



## COUNTY ASSEMBLY OF MOMBASA

### OFFICIAL REPORT

Thursday, 28<sup>th</sup> February, 2019

The House met at 2:55p.m.

*(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)*

### PRAYERS

**The Speaker** (Hon. Khatri): Good afternoon Hon. Members we may be seated. Yes Clerk?

### COMMUNICATION FROM THE CHAIR

Hon. Members, I wish to bring to the attention of this Honourable Assembly that we have visitors from the House of Representatives, Women Caucus from Zanzibar. I recognize the presence of the delegation which consists of; Hon. Mgeni Hassan Juma – Deputy Speaker and Chairperson of the House of Representatives Women Caucus, Hon. Mwantatu Mbarak Khamis – Deputy Chairperson of the House of Representatives Women Caucus, Hon. Lulu Msham Abdulla – Member of the House of Representatives Women Caucus, Hon. Khadija Omar Kibano – Member of the House of Representatives Women Caucus, Hon. Mwanaidi Kassim Mussa – Member of the House of Representatives Women Caucus, Ms. Nasra Awadh Salmin – Staff of the House of Representatives, Ms. Fatma Ali Mohamed – Staff of the House of Representatives.

Hon. Members thank you for coming to Mombasa and on behalf of the Assembly, I welcome you all to the County Assembly of Mombasa. *Karibuni sana.*

*(The delegation bowed before the House)*

*(Applause)*

### PAPERS

#### THE STATUS OF THE REPORT ON SUPPLY OF STREET LIGHTING EQUIPMENT AND EMPLOYMENT OF TECHNICIANS IN MOMBASA COUNTY

Yes, Hon. Prischilla Mumba, Chairperson Committee on Transport, Infrastructure and Public Works please table the report.

**Hon. Mumba:** Thank you Mr. Speaker for giving this opportunity. Mr. Speaker Sir I would like to up-date the Honourable House on behalf of the Committee on Transport, Infrastructure and Public Works on the status of the report on supply of street lighting equipment and employment of technicians in Mombasa County. Mr. Speaker Sir we were ready to prepare until a report as you directed...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Faith?

**Hon. Mwende:** Mr. Speaker I guess last week you authorized the Clerks to give Members copies so that they know what is being read, we do not have the copies by now. Thank you Mr. Speaker.

*(Consultations)*

**The Speaker** (Hon. Khatri): Thank you Hon. Faith. Honourable Members according to the Clerk they are saying the Honourable, Chairperson of the Committee that this is not a report but she just trying to explain, so can you please let her explain and we listen to her.

**Hon. Mumba:** Thank you Mr. Speaker for guiding me properly. Mr. Speaker Sir we were ready to prepare and table a report as you had directed but this was only possible if you could get the requisite information from the Chief Officer, Department of Transport, Infrastructure and Public Works.

Mr. Speaker we extended two invitations to him to meet the Committee; the first on Monday, 25<sup>th</sup> February, 2019 at 2:00p.m. and later today Thursday, 28<sup>th</sup> February, 2019 at 10:00 a.m. in both situations he did not appear before the Committee.

In view of the failure of the Chief Officer to appear before the Committee we have decided to invoke the provision of the law to summon him to appear. We would like to remind ourselves that this is an Honourable House which legislative and oversight powers; the Constitution and status law give us powers to oversight the County Executive and summon anyone to appear before it.

Mr. Speaker Sir we would like to particularly bring to your attention Article 195 of the Constitution of Kenya, 2010 and Section 39 Cap 2 of the County Government Act, 2012 and Section 18 and to Section 27 of the County Assembly Powers and Privileges Act, 2017. They are serious allegations, consequences to anyone defying the County Assembly and its Committees.

Further we would urge the House to give us more time and avoid discussing the matter until we have delivered our report as provided for in Standing Order 82, we would be able to provide a report in this Honourable House once we have received sufficient clarification from the Chief Officer. The Committee has therefore decided to summon the Chief Officer to appear before the Committee on Thursday, 7<sup>th</sup> March, 2019 at 10:00a.m. Thank you Mr. Speaker Sir.

*(Applause)*

**The Speaker** (Hon. Khatri): Thank you Honourable Chair. Yes Clerk?

## STATEMENTS

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**GARBAGE PILE UP IN AIRPORT WARD**

Yes Hon. Ibrahim Omondi.

**Hon. Omondi:** Thank you Mr. Speaker Sir for the opportunity granted. Mr. Speaker Sir I want to read a Statement. Garbage pile up in Airport Ward.

Honourable Speaker, Pursuant to Standing Order 42..., sorry Mr. Speaker Sir I have a problem with my eyes, Pursuant to Standing Order 41 (2) (c), I seek to know from the Chairperson Committee on Environment, Waste Management and Energy, whether he is aware of the garbage pile up at Saratoga area in Airport Ward which has not been collected for the past two years, and further if he is aware the aforesaid area is used by the entire Changamwe Sub County as a dumping site and finally what plans does the County government of Mombasa have to remove the garbage considering that it is now posing a health hazard to the residents.

Mr. Speaker Sir if you would allow me just one minute I would like to emphasize that indeed it is very serious as I speak now the area that I am talking about is very much affected and you will find that, that is an area where the community and even the youths use that particular area is a place where they practice most of their games and that place is really very serious and therefore I want to urge with a lot of strength that action should be taken with immediate effect.

Thank you Mr. Speaker Sir.

**The Speaker** (Hon. Khatri): Thank you Hon. Ibrahim Omondi, MCA Airport Ward. Yes the Chairperson Committee on Environment, Waste Management and Energy Hon. Shebe Athman may you please reply to the request for Statement, when will the response be ready or if you have the response with you?

**Hon. Shebe Athman:** Yes, thank you Hon. Speaker. I am saddened to hear my fellow Honourable Member that area of Saratoga garbage has not been collected for the last two years. It is very unfortunate Hon. Speaker and I am not aware of this so I kindly urge to give me time so that I can go to this area and see what is happening there. Thank you.

