

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KILIFI**

**THE HANSARD**

**Wednesday, 23<sup>rd</sup> September, 2015**

*The House met at the Temporary Chambers at the defunct Malindi Municipal Council, Malindi Town, 2.30 p.m.*

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

**PRAYERS**

**COMMUNICATION FROM THE CHAIR**

**The Speaker** (Hon. Kahindi): Hon. Members, yesterday... have a seat Mr. Clerk.

Yesterday a debate ensued between hon. Teddy Mwambire and hon. Kiraga as to whether the utterances that were made by hon. Teddy Mwambire were what were was repeated by hon. Kiraga. Now an excerpt from the HANSARD reads as follows and I will quote what hon. Teddy Mwambire said;

*“Thank you very much Mr. Speaker, Sir. I take this opportunity to congratulate this Committee for the good work that they have done. I know it is quiet challenging but again, I have just read the findings in the Report and it was very clear that indeed no funds were allocated to this Department.*

*Mr. Speaker, I think that, these accusations are neither there or here because apart from the Committee of Budget and Appropriations whereby the Chair is the Member, as Members we all supported the passage of this budget without going deeper to understand the issues that were in that budget.*

*So let us agree that if it was a mistake, then it is a mistake that was voluntarily committed by all Members but not just by the Chairperson of Energy. Mr. Speaker let me dwell much on their findings and recommendations. Looking at what is contained in the Constitution Schedule Four, we find that Energy is not fully devolved.”*

Then Hon. Kiraga in his statement said, *“Thank you, Mr. Speaker, for granting me this chance to give my contribution. The idea of having power supplied to the rural areas is noble and a very good idea. I stand to support this Report.*

*However Mr. Speaker, allow me to rectify one hon. Member who was previously on the Floor. Hon. Teddy Mwambire pointed out the passage of the County Budget in this Assembly was not scrutinized properly by the Members and it was done in a hurry... I don't know. I want to tell hon. Teddy Mwambire that the passage of the budget 2015/2016 was a mark in this House. Therefore there is no point in him saying that we did not scrutinize it.”*

Now here is my finding; in reading what hon. Teddy Mwambire said in his statement, there is nowhere that it says that the budget was not scrutinized and that its passage was done in

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a hurry. You might have a copy of the same and clearly those words were not uttered by the alleged Member. I therefore rule that the statement by hon. Kiraga was out of Order and he is not in the House but he should have withdrawn that. Let it go on record that there is nowhere in hon. Mwambire's speech where he said that the passage of the budget in this Assembly was not scrutinized properly by the Members and it was done in a hurry; those words do not appear in the speech or rather in the statement that was made by hon. Teddy Mwambire. So that matter is brought to rest and for any clarity of the matter, I think you have been supplied with copies of the HANSARD and it showed what transpired yesterday.

### STATEMENT

#### ORDER OF BUSINESS STARING FROM 28<sup>th</sup> SEPTEMBER, 2015 TO 2<sup>nd</sup> OCTOBER, 2015

**The Speaker** (Hon. Kahindi): Hon. Kenga. Order, of business for next week.

**Hon. Kenga:** Thank you Mr. Speaker, for giving me this opportunity to table before the House the Order of Business next week starring from 28<sup>th</sup> September 2015 to 2<sup>nd</sup> October, 2015 as approved by the House Business Committee as agreed by the House on Wednesday, 23<sup>rd</sup> September, 2015.

