

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Wednesday, 3rd February, 2016

The House met at 2:31p.m.

*(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)***PRAYERS****Deputy Speaker** (Hon. Mswabah Rashid): Clerk?**NOTICE OF MOTION**

Hon. Kibwana Swaleh Baya.

(Silence)

...Hon. Swaleh Kibwana Baya, yes Hon. Saad, do you have something from Hon. Baya? Did he tell you to tell us something?

Hon. Faraj: Thank you so much for this opportunity. Mr. Speaker I don't have anything or any message from Hon. Kibwana Swaleh Baya but it is very, very unfortunate for this House to have a lot of Motions come twice without the mover of the Motion himself being present. So Mr. Speaker I would like to advise my fellow Hon. Members of this House that whenever we have a business to transact in this House, we must make sure that we appear and make sure that we do actually transact that particular statement of the day, thank you so much.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Muriuki, do you have a message from any Member?

Hon. Siminyu: Mine is a concern on the law which actually I think it has to be done through a Committee, I don't think there is any Member of this Committee. Mr. Speaker this Report is very important for this House so that it can help us in our oversight role. Mr. Speaker, this should go as a stern warning to the committee, whether the Chairman is not there, a Member of the Committee should bring that paper. Mr. Speaker Sir, thank you.

Deputy Speaker (Hon. Mswabah Rashid): Yes, Hon. Fadhili.

Hon. Mwalimu: Thank you Mr. Speaker Sir. Mr. Speaker sir, we have a Report, the first quarter Report from the department of health but we had some few issues and as per our Standing orders something that is still in the Committee level we cannot discuss it in front of the House but we have the Report but from the Chairman but there are some few changes that we need to make in this Report before we debate it in this Hon. House but if...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): So are you suggesting we push the Report forward, the Notice of Motion forward or? Yes, a Notice of motion the paper was presented here or maybe are you suggesting that we put it another day or?

Hon. Mwalimu: Mr. Speaker, if it is to move the Notice of Motion, we can move the Notice of Motion of the Report but debating on this Report or the actual date of bringing the Report in this Hon. House even if it is next week.

Deputy Speaker (Hon. Mswabah Rashid): Okay then you can move the Notice of Motion.

Hon. Mwalimu: Thank you Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Yes, Hon. Fadhili, can you move the Notice of Motion.

(Loud consultation)

Hon. Mwalimu: Thank you Mr. Speaker.

(Hon. Mwalimu moved Notice of Motion)

Hon. Fadhili gives Notice of Motion on adoption of first quarter Report for 2015 from the department of health services; That this House adopts the first quarter Report for 2015 from the Department of Health Services laid on the table of this House on Wednesday 3rd February 2016. I give the Notice of Motion to this Hon. House.

(End of Notice of Motion)

Deputy Speaker (Hon. Mswabah Rashid): Yes, Hon. Saad. What is it?

Hon. Faraj: Mr. Speaker it looks like there is a lot of confusion. Mr. Speaker, this was supposed to be a Notice of Motion so that we can be able to adopt the first quarter Report for 2015 for the Department of Health Services. Mr. Speaker and if you look at the Order paper, number eight on Motion, it re-appears again it comes as a Motion now, not as a Notice of Motion and the Hon. Members not even attempted to seek leave so that it can be deliberated as a Motion. So I think Mr. Speaker that the Hon. Member should consult first before making any decision with the Chairman. Thank you.

Deputy Speaker (Hon. Mswabah Rashid): I understand Hon. Saad but we are in business number six, we are yet to get to business number eight so, Clerk?

STATEMENT

Hon. Zeinab Omar Mumba.

Hon. (Ms.) Zeinab Mumba: Thank you Mr. Speaker Sir. Mr. Speaker Sir, I beg to table this Report.

Deputy Speaker (Hon. Mswabah Rashid): Hon. it is a statement.

Hon. (Ms.) Zeinab Mumba: I beg to table this statement.

Deputy Speaker (Hon. Mswabah Rashid): And you can do it can you please read it for us?

