

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Wednesday, 7th December, 2016

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

ABSENCE OF THE HON. SPEAKER

The Deputy Speaker (Hon. Mwambire): Hon. Members, the Speaker hon. Jimmy Kahindi is not with us today because he is not feeling well; he has gone for medical attention.

ADHERENCE TO HOUSE RULES AND PROCEDURES

Again, I believe we know the parameters of this Assembly when we are coming in and moving out, when we are going to stand up and even to seat down; so I do not think it is good for me to repeat on that.

As much as we are going for long recess, we should be observant because the cameras are taking whatever we are doing. If we do something contrary you might find yourself caged sometimes; so please be attentive on that. You know we are heading for general elections and our opponents might take advantage of whatever is happening; so do not worry anyway but be attentive on that. There is no good day whereby somebody should be attentive on the rules and another day whereby rules are relaxed; as long as you are coming for the Plenary everything remains intact.

STATEMENTS

MISSING BULLDOZER AND TRUCK INHERITED FROM NATIONAL GOVERNMENT

Hon. Mwayaa: Thank you, Mr. Speaker. I am holding brief for hon. Pascal Tuva. He has a statement to the County Executive Committee Member in charge of Transport and

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Infrastructure through the Chairperson, Transport and Public Works and I beg to read; is the County Executive Committee Member in charge of Transport and Infrastructure;

Aware that, the County Government of Kilifi inherited a bulldozer and a truck from the National Government but as we speak;

1. The engine of the bulldozer is held up in a Nairobi garage where it was taken for repairs and the Department has failed to pay fees, while its body part is parked at Voi Public Works garage?
2. The truck is being used by National Youth Service (NYS) to construct a boundary wall between Somali and Kenya without the consent of the County Government?
3. What measures the Department is undertaking to bring this vital equipment back to the County Government of Kilifi? Thank you.

OPERATIONS OF QUARRIES IN TEZO WARD

Hon. Chiriba: Thank you, Mr. Speaker, Sir. I rise to give a response as sought by hon. Foleni. The Statement was whether the CEC for the Department Water, Environment, Natural Resources and Forestry...

The Deputy Speaker (Hon. Mwambire): Hon. Member, there is a point of intervention here.

Hon. Foleni: Hon. Speaker, I beg to understand the whereabouts of the Leader of Majority.

The Deputy Speaker (Hon. Mwambire): The where about...

Hon. Foleni: Yes, where is he?

The Deputy Speaker (Hon. Mwambire): So where is the Deputy Leader of Majority because I know he is representing his...

Hon. Foleni: From your communication you have illustrated that hon. Jimmy Kahindi is not around on the basis of medical reasons. I also expected you to tell us where the Leader of Majority is because I did not get the Member on the Floor clearly as to why he has been permitted to give out the response.

The Deputy Speaker (Hon. Mwambire): Was the response to be delivered by The Leader of Majority? Because I know the response is coming from the Department of Water, Environment, Forest, Natural Resources and Solid Management and you are the one who sought that Statement. I have delivered the information because I have been given by the Speaker to share.

Hon. Foleni: I have understood hon. Speaker.

The Deputy Speaker (Hon. Mwambire): Okay, proceed hon. Member.

Hon. Chiriba: Thank you, Mr. Speaker. The statement sought was whether the CEC for the Department of Water, Environment, Natural resources, Forest and Solid Waste Management is aware that some quarries in Tezo Ward operate for 24 hrs therefore creating noise pollution.

Mr. Speaker, this is the response and I beg to read; the Department of Water, Environment, Natural resources, Forest and Solid Waste Management only recognize the operation hours for the quarrying activities to be from 6.00 a.m. to 10.00 p.m. This operating time was agreed after deliberations in a meeting with the Department, quarry operators and other stakeholders held on 4th February, 2016 (minutes attached).

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The meeting and in particular the subject on noise pollution was necessitated by some previous complaints registered to the office on the same issue. As at now, night patrols around the area are done to ensure compliance of the agreed time of operation.

To ensure 100% compliance, the Department will also be engaging the administration police when need be to beef up our current enforcement team which include the County Enforcement Unit and Forest guards.

With the enactment of the Kilifi County Environment Regulation Control Bill, the Department has a strengthened muscle to ensure that all environment culprits are dealt with accordingly in the County.

The Department therefore assures the public that any such pollution will be prevented and encountered in case it occurs. Thank you.

The Deputy Speaker (Hon. Mwambire): Yes, there is another statement which is a response from the same Department and it was from hon. Albert Kiraga Hare, are you the one responding to...

Hon. Chiriba: Yes, but unless the...

The Deputy Speaker (Hon. Mwambire): There is an intervention from Hon. Kiraga.

Hon. Kiraga: But I thought hon. Speaker, we should allow

The Deputy Speaker (Hon. Mwambire): Yes, there is no problem. I was of that view so there is no problem. Hon. Stanley Kenga.

Hon. Kenga: Thank you very much, Mr. Speaker, Sir. I need to be guided; the response that we have been taken through by the Chairperson is not signed and therefore I doubt the authenticity of the same document. It does not even have a letterhead of the County Government of Kilifi and it raises a lot of questions whether this is a valid document because there is no rubber stamp; nothing whatsoever.

The Deputy Speaker (Hon. Mwambire): Okay, I have registered your concern. I am trying to get the origin of that Statement because my office is well notified. The copy that came to my office had a letterhead. Hon. Foleni, what about yours? Let me find out. What of the other one, hon. Chiriba?

Hon. Chiriba: Mr. Speaker, even the other one as sought by hon. Albert Kiraga, the Member for Gongoni, does not have a letterhead. It is only the attached minutes that show the letterhead of Kilifi County.

The Deputy Speaker (Hon. Mwambire): All had letterheads so let me find out from the Clerk's Department. Is it possible we put that one aside and move to another business as they are sorting out the issues of responses to save time? They used one covering letter which contained the letterhead and they have found the covering letter. They accidentally did not make copies and I have instructed them to make copies for Members to get the authenticity of the response. I do not think it will be fair for us to make deliberations on something that other Members are suspicious of its origin. Let more copies of the covering letter be made. Yes hon. Stanley Kenga.

Hon. Kenga: Thank you. We need to be guided because I want to believe that the standard practice for the Statement is an official document that is coming from the CEC Member and therefore it must have all what is required of it. The one that is circulating at the moment is a covering letter and the Statement is sort of an attachment to the covering letter which will not be the case because one; it may not stand the test of time and the issues of legality and therefore I

want to believe that if it is not properly done then let it be withdrawn for now so that they are given more time to bring a document that can meet all the requirements. Thank you.

The Deputy Speaker (Hon. Mwambire): Excuse me. I want clarity on the issue that you need to be furnished with. Is it the signature for the Statement itself or the covering letter so that I can know the issues in context?

Hon. Kenga: The signature, the letterhead, the official letterhead of the County and the stamp for the other attachments that may not contain the letterheads. We need to have official stamps of the Department. Thank you.

Hon. Nzaro: Thank you, Chairperson. I also wish to be guided on whether the hon. Members who raised their concerns about the Department received these responses earlier. I believe this response could have been circulated to the respective Members earlier...

The Deputy Speaker (Hon. Mwambire): Just proceed please...

Hon. Nzaro: Maybe I repeat?

The Deputy Speaker (Hon. Mwambire): Yes.

Hon. Nzaro: I would like to be guided by the Speaker whether it is prudent that I know those hon. Members who sought a response from the Department of Environment whether this response was shared earlier because I believe if we were to proceed then the hon. Members who sought this Statement must give light whether they are satisfied with the response given.

The Deputy Speaker (Hon. Mwambire): I think the copy that has just been circulated clearly shows that this copy passed through the Office of the Clerk on 5th of December, 2016 and he even indicated that it should be forwarded to the Office of the Speaker and the Speaker forwarded the same to the House Business Committee. The House Business Committee sat and went through the Report and according to the information given and the details that were within it including the reference number, it was clear that it comes from the Department and that is why it has been allowed to come to this House.

What is remaining is for hon. Foleni to respond whether the details that have been issued by the CEC Member through the Chairperson for Environment are per what he wanted or there are some other issues. The issues of stamping every cover should come as maybe a new guideline that we need to come up with. The Executive will be informed because I have been going through a number of communications from the Executive which did not contain such issues because stamping every page and signing we have not been doing that earlier. What we have been reading is the Statement that a Member sought and the response. If you want to come with new parameters on how best the responses should be, I think we can do that but this Statement I can authoritatively say that it has emanated from the Executive and has passed through the House Business Committee. It is the House Business Committee which allocated time for it to be deliberated in this Assembly. Yes, I can see another intervention from hon. Nzaro.

Hon. Nzaro: I just want to inform the Member that if he looks at the letter the information indicated is that kindly find the attached responses. So, I think the responses were attachment to this official communication. That is what I understood.

The Deputy Speaker (Hon. Mwambire): In fact the challenge that we have had is the Clerk's Office failing to attach the copy that came to the House Business Committee when they were making copies. That was the biggest challenge which they have rectified by giving us back the copy which has confirmed the originality of the response. Yes hon. Mangi.

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Hon. Mangi: Thank you. I am already answered. Actually my request is that the Clerk's office should ensure that documentation is intact before such documents come to the plenary. That is something that they should do and confirm before any documents lands to this House; in this plenary such anomalies should not come up. That is something which is very important; we know our Clerk is very competent and small issues of this nature should not be repeated.

The Deputy Speaker (Hon. Mwambire): Thank you. I think all these issues have been noted and the Clerk's Office will take it up. Hon. Foleni, kindly make your request so that you can guide us on the way forward.

Hon. Foleni: Asante sana Mheshimiwa Spika. Nimeangalia majibu ambayo yameletwa na Mwenyekiti na mimi siridhiki. Nasema hivyo kwa sababu Jumapili ya mwezi huu timbo tatu katika wadi yangu zilifanya kazi mpaka saa saba usiku. Jana usiku, timbo mbili zikafanya kazi mpaka saa sita usiku. Kwa hivyo Waziri akisema kwamba eti amekuwa akipeleka wale watu wake ili waweze kuangalia na usiku, hiyo ni porojo tupu. Hivyo basi mimi kama mheshimiwa wa Tezo ningetaka mheshimiwa Waziri ahakikishe ya kwamba hakuna timbo inayofanya kazi kupita saa nne usiku. Hivi sasa ni kwamba timbo zinafanya kazi kwani niko na vithibitisho; jana zilikuwa mbili mpaka saa sita usiku na Jumapili jioni zilikuwa tatu. Nasimama kukataa majibu haya duni ya Waziri huyu Mwachitu. Asante Bw. Spika.

