

**COUNTY ASSEMBLY OF MOMBASA****OFFICIAL REPORT**

Wednesday, 27<sup>th</sup> November, 2019

The House met at 3:00p.m.

*(The Temporary Speaker (Hon. Murfad Abdallah Amur) in the Chair)*

**PRAYERS**

**The Temporary Speaker** (Hon. Amur): Hon. Members we may be seated. Yes Clerk?

**STATEMENTS****MISCONDUCT OF PERSONS UNDER METHADONE CONSUMPTION AT THE KISAUNI METHADONE CLINIC**

Hon. Charles Kitula?

**The Chief Whip** (Hon. Kitula): Thank you Mr. Speaker. Mr. Speaker Sir, I seek to know from the Chairperson, Committee on Health on whether this Committee is aware of misconduct of persons under Methadone consumption at the Kisauni Methadone Clinic in the following ways;

- i. Persons under Methadone continue abusing drugs at Frere Town School ground which is being used by school pupils and as a result parents and teachers have observed strange behaviour from pupils,
- ii. Persons under Methadone consumption have turned to be a big security threat to the society since they snatch phones and threaten residents,
- iii. Whether this Committee is aware of tireless efforts by residents who have always been given empty promises by the Department and at the moment have vowed to paralyse operations at the Clinic until the Methadone Clinic is transferred to another place.

Thank you Mr. Speaker.

**The Temporary Speaker** (Hon. Amur): Thank you Hon. Charles Kitula. Chairman for Health Hon. Kibwana?

*(Silence)*

*(Hon. Kibwana Swaleh walked in the Chambers)*

Hon. Kibwana? Hon. Kibwana there is a statement by Hon. Charles Kitula, do you have any reply or you need...

*(Interruption)*

**Hon. Kibwana Swaleh:** Thank you Hon. Speaker. Hon. Speaker I think I will be unable to give a comprehensive response on this issue, so I just ask my colleague in this Honourable House to give me more time so that I can come with a good response. Thank you.

**The Temporary Speaker (Hon. Amur):** Hon. Kibwana exactly how long do you want? Because the Assembly will be heading for recess soon and this is a burning issue. So how long do you think, next week will it be possible?

**Hon. Kibwana Baya:** Maybe I just get direction because today we were given a Petition and when I look at this Statement it is also on the same issue raised here today. So if it is the same issue I think we were given an opportunity to sit within the period so that at the end of the long recess we will be able to respond. I think that is what I can get from this Statement. It is the same issue that is happening on the issue of Methadone; and so if it is the same issue Hon. Speaker I think I will not be able to give it before we go for recess, my friend will have to wait for me until we come back after the long recess. Thank you.

**The Temporary Speaker (Hon. Amur):** Thank you, that is acceptable. Yes Clerk?

LIST OF PENDING BILLS FOR FY 2017/2018 AND 2018/2019

**The Temporary Speaker (Hon. Amur):** Yes Hon. Bwire?

**The Chief Whip (Hon. Kitula):** Mheshimiwa Spika, Mheshimiwa Bwire amepata dharura ameniomba niweze kumsomea taarifa yake kwa ruhusa yako.

**The Temporary Speaker (Hon. Amur):** Okay Hon. Member on behalf of Hon. Bwire you can continue.

**The Chief Whip (Hon. Kitula):** Thank you Mr. Speaker. Mr. Speaker Sir, I seek to know from the Chairperson Committee on Finance, Budget and Appropriations on the list of pending Bills for FY 2017/2018 and 2018/2019. Thank you Mr. Speaker.

**The Temporary Speaker (Hon. Amur):** Chairman Finance?

*(Silence)*

Any Member? Vice Chair? Member of Finance? Please note that Hon. Bwire seeks to know, are you in position to answer now?

**Hon. Kibwana Swaleh:** I have to rise because the Chair and the Vice Chair are not around, but I think I can assure you that it is our mandate and also an opportunity also to interrogate the Executive Member for Finance on this issue. So maybe you give us time so that we see but I will be unable to state clearly when we are going to give it to this Assembly.

**The Temporary Speaker** (Hon. Murfad Amur): Please do so Hon. Kibwana on behalf of the Committee. Yes Clerk?

*(Interruption)*

**The Chief Whip** (Hon. Kitula): Mheshimiwa Mwenyekiti Taarifa! Mheshimiwa Mwenyekiti swala hili la maswala ya Fedha mimi kama Mheshimiwa wa Frere Town nisingependa kwa maoni yangu iweze kuchukuliwa na Kamati ya Fedha kwa sababu Kamati ya Fedha kwa Bunge hili inafahamika kwamba kuna ushirikiano mkubwa na Wizara ya Fedha. Maswala ya *pending bills* kwa maombi yangu ingetengezewa kama Kamati ya *Ad Hoc* waweze kuchunguza Waziri na kutuletea orodha ya *pending bills* zote za FY 2017/2018 na 2018/2019 lakini kwa maoni yangu sina imani kama Kamati ya Fedha italeta mapendekezo yanayostahili katika Bunge hili.

