

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 16th May, 2017

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

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

PRAYERS

STATEMENT

YEARLY PAYMENT FROM AIRTEL TO THE COUNTY GOVERNMENT OF KILIFI FOR LAND BELONGING
TO MR. RONALD MANGI MUPE

Hon. Chai: Thank you Mr. Speaker, Sir, for giving me time to read a Statement to the County Executive Committee Member in charge of Roads and Infrastructure through the Chairperson Transport and Public Works:-

Whether the County Executive Committee Member in charge of Roads and Infrastructure is aware that in Jaribuni, on plot No. 324 belonging to Ronald Mangi Mupe lays an antenna for Airtel and the family claims that the County Government of Kilifi takes the yearly payment of the same from the company and if yes, what steps will the Department take to make sure that the family gets its rights?

Thank you very much Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Yes, next Statement? Or anybody else? Okay let us go the next Order.

MOTIONS

REPORT ON THE VETTING OF THE NOMINEE FOR THE POSITION OF CHAIRPERSON MBEGU FUND
BOARD

Hon. (Dr.) Chitibwi: Thank you Mr. Speaker, Sir. I wish to move that this House adopts the Report of the Committee on Planning, Trade and Cooperatives on the vetting of the nominee for the appointment to the position of Chairperson Mbegu Fund Board laid on the Table of this honourable House on Wednesday, 10th May, 2017. I request hon. Daniel Mangi to second.

(Hon. Mangi Seconded)

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(Question proposed)

Hon. Mangi: Thank you Mr. Speaker, Sir. I rise to support the approval of the nomination of Mr. Pastus Franklin Kitti for the position of fund manager. Mr. Speaker, Sir, it is evident that that position goes by experience and being knowledgeable in the dockets or duties that they have to execute. The employment record of the fund manager who we are yet to approve... may I just mention a few. He is a retired banker who worked in the following banks; Commercial Bank of Africa from 1977 to 1989 where he was the head of internal audit, Nairobi branch; he was in Commercial Bank of Africa from 1990 to 1994 at the Mombasa Branch where he worked as the branch operations manager; from 1995 to 2001 he worked with ABN Bank Mombasa Branch as the head of operations and from 2002 to 2005 he was at the Consolidated Bank of Kenya as the head of operations.

Mr. Speaker, Sir, generally he has vast experience in the banking industry for more than 25 years making him the best candidate for this job. This is therefore to just conclude or convince me that he is the best suited candidate who should hold this position because the position requires somebody who is knowledgeable in financial matters. Here we have got one, and not only have we got one but we have got one of the best candidates. So, I really support the approval of the fund manager in the name of Pastus Franklin Kitti. Thank you Mr. Speaker, Sir.

Hon. Nzaro: Thank you Mr. Speaker, Sir. I also wish to rise in support of the adoption of this Report. One of the things which made us reject the earlier nominee for this position was that he did not meet the qualifications according to the Bill which we passed in this Assembly on the Mbegu Fund and looking at the credentials of this nominee, I think this county is at its best to give this candidate the position because one of the fundamental issues which has made me support this nominee is what he answered when he was asked how he could deal with corruption in this county. The answer he gave was very pleasing because he insisted on integrity and good work ethics and these are the fundamental issues which we should cherish as an Assembly on such candidates which we vet in this House.

The Mbegu Fund has been a topic of discussion in this county for long and if we get this Chairperson, I hope the Mbegu Fund will be rolled out for the benefit of our youth, women and those people living with disabilities so that they can do several meaningful economic activities which this fund intends to do.

Mr. Speaker, you will realize that it is long overdue because trainings have also been done for these groups in our wards, so the sooner we pass this nominee; the sooner our people will get the benefit of doubt and manage this county properly so that we move in the right direction. Thank you Mr. Speaker, I support.

