Spika.

Kwa hivyo, kama naweza kufahamishwa hapo pia ya kwamba hii *list* ndio wale ambao waliingia hapa kimakosa na hawa ni wale mbao walikuwa wanastahili kuingia na wakaachwa; wengine ambao saa hii wanalalamika kwamba kwa nini sisi tukaachwa na wakachukuliwa wengine. Basi sisi pia pale tuwekwe wazi ili tutetee watu wetu tukijua ya kwamba wale tunawatetea ni wale ambao waliachwa kwa malengo fulani ambayo hatuyajui. Yangu ni hayo, mheshimiwa Spika.

Hon. Rashid: Thank you, Mr. Speaker, for giving me this opportunity. Mr. Speaker, I support the amendment. I am very happy today because I can see the House is doing its real job and that is why we are here. We are here to make sure that the County Government of Kilifi runs in the right way and direction.

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Why am I supporting the amendment? If you go to where there is a bone of contention, number one; is that the Board cancels the list of shortlisted candidates. Mr. Speaker, I don't see anything wrong with that first statement being a student of linguistics and grammar. Where they are saying the Board cancels; if you read that line, the word the if you visit your Oxford dictionary is a definite article and a definite article does not include each and everyone so it is very categorical that the preposition of the word 'the', if you remove the word the and put a list, then we would have referred to the old list but the list which is a definite article and coming back to the laws of linguistics semantics and maybe in grammar if you go to number two and three has already abrogated any information which might come in the first line, which does not agree with the number two and number three. Mr. Speaker, my learned fellow will agree with me that in linguistics we have what we call polysemous words.

Again, Mr. Speaker, we have been given information here that it has been read; the Employment Act, number 11 of 2027. One of the Members has read it and said that an employer shall promote equal opportunity in employment and strive to eliminate discrimination, which is a Constitutional problem in any employment policy.

Mr. Speaker, the issue here is the employment policy. What was the initial employment policy? The initial employment policy here was internal, not external. So the word internal was a policy. So if you go contrary, you are contradicting this section. Mr. Speaker...

The Speaker (Hon. Mwambire): There are two interventions before me here.

Hon. Rashid: *Walete, walete.*

The Speaker (Hon. Mwambire): Hon. Twaher and the other one is hon. Ngirani.

Hon. Twaher: Thank you, Mr. Speaker. I rose before this House under Standing Order 88 because, okay, let me read this Standing Order for your benefit. You can read it with me. "Members shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such fact instantly".

Mr. Speaker, there has been repeated information like the Public Service Board published shortlisted names for members who are not public servants. What we have, Mr. Speaker, in the Report is the list of all shortlisted, but we do not have the list that these are qualified because they are working in these Departments and are not qualified. So, where we are, they are bringing this information; we do not have adequate information. We are just discussing a baseless Report that is not under hearsay.

Mr. Speaker, when I rose to say that this debate under Standing Order number 90, debate on amendment is confined to amendment, Mr. Speaker, you denied me this opportunity because hon. Elina (Mapenzi) was debating on the main Motion and now hon. Rashid is debating on the main Motion.

Mr. Speaker, let the Mover of this Motion substantiate before this House and the responsibility of this House. This is the House of Law. It is not the House of Linguistics. This is not a school that you are teaching. This is the law-abiding House, Mr. Speaker, I have risen under Standing Order 88. They should substantiate the information.

The Speaker (Hon. Mwambire): Let me get it very clear because I am also very keen on what we are sharing here.

Hon. Twaher: Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): Do you have the Report before you?

Hon. Twaher: Yes, I have the main Report.

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The Speaker (Hon. Mwambire): Let us go to findings then read for us number two of the findings. Page number 20. Page number 10. Yes.

Hon. Twaher: Thank you, Mr. Speaker. Findings page number?

The Speaker (Hon. Mwambire): 10. Yes, read the findings in short so that at least we can understand what they are talking about and what you are talking about so that it can be very clear.

Hon. Twaher: They say the Board published an internal recruitment advert on the website and shared it on different social media platforms. The action of the Board in shortlisting candidates who are not affiliated with any Department of Kilifi County flawed the recruitment process. You see, Mr. Speaker, this number two is what we are asking. What? These are the names involved; Kache, Dama, Charo, and Twaher. These are not members of the workers of the County Government.

This is where we are. This is a bone of contention now because, Mr. Speaker, what the Mover is saying and the committee findings that they have put here is like there are some of the names who are shortlisted in this Report by the Public Service Board are not public. They are not workers of the County Government. You see what I am asking, Mr. Speaker?

The Speaker (Hon. Mwambire): Just hold on a minute. You stood under Standing Order number 88.

Hon. Twaher: Number 88. Yes.

The Speaker (Hon. Mwambire): You wanted clarification. That is why I have taken you to the findings.

Hon. Twaher: Yes.

The Speaker (Hon. Mwambire): And I have shown you that in finding number two, the Committee established that, there was some...

Hon. Twaher: It is not substantiated. The fact is the Committee did not substantiate, Mr. Speaker.

The Speaker (Hon. Mwambire): Okay.

Hon. Twaher: I read again the Standing Order, Mr. Speaker...

The Speaker (Hon. Mwambire): Just hold, just hold.

Hon. Twaher: You are not supposed to debate this.

The Speaker (Hon. Mwambire): I am not debating. Just hold. Let me read this Standing Order, Mr. Speaker, just to be very clear. I understand what you are talking about. Just hold. I am the one who referred to that in good faith so that we can make it very clear. Yes, you are, I think you are the one who is debating the main Report.

Hon. Twaher: I am not.

The Speaker (Hon. Mwambire): We are debating the proposed amendment.

Hon. Twaher: The Member on the Floor of the House is discussing the issue inside the Motion and one of the bones of contention in this issue is the findings of the Committee whereby they claim, which we have not been substantiated with that information, they claim that some of the...

The Speaker (Hon. Mwambire): The time is coming when you will get an opportunity to discuss that.

Hon. Twaher: We cannot allow, Mr. Speaker, someone to mislead the House understanding...

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The Speaker (Hon. Mwambire): Now, I beg you to take your position. We had other interventions so that at least we could move.

Hon. Twaher: Thank you.

The Speaker (Hon. Mwambire): Thank you. Yes, Hon. Ngirani, you have an intervention here.

Hon. Ngirani: Thank you, Mr. Speaker. I wanted just to clarify this amendment, and I want to do this clarification...

The Speaker (Hon. Mwambire): Hon. Ngirani, I think at some good point you will be responding because you are the Mover. You are the Mover who will be responding. So just hold so that you can save time. There was an intervention from hon. Mapenzi.

(Hon. (Ms) Mapenzi spoke off record)

Hon. Oscar: Asante, mheshimiwa Spika. nimesimama katika Kanuni ya Kudumu themanini na tisa (89) ikielezea kuhusu ni vipi venye ujumbe unaweza kupatikana. Kupitia hiyo nitanukuu hii sijui ni ukurasa gani. *Page 14 of Standing Order 88, to substantiate facts. Yes. Yeah.*

The Speaker (Hon. Mwambire): Which facts?

Hon. Oscar: The same way when hon. Twaher was saying, I just wanted to clarify something; Page 14. Yes, of the same because hon. Twaher wanted to know where this information was gotten. Yes, and looking at the Committee Report, it was very clear that some of the shortlisted candidates for interviews had not been affiliated with any departments within the County Government of Kilifi. Given that this advert had been intended for internal candidates only, this situation will constitute a violation of Section 65 (1A). From where this was substantiated, it goes below.

As a result, the Chairperson invited the Board to address and resolve the issues at hand. In his opening remarks, the Chairperson of the CPSB and his team expressed their gratitude to the Committee for the invitation first. He then shared that the Board had been inundated with applications from across the country. The Chairperson is speaking. Okay, okay.

The Speaker (Hon. Mwambire): I think that is the reason why I told you...

Hon. Oscar: We were trying to see where the information...

The Speaker (Hon. Mwambire): That is the reason why I told you just hold, time is coming. I will be asking those questions, and they are supposed to be responded to now by the Mover because it would be the main Motion in case...

Hon. Oscar: So I gave a leakage to the Mover

The Speaker (Hon. Mwambire): In case...

(Laughter)

In case the amendment will not go through, then the issue hon. Twaher was raising will come through those issues which is why he was pre-empting issues which were not to be discussed at this point. So, just hold so that we move on in order to save time. Hon. (Ms.) Sidi.

Hon. Rashid: No, *mheshimiwa*, I am on the Floor.

The Speaker (Hon. Mwambire): No, no, these are interventions.

Hon. (Ms.) Sidi: It is okay, you have already clarified.

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The Speaker (Hon. Mwambire): Okay. Proceed hon. Rashid Odhiambo.

Hon. Rashid: Thank you, Mr. Speaker. It has to be very clear; I am a Member of the Devolution Committee and when I speak, I speak with a lot of authority. It should not be taken that we do not want people to be employed; that concept should not come into people's minds. Mr. Speaker, we want people to be employed but in a manner that will not bring loss, or chaos and also the County Government will not be sent to the Senate to answer questions.

As hon. Members, that is our work, Mr. Speaker. Our work is Oversight, Representation and Legislation. I will be very strict standing with this amendment; I have not gone outside this amendment. The main reason why I support it is because if we go the other way without this amendment, then it will be an embarrassment to this County.

Mr. Speaker, Sir, if somebody takes us to court that we employed people outside the advertisement then it will cost us a lot of money. Mr. Speaker, I am a Member of ODM (Orange Democratic Movement), and my President is His Excellency hon. Gideon Maitha Mung'aro, I have all the virtues to make sure yes...

The Speaker (Hon. Mwambire): Yes, at least you are putting it clearly because...

Hon. Rashid: Yes, of the County, the word 'president' is polysemous. President of the County let me be categorical. I have all the right to protect him and not to allow anybody who has been employed by this county to tarnish the name of my president by doing shoddy work. That is why I am saying let people be employed; it is not me or the assembly to decide who is to employ. Let them employ whom they want but the procedure and policy must be followed. What we are fighting for is we do not care whether the advertisement is internal or external, it is at their discretion but once they say external, let it be and if it is internal let them stick to that, when it is open, let it be open.

We do not want to be taken to court. This House is a House of learned people. There are people with dignity which need to be dignified. We do not want people outside to say look what the MCAs know. That is why we are here to protect the County and Governor. We will not allow any shoddy job done to tarnish the image of our county.

Mr. Speaker, before I sit, let me make it very clear that I am a Member of the Devolution Committee. We sat, scrutinized and internalised this "CV" where these people are bringing issues. If you check panel one; Agricultural Officer, Zara Nyambura Ngure Female; Sub-County; Kilifi North, Sokoni. The current working station, Asena Farm Limited. Asena Farm Limited is not in Kilifi County. The other one, Salim Emmanuel Fondo; Sub-County; Malindi, Ward; Jilore, current working station is Kuza Biashara Limited. Kuza Biashara Limited is not in Kilifi County. It is not internal, Mr. Speaker. Thank you.

(Loud consultations)

The Speaker (Hon. Mwambire): I think you have given enough examples. Let us move on. Hon. Tatu please proceed

Hon. (Ms.) Tatu: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I stand not to support the amendment because of amendment number one which says the Board cancels the list of shortlisted candidates underlining the word 'shortlisted.' Thank you, Mr. Speaker. I stand not to support this Motion. Thank you.

The Speaker (Hon. Mwambire): Hon. Sidi.

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Hon. (Ms.) Sidi: Thank you, Mr. Speaker. I stand to support the Motion that we debate as it is. Thank you.

The Speaker (Hon. Mwambire): Hon. Mohamed.

Hon. Mohamed: Thank you, Mr. Speaker, Sir, for giving me this opportunity to join my colleagues in regard to the Motion which is in the House. I wish to take this opportunity to confirm that the amendment that has been brought to this House is the correct amendment. The amendment states that there were issues in the initial Report and for them to be clarified then the list must be cancelled. Then after cancellation of the list, the second prayer of the amended Motion states that the Board reconsiders back the list of those who were internally shortlisted.

For those who have already been interviewed, it does not mean we are recalling them for interview, for those who were interviewed already and were internal and had passed the condition of internal advert can proceed because the prayer here is the County Public Service Board should continue with the recruitment process subject to the following. For us to clear the minds of those who are not workers of Kilifi County and who were shortlisted then the list should be cancelled first.

Mr. Speaker Sir, once the list has been cancelled then the rest of those who have been qualified now can be shortlisted and the process can continue. We do not want to be seen like we are delaying the process of employment in Kilifi County; we are not in any way. There are laws that should be followed and the equity which has been stated earlier by our senior most Member, that we want everybody who qualifies to work in Kilifi County, but the County Service Board should adhere to the laws. Thank you, Mr. Speaker and I stand to support the Motion.

The Speaker (Hon. Mwambire): Hon. Maneno.

Hon. (Ms.) Maneno: Thank you, Mr. Speaker, Sir. I stand to oppose the amendment because of the first proposal, that is; the Board cancels the list of the shortlisted candidates. If you cancel the list of the shortlisted candidates, then why are you coming here to tell us that all candidates who were interviewed or pending should not be considered?

(Loud consultations)

Then which list are you using to maintain the workers? In my view, I would call upon the Mover to drop the first proposal, Mr. Speaker, Sir. Just remove the first one so that we can proceed with those who were shortlisted to be interviewed and those who are pending to go on. If you cancelled the shortlisted list, where are you going to get the list for the people to be interviewed? I remain opposing the first proposal by the Mover.

The Speaker (Hon. Mwambire): The time allocated for the amendment has come to an end. Hon. Grace, are you able to use a minute?

Hon. (Ms.) Grace: Asante, Bw. Spika, kwa fursa hii. Kabla niunge mkono nataka kuwapeleka darasani kwa sekunde moja, niwaambie maana ya "*Internal Memo*"...

(Loud consultations)

Bw. Spika niko kwenye Sakafu.

The Speaker (Hon. Mwambire): Yes. Hold Members, hold Members. I have interventions. Please take your seat, hon. Rafiki, and consult in a low tone. Proceed, hon. Grace and be as brief as possible.

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Hon. (Ms.) Grace: Nasimama kuunga mkono haya mabadiliko. Kulingana na vile mheshimiwa Rashid ametoa ushahidi ya kuwa kuna watu wawili ambao wako kwa *shortlisted list*, na hawafanyi katika *County Government* yetu. Naunga mkono hii *amendment* na sheria lazima ifuatwe.

Hon. Oscar: Asante, mheshimiwa Spika, kwa kunipatia fursa hii. Mimi sitapeleka mtu shuleni, lakini najaribu tu kusema jambo moja. Kwanza, nimesimama kuunga mkono hili swala ambalo liko hapa; na sioni kama kuna jambo la pingamizi. Kila mmoja hapa Bungeni anazungumza neno hilo. Shida ni hapa, nitanuku, “*The County Public Service Board should continue...*”, *continue* Kwa Kiswahili inamaanisha iendelee. Kwa hivyo, inamaanisha hata kipenge cha kwanza kikiwepo, bado zoezi linaendelea.

