



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 24th July, 2019
The House met at 2:58p.m.

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

PRAYERS

The Deputy Speaker (Hon. Mwalimu): Have your seats. Yes Clerk?

STATEMENTS

LACK OF RAMPS ON THE PAVE WALKWAYS ALONG THE STREETS OF MOMBASA CITY

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Ramla?

Hon. Said: Thank you Mr. Speaker. Mr. Speaker Sir, I stand pursuant to Standing Order 41(2) (c), seeking to know from the Chairperson Committee on Transport, Infrastructure and Public Works whether she is aware that pave walkways installed on the streets do not provide accessibility for wheelchair users and the street texture is not friendly to the people living with disability?

Mr. Speaker I also request to know whether the County government of Mombasa have plans to put ramps and make the pathways friendly to the disabled as a matter of urgency. As I elaborate, the pavement that people are walking on we have people with disability who are using wheelchairs and tricycles, we also have people who are blind and they need to know where they are going and at what point they are supposed to cross.

So I need to know if the County government has plans to make such an important project for the people living with disability. Thank you.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Any Member from the Transport Committee? Yes the Vice Chair any response?

Hon. Mwaka Bakari: Ahsante Bwana Spika.

Napenda kuweza kuchukua suala hili la Mheshimiwa Ramla kuweza kumjibu ama kumueleza kwamba katika zile barabara ni *pavement* pekee yake lakini kile kitu tumekifanya *ramps* ziko mpaka kwenye hospitali ziko, upande wa *halls* ziko *ramps* pia lakini kwa suala la barabara hilo naomba nipatiwe muda ili tuweze kulijadili. Ahsante Bwana Spika.

The Deputy Speaker (Hon. Mwalimu): Timeline, when will you be able to respond?

Hon. Mwaka Bakari: Naomba kupatiwa wiki mbili.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Ramla, what is it?

Hon. Said: Mr. Speaker Sir two weeks is too long because it is better to know the status, whether they do have those plans or not. Thank you.

The Deputy Speaker (Hon. Mwalimu): Ok, the Vice Chair we are going to give you one week for you to respond to this Honourable House.

(Interruption)

Hon. Mwaka Bakari: It is ok one week, I can manage.

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

PROJECTS IMPLEMENTED FROM THE GRANTS RECEIVED IN FINANCIAL YEAR, 2017/2018

Hon. Athman Mwamwiri?

Hon. Athman Mwamwiri: Thank you Mr. Speaker. Mr. Speaker Sir, I stand pursuant to Standing Order 41(2) (c), seeking to know from the Chairperson Committee on Transport, Infrastructure and Public Works, sorry, sorry Mr. Speaker. Mr. Speaker I was repeating what Mheshimiwa Ramla has just said.

My Statement Mr. Speaker is on Project implemented from the grants received in financial year 2017/2018. Mr Speaker Sir, I stand pursuant to Standing Order No.41 (2) (c), Seeking to know from the Chairperson Committee on Finance, Budget and Appropriations on the grants in the FY 2017/2018. I therefore request to know the projects that were implemented in each Ward in the FY 2017/2018:

1. Kenya Devolution Support Programme (KDSP) – Kshs. 49,809,062;
2. Compensation for User Fee Foregone – Kshs. 23,514,312;
3. DANIDA grant – Kshs. 23,261,504;
4. Level 5 Hospital that is our Coast General Hospital – Kshs. 388,439,306;
5. Development of Youth Polytechnic – Kshs. 30,586,320;
6. Conditional Allocation – Other Loans and Grants – Kshs. 38,140, 114;
7. World Bank Loan for Transforming Health System for Universal Care Project – Kshs. 10,736,032;
8. Road Maintenance Fuel Levy Fund – Kshs. 182M;

Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes Chairman Finance?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Nimeona Mheshimiwa Spika kwenye *Road Levy* sina kwenye hii karatasi hapa. Sijui ameongeza kwa juu? Mheshimiwa Spika kwa ufahamu wangu mimi sijui Kshs. 49M hizi zimetoka wapi? *Number one, Kenya Devolution Support Programme (KDSP)* lakini kwa ufahamu wangu mimi najua pesa tulioambiwa kupawa ni Kshs. 259M na sio Kshs. 49M...

(*Interruption*)

Hon. Athman Mwamwiri: A point of information Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes inform the House.

Hon. Athman Mwamwiri: The sum which the Chair of Finance is referring of Kshs. 200Million plus that is for the FY 2018/2019 and my request is for FY 2017/2018 which we received Kshs. 49Million, but the amount he is referring is for FY 2018/2019.

The Deputy Speaker (Hon. Mwalimu): Use your microphone, be audible.

Hon. Mohamed Hatimy: Mheshimiwa Spika kama kuna *grant* yeyote, *grant* ni lazima iingie kwenye *Appropriation Bill or Appropriation Act* na kusema sisi kuwa tumepokea Kshs. 259Million vile unavyosema wewe sijui imetokea wapi hio! Na nataka niseme kuwa *grants* kama No.2, Kshs. 23Million hizi ni *facilities* ambazo sisi tunapatiwa Mheshimiwa Spika.

