

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Wednesday, 24th February, 2016

The House met at 2:32p.m.

*(Mr. Speaker (Hon. Thadius Rajwayi) in the Chair)***PRAYERS****Mr. Speaker** (Hon. Rajwayi): Yes, Clerk.**PAPER**

Yes, Hon. Tom Ogalo.

(Silence)

Hon. Ogalo Tom? The Committee on Labor and Social Welfare?

(Silence)

Okay, the Vice Chair of this Committee? Yes Hon. Swaleh Baya are you a Committee Member?

Hon. Kibwana Swaleh: I was just talking on behalf of Hon. Tom Ogalo, I think he has something to consult a bit, so I don't know whether the Chair with your permission you can just allow some few minutes if possible.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Swaleh well okay. Yes, Hon. Enock Mwinga.

Hon. Mwinga: Thank you Mr. Speaker. Mr. Speaker I am not in the Committee for Labor but I am a friend in that Committee, so if you can allow me to read the Report it will be okay Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes what are your fears Hon. Mwinga? Can you let us know what your fears are?

Hon. Mwinga: I know Mr. Speaker.**Mr. Speaker** (Hon. Rajwayi): What are your fears? Why are you afraid?

Hon. Mwinga: I am not fearing because I am not in that Committee Mr. Speaker, I just asked for permission from your Chair if I can be allowed to stand on behalf of the Chairman Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Mohamed Chiro?

Hon. Mohamed Ndanda: Thank you Mr. Speaker. Mr. Speaker I stand to agree with Hon. Mwinga because this Report is very much important, it touches the lives of our people who were terminated and okay I am seeing the Chairman is there Mr. Speaker I think let me reserve a bit...

*(Applause)***Mr. Speaker** (Hon. Rajwayi): Yes Hon. Tom Ogalo.

Hon. Ogalo: Thank you Mr. Speaker. Mr. Speaker, I beg to table the Report on Mombasa Apparel terminated workers Mr. Speaker, Sir.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Tom Ogalo can you take us through your Report.

Hon. Ogalo: Mr. Speaker we just have to table the Report then we go to reading after Notice of Motion.

Mr. Speaker (Hon. Rajwayi): You have to... that has been accepted and we have received it. That is why you have to take us through. So if you are ready take us through...

*(Hon. Ogalo read the Report)***ARBITRARY TERMINATION OF WORKERS AT MOMBASA APPAREL (EPZ)**

Hon. Ogalo: Mr. Speaker Sir, the investigative report on the arbitrary termination of workers Mombasa EPZ.

Mr. Speaker, Members of this Committee; I am the Chairman, Tom Ogalo, the Vice Mary Akinyi, Members are Hon. Zeinab Mumba, Hon. Hamisi Musa Mwidani, Hon. Abubakar Kibwana, Hon. Kizito Opeya, Hon. Patrick Siminyu, Hon. Paul Onje, Hon. Zainab Kithinzi, Hon. Kalume Salim, Hon. Maimuna Mwamassa. Mr. Speaker, contents I will say it in summary, introduction, findings, Committee observation, conclusions and conversations. Mr. Speaker Sir, I intend to summarize. This is a Report on the findings of the Committee of Labor and Social Welfare following a statement raised by a Member of the County Assembly and ruling by Hon. Speaker on 26th January 2016 at 2:30pm that a site visit to the affected EPZ to be undertaken and report on the same tabled.

The mandate of the site visit was to among others seek an audience with the aggrieved workers and meet with the employees with a view to determine the following main issues; what led to the alleged termination of the EPZ employee contracts, was due process followed and the workers afforded a fair hearing as per the Constitution of Kenya 2010, and is there an amicable solution that can be arrived at by both parties to settle this dispute once and for all. The Committee on Labour and Social welfare is among the sectoral committees of the County Assembly of Mombasa established under interim Standing order number 191 on the appointment of sectoral Committees...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Ahmed? Can we now get information from Hon. Ahmed Faraj? Yes, Hon. Onje can you resume your seat?

Hon. Faraj: Mr. Speaker Sir, I think we will be duplicating what we have already done as a Committee and some of us were in attendance during this meeting and we fully support this document because we travelled through this journey together with the Committee and so many of us who were not actually Members of the Committee have been involved throughout the journey of preparing the Report. Mr. Speaker I therefore request this House to adopt this document because it has passed through all parts during Committee meetings when we had engagements with the directors together with the EPZ workers. I therefore request that we adopt this document because we believe that whatever was deliberated upon has been captured fully in this document. Thank you Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ibrahim Kondo.

