



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 10th July, 2019
The House met at 2:43p.m.

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

PRAYERS

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

COMMUNICATION FROM THE CHAIR

Hon. Members. I wish to bring to the attention of this Honourable House that we have visitors from Tudor Day Secondary School and I hereby take this opportunity to recognize the delegation which consists of students. When you hear your name stand up and bow; Hashim Swaleh, Jaid Salim, Faraj Mbarak, Abdallah Feisal, Abud Mohamed Abdul, Levickson Gonzi, Njei Suleiman, Ibrahim Mzungu, Abubakar Abdulmauk, Alex Emmanuel, Mwinyihajj Rajam, Abdulkarim Fazalai, Khalid Salim, Hassan Brary, Omondi Stephen, Urudi John Elijah, Musa Yahya, Ali Suleiman Mandela, Otieno Isaac Abunda, Haggai Mze Lenjo, Saleem Lumumba, Clinton Arata, Abdalla Barari, Abdalla Ahmed, Omar Masoud, Eston Mulwa, Francis Chandugu, Jaffar Khalifa, Daniel Kiilu, Aggrey Okoth, Richard Lewis, Dennis Mudaki, Antony Mwau, Salim Adnan, Ali Athman, Athman Kazungu, Abdikadir Mohamed, Nassor Omar, Ramadhan Changawa, Abdalla Saad, Samuel Gitonga, Jacob Kola, Festus Maganga, Mzee Sudesi, Mwidani Swaleh, Derrick Akwiri, Christopher Webuye, Merei Jamal, Kinaga Yusuf, Clinton Odongo, Shee Masoud, Abdalla Peter, Nassir Kassim, Billy Wandera, Bwana Mandi Mohamed, Kevin Kiptee, James Lucky, Aluine Ojiambo, Brian Oduor, Vincent Odiambo, Mohamed Abdunnassir, Kelum Jumbale, Omar Juma and they are accompanied by their teachers; Mr. Mwiti and Madam Mbelenga. On behalf of the Assembly, I welcome you all to the County Assembly of Mombasa. *Karibuni sana....*

(Applause)

And I wish the area Member from Tudor Ward to give just a word. Yes Hon. Tobias?

Hon. Samba: Yes, thank you Hon. Speaker. At least let me take this opportunity to welcome students from Tudor Ward, from Tudor Secondary School.

Just feel free and enjoy the debate and hopefully I know that you are form threes by the year 2022 you will be voters, so I pray that you may vote for me again, thank you so much.

(Applause)

(The Deputy Speaker (Hon. Fadhili Mwalimu) exited the Chair)

(The Temporary Speaker (Hon. Raphael Bwire) in the Chair)

The Temporary Speaker (Hon. Bwire): Yes, thank you Hon. Samba. Yes Clerk?

STATEMENTS

RESPONSE TO STATEMENT BY A MEMBER OF COMMITTEE ON LANDS, HOUSING AND PLANNING HON. MGWISHO MWALIMU ON STATUS OF DRAINAGE REHABILITATION WORKS AT TUDOR ESTATE

Yes Chairperson on Committee on Lands, Housing and Planning, do you have a response? Yes Hon. Mwalimu?

Hon. Mgwisho Mwalimu: Thank you Mr. Speaker for giving me this opportunity to give a response on status for Drainage Rehabilitation Works at Tudor estate. Mr. Speaker Sir I wish to give the following response on a Statement raised by Hon. Tobias Samba dated Thursday 4th July, 2019 on the status for drainage rehabilitation works on Tudor estate.

Mr. Speaker Sir the project has been undertaken by the Department of Lands, Planning and Housing in Tudor, they were mainly drainage works, construction of sockets, piping and sliding works.

Mr. Speaker I made a site visit on 8th July, 2019 to the estate accompanied by the Chief Housing Officer in charge of the estate, after the site visit we concluded that the contractor be called to accomplish the work.

Thank you Mr. Speaker.

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

Hon. Mgwisho Mwalimu: Yes.

The Temporary Speaker (Hon. Bwire): Thank you Hon. Mwalimu. Yes what is it Athman Shebe?

Hon. Athman Shebe: Thank you Hon. Speaker. Hon. Speaker either my eyes are deceiving me or what because we have not been served this Statement by the Hon. Member, so we do not seem to be in the same frequency or channel Hon. Speaker, please we need your indulgences in this. Thank you.

The Temporary Speaker (Hon. Bwire): You have not been served by what?

Hon. Athman Shebe: We do not have the copy of that Statement, now the Hon. Member is now reading a statement and we are supposed to be served that statement so that we can be able to know otherwise...

(Interruption)

The Temporary Speaker (Hon. Bwire): The Hon. Member is just reading the response on a statement raised by Hon. Samba. This is a response Hon. Member...

(Interruption)

Hon. Athman Shebe: I know Mr. Speaker. I know it is a response but...

(Interruption)

The Temporary Speaker (Hon. Bwire): What is your concern?

Hon. Athman Shebe: How can we authenticate that response? We need to have the paper so that we can know, so if we do not have any papers on our side how are we going to know then? I think it is only wise and fair for us to be served with a copy of statement is not it?

