



REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI
SECOND ASSEMBLY – FIFTH SESSION
THE HANSARD

Wednesday, 21st April 2021

*The House met at the County Assembly Chamber,
Malindi Town, at 3.30 p.m.*

[The Deputy Speaker (Hon. Kenga) in the Chair]

PRAYERS

BILL

(Second Reading)

THE KILIFI COUNTY STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2020

The Deputy Speaker (Hon. Kenga): Make your requests.

Hon. (Ms.) Scolastica: Thank you Mr. Speaker. I beg to move that the Kilifi County Statute Law (Miscellaneous Amendments) Bill, 2020 be now read a Second Time. I call upon hon. Pascal to Second.

(Hon. Pascal seconded)

The Deputy Speaker (Hon. Kenga): Thank you hon. Pascal for seconding.

(Question proposed)

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

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Hon. (Ms.) Scholastica: I thought I was to do a little of my submission.

The Deputy Speaker (Hon. Kenga): You had your time to make submissions before you invited hon. Pascal to second. You went ahead to invite the Seconder. Therefore, let him proceed with his submissions and then finally you will have an opportunity to make your submissions.

Hon. (Ms.) Scholastica: Thank you Mr. Speaker.

Hon. Pascal: Thank you Mr. Speaker. Let me take this opportunity to thank the Chairperson, the Members and the secretariat for having come up with this Bill for this House. I think you will all agree with me that the Chairperson is equal to the task. Her hard work and that of her Members brought up this very constructive Report.

Mr. Speaker, the title of this Bill; 'The Kilifi County Statute Law (Miscellaneous Amendments) Bill, 2020' entails to come up with a raft of Amendments to almost 19 Laws. The reason behind it is to make Kilifians adhere to these Laws and also impose fines on those who default.

Therefore, I think this is a very good time for our Members to go with this message home that we go enlighten our people on the fines and penalties that have been taken under this Bill. One of those fines that have been put in this Bill is on the forest preservation under this Act. It is geared towards ensuring that Kilifi maintains our forest cover. Therefore, there is need to take action and protect our forests.

The Bill also seeks to protect our cultural heritage and punish those who conflict the heritage of Kilifi and those who seek to steal heritage items and ship them to Europe or for their own personal gain.

The Bill also captures the Kilifi County Revenue and Newborn Health Act that has also been scheduled for ratification. Here in Kilifi County, we have witnessed a lot of young girls going for abortions which have led to many deaths. I think all this has been happening without proper care on how these abortions are done. There is a proposal under these Amendments that whoever is seen doing these abortions is punished accordingly under the Law.

Finally Mr. Speaker, there is the County Ward Scholarship Act that is also scheduled for Amendment. There is a proposal of close to Kshs30, 000 to whoever is found embezzling the Ward Scholarship Fund which helps much access education. Those found embezzling these funds will be punishable under the law.

Why am I calling upon Members to support this? As Kilifi County, we have always lagged behind on the collection of revenue and by accommodating this law we will be in one way or the other raising our revenue targets. The fines that will be paid by this law will raise our revenue base.

Thank you very much Mr. Speaker. I call upon hon. Members to digest this Bill with the intelligence they have to make sure that it sees the light of the day.

The Deputy Speaker (Hon. Kenga): Thank you. In the absence of any request from the Members, may I call upon the Chairperson to make her submissions before I put the Question.

Hon. (Ms.) Scholastica: Thank you Mr. Speaker. I would like first to thank the Committee Members and the staff who were able to interact with different Departments from the Executive side. I want to thank the Office of the Speaker and the Office of the Clerk for enabling us work with all Departments and eventually write a Report.

Allow me to talk a bit. We started engaging the Executive on 6th of April and this exercise has been tough for us. We have been here from morning till evening and it is not easy to bring the Executive members to the Assembly and engage them for a whole day. We started this

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exercise from 6th to 17th April; those are about 12 days. It is not easy to get the hon. Members to come the whole day for 12 days sitting and deliberating on these amendments. We were taken through the County Attorney where we could not understand and I think most of us were there. We asked all the questions and we were told how the three percent was needed and why it is really good for us to get those fines. So...

(Hon. Kiraga stood on a Point of Order)

Hon. Kiraga: Thank you so much Mr. Speaker. As the Chairperson is making her contribution, would she probably please highlight on a concern I have noted. You see the primary purpose of this Bill and that can be found on Memorandum of Object and Reasons that the principal purpose of this Bill is to create administrative funds that will facilitate compliance....

(Hon. Kiraga spoke off record)

...and my concern is do we have an independent lead to normalize the enforcement or are we going to rely heavily on the National Courts? I am saying so because if funds are going to be remitted, it is going to be hard getting some probably percentage of the same.

Mr. Speaker, there are some counties that have created county courts, so is the county of Kilifi considering making some county courts so that these funds can be channeled through these courts? Probably the Chairperson in her submission can also do some highlights on those concerns. Thank you.

(Hon. Pascal stood on a Point of Order)

Hon. Pascal: Thank you Mr. Speaker. I was just asking if the Member who has just sat was seeking clarification, was on a Point of Order or a point of information because he did not come out clear on what I have understood. That is what I wanted to ask but I can see he is already done.

Hon. (Ms.) Scholastica: Thank you so much, hon. Kiraga. What we have been doing for the last 12 days, those were some of the pinching issues that hon. Members were asking. As per now, there is a plan of constructing the courts because we cannot take all that money to the National Treasury. That is why you see from the mother Bill; we had to come down because it is too huge because all the fines were triggered from the trading license. You know the trading license is from the National Court, so that is why we had to look for three percent so that anything that happens those who have been found by law, the monies will be taken and be kept at the county level not at the national level. That is why we came up with the three percent so that people can be paying because most of the things are being done at the national level and once they are done at the county level, we shall be able to pursue and fine people at the county level. All those monies will come here and there is a court that is being constructed but for the time being, everything is going to the Department. Hon. Members, the Department will handle all the fines for the time being.

Once more if I go back to where I was, I want to thank the Members and I really want to urge Members, let us be in support of these amendments that will be done because it is a law of lifting up our revenue and also it is going to make our people to fear and abide by the law. I want

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to thank you so much and I pray that you will agree with these amendments so the Governor can assent. Thank you.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

The Deputy Speaker (Kenga): Hon. Members, having agreed to the Motion, the Bill is now read for the Second Time and is committed to the Committee of the Whole House pursuant to the provisions of Standing Orders.

ADJOURNMENT

The Deputy Speaker (Kenga): There being no other business on the Order Paper, this sitting stands adjourned until Wednesday, 28th April 2021 at 9:00 a.m. Thank you.

The House rose at 4:19 p.m.