The Deputy Speaker (Hon. Mwambire): Hon. Foleni, can you maybe confirm because some attachment indicates that there was a meeting in your Ward. Have you gone through the names and even the details and confirmed that or maybe it is fabrication but there was no meeting?

Hon. Foleni: Mheshimiwa Spika, mkutano ulikuwepo na mimi sikuweza kufika kwa mkutano ule lakini nilituma meneja wangu wa ofisi na haya ambayo yako hapa ni mambo ambayo yalijadiliwa kwamba ifikapo saa nne usiku, timbo zote ziwe hazitafanya kazi. Cha kushangaza ni kwamba bado kuna timbo zinafanya kazi kupita saa nne usiku. Kwa hivyo, nasimama kupinga wazo hili la Waziri. Asante.

The Deputy Speaker (Hon. Mwambire): Yes, there is an intervention from hon. Mangi.

Hon. Mangi: Thank you, Mr. Speaker, Sir. I am not really denying what hon. Foleni is saying but could he move a notch higher to give the names of those quarries which are operating beyond the timelines as required? It could really help.

The Deputy Speaker (Hon. Mwambire): Hon. Foleni, just relax.

Hon. Mangi: The person who will be seeking such answers from the Waziri.

The Deputy Speaker (Hon. Mwambire): Thank you very much hon. Mangi. Let us hear from other Members so that maybe there will be some issues that you will need to respond at the end instead of responding to every issue. This is because there is even hon. (Ms.) Mbeyu who wants to speak.

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker, Sir. In this House we need to help each other because the hon. CEC has brought that response. Can the hon. Member for Tezo tell us what efforts he has done him being the MCA? Has he had a meeting with these people? Let us see what his command as his people are taking from him so that we can cooperate and have the fairness and the good environmental health at the quarries in Tezo. Thank you.

The Deputy Speaker (Hon. Mwambire): Yes hon. Foleni, can you shade more light on the issues that have been raised?

Hon. Foleni: Asante sana Mheshimiwa Spika. Nataka kumjibu mheshimiwa Daniel Mangi kwamba zile timbo ambazo zilifanya Jumapili iliyopita usiku na zile za jana mheshimiwa Spika naomba kukuletea majina. Nasema hivyo kwa sababu si timbo zote ambazo ziko na majina kuna baadhi ya timbo zilianza juzi na yale majina yao bado sijaweza kuyajua.

The Deputy Speaker (Hon. Mwambire): But you know the sites?

Hon. Foleni: Nafahamu hayo maeneo hivyo basi mheshimiwa Spika nitakuambia ni timbo gani ilifanya hiyo siku na pia nipeane hata namba za simu za hao wahusika. Kwa hivyo, mheshimiwa Spika nitafanya hivyo iwapo nitapewa nafasi wakati mwingine.

The Deputy Speaker (Hon. Mwambire): Today or later? Because Members want to deliberate and there is a line of people who want to make contributions over the same.

Hon. Foleni: Hivi leo mheshimiwa Spika nikisema nitapeana majina nitakuwa nadanganya lakini nikipewa nafasi nitaleta majina ya zile timbo zinazofanya kazi kupita saa nne usiku kwa Bunge hili.

The Deputy Speaker (Hon. Mwambire): There is an intervention from hon. Mlanda, just hold on.

Hon. Mlanda: Thank you, Mr. Speaker. The hon. Member 20 minutes ago said he has evidence. I thought when one talks of evidence it means they have the evidence at hand. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Yes hon. Kiraga.

Hon. Kiraga: Thank you, Mr. Speaker. I would wish to ask a question to the Chairperson who has given the response on behalf of the CEC. The question goes to the attempts of the quarrying hours. Is it in law or it is just an agreeable period because when I read, if I can read: "this operating time was agreed after deliberations." Is this something which was agreed upon or it is anchored in law?

The Deputy Speaker (Hon. Mwambire): Okay, Foleni was responding to issues that have been raised by hon. Mangi and hon. (Ms.) Mbeyu. Please respond.

Hon. Foleni: Mheshimiwa Spika, sijui kama itakuwa ni nidhamu kujibu swala la Mbeyu kwa sababu yule nilikuwa nimemjibu...

The Deputy Speaker (Hon. Mwambire): Just proceed.

Hon. Foleni: Mheshimiwa Spika, nimekuwa na mikutano mingi na hawa wenye timbo kule kwangu; nakumbuka hata wiki mbili zilizopita nilikuwa na mkutano na wao katika ofisi ya Madam DCC Selina pale Kilifi na baadhi ya haya mambo yalizuka kama mengineo kwa sababu...

The Deputy Speaker (Hon. Mwambire): There is an intervention from hon. Nzaro.

Hon. Nzaro: Thank you, Mr. Speaker, Sir. I want to concur with the views of hon. Kenga on the issues of response. It falls short of the threshold of the responses which are being laid upon...

The Deputy Speaker (Hon. Mwambire): Hon. Nzaro, you could share that when you are given a chance to respond instead of an intervention. Give a chance to Foleni to conclude is...

Hon. Foleni: Tulikuwa na mkutano Kilifi tukajadili mambo hayo. Tukaelewana ya kwamba hakuna timbo itakayofanya kazi wakati wa mitihani ya darasa la nane na hilo lilifanyika lakini swala la masaa ya kufanya kazi tulilijadili kwa urefu na mapana lakini cha kushangaza ni kwamba bado yale ambayo hatuyataki ama siyataki mimi kama mjumbe wa Tezo watu hawa

wanaendelea kuyafanya. Kwa hivyo wazo la Waziri kwangu mimi ni wazo finyu na lilikuwa halistahili kuletwa katika bunge hili. Siridhiki na majibu ya waziri.

Mheshimiwa Mlanda amesema kuhusu vithibitisho. Vithibitisho nitavileta kwa wakati ufaao lakini kwa hivi sasa kile kithibitisho nilichonacho kinaweza kuwa hakitatosha kuelezea wajumbe kulingana na vile ambavyo umeuliza. Kithibitisho ambacho kiko ni kwamba umeniuliza kama zile sehemu nazifahamu. Ndio nazifahamu, ni laini ya tano, shamba ya kumi lakini hizo timbo ni lazima nipate nafasi ya kujua ni timbo gani halafu niweze kuleta kwenye Bunge hili. Mwenyekiti pia ahakikishe ya kwamba jambo hili linafuatiziwa. Mheshimiwa Karisa mimi naonega. Asante.

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga, you are on.

Hon. Kiraga: Thank you. My question has not been answered. I was asking are the quarry working hours anchored in law that they should start from this time to this time or it is just an agreement, because if we can be enlightened on that part, I believe...

The Deputy Speaker (Hon. Mwambire): I think hon. Kiraga you asked that question to be answered by the Chairperson and he is taking your concerns. He will respond later. Hon. Mlanda, you have an intervention?

Hon. Mlanda: Mr. Speaker, we need to be guided by the Chairperson that when a Member stands and says he has evidence it means he is holding it rather than saying he has evidence and then seeks more time to bring that evidence; so we need to be guided.

The Deputy Speaker (Hon. Mwambire): And another time means next year when he will get time to move around because we are going for long recess. Hon. Foleni, you are putting Members in suspense. There is another intervention from hon. (Ms.) Chiku.

Hon. (Ms.) Chiku: Thank you, Mr. Speaker. I think the bone of contention here is about noise pollution and I concur with hon. Kiraga whether this is anchored in law. I would also like hon. Foleni to tell us whether there is a different law in the morning and a different law at night because he is not complaining about noise pollution during the day. He is complaining about noise pollution at night. In Kenya, we do not have different laws for morning or evening. He has also confirmed in this House that he knows some companies and he mentioned the lines, line 7, 5 and extra; I do not think that you can come to this House and put up claims without actually establishing the names of the companies. Hon. Foleni is not being honest to this House. Thank you.

The Deputy Speaker (Hon. Mwambire): Hon. Foleni take your seat. There are a number of interventions and Members want to contribute. Even the Chairperson is taking notes.

Hon. Mramba: Mr. Speaker, hon. Foleni has been dealing in this business of selling blocks, now can he please confirm to this House if he is doing this...

The Deputy Speaker (Hon. Mwambire): Hon. Nixon Mramba is on an intervention and is asking a question. Let him conclude first. I am seeing your interventions and I will give you chances.

Hon. Mramba: Hon. Foleni has been dealing with this business of selling blocks and I have evidence that he has sold block to some MCAs in this House; so if this move is just on malice, maybe it is coming out of business rivalry. Can he please confirm to this House if this is based on rivalry or not? Thank you.

Hon. Kenga: Thank you, Mr. Speaker. I am worried by the trend Members are taking in contributing towards this response. This is not something personal. We are not supposed to go

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personal. I want to believe we have every reason to interrogate the Statement and not to go direct to Foleni. I would wish if hon. Mramba; I am standing on Standing Order number 87, if he is not in a position to substantiate the statement that he has evidence as regards the issues of business that hon. Foleni is said to be operating. If he cannot provide that evidence now then he has to retract and apologize to the hon. Member. Please.

The Deputy Speaker (Hon. Mwambire): Hon. Members, let us not go that way. I expected most of the issues to be directed to the Chairperson because the response came from him. He is the one who has read these issues. The issues hon. Foleni was to clarify to Members was to highlight because he said the Report was bad but he had not clarified on the issues he thinks are not good. That is why I gave him a chance to respond to the issues so that Members can get clarity on the same. You should be raising issues to the Chairperson which will be taken to the CEC for action then they will be doing it from a point of knowledge. Maybe hon. Foleni was doing that even before he was elected and now he is representing the business people and even the workers.

So, I do not think that is an issue that we need to base on. Let us concentrate with issues that we need clarity from the Chairperson and response that was given. Hon. Mramba, I will not give you a chance; I know you want to respond.

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker. My intention was also the same. We deal with the response that was brought in by the hon. Chairperson for Environment...

