



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 4th March, 2020.
The House met at 3:01p.m.

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

PRAYERS

The Speaker (Hon. Khatri): Hon. Members you may be seated. Yes Clerk?

STATEMENTS

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON HEALTH SERVICES HON.
KIBWANA SWALEH ON TRANSFER OF HEALTH OFFICERS AT SUB-COUNTY LEVEL COUNTY

Yes Chairperson Committee on Health Services, please respond or the Vice Chair?

(Silence)

Committee on Health Service?

(Silence)

Any Member?

Hon. Ngare: *(Tapping microphones)* They are all dead. Thank you Mr. Speaker. I am a Member of the Health Committee, I would just like to ask for more time because the Chairman is on the way and he has a response on the same so it can be among the last items we would be able to respond.

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

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON EDUCATION, INFORMATION
TECHNOLOGY AND MV 2035 HON. IBRAHIM OMONDI ON THE OFFICIAL OPENING OF DIGIRIKANI
ECDE IN MWAKIRUNGE WARD

Yes Hon. Ibrahim respond to the Statement.

Hon. Omondi: Thank you Mr. Speaker Sir. Mr. Speaker Sir I stand to respond to the Statement regarding the official opening of Digirikani ECDE in Mwakirunge Ward. We received a communication from the CEC in charge of Education and the communication went through the Clerk and the Clerk confirmed having received this particular information that the CEC Education and his County Chief Officer are not ready to respond on this particular Statement by today, but they have requested to be given two days and that means they will be ready with a very comprehensive Statement on the same by Monday, 8th March, 2020. Thank you Mr. Speaker.

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

The Temporary Speaker (Hon. Bwire): So Hon. Chairman when will you be presenting the response to the Statement to this House?

Hon. Omondi: Thank you Mr. Speaker. We shall do the same on Monday...on Tuesday sorry, on Tuesday Mr. Speaker.

The Temporary Speaker (Hon. Bwire): On Tuesday you will have the response?

Hon. Omondi: Yes on Tuesday Mr. Speaker.

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

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON HEALTH SERVICES HON. KIBWANA
SWALEH ON THE OPERATIONALIZATION/OFFICIAL OPENING OF MWAKIRUNGE WARD

The Chairperson Committee on Health Services?

(Silence)

The Vice Chair?

(Silence)

Any Member from the Committee?

Hon. Ngare: Mr. Speaker I will still request for more time because the Chairman is on the way and he will respond to the same, if you will allow Mr. Speaker. Thank you.

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

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON LABOUR AND SOCIAL WELFARE
HON. RENSON THOYA ON SAFEGUARDING RESIDENTS AGAINST EXPLOITATION BY
AGENTS/EMPLOYEES PROMISING FOREIGN JOBS

The Speaker Temporary (Hon. Bwire): Yes Chairperson Committee on Labour and Social Welfare, yes Hon. Renson Thoya.

Hon. Thoya: Thank you Mr. Speaker. I want to respond to the Statement in regards to safeguarding of the residents against exploitation by agents. It is with a deep sadness that you understand that our residents are being exploited by agents who do not follow the law but again we need to inform this House that...

(Interruption)

The Temporary Speaker (Hon. Bwire): What is it Hon. Nzai?

Hon. Nzai: Thank you Mr. Speaker. I just wanted to inform you that the Hon. Member on the air is not audible enough so kindly let him be more audible so that we can hear what he is telling the House.

The Temporary Speaker (Hon. Bwire): Thank you Hon. Nzai. I think the problem is with the system, so we will...

Hon. Thoya: Mr. Speaker I think the technical end...

The Temporary Speaker (Hon. Bwire): You can as well use this of the Clerks here.