**The Temporary Speaker** (Hon. Amur): Hon. Kitula since the issue was brought by Hon. Bwire and you are reading on behalf it will be wise if the Chair or the Vice Chair could have been here so that we hear from them and then if so you have any doubt then we will decide then when we reach at that stage if we will appoint an Ad Hoc Committee but in the meantime let us hear from the Committee first before we jump the gun. Please give us up to next week so that the Chair or Vice Chair can express what they can say Hon. Kitula. Are we fair enough Hon. Kitula? Is it acceptable by you?

*(The Chief Whip (Hon. Kitula) nodded)*

Okay Clerk, next Order?

#### STATEMENT

Hon. Ahmed Salama, Chairperson Lands and planning?

**Hon. Nyache:** Ahsante sana Mheshimiwa Spika. Nimesimama hapa mimi ni Mwanakamati wa hiyo Kamati ya Ardhi. Ningependa Mheshimiwa Spika Jumba hili liweze kutupatia muda kuhusiana na hii Taarifa ambapo tukienda likizo tutakaporudi tutakuja na majibu kamili.

*(Consultations)*

**The Temporary Speaker** (Hon. Murfad Amur): Hon. Leila you stood on behalf of the Committee, when do you think you will reply to the Statement?

**The Chief Whip** (Hon. Kitula): Taarifa Mheshimiwa Mwenyekiti?

**The Temporary Speaker** (Hon. Murfad Amur): Yes.

**The Chief Whip** (Hon. Kitula): Mheshimiwa Mwenyekiti hii Taarifa nilileta wiki mbili zilizopita na Mwenyekiti wa Kamati hii akaweza kuomba Bunge hili apatiwe wiki mbili ili aweze kuleta hayo majibu na ilikuwa ni kitu cha kwenda VOK na kuja kuleta Ripoti yao katika Bunge hili. Lakini la kushangaza leo Mwanakamati anasema apatiwe muda mwingine, wa nini Mheshimiwa Mwenyekiti wakati swala hili ni kwenda VOK na kuja kuleta mapendekezo kwamba je hayo maduka yanayojengwa wamefuata sheria au la?

Angalia hata Vote Book inasema kwamba alipatiwa muda wa wiki mbili Mheshimiwa Mwenyekiti; waliomba wiki moja Spika akawaongezea wiki nyengine moja kwa hekma ya Spika, sasa leo hii akiniambia kwamba waongezewe tena muda ninashangaa ndio maana lengo langu kuu leo hii kusema kwamba hizi Kamati zetu za Bunge Mheshimiwa Mwenyekiti nyingi hazifanyi kazi na ni wakati saa hii wa kuweza kuwajibika, hata nina imani leo Mheshimiwa Leila hata hajui kuhusu hiyo Taarifa yeye anaona kama inaulizwa leo hajui kama inastahili kujibiwa.

**The Temporary Speaker** (Hon. Murfad Amur): Yes Hon. Leila, can you respond?

**Hon. Nyache:** Mheshimiwa Spika katika swala hilo ilikuwa tulikalie na hatuja kaa kusema la ukweli. Kwa hivyo linahitaji uchunguzi sana ukiliangalia Mheshimiwa Spika mimi ningeomba tu huo muda; bado naomba Mheshimiwa aridhie huo muda tukienda likizo tukisharudi tutakuja na majibu.

**The Temporary Speaker** (Hon. Murfad Amur): Hon. Leila I am giving you up to next Tuesday please make sure that the Statement is brought back by next Tuesday before we go for recess. Is it clear?

**Hon. Nyache:** Sawa Mheshimiwa Spika.

**The Temporary Speaker** (Hon. Murfad Amur): Yes Clerk?

#### STATEMENT

RESPONSE TO STATEMENT BY THE LEADER OF MAJORITY HON. MWIDANI ON STATE OF THE COUNTY ADDRESS BY H.E THE GOVERNOR HON. HASSAN ALI JOHO

Hon. Hamisi Musa, Leader of Majority?

(Silence)

Yes Hon. Kitula?