DANIDA ni *grant* kama unavyojua Mheshimiwa Spika siku hizi waambiwa wapewa *grant*, utapewa *figure* ya zile pesa lakini zile pesa huzi *control* wewe, zile pesa zina *control* na yule mtu wa zile pesa. Halafu *Level 5 Hospital* sijui 388,439,306 kama ni *Conditional grant* ambaye hio ni pesa ambayo inatumika kwa *Coast General* pekee yake. *Development of Youth Polytechnic* Mheshimiwa Spika hii ni *Grant ya Education*.

Conditional Allocation – Other Loans and Grants Kshs.38, 140,114 hio itabidi niulize Mheshimiwa Spika, lakini *World Bank Loan for Transforming Health System for Universal Care Project*, hio pia ni *Health* ambapo hizi pesa wenyewe wanazi *control*. Maana yake huwa wanakupatia zile *Programs* halafu zile *Programs* ndio wenyewe wana *control* kama ni kufundisha watu, kuwapa dawa, kama ni kuwapa nini wao wenyewe ndio wana *control* hizi pesa Mheshimiwa Spika. Ahsante.

(*Interruption*)

The Deputy Speaker (Hon. Mwalimu): What is it Hon. Athman Mwamwiri?

Hon. Athman Mwamwiri: Mr. Speaker the information which I seek to know is very much available in the Controller of Budget's Report and the source of information which was indicated in that document, the Controller of Budget gets it from Mombasa County Treasury.

That is the actual and confirmed that they received this grants for the implementation of those projects, so my question was very much simply, where are these projects as per this grant which were received? Because for example of the KDSP it was meant for Wards, and in their implementation you have indicated that these things were done at the Wards level, not necessarily in my Ward but I just wanted to know this Ward at that area so that I can maybe go and see it for myself but this issue of the County Treasury confirmed that they received these grants and they actually spent the money on those alleged projects as per the grant. So mine I just wanted to know where are these projects? Thank you.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Chair are you in position as at now to point the projects?

Hon. Mohamed Hatimy: Mheshimiwa Spika kama anataka kujua miradi itabidi tuwaandikie Idara halafu tuweze kuleta kumpatia ili apate kuridhika. Kwa hivyo naomba muda wa wiki mbili.

The Deputy Speaker (Hon. Mwalimu): Ok.

Hon. Athman Mwamwiri: That is what I expected from the Senior Hon. Member to tell me, most obliged Mr. Speaker.

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

STATEMENT

Hon. Renson Thoya?

(Silence)

Yes Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON IMPLEMENTATION, HON. SALIM KALUME ON STATUS OF IMPLEMENTATION OF MOTIONS PASSED IN THE COUNTY ASSEMBLY

Yes Hon. Salim Kalume?

Hon. Kalume: Thank you Mr. Speaker Sir. I wish to give the following Statement response on the Status of the Implementation on Motions passed in the County Assembly of Mombasa.

Mr. Speaker Sir the Committee of Implementation wrote to the County Secretary and Head of Public Service requesting him to attend Implementation Committee meeting regarding the same issues. Mr. Speaker the County Secretary wrote to the Committee on 12th July, 2019 requested to be given two more weeks time to prepare adequate responses on the matter raised. Mr. Speaker Sir, we are requesting more time to table the report before this Assembly. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Chief Whip is up?

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti kusema la ukweli Kamati hii ya Utekelezaji inatoa nidhamu mbaya au picha mbaya katika Bunge letu la Kaunti ya Mombasa. Taarifa hii ililetwa kwenye Bunge, tulienda mapumzikoni; *long recess*, tukaenda *short recess* na hadi wa leo bado anasema tumpatie wakati!

Tafadhali Mheshimiwa Mwenyekiti tumia nguvu zako kulingana na kitabu chetu kinacho tuongoza katika Bunge letu la leo kwamba tungeomba kwa sasa Kamati ya Utekelezaji tunahitaji majibu haya mimi sio niliyeuliza Taarifa lakini inanihusu mimi kwa sababu kuna Miswada mingi imepitishwa ambayo inaangazia wananchi lakini Mheshimiwa Mwenyekiti wa Kamati ya Utekelezaji kusema tumpatie muda zaidi sio sawa katika kiti chake.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Musumba Raphael?

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker it is very interesting I remember the Hon. Chair asking for more time and I think from where I sit that date elapsed today and it is very unfortunate that he still asking for more time. I think Mr. Speaker this is my take as the whole term of five years if we entertain this; yes we have been passing here so many Motions without implementation, now how long does it take for us to know that these two or three Motions have been implemented and the remaining five Motions have not been implemented because of one two three.

I think we stated last week that this issue of, give me tomorrow, tomorrow comes, give me two weeks, two weeks elapse give me one month Mr. Speaker! I think we should not be entertaining this so I appeal that Mr. Speaker today you kindly give a very harsh and rough ruling on the same so that the Chairpersons of different Committees or respective Committees adhere to the rulings made by the Chair. Thank you.

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

Hon. Omondi: Mr. Speaker Sir, I just want to add value to what or emphasize to what the Hon. Member has just stated. Mr. Speaker Sir we all know that one of our major core functions in this Honourable House is to legislate or to make laws and the end of it all we will realize that...

*(The Deputy Speaker (Hon. Mwalimu) exited the Chair)
(The Temporary Speaker (Hon. Bwire) in the Chair)*

The Temporary Speaker (Hon. Bwire): Yes Hon. Ibrahim?