Hon. Thoya: Hon. Speaker I just wanted to say that the problem that was facing the speaker, that is the Chairman of Labour is the same problem that the same speaker has faced so he has understood. I was saying that we understand as a Committee that most of our residents are being exploited by agents that do not follow the law by promising them foreign jobs. But as much as we have these problems our Committee has no jurisdiction towards the same, but being a problem of the County and people that are being exploited are our own voters and electorate we promise that we want to work with the relevant national agencies to identify the agents who do not follow the law to ensure that this problem is addressed. Thank you.

The Temporary Speaker (Hon. Bwire): Yes Hon. Amriya Boy?

Hon. Amriya Juma: Thank you Mr. Speaker for allowing me. I think I am the one, not I think, I am actually the one who brought the request to this Statement and it is in light and we had a long deliberation of the same and the issue even about the mandate of the Labour Committee was raised, I think by Hon. Kitula, but that issue was over ruled Mr. Speaker by your brother who was sitting in your Chair Mr. Speaker by reason that when we are interpreting the Constitution...

(Interruption)

We are saying that when we were looking at the interpretation of the Constitution you cannot selectively interpret the Constitution; you cannot interpret the Fourth Schedule alone, you have to interpret the Constitution by the principles that promote the purpose and values of that Constitution. You cannot only stick on Fourth Schedule without and being blind with Article 185 and Article 195 Mr. Speaker because this House has the mandate of oversight and this House has the same mandate as the same as the High Court. Mr. Speaker so you cannot interpret the Constitution selectively you must interpret the Constitution that promotes the spirit of this Constitution that promote the values and principles.

It was ruled that this Committee will bring a response after two weeks. In fact I had negotiated that they bring because this was a matter by then that had attracted a lot of public interest in the social media. I had requested that they be given only seven days but your Brother sitting on that Chair Mr. Speaker gave the Committee two weeks to look into that matter and also your Brother the Hansard is here had ruled that as much as this House has an oversight authority over any person in this County in matters that are affecting the County.

These are our residents that we make sure that all the laws if you are talking about trafficking in persons Act, are these institutions, the immigrations officers are they following? Why are these agents at freelance? What is happening? What is the nature of prosecutions? How many cases have been reported? How many cases are ongoing? How many cases have been implemented? What is the Ministry doing about these cases because this is something that has been re occurring to our youths because of their desperate nature are unemployed and they are seeking alternatives but they are landing in wrong hands.

So it is in the mandate of this House to look into these issues and your Brother here gave a ruling that this day we are supposed to get a response. I am concerned that the Chair of the Committee has said it is not in their mandate, I do not know if he did not get a brief from his Member or from his Vice, I am just concerned. Thank you.

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

Hon. Thoya: Thank you. Mr. Speaker I think I wish I was one of the learned friends to know those Articles; unfortunately I am not one but I will be learning from the same but it is not about the law, I think when the same Statement was being debated when you are talking here I was not in and I have been out the country but again I have promised you and I want to tell you personally I just wish that you give me tomorrow I will be seeing the County Labour officer on the same, that is I want to bring on board the government agencies and see how we can safe guard our people. I have seen the issues of articles *na vifungu* spare me. Thank you.

The Temporary Speaker (Hon. Bwire): So Hon. Chairman as a Committee you have not deliberated on this from the issue raised by Hon. Member?

Hon. Thoya: I think I have said that I was not here. I have been following my Members on the same, I think give us more time and I am committing myself towards the same thing because these people that are being exploited some of them are my own voters i feel whatever you feel. So please give us time we will follow the relevant officers of the national government to ensure that the problem is addressed. I understand that *huko kwa vifungu!*

The Temporary Speaker (Hon. Bwire): Thank you Chair but I just want to remind you that in case the Chair is not there, there is always a Vice Chair and there are Clerks so you consult with them (*Inaudible*)... the Chair has asked for more time (*Inaudible*).... i give you two weeks Honourable Chair so that you bring a very comprehensive report...

(Loud consultations)

Yes Clerk?

