



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 16th July, 2019
The House met at 2:45p.m.

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

PRAYERS

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

(Consultations)

Hon. Members I can see there is no quorum so I will order the Serjeant-At-Arms to ring the quorum bell.

(The Serjeant-At-Arms rung the quorum bell)

Hon. Members I now confirm that there is quorum. Yes Clerk?

STATEMENTS

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

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

The Temporary Speaker (Hon. Bwire): Yes Hon. Mohamed Hatimy, Chairperson on Finance, Budget and Appropriations?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON FINANCE, BUDGET AND
APPROPRIATIONS HON. MOHAMED HATIMY ON PROJECTS/PROGRAMS OF FINANCIAL YEAR
2018/2019, INCLUDING MAJAONI ROAD

Hon. Mohamed Hatimy: Mheshimiwa Spika Taarifa ilikuwa ije Alhamisi lakini kwa sababu ambazo hatukuweza kuziepuka naomba nipatiwe muda.

Hii ni kwa sababu ya *transfer* zilizofanywa kwenye Idara, nafikiri sote tunajua kuwa *Chief Officers* karibu wote wamekuwa *transferred* kwenye Idara nyengine kuelekea nyengine. Kwa hivyo nimeweza kuzungumza nao Mheshimiwa Spika wakasema kuwa wanafanya *handing over reports* wanataka wapatiwe muda kwa ile Idara mpya waliokuja ili wapate kunipatia hii ripoti. Kwa hivyo Mheshimiwa Spika naomba muda nipatiwe ili niweze kuleta hii stakabadhi iliyoweza kuulizwa.

(Hon. Athman Mwamwiri rose)

The Temporary Speaker (Hon. Bwire): What is it Hon. Athman Mwamwiri?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika suala la uhamishi wa wafanyi kazi kama Bunge sidhani kama kuna taarifa imefika katika Bunge hili aidha kwa Kiti chako ama kwa Bunge kwa jumla na kama haijafika kwa hivyo taarifa hiyo ya Mheshimiwa Mwenyekiti hatuwezi itumia kama kigezo katika Bunge hili kwa sababu Bunge halina taarifa za uhamishi wa wafanyi kazi katika Idara mbali mbali. Ahsante Mheshimiwa Spika.

(Applause)

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

Hon. Mohamed Hatimy: Mheshimiwa Spika twaregea kusema kuwa Nyumba hii ni Nyumba ya sheria. Mheshimiwa Spika aliyetoka kuzungumza Mheshimiwa sie mwenye Taarifa, nafikiri twafahamu vizuri sana kuwa hii Taarifa ina mwenyewe. Ya pili Mheshimiwa Spika twataka tujue kuwa sheria...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order Member! The Hon. Member has raised an issue which you have just responded to concerning the transfers of the employees from one Department to another, he is not reacting towards the Statement; he is after your concerns over the transfers of the Chief Officers from one Department to another. I think that is what has raised; so maybe you were to respond on the same but he has not touched on the Statement or responses that you are supposed to give.

Hon. Mohamed Hatimy: Nimekubali Mheshimiwa Spika. Mheshimiwa Spika nafikiri sote twajua kuwa kuna *transfers* zimefanyika, sasa kama ni Idara au ofisi ya *Clerk* haijajulisha Nyumba hii basi mimi siwezi kujibu kwa niaba ya ofisi ya *Clerk* lakini sote twajua na kufuatilia haya mambo ni kuwa *Chief Officers* wamebadilishwa kwa maofisi yao.

Mheshimiwa Spika na nafikiri kama kuna suala lolote mtu anaweza kuuliza ofisi ya *Clerk* ithibitishe kama ni kweli haya maneno niliyozungumza. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): So Hon. Hatimy the initial Chief Officer on Finance; I mean of Department on Finance is no longer in the office? The one that was vetted by this House?

Hon. Mohamed Hatimy: Mheshimiwa Spika hii ripoti inaletwa na kila Idara wamefanya nini, kila Idara itaandika ilete wamefanya nini. Kwa hivyo hiyo ndio sababu niliyoweza kutoa ya kusema kuwa wameondolewa kwenye zile Idara walikuweco karibu wote Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): I think you should get my question...