Hon. Ibrahim Kondo: Thank you Mr. Speaker. I am here to second what my colleague Hon. Saad Faraj has already said. Thank you Sir.

(Applause)

Mr. Speaker (Hon. Rajwayi): With permission from the Chair, are you in agreement that it is important to confirm this?

Hon. Ogalo: Yes, Mr. Speaker Sir.

Mr. Speaker (Hon. Rajwayi): Ladies and gentlemen, following the prayer by Hon. Ahmed Saad Faraj and supported by Hon. Ibrahim Kondo I do now put to question that this Report be adopted as tabled by Hon. Tom Ogalo?

(Question proposed and agreed to)

(Applause)

Mr. Speaker (Hon. Rajwayi): Clerk, next?

NOTICE OF MOTION

Yes, Hon. Ogalo?

Hon. Ogalo: Mr. Speaker sir, I beg that the Assembly adopts the Report on the Mombasa Arbitrary EPZ Terminated Workers Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes, I want us to agree that this Notice of Motion has been laid and I want to believe after this a date has been set for which this particular Report is going to be debated and if not so then you have to consult with the County Assembly Business Committee that will be tomorrow in the morning so that we can seek for allotment and when this particular Report can be debated by the Hon. Members, yes next?

MOTION

Hon. Kibwana Swaleh.

Hon. Kibwana Swaleh: Thank you Mr. Speaker. On behalf of the Committee on Health, the Department of Health brought before us the first quarter Report and it was brought to this House also, it was highlighted by the Members. Mine today Mr. Speaker, is just to ask this Honorable House to adopt this Report which is very important. I think it is very important just to appreciate the work of the department and the Committee for doing this quarter Report which is very essential in terms of follow-up and in terms of measuring the performance of the Health workers and the Report had different categories, milestones, target achieved. The report also gave infrastructure development, service delivery. Hon. Speaker, also the Report had emergency response to the oil crisis which is also very important. As you are aware, most of our communities have been affected beyond the others...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Ahmed.

Hon. Faraj: Mr. Speaker, the Hon. Member who is also the Chair of Health is taking us through a document which, ourselves do not have and from the look of things he is actually pin-pointing to the milestones and the important issues that are supposed to be addressed but the Report itself for us who are not Members are not even aware of what the contents are, so it would be advisable for him to go through line by line, page by page for us to understand. Thank you.

Mr. Speaker (Hon. Rajwayi): Hon. Swaleh, maybe to that matter you need to table that Report, take the House through it then that is when adoption can also be moved so and there is that fear that the Hon. Members may not be having a copy. Yes, what is it Hon. Mwidani?

Hon. Mwidani: Mr. Speaker I think that my colleague is not leading this House in order because this Report was tabled; in fact it was being circulated here from Tuesday and here it is! We have all of us, maybe he has misplaced it.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Kizito Opeya Okoth.

Hon. Opeya: Mr. Speaker, I also support my colleague, Hon. Hamisi Mwidani Senior, this Report was tabled I think some time back. Maybe some Members misplaced the copies they need to do proper filing of Reports so the Chairman can lose this Report some time...

(Laughter)

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Mr. Speaker (Hon. Rajwayi): Yes Hon. Ibrahim.

Hon. Ibrahim Kondo: Thank you Hon. Speaker. I hereby do support my Chairman of disaster. The Report is here with all the Members and if the rest don't have it they have to look again. Yeah, thank you Mr. Speaker.....

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Patrick Siminyu.

Hon. Siminyu: Thank you Mr. Speaker. I think the Chairman who has given this opinion is not a different opinion but I would like to give direction to this House because the Chairman or somebody was misleading us just by a point of information. Yes, I want to inform this House.

Mr. Speaker (Hon. Rajwayi): Can you allow for intervention from Hon. Ibrahim?

Hon. Ibrahim Kondo: Thank you Hon. Speaker. I wonder if we are two Speakers here and the Honorable Member is taking that task of giving direction to this House and there is a Speaker on the Chair.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Patrick can you just seek the right time so that we can understand...

(Interruption)

Hon. Siminyu: Mr. Speaker, Hon. Saad was misdirecting us and we all know this information I just want to give the proper information that is not wrong Mr. Speaker Sir.

Mr. Speaker (Hon. Rajwayi): That is a criminal way of making that correction. Continue.

