

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Wednesday, 9th November, 2016

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

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

PRAYERS

NOTICE OF MOTION

WASTE MANAGEMENT IN KILIFI COUNTY

Hon. Chai: Thank you Mr. Speaker, for allowing me to stand in for Teddy Mwambire, the hon. Member for Sokoke Ward, to read a Notice Motion to the Department of Water, Environment and Natural Resources through the County Executive Committee Member and I beg to read:-

AWARE THAT, refuse removal, refuse dumps and solid waste disposal are fully devolved functions to the County Government.

FURTHER AWARE THAT, well groomed and neat towns and streets is a true demonstration of a dedicated County Government in terms of tourist attractions, far reaching doing business indication and recommendable disease preventive measures.

This County Assembly urges the County Executive Member to increase the number of garbage receptacles in all the towns, trading centres and streets for structured waste collection and ban littering in our great county.

STATEMENT

ORDER OF BUSINESS FOR THE WEEK STARTING
MONDAY, 14TH TO FRIDAY, 18TH NOVEMBER, 2016

Hon. Pascal: Thank you Mr. Speaker, Sir. May I take this opportunity to present to this House a Motion ...

The Deputy Speaker (Hon. Mwambire): It is a Statement. I am informed that you are standing in for the Leader of Majority.

Hon. Pascal: Let me take this opportunity Mr. Speaker to present to this House the Order of Business commencing Monday, November 14th, 2016:-

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On Monday at 2:30 p.m.: there will be (A) Statement One, by hon. Said Mwachenda to the County Executive Committee Member Finance and Economic Planning through the Chairperson Planning, Trade and Cooperatives Committee. Two, Statement sought by hon. Cosmas Foleni to the County Executive Committee Member Devolution, Public Service and Disaster Management through the Chairperson, Labour and Social Welfare Committee. Three, Statement sought by hon. Pascal Thuva to the County Executive Committee Member and Infrastructure through the Chairperson, Roads and Public Works Committee. Four, Statement sought by hon. Teddy Mwambire to the Leader of Majority. Five, Statement sought by hon. Cosmas Foleni to the County Executive Committee Member Devolution, Public Service and Disaster Management through the Leader of Majority.

(B) Papers: One, there will be the Report of the Committee on Agriculture, Livestock and Fisheries on the Kilifi County Abattoirs Bill, 2016 (Chairperson; Agriculture, Livestock and Fisheries Committee). Two, the Report of the Committee on Appointment on the vetting of the following nominees for the position of County Executive Committee Members; Ms. Zeyanna Abdullah, Mr. Joseph Elvis Tinga and Mr Charles Dadu Karisa by the Leader of Majority. Three, the Report of the Committee on Planning, Trade and Cooperatives on the Kilifi County Cooperative Societies Bill, 2016 by the Chairperson; Planning, Trade and Cooperatives Committee and again there will be the Report of the Committee on Research, Information Technology and E-Government on the site visits to ICT Centres in Kilifi County by the Chairperson; Research, Information Technology and E-Government Committee.

On Tuesday at 9:00 a.m. that will be on 15th November, 2016, (A) Papers; One, we have the Report of the Committee on Agriculture, Livestock and Fisheries on the Kilifi County Livestock Sales Yard Bill, 2016 (Chairperson; Agriculture, Livestock and Fisheries Committee). Two, the Report of the Committee on Youth, Sports, Culture and Social Services on the Governor's memorandum on the Kilifi County Public Entertainment and Amenities Bill, 2016 (Chairperson; Youth, Sports, Culture and Social Services Committee).

(B) We have a Motion by hon. Albert Kiraga to the Department of Health Services.

(C) We will also have the Committee of the Whole House on The Kilifi County Cooperative Societies Bill, 2016.

(D) We will also have The Kilifi County Cooperative Societies Bill, 2016 (Third Reading).

On Tuesday 15th November 2016 p.m. we have Papers; One, The Report of the Committee on Youth, Sports, Culture & Social Services on the Governor's memorandum on the Kilifi County Anti-Pornography Bill, 2016 (Chairperson; Youth, Sports, Culture and Social Services Committee)

(B) Motion by hon. Teddy Mwambire to the Department of Water, Environment Natural Resources and Waste Management.

(C) Committee of the Whole House - The Kilifi County Abattoirs Bill, 2016.

(D) Bill - The Kilifi County Abattoirs Bill, 2016 (Third Reading).

On Wednesday 2:30 p.m. that is on 16th November 2016, (A) Papers, One, The Report of the Committee on Planning, Trade and Cooperatives on the Governor's memorandum on the Kilifi County Betting, Gaming and Lotteries Bill, 2016, (Chairperson; Planning, Trade and Cooperatives Committee).