(Applause)

The Temporary Speaker (Hon. Bwire): Order! Members order! Resume your seats! Hon. Members, you see it is only the Member who raised the concern, to raise an issue whether he is okay or not with the response replied by the Hon. Member from the same Department and when the Member from Tudor Ward who raised the concern has not complained then why are you complaining for the rest of the House? Am still talking Hon. Members, just resume your seats, you see when the statement is raised it can be either responded immediately or the Member of the Committee asked for time to have a site visit so to me I would wish first to hear from the Member who raised the concern last week before I give it to other Members to discuss it. Yes what is it Hon. Samba kindly are you comfortable with the response from the Member?

Hon. Samba: Hon. Speaker thank you. I would wish to inform this House and to make a communication, that indeed the Committee concerned did a site visit and am very much comfortable and today is the first time as I was telling the Chairman of Lands that if at all the Chairmen of the Committees would be like the Chairman for Land, I think we will be far and currently as we are speaking the work is ongoing and some first aid was done. Hon. Speaker am comfortable I beg that we should move to the next business.

(Applause)

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

Hon. Omondi: I am standing on point of information.

The Temporary Speaker (Hon. Bwire): Whom do you want to inform?

Hon. Omondi: The House.

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

Hon. Omondi: Mr. Speaker Sir first of all I want to correct the notion that when any kind of communication comes in this House, I think that is a property of this House and it is not a property of an individual...

And it is very important that every Member in this House Mr. Speaker Sir get informed because what you are trying to say we want to avoid a situation whereby when that particular issue is not tackled well, it is going to be upon the whole House to tackle that issue it is not going only to be left to the Member who raised the issue. Mr. Speaker so it is prudent that we are served with this Statement response so that we can be able to react and conclude on it. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Bwire): Hon. Member let me first hear from Hon. Amur. Yes Hon. Amur?

Hon. Murfad Amur: Mr. Speaker with all due respect in this Statement which has just been read to us whereby we do not have any copy to ascertain the fact of the report, again it was read to us; I, as a person not as a Committee so we are doubting whether the Committee went on site visit...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order! Order! Hon. Member, we are familiar with the Business of this House and when the Statement is...kindly resume your seat Hon. Member, kindly resume your seat Hon. Thoya. When the Statement is raised in this House is always directed to the Chairperson of the Committee and the Committee and whoever do brings back the response is the Chairperson and it is just the traditions of this House that the Chairperson reads the Statement as 'I' so we cannot say 'we' the Committee. No Statement has ever come here reading 'we', generalizing the Committee it is always either the Chairperson or whoever is reading on behalf of the Chairperson so it is very clear Hon. Amur that the Member has read the Statement on behalf of the Committee and it is the Chair who led the delegation of the entire Committee to the Tudor Ward to investigate what the Hon. Member of Tudor reported the other day, so maybe you address something else but not that one.

Hon. Murfad Amur: Mr. Speaker with all due respect when the issue is given to the Department it is the Committee that goes on site visit not the Chair alone so the issue is did the Committee go or it is the Chairman who went because according to the report it is saying '*I made a site visit*'; '*I made*', '*I*' means what only one person...

(Applause)

Mr. Speaker what we are trying to see is the fact that did the Committee visit or it is the person who visited. Again Mr. Speaker this report was done by the letterhead of the Mombasa County government and not signed by the Departmental head other than the Chair himself did not sign it...

(Interruption)

The Temporary Speaker (Hon. Bwire): Hon. Mwalimu Mgwisho kindly let me have that response, serve me with a copy of that response. No the Member has just come in he does not know where we are so I will not let him to speak right now. Hon. Mwalimu Mgwisho I would wish to see that response please, can I have the response? Serjeant-At-Arms can I have that response? Am not blind, am seeing and I will give you time kindly please, Hon. Amur can I have just the other copy that you are just holding?

(Consultations)

This is an order from the Chair, can I have the copy? Hon. Members the Chair is asking to have that copy...

(Consultations)

Order! Order! Members, Order! Hon. Tobias kindly serve me with that copy, kindly Hon. Member I would wish to have that copy...

(Consultation)

Serjeant-At-Arms, kindly get me that copy.

(The Serjeant-At-Arms handed the copy to The Temporary Speaker (Hon. Bwire))

With me I have two different letters...

(Laughter)

One from the Department and the other one from the County Assembly; one signed and the other one unsigned and the copies ought to be the same, even if you are served with one copy, the other copy was to resemble the other one. Unfortunately we are having two so I therefore cannot Hon. Members trace which copy is genuine...

(Applause)

(Consultations)

Order Hon. Members! Yes Hon. Tobias am yet to hear from the Members of the said Committee, I can see now the Vice Chair...

(Applause)

Let us hear from the area representative from the Tudor Ward, then I'll make the ruling on the same.

Hon. Samba: Yes Hon. Speaker. I would just wish to somehow this House is not familiar with the immediate good responses; am the one who did raise the issue and raised the Statement, the document that you have there and that is why you cannot authenticisticate it, the genuine one is with the one that was presented to you by the Member but that one was my document so when I insisted that it was mine it had no sign so I do not think whether it will be fair enough they did their work well, am the one who raised the issue, am comfortable and you hear some Members still are bringing issues what else do they really want? I am comfortable and Hon. Speaker you can as well rule to favour me or if you allow Hon. Speaker let the Statement debate proceed but they did a right thing, you can never replace a good thing with a good thing, good thing is always good.