**The Chief Whip** (Hon. Kitula): Mheshimiwa Mwenyekiti nafikiri Taarifa nambari 10 iko kimakosa kwa sababu tayari Kiongozi wa Walio Wengi aliweza kujibu Taarifa hii. Ahsante.

**The Temporary Speaker** (Hon. Murfad Amur): Thank you. Yes Clerk? Hon. Kitula I understand that there is a written Statement that is supposed to be addressed in the Assembly.

(Consultations)

Then the House is satisfied that it was done last week, isn't it? You read it for the purpose that is in the Order paper, it will be wise.

**The Chief Whip** (Hon. Kitula): Mr. Speaker, *reference was made to the matter above and the letter Ref: CAM/CAC/CO-CORR/VOL-II/198 dated November 21<sup>st</sup>, 2019. H.E the Governor has always been committed to the adherence of the laid down legal provisions more particularly section 30 (2) (K) of the County Government Act, 2012.*

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*On the basis of this commitment, H.E the Governor shall be able to fulfil this mandate of the State of the County address immediately after recess. I take this opportunity to thank you for the good work you are doing for the people of Mombasa County and wish you the best as you proceed on recess. Yours Joab Tumbo. Ag. County Secretary*

Thank you, Mr. Speaker.

**The Temporary Speaker** (Hon. Murfad Amur): Thank you Hon. Kitula. Members the response has been done or read by Hon. Kitula, are you comfortable with the response before we rest the matter? Is the House satisfied? Thank you, next Order?

STATEMENT

Hon. Hamisi Musa Mwidani?

*(Silence)*

Any information regarding..., any Member with any information on behalf? Yes Hon. Kitula?

**The Chief Whip** (Hon. Kitula): Mheshimiwa Mwenyekiti mimi nashangaa Kiongozi wa Walio Wengi Bungeni hayuko lakini Naibu yuko na yeye amenyamaza Mheshimiwa Mwenyekiti. Tunashangaa mbona amenyamaza.

**The Temporary Speaker** (Hon. Murfad Amur): Deputy, you are there and you are just quiet, Is there a Deputy officially, I want to confirm that? Was it official?

**Hon. Member:** Yes.

**The Temporary Speaker** (Hon. Murfad Amur): If it yes then you take the place of the Majority if he is not in the House. Please Hon. Nyiro?

*(Consultations)*

Members may I ask; was Hon. Nyiro officially endorsed by this House? Was it in this floor before we assign him the position? Yes Hon. Kibwana?

**Hon. Kibwana Swaleh:** Thank you Hon. Speaker. I think Hon. Speaker we should follow the procedures; I will be happy if my brother is elected the Deputy Majority but we may end up misleading this Honourable House, it will be like a drama that we allow someone to be Deputy while it is not official. So also to give us the opportunity to ask the office of the Leader of Majority because it will proper if he is not around, I think he could give out the response on this issue. So I think it is something that the leadership of this House should consider if somebody is not around the office is still there, so I think we should not mislead this House. I would wish as I say he is a colleague but maybe it will go against our rules and procedures. Thank you.

**The Temporary Speaker** (Hon. Murfad Amur): Thank you Hon. Kibwana. Then I defer this issue until next week. Next order Clerk?

STATEMENT

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Hon. Prischillah Mumba? Any Vice Chair? Any Member of the Committee, any Member of the Committee again? Yes Hon. Kibwana, are you a Member of the Transport Committee?

**Hon. Kibwana Swaleh:** Yes Mr. Speaker.

**The Temporary Speaker** (Hon. Murfad Amur): Yes?

**Hon. Kibwana Swaleh:** Mr. Speaker I want to state clearly that the Chair is admitted at the hospital and the Vice Chair is not around; and I want to confirm that we have not received the response on this issue, that is my statement. Thank you.

**The Temporary Speaker** (Hon. Murfad Amur): Hon. Kibwana on behalf of the Committee if the Chair is not in, the Vice Chair is not in but a Member of the Committee is in, it is upon the Committee... the Chair does not go with the office, the Vice Chair does not go with the office, any Member can respond. So I will request you to be informed that by next week Tuesday this Report should be landed in this Honourable House. Thank you, are we clear? Yes Clerk?

#### STATEMENT

Hon. Prischillah again? Yes Hon. Kibwana.

**Hon. Kibwana Swaleh:** Hon. Speaker again as a Member of Transport Committee we have not received any response on this issue so give us more time as usual so that we see how we can reply back. Thank you.

**The Temporary Speaker** (Hon. Murfad Amur): Hon. Kibwana, did this Honourable House or the Committee send any letter to the Department? I want to know that first, did you send any letter to the Department as a Committee?