REQUEST FOR STATEMENT BY CHAIR, WOMEN CAUCUS HON. MILKA NGARE ON PREPARATIONS
FOR THIS YEAR'S INTERNATIONAL WOMEN DAY CELEBRATIONS IN MOMBASA COUNTY

Yes Hon. Milka Ngare, the nominated MCA?

Hon. Ngare: Thank you Mr. Speaker. Probably I should just say this before I read the Statement; I had expected this Statement much earlier knowing that the function is on Sunday, this coming Sunday. We don't have any other sitting before then because as the Chair of women caucus and female legislator plus my fellow Hon. Members we needed to be kept in the loop on the preparations so that we can also prepare the women from the grassroots to be aware of what we are going to celebrate. However it came today I hope that the Chair Youths, Gender and Sports will have an answer for me immediately so that we are aware.

(Applause)

So pursuant to Standing order 41 (2) and (c) I request a statement from the Chairperson Committee on Youths, Gender and Sports and cultural on what plans that the County Government of Mombasa has to celebrate the international Women's day that is scheduled to take place this coming Sunday 8th March, 2020. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Bwire): Thank you. Yes Chairman on Youth, Gender, Sports And Cultural Affairs Hon. Tobias Samba?

Hon. Samba: Yes thank you Hon. Speaker. The request has come late and may be if I request for more time it will be overtaken by events, but I did my follow up when I saw it appeared on the Order paper and I talked directly to the in-charge and preparations are on-going. If you allow me through Standing order 41(2) c... if you allow me I will respond to it right away.

(Applause)

The Temporary Speaker (Hon. Bwire): Go on Honorable Member.

Hon. Samba: Thank you so much. The Mombasa County government will be having a women conference at the ASK show ground as from 9:00a.m until the function ends and then there will be a procession at Kengeleni as from 8:00a.m towards ASK Show ground and then the meeting shall commence at 9:00a.m and Chief Guest of Honour will be the Women Representative Hon. Asha Hussein and in that respect also Hon. Members are also invited. Several Hon. Members representing our constituencies and also this Honourable House Members have also invited, I think the letter is in the Clerk's office and also I have my copy here and each and every Ward as par his communication will have 50 people per Ward and the mandate has been given to the Ward Administrators they will work hand in hand with Hon. Members or MCAs representing in various Wards and there will be lunch provided, transport and also the common campaign... so called *Dera*. I don't know how to call *Dera* in English so that is so far the communication that I got from the department for now, thank you so much Hon. Speaker.

(Applause)

The Temporary Speaker (Hon. Bwire): Hon. Milka are you satisfied with the response given by the Chair?

Hon. Ngare: The Chair has tried to give a response putting in mind that you also did not get it on time. I think I can give him 60 out of 100 however and I congratulate the Chair he has made a good effort. However it's always a good practice to keep the Members especially the women Honourable Members, legislators in the loop early enough so that we are also thoroughly prepared for this event. This is a very important event for us as women so it is always good and fair to keep us in the loop from the beginning, let us get involved so that we know what we are doing on the ground.

You know we look funny that something is happening and it's for us women and we know nothing. We are not given any details only to go to appear there that like any other person, for next time which will be next year God willing if we get there we request that these kind of preparations we should get involved early enough so that we are aware about what is happening and how we are going to celebrate the event with our women from the grassroots. So Chair of Youth, Gender and Sports next time please ensure that we are there from very beginning, thank you so much.

The Temporary Speaker (Hon. Bwire): Thank you. Hon. Chair you gave a response and I was just...

Hon. Samba: Hon. Speaker I gave a response and she is not somehow satisfied...

(Interruption)

The Temporary Speaker (Hon. Bwire): She has said she is 60 per cent satisfied.

Hon. Samba: No! Upon her closing remarks I wish you could have listened to her the only problem that we have here we don't listen we are eagerly waiting to contribute but we don't listen. Upon her finishing remarks she said that next time Hon. Chair make sure that we are totally involved, I wanted to add something on that if you allow me. If you won't allow me I will just sit down Hon. Speaker. Yes?