(Hon. (Ms) Zeinab Mumba read statement)

RECENT SHORTAGE OF WATER IN THE COUNTY OF MOMBASA

Water was disconnected by the Coast Water Service Board(CWSB) on 23rd 2016 on all water sources which are outside the County. The sources are Tiwi boreholes and Marere springs from Kwale County, Mzizima Springs from Taita-Taveta County and Baricho from Kilifi County. These sources supply a total of 45 Million litres per day to Mombasa County. The disconnection was due to non-payment of the current bill of 26 Million Kenya shillings and an outstanding bill of 629.0 Million Kenya Shillings as from July 2013. A notice of disconnection authorized by the Ministry of Water and Irrigation was issued to the Water Company by CWSB. The current Bill was paid in full by Wednesday 27th January 2016 but CWSB refused to re-connect until the County government paid 100 million by Friday 29th January 2016.

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Continue.

(Hon. (Ms.) Zainab Mumba continued)

Hon. (Ms.) Zeinab Omar Mumba: The County government managed to pay 5 million by 29th January 2016 and promises to pay 10 million Kenya shillings by Wednesday 3rd February 2016. The County Executive Member made a written commitment for all the current bills as from February 2016 to be paid in full and ksh.45.0M to be paid by 25th of each month to clear the outstanding bills. The County government of Mombasa has to factor some funds in 2016/2017 budget to bail out the water company. The water supply resumed on 30th January 2016 after the Coast water services board was satisfied with the commitment made by the county government of Mombasa. The CWSB was under pressure by the national treasury to raise funds for the repayment of World Bank loan which had accrued to Ksh.4.1 B funds which were borrowed to improve water infrastructure in coast region including Mombasa County; most of the funds were used to improve the water supply of Mombasa over Ksh.1.5B of the World Bank

funds was used within Mombasa County. Mombasa Water Company pays for bulk water supply at Ksh.25 per cubic meter and 9 per cent of the total water billed for lease fee to CWSB every month. The company bills an average of Ksh.75M per month and collects an average of Ksh.60.0M per month. KSh.27M of the revenue collected goes for salaries and wages and KSh.10M goes to operations and maintenance, the remaining is paid to CWSB and others, expenditures are higher than the revenue. The department has initiated a turnaround project supported by the World bank to make the water company sustainable. Thank you.

Deputy Speaker (Hon. Mswabah Rashid): Thank you very much it was a beautiful statement. Yes, Clerk?

MOTION

Hon. Kibwana Swaleh Baya the Chairperson for Committee on health or any other person impersonating him yes, Hon. Fadhili Makarani?

Hon. Mwalimu: Thank you Mr. Speaker. Mr. Speaker, as I had said earlier, there are some few changes in this Report. I hereby seek permission from this Hon. House Mr. Speaker for us to bring the same Report next week by Wednesday morning we will be in a position to present this Report to this Hon. House. Thank you Sir.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Patrick.

Hon. Siminyu: Mr. Speaker, this matter has been referred to later dates for several times. Mr. Speaker, there is a need for this Committee to do as the reason because the quarter Report is very important for us and I think Wednesday is too far maybe the committee should bring it earlier as per Tuesday afternoon because we need this Report and they have been postponing every now and then, they have been seeking for more time and the time is not there with us and the House has to transact business and we as the oversight body we need to have this Report on time because I know even on Wednesday they are going to seek for more time. Let them work hard with the mission Mr. Speaker Sir for the Committee to every now and then to seek more time and this Report we have had it for quite some time. I beg this House to be protected Mr. Speaker so that we can have our Report and this House can be working as required by the constitution Mr. Speaker Sir. Thank you.

Deputy Speaker (Hon. Mswabah Rashid): Yes, Hon. Fadhili.

