



**REPUBLIC OF KENYA**

**COUNTY ASSEMBLY OF KILIFI**

**SECOND ASSEMBLY –FOURTH SESSION**

**THE HANSARD**

**Wednesday, 20<sup>th</sup> May 2020**

*The House met at the County Assembly Chamber,  
Malindi Town, at 11:00 a.m.*

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

**PRAYERS**

**PETITION**

REPORT FROM THE SPEAKER: PETITION BY THE PEMBA COMMUNITY  
FOR THE REGISTRATION AS KENYAN CITIZENS

**The Speaker** (Hon. Kahindi): Hon. Members, the County Assembly is in receipt of a Petition from the Pemba Community. The same stands referred to the Committee on Justice.

**STATEMENT**

UNPAID DUES TO A WATCHMAN AT KAMBE-RIBE VOCATIONAL TRAINING CENTRE

**Hon. Shaban:** Thank you Mr. Speaker. I stand to seek a Statement from the CECM (County Executive Committee Member) in charge of Education and ICT through the Chairperson; Committee on Education on one Mr. Onesumus Mazera Galale:-

Whether, the CECM of Education and ICT is aware that there has been a watchman, one Mr. Onesmus Mazera Galale working at Kambe-Ribe Vocational Training Centre, who has not been paid his dues since July 2015 to date.

*(Hon. Kiraga stood on a Point of Order)*

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**Hon. Kiraga:** Thank you Mr. Speaker. I am standing on a Point of Order, under Standing Order No. 16. I am worried on how the Leader of Minority is being treated. His seat had been reserved in the Chamber but out of unwanted behavior, his tag was taken away from his seat. That is why we are seeing him seated at the Gallery, while we have the Leader of Majority, Majority Whip, Minority Whip and the rest seated in their rightful places. The leadership of this House is to be respected, and the Member who plucked off the tag of the Minority Leader should have plucked off the tag of an ordinary Member. I beg that the Leader of Minority has his seat back in this House...

*(Hon. Kiraga spoke off record)*

*(The Hon. Speaker spoke off record)*

**Hon. Pascal:** Thank you, Mr. Speaker. I agree with you that the Minority Leader is not a chaotic MCA (Member of County Assembly) as you put it. If there was a mistake that was done, then it is something that started when the Second Assembly kicked off. I remember I used to sit here during the First Assembly and when we came in for the Second Term, there was no problem for Members to select their seats. So, I found myself sitting here. The current Minority Leader sits there, but when I came in last week, I realized that there were these tags that were put on these seats; mine had been put where hon. Yassin sits. Unfortunately, when I came I found out that hon. Yassin had tagged his seat and mine was put up there, you understand? Now instead of pulling and pushing hon. Yassin, I thought I just sit where I used to sit before so that the matter can be sorted.

*(The Hon. Speaker spoke off record)*

**Hon. Pascal:** I think that is where the problem started. I do not want to demean anybody but I would put across that there is leadership and if respect is to be maintained, it does not mean we have to disrespect the other leaders who were in office then. I think leadership is a sequence which we need to observe. If the current Minority Leader needs to be respected, then we who were Minority Leaders then are here. So, there is no way you can disrespect one leader who was there earlier and respect a new one. So... excuse me I am winding up. I am saying as a leader, we need to actually preserve the relationship that is there. That is what I want to put across otherwise I came here after realizing the seat that was reserved for me...

**The Speaker** (Hon. Kahindi): So where was your seat reserved?

**Hon. Pascal:** Where hon. Yassin Noordin sits.

**The Speaker** (Hon. Kahindi): Is that the position of hon. Pascal?

**Hon. Noordin:** Yes.

**Hon. Pascal:** So instead of now...

**The Speaker** (Hon. Kahindi): No, no, let us sort this out. I do not think it is an issue of respect or disrespect. Even if you go to the National Assembly leadership line up, it is the same. The current leader sits where he deserves because he is a leader.

Again, let us take care of ourselves. At your age, it is not in order for us to ask why you are not wearing your masks. And if you are wearing one, are you wearing it properly? Are you social distancing? Those are questions we need to ask our little ones at home.

