



**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KILIFI**  
**SECOND ASSEMBLY–THIRD SESSION**  
**THE HANSARD**

**Wednesday, 30<sup>th</sup> October 2019**

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

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

**PRAYERS**

**PAPER**

**THE KILIFI COUNTY CITIZEN PUBLIC AND CIVIC EDUCATION BILL, 2019**

**The Speaker** (Hon. Kahindi): Chairperson Justice and Legal Affairs Committee.

**Hon. (Ms.) Scholastica:** Thank you Mr. Speaker, Sir, for giving me this opportunity so that I can Table the Report on Justice and Legal Affairs on the Kilifi County Citizen Public and Civic Education Participation Bill, 2019. Pursuant to the provision of Standing Order No. 120 (4) I wish to lay on the Table of this House a Report of the Sectoral Committee of the Justice and Legal Affairs on the Kilifi County Citizen Public and Civic Education Bill, 2019.

Thank you, Mr. Speaker.

*(Hon. (Ms.) Scholastica laid the document on the Table)*

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## STATEMENTS

BUSINESS FOR THE WEEK COMMENCING 11<sup>TH</sup> NOVEMBER, 2019

**The Speaker** (Hon. Kahindi): Yes hon...your mic is not on...use the other one; that one is misbehaving.

**Hon. (Ms.) Sidi:** Thank you Mr. Speaker. Pursuant to the provision of Standing Order No. 41 (2) (a), I wish to present and lay on the Table of this House the Statement regarding the Business of the House for the week commencing Monday, 11<sup>th</sup> November, 2019:-

On Monday, 11<sup>th</sup> November, 2019 from 2:30 p.m. the Business will be Statements sought by hon. Maitha Masha from the Department of Roads, Transport and Public Works. Next is a Statement sought by hon. Maitha Masha from the Department of Environment and Natural Resources. Next is Statement sought by hon. Daniel Chai Chiriba from the Department of Roads, Transport and Public Works. Next is a Statement sought by hon. Alphonse Mwayaa from the Department of Education and ICT and also a Statement sought by hon. Alphonse Mwayaa from the Department of Education and ICT. Next is a Statement sought by hon. Stanley Kenga Karisa from the Department of Education and ICT. We have Notices of Motion which is an establishment of a Section or Unit to link youths to opportunities within the County Public Service. That will be moved by hon. Stanley Kenga Karisa.

On Tuesday, 12<sup>th</sup> November, 2019 from 9:30 a.m., the Business will be a Motion on the Establishment of Ngomeni and Kibokoni Sand Harvesters and Cooperatives that will be moved by hon. Albert Kiraga.

On Tuesday, 12<sup>th</sup> November, 2019 from 2:30 p.m., the Business will be establishment of a Section or Unit to link youths to opportunities within the County Public Service that will be moved by hon. Stanley Kenga Karisa.

On Wednesday, 13<sup>th</sup> November, 2019 from 2:30 p.m., the Business will be Committee of the Whole House on the Kilifi County Citizen Participation and Civic Education Bill, 2019. We have Bills; The Kilifi County Citizen Participation and Civic Education Bill, 2019. That will be the Business for that week after the short recess. Thank you, Mr. Speaker.

## BILL

### *Second Reading*

THE KILIFI COUNTY CITIZEN PARTICIPATION AND CIVIC EDUCATION BILL, 2019

**Hon. (Ms.) Scholastica:** Pursuant to the provisions of Standing Order No. 121, I would beg to move that the Kilifi County Citizen Participation and Civic Education Bill 2019 be now read for the Second Time. Before I call hon. Mramba to second, let me make my submissions. The Kilifi County Citizen Participation and Civic Education Bill 2019 was established as a special issue in the Kenya Gazette on 23<sup>rd</sup> July 2019 as a Bill oriented from the Kilifi County Executive. The Bill was seconded by The Leader of Majority hon. Adamson Kadenge Mwachethe. The Bill was read the First Time on Tuesday, 20<sup>th</sup> August 2019 pursuant to Standing

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Order 120(3). The Bill was committed to the Sectoral Committee on Justice and Legal Affairs for consideration and thereafter make a Report to the County Assembly.