Kipenge cha kwanza kinasema “*That the Board cancels the list of shortlisted candidates*”. Ikiwa imeiondoa, haimanishi zoezi limesitishwa; bado zoezi linaendelea, mheshimiwa Spika. Vile vile, nitaenda kipengee cha mwisho kwa nini naunga mkono, na ya kwamba tuko katika dau moja. Inasema ya mwisho, “*Shortlist the names of all candidates who had met the mandatory criteria for internal recruitment in the County Government of Kilifi website within 14 days*”. Inamaanisha, mheshimiwa Spika, namalizia ndani ya siku kumi na nne, wale ambao wamefikia makataa yote yaliyowekwa ya *internal memo*, waregeshe tena, tuje tuyajadili hapa Bungeni. Kwa hivyo, mheshimiwa Spika, haya mageuzi hayana ubaya wowote katika Bunge hili na sioni ubaya wowote kwa sababu jambo lolote ambalo limezungumzwa ni sawa. La kwanza, likiondolewa bado inarudi vile vile, likiachwa pale inabaki vile vile. Ni Kizungu kidogo tu ambacho hatuelewi.

Hon. Kubo: Asante sana, mheshimiwa Spika. Nasimama kupinga mabadiliko. Kwa sababu sijaelewa wale wandani ni wapi na wale ambao ni wa nje ni wapi.

(Laughter)

Hon. Kalama: Thank you, Mr. Speaker, Sir. I stand to oppose the amendments, part one and part three are contradicting. So, I oppose the amendments. Thank you.

Hon. (Ms.) Meso. Thank you, Mr. Speaker, Sir. I disagree with this Motion. I do not support it. This is just a drama that some of our MCAs are doing here. Let us be very serious. Kilifi people are suffering, and time is running out. So I do not support it.

Hon. Ziro: Asante sana, mheshimiwa Spika, kwa nafasi hii. Nimesimama kuunga mkono na *Majority Leader* kupinga hii Hoja kwa sababu yenyewe inajipinga. Kwanza, imesema tuendelee, halafu ombi la kwanza katika Hoja hii inasema kusimamishe. Naunga mkono chenye *Minority* amesema kwamba tunafaa kuwa tunajadili ile karatasi ya kwanza. Asante.

Hon. Rafiki: Asante, mheshimiwa Spika. Nimesimama kupinga mabadiliko haya. Hii karatasi ambayo niko nayo hapa haijapinga zoezi inasema *list* ya *candidate* watolewe. Kuna tofauti ya *recruitment exercise* na *listed candidates*. So hii karatasi inasema wale waliokuwa *listed* wote kama *candidates* watolewa. Napinga kwa sababu haya maelezo hapa ni kama zoezi lote lisitishwe.

(Question, that the Mover be now called upon to reply, put and agreed to)

Hon. Ngirani: Thank you, Mr. Speaker. It is ironic and shambolic, sarcastic, sardonic, absurd, ambiguous, and illogical for a Member to say that he agrees with the shortlisting of the

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candidates for internal recruitment and that he is not in concurrent with the cancellation of the list.

How can you shortlist a list of the new internal advert without cancelling the original? You must first of all cancel the original then you do the fresh shortlisting. Now, for someone to say that we had agreed to shortlist the internal only, we cannot go ahead and shortlist the internal only without cancelling the original shortlisting.

That is the point that is supposed to be taken very clearly, but again, Mr. Speaker, we went to different schools, and we graduated from different universities with different careers. Mr. Speaker, I am trying to give clarity.

Number two, Mr. Speaker, we are only discussing the issue of internal advert, full stop. We are not on an external advert, and we are not saying that... Personally, Mr. Speaker, when I saw the advertisement, I told my people not to apply because it is an internal advert.

So what did I do? I pushed them out of the recruitment process, and my people came and asked me if there was an advert can I go ahead and apply. I saw the advert and read it properly; it is an internal advert. If they wanted every Kilifian to apply for that job, then it was supposed to be open to all people. That is it, Mr. Speaker. In this Motion, there is no abstinence. We are not supposed to abstain. It is either you are faithful or use a condom. It is either a *Yes* or a *No*...

The Speaker (Hon. Mwambire): There is an intervention from hon. Mumba, the Leader of the Minority.

The Leader of Minority (Hon. Mumba): Thank you, Mr. Speaker. Whether the Member is using Parliamentary language by telling Members to be faithful or use condoms; everyone knows what a condom is here, that is not a parliamentary language from where I sit. So, he must withdraw and apologize.

The Speaker (Hon. Mwambire): Hon. Ngirani, I think you have gone overboard. You need to withdraw and apologize. I do not think a Member...

Hon. Ngirani: Let me withdraw, Mr. Speaker. I am talking on the point of literature where a word can be used to mean many other meanings.

The Speaker (Hon. Mwambire): But it should be a word that can be used in the House. Proceed.

Hon. Ngirani: So, in all this, we want to distance ourselves as the County Assembly from violating the law. That is the only thing; let them go back and re-advertise externally. Let everyone apply and recruit afresh. If that is the case. But here we are saying the advert was internal so let them stick to internal. If they wanted externally, they could have advertised externally. We do not want our County Assembly as a body to be taken to court just because we discussed and approved something internally to be done externally.

With those few remarks Mr. Speaker, I wish this House to understand the amendment and support it. Thank you, Mr. Speaker.

(Question of the amendment put and the House divided)

(Loud consultations)

The Speaker (Hon. Mwambire): Let me be very honest, I am still facing difficulties with how you conducted this vote. So let me put it very clearly so that nobody will feel that the Speaker is not one side. We are going to take a roll call vote. This is a very serious matter for this

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County, and I do not think it will be very fair for us to take it that casually. So, Clerk, let us take about five minutes, prepare the list, and the Bell will be rung. We close the door and take a fresh roll call vote. Please do the necessary by ringing the bell for five minutes. In case there is any Member who is outside, they can come in. Take your seats.

(The Division Bell was rung)

Time is over. Draw the bar.

(The Bars were drawn and the doors closed)

DIVISION

ROLL CALL VOTING

The Speaker (Hon. Mwambire): We want to start, please. Today we shall just stick to roll call voting because the issues we are handling are very critical. Even after this, the next vote will also be a roll call so that you can go to the HANSARD having made the right position as per your wish. Let me not assume as the Speaker. I think I will be doing a disservice to this very critical issue that we are handling which is before the Assembly today. Clerk, call them as per the list and give them an opportunity but before doing that we need to get tellers.

Those who are for and those who are against. Hon. Koki for the “Yes”, Hon. Grace for “No”, please come forward. We want to make sure that our IEBC (Independent Electoral Boundaries Commission) is set. The moment you are called upon, come and vote so that the HANSARD can capture. Clerk, proceed so that we can save time. Before you go to that Clerk, hon. Members, we are voting for the amendments now. So, if you say “Yes”, and there are no speeches. If your name is mentioned, you either vote “Yes”, “No”, or “Abstain.” If you vote “Yes”, you mean that you are in concurrence with the amendment by hon. Ngirani. If you vote “No”, it means you are against the amendments by Hon. Ngirani. If you Abstain, it means you are neither supporting nor not supporting. I think that is very clear. Proceed, please.

(Question put and the Assembly proceeded to vote)

AYES: Hon. (Ms.) Sidi, Hon. Ngirani, Hon. Ziro, Hon. (Ms.) Mapenzi, Hon. (Ms.) Grace, Hon. (Ms.) Mariam, Hon. Hinzano, Hon. Mohamed, Hon. Oscar, Hon. Rashid, Hon. Ray, Hon. Rose.

NOES: Hon. Kombo, Hon. Hassan, Hon. Ibrahim, Hon. (Ms.) Koki, Hon. (Ms.) Maneno, Hon. (Ms.) Meso, Hon. (Ms.) Radhia, Hon. Mbura, Hon. Mkadi, Hon. Mumba, Hon. Rafiki, Hon. (Ms.) Amina, Hon. Emmanuel, Hon. (Ms.) Faith, Hon. Tete, Hon. Biryra, Hon. Juma, Hon. Kalama, Hon. Kubo, Hon. Kea, Hon. (Ms.) Patricia, Hon. Paul, Hon. (Ms.) Sophia, Hon. (Ms.) Tatu, Hon. Twaher, Hon. (Ms.) Umi.

The Speaker (Hon. Mwambire): Is there any Member who has not been given an opportunity to vote? What are you saying, honourable?

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(An hon. Member spoke off record)

No, we cannot do that. Let the tellers proceed and give us what they have and bring it to me to make the final announcement. Just stand there, let the tellers stand there so that I can make some inquiries before I read. Hon. Mwangi (Grace), just stand there. I want to give you a microphone. Hon. Grace, are you contented with what you have seen?

Hon. (Ms.) Grace: Yes.

The Speaker (Hon. Mwambire): Hon. Koki, are you contented with what you have seen?

Hon. (Ms.) Koki: Yes, Mr. Speaker, Sir.

The Speaker (Hon. Mwambire): Thank you. You can go back to your seats. Yes, Hon. Members, allow me now to announce the results of the vote that we have just taken.

AYES: 12

NOES: 26

ABSTENTIONS: NIL

The “Noes” have it.

(Question negatived by 26 votes to 12)

(Resumption of original Motion)

ADOPTION OF THE REPORT ON THE INTERNAL ADVERT OF THE COUNTY PUBLIC SERVICE BOARD

The Speaker (Hon. Mwambire): This translates to the fact that the amendment by hon. Ngirani has not seen the light of the day. So, we are now going back to the main Motion for deliberations, honourable Members. So you can put your requests so that we can proceed with the deliberations of the main Motion. Hon. Thomas Mumba Chengo, the Leader of Minority.

The Leader of Minority (Hon. Mumba): Mr. Speaker, I am more than delighted to stand before this House again after having shut down a missile that had been directed at this Motion. Let me take this opportunity first to thank those who have shared that moment with us and for our colleagues, we shall have another day.

Mr. Speaker, the Motion before us here is on this Report on the Sectoral Committee on Devolution, Public Service and Disaster Management on the Internal Advert of the County Public Service Board. I had a good time with the Report, and I want first to acknowledge the Committee for taking their time to at least do this Report. Mr. Speaker, having gone through this Report, there are a few issues that I would like to bring to the attention of this House, Mr. Speaker.

I will go straight to the findings. That is on page 10, item number 5.0, which talks about the Committee’s findings. After many deliberations, having considered the oral submissions as well as the documents adduced, the Committee made the following observations and findings on internal recruitment. Number one, Mr. Speaker, the Board published an internal recruitment advert on the website and shared it on different social media platforms. That is very correct and I do not see any wrongdoing with that. The Committee did a very good job there.

Number two, Mr. Speaker, that the action of the Board in shortlisting candidates who are not affiliated with any Department of Kilifi County flawed the recruitment process.

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Mr. Speaker, on finding number two, going through this Report, there is an annexure there of the list of all those candidates who are shortlisted. If you look at that list, it will tell you the table is just serial numbers, the name, gender, sub-county or ward or time, Mr. Speaker.

There is nowhere to specify whether they are employees of the county, or they are not employees of the county. So, if the Committee could have gone further to annexure a document that specifies who is an employee and who is not, it could have added more weight to this finding number two, Mr. Speaker. But looking at this document as it is, Mr. Speaker, that finding is still null and void. It has no weight.

Mr. Speaker, they could have seen, or they could have gone through such kind of names, maybe but a piece of advice, Mr. Speaker, such documents must be also attached to the Reports to add more weight to any findings that they get in their due process as a Committee. In future, it will play a major role in making sure whatever is added, and the Report has more weight, Mr. Speaker.

Having said that, if we go to number three the recruitment process was discriminatory in nature, not open and transparent hence denying the public equal opportunity for employment. This is just a mere statement because there is nowhere in this Report that indicates anyone who was denied an opportunity or there is no transparency, Mr. Speaker, whereas number one tells us, first the advert was on the website and was shared on different social media platforms. If there was no transparency then the advert could not have been shared. So, the weight of this point has been nullified by their findings number one. If you go to number four, the objectives of the County Public Service Board concerning staff establishment within the County can be realized through the digitalization of either internal or external recruitment depending on which method was used, and the first one has been used therefore number four has no issue.

The four findings which are here cannot bear enough weight that is required to convince this House that the process had an issue. Mr. Speaker, going forward to the minutes attached, if you go to minute 10108DV/20/24 talking about the suspension of the internal recruitment process of the County Public Service Board, I want to applaud the level of the internet and how we embrace the internet and many other advances in social media and all the developments done by the internet. If you recall during the golden days, you could not know the gender of your kids until she or he was born. Mr. Speaker, nowadays it is easy to identify the gender of your kid because there is ultrasound and many other methods.

Mr. Speaker, in this case, I want to applaud the Committee because it also followed that route and in doing so, they went further to say the process had involved people who were not staff of the County Government. Failing to identify them and show us through the Report, to me is crucial at this stage we are not talking of employees, we are talking of Candidates who were shortlisted. Whether she or he works with the County Government at this stage does not matter most; what matters is after they have been recruited successfully. As we speak, we are talking of individuals who have appeared before a panel, have they been recruited? The answer is no.

They are still candidates. I can tell you for sure that many of us have gone through various panels and I am sure many of those panels were unsuccessful. Were they employed? The answer is No! As we speak now, the Board has not done anything wrong because they have not recruited these people. Mr. Speaker Sir, the Committee is jumping the gun. Can you wait and see if those people you purport that are not in this County Government are recruited? You cannot see me at your gate having not stolen anything and call me a thief. The Board in its nature as an independent body is doing its duty and mandate. Members, let us wait; we are doing a good

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thing, and the Committee is doing a commendable job but at that stage, we cannot judge you in the corridors of justice if you have not committed a crime. What if from the list those who are picked are the staff of the County Government? What will we do with the Report?

The Speaker (Hon. Mwambire): There is an intervention from hon. Ngirani.

Hon. Ngirani: Mr. Speaker, the Member on the Floor is saying the Board has not done anything wrong. Maybe he can tell the House the first step the Board took from recruiting externally and the advert was internal, was that not a mistake? Thank you.

The Leader Minority (Hon. Mumba): Mr. Speaker, Sir, I do not know whether it is a question and answer because we do not do questions and answers here. I want to remind hon. Ngirani that so far no one has been recruited and that is the statement.

The Speaker (Hon. Mwambire): Just go on, hon. Chengo (Mumba)

The Leader of Minority (Hon. Mumba): Thank you very much, hon. Speaker, for the protection. I know very well it is an attempt to divert me from the points I am giving out. If you go down that paragraph, the only thing they have highlighted as a violation, and I have said no violation has been committed by this Board. You see they are talking of... let me read this Statement, "Some of the shortlisted candidates for interviews had not been affiliated with any Department within the County Government of Kilifi. Given that this advert had been indicated for internal candidates only, this situation could constitute a violation of Section 65(1) A. Mr. Speaker, I hold the highest book of this Country, and this is the Constitution of Kenya, 2010. If you allow me, I will refer to section 65(1) A..."

(Loud consultations)

The Speaker (Hon. Mwambire): Maybe before hon. Chengo (Mumba) reads I have ruled hon. Ngirani is out of order because there is no point in question. If he wanted to inform him he could have asked if he was willing to be informed. Members, I believe there will be no Member who will come through that route, let us stick to the laws. Proceed, hon. Chengo (Mumba).

The Leader of Minority (Hon. Mumba): Thank you, Mr. Speaker. I am reminded it is the County Governments Act, 2012 but I have left it in my office. I will refer you to Article 10 which talks about Standards, Values and Principles of Governance. This Article binds organs and State Officers, Public Officers and any persons. According to the Report, I do not see any problem with that. No violation whatsoever so far has been done to that effect.

If you go to 27(4), says "...shall not discriminate directly or indirectly any person or any ground including sex, race, pregnancy, material status, health status, ethnicity, social origin, colour, age, disability, religion, belief, culture, language or birth." I believe your ears are very clear, there is no violation or whatever is conducted or done by the Board. If you go on to 56(c) and 232(1), the story is the same. I do not want to labour much but again I have a very serious concern here.

