



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 11th March, 2020.
The House met at 2:49p.m.

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

PRAYERS

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Members have your seats. Serjeant-At-Arms, please ring the quorum bell.

(Quorum bell rung)

Yes Clerk, please ascertain if there is quorum.

(The Clerk confirmed quorum)

Yes Clerk, proceed.

NOTICE OF MOTION

ENFORCEMENT OF THE TOBACCO CONTROL ACT

Yes Hon. Aran Moses?

Hon. Aran: Thank you Mr. Speaker. Mr. Speaker I will read a Notice of Motion on behalf of Hon. Fadhili Mwalimu, the MCA of Port Reitz.

Mr. Speaker Sir I beg to give the following Notice of Motion;

THAT AWARE THAT cigarettes smoking is harmful to one's health and the environment;

FURTHER AWARE THAT the National Assembly passed the Tobacco Control Act, 2007, but there is laxity in enforcement;

NOTING THAT new scientific information on cigarettes smoking in outdoor areas, leads to health hazard to the members of the public;

CONCERNED THAT people do not smoke at designated areas pose health hazard to other members of the public;

I therefore URGE this Assembly to RESOLVE that:

The County government of Mombasa should enforce laws for smoking zones that protect outdoor public places that includes, outdoor workplace, restaurants, bars, service lines, park and beaches as well as restricted areas by reviving places that were earlier designated by the defunct Municipal Council.

Thank you Mr. Speaker.

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

MOTION

ESTABLISHMENT OF INTER-WARDS TALENT COMPETITION

Yes Hon. Aran?

Hon. Aran: Mr. Speaker Sir, I beg to move the following Motion on behalf of Hon. Fadhili Makarani MCA, Port Reitz Ward.

Mr. Speaker Sir I beg to move the following Motion;

THAT AWARE THAT thousands of youths in Mombasa County have different talents and skills, for instance sports;

FURTHER AWARE THAT unemployment rate continues to rise leading to many anti-social criminal activities, idleness and frustration that undermine the stability of economy of Mombasa County;

NOTING THAT talents are source of income to the individuals as well as revenue to the country;

CONCERNED THAT, talented youths within the County have no well-structured avenues where they can exercise their talents and skills in order to earn a living;

I therefore urge this Assembly to RESOLVE that:

The County government to establish inter-Wards talent competition for youths in the County which can act as a source of revenue to the youths while at the same time act as an avenue to scout for talented youths.

Thank you Mr. Speaker. I request Hon. Chief Whip to second the Motion.

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

The Chief Whip (Hon. Wambua): Mr. Speaker. I second.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Member I propose that the Motion read by Hon. Moses on establishment of inter-Wards talent competition, be debated in this House.

(Question proposed and agreed to)

Yes Hon. Moses Aran?

Hon. Aran: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nashukuru sana kwa kuleta hoja hii kwa niaba ya Mheshimiwa Fadhili Makarani. Hoja yenyewe ni nzuri Mheshimiwa Spika na vile imesemekana tumeona kwamba sasa hivi vile tunaishi dunia ya saa hii wanaoishi maisha mazuri ama wenye wanafanya kazi nzuri ni wenye wanaishi na talanta zao na tukiwa na mahali kwamba angalau tutaweza kukuza talanta za vijana wetu kwa michezo na talanta naona kwamba Mombasa itaimarika sana.

Mheshimiwa Spika ukiangalia hata vijana wetu wamejaribu kuendeleza nchi yetu saa hii ukiangalia tuko na kijana alijaribu pia kuwa Mbunge japo kuwa alishindwa lakini alijaribu kama kijana mwenzetu na watu walisherehekea kwa sababu alikuwa kwa michezo anaitwa Mariga. Ukiangalia ndugu yake Wanyama pia amekuwa kwa michezo na ni mwenye amesaidia saa hii ako na mpaka wakfu wake inakuza talanta.

Ukija hapa Mombasa Mheshimiwa Spika tunajua vizuri tulikuwa na Robert Mambo mwenye alikuwa mpaka na shule yake ya kukuza talanta za vijana. Kwa hivyo tukiweza kuwa na hizi sehemu za kukuza talanta ukienda kwa mashinani haswa kwa Wodi tuseme tuwe na hizi sehemu kila Wodi zote 30 tuko nazo hapa Mombasa naona kama Mombasa tutaendelea.

Ya pili Mheshimiwa Spika pia tukiongelea masuala ya uhalifu yamezidi sana kwa sababu hii inafanyika vijana wetu wako vibarazani; unapata vijana wako hata ukiangalia vijana wenye wameshikwa wameshtakiwa lakini utapata vijana kama mtu si msanii ama utapata mtu anacheza mpira lakini hakuna mahali pa kukuza talanta. Kwa hiyo mimi naomba Waheshimiwa wenzangu hii hoja imeletwa, nimesoma kwa niaba ya Mheshimiwa Fadhili iko wazi sana ni tushikane tuungane tuiptishe ili vijana wetu waweze kusaidika na Mombasa iendelee. Ahsante sana Mheshimiwa Spika.

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

The Chief Whip (Hon. Wambua): Ahsante sana Bwana Spika kwa kunipa fursa hii. Hoja iliopo mbele yetu Bwana Spika ni nzuri sana kwa sababu inatusaidia...(Technical hitch)...nilikuwa natatizika na hii...inasaidia vijana kukuza talanta zao. Mheshimiwa Spika sisi kama Waheshimiwa katika mitaa yetu tunapambana na vijana kila mahali; vijana hawa hatuwezi kuwapatia kazi hakuna njia ya kuwasaidia kupata kazi lakini wako na talanta wanaweza kujisaidia na kujiajiri wenyewe. Inakuwa ni jambo la busara kama Kaunti yetu itasaidia vijana ili waweze kukuza talanta zao na waweze kujisaidia wenyewe kwa sababu nafasi za kazi ni nadra ama hakuna na matatizo ni mengi kwa vijana.

Ukiangalia uhalifu mwingi vijana kama wana jambo la kufanya hawawezi kushika watu ngeta, hawawezi kuumiza watu lakini wakipata jambo la kufanya watakuwa na wakati mzuri wa kujisaidia katika hali hii, ningetaka nifikie hapo Bwana Spika. Ahsante.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Ramla?

Hon. Ramla Said: Ahsante sana Bwana Spika. Nina simama kuunga mkono huu Mswada kwa sababu ni Mswada mzuri na pia kama tunavyojua walemavu wengi hawakumaliza kusoma ama wamefika darasa la nane ama kidato cha nne na hawakujieleza lakini huwa wengi wana talanta au vipaji aina nyingi na kama huu Mswada utapita na walemavu pia wazingatiwe basi tutakuwa tumewainua kwa hali nyengine kwa sababu watapata nafasi ya kutambulika vipaji vyao na kujiendeleza kimaisha. Kuna walemavu wengi wenye vipaji vya michezo, vipaji vya kuimba, vipaji vya kila aina na huu Mswada ni mzuri sana ukipita nauungwe mkono. Ahsante.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Nyiro?

Hon. Nyiro: Thank you Mr. Speaker. I can see you are in hurry to end the discussion but it is good for Members to have enough time to give their input because the larger population of this House is youthful and indeed we are talking matters on youths and therefore I request that we have enough time to deliberate about the youths of this County.

Mr. Speaker indeed the Motion before us is good and timely and anything that touches on the improvement of the status of the youths must be something that everybody should be touched and embrace. Mr. Speaker we have a whole department here in the County and this the same department that is also entitled to a very large sum of budgeting and therefore it is only good for us to come up with legal activities so that we can be able to also monitor the flow of funds because once we have these activities enacted it will be also be easy for the department to fund these activities.

