

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Wednesday, 29th March, 2017

*The House met at the County Assembly Chamber,
Malindi Town, at 2.30 p.m.*

[The Temporary Speaker (Hon. (Ms.) Ngala) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

VISITING STUDENTS FROM KIBOKONI SECONDARY SCHOOL

The Temporary Speaker (Hon. (Ms.) Ngala): Hon. Members, I would like to acknowledge the presence of students in the Gallery this afternoon from Kibokoni Secondary School. The students are here for a visit to appreciate the legislative procedures, practices and parliamentary proceedings. I request each student to stand when called out so that they may be acknowledged in the parliamentary traditions. The names of the students are;

1. Zuleha Athumani
2. Mariam Luwali
3. Betty Muzungu
4. Sherry T. Ngoro
5. Mary Nzomo
6. Claris Kazungu
7. Joyce Gona
8. Mary Miraho
9. Riziki Kazungu
10. Selina Kitsao
11. Winnie Santaa Shedrack
12. Jackline Kadzo Kalama
13. Priscar Dama Kalama
14. Ngala Lilian Santa
15. Sera Pendo Mwendu
16. Selestina K. Dhahabu
17. Kahindi Esther Dama
18. Helen M. Julius
19. Margret K. Onesmas
20. Florence Z. Kitsao
21. Kahindi Mary Hadija

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22. Purity Kanini Mwangangi
23. Chenda David Ngowa
24. Kazungu Elina Salama
25. Kenga Peninah
26. Neema Lugo Kitsao
27. Kasichana Safiri
28. Thuma Daudi
29. Mary Tune
30. Irene Akinyi
31. Bahati George
32. Biryia Lucas Fondo
33. Rumba Walter Matano
34. Mramba K. Thoya
35. Meshark Ngua Jefwa
36. Masha Baraka Amos
37. Samuel Mkoka
38. Charles Njeru Njue
39. Chrispus Kahindi
40. Stephen Katana Karisa
41. Mohamed Hiribae
42. Farouk Ali
43. Kiraho Antony
44. Eunice Karisa
45. Philip Gona
46. Joshua Thuva
47. Fondo Lucas
48. Patience Mapenzi
49. Mizinga Harrison

These students are accompanied by the following teachers;

1. Mr. Meshack Fondo
2. Ms. Faith Ogoti

I hope you will have a fruitful program. On behalf of the County Assembly of Kilifi and on my behalf, I welcome you all and wish you well. Thank you. As a tradition, I call upon two or three hon. Members to welcome these students too. Yes, hon. Kiraga.

Hon. Kiraga: Thank you so much Madam Speaker. I take this opportunity on behalf of the Whole House to sincerely welcome our beloved students. I believe before devolution came into being, most of what our students are seeing here today could not be found in these areas but were mostly established in Nairobi. Thanks to devolution; we have many things devolved to grassroots.

Madam Speaker, I believe that whatever the students are going to learn here today is exactly what is entailed in the National Parliament. What they have learnt in history and the lessons they have held in their school will enlighten them on how best to sharpen their skills when they hold debates in their school.

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I also wish to thank Kibokoni Secondary School. We have had a lot of strikes in the last year but we have never heard of any strike from this school. I have been a resident of Kibokoni only that I went for *shambas* somewhere else a few years ago but it is a school which is nurtured in discipline. I want to appreciate and thank them as they are an example to most of the schools in our county for keeping discipline ahead.

Otherwise, may I further welcome them once again. I hope they are going to enjoy the debate which is going to be handled in this House. Thank you very much.

The Temporary Speaker (Hon. (Ms.) Ngala): Thank you hon. Kiraga.

Hon. Nzaro: Thank you, Madam Speaker, for giving me this opportunity to welcome the students who have come to visit and learn a few things from this Assembly. I wish to tell the students that they have come here so that they can also learn how devolution is taking course in this Country. This County Assembly is one of those institutions which came into being because of our new Constitution which we passed in the year 2010.

I want to also take this opportunity and allay the fears which the students have being seeing in the newspapers that devolution has not brought anything to this county. You may probably have read in the newspapers some of the sentiments by the minority groups in this county. There have also been sentiments claiming that devolution has not done anything in this county and when you look at this Assembly, I think we are all very delighted to have such a facility. This simply means that devolution is working in this county.

