



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 27th March, 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. Yes Clerk?

PAPERS

REPORT ON DISTRIBUTION OF LIVESTOCK TO GROUPS BY THE DEPARTMENT OF AGRICULTURE,
FISHERIES, LIVESTOCK AND COOPERATIVES

Yes Hon. Junior Wambua?

Hon. Wambua: Naam Spika mpango huu wetu tulio nao lakini kwa sasa nilikuwa tunaomba mtupatie wiki moja ili tuweze kujitayarisha kumaliza...

(Loud Consultations)

The Deputy Speaker (Hon. Mwalimu): Order! Order Hon. Members. Yes Hon. Renson Thoya?

Hon. Thoya: Bwana Spika sijui huyu Mwenyekiti Mwenza anakuwa na umaarufu gani wa kila wakati anaomba apewe muda, apewe muda hawa vifaranga kama wako basi saa hii wamekuwa wakubwa. Nasikitika alipewa mara ya kwanza wakaja wakasema ripoti ni gushi leo tunatarajia hapa tujue wakulima wetu wanaletewa vifaranga lini? Na marekebisha yale ambayo tuliyaona yeye bado anataka muda, huu muda ni upi? Ama yeye pia ana *collude* na wale wahusika tujue Bwana Mwenyekiti.

Hon. Wambua: Mheshimiwa Spika tulileta ripoti yetu katika Bunge na haikupita tukaambiwa turudi tena tuitengeneze kwa hivyo nafikiri wiki ijayo kila kitu kitakuwa sawa.

The Deputy Speaker (Hon. Mwalimu): Hon. Members it was the wish of the Chair that the Committee brings a report so that the report turns to a Motion and it be debated in this Honourable House so that the House can pass a resolution on a report concerning the distribution of livestock.

So Hon. Members let us give the Hon. Chair the time he has asks for a weeks' time so that when he brings the report you will have time to look upon the report and pick whatever you wish to pick from the report and deliberate on this floor of the House. So Hon. Chairman Agriculture we are giving you one week as you requested failure of which the Chair will direct on what will follow.

Hon. Wambua: Thank you Mr. Speaker.

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

STATEMENTS

RESPONSE TO STATEMENT BY THE LEADER OF MAJORITY HON. MWIDANI ON REIMBURSEMENT OF HON. MEMBERS AND STAFF WHO ATTENDED THE SIXTH ANNUAL DEVOLUTION CONFERENCE FROM 4th TO 8th MARCH

Yes Leader of Majority?

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker. Let me take this opportunity to give the Statement on reimbursement of Hon. Members and Staff who attended the sixth Annual Devolution Conference from 4th to 8th March. Mr. Speaker Sir, a request for Statement was made in this House regarding the reimbursement of Hon. Members and staff who attended the Devolution Conference.

Mr. Speaker Sir, my office wrote to the Clerk of the County Assembly, seeking to be furnished with a written response to the Statement. The County Assembly Clerk wrote to the County Executive Member for Finance and Economic Planning and the Chief Officer in the same Department, seeking further clarification. Subsequently, the County Assembly Clerk wrote back to me and I wish to report to the Assembly as follows;

1. The County Treasury is in the process of preparing the Second Supplementary Budget 2018/2019, hence the IFMIS system was closed from Monday, 4th March, 2019 to-date. The earlier report that was presented in the morning had a typographic error, I regret for those anomalies.
2. Our Central Bank of Kenya Recurrent account balances are not sufficient to pay for the Kirinyaga claims. Our request for funds which is dated 7th February, 2019 has remained pending for approval of payment for a long time hence disbursement of funds from the National Treasury has not taken place. However, yesterday evening, 26th March, 2019 the County Executive Committee Member (CECM), Finance approved the request and the process for funding of the Assembly has started. We expect to get funds God willing, before Friday, 29th March, 2019.
3. Mr. Speaker, members and staff who attended the conference are yet to submit their claims for reimbursement to the Finance and Accounts department so as to enable us proceed with the preliminary task of processing individual payment vouchers.

Thank you Mr. Speaker.

(The Deputy Speaker (Hon. Mwalimu) exited the Chair)
(The Temporary Speaker (Hon. Bwire) in the Chair)

The Temporary Speaker (Hon. Bwire): Yes thank you the Leader of Majority, it seems Members want to react. Yes Hon. Amur?

Hon. Murfad Amur: *(Off microphone)* ...But Mr. Speaker what we are trying to see is the rights of the Assembly being infringed; sometimes the Executive Members travelled and they were paid, what subjected us from being paid then? To be caused all this embarrassment and for what, what did it cause the Executive to be paid and the Assembly Members not to be paid? We want to know what was the criteria used also, how the Executive was paid and the Members of the County Assembly were subjected to denial of their rights?

They have embarrassed us to be waiting for our monies Mr. Speaker, we are more important than the Executive we are an Assembly who are supposed to be oversight, representation and then we are being left behind and first priority is given to the Executive, this is not acceptable. Thank you.

The Temporary Speaker (Hon. Bwire): Yes Hon. Faith Boniface?

Hon. Mwende: Thank you Mr. Speaker. Mr. Speaker I fail to understand if the request was made on 7th February why did it take so long for them to reply on 28th February? Mr. Speaker that shows there is sabotage from the CEC, Finance and measures have to be taken on this specific Executive Committee Member.