Hon. Gambo: Asante Bw. Spika kwa kunipatia nafasi hii. Mimi pia nimesimama kuunga mkono kupitishwa kwa Ripoti hii inayozungumzia kuhojiwa kwa Mwenyekiti wa Mbegu Fund. Naamini kwamba wakati umefika ili sheria ile ambayo tuliipitisha iweze kuanza kunufaisha wananchi wetu. Serikali ya Kilifi ilitamani sana kuwa na benki yake ambayo ingeweza kuwa na fedha ambazo wananchi wa Kilifi hawangukuwa na sheria zitakazowazuia ili wasiweze kuwa na urahisi wa kupata fedha ndio sababu tukapitisha sheria hiyo. Hata hivyo, ikaonekana kuwa sheria hii iweza kuchukua mkondo wake...

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

Hon. Mramba: Mr. Speaker, I am standing on a Point of Order. The hon. Member for Junju, hon. Gambo, whom I respect so much is misleading the House that the County

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Government is opening a Bank and I believe it is only a fund it is not a bank. Can he please clarify?

Hon. Gambo: Asante mheshimiwa kwa kuweza kunirekebisha na naamini lugha ziko tofauti tofauti katika hali ya kuelewana. Kwa hivyo, fedha hii mara nyingi huwa inapelekwa katika benki ili watu waweze kupewa kupitia benki hiyo ndio sababu tunazungumza haya ili wananchi waweze kuelewa.

Hata hivyo, ilifikia kwamba tulikuwa tunauhitaji wa Mwenyekiti ambaye atafaulu kusimamia hazina hii. Mwenyekiti ambaye amefaulu alikuwa awe amepitia upande huu wa kifedha na awe na vyeti na pia kuboea katika sekta hiyo ya kifedha.

Nakumbuka tuliletewa mmoja hapa na tukaweza kumzungumzia na tukaona hakuweza kufaulu kutokana na sababu ambazo zilitokana na sheria hii inayosimamia hazina hii. Huyu ndugu anaitwa Pastus alipoitwa katika Kamati ya Bunge alidhihirisha kwamba akipata nafasi hii ataifanyia kazi vizuri. Maswali yote ambayo tulimuuliza aliweza kuyajibu kwa ufasaha na ukakamavu wa kisawasawa Hivyo basic, Kamati ilimkubali na akahakikisha kwamba akipata nafasi hiyo ataenda kufanya kazi vizuri na hatimaye wananchi wa Kilifi watafaidika.

Kamati hii iliundwa katika Bunge hili na ikaaminika kwamba wanalolipitisha huko waheshimiwa pia wataunga mkono. Kwa hivyo, nimesimama kuunga mkono kupitishwa kwa Ripoti hii na naamini anapopewa nafasi hiyo Bw. Pastus Kittu ataweza kuendesha hazina hiyo vyema. Asanteni.

Hon. Kenga: Thank you very much Mr. Speaker. Allow me to also support the adoption of the Report of the Committee on Planning, Trade and Cooperatives on the vetting of the nominee for the appointment to the position of the Chairperson Mbegu Fund Board.

Mr. Speaker, why am I convinced and persuaded to support this Report? For those of us who have been able to go to school the level of Alliance High School, you will all believe that this has rather exhibited the level of a person who is very smart...

Hon. Mramba: Mr. Speaker, I am standing on a Point of Order. The hon. Member for Adu hon. Stanley Karisa Kenga is misleading the House by saying that he is one of the people who attended Alliance High School while in real sense I know for sure hon. Stanley Kenga attended Malindi High School. Can he please withdraw Mr. Speaker?

(Laughter)

Hon. Kiraga: Thank you so much Mr. Speaker. I want to clarify the issues raised by hon. Mramba...

The Deputy Speaker (Hon. Mwambire): Are you hon. Stanley (Kenga)?

Hon. Kiraga: No, I am standing in for...

The Deputy Speaker (Hon. Mwambire): No, you are out of Order. Just take your seat.

(Laughter)

Hon. Stanley (Kenga), proceed. I know you are in a position to clarify those issues but proceed.