The Deputy Speaker (Hon. Mwambire): But we have concluded that hon. (Ms.) Mbeyu...

Hon. (Ms.) Mbeyu: Yes. That is why I did not want to hear what hon. Nixon Charo Mramba was bringing into the House. Thank you.

The Deputy Speaker (Hon. Mwambire): Hon. Stanley Kenga, there was a request or was it an error? You had a request and an intervention...

Hon. Kenga: Thank you. I am not in a position to contribute now.

Hon. Nzaro: Thank you, Mr. Speaker. I want to concur with hon. Stanley Kenga's sentiments ...

The Deputy Speaker (Hon. Mwambire): He said he was not ready to contribute; you want to concur with that?

Hon. Nzaro: No. He has indicated earlier some issues concerning the response and I want to add weight on what he was saying. If you look at the Statement sought, it was on noise pollution and if you look at the response I think the CEC Member was not very true to himself because of matters of pollution, noise pollution specifically and you do not engage the National Environmental Management Authority (NEMA) people to assist you then what type of response are you bringing to this Assembly? I doubt if we are getting the right answers hon. Members because if you look at the way forward on the response which he gave he said he was to have a next meeting with these officials from NEMA, Health and others, So I think this Response is not entirely conclusive so I concur with him that this response should be withdrawn..

The Deputy Speaker (Hon. Mwambire): So they were going to have a meeting with NEMA?

Hon. Nzaro: Yes of which we have not been told whether the meeting was held because in matters of noise pollution, the officials from NEMA are very important people to engage so that we have a ...

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The Deputy Speaker (Hon. Mwambire): When did they state that they were to have a meeting with NEMA?

Hon. Nzaro: In their Response.

The Deputy Speaker (Hon. Mwambire): They said they will be having but they did not indicate...

Hon. Nzaro: They did not indicate.

The Deputy Speaker (Hon. Mwambire): So they cannot give you response that they shared with NEMA because they said they will be having a meeting.

Hon. Nzaro: But from February until now...

The Deputy Speaker (Hon. Mwambire): But that question should be raised to the Chairperson. So let the Chairperson clarify on that instead of saying it does not meet the requirements.

Hon. Nzaro: Thank you. Maybe he can clarify.

The Deputy Speaker (Hon. Mwambire): Yes, hon. (Ms.) Mbeyu, you made a request and you are going off. What is happening? If you have made a request and you do not feel like responding please put it off because I have a line of requests here.

Hon. (Ms.) Zawadi: Asante, Bw Spika, kwa kunipa nafasi hii. Mimi naenda moja kwa moja kwenye ule mkutano uliofanywa katika kumbukumbu ya pili. Inaonekana kwamba walikubaliana baina ya Serikali ya kaunti kuwe na makubaliano kwamba wafanye kazi kuanzia saa kumi na mbili asubuhi mpaka saa nne usiku. Lakini mambo yale hayatekelezwi. Kwa hivyo, katika majibu yale tuliyopewa na Waziri ni kama vile mheshimiwa Foleni alivyosema kuwa hayajatutosheleza kwa sababu wanatudanganya kwa majibu waliyotupatia.

Vile walivyoelewana kwenye mkutano ni tofauti kwa sababu zile kumbukumbu zinaeleza yaliyozungumzwa pale na ukienda katika kumbukumbu hiyo ibara ya pili unaona jinsi walielewana. Kwa hivyo tunaona majibu yaliyotolewa na Waziri na zile kumbukumbu tulizo nazo hapa hazilingani. Kwa hivyo tunataka majibu sahihi. Asante.

The Deputy Speaker (Hon. Mwambire): Okay, Members allow me to call the Chairperson to shed more light in case there are some issues he can respond.

Hon. Chiriba: Thank you, Mr. Speaker, Sir. I will not have much to say because we are getting direct information from the Members who are direct from the ground and what we have here and I want to appreciate the one who requested for this Statement stated clear that the meeting was held which involved those who operate in the quarries and the residents.

Again I want to appreciate that hon. (Ms.) Priscilla Zawadi says that whatever was resolved is not followed so I think it will be my duty to take this to the CEC Member so as to see how the same can be implemented. Otherwise for the issues raised by hon. Kiraga, it all goes on how we can comply with the rules in the mining or on the quarry issues because it addresses on noise pollution and I do remember we came up with a Bill that would give the CEC powers to come up with policies to control noise pollution. So it is my take that the hours would not matter but the compliance of the rules and guidelines guiding the quarry workers.

I will take this matter to the CEC so that he can fully handle it and maybe after the same will go ahead and satisfy whether the Member shall have done as per required. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Thank you very much. Since we passed the law and maybe enacted into County law the Committee on Implementation can also make a follow

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up so that we can have clear guidance on the issues. Hon. Foleni and the rest can feel much comfortable when everything is followed to the latter.

(Hon. Foleni stood at his place)

Hon. Foleni, I will not give you a chance because we want to move to the next response and I have given you more than once. Those are normal ventilation which can be raised in the House which I do not take that serious. Okay, hon. Daniel Chai Chiriba read the second response so that we can move faster.

Hon. Chiriba: Thank you, Mr. Speaker, Sir. I rise in response to a statement as sought by hon. Albert Kiraga, the Member for Gongoni Ward. The Statement was and I beg to read; Whether the County Executive Member in charge of Water, Environment, Natural Resources and Waste Management is aware that sand harvesting in Ngomeni sub-location, Gongoni Ward is damaging Kwa Thethe Bahari ya Kati road recently constructed by the County Government. What measures has the County Executive Committee Member put in place to stop the unplanned sand harvesting in the area?

Mr. Speaker, the Response to this statement is; majority of sand harvesting activities in the region is happening in Mjana Heri and recently an influx of investors have been buying plots along the mentioned road above. This is after reaching near exhaustion or inaccessibility of the sand in Mjana Heri hence taking the advantage of the newly created road and establishing sand quarries to the road.

The sand harvesting like any other industry extractive in the county is being regulated by National Environment Management Authority, and business permit being left at the county. Under this regulation, NEMA issued a blanket Environmental Impact Assessment License to Magarini Sand Harvest Cooperation Society which controls the sand harvesting in the region. This means any investor in the area has to be a Member of the cooperative society to be able to operate without going through the process of conducting the Environmental Impact Assessment for his/her plot.

Issue raised; the illegal sand harvesting along the the Kwa Thethe- Bahari ya Kati road was first raised by the Sub-county Administrator and the area Member of the County Assembly. This was taken swiftly by the Department's technical team and made an initial visit to the site. Three sites had been established along the road and through that initial visit, the sand harvesters were requested to stop and wait for further communication. The team that visited were as follows:-

1. Assistant Director- Environment
2. Geologist
3. Sub-county Environment Officer and;
4. Ward administrator.

After the initial visit, a joint operation with NEMA officers took place after three days where it was established that some investors in the area are not members of the cooperative society that was issued with the blanket NEMA license to operate in Magarini. It was also established that the community along the road were not aware of National Regulation of Sand Harvesting under the custodian of NEMA.

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This prompted to convene a Baraza in the area to make the community and investors aware of the sand harvesting regulations and how both the sand harvesters and the community could practice the activity in a sustainable way.

Baraza; the Department and the office of the sub-county administrator took the initiative to convene and facilitate the baraza at Kwa Thethe. Among those who were invited were;- Office of the area Member of County Assembly, area Assistant Chief, Magarini Sand harvesters Cooperation Society, All land owners along the road and any stakeholders.

The office of the MCA was represented by the MCA's personal assistant while that of the Magarini Sand Harvesters Cooperation Society being represented by the cooperative manager. National Environmental Management Authority was also represented by officer who highlighted the sand harvesting guidelines. The county officers in attendance were Assistant Director for Environment, a Geologist, Sub County Environmental Officer and Ward administrator. Among the deliberations of the baraza was as follows;

1. All investors that are not members of the Magarini Sand Harvesters Cooperative Society have 7 days to be members.
2. Sand harvesting activities shall be done 100m away from the infrastructure, i.e. road, school etc as per the national guidelines on sand harvesting.
3. The cooperative society work hand in hand with the authorities to weed out any illegal sand harvesting in the area.
4. The Magarini Sand Harvesting Cooperative Society to create awareness to community on their mandates and roles they play in the community.

Other issues emerged in the Baraza on the benefits and sidelining of community in sub-location since they are new into the sand harvesting business. Among these issues raised were as follows; loaders from Mjana Heri were the jobs of the locals hence leaving the local youth with no jobs, benefits of the cooperative society are seen in the area, members of the community in the areas were not given opportunity to be members of the cooperative, the community in the area suggested creating their own cooperative society to counter the oppressive from the existing corporative.

These issues were taken by the ward administrator and promised to address the issue with the sub county cooperative officer. The cooperative society representative also lamented on to address all the raised issues by working together with the county officers. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Yes hon. Kiraga.

Hon. Kiraga: Thank you, Mr. Speaker, Sir. I do not think we have a response from the CEC in this document because what has been read by the Chairperson, are just minutes of what transpired in that baraza; not a response from the CEC. If you look at this document, the Chairperson was reading "minutes from the baraza" and it is written. I was expecting the CEC to touch on the catalysts of all these problems being the County Government and the National Environmental Management Authority because these are the start of the problems in that area. The County Government has been issuing business permits to these people and it is quoted there the sand harvesting like any other industrial extractive in the county is being regulated by NEMA and business permits being left at the County.

So, the County Government has been issuing permits to these people and they do not mind how excavation is being done. If you go to that area some schools are missing inlets. We

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have a very big dispensary in that area which is under construction by the County Government and currently as we are speaking that facility is going to miss a road to that place. How can you issue a blanket permit to Magarini Sand to man any activity in the name of sand harvesting in the whole of Magarini and not even following what this cooperative is doing? I will not say whether I'm happy or not happy with this response because we do not have a response here but minutes of a Baraza that transpired on the said date. The Chairperson should go back to his drawing board; there are so many literature gaps in this document, Mr. Speaker. Thank you.

Hon. Kenga: Thank you very much, Mr. Speaker. I also have issues on the Response to the statement that was brought by the Chairperson to this Assembly. One of the issues is that I have just to concur with what hon. Albert Kiraga has just said and I want to take Members to the introductory part of the response and I want to believe they are minutes. The issue of Magarini Sand Harvesters Cooperation Society is clearly stated that it is Magarini Sand Harvesters Cooperation Society yet if you go to the other line "this means any investor in the area has to be a member of the cooperative society" and apart from that, if you go to the last part on the four issues that other issues that emerged in the baraza that 'Loaders from Mjanaheri were the jobs of the locals hence leaving the local youth with no jobs.'