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There is some level you reach where you need to lead by example. I stand guided Deputy Speaker. Let us maintain the sitting for now since hon. (Ms.) Nuzla is not around and her seat has not been occupied; let the hon. Minority Leader come down, occupy the space for today's sittings then once fumigation has been done for purposes of next week, please when you find your name, sit there. Those Members who were not in those meetings are probably the ones who are getting offended.

This is a matter that was discussed first at the leadership level, then two; the leadership explained to the entire House why it is necessary. We have even changed we are sitting on Wednesdays. Members did not have a problem. I remember hon. Mwamtsi came to my office and said 'I am now sitting on the first floor' and he said it is okay as long as what I contribute goes on record. So let us not fight everything over nothing. Thank you, hon. Kiraga for bringing that to the attention in the House. Hon. Shaban you are on the Floor.

### STATEMENT

#### UNPAID DUES TO A WATCHMAN AT KAMBE-RIBE VOCATIONAL TRAINING CENTRE

**Hon. Shaban:** Thank you Mr. Speaker. The Statement is:-

Whether the CECM in charge of Education and ICT is aware that there has been a watchman, Onesmus Mazera Galale (Barizi), working at Kambe-Ribe Vocational Training Centre and has not been paid his dues since July 2015 to date contrary to the provisions of Section 5(5) of the Employment Act, 2007.

If yes, what measures is the CECM putting in place to ensure that Mr. Onesmus Mazera Galale (Barizi) is properly compensated to avoid continuous violation of the said provision?

Thank you Mr. Speaker, Sir.

### MOTION

#### APPROVAL OF REVIEWED LIST OF COMMITTEE MEMBERSHIP

**The Leader of Majority** (Hon. Mwathethe): Thank you Mr. Speaker. I beg to move the following Motion:-

THAT, Pursuant to the provisions of Standing Order Nos. 163 and 165, this honourable Assembly approves the attached list of reviewed Committee membership to the Select Committee on Selection to all the Sectoral Committees and the Select Committees on Implementation and that of Delegated County Legislation.

Mr. Speaker, on the 15<sup>th</sup> of May 2020, the Committee on Selection sat and reviewed the Membership of the Committees of the House in particular the Committee on Finance which was a new Committee having not existed before. This was formed and came into force and some Members moved to the same Committee. Mr. Speaker, today I want move a Motion that this Report be adopted by the House and my Vice-Chairperson who is the Leader of Minority to second the Motion.

Thank you, Mr. Speaker.

*(Question proposed)*

**The Leader of Minority** (Hon. Matsaki): Mr. Speaker Sir, before the review of the Membership of the Committees...

*(Hon. Mwarandu stood on a Point of Order)*

**The Speaker** (Hon. Kahindi): Hon. Mwarandu, do you have a Point of Order?

**Hon. Mwarandu:** Yes Mr. Speaker. I am standing on Point of Order No. 187 (6):-

“A Report of a Select Committee including any minority report, together with the minutes of the proceedings of the Committee...”

I will not go further because as it is, we do not have minutes of the Committee on Selection and Standing Order No. 187 (6) stipulates that we should. So, approving this list as it is, is not procedural. Actually, we do not know if the Leader of Majority sat in his office and wrote this list...

*(Hon. (Ms) Sidi stood on a Point of Information)*

**Hon. (Ms) Sidi:** Thank you Mr. Speaker. I am rising on Point of Information to the Member who has risen on a Point of Order. If you will recall early February before the pandemic came and we broke for the long session, this Report was Tabled and it had an error of one Member who was hon. Emmanuel Changawa's name which was on the Report, and on the same week the new Member had reported. So then through the wisdom of the Chairperson who was the Speaker then, he instructed the Committee to go back and sit, remove the name of Changawa and then add the new Member.

**Hon. Mwarandu:** Maybe she allows me to inform her, because I have allowed her to inform me also but you understand that the Report that was tabled then was for two Committees not for all Committees. By then the Committee on Finance had not even been brought forth so it was for two Committees. Thank you, Mr. Speaker.