If the Committee was allowing this Report to be mutilated here before this House, as you have seen, that tells you there is something wrong. If they were clear with what they have commented on in their Report, they would not be struggling to mutilate their Report and purport to bring an amendment through the back door this afternoon, Mr. Speaker. That tells you there was a problem, Mr. Speaker.

The Speaker (Hon. Mwambire): Let it be on record that the one who brought the amendment is not a Member of the Committee, first....

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The Leader of Minority (Hon. Mumba): I said they allowed it to be mutilated. I did not say the Committee mutilated it. Get me right, Mr. Speaker.

The Speaker (Hon. Mwambire): Just stick to that because this Report is for the Assembly. It is no longer for the Committee.

The Leader of Minority (Hon. Mumba): Mr. Speaker, I am guided, but the Committee allowed it here because they did not deny it...

The Speaker (Hon. Mwambire): No, the Mover did not allow it. So, please just stick to that so that you can conclude.

The Leader of Minority (Hon. Mumba): Mr. Speaker, as I conclude, so that you may not assist them, Mr. Speaker, I heard someone talking of the County Assembly being involved in a violation of law...

The Speaker (Hon. Mwambire): There is an intervention.

Hon. (Ms.) Mapenzi: Mr. Speaker, it has been said by the Member who stood on the Floor that an amendment has been brought into the Chamber through a backdoor. I want to understand this backdoor because I know the one who has tabled the amendment has followed the Standing Orders of this House. So, let me understand clearly what this backdoor the Minority Leader is talking about.

The Leader of Minority (Hon. Mumba): The language is very difficult to understand sometimes. I say thank you for the guidance that you have given. Maybe guidance to her does not mean anything. I want to finish by saying, Mr. Speaker, as you have guided, the County Assembly...

The Speaker (Hon. Mwambire): I hope hon. Mumba did not talk about the backdoor.

The Leader of Minority (Hon. Mumba): You've guided, Mr. Speaker, on that.

The Speaker (Hon. Mwambire): Okay.

The Leader of Minority (Hon. Mumba): As I conclude, Mr. Speaker, I overheard the County Assembly is nowhere...

(Loud consultations)

Why are you getting jitters? You will have your time. Allow me to finish.

The Speaker (Hon. Mwambire): Hon. Mumba, you are a ranking Member of the House. So, just do it well so that it can be in the record? The Speaker normally does not have ears and does not have eyes. He is guided by Members. So, if a Member feels that you have said... That is why I have asked whether it is true you have talked about a backdoor. For me, I do not have ears. I normally hear from Members if they tell me that is the position.

The Leader of Minority (Hon. Mumba): It is a parliamentary language.

Hon. Members: No, no, no.

The Speaker (Hon. Mwambire): Hon. Mumba, if you have used that word, just withdraw that word; it is not good for the Assembly. Just the same way hon. Ngirani used that word which is not parliamentary.

The Leader of Minority (Hon. Mumba): I respect your ruling...

The Speaker (Hon. Mwambire): The amendment which has come to this Assembly was well approved and we have concluded it. It did not see the light of the day. We do not need even to talk about it now. Let us stick strictly to the Motion before us so that we create a conducive

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environment for the issues to flow and be well understood by Members. Hon. Member, do not even quote about the amendments here because they have not seen the light of the day.

The Leader of Minority (Hon. Mumba): We have passed that, Mr. Speaker, but in court, we have things called precedencies, Mr. Speaker, and they are even used in the future to give directions and rulings in matters that come in court, Mr. Speaker. So, as you have guided, Mr. Speaker, let me conclude.

Mr. Speaker, I have heard someone saying that this Assembly does not want to be involved anywhere in violation of the law. Let me be very categorical, Mr. Speaker, here...

Hon. (Ms.) Grace: Mr. Speaker, I am the Member who...

(Loud consultations)

The Leader of Minority (Hon. Mumba): Protect me, Mr. Speaker, so that I conclude. They are just wasting more time.

The Speaker (Hon. Mwambire): I have ruled on that one unless he repeats. So, conclude, hon. Mumba. The Board is very independent. It will carry its cross once it violates any law. So, there is no way I want this to be quoted very clearly, that this Assembly will not be involved in any wrongdoing by the Board.

The Leader of Minority (Hon. Mumba): I want to just set the record straight that the Assembly has its role, and the Board has its role. Whenever the Board goes astray, it will have to carry its cross. With the many remarks, Mr. Speaker, I want to say, let this Motion on this Report suffer the same fate as the amendments are made. I strongly say, go to hell with this Report.

PROCEDURAL MOTION

EXTENSION OF TIME

Hon. (Ms.) Koki: Thank you, Mr. Speaker, Sir. I stand to move a procedural Motion on the extension of time until the conclusion of Business.

THAT, pursuant to the provisions of Standing Order 27, (3A), read together with 50(M), this House resolves to extend the sitting time until the conclusion of Business appearing on the Order Paper.

Thank you, Mr. Speaker. I call upon hon. Twaher to second.

Hon. Twaher: I second, Mr. Speaker, Sir.

(Question proposed)

(Question put and agreed to)

Hon. (Ms.) Sidi: I stand to support the Committee. Mr. Speaker, when you go through this Report...

The Speaker (Hon. Mwambire): There is an intervention from hon. Twaher.

Hon. Twaher: Is it supporting the Committee or the Motion, Mr. Speaker?

Hon. (Ms.) Sidi: The Motion, sorry. Now, on page nine of this Report, page nine, 4.0, paragraph two on submission by the County Public Service Board. This is what the County

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Service Board Chair submitted when he came to the Assembly. He said that the Committee was informed that the County Public Service Board has identified departmental staffing needs due to retirement, death, and long-term contractual employees to ensure effective and efficient service delivery.

It was deemed necessary to conduct internal, and the word here is 'internal' recruitment. This approach was aimed at appreciating staff that had the necessary qualifications and also addressing the issue of an inflated wage bill. The Board is currently working on streamlining the employment and staff placement process which plans to ensure external advertising soon.

First, I wanted to go on record that both the people; the casuals and the ones who are not the casuals, are all from Kilifi. That is one thing we should understand, and also people should understand that the fact that your person is on this list does not mean they have gotten employment.

It is still a list waiting for interviews. Mr. Speaker, these casuals have been in this county for a very long time. They have suffered without payment and are still working with us. Most of them are in our hospitals. What I wanted to urge the House is all these people are our people. The casuals and those applying are also ours. Let us give priority to the casuals because they are already in the system. We might want to employ other people but we have to start training these people first.

We need money for training; in fact, the wage bill for casuals will not be high because they are already in the system. We will just need a few allowances that will be increased. But that notwithstanding, if we bring in a new person; we need to pay this person. Have we put a budget for this new person to come in? I want to urge Members; I know you are here probably there is pressure from...

The Speaker (Hon. Mwambire): There is an intervention from hon. Hassan.

Hon. Hassan: Asante, mheshimiwa Spika. Labda ningeuliza, maanake naona nashangaa, kuna mfanyikazi yoyote wa kibarua aliyekatazwa ku *apply* nafasi ambayo ataandikwa kazi? Kwa sababu, sijaona. Asante.

Hon. (Ms.) Sidi: As we have said, Mr. Speaker, we do not answer questions in this Assembly...

The Speaker (Hon. Mwambire): I said just proceed, maybe the one who is going to respond will take care of such issues, proceed.

Hon. (Ms.) Sidi: Thank you. My take is this; kindly let us absorb the casuals first then... because I also want to believe there are casuals from Kayafungo Ward who also want to be absorbed. There are people from Kayafungo Ward who have also applied. All of them are our people. So, kindly let us think about our people and not our selfish interests. Thank you, Mr. Speaker.

The Leader of Majority (Hon. Ibrahim): Asante, Bw. Spika, kwa kunipatia nafasi hii ili niweze kuchangia Hoja hii. Nasimama kupinga Hoja hii iliyoletwa na Kamati ya *Devolution*. Nimeongea kuanzia mwanzo ya kwamba jambo la wafanyikazi tusiliweke siasa, jambo la wafanyikazi tusiliweke mzaha, jambo la wafanyikazi lazima tulichukulie kwa hekima. Nimekuwa katika Bunge hili wakati Ugatuzi ulikuwa unaanza; Bunge la kwanza na hili ni Bunge la tatu. Wewe ukiwa ni Naibu wa Spika na tukisaidiana na wewe, Bw. Spika, tunajua changamoto zile ambazo zinapata wafanyikazi katika jimbo letu.

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Bw. Spika, nataka kusema ya kwamba Kamati haikufanya vibaya kuita *County Public Service Board*; walifanya vizuri sana na mimi kama Kiongozi wa Wengi Bungeni, nataka kuwapongeza na niwashukuru. Lakini baadaye Kamati kusema ya kwamba wameamua majina ambayo yametolewa yafutuliwe mbali, hapo ndio Kamati ilikosea, Bw. Spika. Ndio nimetangulia kusema ya kwamba swala hili sisi kama wanasisia na nina amini ya kwamba hapa leo hii Bw. Spika, kuna wafanyaji kazi, vibarua, wametoka tabaka mbali mbali hata wengine wanaweza kukubaliana na mimi hata nauli wameomba ili kuja kusikia mipangilio ambayo inazungumziwa hapa.

Leo hii, sisi waheshimiwa hapa hakuna mheshimiwa amekosa kiamsha kinywa, chakula cha mchana na wala chakula cha jioni lakini wako wafanyikazi wa Kaunti ya Kilifi wamekosa chakula, Bw. Spika, ndio ninasema swala hili linataka umakinifu. Swala hili linataka mipangilio. Bodi ya kuajiri wafanyikazi ikiongozwa na Bw. Mturi tuliwa *vet* sisi na wakati tuliwapitisha na Bodi iliyokuwepo ilipitia hapa na sisi tukaiangusha Bodi ile ndio tukachagua Bodi mpya.

Bodi ambayo tunaizungumzia saa hii, iko kwenye kazi karibia miezi kumi hawajapitisha hata mwaka mmoja tangu wachaguliwe. Angalia kwa muda huu mchache Bodi imekaa ikaona ya kwamba wafanyikazi katika jimbo letu la Kaunti ya Kilifi wako na shida, wanapata shida na hawaandikwi. Wamekaa wakafuata sheria. Sheria ya kwanza ni kutangaza zile kazi. Sheria ya pili ni kufanyiwa *interviews* wale walioorodheshwa. Waliongea ya kwamba kwanza watawapatia kipau mbele wale ambao wanafanya kazi katika jimbo letu.

Bw. Spika, kwa kusema hivyo ni kwamba kuna wafanyikazi katika Jimbo hili wamekuwa vibarua zaidi ya miaka kumi. Kuna watu wamejitolea kufanya kazi bila ya malipo. Kwa hivyo, Bodi ikawapa kipaumbele hawa ndio kwanza wachukuliwe na watu wa kutuma maombi ya kazi. Wale waliotuma maombi, waliorodheshwa. Hakuna mheshimiwa ambaye amekuwa amehusika na hilo. Mtu akiwa kwenye orodha, si kwamba amejiriwa kazi; orodha iliyotolewa kupitia Katibu wa Kamati nilipoiangalia nikasema tusidanganye wananchi. Hapa aliyeleta *amendment* mheshimiwa Ngirani na amesikika na kila mtu amesema yeye mwenyewe aliambia wananchi wake wasi *apply* hizi kazi. Lakini leo hii ukiangalia hii orodha kama kuna mtu amenufaika ni mheshimiwa Ngirani. Mheshimiwa, nimehesabu namba ya watu wako katika wadi yako wameorodheshwa ni watu thelethini na tisa (39). Kuna waheshimiwa ndani ya Bunge hili hawana mtu hata mmoja...

The Speaker (Hon. Mwambire): There are some interventions from Hon. Ngirani and hon. (Ms.) Sidi.

The Leader of Majority (Hon. Ibrahim): Mr. Speaker, do they want to inform me or?

The Speaker (Hon. Mwambire): We want to hear from them. Just take a seat. Let us hear in case they will want to inform you, I will ask you so that you know. Hon. Ngirani, kindly proceed.

Hon. Ngirani: Mr. Speaker, the hon. Member is saying that in the shortlisting...

The Speaker (Hon. Mwambire): Are you informing him or? We want to understand.

Hon. Ngirani: I am not informing him. I am trying to protect myself from allegations that ...

The Speaker (Hon. Mwambire): You will get an opportunity. Do not worry. Just take your seat.

Hon. (Ms.) Sidi: *Thank you. Majority Leader, amesema hiyo list haimaniishi kwamba watu wameandikwa kazi. Halafu yeye bado anasema watu 30 wanatoka Ganze, sasa sielewi hapo.*

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The Leader of Majority (Hon. Ibrahim): Ndio nikasema hapa kuna watu na waheshimiwa. Ninayosema ndio haya, mheshimiwa Spika.

Hon. (Ms.) Sidi: Maybe a clarification...

The Speaker (Hon. Mwambire): Hon. Ibrahim, everyone in this Chamber is an hon. Member.

The Leader of Majority (Hon. Ibrahim): Not all of them ...

Hon. (Ms.) Sidi: It starts with you *mheshimiwa*.

The Leader of Majority (Hon. Ibrahim): I can tell you who will not be a member in 2027.

(Loud consultations)

The Speaker (Hon. Mwambire): Okay, proceed so that we avoid these sideshows.

Hon. Rafiki: Thank you, hon. Speaker. As much as I respect our Leader of Majority, I think it is more mature for him to apologize to this House because you are here as hon. Members all of us equally. The word of saying *kuna watu na waheshimiwa* is not a respectful language to this House. I respect him, and I love him but kindly, Mr. Speaker, allow me to request him to apologize to this House. Thank you.

The Speaker (Hon. Mwambire): Please withdraw a little, Majority, so that we can make the environment okay. I know you are not that close to God to even know about 2027, so just withdraw that word so that every Member can be comfortable.

The Leader of Majority (Hon. Ibrahim): Bw. Spika, ukinipa muda ili nifafanue vizuri kwa sababu kuna mambo ...

The Speaker (Hon. Mwambire): Just withdraw. Withdraw and apologize, and you proceed so that we save time. I know some issues require a lot of time. I know how sometimes you can make people laugh and how you can make the Assembly also feel warm.

The Leader of Majority (Hon. Ibrahim): So what should I withdraw? Just tell me.

The Speaker (Hon. Mwambire): The Member claims that you said there are some hon. Members and there are people in the House.

The Leader of Majority (Hon. Ibrahim): That is very correct, Mr. Speaker. *Kuna watu hapa juu mheshimiwa...*

The Speaker (Hon. Mwambire): We are talking about the Chamber.

The Leader of Majority (Hon. Ibrahim): No, no, no, I did not say anything about the Chamber, Mr. Speaker.

The Speaker (Hon. Mwambire): Just withdraw.

(Loud consultations)

The Leader of Majority (Hon. Ibrahim): Mr. Speaker, I did not say, Mr. Speaker, do I look mad to say that there are people here who are honourable? Nimesema kuna watu na waheshimiwa and that is very correct, sasa hawa si watu?

The Speaker (Hon. Mwambire): We do not address people in the gallery. We address the Chamber. So just withdraw.

The Leader of Majority (Hon. Ibrahim): Okay, I withdraw.

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(Laughter)

The Speaker (Hon. Mwambire): Okay, Proceed.

