



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 7th August, 2019
The House met at 2:53p.m.

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

PRAYERS

The Deputy Speaker (Hon. Mwalimu): Hon. Members you may be seated. Yes, Clerk?

STATEMENTS

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON EDUCATION, IT AND MV2035 HON.
OMONDI ON THE STATUS OF BURSARIES FOR COLLEGES AND UNIVERSITIES IN THE COUNTY

Yes Hon. Ibrahim Omondi, or any Member from the Education Committee? Yes Hon. Robert Nyiro?

Hon. Nyiro: Thank you Mr. Speaker, on behalf of my Chair and the Committee on Education I wish to give a response as follows; Mr. Speaker Sir, I wish to give a Statement response in regards to a statement raised by Hon. Tobias Samba, the MCA Tudor Ward on the status of bursaries for Collages and Universities in the County:

Mr. Speaker Sir;

The County Elimu Fund received Ksh 50 million on 15th February, 2019. The money was used for the process and disperse bursaries to 5,222 beneficiaries for form 1 and form 4 and 532 special needs beneficiaries.

Mr. Speaker;

The template for bursaries for both university and collages have been designed and ready for printing. Elimu fund is awaiting confirmation of availability of funds to facilitate disbursement of bursaries for colleges and universities to all the wards in Mombasa County.

The Department of Education, Information Technology and MV 2035 has already put a request for funding to the Department of Finance and have followed up the matter for funds to be released into the Elimu Fund Account.

Expected date for the issuing of forms for the college and university bursary is dependent on the availability of funds from the Department of Finance. Thank you Mr. Speaker.

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

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON HEALTH HON. KIBWANA SWALEH

The Deputy Speaker (Hon. Mwalimu): You Hon. Kibwana Swaleh Baya or any other Member from Health Committee? Yes Hon. Lucy?

Hon. Chireri: Ahsante sana Mheshimiwa Spika. Kwa kusema kweli tumekuahidi ripoti tutaileta...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Hon. Lucy use your microphone.

Hon. Chireri: Ahsante sana Mheshimiwa Spika. Kwa kusema kweli ninazungumza kama Mwanachama wa Kamati hii, tumeahidi ripoti hii tutaileta mchana huu wa leo, lakini ripoti haijatuifikia kutokea kwa *Executive* kwa hivyo itakuja wakati mwengine. Poleni sana Waheshimiwa.

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Lucy Chizi since the Hon. Member concerned is not around, so we will be waiting for that response in our next sitting. Yes, Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON IMPLEMENTATION HON. KALUME ON THE STATUS OF IMPLEMENTATION OF MOTIONS PASSED IN THE COUNTY ASSEMBLY

Yes Hon. Chairperson Committee on Implementation? Hon. Kalume?

Hon. Kalume: Thank you Mr. Speaker Sir, status on Implementation of Motions Passed in the County Assembly. Mr. Speaker Sir I wish to give statement response in regards to a statement raised by Hon. Mohamed Hatimy, Nominated MCA on the status of Implementation of Motions passed in the County Assembly on Thursday, 4th July, 2019 during the 54th sitting 2:30pm.

Mr. Speaker Sir response to status of implementation Motion passed in the County were brought forward by the Acting County Secretary, Mr. Joab Tumbo and according to our Motion Tracker 83 Motions were approved and 34 were adopted for implementation while 49 Motions were Procedural Motions since the Second Assembly–First Session September - December, 2017 to Second Session February - December, 2018. Third Session has not been tracked.

They brought statement and reports of a total of 16 Motions approved and acted upon. We are yet to receive the remaining and as a Committee we have agreed to go into details to confirm the actual status as per their report as well as report back the status of the remaining Motions. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Mohamed Hatimy?

Hon. Mohamed Hatimy: Mheshimiwa Spika niko na *supplementary question* ambayo sijaridhika, Bunge hili tuliweza kupitisha Mswada wa kusema kuwa tumeweka sheria za Tuk tuk na hatujaziona zile sheria zikifanya kazi, je huu Mswada uko kwenye hizi zilizopitishwa ambayo amesema kuwa kutokana na Mswada 83, 34 imekubaliwa, huu Mswada umesimamia wapi Mheshimiwa Spika?