Hon. Ngare: I support.

The Temporary Speaker (Hon. Bwire): You are allowed.

Hon. Samba: Thank you so much. I know that everybody looks at me with fishy eyes I am still the Chairman and I will respond. Hon. Milka and other Members there is separation of duties and powers, that it is only by goodwill that the executive can also include us in their duties and...

(Interruption)

Hon. Ngare: No.

Hon. Samba: Yes it is stipulated in the County Government Act and if you allow me Hon. Speaker I will show them then it requires goodwill and it does stop from there we will do follow up we will make sure that we are in order...

(Interruption)

The Temporary Speaker (Hon. Bwire): Hon. Member you are out of order! Order Members!

Hon. Samba: Yes, I am responding.

The Temporary Speaker (Hon. Bwire): Hon. Member you are out of order! Order! Order! Hon. Chair we are all representatives of the people and we do speak, resume your seat Hon. Member! And we all speak the voice of the people where everyone does in one way or another and we all have powers to ask on behalf of the people we represent, it is not a favour by the executive to furnish this House with any information that has anything to do with those we represent. So I am ruling out Hon. Chair that it is not a favour but it's a mandate of the executive to be informing you on anything to do with the people we represent...

(Applause)

And I think Hon. Members I will not take much more discussion on that; whoever asked for...

(Interruption)

What is it Hon. Ibrahim? I have given you one minute Hon. Ibrahim.

Hon. Omondi: One minute?

The Temporary Speaker (Hon. Bwire): Yes?

Hon. Omondi: Mr. Speaker Sir thank you for the one minute you have given me. Mr. Speaker before I actually say something on what the Honourable has said I just want to remind him that those people who elected us... I just want to remind him on that point they gave us...the honourable Members the power; the power to fulfill their dreams that is number one. Number two they also gave us the wings, the wings to fly...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order Hon. Member! Order! You are out of Order!

Hon. Omondi: Mr. Speaker Sir I am trying to correct the Member who said that the Members do not have powers.

The Temporary Speaker (Hon. Bwire): Hon. Member I ruled on that statement by Hon. Samba you should not again discuss it.

Hon. Omondi: Okay thank you Mr. Speaker. Now let me go to the point; what I wanted to say is that the concerned department should come up with a structured and organized program on how this one is going to take place.

Mr. Speaker Sir, I am saying this because it has happened several times and some of us as the Members of County Assembly we just hear, we are just told that they are going to this program, it's going to take place. Mr. Speaker we don't know and you'll find that most of the times these women even themselves come into our houses and to our offices wherever there is this day taking place. So Mr. Speaker Sir we need to be taken to through about how the *Deras* will be distributed, lunch and also the transport and we must be in charge of that, thank you.

The Temporary Speaker (Hon. Bwire): Hon. Members, it was a concern and the statement raised by Hon. Milka was responded to by the Chair. The Hon. Member is satisfied with the response and she has asked the Committee to do more next time so I don't see the reason as to why we are debating it, it's okay. Yes Clerk?

LEVEL OF PREPAREDNESS TO TACKLE CORONA VIRUS OUTBREAK

Yes Hon. Tobias Samba?

Hon. Samba: Yes Hon. Speaker I need to make the following request:

THAT AWARE that, Corona virus outbreak is so deadly and has affected an estimate of 87,000 people globally. The virus that emerged in Wuhan, China has spread to dozens of countries that include Africa;

FURTHER AWARE that, there are allegations that a suspected case of Corona virus has been reported at a hotel in Nyali Sub County;

CONCERNED that, residents of Mombasa are a worried lot as the Corona virus outbreak continues to spread across Africa as there are increasing questions being raised about measures the County government is taking to protect its residents;

Mr. Speaker Sir, I therefore, pursuant to Standing Order 41 (2) (c) stand to request a detailed statement from the Chairperson Committee on Health Services on the level of preparedness and readiness to tackle the virus by the County government of Mombasa considering that Mombasa is a tourist destination.