Mr. Speaker most of the time we have been always looking at sports as football but there is so much talent on the ground such that when we are able to harness the same and give proper funding and proper monitoring a lot of income is going to come in the long term.

Hon. Speaker, having been born and raised in the suburbs of Mombasa County in Majaoni specifically, I have a number talented youths who use art where they make beads like the one that I am putting on. Mr. Speaker, this is a work of art and it is talent and many people... many youths are getting their source of livelihood through such art.

So Mr. Speaker when we started this second chapter of devolution our Hon. Speaker sponsored an inter-Wards tournament and as we speak Shanzu was crowned and they went home with shs 300,000. Now that one was sponsored by an individual, the Hon. Speaker of this Assembly; what if the department will be able to fund or do such a move?

Mr. Speaker the department has also been doing some Jersey and balls distribution to the teams but again with proper monitoring and management; maybe these Jerseys are used by the youths when they ride *boda boda* as you can see them wearing the jerseys because after we have given them the Jerseys what else!

So with such a move in place Mr. Speaker we will be utilizing them properly through proper management and follow up of the teams that will be giving the jerseys and the balls, plus we have also seen the department has also been moving in to make sure that the grounds are level and something is being done. We have a number of playgrounds that have been levelled, we have heard well be dug so that also can get some water and all that.

Therefore Mr. Speaker the whole thing should be brought on board so that as we continue to improve talents we improve everything so that there is a general improvement in sporting activities as a whole.

Otherwise Mr. Speaker this Motion is timely and it's only good for us to make sure that we touch on every detail of challenge so that we don't leave any talent outside as we continue to realize the different capabilities of our youths in this County.

Mr. Speaker this Motion is timely; I really support it and I will also give my best being a Member who sits in the Implementation Committee and these are Motions that I will always put my eye on so that I realize their implementation. Mr. Speaker, i thank you and this Motion is timely.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Milka?

Hon. Ngare: Thank you Mr. Speaker for the chance to also contribute to this Motion. I rise to support the Motion putting in mind that the youths form a larger part of the population. The youths have a lot of energy which should be tapped in useful activities; they have new ideas which they are willing to exploit and if don't do that for sure as some Hon. Members has said it is a ticking bomb waiting to explode.

Through development of talent when the youths engage in these activities through sports; one it will keep them physically fit, two they may be able to earn a living just as Hon. Nyiro has rightly put it. So it is good to implement this inter-Ward competitions putting in mind also that our Governor has put in concerted efforts to do stadiums within Mombasa town for the benefit of the youths.

As we know the English men say, "*An idle mind is a workshop of sin*" and when most of these youths are left idle they end up committing a lot of crime, so I do support this Motion so that we can reduce the number of youths engaged in crime and then they can also develop themselves economically to sustain themselves and therefore avoid engaging themselves in activities that are not legal.

With that I urge the Hon. Members to support the Motion and as Hon. Nyiro who is a Member of Implementation has said we need to pass Motions which are implemented so Hon. Nyiro we are going to keep an eye on you also as you have promised so that we ensure that this Motion is being implemented on the ground. Thank you so much Mr. Speaker.

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

Hon. Nzai: Thank you very much Mr. Speaker for have given me this chance also to air my views. Mr. Speaker it is unless we remind each other when did the rain start beating us? Of course or indeed it is in the indulgence mind for the people for not implementing what is good practice. Mr. Speaker as far as I stand to support the Motion a lot needs to be done because it is also in the Governors' manifesto in the implementation of development of this County agenda that youth were given priority to be sensitised in all activities. Recently Mr. Speaker we have seen the merry go round for all fields being prepared to make sure our youths are really engaged fully but we don't know where that exercise ended and who stopped it.

Mr. Speaker the Motion is as good as the one which came yesterday but I kindly request the offices concerned to work tirelessly so that this agenda which goes directly to our Hon. Governor to be realised. It is a pity actually to see our youths just lingering around without nothing much to be done, thank you Mr. Speaker for this Motion.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Renson Thoya?

Hon. Thoya: Bwana Spika nasimama kuunga mkono Hoja hii ambayo inatetea sisi wawakilishi hususan tukiwa kule nyanjani. Kwa sababu ikiwa tutapitisha Mswada kama huu ambapo serikali yetu itakuwa inatenga pesa ya kuweza kuboresha talanta inakuwa ya msaada mkubwa kwetu. Kwa sababu nyingi ya *tournament* ama vipaji ambavyo tunaboresha kule nyanjani huwa tunatumia pesa zetu za mfukoni. Kwa hivyo inakuwa ni vyema kwamba tunapitisha kwamba pesa za umma ziweze kutumika katika swala zima la vijana ambao ni ajenda ya umma vile vile. Zaidi ya yote Mombasa inakabiliwa na changamoto ya ajira, inakuwa ni vyema tuangalie njia mbadala ya vile vijana wanaweza kupata ajira kupitia talanta zao.

Kwa hivyo tukisema kwamba kutatengwa pesa ama serikali hii itenge pesa ya kuboresha talanta nafikiri talanta hizi zitakuja kubadilika na kuwa ajira siku hizo za usoni. Talanta ni mojawapo ya njia ambayo tunaleta vijana mahali pamoja wakiweza kushiriki maswala muhimu ya kijamii. Swala ni kwamba kama vijana hawa hawajajumuika katika mchezo wa kandanda, masumbwi na vipaji vinginevyo huwa wako wapi? Mara nyingi vijana hawa wanapatikana katika kile ambacho siku hizi kinaitwa maeneo ama sehemu ambazo wanaweza kutumia vileo na mihadarati.

Kwa hivyo tutakuwa tunawasaidia vijana hawa kutoka kwa lile janga la matumizi ya mihadharati. Zaidi na mwisho kabisa pale ilipofikia ni vijana tumalizane nao ama vijana wamalizane na sisi; hivyo basi tukiwa viongozi ni maamuzi tuyafanye kwamba hawa vijana tumalizane na wao katika kuboresha vipaji vyao ama sivyo vijana hao watakapo malizana na sisi sijui itakuwa ni vipi! Mimi hupenda kusema msemu kwamba vijana ni uwa *sort* au waku *sort*; Tatizo ni kwamba vile watakavyo tu *sort* hatujui ni mbele ama ni kwa nyuma. Kwa hivyo ni bora tufanye maamuzi ya kuunga mkono Mswada huu tutokamane na hali ya taharuki ambayo usoni vijana watatuletea aibu kubwa. Ahsante.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Mary Onsongo?

Hon. Onsongo: Thank you Mr. Speaker for giving me this opportunity so that I support the Motion. The Motion that we have in front of us is a very important Motion and we should not make any delays on it. I think all the Hon. Members in the House know very well that I have sportsmanship in me; i am a lady ...

(Applause)

So it is very important when somebody is talented let the person be motivated. I like our youths; if you motivate them by putting the inter - Wards talent competition they will be exposed by going for tournaments not only in Mombasa County but they will also get employed but there are so many organizations that need people who are talented. I like myself we used to have those inter....

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Ok proceed Hon. Onsongo.

Hon. Onsongo: Mr. Speaker as you know the Hon. Member also accuses everyone every time, that is his character. I am not afraid of that so to me I was selected by the Posta people, the Awendo people because of my talent that I had...

(Applause)

So if our youths can be given this opportunity they will be practicing everyday...

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Mwamwiri, what is it?

Hon. Athman Mwamwiri: Mheshimiwa Spika naomba kufahamishwa na Mheshimiwa tunazungumzia kukuza vipaji vya wale vijana kule nyanjani ama tuendelee kukuza chake kwa sababu anang'ang'ania ya kwamba mimi, mimi...