(B) Motion by the Leader of Majority on the Adoption of the Report of the Committee on Appointment on the vetting of the following nominees for the position of County Executive

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Committee Members; Ms. Zeyanna Abdullah, Mr. Joseph Elvis Tinga and Mr Charles Dadu Karisa.

(C) There will be the Committee of the Whole House - The Kilifi County Livestock Sale Yards Bill, 2016.

(D) The Kilifi County Livestock Sales Yards Bill, 2016 (Third Reading).

Thank you Mr. Speaker, Sir.

MOTION

POOR SOLID WASTE MANAGEMENT IN TRADING CENTRES

Hon.Pascal: Thank you Mr. Speaker for giving me an opportunity to move before this House a Motion and just before I move this Motion I want to put it straight that this Motion was discussed sometime back and it was set aside because Members felt that there was a need to make some amendments.

As I read it Mr. Speaker, I would like to put across that Members did the necessary amendments and it is now time for us to debate on this Motion and I beg to read:-

AWARE THAT, devolution brought the growth and expansion of many townships and trading centres in the County.

FURTHER AWARE THAT, these townships and trading centres have attracted many people to live and do businesses.

NOTING WITH CONCERN THAT, these centres have been neglected in terms of solid waste management despite being a good source of revenue for the county through the various payments of business permits.

AWARE THAT, poor Solid Waste Management compromises the health of the inhabitants and the ecosystem at large.

This House urges the County Executive Committee Member for Water, Energy Environment and Natural Resources, to come up with a policy that will see all the potential trading centres in every Ward manned by local residents or groups who will manage the general sanitation or solid waste management of these areas, thus addressing the unemployment menace within the County. I call up on hon. Mwayaa to second the Motion.

(Hon. Mwayaa seconded)

(Hon. Pascal on 25.07.2016)

(Resumption of Debate on the Motion as amended interrupted on 25.07.2016)

The Deputy Speaker (Hon. Mwambire): Yes hon. Members a Motion by hon. Pascal Thuva to the Department of Water, Environment, Mineral and Natural Resources has been table and seconded by hon. Mwayaa and is now ready for debate. Hon. Mwayaa please.

Hon. Mwayaa: Asante Mheshimiwa Spika. Nimesimama kuunga mkono Mswada ambao umesomwa na mheshimiwa Pascal Thuva ambaye ni kiongozi wa wachache Bungeni. Katika kaunti yetu ya Kilifi kuna vijiji na miji ambayo inaendelea kukua na ni mingi zaidi hasa tukiangalia kule kwa Wadi yangu kuna vijiji ambavyo vinakua kwa haraka zaidi.

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Vile vijiji ambavyo vinakua vinasaidia hasa kukuza uchumi na pia tunapata ushuru maana wawekezaji wengi wanakuja na kufanya biashara zao huko. Kitu ambacho kiliangaziwa katika Mswada huu ni kwamba utakuta uchafu mwingi umetapakaa kila mahali mijini kwa sababu ya zile biashara na wawekezaji wanaofanya kazi zao hapo. Hivyo basi kuna haja ya sheria kabambe hususan upande wa afya wakaangalie kama miji ile itadhibitiwa vipi upande wa usafi; ndio maana mheshimiwa akaja na Mswada huu ambao nauunga mkono kwa sababu ni jambo nzuri.

Ukiangalia hata kwengine kuna yale masoko ya msimu; kwa mfano siku ya Alhamisi unakuta kijiji fulani kama sehemu za Gotani na Tsangatsini ndio ni siku maalum ya soko. Wawekezaji wanakuja kutoka sehemu mbali mbali kama vile Samburu na Mariakani kuja kijijini na ninaimani hata hapa Tezo kuelekea Bungeni tunaona wawekezaji fulani wanakuja sokoni na baada ya kuuza zile bidhaa zao, utaona makaratasi yametapakaa pale.

Hivyo naunga mkono Mswada huu utakapopita na sheria kabambe ikiwekwa vijana waweze kuweka safi na itasaidia pakubwa na wananchi wa Kilifi watakuwa na afya nzuri. Naunga mkono kwa dhiti na ningepomba waheshimiwa wenzangu wakaweza kuunga mkono kwa sababu jambo hili litafanyika katika gatuji la Kilifi. Asante.

