

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Wednesday, 13th June, 2018

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

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

PRAYERS

STATEMENT

BUSINESS FOR THE WEEK COMMENCING MONDAY, 18TH JUNE, 2018

Hon. Ziro: Thank you Mr. Speaker, Sir. Pursuant to the provisions of Standing Order 41 sub order 1(a), I wish to give a Statement regarding the business of the House for the week commencing Monday, 18th day of June, 2018.

Monday 2.30 p.m. we have (a) the following Statements;- one, Response to Statement sought by hon. Maitha Masha from the CECM (County Executive Committee Member) in charge of Education and ICT. Two, we have a Response to a Statement sought by hon. Peter Ziro from the CEC in charge of Education and ICT. Three, we have a Response to a Statement sought by hon. Christopher Mwambire from the CEC in charge of the Department of Health Services. Four, we have a Statement sought by hon. David Kadenge from the CEC in charge of the Department of Education and ICT. Five, a Response to a Statement sought by hon. Thomas Mumba Chengo from CEC in charge of the Department of Water, Environment, Forestry, Natural Resources and Solid Waste Management. Six, we have a Response to a Statement sought by hon. Emmanuel Changawa from the CEC in charge of the Department of Education and ICT. Seven, we have a Response to a Statement sought by hon. David Kadenge Dadu from the CEC in charge of the Department of Health Services. Eight, a Response to a Statement sought by hon. Stanley Karisa Kenga from the County Public Service Board. Nine, a Response to a Statement sought by hon. Pascal Jacob Thuva from the CEC in charge of the Department of Water, Environment, Forestry, Natural Resources and Solid Waste Management.

On the 19th day of June 2018 at 9.30 a.m. we have papers and one, Tabling of a Report of the Justice and Legal Affairs Committee on the lack of a public participation framework in Kilifi County. Two, we have tabling of the Report of the Economic Planning and Trade on Cooperative Development Committee on Kilifi County Microfinance Fund Amendment Bill, 2018, which will be done by the Chairperson Economic Planning, Trade and Cooperatives Development. Three we have Tabling of Quarterly Report for the financial year 2017/2018 from the Health Services Department by the Leader of Majority. Four, we have the tabling of the

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Quarterly Report for the financial statements of financial year 2017/2018 from the Treasury Department; also this will be done by the Leader of Majority.

On the 19th day of June, 2018, that is Tuesday at 2.30 p.m. we have a Bill on the Kilifi County Microfinance Fund Amendment Bill that will be coming for its Second Reading.

On the 20th day of June, 2018, Wednesday at 2.30 p.m. we have the Committee of the Whole House on the Kilifi County Microfinance Fund Amendment Bill, 2018, and then later we are going to have the Kilifi County Microfinance Fund Amendment Bill, 2018, that will be coming for its Third Reading. Thank you, Mr. Speaker.

The Leader of Minority (Hon. Matsaki): Thank you Mr. Speaker, Sir. I stand in for hon. Stanley Karisa Kenga and there is a Statement directed to the County Executive Member in charge of the Department of Health Services through the Chairperson for Health Services Committee on ambulance Services;

Whether the CECM (County Executive Committee Member) in charge of the Department of Health Services is aware that patients being referred within Kilifi County are being charged kshs1000 for ambulance services?

Whether the CECM in charge of the Department of Health Services is aware that the County Assembly of Kilifi zero-rated ambulance services within the county in the approved Kilifi County Finance Act 2018? If yes, why are the patients paying for these services? Thank you.

MOTION

STATUS OF COUNTY PLOUGHING TRACTORS

Hon. (Ms.) Messo: Thank you Mr. Speaker, Sir. I would like to move a Motion that this House adopts the Agriculture, Livestock and Fisheries Committee on the status of county ploughing tractors laid on the Table of this House on 8th May, 2018.

Before I call a seconder, I would like to give a few comments about our tractors in Kilifi. In May, we did site visits to all the tractors in the county and fortunately enough, we had about ten tractors that were new but did not have number plates and log books but when we were writing the Report, we called the suppliers who came and we explained to them that time was running out for the farmers. They said that they would give us the plate numbers and log books as soon as possible of which they did and now the 10 tractors are in order. I kindly beg this House to adopt this Report so that come next year, all our farmers will find everything ready. I beg hon. Mwambire to second the Motion. Thank you so much Mr. Speaker.