Article 196 (1) (b) of the Constitution provides that a County Assembly shall facilitate a public participation and involvement in the legislative and other business of the county and its Committees. Standing Order No. 120(3) states that the Sectoral Committee in which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations from the public when the Committee makes its Report to the County Assembly. Pursuant to Article 196 (1) (b) and Standing Order 120 (3) the Committee invited interested members of the public to submit any memorandum to the said Bill to the Office of the Clerk, County Assembly of Kilifi Box No. 332-80200 Malindi or email address klfassembly@gmail.com to be received on or before Friday, 11<sup>th</sup> October, 2019 at 4:30 p.m.

The Committee further facilitated a public hearing forum that was held on Wednesday, 23<sup>rd</sup> October, 2019 at the County Assembly Chamber to take into accounts the views and recommendations of the public when preparing this Report. The Bill seeks to establish modalities and the platform of the citizen participation in governing of the county and the establishment of a framework to undergo civic education in the county.

The Committee at its meeting on Wednesday, 23<sup>rd</sup> October, 2019 considered the submission from the County Executive Committee Member in charge of Finance and Economic Planning as well as other stakeholders from the civil society and recommended that the Kilifi County Citizen Participation and Civic Education Bill, 2019 be adopted subject to amendments contained in annex one of this Report to be moved at the Committee of Whole House stage.

The Kilifi County Citizen Participation and Civic Education Bill, 2019 was then presented to the Committee and is now ready to be presented to the County Assembly for consideration. I will just go through the overview of the Bill. In the First Part of the Bill; we have the provisions of the preliminaries. On the Second Part, we have the establishment, compositions, functions of the offices of the directors and directorate of the citizen participation and civic education. We also have establishment of Committees of directorate...

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

**Hon. Shaban:** Point of Order!

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

**Hon. Shaban:** Thank you Mr. Speaker, Sir. Is the Member in order to read...that is I seek your direction; is she in order?

**The Speaker** (Hon. Kahindi): You are out of Order; the Standing Orders are very clear.

*(Laughter)*

**Hon. (Ms.) Scholastica:** Thank you Mr. Speaker. I would like to show my counterpart that this is a written document from me and it is not from the Clerk's. I will be short on it.

*(Laughter)*

**The Speaker** (Hon. Kahindi): Hon. Scholastica, the rules are very clear, because the way you see you get competitive in debates in primary school or high school... you can only make

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difference but you are not supposed to do this according the Standing Orders. You are teaching bad manners to the new Members. First, I am supposed to have blamed you. Many at times you will see Members saying if you may allow me Mr. Speaker. I was keeping quiet because I knew I will desolate you if I say you are out of order. I knew you could have nothing to say. You are trying to convince the Members why the Bill should go for the Second Reading. They are not here to be read for a magazine. You are then Chairperson and you have interacted with them so can you try to convince them why they should even say let us go for a Second Reading?

**Hon. (Ms.) Scholastica:** Thank you Mr. Speaker. I would say let us go for the Second Reading of this Bill because when you go through it, you will find that we have parts of the Bill just as I had said on the First Part of it. The Second Part of it is the establishment of the directors. We also have the establishment of the committee and we know without a committee there is no way we can sit together, deliberate on how they are going to come out to the public so that they can have a good public participation exercise.

Then also you will find out on that Second Part we have a Clause that says “there will be people appointed...” These are members who will have good qualifications. We are not going to just pick people at random. We shall have a panel that will interview these people and we shall make sure that we put the right people in place.

We also have the functions of the offices. We will not leave the offices dormant. Once we have functions and put everything in order, we know the powers of those directors because we know some directors can be there and use extra powers. So I believe that once we have the offices, we shall be able to have a committee that is going to help us carry out this Bill.

I also want Members to stand and support this Motion because lately we have had so many complaints from the public about things being done especially on the budget allocation side and they are not involved. The projects at the wards are claimed to have been completed like the other day we saw Elizabeth Ongoro and the husband on TV saying there was a school that is there but when you go to the site the school is not there. So if public participation was done and then citizens knew that this was one of the projects that was budgeted for, I believe the public would have gone step by step to follow it up but now we find that they do not know anything. It is only through public participation or hearsay is when they knew the school does not exist.