As they try to learn what is happening here and the fruits of devolution which they are experiencing in this Assembly, I will also want to urge them to take education very seriously. Being the Vice- Chairperson of the Education Committee in this County Assembly, I want to tell the students that as leaders who are seated in this Assembly now, at one time we will be outside there and when we are out there, we should have a group of other like-minded people who are ready to develop this county and who will sit in this Assembly. This means that they have to take their studies very seriously for them to be able to move this county to a greater level. I wish all of them a good stay while they carry out their business which has brought them here. Thank you.

The Temporary Speaker (Hon. (Ms.) Ngala): Thank you. Hon. (Ms.) Arafa.

Hon. (Ms.) Arafa: Thank you very much, Madam Speaker, for giving me this opportunity to welcome the students from Kibokoni Secondary school from Malindi. First, I would like to congratulate the school management and the students for taking their time and organizing themselves to pay a visit to this place. I think this being the first County Assembly, it is indeed a big privilege to our students to take time and come and learn.

It is a high time that this House passes a Motion or urge the school teachers...it was a very interesting time when schools use to have debates... so that as Assembly Members we will take time to visit these schools and see how they are running their debates and train them more because we are expecting them to be future leaders. When they finally get here, they will have had the experience needed to make charismatic and powerful leaders.

What I would like to tell the students is that the Kilifi County Government has set aside good money for them. There is more than Ksh350 million set aside for bursaries; so it is up to them to use this money wisely and take their time to study hard in school. As leaders, we want to work hard and look for more money for our students and they have to make sure that they perform well.

They have to remember that they cannot perform well if they do not take their studies seriously. Hon. Kiraga was a student of Kibokoni Primary School and he is now here as a hon.

Member. He is a role model for that school. It is my hope that we will have more students emerging as hon. Members from that school as they will get the inspiration from hon. Kiraga.

I want to take this opportunity to welcome them again and they should not only come here once but they should create time and visit us often. With those few remarks, I would like to congratulate them and wish them well in their studies. Thank you very much, Madam Speaker.

The Temporary Speaker (Hon. (Ms.) Ngala): Thank you Hon. (Ms.) Arafa. Hon. Foleni.

Hon. Foleni: Thank you, Madam Speaker, I am hon. Cosmas Foleni, representing Tezo Ward. First and foremost, I wish to pass my sincere greetings to our beloved students and teachers who have decided to visit us this afternoon. I want to say that we feel your presence and we appreciate your presence as a House.

I remember in the year 2002 when I was in form three in Moi Kabarak some years back. We used to travel all the way from Nakuru to Nairobi to learn more on parliamentary proceedings. Students and teachers, you should be glad that today you can reach here within five or ten minutes. During our time, we used to travel long distances for us to learn parliamentary proceedings. So, I want to...

The Temporary Speaker (Hon. (Ms.) Ngala): Yes hon. Mramba.

Hon. Mramba: I want to acknowledge hon. Cosmas Foleni who said that he went to School at Moi Kabarak. Can he please confirm to this House the grade he got in KCSE?

Hon. Foleni: Thank you Hon. Mramba. I want to confirm to this House that I went through the required courses for me to pass from form one to form four at Moi Kabarak High School from the year 2003 and I managed to get something good, Madam Speaker. To make it clear to hon. Mramba, I had a wonderful grade that none of the hon. Members inside this Chamber was able to attain. I am a proud alumnus of Moi Kabarak High School. I am not worried because getting a B plus (B+) is not something small compared to the likes of Japhet Nzaro who managed a D minus (D-) in Ganze Boys Secondary School and they are here with us today. Secondly, I just want to put across to our students that...

The Temporary Speaker (Hon. Ms.) Ngala: There is a point of Order.

Hon. Kiraga: Thank you so much, Madam Speaker. I rise under Standing Order 103 (f). Madam Speaker, this is a House which needs to be respected and according to that Standing Order, I believe hon. Foleni is grossly misleading this House and he should be named for giving false information deliberately. Thank you.

Hon. Foleni: Madam Speaker, I wish hon. Kiraga to come up clearly. What have I done that am misleading this House? It is a fact that I went to Moi Kabarak High School and I have a B+, so what else do you want to get from me unless you allow me to bring the papers so that I can show them to hon. Kiraga? Thank you.

The Temporary Speaker (Hon. Ms.) Ngala: Hon. Members, I wish we would stick to the subject matter that is welcoming students from Kibokoni. These other side shows are not right, so hon. Foleni wind up.

Hon. Foleni: Thank you. I want to say thank you for your protection. I have this to say to the students, that hard work and discipline are the words that you students should embrace for you to become successful.