Mr. Speaker it is very much embarrassing the system we are told they were closed on 4th March and it was stated very clearly it will only take 10 days of which the 10 days we will have elapsed on 15th or 16th...

(Interruption)

The Temporary Speaker (Hon. Bwire): Go on Honourable.

Hon. Mwende: ...So Mr. Speaker the Executive Committee Member should come out clearly and explain to this Honourable House what occurred in between for her to fail to pay the Hon. Members on time. Thank you Mr. Speaker.

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

The Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Mwenyekiti. Katika barua ya Afisa Mkuu kipengele cha pili Mheshimiwa Mwenyekiti inasema; *'...In this regard, the IFMIS system shall be closed from Monday 4th March, 2019 therefore advise your requestors in the system to cease operations from then so as not to interfere with the supplementary budget preparation process...' kuanzia tarehe 4 Mheshimiwa Mwenyekiti.*

Leo Kiongozi wa Wengi amekuja anatuambia kwamba *'...however, yesterday evening, 26th March, 2019 the County Executive Committee Member (CECM) Finance approved the request and the process for funding of the Assembly has started. We expect to get funds God willing, before Friday, 29th March, 2019...'.*

Mheshimiwa hii ni picha dhahiri kwamba *supplementary* imefanyika bila kupitia katika Bunge hili Mheshimiwa Mwenyekiti kinyume na sheria. Mheshimiwa Mwenyekiti ni lazima tuweze kutenda haki na ikiwa tutakwenda katika njia hii hatutakuwa hatujaitendea haki wananchi wa Mombasa, hatujajua nini iko katika *supplementary budget*, kitu gani kimeweza kutolewa, kitu gani kimewekwa, gani imepunguzwa, gani imeongezwa? Leo hii tunakuja tunakubali kwa kuwa tunataka kulipwa marupurupu yetu tupitishe kitu kama hichi Mheshimiwa Mwenyekiti itakuwa si jambo la sawa. Ahsante.

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

Hon. Omondi: Thank you Mr. Speaker Sir. What has happened should be condemned with the strongest terms possible; It is very sad that the same Executive did pay for the registration of the Members to attend the conference, I thought at the time when they were paying for the registration they knew very well that they were supposed also to plan or to budget for the Members upkeep while they are at that particular conference.

But I fail to understand why after even we attended this conference it is about one or two weeks down the line and nothing seems to be happening, maybe what we can say is that somebody somewhere is sabotaging the good work of this Assembly contrary to what they should be doing because they should be providing a very good environment for this Assembly to execute its duties and therefore I would like to urge the responsible person to move with speed and ensure Members are actually paid. Thank you Mr. Speaker.

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

Hon. Thoya: Mr. Speaker Sir, I want to take you to the note from the Chief Officer, Finance it reached the Office of the Clerk on 28th of February, 2019 it is now a month that this issue is coming to this House. I will be very happy if we need to understand what has been happening for the better part of 30 days. *Wajua nataka usikie vizuri.*

The Temporary Speaker (Hon. Bwire): Am all yours Hon. Member.

Hon. Thoya: ...Barua hii ilifika katika ofisi ya Karani wa Bunge hili tarehe 28 mwezi wa pili na leo ni tarehe 27, takriban siku 30 kama sikosei; je kwa siku hizi 30 mambo yote yamekuwa yamesimama, vile vile ikingojea sisi tupitishe *supplementary budget*. Tunataka kujua hivyo vitu vimeendelea kwa siku 30 kwa sababu tuko na tetesi kwamba ile *supplementary budget* ina *uploadiwa* kama sijui Kiswahili vizuri mtu ataniambia hizo ni vitu tunataka Afisa Mkuu aweze kujitokeza kwa Kamati na sisi tutakuwa pale tujue kwa sababu tunataka kujua je haya maneno yanayozungumzwa kwamba hii *supplementary budget* is being uploaded, ni kweli ama ni maneno tu kwa sababu tunaweza amua tusiliangazie hilo tuingie katika kumbukumbu za kuambiwa tumezembea katika utendaji kazi wetu wa kupiga darubini.

Ni hatia, ni kinyume cha Katiba kwamba *supplementary budget* itaendelea bila kupitia Jumba hili, kwa hivyo hayo mambo yanataka ufafanuzi wa kina Bwana Mwenyekiti. Thank you.

The Temporary Speaker (Hon. Bwire): Yes Hon. Lucy Chizi your opinion please?

Hon. Chireri: Ahsante sana Mheshimiwa Spika saa hii nimeamua kunyamaza yote yatakayozungumzwa ni sawa. Ahsante.

(Applause)

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

Hon. Nzai: Thank you very much Mr. Speaker Sir to have given me this chance to also express myself. First and foremost I want now to move from the sleeping bed to the walking position. I have learnt so many things and it is time now to see by your naked eyes; Mr. Speaker Sir having the report on my hand the dating of the Finance Department does not tally with the time, I was wondering why some unknown words were being used like stamp MCAs what and call... I believe these were some of the reasons some issues were being prepared and passed without our knowledge, it is high time I urge this House to peruse each and every document that will be tabled in this House because...

(Interruption)

(Applause)

I am seeing there is a need and concern, our people are suffering on the ground at our expense and cost. Thank you very much.