Kwa hivyo hio ndio *supplementary question* nataka Bunge hili likifunguliwa aje atuambie kwa sababu mpaka leo sheria tulipitisha ya Tuk tuk haijaanza kutekelezwa Mheshimiwa Spika, ahsante.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Mwamwiri? Are you a Member of that Committee?

Hon. Athman Mwamwiri: Ni Naibu Mwenyekiti wa Kamati Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Okay.

Hon. Athman Mwamwiri: Mheshimiwa Spika pengine kama Mheshimiwa angetukumbusha hoja inayohusu masuala ya Tuk tuk ilipita katika awamu ya kwanza, pili au ya tatu ya Bunge hili tungeweza kujua iko kwa daraja gani kwa sababu Mswada yote ama hoja zote zilizopita kwa awamu ya tatu ya vikao vya Bunge hili bado havijanakiliwa na kutolewa katika hifadhi kwa minajili ya kufuatilia katika utekelezaji.

Kwa hivyo tukijua kama iko kwa tatu tutafuatilia na Makarani wetu kuweza kuiregesha kwa idara husika na watupatie na utekelezaji wa hoja zilizopita katika awamu ya tatu, hivyo basi akituhakikishia ni awamu gani labda tutakuwa na mazingira ya kuweza kujua iko katika daraja gani? Ahsante.

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Mwamwiri but I think from the supplementary question the Hon. Member has given ample time for the Committee to peruse from the Hansard Department and see when the Motion was passed in this House so it will be wise if the Committee will go to the Hansard and look for the records.

And Hon. Members it has also come to the attention of the Office of the Speaker that whenever you are speaking in this Hon. House try to be audible, use your mic properly because in the Hansard Department you might find that you are looking for records and find that nothing has been captured from what you are saying in this floor of the House so make use of your mics and it will be easier for Hansard Department to capture whatever that you are talking. Yes Hon. Athman Shebe?

Hon. Athman Shebe: Yes thank you Hon. Speaker. Hon. Speaker I rise under Standing Order 41. 2 (c) for two pressing Statements. Hon. Speaker with your indulgence I stand pursuant to Standing Order 41. 2 (c) seeking a detailed statement from the Chairperson of Committee on Labour and Social Services if he is aware that the County retirees who have retired since 2016 have not been paid their dues and they are languishing in poverty and misery after working for the County of Mombasa more than 30 years Hon. Speaker.

Hon. Speaker am seeking to know from the Chairperson on Water, Sanitation and Natural Resources...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): That's another Statement?

Hon. Athman Shebe: Yes that is another Statement.

The Deputy Speaker (Hon. Mwalimu): Yes just hold on. So any Member from Labour Committee? Yes Hon. Raphael Bwire?

Hon. Bwire: Thank you Mr. Speaker, on behalf of the Committee on Labour we have heard the concerns raised by the Hon. Member we may not be able to answer him now but we ask for time we will respond in the next sitting. Thank you.

The Deputy Speaker (Hon. Mwalimu): Thank you. Hon. Athman Shebe, just one Statement as Standing Orders states it is one Statement per session not unless your Statement you delegate to someone else to read your Statement.

Hon. Athman Shebe: Okay thank you Hon. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes Chief Whip?

The Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Spika. Kikao chetu cha asubuhi niliweza kuamka na *Statement* Mheshimiwa Mwenyekiti na kuweza kunipatia muelekezo kwamba niweze kuja kuleta *Statement* leo mchana. Kusema kweli nimeweza kukubali amri yako na hivi saa nane nashangaa Mheshimiwa Mwenyekiti katika *Order Paper* sijaona *Statement* yangu lakini tayari niko nayo kuweza kuisoma katika Bunge hili kwa ruhsa yako.

The Deputy Speaker (Hon. Mwalimu): Proceed.

The Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Mwenyekiti. Kwa kuwa umenipatia ningeweza kuwakabidhi Makarani wa Bunge hili lakini iko ndani ya akilini mwangu ningetaka kujua kutoka Idara ya Uchukuzi ndani ya Mombasa waweze kuniletea hii *detail report* kuhusiana na barabara zote zilizoweza kutengenezwa kuanzia Mwaka wa Fedha wa 2016/2017, 2017/2018, 2018/2019 na sehemu ambazo barabara hizi ziko wapi? Na vile vile gharama kwa kila barabara almaarufu kama *BQ* na *payment certificate* katika barabara zote ndani ya Mombasa. Ahsante Mheshimiwa Mwenyekiti.

(Silence)

The Deputy Speaker (Hon. Mwalimu): Thank you Chief Whip. The Committee of Transport have noted your question, Hon. Chair do you have a response today or?

Hon. Mumba: Ahsante Mheshimiwa Spika jibu sina lakini mimi naona kama sheria kweli inaniruhusu ni *peruse* vitu vya karibu miaka mitatu nyuma au minne ndio nivilete katika Jumba hili lakini jibu kwa sasa sina pengine nikaulize kwenye Idara husika kiukamilifu ndio niweze kuleta hayo majibu lakini kwa sasa sioni kama sheria inaniruhusu kupekua miaka mitatu ama minne nyuma kuleta mambo katika Jumba hili.

The Deputy Speaker (Hon. Mwalimu): Okay thank you. Yes what is it Chief Whip?

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti ningependa kumuarifu Mheshimiwa Mwenyekiti aliyeweza kusimama kwamba yeye sheria hana, yeye ni mwakilishi wetu kutuwakilisha katika idara katika Jumba hili, sheria zipo katika idara bali yeye haleti *information* hiyo, yeye hatoi ni idara inatoa na tayari ziko hizo *information* katika kila idara, kuna *files* ziko tayari. Kwa hivyo ni yeye kuchukua hizo files na kuweza kutuletea tuweze kuziangalia kama imeweza kutekelezwa ndani ya Mombasa. Ahsante.

The Deputy Speaker (Hon. Mwalimu): Okay so Chair with your Committee you will contact the Department concerned and during our next sitting after House Business sits and allots a day that you will bring back the response then you will be noted as on when you will report back to this Honourable House. Yes Hon. Ibrahim?

Hon. Omondi: Yes, Mr. Speaker Sir, I stand pursuant to Standing Order 41 2(c). I would like to make a statement Mr. Speaker Sir, if allowed.

The Deputy Speaker (Hon. Mwalimu): Which Statement? You have to notify first.

Hon. Omondi: Yes.

The Deputy Speaker (Hon. Mwalimu): You have to notify.

Hon. Omondi: I think I notified the Speaker and he said indeed it should be put in the...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Then proceed.

Hon. Omondi: Thank you Mr. Speaker Sir I want to know from the Department of Labour or the Chairman of Committee on Labour and Social Welfare about the employment of the ECDE teachers. Mr. Speaker Sir I would like clarification to be given to me or to the House those people that were interviewed in the process, the number that were interviewed, their qualifications, those who were shortlisted and also their qualifications shortlisted and qualifications and the school that they were posted Mr. Speaker. Thank you.

The Deputy Speaker (Hon. Mwalimu): So Hon. Ibrahim from your statement what really do you want to know?

Hon. Omondi: I want the details for the ECDE teachers that were employed, you remember there was an interview that took place and the Public Board did the recruitment, now I am asking compelling the committee on labour and social welfare to feed me with detailed information.

(Interruption)

The Deputy Speaker (Hon. Mwalimu): There is someone who is up, yes Hon. Bwire?

Hon. Bwire: Thank you Mr. Speaker. I would wish to know from the Member who is seeking the response on what he has raised whether or whatever is asking falls under the Department of Education or falls under the Department of Labour? Because from where I sit Mr. Speaker; one, It is through the Department that should have the details because he is talking about the ECDE teachers and the entire recruitment exercise that should have been conducted by the Department itself. So I would wish to know Mr. Speaker from the Chairman on education.