**Hon. Mwathethe:** Mr. Speaker, I am not trying to sneak in something that was done single handedly by me in my office. I also have other Committee Members of the Committee on Selection here with me today. I also understand that it is important a Report of the same Committee is availed to the Members. I want to believe the Report is in the pigeon holes. If it is not there then the Clerk should be able to avail it to the Members but it is true that we sat, deliberated as a Committee and adopted the deliberations. All in all, it is the Office of the Clerk and the Committee Clerks to avail the Report to the Members. If they do not have it, then the Motion can fail as we wait for the Members to be given the Reports if it is not already in the pigeon holes.

**Hon. Mwarandu:** I think I have been answered. I was about to stand on a Point of Order under Standing Order No. 92 so that we can adjourn this debate until the Report is provided. With the wisdom of the Leader of Majority, he himself said we can adjourn before I put that Standing Order No. 92. I think the best way forward is to adjourn the debate until the Report is given to us. This is important to us Mr. Speaker. We may have dissenting views in that Report.

**The Speaker** (Hon. Kahindi): Standing Order No. 92 is applicable where a Question has been proposed.

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**Hon. Mwarandu:** Of course there is a question that has been proposed. I thought you proposed a question that Members can deliberate on it, Mr. Speaker.

**The Speaker** (Hon. Kahindi): It is not a question; it is a proposal for a debate.

**Hon. Mwarandu:** No, Mr. Speaker, it has been like that since time immemorial that you propose a question so that Members can debate on it.

**The Speaker** (Hon. Kahindi): A proposal or a question is where you want the 'aye' or 'nay'; this one is for a Debate...

*(Hon. Reuben stood on a Point of Order)*

**Hon. Reuben:** Thank you Mr. Speaker. I am rising on a Point of Order. The hon. Member on the Floor has not properly put on his mask and he is endangering the hon. Member next to him. I stand to be corrected but there is a reason as to why we were required to put on these masks. We are in a very dangerous period ...I think he is now properly dressed.

*(Hon. Kenga stood in his place)*

**The Speaker** (Hon. Kahindi): That is sorted out. Yes hon. Kenga.

**Hon. Mwarandu:** Mr. Speaker, before you put a Standing Order you have to refer to Standing Order 79 it says so.

**The Speaker** (Hon. Kahindi): Hon. Mwarandu, you are not going to teach me how to do my job. If you wanted to become a Speaker you would have applied. If you know too well how to become a Speaker you should try to be one if it is a cup of tea. We are trying to handle the issue which you have addressed on a very important matter. Can we just deal with that and not the issue of...If I started to use these Orders as they are, you will not survive in this Chamber because you have been flouting so many rules. If I was to apply the rules strictly hon. Mwarandu you will not survive three sessions. I am not dumb! I know what I am doing. I have been here since 2013. I have given leverage to so many Members here including the manner in which they are dressed. So if you are going to lecture me on how to use it, and I strictly apply these Standing Orders, you will be the first one to be kicked out. So can we handle the issue which matters the most. Yes, hon. Kenga, you have a Point of Order?

**Hon. Kenga:** It was on a Point of Information to hon. Mwarandu.

**The Speaker** (Hon. Kahindi): Do you wish to be informed?

**Hon. Mwarandu:** No.

**The Speaker** (Hon. Kahindi): Now back to your Point of Order hon. Mwarandu. Standing Order No. 92 alone cannot sustain unless you want to read it together with Standing Order No. 50(b) because that suspends the debate if what... and I agree with you. I am not disputing the fact that the Reports must be there because one, it is very clear the Committee went further to do many other things. It is also very clear in my mind that the Members of that Committee do not have the minutes. So it is either they are in the pigeon holes as the Chairperson says or if not then they should be availed because the Standing Orders are very clear. I am not disputing what you are saying however to achieve that the debate has to be temporarily suspended which is Standing Order No. 50(b) if you want to conclude, then read with Standing Order No. 90 too. I hope you stand guided.

**Hon. Mwarandu:** Mr. Speaker, I stand guided and with all due respect I am withdrawing all Standing Orders that I have raised so the Leader of Majority can proceed.

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**The Speaker** (Hon. Kahindi): Thank you if that is your wish.