The Leader of Majority (Hon. Ibrahim): Bw. Spika, tunakushukuru vile unapeleka Bunge hii na tunakupongeza sana. Nataka kusema kwamba nimepata pia changamoto kwa Bunge hili na mimi nashukuru wale wenzangu ambao wamesema ya kwamba kuna watu ambao waliandikwa hapa ambao hawakuwa *internal* na *external*. Sasa mimi kama *Majority Leader* nataka kuhakikishia Bunge hili kwamba hili ni jambo ambalo mimi na uongozi wa Bunge hili tutaendelea kulifanyia kazi kwa sababu nimeona, lakini watu hao si wakawa ni watu wale wa Ngirani.

Bw. Spika, nataka kusema hivi na ninataka kutoa maombi ambayo pia, Bw. Spika, ninakuomba pia wewe kama kiongozi na Spika wetu, katika zoezi hili ambalo linaendelea, ni zoezi ambalo linafurahisha kila mtu ndani ya Jimbo letu. Kamati husika ninaomba tuko na waheshimiwa ambao ni wachapakazi ndani ya Bunge hili na siku mswada kama huo pia ukiletwa mimi ninaona utaungwa mkono mia kwa mia.

Hii Kamati ningewapatia ushauri wa kwamba *instead* ya hawa kusema hii *programme* isiendele, wapange mipangilio mwafaka kwanza tujue wale ambao ni vibarua katika jimbo letu la Kilifi ni wangapi.

Pili, Bw. Spika, tutawezaje kuwasaidia wale vibarua waandikwe kazi wawe *permanent*? Hilo sio suluhisho zuri. Wakati tukifikia mahali kama hapa, hakuna haja ya chuki, mambo ya wananchi wa Kilifi kuandikwa kazi tusileteane mzaha na chuki kwa sababu haya ni manufaa ya familia na ni manufaa ya jimbo letu; ni manufaa ya kila mtu kwa sababu si haki leo mtu akae zaidi ya miaka kumi ni kibarua leo *County Public Service Board* imejitolea kufanya kazi sisi tunasema kuanza kusimamisha.

Unajua *process* ya serikali kutoa tena *advert* ya watu kuandikwa kazi tena, leo tukisema hao wasiandikwe utafikiri si mambo ya kesho, ya kesho kutwa, ya wiki ijayo, ya miezi ijayo, ni mambo ya mwaka ujao. Kulingana na kwamba hatuwezi kuwasukuma kuwaambia mbona hamuandiki au mbona hamu-*advertise*? Kwa hivyo, mimi nataka kusema kwamba wale ambao maanake leo, Bw. Spika, nimepambana na waheshimiwa katika ofisi yangu na wengine tumeangalia hii *list* na mheshimiwa mmoja anaangalia anasema hawa siwajui. Si maswala ya kujua mtu hapa. Hapa ni maswala ya huyu ni wa Kilifi ama si wa Kilifi? Je, huyu amekuwa akifanya kazi kwa Kilifi Kaunti amedhulumiwa ama hajadhulumiwa? Hayo ndio maswala ambayo tunatakikana tuyaongee.

Bw. Spika, mimi nikimalizia ninasema ya kwamba wananchi wa Jimbo letu wanatuangalia. Haki zao ziko mikononi mwetu. Haki zao ziko kwenye Bunge hili. Tuwacheni ugomvi na tushirikiane kwa manufaa ya wananchi wetu. Kama mimi *Majority Leader* umeona nimefanya makosa ni vizuri unakuja unani-*advise*. Sisi binadamu si kamili na kila mtu anafanya makosa lakini kitu kizuri ni ule ushirikiano na uelewano. Hakuna siku mwananchi wa Kilifi hatapata faida kama kutakuwa na mgawanyiko katika Bunge hili. Hakuna siku mwananchi wa Kilifi ataandikwa *permanent* kama kutakuwa na mgawanyiko katika Bunge hili. Na mambo, Bw. Spika, nataka uwaeleze pia waheshimiwa, kupiga *yes* na *no* huwa ni kawaida katika Bunge. Katika Bunge ni lazima kuwe na msisimuko kwa hivyo hata mtu akipiga *yes* tusiwekeane chuki.

Kwa hivyo, mimi nataka kumaliza hapo. Nitaifanyia kazi Ripoti hii bora tu la zaidi tusirudi hapa tukalumbana tena ama tukalaumiana. Asanteni. Kwa hayo machache, Mungu

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abariki Bunge hili, Mungu abariki Spika wetu na wale ambao mimi nimepinga tena vikali sana hii Ripoti, naunga mkono *process* iendelee ili watu wapate kazi.

Hon. (Ms.) Mapenzi: Asante, mheshimiwa Spika. Nataka nianze kwa kusema kwamba kule nje kuna kilio na kilio ni cha haki; haki ya wafanyakazi walio katika ajira ya vibarua katika gatuji hili. Wenye kushikilia haki hii ni sisi tuliomo ndani ya Bunge hili na wale watendaji ambao tunawaitia *Executive* ndio wameishikilia haki ya hao vibarua ambao wanalia kule nje. Nataka niendelee kwa kusema, Tume ya Waajiri hapa kwetu nchini imesisitiza sana kwamba, magatuji yote ndani ya hii Kenya yaweze kuachana na kuajiri vibarua.

Wale watu wote waweze kuajiri kwa mfumo wa *permanent and pensionable* ambao tunaita Kiswahili ni ajira ya kudumu kisha yenye pensheni. Huo ni muongozo kutoka kwa tume ya waajiri hapa nchini kwetu. Swali ni orodha ya majina haya ambayo leo tunayajadili hapa Bunge yameletwa kwa kufuata taratibu zote ambazo Bodi ya wajiri katika Gatuji letu la Kilifi iliweka katika tangazo hili? Jawabu ni la kwa sababu tangazo lilikuwa linazungumzia kuhusu *internal* waajiri wale watu ambao wako pale ndani.

The Speaker (Hon. Mwambire): We have an intervention from hon. Ibrahim.

The Leader of Majority (Hon. Ibrahim): Asante, Bw. Spika...

Hon. (Ms.) Mapenzi: Under which Point of Order?

The Speaker (Hon. Mwambire): Just hold on. We want to hear from him.

The Leader of Majority (Hon. Ibrahim): Asante, Bw. Spika. Kama vile nilivyoenena na nina mnukuu mnenaji aliyenena. Unajua mheshimiwa Elina Mapenzi alikuwa ni mwalimu na walimu huwa wako na ufahamu mwingi sana. Nimemsikia akisema kwamba tume ya uajiri walitoa muongozo. Sijui aweza nielezea ili na sisi tufahamu tuwe tuko nao sijui walitoa huo muongozo lini na walitumia kipengele gani ili na sisi tujue? Tupate faida maanake ameongea neno la maana sana.

The Speaker (Hon. Mwambire): Hon. Tete, you have an intervention. Is it Tete or Twaher?

Hon. Twaher: Samahani, Bw. Spika. Mheshimiwa Elina anasema *County Public Service Board* imevunja sheria. Naomba kuelezewa ni sheria gani imevunjwa hapa?

Hon. (Ms.) Mapenzi: Umesema tusijibu watu hapa Bungeni. Mimi nitaendelea. Sasa mheshimiwa Spika, nitaendelea tume ya Uajiri ya Gatuji la Kilifi imeenda kinyume na tangazo waliloliweka la uajiri wa hawa watu. Maanake kama tangazo liliwekwa kwamba wale waliwekwa ndani waweze kutafuta hizi nafasi nikiangalia hii orodha hapa kuna Kibore Jerono Jecinta. Huyu ametoka Elgeyo Marakwet; *page 1, number 13* Idd Mongo Mangale ametoka Kinango Mwakubo Ward, kuna Ruth Sada Mugandi ametoka Kinango Kasemeni. Hapa kuna Mwanajuma Mohamed Hemedi ametoka Mombasa Jomvu, kuna Rosemary Mthoni Muriuki ametoka Kianjuri hao ni wachache tu nitakomea hapo...

The Speaker (Hon. Mwambire): Are they working with the county as per the advertisement?

Hon. (Ms.) Mapenzi: Hii ni tayari kwamba wametoka huko nje na hili tangazo ilikuwa ni ndani kwa ndani. Maanake si inasema hapa...

The Speaker (Hon. Mwambire): Ndani kwa Ndani haimanishi ndani ya Kilifi peke yake. Bora awe anafanya kazi ndani ya Gatuji la Kilifi.

Hon. (Ms.) Mapenzi: Hawa hawafanyi kulingani na... hawafanyi. Sasa mheshimiwa Spika, tayari tukizingatia hii orodha vile ilivyo na tukienda na ile orodha vile ilivyo kuna uwezekano wale watu wetu ambao tulidhamiria kulingana na tangazo waajiriwe wana

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uwezekano wa kukosa hizi nafasi. Wana uwezo wa kuzikosa hizi nafasi na tukizingatia kipengele cha tangazo, orodha hii inastahili kufutwa yaani ikataliwe. Kwa hivyo, mimi ninasema hivi kulingana na kazi nzuri waliyoifanya Kamati ya Ugatuzi na mapendekezo ambayo waliyapeana hapa mapendekezo hayo nafikiri kila mmoja anayaona hapa. Kama uko na ile Ripoti nitasoma kwa faida ya wana Kilifi waelewe tunafanya nini hapa, maana sisi ni watetezi wao na kama tutasimama katika nafasi ya kuwafinyilia itakuwa si haki mbele zao na hata mbele za Mwenyezi Mungu.

Kwamba, *“The recruitment process vide an internal advertisement issued on 28th March 2024 be null and void and done afresh. The County Public Service Board should facilitate the House with a Report of the staff indent.”* That is in brackets, *“(Outpost of all county departments within the six days.”*

Hii *recommendation* hatuwezi kuipinga na kuipinga ni kama tunawakatalia haki zao wana Kilifi na nataka ibainike mbele ya kila mmoja ndani ya Jimbo la Kilifi. Yule atakayesema kinyume na Ripoti hii amekataa haki za wale wafanyikazi.

Mheshimiwa Spika, mimi sitasimama katika udhalimu hata siku moja na ndio sababu sitaki kudhulumiwa; wakati wote nitasimama na haki. Maana ndio kazi iliyonileta kutetea yule mwananchi ambaye hana mamlaka. Tutumie mamlaka yetu vyema ili siku ukilala uwe na hesabu njema kule mbinguni.

Tusichukue nafasi kudhulumu wananchi. Hapa wana Kamati walikaa wenye akili zao, ziko timamu kabisa wakiongozwa na Mwenyekiti mheshimiwa Zia Kahindi aliweka sahihi kwamba waliyojadili na ndio waliyopendekeza. Mheshimiwa Lilian Vijenderwa ambaye ni Naibu Mwenyekiti vile vile akaweka sahihi kwamba hii Ripoti iko sawa na wamekubaliana na wanasimama na mapendekezo. Mheshimiwa Mariam Mkumbi, Mheshimiwa Justin Rafiki Kaingu, Mheshimiwa Naftali Nyae Kombo, Mheshimiwa Said Juma Iddi, Mheshimiwa Theophilus Kalama na Faith Jane Kea wote waliweka sahihi. Nimeenda kwa HANSARD nikauliza ni kwa nini Mheshimiwa Martha Koki hakutia sahihi, Mheshimiwa Edward Kaingu Ziro hakutia sahihi na Mheshimiwa Rashid Odhiambo nikaambiwa hawakuwepo.

Kumaanisha hawa wote walikubali na wakajadiliana kumaanisha Ripoti hii iko sahihi na walikuwa wamezingatia vigezo vyote. Mheshimiwa Spika, tusimame kutetea wananchi na kwa sababu ya kuwatetea wananchi naunga mkono Ripoti hii kwamba mapendekezo ya wana Kamati yatekelezwe na kutekelezwa kwake kutatuondolea hawa wakina Kinango, kina Elgeyo Marakwet ili Kadzo na Kahindi aliyefanya kazi miaka kumi katika mateso... maanake mara nyingine tunasikia vilio vya miezi sita bila mishahara. Halafu swali tujiulize kama leo tutaruhusu karatasi hii wale watu waliosajiliwa wakaandikwa kazi halafu kuna muda kwamba...

The Speaker (Hon. Mwambire): There is an intervention from hon. Koki.

Hon. (Ms.) Koki: Asante, mheshimiwa Spika. Nikinukuu aliye kwenye Sakafu akisema kuwa tuunge mkono Ripoti iliyoandikwa na Kamati na ndio tutaondoa kina Elgeyo Marakwet na sijui wapi tuko na asilimia thalathini (30%) ya wafanyikazi ambao wanatakikana kutoka sehemu nyengine, tuwache mambo ya ukabila.

Hon. (Ms.) Mapenzi: Na ndio maana tulikuchagua MCA (*Member of County Assembly*) hapa Bungeni na unatoka katika jamii ya Wakamba walio wachache, kwa hivyo hatuna ukabila. Ndio maana tukakupua kura zetu...

The Speaker (Hon. Mwambire): Mheshimiwa Elina, malizia tafadhali.

Hon. (Ms.) Mapenzi: Haya sasa mheshimiwa...

The Speaker (Hon. Mwambire): There is an intervention from hon. Koki.

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Hon. (Ms.) Koki: Mr. Speaker, she will need to withdraw because she did not give me her vote. No, yeye si mpigaji kura wa Mariakani.

(Loud consultations)

The Speaker (Hon. Mwambire): Just hold. I beg to give an opportunity to speak but let the other Members remain silent so that you can prosecute your issue, hon. Koki.

Hon. (Ms.) Koki: Asante, Bw. Spika. Mimi nilichaguliwa na nikaletwa hapa na wapigaji kura wa Mariakani ikiwapo mheshimiwa Mapenzi ambaye simpigaji kura wa Mariakani na kama alinipigia anionyeshe kura yake na nitashukuru kama alinileta hapa Bunge.

The Speaker (Hon. Mwambire): Hon. Koki, take your position. Hon. Mapenzi, proceed.

Hon. (Ms.) Mapenzi: Mheshimiwa Spika, hilo si swala la kuzungumzia na kujadili lakini kwa sababu linamsumbua mwenzangu wacha nilifafanue na uwezekano wa ku *withdraw* niko nao maana mimi ni mtu wa kushuka mimi sina shida.

(Loud consultations)

Mimi sikukupigia kura Mariakani lakini kuna mamangu, baba yangu na dada yangu walikupigia kura. Kwa hivyo, ukisema sisi...

(Hon. Koki stood in her place)

...kaa kaa, sisi wagiriama tulikupigia kura.

The Speaker (Hon. Mwambire): Just sit, hon. Koki, you are not on record. Hon. Elina Mapenzi, I think it will be in Order for you to withdraw so that you can continue.

Hon. (Ms.) Mapenzi: Eeh, haya natoa kwamba nilipiga kura Mariakani Koki akaja hapa, nilipiga kura Jilore *Primary* nikampigia kura Hamisi Jambo. Asante.

(Loud consultations)

The Speaker (Hon. Mwambire): Just hold, hon. Members. You know the rules of the game. Why do you make noise? You know very well it is just a matter of putting your intervention and proceeding. Hon. Twaher, let me ask you something, just for clarity purposes. I do not think it is in order to be the Chairman of interventions because you are always on interventions. Why don't you give an opportunity to your colleagues? You are always on interventions. You have not removed it. Why intervene at that point?

(Hon. Twaher spoke off record)

You are out of Order; I have not given you an opportunity to speak just sit. Proceed, so that you can conclude.