(Interruption)

Hon. Members I will just give you time. The response was to come from the Department on Finance and that is why you were delegated as a Chairperson on Finance; so my question is you were to get the report from the Department on Finance. So are you informing this House that the Member; Chief Officer who was vetted by this House as the Chief officer on Finance is no longer in the office and that we have a new Chief Officer in the office?

Hon. Mohamed Hatimy: Mheshimiwa nafikiri kwenye taarifa yangu sauti yangu niliweza kuzungumza nimesema wengi wa *Chief Officers* sio wote; wengi wa ma *Chief Officers* wameweza kubadilishwa...

(Interruption)

The Temporary Speaker (Hon. Bwire): ...And I am categorical Hon. Member; I am talking on Finance Department, is she in the office or not?

(Hon. Mohamed Hatimy nodded)

She is in the office and why postponing the response?!

Hon. Mohamed Hatimy: Mheshimiwa Spika nimeeleza kuwa Idara zinapeleka *reports* kwa *finance* sio *finance* ndio wanaoifanya hii ripoti.

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

Hon. Nyiro: Ahsante Mheshimiwa Spika. Nafikiri kati ya ripoti ambazo Mheshimiwa Mwenyekiti wa Fedha anajaribu kujibu moja ni yangu ikiwa imechanganywa na hii nyengine na nafikiri Hoja yangu ni kwamba nilikuwa nimeenda mimi mwenyewe binafsi kwa Waziri kuulizia ni kwa nini Mwana kandarasi wangu hajalipwa na kwa sababu hajalipwa imepelekea barabara kuzidi kuwa mbaya kwa sababu alikuwa ameacha vifusi kwenye barabara na nafikiri ni mbinu sana sana ya Wanakandarasi kuacha vifusi kwenye kazi zao ili kuona kwamba inatatiza wapita njia ndio maana walipwe.

Sasa Waziri akaniambia ya kwamba walikuwa wanangoja fedha na akanithibitishia ya kwamba Mwana kandarasi huyo ameorodheshwa katika zile *pending bills* na wakati pesa ikija atalipwa. Na juzi Mwana kandarasi wangu alinipigia simu akaniambia amepata ujumbe ya kwamba ameorodheshwa kati ya wale ambao watalipwa juma lililopita na mpaka kufikia sasa ujumbe ninaopata ni kwamba amepigiwa tena simu akaambiwa kwamba hatalipwa kwa sababu pesa ambayo imekuja sijui imelipa wenye *bill* ndogo ndogo.

Sasa ndio nikawa nikauliza ni kwa nini Waziri anapeana ahadi ya kwamba atalipa mpaka amurorodheshe kwa wale ambao atawalipa kisha baadae akiuke kanuni yake na aanze kusema kwamba atalipa wengine lakini si yeye. Nafikiri ni wiki ya tatu nikiulizia kuhusu Mwana kandarasi wangu alipwe kwa sababu hii kazi ilisimama Disemba mwaka jana mpaka sasa barabara haipitiki, miezi saba sasa na shida ni apewe pesa zake amalize hiyo kazi na *ni only 100 metres* Mheshimiwa Spika.

Sasa nashangaa kama Mwanakandarasi anaweza kuanza kazi na akae miezi saba hajalipwa, sasa sielewi kama tunafanya kazi namna gani! Miezi saba Mheshimiwa Spika tangu Disemba mpaka sasa anangoja malipo ndio amalize kazi na halipwi na *Chief Officer* yuko, Waziri yuko na mimi mwenyewe nishaenda mpaka kwa Waziri na nafikiri Mheshimiwa Spika siku moja tulienda mimi na wewe kuulizia mambo haya. Sasa nashangaa kama mambo ya mwaka jana mpaka sasa tumeingia mwaka mwengine wa fedha wa kiserikali na bado halipwi, sielewi mambo haya yatakuaje? Tafadhali naomba jibu ikiwezekana leo.

The Temporary Speaker (Hon. Bwire): Thank you. Yes I remember we were once with you but now my hands are tied Hon. Member. Yes The Chief Whip?

The Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Mwenyekiti. Kama vile Mheshimiwa Mwenyekiti wa Kamati ya Fedha na Bajeti ya Kaunti kwamba Bunge hili ni Bunge la sheria na lazima tuweze kufuata sheria. Yeye ameweza kusimama kusema ya kwamba sio Idara inapeleka makadirio ya *Programs* kwa Wizara ya Fedha, lakini ningemfahamisha ya kwamba Wizara ya Fedha ndio wanalipa projects zote katika Serikali yetu ya Kaunti ya Mombasa, zote...