Hon. Omondi: Thank you Mr. Speaker. Mr. Speaker I was saying I just wanted to try and emphasize on what Hon. Bwire has just stated and therefore as we all know that one of the major functions of this Honourable House is actually to legislate and when we talk about legislation we have Motions that come into this House and we have very many things that are passed through this particular House and therefore this Honourable House is going to lose its meaning if the implementation does not take place at all. Therefore Mr. Speaker Sir I just want to urge the Chair for implementation to be very serious on this. Thank you.

The Temporary Speaker (Hon. Bwire): Thank you Hon. Ibrahim. I am informed that you are also a Member of the said Committee? Are you a Member of the said Committee?

Hon. Omondi: Mr. Speaker I am sorry I have not heard any Member...

(Interruption)

The Temporary Speaker (Hon. Bwire): I am asking, are you a Member of the Implementation Committee?

Hon. Omondi: Yes I am Mr. Speaker Sir, but...

(Laughter and Interruption)

The Temporary Speaker (Hon. Bwire): So declare your interest?

Hon. Omondi: Mr. Speaker Sir that one should not keep me away from airing my views...

(Interruption)

The Temporary Speaker (Hon. Bwire): Anyway it is okay! It is okay!

Hon. Omondi: Yes, airing out my views as a Member of Airport Ward.

The Temporary Speaker (Hon. Bwire): Thank you.

Hon. Omondi: Thank you.

The Temporary Speaker (Hon. Bwire): Yes Hon. Kombe Nzai?

Hon. Nzai: Ahsante sana Mheshimiwa Spika. Mimi ni mmoja wa Mwanachama wa Kamati ya Utekelezaji, na mwanzo nataka nichukue nafasi hii nipongeze jitihada ya Mwenyekiti wangu...

(Applause)

Kama anavyoshughulikia hili suala la kutekeleza kama katika Bunge hili aidha lilopita ama hili liloko sasa. Kama kuna Kamati ambayo ina changamoto Mheshimiwa Spika ni Kamati ya Utekelezaji; kwa sababu haina Waziri mhusika moja kwa moja ambaye yuko *attached* kwa hiyo Kamati. Kila tukienda kwa huyu twapigwa mpira kule tukienda kwa yule twaambiwa twende kule CEC yule; hiyo Mheshimiwa Spika ni changamoto wenzetu ambao mara kwa mara tunawategemea ili kutusaidia pale na hapa ni Makarani wetu ambao ni ndugu zetu, wengine ni watu wa Utafiti tunapata matatizo mengi kabisa. Mheshimiwa Spika leo hapa kurusha kidole cha lawama kwa Mwenyekiti wa Utekelezaji tutakuwa hapo tunaenda mbio sana lakini laiti basi leo Bunge hili lingesimama likasema Waziri wa Utekelezaji katika Bunge la Mombasa ni fulani pia sisi nasi tungekuwa tuna mahali mnatusaidia.

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Kwa hivyo Mheshimiwa Spika Mwenyekiti wangu kuitisha muda naomba samahani sana lakini mume nafasi azidi kutafuta haya maneno kwa sababu hana ofisi husika ambayo anaweza kuingia na akapata haya majibu moja kwa moja. Kwa hayo machache tusaidianeni.

(Applause)

The Temporary Speaker (Hon. Bwire): Thank you Hon. Nzai, yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Thank you Mr. Speaker. Mr. Speaker I think the response from my Chair is very much okay because the communication was done on 12th July to the Implementation Committee from the County Secretary asking for two weeks and on my calculations we are having two weeks, we have two days for the two weeks to elapse so it is unfair for him to be told that is a lot of time, the response was supposed to be...

(Interruption)

The Temporary Speaker (Hon. Bwire): Hon. Member those are views given by the Members you should also give your views.

Hon. Athman Mwamwiri: Yes I am informing those Members that they should be aware and sometimes they should go to their calendar and calculate these dates, so till next week if we will not be in a position to submit this one or the report then we will have a communication as to why but as of now the CEC has requested the Committee and there is nothing we can do until he is done with his two weeks to give us whatever he has collected from all the Departments for us to submit to this Assembly. So Mr. Speaker I think we are still having two days.

The Temporary Speaker (Hon. Bwire): So you mean the business has been brought prematurely?

Hon. Athman Mwamwiri: Yes, because two weeks; the letter...

(Interruption)

The Temporary Speaker (Hon. Bwire): Let me confirm with my Clerks.

Hon. Athman Mwamwiri: The letter was received on 12th July and that was on Friday Mr. Speaker.

The Temporary Speaker (Hon. Bwire): Yes Hon. Samba as I confirm with the Clerk you should not mislead the House Hon. Member.

Hon. Samba: Yes Mr. Speaker I also happen to be a Member of the said Committee on Implementation; this time round I have to congratulate our Chairman we have tried as a Committee...

(Applause)

It was just last week we had a consultation and conversation with the Department concerned, the CEC who is in position that is now is vacant, so maybe that is why the delay is being propelled in between.

But so far so good Hon. Speaker we do not want to give the House report that they will doubt, that they cannot verify, that is not true, we want to give them a report that is verifiable. We have only asked for two weeks, others have been asking for two weeks after two weeks, we pray that you may just give us that one week and then after one week. I think i will liaise with Chairman the report or the House will have full report and very convincing report and I think from that day we will be heading towards good direction. Thank you Hon. Speaker.