Thank you Hon. Speaker.

The Temporary Speaker (Hon. Bwire): Yes Chairperson of Committee on Health. You can use the other microphone Hon. Member.

Hon. Kibwana Swaleh: Thank you Hon. Speaker. Hon. Speaker today we really have a hitch, the thing called technology is beating us here in this Hon. House. Anyway I think I will just appreciate the question that has been raised by my colleague, which is very important for all of us Hon. Speaker so the mentioning of detailed report...

(Interruption)

The Temporary Speaker (Hon. Bwire): Hon. Chair the issue is more weighty and it needs to be captured by the Hansard, I would ask you to move to Clerk's microphone.

Hon. Kibwana Swaleh: Thank you Hon. Speaker, Hon. Speaker, earlier I stated that the question raised by my colleague is very important to everyone, that needs to be answered in details in this honourable House. So I will just request if you allow me we are about to make a formal written letter to the department to ask the same, so I wish that if you allow me I will be able to give a very detailed response next week Wednesday Hon. Speaker.

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

STATEMENT

Yes Hon. Juma Charles Kitula?

Hon. Kitula: Mr. Speaker Sir, I seek to know from the Chairperson, Committee on Finance & Economic Planning on:

1. When will County Treasury submit to the Assembly second quarter budget implementation report;
2. Preparedness of the County government in managing tough economic times experienced in the County;
3. By tabling evidence, the Committee to prove beyond reasonable doubt that residents through public participation were involved in preparation of Mombasa County Finance Act and that charges in this Act were proposals from the public.

Thank you Mr. Speaker.

The Temporary Speaker (Hon. Bwire): I think the Chairman concerned is in the House. You can make use of the Clerk's microphone.

Hon. Mohamed Hatimy: Mheshimiwa Spika nimeona kuna maswali matatu nataka kusema swali la tatu siwezi kulijibu chini ya Kanuni ya Bunge 25. *I think we are all aware that the matter is in court so we cannot talk about it.*

The Temporary Speaker (Hon. Bwire): Yes go on Mr. Chairman.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Swali la kwanza ilikuwa naomba Mheshimiwa aniambie ni Kanuni ya Bunge gani *because what I know it is the Executive Finance who deal with the process of the budget*, kwa hio sijui iko wapi. Mimi naona *County Treasury*, kwa hio taratibu ya bajeti wajua ni upande wa *Executive*, kwa hio sijui hii imetoka wapi. Alafu swali la pili *I need to be given time I will come maybe on Tuesday or on Wednesday to reply the question. Thank you.*

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

Hon. Kitula: Ahsante Mheshimiwa Spika. Ningependa kumjibu kwanza kuhusu swali la tatu; kwamba *a matter* ambayo iko *before the court* ni kuhusiana na *parking* peke yake Mheshimiwa Spika, *but not the whole document ya Finance Act*, ni kuhusu tu malipo ya kuegesha magari peke yake na sio Finance Act. Alafu ya pili ni kuhusu *second quarter budget implementation report* ni *section 166 of the Public Finance Management Act* Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): What does it say?

Hon. Kitula: Inasema hivi, *'Accounting officer to prepare a quarterly report for County Government entity:*

1. *An accounting officer for a County government entity shall prepare a report for each quarter for financial year in respect of the entity;*
2. *In preparing a quarterly report for a County government entity the accounting officer shall ensure that the report contains information on the financial and unfinancial performance of the entity and is in a form determine by the accounting standard board;*
3. *Not late than 15 days of the end of each quarter the accounting officer shall submit the quarterly report to the County Treasurer;*
4. *Not late than one month after the end of each quarter the County Treasurer shall*
(a). Consolidate the quarterly report and submit them to the County Assembly.

166 Section (1)(2)(3) ahsante Mhe. Spika. Kifupi kwa Kiswahili ni kwamba, saa hizi inastahili mwisho tarehe 21 Januari, County Treasurer ilikuwa inastahili kuleta hapa jinsi walivyotumia pesa zao kwa mda wa miezi sita Mheshimiwa Spika ahsante.