**The Speaker** (Hon. Khatri): Thank you Hon. Shebe Athumani we are giving you one week so by next Thursday we can have the reply please. Yes Clerk?

**CLOGGED DRAINAGE SYSTEM AND MANHOLE AT WAYANI, BOKOLE AND BOMU CATHOLIC CHURCH**

**The Speaker** (Hon. Khatri): Yes Hon. Ibrahim Omondi?

**Hon. Omondi:** I stand up to give a statement on the clogged drainage system and manhole at Wayani, Bokole and Bomu Catholic Church.

Mr. Speaker Sir, I seek also to know pursuant to the Mombasa County Assembly Standing Order 41(2) (c), from the Chairperson, Committee on Transport, Infrastructure and Public Works if he is indeed aware that the drainage system and manhole at Wayani, Bokole and Bomu Catholic Church is blocked completely and whether the County government have any measures or plans to unclog this system considering that the rainy season is just approaching.

Mr. Speaker if you would allow me just to emphasize the rainy season is approaching and just before it starts we shall hear a lot of outcry from this and I know that this Statement is only not affecting me, I am 100 per cent sure that it is affecting almost the entire County in every Ward and therefore I wish that the Department concerned will move very fast to make sure that this is affected, thank you.

**The Speaker** (Hon. Khatri): Thank you very much again Hon. Ebrahim. Yes Hon. Faith.

**Hon. Mwende:** Thank you Mr. Speaker I am standing under Standing Order 41 concerning the same clogged drainage system in Mombasa County, this is from Mainland to Akamba Handicraft and Umoja Primary drainage system...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Faith sorry you are giving a Statement as well.

**Hon. Mwende:** Yeah.

**The Speaker** (Hon. Khatri): So can you let me finish to direct that Statement first.

**Hon. Mwende:** Okay.

**The Speaker** (Hon. Khatri): The one the Hon. Member which he has said and when it comes to Statement again you can rise.

*(Consultations)*

So Hon. Members with the Statement regarding which the Hon. Member just said Hon. Ibrahim regarding the blockage I think the drainage systems is under Transport and Infrastructure so am going to ask the Chairperson for Transport and Infrastructure please to tell this House when will the response be ready?

**Hon. Mumba:** Thank you Mr. Speaker again I would like to be given not less than seven days so that we could have a site visit with my Committee and then we compile a report then we bring the report into this House. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): So you are saying one week? One week is okay, so next week Thursday is fine. Okay thank you. Yes Hon. Faith?

**Hon. Mwende:** Thank you Mr. Speaker Sir once again am Standing under Standing Order 41 (c) if you allow me.

**The Speaker** (Hon. Khatri): Yeah just read for us Standing Order 41 (c)

**Hon. Mwende:** 'A Member may request for a Statement from the Committee Chairperson relating to the matters under the mandate of the Committee and the Speaker may either appoint a day for the Statement or the direct that the Statement be issued on the same day', with your permission...

**The Speaker** (Hon. Khatri): It's fine Hon. Faith so let the Clerk again announce a Statement and then you will stand and rise for the Statement I think that the procedure.

Yes Clerk? So when I finish with Hon. Member I call upon the Clerk and when the Clerk again says Statement so you can stand so that you can give the Statement. Yes Clerk?

REQUEST FOR STATEMENT FROM CHAIRPERSON COMMITTEE ON TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS HON. MUMBA ON PLANS FOR UNBLOCKING CLOGGED DRAINAGE FROM MAINLAND TO AKAMBA HANDICRAFT FROM ABC CHURCH TO MIGADINI MWISHO

Yes Hon. Faith?

**Hon. Mwende:** Mr. Speaker I would like to know from the Chairperson on the Committee of Transport, Infrastructure and Public Works on what is planning of the drainage blockage from Mainland to Akamba Handicraft from ABC Church to Migadini Mwisho of which I brought this Statement last year and no action has been taken since then. So I will urge the Chairperson to move on a fast speed because the rainy season is approaching, is very near and there is a lot of outcry from the electorates. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): Thank you Hon. Faith Mwende. Yes Hon. Prischillah Mumba Chairperson for Transport and Infrastructure please kindly tell this House when will you have the response?

**Hon. Mumba:** Thank you Mr. Speaker. I brought the response in this House if I could remember although the date because it is not vividly in my mind but the problem was the youth who were given that work to work they had already done their work but there was no right payment at that time so they were waiting for those youths to be paid so that they continue with the projects. So what I can only confirm is I will go to the Ministry and confirm whether they have paid the youths so that they can continue with their work because that was given to youth groups to clean all those sewage lines. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): So we are giving you one week as well. Thank you. Yes Hon. Fadhili?

**The Deputy Speaker** (Hon. Mwalimu): Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi nimesimama chini ya kanuni za kudumu 41 ya Bunge letu hili. Mheshimiwa Spika kuna tetesi kuwa kuna vikundi vya vijana na kina mama ambao wameweza kupatiwa na serikali ya Kaunti mifugo Mheshimiwa Spika pasi na sisi Waheshimiwa kuwa na taarifa yeyote...

*(Applause)*

Ningependa Bunge letu hili lipewe uwazi lielezwe ni vikundi gani ambavyo vimefaidi kutoka mradi ule Mheshimiwa Spika na ilitumika taratibu gani kuweza kuwapatia vikundi vile mifugo ile? Ahsante.

*(Applause)*

**The Speaker** (Hon. Khatri): Thank you Hon. Fadhili. Yes Hon. Kitula? Are you a Committee Member for Agriculture? Are you going to reply to the Statement of Hon. Fadhili?

**The Chief Whip** (Hon. Kitula): Mheshimiwa Mwenyekiti nafikiri uliweza kumruhusu Naibu Mwenyekiti kukaa kwa kiti chako.