Hon. Siminyu: Mr. Speaker, the Chairman is in order. He placed this Paper on the Table on Tuesday; today it is a Motion...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Can you reduce? Yes, what is it Hon. Ahmed?

Hon. Faraj: Mr. Speaker some of the Members are trying to be cheeky. Mr. Speaker, this document, rather this Notice of Motion was brought here severally and it was pushed to another date so those who had those copies, they are very lucky because a lot of time has been spent to make sure this document come to this House to the extent of some of the Members fuming in wanting this document to come to this House. Mr. Speaker I think it is only fair that for every new session we need to have Members to have copies in their possession so that they can deliberate and contribute properly because every financial year we have supplementary budget a few days ago and we pass it. It means that all offices have been allocated the funds necessary to do their jobs to the maximum and I am sure that the Department of the Hansard or the Department of the Clerk office has the proper funds to make sure that every Member in every session has the copies that they require, that is the only concern that I had. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Can you Honorable Members allow me to give direction please. Maybe three or just one standing, can you wind up then we get to Hon. Madundo then we wind up.

Hon. Siminyu: Mr. Speaker, a Notice of Motion was already placed in this House, today was Motion because when the Paper was brought, it was brought in the form of a Notice of Motion all Members have copies, even I have a copy here. Today was a Motion part of which the Chairman is correct Mr. Speaker. Thank you.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Madundo.

Hon. Mohamed Madundo: Ahsante Mheshimiwa Spika. Mheshimiwa Saad amezungumza akisema kuwa kuna mambo ya bajeti, bajeti huwa inafanywa lakini si jinsi hii bajeti kwa sababu ikiwa Mheshimiwa Kibwana alileta Mswada hapana saa hizi tunarudi kusema tufanye tena hii bajeti itakoroga hili Bunge.....

(Laughter)

Kwa sababu hatuwezi kurudia mambo kwa kurudia kwa kurudia ndio maana watu wengine wanasema wanazoea pombe alafu wahame...

(Laughter)

Lazima nilete ufahamu katika Bunge, kuna Waheshimiwa wengine huwa wanasahau..., Mheshimiwa Kibwana alileta hii Ripoti tena ililetwa na mimi ni kama imesomwa na wasomi na kuwa tulipitisha hiyo. Kwa hio Mheshimiwa Spika, Mheshimiwa Kibwana ako sawa. Ahsante.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Jimmy Odari.

Hon. Odari: Thank you Hon. Speaker for according me the opportunity to give my views regarding the request of Motion by Hon. Chairman of the Health Committee.

Hon. Speaker this document, the quarterly Report on health of the County is a very critical document and I understand last Tuesday when it was presented it had some issues to the extent that the Chairman requested for time to go and sit down with his Committee to make some corrections, therefore I think it is only prudent that since and by the fact that this is a very critical document, Members need to have copies on their table...

(Applause)

...So as to be able to give their contribution on a Report from their own point of view, so it is very important that when such a critical Report is being discussed Members should have copies in their hands so as to give proper contribution on the same. Unfortunately only three of us here have the Report, this Report, so on that basis Mr. Speaker I would request that you give more time to the Members so that we can make proper contribution. We should not just pass this very important document anyhow only to realize that we have passed a document which is not proper, which is not going to serve our people in a proper manner. Thank you, Hon. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Mwidani are you on that same point or you have a different opinion from what he had to say?

Hon. Mwidani: Mr. Speaker, I want to make this House seem that we are in the correct. Actually, maybe those Members who are complaining that there are no copies, that day they were not there because the Report was tabled on another paper Wednesday the 3rd and if somebody was not there picking the copy is now complaining. Now, it is his problem but actually the copies were there

with the agenda with the Order paper on Wednesday 3rd this is what I am showing as an exhibit and actually on that day is when we were picking our quarterly report so, maybe Mr. Speaker, the Members who were not there on that day should not make some blames to the Committee or other people failing to appear in this House is when they missed on the copies so I think Mr. Speaker, these are the Members who were not there on that day...

(Applause)

Mr. Speaker (Hon. Rajwayi): Order Hon. Members! Can I now confirm this to the House? Hon. Mohamed can you reduce? Can I get the consent from this Hon. House that from the Department of Health, the first quarter Report of October 2015 had been tabled before this Honorable House...