Why I am I raising these issues? The second point "benefits of the cooperative society are seen in the area"; and then "the community in the areas suggested creating their own cooperative society to counter the oppressive from the existing cooperative". It does not bring any meaning and I'm very sorry and even afraid because this is going to be posted to the website of the Kilifi County Assembly and Members of the public will have an access to this and then they will be worried. They will be asking themselves; what kind of a staff do we have at the County Assembly that they are not in a position to articulate issues...

The Deputy Speaker (Hon. Mwambire): Hon. Kenga, County Assembly or County Executive?

Hon. Kenga: No I am saying...

The Deputy Speaker (Hon. Mwambire): Put it clear because...

Hon. Kenga: The response came from the County Executive but before it is tabled before the House the Chairperson has a responsibility to make sure that everything is in order. This is a hon. House that is representing the great people of Kilifi. As far as we have a responsibility in making sure that whatever comes to this Assembly meets the threshold. Thank you.

Hon. (Dr.) Chitibwi: Thank you very much, hon. Speaker. I am very much concerned by the statement that is given by the CEC Member. We are aware that a NEMA certificate has got specifications. Where it applies, what is going to be done and what is responsible to answer questions but here the CEC is saying a blanket license was issued. That is a very big concern; so it means under this License Sand mining can be done anywhere within Magarini.

Two; following that there is an agreement to say that the others want to form their own cooperative societies and it looks like this said cooperative society is going to be given a blanket license. To me that is irregular.

The CEC Member needs to come and inform this House why he is issuing blanket licenses. It means whatever action that is to be taken by any authority is not to be null and void because somebody can say I have got a license. Mr. Speaker, Sir; I am very much concerned and it should be followed up on this. Thank you very much.

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Hon. Foleni: Hon. Speaker, I am very much afraid that the CEC is not competent. Instead of bringing a response to this House, he has actually disrespected the House and instead brought some mere minutes. Hon. Speaker, I do not get the bottom part of these minutes clearly where he says, "Other issues emerged in the baraza on the benefits and sidelining the community in sub-location since they are new into the sand harvesting business. Among these issues we raised as follows;" the first one Mr. Speaker and I need some clarification from the Chairperson.

"One, loaders from Mjanaheri were the jobs of the locals hence leaving the local youth with no jobs" Mwenyekiti naomba unisaidie.

Hon. Chiriba: Thank you, Mr. Speaker. I stand here to echo the sentiment made by hon. Member Stanley Kenga. I also personally feel ashamed to state that I just received a phone call when I was driving and I was informed that today there will be some response to the statements as sought by the two hon. Members. Believe me Mr. Speaker, as I was reading these responses I was doing it for the first time and I even did not have time with these documents.

I will also urge the office of the Clerk that whenever they get these responses they liaise with us so that indeed we can also go through and see what is in the document because I personally also agree that there is nothing competent and the sentiments made by the hon. Member, Tezo Ward that the CEC Member has shown incompetence in responding to this matter. I seek your guidance that I should personal face the CEC Member and even share with him my experience in this hon. House today because it is not impressive. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Hon. Chiriba, you are putting us in a very awkward position because ideally you are to own the response because you are the one who is representing the CEC in this House. Now if you say you are even shocked, we are wondering. Are you in control of the Department that you are holding? Because you are the one who is supposed to even oversee the budget and even the implementation of all those issues in that Department.

If you are saying you are even shocked then you are putting Members in a very awkward situation. How will this Assembly know because you are the one who is supposed to respond to those responses which are being raised and in case there are some things that you do not understand then you need to go back to the CEC Member so that you can get clarity on the matters before you bring it back? So, ideally you should do exactly that instead of raising the issues at the moment because they will put everybody in suspense which is not the position.

Hon. Members, allow me to just direct the Chairperson to liaise with the CEC Member so that he can get more clarity on the same. Let those Members who wanted to make intervention and the rest just get relaxed and we move on.

COMMUNICATION FROM THE CHAIR

VISITING STUDENTS FROM VARIOUS SCHOOLS

Hon. Members, when we were coming there was a communication from the Chair which I spared because there were visitors who were on their way coming and they have arrived. The Kilifi County Children Assembly who wanted to get some information on how we are handling our legislative procedures, practice, traditions and parliamentary proceedings. They have just

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arrived and they have even seen some issues but we need to acknowledge as we normally do. I will read their names and the schools they are coming from and their position and then as a tradition, when I read your name you stand so that Members can acknowledge you then you seat.

We have a number of them but I read them through. We have:-

1. Joslene Kwenye Lugua from Baharini Primary School
2. Jeremiah Kenga from Baharini Primary School
3. Emmanuel Mazia from Kireme Primary School
4. Anthony Daniel From Furaha Phonex
5. Hani Pingano from Kilimo Primary School
6. Denis Deche from Mtondia Primary School
7. Diana Chilumo from Kilimo Primary School
8. Anderson Khamis from Marafiki Primary School
9. Jeremiah Ngoja from Mnarani Secondary School
10. Kennedy Mwarema from Ziani Primary School
11. Marceline Nyale from Kolongoni Primary School
12. Benard Jira from Mtundani Primary School
13. Faith Kesi Mwanyale from St. Bakita Rescue Centre
14. Bakari Kazungu from Nzovuni Primary School
15. Kafedha Katana from Bamba Primary School
16. Eveline Mae from Malomani Primary School
17. Japhet Chai from Marere Primary.
18. Amani Charo from Mijomboni Primary School
19. Mishi Jonathan from Mijomboni Primary School
20. Baraka Charo from Gahaleni Primary School
21. Mapenzi Kaningu from Gahaleni Primary School
22. Clarice Vidzo hare from Kijiwetanga primary School
23. Nathaniel Tumaini from Kijiwetanga Primary School
24. Linah Mwaka Nyiro from Murray Girls' Secondary School
25. Khalifa Baya from Jaribuni Secondary School
26. Mercy Mlewa from Mwareni Primary School
27. Grace Ningala from Presbyterian High School.
28. Silas Nguwa from Kenyatta High School
29. Roseline Mwend from St. Johns
30. Eric Ndume Saha from Friends Kamusinga
31. Michael Masha from Ribe Boys'
32. Grace Chizi Katumo from Bahari Girls'
33. Eunice Mwarabu from St. Johns
34. Lilian Mwadida from Kombeni Girls'
35. Isaac Mumba from Mariakani Secondary School
36. Elvis Tsuma from Marafa Primary School
37. Happy Nzala from Marafa Primaruy School
38. Fatuma Baya from Marafa Primary School
39. Amos Kombe from Marafa Primary School
40. Thomas Mwambire from Marafa Primary School

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41. Lady Shamu from Marafa Primary School.

The Delegation is accompanied by Chairpersons, who are:-

- 1) Margaret Mrima –Teacher
- 2) Tomic Charo- Teacher
- 3) Wilson Amani- CDC
- 4) Christine Mwandawiro-CDC
- 5) Serah Dama Kithi-CDC
- 6) Nimrod Munga-CDC
- 7) Tingale M Julius- Teacher
- 8) Loice Pendo- Teacher
- 9) Thomas Baya- VCOA
- 10) Caroline Charo- Teacher
- 11) Kelly Ebed- Teacher
- 12) Eunice Jilo- CSO
- 13) Tulia Mwanzia- CSO
- 14) Josephlix Kanyetu- CO

On behalf of the County Assembly of Kilifi and on behalf of myself, I take this opportunity to welcome you all to the County Assembly of Kilifi which I can call the great County Assembly of Kilifi. Let me take this opportunity to give an opportunity to Members to welcome you to this state of art Assembly where I believe you will learn a lot and also appreciate devolution. Let me start with hon. (Ms.) Gertrude Mbeyu who is a Member for Kibarani Ward and Chairperson for the Scholarship Committee.

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker, Sir. May I take this opportunity to welcome the visitors at the gallery. You are most welcome. My name is hon. (Ms.) Gertrude Mbeyu Mwanyanje, representing Kibarani Ward in this Assembly and the Women Representative, 2017. You are most welcome and this is a House of Representation, Oversight and Legislation. Thank you.

The Deputy Speaker (Hon. Mwambire): Hon. Members, make requests not interventions.

Hon. Kiraga: Mr. Speaker, I had an intervention. The Member who has just been on the floor has said that she is Women Rep. 2017. Can she clarify and if it does not auger well she has to withdraw? Thank you very much.

The Deputy Speaker (Hon. Mwambire): 2017 means next year? Hon. (Ms.) Mbeyu clarify so that the...

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker, Sir. I was giving information to our visitors. They are coming from all over the County and I thought it is a better opportunity given in this House to tell them that I am vying for Women Rep in the year 2017; going up one notch higher from Kibarani representation to Women representation in Kilifi County. Thank you.

(Laughter)

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The Deputy Speaker (Hon. Mwambire): Even if you are campaigning hon. (Ms.) Mbeyu, you cannot say that you are a Women Rep; you are aspiring to be but you are not there so put it clear. Yes hon. Nzaro.

Hon. Nzaro: Thank you, Mr. Speaker, for giving me this chance to also welcome our visitors. I want to welcome them with a few remarks. I wish them to realize that devolution is taking charge in this Country and one of the fruits of devolution ...

The Deputy Speaker (Hon. Mwambire): Sorry, there is an intervention from hon. Foleni.

Hon. Foleni: Sorry hon. Speaker, it is wrongly ...

Hon. Nzaro: Thank you, Mr. Speaker. I wish them to realize that devolution is taking charge in this Country and the premises which they are in is by the virtue that is taking place in our county as well. You will realize that if this facility had not been constructed during this devolution error then the visitors could have travelled from our County all the way to Nairobi to see such like facilities. They are enjoying the fruits of devolution. In fact the expenses of travelling from Nairobi to our county so that they can see such like facilities has been minimized and they should realize here as a County Assembly, we are here debating issues on how best we can run this county.