Lakini suala hilo liliulizwa ni leo tupate majibu Mheshimiwa Mwenyekiti, leo ndio majibu tunasubiri nafikiri ni vyenye haikuwa katika kumbu kumbu za siku ya leo lakini inastahili kujibiwa leo.

**The Speaker** (Hon. Khatri): Thank you. Yes the Chairperson for Agriculture?

*(Laughter)*

**Hon. Wambua:** Ahsante sana Mheshimiwa Spika swali liliulizwa na Bwana Kitula na nataka kuomba nipewe muda zaidi

*(Consultations)*

Kwa sababu Bwana Spika juzi tulipata ripoti ile kutoka kwa Wizara...

*(Interruption)*

**The Speaker** (Hon. Khatri): Members, Order! Order! Hon. Members please!

**Hon. Wambua:** Ahsante sana Bwana Spika.

**The Speaker** (Hon. Khatri): Yes.

**Hon. Wambua:** Juzi tulipata ripoti kutoka kwa department lakini Bwana Spika haikuwa sahihi tukasema irudi tena tumuite Afisa Mkuu aje ili atuelezee zaidi ili niweze kuileta Alhamisi ijayo.

*(Applause)*

Naomba.

*(Applause)*

**The Speaker** (Hon. Khatri): Yes Hon. Renson Thoya?

**Hon. Thoya:** Mheshimiwa Spika kuweza kumpatia muda Mwenyekiti mwenza ni kumpatia muda kuhakikisha ule mgao umalizike kugawanywa, zile mbuzi zinamalizika kugawanywa pamoja na kuku wake. Kwa hivyo hakuna muda ni tupate leo mbuzi, tupate kuku leo.

*(Laughter)*

**The Speaker** (Hon. Khatri): Yes Hon. Mwamwiri?

**Hon. Athman Mwamwiri:** Mheshimiwa Spika natangaza msimamo mimi nikiwa pia Mwanachama katika Kamati ya mifugo ripoti ama taarifa ilioletwa kama Kamati si kwamba haikuwa sahihi lakini tuliikataa kwa sababu mipangilio hii haikuhusishwa Kamati wala Mheshimiwa yeyote na pendekezo letu ilikuwa ni mhusika kuitwa na si tu kwa Kamati bali kwa waheshimiwa wote, Jumba nzima aweze kuyajibu kifaragha kisahih masuala haya. Sababu vile vikundi vyenye walituandikia Mheshimiwa Spika sisi tunatoka mashinani hatuvijui hatuvitambui na hiyo miradi kwengine hatuioni.

Kwa hivyo Mheshimiwa Spika suala hili kupitia kwako siku ambayo tutakuwa tumepata tarehe na chief officer lisiwe ni jambo la Kamati ya ufugaji na Ukulima pekee yake bali waheshimiwa wote tutawakaribisha ili waweze kuyasikia na kuchachawiza pale panapostahiki. Ahsante Mheshimiwa.

**The Speaker** (Hon. Khatri): Thank you Hon. Mwamwiri. Hon. Members I think we need to give time to the Committee, let the Committee do its work and by next Thursday we will have the full report back into the House.

**Hon. Wambua:** Ahsante Spika.

**The Speaker** (Hon. Khatri): Thank you.

*(Applause)*

Yes Hon. Bwire?

STATUS OF RENOVATION AND SUPPLY OF TEACHING AND LEARNING MATERIALS IN ALL ECDS  
ACROSS THE COUNTY

**Hon. Bwire:** Thank you Mr. Speaker. I happen to present my Statement in the House Business Committee unfortunately it was not captured here. Mr. Speaker I seek to know from the Department on Education on the Status of renovation and supply of teaching and learning materials in all ECDS across the County. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): Thank you Hon. Bwire. Yes Hon. Ibrahim *Bomoa* please.

**Hon. Omondi:** Thank you. Mr. Speaker Sir this is a very serious concern from your Chair I want to request that you allow us or you give us at least one week so that we may come up with a very comprehensive and satisfactory report on that issue. Thank you.

**The Speaker** (Hon. Khatri): Thank you Hon. Ibrahim, so next Thursday make sure you bring the report. Yes Clerk?

Statement

Yes Hon. Juma Renson Thoya?

RESPONSE BY CHAIRPERSON LABOUR AND SOCIAL WELFARE COMMITTEE HON. THOYA TO  
STATEMENT REQUEST ON 30 PER CENT RULE ON EMPLOYMENT IN JOMVU KUU WARD

**Hon. Thoya:** Thank you Mr. Speaker. I think the 30 per cent rule is all about the public companies but because the company that Hon. Shebe wanted to know the information on is private we have discussed with the Clerk yesterday and we were issued with the introductory letter for us to visit those companies and get the facts, the truth as alleged by Hon. Shebe Athuman we should believe that by next week we will bring a conclusive answer. Thank you.

*[The Speaker (Hon. Khatri) Exited the Plenary]*

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

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Shebe Athuman?

**Hon. Shebe Athman:** Ahsante sana Mheshimiwa Mwenyekiti. Mwenyekiti Mwenza wa Kamati ya Leba hii Taarifa Mheshimiwa Mwenyekiti nafikiri imechukua sasa takriban majuma mawili na mtu huanzia kwanza akamalizia mwisho lakini Mheshimiwa Mwenza mpaka saa hii yuko mwanzo sijui mwisho atafika lini? Hakuna hatua yeyote hii Kamati imepiga Mheshimiwa Mwenyekiti na watu wangu kule wanaumia, mimi kila siku naulizwa Mheshimiwa *Mukono* kampuni ziko hapa watu wanatoka nje wa Congo, watu wanatoka wageni mpaka leo sisi hatujaandikiwa kazi.