Hon. Mwambire: Thank you Mr. Speaker Sir. Thank you too Chairperson for Agriculture. I stand to second the adoption of this Motion. Being a Member of the Agriculture, Livestock and Fisheries Committee, we did site visits as per the Statement and we did a lot of enquiries and the Committee came up with a viable Report regarding the situation on the ground about the tractors, charges and the operations. So this is a very comprehensive Report which we did and we believe that this House will be satisfied. The thing which I can highlight most is the issue of the grounded tractors. I believe that if it were not for this House, these grounded tractors would have laid there for so long. The Committee made a deliberate enquiry on the person who procured the tractors and the Committee found that the Department of Agriculture had insufficient information about the tractors. We had to enquire about the supplier who came at our

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

meeting point and with the collaboration of the Committee and the clerks, we managed to get the statements and the reasons as to why the tractors were grounded.

We are very happy as a Committee to stand before this House to tell this House that this Committee managed to push for the facilitation of the tractors registration numbers and also we had an opportunity to visit the site where mechanization was done for the tractors and we found that there is also laxity.

Through the allowance which we got from this House, we managed to strengthen the workshop and the operations of the tractors. As this Committee presents this Report...

(Hon. Mramba stood on a Point of Order)

(The Deputy Speaker spoke off record)

The Deputy Speaker (Hon. Kenga):...any from the Members, therefore let us communicate through the way hon. Mramba is doing. If you have a point of order, please just shout so that I can be able to note, what is your point of order?

Hon. Mramba: Mr. Speaker, I am standing on a point of order. The hon. Member for Bamba who is a Member of Committee on Agriculture is claiming that through the allowances which we get from the County Assembly, they managed to strengthen the mechanization. I did not get him clear, can he please elaborate how a Member of County Assembly (MCA) can use his or her allowance to strengthen the work of the County Government? Please come out clearly.

Hon. Mwambire: Thank you Mr. Speaker and the Member on the Floor. When I said allowance, it did not mean that ...

(Hon. Mwathethe stood on a Point of Order)

The Deputy Speaker (Hon. Kenga): Yes what is your point of order hon. Mwathethe?

The Leader of Majority (Hon. Mwathethe): This Motion is a Response to a Statement sought by a Member who is not in the House today. So to continue to discuss the Motion, the Member will not be able say if the answer is satisfactory or not. I would seek that this Motion be put on hold until such a time that the Member is available so that he can also agree or disagree with the answer. So, I would call that this Motion be suspended until that time.

(Hon. Mramba stood on a Point of Order)

The Deputy Speaker (Hon. Kenga): Yes hon. Mramba.

Hon. Mramba: Mr. Speaker, once a Question or Statement comes to the Floor of the House it is now a property of this County Assembly Mr. Speaker. Whether the Mover is in or not, the business must continue; supposing that particular MCA is absent for two months from the House, what do we do? I think we have a right to get that reply on his behalf. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you very much hon. Members. The Motion before the House is on a Statement that was raised by an individual Member and the practice has always been that the Member who seeks a Response to the Statement must be able to give his opinion on the Response that has been delivered to the County Assembly.

Therefore, I rule that since the Chairperson does not have eyes and does not have ears unless he is alerted by the Members of the Assembly, it is in good faith that the Leader of

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Majority has had an opportunity to even tell the House that the Response as sought by the Member for Adu who will be disadvantaged because he will not have an opportunity to make his contribution on the same. Therefore, the Motion is suspended to a later sitting. Thank you very much.

(Motion adjourned)

(Applause)

(Hon. Mwathethe stood on a Point of Order)

The Deputy Speaker (Hon. Kenga): Yes hon. Mwathethe what is your point of order?

MOTION FOR ADJOURNMENT UNDER STANDING ORDER 30

CONSIDERATION OF THE BUDGET ESTIMATES FOR 2018/2019 FINANCIAL YEAR

The Leader of Majority (Hon. Mwathethe): Mr. Speaker, two hours ago I informed the Speaker that I wanted to move a Motion under Standing Order Nos. 30 (1) and (2), which states that;

‘(1) Any member at any time may arise in his or her place and seek leave to the adjournment of the County Assembly for purpose of discussing a different matter of County importance.

(2) A Member who wishes to seek leave to move the adjournment of the County Assembly shall, at least two hours before the commencement of the sitting, hand to the Speaker a written notification of the matter but the Speaker shall refuse to allow the claim, unless the Speaker is satisfied that the matter is definite, urgent and of County importance and may properly be raised on a Motion for adjournment of the County Assembly.’