I'm also very much encouraged by the composition of the group; it touches most of the wards in this county and I am also privileged to have a member of that delegation from Malomani. I applaud that student from Malomani for coming this far and representing the ward where many people take very negative things like hunger and the rest. Through such like activities, they aspire to get more education and do well in their exams. I am sure when we leave this assembly in the next generation, the students will also take up these positions and do well for this great county. Thank you and welcome so much.

Hon. (Ms.) Zawadi: Asante sana, Bw. Spika. Nami nasimama kukaribisha wageni hao kwa dhiti. Nawaambia karibuni katika Nyumba hii ya Bunge la Kilifi. Langu ni kuwapongeza walimu waliokaa chini na kupanga kuhusu kuja na wanafunzi katika Bunge hili. Ningewaambia wanafunzi kwamba masomo yenu ambayo mnaendeleza nayo kwa sasa mko likizo ndefu, muwe nyumbani mkijikumbusha masomo. Si kwamba mmefunga na vitabu pia munavilalia. Haswa pia wasichana na naongea hivi kwa sababu pia mimi ni mzazi na ikiwa hapo nina watoto wa kike na wa kiume lakini wengi najua hamtarudi shule mkiwa mko salama. Nataka mvumilie zile siku za likizo mkiwa nyumbani na kumbukeni kwamba siku moja mtakuwa viongozi kama sisi.

Kwa hivyo mkivumilia, wale watakaokuwa wakiongea na nyinyi waambie sisi bado ni wanafunzi. Myatie hayo maanani na mkikaa kule nyumbani mjue nyinyi ni wanafunzi.

Langu ni kuwatakia kila la heri katika likizo hii ndefu na siku kuu na mwaka mpya wenye mafanikio. Asanteni.

The Deputy Speaker (Hon. Mwambire): That was hon. (Ms.) Pricilla Zawadi Munga. When I give you a chance, try to share your name so that they can also get it.

Hon. (Ms.) Zawadi: Sorry for that. My name is hon. (Ms.) Pricilla Zawadi from Tezo, Member of County Assembly of Kilifi.

Hon. Kenga: Hon. Speaker, thank you very much. Let me also demonstrate my acknowledgement, appreciation and even further welcome the visitors who have an opportunity to visit the County Assembly of Kilifi. For the benefit of our visitors, I am Stanley Karisa

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Kenga, Member of the County Assembly representing Adu Ward. I am also the Chairperson of Labour and Social Welfare Committee, County Assembly of Kilifi; I am a Member of the Speakers Panel, a Member of the Budget and Appropriations Committee and I want to state that we are privileged to have you visit us this moment. This gives you an opportunity... I know in leadership there is growth and development and hon. (Ms.) Mbeyu has led by example that having served as the Member for Kibarani for these five years, she aspires to go for the seat of Women Representative, Kilifi County.

Being young people from the County of Kilifi, this is an example that you need to emulate for the young leaders especially the ladies that are with us today; you have an example to follow so that once she goes for the Women Representative position, they can now come in and fill the other positions that are there and in that way we shall have done very well because they have something to offer to this great County of Kilifi.

Another aspect is that for the first time in this hon. House the name of that village from Ganze Sub- County, Malomani has now gone in the HANSARD and it has been duly registered. It is only through their presence here; had it not been for their presence today it would have probably taken a lot time for this name to be registered. Most of the times you hear Gongoni, Marereni, Bamba and Ganze but you do not hear names of these villages and this is an opportunity and I am very happy that there coming has given us an opportunity to know some of these names for those of us who do not come from those areas. Welcome and feel at home. Thank you.

The Deputy Speaker (Hon. Mwambire): Members have managed to hear of Malomani. Malomani is a school which is doing very well. I think hon. Foleni knows that.

Hon. Foleni: Thank you, hon. Speaker. I am hon. Cosmas Foleni Kenga and I am happy that there is one of my students at the gallery from Mtondia Primary. I want to take this opportunity to welcome the various students and even their teachers for this benchmarking exercise. I want to assure you that this is a place of honour where parliamentary procedures are being observed.

It is for you students and even the teachers to take up and probably get something out of this session. Information is power and if you allow me I will quote the words of the late Nelson Madimba Mandela, who said "Education is the most powerful tool that is able to change the world". I want to confirm to the teachers and the students who are at the gallery that, that can only be realized when we uphold virtue of respect especially to the students; respect your teacher and uphold virtues of hard work and more so, discipline. As I conclude, I also want to say that your office has also been very generous because I know we had actually over and above the communication side of it but all the same you allowed us to contribute. I want to also say thank you too. Thank you, hon. Speaker.

Hon. (Ms.) Chiku: Thank you, Mr. Speaker, Sir. I also rise to welcome the students who are in the gallery. My names are Chiku Wanje. I am here by Kenya gazette, representing the agenda and I am a resident of Tezo Ward. I was very excited when one of the children who stood up comes from Mtondia Primary School. I am a neighbour to that school and I was very happy indeed to see that we have children from our area who are in this Kilifi County Assembly for the children.

I must also say that I was also very excited to know that among those children in the gallery, there is one coming from Friends School in Kakamega; that school is very far from here

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and I think it is the furthest and I must say that reminds me of the time when I was in school. I went to Nakuru High School and Friends School, Kamusinga was actually like our brothers. We used to interact a lot with Friends School, Kamusinga and it was one of the National top schools.

I also want to thank the teachers and the staff who have accompanied these children and I am very pleased to note that you are actually exposing these children to such facilities which are going to make them more educated. You keep on exposing them to different places; this will help them in giving them ideas on the current affairs.

You do not teach children only academic subjects but it is also good that they have knowledge on current affairs. I am sure in some examination question, it is sad that some people are asked to write about the airport and when you look at some children who are in the land locked they have never seen even an airport.

I am sure that some of us had never been to such facilities before we were elected to this House. So, thank you very much teachers for what you are doing in exposing these children to modern facilities and modern technologies every now and then.

A word to the children; we are now in the sunset and we are relying on you. We are leaving our knowledge to you and I hope you will take it very seriously since these are the leaders of today and you are the leaders of tomorrow. So we want you to work very hard. If you do not work very hard this Kilifi County will perish because we want you children to come and take over from us. Thank you very much Sir.

The Deputy Speaker (Hon. Mwambire): Hon. Members, I know there is number of you who have made requests so as to give advice to the young legislators...they are calling themselves Kilifi County Children's Assembly; they are also legislators in one way or the other. Because we have a number of businesses that we need to transact and based on time, allow me to... I know you have very good advice to them. I know some of you also want to take this opportunity to share your concerns so that they can also play a big role in your campaigns but you will bear with me.

I am trying to look at their names. I am the one who read them and I wanted to know who is who because I have some little history about them. We have one boy by the name Jeremy. He was once the Governor of Kilifi in the Children's Assembly. They went to meet with the other children across the Country and he was elected the president. He is now the president of Kenya. We also have a Speaker, a Clerk and a Serjeant-at-Arms among them. I am not sure if it is Jeremy Kenga or Jeremy Angoa; I'll just have his first name Jeremy. I am very sorry I will not be able to acknowledge exactly who that Jeremy is but that is a short history about then.

To the children and your teachers, I believe whatever you have heard from the Members is just a bit of it but we are still on business; there are a number of issues currently which I believe you will also feel more inspired but we are taking this opportunity to acknowledge your heartfelt demonstration of confidence in us because if you had no confidence with the great County Assembly of Kilifi you could not have chosen to come to this Assembly to get one or two things that maybe could use in one way or the other. We also invite you in the future to visit the assembly even though we are heading to the elections but we normally have high class debates.

Today is our final day as we are going for the long recess and that is why we have piles of business that we need to transact before moving to the Motion of Adjournment. Since you are

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around you will see how we are going to conduct the rest of the business. So allow us to move ahead but I am very happy that you have come and I also feel very inspired.

I also passed through that guide before coming to where I am and I'm glad that I saw one from Mariakani Secondary School which is my former secondary school. I believe when you leave you can say the one who was there is a Mariakani Secondary School alumni. I'm the Deputy Speaker but today I am the Speaker because the Speaker has got some engagements. Clerk, next order please.

COMMITTEE OF THE WHOLE HOUSE

(Order for the Committee read)

[The Deputy Speaker (Hon. Mwambire) left the Chair]

IN THE COMMITTEE

[The Chairperson (Hon. Kenga) took the Chair]

THE KILIFI COUNTY BETTING, GAMING AND LOTTERIES BILL, 2016 FOLLOWING THE GOVERNOR'S MEMORANDUM

The Chairperson (Hon. Kenga): Good afternoon hon. Members. Let me take this opportunity to welcome all Members to the Committee of the Whole House. We have some business to transact. As you already know, the rules are a bit relaxed. You have an opportunity to even make consultations though all consultations should be made as per the Standing Orders and the rules that guide this County assembly.

Hon. Members, we are considering the Kilifi County Betting, Gaming and Lotteries, Bill, following the Governor's Memorandum.

Clause 6

Hon. (Dr.) Chitibwi: Thank you. I beg to move that:-

THAT, Clause 6 be amended by deleting the word "Trade and replacing it thereof with the words ICT E-Government, Culture and Social Services Department.

The Chairperson (Hon. Kenga): Yes hon. Kiraga

Hon. Kiraga: Thank you so much Chairperson. With me i have an attachment of the Governor's Memorandum and it is not clear at ll. I don't know what happened. It is photocopied and is not clear. In this Committee of the Whole House, are we discussing the Memorandum or what are we doing currently?

The Chairperson (Hon. Kenga): Thank you very much. I want Members to be guided that when the Governor sent the Memorandum to the County Assembly, the same was given to the respective Committee and the Committee considered and brought the following. That is why you have heard the Chairperson of the respective Committee proposing amendments. So we are in the Committee of the Whole House and therefore we are not considering the Memorandum but we are now moving amendments to the Bill that was brought before the House. Thank you.

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Hon. Kiraga: Thank you Chairperson. I really do not understand because if we are moving some amendments to the Bill and we have not even seen the Report from the Committee responsible for the same, Chairperson, some of us are...

The Chairperson (Hon. Kenga): Thank you very much. Hon. Members ...

Hon. Kiraga: And Chairperson, my copy is not clear so can I get a clear copy probably.