The Temporary Speaker (Hon. Bwire): Thank you. Yes Hon. Mohamed Hatimy?

Hon. Mohamed Hatimy: Mheshimiwa Spika nafikiri mimi ndiye niliyeuliza hili swali na mimi nimesimama hapa nataka kuiambia Nyumba hii kuwa nimeridhika na sababu zilizokuja na Mwenyekiti wa Kamati ya Utekelezaji...

(Applause)

Kwa hivyo naomba na nasema kuwa kama mwenye swali, apatiwe muda alete majibu ya kisawasawa tusimpeleke mbio akaja akatuletea mambo ambayo hayako sawa. Kwa hivyo naomba wenzangu Waheshimiwa wakubaliane na mimi tumpatie muda kupitia Kiti chako Mheshimiwa Spika ili atuletee jibu la sawa sawa. Ahsante Mheshimiwa Spika.

(Applause)

The Temporary Speaker (Hon. Bwire): Yes Hon. Chair Hon. David Kalume?

Hon. Kalume: Kwanza ningependa kumshukuru Mheshimiwa Mwenyekiti wa Kamati ya Fedha kwa kuwa na mawazo ya busara na kuona kwamba hii kazi ni ngumu na kunisaidia kuomba muda katika Bunge hili. Kwa kweli Mheshimiwa Spika hii kazi si rahisi kama mtu anavyofikiria kwa sababu hizi *status* lazima tuzipate kutoka kwa Katibu wa Kaunti na kama vile walivyosema Waheshimiwa wenzangu; Mheshimiwa Kombe Nzai, Mheshimiwa Samba, Mheshimiwa Mwamwiri haya majibu yote yanatoka kwa Bwana CS na tukijua kwamba kwa sasa hivi tuko na CS ambaye ni *Interim* ni CS yule *Interim* pia inakuwa ni kazi kubwa kwake kutafuta majibu kama haya kwa sababu yeye hana ufahamu wa kazi ile kwa hiyo mimi ninashukuru Kamati yangu tumekaa vizuri...

(Interruption)

The Temporary Speaker (Hon. Bwire): Are you declaring that the acting CS is incompetent Hon. Member?

Hon. Kalume: Kidogo, hana uzoefu yule CS aliyoko kwa sasa, ni *interim* ambaye hana uzoefu katika kazi ile. Kwa hivyo mimi na Kamati yangu tumekaa muda baada muda tukishirikiana na Makarani tukihakikisha kuwa ripoti hii imekuja katika Bunge letu la Mombasa. Lakini kwa vile CS yule hana uzoefu amekuwa akiomba muda ili kusudi atuletee ripoti mwafaka ambayo itakuwa ni sahihi katika Bunge hili.

Kwa hiyo naomba Mheshimiwa Spika kama alivyosema Mwenyekiti wangu Mheshimiwa Hatimy alivyosema tuongezewe muda ili tuweze kuwaletoa ripoti ya ufasaha. Ahsante.

(Applause)

The Temporary Speaker (Hon. Bwire): What was it Hon. Member?

Hon. Athuman Shebe: Mheshimiwa Spika chini ya himaya yako ukiniruhusu, alama kielimishi!

The Temporary Speaker (Hon. Bwire): Yes?

Hon. Athman Shebe: Kwanza kabisa Mheshimiwa Spika wavyele wasema, *mwenda pole hajikwai* na Mheshimiwa Mwenyekiti mwenza kwanza kabisa ukizingatia kiti chake ni kikubwa Mheshimiwa Mwenyekiti, mwili wake ni mkubwa, koti lake ni kubwa vile vile nafikiri kazi pia vile vile ni kubwa. Kwa hivyo Mheshimiwa pia mimi...

(Interruption)

The Temporary Speaker (Hon. Bwire), Can you Hon. Member go to straight; you wanted to inform the House.

Hon. Athman Shebe: Nawajulisha kuwa changamoto zinazo...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order Member! There is a Point of order! Yes Hon. Ibrahim?

Hon. Omondi: Thank you Mr. Speaker Sir. I stand to inform...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order Member! You are out of order! You are out of order Hon. Member! You have stood on a point of order again, you want to stand on a point of information at the same time.

(Interruption)

Order Member! Order Member! Under which Standing order Hon. Member?

(Laughter)

Under which Standing order are you standing on?

Hon. Omondi: Kindly point of information! I am very sorry Mr. Speaker Sir Point of information.

The Temporary Speaker (Hon. Bwire): He was on the point of information, you stood on the point of order.

Hon. Omondi: I also want to inform him Mr. Speaker Sir, I want to inform him because he has used a terminology that is not acceptable in this Honourable House.

The Temporary Speaker (Hon. Bwire): Okay.

Hon. Omondi: Mr. Speaker Sir, referring to my fellow Chair Hon. Kalume that he has a very big body and therefore he cannot perform I think that one is not accepted...

(Interruption)

Temporary Speaker (Hon. Bwire): Order Member! You are out of Order! Those were not the words used by the Hon. Member, am very much keen when am here and those were not the words used by Hon. Member and Hon. Member you also stood on a point of information but it is like you are making a Statement.