Hon. Mwalimu: Thank you Mr. Speaker. Mr. Speaker as I said, the Report is ready and the Report its right in front of the Hon. House but as I said there are some few things that we have to undertake so that when we make a Report in this Hon. House, it will be a fully supported Report. Mr. Speaker the Report is from the executive department and one of the main reasons that we are not able to present the Report today is that the Report is yet to be signed by the executive Member and the Chief officer and we are afraid we might present the Report if allowed I can present the Report right in front of the Hon. House but it does not have the signature of these two executive Members and the Chief officer and the adoption Report, the minute of adopting this Report also are not with this Report.

So Mr. Speaker, I'm asking for this Hon. House to give us some few days, I'm sure by Wednesday morning we will be able to bring a full Report with all the supporting documents. Thank you.

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Ibrahim Kondo.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi pia ni mmoja kati ya wanachama wa Kamati hii na Kamati iliyoko mbele yetu ambayo iko na ripoti; ni Kamati ambayo ni muhimu kwa kila mkaazi na kila mwenyeji wa Kaunti ya Mombasa. Mheshimiwa Spika, kama alivyotambua Mheshimiwa Fadhili alivyosema kwamba ripoti hiyo inahitaji ipewe muda zaidi kwa sababu ya mawili au matatu ambayo yamepungua katika ripoti hii na kusema ukweli wanaohusika katika upande wa *executive* pia ni wiki mbili sasa wako

mafunzo, *Chief Officer* mwenyewe pamoja na waziri mwenyewe katika wizara hii. Kwa hivyo ni muhimu tukileta ripoti hii hapa hiyo ni ripoti ambayo itakuwa ambapo imekamiliwa na isiwe nautata katika Nyumba yetu hii. Ahsante sana Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Okay thank you Hon. Fadhili and all those who came up to clear this matter, now it seems there are some problems with this Report in the matter that it came in and the manner it is being debated. Now for that reason I order this Report to go back to the Health Committee and it should be returned when you are ready, when it has a signature and all the amendments are in order. So ...

(Applause)

When is the Minister coming?

Hon. Mwalimu: Mr. Speaker first and foremost we thank you for giving us this time without limit ...

(Laughter)

And Mr. Speaker, frankly speaking I am not in a position to say when the Minister is coming he might come and maybe his calendar on... maybe leaving again and...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Okay! Okay! Okay! You bring it when it is ready. When it is ready you bring it here.

Hon. Mwalimu: Thank you.

Deputy Speaker (Hon. Mswabah Rashid): When it is ready bring it. Yes, Hon. Patrick.

Hon. Siminyu: Mr. Speaker, the Committee should not be given a blank cheque like that they can bring the Report next year, next year but one and it is a quarterly Report and the Reports usually have timelines, at least the Committee should tell us and make a communication next week or Tuesday give us the status of the Report. We should not operate in a vacuum, and Mr. Speaker, I believe an office...

(Interruption)

Hon. Mwalimu: Point of order Mr. Speaker Sir.

Deputy Speaker (Hon. Mswabah Rashid): Yes, Hon. Fadhili what is the point of order?

Hon. Mwalimu: Thank you Mr. Speaker. Mr. Speaker it is as if the Hon. Member is opposing your decision, your directive Mr. Speaker. Mr. Speaker is it that we have other speakers in this House or...

(Laughter)

Deputy Speaker (Hon. Mswabah Rashid): Okay. I think, Mheshimiwa Fadhili I believe everyone has a right to air their views so Mr. Patrick Siminyu is in order. He is in order to air his views on that note. Yes, Hon. Patrick.

Hon. Siminyu: Mine is not challenging your decision Mr. Speaker. Mine was a concern that I was trying to raise in this House Mr. Speaker Sir. It has been delayed, the Committee has already been delayed and giving us a blank check Mr. Speaker is dangerous and we don't have time for each and every Report, the quarterly Report can come into contact with another quarterly Report. So, I beg for your direction, maybe on Tuesday they can give us the status and then we can know the way forward for this House. Thank you.

Deputy Speaker (Hon. Mswabah Rashid): Yes, Hon. Mwadziwe of Mwakirunge.