(Applause)

Sasa kila Idara inapo *make any request* ni jukumu la Idara ya Fedha kuweza kuhakikisha kwamba miradi ile imeweza kulipwa na hata kama *Chief Officer* hayuko ofisini, mlipaji si *Chief Officer* kuna ofisi maalum ya kulipa na kuweza kuangalia miradi yote ambayo inalipwa katika Serikali yetu ya Mombasa.

Kwa hivyo ni jukumu la yule Waziri la kuweza kuuliza afisa wengine ambao chini ya *Chief Officer* walete *Program* zote za mwaka wa Fedha 2018/2019 ambazo walizilipa na zile ambazo ziko *pending* tuweze kujua kama Bunge zipi ziko *pending* na zipi zimelipwa ili tuweze kuendelea mbele kama Serikali. Lakini kutuambia kwamba kuna mageuzi yamefanyika ya *Chief Officers* sisi hatufahamu, na wa kuleta hapa ripoti ni Idara ni uongo, walipaji ni Wizara ya Fedha. Sisi tunataka kujua pesa ngapi zimelipwa?

(Applause)

Project zote za 2018/2019 Mheshimiwa huyu anauliza kila siku barabara yake iko hivi na hivi, yeye ni Mwakilishi ana majibu gani ikiwa Wizara ya Fedha mpaka leo hawajaleta majibu kamili katika Jumba hili? Atawaambia nini watu wake ambao anawawakilisha katika Bunge hili? Kwa hivyo Mheshimiwa Mwenyekiti sisi tuko hapa na tunahitaji majibu kamili la sivyo siku ya leo hapa hakuna *business* yeyote itaendelea, tutavunja Bunge hili leo leo mpaka majibu ya 2018/2019 katika Mwaka wa Fedha yaweze kuja katika Bunge hili. Ahsante sana.

(Applause)

The Temporary Speaker (Hon. Bwire): Yes Hon. Fatma Mote (Kushe)?

Hon. Fatma Swaleh: Ahsante sana Mheshimiwa Spika. Mimi sitokuwa na wenzangu kwa sababu kama alivyozungumza Mheshimiwa Nyiro kazi yetu sisi si kufuatilizia *supplier* ama Wana kandarasi walipwe. Labda iwe mtu ana kitu fulani ama jambo fulani hapo atapata. Na pia vile vile Mheshimiwa Spika...

(Interruption)

Hon. Nyiro: A point of information.

(Interruption)

Hon. Fatma Swaleh: Sitaki kutaarifiwa tafadhali, sitaki kutaarifiwa...

(Interruption)

The Temporary Speaker (Hon. Bwire): Yes give her time.

Hon. Fatma Swaleh: Mheshimiwa Spika si kazi yetu ya kuenda kule juu kuhakikisha ni nani amelipwa na nani hajalipwa, na twamshukuru Mwenyezi Mungu hivi sasa katika miaka mitano hii tumepata...

(Interruption)

Hon. Nyiro: Point of order!

(Interruption)

The Temporary Speaker (Hon. Bwire): What is your Point of order Hon. Nyiro?

Hon. Nyiro: Under Standing Order 104 (*Off Microphone*)

(Interruption)

The Temporary Speaker (Hon. Bwire): Make use of your microphone.

Hon. Nyiro: Mr. Speaker the Member who has just left the floor is misinforming this House...

(Interruption)

The Temporary Speaker (Hon. Bwire): What does it say, you kindly read it out.

Hon. Nyiro: Let me read it. It talks about gross disorderly conduct by a Member.

(Hon. Nyiro read)

If the Member deliberately gives false information to the County Assembly, it is a very gross disorder and misconduct.

So Hon. Fatma is deliberately giving false information to this County Assembly Mr. Speaker. She is accusing me that I am after something. Mr. Speaker I think I have said that whenever I use that road and the same road that leads to my home. I use that road everyday and materials were left on the road; when I ask the Contractor he tells me that I have not been paid. And that is the basis I am using to argue in this House so that my Contractor has not been paid. It is not that I need money from him, I want him to be paid so that he finishes the work so that I can use the road. Do I make myself clear Hon. Fatma, I do not need money, I want him to be paid so that he can finish the works.