(Hon. Nzaro stood on a Point of Order)

Hon. Nzaro: Thank you. Madam Speaker. I want the hon. Member to correct that I learnt at Ganze Secondary School and attained a D minus. He should withdraw because I never went to that School and he will be misleading this House because this is a House of facts. Thank you.

The Temporary Speaker (Hon. Ms.) Ngala: Okay.

Hon. Foleni: Madam Speaker, I am not sure that the Member for Ganze went to Ganze Secondary School but I want to withdraw. He might probably have gone to Ribe Boys and some other small schools within Ganze so let me put it ...As I conclude, I say that discipline and hard work are the two virtues that can bring success to you students. I also want to urge all of you to take the advice that you will be given by your teachers seriously so that one day you will stand as proud alumina of Kibokoni Secondary School and say thank God, teacher so and so taught me how to respect and as a result of that here I am today as a successful student.

As I conclude, I have two quotes that I want to give them. One is from my beloved late grandfather, the former President of South Africa Nelson Madiba Mandela, who said education is the most important tool that is able to change lives of you students.

Secondly, it is in the Bible as a believer in Christ, I want to direct you to the Book of Proverbs 4:13, may you find time and read it. Thank you.

The Temporary Speaker (Hon. Ms.) Ngala: Hon. (Ms.) Mbeyu can we have you as the last Member.

Hon. (Ms.) Mbeyu: Thank you Madam Speaker. May I take this opportunity to welcome the students of Kibokoni Secondary School. I am hon. Gertrude Mbeyu Mwanyanje, representing Kibarani Ward and Women Representative, 2017. I think the teachers and the students should carry this information home.

Madam Speaker, it is great to have the students from Kibokoni in this House because they are privileged since it is a walking distance to reach this Parliament. In this hon. Assembly, they can learn the procedures and rules and how their leaders represent them. They would have taken two days to reach the National Assembly in Nairobi.

I can see many girls and I wish they do well because I went to Bura Girls High School in Taita from form one to form four. It is good to be in school and have mentors. I am one of your mentors because we went through whatever you are going through now...

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

Thank you. It is through education where you can rise to the status of being a hon. Member or any other career. So, I want you to study very hard. There is no bed of roses anywhere you go. Get better grades to go to the University. Kibokoni Secondary is not the end. I want to urge you to work very hard.

We are targeting better grades like B+ so that you can join any University. Kibarani Ward is the only one which has a University in Kilifi County. Pwani University is a distance where you travel by bus and get yourself a good grade for your career. You are most welcome to observe the procedures of this House; how Members debate. As you go home, I wish your MCA hon. Edward Dele Kazungu was around. The main roles according to the Constitution are representation, policy making and oversight.

Those are the only three roles in the Constitution. So when you find them coming to the Assembly putting on that good suit, know that they have three roles to play. That is for you to understand what they mean as Members of the hon. House of Kilifi County Assembly. You are most welcome and feel at home. Thank you.

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The Temporary Speaker (Hon. (Ms.) Ngala): Whatever has been said to the students they have listened and I believe they have taken notes.

STATEMENT

ORDER OF BUSINESS FOR THE WEEK STARTING MONDAY,
3RD APRIL, 2017 TO WEDNESDAY, 5TH APRIL, 2017

Hon. Kiraga: Thank you Madam Speaker. The following is the programme of the County Assembly business for the week commencing Monday, 3rd April, 2017.

On Monday 2:30 p.m.; Tabling of the Report of the Sectoral Committee on Land, Housing and Settlement on the proposed re-planning and re-designation of Kibaoni car park.

Tuesday 9.00 a.m. that is 4th April, 2017; Tabling of the Report on the Select Committee on Implementation on Assembly Motions and Reports between the period of March, 2016 to December, 2016. On the same day that is Tuesday 2.30 p.m.; Adoption of the Report of the Sectoral Committee on Land, Housing and Settlement on the proposed re-planning and re-designation of Kibaoni car park.

On Wednesday 2:30 p.m. that is 5th April, 2017; Adoption of the Report of the Select Committee on Implementation on Assembly Motions and Reports between the period of March, 2016 to December, 2016.

Thank you so much Madam Speaker.

MOTION

ADOPTION OF THE REPORT ON THE FINANCIAL STATEMENTS FOR KIMAWASCO FOR THE FINANCIAL YEAR 2013/2014

The Temporary Speaker (Hon. (Ms.) Ngala): The Chairperson? Is the Chairperson around?