(Question proposed and agreed to)

(Applause)

Now, the next question, can I get confirmation or otherwise, from this House that the Department on Health first quarter Report October 2015 had been adopted by this Hon. House?

(Question put and agreed to)

(Applause)

Now, you see those are the steps. First of all, Hon. Members I am just reminding us that first of all we tabled the Report, the second stage we adopt it, the third step is that we table a Notice of Motion, from the Notice of Motion it becomes a Motion so, I am confirming as we continue going until I get to know where this particular business is.

Now, Hon. Members, ladies and gentlemen, allow the Chair to also get your opinion that this same Report had been laid as a Notice of Motion before this Hon. House?

(Question proposed and agreed to)

(Applause)

Mr. Speaker (Hon. Rajwayi): Now, Hon. Swaleh Baya, this business; the second one that today you are supposed to table this Motion has now been given a clean bill of health by this Hon. House.

However, there are some dissenting voices that certain amendments were to be raised, so, what the House will be expecting is that by the time you were tabling this... maybe you will be tabling this with certain amendments...

(Applause)

So and... Order Members! Order Hon. Mumba! Order Hon. Ahmed! So, Hon. Swaleh Baya, the time is yours so continue.

Hon. Kibwana Swaleh: Thank you the Chair for taking the procedure for this Hon. House for those who wanted to hijack the Report. Hon. Speaker the Report as a Motion we don't make any amendments, there are no amendments, there were no amendments. That is what I want to confirm and

for those who claim there are amendments, they should give us the evidence of such amendments. I believe the Report was brought without any amendments and is confirmed in this Hon. House.

Mr. Speaker (Hon. Rajwayi): So who seconds that it be debated now; it has to be seconded or otherwise we may not even propose any question to that Report. Yes, Hon. Lucy Chizi Chireri.

Hon. (Ms.) Chireri: Ahsante Mheshimiwa Spika, ninaunga mkono yote yaliyozungumzwa na Mwenyekiti. Ahsante.

Mr. Speaker (Hon. Rajwayi): Ladies and gentlemen I propose the question that the quarterly Report be...

(Interruption)

Yes, what is it Hon. Nyamvula?

Hon. (Mrs.) Nyamvula: Thank you Mr. Speaker . I think Mr. Speaker...*(inaudible)*... I don't know... Mr. Speaker please allow...*(Inaudible)*... I don't know which copy I should debate on.

Mr. Speaker (Hon. Rajwayi): Just pick any.

Hon. (Mrs.) Nyamvula: They are too many. The whole point Mr. Speaker is that we are not too sure...*(Inaudible)* we are just trying to follow the procedure. This Report does not have a cover. Thank you Mr. Speaker.

(Loud consultation)

Mr. Speaker (Hon. Rajwayi): Yes, what is it Hon. Caroline?

Hon. (Ms.) Auma: Hon. Speaker I was going through the Report and I think it has not been signed by the executive member so the Report is not complete.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Stephen Wangudi.

Hon. Wangudi: Thank you Mr. Speaker Sir. Mr. Speaker just to confirm to this House, there is a breakout of... *(Inaudible)* syndrome in Mombasa County and the Mombasa (??) Department here in the Assembly. Members of this Assembly are very committed that is why you can see that the Report is being tabled and the signed Report. There are also Members who were not able to remember if the copies were available in this Hon. House. Mr. Speaker Sir, I beg your direction on this matter that the tabled Report has not undergone several stages and the end we have come to realize that the Report is not complete. We beg to hear your direction and we will receive for us to complete up the process.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Jimmy Odari.

Hon. Odari: Hon. Speaker, unfortunately, I think I wish to concur with Hon. Nyamvula regarding the procedure and the due process for bringing Reports. Mr. Speaker, before this hard copy from one of my colleagues here and we expect you have minutes and Report to the Committees concerned. This copy, apparently is from the Department of Health we would have expected that this Report would be accompanied by minutes of the Report from the department attesting that they in fact went through the Report and these are their recommendations or their opinions regarding the Report. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Ibrahim.

Hon. Ibrahim Kondo: Thank you Hon. Speaker. Hon. Speaker with due respect from this House, this is a Report which came from the Department of Health and as a Committee we don't have any quarterly Report concerning ourselves so I think most of the Members who are just complaining are not in this Committee and I hope they need to be taken first for capacity building because they don't know what is going on according to this Report Hon. Speaker...

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Maimuna Salim.