Hon. Athmani Shebe: *Not at all* Mheshimiwa Spika nashukuru kwa kuelewa malengo yangu, nilikuwa sikulenga kumkejeli Mheshimiwa Mwenyekiti lakini nimesimama katika alama ya kielimishi kuwa mimi mwenyewe pia Mheshimiwa ki binafsi najua hizi changamoto. Kwa hivyo ningependelea kwa sababu Mheshimiwa CS ambaye yuko sasa uzoefu na ofisi pia vile Mheshimiwa bado hajaifahamu vizuri hivyo basi hili swala la Utekelezi tumekuwa tukiuliza kwa muda mrefu, kweli Mheshimiwa Mwenyekiti lakini pia ningependelea aweze kupatiwa mda ule ambao umebaki ndio akituletea kitu hapa cha ki sawa sawa kila mtu ataridhika *otherwise* changamoto pia nazijua. Ahsante.

The Temporary Speaker (Hon. Bwire): Thank you. Is it on the same issue Hon. Ramla?

Hon. Said: Mheshimiwa naomba kutoa Taarifa.

The Temporary Speaker (Hon. Bwire): Am yet to make a ruling on the other issue then I will give you a chance.

Hon. Said: Sorry.

The Temporary Speaker (Hon. Bwire): It is okay. Hon. Members I think the Hon. Mohamed Hatimy who raised the issue is contented with the period asked by the Hon. Chair of two weeks I think, Hon. David Kalume you asked for two weeks?

Hon. Kalume: Yes.

The Temporary Speaker (Hon. Bwire): Kindly make use of these two weeks because it has over stayed, the response has over stayed and Members are now turning mad on the same so I will just allow you to bring back the response in the next two weeks from today.

Hon. Kalume: Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): And again the period you asked was to elapse on Friday so if two weeks elapses on Friday kindly make an effort of bringing the response on Wednesday because we will entertain you since Friday we do not have sessions so we will not count till Friday, we will count till Wednesday so make use of these two weeks and ensure that it elapses within the days of the session.

Hon. Kalume: Thank you Mr. Speaker Sir.

The Temporary Speaker (Hon. Bwire): Yes Clerk.

CONSTRUCTION OF RAMP AT THE ENTRANCE OF THE COUNTY ASSEMBLY BUILDING

Yes Hon. Ramla?

Hon. Said: Ahsante sana Mheshimiwa Spika. Naomba kujua kuhusu ujenzi wa *ramp* mbele ya jengo letu la Asembli kwa sababu ni miaka miwili imepita na nimekuwa nafuatiliza mpaka sasa sijapata majibu ya kisawa sawa na walemavu ambao wanatumia *wheel chair* na *tricycle* wanapata tabu kufikia ofisi yangu. Ahsante Mheshimiwa.

The Temporary Speaker (Hon. Bwire): Thank you, are you up on the same issue Hon. Member?

(Hon. Athman Mwamwiri off microphone)

Then give me time...

(Hon. Athman Mwamwiri off microphone)

On the same issue raised by Hon. Ramla, but that is a Statement.

(Hon. Athman Mwamwiri off microphone)

I think it should be directed to the relevant authority, are you one of the relevant authority?

(Hon. Athman Mwamwiri off microphone)

The Temporary Speaker (Hon. Bwire): I think this is all about the welfare of the Hon. Members and I will therefore direct it to the Board, is it so or am I directed otherwise. Hon. Hatimy am directing it since it has been raised by the Hon. Member and it is all about the welfare of the Hon. Members, am requesting that we direct it to the County Assembly Service Board so let the Members present or let it be taken into consideration that I think by next week the Board can bring back the response on the mechanism of the plans they have for the Assembly.

(Interruption)

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Yes what is it Hon. Ibrahim?

Hon. Omondi: Mr. Speaker Sir, I just want Standing order 41 2 (C)...

(Interruption)

The Temporary Speaker (Hon. Bwire): What does it say?

Hon. Omondi: Seeking to..., Mr. Speaker Sir I want to give a Statement and if you allow me to give a Statement.

The Temporary Speaker (Hon. Bwire): What does Standing Order 41 2 (c) say?

Hon. Omondi: Mr. Speaker Sir a minute. Mr. Speaker Sir, *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 direct that the Statement be issued on the same day.* Thank you Mr. Speaker Sir.

The Temporary Speaker (Hon. Bwire): Thank you now it is up to the Chair to make a ruling on the same.

Hon. Omondi: Yes Mr. Speaker Sir.

The Temporary Speaker (Hon. Bwire): And like we said last week we need to be notifying the Office of the Speaker before, if you have something that has not been captured in the business of the week, then you ought to notify the Speaker prior so I think just because I have allowed Hon. Ramla I hope it will not be justice on your side If I will not give you time but Hon. Members under my Chairmanship this is the last time I will be giving a Member who has not notified the office of the Speaker. Yes?

STATUS OF THE STORM WATER DRAINAGE ALONG BOMU CATHOLIC CHURCH

Hon. Omondi: Thank you Mr. Speaker Sir. Mr. Speaker Sir I want to..., am seeking to know from the Chairperson Committee on Transport, Infrastructure and Public Works if he is aware that the storm water drainage along Bomu Catholic Church is in a very pathetic condition or rather it is in its death bed if I may use that term.

Mr. Speaker Sir I am saying that because we have lost around two children who have been drained in that particular storm water because it is very open and it is deep and therefore when it rains it is very dangerous to the surrounding or people who live around that particular place and therefore I want the Chair for Committee on Transport to be able to lock or to, which term can I use?