The Temporary Speaker (Hon. Bwire): Thank you Hon. Member. Yes the Vice Chair are you familiar with the discussion?

Hon. Mohamed Abrari: Thank you Mr. Speaker. Mr. Speaker am not aware of anything...

(Applause)

I was not around by that time.

The Temporary Speaker (Hon. Bwire): Thank you, your response is good. The Hon. Member was not around and it does not mean Hon. Member in fact you have answered my question. When the Vice Chair is not around the Chair and other Committee Members do take charge so I cannot rule just because the Vice Chair was not there then the exercise seems to have not taken place just like I said when the Chair and the Vice are not there the Committee under the authority of the Chair can take charge. So I just wanted to know whether the Vice Chair was aware but he was not around when the Committee visited the site so we cannot rule it otherwise he was not there, he was on other business.

I therefore Hon. Members have been guided enough and through my own wisdom and Hon. Member from Tudor has just clarified here this is an unofficial copy because he got from other sources though the message seems to be the same and I will treat this as an official document because it has been signed by the Chairperson of the Committee...

(Applause)

Hon. Members, the Committee Members have agreed indeed they had a site visit...

(Applause)

And I will only want to question what Hon. Shebe Athman raised; it is not a failure of the Committee for us to have less copies, I will also want to appeal to the Clerks to make sure that whenever the responses come as it has been demanded by the Hon. Members kindly serve the Members with the copies. So it is not a fault made by the Committee or Chairperson neither the Clerks but maybe because of time it also depends with when they receive the responses, so order Members! Order! I believe from tomorrow or from today onwards will be having enough copies whenever we have response. Yes Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON FINANCE, BUDGET AND
APPROPRIATIONS HON. MOHAMED HATIMY ON CHARGES FOR TRUCK DRIVERS

Yes Hon. Mohamed Hatimy, Chairperson Committee on Finance, Budget and Appropriations?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimeona kuna suala ambalo nimeulizwa kuwa kuna ada ya madereva wa magari ya *trucks*. Mheshimiwa Spika kwa ufahamu wangu wa kila jambo linalofanywa ndani ya Kaunti hii ni lazima liende kwa sheria na nafikiri tukiangalia section 21 ya sheria ya *County Government Act* iko wazi. Nimeweza kuangalia Mheshimiwa Spika hizi *charges* nimekwenda *through Finance Bill* na nimeona kuwa hakuna jambo kama hili, kwa hivyo yule aliyeleta hili suala nataka aje na ushahidi wa kuonyesha ni nani amechajiwa na risiti aliyopatiwa ili tuweze kujua jambo hili kwa undani wake Mheshimiwa Spika.

Finance Bill ndio inapitishwa, ndio sheria ya Kaunti ya vipi malipo yatakavyofanywa na hakuna jambo kama hili Mheshimiwa Spika. Kwa hivyo Mheshimiwa Spika naomba yule aliyeleta hili suala atuletee ushahidi wa kuonyesha kuwa kuna dereva ambaye amechajiwa na ni pesa ngapi ambazo amelipa? Ahsante Mheshimiwa Spika.

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

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimesikia jibu la Mwenyekiti wa Makadirio ya Bajeti ya kwamba anahitaji ushahidi kwa hilo nitalitendea kazi lakini zaidi nimemnuuu akisema ya kwamba hizi ada ambazo watu wetu wamekuwa wakiitishwa hazipo kwa hio naomba kutaka kutoka kwake tukimthibitishia kwa ushahidi wa risiti na nikimletea wale waliohusika ama wale waliotozwa ada zaidi ni hatua gani kabambe atakayoichukua ili haki itendeke kwa madereva wetu wamekuwa wakidhulumiwa...

(Applause)

Na maafisa wetu kama sio kwa faida ya Serikali Gatuzi yetu basi ni kwa faida ya maafisa wetu mashinani kuwatishia kwa ada ambayo haipo ili wapate kupewa kinyume nyume kwa manufaa yao. Kwa hivyo nataka tu hakikisho kwamba tukileta ushahidi huu na wenyewe wako tayari nimletee kwa Kamati yake pia awahoji na ushahidi wake, tukipata ushahidi wa hilo ni hatua gani itachukulika ili wale madereva wa malori waliohujumiwa watapata haki yao. Ahsante Mheshimiwa Spika.

(Applause)

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

Hon. Mohamed Hatimy: Mheshimiwa Spika nafikiri kosa likifanyika inajulikana ni kama kuchukua hatua ni kile kitengo ambacho kinahusika na jambo hili tuhakikishe wamechukua hatua lakini mimi nasisitiza kuwa ikiwa hakuna kitu chochote ndani ya *Finance Bill* basi malipo hayo ni malipo haramu si ya sawa...

(Applause)

Kwa hivyo naomba ije na sisi tuipeleke mbele ya Kamati yetu halafu tuangalie hatua gani tutaweza kuichukua. Ahsante sana.

(Applause)

The Temporary Speaker (Hon. Bwire): Yes Hon. Renson Thoya?

