

**MOMBASA COUNTY ASSEMBLY****HANSARD REPORT**Wednesday, 31<sup>st</sup> May, 2017

The House met at 9:35a.m.

*(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)***PRAYERS****Deputy Speaker** (Hon. Mswabah Rashid): Members you may sit down. Yes Clerk.**COMMUNICATION FROM THE CHAIR**

Thank you Members of the County Assembly, first and foremost I apologize for coming late, the President and his Deputy were going to launch the SGR so there was a lot of traffic congestion on my way from Changamwe. I also understand that other Members are held up in that condition so for that reason I apologize. Hon. Members, I wish to bring to the attention of this Hon. Assembly that we have visitors from Mary Joy Kindergarten and Primary and little Stars Junior School. I would like to recognize the presence of the delegation which consists of:

1. Oyako Levis Agallo
2. Gitiya Roy James
3. Mwangangi Penina Mwende
4. Swabri Salim
5. Kiriimi Shaleen Kendi
6. Janet Mkaka
7. Margaret Sasha Nyaboke
8. Hassan Ali
9. Anwar Ali Mohammed
10. Granton Mwandau
11. Whitney Nyamohanga
12. Munyendo Ruth Seku
13. Ahmed Jamal Mohamed
14. Gloria Bosibori, is absent.
15. Katee Fidel Munyoki
16. Munga Jesse Mwaringa
17. Abdalla Khadija Mohamed
18. Gacheo Stacey Kerubo
19. Wesley Wanjala
20. Sono Mario Masao
21. Kinuthia Michelle Njeri
22. Mware Erick Muthii
23. Khadija Hajila Adam
24. Muturi Terryanne Wanjuihi
25. Rehema Karisa
26. Samuel Pius
27. Fauzia Shaban Ramadhan
28. Mwongela Fredrick Muwo
29. Paul Khadija Mutei
30. Vidzo Lulu Kabei
31. Juma Mwanasiti Ninjama

32. George Masha
33. Udengu Eugene Okoth
34. Zainab Janibe Suleiman
35. Mwadime Ruth Samantha
36. Wachu Idris Swaleh
37. Adongo Claudine Marion
38. Ndung'u Aaliyah Nduta
39. Nyakina Wyclife Obadia
40. Ngatia Neo Mwai
41. Nyaroo Isaac Moturi
42. Obiero Alvine Nyaboke
43. Mkoma Daniel Mwaria
44. Charo Edwin Mwamure
45. Ngumi Meshack Mutua
46. Salim Marinnete Ningome
47. Muiruri Christine Njeri
48. Rose Assey
49. Jonah Kipkoech

They are accompanied by the staff:

1. Ms. Mary Kanini Waigi – Managing Director
2. Mr. Kisongochi Victor
3. Mr. Mui Baraza
4. Mr. Seth Okoth
5. Mr. Christopher Sabwa

Thank you so much. On behalf of the Assembly, I welcome you all to the County Assembly of Mombasa. *Karibuni sana.*

*(Applause)*

Yes Clerk.

### STATEMENT

Yes Hon. Stephen Wangudi Chairperson, Committee on Early on Childhood, Education, Children and Vocational Training. Hon. Wangudi.

**Hon. Wangudi:** Ahsante Mheshimiwa Spika kwa fursa hii niweze kuzungumzia suala ama hoja iliyoletwa ndani ya Jumba hili na Mheshimiwa Mteule ambaye ni Mheshimiwa Mary Akinyi. Mheshimiwa Spika kama tunavyofahamu serikali ya Kaunti inasimama kivyake, la kwanza kabisa ikiwa ni Bunge ambalo majukumu yake makubwa ni uwakilishi, kupiga darubini vitengo vya utekelezaji katika Kaunti na utunzi wa sheria na kutokana na suala ambalo limechipuka ndani ya Nyumba hii ni suala ambalo limehusu Kamati ambayo inafanya kazi chini ya uelekezi wangu ambayo ni Kamati ya Elimu na watoto. Mheshimiwa Spika Kamati hii tunaweza kusema ni moja wapo ya Kamati ambayo zinawajibika zaidi katika Jumba hili na ndio maana hata kabla suala hili halijajitokeza ndani ya Jumba hili Kamati hii ilikuwa ishachukua hatua na ikawa imefika katika kiwango fulani ipokokuwa hakuna Ripoti ambayo imetengenezwa na Kamati hii kutokana na dharura ya suala hili lakini nitaeleza Jumba hili ama ninafahamisha Jumba hili hatua ambazo zilikuwa zimechukuliwa na Kamati hii kuambatana na suala zima ambalo ni uajiri wa waalimu wa...