The Temporary Speaker (Hon. Bwire): Hon. Member, can you make use of the microphone so that it's captured.

Hon. Mohamed Hatimy: Mheshimiwa Spika nimesema vizuri sana *accounting officer*, Wizara zote itafanya ripoti iende kwa *Treasury*, *Treasury* hai deal na Bunge la Kaunti, *it's the Executive Member of Finance who is the one to submit the report* hapa and not at the *Treasurer*, while even though the *Executive Member* is the *Chair of the Treasurer* so it's the *Executive Member* to submit the report.

The Temporary Speaker (Hon. Bwire): Hon. Kitula I think it's a matter of re-writing the statement.

Hon. Kitula: Mheshimiwa Spika sio mimi kuandika, ni sheria na Waziri tayari amekiuka hii sheria; ilikuwa inastahili kuja hapa tarehe 21 Januari. Mheshimiwa Hatimy amejaribu kufanya nigeuze Kiswahili ili iweze kumfaa yeye mwenyewe, lakini sio sheria. Sheria iko wazi; *the County Treasurer through Assembly* hapa inawakilishwa na yeye kama Mwenyekiti na inawakilisha *County Treasury* katika Bunge hili. Kwa hio taarifa zote zinakuja hapa kupitia yeye kama mwakilishi wa *County Treasury* hapa, kwa hio asibadilishe Kiswahili kumfaidi yeye kwa manufaa ambayo iko hapa.

Article iko wazi, *the County Treasurer* inakuja hapa kupitia yeye kama Mwenyekiti na ku *submit* hizi stakabadhi kama ilivyokuja *first quarter*; *first quarter* ilikuja vizuri sana kupitia yeye ilikuja stakabadhi hapa na tukaipitia vizuri mbona *second quarter* hakufanya *the same process* na wakati *deadline* imepita Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): And I think according to Hon. Hatimy, he does not represent the County Treasury, he represents the department of Finance, so it's the Treasury that submits the report to the department then.

Hon. Kitula: Mheshimiwa Mwenyekiti *County Treasurer* ina maana hii, *County Treasury department* ya *Finance*, *the whole department* ya *Finance* ndio *County Treasury* kwa ufahamu wangu, *interpretation* naweza kukusomea hapa iko wazi kwa sheria *what County Treasury* inamaanisha. *The whole department of Finance is the County Treasury.*

The Temporary Speaker (Hon. Bwire): Yes kindly read for us and again Hon. Kitula according to the traditions of the House you stick to one language.

Hon. Kitula: Mheshimiwa Spika ni mazoea, nasoma na naweza ku *interpret* mwenyewe kwa lugha ya Kiswahili.

The Temporary Speaker (Hon. Bwire): I am just reminding you of the House traditions.

Hon. Kitula: Ahsante Mheshimiwa Spika, nimeipata ndio hii *section* 103, there is established for each County government, an entity to be known as County Treasury:

2. The County Treasury shall comprise of:

- a. The County Executive Committee Member for Finance
- b. The Chief Officer
- c. And the departments of the County Treasury responsible for financial and physical matters. Iko wazi kabisa Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): Yes Hon. Hatimy.

Hon. Mohamed Hatimy: Mheshimiwa Spika sio mara ya kwanza kufungua hii stakabadhi, nafikiri *quarter* ya kwanza iliweza kuletwa na haikuletwa na *treasury* ililetwa na Finance department.

Hon. Kitula: Mheshimiwa Mwenye kiti nisingependa Mheshimiwa Hatimy aipoteze Nyumba hii; *there is no difference between County Treasury and department of Finance.*

(Noise)

The Temporary Speaker (Hon. Bwire): Hon. Hatimy I will emphasis on use of microphone again.

