

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Wednesday, 26th October, 2016

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

**VETTING OF CEC MEMBER NOMINEE FOR LANDS, ENERGY, HOUSING, PHYSICAL
PLANNING & URBAN DEVELOPMENT**

The Speaker (Hon. Kahindi): Hon. Members, I have two communications to make. Tomorrow at around ten o'clock, the Committee on Appointment will be vetting the CEC (County Executive Committee) Member nominee for Lands. It is my prayer that the Committee on Lands if available should come and see what will be happening because that is the CEC Member they will be working with; any other Member who wishes to come and witness the vetting is encouraged to come.

HON. MCAs MEETING WITH THE GOVERNOR

We had a meeting today with the Governor and we agreed that we will come and discuss the issues of the budget. I have consulted the leadership of the House and the Chairperson Budget and Appropriations Committee has agreed that the *Kamukunji* be held later after the Budget Committee takes one of its days so that we get a small Report from them because the issues of the Budget making processes are not issues which can just be amended by the whole House. The law is clear that they must first take it to the Budget Committee.

So, hon. Chairperson, I direct you, and I am aware that you are looking at the Finance Bill, but take one day off from the Finance Bill and look at the Budget and then advise us in the shortest time possible; possibly by Friday so that the House can use your Report as a reference of what it is going to do to evade the crisis that the County Government is in now.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

MOTION

INVESTIGATION OF THE CONDUCT OF THE DEPUTY GOVERNOR AND THE COUNTY SECRETARY

Hon. Nzaro: Thank you Mr. Speaker. I wish to defer the discussion of this Motion because I have received some letters that this matter has been referred to the Constitutional Commission which is created in this country by our Constitution. Specifically, this matter has been referred to Ethics and Anti-corruption Commission (EACC) as a matter of integrity on the conduct of these officers. I think at this juncture we should defer the discussion of this Motion until we receive the report from this independent institution then we can move ahead. Thank you, Mr. Speaker.

The Speaker (Hon. Kahindi): Thank you. You being the Mover of the Motion and that you want to defer it... do we have anybody to... the matter is currently under investigation by another arm of government?

Hon. Nzaro: Yes Mr. Speaker. I have letters pertaining to that; maybe I can table these letters.

The Speaker (Hon. Kahindi): Okay. Yes hon. Teddy Mwambire

Hon. Mwambire: Thank you very much Mr. Speaker. I think it is ideal. I would like to support the withdrawal of this Motion at the moment until when we are going to get clear information pertaining to the legal parameter that is going to get to be undertaken if the matter hon. Nzaro was tabling has some contents of a politician who has direct link to us. So, in case there are such issues, we do not want to take sides on that and I feel it is a privilege that the matter has been referred to the EACC among other bodies to investigate and give us a clear indication.

What I would wish, Mr. Speaker, is to make sure that immediately they conclude this matter this Assembly is posted so that it can also make decision on the way forward because as an Assembly, we have a duty and Members of this Great County are looking upon us to make clear decisions as per our mandate. Thank you very much, Mr. Speaker. I support the deferment of this Motion.

Hon. Foleni: Asante sana mheshimiwa Spika. Nami naunga mkono kusukumwa mbele kwa Mswada ambao mheshimiwa Japhet Nzaro ameona ni vyema aulete hapa Bungeni. Nataka pia kumpongeza mheshimiwa kwa sababu Mswada kama huu kwangu mimi nimeona *it is more of a...*

The Speaker (Hon. Kahindi): Hon. Member you are very eloquent in Swahili; can you just proceed in Swahili...

Hon. Foleni: Mheshimiwa Spika, samahani. Kwangu mimi nilikuwa naona unanipotezea muda kwa sababu maswala ambayo alikuwa ameyaleta yalikuwa ni maswala ya kisiasa na maswala ya kisiasa yanahitaji majibu ya kisiasa. Pengine kumuelezea mheshimiwa wa Ganze kwamba wakati mwengine atuletee miswada ambayo inalenga watu wa Ganze. Tunafahamu ni shida gani inaendelea Ganze; hatusemi hivyo kwa kudharau, la! Tunasema hivyo kwa sababu tunaona ni vyema mheshimiwa wa Ganze....