Hon. Mwinga: Thank you Mr. Speaker. Mr. Speaker I just want to concur with my Hon. fellow here. Mr. Speaker I think this Committee should work hard because if they are saying that the Report is ready but it has not been signed by the minister I think the Minister has not travelled to a foreign country, if the minister is here in Mombasa County, how long does it take him to get him and the signature? So Mr. Speaker I think the Committee should sit and work

hard for the people of Mombasa County. You cannot just be delayed with the Report just because of the signature.

Mr. Speaker I think the Office of the Minister is just here at Mwembe Tayari, he doesn't even need transport to go to Mwembe Tayari so, I'm wondering if it is only the signature; only the signature to be signed by the minister on the document.

Mr. Speaker I think something needs to be done in this Committee, I think you as the Speaker should sit with this Committee so that you can talk to them. Thank you.

Deputy Speaker (Hon. Mswabah Rashid): Okay. Thank you. Members, I think yes, Hon. mama Dharwesh *ilikuwa wataka sema nini?*

Hon. (Mrs.) Zainab Said: Nilikuwa nataka kumjibu Mheshimiwa wa Mwakirunge maanake asema Kamati haiko sawasawa; Kamati iko sawasawa...

(Applause)

Hon. (Mrs.) Zainab Said: Ripoti itakuja vipi? Hatutaki kuleta ripoti ya kirongo...

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Zeinab.

Hon. (Ms.) Zeinab Kithinzi: Ahsante Mheshimiwa Spika. Mheshimiwa Spika, ningependa kufahamisha hili Jumba ni Jumba la sheria na sisi ni wanasheria na lazima tufuate sheria. Sioni kama kuna umuhimu wa kujadili hili swala wakati wewe umetoa uamuzi na akasema italetwa. Sijui kwanini ijadiliwe, ningependa tuwe na nidhamu na tufuate sheria kama inavyotakikana. Ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Hon. Saad Faraj, what is it?

Hon. Faraj: Mheshimiwa Spika ahsante sana kwa fursa hii. Mheshimiwa Spika ni kweli kuwa Kamati imeshindwa kufanya kazi yake inavyostahili kufanyika. Mheshimiwa Spika hii ripoti tumekuwa tukizungumza na baadhi ya Wanachama katika Kamati ya Afya. Wengine wameweza kuishuhudia katika Kamati yao au fika katika Jumba hili tena wengine hawajawahi shuhudia kwa sababu kopi nilizo nazo ni za Mheshimiwa Fadhili peke yake. Sisi hatujui kumeandikwa nini wala kumepangwa nini katika karatasi hiyo Mheshimiwa Spika na sisi tunafanya kazi kutokamana na muda ambao kwamba umewekwa na hii ni *quarterly Report* kumaanisha ni ripoti ambayo kwamba ni ya muda fulani ambayo kwamba inafaa kufika na kama itachelewa itaingia *quarter* nyengine wakati hii *quarter* ya kwanza haijawahi zungumzwa au haijadiliwa katika Jumba hili.

Mheshimiwa Spika kuna uzembe wa hali ya juu kabisa katika Kamati hii, kwa hivyo naomba kupitia kwa kiti chako uweze kuhakikisha ikiwa ripoti imefika katika Jumba na imewekwa katika *Order paper* ya hakikisho kuwa kila kitu kiko tayari ndio tupitishe hapa. Sisi Kamati ya utalii bado hatujapitisha kwa sababu bado hatujakuwa tayari. Ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Thank you very much Members. Members, I thought I said in this House... Order Members! Order Members! Just listen to what I have just said. Members keep order! Yeah, Members, I have been saying again and again, the Health Committee is one of the best Committees...

(Applause)

Of all the Committees which is well planned....

(Applause)

And best performing Committee...

(Applause)

So Members, I have faith in this Committee and I know next week the Report will be in a perfect condition...

(Applause)

Yes Clerk.

ADJOURNMENT

This House stands adjourned until tomorrow in the afternoon. Thank you.

The House rose at 3:01p.m.