The Deputy Speaker (Hon. Mwambire): I am very sorry. Hon. Pascal tabled this Motion and he said it already came to the House and debated on. Later on, Members felt that there were amendments to be made. I do not have the reference of who spoke that time so I am leaving it open for anyone who wants to make any contributions to make a request except one.

Hon. Chai: Asante sana mheshimiwa Spika. Mimi kabla sijaunga mkono au kutounga mkono, tumeelezwa na mheshimiwa ambaye ameleta mjadala huu kwamba uliletwa katika Bunge hili na ukaonekana na makosa kidogo na ukaregeshwa. Bado ninashangaa mjadala huu bado uko na makosa mpaka sasa. Sijui kama yale makosa yaliyokuwa pale yalirekebisha namna gani?

Tuna wale makarani wetu tuliokuwa tukiongea hapa jana kuhusu mambo ya kubandika karatasi kwa sababu mjadala huu ukiusoma hapo juu *‘to the Department of Water, Minerals and Natural Resources’*. Kwanza nikawa naangalia kama tuko na hiyo idara na tukiendelea hapo *“this House urges the County Executive Committee Member for Water, Energy, Environment and Natural Resources...”* bado naona hatuna iyo idara. Kwa hivyo, ungesahihishwa tena halafu ikaregeshwa hapa ndio tuunge mkono ama kuukataa. Asante.

The Deputy Speaker (Hon. Mwambire): Hon. Kazungu we cannot just put it that way because the Standing Orders are very clear unless you make a request for Members to decide, maybe on Standing Order No. 50(b) is when I can give that one. Your request is clear but I’m very sorry I cannot respond to that.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.50

Hon. Chai: Asante sana Mheshimiwa Spika, umefanya vizuri kuniongoza katika hilo. Kulingana na Kanuni za Bunge 50(b) mjadala huu umerudi tena kwa mheshimiwa na kusahihishwa ili tuweze kuujadili vizuri sana wakati unaokuja. Asante sana na Mheshimiwa Kaunda naomba aniunge mkono tuone kwamba tunaahirisha mpaka wakati mwengine. Asante.

(Hon. Kaunda seconded)

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The Deputy Speaker (Hon. Mwambire): The Motion to adjourn the debate of the Motion by hon. Pascal Thuva has been tabled as per Standing Order 50(b) and so it is now ready for debate for Members to think whether the reasons given are clear. So let hon. Jared Kaunda Chokwe Barns make his comments about it.

(Question proposed)

Hon. Kaunda: Shukurani mheshimiwa Spika. Kwa ajili ya kuchangia Mjadala huu moja kwa moja kulingana na Hoja hii iliyoletwa ni kwamba hiki kitengo cha Kawi ambacho mimi ni Mwenyekiti hakipaswi kuwa katika hii Idara ya Mazingira. Kinachonishangaza ni kwamba kama ni kunukuu vile ilivyoandikwa “*Water, Environment, Minerals and Natural Resources*” ikiwa ndio kichwa. Unapotemka chini unaona vile vile “*This House urges the County Executive Committee Member for Water...*” alafu imeongezwa Kawi na Kawi ni kitengo kilicho katika ardhi pamoja na maswala ya mipangilio. Lakini hapa haipaswi kuwa kwa Idara ya Mazingira. Kwa hivyo, kwa kuzingatia hilo kosa ambalo moja kwa moja linaonekana kwenye Hoja hii mimi naunga mkono kwamba tuweze kusimamisha moja kwa moja kujadili Mswada huu ili uende ukarekebishwa halafu uletwe tena Bungeni ili tuweze kuujadili. Asante mheshimiwa Spika.

Hon. (Dr.) Chitibwi: Thank you hon. Speaker. I wish to support the proposal to adjourn this discussion. My reasons are very simple; this is a very hon. House and we should appear to know what we are doing. The contents of the Motion are very honourable and they are good but who are we addressing it to? This Motion will simply leave and go to a place that we do not know. This creates the impression that this House does not know what it is doing and this is not the first time.

Sometimes we as Members may make a few mistakes but we request the Office of the Clerk to make these corrections because I believe this Motion passed through the Clerk and through somebody else too and it has come to the House the way it is. So, I request that we adjourn this discussion until this mistake is corrected. Thank you very much.

Hon. Mangi: Thank you Mr. Speaker, Sir. I stand to support the adjournment of this Motion, not because the Motion is bad; the Motion is very good indeed. I want to add that word indeed but we are saying and we are still saying that a document should not reach this House when it has not been approved by the relevant offices.

This is a House of honour; we are not in the local authority dispensation. We are a County Government in place; we have put in place a very good workforce, human resource and we trust them. I am not saying this in bad faith; every officer should act decisively in his or her jurisdiction to ensure that a document reaching the House has no questions at all. So, that this House can decisively resolve what is the end point in that particular scenario.