The Speaker (Hon. Kahindi): Yes hon. Japhet Nzaro, you have a Point of Order?

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Nzaro: Point of Order, Mr. Speaker. The Member is trying to portray that as a representative of Ganze I cannot speak for the people of Kilifi County. He has to withdraw that statement.

The Speaker (Hon. Kahindi): I think hon. Foleni you have taken it too far. The issues raised are issues which are directly contained in Article 6 of the Constitution of Kenya so by all means, the Member had a right to bring them here. It may not be useful but it is legitimate.

Hon. Foleni: So there is no need for me to have it withdrawn.

The Speaker (Hon. Kahindi): No, what I am saying is, you have implied that next time he should bring useful Motions as if whatever he has brought... I am saying it is a matter which has been stipulated in the Constitution on issues of integrity. What he is simply saying is that this matter has been referred to another Constitutional Commission so it is not a useless Motion. So rectify that please.

Hon. Foleni: Asante msheshimiwa Spika. Lakini nafikiri ni vyema maoni yangu pia msheshimiwa Japhet Nzaro ayafahamu na swala hilo nimelitoa.

The Speaker (Hon. Kahindi): Thank you very much. Yes hon. Ibrahim

Hon. Ibrahim: Asante sana Bw. Spika. Namshukuru msheshimiwa Nzaro kwa kuondoa Mswada huu kwa sababu nilikuwa nautarajia kwa hamu niungushe.

(Laughter)

Lengo na shabaha ya mimi kuangusha Mswada huu ni haya majina yaliyopendekezwa hapa kwa sababu wengine ni watu ambao hatuwaamini. Asante sana Bw. Spika.

The Speaker (Hon. Kahindi): So hon. Ibrahim now you can seat and relax. Isn't it? Yes hon. Mramba, you have a Point of intervention or you want to speak?

Hon. Mramba: Hon. Speaker, I had a Point of Order only that hon. Ibrahim is seated. He said those in the list are not trustworthy. Having been elected or nominated by various political parties or the people from their Wards, it means every one of us cannot be trusted. So, can he please identify two or three Members who cannot be trusted and provide enough evidence, Mr. Speaker?

The Speaker (Hon. Kahindi): I do not think that you want to go that line. Hon. Ibrahim for all intent and purpose I want to protect you but we should leave that matter as it is.

(Laughter)

So you do not have to go further and give explanations.

Hon. Mramba: I would like him to mention their names.

The Speaker (Hon. Kahindi): No! No!

(Laughter)

Let us leave it at that. I think he has already made his point that he was so prepared but now he cannot proceed because the Motion is going out. That is enough. Yes hon. (Ms.) Mbeyu.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. (Ms.) Mbeyu: Thank you Sir. May I take this opportunity to thank hon. Japhet Nzaro of Ganze Ward for having consulted widely and thought it good to defer this Motion. We all thought that this Motion had so many issues and I believe the right Committees or constitutional stakeholders are dealing with this case and we can also be free to see the better way to deal with this issue and also look at the pertinent issues we are undergoing as Kilifi County; more so the disaster of hunger and drought.

The Speaker (Hon. Kahindi): Hon. Stanley Kenga, I can see that you had an intervention, but it is a bit too late.

Hon. Kenga: Yes, it is a bit late though...

The Speaker (Hon. Kahindi): Make contributions then.

Hon. Kenga: Mr. Speaker, I just wanted to be guided whether you had already opened a forum for the Members to make their contributions?

The Speaker (Hon. Kahindi): You know, say for the fact that I did not say it expressly, you know when a Motion is tabled before the House it becomes a property of the House. A member cannot just wake up to take it home. So it means a determination in the house as to whether it should go out has to be made and that is what we are doing right now. I hope you are guided now.

Hon. Kenga: Thank you very much. I stand guided but I am not ready to make contributions.

