

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

**THE HANSARD**

**Wednesday, 9<sup>th</sup> May, 2018**

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

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

**PRAYER**

**BILLS**

*First Reading*

THE KILIFI COUNTY MICRO-FINANCE MBEGU FUND

*(Order for the First Reading read-Read the First Time and  
ordered to be referred to the relevant Departmental Committee)*

*Second Reading*

THE KILIFI COUNTY SUPPLEMENTARY APPROPRIATIONS (No. 2) BILL, 2018

**Hon. Kiraga:** Thank you so much Mr. Speaker. The Kilifi County Supplementary Appropriation (No. 2) Bill, 2018, Assembly Bill No. 4, was published in the Kenya Gazette supplement No.5 of 4<sup>th</sup> May, 2018 as Bills for introduction into the County Assembly of Kilifi.

The Bill was read the First Time on Tuesday, 8<sup>th</sup> May, 2018. Mr. Speaker, Sir, the Kilifi County Supplementary Appropriation (No. 2) Bill 2018 No. 4 makes provision for statutory sanctions from the public expenditure for the year ending on 30<sup>th</sup> June, 2018 on the basis of estimates for expenditure 2017/2018 recurrent and estimates of expenditure 2016/2017 development and for the appropriation of those amounts. Thank you.

*(The Temporary Speaker consulted with the Clerk-at-the-Table)*

*(Hon. Kiraga consulted with the Clerk-at-the-Table)*

**The Temporary Speaker (Hon. Thaura):** Thank you. Hon. Kiraga. Please can you move the Motion?

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**Hon. Kiraga:** Thank you Mr. Speaker. I beg to move that the Bill be read for a Second Time. Thank you. Before I even give this chance to my seconder, I wish to give my submissions first.

**The Temporary Speaker** (Hon. Thaura): Go ahead please hon. Kiraga.

**Hon. Kiraga:** Thank you. I wish to thank the Office of the Speaker and the Office of the Clerk for giving an opportunity to this committee to do its mandate. We really thank your office for all the facilitation needed for this committee to handle its works. May I also thank the Clerks who are attached to this committee. The three Clerks did a very wonderful job working around the clock making sure that there is production of a good report. May I also thank the Hansard Department. Since this is a House of records, the Officers who were attached to this Committee made it possible for any communication as far as deliberation is concerned in the Committee were captured. Finally, may I also thank the Office of the Serjeant-at-Arms, who made sure that the Committee was working under good environment.

Mr. Speaker, I would wish to give some highlights on what necessitated the second supplementary budget. What necessitated the supplementary budget; one, we all understand that this County had a problem with Coast Water Service Board after Kenya Power went ahead and disconnected power in Baricho Plant due to some money which the County Government needs to pay. That is one of the reasons that brought the Second supplementary budget.

If you look at this Report Mr. Speaker, there was a chunk of money worth Kshs16 million which was directed to those payments. You will also understand in the very near future and in fact in the coming financial year 2018/2019 this County will automate its revenue collection and the agents of automation are already on the ground. There were some monies which were to be paid to those services.

Another item which necessitated is the Road and Public Works Department where we all understand currently the situation this County is undergoing. What has been happening to mention but a few areas, in Garashi most roads have been damaged and this has really hampered the efforts which are being made in food distribution to those areas. The roads are very bad and another example in Malindi Town where there are some areas which are impassable; that is another item that the second Supplementary Budget will address.

Mr. Speaker, if you look at this Supplementary Budget, there is a chunk of money worth Ksh70million which has been hiked to facilitate this Department at least to alleviate the challenges we are really having as far as the road network is concerned. Mr. Speaker, in doing so Section 107 and 135 (3) of the PFM (Public Finance Management) Act 2012 on Fiscal Responsibility Principles will be adhered to. In looking at this second Supplementary Budget, we made sure that the loans have been taken care of.

One of the regulations in making the Supplementary Budget is that the current expenditure does not exceed the County Government's total revenue. We made sure that the second Supplementary budget obeys that regulation. We also understand that while doing a Supplementary Budget there is no room for extending borrowing. This one is a condition that is found in those sections and we made sure that the loans which were to address the challenges which were associated with the second Supplementary Budget were not sourced from external sources.

Again, during shifting of funds from the main Budget, the regulations are that we do not surpass the main required percentage that is 30 percent and we ensured that the development expenditure part on shifting does not surpass the minimum 30 percent of the County's Budget

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required. Looking at the second Supplementary Budget, the Committee had some concerns. One of the concerns is if you look at the Supplementary Budget, there was a total collapse of the Mbegu Fund and also a total collapse of the cash transfer.