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

Hon. Fatma Swaleh: Mheshimiwa Spika mimi nimemnukuu vizuri sana amesema Mwana kandarasi wangu, yaani Mwana kandarasi ni wa kwake. Sasa sijui kama Kiswahili mimi ndio sielewi ama vipi? Mheshimiwa Spika sisi hatuna jukumu la kupanda juu kuhakikisha nani amelipwa na nani hajalipwa. Sisi ni kuhakikisha tu utenda kazi umefanyika. Na vile vile Mheshimiwa Spika twamshukuru Mwenyezi Mungu safari hii katika Idara ya Fedha tumepata wachapa kazi *Hallelujah!* Tumepata wachapa kazi Mheshimiwa Spika...

(Interruption)

The Temporary Speaker (Hon. Bwire): You are out of order Hon. Member! I think your concern has been heard.

Hon. Fatma Swaleh: Sawa. Thank you.

The Temporary Speaker (Hon. Bwire): Thank you. Hon. Members let me first put it clear, I will give you time Hon. Members but as stated by Hon. Nyiro we were once in the Office of CEC Member for Transport; we also happened to have a meeting with the Chief Officer and they stated very clearly because I am also going through what Hon. Nyiro is going through. And they told us that they did all the documentation and it was the work of the Department on Finance now to pay the Contractors. I think it is from that stage that Hon. Nyiro brought this Statement to know the status of the payment of those two Contractors from different Wards. I do not believe he is after something as stated by the Hon. Member. It is only that you will have to make a follow up as Hon. Member to know what is hindering development in your area of jurisdiction.

So I think we should not view it in that perspective that when you do a follow up be it a payment or something then you are after something Hon. Members. It is just one way of ensuring that things happen the way they should happen. So I am ruling out what Hon. Fatma Swaleh has just said that the Member was after something, I do not think because I was also in that meeting we wanted to know what happened. Yes Hon. Athman Shebe?

Hon. Athman Shebe: Yes thank you Hon. Speaker. I think Hon. Speaker my fellow Chair has just stated very clearly, Chair of Finance that this is a House of rules and regulations. Speaking of rules and regulations Hon. Speaker, he is claiming that he is not in a position to issue a Statement today Hon. Speaker...

(Interruption)

The Temporary Speaker (Hon. Bwire): The response, to issue the response.

Hon. Athman Shebe: Sorry the response today, as he claims that they were reshuffles to the Executive. As clearly stated, this is a House of rules Hon. Speaker; If it were as he is purporting I think as we speak right now we would be having official communication from the Executive but as far as I am concerned or rather as far as this Honourable House is concerned, we neither have any communication nor do we know. Because he is claiming that we know, I do not know, he is the one who knows everything. And as far as I am concerned I do not know if there is any reshuffling because as far as I am concerned we must see no official communication.

So Hon. Speaker, this response Hon. Chair last week we asked the same question and told us probably next week we will be in a position to know; you can imagine Contractors have not been paid and even the order from the National government, all those Auditors, those County pending bills ought to have been already been audited as they are supposed to be paid by now because we are entering into another budget year. So I think my fellow Chair is beating around the bush for too long, he must come out clearly and give us a response or else I think we are sick and tired for being taken around in circles. Thank you.

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

Hon. Samba: Yes thank you Hon. Speaker. I just have a genuine concern; Hon. Chair for Finance has just stated that there is reshuffle that has happened of which we are not aware because there is no official communication but I would just wish maybe he clarifies whether in the Departments there are categories of the leadership structure, we have CEC's, we have Chief Officers and Directors whereby in the absence of maybe...

(Interruption)

The Temporary Speaker (Hon. Bwire): Hon. Members you consult in a low tone please.

Hon. Samba: Maybe in the absence of Chief Officers, the Directors are there to respond to any query. So can he tell us that without the presence of Chief Officers there is nothing that can happen? Secondly, I am aware that when the reshuffles are done, they do not carry the reports of the programs with them to go to the other Departments they are left there...

(Applause)

So I think the Chairman should come clear on that. Thank you Hon. Speaker.

The Temporary Speaker (Hon. Bwire): Yes Hon. Member from Mikindani Ward.

Hon. Thoya: Thank you Mr. Speaker. I am rising to put it very clearly that the problem facing Hon. Nyiro today belongs to him but tomorrow it belonged to me and any other elected Member here. And we cannot take lightly maybe some of the sentiments and Mr. Speaker I want to put it very clearly we do not have sacred Chief Officers here, all Chief Officers within Mombasa County are equal in the eyes of this House.