Mr. Speaker, I would seek to move a Motion that this House do adjourn to go and consider the budget estimates for 2018/2019 financial year laid on the Table of this House on the 8th of May, 2018.

Mr. Speaker on the 8th of May, 2018, the budget estimates were laid in this House and the same has not been committed to the Sectoral Committees. Only the Budget Committee has looked into the budget so far. We do not know at this time on the 13th of June, while we have less than 20 days to pass the budget, if we will be on time and the budget estimates have not yet been committed to the Sectoral Committees while the Budget Committee has been sitting for around two weeks now or even more.

It is not in order. It is not the procedure Mr. Speaker because the budget estimates must first be looked into by the various Committees before it can be committed to the Budget Committee for compilation and the Budget Committee then brings the Report back to the House for passing or rejection.

Mr. Speaker, it is like we are putting the cart before the horse. We do not know how much time the Budget Committee will stay in Mombasa for that matter and how long they need

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

before they bring the same to the House and whether; after they have done everything the same will now be committed to the Sectoral Committees.

Mr. Speaker, I have discovered that we may not be on time to pass the budget because the way things are, when the Budget Committee comes in with the Report, that Report will be without the input of the Sectoral Committees.

Now, the Sectoral Committees will not have time before 30th of June to go back and scrutinize with ample time. What has been happening all along is that we pass the budget very much in a hurry because we pass it today when the deadline is today.

This is because of such technicalities and what is happening now. The budget does not belong to the Budget Committee Mr. Speaker; it belongs to all Members and all the people of Kilifi County through their representatives that they brought into the House.

If the Budget Committee will hijack the process and does it all alone, then why do they have to bring it back to us to pass it? One, we will be passing something we do not know and secondly, we had no time to give our inputs. It is very much provided in law under Standing Order No. 208 that when the Budget has been committed to the House, the first thing is to commit the same to the various Committees and the Committees to be given ample time to go through it. That should have happened as early as April. Today we are on 13th of June and that has not been done. The Budget Committee is just about to conclude and that has not been done.

Therefore, I urge this House to adjourn and every Committee to proceed to Mombasa to carry out its mandate. This is because we do not have time; we have less than 20 days and if we will not intervene, then it means we will have no budget. I do not believe that any Member seated in this House will come here and say *aye* to something that he or she has not put his mind to; that he knows nothing about and that he or she has not been consulted.

Taking the budget to the Budget Committee means that the Committee should reconcile the Reports from all the Sectoral Committees and write their Report. Now, it is not going to be business as usual unless we want to flog the whole process. What I am asking from this House is that it will be improper for us to continue sitting here running the business of the House like everything is in order. Like what hon. Ziro has said that next week we have a very busy week but this busy week will come to an end and we will stop everything and look at the budget.

Today if you ask the Assembly, they will tell you that we have no money yet we are running a bigger risk of not having money at all by not passing the budget. I do not have much to say because I have already seen it coming, it is good to intervene and that is what I am doing. I call upon hon. Mwamtsi to second the Motion.

Hon. Mwamtsi: Thank you Mr. Speaker. I would like to point out that age is wisdom and I stand here to accolade the Leader of Majority in his wisdom and guidance and being in that position for that long, he truly understands what Kilifi County needs. So I stand to support that as a House, we adjourn to look at this serious matter with the seriousness it deserves.

Chapter one of the Constitution explains that sovereign power of the Republic is vested in the people. That power in most cases is delegated to us elected individuals or officials. The budget of the County Government of Kilifi belongs to the people of Kilifi County and it is prudent enough that we as elected Members take the views of the people that we represent in the process.

As per now, there is a gap in regards to that aspect. Even as a matter of procedure, the Sectoral Committees are required to sit and call the relevant Executive Members then they submit Reports to the Committee on Budget. Then the role of the Committee on Budget is just to document what the Sectoral Committees come up with.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

However in this case, it is like the mandate of the Sectoral Committees is given to the Budget Committee and then the Sectoral Committees' role is to come and endorse what the Budget Committee has done. We all know that this House is a House of procedures and where we notice errors as a House it is our mandate to rectify them. So, I support this Motion of adjournment so we can deliberate on the flogged budget procedure. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Kenga): Thank you very much hon. Mwamtsi. Before I propose the Question because we are on record and I would like to make it clear that we are not adjourning the House for us to be able to move to Mombasa. We are adjourning the House so that we get ample time to engage on the budget estimates for the financial year 2018/2019. The leadership of the Assembly will organize on the issues of the venue.