(Interruption)

Hon. Onsongo: No, Mr. Speaker I am giving an example.

(Applause)

He is jealous because I had that in me and it can be seen even right now. Protect me please Mr. Speaker.

(Laughter)

The Deputy Speaker (Hon. Fadhili Mwalimu): What is it Hon. Amur? Use your microphone please?

Hon. Murfad Amur: Mr. Speaker I just want to know whether the Honourable is representing the youths; because we have a youth representative in this Assembly who is Hon. Moses Aran. If he is representing youths because the Motion is about we develop talent to the youths, she is no longer a youth she is over 35 years. Thank you.

The Deputy Speaker (Hon. Fadhili Mwalimu): Order! Order Members! Ok Hon. Milka what is it?

Hon. Ngare: Thank you Mr. Speaker. I have noticed with a lot of concern that whenever a lady legislature...

(Applause)

Stands up to contribute they are particular Members in this House who are always out to kind of intimidate the female legislatures and as the Chair of Women Caucus we are not going to sit and watch that. I am requesting that Hon. Mary Everlyne Onsongo be given time to present her ideas on the Motion because it is her right and if she is talking about herself as a role model there is nothing wrong. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Mwalimu): Ok we have heard you Hon. Milka, let Hon. Onsongo proceed.

Hon. Onsongo: Mr. Speaker Sir, as you know men are ever jealous with women...

(Applause)

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Order! Order! Order Hon. Members!

Hon. Onsongo: I was giving an example so that the Hon. Members can support this Motion because I was talking when I was a youth in a secondary school not now. So even the youths we have some who have finished form four...,

(Interruption)

Let me finish, protect me Hon. Speaker...

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Members let Hon. Onsongo proceed...

(Interruption)

Hon. Onsongo: Protect me Hon. Speaker...

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Proceed Hon. Onsongo.

Hon. Onsongo: Thank you Mr. Speaker for protecting me.

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Order! Order! Order Members! Order!

Hon. Onsongo: Mr. Speaker Sir, let me finish by saying i support the Motion and the Department of Youth let it spare some money for inter - Ward talent competition. Thank you.

The Deputy Speaker (Hon. Fadhili Mwalimu): Thank you Hon. Onsongo. Yes Hon. Prischilla from Tudor?

Hon. Mumba: Ahsante Mheshimiwa Spika. Nasimama hapa kuunga huu Mswada mkono kwa ukamilifu na pia nikishukuru Mwenyekiti wangu wa *Caucus* kwa kuhama mahali ametoka aweze kuthibiti mahali ambapo panaharibika kwa sababu Mheshimiwa Spika kando na sisi kuzungumza...

(Interruption)

Hon. Amur Murfad: Hon. Chair a point of information!!

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

(Interruption)

Hon. Mumba: Sitaki kuamrisha wala kuambiwa chochote, mimi sitaki kuambiwa chochote wala kufahamishwa...

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Amur have your seat. Have your seat Hon. Amur! Yes proceed Hon. Prischillah.

Hon. Mumba: Ahsante Mheshimiwa Spika kwa kazi yako nzuri, naendelea kuunga mkono huu Mswada nikasema...

(Interruption)

Mheshimiwa Spika hata sijazungumza, hata sijachangia nashindwa mtu anainuka kuniamrisha nini, kuniambia nini...

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Thoya just let Hon. Prischilla to proceed.

Hon. Mumba: Ahsante Mheshimiwa Spika. Mimi nauunga mkono haya maendeleo ambayo yanaletwa ya kusaidia vijana wetu na hata sisi tulioko ndani ya hili Jumba nasisitiza sote hapa tumepitia upande wa ujana ndio tukafika hapa tulipo wengine. Kwa hivyo tunayo yazungumza sio kuwa sisi hatukupitia; hii michezo inayotaka kuwekwa katika *inter zone* kabla ya kila Wodi hata sisi tulipokuwa hatujaingia hili Jumba wengine tulikuwa tukicheza kule nyanjani.

Kwa hivyo twaelewa umuhimu wa hili suala ambalo limeletwa hapa na ndio maana linazidi kusisitizwa ili liwekwe ndio liweze kusaidia vijana wetu katika Wodi. Kwa sababu michezo ni kipaji tofauti ambacho hata sisi tutakapokuwa tuko hapa sisi pia tutaenda kuangalia wale ambao ni vijana wanacheza na kuweza kuchagua huyu tunaona ni bora kuliko huyu kwa sababu hata sisi wakati tulienda michezo yetu ya Mabunge, hapa kuna watu walituzwa kwa sababu wana vipaji bora kama Mheshimiwa Mary Onsongo. Sisi tunajua huyu ametuzwa tuzo kubwa sana halafu watu hapa wanamkejeli kumkejeli hapa kumuona kama ni mtu anazungumza hajielewi. Nataka Nyumba hii tukae tukihamishimu kuwa huyu Mama ametuwekea sifa kubwa sana katika hii Nyumba na Katika Bunge la Mombasa....

(Applause)

Tulichaguliwa katika michezo kila tukienda kila mwaka anatuletea hapa sifa katika Kaunti ya Mombasa, wacheni kuzungumza kama ambae hamuelewi hapa tunazungumza nini. Kwa hivyo tukiunga hapo tunaunga tukisema hawa vijana waendelezwe na ndio kesho watakuja kuingia hili Jumba nao watetee wenzao wengine ambao watakuwa wako nyuma yao. Sisi tunaunga huu Mswada na tukiunga mkono kama kina mama si kuambiwa ati tumepita umri ndio maana hatuwezi kuunga mkono; mlikuwa munataka nani hapa auunge mkono kama sisi hatuwezi kuunga? Ama mlikuwa munataka tuubwage ndio mjue hatuungi?

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Member address the Speaker.

Hon. Mumba: Mimi nataarifu Mwenyekiti wala sijataarifu mtu. Nafikiri Mheshimiwa Amur ananiingilia hapa kama ambae anataka kunirukia juu kwa juu na hali nazungumza na wewe Mheshimiwa Spika. Na kwa sababu yuko mbele yangu anaona kama ambaye namutaarifu yeye. Mimi nakuheshimu wewe nakueleza wewe Mheshimiwa Spika na nasema tuiunge mkono kwa sababu tunajua umuhimu wa hili jambo na ikiwa wao wanasema kuwa sisi hatufai hapa, tukisema sasa hivi twatoka nje hili jambo halitapita ni lazima tusaidianie ndio hili jambo lipite Mheshimiwa Spika.

(Interruption)

Mheshimiwa Spika nilinde! Mheshimiwa Spika maana naona hapa kuna cheche ambazo hazifai, unaona sasa sisi tukiwa tuko katika meza ya kuzungumza, sisi tunapatiana heshima...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Order! Order!

(Hon. Murfad Amur off microphone)

Hon. Mumba: Sijatishia mtu Mheshimiwa Spika pengine

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Murfad it is ok. Hon. Prischilla wind up...

(Interruption)

Hon. Mumba: Sijatishia mtu nimesema umuhimu wa sisi kuunga mkono hili jambo na ninataka tueleweke kuwa tuna mchango wa kuweka hapa ndio hili jambo liweze kupita. Kwa hivyo Mheshimiwa Spika Ahsante.

The Deputy Speaker (Hon. Fadhili Mwalimu): Thank you Hon. Prischilla. Yes Hon. Ibrahim as we wind up?