Hon. Mohamed Hatimy: Mheshimiwa Spika sio mara ya kwanza stakabadhi hii kuja; ukifungua Kanuni za Bunge nionyeshe Mwenyekiti wa *Treasury* ni nani nataka kujua hiyo kwanza. Mimi ni *Chairman wa Finance planning but not treasury* na *treasury* sio mtu mmoja *treasury* ni watu wengi.

Kwa hiyo mimi nikitaka kuuliza swali kisawasawa nilete ile ripoti hapa kama mara ya kwanza alikuja ikaulizwa hapa ndani ya hii Nyumba, hivyo basi akubali kuibadilisha hii *statement* yake vile inatakikana 128. Yeye anayo sheria 128 iko wazi *process* ya *budget* inafanywa na nani; PFM 128 iko wazi kwa hivyo ni kubadilisha hii taarifa itaje *Chairman* wa *Finance* ambae ukitaka ripoti kutoka kwa *finance department and not treasury*. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Bwire): But I thought you have heard the components of the County Treasury Hon. Hatimy, when Hon. Kitula was reading there was a component on what makes up the County Treasury; the CEC Member Finance, the departments and the Chief Officer, in other words Hon. Member County Treasury is just the finance department.

Hon. Mohamed Hatimy: Mheshimiwa Spika, *treasury* ni kitu nyengine na *department* ya *finance* ni kitu nyengine.

The Temporary Speaker (Hon. Bwire): So Hon. Kitula it's a matter of either seeking leave and correcting the sentiments by inserting the words; the department of finance or go and rewrite again the statement, there are two options.

Hon. Kitula: Mheshimiwa Spika taarifa yangu iko sawa kabisa; nimekueleza *County treasury* inamaanisha nini na iko sawa kabisa, siwezi rekebisha kitu nikajifunge mwenyewe, nimeeleza *County treasury* yamaanisha nini nikakusomea sasa nitaandika vipi *department* ya *finance* wakati *County treasury* ndio hiyo *department* ya *finance*! Itakuwa yaniregelea mwenyewe kinyume.

Jambo ninalosema sasa *first quarter implementation report* ilikuja hapa vizuri kupitia *County treasury* ambayo inapeleka stakabadhi kwake yeye kama Mwenyekiti wa fedha inakuja hapa katika Nyumba. La pili ni jambo rahisi yeye aandikie *County treasury* wajue lini wataleta hiyo *second quarter implementation report* wailete hapa kwa Nyumba. Kwa hiyo sasa nashangaa anabadilisha lugha nyingi kubadilisha Kiswahili kingi na wakati sheria iko wazi, *County treasury* iko *department* ya *finance* iko wazi kabisa na ni vizuri hapa katika meza yako uwe na County Government Act, PFM Act na Constitution of Kenya itakuwa bora uweze kunielewa zaidi lakini useme nibadilishe taarifa yangu kwa kweli sio haki, taarifa yangu iko sawa kwa sababu *County treasury* iko *department* ya *finance*. Na sitaki kujiregelea.

The Temporary Speaker (Hon. Bwire): Hon. Hatimy can you write to the department of finance to compel the County treasury to bring the said report on the second quarter?

Hon. Mohamed Hatimy: Yes but the question is the treasury and not finance.

The Temporary Speaker (Hon. Bwire): It's okay Hon. Hatimy...

(*Interruption*)

Hon. Mohamed Hatimy: I need to be given a proper statement...

(*Interruption*)

The Temporary Speaker (Hon. Bwire): Hold on Hon. Members! Hon. Hatimy what I am saying is the department of finance is under the treasury, right? Now as a Committee of Finance can you write to the department that you represent, that is finance and the finance will write to the County treasury on the report of the second quarter.

Hon. Mohamed Hatimy: Unless *Mheshimiwa Spika maneno yako unayosema ni to write to treasury...*

(Interruption)

The Temporary Speaker (Hon. Bwire): Seems no one is representing the County treasury.