Hon. (Ms.) Maimuna Salim: Mheshimiwa Spika, tuko hapa kufanya mazuri kwa watu wa mji wetu wa Mombasa na tunajua mambo ya afya vile ambavyo ni jambo ambalo lina athiri watu wetu. Kwa hio, mtu akizungumza vile sisi tunazungumza hatuko katika Kamati lakini ni wahusika wakuu kwa sababu watu ambao wameathiriwa ni wetu na ni lazima hii Ripoti tuiangalie vizuri sana na mahali ambapo kuna marekebisho tuweke ili tusaidie watu wetu...

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Ahmed.

Hon. Faraj: Mheshimiwa Spika...

(Interruption)

Mr. Speaker (Hon. Rajwayi): You will have your time Hon. Onje. I will give you an opportunity to talk.

Hon. Faraj: Mheshimiwa Spika kama kwa bahati nzuri ukonayo kopi hii, ukifunua ukurasa wa mwisho kabisa ili kuhakikisha kwamba Kamati ilikaa kikamilifu ikaandaa Ripoti hii utaona sehemu ya sahihi ya ambayo kwamba sahihi ya kwanza ambayo imeandikwa ni *executive member*, ya pili ni *Chief Officer*.

Huyo Mwenyekiti wetu nafikiria labda kimepotea potea, labda kitafutwe lakini hapa haimo Bwana Spika, kumaanisha hii Ripoti ni *copy and paste* ya yale maelekezo yaliyotoka kutoka kwa Kitengo cha Afya ikaja hapa na wanatusukumiza nayo bila ya wao wenyewe kukaa kama Kamati kwa sababu ushahidi wa Kamati pia huku mbele hakuna. Kama unavyoiona, Ripoti yenyewe imeandikwa na serikali ya Kaunti ya Mombasa, kitengo cha Afya, Kamati siioni mahali, najaribu kuitafuta kwa juhudi na bidii Mheshimiwa Spika lakini siipati bado, kumaanisha ile Ripoti imechukuliwa tukaja tukasukumizwa nayo sisi hapa. Ahsante.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Kondo do you have a question Honorable?

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika, hawa ambao wamekuwa wakiongea hawana Ripoti sijui zimetoka wapi, naona wote wameshikilia nakala za Ripoti na wakiziangalia. Mheshimiwa Spika, Ripoti hii inahusiana na Wizara ya afya na hakuna vile Jumba hili kama Kamati ya Afya inaweza kutoa Ripoti ya...

(Interruption)

Mr. Speaker (Hon. Rajwayi): What is it Hon. Mary?

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Hon. (Ms.) Akinyi: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi ningependa kusema kuwa wacha tupate mwelekeo ambao unahitajika, hii Ripoti vile imetoka katika Kitengo cha Afya ndio imekuja hapa kumaanisha vile vile ilivyotoka kule kwa kitengo ndio imetoka kule ikaja hapa katika Nyumba hii. Inamaanisha vizuri hata ikiwa huna macho utaweza kuona hata kama hujavaa miwani kama mimi utaweza kuona kuwa haikuambatana na kile kikao inaonyesha wazi kuwa hawakukaa katika kikao wakakaa...

(Interruption)

...katika kikao wakapitia mambo haya hii *quarterly Report* hawakupitia kama Kamati. Tukubaliane tuweze kupata mwelekeo vile inavyohitajika kwa sababu hata hii Ripoti vile imetoka kule kwa kitengo cha Afya huko kwa *executive* ikaja katika Nyumba haikupitia katika Kamati.

Mr. Speaker (Hon. Rajwayi): Hon. Kizito.

Hon. Opeya: Thank you Mr. Speaker. First Mr. Speaker we should congratulate the Chair...

(Applause)

...because this is the first time we are seeing a quarterly Report in this Assembly since we were elected...

(Applause)

What we should be asking Mr. Speaker, where... what about the County executives for transport, for finance...

(Applause)

Where are the quarterly Reports? Because as per the constitution we are supposed to have this quarterly Report so instead of demonizing him, we should congratulate him...

(Applause)

...The Chairman for transport, the Chairman for finance, all the other Chairmen who are sleeping should stop sleeping, we need these other Reports Mr. Speaker. Thank you.

Mr. Speaker (Hon. Rajwayi): Hon. Patrick Siminyu.