Kwa hivyo Mheshimiwa Mwenyekiti mimi naomba ikiwa mpaka hivi sasa ni majuma mawili na hii kazi haitafanyika, haijafanyika mimi naona hapa kuna utepetevu fulani. Kwa hivyo ningeomba nimeona barua imekuja pole Mheshimiwa Mwenyekiti ningeomba hii Kamati ya Leba iweze kuwajibika kwa sababu mimi nikienda nyumbani nashindwa mahali pa kupita Mheshimiwa kwa sababu ya hizo kampuni. Ahsante.

**The Deputy Speaker** (Hon. Mwalimu): Noted Hon. Athuman Shebe I think the Chair for Labour was clear when he responded that they have written an introductory letter to the companies so we shall wait the Committee to respond by the time they were given by this Honourable House. I think they have asked for more time so we are giving them more time but take the matter as an urgent matter because it is a concern from the Hon. Member. Yes Clerk?

Hon. Tobias Samba?

**Hon. Samba:** Yes Mr. Speaker thank you am standing on a Point of Order 41( 2) (c).

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu Fadhili): Standing Order or a Point of Order?

**Hon. Samba:** Standing Order, I want to seek a Statement.

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): So Hon. Samba then proceed Hon. Samba.

**Hon. Samba:** Mr. Speaker I would wish to seek a Statement from the department concerned, as we are all aware that the rains are looming; we are expecting heavy rains so I would wish to know from the department concerned our preparedness as the County government is as far as disaster management team is concern. I wish to know how they are prepared especially Tudor stage they has been a collection of water there Hon. Speaker and we have not deviated from the norms and we know very well that prevention is always better than cure, how prepared are they so that at least this House may know as a County government. Thank you Hon. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Hon. Chairman for Environment?

**Hon. Shebe Athman:** Mr. Speaker I think that docket is not under my Committee; that falls under Transport and Infrastructure Hon. Speaker. I guess my fellow Chair should be in a better position to answer that.



**The Deputy Speaker** (Hon. Mwalimu): Okay thank you. Yes Hon. Prischillah Mumba Transport Chair?

**Hon. Mumba:** Thank you Mr. Speaker. It has come now to my attention so please bear with me because I also have some other queries I should combine them all together so that I can get the answer when I would come after summoning the Chief Officer so that I can reply in this House, please Mr. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Yes Clerk?

RESPONSE TO STATEMENT BY CHAIRMAN COMMITTEE ON ENVIRONMENT HON.SHEBE ATHMAN ON  
UNCOLLECTED GARBAGE IN KONGOWEA WARD

Yes Hon. Athuman Shebe?

**Hon. Shebe Athman:** Ahsante sana Mheshimiwa Mwenyekiti. Leo ilikuwa ni siku yetu mahsusi ya kuleta Taarifa hii hapa Bungeni lakini tumekubaliana Mheshimiwa Mwenyekiti kama Kamati ya Mazingira kuwa ripoti tulioipiga msasa haijafika hadhi ya kuletwa katika Bunge hili. Kwa hivyo tumeomba tena takriban wiki moja Mheshimiwa Mwenyekiti ili tuje na ripoti ambayo itaweza kuridhisha kila Mheshimiwa na nimeiweza kuipanua na kuomba kuwa hii ripoti itaweza kugusia katika kila Wodi 30 za mji wetu wa Mombasa. Ahsante sana Mheshimiwa Mwenyekiti.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon Abrari?

**Hon. Abrari Mohamed:** Ahsante sana Mheshimiwa Spika. Hili litakuwa ni juma la nne nikiregesha taarifa hio hio ya Kongowea; Mwenyekiti nadhani nikipitia ripoti hii kusema la kweli haijaambatana na vigezo nilivyoviweka ama nilivyovitoa juma lililopita. Kigezo cha kwanza ambacho nilimwelezea Mheshimiwa ni kuwa jaa la Kongowea kwa Karama ambalo liko katikati ya mji ilikuwa nimemueleza kuwa hilo liwe litaondolewa kabisa kwa sababu jaa lile halina leseni ama haliambatani na kanuni za NEMA.

Jaa kwa Kongowea pale linafaa kama lingekuwa linafuata kanuni lingekuwa na leseni kutoka NEMA kuwa lile ni jaa la pili lingekuwa liko Kenya *gazette* kuwa hilo jaa linatambulika katika orodha ya majaa katika Mombasa, na la tatu ni kuwa jaa lile liko kati kati ya mji ambayo mvua ikinyesha wanaoathirika wote wale ambao wako karibu ni wenyeji ama ni wale wanabiashara ambao wako karibu na lile jaa. Na ya pili taarifa hio hio nikawa nimeelekeza kidole Mwenyekiti wa Mazingira kuwa jaa la sokoni atupe ratiba ya kuwa ni lini na lini watakuwa wakitoa taka ndani ya soko kwa sababu ndani ya soko kuna mlima takriban mkubwa kushinda mjengo huo na nikamuelezea hasa sisi twataka kujua mimi kama MCA wa Kongowea nataka kujua hasa ratiba iliowekwa ni kuwa jaa lile litakuwa latolewa ni kila siku, ni baada ya siku mbili, ni baada ya siku tatu, ni wiki moja ili nikilegea kule chini mashinani niwe naweza kuelezea wananchi ni kuwa ni vipi ama ni mipangilio gani tumepanga kuboresha hadhi ya Kongowea.

Kwa hivyo Bwana Mwenyekiti naregea kwako tena nikikuambia jaa la Kongowea kwa Karama ni lifungwe kuambatana na kanuni za NEMA, ni lifungwe kabisa ni pale hapafai kuwe na jaa na jaa la sokoni Kongowea ndani ya soko mtupe ratiba ni kuwa ni lini na lini mtakuwa mkitoa taka zile, ahsante.

