

REPUBLIC OF KENYA
THE COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Thursday, 22nd March, 2018

The House met at 3:12p.m.

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

PRAYERS

The Temporary Speaker: You may be seated Members. Yes, Clerk.

COMMUNICATION FROM THE CHAIR

Hon. Members I wish to bring to the attention of this Honorable House and Assembly that we have visitors from M.M. Shah Academy. I recognize the presence of the delegation which consists of the following. If I call your name you just stand up and bow before the Speaker.

1. Newton Waga
2. Maqdam Mukhtaar
3. Mwinyi Abdallah

You stand up and bow and then you resume your seat...

4. Julius Mutinda
5. Magdaline Atieno
6. Sarah Mtoni
7. Nelson Chambi
8. Luqman Ahmed
9. Fortune Deche
10. Peter Njogu
11. Abubakar Abdulrahman
12. Saddiq Hussein
13. Fatma Ali
14. Leonard Nanda
15. Wilson Onyango
16. Juma Rajab
17. Henry Katema
18. Nishma Patel
19. Adnan Said
20. Rayyan Abdallah
21. Charles Gakuya
22. Yvonne Kalama
23. Hussein Khamis
24. Hamid Mohamed
25. Jannat Abdillahi
26. Steven Mbugua
27. Alwiya Swaleh

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28. Ezra Kiprono
 29. Faiza Hassan
 30. Sarah Munga
 31. Khamis Ahmed
 32. Dhrupesh Bhimji
 33. Morgan Opere
 34. AbdiFatah Mohamed
 35. Hussein Bilal
 36. Suleiman Omar
 37. Terry Akinyi
 38. Pauline Atieno
 39. Jameel Ali Mbotela
 40. Mohamed Hemed
 41. Suleiman Abdullahi
 42. Fatma Essak
 43. Agape Mutua
 44. Khadija Bilal
 45. Faisal Amin
 46. Zafar AbdulGhani
 47. Prudence Talu
 48. Sanaa AbdulKadir
 49. Ibrahim Bejaka
 50. Lewis Rama
 51. Bartram Bengo
 52. Aisha Yassin
 53. Sarah Salma
 54. Solomon Kinyua
 55. Schassorens Lusuli
 56. Khadija Abdallah
 57. Ibrahim Soud
 58. Rumeisa Ahmed
 59. Mohamed Twahir
 60. Mohamed Ahmed
 61. Muadh Jamal
 62. Lyncar Joy
 63. Najla Khalid

Teachers

1. Mr. Eric Muchesia
2. Mr. Boniface Ekirapa
3. Mr. Daniel Mwema

(The Students and Teachers stood and bowed before the House)

Welcome to Mombasa County Assembly, feel free. Mr. Clerk?

STATEMENT

RECENT EMPLOYMENT OF WORKERS BY THE COUNTY GOVERNMENT

Hon. Tobias Samba?

(Silence)

Yes, Hon. Nyiro?

Hon. Nyiro: Thank you Mr. Speaker, I stand in for Mr. Samba who is not around. Hon. Speaker I wish to present a Statement on the recent employment of workers by the County Government. Hon. Speaker, Pursuant to Standing Order 41 (2) (c), I rise to seek a Statement from the Chairperson, Committee on Labour and Social Welfare on the recent employment of workers by the County Government. Hon. Speaker, the County Public Service Board recently employed workers to work in the County government, this is accordance with the County Government Act, 2012 which clearly stipulates the powers and functions of the County Public Service Board. However, some issues in regards to this employment are in need of clarification. Mr. Speaker in the statement the Chairperson should examine into and report on;

- a) Criteria used to employ people by the County Public Service Board and whether the criteria conform to what is stipulated in the County Government Act, 2012;
- b) Status of the employed. i.e. whether they are on a contractual or permanent basis;
- c) He or she should also report on the recent employment by the County Government County Public Service Board.

Thank you.

The Temporary Speaker: Chairperson Committee on Labour and Social Welfare, Hon. Thoya.