Hon. (Ms.) Mapenzi: Wanajaribu kutatiza mteremko wa hoja zangu. Sasa mheshimiwa Spika, nataka tujiulize...

(Loud consultations)

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...namalizia, mheshimiwa Spika, tafadhali.

The Speaker (Hon. Mwambire): Conclude, please.

Hon. (Ms.) Mapenzi: Namalizia sasa, maanake tumeomba muda hapa tukasema ilikuwa ni ya nini. Kama sasa tutakataa Ripoti hii ya Kamati ya Ugatuzi ambao wanasimama na hii Ripoti ya *internal* wakisema itupiliwe mbali *list* hii maana haikuzingatia tangazo lili. Leo, tuikatae tuende vile mnataka. Mfano, wale vibarua ambao wako pale kaunti wakose hizi ajira halafu baadaye wapewe *contract* za mwaka ambapo baada ya hapo itakuwa *contract* imeisha.

Waheshimiwa wenzangu, tutawapeleka wapi hawa vibarua maanake tayari waajiriwa watakuwa tayari ndani wakifanya hizo kazi? Kumaanisha watakuwa hawana nafasi kufanya kazi kwa hili Jimbo letu la Kilifi, tutakuwa tunawafanyia haki? Wenzangu mbali na kuzingatia chama chako ambacho kimekuleta hapa na mbali na kuzingatia uko serikalini, simama na haki hivi leo.

Mheshimiwa Spika, vibarua hawa wame *serve* hii Kaunti kwa mateso bila kupewa ajira ndani ya miezi sita na zaidi hivi leo ni *opportunity* wakaajiriwe tunasema hatutaki waheshimiwa.

(*Loud consultations*)

The Speaker (Hon. Mwambire): Consult on low tones so that we can hear what she is saying.

Hon. (Ms.) Mapenzi: Nataka ijulikane Kilifi nzima kuwa mimi Elina Mapenzi Samini niliyeletwa hapa Bunge la Gatuzi ya Kilifi nasimama na hawa wachache ambao hawana watetezi katika Bunge hili kwamba karatasi hii itupiliwe mbali na zoezi hili lianze upya kwa kuzingatia hiyo *Memo* yao ya *Internal advert*. Thank you very much.

(*Applause*)

The Speaker (Hon. Mwambire): Hon. Members, I beg to give guidelines on how we are going to prosecute this issue. We have a number of Members who have sent requests and it will be prudent for every Member to speak. I know we have extended time for everybody to speak so instead of saying the same thing using different words let us be precious and use three minutes maximum to conclude. Hon. Mkumbi (Mariam).

Hon. (Ms.) Mariam: Asante sana, Bw. Spika, kwa kunipa hii nafasi. Mimi kama mmoja wa wana Kamati ambayo imekuja na hii Ripoti, nasimama kuunga mkono kwa dhati Ripoti hii. Bw. Spika, niko na sababu kwa nini naunga mkono. Mheshimiwa Spika, mengi yamezungumzwa na mimi nataka niende kwa *submission by the County Service Board*. Hao wenyewe waajiri na hapo nataka niwasomee kitu. Nataka niwasomea kitu kwa sababu sisi kama wana Kamati tuliuliza maswali. Iko *page nine* katika ile *submission* ya *County Public Service Board* hao wenyewe wakati tulipokuwa tumewauliza hayo maswali twende tusome hapa. "*This approach was to end at appreciating staff who had the necessary qualifications and also addressing the issue of an inflated wage bill. The Board was currently working on streamlining employment and staff placement process and external advert soon.*"

Mheshimiwa Spika, inadhihirisha kuwa hawa wenyewe walikuwa wameona kuna haja ya kufanya *External Advert* baada ya kufanya *internal*. Sisi kama Kamati tuliona makosa ni kuwa walifanya *internal advert* na walifanya kulingana na vile walieleza alivyoeleza kuwa walikuwa wanataka ku *absorb* wale *staff* ambao tayari wako kazini na hawajachukuliwa *permanent*. Walikuwa na nia nzuri ndiyo maana waka *advertise Internal*. Sisi kama Kamati tulisema iwe

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cancelled kwa sababu ikiwa wao wenyewe walisema ni *Internal* na huwezi sema ni *Internal advert* halafu uchukue watu wa nje tayari hapo utakuwa umevunja sheria.

The Speaker (Hon. Mwambire): Observe time, mheshimiwa.

Hon. (Ms.) Mariam: Ndiyo nina *observe*. Hicho ndicho kipengele peke yake ambacho kilifanya tukaja na hizi *recommendations* badala ya kuwahoji na hao wenyewe wakakubali kuwa watafanya *internal adverts* baadaye. Unajua ukifanya *internal advert* halafu uchukue watu wa nje, halafu kuna watu wanaelewa sheria na waliona hiyo *advert* na wako na *qualifications* lakini ilikuwa imewafunga tayari hiyo ni *discrimination*. Na ukichukua watu wa nje tayari hukuwa muwazi, *Article 10 issue* ya *values and principles* mambo ya uwazi ama *intergrity* tayari umeivunja. Mheshimiwa Spika, sisi kama Kamati tuliangalia hiyo *point* tukizingatia kuwa tunaongozwa na sheria katika Bunge hili. Asante, Bw. Spika.

The Speaker (Hon. Mwambire): Hon. Hassan.

Hon. Hassan: Asante sana, mheshimiwa. Kwanza, nataka kuchukua hii fursa kushukuru Bodi husika kwa kutupatia vibarua. Pili, kumshukuru mheshimiwa mustahiki Gavana wetu maana anajua kuna kilio cha ajira. Bado nashangaa na kujiuliza maswali mengi sana; hiki ni kipindi changu cha tatu nafikiri mkongwe zaidi ya wote hawa. Uwazi wa ajira katika vipindi vyote vilivyotangulia sikuwahi kuuona lakini kwa sasa nashukuru uwazi unaonekana. Tulikuwa tunaona watu tu wameajiriwa. Leo tumepewa nafasi ya ajira, wale walio ni wa nje ni kama watu wawili waliotajwa. Naomba tu kwa unyenyekevu hii *procedure* iendelee. Nimesimama kuipinga Hoja hii. Naomba Bodi iendelee na kazi yake.

Hon. (Ms.) Grace: Asante, Bw. Spika, kwa kunipa nafasi hii. Nitafwata sheria yako ambayo umesema tuchukue muda mrefu na kwa sababu mimi ndio *Minority Whip* nafaa kuwa mfano katika Bunge hili. Nasimama kuunga mkono hii Ripoti ya Kamati asilimia mia kwa mia na baada ya kuipitia nilitaka kujua zaidi ni nini ambacho ninafanya hii Kamati ipinge *the shortlisting of the candidates*.

Nilipata hiyo *list* na tangazo lililowekwa ni *internal advert*. Kwa kuelewa kwangu ina maanisha wafanyikazi ambao tayari wanafanya kazi na Kaunti yetu. Matarajio yangu ilikuwa ni wale walioko *whether* ni *casuals* ama *permanent at least* wawe *shortlisted* katika ile *list* lakini cha kushangaza, mheshimiwa Spika, na nitatoa mfano, kuna mheshimiwa mmoja amesema kuwa anashangaa watu wawili pekee ndio waliotajwa kuwa sio wafanyikazi wa Kaunti kufikia sasa, lakini kulingana na *list* naona ni zaidi ya watu Hamsini (50) ambao hawako katika kaunti. Nasikitika sana, mheshimiwa Spika...

The Speaker (Hon. Mwambire): There is an intervention from hon. Radhia.

Hon. (Ms.) Radhia: Hawa watu wa nje ni wa aina gani?

The Speaker (Hon. Mwambire): Unataka kufahamishwa ama kumfahamisha?

Hon. (Ms.) Radhia: Nataka kufahamishwa mimi.

Hon. (Ms.) Grace: Ndio naendelea kuelezea, Bw. Spika. Mheshimiwa Radhia, ungenipa muda kwanza. Nikisema watu wa nje namaanisha, anaweza kuwa ni mtu wa Kilifi lakini hafanyi katika *County Government*. *Internal advert* ina maanisha huyu mtu awe ni Kazungu awe ni Karanja au Adhiambo lakini anafaa kuwa anafanya kazi katika Kaunti.

Inasikitisha, nitatoa mfano mmoja wa Anthony Thaura Bao, huyu ni mwana Kilifi kutoka Chasimba, mwingine ni Thregatsh Munga Mwarome, huyu ni mwana Kilifi kutoka Chasimba lakini anafanya Rea Vipingo plantation. Hiyo *plantation* haiko katika Idara ya Kilifi Kaunti. Naunga mia kwa mia hii Ripoti.

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(Loud consultations)

Rea Vipingo iko Katika Kaunti ya Kilifi lakini *it is a private company not County Government workers.*

The Speaker (Hon. Mwambire): Hii Ripoti ambayo unasoma iko katika ile Ripoti ambayo tunajadili leo ama?

Hon. (Ms.) Grace: Ndio hiyo hiyo. Bw. Spika, nasikitika sana mimi nimetoka Gede na kuna Gede Sub-County Hospital na hapa kuna mtu anaitwa Fatuma Gatiwani Mohammed from Tana Delta wachu Otha, Otha Dispensary Tana River County; huyu sio mfanyikazi wa Kaunti, pale Gede Dispensary kuna Kadzo na Katana hajapata kazi na hajakuwa *shortlisted*.

Hon. Kubo: Thank you, Mr. Speaker, Sir, for this opportunity. I stand to oppose this Motion. I have four reasons for opposing it. Number one, the Committee did not do complete work; they could have separated the internal and external shortlisted candidates.

Two, they have indicated in their findings that the interview was discriminatory, but I do not understand this because I have gone through the shortlisted candidates, and I have seen the people from my ward.

Number Three, we have run short of time. Our casuals are suffering, and we need to do something to make sure they are employed. Lastly, the Chairperson and the Vice-chairperson both ran away; they are not here.

The Speaker (Hon. Mwambire): Hon. Kubo, in my Office, the Report I have is that the Chairperson is hospitalized. He has been in hospital for over one and half weeks now. So, please it is unfair to say that because today it is him who is unwell tomorrow...

(Loud consultations)

Hon. Members, I do not have any authority to ban any Member from either coming or leaving. There are Members who are here now but will not be here next week. Should I stop the discussion to inquire where they are? I think what we do, we will ring the Bell in case a member comes, and that will be okay. If a Member does not come, we will proceed so long as the Members have a quorum.

Honourable Members, I am trying as much as we can to save time. We will ring the Bell when it comes to voting.

Hon. Ngirani: Mr. Speaker. I stand in support of this Report with the following statement: Number one, using the findings of the Committee. The Board published an internal recruitment advert on the website and shared it on different social media platforms.

That is internal recruitment. Again, the action of the Board in shortlisting candidates who are not affiliated with any Department, the county flawed the recruitment process.

Mr. Speaker, the Committee findings were through the submission of the CPSB. The CPSB, Mr. Speaker, brought before the Committee files of all the recruits showing where they are currently working. This Report that shows the National Potato Council from Winnifred, Mukami Peter comes from Igembe South in Maua. He works with National Potato Council of Kenya. This information was generated from the file of this person, and so Mr. Speaker, the recruitment process was discriminatory because people were locked out especially those who saw the advert as internal and again did not apply because it was not external, Mr. Speaker.

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The casuals of Kilifi, who have worked in this county for years, I want to remind our Leader of Majority who said that we have enough for lunch, breakfast and dinner, very true, Mr. Speaker. I will add that we are also in medical covers and house allowances. Let him know that the casuals we are trying to protect today are not enjoying medical covers and house allowances, Mr. Speaker. So, by them being recruited, Mr. Speaker, they will enjoy these amenities. Giving a room to someone who has not suffered the process of this harsh working conditions of this county, going months without salaries, Mr. Speaker, if he really cares, let him allow this process to be re-advertised so that we get those who have worked as casuals for years so that they can enjoy the dinner, lunch, breakfast, medical cover and house allowance that he is enjoying, Mr. Speaker.

The Speaker (Hon. Mwambire): What about commuter allowances?

Hon. Ngirani: Everything, Mr. Speaker, you can add another one.

The Speaker (Hon. Mwambire): What about communication?

Hon. Ngirani: Those are the things we are talking about, Mr. Speaker.

The Speaker (Hon. Mwambire): Okay, just proceed so that you can conclude. I only wanted to show you that you have left some other very important ...

Hon. Ngirani: No, no, no, Mr. Speaker, it is because of time actually I could have brought my pay slip so that...

The Speaker (Hon. Mwambire): Conclude, please.

Hon. Ngirani: Mr. Speaker; allegations that I am benefiting, I have 39 members who have been shortlisted on this list. He himself has said that shortlisting does not guarantee a job. So even those who have been shortlisted from Ganze, there is no guarantee that they will get a job. My worry is who is going to get these jobs? The 39 people can be knocked out and somebody else from another county can benefit. Now, Mr. Speaker, what I am trying to say is we must have sympathy. We must sympathize with our people that have worked in this county tirelessly. Wrong doing of the Board can implicate some issues within the CPSB that if we say we pass this Report, someone tomorrow goes to court and he or she uses the findings of this Committee against us and use it as an evidence. Mr. Speaker, we should be law abiding citizens. Thank you, Mr. Speaker.

Hon. Ray: Asante sana, msheshimiwa Spika, kwa kunipatia nafasi hii. Mimi nitaongea kwa kifupi na niko katika ile Kamati ya Ugatuzi. Katika yale malalamishi ambayo tumeyapata na tukiuliza lile swala nyeti ilikuwa ni kwa nini Bodi wameweka tangazo likiwa na mabano. Hapo hatukupata majibu ambayo yanaeleweka. Nasema hivyo kwa sababu gani? Ile Bodi ambayo ilitoka haikuwa na shida kubwa lakini ilikuwa na mambo madogo ambayo hayafuati sheria. *Petition*, kortini na Seneti hawa wanaanza na kuna karibu miaka mitano mbele na kama kutakuwa na swala lao ambalo watolewe na sisi tuliwafanyia *vetting*. Hii Kamati tuliifanyia *vetting* na tukaona wako na tajiriba ya kutosha.

Naomba Bodi ya kuajiri wafanyikazi wazingatie sheria na ifanye kazi yake kisawasawa na sio kwamba wafanye mambo ambayo hawajui wanafanya nini halafu wasubiri watu wengine wawatetee. Kwa hivyo, wakisema wameweka mabano, wengine wanalalamika wakisema sisi tuliona ya kwamba tangazo hili limefungiwa kwa hivyo sisi hatukushughulika na kutuma maombi. Kwa hivyo, wanasema wako na haki ambayo wamenyimwa. Ningependa kutoa ushauri kwa Bodi ya kuajiri wafanyikazi wawe makini wakati mwengine. Asante.

Hon. Rashid: Asante, Bw. Spika. Nataka niwe mchache sana wa maneno kwa sababu mimi ni mmoja wa wana Kamati ambayo imetengeneza hii Ripoti. Hii Ripoti kuna wana Kamati

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wananishangaza na la kunisikitisha walitia saina na waliikubali Ripoti hii lakini hapa wanaipinga na kuikataa. Sijui kuliendaje, ama kulitokea nini lakini kile ambacho mimi nataka kusema ni kwamba nataka ninukuliwe na niende kwa rekodi kama ...

The Speaker (Hon.Mwambire): Mheshimiwa Rashid, haina haja uulize. Mwanasiasa anaweza kuita chupa glasi na anaweza ita mtungi mkopo bora ni mwanasiasa na hii ni Nyumba ya wanasiasa kwa hivyo wewe sema yale yako na utatoa uamuzi wako.