That is why we say it is very important to have public participation because the public will always be our eyes. The public will always know what is there. So once we take the budget there, they will know a project is supposed to be somewhere. So I would really urge the Members to support this Bill. The Bill has a part on Petitions; we do get Petitions here, we deal with them but at times the public complains that we are biased; there was no proper mechanism that was used. Through this Bill, they will also be able to come and interrogate us, bring Petitions that shall be passed here; we shall be doing things in accordance with the law. I would like hon. Mramba to second me. Thank you, Mr. Speaker.

**Hon. Mramba:** Thank you Mr. Speaker. This Bill is long overdue. We have been performing our duties as a county without a supporting law being put in place and many a times the citizens of Kilifi County have been complaining that there are a number of decisions that have been passed without involving them. This Bill once enacted will allow people to participate fully in the management and implementation of projects and decisions in Kilifi County. Likewise, it will also assist the County Assembly because most of the times we have public participation by the County Government and by the County Assembly but in most cases we do it without any proper plans. Therefore, in this Bill it has been put clearly the procedure of forming

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a directorate of public participation and how those committees at the ward level, Sub-County level and county level will operate. We have in fact gone ahead to lay down the requirements of one person to be an educator.

Therefore, this Bill needs to be passed. In fact, it should have been passed by yesterday. Now that it is here, I beg that Members of this County Assembly will pass it so that we have a law that will guide us on anything to do with public participation and citizen involvement. Otherwise I beg to support. Thank you.

*(Question proposed)*

**Hon. Shaban:** Thank you Mr. Speaker, Sir. First, I would like to congratulate the Chairperson hon. (Ms.) Scholastica and the Members for the good job done. This Bill is going to assist the people of Kilifi and as hon. Mramba has said it is long overdue. Having worked with Muslims for Human Rights (MUHURI) and Human Rights Agenda as a civic educator and a human rights officer, Mr. Speaker, I can tell you that all power belongs to the people. When we pass this Bill, people's right from the villages will get an opportunity to know what is happening at the County Government of Kilifi and the Assembly. This is going to give an opportunity to youths, women and people right from the village so that they are able to identify projects that are going to ease them because most of the time people complain that when it comes to project identification, people are not aware, people are not mobilized but now with the Bill it will become mandatory to see that every person within the village and wards is involved to make sure that their voice is heard.

I have read the Report and I am convinced that it is going to be a new dawn for the people of Kilifi. With this Bill, we can be assured that we are going to get value for money for the projects that are going to be undertaken because the community will be fully capacity-built to make sure that they are going to be a priority to them.

Mr. Speaker, allow me to make a reference; there is going to be the ward citizen participation which is this one. I have also seen there is going to be the meetings of the village citizen participation forum which are going to be mobilized right from the village as they go up. So Mr. Speaker, Sir, I want to end there and lastly say that this Bill will go a long way. We are going to set a legacy for this Assembly having passed this Bill. Many people have been complaining. In fact, the Non-governmental Organizations have many a times said that we lack a framework to deal with issues of civic education. With this Bill, many things will be open and we are going to have a government that is going to be transparent and accountable to the people of Kilifi County. Thank you so much. I rest my case.

*(Question put and agreed to)*

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

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## ADJOURNMENT

### SHORT RECESS

**The Speaker** (Hon. Kahindi): Hon. Members, in the absence of any other business on the Order Paper and in pursuant to the provisions of Standing Order No. 25, this House stands adjourned for the Third Session this Short Part recess starting from tomorrow Thursday, 31<sup>st</sup> October, 2019. Plenary sittings will resume on Monday the 11<sup>th</sup> of November, 2019.

I want to take this moment to first wish you well on the short recess. I will personally be away. I am crossing the border to spend one week with my family but that does not stop the Assembly from working. Any Chairperson who has a Committee that is going out and needs my approval please do your letters, give them to my secretary, I will still approve them on phone. If you have anything, any delays, contact me on phone, I will be available. I wish you a happy recess. Thank you.

**The House rose at 2:50 p.m.**

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