Hon. Thoya: Thank you Mr. Speaker, I have got the Statement and I want to promise that in two weeks' time i will be back reporting on the same. Thank you.

The Temporary Speaker: Sorry for how long?

Hon. Thoya: Am saying I have received the Statement by Tudor MCA Samba and I should be reporting back to the House in two weeks' time, that means 14 days. Thank you.

The Temporary Speaker: The Chairperson on Committee on Labour and Social Welfare has requested for two weeks and he will be coming up with a response on the same, I think that is agreed.

(Applause)

Mr. Clerk?

STATEMENT

KUZA TALANTA INITIATIVE

Yes Hon. Ogotu?

Hon. Ogotu: Thank you Mr. Speaker, Mr. Speaker first of all I want to acknowledge the presence of the pupils and teachers from MM SHAH Primary School. Mr. Speaker Pursuant to Standing Order 41 (2) (c) I rise to seek a Statement from the Chairperson Education, Information Technology and MV 2035; I can see Members are awake on *Kuza Talanta* initiative.

Hon. Speaker, the initiative which was a partnership between the County government and private sector has gone a long way in helping youth in the County to acquire knowledge and skills. However, what has been lacking is a report detailing out for instance the numerous beneficiaries of the initiatives or the overall impact, the initiative has had on our youth Mr. Speaker. Mr. Speaker in the statement that the Chairperson should:

a) Present a recent report on the *Kuza Talanta* Initiative detailing out various aspects of the initiative for instance...

(Interruption)

The Temporary Speaker: Hon. Member whom do you want to respond or whom are you addressing to?

Hon. Ogutu: Chairperson Education, Information Technology and MV 2035.

The Temporary Speaker: Hon. Member does it fall under the docket of the Youth, Gender and Sports?

Hon. Ogutu: It falls under Education Mr. Speaker because during the recruitment they were done in the Educational offices at the local level...

(Interruption)

The Temporary Speaker: Then we need to seek for more clarifications on the same because the two might be responsible for the responses.

Hon. Ogutu: Thank you Mr. Speaker but whichever way the two Committees can combine and give a report. Thank you.

The Temporary Speaker: It is okay, are you done with your Statement? Chairperson I see is not in, the Vice Chairperson or any other Member from the said Committee on Education?

Hon. Nyiro: Thank you Mr. Speaker I can say i am the only Teacher today in this County Assembly because of that I think we will be able to respond back in two weeks' time because we need to collaborate with the Department of Youth, Gender and Sports. Thank you Mr. Speaker.

The Temporary Speaker: Thank you Hon. Nyiro, Mr. Clerk?

STATUS OF SEPTIC TANKS IN THE COUNTY

Yes Hon. Shomari.

Hon. Ali Mohamed Shomari: Thank you. Hon. Speaker, pursuant to Standing order 41 (2) (c), I rise to seek a Statement from the Chairperson, Committee on Water, Sanitation and Natural Resources on the status of septic tanks in the County. Hon. Speaker, It is only recently that six children died in Mishomoroni when the cement slab covering the septic tank collapsed while they were standing on it. This has led to residents asking about the status of other septic tanks. Hon. Speaker, in the Statement the Chairperson should inquire into and report on:

- (a) Status of septic tanks in the County;
- (b) Measures that the County Government will take to ensure that such tragedy does not occur again.

Thank you, Mr. Speaker.

(Applause)

The Temporary Speaker: Thank you Hon. Member, the Chairperson on Water, Sanitation and National Resources Hon. Priscilla Mumba is not within, either Vice Chair or a Member? Hon. Nyiro, are you a Member or a Vice Chair?

Hon. Nyiro: Member for water.

The Temporary Speaker: Ok, welcome back.

Hon. Nyiro: Mr. Speaker indeed it is very saddening to hear that people are dying in speeds of such shoddy work that has been done and as an Assembly I take this opportunity to say sorry to the people of Magogoni for losing their loved ones in this tragedy.