If am instructed to go to the Department of Devolution, I will always go, let us not protect them today here because I believe we have problems and when we touch the docket of Finance people are perturbed very much. Please let them go and bring information to us and in fact I do not want to take this thing lightly, that a Hon. Member has been told that *anaenda kutafuta kitu kidogo and Bwana Spika* I want that Hon. Member to withdraw and apologize. We cannot take it lightly because again it is going to the Hansard and that is matter related to corruption, we cannot take it lightly *Bwana Spika* let us discuss this until it is expunged from the Hansard. Thank you.

The Chief Whip (Hon. Kitula): Taarifa Mwenyekiti.

The Temporary Speaker (Hon. Bwire): Yes Chief Whip is up.

The Chief Whip (Hon. Kitula): Ningependa kuarifu Nyumba hii kuwa Taarifa ya leo haihusiani na barabara ya Majaoni pekee yake bali *project na programs za financial year 2018/2019* ambazo ni za Wodi zote Kaunti ya Mombasa Mheshimiwa Mwenyekiti lakini amesema *including* Majaoni road. Kwa hivyo tunataka kujua *project zote na programs za 2018/2019* ikiwa mimi ni mmoja na mhusika wa Frere town Ward. Ahsante sana.

The Temporary Speaker (Hon. Bwire): Thank you Hon. Member and that is why to me these were to be two Statements; two different Statements because we raised the issue of projects/programs or the status of the project of financial year 2018/2019 was to come as a separate Statement from the Majaoni issue so we could have not been discussing these two things at once. Who do you want to inform? Do you want to inform Mr. Speaker?

Hon. Nyiro: Mr. Speaker the Chair requested when we sat for the House Business, he requested that these two things be enjoined together because he is the same person who is going to respond on them so he requested that they enjoined together.

The Temporary Speaker (Hon. Bwire): And that is why am saying that is as per the Chair but these were to be two different responses though he requested in the House Business Committee but according to me these were to come as two different responses yeah because yours is basically on Finance Department, the other Statement was to come across the Departments so I think they were to come as different responses. Yes Hon. Hatimy? I saw Hon. Hatimy up, you see the seniority also matters Hon. Members.

Hon. Mohamed Hatimy: Mheshimiwa Spika nafikiri Nyumba hii tunahitaji kwenda kusoma zaidi ili tujue tukiongea twaongea nini? Mheshimiwa Spika nastaaajabishwa sana na Taarifa ya *Chief Whip* ya kusema kuwa anayelipa ni *Finance*. Nataka kumwambia *Chief Whip* kupitia Kiti chako kuwa hakuna malipo yoyote ambayo itafanyika bila ya *approval* ya *Department*, ni ma *Chief Officers* ndio *accounting officers* na kila mtu yuko na *budget* yake.

Mheshimiwa Spika jambo hili mimi mwenyewe nimeweza kuzunguka na kulifuatilia na kusema kuwa ni lazima tupate hii ripoti lakini ripoti ambayo tumepatiwa ni kuwa hawa watu wamekuwa *transferred*. Mheshimiwa Spika kweli kazi ziko pale lakini ni kila mmoja kwenye kufanya ile ripoti yake ni kuwa lazima aeleze amefanya nini, kuondoka kwenye ofisi ile na mwengine pia naye atakayeingia atakuwa naye pia kwenye Idara yake pia ametoa *handing over report* ya kueleza kuwa kwenye Idara yake amefanya nini?

Mheshimiwa Spika jambo hili limekuwa hapa leo ni *two weeks* na nimesema sio kuwa ripoti hakuna, tuwapatie *time* wafanye ili waweze kutupatia hii ripoti ndio ije kwenye Nyumba hii na jambo la kwa Mheshimiwa Nyiro kwenye Nyumba hii tulikubaliana wiki iliyopita kuwa sisi tuta *consolidate* kwa sababu jambo lile linahusika, jambo la Mheshimiwa Nyiro linahusika na hii ripoti pia ni lazima *Finance* itatuambia Idara ya barabara itaeleza kuwa nini imelipwa na nini haikulipwa, hapo ndio tuulize *Finance* kwa sababu gani haikulipwa? Lakini Mheshimiwa Spika ni kuwapatia hawa nafasi naomba tuwapatie nafasi ili watutengezee ripoti ili iweze kuja kwenye hii Nyumba. Ahsante Mheshimiwa.