(Applause)

**The Deputy Speaker (Hon. Mwalimu):** Thank you Hon. Athman. As you have heard the Member who raised the Statement wants to know the program of when you are going to clear the garbage at Kongowea and please when you respond just be precise on the issue of Kongowea saying that you are going to compile an issue of all the Wards just the issue of all the Wards be a supporting document to this House that the department is prepared has be precise on what the Honorable Member has said and it is a concern that has taken almost a month because the more time we are giving you it will take a month so take it as an urgent matter now that the rains are coming in our next Sitting Thursday make it next Statement hour when we are going to sit in this Honourable House have a good response to this issue. Hope am clear Hon. Member. Yes Clerk.

RESPONSE TO STATEMENT BY CHAIRMAN COMMITTEE ON TRADE, TOURISM AND INVESTMENT HON. OPEYA ON MAMA NGINA DRIVE FACELIFT

Yes Hon. Kizito Opeya?

**Hon. Opeya:** Thank you Mr. Speaker. This is in response to the Statement that was asked by the Hon. Moses Aran about the Mama Ngina Drive face lift that was launched by His Excellency the President Uhuru Kenyatta; he wanted to know whether the locals had been employed, and two he also wanted to know the status of food vendors and others who do business there, and after the project is completed whether they would still be there.

Twice now the Chief Officer has written a letter to the national government through the Ministry of Tourism but they have yet to reply; it is very strange because according to the Constitution the national and County governments are supposed to mutually co-exist and work together but we have yet to get the reply up to yesterday evening when I was with the Chief Officer Mr. Innocent Mugabi. So I told him to write the third letter and hopefully they will reply this time and give us the details because the County is only providing the land but the funding and everything is done through the national government. They are the only ones who are in position to answer this Statement which is requested by Hon. Moses Aran so I beg for more time till maybe next week hopefully if they will have replied I will tell the House or not maybe Mr. Speaker you can guide me. Those are the issues through the national government on how we can know about it but the national government is refusing to answer the Statement that we have asked here, thank you.

**The Deputy Speaker (Hon. Mwalimu):** Yes Hon. Moses Aran?

**Hon. Aran:** Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika hii Taarifa niliuliza tarehe 14 mwezi wa pili mwaka huu inamanisha ni wiki mbili imepita tangu niulize Taarifa hii. Mheshimiwa Spika sielewi kwa sababu twajua kwamba mradi umeanza na inafaa kuisha mwezi wa tano au mwezi wa sita na kuangalia ile hali ya kazi vijana wetu wa Mombasa hawajahusishwa na hili.

Naomba tafadhali na nashukuru Mwenye kiti vile ameongea, ameongea vizuri kwa hivyo mimi kama Mwakilishi wa vijana kutoka Bunge la Kaunti ya Mombasa kama hawataweza kutoa kujibu itabidi tutafute mbinu tutakazotumia kwa sababu hatuwezi kaa tuone kwamba lazima vijana wa Mombasa wafurahie ugatuzi na hiyo ni ukweli ukienda kila Kaunti lazima watu wafurahie ugatuzi wa Kaunti yao.

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Hatuwezi kuwa kazi inafanyika inaendelea hatujui wale waliokuwa wanafanya kazi pale kama watarudishwa vizuri ama ni mpango kabambe ya serikali ni kinukuu karibu Mheshimiwa Mwamwiri vile husema kutoka tujue yule yuwauza chakula pale yule yuwang'ang'ana kupata riziki yake kutoka pale kulipa karo ya shule watafaidaika vipi na wale watu wameandikwa pale ni vijana wetu watapata kazi vipi. Kwa hivyo mimi naomba tafadhali Mheshimiwa Spika utusaidie ili tuweze kutatua hili jambo, ahsante Mheshimiwa.

**The Deputy Speaker** (Hon. Mwalimu): Thank you, are you up on a Point of Order or Statement?

**Hon. Murfad Amur:** Mr. Speaker if you allow me I want to inform the House in regard with the Statement that I am the area MCA or the place where Hon. Aran is talking about. Mr. Speaker I just want to inform the House that the Statement that we have already...

**The Deputy Speaker** (Hon. Mwalimu): Proceed.

**Hon. Murfad Amur:** Mr. Speaker we had a meeting with the Minister of Trade at the site with all the stake holders, it was done under the Chief Officer the museum me being there and other stakeholders. As we talk Mr. Speaker we are in process of doing a Memorandum of Understanding (MOU) making sure that all those who are benefitting from that site will be given first priority and that we are soon meeting with the national government and a way forward to be confirmed so that our people do not lose their places at Mama Ngina drive. That is the information I can give Mr. Speaker but we are in the forefront in fighting for our people, thank you.

**The Deputy Speaker** (Hon. Mwalimu): Thank you for the piece of information Hon. Members unless you are on a different opinion but Hon. Opeya next time have a copy of the said letters for the Members to atleast see for themselves because it has been for the second time you are responding and you are saying that the Chief Officer has said he has written the letter and yet the Honourable House is yet to see the letters.

**Hon. Opeya:** Thank you Mr. Speaker I will bring the letter tomorrow to your office so that it can be tabled next Thursday because the Chief Officer is complaining that the national government has not replied to him.

**The Deputy Speaker** (Hon. Mwalimu): Okay i note also the area Member of the County Assembly has said that there is a meeting that is scheduled to take place just make sure that you are part and parcel of that meeting.

**Hon. Opeya:** Maybe they bypassed the Chief Officer because he is not aware of anything but what I can do is maybe call a meeting and also bring the Chief Officer and the area MCA since he is also in the Committee then the Chief Officer can be told exactly what is happening, maybe some of those officers are sleeping on that job, thank you.

**The Deputy Speaker** (Hon. Mwalimu): Thank you. Yes Clerk? You are on the same issue? Okay then wait a moment we follow the Order Paper then I will appoint you to raise your Statement.

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RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON ROADS, INFRASTRUCTURE AND PUBLIC WORKS HON. MUMBA ON THE ROAD FROM JUNDA DISPENSARY TO NG'OMBENI MISSION.

Yes Hon. Prinscilla Mumba response to Junda dispensary to Ng'ombeni mission road.