Mr. Speaker, this is a good Motion that should not have been adjourned at all because of such problems or challenges arising. We are not saying that we are adjourning because we are not for this Motion. I can assure you that the moment this Motion comes and the wording that are befitting are put in place; I will be the first person to support this Motion. Mr. Speaker, I support the adjournment of this Motion. Thank you.

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker. Let me stand to actually support my fellow hon. Members. I want to put it clear that there is a typing error in this Motion because it should have been directed to the relevant Department which is Water and Natural Resources not Energy. So, I believe that maybe the one who was typing this Motion went ahead

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and added the Energy docket in this Motion and this is not the first time we are having such errors in Motions. So, I would like to concur with my fellow Members that care should be taken especially when we are ‘cooking’ Motions that will be discussed in this House.

I know Members have actually been trying to identify the areas that the other time forced this Motion to be set aside. If I may put it straight here; in the paragraph there was the word, “devolution”, it was saying “...devolution had brought about the emergence of town...”, and Members felt like the towns and trading centers had existed even before devolution and that is why hon. Kiraga and Japhet Nzaro wanted it changed and they managed to bring about the changes they had wanted even before. So, the only mistake that is coming about is the Energy docket being added to this Motion. So, I also concur with my fellow Members that we defer until that correction is done. Thank you Mr. Speaker, Sir.

(Applause)

Hon. (Ms.) Chiku: Thank you Mr. Speaker, Sir. I also rise to support the adjournment of this Motion and I agree with my fellow Members that there is a lot of carelessness and it is actually overwhelming about the Reports and even the way the Motions are being drafted. When we go through the Reports we have a hell of trouble to go and correct mistakes for our Reports and even the layout of the documents. The Members are using computers and they should come up with a super structure not things like we are going back into the old typewriters. I myself have taken time to correct them but it is just being taken as a passing cloud’ after all we do what we want. That is the attitude. I think this should be a lesson to the people in charge of drafting these Motions for the House. They should also know that we are very serious; we are not going to take things the way they are. Gone are the days of the local authority when things were just taken at a very low level.

As what the other Members have just said, this is an honourable House and we want things up to standard. We are not going to take things below the standard of this House. Thank you, Mr. Speaker. Allow me to take my seat.

Hon. Chiriba: Thank you Mr. Speaker, for giving me this opportunity. I stand supportive to the Motion of Adjournment with very few important reasons. I have gone through the contents of the Motion and being the Chairperson for the Environment and Natural Resources Committee, I want to bring to the attention of this honourable House that we already have a Bill that is going through public participation that deals a lot with the concerns of this Motion and we already have a Report in place waiting to be brought in this hon. House. I believe as we walk through the same, the Mover of the Motion will be acquainted with some facts and maybe if this Motion is brought again in this House, maybe some few concerns shall have been addressed by the Bill. So Mr. Speaker, I stand supportive of the Adjournment Motion and I call upon hon. Members to join hands.

The Deputy Speaker (Hon. Mwambire): Hon. Members, a Motion to adjourn the deliberations of the Motion by hon. Pascal Thuva Jacob has been tabled and successfully discussed. I now put the question.

(Question put and agreed to)

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Hon. Members, this Motion will have to be taken back to the Clerk's Department and let those officers who are responsible for typing and analyzing all the documentation by hon. Members be very attentive. You have heard the sentiments from other Members and it is a big shame. Last Monday we came across such like mistakes and the same issues were shared and I do not think it will be prudent for us to keep repeating the same. Mark you, whatever we are sharing here goes to the website. There is some information that we retract and some we cannot and it gives us a very bad picture knowing that this is the first Assembly out of the 47 County Assemblies in the country which unveiled a chamber of its own kind; an international standardized chamber so if you are wearing a garment that signifies an international appearance I think whatever you are doing should have the same impact. It is like taking a very nice place and put rotten food. It doesn't share the bigger picture people are looking at.

Currently people are looking at us at a very high position so let us make sure that we observe that and uphold the dignity that people are expecting from us. Yes, let us move to the next agenda please.

MOTION

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(Motion deferred)

ADJOURNMENT

The Deputy Speaker (Hon. Mwambire): Hon. Members, there being no other business to transact at the moment, this House adjourns until Monday at 2.30 but do not forget tomorrow we are having the Committee on General Oversight meeting whereby we are supposed to come dressed in official wear like we have on today. May God bless you.

The House rose at 3:11 p.m.

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