**The Leader of Minority** (Hon. Matsaki): Mr. Speaker, Sir, before the review of the membership of all the Committees, some Members were disadvantaged because they had only one or two Committees. Since we have new Members and also another Committee for Finance, mine is just to ask the Members here because every Member is in less than three Committees which is mandatory, I ask Members to pass this Motion so that everybody can be advantaged because others had less Committees. As for now, if this list is passed everyone will enjoy the fruits of the Committees. Thank you.

**The Speaker** (Hon. Kahindi): Thank you hon. Matsaki. Yes, hon. Chiriba.

**Hon. Chiriba**: Thank you hon. Speaker for giving me this opportunity and even as I stand in support to this Report by the Committee on Selection, I will not have much to say but thanking the Committee for the job well done and especially by introducing hon. Kiraga Hare to the Committee on Education. I acknowledge hon. Kiraga as a very competent Member and having been a teacher and a Director to Upendo Junior, I believe he will have good impact in this committee ...

*(Hon. Ndago stood on a Point of Order)*

**The Speaker** (Hon. Kahindi): Hon. Ndago you have a Point of Order? That microphone is off kindly use the front mic.

**Hon. Ndago**: Thank you Mr. Speaker for this opportunity. First and foremost, I would like to inform some Members including one of the Members who did not want to be informed. Generally, I am informing Members that I have risen on a Point of Order concerning the list of Membership that is supposed to be approved but is not accompanied by a Report which is very important. This is a respected House and a government business; we cannot just move without a Report. As Members, it is very important to have the Report and I think the Leader of Majority and the Leader of Minority are the ones who are leading the House but if you are not giving us the Report, how are you going to lead people without information? We all know that information is power and if information is power, I am standing on a Point of Order ...

*(Hon. Kiraga stood on a Point of Order)*

**Hon. Kiraga**: Mr. Speaker, the Member on the Floor is the Deputy Leader of Majority in this House...

*(Loud consultations)*

This is a Government Motion that has been brought by the Leader of Majority to this House and he is deputizing the Leader of Majority and I do not know whether they are reading the script the same style or what Mr. Speaker?

**MOTION FOR ADJOURNMENT  
UNDER STANDING ORDER NO. 50**

ADJOURNMENT OF DEBATE

**Hon. Ndago:** I am moving a Motion for Adjournment under Standing Order No.50 (b), and I call hon. Dickson Shaban to Second the Motion. Thank you.

*(Question proposed)*

**Hon. Shaban:** Thank you Mr. Speaker. I stand to support the Motion that we adjourn the House and the Motion for Adjournment brought by the Leader Majority. I think since I joined this Assembly on the 6<sup>th</sup> of September to date, any Motion that comes to this House is accompanied by a Report and a Report has to be done some days before the Motion is brought into this House.

Mr. Speaker, I always check in the pigeon holes and even today I was here for a Committee meeting and I did not see any Report. So if the Leader of Majority knew that he was going to Table a Motion, I think he had sufficient time to bring a Report to guide us on what the Members did and the recommendations that were proposed so that Members can contribute from an informed angle.

**Hon. Kenga:** Asante sana mheshimiwa Spika. Naomba kuunga mkono Hoja iliyoletwa na Mheshimiwa Naibu wa walio wengi Bungeni, Mheshimiwa Samuel Gambo Ndago. Yamezungumzwa mengi maswala ambayo Mheshimiwa Mwarandu anajaribu kuyaleta katika Bunge hili, kwamba kwa Nyumba ya Sheria kuna utaratibu uweze kuzingatiwa wakati tunaendeleza Biashara katika Bunge hili. Mbali na yale Mheshimiwa Ndago ameweza kuzungumzia, ningependa kuwaleta viongozi hawa katika Kamati ya pili kulingana na orodha hii ambayo ni Kamati ya Maji. Sisi viongozi wa Kaunti ya Kilifi, eneo Bunge la Magarini...

*(Hon. Pascal stood on a Point of Order)*

**Hon. Pascal:** I think the matter on the Floor of this House is about the subject matter which is deferment of the discussion of this Motion. Therefore, I think the hon. Member is not in order in discussing the details of this Report while we are dealing with a different Motion. Thank you, Mr. Speaker.