The Deputy Speaker (Hon. Mwalimu): Hon. Mwamwiri, Hon. Bwire was also up on information so let him finish first then you will proceed.

Hon. Bwire: Thank you. Maybe he clarifies on which Department specifically he wants the response from but from where I sit Mr. Speaker it should come from the same Department that he is chairing as the Chairman on Committee on Education. Thank you.

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

Hon. Athman Mwamwiri: Ahsante Mheshimiwa. Mheshimiwa Spika naomba ifahamike katika Jumba hili ya kwamba Idara haziajiri bali zinapendekeza kwa Bodi ya uajiri ya serikali Gatuza na ni serikali Gatuza hiyo ama ni Bodi hiyo katika serikali Gatuza ndio inafanya zoezi zima la uajiri na kupeana walimu ama waajiriwa kwa idara husika. Hivyo basi Mwenyekiti yuko sahihi kuomba kutoka kwa idara ya maswala ya Leba na uajiri; ratiba na majina kamili ya wale walioajiriwa na vigezo vyao na kule wanako kusudiwa kupelekwa.

Kwa hivyo Mheshimiwa Mwenyekiti akiwa Mwenyekiti wa Elimu hana taarifa wala habari ya walimu hawa walioajiriwa na Idara haina taarifa kufikia sasa kwa sababu bado zoezi hili liko chini ya Bodi ya kuajiri hivyo ni jukumu la Idara ama Kamati ya maswala ya uajiri kuwa na taarifa hizi na kumjibu Mwenyekiti. Ahsante.

The Deputy Speaker (Hon. Mwalimu): Okay thank you, well noted. Yes Hon. Raphael?

Hon. Bwire: Mr. Speaker if that is the case then as a Member of Committee on Labour I would wish to ask this House to give us one month; of course it must be known by all Members that we are adjourning for a recess and we will be out of this House for the next one month.

So for me asking for one month should not be surprising you guys, so I ask for one month Mr. Speaker then we will come back with the response. Thank you.

The Deputy Speaker (Hon. Mwalimu): So Honourable, just have a seat.

Hon. Ibrahim as a Member or one Member from Labour Committee has stated that in one month time they will bring back the response but as a House we will like you to clarify what indeed do you want from your statement? Do you just want the list of the names of those who were shortlisted and the ones who were recruited that is all or there is something else that you want? What is your intention for that statement so that the Committee on Labour to work properly on what you intend to be responded on?

Hon. Omondi: Thank you Mr. Speaker Sir. Mr. Speaker Sir let me clarify that this is an audit of the process that took place on recruitment of these ECDE teachers. When I talk about an audit I am talking about the process, I am talking about the interviews, those people that attended the interview.

I also want also to know the qualifications of those who were shortlisted and those who were not shortlisted, those who were shortlisted and those who were not shortlisted with their qualifications. Mr. Speaker Sir I want also to know the schools where there were posted, the individuals where they were posted; my intention is this, there is an outcry which has not been confirmed and that is why Mr. Speaker it is very important for us to be able...

(Interruption)

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

Hon. Bwire: Mr. Speaker indeed my Chair is okay but why does he have to communicate a message that is not confirmed to this Honourable House? We only communicate the confirmed messages, the messages that we are sure of, I find that the Member is about to mislead this House by conveying the messages that are unconfirmed.

Mr. Speaker I would wish to inform him that that is not procedural and with your directive do not allow Members to bring the messages that are not confirmed, in fact indeed he has confirmed that the message is not confirmed so I wonder why he has to communicate unconfirmed message to this Honourable House. Thank you Mr. Speaker.

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

Hon. Nzai: Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Proceed.

Hon. Nzai: Mr. Speaker unless I am dreaming but I believe the Hon. Member is a Chair for Education and as far as I know we as Hon. Members in this Honourable Assembly we are expecting to know much from him. Who was transferred where, who was given what and why he was given so, all these records should be in his docket so that he can tell us exactly in Kadzandani Ward we posted this in my Department of Education, which Ward I posted this, so by him the Chair of Education asking other Members to give him the same information, I don't think he is really giving us any way forward in education.