Hon. Kenga: Thank you very much Mr. Speaker. The Member who rose on a point of Order is exhibiting and telling us the kind of high school he underwent because he is not in a position to appreciate and understand simple English. I said the level of Alliance High School. Look at the years this person went to Alliance High School, 1973 to 1977, and during that time is

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when Malindi High School was really Malindi High School and a giant in education in this Republic...

The Deputy Speaker (Hon. Mwambire): Hon. Stanley (Kenga) do not underrate Malindi High School because even in 1977 ...and when you look at the records of some of the people who are working in this Assembly, some of them went through Malindi High School.

A good example is the County Assembly Service Board Member, the fourth Member, he went to Malindi High School in 1977 so by that time Malindi High School was existing, so do not disadvantage those Members who equally went to Muyeye Secondary School, they also went through secondary education. Just proceed with your points.

Hon. Kenga: Thank you very much Mr. Speaker. I just wanted to set these things straight that I have an example of even the Speaker of this County Assembly who is a product of Malindi High School, the Deputy Clerk, hon. Nzaro and many more that guys and even my colleague hon. Kiraga...

(Laughter)

Hon. Mramba: Mr. Speaker, I know very well hon. Kiraga attended Gede Secondary School. In fact he did not report in term one, he went there in second term because his marks were too low and he had to attend an interview. That is the truth...

(Laughter)

He did not attend Malindi High School but Gede Secondary School.

Hon. Nzaro: Mr. Speaker, I am rising on a point of information.

The Deputy Speaker (Hon. Mwambire): Who do you wish to inform?

Hon. Nzaro: I wish to inform the one on the Floor hon. Stanley (Kenga).

The Deputy Speaker (Hon. Mwambire): Hon. Stanley (Kenga) do you wish to be informed?

(Hon. Kenga nodded in agreement)

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

Hon. Nzaro: Mr. Speaker, from my understanding on what hon. Kenga tried to portray is that Alliance High School is in the same league as Malindi High School where he learned because they are all National Schools that is why I thought it was wise to read from his point. I think that is what he meant.

The Deputy Speaker (Hon. Mwambire): Is Malindi High School a National School?

Hon. Nzaro: Yeah.

(Laughter)

The Deputy Speaker (Hon. Mwambire): It is not. You are now lying, you are misinforming hon. Kenga. Okay hon. Kenga kindly proceed am seeing the interventions but just proceed.

Hon. Kenga: Thank you very much Mr. Speaker. I think the point is very clear that Malindi High School was of the same level as Alliance during those years when Malindi was

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really a giant in education. That makes me believe that this is a guy who is very bright having undergone his Secondary Education in Alliance High School and further pursuing a Bachelor of Commerce (Accounting Option) from The University of Nairobi.

Also, looking at the employment record for quite some time, he has had his career in the Commercial Bank of Africa, ABN Bank Mombasa Branch as head of operations in the Consolidated Bank of Kenya. This has given him wide knowledge and experience that is required for him to be able to execute the duties, functions and responsibilities that are bestowed in the position that he was nominated to serve.

Mr. Speaker, I have also gone through how he responded to some of the questions that were raised by the Members and you know the Committee is led by a respected Member a Doctor indeed who had the right questions to engage the guy to make sure that we get the right person for this job. Evidence is already given that the first nominee who came for the interview and the name was presented before the Assembly having gone through the hands of the Committee could not see the light of the day because he did not prove that he could handle the job.

Therefore, I want to convince Members that we support the adoption of this Report so that we are able for the few months that are left before you exit and take your position in the National Assembly, Mr. Speaker, you can also enjoy the fruits of devolution because I know that Members of the National Parliament when they get positions to serve at the Parliament, they become enemies of devolution. Before you become an enemy, you have to enjoy the fruits of devolution at this hour. I beg to support and urge Members to do the same. Thank you very much.

The Deputy Speaker (Hon. Mwambire): You cannot be an enemy of something that you procured. Do not worry hon. Kenga. Hon. Mwayaa please.