| DAY     | DATE & TIME                                      | BUSSINESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MONDAY  | 28 <sup>TH</sup> September, 2015<br>at 2:30 p.m. | Statements <ul style="list-style-type: none"> <li>▪ Responses to Statements sought.</li> </ul> Motion <ul style="list-style-type: none"> <li>▪ Motion by hon. Albert Kiraga Hare to the Department of Water-(Notice was given on Monday 24<sup>th</sup> August, 2015)</li> </ul> Papers <ul style="list-style-type: none"> <li>▪ Tabling of 1<sup>st</sup> and 2<sup>nd</sup> Quarterly Report from the Department of Trade</li> <li>▪ Tabling of Report for the Implementation Committee by the Department of Lands Energy Housing and Physical Planning.</li> </ul> Bills <ul style="list-style-type: none"> <li>▪ The Kilifi County Finance Bill, 2015 (First Reading).</li> </ul> |
| Tuesday | 29 <sup>th</sup> September 2015 at<br>9:30 a. m. | Bills <ul style="list-style-type: none"> <li>▪ The Kilifi County Transport (Regulation and control) Bill 2015 second Reading.</li> </ul> Papers <ul style="list-style-type: none"> <li>▪ Tabling of the 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> and 4<sup>th</sup> quarterly report for the department Agriculture, livestock and fisheries.</li> </ul>                                                                                                                                                                                                                                                                                                                          |
| Tuesday | 29 <sup>th</sup> September, 2015 at              | Motion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|-----------|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | 2:30 p.m.                                      | <ul style="list-style-type: none"> <li>▪ Motion for the adoption of the Report of the Budget and Appropriations Committee on the Kilifi County Annual Development Plan.</li> </ul> <p>Paper</p> <ul style="list-style-type: none"> <li>▪ Tabling of the report on the Mariakani Diary cooperation limited</li> <li>▪ Tabling of cooperative development 1<sup>st</sup> performance report 2014 -2015 and half year performance report</li> </ul> <p>Bills</p> <ul style="list-style-type: none"> <li>▪ The Kilifi County Microfinance ( Mbegu Fund Bill, 2015 (Second Reading)</li> </ul> |
| Wednesday | 30 <sup>th</sup> September, 2015 at 2:30 p. m. | <p>Statement</p> <ul style="list-style-type: none"> <li>▪ Order of business for the next week starting 5<sup>th</sup> to 9<sup>th</sup> 2015</li> </ul> <p>Motion</p> <ul style="list-style-type: none"> <li>▪ Motion for adoption of the Report of the Ad Hoc Committee on investigation of the County Secretary</li> </ul>                                                                                                                                                                                                                                                              |
| Thursday  | 1 <sup>st</sup> October, 2015                  | <ul style="list-style-type: none"> <li>▪ COMMITTEES</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Friday    | 2 <sup>nd</sup> October, 2015                  | <ul style="list-style-type: none"> <li>▪ COMMITTEES</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Thank you very much Mr. Speaker.

**The Speaker** (Hon. Kahindi): Thank you for your presentation.

### MOTION

#### ADOPTION OF THE REPORT ON SCRUTINY OF QUARTERLY REPORT

**The Speaker** (Hon. Kahindi): Chairperson Tourism.

**Hon. Bakari:** Thank you Mr. Speaker, Sir.

I beg to move that this House adopts the Report of Sectoral Committee on Tourism on scrutiny of Quarterly Report laid on the Table on Tuesday, 25<sup>th</sup> August, 2015. Mr. Speaker, I want to call upon the Leader of Majority to second the Motion. Thank you.

*(The Leader of Majority (Hon. Mwingo) stood at his place to second)*

**Hon. Bakari:** Thank you.

**The Speaker** (Hon. Kahindi): Thank you hon. Members. A Motion for the adoption of the Report of the Sectoral Committee on Tourism on the scrutiny of the Quarterly Report has been presented by the Committee on Tourism and I now propose that the same is ready for debate.

*(Question proposed)*

Hon. Mwingo, it is good practice that when you second you start off the debate.

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**The Leader of Majority** (Hon. Mwingo): Thank you Mr. Speaker. This has been a trend that whoever seconds the Report has to contribute. However sometimes the seconder might not know what is in the Report; hence it becomes a challenge to some extent.