**Hon. Kenga:** Niseme hivi Mheshimiwa Spika. Ninaunga mkono kuahirishwa kwa Mjadala huu. Licha ya sababu zile nyingine zimezungumzwa, Magarini inaunda asilimia hamsini na sita (56) ya Kaunti nzima ya Kilifi kwa ukubwa. Haiwezekani kwamba hakuna hata Mwakilishi mmoja kwa Kamati ya Maji na sehemu nyengine tumeweza tunachanganywa wengi...

*(Hon. Mwayaa stood on a Point of Order)*

**Hon. Mwayaa:** Labda *Deputy Speaker* aeleze hii Nyumba ni nani aliyekuwa katika Kamati ya Maji Magarini na akatolewa ndio ikafika pale alipolalamikia.

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**The Speaker** (Hon. Kahindi): Let us not go to the merits now. In fact, those discussions will come when the names will be tabled. I want us to stick on what hon. Ndago has raised. He has been very clear that the Report is not conclusive. The Leader of Majority is not the one who does the Report as at this point no one knows if there is a Report with the attendance list; he has sought the House to adjourn until that it is clarified.

**Hon. Kiraga:** I also rise in support of the Adjournment Motion. Thank you so much.

**Hon. (Ms) Sidi:** I also rise in support of the Adjournment of the debate now that you have limited us to specifically that. There is something that I wanted to highlight to the very wise Committee on Selection under the Leadership of the Majority and the Minority Leader when they...

*(Hon. (Ms) Sidi spoke off record)*

**The Speaker** (Hon. Kahindi): The microphones are not very clear. Which Standing Order are you referring to?

**Hon. (Ms.) Sidi:** Committee on Delegated if you will allow me to read. It says, "the Committee on Selection shall give consideration for the need of gender balance and shall so far..."

**The Speaker** (Hon. Kahindi): Hon. (Ms.) Saumu you are still going to the merits. When the names are finally presented, you can actually shoot down the Report by saying the Report does not meet gender conformity.

**Hon. (Ms.) Sidi:** And that is what I said now that we have been limited to that question but then I went further to ask if you will allow me to read. Just reminding them as they go to sit this Standing Order No. 161 (2) clearly stipulates that a third gender rule should be observed. If you check the other Committees they have observed that...

**The Speaker** (Hon. Kahindi): We are not checking now because if you talk about checking you are taking us to the merits.

**Hon. (Ms.) Sidi:** Okay but for the Committee of Water, the female gender is only three people and Committee on Delegation is also three women.

**The Speaker** (Hon. Kahindi): That will come when it is time for debate. Yes hon. Mwarandu.

**Hon. Mwarandu:** Thank you Mr. Speaker for giving me this opportunity again. Actually, I am not a paragon and neither am I a novice on matters of legislation. I stand to support the Motion which has been put forth by the Deputy Leader of Majority and this is because as much I have withdrawn the Standing Orders I have to be counted...

**The Speaker** (Hon. Kahindi): Actually nothing stops you from contributing.

**Hon. Mwarandu:** Yes, even the bogie man in this House cannot stop me from contributing. So I stand to support the Motion.

**The Speaker** (Hon. Kahindi): Thank you very much hon. Mwarandu. You are a very good friend of mine but sometimes you...yes hon. Ziro.

**Hon. Ziro:** Asante Mheshimiwa Spika. Nami nimesimama kuunga mkono Hoja ambayo imeweza kuletwa katika Bunge hili na Naibu Kiranja wa Bunge hili. Nilipoangalia haya majina nilitarajia kuona ile nakala ambayo inaunga mkono kuonyesha ya kwamba kweli kulikuwa na mkutano na ni kina nani walikaa na wakapitisha nini. Lakini nilipokosa kuona hiyo nakala nikasema hapa lazima kuna kitu kimeenda mrama lakini ashukuriwe Mungu kwa sababu Roho



Mtakatifu amefunulia wengine hatimaye kusimama hapo. Kwa hivyo nimesimama kuunga mkono. Asante sana.