Hon. Thoya: Ahsante ilikuwa naomba kwa sababu wote huo uko kwenye mpango wa utendaji kazi, Kamati ya Leba iweze kuhusishwa kwa sababu hapo ndio itakuwa tunajua zile tabia mbaya ambazo wafanyi kazi wetu wa Kaunti wanafanya na hatua kali lazima zichukuliwe. Ahsante.

(Applause)

The Temporary Speaker (Hon. Bwire): So the Chairperson on Labour has just requested to be enjoin as an *amicus curiae*, it is upon you to decide but he has just stated out that yes of course I will make a ruling on that since it touches on Labour issues and we also have those rotten employees within our system so he has just requested to be enjoined during that meeting where Hon. Athman Mwamwiri will be representing the evidences showing that those people have been over taxed for a certain period of time before your Committee Hon. Hatimy, maybe before I make a ruling what is your opinion?

Hon. Mohamed Hatimy: Mwanzo Mheshimiwa Spika nataka kujua wajua hii ameiweka ni *general issue of truck drivers unlawful charges* ni kitu gani? *Specify* ni kitu gani? Kwa sababu mimi vile nilivyoifahamu nimechukua *truck drivers* wanachajiwa wao kama madereva na nasema kuwa kwenye *Finance Bill* hakuna *charges* kama hizo, sijui ni jambo gani ambalo utatuambia ni *unlawful charges* utufungulie hapa tuweze kuifuata hii kesi kwa usawa na vile inavyotakikana.

The Temporary Speaker (Hon. Bwire): Yes Hon. Athman Mwamwiri?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimefahamu sasa ya kwamba Mwenyekiti wa Fedha na Mipangilio ya Bajeti hajafahamu alikuwa anajibu nini?

(Laughter)

Na ni masikitiko kwa sababu kauli hii niliileta katika Bunge hili labda hakuwepo katika kikao lakini Makarani wetu walinukuu na hoja hii ilifikishwa kwake ili yeye na Kamati yake wachukue majukumu kwa hilo sasa sijui alifikishiwa kauli gani ambayo amekuja kuijibu wakati hana ufahamu kwa sababu niko hapa kuwakilisha watu wangu na hali kadhalika kuwafundisha wengine.

Mheshimiwa Spika sitachoka kuregelelea shida iliyokumba watu wangu hususan katika hili ni ada zinazotowwa malori ya kubeba mawe na mchanga ambao walipaji ni wale wale madereva kwa sababu wao ndio wamiliki au wasimamizi wa magari yale. Kwanza katika ada ya mawe ama ilikuwa ni mzigo ama *load* ya lori tani saba hadi 14 itozwe Kshs.1,600 na kwa lori ya tani 21 itozwe Kshs. 2,500 kwa hesabu ya haraka haraka kwa tani saba hadi 10 ikibeba mawe hayo ni mawe takriban elfu moja na zaidi.

Kwa hivyo kwa jiwe inakuwa ni shilingi na peni sita lakini lililotendeka ndani ya Mwezi wa sita madereva hawa walikuwa wakitozwa kwa jiwe shilingi tano na hoja waliyojibiwa kule waliambiwa ya kuwa Bunge hili kwa Mwezi huo walipitisha sheria ya kuwashurutishwa kulipishwa ada hizo. Ndiposa tukataka kulifahamu lilipita lini? Na ninavyofahamu mimi baada ya bajeti tuna siku 90 za kutengeneza *Finance Bill* nyengine itakayochukua hatamu kwa mwaka wa kifedha ulioanza lakini kwa hili la mwezi wa sita ni *Finance Bill* ya mwaka jana na ada zilizopo ni tofauti na zile walizokuwa wakitozwa nina imani atakuwa amelifahamu kama anajibu la sasa hivi hewala bado atasimamia kwenye ushahidi tutengeneze ushahidi. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): Thank you. I think Hon. Members. Yes Hon. Hatimy?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nataka kumwambia rafiki yangu kuwa mimi najibu na najua najibu nini na kama anazungumza maneno hayo kwenye kuchaji kwenye *barriers* zetu, kuna kukusanya pesa aidha kwa lori au kwa bidhaa kimoja kimoja ile iliyomo kwenye lori, kama kuchaji gari yote kwa *tonnage* ama kuchaji mawe jiwe moja moja hizo ziko kwenye *Finance Bill*.

Kwa hivyo nitaregelelea tena kuwa najua nazungumza nini; nataka utuletee ushahidi wa hizi ada ambazo unazosema ni *unlawful charges* halafu tutaendelea nazo mbele. Jambo la pili sasa hizi tunazungumza kuwa tumetoka kwenye ishuru ya ardhi hapa juu ya Taarifa, Mheshimiwa Spika ilikuwa tukipelekana tu hapa lakini Taarifa utakapozungumza kwa mujibu wa sheria hizi Taarifa hazifai kuwa *debated* baada ya kuzungumza ikiwa wewe mwenye kuleta Taarifa hakuridhika anaweza kuja na *supplementary question* lakini sasa vitu kama hivi naomba tuletewe hiyo ushahidi wa kusema kuwa kuna pesa zakusanywa kwa sababu si mara ya kwanza na mambo mengi yafanyika.