This is what we call misleading the House and I do not think it is good Mr. Speaker, am expecting him to come up with the list of all those who were employed, who were shortlisted he is the one Mr. Speaker to bring us the list because everything was done to his favor because he is the Chair in Education, thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Nzai. I think Hon. Mwamwiri was clear enough when he said as to why Labour Committee is much concerned in this issue so I will ask the Labour Committee to respond in a month's time as they said and if you need any more details you will sit with the Chair Education for him to shed more light. Yes Clerk...

(Interruption)

What is it Hon. Ibrahim? Use your microphone.

Hon. Omondi: Thank you Mr. Speaker Sir. Mr. Speaker Sir I had information that I wanted to give out, I remember in the morning...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Hon. Ibrahim we had ruled out Hon. Athmani Shebe for giving two statements at a time so we have allowed you to give out one statement.

Hon. Omondi: Mr. Speaker it is not a statement.

The Deputy Speaker (Hon. Mwalimu): We are on statement time and no matter how it will come it is a statement, it is you who were supposed to look on your two statements which one come first. Yes Hon. Mwamwiri.

Hon. Athman Mwamwiri: Thank you Mr. Speaker. Mr. Speaker I have been assigned by Hon. Member Jomvu Kuu Ward to issue a statement under Standing order 41, 2, c seeking a detailed statement from the Chairperson Committee on Water, Sanitation and Natural Resources if he is aware of the project of Mwache dam which is being undertaken by the National government and the County government through Kenya Water Tower project. Mr. Speaker Sir, the laying of pipes has been done in Jomvu and Mikindani but it has stopped for four months now. Thank you.

The Deputy Speaker (Hon. Mwalimu): Thank you. Any Member from Water?

(Silence)

So we will need the response in one month's time, in our next sitting after the House Business sit they will give us when the statement response is going to come on the floor of the House. Yes Clerk?

PROCEDURAL MOTION

ADJOURNMENT OF THE COUNTY ASSEMBLY

Yes the Leader of Majority.

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker. Mr. Speaker let me move a Procedural Motion.

That pursuant to Standing Order number 25(3) of the County Assembly, this House resolves to adjourn today on Wednesday 7th August, 2019 and resume its sitting on Tuesday 10th September, 2019.

Mr. Speaker I would request Hon. Mumba to second the Motion.

The Deputy Speaker (Hon. Mwalimu): Yes Prischilla.

Hon. Mumba: Thank you Mr. Speaker, I second the Motion.

The Deputy Speaker (Hon. Mwalimu): I now propose a question that the Motion on adjournment of the County Assembly as moved by the Leader of Majority be debated in this Honourable House.

(Silence)

The Deputy Speaker (Hon. Mwalimu): Hon. Members even before I put the stand on a question put, you must be aware that no matter what this Motion when it comes a question it is not put and we are following the Assembly calendar so I now allow..., I want to allow the Hon. Leader of Majority. Yes Leader of Majority.

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker. Mr. Speaker Sir the House is scheduled to proceed for a long recess for four weeks from today Wednesday 7th August, 2019 to Tuesday 10th September, 2019 as per the County Assembly calendar 2019 which was passed by this Honourable House on Tuesday 26th February, 2019 at 2:30p.m.

Mr. Speaker Sir I also would like to inform this House that the recess period is meant to touch base with the needs and issues in the respective Wards, therefore I urge Hon. Members to use this time to understand and interact with the public and I hope when you come back, you will be in a much better position to articulate their needs. Thank you Mr. Speaker Sir.

ADJOURNMENT

The Deputy Speaker (Hon. Mwalimu): Thank you Leader of Majority. Since there is no other person to deliberate on this Motion the House stands adjourned until Tuesday 10th September, 2019 at 10:00a.m.

The House rose at 3:30p.m.