The Chairperson (Hon. Kenga): Thank you. You will be assisted to have a copy that is clear but I would also wish to make it very clear that this Report was tabled before this Assembly on the 21st of November 2016 and it was tabled in each and every hon. Members pigeon hall. So I believe you have the Reports and you ought to have gone through them. Let us proceed.

(Question of amendment proposed)

(Question that the words to be replaced thereof, be replaced put and agreed to)

(Clause 6 as amended agreed to)

Clause 7

Hon. (Dr.) Chitibwi: Thank you, Chairperson. I beg to move:-
THAT, Clause 7 (1) (a) be amended as follows; “Advise the County Department of ICT, E-Government, culture and Social Services generally on the betting control and licensing policy within the Kilifi County”

(Question of amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 7 as amended agreed to)

Clause 8

Hon. (Dr.) Chitibwi: Thank you, Chairperson. I beg to move:-
THAT, Clause 8 (2) be amended by deleting the words, “trade, Industrialization, Cooperatives development, Tourism and Wildlife and replace them thereof with the words “the ICT, E-Government, Culture and Social Services Department”

(Question of amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 8 as amended agreed to)

Clause 10

Hon. (Dr.) Chitibwi: Thank you, Chairperson. I beg to move:-

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THAT, Clause 10 (2) be amended as follows; “on receipt of an application under subsection (1), the board shall;

- (c) Direct an authorized officer to visit and inspect the premises in relation to which the application was made and
- (d) Inform the applicant of such direction”

(Question of amendment proposed)

(Question, that the words be inserted be inserted, put and agreed to)

(Clause 10 as amended agreed to)

Clause 2

Hon. (Dr.) Chitibwi: Thank you, Chairperson. I beg to move:-

THAT,

1. Clause 2 is amended by introducing and defining the term “Authorized Officer’ as follows:- Authorized Officer- means any person authorized by the Board to carry out any function in relation to the enforcement or application of this Act
2. Clause 2 to be amended further by redefining the term “Executive Committee Member” as follows; - “Executive Committee Member means the executive committee member responsible for matter relating to the department of ICT, E-Government, Culture and Social Services.

(Question of amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 2 as amended agreed to)

Clause 1

Hon. (Dr.) Chitibwi: Thank you, Chairperson. I beg to move:-

THAT,

1. Clause 1 be amended by deleting the phrase “on such a date as the County Executive Member responsible for trade, may in consultation with the Governor, appoint” and replace it thereof with the phrase “upon publication in the Kenya Gazette”
2. Clause 1 be further amended by deleting the word “Trade” and replace it with the words “ICT, E-Government, Culture and Social Services”

(Question of amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

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(Clause 1 as amended agreed to)

Hon. (Dr.) Chitibwi: Thank you Mr. Chairperson, I beg to move that the Committee do report to the House its consideration of the Kilifi County Betting, Gaming and Lotteries Bill, 2016 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Chairperson (Hon. Kenga): Thank you very much hon. Members we are now through with the Committee of the Whole House considering the Kilifi County Betting, Gaming and Lotteries Bill, 2016 but because we have quite a number of Business that is to handled by the Committee of the Whole House; it is prudent that we transact the same this hour so that once the Speaker takes over we can now have the respective Chairpersons reporting to the House so that we move, thank you. So we now move to the Kilifi County Public Entertainment and Amenities Bill, 2016.

THE KILIFI COUNTY PUBLIC ENTERTAINMENT
AND AMENITIES BILL, 2016

Clause 28

Hon. Elina: Thank you, Chairperson, I beg to move:-
THAT, Clause 28 be deleted.

(Question of amendment proposed)

(Clause 28 deleted)

Clause 2

Hon. Elina: Thank you, Chairperson. I beg to move:-
THAT Clause 2 of the definition of games to be deleted and further delete part (a) of the definition of public entertainment.

(Question of amendment proposed)

(Question, that the words to be left out, put and agreed to)

(Clause 2 as amended agreed to)

The Chairperson (Hon. Kenga): Thank you very much for the progress that we have done so far, I now call upon the Chairperson hon. (Ms.) Elina Stephen Mbaru to move.

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Hon. (Ms.) Elina: Thank you, Chairperson; I beg to move that the Committee do report to the House its consideration of the Kilifi County Public Entertainment and Amenities Bill, 2016 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Chairperson (Hon. Kenga): Thank you very much for the progress that we have done. We have been able to cover the second item on the Committee of the Whole House. We are now moving to the last item which is to consider the Kilifi County Anti-Pornography Bill, 2016.

THE KILIFI COUNTY ANTI-PORNOGRAPHY BILL, 2016

Clause 5

Hon. (Ms.) Elina: Thank you, Chairperson, I beg to move:-
THAT Clause 5 (1) to be amended by deleting the words “without a warrant and replacing it thereof with the words “enter any premises only with the occupier genuinely sought and informed consent or under warrant or equivalent statutory instruments such as a court order. That in other circumstances that may arise which will make it practical to obtain a warrant such as in the vehicle, aircraft or ship the enforcement officer may without a warrant enter and search then as soon as reasonable possible to shall justify the action to a judicial officer’.

(Question of amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 5 as amended agreed to)

Clause 2

Hon. (Ms.) Elina: Thank you, Chairperson. I beg to move:-
THAT, Clause 2 be amended by inserting a new definition as follows; “enforcement office” be defined as person appointed as authorized officer under section 5 of the Kilifi County Cultural Heritage Act, 2016.

(Question of amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 2 as amended agreed to)

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Hon. (Ms.) Elina: Thank you, Chairperson. I beg to move that the Committee do report to the House its consideration of the Kilifi County Anti-Pornography Bill, 2016 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND CONSIDERATION OF REPORT

THE KILIFI COUNTY BETTING, GAMING AND LOTTERIES BILL, 2016

Hon. Kenga: Thank you very much hon. Speaker, Sir. I beg to report that the Committee of the Whole House has considered the Kilifi County Betting, Gaming and Lotteries Bill, 2016 and approved the same with amendments, thank you.

Hon. (Dr.) Chitibwi: Thank you, Chairperson. I beg to move that the House do agree with the Committee in the said Report. I call upon hon. (Ms.) Chiku Wanje to second.

The Chairperson (Hon. Kenga): Hon. Members a Motion has been tabled and successfully seconded so hon. (Ms.) Chiku please.

Hon. (Ms.) Chiku: Thank you, Chairperson. I rise to second the Report on the Betting and Licensing Bill, 2016. Mr. Speaker, this is a devolved function in accordance with the regulation in the Constitution. This Bill, will actually provide procedures for the formation of the latest licensing of the Billing of within the County. So the County will also be at liberty to institute its own board which will be led by a citizen from this County.

Mr. Speaker, the board will also be comprised of other members drawn from various sectors and stakeholders in the County and it will be constituted by the Public Service Commission. There will also be a need in collaboration; the issue of the enforcement. Thank you, Mr. Speaker.

(Question proposed)

(Question put and agreed to)

THE KILIFI COUNTY PUBLIC ENTERTAINMENT AND AMENITIES BILL, 2016

Hon. Kenga: Thank you very much. We have also considered The Kilifi County Public Entertainment and Amenities Bill, 2016. Therefore I beg to report that the Committee of the Whole House has considered The Kilifi County Public Entertainment and Amenities Bill, 2016, and approved the same with amendments. Thank you.

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Hon. Elina: Thank you, Chairperson. I beg to move that the House do agree with the Committee in the said report. I call upon hon. Foleni from Tezo Ward to second.

Hon. Foleni: Thank you. I want to state that the Bill will provide an avenue for proper regulations, protection and promote for the interest and the enjoyment of the Kilifi County residents and more so revenue will also be enhanced as a result of the passage of this Bill. Thank you.

(Question proposed)

(Question put and agreed to)

THE KILIFI COUNTY ANTI-PORNOGRAPHY BILL, 2016

Hon. Kenga: Thank you very much hon. Speaker, Sir. I beg to report that Committee of the Whole House has considered the Kilifi Anti-Pornography Bill, 2016 and approved the same with amendments. Thank you.

Hon. Elina: Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report. I call upon hon. Foleni from Tezo Ward to second.

The Deputy Speaker (Hon. Mwambire): Yes hon. Members. A Motion has been moved and seconded. So let hon. Foleni make his contribution over the same.

Hon. Foleni: Hon. Speaker, Sir, I also wish to reiterate that the said Bill will provide further avenues whereby any material that is obscene in nature can be able be regulated and in so doing the same can be able to help the people of Kilifi. Thank you.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Hon. Mwambire): Hon. Members, these two Bills we initially passed them and they went to the Governor but they were returned with a memorandum. So, after this stage the three Bills which are the Kilifi Anti-Pornography Bill, 2016, the Kilifi County Public Entertainment and Ammenities Bill, 2016 and the Kilifi County Betting, Gaming and Lotteries Bill, 2016 will now be taken back to the Governor for ascent. Thank you very much for the cooperation.

ADJOURNMENT MOTION UNDER STANDING ORDER 25

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 provision of Standing Order 25, this County Assembly do now adjourns for the Fourth Session, Third Part long recess from Thursday 8th December, 2016 to Friday 10th February, 2017.

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THAT, this County Assembly resumes its plenary sittings on Monday 13th February, 2017. May I call upon hon. Mramba to second.

The Deputy Speaker (Hon. Mwambire): Yes hon. Mramba, put your request please.

Hon. Mramba: Thank you Mr. Speaker for giving me this opportunity although I was caught unaware. I had planned to oppose this Motion because the recess period is too long and we have pending Business in this House but all the same I support and we need to go work with our electorates and again it is a National calendar. It is not a calendar for Kilifi County only therefore I think the hon. Members will support this Motion so that we can go to the grassroots believing that it is nearing the electioneering period we need to be close to the people so that we can get elected again to this County Assembly. Thank you so much. I beg to support.

Hon. (Dr.) Chitibwi: Thank you hon. Speaker, Sir. I wish to thank the Leader of Majority for having mercy for the members of this County Assembly who are very tired; we have done a lot. We are quite tired but we are not tired enough to retire. As elders of this County, a father or a mother cannot be too tired to take care of the children; never! Even if you are hungry you will be prepared to sleep hungry but ensure that your child has eaten. This House has been on a very busy schedule dealing with crucial matters of this County. As tired as we are, I do not think some of these issues hanging at this point would be very wise. I was expecting that we will have a statement from the Speaker concerning some pending issues but now you need to guide us.