On the same note, I would like to take this opportunity to support the adoption of this Report. Mr. Speaker, there is a lot that the Tourism Committee has done, so far it has made tremendous movement within the County and though I had not gone through the Report, I suppose and I am sure that there is a lot that this department has done. I remember there is a time some of the Members went on a trip to Voi though I was not one of those who went, but it is my anticipatory pleasure that a lot was detected in that visit. So Mr. Speaker I stand to support the adoption of this Report. Thank you.

**The Speaker** (Hon. Kahindi): You know seconding a Motion is usually voluntarily but where a Member deliberately asks you to second the Motion, then assumption is that you know very well the contents and you are expected to say something isn't it? Let's proceed. Yes Hon. Mlanda.

**Hon. Mlanda:** Thank you very much Mr. Speaker for this opportunity. Being a Member of the Tourism Committee, we had dwelt on several meetings regarding the tourism sector in Kilifi County.

The Hotel that we visited had an outcry of the beach boys and the beach operators. There were allegations that they were frustrating the tourists while staying at the beaches. We had several complains that the tourists were not happy while at the beach or in the hotels.

Mr. Speaker, what we intended as the Tourism Committee was to meet the beach operators and the beach boys so that we can iron out this problem within the beach. We did not really have that co-operation between the hoteliers and the beach operators but at least we had a discussion in Watamu and recommended the co-ordination...

**The Speaker** (Hon. Kahindi): Before you proceed Hon. Mlanda, is this the Report about Quarterly Report from the Executive or what is it about? What are we looking at? Mr. Chairperson can you please...

**Hon. Bakari:** Mr. Speaker, Sir ...

**The Speaker** (Hon. Kahindi): If we are deliberating on a Report about a Quarterly Report for the benefit of the Whole House, that the Quarterly Report itself should be attached to the document. From what I am seeing here a...

**Hon. Bakari:** Mr. Speaker...

**The Speaker** (Hon. Kahindi): Just give me a minute hon. Chairperson.

**Hon. Bakari:** Yes.

**The Speaker** (Hon. Kahindi): Can you guide the House on the way forward.

**Hon. Bakari:** Yes. The Report which is before the House has some mistakes. The Report from the Executive is not attached so Mr. Speaker, Sir, I would like to request for more time so that we can come up with a full Report from the Executive.

**The Speaker** (Hon. Kahindi): Okay, I have heard you. Take a seat. This is the same Report that was presented by the Chairperson and it could not proceed for any other reason as the same one today.

Again, it has found its way back to the Floor of the House and the Vice- Chairperson also seems to be having problems with it for the second time. From the way I am looking at it, it will be very hard for the Members to be able to understand it. A quarterly Report is a Report that is constitutionally required to be sent to the Assembly on the critique of the Executive Expenditures and how they are doing their projects. My expectations are that, the Members of this Assembly

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would have been given an opportunity to see the Quarterly Report that was presented vis-a-vis the Report that was made by the Committee so that, in your contribution you can easily say that, a certain project was supposed to be done as far as tourism is concerned but it was never done.

I am seeing the contrary here and I am inclined to invoke section one of the Standing Order and you all know what it contains. I want to ask the Chairperson of Tourism to get his House in order; it will take the invocation of a Member to suspend a debate.

When it is clear in the mind of the Speaker, that the House is being misguided, I have all the opportunity and right to say that where you are going is the wrong direction in the absence of any quarterly Report in itself. Hon. Mlanda you are the one who went to Watamu?

*(Loud consultations)*

*(Laughter)*

You guys are not even in the Tourism Committee, you never went to Watamu. So you might not be privy to the discussions in Watamu. The substance of this Report is actually the quarterly Report from the Executive. Hon. Vice- Chairman, I need you to take some time with your Chairman. I am directing that you take seven good days to get your House in order. Then you can get hold of some other date for us to deliberate on this because any discussion to be carried on at this point will barely be fit. Unless there is anybody here, who knows how the Quarterly Report looks like? Hon. Stanley, proceed.

**Hon. Kenga:** Mr. Speaker, I am not privy and I have no information on how the quarterly Report looked like. Mr. Speaker, I want to make a request.