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Mary Akinyi what is it?

**Hon. (Ms.) Akinyi:** Ahsante Mheshimiwa Spika, Mheshimiwa Spika hili ni Jumba ambalo linaheshimika na ni Jumba ambalo kama Mheshimiwa yeyote aliye Mwenyekiti wa Kamati fulani amepewa nafasi ya kuletea watu Ripoti yoyote ama majibu yoyote ama jambo lolote ni vyema afanye utafiti na alete hiyo Ripoti katika hali ya maandishi asituambie hapa kuwa hajafanya utafiti, hajaleta Ripoti ambayo imeandikwa, tutajuaje kama mwenye jibu anaeridhika amepiga hatua mpaka analeta katika Jumba hili?

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Saad Faraj.

**Hon. Faraj:** Thank you very much Mr. Speaker, I want to agree to what Hon. Mary Akinyi is expressing with regards to the Report that was supposed to be presented by the Hon. Member, it is very important that the Hon. Member is here to represent his own personal views instead of coming here with a comprehensive Report that we have requested as a House. Mr. Speaker if at all we wanted his own personal views then we would have requested a meeting in a bar or somewhere or in an Hotel...

*(Applause)*

...Mr. Speaker this is a House of rules and regulations and we must abide by those rules which actually set up this House and the pillars of this House. Thank you, Mr. Speaker.

*(Applause)*

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Members of this County Assembly I think what Hon. Mary Akinyi wanted is to get a clear answer, also we are in order no. 7 which is a statement we don't expect Hon. Wangudi to bring a Paper here, it is not a Paper we are waiting for this is a statement and this statement it can be replied...

*(Applause)*

...verbally, it can be replied on the spot so it is not a Paper which we are anticipating for Hon. Steven Wangudi. Yes Hon. Patrick Muriuki.

**Hon. Siminyu:** Hon. Speaker with all due respect this is a House of rules and procedures and the matter was directed to the Committee and the Committee was supposed to do an investigation on the same matter and bring a Report though the statement was brought by Hon. Mary and through you Chair you directed the Committee to bring the Report. I don't know may be it is a typing error I don't understand according to the records it is a Paper, but it was supposed to be a Report on the said matter...

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): No, no, what I would say is a statement; a Member can rise and ask a question and that question can be replied there and then but if the Chairman is not ready or he doesn't have the information at hand he can ask for a permission to answer it another day, so this is a statement and it is not a Paper you are not translating into being a Paper I think that is very clear. Your statement can be answered there and then if the Chairman has an answer if he doesn't have an answer he can seek leave, yes Hon. Saad Ahmed Faraj.

**Hon. Faraj:** Thank you once again Mr. Speaker now that we understand we would like to hear from the Hon. Member that he has made an effort in a way that he will enable him to communicate with the department and show us evidence as well if at all there is any written communication between the Clerk's office and that office of that particular Department so that the information that is not to rely on us is information that is reliable. Thank you.

**Deputy Speaker** (Hon. Mswabah Rashid): Members also you should also understand he hasn't presented the presentation yet so there is no way you can know whether it is credible

information or not. So let's give him some time to prove his argument and then you will judge that argument whether it is credible or not credible. Yes Hon. Wangudi.