Mheshimiwa Spika twaweza kusema kuwa wajua si malaika tulioweka pale, wanaochukua pesa nasikia watu wanazungumza kuna wengine wana vitabu vyao, watu wanakusanya pesa wanawakusanyia watu hayo yote yafanyika lakini tusizungumze kitu ambacho hatujakiona tuletenei ushahidi halafu hapo ndio tutaweza kujua tutachukua hatua gani. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): Thank you. As requested by the Chairperson of the Committee that was requested to bring the response, the Hon. Member from Likoni Ward kindly serve the Committee with evidence and if those people who are overcharged can also present themselves before the Committee to testify on a petition presented on their behalf by yourself then I think it will be good. So you liaise with the Committee and the Chairman on when you will be bringing those evidences, we need to know when do you think that you will be ready with those evidences?

Hon. Athman Mwamwiri: Mheshimiwa Spika kufikia Ijumaa kwa sababu ni watu wana shughuli na siku ya leo inakamilika nikiwa mjini kwa hivyo kesho nipangane nao na wao wajipange lakini nina imani siku ya Ijumaa nitakuwa tayari kwa ushahidi na pamoja na wenye watakuwa na wasaa na uwezo wa kufika katika Kamati.

The Temporary Speaker (Hon. Bwire): So can we have that response come next week Wednesday at 2:30p.m, is it okay with you?

(Hon. Athman Mwamwiri nodded)

Thank you. So kindly serve the Committee with evidence, if possible let those people who were overcharged present themselves before the Committee and then the Committee will bring back the responses next week on Wednesday. Yes again Hon. Athman Mwamwiri?

Hon. Athman Mwamwiri: Mheshimiwa Spika ahsante nasimama kwa ibara 41 (2) (c) kuomba kuwakilisha kauli. Mheshimiwa Spika kwa ruhsa yako kauli hii inatokana na jawabu nililolipata juma lililopita kutoka kwa Mwenyekiti wa Fedha nilipoitisha makadirio ya miradi ya bajeti ya Mwaka huu.

Mheshimiwa Spika nashukuru kwa jitihada zake nilipata daftari lile na nimepitia katika makashablasha yale na kuna vitu ambavyo sijaridhika navyo na ningevipenda kuvitaja hapa angalau viwe kwa ufahamu wake na Jumba hili.

Kwanza ni idara ya afya; katika makadirio yao wametaja zahanati za makasha ama *container clinics*, kwa bei ya milioni saba na nusu lakini mahali wametaja kote, huku kote Mheshimiwa Spika mimi ama *all* mimi sijalifahamu nataka kuwe *specific all* ni wapi? Kwa sababu hiyo ndio mikadirio ya miradi inapaswa kuwa kimpangilio, ijulikane ni hapa, ni hapa.

Pili Mheshimiwa Spika katika idara hiyo hiyo kuna makasha sita ya zahanati za kirafiki kwa vijana, makasha sita ya zahanati kwa vijana lakini pia hayajataja yatawekezwa katika hospitali zipi, ama yatatafutiwa sehemu mahsusi kuwekezwa, ijulikane kuwa makasha haya yataenda kwa Hospitali hii na hii na hii. Hapa haijajieleza Mheshimiwa Spika kwa hivyo kufuatilia hili baada ya hapa itakuwa ngumu kwa sababu utaambiwa ziko na hatujui ziko wapi.

Mheshimiwa Spika kadhalika katika idara ya fedha (Finance and Economics), wametenga kima cha milioni mia moja na nane kwa minajili...

(Interruption)

The Temporary Speaker (Hon. Bwire): Yes what is your point of order Hon. Hatimy?

Hon. Mohamed Hatimy: Tunaijadili bajeti, nafikiri sharia iko wazi, bajeti ishapitishwa, ikiwa atakuwa na ombi la kutaka kupinga jambo lolote atafute kisheria njia nyengine ya kuleta ndani ya Nyumba hii lakini hivi sasa itakuwa ni makosa kuanza kuizungumza bajeti kwa mara ya pili Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): Order Hon. Member! You see the other day a concern was raised in a form of a Statement and you brought back the response and in other words the Hon. Member is not satisfied with the response so which avenue do you feel is good for the Member to express his opinion when it is not here? I think he has sense something in the response that you brought back to this House and that is why he is very eager to know from you, the one who brought the responses. I do not think whether we are discussing the budget, he is just asking question that is not understanding though it was captured in the report that you brought back to this House and he is not satisfied with the report and I think this is the only avenue that he will ask the concerned person, who is you, the one that brought back the Statement. So I do not think in any way that we are discussing the budget, I do not know but in my own wisdom am not sure whether we are discussing budget here...

(Interruption)

Yes Hon... what is it?

The Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Spika. Ningependa tu kuongezea hapo ambapo Mwenyekiti ameweza kuzungumzia kwamba na lazima iweze kuwekwa katika kumbukumbu ya Bunge hili wakati ripoti hii au yale maswali yaliyowezwa kuulizwa na Mheshimiwa Mwamwiri alipokuja katika Bunge yaliweza kupatiwa Makarani wetu halafu baadaye sisi kama Wabunge tuweze kuchukua kopi kwa ofisi ya Karani mkuu. Mheshimiwa Spika baada ya kuchukua kopi tuweze kuzingatia na kusema kweli, kuweza kuzipitia tumeona kuna mambo ambayo hayajaturidhisha kama wawakilishi wa Kata ndogo mbali mbali katika Bunge hili Mheshimiwa Mwenyekiti.