**Hon. Kibwana Swaleh:** I can confirm that we sent the letter to the Department.

**The Temporary Speaker** (Hon. Murfad Amur): What about the reply? Can any Clerk of your Committee confirm that you have received any reply?

**Hon. Kibwana Swaleh:** That is what I have said it earlier that we have not received any reply but we have sent a letter to the Department for reply.

**The Temporary Speaker** (Hon. Murfad Amur): Send her a reminder and if the response is not available then you summon the Head of the Department, am i clear?

**Hon. Kibwana Swaleh:** I think the letter that was sent was through the Executive Member.

**The Temporary Speaker** (Hon. Murfad Amur): In the absence of Executive Member, the office is not empty Hon. Kibwana. The Chief officer of the Department is there, I therefore request on behalf of the Department, the Chief Officer can respond to issues that have been brought in this House, therefore make an effort to bring a Report by next week Tuesday Hon. Kibwana.



**Hon. Kibwana Swaleh:** Thank you Mr. Speaker, but I think ...

*(Interruption)*

**The Temporary Speaker** (Hon. Murfad Amur): I have given the direction, next week Tuesday at 2:00p.m that Report should be in this House, failure to that you will be allowed to summon the Department; either the Chief Officer or any other person, Thank you.

**Hon. Kibwana Swaleh:** Most obliged. Thank you.

**The Temporary Speaker** (Hon. Murfad Amur): Yes Clerk. Yes Hon. Thoya?

**Hon. Thoya:** Mheshimiwa Spika nilikuwa nataka Taarifa kutoka kwa Kamati ya Maji na ningependa kama pengine wana ufahamu...

*(Interruption)*

**The Temporary Speaker** (Hon. Murfad Amur): Is it an urgent Statement?

**Hon. Thoya:** It is more than urgent because *ni mahali maisha ya mtu yalipotea na kwa sasa hivi haijulikani itaenda vipi, ningependa kuweza hiyo Kamati kama wana ufahamu kwamba pale Birikani, mtaa wa Birikani kuna zile chamber ama visima vya Mombasa Water ambapo watoto huenda wakacheza na vile visima huwa viko wazi na wiki iliyopita kuna mtoto ambaye alikuwa akicheza hapo akitafuta maembe alizama na akafa na kwa sasa hivi kuna mipango ya mazishi lakini ni kama ambaye Mombasa Water wanajaribu kutelekeza hiyo na ikiwa vile visima viko wazi ni matarajio kwamba watu wengi watazidi kuzama hususan watoto wa Kibarani na maeneo ambayo yako pale. Je, wana ufahamu wa hilo na kama wana ufahamu, ni mipango gani ipo ya kuweza kusimama na ile familia na kuna mipango gani ya kuhakikisha kwamba vile visima vitafunikwa ili tusiweze kupata maafu zaidi na nasema hiyo ni dharura kwa sababu sasa hivi mwili huo uko mortuary pale Makadara na familia hiyo haina mbele wala nyuma na Mombasa Water ni kama ambaye wanatelekeza wanasema hatuna jukumu.*

**The Temporary Speaker** (Hon. Murfad Amur): Chairman Water, Vice Chair. Yes Hon. Mwalimu Mgwisho.

**Hon. Mwalimu Mgwisho:** Ahsante sana Bwana Spika, hizi ni habari ambazo nazisikia sasa hivi kutoka kwa Mwanakamati mwenzangu wa Kamati ya Maji ambaye ametuletea sasa hivi, kwa hivyo itabidi tufanye utafiti ili tuweze kupata jibu muafaka. Ahsante Bwana Spika.

**The Temporary Speaker** (Hon. Murfad Amur): Hon. Mwalimu, would you may be be kind enough on behalf of the Committee to seek or to go and see the Mombasa Water people so that at least the family can be assisted somehow for the burial, at least for the Hospital may be to seek a waiver or something like that, can the Committee do that at least to help the family so that they can even be given the waiver since it was something that was not expected by the family, are you in a position to do so?

**Hon. Mwalimu Mwisho:** Thank you Mr. Speaker, i will try my best to do so. Thank you.

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**The Temporary Speaker** (Hon. Murfad Amur): So Hon. Thoya you will communicate with Member Hon. Mgwisho so that you can help each other so that the family can get assistance, am i clear? Yes Clerk?

### **ADJOURNMENT**

Hon. Members the House stands adjourned until Tuesday 3<sup>rd</sup> December, 2019 at 10:00a.m.

The House rose at 3:25p.m.