The Temporary Speaker (Hon. Bwire): Already you have directed it to the Department so you will just issue the Statement then I think it will be so wise to let the Department itself to know how they will deal with the situation.

Hon. Omondi: Thank you Mr. Speaker.

Temporary Speaker (Hon. Bwire): Thank you. Yes Hon. Abrari, Abrari was up.

Hon. Mohamed Abrari: Ahsante sana Mheshimiwa Spika. Nimesimama katika kipengee 41 cha Kanuni ya daftari ya Bunge hili. Mheshimiwa Spika ningependa kujua hasa Mwenyekiti wa Uvuvi na ukulima maana kuna janga ambalo limetokea na ni dharura kwangu; wavuvi wote wa Nyali Beach wamesimamishwa kuvua na baadhi yao vyombo vyao vya kuvua vimeshikwa, wengine wamepelekwa ndani kushtakiwa. Kwa hivyo ningependa hasa kupitia Mwenyekiti wa ukulima na uvuvi alichukulie jambo hili na atupe majibu. Ahsante.

The Temporary Speaker (Hon. Bwire): But the term *stopisha* relate to, is not Parliamentary and I do not understand it.

Hon. Mohamed Abrari: Wamesimamishwa kuvua.

The Temporary Speaker (Hon. Bwire): Thank you, the Clerks have take note of the same and I think we given them two weeks because they are not here, any Committee Member?

Hon. Mohamed Abrari: Kidogo Mheshimiwa hili ni jambo la dharura, hawa ni watu vipato vyao wote vinatokana na bahari na wamesimamishwa na KWS na malalamiko mengine ni ya utovu wa usalama wa watu wa hoteli na watu wa *Kenya Fisheries*. Kwa hivyo mimi naomba Bunge hili litilie mkazo, ni jambo la dharura hawa ni watu wanakula kupitia bahari. Ahsante.

The Temporary Speaker (Hon. Bwire): Thank you. Hon. Mwamwiri, are you a Member of the said Committee? Are you aware what the Hon. Member has just raised?

Hon. Athmani Mwamwiri: Am not aware and as a Committee they have not received any communication on the same apart from what he has just raised, so since it is an emergency issue because it concerns people's wellbeing and livelihood so by next week, one week will be enough for us to respond because the people out there actually are suffering if that is their only means of livelihood and currently they are not operating. So within one week we are supposed to..., am sure will we will be ready to give a response to this Assembly and the way forward for our people at least to go back to their normal routine.

The Temporary Speaker (Hon. Bwire): So from today to...

Hon. Athmani Mwamwiri: To next week Wednesday.

The Temporary Speaker (Hon. Bwire): So you make a site visit then you bring back the response on Wednesday next week.

Hon. Athmani Mwamwiri: I have not asked for a site visit because it implies with issues of transport and currently Counties are suffering...

(Interruption)

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The Temporary Speaker (Hon. Bwire): Order Member! Order Member! You make your own ways to the site, we are interested in seeing the response as the Honourable House that is what we want so kindly liaise with your Committee next week on Wednesday.

Hon. Mohamed Abrari: Mheshimiwa Spika hili ni jambo la dharura na Waziri anajua, Waziri alipigiwa simu siku ya Jumamosi na aliongea na kikundi cha wavuvi na akawaahidi kuwa kufikia leo atakuwa na suluhisho, wao wawe wataruhusiwa. Kwa hivyo nakuomba kupitia Bunge hili kama inawezekana kwa haraka ifanyike kesho kwa sababu watu hawatashinda njaa kwa sababu ya Bunge hili wakisema waketi mpaka wiki ijayo Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): I get your concern and that is why I said you see the only... Tomorrow we will not be having a session and Friday we will not be having sessions so the site visit can be done tomorrow or even Friday, it may be resolved either today or Friday but the day that response has to see the light of this House is on Wednesday next week so I have just ruled out that they bring the response back but it can be solved even as early as tomorrow.

Hon. Mohamed Abrari: Thank you Mr. Speaker.

The Temporary Speaker (Hon. Bwire): Yes Hon. Hatimy?

Hon. Mohamed Hatimy: Mheshimiwa Spika jambo hili ni jambo la dharura na nafikiria limegusia maisha ya watu wengi, Kamati ni *extension* ya Bunge ikiwa kupitia Kiti chako utaweza kuwapatia Kamati idhini ya kuweza kufuatilia hili jambo kwa sababu Mheshimiwa Spika tumebadilisha vikao kuweka Jumanne kusudi Alhamisi na Ijumaa Kamati zipate kufanya kazi.

Kwa hivyo naona kama kesho Kamati itaweza kulivalia njuga hili jambo waende wakaangalie ili tuweze kuwasaidia hawa watu ambao hawana uwezo Mheshimiwa Spika. Kamati iangalie itafanya nini? Kama itaweza kuingililia halafu ituletee ripoti ndani ya hii Nyumba lakini mwanzo wahakikishe kuwa wameliingililia hilo jambo kwa haraka iwezekanavyo. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): Thank you and in fact it is very easy and simple since the County Executive Committee Member (CECM) on Agriculture, Fisheries and Livestock is aware of the same so due to the public outcry and concerns of the Hon. Members. Hon. Member, liaise with your Chairman to liaise with the Department so that you can even have a site visit tomorrow if possible yes since the Department is aware of it you will not be informing them for the first to prepare themselves, they are aware of the issue.