I oppose this Motion for a very good reason. You cannot steal, you cannot plant and the plants to come up and then you let the weeds to take care of the plants. Are we to be left to have those plants be overtaken by the weeds and I mean the issues we have been deliberating on for the last two weeks, one which was completed yesterday. Where do we go from there? I do not think it will be right if we leave these issues hanging. I will need your advice but before the advice, I oppose this Motion. Thank you.

Hon. Gambo: Asante Bw. Spika kwa nafasi hii nami nichangia kwa Hoja hii ambayo imeletwa na Mkubwa wa Walio Wengi Bungeni. Nimesimama kuunga mkono kuwa waheshimiwa waende kwa mapumziko. Ukweli ni kwamba nishajua kwamba ...

The Deputy Speaker (Hon. Mwambire): There is an intervention from hon. Jane Mwaro. Take your seat, hon. Gambo, please.

Hon. (Ms.) Mwaro: Asante sana Mheshimiwa Spika kwa kunipa nafasi hii. Nilikuwa tu nataka kumjulisha mnenaji ya kwamba katika Bunge hili hatuna Mkubwa wa Wengi bali ni Kiongozi wa Wengi Bungeni. Asante.

Hon. Gambo: Asante kwa kunikumbusha. Naunga mkono kwamba Waheshimiwa waende kwa mapumziko kwa kuwa nimeshajua ya kwamba waheshimiwa wamekuwa na kazi ngumu na hii yote iliwapasa kutumia akili na nguvu za kichwa ambazo naona hata ni heri kuchoka mwili huu ulio na nyama kuliko kuchoka kichwa kabisa. Kwa hivyo, naunga mkono kwamba Waheshimiwa wapate mapumziko kidogo ili pia waonane na wale wananchi waliowaleta hapa na kuwaeleza yaliyokuwa tukichangia katika Bunge letu...

The Deputy Speaker (Hon. Mwambire): There is an intervention from hon. (Ms.) Pricillar Zawadi.

Hon. (Ms.) Zawadi: Asante Bw. Spika. Nataka kuuliza mnenaji anayenena hapa ni nyama gani hizo mwanadamu alizo nazo. Aeleeze Bunge hili. Asante.

Hon. Gambo: Asante Mheshimiwa. Mwili wa binadamu uliumbwa na nyama; hivyo ni zile nyama ambazo zinakuweka kuonekana kama mwanadamu. Ukienda shambani ama ukibeba mizigo huwa ndio zinakufanya wakati mwengine kusikia umechoka. Ni heri hizo unaweza kuzipumzisha kuliko akili ikichoka zaidi. Waheshimiwa kwa kazi ngumu waliyoifanya kutumia akili, kuna haja ya kwamba waende kwa mapumziko kidogo.

Pia, tunajua kwamba kadri tunavyoenda kwa mapumziko, ni wakati mwengine tena kwa waheshimiwa kuweza kuanza kukutana na wananchi wao na pia kudhihirisha kazi ambayo waliwafanyia wananchi na pia kuanza mikakati ya kuona ya kwamba wanaweza kurudi tena katika Bunge hili wakiwa akili ziko timamu. Naunga mkono kwa waheshimiwa kuenda kwa mapumziko. Asante.

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker. I rise to support the Motion of Adjournment. As you understand we have had hectic working days and of late we have been here for five days in a week for the last three weeks because of the hectic work. It is the right time now we adjourn but my request to you is give us some guidelines that whatever pending work is left in some ways it will be sorted; some Special Sittings be sought so that we may finish our work that we started. February is too far; two months to go and there is a very urgent resolution to be done for the benefit of the Kilifi people. So, if there will be interventions or Special Sittings to finish our work, better Reports done and what we have been investigating, the Kilifi people have to know before next year. Thank you, Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Hon. Members, you are making me laugh today. I think hon. (Ms.) Mbeyu is a Member of the Procedure and Rules Committee and knows very well Standing Order number 25; because hon. Dr. Chitibwi raised the same and the issue he was raising was in Standing Order number 25(3), and hon. (Ms.) Mbeyu is raising the same again. I am not even going to put a question on this because it is something that we already passed and obviously when we are on recess and there are issues that need urgent attention, a day needs to be gazzetted for us to come for a Special Sitting. For instance, on Tuesday we are having a Special Sitting to determine a Report from Dr. Chitibwi's Committee where we will be doing the determination on the administrator for Mbegu Fund.

If you want guidance from the Speaker on the same which is in practice or in black and white in the Standing Orders, then I do not think that is in reality. I hope you have understood where you are supposed to look at in case of anything. You are very much advanced on that. Maybe you ask for the betterment of the visitors to understand how we carry out our things but it is in the Standing Orders.

Hon. Mwayaa: Asante Mheshimiwa Spika kwa kunipa nafasi hii kuunga mkono Hoja ambayo imeletwa na Kiongozi wa Wengi katika Bunge hili. Kama unavyojua ya kwamba sisi ni wadhamini wa watu waliotupigia kura ndio tukafika katika Nyumba hii. Hivyo iko haja baada ya kufanya hayo yote mazuri na kufanyia watu wa Kilifi, tunahitajika tena turudi kwao na kuwaeleza yale ambayo tulikuwa tukizungumza katika Nyumba hii.

Hivyo iko haja ya kusitisha na kupata likizo hiyo ndefu tukae nao na tuwaelezee yale yote tuliyokuwa tukiongea katika Nyumba hii. Kwa sababu sisi ni wadhamini tukawaambie wale wenyewe waliotuleta hapa tumewafanyia nini kizuri ili kwamba wakaweze kutuelewa. Mheshimiwa Spika, naunga mkono tuende na turudi pia kwa familia zetu maana wanatuhitaji. Asante.

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Hon. Mangi: Thank you, Mr. Speaker, Sir. Let me take this opportunity to also echo my support to this Motion. Every Member is aware that this calendar coincides with the calendar of the National Assembly and as such our other hon. Members from the National assembly will be at the ground and we are duty bound as Members of the County assembly to join our people on the ground so that we may also advise them on our development agenda so far.

You know there is what we call propaganda machinery; it sometimes happens that you do not attend a meeting or baraza attended by a National Member of Parliament and he will quote a project that has been executed by the County Government and your absence means that obviously every person who would have attended that baraza will be convinced that indeed that project was executed by the National Government. What I am saying, hon. Speaker, is we have to advise our people of what we have done so far, what we intend to do for now and for the future so that they may be aware. Since information is power, we are duty bound to relay this information to them.

What is also very important is that we have to join our families; this is now the festive season and just because I am the MCA for Bamba does not mean my family at Mnagoni; my family is in Bamba Ward and beyond and I have to have time to transverse the Ward so that I may join the electorates so that in way or the other I know their needs and they know how far I have done.

Last but not least, the KCPE results are out and may I be on record that the first student who scored the highest in the coast region came from Bamba. So I am proud that indeed this is the pride of every Member of this County Assembly. Let us all be proud because the student from the County of Kilifi excelled to that extent, irrespective of all the problems that are facing...

The Deputy Speaker (Hon. Mwambire): There is an intervention from hon. Mramba.

Hon. Mramba: Mr. Speaker, Sir, can he give us the name of that student and the marks he or she got at the National Examination, for purposes of records.

The Deputy Speaker (Hon. Mwambire): Yes hon. Kiraga.

Hon. Kiraga: Thank you Mr. Speaker, Sir. I was also of the same view and I thought that the best student came from my Ward.

(Laughter)

That is Gongoni Ward, but I am learning that somebody from Bamba topped. Can we get the name and marks so that I can compare with students from my Ward?

Hon. Mangi: Mr. Speaker, before I give that clarification, the word 'my ward' does not apply. All those students come from Kilifi County hence they are all our students. So, I am confirming that he came from Giriama Academy and he got 437 and the word 'my ward' should not come in this plenary; let us not divide Kilifi County. So, it is my pride, it is your pride so I concur and we should stop using 'my ward' or 'my person' should disappear; Gongoni is my ward and Bamba Ward is hon. Kiraga's ward and I am a Member of the County Assembly hence such words should not be applicable in today's Kenya. Thank you very much. I support this Motion.

The Deputy Speaker (Hon. Mwambire): Let us reduce the drama hon. Members so that we can...hon. Kiraga, you have an intervention?

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Hon. Kiraga: Mr. Speaker, Sir, I think I had the Minister very well, hon. Matiangi when he was reading the best performers in this Country and I tend to believe that the top student got around 437 marks and I did not see the name of Bamba appearing in the list.

Hon. Mangi: Mr. Speaker, Sir, I wanted to protest because Bamba is very far away and the media was not fair when they did not contact Bamba. You know when you appear in the media that does not mean that you excelled; there are certain students who did very well but they were not captured by the media so I am protesting bitterly and I am not happy. This is not the way we should go; give credit where it deserves because Bamba is very far it does not mean that you should not appear in the media. I protest hon. Speaker. Thank you.

Hon. (Ms.) Tecla: Nimesimama kuunga mkono mjadala huu kwenda likizo. Ni wakati ambao tunatakikana kurudi *mashina* tukakutane na familia zetu na kama alivyoeleza mheshimiwa wa Bamba kwamba familia sio tu ile nyumba yako bali ni wale watu wako wa Wadi. Na hata sisi ambao tuliteuliwa tunahitajika pia tukaweze kufika tukaone familia zetu. Ni wakati mzuri wa kwenda kwa sababu mikakati ile ya mwaka 2017...

The Deputy Speaker (Hon. Mwambire): There is an intervention from hon (Ms.) Mbeyu.

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir, I wanted to inform the hon. Member that...

The Deputy Speaker (Hon. Mwambire): Do you wish to be informed hon. Tecla?

Hon. (Ms.) Tecla: No.

The Deputy Speaker (Hon. Mwambire): Take your sit hon. (Ms.) Mbeyu. Proceed hon. (Ms.) Tecla since time is not on our side. There is an intervention from hon. Kaunda.