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

**Hon. (Ms.) Radhia:** Asante Mheshimiwa Spika kwa kunipa nafasi hii. Nami nimesimama kuunga mkono Mswaada wa Naibu wa walio wengi Bungeni ya kwamba tuahirishe. Hii orodha iko na makosa mengi na kama ulivyosema tutaichambua kipindi kijacho. Ningependa Kamati ya *Selection* wakienda waiangalie hii orodha ya majina iko na makosa mengi. Sijui utaniruhusu niichambue kidogo ama?

**The Speaker** (Hon. Kahindi): Hon. (Ms.) Radhia, we are not going into the content of the Motion. In fact, let me say this on record. What hon. Ndago is saying is that there are no accompanying documents to show that there was a meeting. The copy that I have has not been signed by the Chairperson, and when this is tabled before us then you can challenge it at that time.

**Hon. (Ms.) Radhia:** Sawa lakini ningetaka kuwaambia Kamati wakae tena waichambue vizuri hii orodha ya majina maana ina makosa mengi sana. Asante.

**Hon. Mramba:** Mheshimiwa Spika mimi ningeomba utufahamisha kwa wakati huu ambapo tunafunga huu mswaada. Kuna uwezekano wa Kamati iende irekebishe majina ama ni waende walete *minutes* lakini hawawezi kugusa jina hata moja? Kwa sababu inavyoelekea ni kwamba kuna baadhi ya Waheshimiwa wanafikiria Kamati inaweza kwenda kubadilisha majina kulingana na *composition* ya zile Kamati. Je, ni kweli wanaweza kubadilisha ndio wakatuletea ama wanaleta vile vile ilmradi iwe na *accompanying minutes*?

**The Speaker** (Hon. Kahindi): I will make it very clear. The Motion moved by hon. Ndago is seeking the Committee to bring the accompanying Reports. Let them do so; it will form another debate. There are two ways in Parliament, either the Ayes or Nays. So either way it is up to you how to go about it. As it is right now, the Report that we have is not proper before the House. It is for the wisdom of the Committee to see it wise to make any changes. In other words, I will simply say this Report is not done properly before this House.

Legally speaking, we are not even sure of course if there was a meeting but in the absence of minutes, then we could have said there was no meeting because they form basis of a meeting. So the matter is taken back to the Committee and when it comes here when a Member has an issue on the composition, then that will be discussed at that time.

Otherwise hon. Chairperson, the Report will go back to you because you have indicated that you had a meeting which I am not disputing at your level you cannot have a magical meeting.

In fact, from where I sit I may not be sure this was not discussed because it is not adopted. So who endorsed what you discussed? Bring it here then Members will look at it. Issues of gender will be determined when you bring the minute. Hon. Pascal.

**Hon. Pascal:** Thank you Mr. Speaker for this opportunity. I stand to support the Deputy Leader of Majority. Mr. Speaker, the fact that this Report was brought before this House by the Leader of Majority does not mean that this House can pass anything that it comes across. Therefore, we have known there are errors that were made and they have been pointed out by hon. Mwarandu and even the Leader of Majority has also agreed that the minutes are necessary for this House's consumption. Therefore, I support that everything is rectified so that we can move as a House. Thank you very much

**The Speaker** (Hon. Kahindi): Now, before I put the Question, I want to remind the Office of the Clerk; I know we are not working on normal situations. That notwithstanding, I

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think the Office of the Clerk has much time to prepare the documents because honestly speaking I am informed that some Reports have the signature of the Chairperson and others do not.

I want to believe that the Chairperson signed the Reports. Having unsigned Reports is not proper. So ensure you have the documentation done and forward it to the Members in a proper way. You know there are those findings you found, like the Deputy has stated very clearly that in our sitting we found that some Members were disadvantaged; that is what makes a Report. So, the Office of the Clerk you need to ...do not get *coroneted* because if your minds are attacked by corona then you're misleading this House. To conclude hon. Members I now put the Question.

*(Question put and agreed to)*

So the adjournment of this Debate is on the following that the matter is referred back to the Chairperson. Please find where your minutes are and confirm what you are saying is what we have here because right now this document is improperly presented. This will be forwarded to the House Business Committee for allocation of time as and when it will be appropriate.

### **ADJOURNMENT**

**The Speaker** (Hon. Kahindi): Hon. Members in the absence of any other business, this sitting is adjourned. Thank you.

**The House rose at 12:05 p.m.**