



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 4th December, 2019
The House met at 10:50a.m.

(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)

PRAYERS

The Speaker (Hon. Khatri): Yes Clerk, next Order?

STATEMENTS

DATE OF THE OPENING OF SHIKA ADABU HEALTH FACILITY

Yes Hon. Kibwana Swaleh, Chairperson Committee on Health Services. Please respond to this Statement?

Hon. Kibwana Swaleh: Thank you Hon. Speaker. Hon. Speaker on behalf of the Committee on Health Services today we are unable to respond to the Statement that was raised by my colleague from Shika Adabu Hon. Speaker on the date of the opening of Shika Adabu Health facility, so I think we will be able to facilitate the response after the long recess. Thank you Hon. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Kibwana Swaleh. Yes Clerk next Order?

STATEMENT

Yes Hon. Hamisi Musa, the Leader of Majority Party is not around. Yes Hon. Murfad?

Hon. Murfad Amur: Mr. Speaker Sir.

The Speaker (Hon. Khatri): Are you the Deputy Leader of Majority Party?

Hon. Murfad Amur: No Mr. Speaker I just wanted to confirm to this House that the Majority Leader just called and requested me to stand for him Mr. Speaker. Mr. Speaker...

(Interruption)

The Speaker (Hon. Khatri): Yes he told you to...?

Hon. Murfad Amur: Mr. Speaker Sir the Majority called me and told me to represent him in this House, he was waiting for the communication from the office of the Governor which he has not received yet.

The Speaker (Hon. Khatri): Yes Hon. Bwire?

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker am just here to remind every Member that whenever we forget to abide with the rules and regulations of this House and the law requires that whenever you are stepping in for any Hon. Member who is away on official duty you just have to submit a written document either to the Speaker or to the Clerks. So am just here to confirm whether such has been done. thank Hon. Speaker.

The Speaker (Hon. Khatri): That is under which Standing Order?

Hon. Bwire: Hon. Speaker not all laws are in the Standing Orders.

The Speaker (Hon. Khatri): No but we are guided by our Standing Orders in this House, so am sure.

Hon. Bwire: Hon. Speaker if it pleases you for the Hon. Amur to go on its well and good but as I said the other day we should have all the references. Hon. Speaker when other Members step in for other Members the latter do confirm such communication is passed, when the other Members do so they get favors! Just if it pleases you Hon. Speaker let him go on.

The Speaker (Hon. Khatri): But Hon. Bwire it is there in our Standing Order I think its 41 (c) or something so that is why I was asking you, I thought...

(Silence)

Yes Hon. Amur, so did the Leader of Majority write for you the Statement because I think as far as I know we did agree that all the Statements should be in written.

Hon. Murfad Amur: Mr. Speaker I did not receive any written communication but he just called me that is why I thought its good for me to say it in the Assembly so that my colleague does not feel that I did not do what he had requested...

(Interruption)

The Speaker (Hon. Khatri): But again it is not like that Hon. Amur; what if the Hon. Majority Leader comes here and says that the Statement response which he gave is not what he wanted to give to the House! So that is why I was asking you if you have even a written Statement from his office.

Hon. Murfad Amur: Mr. Speaker Sir I just received a call.

The Speaker (Hon. Khatri): So he told you what...To respond through telephone conversation?!

Hon. Murfad Amur: I told him that there is an issue that he is supposed to be reporting today and he told me that am sorry I have not received any communication so if you can say it on my behalf you can respond on my behalf that I have not received the communication from His Excellency the Governors' office.

The Speaker (Hon. Khatri): Thank you Hon. Amur. Hon. Members I think Hon. Hamisi Musa the Majority Leader is not around so am going to refer this matter back to the House Business so that they can put it for next business. Yes Hon. Shebe?