So, we are not saying that we are adjourning so that we move to Mombasa, no! We are adjourning so we have time to engage extensively on the financial year 2018/2019 budget estimates. Now, having heard the Majority Leader move the Adjournment Motion and the Motion having being seconded, I will now propose the Question.

(Question Proposed)

Hon. Mramba: Thank you Mr. Speaker, The County Assembly of Kilifi is a House of honour, dignity and decorum. We must at all time stick to the law. If the law requires that the budget estimates must go to the Sectoral Committees first before they are forwarded to the Committee on Budget and Appropriations, then there is no shortcut to that.

We have seen in several instances and even the former Chairman hon. Daniel Mangi used to do the same thing consuming almost two months in Mombasa but failing to pass the budget on 30th of June. Never have we seen the budget of Kilifi County being passed before or on 30th of June. We have seen the budget being passed in August which is not according to the law.

We have Members of the Budget Committee who are very fond of travelling to Mombasa yet they are subverting the law. We have Members in the Committee of Budget and Appropriations who are Chairpersons of various Departmental Committees but they can attest to this that they have not sat with their Members to go through the budget in their respective Committees.

The law says if it is the Committee on Health Services, it must sit, go through the budget on health, interrogate it and even invite the CEC Member to appear before that particular Committee. If there are any issues they talk to him or her and rectify those issues before a Report is given to the Committee on Budget and Appropriations. Now that was not done and we are only 17 days to 30th of June I strongly support the Motion that we leave everything here now and we join all Members in Mombasa and to be precise we must not leave Mombasa until this issue is finalized. It does not matter whether we have money or not; we are ready to sacrifice but we stay in Mombasa until due diligence is done. Thank you. I beg to support.

The Deputy Speaker (Hon. Kenga): Thank you the hon. Member for Kakuyuni Ward but as I said earlier, Members, we are not adjourning the business of the House for us to be able to move to Mombasa. We are saying we are adjourning so we have ample time to engage the budget document. Thank you. Hon. Changawa.

Hon. Changawa: Asante mheshimiwa Spika kwa kunipa nafasi hii. Nasimama kuunga mkono Hoja ambayo imeletwa mbele yetu ya kufunga kipindi cha Bunge kwa mda kidogo ili kujadili maswala ya bajeti ambayo tuko nayo. Jana kuna swali niliuliza kwa Spika lakini nilikuwa namaanisha jambo fulani...

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The Deputy Speaker (Hon. Kenga): There is a Point of Order from hon. Peter Ziro.

Hon. Ziro: Thank you Mr. Speaker. I want to understand if the Member on the Floor is orderly dressed and proper to address this House. Thank you.

The Deputy Speaker (Hon. Kenga): Yes hon. Member, do you think you are in decorum or you feel that there is something that is missing?

Hon. Changawa: Asante mheshimiwa Spika. Kuna kitu kinakosekana...

The Deputy Speaker (Hon. Kenga): We have all been saying that this is a House of procedure, rules, decorum and dignity and therefore you need to move out, make sure you are properly dressed and then you come and make your contribution if time will allow you.

(Hon. Changawa withdrew from the Chamber)

Yes hon. Mwayaa please proceed.

Hon. Mwayaa: Asante Mheshimiwa Spika kwa kunipa nafasi hii. Mimi pia nachukua nafasi hii kuunga mkono Hoja ambayo imeletwa na Kiongozi wa wengi Bungeni. Iko haja tusitishie kazi za Bunge hili kwa mda tukajadili maswala ya Bajeti. Kipindi cha kwanza tumekuwa na Bajeti ambayo iko karibu kuisha mwezi huu. Tulikuwa na miradi ambayo ilikuwa haijakamilika pia tukafanya *Kamkunji* ikasemekana kwamba zile pesa za miradi ambayo ilisitishwa wakati ule zitalipa madeni ya Kilifi. Bunge hili linataka kujua, je miradi ile ambayo mingine ilikuwa katika *lantern level* na nyingine zilikuwa zimefikia kilele cha kumalizwa, zishawekwa katika bajeti hii ili kwamba tuone tumewafanyia kazi watu wa Kilifi? Iko haja tusitishie kazi za Bunge hili tukaangalie hiyo bajeti na tuhakikishe ya kwamba ile miradi imewekwa pesa ndani ya hii bajeti ili miradi ifanyike kwa mda unaofaa ili kwamba wananchi wa Kilifi wafaidike.