Hon. Mwayaa: Asante Mheshimiwa Spika kwa nafasi hii. Pesa ya Mbegu Fund tuliweka muda mrefu ili isaidie watu wetu wa Kilifi. Kusema kweli, pesa hii wananchi bado wanajiuliza maswali kwa nini haijatumika. Saa hii tumepata mtu ambaye ana ujuzi wa jambo hilo na atasimamia pesa hizi, kwa hakika Kilifi yetu itaenda mbele. Makundi yatapata pesa na kufanya biashara zile ambazo watajiendeleza.

Mheshimiwa Spika, naunga mkono Kamati kwa maswali waliouliza na alivyoyajibu. Mtu huyu ana shahada za kazi hii na kazi anaiweza. Ukikumbuka yule mtu wa kwanza tulimkataa katika Bunge hili kwa sababu hakuwa na shahada yoyote. Mjumbe wa Kaloleni ndiye aliyeeunga mkono mtu huyo kwa sababu ya ujirani. Saa hii tumepata mtu ambaye ako na ujuzi wake, hakuna ujirani na yuko sawa na hiyo kazi. Naunga mkono na atakapoingia mamlakani, watu wa Kilifi wapewe pesa na zivasaidie kwa biashara ndogo ndogo. Asante.

The Deputy Speaker (Hon. Mwambire): Hon. Members, allow me to call upon the Mover to respond.

(Question, that the Mover be now called upon to reply, put and agreed to)

Hon. (Dr.) Chitibwi: Am glad from what I have heard from my colleagues here concerning this nominee and I would like to say that we are on the right track. I hope at the end of everything, this House is going to approve the adoption of this Report. May I say when we received this nominee, we looked at the papers and the Committee was wondering where this person was earlier because the first nominee who was brought in, you all know what happened. I

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began to think maybe it was a test for this House and I am glad to say that this House passed that test. We stood our ground, we stood for what was the truth and lawful.

This gentleman has been noted to fit into this Bill in every professional way and also in other legal issues. As hon. Kenga has said, he is a product of Alliance, one of the Schools that was very hard to get into in those days. He is a rural person born in a normal African village just as I was. So, we have got the right person who was vetted by the right Committee.

Mr. Speaker, without wasting a lot of time, let me thank those who have contributed and request this House to approve the appointment of this nominee by adopting this Report. We have all been waiting, the language out there is that the Governor was lying to them and we as Member were also lying. The sooner we adopt this Report, I believe everybody will be able to see this fund come into operation. Thank you very much. I request that we adopt this Report.

The Deputy Speaker (Hon. Mwambire): Hon. Members, a Motion for adoption of the Report of the Committee on Planning, Trade and Cooperatives on the vetting of the nominee for the appointment of the position of the Chairperson Mbegu Fund Board had been deliberated.

(Question put and agreed to)

ADOPTION OF THE REPORT ON THE FINANCIAL OPERATIONS OF THE COUNTY ASSEMBLY OF
KILIFI FOR THE FINANCIAL YEAR 2013/14

Hon. Kaingu: Thank you Mr. Speaker, Sir. I take this opportunity to table before this House the Report of the Committee on Public Investments and Accounts on the financial operations of the County Assembly of Kilifi for the financial year 2013/2014:-

THAT, the House adopts...

The Deputy Speaker (Hon. Mwambire): Hon. Kaingu, you are tabling a Motion not a Report.

Hon. Kaingu: Thank you Sir for that correction:-

THAT, the House adopts the Motion of the Committee on Public Investments and Accounts adoption of the Report on the financial operations of the County Assembly of Kilifi for the financial year 2013/2014 laid on the Table of this honourable Assembly on 21st February, 2017.

I call upon hon. Japhet Nzaro to second.

(Hon. Nzaro seconded)

(Question proposed)

Hon. Nzaro: Mr. Speaker I wish to support but I had wished to second after I have gone through the Report so that I give the right...

The Deputy Speaker (Hon. Mwambire): But you are a Member of the Committee and the Chairperson has designated you as the one who will second and you accepted to second.