So, as a Member in that Committee we really are saddened and we will be able to inquire into it and give a very conclusive report about it in two weeks' time. Thank you.

The Temporary Speaker: Hon. Members make sure in the next weeks' all those who have promised to bring back the feedbacks kindly do it we may not be giving you again another chance. Yes Mr. Clerk?

STATEMENT

The Chairman on Committee on Gender, Youth, Sports and Cultural Affairs?

(Silence)

Yes Clerk.

STATEMENT

The Chairperson on Education, Vice Chairperson?

(Silence)

Any other Member? Yes Hon. Amur.

Hon. Amur: Mr. Speaker Sir i am not standing as a Member or a Vice Chair or a Chair. Mr. Speaker we want to see whether the Members of the Committee on Education are here because this is a sensitive issue and they had promised us that today we shall get the feedback of the requested Statement...

(Applause)

...So for them not to be here Mr. Speaker, either they are trying to escape this issue because it is a sensitive issue and we had requested that this Statement be brought. It was brought last time but the House deferred it back, we want a comprehensive report on it. Please give us direction Mr. Speaker.

The Temporary Speaker: Yes any Member from this Committee? Or the Hon. Member has requested if there is any Member from that Committee, are you a Member? Yes Hon. Robert Nyiro.

Hon. Nyiro: Thank you Mr. Speaker as I have said earlier I am the only teacher today in this Assembly so anything concerning education will be on my shoulders. Mr. Speaker it is so sad that Hon. Amur is reacting and it is rightful for him to react in that manner because this report is very sensitive, because of that sensitivity bearing in mind that the Executive in charge who is also our Deputy Governor has not been around for a while and so it is not very easy for us to get a very conclusive report when the responsible person is not around because the Deputy Governor is...

(Interruption)

Hon. Amur: A point of clarification Mr. Speaker.

The Temporary Speaker: Yes.

Hon. Amur: Mr. Speaker the office of the Deputy Governor is not an office that moves with the Governor when he travels....

(Applause)

...So we should not be told that if Mr. Speaker you are not around this Assembly will not perform, there is the Deputy Speaker, there is a Member from the Speaker's Panel. So Mr. Speaker the excuse of telling us the Deputy Governor was out of the country does not apply in an institution that is run by many people and if we had been promised that this report would be here because as we speak some students have been chased away from University because of school fees. So Mr. Speaker with all due respect let us be given the right way of tackling problems because we cannot, this money was allocated during the financial year of 2015/2017 today Mr. Speaker we are in 2018. We want to know the real fate of Kshs.64Million that I had requested so that we can give these bursaries back to the needy students Mr. Speaker. We are talking about Kshs.64Million Mr. Speaker sir. Thank you.

The Temporary Speaker: Thank you. What is your concern Hon. Thoya?

Hon. Thoya: I think Mr. Speaker it is going to be very fair if you give us time to raise our sentiments concerning the same here.

(Interruption)

The Temporary Speaker: You have the time.

Hon. Thoya: Thank you very much Mr. Speaker. I think this is one of the luckiest Committee in this House that the CEC in charge is also the Deputy Governor and therefore we would be very happy to see that the fruits because he is not just only County Executive Committee Member, he is also the Deputy Governor and by virtue of that additional dignity the same should be reciprocated to this House and in that order. I think we do not need to be seen forcing this Committee to comply with our request here, I would rather ask the Speaker what are some of the measures to be taken for a Committee that is not cooperative enough because we are reaching there. It is not the first time that we are standing here to raise this Statement or our sentiments it is the same issue that the Devolution Conference today now the common *wananchi* are raising the question directly at the podium. Please Mr. Speaker tell us a Committee of the House that is not cooperative what is supposed to be done?

The Temporary Speaker: I will make a rule on the same. Hon. Ogotu? We are not debating it Hon. Members, you can go on.

Hon. Ogotu: Thank you Mr. Speaker. Mr. Speaker I think something is wrong somewhere in this Committee...