**Hon. Wangudi:** Thank you Mr. Speaker, thank you for your protection I just seek time to present what I have to Hon. Members. *Mheshimiwa Spika namna nilivyokuwa naeleza mazungumzo yangu nilikuwa najaribu kuwaeleza Waheshimiwa ya kwamba Kamati inayowajibika imechukua jukumu hata kabla swali halijakuja na chochote ambacho kinahitajika ndani ya Jumba hili kuhusiana na suala hili niko macho kwa mfano ningependa kukujulisha ya kuwa mnamo tarehe 22/03/2017 Kamati ya Elimu ilifanya kikao na nina kumbukumbu hapa ambazo ningependa nikabidhi Jumba hili na hapo ndipo Kamati iliafikiana kumualika ambaye ni Waziri wa masuala ya Elimu na watoto kuja kuzungumzia suala hilo katika Kamati hio ambayo mimi ndiye Mwenyekiti. Mheshimiwa Spika ninaomba kukabidhi kumbukumbu hizi ili na wewe uweze kuzipitia na uone uamuzi uliofanywa na Kamati. Mheshimiwa Spika kama vile nilivyoomba ya kuwa nipewe muda niweze kujibu swali ambalo lililetwa na Mheshimiwa Mary na suala hili nitaliregesha kwako hapo awali baada ya kuthibitisha ya kwamba Kamati ilifanya pande yake na pale ilipofikia tutakuwa tunaomba muelekeo na muongozo wako kuhusiana na suala hili. Mheshimiwa Spika baada ya kumbukumbu hizo kuna barua ambayo iliandikwa siku hiyo hiyo ya kumualika Waziri aweze kufika mbele ya Kamati aweze kueleza Kamati ya Bunge hili kuhusu suala zima la uajiri wa walimu wa shule zetu za chekechea. Mheshimiwa Spika naomba na naikabidhi barua hiyo ya ualishi wa Waziri ambaye ni wa Elimu na watoto. Nikiendelea na mazungumzo Mheshimiwa....*

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Patrick Muriuki Siminyu what is it?

**Hon. Siminyu:** Thank Mr. Speaker, I can see the Hon. Member is giving documents after documents can you explain to the House and we have an understanding what is contained in the documents and the minutes instead of giving you so that you explain to the House. Thank you, Mr. Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): No, I think Hon. Wangudi was talking and you were not listening that is the problem, he said....

*(Laughter)*

...he has been standing there talking and you're not listening. These are minutes, this is the proof that there was a meeting, I think these are the minutes of that matter and this is a letter inviting the executive Member so I suggest....

*(Interruption)*

**Hon. Siminyu:** Mr. Speaker with all due respect, there was a meeting of the Committee what transpired the meeting we don't know at least...

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Members just have a seat I think all that was in the meeting, we have education Committee and the Members attended and it's not the duty of the Committee to come and tell us what they did in that Committee, Hon. Mary raised the question so it should be given the answer but not what transpired in the Committee that's the business of the Committee we cannot bring all the Committee's talk and affairs here that is why we have Committees we only need Hon. Wangudi to answer Hon. Mary Akinyi. Hon. Stephen Wangudi please can you continue to answer Hon. Mary Akinyi.

**Hon. Wangudi:** Mheshimiwa Spika baada ya ualishi kama vile jumbo limepitisha kwa kiti chako cha heshima nimepata majibu kutoka kwa Waziri na maandiko haya ndio yanapelekea

mimi nasimama na kusema ya kwamba mimi nahitaji mtegemeo wako na mwongozo wako kuhusu suala hili kwa sababu nimeonelea ya kwamba namna swali lilipokuja ndani ya Bunge haina haja kwenda kutafuta mazungumzo kutoka kwa waziri ilhali kazi nyingi ilikuwa tushazifanya na akatupa majibu japokuwa hatukuridhika nayo lakini kwa fursa tunaweza kutafuta namna tutakavyowasilisha suala hili kwako ili tuweze kunyenyekea kwa sababu kuzingatia kwamba serikali hii iko na vitendo hivi kadri tulivyosema na imefanyika wazi ya kwamba kiko kitengo ambacho kiko tayari kushirikiana na kitengo chengine. Mheshimiwa Spika tunaelewa ya kwamba kutokana na sheria ya nchi hii na...