Hon. Kaunda: Asante mheshimiwa Spika. Nafikiri ni muhimu kutumia lugha ambayo ni fasaha na ni Kiswahili ambacho kinatumika kwa hivyo ningependa tu kumfahamisha mheshimiwa kwamba sio mashina ni mashinani

Hon. (Ms.) Tecla: Nimesema mashinani lakini labda umesikia hiyo *mashina*; turudi mashinani ili tukaweze kuongea na watu wetu na familia zetu sio tu zile za nyumbani kwetu ambao tunakaa nao bali ni wale ambao ni katika Wadi yako ambayo unaitawala. Kwa hivyo, ni wakati mzuri kwa sababu wengi wao hapa ndani wangetaka 2017 wakaweze kutetea viti vyao na kuna wengine ambao ndio wanaanza kuamka kwamba wakaweze kuingia katika siasa kwa hali ya kupigania kiti. Tukaone jamii kule na kuzungumza nao katika hiyo mikakati ili tujipange. Mara nyingi tuko hapa na hatuna nafasi nzuri ya kuingia ndani ya Wadi na kuongea na watu.

Wale wenzetu ambao wako huru wanaingia kila mahali ilhali sisi tumeshikwa kidogo hapa. Kwa hivyo, ni wakati mzuri kwamba tukienda tunaweza kufanya zile kazi kule kuona zile ambazo ni za maendeleo na zile ambazo unataka kujipangia mikakati ya mwakani ambapo ukifika ukute una watu ambao wanaweza kukupigania kurudi katika hili Bunge.

Ni wengi ambao tuko hapa lakini tunaamini kila mtu anataka nafasi ili tuweze kurudi hapa. Kuna wale ambao wanapanda ngazi na wale ambao watatamani kurudi tena hapa kwa hivyo inatakikana kuwe na muda mwafaka wa kurudi kule tukaweze kuzungumza na wananchi wetu. Kwa hivyo, ninaamini kwamba hayo yote ni tupate nafasi ya kuweza kurudi mashinani. Nimesimama kuunga mkono.

Hon. (Ms.) Elina: Asante Mheshimiwa Spika. Kama yangalikuwa maoni ya kila mtu atoe na wala sio kalenda tungalisema tusiende; lakini kwa sababu inatulazimu tuende kwa Wadi kila mtu afanye kazi kule alikotoka. Wacha nimuunge mkono Kiongozi wa Wengi kwa kutupatia

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nafasi hii. Tunajua waheshimiwa tunapitia wakati mgumu sana. Kama mheshimiwa Mangi alivyosema kwamba watoto wamepita mitihani na sisi ndio tunaenda kule kupumzika sasa kama aliyesema kuwa amechoka mwili anataka kupumzisha mwili saa hii utaenda kuchoka kiakili. Kwa sababu wale waliopita wote watakuja kwako mlangoni wakidai kwamba ukaweze kuwapeleka shule.

Nataka niwapatie moyo wanafunzi ambao wako hapa kwa hili Bunge leo kwamba Bunge hili liko na mikakati leo tumekuwa na *Chairperson* wa *Scholarship* naye pia ametuhakikishia ana mikakati mizuri ya kwamba Januari tunaweza kupata pesa ili tupeleke watoto shule. Hilo Bw. Mwenyekiti wa *Scholarship* mngelisisitiza zaidi kwamba usukume sana ili Januari tuweze kuwasaidia wale wanafunzi. Wale ambao wamepita sasa na wameitwa *National Schools* tuhakikishe sisi kama wabunge tumesaidiana na wazazi ili watoto wale waweze kupata elimu ambayo inaweza kuwasaidia. Kwa hivyo, mimi naunga mkono kabisa ya kwamba twende likizo tuonane na watu wetu na jamaa zetu tupate kupumzika akili ya kutunga sheria tukaanze kutunga wananchi wenyewe kule majumbani; nimesimama kuunga mkono likizo ya mwezi huu wa kumi na mbili...

(Hon. Mramba stood on a Point of Order)

Hon. Mramba: Mr. Speaker, the hon. Member for Magarini said something very crucial about the disbursement of scholarship and she said that the Chairperson of Scholarship Committee indicated to this Assembly today or the Scholarship Committee that funds will be available in January. I would also like to insist that she ups her game because the form ones will have to report in secondary school on 7th of January and we need to get those funds before the new year otherwise, we will be finished. Thank you, Mr. Speaker.

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker, Sir. I am hon. (Ms.) Gertrude Mbeyu Mwanyaje, the Chairperson of Scholarship and Vocational Training Committee. I had a meeting today and I do not want hon. Nixon to mislead the House and the students. The opening date for the form ones reporting is not 7th of January but 9th January by the hon. Matiangi and it is in this House that we had a meeting today; we had invited the Scholarship Board who did not attend but we have got something in the pipeline since we will be meeting them next week to make sure that we get money early enough before the reporting date so that our Kilifi County students will be able to pay fees. Thank you, Mr. Speaker, Sir.

Hon. Kombo: Thank you your honour for this opportunity. I had sought to make my contributions in the other two Statements that had come on the Floor of the House but direct to this Motion I would have opposed this Motion as well. As a House, we have had quite a lot to do and we still have a lot that we need to do as an Assembly considering what is going on in our County especially in the Executive side when it comes to monies being lost from our County accounts.

It is unfortunate that this House is guided by law but as you have put it Mr. Speaker; it is that we will be recalled whenever there is need. So, I have no other wise but to support this Motion. Thank you.

Hon. Chiriba: Thank you Mr. Speaker, for giving me this opportunity and I raise in support of this Motion. Allow me to quote a Bible verse in the book of Genesis Chapter 2:2 from the King James Version “and on the seventh day God ended His work which he had made

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and he rested on the seventh day from all work which he made"...I doubt if I was on record Mr. Speaker.

The Chairperson (Hon. Mwambire): Yes proceed.

Hon. Chiriba: In view of this Bible quotation, this hon. House I would say that if God found it important to rest then we are not an exception and I want to congratulate the Leader of Majority for bringing this Motion. I believe this Motion was to be brought earlier...

The Chairperson (Hon. Mwambire): There is an intervention from hon. (Ms.) Mbeyu.

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker. I want to talk to the Member on the floor as much as he is a Pastor; I think we are not equal to God so he should rephrase this version to a better relation with the work of MCA's in this House. Thank you, Mr. Speaker, Sir.

Hon. Chiriba: Allow me to say that hon. (Ms.) Mbeyu needs to be informed and not to inform me. I said if God so needed to have a rest, who are we to go without having a rest? The Constitution saw it fit that after that hard work, hon. Members should have time to rest. These times of rest are also translated to refresher times, so that we become strong again and we are able to execute our duties in this Assembly. So, it is even...

The Chairperson (Hon. Mwambire): There is an intervention from hon. Foleni.

Hon. Foleni: Hon. Speaker, right from the inception of his statement he said that the Leader of Majority was wise to bring this particular Motion here. I want to inform hon. Daniel Chai Chiriba that it is a matter of procedure....

The Chairperson (Hon. Mwambire): Hon. Chiriba, do you wish to be informed?

Hon. Chiriba: No. I can already guess he is misleading me. So, I do not want to be informed. I am very much informed, Mr. Speaker.

The Chairperson (Hon. Mwambire): Hon. Foleni, take your seat.

Hon. Chiriba: Mr. Speaker, Sir, I was saying that even the Constitution saw it fit and I believe the Constitution came having in mind of what God has designed us as human beings. So, in deed we need this time no matter the other concerns that the other hon. Members are raising so as not to adjourn. I know the Assembly is very busy and we will ever be busy but all the same we need to create time to rest. If I can be the last person, I believe this Motion will find the light of the day. Thank you.

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker. May I take this opportunity to congratulate all the Members who have had a chance to make their contributions. This Motion has gone to an extent of giving us some Bible verses too. It is obvious that as per the Calendar, this is the right time...

The Chairperson (Hon. Mwambire): There is an intervention from hon. Kiraga.

Hon. Kiraga: Thank you, Mr. Speaker, Sir. I would wish to contribute but due to the time it is okay but there is one very vital point I wanted to rectify for the purposes of record in this House. That, the best student came from Bamba Ward and he was Dismus Ngala with 423 followed by Maureen Zingo, 416. So it was not 437 for the purposes of the record. Thank you very much. I have made research.

The Chairperson (Hon. Mwambire): Yeah, that is very true. Okay proceed.

The Leader of Majority (Hon. Mwingo): Thank you hon. Kiraga for that information. It is well understood that we have three mandates as Members; that is Representation, Legislation and Oversight. For all what we have been doing for this period of time, it is a high time actually to go and tell our electorates what has been happening for this duration of time.

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Mr. Speaker, I would like to inform my fellow Members that, the programme has been set and no stone will be left unturned. This is especially for some of the Members who have some doubts on pending work. So, let it be on record.

May I also take the opportunity to thank all the Members for the good work that we have been doing together for this period of time. Fellow Members, let us go home and rest because... in fact Mr. Speaker, there is a very important issue that is ahead of us. There is the issue of the nomination payments and it is good for ODM Members to wish the time was extended so that we have some few weeks to make our nomination payments. So, it is good for us because we are going to have time to proceed with such activities. Thank you Mr. Speaker, Sir. May God bless us all may. God bless Kilifi.

ADJOURNMENT

The Deputy Speaker (Hon. Mwambire): Hon. Members, we have come to the end of this session we are not supposed to... according to Standing Order 25 (3), we are not supposed to put a question to such a Motion. If you look at the time that we are supposed to be in this Assembly we have come to the end of time that we are supposed to deliberate on this or conduct any other business. I do not think there is a need to extend time to deliberate on something which is very clear in our Standing Orders.

So with the few who have contributed and the position that we are, let me take this opportunity to wish you all the best in the long recess. I know this is the only year that we are going to have Christmas. The other year maybe we will be in different venue; those who will be blessed will be back, and those who are going to other avenues like hon. (Ms.) Mbeyu, we wish her all the best and hon. Mwingo, among others. Let me take this opportunity to wish you all the best in this long recess. Have a merry Christmas and a prosperous new year; may your elections be smooth.

I am not going to give you time hon. Member because time is not on our side; please bear with me. Let us do all that is possible to make sure that we conduct ourselves as per the Constitutional requirements. I know we have been talking about Chapter 6 among other issues; this is the right time now to put into use because this is the time we have challenges especially in terms of elections mood. But I believe for the time that we have been in practice, we will be in a position to overcome all the challenges that will come before us. May God bless all of us, the great County of Kilifi and the great County Assembly as pioneer Members.

The House rose at 5:20 p.m