Hon. Shebe Athuman: Thank you Mr. Speaker for giving me this opportunity, because I was the one who raised this statement request. I think now it is about three months ago and the study was conducted in conjunction with the University of Nairobi and the County Government of Mombasa and the taxpayer money was used during this report; unfortunately Mr. Speaker up to now the report has not been tabled in this Honourable House and with your indulgence of course...

(Interruption)

The Speaker (Hon. Khatri): Hon. Shebe when you say taxpayer's money has been used, are you sure about that?

Hon. Shebe Athman: Yes Mr. Speaker, the County government of Mombasa and the University of Nairobi; that is why if the Leader of Majority has found it difficult to table that report I wish you can give me that opportunity because I have this issue of SGR it has really affected the County of Mombasa and I have all the necessary evidence and the report but because we need to follow the due process of the law it is not upon me to table that report but if you allow through your House I can always arrange and come and table that report. Thank you Mr. Speaker because that is an issue with great emergency and today is December, come January, February the entire County of Mombasa is going to be a standstill because there is a mass exodus of people from Mombasa to up country because of the loss of employment caused by this SGR thing. So I wish Mr. Speaker with your permission if you could allow me to arrange myself and come up with a proper report concerning the same. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): But again Hon. Shebe you are the one who asked for this report, and then you are the one who wants to bring the report in to this House.

Hon. Shebe Athman: Mr. Speaker am the one who asked for this report but i have waited for three months. You have been postponing this and you know it; you have given them a benefit of doubt but it seems we are waiting forever so it is upon me now to come because am very passionate on this issue as it has affected my constituency and am talking on behalf of the people of Mombasa and Coast at large.

So Mr. Speaker the report is there but why is it difficult to be tabled in the Assembly?! I wonder why is it difficult for the Leader of Majority to table that report in the Assembly, we are responsible Mr. Speaker to our electorate and they are asking very hard questions about issues of SGR! People are losing jobs Mr. Speaker and you know it so I don't think it will be a conflict of interest in any way the way you are putting it, but am very much affected by this issue...

(Interruption)

The Speaker (Hon. Khatri): So all...

Hon. Shebe Athuman: So something must be done quickly.

The Speaker (Hon. Khatri): So all this time you had the report with you.

Hon. Shebe Athman: Yeah.

The Speaker (Hon. Khatri): So then why did you have to bring the Statement.

Hon. Shebe Athman: Because Mr. Speaker with all due respect there is a procedure in this House and the Leader of Majority is the one who is supposed to take that report from the Governors' office and table it here in the Assembly. Mine was just to make sure I see the report is it really at per? And if it's a different report I will be in a position to stand and say this is not the fact, that is why am saying Mr. Speaker.

The Speaker (Hon. Khatri): Yes Hon. Bwire?

Hon. Bwire: Thank you Hon. Speaker. First allow me to remind my fellow Hon. Members that whenever a Speaker makes a ruling it marks the end of the debate, one; two you have opened up a debate despite you giving a ruling or directive you have allowed the Hon. Member to air out his views.

Hon. Speaker he has just confirmed that indeed he has a report but he brought a statement here asking for a response and he already has a response! So I don't know whether Hon. Speaker there is any need of him opening a debate as he already has a report that he intended to... so I think we shall just call it a day since he has a report..., no its my view.

The Speaker (Hon. Khatri): Yes Hon Nyiro.

Hon. Nyiro: Mr. Speaker thank you for the opportunity to make my contribution but firstly allow me to recognise my friend who is visiting me from Europe, my sister who is also coming to do a research in Marine Biology.

(Applause)

Mr. Speaker I want to assist my Hon. Member from Jomvu Kuu; indeed it is the responsibility of the government to make official release of the report because the research was done by the University of Nairobi and the County government of Mombasa.