The Temporary Speaker (Hon. Bwire): Yes thank you Hon. Member. The issue at hand is a bit critical and it touches on finance and no business can be transacted anywhere without finance. That must be taken into consideration and it is also as Hon. Kitula, the Chief Whip has stated it seems there are some contradictions according to him. I will just want to make a ruling on the same, the Finance Committee in conjunction with the PAC to invite the Chief Officer to deliberate on the same but still...

(Interruption)

What is it Hon. Thoya? You are given a time to speak, why sitting down?

(Hon. Thoya off microphone)

What is it Hon. Thoya?

Hon. Thoya: You make me laugh Mr. Speaker when you say that you are ruling that Finance and PAC...

(Interruption)

The Temporary Speaker (Hon. Bwire): You do not laugh at the Speaker's directives.

Hon. Thoya: We are going to laugh Honourable, but it is only in Mombasa County Assembly whereby we see the Members of Finance being the same Members in PAC...

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(Interruption)

The Temporary Speaker (Hon. Bwire): You are out of order Hon. Member! Now kindly allow me to give direction...

(Interruption)

You have wasted time Hon. Members...

(Loud consultations)

Now kindly allow me I want to put it to rest; as I have said earlier the issue needs to be looked into and the Assembly is really suffering nobody can run out of that or away from that mark timing. Allow me to commit this issue before the Committee of Finance to deliberate on the same and bring here the responses on their meeting between them and the meeting between the Committee and the Chief Officer next week on Wednesday. So the Committee take note of the same I believe the Assistant Chairperson on Finance is around, so kindly please?

The Leader of Majority (Hon. Musa Mwidani): Okay Mr. Speaker you know I cannot deny your ruling but actually it is very clear; I stated very clearly and very openly that our Central Bank of Kenya recurrent account balances are insufficient, on 7th we requested to be given money but actually it was not approved but good enough yesterday when we had a discussion with the Speaker and CEC and the approval was done right away. Mr. Speaker the way we are talking somebody is now in Nairobi processing this fund and this is what I said, that is why I am saying God willing before 29th February, 2019, 29th February *ni kesho kutwa* Mr. Speaker.

(Interruption)

The Temporary Speaker (Hon. Bwire): This March Hon. Member. February was last month and this is March.

The Leader of Majority (Hon. Mwidani): No, March sorry! March not February I am sorry...

(Interruption)

The Temporary Speaker (Hon. Bwire): The Majority Leader is on the floor.

The Leader of Majority (Hon. Mwidani): It is 29th March, 2019 which is this coming Friday so let us have that time because somebody is in Nairobi now processing the same.

The Temporary Speaker (Hon. Bwire): I agree with you Hon. Member and of course...

(Interruption)

Order! Order Members! Of course I am with you on the same, my directive is that failure to what you have promised the House then you need to bring another Statement after your meeting with the Chief Officer.

We have no doubt with your response of course it was written by the Department and we are saying that failure to the availability of resources by the date you have already committed here, kindly make effort to meet the Chief Officer but in case you will do as per your response then I think nobody has a problem with you all we are asking...

(Interruption)

Order Members! I am giving out a directive you want to debate again! This is a directive we are making, you do not interrupt when the Speaker is giving the directions. So let us give it the benefit of doubt Hon. Members, please Friday is a day after tomorrow so failure to that Hon. Majority Leader next week you have questions to answer and that is why I have directed your Committee under your Chairmanship since the Chairperson is not within to bring a Statement in case you fail to avail the resources on Friday. Yes Clerk?

STATEMENT

Yes Hon. Prischilla Mumba?

(Hon. Mwaka Bakari stood)

Yes Assistant Chairperson, Hon. Mwaka?

Hon. Mwaka Bakari: Ahsante sana Mheshimiwa Spika. Kulingana na hino ripoti itakuwa tayari kufikia kesho saa nane...

(Interruption)

The Temporary Speaker (Hon. Bwire): Thank you. What is it Hon. Amur?

Hon. Murfad Amur: Mr. Speaker it is becoming unbearable! The Transport Department whenever we request for Statements even if you check the list of last week there have been requesting for this week, this week, next week! Mr. Speaker how long are we going to be taken for granted?! Thank you, Mr. Speaker.

Hon. Mwaka Bakari: Ningependa kumhakikishia kwamba kufikia kesho saa nane ripoti itakuwa.

The Temporary Speaker (Hon. Bwire): Yes Hon. Athuman Shebe?

Hon. Athuman Shebe: Thank you Hon. Speaker. Mr. Speaker I just want to add salt to the injury because this issue of Transport has become too much. We are talking about a whole month like; a whole month has just passed. Tomorrow! Tomorrow! Tomorrow! Tomorrow never comes Hon. Speaker until when?! These people are going to take charge if they cannot exercise their authority.

Please it is high time I think we should consider Hon. Speaker to dissolve this Committee because I do not see the reason why every other time we come here we raise a Statement, tomorrow, next week probably on Tuesday in the morning.

So I think is becoming too much, it is a waste of time and it is abuse to this Honourable House, I need your indulgence in this so that we can solve this issue once and for all Hon. Speaker. Thank you.

The Temporary Speaker (Hon. Bwire): Thank you Member, yes Hon. Amriya?