Another concern was that the second Supplementary Budget needed Ksh50 million to finance the issue of disaster and emergencies. So, our concern was in the main Budget 2017/2018 we had an allocation of Ksh150million and in the second Supplementary Budget the same Department needed Ksh50 million so our concern was how this Ksh150 million was utilized? Another concern is about the Ksh70 million to the Department of Roads and that is why we had to call the CEC (County Executive Committee Member) Finance to come and give some highlights on those concerns. On the issue of the Mbegu Fund which totally was collapsed; from the CEC it is just because we do not have as per today a law on the same.

We understand that the Law which we made as a County Assembly, when it went to the Controller of Budget, was brought back with some amendments and those amendments have not been done. Mr. Speaker, now bearing in mind that we have less than two months to the end of the financial year, this amount which was appropriated in the 2017/2018 Budget cannot be utilized and that is why it was collapsed to cater for some other programmes. The issue of the cash transfer I understand has been going on but as usual, the County Governments do request monies from the National Government periodically and currently a chunk of almost 30 million from that vote has not been dispersed from the National Government. So, the Executive thought it wise that even if these monies come today there might be some re-voting issues and that is why these monies were collapsed; not that the programme was collapsed but it is the money that was collapsed bearing in mind that we understand in the next financial year 2017/2018, we have an allocation of the same. Mr. Speaker, those concerns were addressed.

In our recommendations Mr. Speaker, having looked at first of all the County Assembly Budget, we made some amendments as a Committee and one of the amendments in the County Assembly Budget is that we saved two million shillings from recurrent vote and we financed a programme for the issues of the sports for the County Assemblies Mr. Speaker. So, we saved two million shillings to cater for sportswear which is going to be bought for the Members of the County Assembly plus the staff to do some practices for the forthcoming Assemblies Sports.

Mr. Speaker, if you look at this second Supplementary Budget, you will realize that the Executive hiked some funds but first of all Mr. Speaker, there was a request from the Department of Trade, Industrialization, Cooperative Development, Tourism and Wildlife. They needed five million shillings. This was to cater for consultancy fees on promotion of tourism and investment campaigns bearing in mind that the tourism sector has completely gone down, Mr. Speaker. So, the Department made a request worth five million shillings but the Executive instead of getting that money from other areas, they got five million shillings from the Department of Health and more so from the salaries and allowances recurrent from the Department of Health.

Mr. Speaker, you realize that there has been a lot of strikes from the Department of Health in the Country especially the medical staff and what was agreed in the courts is that the salary of these medical staff should be hiked. As a Committee, we looked at the money which had been appropriated to the Department of Health; it was even not sufficient. Now, to have another five million shillings from that Department to finance the Department of Trade, we thought it would not be wise.

Therefore, we made an amendment that this five million shillings instead of us saving it from the Department of Health, we got five million shillings from the Finance Department in the

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Executive and more so from the Attorney's office to finance this programme. Bearing in mind that we have less than two months to the expiry of this financial year and since we have some allocations of the same for the office of the County Attorney, then I think some programmes at the County Attorney can be financed later on, Mr. Speaker. So, those were some of the amendments we made as a Committee. I would beg this House to fast track this second Supplementary Budget because currently if you see what is happening in some areas in our County like Garashi, it is very pathetic; some areas cannot be...

**The Temporary Speaker** (Hon. Thaura): Yes, your parting shot *mheshimiwa*...

**Hon. Kiraga:** Thank you very much Mr. Speaker. With those few remarks, may I call upon hon. Chai Chiriba to second. Thank you.

*(Applause)*

*(Hon. Chiriba seconded)*

*(Question proposed)*

**The Temporary Speaker** (Hon. Thaura): Yes hon. Chai Chiriba.

**Hon. Chiriba:** Thank you Mr. Speaker for giving me this opportunity to stand in great support to this second supplementary budget and I believe the hon. Chairperson has indeed gone into the details of what transpired during the Committee work in working on this budget.

Not repeating whatever the Chairperson has expounded to the House, it is my payer that the hon. Members of this honourable House find it prudent for the passage of this supplementary budget knowing very well that almost all the county functions are at a standstill because of the issues of finance.

Mr. Speaker, it is only the passage of this supplementary budget that shall authorize the funds to be used in the different Departments and areas of concern. The Chairperson was catching on the issues of the destructions that have happened and are still ongoing in this county especially the areas affected by floods. This became a disaster in the county and as we stand here, we have very many people who are locked and cannot even perform their day to day activities. This also includes students and many learning institutions were destroyed.

For us to be able to curb this great menace, we need funds. I believe it is through the passage of this Bill that will give the powers to the implementers of the budget or will give the County the muscles to carry on its functions.