So it was an official research but whenever you need the report maybe you can get it from the researchers but the official person to do the communication is the County government of Mombasa because they were doing a research to establish the effects of SGR. So it was good for the information that the Hon. Member requires from this House because that is when the message or the report will be official because it has been signed by the Governor, it has been received by the Clerk of this Assembly and even by you Mr. Speaker. Therefore the report only becomes official if it passes through the relevant offices and not the Kangaroo offices from the village; so he is right to demand it from here because this is where the report was supposed to be tabled and then from there it becomes official so he is right to demand the report from this House Mr. Speaker, thank you.

The Speaker (Hon. Khatri): Thank you Hon. Nyiro. Yes Hon. Shebe.

Hon. Shebe Athman: Mr. Speaker I think this is going to be my last contribution about this issue and you have pretty much observed the issue which really affects *mwananchi* in my area of jurisdiction Jomvu Kuu. I have been raising very pertinent issues about my people but really the response is not encouraging at all so am within my right to ask; I need an official communication from the Leader of Majority, the report is there but it will be not procedural to bring a report which the Leader of Majority is supposed to table in this Assembly. So this shows the level of incompetence in our leadership here in the Assembly, especially the leadership so if am not allowed or you denied the Coasterian to know about this report Mr. Speaker, and it is in the public domain it will be very unfortunate...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Amur.

Hon. Murfad Amur: Mr. Speaker with all due respect to my colleague, my learned friend if somebody it is the Majority Leader who he should address and not all the Members to be incompetent whereby he knows it is only one person that he is directing the issue to! It is not right to make all the Members incompetent yet it is only the person who did not act as his demands Mr. Speaker. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Yes Hon. Shebe.

Hon. Shebe Athman: Mr. Speaker I totally agree with my Hon. Member.

The Speaker (Hon. Khatri): Yes you can withdraw that.

Hon. Shebe Athman: Mr. Speaker I withdraw that but my Leader of Majority specifically I have been raising this issue and it's been a while but I think I need your indulgence in this issue because it's really frustrating me, do something about it because I have been informed by my people there who are doing business in the issue of SGR.

Hon. Speaker I have all the evidence because they are telling me by February next year there will be a total mess of business and these people are the ones who are helping us through CSR helping our community.

So I want to know the Hon. Leader of Majority if he is incapable of doing this tabling of this report to give us the guidance because we cannot wait forever as our people are suffering. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Mwamwiri.

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Naomba kutaarifu Jumba hili hali kadhalika kumtaarifu Mheshimiwa wa Jomvu Kuu ya kwamba ripoti anayoizungumzia haina ufungamano na Jumba hili, jambo la kwanza; jambo la pili Mheshimiwa Spika hakuna kanuni wala taratibu ya ripoti hiyo kuletwa hapa na kuwekwa katika meza yetu kwa sababu kwanza sio sisi tuliotoa amri ya utekelezaji wa uchunguzi wa swala lile. Pili ingekuwa jukumu la Mheshimiwa kuleta hoja kuliomba Bunge hili kwa ridhaa ya Kiti chako kuunda Kamati maalum kwenda kulichunguza hili na kuleta taarifa katika Jumba hili lakini taarifa ile Mheshimiwa Spika haina ufungamano na Jumba hili haituhusu ndewe wala sikio.

Kwa hivyo kuitaka kuileta hapa tutakuwa tunakengeuka kanuni na taratibu na hatuna fungamano, wala ruhusa, wala nguvu za kuijadili wala kuitolea maamuzi Mheshimiwa Spika. Hivyo basi ni mwafaka angeleta hoja akaomba Kiti chako na ridhaa ya Bunge hili kuundwe jopo maalum kwenda fanya uchunguzi wao na kutuletea taarifa. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. Yes Hon. Kibwana.

Hon. Kibwana Swaleh: Thank you Hon. Speaker. I don't know what influence my brother has since he is sitting with the Chair of Finance on the issue Hon. Speaker, you cannot rubbish what this Honourable House has found time to talk about it. Hon. Speaker I think let us be practical in general issues; this is a serious issue that even the County itself is concerned about, even the Governor previously complained about the SGR so I think this is a place where Members who have been elected and nominated by the people come and raise their issues so someone cannot just raise rubbish. I think you are at the right place to guide us and nobody should dictate you to guide you on what to rule out on this issue, so I think my friend is good in Swahili, I think it's very unfair, thank you.