The Hon. Member has just made me understand that they are aware of the issue so you can see the mood of the House and it is a bit urgent. Kindly liaise with your Chairman to liaise with the County Executive Committee Member (CECM) if possible tomorrow you can have a site visit just liaise with the Hon. Member representing the said area so that you can talk to these people possible tomorrow and latest Friday.

Hon. Athman Mwamwiri: If it pleases you Hon. Speaker I have no objection.

The Temporary Speaker (Hon. Bwire): Thank you tomorrow or latest Friday and then bring back the responses next week. Yes Hon. Athman?

Hon. Athman Shebe: Ahsante Mheshimiwa Mwenyekiti. Nasimama kwa kipengee ama alama kiamrishi 41 2 (c); Mheshimiwa Mwenyekiti pia ni suala la dharura ambalo takriban miezi mitatu sasa lakini bado halijashughulikiwa, ni masuala ya ardhi katika eneo langu la Jomvu mtaa wa Narcol kuna shule ya ECDE pale Mheshimiwa Mwenyekiti ambapo ardhi inanyakuliwa na tangu ni ekari mpaka sasa imebakia kiduchu sana.

Kwa hivyo naomba Mheshimiwa Mwenyekiti wa ardhi aweze kulivalia njuga suala hili Mheshimiwa Mwenyekiti ni mali ya umma inanyakuliwa na mimi kama kiongozi siwezi kuangalia dhulma wakifanyiwa watu wangu na mimi niko na nguvu ya kuzungumza Mheshimiwa Mwenyekiti.

Na vile vile niko na taarifa nyengine ya mpigo kupitia kwa Mwenyekiti wa *Transport* na *Infrastructure* (Uchukuzi) Mheshimiwa Mwenyekiti. Mheshimiwa Mwenyekiti ningependa kujua pia kama Mwenyekiti anajua kuwa katika Idara yake ya Uchukuzi kuna nafasi za kazi watu wanaajiriwa na Bunge hili ama Waheshimiwa ambao sisi ndio tunahitaji zaidi kwa watu wetu kule mashinani lakini bado hatujazingatiwa, ukiangalia kuiga mfano mwema kama Mwenyekiti wa Mazingira natija itakayopatikana katika Idara...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order! Order! Member, Order please. Which issue are you up on?

Hon. Athman Mwamwiri: Naomba kuarifu Bunge hili ya kwamba suala la ajira liko na kanuni zake na taratibu zake na sisi kama Bunge labda iwe kuna hujuma au dhulma ndio tunapata kuingililia kati lakini hili ni suala la kitengo husika na taratibu zao, kwa hiyo kulijadili hapa Mheshimiwa Mwenyekiti ni kinyume na maadili. Ahsante Mheshimiwa Mwenyekiti.

The Temporary Speaker (Hon. Bwire): Thank you the issue raised by Hon. Shebe Athman concerning land you are the Vice Chair of Lands, are you aware of the issue raised?

Hon. Mohamed Abrari: Am not aware of that.

Hon. Athman Shebe: Mheshimiwa Mwenyekiti hili suala la ardhi la Jomvu nimelileta hapa takriban mwezi wa tatu nalia Jomvu Narcol ardhi ya shule inanyakuliwa, nimelia nimengoja milele mimi naona nafa bila kelele na halijafanyiwa kazi. Mheshimiwa Mwenyekiti, ni masikitiko na ukiangalia ripoti zetu za Bunge za Hansard zipo, sasa ni mchezo wa paka na panya tunachezeana ama ni nini? Maanake ni masuala ambayo yanahitaji suluhisho la dharura Mheshimiwa Mwenyekiti. Yeye amezua suala lake la Kongowea kuhusu wavuvi...

(Interruption)

The Temporary Speaker (Hon. Bwire): Thank you Hon. Member.

Hon. Athman Shebe: Tusichezeane Mheshimiwa hapa...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order! The Member may not be aware of the issue raised, maybe it was raised in his absence, the Committee may be aware but the Member may not be aware. So I was just asking the Vice Chair on Lands whether he was aware and he is not aware I was to give directives so sometimes you do not react that harsh and I was appealing to the Hon. Vice Chair Hon. Abrari Omar you were not in the picture now you are in the picture liaise with your Chairman and the entire Committee and if the Member is so genuine that he brought here in March then I see no reason of giving you more days. I think next week Wednesday it will be appropriate for you to bring back the response.

Hon. Mohamed Abrari: Thank you Mr. Speaker.

The Temporary Speaker (Hon. Bwire): Hon. Samba you will be the last speaker, you are up? Hon. Samba, then Hon. Leila then we call it a day.

Hon. Samba: I was also on Standing Order 41 2 (c) I would wish to get a Statement from the Department of Health...

(Interruption)

The Temporary Speaker (Hon. Bwire): You wish to get a Statement?

(Interruption)

Hon. Samba: Yes Statement from the Health...

(Interruption)

The Temporary Speaker (Hon. Bwire): You are issuing a Statement?

(Interruption)

Hon. Samba: Yes am requesting a Statement from the Department of Health.

(Interruption)

The Temporary Speaker (Hon. Bwire): You are requesting for a response on a Statement you want to raise.

Hon. Samba: Yes am giving out a Statement requesting for a response.

The Temporary Speaker (Hon. Bwire): Thank you.