Hon. Nzaro: I did second but this Assembly has 52 Members. I think I could also second at a time when I was ready to.

The Deputy Speaker (Hon. Mwambire): Let us assume that is your contribution so that other Members can proceed.

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Hon. Nzaro: Thank you Mr. Speaker, Sir.

Hon. Mwayaa: Asante sana Bw. Spika. Mimi nikiwa mmoja wa Wanakamati wa PIC/PAC (*Public Investment and Public Accounts Committee*) kusema kweli Kamati ilifanya kazi yao lakini Ripoti hii ililetwa kuchelewa kwa Kamati. Baadaye tukajuwa yote tuliyokuwa tumeyaona katika ile Ripoti ilikuwa tayari Katibu wetu wa Bunge hili alikuwa ameyajibu.

Kwa hivyo, Bw. Spika sioni haja ya kujadili Ripoti hii tena ambayo ilijibiwa na Katibu wetu vizuri na yote yakaonekana yako sawa mahesabu yako sawa. Ni kwa vile ni Hoja imeletwa, wacha ijadiliwe lakini kusema la kweli, kila kitu kilijibiwa na Katibu wetu na yote yako sawa.

The Deputy Speaker (Hon. Mwambire): So, you do not support the recommendations that are in the Report?

Hon. Mwayaa: *I do not support the recommendations* kwa sababu ililetwa kwa Kamati kuchelewa kwa hivyo, sikubaliani na yale ambayo tulikuwa tumeandika. Asante.

Hon. Mangi: Thank you Mr. Speaker, Sir. I vehemently oppose this Motion. While the PIC/PAC Committee did its work diligently, the whole exercise was overtaken by events. In other words, yes they did their work; number two, the Clerk in his wisdom did address those issues that were questionable. Hence, there is no need to revisit issues that have already been settled. I oppose this Motion. Thank you Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Members, you are putting me in a very trying moment, I do not see requests here or I call upon the Mover? Hon. Kiraga, please make your comments.

Hon. Kiraga: Thank you so much Mr. Speaker, Sir. As much as I praise the Committee for their good job but whatever they produced was overtaken by the prevailing events. I therefore stand to oppose the adoption of this Motion Mr. Speaker thank you.

Hon. Mramba: Thank you Mr. Speaker, Sir. While I support the recommendations made by the honourable Committee of PIC/PAC through the able Chairperson hon. Duncan Kaingu, due to the timing of the Report and now that most of the issues have been dealt with accordingly by the Office of the Speaker, therefore rendering this Report useless because all the issues had been acted upon by the Speaker therefore...

The Deputy Speaker (Hon. Mwambire): It is the Clerk not the Speaker.

Hon. Mramba: Sorry, Mr. Speaker, Sir, by the Office of the Clerk thereby I can say it has been overtaken by events therefore...

(Hon. Kenga stood on a Point of Information)

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

Hon. Mramba: Mr. Speaker I do not need ...

(Hon. Mramba spoke off record)

Therefore Mr. Speaker, Sir, now that it has been overtaken by events, I wish to oppose the adoption of the Report and it is to be rejected in its totality and next time the Committee should do a Report and bring it to the Assembly as early as possible so that no other Report is overtaken by events. Thank you.

Hon. Kenga: Thank you very much Mr. Speaker, Sir. I beg to oppose the adoption of the Report of the Committee of Public Investments and Accounts on the financial operations of the

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County Assembly of Kilifi for the financial year 2013/2014. We are now on the financial year 2016/2017 and we are left with very few months to get into financial year 2017/2018 as much as my colleagues have been in a position to appreciate the effort that has been done to bring up this Report.

My part will be towards the Members and the Committee, that this Report for the financial year 2013/2014, we are so many years down the line yet we are receiving it today and there are a lot of things that have passed and therefore that renders this Report invalid and therefore I am persuaded and convinced that we have got the option of opposing the adoption of this Report. But again, this is a learning experience that for whatever Report that is brought before the Assembly whatever work that is given to a Committee for it to be able to execute, that work must be done within the appropriate time possible so that once the Report is tabled, it provides an opportunity for Members to be able to debate and even adopt such a Report.