Hon. Rashid: Asante, mheshimiwa. Najua tuko kwenye Nyumba ya wanasiasa. Mimi nataka kusema hivi, Mimi Rashid Odhiambo, Mwakilishi wa Wadi ya Malindi Town, nakubaliana na mapendekezo ya hii Kamati na nataka iwekwe wazi ya kwamba sipingi watu kuajiriwa kazi; ninachopigania ni kwamba sheria ifuatwe. Waswahili wana msemo; kuteseka ni kwa zamu...

The Speaker (Hon.Mwambire): Wahenga ama Waswahili?

Hon. Rashid: Waswahili. Mheshimiwa Spika, usiweke maneno yako ndani ya kinywa changu.

The Speaker (Hon. Mwambire): Nauliza ili nijue maanake wewe ni mwalimu wa Kiswahili. Endelea.

Hon. Rashid: Waswahili wanasema kuteseka ni kwa zamu na kutawala ni kwa awamu. Nije kwa hawa wahenga unaowasema, mheshimiwa Spika, wahenga wanasema cha mkufuu mwana fuu ha, akila hu, cha mwanafuu mkufu hu, akila ha.

(Laughter)

Ni Kiswahili sanifu. Mimi nina shahada ya Kiswahili. Wewe sijui una nini. Mheshimiwa Spika, kwa nini nasema hivi ni kwa sababu hapa kila mmoja ana haki ya kuamua vile anavyoona. Mimi hivi ndivyo nilivyoona na wacha nihukumiwe na wananchi wa Kilifi kwamba huu ndio msimamo wangu, na niko tayari kutetea msimamo wangu kutetea msimamo huu mahali popote.

Mheshimiwa Spika, nikimalizia, napenda ifahamike wazi ya kwamba Kamati ambayo mimi nakaa, hatupingi na hatutapinga na tunataka watu wa Kilifi wapewe kazi na kama ni kufahamika tangu awali ya kwamba si kazi yangu mimi kama Mwakilishi wa Wadi kusema nani apewe na nani asipewe. Kazi yangu ni kuhakikisha kwamba wale wanaopeana wanafuata njia iliyo sahihi. Asante, mheshimiwa Spika.

Hon. Oscar: Asante, mheshimiwa Spika. Nilikuwa nangojea fursa hii na mimi nilikuwa naomba usinipimie muda kwa sababu tukiwa katika Bunge hili...

The Speaker (Hon. Mwambire): Vipimo vilivyo hapa ni vya kawaida...

Hon. Oscar: Tukiangalie juzi kule ya Riggy G ilichukua masaa kabisa...

The Speaker (Hon. Mwambire): Lakini hapa hakuna Riggy G...

Hon. Oscar: Sawa. Mheshimiwa Spika, mimi nasimama kwanza kuunga mkono wana Kamati walivyoyasema na kujadili kupitia Ripoti yao mia kwa mia. Niko na sababu ambazo nitatoa kwa nini nawaunga mkono waheshimiwa wenzangu waliokuja hapa Bungeni na walioletwa kwa sababu wameonekana kule kwao wanafaa waje hapa Bungeni na ndio wametoa Ripoti hii ya leo.

Cha kwanza, tusizungumze Kizungu kingi tukawakoroga na kuwachanganya hawa wana Kilifi. Ripoti hii inasema ya kwamba wanaunga mkono wale wakaaji wote wa Kilifi na wafanyikazi wa Kilifi wapewe ajira lakini wakati wanaunga mkono ni kwamba zile njia ambazo zilitumika hawa kuwekwa katika *list* ya kupewa ajira baadaye ilitumika kimakosa na ile

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iliyokuwa ikitarajiwa; Kamati ilivyosema. Mimi sio mwana Kamati ila nikiona jambo mimi napenda kuzungumzia nikiwa na uhakiki.

Ukurasa wa 11, nambari sita nitanukuu, *Committee recommendation*, ya kwamba Kamati ilipata ya kwamba CPSB imekiuka sheria na vipengee vya uajiri hapa Kenya. Ikanukuu ya kwamba guided by the provisions of the constitutions of employment number 11 of 2007, *Public Service Values and Principle Act number 1(a) of 2015. Public Service Commission Act 2017, County Governments Act, 2012 and the Kilifi County Assembly Standing Orders which lays out the procedure and mandates of the Committee.*” Kuna mambo ambayo yalikuwa yameshakiukwa. Hivyo basi, naungana na wenzangu hapa hususan *Majority Leader* ametupatia muelekeo tusilete siasa kwa masilahi na maswala ya wana Kilifi. Tukileta siasa tunawakosesha na kuwanyima haki wale ambao wanastahili kupata maswala haya.

Mimi nitasema wale wahenguzi ambao walisema tusipoziba ufa tutajenga ukuta; mheshimiwa amesimama hapa na akasema kwamba wale ambao wameekwa kwenye *list* haimanishi watapewa, ndio lakini tukiacha hili jambo likienda inamaanisha mmoja wao kati ya wale ambao wako pale watapewa na endapo akipewa mtu ambaye ni wa ndani kwa ndani itakuwa imeendana na sheria vyema lakini ikitokea wa nje itakuaje kwa wale ambao wameachwa ambao ni wa ndani.

Mheshimiwa Spika, tunarudi pale pa juzi tulipokuja hapa Bungeni kumtoa Rose Ngoa. Kipengee cha kumtoa Rose Ngoa kimoja kikali ni kwamba muda wote huu amekaa na wana Kilifi na hakuwa anawapatia kipaumbele wale *casuals*; tukamtoa hapa kwa sababu hiyo ya kwamba alikuwa anachukua watu wengine wa nje na hapatii kipaumbele hawa wengine. Hiyo ilikuwa ni moja kati ya kipengee hicho...

The Speaker (Hon. Mwambire): There is an intervention...

Hon. Oscar: On what Standing Order?

Hon. Twaher: Thank you, Mr. Speaker. The hon. Member on the Floor is misleading...

Hon. Oscar: On what Standing Order, Mr. Speaker? I need to be guided.

Hon. Twaher: Mr. Speaker, kindly protect me because the fact that was placed before this House is Rose Ngoa ...

The Speaker (Hon. Mwambire): Are you substantiating or you are on a Point of Order?

Hon. Twaher: Yes, I am substantiating because Rose Ngoa was not removed by this hon. House because of not employing casuals. The reason was she was not submitting Reports to this House.

(Loud consultations)

The Speaker (Hon. Mwambire): Take your seat, hon. Twaher.

Hon. Oscar: Mheshimiwa Spika, nikiongea naomba mnyamaze tafadhali. Nimewasikiza. Kati ya vile vipengee vyenye aliweza kutolewa kilikuwa kimoja chao. Nitaendelea nikisema kwamba mbuyu huanza kama mchicha; tukiweka maswala ya kwamba tukipuuzia kila saa yanaweza kuja kuwa makubwa mno yakatishia maslahi ya wana Kilifi. Jambo hili, hii karatasi nafikiri kila mmoja ako nayo hii, naomba tuende *point number four*, inasema “*Submissions of the CPSB*”; ya kwamba wao wenyewe wamezitoa, imeenda tena imetoa *point number sita* ambayo inazungumzia kuhusu *page 11*. Haya inarudi tena, iko na karatasi kwa wale ambao walifanyiwa wanafaa wachaguliwe katika *shortlisting* hii hapa ambayo inasema, “*The CPSB should facilitate*

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the House with a comprehensive Report of the staff indent in post and outpost of all County Departments within 60 days” ndio tuwajue na kuwafahamu wenye wako hapa.

Mheshimiwa Spika, sina shida hawa wakiendelea kuchaguliwa kwa sababu ile *amendment* ilikuwa imezungumzia hivyo; swala liendeleo na wapewe kazi. Ukiangalia karatasi hii, *panel one; Agricultural Officer*; Wenye walikuwa *shortlisted* hapa hakuna hata mmoja ambaye ni *casual* ama anafanya kazi hapa Kilifi Kaunti. Hii *list* ikipita itakuwa tumepatia kipaumbele nani? Katika Kilifi Kaunti hatuna *casual* ambaye ni *Agricultural Officer* mpaka tuende tukachukue nje? Swala hili ndilo ambalo nazungumzia.

Ukienda *pia panel one; Assistant Fisheries Officer*; hakuna ambaye amekuwa *shortlisted* ambaye anafanya Kaunti. Inamaanisha hii *list* ikipita wanachukuliwa hao ambao wako hapa, inamaanisha ya kwamba Kilifi Kaunti hatuna mtu ambaye ame-*qualify* ambaye ni *casual*? Naangalia tena ...

(Loud consultations)

The Speaker (Hon. Mwambire): Hon. Members, please hold your horses so that he can conclude. Half a minute, hon. Member.

Hon. Oscar: Namalizia. *Assistant Agricultural Officer*, hakuna hata mmoja ambaye amekua *listed* ambaye anafanya Kilifi Kaunti. Mheshimiwa Spika, tukiungana na kusema kwamba tuiangushe hii isisipite tutakuwa tunakiuka maslahi ya wana Kilifi wale ambao ni *casuals* na wako ndani tayari ya *system*. Nitamalizia na kusema maana ya *internal advertisement*; sikuona maana ya kwamba iwekwe katika tangazo. Katika *internal advert* huwa kunastahili kuwa na *internal memo* inawekwa katika Idara husika ili mtu wa nje asiweze kuiona akasumbua wale wa ndani. Leo hii kama ingekuwa imefanywa *internal memo* wale ambao wamekuwa *shortlisted* wangukuwa ni wale wale ambao wako pale ndani. Nitaachia hapo nikisema ya kwamba tunasimama na hii Ripoti binafsi na kuhakikisha kwamba wana Kilifi wanapata ajira na wakipata ajira watumie njia ambayo inastahili kulingana na sheria.

Hon. Tete: Asante, mheshimiwa Spika. Ningeomba hawa *Clerks* wetu watusaidie na hizi *copies* ambazo zinasomwa kwa sababu ninataka kuitumia pia mimi na wewe pia upate *copy* ili tusaaidiane. Tunajaribu kutumia Hoja yenyewe, lakini jinsi tunavyoendelea kunatoka mambo mengine ambayo sisi hata ushahidi hatuna. Sasa huu ukweli ambao unatumika hapa kuonyesha ya kwamba Bodi ilitumia njia isiyofaa kufanya haya mambo yafike pale yalipofika. Kwa nini hayakuorodheshwa hapa ndio sisi pia tujue ya kwamba ni nini Bodi hii ilikuwa inafanya, na kitu ambacho kinanishangaza...

The Speaker (Hon. Mwambire): I have an intervention from the Leader of Minority.

The Leader of Minority (Hon. Mumba): Mr. Speaker, thank you for this opportunity. I have been very keen following the deliberations in this House. Again, Mr. Speaker, I indulge your direction on this matter because for a long time, you have allowed Members to refer to documents which have not been submitted before this House, and you know very well there is a procedure for admissibility of documents before this House. So, the information that has been shared might not be very useful to us because the documents have not been shared with this House. So, Mr. Speaker, the Member on the Floor requires your direction, Mr. Speaker, on the admissibility of such documents.

The Speaker (Hon. Mwambire): I have heard you, but the Member was asking whether I can be served with a document which has not been served. So there is no document I am

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referring to here. What I have is the hard copy and an electronic copy which I have in my gadget. So that is what I am reading right away. And I think the Report we are debating on and what we are going to vote on is on everybody's access. So, just proceed, hon. Tete.

Hon. Tete: Asante, mheshimiwa Spika. Nataka nikuache na swali ikiwa kwa leo maswali hayajibiwi, kwamba iwapo ile stakabadhi ambayo tunaitumia ndio inatuongoza, kwa nini haya mengine yanapewa nafasi? Lakini hata usiponijibu, mheshimiwa Spika, ni sawa. Nataka pia niendeleo kusema hivi, tumefahamishwa hapa kupitia kwa semi za waheshimiwa kwamba wale ambao watakuwa *beneficiaries* wa hii Hoja hawajaajiriwa. Wako katika mtiririko wa kwamba wafikie kwa ajira na tukafikia mahali pia nikamnukuu mheshimiwa Ibrahim Athman *Majority Leader* akisema kwamba, mheshimiwa Ngirani ata *benefit* zaidi kuliko wengine na ikasemekana si kweli.

The Speaker (Hon. Mwambire): Imeandikwa kwa Ripoti?

Hon. Tete: Ilikua inasemwa.

The Speaker (Hon. Mwambire): Nasema kwa Ripoti umeona?

Hon. Tete: Imeonekana.

The Speaker (Hon. Mwambire): Ndani ya Ripoti, hii ambayo tunasoma hapa?

Hon. Tete: Hii hii ambayo ya kwamba Ganze iko na wengi ambao wanaenda ku *benefit*.

The Speaker (Hon. Mwambire): Kwa sababu nafikiria hayo maswali unauliza ndio swali ambao mheshimiwa Chengo (Mumba) alikuwa anauliza, ambayo mimi sikuwa niko nayo hapa na sikutaka kuingilia.

Hon. Tete: Wako *shortlisted* kutoka Ganze wako 39.

The Speaker (Hon. Mwambire): Iko ukurasa wa ngapi niko na yangu hapa na mimi nione.

Hon. Tete: Wako wengi hata mimi nitajieleza pole kwa sababu si wakati wako.

(Several hon. Members spoke off record)

The Speaker (Hon. Mwambire): Just proceed.

Hon. Tete: Asante. Na ikiwa katika hali hiyo mimi katika wadi yangu...

The Speaker (Hon. Mwambire): The fairest way is to say this is Ganze Sub-County, not Ganze Ward. I have gone through it, and it is reading Ganze as a Constituency, not as a ward.

Hon. Tete: Ni sawa lakini tunajua hiyo iko na *majority*. Na katika hali hiyo, mimi katika wadi yangu nimepata saba. Mijikenda wana msemu mmoja wa kusema kwamba, "*nguo bomu ina demu*". Nazungumza huo msemu halafu nijaribu kuufafanua kwa wale wasioelewa waelewe ya kwamba...

The Speaker (Hon. Mwambire): Mheshimiwa Tete, unajuwa vizuri kwamba hapa Bungeni lugha ni tatu, Kiswahili, Kiingereza na Lugha ya Ishara. Unaweza changanya Kiswahili na Ishara ama Kiingereza na Ishara. Lakini ukileta nyingine na kila mmoja akituletea misemo ya kule kwengine itabidi tuanze kutafuta wakalimani hapa ambayo si vizuri.

Hon. Tete: Ndio nimeelewa, ndio maana nataka kurudi...

The Speaker (Hon. Mwambire): Unaweza kuchanganya Kiswahili na Ishara ama Kiingereza na Ishara. Lakini ukileta nyingine na kila mmoja akituletea misemo ya kule kwengine itabidi tuanze kutafuta wakalimani hapa ambayo si vizuri.

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Hon. Tete: Haya, asante. Pamoja na hayo nataka kusemaje, katika hao wengi hata wakirudi kupunguzwa bado mheshimiwa Ngirani ataonekana kwamba namba yake ni kubwa. Na ifikapo kwangu...

The Speaker (Hon. Mwambire): There is an intervention here.

Hon. Ngirani: Mr. Speaker, he can take his seat.

The Speaker (Hon. Mwambire): Do you want to inform him or what is out of order?

Hon. Ngirani: I want him to clarify and give us the number of 39, one by one until he reaches 39 from Ganze Ward.