Lengine pili mimi kitu ambacho hakijaniridhisha ni kwamba katika idara zote, idara ya Uchukuzi pekee haina kiwango ambacho twaweza kuwekeza katika kila Wodi pekee yake lakini kila idara imeweka viwango vya fedha ambazo vimekadiriwa katika kila miradi.

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor Page*

Lakini idara hiyo pekee haina viwango vyovyote tumeweka katika bajeti yao Mheshimiwa Spika, kwa hivyo ni jambo lazima tulizungumzie katika Bunge hili kwa sababu hatuzungumzii bajeti ila twazungumzia yale majibu ambayo alijibu yeye kama Mwenyekiti wa Fedha kuhakikisha kwamba sisi tumeridhia na kwamba hatuna kipingamizi chochote lakini yale majibu lazima tuweze kuyaridhia ili tuweze kuwaeleza wananchi wetu Mheshimiwa Mwenyekiti. Ahsante.

Hon. Athman Mwamwiri: Nilikuwa bado niko kwa sakafu, kwa ruhsa yako niendeleo?

The Temporary Speaker (Hon. Bwire): On the same Statement?

Hon. Athmani Mwamwiri: Yes.

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

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika Mwenyekiti wa Fedha sijui ana wasiwasi wa nini kiasi ya kilichomfanya asimame na *Point of order* ambayo hakuinukuu. Nikiendelea Mheshimiwa Spika niko katika idara ya fedha; kuna kima cha shilingi milioni 108 kimetengwa kwa ajili ya barabara zinazofikisha sehemu tunazochukua ada ama *cess barriers* na hizi *barriers* zetu Mheshimiwa Spika mimi ninavyojua ziko katika barabara kuu, hizi *access* zenye zinatengewa pesa hii sijui zinaenda wapi.

Kadhalika Mheshimiwa Spika kuna *grants* ama msaada tunapata kwa wafadhili unaitwa Kenya Development Support Program *level two* ambayo mwaka wa nyuma kabla huu uliokamilika tulipata ada ya milioni 47 na mwaka huu tumetengewa, tunatarajia kupata 259 lakini lengo la hili ni maswala mahsusi yaonekane katika Wodi, kule kwangu sijui wenzangu sijawahi kuliona hili wala kuona tangazo la *tender* inayohusu ufadhili wa pesa hizi kule kwangu.

Mheshimiwa pia katika bajeti yao hao hao idara ya fedha kwenye ile bajeti tuliyoipitisha kwa ndani, *estimation* zao ilikuwa milioni 467 na katika *response* walioleta inasema wana mgao wa milioni 485, hatujui ipi ni ipi, ipi sahihi ipi sio sahihi.

Mheshimiwa Spika katika maswala ya miundo msingi narejelelea kwangu nimewekewa barabara inaitwa Soweto Mtongwe ambayo ilikuwa kwa bajeti iliyopita na katika bajeti hii hawajasema ni *phase two* ama ni *phase three*, sasa sijui inaendelezeshwa ama inaanzishwa.

Pili wamenikea *drainage* ile ile iliyokuwa katika bajeti iliyopita, haijasema ni *phase two* haijasema ni pengine...Kwa hivyo Mheshimiwa Mwenyekiti ningemuomba tu Mwenyekiti wa Fedha anitafutie majibu ya haya ili niondoe duku duku katika moyo wangu tuishi sambamba tukitazama utekelezaji wa bajeti ya mwaka huu 2019/2020. Ahsante Mheshimiwa.

The Temporary Speaker (Hon. Bwire): Thank you. I think Hon. Members will not go too much deep into the issue; I thought you could just single out the most, the key areas you think just like you have outlined your issues in your Ward than overall. You see it may create a debate, it might sound as if we are discussing the already budget that we have passed so it will be very wise for you just to take note even if it is not today, tomorrow or the other day you take note of your area, you raise a concern that touches directly on the lives of the people you represent here.

Now that you have raised the issue of Soweto I do not know something that is right because it is within the area of your jurisdiction, so let us not discuss it that much, I just gave you time because I thought it is a response on what you have already raised.

So if you have seen the response Hon. Members and you feel may be there is something we are here to correct each other, you raise it so that the person concerned takes note on the same and next time you bring a very comprehensive one. What is it Hon. Samba?

(Interruption)

Whom do you want to inform Hon. Hatimy? Whom are you informing?

Hon. Mohamed Hatimy: Mheshimiwa Spika nataka kuwaambia *Members* stakabadhi hii nilioleta; ukiangalia PFM 125 ina orodha ya stakabadhi ambazo zinafuatana pamoja zikiwa na *estimate* na *Appropriation Bill* ambapo hii stakabadhi sikuzungumzia habari ya pesa na isiwatie wasiwasi juu ya pesa kwenye hii stakabadhi kwa sababu hii stakabadhi ni *Medium Term Plan*, ni kujua kuwa ni vitu gani ambavyo vitakuwa vimetengenezwa, vile ambavyo vilianzwa mwaka wa nyuma na vile ambavyo vitaendelea.