Hon. Omondi: Thank you Mr. Speaker. This one is a very important Motion but it is turning out to be a contest between the men caucus and women caucus in this House and I am very sorry to say that. Mr. Speaker Sir first of all as I stand to support this Motion, we all know that the youth constitutes a very large population in our Country and even in our County. Mr. Speaker when we are talking about youth empowerment or talent search from the youth I think this is an issue that we need to give it a lot of time and concern. Just to give an example, having been a victim of the same system which ignored the youth at the time when I was a youth this Country lost a very talented footballer who is me and by that time if given a chance to express my talent, what I mean is that I could be one of the best footballers in this Country. But unfortunately Mr. Speaker, they just missed it and that is why I do not want the same to repeat now that God has given me an opportunity to be a legislator in this Honourable House I do not want to see the same happening again to the youth who are coming up and that is why I strongly support this particular Motion.

Mr. Speaker you realize the youths have got a lot of potential which need to be tapped from them, it is only that we are not actually introducing these various activities so we are unable to single out these talents from them and I am very sure if this particular Motion goes through and then implemented we are going to see very many talented men and women coming out from our Wards and even from our County.

Mr. Speaker you realize when you are talking about the talent search in the youth we are not only killing one bird with one stone, we are also killing more than two or three birds with one stone! Just to elaborate Mr. Speaker Sir you will realize that when people are involved; you know an idle mind is the devil's workshop as it says, you find that if these youths are involved in activities, these healthy activities you will find that most of them will not get involved in this unhealthy and unethical activities like crimes, drug abuse, joining the *Al Shabab* and so and so forth.

Mr. Speaker as I finish, being the Chairman of Education in this wonderful County I want to say that the current curriculum which is CBC it is going to be concurrent because the present curriculum emphasizes on practical activities and therefore if we involve our youths in these activities and talent search even our young ones will be able to imitate the same and by that even the CBC will be doing well. Therefore, I support this particular Motion, thank you very much Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Leila?

Hon. Nyache: Ahsante sana Mheshimiwa Spika. Nashukuru pia saa hizi umeniona Mheshimiwa Spika, nimesimama kama nafanya zoezi lakini nakushukuru umeniona. Mheshimiwa Spika nimesimama kuunga mkono hoja hii ya vijana tuwainue kupitia vipaji vyao; kama unavyojua vijana wako na shida ya kazi na wanakaa maskani wengi sana. Mimi natoka eneo la vijana wengi sana wa kukaa maskani; Mheshimiwa Spika ukienda pale maskani unakuta kijana anajua kucheza mpira wa miguu vizuri sana, pale pale unapata muogeleaji mpaka anavuka bahari, unapata wasichana wanacheza mpira wa kikapu vizuri sana.

Kwa hivyo Mheshimiwa Spika swala hili ni zuri sana na tujaribu tuunge mkono hii *inter wards talent competition* kwa sababu tukianzisha kusema la kweli itachangamsha vijana ile kukaa bure pia wataona si kazi, kazi ni kujichangamsha na hivyo vipaji vyao, na pia Mheshimiwa Spika zitaweza kuwafikisha mbali; tukianza na mfumo huu wa ukuzaji vipaji ndani wa Wodi. Kwa hivyo Mheshimiwa Spika mimi nauunga mkono na naomba wenzangu katika Jumba hili waweze kuunga mkono vijana wetu waweze kufika mbali na vipaji vyao. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Amur?

Hon. Murfad Amur: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nasimama nikiupinga vikali kabisa na sababu za kupinga ziko wazi kabisa dhahiri shahir. Sababu ya kwanza, Mswada huu au lengo lina dhamira nzuri wakati limekuja si wakati ambao si mzuri, sisi kama Kaunti tunakuwa na makadirio ya pesa ya kila matumizi ya mwaka, fikra na dhamira ni njema lakini ilipitwa na wakati. Kwa sababu haijatengewa kitita cha pesa na tuna Wodi 30: ikiwa mchezo mmoja kwa Wodi moja hautochukua chini ya laki moja ina maanisha tuwe na milioni tatu za kusimamia mchezo mmoja tu, hio ikiwa ni kandanda peke yake. Tuna michezo mingapi katika nyanja za michezo?

Kwa hivyo dhamira ni nzuri lakini wakati sio, kwa sababu mpaka tutengeze bajeti tujue ni pesa ngapi zitahitajika ili tusianze kuanza michezo ikifika katikati ya mwaka Wodi zingine zimefanyiwa na Wodi zingine hazijafanyiwa itakuwa tumedhulumu watu wa eneo lingine.

Hivyo basi Mheshimiwa Spika lengo na dhamira ni nzuri lakini wakati imekuja wakati sio, wakati pesa hazijatengwa kwa mradi huu kwa sababu ni mradi ambao unahitaji pesa. Sio kwamba napinga vijana wasifanyiwe, lakini uwekaji wa pesa katika bajeti yetu ya mwaka huu haikuwekwa Mheshimiwa Spika. Ahsante.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Robert Nyiro.

Hon. Nyiro: Mr. Speaker indeed it is a shame for a very senior Member of this House to insinuate that we should not be passing Motions that are of substance to our people because there is no money. I wonder the time that he goes to Treasury of this County so that he can have good information that we should not pass this Motion because there is no money.

Mr. Speaker our job is to tell the Executive what is good for our people, so that they can go find money and implement what we pass in this House...

(Applause)

And again we are informed that this thing was not budgeted for but again fortunately we are in the last quarter of this financial year 2019/2020.

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Page 11

In June we will be getting into a new financial year. If we have a Motion like this ready Mr. Speaker it will be good and easy for the department and treasury to allocate funds for the Department because they have issues to implement.

So Mr. Speaker indeed I want him to revoke and swallow back the information that this Motion is not timely because indeed it is very timely because we are going for another sequence of budget. So the Motion is timely and the senior most Member of House must be informed that the youthful Members of this House who are new are very much enlightened, informed, educated and ready to learn, be informed senior.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Amur I think you are through, please use your microphone.

Hon. Murfad Amur: This Honourable Assembly has done so many Motions and passed but the implementation stage is the weakest point Mr. Speaker because even if we do it today it will not be implemented! I can guarantee Mr. Speaker. Thank you.

The Deputy Speaker (Hon. Fadhili Mwalimu): Are you reacting on what Hon. Amur said or you want..., ok let Hon. Hamida and then Hon. Bwire. The two of you then Hon. Feddis you will...

Hon. Noor: Mr. Speaker I need your protection from Hon. Amur.

The Deputy Speaker (Hon. Fadhili Mwalimu): Ok proceed. Hon. Amur you are out of order?

(Interruption)

Hon. Noor: And I want to inform him that I am part and parcel of the Mombasa County and I have been studying him since I have been seated here and I want to inform him that I am a Member of Youth, Gender and Sports. This is an interesting Motion for us that we want to implement it for the next financial year, Mr. Amur I am informing you, we are taking this thing head on and we have to implement it.

The Deputy Speaker (Hon. Fadhili Mwalimu): You are informing the House.

Hon. Noor: I am informing the House including Hon. Amur and we want to take this one head on so that we can implement it. It is the Motion that is going to pass this afternoon and am happy that this is coming up this afternoon and we are all vibrant about it, thank you Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Members I can see you have exhausted not unless... Hon. Feddis yes? Hon. Feddis?

Hon. Mburu: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Kwanza naomba kumpa ujumbe *senior* kwamba hili jambo tunalipitisha, ni la vizazi vinavyokuja sio letu sisi, na kuchangia Mswada ni kwamba naunga mkono. Kwanza...

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Ibrahim, the Hon. Member...

(Interruption)

Hon. Mbura: Naomba unilinde tafadhali.

The Deputy Speaker (Hon. Fadhili Mwalimu): The Hon. Member has just started.

Hon. Mbura: Naomba unilinde Mheshimiwa Spika, sitaki kuambiwa lolote! Naomba unilinde.