Hon. Nzaro: Thank you Madam Speaker, I am standing in for the Chairperson...

The Temporary Speaker (Hon. (Ms.) Ngala): Okay, continue. It can be the Vice or a Member but if the Vice Chairperson is around, let her speak.

Hon. (Ms.) Mwaro: Madam Speaker, I beg for forgiveness because I was not notified in advance that the Chairperson will not be around. However, it is my responsibility to represent the Chairperson whenever he is absent.

Hon. Speaker, allow me to move this Motion in this hon. Assembly, I beg to move:-

THAT, this House adopts the Report of the Select Committee on the Public Investments and Accounts on the financial statements for the Kilifi-Mariakani Water and Sewerage (KIMAWASCO) for the financial year 2013/2014 laid on the Table of this hon. Assembly on Tuesday, 21st February, 2017.

I beg hon. Japhet Nzaro to second. Thank you.

(Hon. Nzaro seconded)

(Question proposed)

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The Temporary Speaker (Hon. (Ms.) Ngala): Yes hon. Nzaro.

Hon. Nzaro: Madam Speaker, as I rise to support the adoption of this Report, it has been a long journey coming up with this great Report which will help us instill some discipline in the way we run financial matters in this county. One observation which we made as a Committee when we were interrogating the KIMAWASCO staffs and Directors is that we could not get relevant documents from these officers. This was a hindrance because we could not get the crucial information which we required.

After several efforts asking for the Report from the relevant people, still we could not get that information and as a Committee, we went further to write our recommendations with regards to the information which we had.

Madam Speaker, Article 226 (5) of the Constitution gives us direct personal liability of accounting officers. If you look at the accounting officers behavior of denying the Committee the rightful information, then as a Committee we made the recommendation that the accounting officers should be directly and personally liable for the loss of those files which we could not get information from.

Madam Speaker, there were inconsistencies in the way they were presenting their figures because the figures could not marry. When we required getting the differences in those figures, there was no explanation to that effect and that is why we made those recommendations. We also could not get the right information on the ownership of the share capital of KIMAWASCO; you know it shifted from the Local Authority to KIMAWASCO. So, when we were trying to look at these issues, we sought more information from the officers but they could not give us the information.

You will realize that there was no smooth transition and handing over of those companies and documents which were attached in those Reports. Madam Speaker, one fundamental issue which we should do as an Assembly is to deal with these issues once and for all...

The Temporary Speaker (Hon. (Ms.) Ngala): There is an intervention hon. Member.

Hon. Kiraga: Thank you so much, Madam Speaker. I am hearing the Member talking of interrogations

(Hon. Kiraga spoke off record)

Hon. Kiraga: Thank you, so much Madam Speaker. I am hearing the Member talking about interrogations when they were doing this Report. I have gone through this Report and looking at the attendances attached in this Report, I have not seen the kind of people he is claiming to have been interrogated by the Committee. I was expecting to see the KIMAWASCO officers attending these meetings for the purposes of interrogation. Unless the Member confirms to me, I am not seeing anything here. Thank you.

Hon. Nzaro: Thank you. I think the hon. Member has not read this Report ...

(Hon. Mramba stood on a Point of Order)

Hon. Mramba: Madam Speaker, I am standing on a Point of Order. The hon. Member for Ganze said in his submission that during the time they were compiling the Report, they could not get sufficient information from some of the Members of staff. Was it deliberately or otherwise? The law is very clear; the County Assembly Committees have equivalent powers to that of the high court and so, if any member failed to divulge any information, what action did

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the Committee take to force that officer to divulge that information? Otherwise you did a Report that was half baked. Why?

Hon. Foleni: Hon. Speaker, I also want hon. Japheth Nzaro to name the said Board of directors and accounting officers because I have gone through the Report and there is totally nothing. Thank you.

Hon. (Ms.) Arafa: Thank you, Madam Speaker. Hon. Nzaro said that they called some of the officers from KIMAWASCO. There is information here whereby the money that was accounted for does not rhyme with the Report that the officers tabled to the Committee. I respect you hon. Nzaro. In this House we have been searching for information on revenue collection. We have been working very hard to an extent of asking some officers to step aside so that we can find out how much was collected in Kilifi County in terms of revenue. I am wondering if the officers were not able to give the right information and yet you did not bring a Statement in this House so that the Committee of the Whole House can work on those officers who refused to give the right information.