The Speaker (Hon. Kahindi): Thank you. Now, hon. Members, on the Motion that was slotted in by hon. Japheth (Nzaro) he has made a plea that the same be withdrawn. He has made a Motion to withdraw it and that has been deliberated on.

INVESTIGATION ON THE CONDUCT OF THE DEPUTY GOVERNOR AND THE COUNTY SECRETARY

AWARE THAT, the County Government has experienced on several occasions disharmony between the Deputy Governor and the County Secretary and other officers of the County, for example, during the 2016 Mashujaa Day celebrations and the Deputy Governor's Office Building confrontation on Friday, 21st October, 2016.

NOTING THAT, the disharmony has caused this County a lot of damage in terms of its image portraying its administration as lacking dispute resolutions mechanisms.

FURTHER NOTING THAT, on various occasions the county has experienced tense confrontations between citizens supporting the different parties jeopardizing the smooth running of Kilifi County Government.

I hereby urge this County Assembly in exercise of its powers to form an Ad Hoc Committee of nine Members to investigate the conduct and circumstances leading to this disharmony which injures the reputation of this county and also look at whether the actions of the Deputy Governor and the County Secretary are consistent with the respect and dignity of the offices they hold and whether their actions qualify them to be unfit to hold public office pursuant to Chapter six of the Constitution of Kenya, 2010.

(Motion withdrawn)

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

BILL*Second Reading*

THE KILIFI COUNTY SOLID WASTE MANAGEMENT BILL, 2016

Hon. Chai: Thank you Mr. Speaker. I am standing in for the Chairperson of the Committee on Environment and Natural Resources and I beg to move;

That the Kilifi County Solid Waste Management Bill, 2016 be now read a Second Time. I call upon hon. Japheth Nzaro to second.

(Hon. Nzaro seconded)

(Question proposed)

Hon. Nzaro: Thank you, Mr. Speaker. I rise to support the Second Reading of this Bill. This is a very important Bill for the people of Kilifi because as it entails the issues of recovery and re-use of waste. This County will have a very good framework on the issues of waste management because if you look at the Bill there are very great issues which cover most areas of our people.

For instance, in this Bill, there is a waste management charge which will be charged by the people who are collecting waste and this will help in meeting the cost of waste management within the County. This charge will also act as a way of increasing the revenue for this County so that we can do some of the development projects which we require in our county.

The most pertinent issue which has been addressed in this Bill is the issue of transportation of the waste material. In most times, we have seen the waste being transported in lorries and if you are driving next to that lorry which is transporting this material, you will see how some of the refuse gets scattered and thrown out of the lorry onto the road. There are issues which are dealt with in this Bill.

There is also an issue on treatment of the refuse in this Bill. Sometimes there are some of our people who would wish to start this business of recycling and the likes. I think they will have to apply for licenses to do these businesses. In this Bill, the youth, women and people living with disabilities have been given a mandate to do the garbage collection business and it is all in the way of creating jobs for our people in the County. So Mr. Speaker, I rise to support this Bill and I hope my fellow Members will see the light in what is entailed in this Bill and truthfully support it for the benefit of our people.

Once the waste is managed in a proper manner, one thing that I am sure of is that our health budget will also come down. This is because our people will not get these diseases which usually come as a result of uncollected refuse. So if it is managed in a very systematic way, then the cleanliness in our County will be superb and also the health of our people will also be well taken care of. The health budget will come down and that money can also be used in other

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

meaningful activities like the hunger disaster which we currently have. With those remarks, I rise to support.

The Speaker (Hon. Kahindi): Hon. Members, the Motion has been deliberated and I will now put the Question.

(Question put and agreed to)

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

Second Reading

THE KILIFI COUNTY FINANCE BILL, 2016

Hon. Mangi: Hon. Speaker, Sir, I beg to move;
That The Kilifi County Finance Bill, 2016 be now read a Second Time. I now call hon. Stanley Kenga Karisa to second.

(Hon. Kenga seconded)

(Question proposed)

Hon. Kenga: Thank you very much, Mr. Speaker. I rise to support the Second Reading of The Kilifi County Finance Bill, 2016. This is because you will realize that in the process of legislation when Bills go through the Second Reading, they are moving closer to the final stage where after approval by the House they are taken to the Governor for assent.