Hon. Amriya Boy: Mr. Speaker the floor is highly honoured. Mr. Speaker thank you for giving me the opportunity; I just wish to add my voice to this, it is on the last Thursday when you gave a direction to the Chair of the Committee and it is in that regard that you gave the directions that the response should come on Thursday as per the Standing Order 42(c).

So Mr. Speaker I am in agreement with the Vice Chair and the Chair because they (??) that the response should be due tomorrow and it is why we are at this because they were some changes at the House Business and I do not think that it was duly passed to the relevant Chairperson and Vice Chair. So in my opinion since your direction was with regard to these responses were to come tomorrow it is in their right as per the right to fair hearing it is their right that response should come tomorrow and there should be no complaint because that was as per your direction Mr. Speaker. Thank you.

The Temporary Speaker (Hon. Bwire): Yes thank you, Member indeed I remember very well giving a ruling on the same and it is the chairperson who promised that they were in consultation and that they will bring the response next week, which is this week tomorrow, that was the Chairperson's response on last week and indeed on the response on a Statement number eight (8) as well as number nine they were to be brought tomorrow but I think it is just some common errors made by the House Business Committee to bring this business so kindly as the Assistant Chairperson has asked and the entire Committee to bring the response tomorrow as directed last week by the Chairperson. Yes Clerk?

STATEMENT

The same applies tomorrow, Clerk?

STATEMENT

Yes Hon. Ibrahim Omondi, Chairperson on Education?

Hon. Omondi: Mr. Speaker Sir thanks once again for this opportunity. I want put it clear to this Honourable House that the Committee of Education sat and we deeply deliberated on this matter because it has been coming time and again and therefore the Members decided that the CEC for Education Department, the Chief Officer and all Directors for this Department be called for a meeting that is on Friday and we have already done our letter Mr. Speaker Sir.

They have confirmed verbally that they will come although they have said they are also going to respond through a written information and therefore on Friday we shall be having the CEC, we shall be having the Chief Officer and all the Directors of Education in the Committee room at 11:00am. And also Mr. Speaker Sir I want to request... that is regarding the bursary issue and also the issue on supply of tools and equipment on the ECDE centers there are also issues on renovation, issues of school milk all of those issues we shall have to deliberate on them deeply let us hear from the horse's mouth, this time not from the Chair but from the horse's mouth.

Mr. Speaker I think it is very important for the Members and therefore Members I have an evidence that indeed we have already called, whatever if you may...

(Interruption)
(Laughter)

I have evidence Mr. Speaker Sir if you maybe in need I can bring it forward Mr. Speaker.

The Temporary Speaker (Hon. Bwire): Allow me to have it and see it...

(Hon. Omondi tabled communication with the officers from Department of Education)

Hon. Omondi: Thank you Mr. Speaker. Mr Speaker as I finish I just want to take this opportunity on Friday at 11:00a.m in the Committee room we would like as Education Committee to invite all the Members who will be interested, as the *amicus curie* in that particular meeting...

(Applause)

So as to deliberate on the matter, thank you Mr. Speaker Sir.

(Low Consultations)

The Temporary Speaker (Hon. Bwire): Thank you Hon. Chairman. Hon Chair I think this issue was discussed last week and I gave directives appealing to you and your Committee to come back to this House and tell us whether you need the CEC Member plus his team to appear before the Committee or before the entire House and to me I can just confirm the letter written to them, I have no responses neither do you have one, from them or for them you have no response for them saying whether they will come or not.

Hon. Omondi: It is yet to be confirmed Mr. Speaker Sir, although I said it was verbally, they only responded verbally that they will come but they are yet to write to communicate officially, of which they say they will do. Thank you.

The Temporary Speaker (Hon. Bwire): So I want to urge you Hon. Member that when you write a letter to any Department, seeking a response kindly stick on a written response as well, this issue of verbally what if they come here and then they say we never responded verbally, we were not in a position to come! What if they write a letter tomorrow asking you to allow them come before your Committee before next week, what will you tell the House?

So let us treat as you have served them with a letter and they have not responded yet, so sit and wait for their response; but Hon Chair I have no problem with you, neither the House has any problem with you we understand and know the work and the role you are playing.

So kindly communicate and we need an official written response tomorrow in the afternoon, so tomorrow at 2:00p.m bring a written response from the CEC Member confirming that they will be attending your meeting on Friday...

(Applause)

Yes, Clerk.

RESPONSE TO STATEMENT BY CASB MEMBER HON. MURFAD AMUR ON ACCESS TO INFORMATION
WITHIN THE COUNTY ASSEMBLY

Yes, Hon. Murfad Amur?

Hon. Murfad Amur: Thank you Mr Speaker. Mr Speaker we are in process of doing what has been requested by my learned friend Amriya Juma Boy, we are thinking of starting from the previous County government when it started devolution. There was that past previous Assembly so we are in process in doing both boards, for the accessibility of information of the Members on who is who; who has been elected twice or thrice so we are in the process of doing that board, we will be availing all the information on the notice board Mr. Speaker, thank you.

(consultations)

The Temporary Speaker (Hon. Bwire): I am made to understand that you are the one who issued the Statement, yes so what is your concern?