Mr. Speaker, I believe even the Members seated here have got debts which need to be addressed. We have been serving this county without funds; there is no sitting allowance but I believe as Members we should be convinced that we need to empower this county in order to deliver its services. I do not have much to say because of the importance of the passage of this supplementary budget. I just urge hon. Members that you stand in support of the passage of this supplementary budget which I believe we need to pass as early as yesterday. I urge hon. Members to join hands with us as a Committee and the able Chairperson. Thank you Mr. Speaker.

*(Applause)*

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**The Temporary Speaker** (Hon. Thaura): Yes Members we can chip in; in making contributions too, hon. Ziro.

**Hon. Ziro:** Thank you Mr. Speaker for giving me this chance to contribute to this Motion. First of all, I want to thank you the Chairman of the Committee and all the Members of the Committee of Budget for bringing this very important document to this House.

I have several reasons as to why I am in support of this Motion, but most importantly, because my Ward has been mentioned. Mr. Speaker as you are aware, Garashi Ward has been affected by the floods that have been happening across this Country.

We have really had a very rough time reaching some of our people in the ward simply because we have very bad roads and if I look at the budget here, there is something good from the Department of Roads. I would urge this House to support this Motion so that we can have the roads properly done.

If the roads are properly done, it will help our people to get help in good time. I want to single out a certain scenario that happened just yesterday. The people of Garashi were supposed to get food at around 10:00 a.m., but due to bad roads the food arrived at 5:00 p.m. This was not fair for these people because they have been staying in the cold waiting for this food and due to bad weather and the bad condition of the roads, they had to get the food very late.

If we could be having good roads in Garashi Ward, I think this would have saved the people early enough. I am supporting this Motion and I also want to urge this House when it comes to implementation, the House can support me or can support my ideas by taking this Kshs70 million that has been mentioned here from the Department of Roads to maintain the roads in Garashi ward.

*(Applause)*

Mr. Speaker, I wish you can one day travel to Garashi. Those who were in Garashi yesterday saw the situation and therefore I am planning so that one day I can take the whole House to Garashi Ward so that they can see for themselves. I want them to see the need of supporting this supplementary budget so that the Kshs70 million can go to Garashi Ward to maintain the roads.

Mr. Speaker, I do not want to say so many things because I just wanted my point to go on record and I thank God that has gone to record. Thank you very much.

**The Temporary Speaker** (Hon. Thaura): Hon. Mwayaa.

**Hon. Mwayaa:** Asante mheshimiwa Spika. Nimesimama pia kuunga mkono makadirio ya mara ya pili ili kwamba iweze kupita na kufanya mambo fulani katika kaunti yetu. Mheshimiwa Spika, kuna barabara zilizoharibika na si Garashi tu. Iyo inaangaziwa kwa sababu imekumbwa na mafuriko lakini barabara zimekatika kila mahali. Tunaomba hizo pesa zifike kila mahali kuliko na mahitaji ya barabara. Wacha makadirio haya yapite ili kila jambo lililoangaziwa hapa lifanywe kwa wakati ufaao na utalii ukaimarike.

Jambo ambalo limenitia moyo mpaka naunga mkono ni kwa sababu ya barabara na mambo ya elimu; lakini kitu kinachonitia uchungu mimi binafsi labda hata watu wa Kilifi wanajiuliza kuhusu kulipa maji ambayo yamekatika na naona tutaitana tuje tulijadili hapa kwa sababu shilingi milioni 16 zililipwa na tunajua bodi ililipwa na hili ni jambo ambalo linatia uchungu watu wa Kilifi. Mimi kama Mwanakamati wa Maji nitaleta Mswaada kama bodi ya maji haiwezi kulipa zile pesa tunawalipa itabidi tuwe na mjadala ambao tutapitisha mambo

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fulani hata kama si mambo yote lakini hili la maji. Kwa sasa naunga mkono tupitische mjadala huu ili barabara ziweze kurekebisha na jambo la utalii ni muhimu sana. Swala la maji tutalileta hapa...

**The Temporary Speaker** (Hon. Thaura): Hon. Mwayaa, you are going out of the topic.

**Hon. Mwayaa:** Ninajua lakini ni jambo ambalo linanitia uchungu ndio ninaligusia kwa sababu hizi ni pesa za wananchi na lazima tujukumike. Kama tulilipa Coast Water Board ni wajukumike pia. Ninaunga mkono mwenyekiti wa kamati ya bajeti kwa kazi nzuri aliyofanya hasa pia upande wa michezo. Asante naunga mkono.