The Deputy Speaker (Hon. Fadhili Mwalimu): Okay thank you Hon. Ibrahim. Yes, Hon. Feddis?

Hon. Mbura: Ahsante sana Mheshimiwa Spika kwa kunilinda. Jambo la kwanza ni kusema naunga mkono Mswada huu. Kwanza ni kwamba vijana wetu watapata kazi...

(Interruption)

Sitaki taarifa yoyote Mheshimiwa Spika! Sitaki taarifa yoyote Mheshimiwa Spika!

Hon. Athman Mwamwiri: Imekuwa desturi ya baadhi ya Waheshimiwa kuitaja hoja hii kama ni Mswada Mheshimiwa Spika, ni kwa minajili ya kumbukumbu ifahamike ya kwamba hii ni hoja na wala si Mswada kwa heshima ya Kiswahili. Ahsante Mheshimiwa Spika.

Hon. Mbura: Ahsante sana kwa kunirekebisha.

(Laughter)

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes, proceed Hon. Feddis?

Hon. Mbura: Ahsante Mheshimiwa Spika; ni kwamba napenda kuunga mkono na kusema kwamba kwanza kabisa vijana watapata kazi na talanta za vijana zitajulikana na zitaonekana. Pili tutaweza kutoa magenge ama maskani za vijana, kwa sababu vijana wakikosa kazi za kufanya, ndiposa unapata vijana wanafanya uhalifu mashinani. Kwa hivyo mimi naunga mkono na nashukuru wenzangu; yule ameweza kuunga mkono, ombi langu ni kwa wale watekelezaji, wakati tunapopitisha Mswada kama huu ama hoja kama hii, lazima waifuatilizie na iweze kutekelezwa. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Honourable because the microphone is with you Hon. Hatimy, then Hon. Mwamwiri.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi niko na mawazo mengine na tukiangalia kwenye tarehe ya hapa ndani ya Nyumba hii tutaona kuwa mara nyingi sana tunaweza kuzungumza juu ya vijana, namna gani tunaweza kuwasaidia na pia hoja kama hii si mara ya kwanza kuja.

Nafikiri kidogo sisi tumepitiwa, kwa sababu Mheshimiwa Spika tukitengeza hoja, inaweza kukubaliwa ama kukataliwa lakini nauliza Nyumba hii kwa nini sisi hatutengenezi sheria ya kuwa kwa kila mwaka kuwe kutakuwa na vitu kama hivi? Sheria ya kusema kuwa tutapigania kama kupigania viwanja, sheria ya kusema kuwa watoto wetu wa shule wasaidiwa na vitu ambavyo vitakuwa ni bure, vitu ambavyo ni kama *football*, *netball* ama kitu chochote kwa sababu tukitengeneza sheria itakuwa iko pale. Itakuwa iko pale itakuwa hakuna mtu anayeweza kusema hii haiwezekani, vile haiwezekani, lakini ikiwa sheria iko itakuwa yawezekana kufanyika kila kitu.

Kwa hivyo ilikuwa naomba hii hoja Mheshimiwa Spika umeleta, iwe ndio *foundation* ya kutengeza sheria ya kuleta sheria ndani ya Nyumba hii, kama *Madam* pale amesimama na kusema yeye ni Mwanachama wa Kamati ya michezo, ni kuchukua na kuzungumza na wanachama wenu na kusema kuwa ni lazima tulete sheria ya kuweza kusaidia watoto wetu iwe itadumu. Hii ni kwa sababu Mheshimiwa Spika kinachohifadhiwa hupotea lakini kinachoandikwa hudumu milele; tukiwa na sheria ya kusema kila mwaka tutakuwa na *Sports day*, ambayo ile itakuwa imewekwa kwenye *calendar* watu wanacheza, kwa sababu kuna mambo mengi sana Mheshimiwa Spika.

Tukiangalia watoto wetu wazuri wachezaji mpira kwa sababu *football* tumekuwa kwenye *football* miaka mingi Mheshimiwa, watoto tuwapatie ufadhili wale wanaocheza vizuri, wapewe ufadhili kwa sababu mpira huwezi kuucheza ukiwa na njaa, lakini tuweka sheria kusema shule moja iwe itachukua wachezaji bora ndani ya Mombasa, wawe watakuwa wapatiwa ufadhili na wanawekwa pahali pamoja na sheria tukitengeneza itakuwa hapo sisi tume *score*. Kwa hivyo yangu mimi naomba kuwa hii iwe ni nguzo ya kutengeneza sheria hii ili na sisi watoto wetu wapate kufaidika kwenye Kaunti yetu. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Athman Mwamwiri?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika ni dhahiri shahiri ya kwamba kinaga watu hupata; kwa mantiki hio sio mara ya kwanza kwa hoja sawia na hii katika Jumba hili, kuashiria ya kwamba ni mapenzi na hamu na bidii ya Waheshimiwa ya awamu ya pili ya serikali Gatuzi ya Mombasa kutaka kuona vijana na wa Mwambao wakitaka kuona wakinufaika kwa hayo Mheshimiwa Spika.

Mheshimiwa Spika naungana na wengi kushabiki hoja hii, ila wasiwasi wangu mbali na utekelezaji, tuombe Mungu ajalie fedha zipatikane na swala hili litekelezwe. Mheshimiwa Spika wasi wasi wangu hivi karibuni imekuwa ni utamaduni wa serikali Gatuzi katika kutekeleza maswala ya kimaendeleo kwa jamii ya Mombasa; kuna baadhi ya Kata kama hesabu yangu iko sahihi, Kata tano ama Wodi tano zimekuwa zikihujumiwa na kuwekwa kando katika utekelezaji wa maswala hayo.

Mheshimiwa Spika Kata hizi zinalipa kodi, zilipiga kura na kila sababu, wasi wasi wangu ilikuwa naomba uhakikishe kutoka kwako katika Kiti hicho ya kwamba baada ya hoja hii kupita na nina imani ishapita, na fedha zitapatikana za utekelezaji, japo baadhi ya makashablasha tumeweza kushuhudia bajeti sawia ya maswala kama haya yakitendeka mashinani na hatujui.

Ombi langu ni hakikisho kutoka kwa Kiti hicho ndani ya Jumba hili, kwa ajili ya kumbukumbu ya kwamba usawa na haki itatekelezeka katika kutekeleza swala zitakazopita katika hoja hii ya kwamba, kata zote 30 hakuna Kata itakayo hujumiwa au kuachwa nyuma katika kunufaika kwa hilo. Zenginezo Mheshimiwa Spika na hii si vitisho...

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes there is, are you up on a point of order or? Use your microphone Hon. Ibrahim, use that one.

Hon. Omondi: Mr. Speaker Sir, the Hon. Member indeed talked of something with a lot of concern; I wanted to know about it and I don't understand because he said, if am not wrong, 'When the implementation is taking place of such like activities Mr. Speaker Sir, to find that some five Wards are left out. Mr. Speaker, so I don't understand why he was saying that there are some five Wards being left; I don't understand that, so I just wanted to tell him to try and clarify so that I can understand. Thank you, only that.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Ibrahim in as much as the debate is concerned, you are out of order and Hon. Mwamwiri come back to the Motion and stop debating or diverting issues other than the Motion.