Hon. Mohamed Hatimy: *(Off microphone).*

The Temporary Speaker (Hon. Bwire): I have made a ruling on the same Hon. Member! Now that no one is representing the County treasury, the Hon. Chair and his Committee will write to the CEC Member Finance and the CEC Finance will compel the Treasury to bring the second quarter report through the department of finance in this House through the Committee. So I think that is the only way we can get to the bottom of this, it seems we will never get the person to represent the Treasury so it's a matter that affects the department of finance Hon. Chair, please with your Committee I give you two weeks. Thank you, yes Clerk.

Hon. Athman Mwamwiri: Mwenyekiti hii kitu ishapita *timeline* alafu unasema wiki mbili? *Point of information* Mheshimiwa Spika!

(Interruption)

The Temporary Speaker (Hon. Bwire): You see Hon. Mwamwiri you are challenging the ruling.

Hon. Athman Mwamwiri: Am not challenging the ruling even the Chair can be (??) position.

(Interruption)

The Temporary Speaker (Hon. Bwire): Hon. Mwamwiri even if the report comes today.

(Interruption)

Hon. Athman Mwamwiri: It's just a point of concern.

The Temporary Speaker (Hon. Bwire): Yes, what is your point of concern.

Hon. Athman Mwamwiri: My concern is that according to the PFM Act there is a timeline on budget implementation and everything so the raised concern by Hon. Kitula... the document is supposed to be brought by 21st January. We are now in March, giving two weeks will be going to another quarter and according to the PFM Act this is a breach of an Act and the Minister was supposed to be subjected to harsh penalties for not tabling the document on time. So giving two weeks is giving her a leeway to just roam, relax and not do what she is supposed to on time, so according to 166 the deadline was supposed to be 21st, the time has already expired.

The Temporary Speaker (Hon. Bwire): Hon. Member they are out of time already even if they bring the report today because today is not January.

Hon. Athman Mwamwiri: So you're supposed to put a harsh penalty on it for failing... for breaching this Act, you should include a penalty.

The Temporary Speaker (Hon. Bwire): Hon. Member you are out of order! You are challenging the Speaker, where are you getting this authority? So like I told you Hon. Member, Hon. Chair and your Committee make use of the two weeks and bring a very comprehensive response on what Hon. Member has raised. Yes Clerk.

STATEMENT

Hon. Milka you must have consulted your Chair.

Hon. Ngare: Thank you.

(Interruption)

The Temporary Speaker (Hon. Bwire): Who do you want to inform?

Hon. Thoya: We were told that the Chairman was on his way coming, you do not need to request the Deputy...

(Interruption)

The Temporary Speaker (Hon. Bwire): Order Hon. Member she is standing in for the Chair, the problem is the response and she is standing in for the Chair.

Hon. Ngare: Thank you Mr. Speaker. Once again I am a Member of the Committee on Health and I have consulted with the Chair who walked in, he asked me to tell the House that next week the responses will come. We only need one week to bring the responses so Hon. Thoya have order in the House.

The Temporary Speaker (Hon. Bwire): Hon. Member are you the one who said the response is on the way with the Chair?

Hon. Ngare: Yes and he has brought the response that we need one week, thank you.

The Temporary Speaker (Hon. Bwire): That is a request you are requesting for more time that is not a response.

Hon. Ngare: We need one week.

The Temporary Speaker (Hon. Bwire): You are requesting for more time you have no response on the issue raised Hon Milka.

Hon. Ngare: Yes, thank you.

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

STATEMENT

Hon Milka?

Hon. Ngare: Thank you Mr. Speaker. Once again we are requesting for more time on the same, again next week and we shall bring a detailed response, thank you.

The Temporary Speaker (Hon. Bwire): Kindly don't fail to bring.

Hon. Ngare: We will not.

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

ADJOURNMENT

Hon. Members there being no other business the House stands adjourned until 10th of March, Tuesday at 10:00a.m.

The House rose at 3:54p.m.