**Hon. Mumba:** Ahsante Mheshimiwa Spika. Nikinukuu ilikuwa najaribu na Mheshimiwa aliye leta hii Taarifa kuna wakati ilikuja na akasema alienda kwa sehemu husika na *Engineer* wakaangalia ile kazi ilipokuwa inafanyika lakini kwa sababu ya walipokuwa wanafanya ile kazi waliachia nusu ya njia yaani hawakuimaliza sasa ndio imemlazimu tena alete hio Taarifa ili inataka msaada sana hata kama ninavyojua kuwa kazi yake inaendelea lakini ameniarifu kuwa kazi kumbe imesimama. Kwa hivyo nitachukua juhudi ya kuweza kujua tatizo pale lilitokea katikati kwa ajili tunajua kuwa kazi ilikuwa inaendelea. Ahsante Mheshimiwa Spika.

**The Deputy Speaker** (Hon. Mwalimu): Yes Clerk, the Hon. Member is up. Yes Hon. Bwire?

**Hon. Bwire:** Ahsante Mheshimiwa Spika. Ni kweli vile Mheshimiwa Mwenyekiti anavyosema ila ni kwamba baada ya kuwaandikia barua ya idara ya Uchukuzi walileta mwanakandarasi na akafanya kazi kupungua mita 50 akajaza shimo lililokuwa na maji akaweka *murram* kisha akahepa na Taarifa yangu Mheshimiwa Spika ilikuwa inazungumzia...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Use Parliamentary language!

**Hon. Bwire:** Kisha akaondoka shukran na Taarifa ulioletea mwaka jana kuhusiana na barabara hiyo Mheshimiwa Spika ilikuwa nazungumzia kuhusu urekebishaji wa barabara ya Safari Junda - Mwembeni Junda Misheni na ikasemekana kuwa barabara itatengezwa mwanakandarasi akasema pesa iliishiwa hajalipwa pesa aje alipwe pesa ndio arudi aje atengeneze barabara. Mheshimiwa Spika huu ni mwezi wa tatu tunaelekea wakati mgumu sana wakati wa mvua, kuna sehemu ambazo zinabidi vijana walio na misuli wasimame wabebe wamama na watoto wa shule wavukishwe walipwe shilingi 20. Sasa unaweza fikiria kwamba hali hiyo itaenda kwa mda gani na hio ndio barabara peke yake ambayo inapitisha watu. Ahsante.

**The Deputy Speaker** (Hon. Mwalimu): It is well noted and the Committee will work on the issue and bring back the report as soon as possible. Yes Clerk?

STATEMENT

Hon. Renson Juma Thoya.

**Hon. Thoya:** Thank you Mr. Speaker. I want to bring to the attention of this House that I have seen the Clerk of the Committee and the Commissionaire sharing a Statement; I want to say that Statement is not signed by me and in that regard I do not own it nor the Committee. I want to say this; this is a very serious issue Mr. Speaker, efforts to get the necessary information about the said Statement are being derailed by staff of this Assembly and I would wish that Hon. Kitula give the detail part of this. Thank you.

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**The Deputy Speaker** (Hon. Mwalimu): Hon. Kitula.

**The Chief Whip** (Hon. Kitula): Ahsante Mheshimiwa Mwenyekiti. Ni kweli Mheshimiwa Mwenyekiti wa Kamati katika Kamati yetu ya Leba tulikuwa na kikao siku ya leo waliweza kupanga na sisi Wanakamati tuliweza kufika na tukaweza kufahamishwa kuwa barua imeenda kufika katika sehemu husika ambayo ni Kaunti *Public Service Board* ili tuweze kufika maelezo kamili kuhusiana na yale yalioweza kuulizwa Mheshimiwa Mwenyekiti. Lakini yale yaliweza kutumiwa katika Kamati ni kwamba tayari barua ilitoka katika Bunge hili na Katibu alikuwa ameandika barua katika Bodi ya kuajiri wafanyikazi wa Kaunti yaani, *County Public Service Board* lakini majibu hayakuja na kusema kweli hayakuja kwa sababu Katibu katika Kamati yetu alikuwa tayari ameweza kumualika mwanasheria katika Bunge letu kuja kuzuia barua hii kutoenda katika sehemu husika. Mheshimiwa Mwenyekiti ndio hapo sisi kama Wanachama tungetaka kujua ni nini kinachoendelea katika Kamati yetu maana yale yaliokuwa yameandikwa na Karani sio yale Karani wa Kamati anastahili kufanya kuandika ndio hadi kufikia sasa hayo ndio yanaajiri.

**The Deputy Speaker** (Hon. Mwalimu): Thank you. Yes Hon. Shebe?

**Hon. Shebe Athman:** Ahsante sana Mheshimiwa Mwenye Kiti kunipatia fursa hii. Ni masikitiko sana Mheshimiwa Mwenyekiti kwa habari tulioipata kwa Kiranja wa Bunge na hii inaonyesha kuwa Bunge hili linahujumiwa kwa kila upande. Ni masikitiko sana Mheshimiwa Mwenyekiti kuwa hata jogoo halijameza punje tayari tunaanza kukabiliana na mambo mengine mapya; ni leo tu mimi nimepata simu tena Mheshimiwa Mwenyekiti ya vitisho. Vitisho vitaisha lini Mheshimiwa Mwenyekiti? Sisi tunatumia mamlaka yetu ya kidola na nguvu zetu tulizokabidhiwa na Katiba hii ya Kenya kuhudumia wananchi wetu, mbona tunapata vitisho? Waheshimiwa wameanza kuingia baridi katika maswala haya lakini tumesema hatutarudi nyuma, hatutarudi nyuma!