Hon. Athman Mwamwiri: Mheshimiwa Spika maongezi yangu na kuchangia kwangu kuko wazi; yangu ilikuwa ni ombi ya kwamba itakapofika awamu ya utekelezaji, kuwe na usawa na haki katika Kata zote 30 ili vijana wote wa Mombasa waweze kunufaika kijumla na wala sijatoka nje ya hoja hii. Kwa kutaja; kwa sababu ushahidi upo, kumbukumbu zipo na hata Mheshimiwa aliyesimama pia labda alikuwa na kinaya, lakini hata yeye ushahidi anao. Kwa zoezi lake la juzi, ambalo alilotekeleza pia ana taarifa ya kwamba kunazo Kata tano, yeye akiwa Mwenyekiti alishuhudia zikiwekwa katika fungu la tano. Kwa hivyo Mheshimiwa Spika langu ni ombi na uhakikisho kupitia kwa Kiti chako ya kwamba ili tutakalo jaliwa kulipitisha usawa utatekelezeka na utapatikana. Ahsante Mhe. Spika.

The Deputy Speaker (Hon. Fadhili Mwalimu): Now I call the mover of the Motion to respond.

Hon. Aran: Thank you Mr. Speaker. Mine is just to congratulate the Hon. Members and appreciate them for consciously debating on this Motion and I hope the Committee on Youth, Gender, Sports and Cultural affairs in which am also a Member we will work hand in hand with also implementation; my good friend here being the Vice-Chair. I know he will be active in making sure that whatever we have discussed or the Motion we have passed be implemented. Thank you Mr. Speaker and thank you Hon. Members.

The Deputy Speaker (Hon. Fadhili Mwalimu): Thank you Hon. Members. I now stand to put a question that the Motion on Establishment of Inter-Wards Talent Competitions moved by Hon. Aran Moses be approved in this Honourable House.

(Question put and agreed to)

Yes, Clerk?

STATEMENT

DEMOLITIONS AT CHANGAMWE NEW FLATS

Yes Hon. Robert Nyiro?

Hon. Nyiro: Thank you Mr. Speaker. Mr. Speaker allow me to read a Statement on behalf of Hon. Bernard Ogutu from Changamwe.

Mr. Speaker Sir, I seek to request from the Chairperson, Committee on Lands, Planning and Housing, if he is aware of ongoing demolitions at Changamwe new flats area.

Mr. Speaker Sir in his Statements the Chairperson should inquire and report on;

- a. The legality of the demolitions
- b. Whether notice of demolition was served to the residents
- c. Measures the County government has put in place, as far as safety of the residents is concerned.

Thank you Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Chair, Lands? Or Vice-Chair? Hon. Leila are you the Vice-Chair or a Member from Lands?

Hon. Nyache: I am a Member, Hon. Speaker.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes proceed.

Hon. Nyache: Ahsante sana Mheshimiwa Spika tena kwa kunipa fursa hii ya kuweza kujibu swala la ubomoaji wa Changamwe New Flats. Mheshimiwa Spika ningeomba utupatie muda wa wiki mbili kwa sababu maswala ya ardhi na kubomolewa ni maswala nyeti na kama hivi vigezo nilivyosoma vya a, b na c, mpaka tuchunguze ndio tuweze kuja na hivi vigezo. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Nyiro?

Hon. Nyiro: Mr. Speaker am getting concerned because the issue is urgent, remember we are almost getting to the rainy season and if we have residents whose houses have been demolished there is a danger that some vulnerable women and children are going to spend their days and nights in the cold. So Mr. Speaker I am not sure whether it's wise enough for the Member to ask for two weeks just to go and request those people who are to bring them demolition to the House to serve the members with demolition orders and whether the process is legal.

Mr. Speaker Sir it's a matter of the Committee moving on the ground, seeking for demolition notices so that they can be sure that whatever is happening there is legal. So two weeks Mr. Speaker is too long and the situation is very wanting, so kindly let the Members be kind to the people of Changamwe. Thank you.

The Deputy Speaker (Hon. Fadhili Mwalimu): Thank you Hon. Nyiro. Committee on lands, due to the urgency of the Statement as the Chair I request that you respond back in a weeks' time.

Hon. Nyache: Thank you Hon. Speaker.

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

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON HEALTH SERVICES HON. KIBWANA
SWALEH ON TRANSFERS OF HEALTH WORKERS AT SUB COUNTY LEVEL

Yes Hon. Kibwana Swaleh Baya?

Hon. Swaleh Kibwana: Thank you Hon. Speaker. Hon. Speaker I wish to give a Statement response in regards the statement raised by Hon. Shebe Athman MCA Jomvu Kuu Ward, on Transfers of Health Officers at Sub-County Level on Wednesday 4th December, 2019 during 118th Sitting.

Mr. Speaker Sir, the department of Public Health is committed towards ensuring that excellent service delivery to the residents of Mombasa. Mr. Speaker Medical Officer of Health works directly with the community and we need to appreciate the sensitiveness that come with time during the continuous engagement with them.

Hon. Speaker the Medical Health Officers were deployed on different dates; some as late as December, 2019; the department is in the process of doing a reshuffle. The list is yet to be discussed at the Human Resource Management Committee and be finalized on 31st March, 2020. Hon. Speaker thank you.

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

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON EDUCATION HON. IBRAHIM OMONDI
ON OPENING OF DIGIRIKANI ECDE

Yes Hon. Ibrahim Omondi.

Hon. Omondi: Thank you Mr. Speaker Sir. Mr. Speaker I rise to give a response on the Digirikani ECDE report. Mr. Speaker in response, the request is referring to CAN/CAC/CO/CO/VOLUME 11/42 dated on 27th February, 2020 regarding Digirikani ECDE. The ECDE Mr. Speaker is not ready for opening because the contractor has not completed the final works due to a pending debt.

The Deputy Speaker (Hon. Fadhili Mwalimu): What is it Hon. Aran? Hon. Ibrahim there is a Member who is up.

Hon. Aran: Hon. Speaker, we don't know where he is reading from (??)? We don't have the forms, so kindly Hon. Speaker we need to be informed about the copy of the report that he is reading from.

The Deputy Speaker (Hon. Fadhili Mwalimu): Thank you. Hon. Ibrahim you can proceed with the response.

Hon. Omondi: Thank you Mr. Speaker Sir. The ECDE is not ready for opening, because the contractor has not completed the final works due to a pending payment and so we are unable to give a confirmed date of the opening.

The department is working with all parties, to receive or to resolve the issue; the department, Mwakirunge MCA, the local community and the contractor met on 24th February, 2020 to discuss the issue and resolve to finish the process as soon as possible.

The department has approved this pending payment and is following up with the department of finance to make the payment as soon as possible. Mr. Speaker the contractor has promised to complete the project as soon as he receives the pending payment. Thank you Hon. Speaker.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Feddis?

Hon. Mbura: Ahsante Mheshimiwa Spika na ningependa kujua hio *soon* ni lini? *Time frame* ni lini kwa sababu iko na miaka mitano na saa hii mvua iko karibu kunyesha, watoto watapata shida na hio *soon* ya *contractor* ama ya *department* ni lini? Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Mwalimu): Proceed.

Hon. Ibrahim Omondi: Thank you Mr. Speaker. I think that question is thrown to me Mr. Speaker Sir; I have just read and said and I repeat that, "*The contractor has promised to complete the project as soon as he receives the pending payment*"! That means the date...? We are not able to give the exact date because it is also going to depend on the finance department on when they will release these funds Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Mwalimu): So Hon. Feddis for your supplementary question, you will make a point of requesting on another statement.

This will be as to when they are going to finish the project or open the ECDE; so make another statement in this Honourable House for the Hon. Chair to have a response on the other question.

Hon. Mbura: Ahsante sana Mheshimiwa Spika kwa sababu imechukua muda na kila wakati kila tukiuliza ni *soon and soon* lakini hatujui ni nini, kwa hivyo nitaleta hio *statement*. Ahsante sana Mheshimiwa Spika.

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

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

Yes Hon. Kibwana?