I am shocked that you brought a Report that is half baked and you want hon. Members to take all the time to go through a Report which you yourself did not have the right information on it. Thank you very much Madam Speaker.

Hon. Nzaro: Thank you very much, Madam Speaker. I want to allay the fears of the Members pertaining to this Report. First, I want to say that the Members pretend to have read this Report but I am afraid they have not because all the minutes of the meetings which we held are attached in this document including the answers to all the queries which the Members are asking about. For instance, the members of KIMAWASCO who attended these interrogations are in the minutes. So, Madam Speaker, look at the Report. There are minutes annexed to the Report unless you did not read it. This is the problem we have with some of these Members. This Report came to this Assembly and Members were given time to read it but from the contributions, it seems like some of them did not even read. The answers to the questions they are asking are self-explanatory because they are in this Report. I beg to continue Madam Speaker...

MOTION FOR ADJOURNMENT UNDER STANDING ORDER 50

CALL FOR A *KAMKUNJI* TO BRIEF MEMBERS ON ISSUES PERTAINING TO THE KIMAWASCO REPORT

Hon. Mwambire: Madam Speaker, I am happy that you have given me this opportunity. I am standing on a Point of Order number 50 (b) to seek adjournment of the deliberations of this Report based on the information shared by the seconder of this Motion. It is evident that the information he is sharing does not tally with the realities of operations of the County Government of Kilifi. If you look at the structure of the County Government of Kilifi, this Report is based on the Department of Water whereby the Chief Officer has been coming to this Assembly from time to time and if you look into the records, all the questions that we had as an Assembly have always been responded to within a short span of time.

The issues raised by hon. Nzaro that there are some officers who did not collaborate with the Committee, I think that information does not assist this House. We wanted the Committee to name the officers who did not participate. For those reasons among others, I beg to adjourn these deliberations so that the Committee can at least call for a *Kamkunji* so that Members can be well briefed on issues pertaining to this Report before the House can make an informed decision over

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the Report. On that regard, I call upon hon. Albert Kiraga Hare, the Member for Gongoni Ward in Magarini Constituency to second.

(Hon Kiraga seconded)

(Question Proposed)

Hon. Kiraga: Thank you so much. Madam Speaker, some minutes before we entered this House, I had a chat with the Chairperson for PIC/PAC and I am confused why he is not here. What hon. Nzaro is telling this House is simply the kicks of a dying horse. I have gone through this Report. I wanted to see the minutes and the attendance lists of the officers who were called upon by the Committee especially the officers from KIMAWASCO. I do not see them here and that is why I rose on a Point of Order. What the Member is trying to tell this House is like he is evading these questions.

Madam Speaker, we cannot go by this Report. As my friends have put it, it is a half-baked Report. We are talking about issues of money in this Report. We were also expected to have some slips, monetary slips, attached in this Report. We cannot be told that these people were called but did not attend; they did not have time to come. So what Madam Speaker? The Standing Orders and the Constitution are very clear. That, if someone has been summoned and she or he fails to attend, the Committee has specific powers but those powers have not been exercised by the Committee. Therefore, I support the Mover of this Motion that we adjourn and get time with the Committee. I am wondering why most of the Members of that Committee have a tendency of evading such Motions. When they are having their Reports in the House, most of them do not show up, especially the Chairperson. It is a pity. I hope this tendency will stop Madam Speaker.

We need the Members; there are about two or three Members out of nine Members. Where are the rest of the Members? Why have they not shown up in this House? So, Madam Speaker, let us adjourn to get time so that they tell us more about this Report before we contribute and probably pass this Report. Thank you very much.

The Temporary Speaker (Hon. (Ms.) Ngala: Let us hear from the Vice Chairperson.

Hon. (Ms.) Mwaro: Thank you Madam Speaker. I think you have given me this time quite late because I wanted to inform hon. Kiraga before he stopped talking. I wanted to inform him something but unfortunately he has finished his contribution. Hon. Speaker, I think the PIC/PAC Committee has quorum in this House because our Committee is composed of eight Members since the demise of hon. (Ms.) Chihanga so we have quorum in this House. Thank you.

The Temporary Speaker (Hon. (Ms.) Ngala: Let us give hon. Japhet Nzaro time he had not finished giving us his report.

Hon. Nzaro: Madam Speaker, I wanted...

The Temporary Speaker (Hon. (Ms.) Ngala: Just a moment. Hon. Nzaro, are you supporting or opposing?