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Hon. Wangudi I think you are now going overboard; the Report you know now how it stands, are you now ready? I have been protecting you I wanted you to be given the time to answer that question, do you have an answer?

**Hon. Wangudi:** Ndio nataka kuwakilisha barua ambayo ilikuwa inajibu ualishi wetu wa kumualika waziri wa elimu Mheshimiwa Spika na namna ninavyoeleza nimeandika barua hii nimesema ya kwamba suala hili limeshughulikiwa na *Public Service Board* na yeye hawezi...

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Leader of Majority Hon. Mwidani what is it?

**Leader of Majority** (Hon. Mwidani): Thank you Mr. Speaker, I think my colleague is misleading the House because whatever he's putting as a Report and while he's saying is not a Report when you check on the Papers he should have some copies of the Members to peruse...

*(Applause)*

....if he has a Paper he's just giving to the Speaker and the Members are not in the position to peruse then what is it? So then Mr. Speaker let us be very serious if it is due to bail so that we give him time so that we prepare himself which is very fair we can do so but actually we should not make things in another way actually we know this will be done according to the law so please may I remind my colleague that he should be prepared so that he makes all the Members have all the copies of whatever he has. Thank you, Mr. Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Amur.

**Hon. Amur:** Thank you Mr. Speaker, we are not doubting the Chairman, what we are doubting is the Committee commitment on issues that are given Committee; now days all the Committees have been coming here begging for more time, if he has said clearly he is not satisfied with the Report for the Ministry how will you tell a Report that even you are not satisfied as a Committee. Instead of that summon the Minister get the facts and if the Committee is not satisfied with the reply then they should have summoned the Minister against the details and that why we would have sent a Report that is a comprehensive Report, just not bringing the Report to the Assembly but a comprehensive Report. If the Chairman himself is saying that we are not satisfied with the Minister's reply then there is a problem. They should have summoned him first before they bring any Report to this House.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Kithinzi?

**Hon. (Ms.) Zainab Kithinzi:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika kama tunavyofahamu hii ni Nyumba ya sheria na ni lazima tufanye vile inavyotakikana lakini naona Mheshimiwa Wangudi amegeuza hii Nyumba kuwa Jumba la sarakasi na kutuletea mambo ambayo hatuelewi; cha muhimu ni aseme Ripoti anayo ama hana hatutaki hadithi za Abunuasi hapa ikiwa Kamati imeshindwa na kazi pia aseme wako watu ambao wanaweza kufanya hiyo kazi. Ahsante Mheshimiwa Spika.



**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Patrick and Hon. Saad I think we have heard you, okay can we hear from you, you have only one minute and then Hon. Saad one minute.

**Hon. Siminyu:** Hon. Speaker thank you for giving me this opportunity because I have been concerned since the Hon. Wangudi submitted his Report. Mr. Speaker we need to know the contents whether verbally or whether the Committee have the Report, why is the Committee not letting us to know what was said by the Minister, we need to know the content but he is giving you document after document and we don't know the content he is just beating around the bush, let him give us the real picture or give us a clear Report of the matter Mr. Speaker. Thank you.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Saad Faraj and then Hon. Salim Kalume.