The Speaker (Hon. Mwambire): We will be wasting time.

Hon. Ngirani: These are allegations, Mr. Speaker.

The Speaker (Hon. Mwambire): I think, Hon. Ngirani, just take your seat. I have gone through the list and of those who are shortlisted, 38 are not from Ganze Ward but Ganze Constituency. That is what I have seen in this Report here Ganze Constituency, not Ganze Ward. So, proceed, hon. Ngirani, his wife is from Ganze, so she is shortlisted. Just proceed, Hon. Tete.

(Hon. Ngirani spoke off record)

(Laughter)

So, she is shortlisted.

Hon. Tete: Bado *majority* ni Ganze Sub-County bado katika Ganze Ward iko na *majority*. Tukienda tu kwa hesabu moja baada ya nyingine. Na huu ndio wakati wa yeye kushukuru na kuwapigania wale watu waajiriwe na ikiwa atasimama kusema kwamba hii *list* iwe *revoked* ina maana ya kwamba hawataki mema.

The Speaker (Hon. Mwambire): Is hon. Ngirani the Mover of the Motion?

Hon. Tete: He is the Mover.

The Speaker (Hon. Mwambire): *Mheshimiwa* Tete, you are the Majority Whip. Be fair and give details that will work for this Motion. *Mheshimiwa* Ngirani is not the Mover. So, it will be unfair because I do not want to deal with interventions here because of some facts which are not clear.

Hon. Tete: Amendments, *yeye*...

The Speaker (Hon. Mwambire): Are we dealing with amendments here? We are not dealing with amendments here so, just proceed, please.

Hon. Tete: *Okay, thank you.* Pole, zamu yako imeisha. Kwa hivyo, kitu ambacho najaribu kuongea ni wananchi wetu wanatarajia kupata mavuno ya ajira na hapa ambapo tumefika, wanaona ishara ya kwamba wanaenda kuajiriwa na wale ambao wanaenda kuajiriwa bado ni wana Kilifi. Hii Bodi bado ina nafasi ya kutangaza ajira na hiyo *mandate* wanayo ya kutangaza nafasi nyingine kwa wale waliosalia na wataorodheshwa. Kwa hivyo, ombi ambalo nalipeana ni kwamba mimi nasimama nikikataa hii Ripoti kwa sababu inataka kunyima wale waliobahatika nafasi za kuajiriwa na hii hata sisi ambao tuko katika mamlaka ya uongozi saa hii kuna mahali tutakuwa tunaharibu jina.

Kwa hivyo, mimi nasema naikataa hii Ripoti kwa sababu hizi nafasi zimefika kwa wananchi na wasituone sisi wanafiki kwa sababu labda baadhi ya wengine ambao ni wetu hawaja bahatika na bado kuna nafasi mbele ya wao pia kuingia katika huo mtiririko wa ajira. Kwa hivyo, naomba, mheshimiwa Spika, hapa ilipofikia kila mmoja aelewe ya kwamba kila kitu, na

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mheshimiwa Odhiambo Rashid amesema kwamba kila kitu ni zamu basi na tujue kwamba hii zamu ya sasa ni kwa wale waliobahatika na wale wanaokuja pia nao wana wakati wao. Asante.

The Speaker (Hon. Mwambire): Hon. Koki.

Hon. (Ms.) Koki: Asante sana, mheshimiwa Spika, kwa kunipatia nafasi hii pia mimi nisimame kupinga Ripoti ambayo ilitengenezwa na Kamati na vizuri ninukuliwe kwa HANSARD kuwa pia mimi ni mmoja wapo wa hii Kamati ingawa wakati Ripoti ilipokuwa ikiandikwa nilikuwa katika shughuli za mkutano wa *Deputy Majority Leaders*. Kwa hivyo, sikuwa ndio maana unaona mheshimiwa alitaja kuwa aliambiwa sikutia sahihi hiyo Ripoti lakini hata kama ningekuwa katika huo mkutano singelikuwa nimetia sahihi hiyo Ripoti kwa sababu zinazofuata. Sisi tunajua majukumu yetu ambayo yametuleta hapa Bunge, ni majukumu matatu; kuwaakilisha watu wetu, kutengeneza sheria na...

(Hon. (Ms.) Koki spoke off record)

The Speaker (Hon. Mwambire): Uangalizi wa utendaji kazi wa Serikali ya Gatuzi letu la Kilifi.

Hon. (Ms.) Koki: Asante kwa kunisaidia mheshimiwa. Uangalizi wa utendaji kazi wa Gatuzi letu la Kilifi ambayo ndiyo hiyo kazi ambayo imenikalisha.

Mheshimiwa Spika, tukiwa hapa Bungeni tumekuwa tukiwa na taaluma mbalimbali lakini niko na uhakika tukiwa hapa ndani katika waheshimiwa wote hakuna mheshimiwa ambaye ni wakili na *researcher*. Na pia hapa ndani ni lazima tujue...

The Speaker (Hon. Mwambire): Mheshimiwa Koki, naomba uendelee kwa sababu pale umefikia utazua mambo mengine. Nakueleza kwa sababu...

Hon. (Ms.) Koki: Namaliza. Nitachukua dakika tatu. Ni lazima niende hivyo ndio nifike kwa *point*. Mheshimiwa Spika, huwezi jua ni mazungumzo gani nataka kuzungumza. Wewe kama Spika nisikize upate kuelewa pale ninapoendelea. Wacha niregelee, hapa ndani mheshimiwa Spika, tuko na *Clerks* ambao wanatusaidia kazi, tuko na wanasheria na tuko na ofisi ya utafiti. Kama *Committee* ingelikaa na hawa watu kwanza tupate kujua, kuelezwa na kupanga na kujua ni njia gani twaweza tumia ili kupanga mambo yawe sawa. Mheshimiwa Spika, nikiwa nimesimama hapa...

(Hon. (Ms.) Grace stood on a Point of Order)

The Speaker (Hon. Mwambire): We have some interventions now because I told you. Just hold.

Hon. (Ms.) Grace: Asante, Bw. Spika. Nasimama kwa hoja ya nidhamu. Sheria ya hapa Bunge tunaruhusiwa kuongea Kizungu ama Kiswahili. Mheshimiwa ambaye yuko kwa Sakafu anachanganya Kizungu na Kiswahili kwa hivyo hatuelewi ni lugha gani anatomia. Asante.

The Speaker (Hon. Mwambire): Hon. Rashid.

Hon. Rashid: Asante, mheshimiwa Spika. The Member on the Floor is misleading the public that this work was done in their absence. It is very open that we have Committee Clerks and Legal Counsels to advise the Committee. We have qualified researchers and the Report was made.

The Speaker (Hon. Mwambire): Hon. Oscar Wanje.

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Hon. Oscar: Nasimama katika Kanuni ya Kudumu 89 ku *substantiate* kile ambacho kinazungumzwa. Mheshimiwa Spika, ukurasa wa kumi na sita (16) wa Ripoti hii umesema wazi wale *Secretariat* ambao walikuwa pale; Habel Mbaru (*Clerk Assistant*), Rashid Mbeto (*Legal Counsel*) Mwanasheria, Matilda Mwendwa (*Hansard Officer*), kulikuwa mpaka *Serjeant-at-Arms*, Harrison Chidzambo (*Director Human Resources*) na Sydney Saro, sasa anakuja kusema hawakuwa, unaangalia wapi? Anadanganya Bunge hili kwa hivyo wacha...

The Speaker (Hon.Mwambire): Naomba ukae sasa.

(*Loud consultations*)

Hon. (Ms.) Koki: Mheshimiwa Spika, naeza kuendelea?

The Speaker (Hon.Mwambire): Najaribu kukupatia nafasi.

Hon. (Ms.) Koki: Mheshimiwa Spika, naeza kuendelea?

The Speaker (Hon.Mwambire): Si nimekupatia nafasi.

Hon. (Ms.) Koki: Asante sana, mheshimiwa Spika. Mheshimiwa Rashid ambaye anasema nadanganya Bunge hili ukiangalia Ripoti hata yeye mwenyewe hakuwa kwa hivyo hata hajui wale tunawataja kama walikuwa. Mheshimiwa Oscar, nimezungumza ya kuwa tuko na hawa watu sijasema hawakuwa kwa mkutano. Tuko nao na kazi yao ni kutusaidia na kutu *guide*. Tuacheni hisia wakati mtu anazungumza ndiyo upate kusikia mtu analeta *point* gani. Sijasema hawakuwa nimesema wako hapo ili kutusaidia na wakati makosa yanatokea, wakati tunaenda kombo na wakati tunaenda sawa wako hapo ili kutusaidia kwa hivyo wenye wanazungumza hawaendi sawa.

Mheshimiwa Spika, nikiwa nimesimama hapa nawakilisha Wadi ya Mariakani; wakiwa watu wa Mariakani pia kuna *casuals* ambao wako hapa Mariakani. Mheshimiwa Spika, sijasema watu wasipate kazi lakini naona tunachanganya mambo kwa hizi nafasi. Mimi nataka kukwambia kuna vijana zaidi ya wa nne ambao walikuwa *shortlisted* kutoka Mariakani ni wafanyi kazi wa hii Kaunti wananiambia mheshimiwa pengine tunaweza kupata ajira nikawaambia kama mlikuwa *shortlisted* na kueleza kuenda *interview* pale tumebakisha ni kumuomba Mwenyezi Mungu kama hizo nafasi zitamuangukia na nyinyi muweze kupata ili mupate ajira ya kudumu.

Mheshimiwa Spika, tukizungumza hivi mimi yale ambayo waheshimiwa wenzangu ningeliwaomba tufanye tukae na *Public Service Board*. Je, hawa vijana wetu, je, hawa wazee wetu na hawa walemavu tumewapangia nini ambao hawana ajira za kudumu? Mheshimiwa Spika, tunapojivuta hivi ni kwamba tunasimamisha kazi ambayo ingeendelea watu wapate kazi na wengine waweze kupata kazi. Tukifika kule kwa Wadi hususan sisi ambao tulichaguliwa kwa kura, hatupati nafasi maana tunaambiwa mlituhidi ajira na ajira hakuna ilhali kunao waheshimiwa wengine ambao wanazuia hizi ajira kuweza kupatikana. Mimi nataka viongozi wenzangu tuweze kukaa na *Public Service Board*.

(*Hon. Grace spoke off record*)

Mheshimiwa Grace, mimi ndiye niko kwa Sakafu; nyamaza tafadhali. Naomba tukae na *Public Service Board* tuweze kujua je, hawa watu wetu ambao hawana ajira, hawa vijana wetu ambao wameandikwa... mimi ninasikia uchungu, mheshimiwa Spika, hata mimi niko nao *casuals* kule Mariakani ambao wamekuwa vibarua kwa miaka kumi na hawana ajira. Je, ni vipi watapata ajira

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kamili? Kile kitu nimekiona hapa kwa uhakika ni watu kuvutana kwa misingi ya kisiasa na tukiweka siasa kwa hii, hakuna kazi tutaweza kufanya. Tunataka watu wetu ambao ni *casuals* wamefanya kwa muda mrefu wapate ajira ya kudumu na wale ambao wame *apply* na wame *qualify* kama wamefanyiwa *interview* na Bodi wameona wanastahili kupata hizo kazi basi waweze kupewa hizo kazi ndiyo utendaji kazi wa Kilifi Kaunti uweze kusonga mbele.

Mheshimiwa Spika, napinga hii Ripoti tunataka hii kazi iendelee. Mimi, mheshimiwa Spika, napinga hii Ripoti, tunataka hii kazi iendelee ndiyo hawa *casuals* wapate kazi. Mimi nilikaa na Bodi na nikawaleta Mariakani wakazungumza na *casuals* wetu na wakawaambia vyenye wamewapangia. Kwa hivyo, tunajua kuwa...

(Hon. Mapenzi spoke off record)

Mheshimiwa Elina (Mapenzi) nilikuwa *nominated* kama wewe kwa hivyo tulia ili tuweze kuzungumza.

The Speaker (Hon.Mwambire): Conclude; prosecute your issues so that you can conclude. Hon. Mapenzi (Elina) hold.

Hon. (Ms.) Koki: Mheshimiwa Spika, namaliza lakini wakati mheshimiwa anazungumza na mwingine anapiga kelele huo ni ukosefu wa nidhamu na wewe kama Spika unanyamaza wakati mtu mwingine anapiga kelele.

The Speaker (Hon.Mwambire): No, hon. Koki, I think I have been very fair...

Hon. (Ms.) Koki: You are not being fair, hon. Speaker, because people are making a lot of noise while I am making my submissions which is not right.

The Speaker (Hon.Mwambire): So what is your conclusion? You are getting out of Order. Are they speaking?

Hon. (Ms.) Koki: Can you tell them to shut up?

The Speaker (Hon.Mwambire): Hon.Koki, take your seat.

(Hon. (Ms.) Koki spoke off record)

The Speaker (Hon.Mwambire): Hon. Meso.

Hon. (Ms.) Meso: Thank you, Mr. Speaker. I rise under Standing Order 92. Can I continue?

The Speaker (Hon.Mwambire): Proceed, I have given you an opportunity.

Hon. (Ms.) Meso: I rise under Standing Order number 92 that the Mover of the Motion be now called to reply so that we can vote for this Report just as we did with the amendment by Hon. Ngirani. Members have appealed for time to go through the Report and we are ready to vote. Thank you, I beg to move and call upon...

The Speaker (Hon. Mwambire): Hon. Meso, thank you for your wisdom but I have only two Members. Let them get an opportunity to conclude. Hon Paul, you will not get an opportunity...

Hon. (Ms.) Meso: But I am in Order...

The Speaker (Hon. Mwambire): You are quite in Order, but it will not get my favour for now because I want to give an opportunity to hon. Ziro and hon. Twaher to conclude. Hon.Paul, you will not get an opportunity because you have been on and off and my line is for two Members. Hon. Twaher, go ahead.

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Hon. Twaher: Thank you, Mr. Speaker. I want to make it clear that justice delayed is justice denied. These people have been interviewed and they have been shortlisted. This honourable House, through this Committee, from 14th August 2024, they gave a letter to the Public Service Board to stop the entire process. These people are members of public living within Kilifi County and we are denying them an opportunity to be employed, Mr. Speaker.

For these people to be employed, this Motion has to be dismissed before this House. These are also human beings. These are also people living within Kilifi County and they are also in need of jobs. We are having a lot of issues for employment and we want the Public Service Board; the independent body, to recruit and to advertise more jobs for our people to apply and be employed. I was referring to the Report until you told me I am the Chairman of interventions, Mr. Speaker, because, Mr. Speaker, the Report is very clear.

The ball of contention with the Committee is like there is illegality. The Board recruited people who are not members of staff of Kilifi County Government...

(Loud consultations)

The Speaker (Hon. Mwambire): Just proceed.

Hon. Twaher: No, Mr. Speaker, I cannot proceed while people are whispering...

The Speaker (Hon. Mwambire): Proceed, I have given you. I am protecting you, that is why I am saying proceed, please.

Hon. Twaher: Thank you, Mr. Speaker. There is no Member who is supporting this Motion that gave us substantive information within this Motion. They did not substantiate and this is the House of Rules, Mr. Speaker. Rule 88, they have to give accurate and substantiate the proper information to this honourable House, Mr. Speaker.