The Temporary Speaker (Hon. Bwire): Hon. Member how long do you think this response will see the light of the day?

Hon. Mohamed Hatimy: Mheshimiwa Spika hilo ni suala gumu sana siwezi kulijibu, wewe ndio unayetoa tarehe sio mimi. Kwa hivyo wewe ni kusema kama ni kesho iwe ni kesho tukawaambie kuwa kesho wasema kuwa hii ripoti yatakikana, angalia wewe wataka kuwapatia siku ngapi ndio uwapatie Mheshimiwa Spika?

The Temporary Speaker (Hon. Bwire): But Hon. Member it is a tradition of this House that whenever you seek time you are always asked when do you think you will bring back the response? Now today you have given me the mandate, I will make my own ruling and when I make ruling kindly advise the Department to adhere to the ruling made by the Speaker of the day because I may even make a ruling of giving you five minutes we break then you bring the response so I was just doing an honor of asking you when do you think the report will be ready...

(Interruption)

The Chief Whip (Hon. Kitula): Mheshimiwa Spika ahsante sana kwa kunipatia nafasi hii. Mheshimiwa Mwenyekiti amesema kwamba Nyumba hii yataka tukasome, nakwambia kwamba sisi Waheshimiwa tumesoma Mheshimiwa Mwenyekiti...

(Applause)

Tumesoma kweli na ningependa kumfahamisha labda naye pia hakisoma kipengele hichi wakati anasoma *County Government Act section 149 (c)* inatoa jukumu la *accounting Chief officer* wa *Finance*, nitakusomea Mheshimiwa Mwenyekiti apate ufahamu zaidi...

(The Chief Whip (Hon. Kitula) read)

(c) Incurring other responsibility imposed by section 1, An accounting officer Finance shall in respect of the entity concerned shall ensure that all financial and accounting records that the entity keeps in any form including electronic form are adequately protected and backed up...

Mheshimiwa Mwenyekiti yatakiwa ufahamu hizi *records* ziko katika *finance*, *Department* zengine zina *make request* kwa Idara ya Fedha, *Chief Officer* wengine wote wa Idara zote kumi, tisa wana *make request* kwa Idara ya Fedha na ni jukumu kwa Idara moja ya Fedha kuweza kuhakikisha zina *process* zile *payment* kwa miradi tofauti tofauti ambayo imeweza kukadiriwa katika Idara tofauti tofauti.

Kwa hivyo hapa sisi tunaelewa tunachofanya na tunaelewa tunachokisema; tunataka mapendekezo yote ambayo ni ya 2018/2019 tuletewe katika Jumba hili ili tuweze kuwa na majibu kwa watu wetu. Ahsante sana.

(Applause)

The Temporary Speaker (Hon. Bwire): Yes Hon. Ibrahim? I think you will be the last person.

Hon. Omondi: Thank you Mr. Speaker for the opportunity given. Mr. Speaker first of all I want to react on a Statement that was given the Chair of Finance Mr. Speaker Sir...

(Interruption)

The Temporary Speaker (Hon. Bwire): It was a response Hon. Member.

Hon. Omondi: Exactly a response. Mr. Speaker Sir when we say that there are some reshuffling that has taken place in a certain Department and therefore we are not able to access information from the respective Department to me is like we are not serious with our work. This is because I know it very well that when an officer is an individual it is a person, when he or she is transferred or taken to another Department the office remains intact, we are not transferring the office but we are only transferring an individual. Mr. Speaker Sir and remember even as we discuss, even as we request for these responses or we request for information from the Departments we are not asking them from an individual, we are not saying Chairman to give us, we are not saying individual, we are talking about the office, the Department of Finance. So when we are talking about the Department of Finance, we are not talking about whoever an individual or a person and therefore the information is there whether an individual has been transferred or not the information is still in the office and therefore we need that response Mr. Speaker Sir. Thank you.