Kwa hivyo ikiwa kuna makosa yoyote juu ya kuonyesha pesa kuwa zinaonyesha huku, zinaonyesha kule isiwatie kiwewe; hiyo si jambo la kusumbua, jambo la kusumbua juu ya pesa ni kuangalia *Bill* ile muliopitisha nyinyi, ile ndiyo pesa ambazo ile *Bill*, *Appropriation Bill* ndio yenye kumpatia uwezo *Executive Member* wa Fedha kutoa pesa. Kwa hivyo hi ni *plan* na tafadhalini kama mko na hio sheria angalieni 125 mutaona nazungumza nini. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): Yes Hon. Hatimy. You see Hon. Members have all reasons to be worried because they are the ones who passed the budget, they are the representatives of the people and all questions back at the grassroots are directed to them. So not unless they are given everything in black and white they will always have questions, so with that I just wish to tell you that you see when you bring the responses let us bring those that are very clear so that when the Hon. Members read it, they have no doubt and whenever they raise doubt you take them back to the Department for correction. Otherwise they have all reasons to be worried because they passed the budget and they have to know each and everything that contains in that budget and just like I said Hon. Members, I will not open it up for the debate, I would wish to give two or three Hon. Members who have not spoken if we are still under the Statement.

The Chief Whip (Hon. Kitula): Point of Information Mr. Speaker.

The Temporary Speaker (Hon. Bwire): What is it Hon. Chief Whip?

The Chief Whip (Hon. Kitula): Mheshimiwa Spika lazima tuweke sawa Nyumba hii kuwa haya masuala tunauliza hatumuulizi Mwenyekiti kama Mwenyekiti wa Fedha, tunauliza Idara kwa hivyo asichukulie kama sisi tunamuuliza yeye, twauliza kwamba majibu yaliyoletwa na Idara hayajaturidhisha sisi kama Wawakilishi wa Wodi tungependa ripoti alioleta ni *Program Based* za Wodi na sisi ndio wawakilishi wa Wodi katika Bunge hili.

Sasa ikiwa sisi hatujaridhika mapendekezo yetu na changamoto zetu tutazipeleka wapi kama si Nyumba hii? Na nani watatekeleza, si ni Idara? Kwa hivyo asijibu kitu kama yeye ndio anajibu kama Mwenyekiti bali tunapeleka kwa Idara waweze kujibu kama vile sisi tunavyotaka ili katika Bunge hili linapoulizwa kitu kulingana na bajeti kwamba katika Wodi yangu nimewekezewa nini, nitaweza kuwa na jibu kwa wananchi wangu Mheshimiwa Mwenyekiti. Ni hayo tu.

(Applause)

The Temporary Speaker (Hon. Bwire): Hon. Hatimy I would just wish to tell you that kindly just take note of the real concerns raised by the Hon. Members. I do not think it will be healthy for us to now start debating it, I would wish to direct you that you just take note of the issues raised by the Hon. Members wherever they feel something has gone wrong then you will address it with the relevant Departments for proper answers...

(Interruption)

Hon. Mohamed Hatimy: Ndio hapo Mheshimiwa ninakuja kusema Mheshimiwa nakubaliana na maoni ya Mheshimiwa Kitula ni kuwa mtu yeyote sasa ikiwa atakuwa ana jambo lolote kuna Wenyekiti 22 hapa, kila Idara iko na Mwenyekiti wake wataweza kufuatilia huko lakini wasi elekeze mikuki kwangu mimi...

(Laughter)

The Temporary Speaker (Hon. Bwire): Hon. Members, yes I am coming to you Hon. Samba. It is now very clear though all questions are directed to you Hon. Hatimy because you took the responsibilities of bringing these responses back. And I think that is why all eyes are on you, but Hon. Member has just relieved himself, kindly if you have an issue raise it and let the Chairperson or the Vice Chairperson of the concerned docket that has been raised by the Hon. Member take note and then you will have the Liaison Committee you iron out those issues and then bring a comprehensive response. I think with that we are okay. Yes Hon. Tobias? Am coming to you.

Hon. Samba: Yes Hon. Speaker whenever we are given documents in this House we tend to imagine or to ascertain that the documents are genuine and if you go to PFM Act No.126, he said PFM Act No.125 and I will take him through PFM Act No.126 1 a b c, (c) *It states that programmes to be delivered with details for each program of the strategic priorities to which the Program will contribute, the service of the goods to be provided, measureable indicators of performance where feasible and the budget allocated to the Program.*

Hon. Speaker I think the PFM Act is also very clear but as the Chairman has stated we are just raising the issues that we tend to assume that they are very genuine. So at least whenever the documents were not in order let him give us the papers that are in order. That is our genuine concern. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Bwire): Yes Hon. Prischillah Mumba?

Hon. Mumba: Ahsante Mheshimiwa Spika. Ilikua nimekaa hapa nikasikia nukuu kidogo inazungumza kuwa kama kuna shida watu warudi kwa Wizara zao waulize Wenyekiti. Mheshimiwa Spika mimi ni muoga, sitaki shida...