**Hon. Faraj:** Ahsante sana Mheshimiwa Spika kwa fursa hii. Mheshimiwa Spika nafikiri ile tashwishi ambayo tumekua nayo tangu awali Mheshimiwa Wangudi alipoanza kujieleza tumeweza kuhakikisha baada ya maongezi yake kwa kuwa hakuwa na lolote la kuwapatia na kutueleza sisi kama Nyumba na kwa yule ambaye kwamba aliweza kuuliza suala hili vile vile hakuweza kupata jawabu mwafaka kutokamana na shida na matatizo ambayo kwamba aliyopata kutokana na swala ili ambalo liko kwenye Nyumba hivi sasa. Mheshimiwa Spika naomba kusititiza jambo moja la muhimu, kuna stakabadhi ambazo ziko mkutano unapoendeshwa; tuko na wale ambao wanasajili ule mkutano tungependa kupata taarifa kama ile na Ripoti kama ile katika Nyumba hii ili kuweza kujua walifikiana nini na kuzungumza lipi katika mkutano kama ule. Mheshimiwa Spika naomba tuchukulie kazi ya kuwakilisha wananchi kule mashinani na umuhimu kwa sababu hiyo ndio ambayo imetuleta katika Nyumba hii kuwakilisha wale walioko kule hawawezi wale walioko mashinani wote wakafika kwenye Jumba hili kuelezea matatizo walio nayo na ndio maana *Article 1* katika katiba ya Kenya imewapatia wananchi nguvu kupitia sisi kuweza kutekeleza majukumu yetu ya kuwakilisha wananchi wetu vilivyo kule mashinani na kutokana na Ripoti ambayo kwamba ameileta hapa ndugu yetu Mheshimiwa Stephen Wangudi sioni kama tunaweza kutekeleza wajibu huo. Ahsante.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Salim Kalume?

**Hon. Kalume:** Ahsante sana Mheshimiwa Spika naona ingekuwa vyema tumpatie Mheshimiwa Wangudi nafasi ili aweze kujieleza kwa sababu nikiangalia mbele yangu naona kuna stakabadhi kadhaa ambazo yuko nazo sasa afadhali tumpe nafasi ili ajieleze tusikie Ripoti yake inasema nini.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Wangudi can you continue but I think you have heard what other Members are expecting from you.

**Hon. Wangudi:** Mheshimiwa Spika kama nilivyothibitisha mbele yako mkutano na barua ya ualishi ilikuweko kama namna nilivyowasilisha katika kiti chako cha heshima na majibu kutoka kwa Waziri niko nayo na pia ningependa kuwasilisha kwako na pia kwa niaba ya Jumba hili ningependa kuwapeleka katika yale majibu...

*(Laughter)*

...na ikibidi pia nitawasomea Waheshimiwa waweze kufahamu majibu ya suala zima kuhusiana na suala hili. Mheshimiwa Spika haya ni majibu kutoka kwa ofisi ya Waziri wa Elimu ambaye yalipokelewa katika ofisi yetu ya Karani mnamo tarehe 28 Mwezi wa tatu, 2017...

**Hon. (Ms.) Akinyi:** Point of information Mr. Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Mary Akinyi what is it?

**Hon. (Ms.) Akinyi:** Am up for a point of order Standing order 73 (2) which states very well that, *A Member who begins in any of the languages provided for under paragraph (1) shall*

*continue in the same language until the conclusion of the Member's speech, he started in Kiswahili why did he turn in Kiswahili.*

**Deputy Speaker** (Hon. Mswabah Rashid): Okay Hon. Wangudi stick to one language but if it is something to read and written in English you can read in English.

**Hon. Wangudi:** Ahsante Mheshimiwa Spika ninazungumza nikitumia lugha ya Kiswahili lakini majibu ya Waziri yameandikwa kwa lugha ya kimombo na naomba kwa fursa yako niweze kuisoma kama ilivyonakiliwa kwa kizungu.

**Deputy Speaker** (Hon. Mswabah Rashid): Permission granted.

**Hon. Wangudi:** Thank you very much Hon. Speaker.

*(Hon. Wangudi read the response letter)*

RE: INVITATION TO THE ASSEMBLY COMMITTEE MEETING ON 29TH MARCH, 2017.

This is in response to your letter dated March 22<sup>nd</sup>, 2017 Ref. CAC/ECM/GEM/VOL.II 122 to the above referenced matter. On the issue raised about the recruitment of the ECD teachers since the matter is being...