Hon. Nzaro: Before I support or oppose, I want to get some direction from you because this Report came before this Assembly, I think it was on... What I want to say is that I want your office to give direction whether it is in Order at this time to move an Adjournment Motion when already an Adjournment Motion had been brought before this Assembly earlier?

The Temporary Speaker (Hon. (Ms.) Ngala: Hon. Nzaro, even if it was brought earlier it is still in order because it has been proposed and seconded. I want to give direction here as

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much as we are all entitled to our opinion but if a Motion has already been proposed and seconded, it is in order.

Hon. Nzaro: I continue? Thank you Madam Speaker for giving me this opportunity...

Hon. Mwambire: I have been given leeway. I think the only time where a Speaker gives an opinion to a Motion that has just emerged to the Assembly is when the Member has risen under Standing Order No. 92. If you look at Standing Order No. 92, the Speaker will have a leeway to decide whether that Motion should proceed or not. My Motion was on Standing Order No. 50 (b) and my intention was very genuine and particular to the interests of the great people of Kilifi. I know very well the direction that Members were taking in regards to this Report. It was evident that this Report was going to be shot down and if that happens, the only time that this Report will come back to this House is after the elections, Madam Speaker.

That is why I thought it was wise for us to adjourn this discussion so that we can have time to deliberate on it so that we can get the clear picture of the whole story and make an informed decision as an Assembly. We do not want to leave such serious matters pending until the next Assembly. There are people who have interests, particularly I who will not be coming back to this House. I have interests of making sure that these issues are well concluded. That is the reason why we are raising this Motion. We are not doing it in bad faith but for the betterment of the great people of Kilifi Madam Speaker.

The Temporary Speaker (Hon. (Ms.) Ngala: Thank you.

Hon. Mwayaa: Asante sana, *Madam Spika*. Nimesimama kupinga kusitishwa kwa Mswada ambao uko mbele yetu. Ripoti ambayo imesomwa hapa ilikuja katika Bunge hili tarehe saba mwezi huu wa tatu. Tukajadili na tukausitisha kwa ajili waheshimiwa wakasome Ripoti vizuri. Leo tena tuko hapa imesemekana usitishwe tena kwa ajili waheshimiwa wakaisome vizuri.

Nasema hivi mheshimiwa Spika, tuko hapa kuchapa kazi awe Mwenyekiti wa Kamati yuko ama hayuko Ripoti ikija katika Bunge hili sio ya Mwenyekiti. Kwa hivyo, naomba waheshimiwa ambao mko hapa tujadili hii Ripoti. Tulipatiwa nafasi tukaisome na ilikuwa imetoshwa. Pengine wakati huo kama tungeitisha Kamkunji kama ndugu mheshimiwa wa Sokoke alivyosema, ingekuwa bora. Lakini saa hii tuna mengi mbele yetu ambayo tunahitaji tufanye moja yapo ikiwa Ripoti ya KIMAWASCO. Kuna Ripoti nyingi za PIC/PAC ambazo ziko mbele yetu ambazo tuzifanye na tuko hapa kufanya kazi.

Wale ambao hawajasoma ama wameshindwa kufanya kazi hapa Bungeni warudie ile kazi yao ya zamani maana tuko hapa kuchapa kazi. Nataka tuendelee na Mswada huu sitaki tuusitishwe. Watu wa Kilifi wako kule mashinani na wanatumaini kubwa kwamba tutaenda kufanya kile ambacho kinapaswa kama viongozi wa Kilifi. Asante napinga tena vikali nikikaa hapa naendelea kupinga *Madam Spika*.

(Laughter)

The Temporary Speaker (Hon. (Ms.) Ngala): Hon. (Dr.) Chitibwi Please.

Hon. (Dr.) Chitibwi: Thank you very much, Madam Speaker. I think this House is getting into a dangerous situation. When PIC/PAC Reports comes here, we are always seeking that they be adjourned. Earlier on, I would have supported what the Deputy Speaker hon. Mwambire said that we go for *Kamkunji*. We requested for this one year back; that the PICPAC Committee itself should always have an expert to explain to them what the Report said. Members requested that the same be accorded to them so that when we discuss, we will be talking of

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things that we understand. That has not happened and we are almost ending our term. Now the issue that we are discussing is very serious.