*(Applause)*

Mimi nimeambiwa leo *Wallahi* Mheshimiwa Mwenyekiti ni vile tu sifa yetu wanaadamu ya kughafilika, lakini nilikuwa nimerekodi yale nilikuwa nimepigiwa simu; *Mheshimiwa Mukono kumbe sisi tulikuwa tunaona ni rafiki* kwa mabano na *nilikuwa nadhania kuwa ni rafiki kumbe nalia na mwewe, kumbe hasidi ni wewe!* Yote haya Mheshimiwa ni sisi kuwajibika katika majukumu yetu tutakuonyesha sasa! Nataka muni eleze Waheshimiwa wenza neno 'tutakuonesha' inamaanisha nini katika mchakato mzima kwa majukumu yetu? Vitisho hivi vimeanza kuingia katika kila pembe lakini mimi nasema japo pweza alimuambia ngisi twende twende tukajiimarisi maji yakiacha wangwa Mheshimiwa tutwafutwao ni sisi Waheshimiwa...

*(Applause)*

Tusirudi nyuma na ni kutaka kujua tu je wewe ambaye unapatiwa cheo kwa Kaunti hii twataka kujua kuwa cheo chako kiko katika *category* gani? Je umeandikwa na serikali ipi? Sioni sisi tuna ubaya Mheshimiwa Mwenyekiti, kuna ubaya hapo? Makaratasi yako yako wapi na umeandikwa lini? Leo sisi Mheshimiwa Mwenyekiti Bunge hili karibuni litakuwa na njaa tupu, bali maanake utasikia kila mahali siku zote hapa si Mheshimiwa Mwenyekiti wa Fedha hakuna pesa! Hakuna pesa! Na watu wengine wameandikwa wanakula mishahara na hujui kama wameandikwa kweli na serikali...

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*(Applause)*

Tuna mamluki katika serikali hii, tuiseme Mheshimiwa Mwenyekiti? Lazima tuseme. Mheshimiwa ambaye vitisho hivi vilikuwa vimeelekezwa katika Kamati iende kuchunguza angalia mambo vile yako mpaka Karani inakuwa *frustration*; amekuwa *frustrated* huyu Mheshimiwa mpaka analetewa wakili. Mimi nanukuu kipengee cha Katiba ya Kenya Mheshimiwa Mwenyekiti, 195, 'A County Assembly or any of its Committees has power to summon any person to appear before it for the purpose of giving evidence or providing information', ibara ya pili, 'for the purpose of the clause (1) an Assembly has the same powers as the High Court to:-

- (a) Enforce the attendance of witness and examining them on oath, affirmation or otherwise;
- (b) Compel the production of documents; and,
- (c) Issue a commission or a request to examine witnesses abroad

Sasa haya yote ni majukumu yetu Mheshimiwa tumekabidhiwa na Katiba. Kwa hivyo hatuna budi sisi kuwajibika, nataka uweze kuliangalia swala hili Mheshimiwa Mwenyekiti kwa uzito kwa sababu changu naona nishaanza nyolewa Waheshimiwa na nyinyi chenu mwaambiwa mukitie maji. Kwa hivyo sisi hatutakubali vitisho, hatuko tayari kwa vitisho na mimi nitachukua hatua kama Mheshimiwa binafsi katika hili swala nihakikishe kuwa na mimi nitajiaangalia namna gani lakini nawahakikishia wakaazi wangu wa Mombasa na wa Jomvu Kuu nimejitoa muhanga kuhakikisha kuwa serikali inawajibika...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Your time is up!

*(Applause)*

**Hon. Shebe Athman:** Ahsante Mheshimiwa Mwenyekiti.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Shomari are you on a Statement or?

**Hon. Ali Shomari:** Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii, mimi ningependa kutaka kujua huyo Karani aliyezuia ni nani tumjue na ni sheria gani itachukuliwa juu yake. Ahsante sana Mheshimiwa.

**The Deputy Speaker** (Hon. Mwalimu): That is an administrative issue we will work on it administratively. We cannot discuss the Clerk in this House. Yes Clerk?

*(Consultations)*

Yes Chairman Labour Committee, still make follow up on whatever that was raised yesterday for the Assembly to come and witness the documents and whatever that was raised, so in our next sitting I think you will be having ample time for you to make the proper follow up and whoever that was not in the office may be will be back in the office for you to get whatever that you were looking for and bring back to this Honourable House.

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**Hon. Thoya:** Mr. Speaker thank you very much, I want to assure the House that this Committee we just wanted to bring this observation before the Honourable Members but we shall go on to get the necessary facts about the said officer, nobody will stop us from reaching the destination...

*(Applause)*

But we wanted to bring that into this attention that amongst us in this building are frustrating these efforts. Thank you.

**The Deputy Speaker** (Hon. Mwalimu): Thank you. Yes Clerk?

## PAPER

### COUNTY FISCAL STRATEGY PAPER 2019/2020

[Laying of Paper]

Yes Hon. Mohamed Hatimy?

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker as per Section 117 of the Finance Act, I wish to lay the Strategy paper 2019/2020. Thank you.

*(Paper laid )*

**The Deputy Speaker** (Hon. Mwalimu): Use the microphone they have not heard what you are laying. It is just laying of a paper. He is laying the County Fiscal Strategy Paper (CFSP) which as per regulation it is supposed to be in the Assembly by 28<sup>th</sup> of February, 2019 and after 14 days the Speaker will commit it to the Committee.

*(Consultations)*

So Hon. Members now that we have the Fiscal Strategy Paper it is now time for the sectorial Committees and the Hon. Members to look on the said Fiscal Strategy Paper and you are also allowed to organise the public participations for you to go back to your electorates and see if whatever is in the Fiscal Strategy Paper was coming from your electorates so it is now committed to the Finance Committee and sectorial Committees. So you will work hand in hand with Finance Committee and see how you are going to plan for the public participations and whatever that is needed for you to scrutinize the Fiscal Strategy Paper. Is it okay Hon. Mohamed Hatimy?

*(Hon. Mohamed Hatimy bowed before the House)*

Thank you. What is it Hon. Amur?