(Laughter)

Nimekwangurwa hapa mpaka nikakwangurika, tafadhali shida zisije katika Wizara yangu ya Uchukuzi tafadhali. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): Order Member! Hon. Prischillah what do you mean? In fact Hon. Prischillah the issue raised by Hon. Mwamwiri over Soweto Road is directly to your Department, so there is no way you can run away from that, it is your burden kindly just look on how you can deal with it...

(Interruption)

Hon. Murfad Amur: Point of information Mr. Speaker.

The Temporary Speaker (Hon. Bwire): What is your point of information?

Hon. Murfad Amur: There is only one way Mr. Speaker, if she does not want to be pressured simply she should resign...

(Applause)

Hon. Mumba: Ahsante sana Mheshimiwa Spika, lakini nazungumza kwa kukuambia wewe kwa kukuheshimu ni kuwa hakuna mwanamke ngangari kama yule amesimama hapa wakati kulipokuwa moto na cheche sikuamua hata siku moja kuwa najiuzulu iwe ati leo ndio nitajiuzulu? *I am there to stay...*

(Applause)

Lakini kuletewa mambo ya shaghala baghala ndio nasema nishapambana jamani Waheshimiwa wenzangu sasa hivi ni lazima munipe pumzi nipumue kidogo *because I am a strong Chair and an able woman...*

(Applause)

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

(Consultations)

Order! Order! Order Hon. Members! Hon. Amur kindly consult in a low tone. Yes Hon. Omar?

Hon. Abrari Mohamed Omar: Ahsante sana Mheshimiwa Spika. Ningependa kutoa makosa hii *response* iliyoletwa, mwanzo...

(Interruption)

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

Hon. Abrari Mohamed Omar: It is not a Statement, I am responding on this...

(Interruption)

The Temporary Speaker (Hon. Bwire): No, we are not responding.

Hon. Abrari Mohamed Omar: No, I am just raising a concern.

The Temporary Speaker (Hon. Bwire): That is why we are saying it is a Statement time so you rather give a Statement because we have no response time as we are, yes if you have a Statement I will just give you time to raise a Statement because...

(Interruption)

Hon. Abrari Mohamed Omar: I am raising a concern on the same.

The Temporary Speaker (Hon. Bwire): Inform of Statement?

Hon. Abrari Mohamed Omar: Yes.

(Consultations)

The Temporary Speaker (Hon. Bwire): Hon. Hatimy you see I am the Chair and I am the one giving directives. I wanted to know if the Member is standing to give a Statement or something?

Hon. Abrari Mohamed Omar: I am raising a concern on the same, the replica of some things on previous budget which they are just like a copy paste on this one. On the previous budget we had Bandari Road, Neem Avenue, Ratna Square and now it is just a replica of the same in 2019/2020 Budget. Those are the same things that were on the previous budget and now we are having the same things. So I am raising a concern, this is just a replica; there is nothing new it is just the same thing.

The Temporary Speaker (Hon. Bwire): Thank you. Hon. Members I think I am giving you time and you will be the last Member to speak, or I give you time then I make ruling on this. Yes Hon. Ogutu? Switch off your microphone Hon. Omar. Hon. Ogutu will be the last speaker then we close the chapter.

Hon. Ogutu: Ahsante sana Mheshimiwa Spika. Mimi ningependa kwa sababu ya umuhimu wa hii stakabadhi tupewe nafasi kila Memba aipitie na tuangalie zile shida ambazo ziko tuweze kukaa ili tuzipeleke mbele zianganaliwe maana yake mwisho wa siku ikiwa kuna makosa na yatawachwa iende kwa Kamati tofauti tofauti, shida itatokea hapo Mheshimiwa Spika naomba.

The Temporary Speaker (Hon. Bwire): Thank you. Now Hon. Members the document that we have just been discussing though we have not discussed it yet is very crucial and the information contained in that document is also very crucial.

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor*

The mood of the House is that Hon. Members are not happy with the document. So I would wish to direct that we all get these copies, I think from the Clerk's Office you go through these copies. Hon. Members, kindly note where you think there is a problem and address it with the relevant Committee on the said Department, if it is road kindly address it to the Committee on Transport and Infrastructure, if it is Health, anything to do with Health do the same through the Committee then we will compile those reports and present it to Liaison Committee which is a group of all Chairpersons of all the Committees then they will address from there. I have also seen something in that now since I am the Chair I will not speak about it and I will do it in a written form.

Hon. Hatimy we appreciate your efforts and it is just by bad luck that we have seen some other things that Members are not happy with. So we will sit down and after digesting the document kindly allow us to bring it back to the Liaison Committee then we will address the Departments from there kindly please.

So Members we do not want to hear these blames, kindly from today up to next week make an effort of having your own copy, go through it especially those areas... those projects that are designed in your areas get those copies go through them then make a written submission to the Department concerned, ask the Department as the reasons as to why the same road was captured in the previous budget and again the same road has been captured in this 2019/20120 budget, maybe they will be able to answer. I think from that point I have made myself clear so that we avoid the issue of discussing the budget, you just do the same. Yes Clerk?

ADJOURNMENT

Hon. Members there having being no any other Business the House stands to adjourned till Thursday 12th July, 2019 at 2:30 p.m.

The House rose at 3:48p.m.