We have a lot of county money that we are dealing with here. If we keep on postponing decisions, then I do not know when we are finally going to make a decision. I am sure of one thing that even if we adjourn for a *Kamkunji*, we are going to come back here and shut it down again. We may as well know today that this Report has been adopted or rejected. We should not postpone some decisions. I am very concerned when my colleagues, like in a chorus, all of them stood giving this and that reason; it looked fishy. In my opinion, we should not adjourn. We should discuss it and throw away the Report or adopt it so that it is known we have done our work.

People make mistakes; it does not mean that your decisions have to be perfect. We make mistakes as human beings. If we make a mistake in this issue there will always be an opportunity for this House to re-visit the same case. So, I believe we should discuss it because the only thing that I see is different in the Report is the format. Otherwise, it is whole. The findings and recommendations are there. I believe we will discuss it, adopt it or put it out. Thank you, Madam Speaker.

The Temporary Speaker (Hon. (Ms.) Ngala): Hon. Nzaka.

Hon. Nzaka: Thank you, Madam Speaker, for giving me this chance. I have read the mood of the House when the Motion was moved and it is like they are not prepared for it. That is why they are coming with Standing Order 50(b) so that we can adjourn the Motion.

Hon. Mramba: Madam Speaker, the hon. Member for Mwawesa hon. Anthony Ndune Nzaka is misleading the House to the fact that Members are not ready to debate the Report. Madam Speaker, let him withdraw because all Members here came to debate the Report. The only thing emerging is that some Members are saying the debate of this Report be adjourned while others are saying it should not be adjourned. Otherwise, we are ready to debate, Madam Speaker.

Hon. Nzaka: Madam Speaker, the point that I would like to make clear to the hon. Members is that this Motion came to this House before and this is the second time. At first, it was brought to this House on Tuesday, 21st February, 2017. Members had enough time to read these Reports from the PIC/PAC Committee. This Committee did a very wonderful job but some Members are complaining that the Chairperson is not around. I agree with that but we have the Vice Chairperson and all the Members are in this House.

This Report deals with issues from the year 2013 to 2014; the time we were under the transition period. The Committee recommended that some of the issues should go to the anti-corruption Commission so that some of the officers who misuse the public funds should be surcharged, but here we are seeing this Report being woefully postponed.

I know that we are busy and we do not have time to frequently go through Reports in this House for some issues here and there, but I urge that we deal with this Report so that we can finish with these emerging issues from this Report.

Hon. Kenga: Thank you very much, Madam Speaker. I wish the Member who was making contributions is advised to withdraw the statement that Members in this Assembly do not have time to go through Assembly Reports. We have visitors at the Gallery and the impression these Members are trying to create is not good. If he personally feels that he does not have time, then let him go ahead... and the people of Mwawesa should get it from him but not taking this as a responsibility of all Members of this County Assembly.

Madam Speaker, I have taken a lot of time going keenly through all the Reports that we receive in this Assembly so that I make an informed decision. I believe Members in this Assembly do have time to go through the Reports and again we need to see the list of those people he claims to have been proposed to be surcharged so that we are guided. Please let him withdraw the statement. We are not as busy as not to perform the duties of this County Assembly. Thank you very much.

The Temporary Speaker (Hon. (Ms.) Ngala): Hon. Nzaka, when we are here we are giving our opinions and everybody has got their opinion. I might read a Report and not understand but it does not mean that I am not ready to talk. You should withdraw those remarks.

Hon. Nzaka: I put it at rest, Madam Speaker.

The Temporary Speaker (Hon. (Ms.) Ngala): Sorry?

Hon. Nzaka: I withdraw. Madam Speaker, I see the mood of the House is as if this Report is too bulky for them. I urge Members we stop the Motion of Adjournment so that we can continue with this Report and if some of the Members do not support it, it is their democratic right. Let us debate this Report. We can deal with it and finish so that Members can be free from it. Thank you.

Hon. Mangi: Thank you, Madam Speaker. I stand to oppose the adjournment of this Motion. What is a County Assembly Committee? It is an extension of the County Assembly and that is to say that when a Committee has issues it deliberates on that particular Motion and the resolution that it gives or endorses is then on behalf of the County Assembly. We must have mutual trust and the Standing Orders should be understood. How many times are we going to postpone this Report? The document that we have before us today has come to this House so many times. I may not have read it but if a Member has read it and he or she has understood, it does not mean that I have to understand it the way they have understood it. There should be collective responsibility...

The Temporary Speaker (Hon. (Ms.) Ngala): There is a Point of Order from hon. Mwambire.