Hon. Amriya Boy: Thank you Mr Speaker. Mr Speaker, I am concerned that the previous speaker Mr. Amur has not given reliable timelines to work with because we have to appreciate that access to information is a basic right under the Bill of Rights, under the Article 35, that it is a non negotiable right and we need to take (??) of importance, such Members of the public have the information they require. So my concern Mr. Speaker is the timelines the Board will work on and when we are expecting to see results. Mr. Speaker his response is a bit open, thank you.

The Temporary Speaker (Hon. Bwire): Hon. Amur just give the timeline, when are you responding on the same?

Hon. Murfad Amur: With all due respect my colleague Mr Speaker Sir, the consent of this Assembly is the partial matter; even if we want to do it, so once the financial uploading has been done then the rest will be followed because even if we have to do this we need money, so since the money is a problem I cannot give a date unless the money is available Mr. Speaker once the money flows...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order! Order Members! Hon. Members does it mean we suspend the business of this County Assembly till we find the resources?

Hon. Murfad Amur: Again Mr. Speaker it is the same Members who travelled using their money, the constraints of the money is the issue, it is an issue of LPO's or what even our LPO's are no longer wanted for your information.

The Temporary Speaker (Hon. Bwire): So are you not in a position to tell us when you will be responding to that?

Hon. Murfad Amur: I have to consult with the full Board Mr. Speaker to give a date, I cannot just give a date blindly.

The Temporary Speaker (Hon. Bwire): Hon. Amur you have two weeks to respond.

Hon. Murfad Amur: Thank you Mr. Speaker.

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

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON WATER, SANITATION AND NATURAL RESOURCES HON. FAHAD KASSIM ON WATER SHORTAGE IN JOMVU KUU WARD

Yes, Hon Fahad Kassim, Chairperson on Water, Sanitation and Natural Resources?

(Silence)

The Vice Chair, any Committee Member?

Hon. Athman Shebe: Alama ya kiamrishi Mheshimiwa Spika! Nasimama na alama ya kiamrishi!

The Temporary Speaker (Hon. Bwire): Yes.

Hon Athman Shebe: Ahsante sana Mheshimiwa Spika kunipatia...

(Interruption)

The Temporary Speaker (Hon. Bwire): Are you responding on order number 12? A point of order, then allow me to make a ruling on this; yes since the Chairperson on Water, Sanitation and Natural Resources, plus the Vice Chair are not in the House, let this business be brought next week.

Hon. Athman Shebe: Point of order Hon. Speaker!

The Temporary Speaker (Hon. Bwire): Yes?

Hon. Athman Shebe: Mheshimiwa Mwenyekiti, taarifa hii niliileta Bungeni wiki iliyopita nikikumbuka vizuri sana Waheshimiwa na tukiangalia katika maisha ya mwanadamu vitu viwili ni vya msingi mno ambao haviwezi kupatiwa kisogo. Mheshimiwa Mwenyekiti hewa na maji; maji ni uhai, vipi leo hii taarifa imekuja hapa Mwenyekiti wa maji, Naibu wake na Waheshimiwa wote wamechanja mbuga! Hii ni madharau makubwa sana, watu wangu Jomvu wanakufa maji, hakuna maji ni wiki ya pili, kwa hivyo ningeomba Mheshimiwa Mwenyekiti hili si swala la kusema wiki moja naomba hatua dharura ichukuliwe kupitia busara yako.

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Tafadhali hili ni suala ambalo halihitaji kabisa kusongezewa muda, tafadhali na Mheshimiwa Naibu nimemuona hapa, lakini amechanja mbuga, Wanachama wamekuwa hapa wamechanja mbuga. Sasa hii inakuwa namna gani Mheshimiwa Mwenyekiti? Tafadhali nakuomba hili si swala, ni maji tunazungumzia kitu maswali ya uhai.

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

Hon. Thoya: Mheshimiwa Mwenyekiti ni vizuri kwamba anaongea; kwamba Wanachama wamechanja mbuga, mimi ni mmoja ya Wanachama lakini katika wale ambao walitoa hizo tetesi, mimi ni mmoja wapo tukilalamikia kwamba Jomvu na Mikindani kuna utesi wa maji na tukasema kabla hiyo mambo ya mabomba kutengezwa tutoe kitu inaitwa *mitigation factors*, hio ndio imenizua kwamba sijasimama, kwa sababu mimi *am interested party in this*, tunataka jibu mambo ya wiki ijao itakuwa ni makosa tulisema kama ni malori ya maji yaletwe watu wetu washikilie, wakati wakitafuta suluhisho la kudumu, hatujachanja mbuga tuko hapa lakini sisi pia tuko ndani ya lile kapu la wale watu wanateseka kuhusu maji. Ahsante.

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

Hon. Omondi: Mr. Speaker Sir thank you for the opportunity. I just want to stand with the two Hon. Members; who have just given their sentiments on this issue, indeed this is a grave matter. As we are speaking and it has touched in almost all the Wards in Mombasa County, Airport Ward where I represent being one of the casualty it is indeed very wrong even before God, in fact I can call it a sin, that today when we are expecting a response for such a serious matter, we do not have any of the Members, responding on it...

(Interruption)

The Temporary Speaker (Hon. Bwire): Member do not mislead the House. Hon. Thoya has just confirmed that he is indeed a Member of the said Committee, so it is not that Members have run away you still have Members but they have no responses.