*(Interruption)*

**Hon. Amur:** Nakupa miwani yangu, vaa miwani.

**Hon. Wangudi:** Mheshimiwa Spika kidogo haionyeshi ndio maana ninapata tabu kusoma.

**Deputy Speaker** (Hon. Mswabah Rashid): Can you wear you specs, please.

**Hon. Wangudi:** Mheshimiwa Spika Mheshimiwa Amur analeta matani, nakala hii nilio nayo imefutika....

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Where is the original copy?

**Hon. Wangudi:** The original copy is with the Clerk, *Mheshimiwa Spika naomba niregelee kusoma....*

**Deputy Speaker** (Hon. Mswabah Rashid): Just give him time, Hon. Wangudi can you read it.

*(Hon. Wangudi continued reading the response letter)*

**Hon. Wangudi:** On the issue raised about the recruitment of the ECD teachers since the matter is being conducted by the Mombasa County Public Service Board, It would be prejudicial for me to comment on the issue.

*(End of response letter)*

The matter is before the Public Service Board and it is not right for him to discuss on the same issue Mr. Speaker and that's the issue with the CEC and that's the major issue; I just seek your direction on this matter *kama Kamati tunaweza kusema hapo tulipofika hatuwezi kusonga mbele kwa hatua nyengine na hili suala tunaliweka mbele yako na mbele ya Nyumba hili ili Waheshimiwa waweze kulijadili tuweze kupata suluhu la kudumu Mheshimiwa Spika.*

**Deputy Speaker** (Hon. Mswabah Rashid): Mheshimiwa Wangudi you have finish your presentation.

**Hon. Wangudi:** I think I should quote the response that, *'I am available to appear before the Committee to respond to any other issue on a date convenient for the Committee any time from next week due to confirmed appointment this week'.*

**Deputy Speaker** (Hon. Mswabah Rashid): Okay Members please be patient because your answer I can see is not satisfactory, you have not answered the question.

*(Applause)*

....and the Minister I think has referred you somewhere else so it was your duty for you to follow that matter with Public Service Board, so Hon. Wangudi i sent you to PSB this House need answers to that question, Members here don't speak on their own they are representing people from the ground, if a Member wakes up and asks a question that question does not come from him personally it comes from the people at the grassroots, so since that question is not answered i order you and the Committee to follow it up to the Public Service Board and bring the matter here within two weeks. Thank you.

(Applause)

**Hon. Wangudi:** Ahsante Mheshimiwa Spika ninaheshimu uamuzi wako lakini kama tunavyofahamu Mheshimiwa Bunge hili limefanya kazi na *department*, ni *department* iamrishwe kwa sababu hii inawekwa wa *department* ya elimu na kama unavyofahamu kutokana na Kanuni za Bunge na sheria ya *County Government Act* hatufai kwenda kuandama kila mmoja pale alipo isipokuwa kupitia kwa *executive*. Kwa hio naheshimu uamuzi wako na muelekeo wako lakini bado kuna tashwishi iwapo hatutatumia *executive Member* ofisi ya *department* ya elimu kupata jawabu kamili.

**Deputy Speaker** (Hon. Mswabah Rashid): So that is your business for you to do it, it's not the business of anyone, you are the Chairman find the route to go to Public Service Board, whether you go through the Minister or where that is your business. Thank you. Yes Clerk.

#### MOTION

Hon. Jimmy Odari, yes Hon. Patrick.

**Hon. Siminyu:** Mr. Speaker on behalf of Hon. Jimmy Odari he had communicated to me that he is feeling unwell so he was requesting that if possible we postpone the business in the afternoon he will be here because he had an appointment at the hospital.

**Deputy Speaker** (Hon. Mswabah Rashid): Okay if he is sick he is sick, its fine, yes Clerk.

#### ADJOURNMENT

Members this House is adjourned until afternoon.

The House rose at 10:31a.m.