The Speaker (Hon. Khatri): Yes Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nasimama kuunga mkono maneno ya Mheshimiwa Mwamwiri aliozungumza; ripoti iko chini ya Kanuni za Bunge 180 na inaeleza vizuri juu ya nani anaeleta ripoti na kitu kinazungumzwa ndani ya Nyumba hii. Kwa hivyo Mheshimiwa Kibwana nafikiri kidogo umepotea hapo, nafikiri angalia sheria vizuri upate kujua ripoti inazungumzia juu ya nini.

The Speaker (Hon. Khatri): Yes Hon. Kibwana Swaleh.

Hon. Kibwana Swaleh: In fact today is a historical day for us to see Hon. Hatimy siding with Hon. Mwamwiri...

(Laughter)

I think we should investigate otherwise I don't know how long it will remain in their *marriage* but I hope very soon, thank you.

(Laughter)

The Speaker (Hon. Khatri): I think the BBI is working now...

(Laughter)

I hope the brown envelope will not move around in this House...

(Laughter)

Yes. Hon. Nzai.

Hon. Nzai: Thank you Mr. Speaker for giving me this chance to comment on the issue of SGR. It is true indeed that it's something that affects the lives of people especially in Mombasa but Hon. Speaker I want to advice my fellow Members that once the train has left the station we need to look for other ways and means on reaching our destinations. I think as much as we are moving from analogue to digital it's high time people realise some other avenues whereby to make their ends meet, there is no way Mr. Speaker we shall fight back to stop that train from continuing its journey so it's a pity that my fellow colleague from Jomvu is the one who is mostly affected because of the big companies which are going to transfer their businesses but I want to encourage you my colleague that as these opportunities leave more green pastures will be back to your Wards and your people will be okay. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Nzai, you are on a point of information?

Hon. Nyiro: Mr. Speaker point of information I want to inform this House that whatever the Member from Jomvu Kuu is demanding is a report which was commissioned by the Governor after the research, we just want that report to be tabled whatever the contents are we don't care.

The Speaker (Hon. Khatri): Thank you. Hon. Members I think you are just getting it wrong, the issue is very clear Hon. Shebe asked for the statement, he asked for the statement of the report commissioned by his Excellency the Governor and the Majority Leader is not here to give the statement. So Hon. Shebe you just stood up and said you don't need the report anymore you have the report; I think that's what you said that if the Hon. Leader of Majority is taking long to bring the report you have the report with you!

So I think the best way is if you have the report Hon. Shebe take the report and compile the report and bring it as a Motion then we compile the report and bring it to the House. If you think there are issues where this House can pass through that report so bring it as a Motion or you can sit down with the Clerks and see what is the best way to bring it to this House, so is that okay Hon. Shebe?

Hon. Athman Shebe: Yes it's very much okay Hon. Speaker.

The Speaker (Hon. Khatri): Thank you. Yes Clerk, next order.

(Interruption)

Hon. Samba: Hon. Speaker not on the same matter, kindly there is an observation , not on this matter.

The Speaker (Hon. Khatri): Which observation on what?

Hon. Samba: I have come to observe that we don't have Deputy Leader of Majority so in case of the absence of the Majority Leader we won't be able to get the statements or rather the responses that we are supposed to get, that is my only observation. So the earlier we get the Deputy Leader of Majority the better.

The Speaker (Hon. Khatri): But again the Deputy Majority Leader it is not me it is your party which means you can write to your party and ask that.

(Applause)

And the Chairman of the party is there, so yes Clerk next order?

(Applause)

ADJOURNMENT

Hon. Members this House stands adjourned until Wednesday 4th December at 2:30p.m.

The House rose at 11:18a.m.