Hon. Siminyu: Mr. Speaker, I stand to congratulate the able Chairman. Mr. Speaker, this Report is not a property of the Committee. We were not asking for a Report from the Committee, we were asking for the Report from the various Committees. Mr. Speaker, this Report was brought here last Wednesday and as you know according to the rules and regulations of the House, people with amendments should see the Chairman before the date but here... and any amendment should be in written. Here people are challenging, in fact, they want to raid this process and I want to reiterate on what Honorable from Mkomani was saying. Mr. Speaker, this is history in the making, this is the first quarterly Report that we are having in this House. We should be asking for other Reports Mr. Speaker Sir, in this House, some Members here are trying to delay the process and they have gone through this Report. It is a good Report Mr. Speaker Sir and in order. Thank you.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Jimmy Odari.

Hon. Odari: Thank you Hon. Speaker. Hon. Speaker, as much as we appreciate the Report but Hon. Speaker, this House is a House of procedure, it is a House of law and recession. Mr. Speaker we cannot deny the fact that the Health Committee has still delayed the first of such Reports to this House to the extent to allow them to flout the procedure. There is due process for such a thing Mr. Speaker. Mr. Speaker, there is no evidence that the Committee sat down to discuss this. There is no evidence. We...

(Applause)

Want evidence to show that the Committee sat down and went through this Report and came up with the opinion. Where is the opinion? Where is the recommendation?

(Applause)

...Hon. Speaker, it is very sad that a certain important Committee like the Committee of Health can reduce themselves to being messengers. Messengers of the County to bring just a Report...

(Applause)

...Where is the oversight role?

(Applause/Interruption)

Mr. Speaker (Hon. Rajwayi): Order Members! Order Members! Order! Can you allow Hon. Jimmy Odari to continue his contribution. Hon. Lucy Chireri... Order Members! Hon. Kibwana! Order! Order! Hon. Kibwana can you have a seat! Hon. Kibwana can you resume your seat?

Hon. Kibwana Swaleh: It is unfair...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Can you resume your seat Hon. Kibwana? Hon. Jimmy Odari, Order! What is eating you will not finish you up, can you sit down Hon.? Resume your seat, Hon. Jimmy can you resume your seat yourself, resume your seat as well Hon. Jimmy! Hon. you see when you have the author of the Motion or a Mover, his own time is always given by the end of the debate so you need not to interfere or interrupt the contributions by other Members.

So can you just allow Hon. Jimmy Odari to wind up he has less than three minutes to wind up. Yes, Hon. Jimmy Odari.

(Applause)

Hon. Odari: Hon. Speaker, I wish to insist and reiterate that it is prudent for the Committee to follow the due process, this Report was brought by... I want to put it today that they had just picked... received the Report from the department and brought it to this House without sitting down to deliberate on it to see what is contained in the Report, they do not have the conclusion or recommendation regarding the Report. What are they changing? What are they going to tell this House if themselves have not sat down? There is no list of Members, there is no list of attendance, they didn't even write anything, nothing is there that they did so Mr Speaker we do not oppose the Report. I want it to be clear, we are not opposing the Report but I want them to follow the due process of presenting such a Report. We want to see their input on the Report as a Committee because whatever

is contained here, even the Report is signed by the County Assembly and the Chief Officer. Where is the oversight role in this Report?

(Applause)

Mr. Speaker, They should go back and do their work properly then bring it back to the House. Thank you Mr. Speaker.

Mr. Speaker (Hon. Thadius Rajwayi): Yes Hon. Caroline.

Hon. (Ms.) Auma: Mheshimiwa Spika, ahsante sana. Mheshimiwa Spika nampongeza Mwenyekiti wa Kamati ya sheria kwa kusimama na kusema maneno ya kunifurahisha. Mheshimiwa Spika, *quarterly Report* inapoletwa kwa Bunge ni lazima ipitie kwa Karani ili aweze kutia sahihi ipitie kwako Mheshimiwa Spika, wewe ndio uweze kuitoa hapa mbele ya Bunge na iende kwa Kamati, baada ya kutoka kwa Kamati, Kamati watakaa na hiyo Ripoti wajadili mambo husika kisha waje na Ripoti kwa jinsi ambayo wameijadili kama marekebisho ni waweke marekebisho.

Mheshimiwa Spika, Ripoti yenyewe haijamalizika ukiangalia majina ya Wanakamati hayako, yatakikana ingepelekwa Ripoti na majina ya Kamati na Mwenyekiti mwenyewe huwa ametia sahihi pale chini. Mheshimiwa Spika, Ripoti ni nzuri lakini njia ambayo ilipopitia ndio ikafika hapa kwa Bunge ndio ambao sio sawa, twajua ni mara ya kwanza...