(Silence)

The Temporary Speaker (Hon. Bwire): Yes thank you Hon. Ibrahim Omondi. Now Hon. Members the Chairperson on Finance Hon. Mohamed Hatimy has asked for some time to bring the response and from where I seat I think Hon. Member next week but I want to be categorical in this. Hon. Mohamed Hatimy the Chairperson on Finance kindly treat the issue of Majaoni with a lot of carefulness; If you can bring the response tomorrow in the evening specifically on Majaoni that is please then consolidate the other report across the Departments and I think next week but one will be okay with that.

So on the issue of Majaoni as I have said it earlier I would wish to treat it as an isolated case so you bring the response tomorrow in the evening how far the Department has gone in terms of, I mean as far as the payment is concerned.

You can then consolidate the report on the status of the project or rather the programs and bring back the response next week but one. I think I will be fair enough if would go by that ruling. Thank you. Yes Clerk?

STATEMENT

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

Hon. Mohamed Hatimy: Mheshimiwa nataka kuambia Nyumba hii mpaka leo sijapata *evidence* nilizoitisha kwa hivyo *decision* ni yako Mheshimiwa.

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

Hon. Athuman Mwamwiri: Mr. Speaker I think it was agreed or your ruling was that I should be invited in that Committee and the Committee on Labour also was interested on the same issue. So it was upon the Committees to set a date to invite me not to submit evidence per individual? What if they decide...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order Member! Order! You see are you aware that am the one who made the ruling?

Hon. Athman Mwamwiri: Yes, am aware.

The Temporary Speaker (Hon. Bwire): And am very familiar with the ruling I made.

Hon. Athman Mwamwiri: *Enhe* what was it Mr. Speaker remind me?

(Consultations)

The Temporary Speaker (Hon. Bwire): Serjeant-At-Arms in the House, Hon. Member I directed that you liaise with the Chairperson Hon. Mohammed Hatimy and Chairperson Committee on Labour. You were to liaise and not to wait for an invitation, you were not being invited, you were to liase since you had evidence, you were to know when were you supposed to be having a meeting and then bring back the responses today, so I think you failed on your part.

(Silence)

So Hon. Member you still have the lawyers in the House, is it a burden of proof or something am I right?

(Hon. Athman Mwamwiri nodded)

Yes so you still have the burden of proof. Hon. Member you were to liaise with the Hon. Mohamed Hatimy and Chairperson on Labour on which date you were sit for a meeting and invite those hand-drivers who were once over taxed, then bring back the Statement today, up to that are we reading from the same page? Yes, you are up?

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Hon. Athman Mwamwiri: Yes Mr. Speaker, I do understand and it is upon the lead Committee to schedule for the meeting because at the end of it you will not approve of the said meeting that was held and we cannot just make a local arrangement that I liaise with either the Chair of Finance or Chair Labour to submit my evidence without proof or witnesses at the end of it. Mr. Speaker it can be altered and disappear and will not be an evidence anymore so with due respect am very much willing to tender my evidence upon the lead Committee to schedule for a date and invite me if possible, officially invite me. Thank you Mr. Speaker.

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

Hon. Thoya: Ahsante Mheshimiwa Mwenyekiti. Mimi nitatoka upande huo na nilikuwa nataka kuweza kujua kutoka kwa Kamati ama Bodi ya Bunge hili la Kaunti ni mipango gani katika kulipa wafanya kazi wetu...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order! Order! Hon. Member we are on a Statement order number eight, we are still discussing it and I have not made a ruling, so since you failed.... Yes what is it Hon. Hatimy?

Hon. Mohamed Hatimy: Mheshimiwa Spika *Evidence Act* iko wazi, akisema kuwa yeye kuna watu wanalipishwa kinyume na sheria ni yeye kuleta ushahidi kuonyesha kuwa ni nani amelipishwa, amelipa nini? Hapo sasa ndio iangaliwe hiyo kesi lakini mimi siwezi kuja kwako nikakuambia sasa wewe njoo unipe ushahidi, wewe niletee ushahidi halafu Mheshimiwa Spika mimi ilikuwa nimekuja tayari na *Finance Act* iko hapa tuangalie hivyo vitu vilivyochajiwa ni vitu gani, tuangalie ni ukweli wamechajiwa ukweli ama ni uongo? Kwa hio ni wewe utuletee hizo risiti ushahidi wa kuonyesha kuwa hawa watu wamechajiwa kwa njia ambayo si sawa sawa.