Hon. Samba: Hon. Speaker I do not know if the Department is aware that fee for P3 was removed and if you go to our hospitals still they are charging Kshs. 1,500.

I just wanted this House to just confirm whether the allegations are true, and if it is true what is that Kshs. 1,500 for? Thank you Hon. Speaker.

The Temporary Speaker (Hon. Bwire): Thank you, any Committee Member? Yes Hon. Milka?

Hon. Ngare: Mr. Speaker thank you personally am not aware of the same but we will be able to do some investigations and bring the answer in the next meeting which will be Wednesday next week, God willing.

The Temporary Speaker (Hon. Bwire): So one week is okay with you?

Hon. Ngare: Yes.

The Temporary Speaker (Hon. Bwire): Thank you. Yes Hon. Leila? So bring back the response next week Wednesday Hon. Member. Hon. Leila?

Hon. Nyache: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii. Nasimama kupitia *Standing Order* 41 2 (c). Mheshimiwa Spika ningependa kujua kupitia Mwenyekiti wa Afya ya kwamba kama ana ufahamu ile Zahanati ilioko kule Bokole ambayo ni ya Kaunti pia ni ya miaka na miaka na imechakaa kweli kweli Mheshimiwa Spika yaani ukuta wake hauangaliliki umechoka.

Kwa hivyo ningependa ikiwa Bunge hili pia wanaweza kupitia kule na kuweza kwenda kuangalia ile Zahanati ile hali ilioko iko hali mbaya, imechakaa hata haiangaliliki. Kwa hivyo Mheshimiwa Spika naomba Kamati ya Afya waweze kufuatilia na iweze kupakwa rangi ibadilike manake muundo wake ni madhubuti ni rangi tu ndio imechakaa. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): Mheshimiwa haiangaliliki, uliona vipi wewe?!

(Laughter)

Ahsante. It was just on a light note.

Hon. Nyache: Yaani namaanisha imechakaa.

The Temporary Speaker (Hon. Bwire): You are a Member of the Committee? Yes Hon. Hatimy?

Hon. Mohamed Hatimy: Point of Information, japokuwa hii ishuhimamalizika Mheshimiwa Spika lakini nataka kueleza Nyumba hii kuwa Idara sizo zinazo charge, Idara wanaleta kwenye Idara ya Fedha halafu Idara hio ndio wanatengeneza ile sheria ambayo inalipisha watu. Kwa hivyo kama kuna ada zozote msemakweli ni *Finance Act*, kama kitu kipo, hakuna mtu yoyote mwenye nguvu za kuondoa ada zozote isipokuwa Nyumba hii, jambo lolote la kutoza ada lazima lije hapa kama ni kupewa *exemption* lazima lipitie Nyumba hii Mheshimiwa Spika. Ahsante.

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The Temporary Speaker (Hon. Bwire): You are reacting on Statement raised by Hon. Samba? So are you aware the Department proposed to do away with the charges? So according to you the Finance Committee the charges are still intact...

(Hon. Mohamed Hatimy nodded)

The Temporary Speaker (Hon. Bwire): Then Hon. Member you are answered.

Hon. Samba: It was on a government circular that the P3 should be free of charge two months ago...

(Interruption)

The Temporary Speaker (Hon. Bwire): Which government, the County or the national government?

Hon. Samba: National government, any government hospital and County government also falls under national government. Police have done away with payments of P3 or any other payments so now I was in a certain function and it was raised and I promise to give back the response as far as this House is concerned.

The Temporary Speaker (Hon. Bwire): So I think you will liaise with the Chairman on Finance maybe you will get to know if it was an executive directive from the national Parliament maybe we have not implemented and you see the Health Department was devolved and we also have a say even if the national government will give directives but we also have to sit down and look on the directives given, if they favour us we will drive the directives if it does not favour us so maybe you liaise with the Chairman you have heard what he said...

(Interruption)

Hon. Samba: I do not get you, we liaise with who?

The Temporary Speaker (Hon. Bwire): With the Chairman on Finance, anything to do with money it has to go through the Department of Finance...

(Interruption)

Hon. Samba: Let me try to elaborate a little further; when the issue was raised some of the Members who happen to work for the Coast Provincial General Hospital confirmed that the charges are there but they said these charges catered for Doctors' fees while they are attending court cases, when they go for postmortems so that is why it generated that thing because they are employees of the County government and why should they be paid so that is why have brought this issue in the floor of this House.

The Temporary Speaker (Hon. Bwire): Thank you. So I think just as i have said the Health and Finance Committee since is related with issues to do with money plus yourself you get to understand the whole issue if you will not agree then please bring it back.

Hon. Samba: Thank you Hon. Speaker.

The Temporary Speaker (Hon. Bwire): And the issue raised by Hon. Leila, Hon. Milka you have heard when are you reporting back?

Hon. Ngare: I will consult with the Chairman but I think the same time when we are bringing the other report on Wednesday we will be able to do the same.

The Temporary Speaker (Hon. Bwire): Thank you and the issue raised by Hon. Ibrahim Omondi I think the Committee on Transport and Infrastructure we expect to bring the response next week but one on Wednesday. Yes Clerk?

ADJOURNMENT

There having being no other business the House stands adjourned until Tuesday of 30th July, 2019 at 10:00a.m.

The House rose at 4:00p.m.