Mr. Speaker, the Finance Bill gives us an avenue as a County to be able to collect revenue from various quarters. The categories are articulated in the document. It will legalize whatever collection is supposed to be taken. Therefore, it is high time that the process is hastened and it is assented so that whatever collections we are making as a County and whatever we have not been able to collect is made possible because of a legislation that has been approved by the Assembly and assented by the Governor. Thank you very much. I beg to support.

(Question put and agreed to)

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

ADJOURNMENT MOTION

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker for giving me this opportunity to move this Motion of Adjournment before the House;

THAT, pursuant to the provisions of Standing Order 25, this County Assembly do now adjourn for the Fourth Session, Third Part Short Recess from Thursday, 27th October to Friday 4th November, 2016.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

THAT, this County Assembly resumes its plenary sittings on Monday, 7th November, 2016.

I call upon hon. Alphonse Mwayaa to second. Thank you Mr. Speaker.

(Hon. Mwayaa seconded)

(Question proposed)

The Speaker (Hon. Kahindi): Yes hon. Mwayaa.

Hon. Mwayaa: Asante sana mheshimiwa Spika kwa kunipatia nafasi hii. Nimesimama kuunga mkono Mswada wa kuenda mapumziko ya siku chache. Sisi kama waheshimiwa ni wadhamini wa watu ambao walituchagua kutuleta hapa. Kwa hivyo kwa sababu ya udhamini ule, inabidi turudi kule mashinani tuwe nao na tuweze kuwaambia kile ambacho tunafanya hapa. Ikiwa kila saa tuko hapa itakuwa hawajui wadhamini wao ambao waliwaleta huku wanafanya nini haswa lakini tukipata wakati huu tutautumia kuwaelezea kile ambacho tunafanya katika Bunge hili na pale mahali ambapo tumefikia.

Sisi pia ni watu ambao tuna jamii. Tunahitajika na jamii zetu haswa wale ambao tuko mbali na Malindi. Uheshimiwa uko lakini pia jamii zinatuhitaji pia kama wazazi. Tunahitaji mapumziko hayo ili tukawe na watu wetu. Asante mheshimiwa Spika.

The Speaker (Hon. Kahindi): Thank you hon. Mwayaa.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

DELIBERATIONS ON THE BUDGET

Before we adjourn, it had skipped my mind that there are two things that you need to note as you go for the recess. You will be required to meet to deliberate on the issue of the budget before we open. So, once the Chairperson is ready with the small Report that they are doing, they will call us but I think because we will be on recess, the office of the Clerk will organize we meet somewhere else to discuss about the same.

OFFICIAL OPENING OF THE REFURBISHED COUNTY ASSEMBLY CHAMBER

Number two; we have the official opening of the County Assembly Chamber. On that day we will be required to report back though it will be on a Friday. So, we will gazette the day on 4th and although we are opening, the function will be in the afternoon. I will need to see the Members in the morning at around 10 o'clock before we go for lunch because you will need to be told where to go at what particular time so that then you do not just come in the Chamber, go out and you look like you are lost.

I told you earlier on that we have confirmed that NTV will be airing it live so I need people to be orderly because there are stages; people will be coming in, there will be inspection

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

of the guard of honour. While the guests are going to my office, you will be required to come here then there will be a time for speeches. There will be a time for unveiling the strategic plan and so on and so forth. So kindly on that 4th day of November, 2016 that will be on Friday, although the function will start at 2:00 p.m., I am advising all the County Assembly Members to be here by 10:00 a.m. so that we have 30 minutes orientation on how we are going to do, then from there we will proceed straight for lunch and then come back in the afternoon. I think that will be okay.

ADJOURNMENT

Having said that and there being no other business in the Order Paper, I now move to adjourn this House until Friday, 4th of November which will be a Special Session for the official opening of the Chamber. Thank you very much.

The House rose at 3:44 p.m.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*