(Applause)

...and if they cannot open up then we do not know how we are going to be helped Mr. Speaker. I happen to pass through the Department and enquire a bit about the bursary, they have forgotten about the 2016/2017 disbursement; they are preparing for 2017/2018. Mr. Speaker, there are Committees which have been put in place at the grass root level and we are not even aware of this; I think we are Hon. Members given the mandate by people and we should be respected, something should not happen in our Wards and we are not aware about it. So I think there should be seriousness with this Committee and the Department as a whole, thank you.

(Applause)

The Temporary Speaker: Thank you Hon. Member I think those Members from the said Committee you have heard what the Hon. Member has said and I beg now to make a ruling on the same matter. It must be noted that we have the CEC, we have the Chief Officers and some other staff, so whenever the CEC is not around there are some other concerned people that you can approach and have a detailed information to table before this House. So you won't be coming here and giving the excuses of there being no CEC each and every time you are asked to table the report over the Statement asked by the Hon. Members. Hon. Members allow me to grant the Committee another one week, come next week on Wednesday you should be tabling the report without further excuses. Thank you, yes Clerk?

PREPAREDNESS OF THE COUNTY DURING THE RAINY SEASON

Yes Hon. Amur.

Hon. Amur: Thank you Mr. Speaker. Mr. Speaker I want to respond to the Statement that was requested by Hon. Nyiro in regards to rain, how preparedness we are in the rainy season. Mr. Speaker after the Honorable has raised that issue we directed the same to the Committee of Agriculture, Livestock, Fisheries and Cooperative and today we are happy to say after your directive we did right to request the Clerk of the County Assembly to write to the Executive Member and am happy now to read the response from the Executive Member.

Mr. Speaker I wish to read the letter that has come from the Executive Member which was addressed to the County Assembly Clerk dated 19th March, 2018. It reads Mr. Speaker:

(Hon. Amur read the letter)

RE: DEPARTMENT PLANS DURING THE RAINY SEASON

We acknowledge receipt of your letter dated 16th March, 2018.

The department is properly prepared for the rains based on the activities that it has embarked on. Mr. Speaker these include:-

1. Tractor Operations

The Department has one tractor that has been ploughing since January despite having a total of 3500 acres of land in three Sub-Counties (3,000 acres - Kisauni, 300 acres - Jomvu, 200 acres - Likoni). The tractor has only been able to plough 700 acres. The Department has recognized the need to order more tractors and has included the purchase of two more tractors in the just approved supplementary budget. The tender documents have been prepared and submitted to the Finance Department. The tractors will be purchased and used for the remainder of the season.

2. Purchase of Seeds

The Department requested the purchase of seeds and other climate smart equipment in early February. There have been delays in the procurement of the same due to the freeze on requests by treasury to facilitate preparation of the supplementary budget. The same was approved last week and the Director Supply Chain Management has engaged a supplier who will supply the seeds and equipment in due course, the seeds shall then be distributed to the farmers.

3. Public Baraza's and Demonstrations

The Department extension staffs have been in the field sensitizing the farmers on early land preparation for the rains.

4. Livestock Vaccination

The Department has already requested supply of vaccines for the foot and mouth and other zoonotic diseases that are widespread during the rainy season. The Kenya Veterinary Vaccines Production Institute has already issued a proforma invoice to the Department for payment before release of the vaccines.

Other arrangements for the vaccination campaign are underway; routine livestock extension is also ongoing. The Department is fully prepared to support the farmers as they prepare their land for the long rains.

Signed, by the CEC Member of Agriculture, Livestock, Fisheries and Cooperatives, that is a response Mr. Speaker. that is how prepared the Department is. Thank you, Mr. Speaker.

(Applause)

The Temporary Speaker: Thank you Hon. Amur for such a wonderful report, I think the Hon. Member who has requested the Statement is now well informed, Clerk?

ADJOURNMENT

Hon. Members there having be no any other business the House stands to adjourned to next week on Tuesday at 2:00p.m.

The House rose at 3:46p.m.