The Temporary Speaker (Hon. Bwire): Okay Hon. Member I think I will make a ruling now, you submit those receipts now, the genuine receipts to the office of the Clerk, let them be received, make a copy of the received receipts and then again I think the Clerk will communicate to the Committee. Then Hon. Member possibly next week Tuesday 2:30p.m you can now bring the responses on the same, so you submit the genuine receipt to the office of the Clerk, yes, I think am now okay with that thank you Hon. Member.

My office has no any communication of any other Statement apart from these two and make it a tradition Hon. Members to be notifying the office of the Speaker via a session so that when we come we come with a full business of the day. Yes Hon. Renson Thoya?

Hon. Thoya: Ahsante Mheshimiwa Mwenyekiti nitajibidiisha twende kwa mujibu wa sheria.

(Low consultations)

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

Hon. Thoya: Nilikuwa nimetangulia kwamba ningependa kutaka kujua kutoka kwa Bodi ya Bunge hili mipango ya kulipa wafanyi kazi wetu wa ofisini na kodi za ofisi?

The Temporary Speaker (Hon. Bwire): Any Board Member? Yes I have heard and it will be communicated to the relevant authority, hopefully next week Tuesday.

Hon. Thoya: Thank you Mr. Speaker. I appreciate but the situation is very dire as much as maybe you are on that seat you understand what is going on in your Ward so make it very urgent before your office is closed. Thank you.

(Applause)

The Temporary Speaker (Hon. Bwire): Mine has already been closed and that is why I am saying I will communicate to the relevant authority Hon. Member, it is only that I cannot raise it because am on this Chair but am feeling the same, so it will be communicated hopefully before Friday something would have been done but am not promising. Yes Hon. Samba?

Hon. Samba: Mr. Speaker am standing on Standing Order number 41(2) (c) I would wish to get a clarification or rather a Statement *(Off Microphone)*.

The Temporary Speaker (Hon. Bwire): Be audible.

(Interruption)

Hon. Samba: From the Department of Housing and Lands. Hon. Speaker there has been a construction that has been going on, a tall building is coming up in my Ward and am afraid it has some cracks and I have been following up this . On several occasions I have engaged even the *Waziri* himself, I have engaged the Chief officers but Hon. Speaker it seems the owner is very much powerful because I can recall on two occasions he has been arrested and arraigned in court...

(Interruption)

The Temporary Speaker (Hon. Bwire): You said you are standing on which order?

Hon. Samba: 41(2) (c).

The Temporary Speaker (Hon. Bwire): Okay.

Hon. Samba: So it is a Statement. So Hon. Speaker I just want you to give a direction or rather directives, so that the at least the Committee concerned should visit the site because am even afraid, he is not even aware he will have a septic tank and those people have been doing construction at night, so Hon. Speaker through your Chair kindly give a directive so that at least something can be done because even the residents are being affected. Thank you Hon. Speaker.

The Temporary Speaker (Hon. Bwire): That stands on Committee on Lands, Housing and Planning? Any Member? You are a Member of the Committee?

Hon. Mohamed Hatimy: Yes.

The Temporary Speaker (Hon. Bwire): So now that the Hon. Member is raising a very sensitive issue of cracks on a very tall building that is in the lives of the citizens of this County.

Kindly liaise with the entire team so that you can have even a site visit to the alleged venue, then next week you will tell the House what you have seen. So Hon. Samba you will also liaise with the Committee so that you direct them where the said tall building is. Yes Hon. Shebe? I will be taking only the two of you as we wind up the session.

Hon Athman Shebe: Ahsante sana Mheshimiwa Mwenyekiti nasimama kwa alama kiamrishi 41 (2c)...

(Interruption)

The Temporary Speaker (Hon. Bwire): Hon. Member just a minute you see am being reminded, you see we have altered our calendar and we are somehow confused, just sit down the business you see tomorrow is Statement day, yes and today was just the response on the Statements raised sometimes back so why can't we spare these Statements till tomorrow during the Statement time? With a kind request.

Hon Athman Shebe: Ukisema Mheshimiwa Spika, tuko chini ya himaya yako.

The Temporary Speaker (Hon. Bwire): But are you okay with that?

Hon Athman Shebe: Yes.

The Temporary Speaker (Hon. Bwire): Thank you Hon. Ibrahim you follow suit right? Yes Clerk?

ADJOURNMENT

Hon. Member there having be no other business the House stands adjourned till Wednesday 17th at 9:30a.m.

The House rose at 3:37p.m.