As of now, there is so much that has happened that renders this Report not appropriate for us to be able to adopt it. Therefore, I beg to oppose the adoption of the Report and to inform hon. Mramba the Member for Kakuyuni Ward that it is not most of the items that were raised that have been addressed administratively by the Office of the Clerk but all the issues that were raised have been addressed by the Office of the Clerk and therefore I want to believe that he is informed. Thank you very much.

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker, Sir, for giving me an opportunity to also air my views on the Report that is before this House. Let me applaud my fellow Members who have disowned this Report. Mr. Speaker, we understand as they have put it that many of the issues that are in this Report have been dealt with by the Clerk. Passing this Report is like provoking the same auditors because the Clerk had dealt with these issues according to their satisfaction and it is like questioning issues that had already been done to the satisfaction of the Auditors who are the main actors in this session.

So, Mr. Speaker, I stand to oppose this Report and again call upon the relevant Committee that next time they should be on their toes so that they bring such Reports on time so that we can move within the needed time. I stand to oppose.

The Deputy Speaker (Hon. Mwambire): The Leader of Minority, is your recommendation applicable in this Assembly at this moment or those who will be coming after election?

The Leader of Minority (Hon. Pascal): Because we still have time Mr. Speaker, and there could be other Reports that might come along.

The Deputy Speaker (Hon. Mwambire): Okay, do not worry. Hon. Members allow me to call up on the Mover to respond.

(Question, that the Mover be now called upon to reply, put and agreed to)

Hon. Kaingu: Thank you Mr. Chairman. First of all...

The Deputy Speaker (Hon. Mwambire): I am sorry I am the Speaker, I am not the Chairperson. This is not a Committee it is a plenary session which is being presided over by the Speaker.

Hon. Kaingu: Sorry for that. Thank you Mr. Speaker, I also take this opportunity to thank my fellow Members of the Public Investments and Accounts Committee for work well

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done and I also take this opportunity to thank the Clerk of the County Assembly of Kilifi who has assisted us in compiling this Report effectively.

I also take the opportunity to thank the Members who have actually decided to oppose this Report because it is their democratic right to do so because there are some issues which were raised and were against the Clerk. According to what happened, the Report has been overtaken by events so I leave it to the Members to decide the fate of this Report.

The Deputy Speaker (Hon. Mwambire): There is a point of Order from the Minority Leader. Yes hon. Pascal, take your seat hon. Duncan Kaingu.

The Leader of Minority (Hon. Pascal): Mr. Speaker, is the Member on the Floor in order to point out that the issues which are here were against the will of the Clerk? Can he clarify that because I believe we normally discuss issues in a very independent angle. Let him be clear on that statement.

The Deputy Speaker (Hon. Mwambire): Hon. Duncan (Kaingu) I think you have heard what the Member wishes to understand from you.

Hon. Kaingu: In short I want to be brief and leave the Members to decide the fate of this Report...

(Hon. Mramba stood on a Point of Order)

Hon. Mramba: Mr. Speaker, the hon. Chair for PIC/PAC indicated that there were some issues which were against the wishes of the Clerk. That is where the problem started. He said that we did the Report but there were some issues that were against the Clerk, which issues are these? I do not think the Clerk was partisan. It is the Assembly, not the Clerk. Now I want him to withdraw that remark that "there are some issues which were against the wishes of the Clerk."

Hon. Kaingu: Thank you Mr. Speaker, let me withdraw the earlier statement to make it short. Now I repeat that I leave it to the Members to decide the fate of this Report whether to oppose it or to support it.

(Question put and negatived)

ADJOURNMENT

The Deputy Speaker (Hon. Mwambire): Hon. Members there being no other Business to transact at this moment, this House adjourns until tomorrow at 2.30 p.m.

The House rose at 3:12 p.m.