**Hon. Murfad Amur:** Mr. Speaker since the Paper has just been committed I would urge so that each Member could get atleast a copy so that we can be able to go through it. I know it will be hard to go to that at Ward level there will be no money to hold that public participation Mr. Speaker.

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**The Deputy Speaker** (Hon. Mwalimu): I think it was decided by this House, yes we were to be atleast to be trained then we go back to our electorate and come back with the good, I am not saying that this document is not good but we come out and compile whatever that is coming from our electorate and this that is coming from Executive for the County to move forward. So as the Chair Finance has said he has got no problem with our mode of moving with this document if we will go organize the public participations it is upon the Members to decide and plan. So Members the document is with you let us work on it and put in mind that we also have a timeline of about 14 day. Yes Hon. Hatimy?

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. I think Mr. Speaker this document if you go through the Standing order 206, is very clear and I want to inform this House that the public participation we go by our Act. We do have the Mombasa County Public Participation Act so I think if we follow the Act there will be no problem. Thank you Mr. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Yes Clerk?

### PROCEDURAL MOTION

#### ADJOURNMENT TO ALLOW MCAs TO ATTEND THE SIXTH ANNUAL DEVOLUTION CONFERENCE IN KIRINYAGA COUNTY

Hon. Chief Whip?

**The Chief Whip** (Hon. Kitula): Thank you Mr. Speaker.

That pursuant to Standing Order 25(3) of the County Assembly Standing orders, the House resolves to adjourn on Thursday 28<sup>th</sup> February, 2019 to attend the sixth annual devolution conference scheduled to take place at Kirinyaga County from 4<sup>th</sup> to 8<sup>th</sup> March, 2019 and resume its sittings on Tuesday 12<sup>th</sup> March, 2019.

Mr. Speaker may I ask Hon. Athuman Mwamwiri to second my Motion.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Mwamwiri?

**Hon. Athman Mwamwiri:** Thank you Mr. Speaker I do second the Motion.

*(Silence)*

**The Deputy Speaker** (Hon. Mwalimu): Okay I now propose a question that the Motion by Hon. Charles Kitula be debated in this House but put in consideration that a question will not be put it will pass as it has been moved. Yes Hon. Members it is on the floor.

*(Silence)*

Yes Clerk?

*(Consultations)*

Yes Hon. Mwamwiri?



**Hon. Athman Mwamwiri:** Mheshimiwa Spika nasimama kuunga mkono Hoja hii ya kupeleka Bunge likizo ili kupeana fursa kwa Waheshimiwa kuweza kuhudhuria vikao vya ugatuzi katika sehemu ya Kirinyaga. Mheshimiwa ifahamike ya kwamba kuwepo kwetu sisi katika Bunge hili ni kwa sababu ya ugatuzi na ni wajibu kwetu kuhudhuria vikao hivi vya ugatuzi ili tuweze kupata na kujifunza kwa yale ambayyo gatuzi zengine yameweza piga hatua na mipangilio kwenda mbele ili na sisi tuwe katika mazingira sahihi na imara katika kuendeleza Jumba hili kwa minaajil ya mustakbal ya wakaazi wa Mombasa na wale wananchi wetu waliotuchagua. Itakuwa hujuma kwetu sisi kama tunajivunia ugatuzi halafu tusipeane heshima na nafasi kwa vikao hivi vya ugatuzi na kuweza kuvihudhuria; ni ombi langu kwa Bunge hili hususan kwa Waheshimiwa wenzangu tuweze kusimama kidete na kuhudhuria vikao hivi na kujifunza yale mema na mazuri kutoka kwa gatuzi zengine tuweze kujatekeleza katika Kaunti zetu ikiwemo kukabiliana na kina mamluki na hali kadhalika. Ahsante Mheshimiwa Spika.

*(Applause)*

**The Deputy Speaker (Hon.Mwalimu):** Yes Hon. Ibrahim?

**Hon. Omondi:** Okay thank you Mr. Speaker Sir for the opportunity. I would like also to air out my views on this particular Motion. Mr. Speaker Sir it is indeed true that it is very important that we give this a priority.

*(Consultations)*

Mr. Speaker Sir, protect me from the noisy makers in the House. Kindly! There is a lot of noisy Mr. Speaker Sir.

**The Deputy Speaker (Hon.Mwalimu):** Proceed Hon. Ibrahim.

**Hon. Omondi:** Mr. Speaker Sir I wanted to emphasise that it is very...

*(Interruption)*

*(Loud consultations)*

**The Deputy Speaker (Hon.Mwalimu):** Order! Order Member! Consult on a low tone.

**Hon. Omondi:** Mr. Speaker Sir I wanted to emphasise that it is very important for the Members to attend this particular devolution conference and the importance of this is very much outlined, in fact it is in our Constitution...

*(Applause)*

It is in our Constitution that devolution is the backbone of the formation of this particular County government and therefore it is very important that Members will attend that particular conference, learn from each other and also get important points which we can also use in our County and therefore I do not think if there is anybody who can oppose this particular Motion. Thank you.

**The Deputy Speaker (Hon. Mwalimu):** Thank you. Yes Hon. Rosemary?

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**Hon. Mukavi:** *(Technical hitch)*...To support the Motion. I think I do not have much to say, it is common sense that all the Counties are attending and we are not special I also expect us to attend so I support we go on recess ,we adjourn the House to attend to this Conference Mr. Speaker. It is a very important conference Mr. Speaker...

*(Interruption)*

*(Loud consultations)*

**The Deputy Speaker** (Hon. Mwalimu): Order Members! Order! Proceed.

**Hon. Mukavi:** So I support the Motion Mr. Speaker.

*(Applause)*

**The Deputy Speaker** (Hon.Mwalimu): Yes Clerk?

*(Silence)*

### ADJOURNMENT

Having there no other business the House stands adjourned until Tuesday the 12<sup>th</sup> March, 2019 at 2:30p.m.

The House rose at 4:08p.m.