When they fail to provide information, Mr. Speaker, by giving false accusations to create a situation like they are helping the casuals, let us not play with the emotions of our people. You are not protecting casuals in this Motion. You are denying them time by delaying the opportunity. When we deny this opportunity, we as a government are going to waste a lot of money. You will agree with me, Mr. Speaker, to do an advertisement, the Public Service Board has spent not less than one million Kenya shillings for advertisement, Mr. Speaker. When we ask for nullification of this, we are going to incur damage, while there is no substantive information before this House, Mr. Speaker.

Already, with the letter dated 14th of August 2024, we have stopped the Board from processing the lists of the shortlisted candidates. After shortlisting, they are supposed to sort the names and identify the qualified people.

They are pre-empting. It is still an ongoing process, but they are making a mistake telling people they will give jobs to people who are not workers of the County Government. Which is unfair, it shouldn't be like, and I quote, "*shamba la Wanyama*", whereby *wanyama wengine ni bora kuliko wengine*. These are also human beings.

The casual issue was brought before this House and tabled the day before yesterday; the House is going to discuss the issue, give a formidable solution for our people. Let us not preach water, drink wine, Mr. Speaker. Let us not delay the process, Mr. Speaker. This is the reason why am asking for so many interventions. I just need clarity. That is the way to convince Members in a debate, if we had a proper Motion with proper clarifications and accurate

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information, we would have not stayed until now. We are very positive; we are here until night to provide a solution for the people of Kilifi County.

The Members who want to support this Motion are the ones preaching water and drinking wine; they do not want members of the public to get an opportunity to be employed. There is no law that has been violated by the public.

The Speaker (Hon. Mwambire): There is an intervention from hon. Rashid.

Hon. Rashid: Thank you, Mr. Speaker. That is an insult. When you say the people... there is a definite article. You are talking of the people who have and among those people, who...and you cannot say that we are preaching water, and we are drinking wine, that is character assassination. That is defamation, Mr. Speaker, Sir. Please, can you protect us?

The Speaker (Hon. Mwambire): I think from the onset, I have given you guidance. There are some words that you can use that are safe to others.

The Speaker (Hon. Mwambire): I have another intervention from hon. Kea.

Hon. Kea: Thank you, Mr. Speaker, Sir. I have been longing to speak before this House today. I think people should understand English. There is no need of a point of intervention whereby the English itself is very clear. Preaching water and drinking wine. These are just but English words which are used everywhere. There is no need for us to start beating about them. I mean, we need to be serious.

Hon. Twaher: Thank you. If we need facts for what I was saying, Mr. Speaker, I can provide, Mr. Speaker. I do not speak hearsay and baseless information to this honourable House, Mr. Speaker. It is so unfortunate, like a linguistic teacher will do an intervention on this issue. He keeps on repeating. I am a Member of this Committee, and this Report is a clear Report. Mr. Speaker, I take you to page 12, where all Members of this Committee were supposed to append signatures so as to affirm, they're in concurrence with this Committee. Hon. Rashid was not present, you see, Mr. Speaker, that is the problem of being absent during a very important session and now you are bringing information that is not in this honourable House.

The Speaker (Hon. Mwambire): Just debate about the Report, not individuals.

Hon. Twaher: They are the ones that are bringing this entire problem. Mr. Speaker. The minutes will tell you that these people are preaching water drinking...

The Speaker (Hon. Mwambire): They are Members, not people.

Hon. Twaher: They are honourable Members of the Committee. They should realize this is wrong because we are delaying justice to our people. They came to this honourable House and changed their mind, Mr. Speaker; you are not supposed to be close-minded. When you are wrong and you realize there is a problem, it is okay to not go about the same Report.

(Loud consultations)

Mr. Speaker, kindly protect me, because I need to read one thing.

The Speaker (Hon. Mwambire): You have only one minute.

Hon. Twaher: Okay. The resolution of the Committee was in the minutes that were made on Wednesday, 28th August 2024. The resolution of the Committee after thorough discussion; the Board was given seven days ending on Wednesday, 4th September 2024 to submit supporting documents for all shortlisted candidates from their respective Departments to the Office of the Clerk of the County Assembly. Subsequently, the Committee will review the matter and give further guidelines.

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Mr. Speaker, the County Public Service Board facilitated all the information the Committee needed, and the Committee failed to provide the information where the County Public Service Board violated the law...

The Speaker (Hon. Mwambire): Just proceed, why are you listening to whispers? Just proceed. Nobody is on record except you. I had told you, you had one minute, so leave the sideshows and proceed.

Hon. Twaher: Mr. Speaker, you have to set the record straight. We cannot allow yelling. Members are on the Floor...

The Speaker (Hon. Mwambire): Kindly, proceed please.

(Loud consultations)

Hon. Twaher: Mr. Speaker, I want to plead with my colleagues...

The Speaker (Hon. Mwambire): Members, as much as you feel that you either support or you do not support; do not make it as if it is life and death. This is a democratic House. I have given everyone an opportunity and I have been following each Member. When a member is speaking, I have been following, so hon. Twaher do not pretend as if you are so fine. Accept others because I know what you did when hon. Ray was talking. I protected him, if you go on record...

Hon. Twaher: No, No, No...

The Speaker (Hon. Mwambire): Just hold, I will give you an extra minute. Just hold. There is a time...

(Hon. Twaher spoke off record)

...you are not on record. Take your seat. You are out of Order. I will give you an opportunity to conclude. I have been following the way you are speaking and I have given you an opportunity. When I tell you it is only one minute, I expect you to be honourable and conclude so that we can get an opportunity to proceed with the other Business here. It is unfair if you keep listening to other Members and I have told them to be in order. From the onset, we have tried as much as we can to behave honourably. So, please, do not listen to any other Member. You are under my protection and I want you to conclude so that we can go to hon. Ziro and then the Mover to respond.

Hon. Twaher: Thank you, Mr. Speaker. I stand guided. I want it to go on record because you are on record and you said I interrupted hon. Ray when he was making his submissions.

The Speaker (Hon. Mwambire): We will go back for record. Just proceed, please.

Hon. Twaher: I have a lot of respect for hon. Ray. He is the Chairperson for Lands. You should not take us to that direction. Even if you are protecting me...

(Loud consultations)

The Speaker (Hon. Mwambire): Hon. Ziro, kindly give your submissions.

Hon. Ziro: Asante sana, Bw. Spika, kwa kunipatia nafasi hii. Nimesimama na wale wengi kupinga Hoja hii kwa sababu zifwatazo; Ikumbukwe kwamba mimi ni Mwenyekiti wa Kamati ya Afya, na kati ya wale watu ambao wanauia kuandikwa kazi ni wauguzi. Nafikiri

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kama Mwenyekiti wa Afya tulizunguka hii Kaunti na mnaweza kukubaliana na mimi kwamba ule uhaba wa madaktari ama wauguzi ambao uko hapa kwetu ni wa hali ya juu sana. Kwa hivyo, ninapinga kwa sababu wale watakaoweza kuajiriwa wataziba yale mapengo na kusaidia zile kazi ambazo zinafaa kufanyika katika zahanati zetu na kumudu maisha ya wana Kilifi. Asante sana, Bw. Spika.

(Question, that the Mover be now called upon to reply, put and agreed to)

Hon. (Ms.) Faith: Thank you, Mr. Speaker. I know it is a hot evening. My name is hon. Faith Jane Kea, the Mover of the Motion and a Member of the Committee for Devolution, Public Service and Disaster Management for the benefit of the visitors who are at the gallery. I want to say I thank the Committee whom the hon. Members have been throwing stones to. This is the House that gave the mandate as the Committee for Devolution to do work and bring a Report in this Assembly.

I do not want to take sides. First, I want to tell the Leader of Minority, he was doubting the Committee which did this work. Followed by hon. Kubo, what do you trust people to do work and when they bring back the Report, you doubt them. Why? We are in different Committees; does it mean we have to doubt every Report which is being done by all the Committees? You have mandated us to do this work in this House, then why is it that we bring back the Report, you start doubting us we did not do our work properly? When taking this responsibility, we have the county lawyers and clerks whom the Assembly has trusted. If you people do not trust them, then why are they in the Committee in the first place?

I am very disappointed as a Member of the Devolution Committee because from what you are talking about, it shows that we did shoddy work.

The Speaker (Hon. Mwambire): Hon. Faith, that is just political language. Just make your points so that I can go for voting.

Hon. (Ms.) Faith: Mr. Speaker, I want to express my dissatisfaction as a member first before even saying anything else because if you do not trust the Committee, just disband and select other Members.

The second thing, I want to thank my Committee Members, and I am saying this, I moved this Motion on behalf of the Chairperson who is sick, hospitalized at Pandya Hospital as we are talking. I want to thank all the Members who participated in forming these Committee recommendations. I want to thank all the Members who have contributed, you have given valid contributions. One thing is that hon. Members, the bone of contention of this Report is only the bad process but everything in this Report is good. So only the process was flawed.

That is why the Committee said they do a fresh advertisement. What I am trying to say is that I want to echo my Leader of the Majority; he has said conclusively all our efforts are for our workers in Kilifi to be employed. That is our motto in this. We want everybody to be employed, and we do not want this process to be delayed and that is why, as the Committee, we have made recommendations. I feel these recommendations are not bad, but I do not understand where the hullabaloo is coming from...

(Loud consultations)

Please respect the Mover of this Motion. Mr. Speaker, ...

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(Loud consultations)

The Speaker (Hon. Mwambire): Order Members! Give time to hon. Faith so that she can prosecute her issues.

Hon. (Ms.) Faith: Mr. Speaker, as the Mover of this Motion, I do not see anything bad with this Report. If that one sentence is corrected, the Report is good to go. We know in Kilifi we are...

(Loud consultations)

The Speaker (Hon. Mwambire): Order Members! Just proceed, hon. Faith.

Hon. (Ms.) Faith: We are supposed to even take 30% of the non-locals, which is not a problem but if we correct this one place, then there is no problem. For that, Mr. Speaker, and as the Mover of this Motion, I want to say the recommendation passed by the committees. I am only reading one recommendation, the Mover.

I do not want even to go to the findings because the findings have been seen to be compromised; which is not the fact. I want to say this, as for me, the recruitment process is said to be internal and if it was slow, the Board had the opportunity to restart, which was not a problem. They could have started even that day when they reported in this Chamber.

(An hon. Member spoke off record)

I know you have no time to waste, *mheshimiwa*, but give me respect. So, what I am trying to say is, if it can be corrected, we are good to go. I do support this Report. Thank you, Mr. Speaker.

The Speaker (Hon. Mwambire): What is not in order hon. Chengo (Mumba)?

(Loud consultations)

No, I want to hear from hon. Chengo (Mumba). Please, be orderly. Hon. Chengo, proceed.

The Leader of Minority (Hon. Mumba): Mr. Speaker, the rules of the game are very clear and we are here to debate. If you are a Mover, you have the burden of proof to convince Members either to support your Motion or to vote otherwise. So, you cannot tell us we are disrespecting you by giving our views. We should be informed that we are not here to support anyone. We are here to debate, and it is not a crime to debate against your Motion. Thank you very much, Mr. Speaker.

The Speaker (Hon. Mwambire): Hon. Members, we have come to the end of this Motion, but there is a very important exercise that we want to do. I will be putting the question, but we are going to do the system that we have agreed. So, I will just put the question, then we will ring the Bell for five minutes in case there will be any Member who is outside to get an opportunity to come back so that we can have a roll call vote.

(Question put and the House divided)

Let the Bell be rung for five minutes.

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(The Division Bell was rung)

DIVISION

The Speaker (Hon. Mwambire): Members, take your positions, please. Close the door now. Let the doors be closed. Let the bar be drawn and make sure nobody comes in or out.

(The Bar was drawn and the doors closed)

We want to take a vote. We can vote in three ways. You can vote *yes* for the Motion; you can vote *no* for the Motion, and you can abstain. If you vote *yes*, it means you are in concurrence with the Report of the Committee. If you vote *no*, it means you are not in concurrence with the Report of the Committee. If you abstain, it means that you are neither supporting nor not supporting. So you are at the centre. You do not have an opinion.

What you want to do now is to have two tellers; one from those who are supporting and one from those who are voting *no*. Hon. Hassan and hon. Grace, you will oversee the tallying. So, let the clerks start by reading out and the moment your name is read you put a request so that you can be on record. You are not going to vote for anyone who is outside because it is a question which you normally ask. You will vote as you, not for. Let us start. Thank you.

(Question put and the Assembly proceeded to vote)

AYES: Hon. Ngirani, Hon. (Ms.) Mapenzi, Hon. (Ms.) Grace, Hon. (Ms.) Mariam, Hon. Rashid.

NOES: Hon. Hassan, Hon. Ibrahim, Hon. (Ms.) Koki, Hon. (Ms.) Maneno, Hon. (Ms.) Meso, Hon. (Ms.) Radhia, Hon. Mbura, Hon. Mkadi, Hon. Mumba, Hon. Rafiki, Hon. (Ms.) Amina, Hon. Ziro, Hon. Emmanuel, Hon. Tete, Hon. Biryia, Hon. Juma, Hon. Kalama, Hon. Kubo, Hon. Kea, Hon. (Ms.) Patricia, Hon. Paul, Hon. (Ms.) Sofia, Hon. (Ms.) Tatu, Hon. Twaher, Hon. (Ms.) Umi.

Teller of the Ayes: Hon. (Ms.) Grace.

Teller of the Noes: Hon. Hassan.

The Speaker (Hon. Mwambire): Members. Is there any Member who is in the House and has not been given an opportunity to vote? Any Member who is in the House and has not been given an opportunity to vote? Okay. I think everyone has got an opportunity. You can proceed to count. Hon. Hassan, you have not concluded your work. Hon. Hassan, you will wait for me there...

(Several hon. Members spoke off record)

The Speaker (Hon. Mwambire): Go to the Microphone to ask your questions. Hon. Grace if you are...Hon. Hassan, hold because your friend is still negotiating some figures.

(Several hon. Members spoke off record)

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The Speaker (Hon. Mwambire): Hon. Hassan, are you in concurrence with the tallying?

Hon. Hassan: Niko sawa, ishirini na tano kwa tano.

(Hon. (Ms.) Grace spoke off record)

The Speaker (Hon. Mwambire): Hon. Grace.

Hon. (Ms.) Grace: Yes.

The Speaker (Hon. Mwambire): Hon. Members, I wish to give you some information before I share the votes. I think the rule of the game is very clear and the Standing Orders are extremely clear. I know you are very busy but spare some time you go through it. Today, we had some Members after the five-minute Bell and after closing the doors they wanted to come in. According to the Standing Orders, after the bar has been drawn, no other Member is supposed to leave the Chamber or come into the Chamber. So, they have found themselves barred from taking their votes because of that mistake.

All the time the Whips are very keen on their members when it comes to voting, especially roll-call votes. The moment the bars are drawn then you cannot come in and leave the Chamber. That is what has happened so if you see them outside maybe they will claim that they have been barred from voting. Hon. Members, that is the position. I had no option because we could not open the doors for them. As usual, we have 51 Members in the House; 21 Members were absent which means 30 participated in voting. Out of the 30 members, none abstained. Those who voted for the Motion were five and those who voted against were twenty-five.

AYES: 5

NOES: 25

ABSTENTIONS: NIL

The "Noes" have it

(Question negated by 25 votes to 5)

ADJOURNMENT

The Speaker (Hon. Mwambire): Thank you, very much hon. Members for the lengthy debate. I know it was appearing as if it was hot but that is the rule of the game. I appreciate the cooperation and coordination we have had today.

Hon. Members, I wish you all the best and therefore the session stands adjourned until Monday at 2:30 p.m.

The House rose at 6:50 p.m.

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