(Interruption)

...Mheshimiwa Spika, tunajua wameleta Ripoti hii na ni Ripoti nzuri na nikiangalia ndani ni vitu ambavyo vinaeleweka lakini warudi tena chembani kule wakatuletee mapendekezo ambayo wamekaa kama watu wazima walisikizana, ni hayo tu.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Kondo.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika, kwanza kabisa nasikitika Mwakilishi wa Wodi ya Changamwe anavyoongea, na *quarterly Report* hiyo imemgusa zaidi yeye kutokana na hospitali yake ya Changamwe ambayo kwa muda mfupi ita kuwa chini. Mheshimiwa Spika, hii ni *quarterly Report* ya mwezi wa October 2015 na njia iliyo kuja ni njia ya sawa na njia ya haki; *quarterly Report* inatoka katika upande wa *Executive* na mahali imepitia hivi sasa ilikuwa ni njia ya sawa, mbele ya Nyumba hii ijadili *quarterly Report* alafu irudi kwa Kamati ya Afya, kisha Kamati ya Afya ndio iregeshe Ripoti ikiwa kamili. Ikiwa kuna mabadiliko sasa Wanachama wapitie Ripoti hii waingalie polepole mahali kunatakikana marekebisho, irekebishwe hapa ndio iende tena kwa Kamati. Mheshimiwa Spika tuko sawa na Wanachama wengine ambao wako hapa hawajaiona wala kuiangalia ndani hii, Kamati haijatoa ripoti hii, *quarterly Report* inatoka katika upande wa *executive*, hakuna Kamati ya Bunge ambayo inatoa *quarterly Report* Mheshimiwa Spika. Kwa hio baada ya hapa ndio itarudi kwa Kamati iende ikapitiwe. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Order Members! Can you all resume your seats. Well, I have heard it from the former that this is history in the making in the sense that there is no any other Committee that has done what it has done today. I want to say that this is our primary role and mandate and on that note therefore; each and every Committee is urged to do exactly what this Committee has done and I want to believe that this is not the first time that we are handling a Report as a House and we know very well that whenever this House has received any Report, that Report must be subjected to the relevant department or Committee to deliberate on the document...

(Applause)

After going through a Report that is when the same or the relevant Committee of the House will table now the Report with the many reports attached.....

(Applause)

...Ladies and gentlemen, we have to also appreciate that this particular (??) emerged as far, I had to put questions in each and every stage, now, the stage that was not properly handled is the stage when it was tabled immediately. This particular Report had been adopted then it had to be considered with that Committee during such a stage, we are expecting each and every one of us to make relevant recommendations on certain aspects and if there is none then we also need to communicate on the same in this Hon. House. Otherwise, as it is, it is not the Committee, you know statements from Hon. Auma who is suggesting that this particular Report has found its way to the House through caesarian procedure...

(Laughter)

...You know, not a normal birth and for that reason therefore, I want to believe we have a normal House, everything has to be normal no any other surgeries or corrections should be conducted in any Report. So, ladies and gentlemen, I would want to because nothing wrong has happened, in the sense that it has not been proposed. It has not even been proposed, it has been moved, proposed but not seconded. It was quickly interrupted by Hon. Serah Nyamvula. So, I think it still stands to be in the hands of the able Committee chaired by Hon. Swaleh Kibwana Baya...

(Applause)

...and for that reason therefore, I re-direct that, that same Committee to handle and scrutinize this same Report because this is something that I have also gone through the contents, a very nice content but we need to confirm whether they are true or just fiction because it is about our health, not anybody's, it is about our health and this needs very close and serious affection. For that reason therefore, Hon. Swaleh Baya, this Report is still back to you and the Committee and we all need you to conduct all the necessary examinations and you have to take your necessary time and input in this Report because even you as a Committee in those previous instances. I have said, even the problem that we are having are there any problems or are we still having more problems that have been mentioned by this particular Committee.

Otherwise, as it is ladies and gentlemen, it stands that this particular Report is back to the Committee concerned. Thank you.

(Applause)

Yes, Clerk?

ADJOURNMENT

Ladies and gentlemen, this House stands adjourned until 25th of February 2016, which will be Thursday tomorrow at exactly 2:30p.m.

The House rose at 3:27p.m.