Hon. Omondi: Yes, Mr. Speaker Sir thank you for that clarification but Mr. Thoya who is my friend has just confirmed that he is also a casualty, and there is no way he can stand here and even defend the same Committee, he has just confirmed that here that he is also a casualty...

(Applause)

And therefore Mr. Speaker Sir something should be done, because we are not going to wait as you can see, even in this Honourable House I think there is something wrong in the Water Department and it is time to crack the whip we need to struck the weep in this Department...

(Applause)

Mr. Speaker Sir just to finish, four weeks ago.

The Temporary Speaker (Hon. Bwire): You still have 30 seconds Hon. Member.

Hon. Omondi: Yes I will adhere to that; four weeks ago when I was being interviewed through a local radio in Baraka FM, residents, most of the Mombasa residents were calling and they were telling me you have started by cracking the whip, now they were telling me the next should go to the Water Department...

(Applause)

And you can see what is now happening. Thank you.

The Temporary Speaker (Hon. Bwire): Order! Order! Members. Yes the Chief Whip.

The Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Mwenyekiti, labda tu kusaidia Wanakamati wa maji. Nafikiri ni miezi mitatu iliopita, Idara ya Maji iliweza kutangaza kandarasi ya kuweza kupeleka maji katika sehemu kadha ya Kaunti ya Mombasa kupitia ma lori, labda Kamati iweze kwenda kuchunguza ma lori yanapeleka mahali gani na orodha ya kupeleka katika Kaunti ya Mombasa iko vipi, lakini ma lori yako na yanapeleka Mombasa Kaunti maji kutumia MOWASCO Mheshimiwa Mwenyekiti tayari yako hayo ma lori.

The Temporary Speaker (Hon. Bwire): Yes, Hon. Milka Ngare.

Hon. Ngare: Thank you Mr. Speaker Sir. I just want to express my disappointment towards the Committee of Water; if they knew they had a response to bring today and they were not going to be available especially the leaders they should have delegated because water is a very important commodity, and it is not only in the Wards which have been mentioned, even in Kisauni by the way we are suffering we do not have water.

That is why I am agreeing with some of the Hon. Members who have echoed the wish that we should dissolve this Committee, and to be given to more serious people to carry out the mandate, so the sooner we do it the better so that we can get serious with a Committee like water where the commodity is a matter of life and death.

So I hope you are going to consider that request, that soon we should and it is good that the Majority Leader is here in the House, he should consider dissolving all the Committees so that we can put proper people in place. Thank you Mr. Speaker Sir.

(Applause)

The Temporary Speaker (Hon. Bwire): Yes Hon. Member from Mwakirunge?

Hon. Mbura: Ahsante Mheshimiwa Spika kwa kunipa nafasi hii. Nikiwa pia mmoja wapo wa Mwanakamati wa Maji na hata juzi pia juma lililopita nilisema kwamba siko tayari kubeba mzigo ambao si wangu.

Kusema kweli Kaunti ya Mombasa haina maji; kabla hata sijafika Mwakirunge Mombasa nzima haina maji halafu wacha niingie Mwakirunge nikikuonyesha picha za Mwakirunge kama vile ninavyo ongea kila siku katika Bunge hili...

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(Interruption)

The Temporary Speaker (Hon. Bwire): Order! Hon. Amur kindly consult in low tone.

Hon. Mbura: Ahsante sana. Kama vile ninavyoleta taarifa siku zote katika Bunge hili kwamba Mwakirunge hakuna maji, sasa hivi wamama wanakesha visimani, watoto wanakesha visimani, masomo yamekua duni kwa sababu watu hawawezi kumakinika kwa sababu ya maji. Mchana huu wa leo Kiranja wa Bunge amesema kwamba malori yako mimi kila wakati nampigia Afisa Mkuu wa maji hata leo nimempigia na akasema hakuna malori sijui Kiranja atanisaidia vipi ili niweze kupata hayo malori yaende Mwakirunge lakini kila wakati nawapigia simu na wanasema hakuna malori. Kwa hivyo kuna jambo lifanyike katika hii Kamati ya Maji ili watu waweze kusaidika. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): Yes I will take the last speaker, Hon. Leila?

Hon. Nyache: Ahsante sana Mheshimiwa Spika. Mimi pia nimesimama hapa ni Mwanakamati wa Maji na pia ningependa kueleza Bunge hili sisi kweli ni Wanakamati wa Maji lakini tumeshindwa kusimama maana bado ripoti tunaitayarisha na haijakamilika ikija ikikamilika tunaomba Bunge hili watupatie nafasi mpaka wiki ijayo kama Jumanne tunaweza kuja na hio ripoti kwa sababu ni juzi tu hapa Mwenyekiti wa Uchukuzi amehangaishwa sana kulingana na ripoti ambazo amekuja nazo hapa Bungeni ambazo si za kuridhisha na sisi hatungependa kusimama na kutoa ripoti ambazo si za kuridhisha maana yake masuala ya maji ni nyeti na yanahitaji umakini na...

(Interruption)

The Temporary Speaker (Hon. Bwire): Yes a point of information! Hon. Leila are you ready to be informed?

(Interruption)

Hon. Thoya: I am informing the House Mr. Speaker!

The Temporary Speaker (Hon. Bwire): Ok.

Hon. Thoya: Mr. Speaker it is just very sad to have somebody who has not been in this House for around one week either he or she was ailing somewhere he or she is not aware of that Statement or when it was being asked...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order Member whom are you referring to? You must be specific...