Hon. Kibwana Swaleh: Thank you Hon. Speaker. Hon. Speaker I stand here to say that we have not yet receive the reply on the Statement that was raised on “Operationalization/Official opening of Mwakirunge Health facility. So I urge this Honourable House to give me one week more so that we can get the feedback from the department, thank you.

The Deputy Speaker (Hon. Fadhili Mwalimu): Okay granted. Yes, Clerk?

RESPONSE ON STATEMENT BY CHAIRPERSON COMMITTEE ON HEALTH SERVICES HON. KIBWANA SWALEH ON THE LEVEL OF PREPAREDNESS TO TACKLE CORONA VIRUS OUTBREAK

Yes Hon. Kibwana?

Hon. Swaleh Kibwana: Again thank you Hon. Speaker. Hon. Speaker the statement was on ‘Level of Preparedness to tackle Corona Virus outbreak’ that was raised here by my colleague from Tudor. Hon. Speaker up to now I have not yet received the reply and I know they are still doing the report because this is a detailed report on this issue which is very sensitive, so again Hon. Speaker we wish you give me another week so that we can follow it up, thank you.

The Deputy Speaker (Hon. Fadhili Mwalimu): Okay Hon. Chair; on the issue on preparedness to tackle Corona virus outbreak, act on it as the people in Mombasa and Kenya at large would like to know how the County is prepared so hopefully we are giving you one week and in that coming week we will have the detailed report.

Hon. Kibwana Swaleh: Most obliged.

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

STATEMENT

Yes Hon. Mwamwiri.

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mtumwa hauwawi; kwa niaba ya Mheshimiwa Kitula angeomba kufahamu kwa Mwenyekiti wa Kamati ya fedha na mipango ya kiuchumi ya serikali Gatuzi ya Mombasa kwa mujibu ya matumizi ya makadirio ya mwaka 2017/ 2018 na mwaka 2018/ 2019 wa kifedha kama ilivyo onyeshwa kwa ripoti ya msimamizi wa makadirio kutoka kwa hazina ya serikali Gatuzi ya Mombasa.

Kutokana na ripoti hiyo Mheshimiwa Spika msimamizi wa makadirio ameonyesha kwa miaka miwili ya kifedha kwamba serikali Gatuzi ya Mombasa ilitumia Kshs. 24,476,424,273. Mheshimiwa Spika katika jedwali kutoka kwa msimamizi wa bajeti inaonyesha hapo chini mwaka wa kifedha matumizi na kiwango cha pesa.

Mheshimiwa Spika mwaka wa kifedha wa 2017/2018 matumizi ya fidia ya wafanyi kazi zilitumika Kshs. 4.5 Bilioni; chini yake kuna matumizi ya bidhaa na huduma Kshs. 2Bilioni, kuna malipo mengine Kshs.1.5 Bilioni na maendeleo Kshs.3.9 Bilioni.

Mwaka wa kifedha wa 2018/2019 katika matumizi tunaona wafanyi kazi ikisimama katika Ksh.5.1 Bilioni, chini yake kuna shughuli ya marekebisho na matengenezo kwa bajeti ya Kshs.5 Bilioni. Kuna maendeleo chini yake Kshs.3.1 Bilioni. Kwa jumla Kshs.24,476,424,273 Bilioni; Mheshimiwa Spika uniruhusu nipeane *pass* kwa Mheshimiwa wa Junda asome maswala yaliosalia.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Mwamwiri I think it is not the practise of this Honourable House.

Hon. Athman Mwamwiri: Sawa Mheshimiwa Spika. Wale wana sheria wanasema tungetaka ku *set precedence* lakini nitaheshimu kauli yako Mheshimiwa Spika ili Mwenyekiti aweze kufahamu zaidi maswala haya nitamsomea kwa lugha ya kingenge.

I request the County treasury to give detailed report on the following;

1. Names of development projects that were implemented in the financial year by the department of Finance and Economic planning amounting to Kshs.1.3 billion.
2. Names of developmental projects that were implemented in the department of Transport, Infrastructure and Public works amounting to Kshs. 3 billion.
3. Name or names of development projects and services to other remaining County departments that were implemented during these financial years.
4. The expenditure incurred on each development project and services.
5. Location of each project.
6. Bills and quantities of certificate payments of each project.
7. The date and amount of each payment made.
8. The person to whom the payment was made.
9. The purpose to which the payment was made .
10. Whether the person to whom the payment was made has spent the money for that purpose and the statement made to that effect.
11. If the person to whom the payment was made has not yet spent the money for that purpose a statement specifying the reason for not doing so.

Yours faithfully, Hon. Kitula.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Chair Finance and Budget, any response?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Naona hapa maswala yamekuja maswala kumi lakini mimi nataka kujibu kwa mistari miwili ya Kanuni za Bunge; kwanza nitaenda kwa nambari 81(3).

The Deputy Speaker (Hon. Fadhili Mwalimu): Proceed?

Hon. Mohamed Hatimy: Nambari 2 nataka kutumia Kanuni nambari 82.

The Deputy Speaker (Hon. Fadhili Mwalimu): First read 81 (3).

Hon. Mohamed Hatimy: 81(3) *'In determining whether a debate is out of order on the grounds of anticipation, regards shall be heard to the probability on the matter anticipated being brought before the County Assembly within a reasonable time'*. Standing order number 82, *'No Member shall refer to the substance of the proceeding of a select Committee before the Committee has made its report to this County Assembly'*. So all these matters are under a Select Committee; I want to ask the Member for Frère Town to wait until he gets the report then he can come and raise those questions. Thank you.

The Deputy Speaker (Hon. Fadhili Mwalimu): So Hon. Chair when will you bring a report to the House?

Hon. Mohamed Hatimy: Well am not a Chair of that Committee, that if anybody wants to come up with a question we will reply to that. Thank you Mr. Speaker.

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

Hon. Bwire: Hon. Speaker I just wish to ask Hon. Hatimy has just read out Standing order number 81(3) that in determination of whether debate is out of order on the grounds of participation my first question is who ruled that the debate was out of order? Then two, he said that no Member shall refer to the substance in the proceedings of a Select Committee before the Committee has made its report to this County Assembly.

The questions raised by the Hon. Member is from the financial year 2017/2018, 2018/2019 and we are on 2020/2021; Hon. Speaker just to be enlightened when was the Committee planning to bring those reports because we are discussing budgets that have already been exhausted and they have never brought a report to this House till the Member came up with questions and that is when the Member or Chairman concerned is telling us that the report is before the Committee! For how long will they take Hon. Speaker to bring this report to this County Assembly?

So through your Chair Hon. Speaker I would wish to compel the Committee to bring questions raised by the Hon. Members. We are the representatives; all of us are representatives of the people and we want to know the budgets that we have passed here, how it was utilised Hon. Speaker, more so the development expenditure. We should not take more time for the Committees that are reluctant; we will never give a room for those Committees and through your Chair Hon. Speaker I ask you to compel the Committee or the Chairperson concerned to bring these responses to this House.

The Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Hatimy.

Hon. Mohamed Hatimy: Mheshimiwa Spika nitaregelea na sitosimama kuregelea kuwa Nyumba hii haifuati sheria; Nyumba hii kuna sheria ya *statement* na Mheshimiwa aliotoka kuzungumza hana nguvu ya kuuliza jambo lolote baada ya Mheshimiwa amesoma. Kwa hio nasema kama una jambo lolote hatuzungumzii habari ya Kamati kuleta ripoti, twazungumza habari ya *finance* imeulizwa maswali na mimi nimesema jambo hili liko chini ya PAC mimi sio mzungumzaji wa Kamati wa PAC! Kwa hivyo ni PAC ndio ina uwezo wa kujibu jambo hili, ahsante Mheshimiwa Spika.