Hon. Mwambire: Madam Speaker, I am standing on a point of Order and request to know from the Member who was on the Floor on what he was claiming that if a Committee comes up with a resolution, it is an indication that the whole Assembly should follow. He is the Chairperson for the Budget Committee. I know it is evident that we have been having issues with that Committee to the extent of passing the budget at almost midnight because we wanted to know the details of the deliberations they had as a Committee.

As the Member is putting it in his comments, let him be very categorical and know the operations of this Assembly. I know he has been in this County Assembly for four years and he knows that all the deliberations of the Committees must be well understood by all Members. All Members putting their heads together in the same interest is when we get the County Assembly resolution. County Assembly resolutions are made by all Members at the plenary but not the Committee; so let him differentiate between the Committees resolutions and County Assembly resolutions.

We are here looking for a way forward from the entire Members, whether we are PIC/PAC Members or not. When we were taking an Oath, it was a guarantee that we were going to safe-guard the interests of the great people of Kilifi; not by substitute but by a wholesome. That is the reason why we want to know the details of the Report before making a well informed decision. Thank you.

Hon. Mangi: Thank you, Madam Speaker. I require your direction. How long is the mandatory period for Members to be given so that they are briefed on the contents in such a Report? This is something that is getting different dimensions. The reason I am saying so is we always have procedures. We call a *kamkunji* before any document of such magnitude comes to the plenary. Was it done? Why do we not bring such issues to a *kamkunji* before we come to the Plenary? Why do we bring issues on the Floor of the plenary?

Much as I am agreeable to the sentiments that have been made by the hon. Member for Sokoke, I am aggrieved that this document is going through some difficult and different dimensions. There is a time-frame to conclude an issue. Delaying an issue is denying justice to it. What I am saying is as much as we should understand... for example the budget, I always engage all the stakeholders at any angle. Even if it is passed at 11 o'clock, everybody is happy. Did we take that angle? Did we discuss in that angle? No! So, this is to say that even if this Adjournment Motion is granted, still the element of 50 (b) will arise on a certain day. I stand to oppose the Adjournment Motion. Thank you.

Hon. Kiraga: Thank you so much, Madam Speaker. I believe we adjourned the debate of this Report last time and the reason was for us to have a *kamkunji* for the same. As the Member has been putting it, the person who was responsible to convince this County Assembly to hold a *kamkunji* was the Chairperson and his Committee. We are not adjourning this Report because we think it is bulky or what not. No! There are some issues which we need to be informed.

Hon. Nzaro: Thank you, Madam Speaker. I think the hon. Member is misleading this House and it is unfortunate because I have a HANSARD Report on the deliberations of that day when we adjourned this debate. According to those deliberations, it was hon. Mramba who rose on a Point of Order under Standing Order No. 50 (b) to seek adjournment of the debate because Members wanted to attend the 4th Devolution Conference which was going on in Nakuru County. That one is on record and I have the HANSARD Report to that effect. So, if the hon. Member is trying to relay other information which is not the truth, I am afraid he should withdraw those sentiments so that they are expunged from our records in this Assembly. Thank you.

The Temporary Speaker (Hon. (Ms.) Ngala): Hon. Pascal.

The Leader of Minority (Hon. Pascal): Thank you, Madam Speaker, for this opportunity. I am also standing to oppose the Motion on the Floor. We have for long wanted to discuss this Report because this Report has been adjourned twice before and if I am not mistaken, this could be the third time we are adjourning it.

When we stand here, we are supposed to play the oversight role as one of the many roles that we play. This Report has drastic proposals including the issues of corruption that were noted by the Committee. It is through the passage of this...

Hon. Kenga: Madam Speaker, I am rising to relay my fears that Members are deliberately getting out of the Chamber and most likely this will cause a quorum hitch which will act as a challenge to proceed with this debate. Kindly let us be guided. Chief Whi,p please do something?

The Temporary Speaker (Hon. (Ms.) Ngala): Clerk do we have quorum?

The Clerk-at-the- Table: There is no quorum Madam Speaker.

The Temporary Speaker (Hon. (Ms.) Ngala): Can you ring the Bell please?

(The Division Bell was rung)

The Temporary Speaker (Hon. (Ms.) Ngala): Mr. Clerk, have we now attained quorum?

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The Clerk-at-the- Table: No, we still do not have quorum.

ADJOURNMENT

The Temporary Speaker (Hon. (Ms.) Ngala): In the absence of quorum, this House stands adjourn until Monday afternoon. Thank you.

The House rose at: 3:50 p.m.