(Interruption)

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Hon. Thoya: I am referring to Hon. Leila Nyache, she has not been in this House for around two weeks when the Statement was being asked she was not in...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order Member! Order! Order Hon. Member...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order Honourable Member!

Hon. Thoya: She was not in Mr. Speaker...

(Interruption)

The Temporary Speaker (Hon. Bwire): Hon. Member I say order you sit down, all of you sit down please. Hon. Member we have the Hansard, the records of whoever is present always are taken so you do not contradict yourself, you do not say if a Member has been absent for two weeks and the records are taken you see they are those issues of integrity and leadership. What of if it is found that she signed, she was there and yet you have said here today that she was not there and it has been recorded. So kindly be very keen on what you say so that you do not either contradict yourself or your fellow Member.

Allow me now to make a ruling; I have heard your concerns and this issue is not a one Ward issue, it is affecting the entire County and the reports I have is that the letter was written and submitted to the Department concerned, the response came but the Clerk had to take it back because it was not an official response, it was not signed and I think that is why the Hon. Member was talking of half-baked information or half-baked response that they did not want to submit to this House so the responses were taken back and we are expecting to have an official response from the Department.

Meanwhile I want to urge the Committee to do a follow-up on the same so that next week on Tuesday you bring the response; we have tomorrow, Friday, Monday then Tuesday make sure because so many Wards are affected it is only that some of us we cannot complain that much. So kindly that is my directive if you have anything to do with that it is closed kindly allow because Hon. Members are all aware that it is not your fault, neither someone's fault as all these issues are being tackled by the Department so there is no way you can force the Speaker to make a ruling that will favour this House, again nothing will be done on the same.

So it is just a matter of giving the Committee time to do a follow-up to make sure the issue is tackled because when you, Hon. Thoya and Hon. Athuman I know where you are coming from, I know the problems you are facing and almost of all these Members are facing the same. So kindly you have persevered for the last almost four to five weeks and I know you are only required to persevere for the next three days then you get the response next week please. Yes Hon. Athman.

Hon. Athuman Shebe: You see Hon. Speaker even the tone of my voice has changed...

(Interruption)

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The Temporary Speaker (Hon. Bwire): I understand.

Hon. Athumani Shebe: You have to sympathize with me please as there are some issues you can through your indulgence just try to communicate; the water boozers are just lying there in MOWASCO so giving me one week Hon. Speaker with all due respect my people are dying of thirst do something please we can wait for the Committee to finalize their process but we cannot wait for these people to die please.

The Temporary Speaker (Hon. Bwire): Thank you. I have heard you Member, the House leadership will take up the matter as you wait for the response from the Department so kindly the House leadership under the able leadership of Hon. Hamisi who is the Majority Leader will take up the issue with the Executive as we wait for the response...

(Applause)

But do not praise him I have just asked him to do it on our behalf as we wait for response next week. So if anything good comes out of this before the response we will appreciate. Hon. Majority please, thank you. Yes Clerk?

(Interruption)

What is it Hon. Ogutu?

Hon. Ogutu: Ahsante sana Bwana Spika. Bwana Spika tuliomba taarifa kuhusiana na masuala ya Magongo Clinic *drainage system* pale ni mbaya kweli kweli na mvua nafikiri kuanzia wiki ijayo itaanza kunyesha na imechukua takriban mwezi mmoja sasa sijui Changamwe si sehemu mojawapo ya Kaunti ya Mombasa? Iko Kwale? Kesho nianze kuripoti Bunge la Kwale maana yake hilo jambo halijachukuliwa na umuhimu ambao unahitajika Mheshimiwa Spika naomba utusaidie.

The Temporary Speaker (Hon. Bwire): Thank you it has been noted Hon. Abrari I saw you up. Yes Hon. Athuman kindly let us wind-up.

Hon. Athumani Shebe: Ahsante sana Mheshimiwa Mwenyekiti. Pia mimi Mheshimiwa Mwenyekiti ni muathiriwa mkubwa sana wa masuala ya Ardhi katika eneo langu la Jomvu na nilileta taarifa hapa nakumbuka Mheshimiwa Mwenyekiti mwezi jana lakini sijui ni kitu gani kilitokea?

Shule ya Chekechea Mheshimiwa Mwenyekiti inanyakuliwa ardhi yake na vile vile pia tuna *recycling plant* yetu ya pale Dzitsoni pia vile vile ardhi inanyakuliwa tafadhali naomba Mwenyekiti wa Ardhi aweze kutembelea yale maeneo ni masuala ya dharura sana masuala ya Ardhi nilileta taarifa hapa na ikapitishwa na sijui ni kitu gani kilifanyika Mheshimiwa Spika tafadhali ahsante.

The Temporary Speaker (Hon. Bwire): I think the Vice Chairperson on Lands is with us here and you have taken note of the same. So arrange on how you can have a site visit on the affected area and bring the Statement in two week's time. Thank you. Hon. Shomari?

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Hon. Ali Shomari: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Mimi ningependa kuchangia kwenye suala la maji hili ni suala ambalo linaumiza watu sana Mheshimiwa. Inasikitisha sana kuona...