**Hon. Mramba:** Thank you Mr. Speaker. I wish to thank the Chairperson hon. Kiraga whom I respect so much together with the whole Committee. I wish to support the passage of this supplementary budget though it is only one month to the end of the financial year yet you are bringing another supplementary budget that means we are poor planners. You cannot do a budget, do another supplementary budget and in the same financial year bring another supplementary budget; it exposes the weaknesses that you are a poor planner because a supplementary budget needs to go for public participation. That means the Assembly will have the leeway to do whatever it feels fit which is not fair because this is public money and whenever you do a budget, it must go for public participation but nonetheless...

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

**Hon. Kiraga:** Thank you Mr. Speaker. I respect the Member on the Floor but I do not agree with him that we are doing the second supplementary budget because of poor planning. This second supplementary budget is full of emerging issues and they crop up anytime of the year. I have stated clearly though it can be a reason of poor planning but with this second supplementary budget, with due respect, we had some very crucial emerging issues which brought about this budget. Thank you.

**Hon. Mramba:** Mr. Speaker, I wish to repeat that we are poor planners because the supplementary budget came to the Assembly way back before the floods hit Kilifi County and I can ascertain this with evidence because that supplementary budget emanated from the Executive and came to the Assembly before Garashi was raged by floods. Mr. Speaker, okay if we agree there are emerging issues like the floods, what about the Mbegu Fund? The Transfer Cash Programme? Let us call a spade a spade and this is not the right system for us to go.

We cannot do a budget today, come up with a supplementary budget then one month before the financial year you bring another supplementary budget. It shows that you are a poor planner. Let us accept this and stop living in denial. There is a problem and you pretend there is no problem. That is not fair. Nevertheless, I wish to support the passage of this second supplementary budget so that some of these issues can be addressed. I beg to support. Thank you.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)*

## COMMITTEE OF THE WHOLE HOUSE

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*(Order for Committee read)*

*[The Temporary Speaker (Hon. Thaura) left the Chair]*

IN THE COMMITTEE

*[The Temporary Chairperson (Hon. Mramba) took the Chair]*

THE KILIFI COUNTY SUPPLEMENTARY APPROPRIATIONS BILL, 2018

**The Temporary Chairperson** (Hon. Mramba): Good afternoon Members. Kindly take your seats. Welcome to the Committee of the Whole House and remember that in the Committee of the Whole House, the rules are a bit relaxed. The Clerk will take us through Clause by Clause.

*(Clauses 3 and 4 agreed to)*

*(The First Schedule agreed to)*

*(Clauses 1 and 2 agreed to)*

*(The Long and the Short Titles agreed to)*

*The Memorandum of objects and reasons*

**Hon. Kiraga:** Mr. Speaker Sir, I beg to move:-  
THAT, the Bill be amended by deleting the words “Daniel James Mangi” and replace thereof with the words “Albert Kiraga Hare” as the Chairperson to the Budget and Appropriations Committee.

*(Question of amendment proposed)*

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

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

*(The Memorandum of objects and reasons as amended agreed to)*

**The Temporary Chairperson** (Hon. Mramba): Mover?

**Hon. Kiraga:** Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Kilifi County Supplementary Appropriations (No.2) Bill, 2018 (Assembly Bill No.4), 2018 and its approval thereof with amendments.

*(Question proposed)*

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*(Question put and agreed to)*

*(The House Resumed)*

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

## **REPORT, CONSIDERATION OF REPORT AND THIRD READING**

### **THE KILIFI COUNTY SUPPLEMENTARY APPROPRIATIONS BILL, 2018**

**Hon. Mramba:** Mr. Speaker, Sir, a Committee of the whole House has considered the Kilifi County Supplementary and Appropriation (No. 2) Bill, 2018, (Assembly Bill No. 4), 2018 and approved the same with amendments.

**Hon. Kiraga:** Mr. Speaker Sir, I beg to move that the House do agree with the Committee in the said Report.

*(Hon. Chiriba seconded)*

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Kiraga:** Mr. Speaker, sir, I beg to move that the Kilifi County Supplementary Appropriation (No. 2) Bill, 2018, (Assembly Bill No. 4), 2018 be now read the Third Time.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third time and passed)*

## **COMMUNICATION FROM THE CHAIR**

### **ADJOURNMENT FOR SECOND SESSION, FIRST PART LONG RECESS**

**The Temporary Speaker** (Hon. Thaura): Hon. Members, pursuant to the provisions of Standing Order No. 25, the House stands adjourned for the Second Session, First Part long recess starting from tomorrow Thursday, the 10<sup>th</sup> of May, 2018. Hon. Members, plenary sittings will resume on Monday, 11<sup>th</sup> June, 2018.

## **ADJOURNMENT**

Hon. Members, there being no other business to conduct, the House stands adjourned until Monday, 11<sup>th</sup> June, 2018. Thank you.

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**The House rose at 3:48 p.m.**

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