Ni Bunge hili tu na sio watu wengine ambao wanaweza wakaenda na wakaangalia miradi ile imewekwa sawa sawa. Tulichaguliwa ili tuwakilisha na kama ni kuwakilisha, hatuko hapa kupigia makofi mtu, hatuko hapa kuunga mkono mtu bila kuangalia kiundani ni kitu gani haswa kimewekwa kule nyanjani. Wacha tusitishie kazi ya Bunge hili tuende tukaangalie bajeti na ambacho hatuja kiweka tukiweke ili kazi ifanyike. Asante.

The Deputy Speaker (Hon. Kenga): Thank you. Hon. Maitha.

Hon. Maitha: Asante mheshimiwa Spika. Nami nasimama kuunga mkono Hoja hii. Sisi waheshimiwa wa hapa Bungeni tulikuwa na wasiwasi na hii Kamati ya Bajeti kwa sababu toka twende Kakamega, Kamati ya Bajeti inatoka na Kamati nyingine zimetulia. Tunaambiwa hakuna pesa lakini lile ambalo linajadiliwa na Kamati ya Bajeti hatulioni. Nasimama kuunga mkono kuahirisha vikao vya Bunge ili tuangalie hii bajeti. Kama mheshimiwa wa Kayafungo alivyoongea kwamba tutapata wakati gani kuangalia ile miradi ambayo ilikuwa imetolewa haswa wakati ule wa *Supplementary Budget*, hatutaki kutumia hili Bunge kuwa *rubberstamp* kwa maoni ya watu wachache ambao wamekaa mahali. Naona umefika wakati wa kuwa tusitishie hivi vikao na tuende kukaa chini kuangalia hii bajeti kwa sababu mda hautoshi. Asante mheshimiwa Spika.

The Deputy Speaker (Hon. Kenga): Thank you. Let us hear contributions from hon. Dele.

Hon. Dele: Thank you Hon. Speaker, I do stand to applaud the hon. Leader of Majority of this House for the Motion he has just moved. We do understand that we are the legislative arm and it is improper for us to violate the procedures which are well stipulated in Standing Order No. 208. Kilifians are watching what the legislative arm...

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

(Hon. Dele spoke off record)

...that we do make ourselves. Hon. Speaker, having corrected this, we should not just correct because I do believe that we violated the procedure deliberately and those who made us violate the procedure deliberately are culprits within us. So that in the near future this does not happen again, after we have corrected this, the leadership of this Assembly should also take proper punishment to the culprits for what they have caused to Kilifians. Thank you.

Hon. Changawa: Asante mheshimiwa Spika. Nimesimama kuunga mkono hii Hoja na sitaki tuote kidole cha lawama kwa Kamati ya Bajeti lakini nafikiri mahali tuko, tuko na watu ambao wana shauri kila jambo ambalo linatendeka katika Kamati ambazo tuko nazo. Kwa hivyo, mbali na kwamba tuangalie Kamati ya Bajeti, lazima tuangalie ni kina nani wahusika wakuu katika Bunge hili. Kwa hivyo, mbali na waheshimiwa peke yake, tuko na maofisaa ambao pia wanahusika kutushauri. Ni lazima tuangalie vizuri na tuone makosa yametokana kwa Kamati ama yametoka kwa maofisaa ambao ni wasahauri wetu.

Yangu nasema ya kwamba jana niliuliza swali rahisi na swali hilo nafikiri lilifikia mahali kuzalisha mambo kama hayo ya kwamba wakati mwingi unatoka kwenda kuelimishwa mambo fulani Fulani lakini baadaye hatuyatekelezi. Kwa hivyo, naunga mkono jambo hili na tushughulikie bajeti ili tujue si tuilizwe nje kwenye bajeti kuna nini na nini. Asante mheshimiwa Spika.

The Deputy Speaker (Hon. Kenga): Thank you. Hon. Members. The Motion as moved by the Leader of Majority has been deliberated by this House.

(Question put and agreed to)

ADJOURNMENT

Hon. Members, I now adjourn the House to go and consider the budget estimates for financial year 2018/2019 laid on the Table of this hon. House on the 8th of May, 2018. Thank you very much.

The House rose at 3:10 p.m.