**The Speaker** (Hon. Kahindi): Yes.

**Hon. Kenga:** Mr. Speaker, this is a fact that this Report was brought before the House and it could not proceed because of the same issues that we are still raising today. If this Report is supposed to meet the threshold of a Quarterly Report then we are supposed to see the expenditure part of it from the Executive. There are no figures on the consumption of matters of the budget.

I therefore request as Members, let us be granted an opportunity to ventilate on why we are supposed to suspend the Business yet we gave them time Mr. Speaker to go back. Is it a problem with the Committee or are we saying that the office of the Clerk is also failing us Mr. Speaker? Maybe we need an opportunity to ventilate on that. Thank you very much.

**The Speaker** (Hon. Kahindi): I would be much obliged to give an opportunity to ventilate but this is the matter that I would personally want to handle with the Chairperson and probably the Committee. What is worrying is that, when this Report came for the first presentation, the Chairperson seemed like he didn't have a clue. So I am thinking there are serious issues that I would need to address with the Chairperson and the Committee and the manner of how they are handling their duties. This is because we have had Reports that the House has deliberated on.

Yesterday for instance, we had a Report and it was making sense, the Report was flowing, Members were following. This is the second time and when we start talking about how we went to Watamu and beach cleaning; then I fail to understand if those are the issues that were raised in the Quarterly Report? We might want to spend some time to deliberate and probably I will protect the Committee on the same manner that I would want to deal with it personally. Such that like I said earlier on and I take your sentiments hon. Stanley Kenga with a lot of seriousness

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that there could be issues. I want to know whether there is an issue with the Committee or with the Secretariat. That is what I want to personally establish before any further debate can be held because allowing this Report to proceed as it is will only amount to a waste of time. By the look on the faces of these hon. Members, none of them knows what is contained in the Quarterly Report.

We had a discussion yesterday about Lenga Dispensary and it was very clear in our minds that some good work had been done and the information was flowing. I am not saying the Committee has not done a good job but there is a problem. As a hon. Member, if you are presented with a Quarterly Report you need to know that you are given an opportunity by the Constitution to make a critique of that Report. On the material day of the deliberations, you should have at least a clue of what was contained in that Report.

So if the Report is not before you, you cannot then strictly rely on the information given to you by the Committee because you have a right as an independent Member to scrutinize it. The Committee only does the work as an extension of the County Assembly but when it comes to the Floor all information is supposed to be tabled.

I think Hon. Stanley in as much as it is a good idea to ventilate it here, like I said earlier on because it is not provided for in the order Paper, I will invoke Standing Order number one to call the Chair and the entire Committee so that we know where the problem is. That is my ruling for the day.

*(Hon. Mlanda stood at his place)*

Hon. Mlanda, you are a Member of the Committee please take your seat, we will have deliberations at the appropriate time.

**Hon. Mlanda:** Mr. Speaker if you may allow me, it's a Point of Information. I agree with you a hundred percent. What I could urge is that when these Reports are brought in the Assembly for adoption or debate, it's my wish that the Committee gets these Reports earlier before they are brought in the Assembly so that we can peruse and get more information and relay that message to those who are none Members of the Committee. Thank you, Mr. Speaker.

**The Speaker** (Hon. Kahindi): Hon. Mlanda, thank you for your information but I think as a Committee you are the maker of the Report. Why would you require more time? If anytime is to be given, is for the Report to be circulated to the other Members who are not Members of the Committee. As a Member of the Committee on Tourism you ought to be conversant with the Report because you own it and in fact before by the time it's presented before the Floor of the House, it has the signature of the Chairperson. So, that matter has been put to rest.

**Hon. Mlanda:** Thank you, Mr. Speaker.

## ADJOURNMENT

**The Speaker** (Hon. Kahindi): In the absence of any other Business in the Order Paper, I move to adjourn the House until next week on Monday. Thank you

**The House rose at 2:41 p.m.**