(Interruption)

Temporary Speaker (Hon. Bwire): Order Hon. Member! I have made a ruling on the same and I gave the directives by saying that the Majority Leader to intervene as you wait for the responses next week. So let us wait for next week.

Hon. Mohamed Shomari: Mheshimiwa itakuwa watu wote washakufa...

(Laughter)

The Temporary Speaker (Hon. Bwire): We cannot die God is with us. Yes Hon. Leila?

Hon. Nyache: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii tena ya pili. Mheshimiwa Thoya hapa ananiambia nimumunye sijui kama ya mumunywa ama ni vipi? Atanisamehe kidogo, mimi suala langu Mheshimiwa Spika nimesimama kupitia kipengele cha 41 Kanuni za Bunge ningependa kuuliza Mwenyekiti wa Ajira Mheshimiwa Thoya kama ana habari ya kwamba mwaka jana kulikua na vijana wakijaza hizi fomu za matibabu za kazi ya ubaharia na wamejaza vijana wengi sana hizo kazi za ubaharia na walitumia...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order! Order Member! Which Department are you referring to?

Hon. Nyache: Labour.

The Temporary Speaker (Hon. Bwire): Labour, ok.

Hon. Nyache: Ahsante sana Mheshimiwa Spika. Ningependa muweke masikio vizuri Bunge hili musikize maneno haya ni mazito; ningependa kumuuliza Mwenyekiti wa Ajira ya kwamba kama habari mwaka jana wote kuna vijana walikua wakijiandikisha katika hizi za ubaharia na walipewa fomu wajaze za matibabu na wakaitishwa pesa kuanzia Kshs.5000, Kshs.6000, Kshs.8000 wengine Kshs.12,000 Mheshimiwa Spika.

Mpaka sasa hizo kazi vijana hawajaitiwa sijui kama kuna baadhi wameitwa mimi sijajua wenzangu labda wataeleza lakini hakuna kijana mimi sehemu yangu aliyeitwa katika hiyo kazi wala hayo mafunzo.

Vijana wengine walikopa pesa zao; walikopa hizo pesa za matibabu kuenda kupimwa hizo hali zao ni masuala ya kusikitisha maana yake mama zao wenyewe wengine ni watu wa kuchoma viazi, wa kuchoma mahamri wakajibambanya wakapata zile pesa na wakawapatia watoto wao kwa hamu anajua mtoto wangu ataenda kupata hii kazi atanisaidia.

Mheshimiwa Spika ni masikitiko mpaka leo vijana hawajaingia kazini saa zote mimi nafuatwa ndani ya nyumba na kuulizwa...

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(Interruption)

The Temporary Speaker (Hon. Bwire): Thank you Hon. Member your point is taken.

(Interruption)

Hon. Nyache: Mheshimiwa Spika naam?

The Temporary Speaker (Hon. Bwire): You see you have raised a Statement and the Chairperson on Labour and the entire Committee will work on it, your concerns are taken.

Hon. Nyache: Sawa, ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): And you might be invited as a friend of the Committee also to give an insight on the same.

Hon. Nyache: Ahsante Mheshimiwa Spika ningeomba afuatilie jambo hili huyu Mwenyekiti wa Ajira tafadhali. Ahsante sana.

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

Hon. Thoya: Bwana Spika nafikiri langu pia ni rai kwamba kuna unyakuzi wa ardhi za shule na Kamati ya mambo ya Elimu iliweza kutembelea Saint Mary's, Bangladesh na wakaona hivyo vikwazo kwamba hata kuna mipango ya kwamba shule ijengwe pale lakini bahati hio tutaikosa kwa sababu uwanja umenyakuliwa wakati wakiwa wanaangalia.

Lile tatizo liko kule Jomvu wapitie na pale Mikindani Saint Mary's muweze kutatua hilo tatizo ili iwe neema ambayo serikali gatuze ya Mombasa imetupangia tuweze kuipata. Ahsante.

The Temporary Speaker (Hon. Bwire): Thank you the Vice Chairperson you have heard, a Statement Hon. Shomari?

Hon. Mohamed Shomari: Yes I have a Statement.

The Temporary Speaker (Hon. Bwire): Hon. Shomari you will be the last speaker.

Hon. Ali Shomari: Ahsante sana Mheshimiwa Spika kwa kunipatia fursa hii. Mimi niko na taarifa kutokana na Wodi yangu ya Magogoni haswa kwenye kitengo cha Elimu. Kwa kweli Magogoni imetengwa sana hakuna mradi hata mmoja wa serikali ya Kaunti ambayo imefanya katika Wodi yangu.

Kwa hivyo kiwanja niko nacho ningeomba wahuika waweze kuja katika Wodi yangu tutawaonyesha kiwanja ambacho kimetengwa ili iweze kujengwa hata kama ni ECD hata na mimi niweze kuacha *legacy* pale niseme angalau Mheshimiwa Ali Shomari aliweza kusukuma kidogo kukajengwa ECD katika Wodi yangu ya Magogoni. Naomba sana Mheshimiwa Spika. Ahsante sana.

(Applause)

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The Temporary Speaker (Hon. Bwire): Thank you Hon. Member, the Committee on Education has taken point and it will work on the same. Yes Clerk?

ADJOURNMENT

Hon. Members there having being no any other business the House stands adjourned until 28th March, 2019 at 2:00p.m.

The House rose at 3:52p.m.