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

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Naona kuna watu hapa wanadanganywa na kiza na mwisho wataenda haja mahali peupe!

Mheshimiwa Spika swali lililoko mbele yetu limeelekezwa moja kwa moja kwa Kamati ya Fedha na Mheshimiwa hajajenga hoja ama kuweka dhana ya matumizi mabaya ya fedha katika kitengo chochote isipokuwa tu kwa sababu mwisho utekelezaji wa kila idara ripoti zote hurudi katika idara ya fedha. Akataka tu kuelezwa ama kufahamishwa yaliojiri kutokana na bajeti hii ya bilioni 24 kwa mujibu ya ripoti ya msimamizi wa bajeti na sio ripoti ya ukaguzi wa bajeti ama *Auditor General* Mheshimiwa Spika.

Kwa hivyo hili swala sioni kuelekezwa katika Kamati ya uhasibu wakati Mheshimiwa ombi lake alitaka kufahamu utekelezaji ulipo kutoka kwa Kamati ya fedha kwa sababu mwisho wa siku hiyo ndio idara mama kwa maswala yote kwa utekelezaji wa mipango yote na maendeleo wa serikali Gatuzi na wala hana hoja ya kutaka kujua ama kutia dosari ama kuhoji utumizi kutoka kwa Kamati ya uhasibu. Kwa hivyo Mheshimiwa Spika naomba swala hilo libakie kwa Kamati ya Fedha na lisithubutu kwenda kwa Kamati ya Uhasibu. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Mwalimu): Thank you Hon. Mwamwiri. Yes Hon. Hatimy as the Hon. Member directed his statement to the Committee of Finance and Budget; as a practise it is better the Committee to respond on this issue. If he will respond as per the Standing order you have raised then the Committee concerned will take charge on where you will have left the response.

Hon. Mohamed `Hatimy: Ahsante Mheshimiwa Spika. Kuna sheria ndani ya hii Nyumba na kusema kuwa mimi kujibu jambo hili itakuwa nimekiuka sheria ambayo sasa hivi tumeisoma. Juzi Seneti walikuwa wako hapa na haya aliyozungumza ndio walikuwa wakizungumza wakasema watawaita Kaunti tena kwenda kuzungumza. Kwa hivyo itakuwa mimi nimefanya makosa kuweza kujibu swala hili itakuwa nimevunja sheria ya Kanuni za Bunge nambari 82.

Kwa hivyo Mheshimiwa Spika sijui wataka nijibu kwa vipi niseme kuwa mimi sasa nivunje ile sheria, nijibu jambo hili alafu itakuja kunishika mimi kuwa mimi nimeenda kinyume cha sheria. Hivyo basi mwenyewe alieleta hili swala asubiri ripoti ije ataweza kuuliza undani wake zaidi Mheshimiwa Spika, kwa hivyo mimi siwezi kujibu hilo swali.

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

Hon. Athman Mwamwiri: Mheshimiwa Spika sioni kwa nini Mheshimiwa anachelea kuchukua dhamana ya kujibu; kwa sababu tukiangalia mfano kwa nambari ya kwanza katika yale yalioulizwa Mheshimiwa ametaka kujua tu orodha ya miradi ya maendeleo iliyotekelezwa. Hajahoji kwa nini mradi huo haukufanyika ama kwa nini mradi huo umetumia kima cha pesa zaidi ya zile ziliokadiriwa.

Hapa hakuna dhana wala hoja ya matumizi mabaya ya fedha katika miaka miwili ya kifedha iliyoashiriwa hapa Mheshimiwa Spika; ingekuwa ni hoja ya matumizi mabaya ama ya mradi ghushi ama mradi ambao haujakamilika na pesa zake zililipwa swala hilo Mheshimiwa Spika ingekuwa sahihi kwenda kwa Kamati ya Uhasibu lakini kuambiwa tu kwamba miaka miwili hii ya serikali Gatuzi tumeweza kujenga viwanja saba vya mpira, tumeweza kujenga shule mbili za chekechea, tumeweza tengeneza barabara 12 Mheshimiwa Spika sioni kwamba swala hili linahitajika Kamati ya Uhasibu kulijibu tofauti na vile ilivyoelekezwa hapa ya kwamba iende kwa Kamati ya maswala ya Makadirio ya bajeti.

Kwa hivyo Mheshimiwa Mwenyekiti wa maswala ya Makadirio ya Bajeti utakuwa haujavunja sheria kujibu haya kwa sababu ni kuulizwa tu mradi gani umefanyika wapi, kwa fedha gani, mwanakandarasi ni yupi na wala si kwa nini amefanya huyu na kwa nini hiki hakikufanyika na alilipwa.

Kwa hivyo Mheshimiwa Spika maswali haya hayajajenga nadharia ama hoja ya kutilia shaka ya matumizi mabaya ya fedha ili ielekezwe kwa Kamati ya Uhasibu kwa kuchunguzwa zaidi isipokuwa tu yeye alete orodha kama ilivyoletwa hapa alafu mengine yatafuata hapo.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Murfad?

Hon. Murfad Amur: Mr. Speaker the Hon. Member for Frère Town is a person who brought this Statement; in this Statement it is clearly saying from *the report of Controller of Budget in two financial years, the County treasury spent a total of this...* the Controller of Budget is the one who showed us that those monies were utilized in those forms as the breakdown is given here. The Hon. Member quoted from the report of the Controller of Budget Mr. Speaker, so if there was any issue to be queried then Controller of Budget should have raised that query. If the County did not utilize the money in proper ways Mr. Speaker... unless the Hon. Member wants to question the Controller of Budget why he did not question on the projects; we are responsible that the County treasury reports to the Controller of Budget Mr. Speaker unless he is not satisfied with the Controller of Budget breakdown he should raise it at the top stage. Mr. Speaker, thank you.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Members I think we are now debating this statement.

(Interruption)

Hon Bwire: Hon. Speaker! A concern Hon. Speaker! Just to give us a fair play we all came out with our views; Hon. Amur, with due respect Hon. Speaker with your permission Hon. Amur is a senior Member of this House he knows which office gives queries and it is not the office of Controller of Budget. The query comes from the Office of the Auditor General and we are not discussing queries Hon. Speaker; the Controller of Budget does write a report on the grounds as per report that he or she has received.

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Aran what is it?

Hon. Aran: Hon. Speaker I think we do not have a quorum.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Aran the issue at hand does not need voting so we are winding up. Yes Hon. Raphael in one minute.

Hon. Bwire: Mheshimiwa Spika vile nilivyokuwa nikieleza nilikuwa naeleza ya kwamba *Controller of Budget* huleta ripoti kulingana na ile ripoti ambayo ameandikiwa kutoka hapa katika Kaunti ya matumizi ya kifedha. Kwa hio yeye huleta ripoti kulingana na vile alipokea na yeye huwa haandiki maswala Mheshimiwa Spika, sisi tunajua ya kwamba idara ya pesa ndio hufuatilia pesa zikienda kufanya maendeleo na kwa hivyo wao wanafaa wajue kwamba pesa hizi tumezitoa zimeenda kwa kujenga barabara ya Junda na wakilipa Mwanakandarasi pesa yote wanafaa kujua kwamba barabara yote imetengenezwa na imeisha na ripoti zote zimetoka kwa idara nyengine husika. Kwa hivyo Mheshimiwa Spika Kamati ya Fedha ikiongozwa na Mheshimiwa...

Hon. Bwire: Asiruke Mheshimiwa, hii ni lazima Kamati itujibu...

(Interruption)

The Deputy Speaker (Hon. Fadhili Mwalimu): Thank you Hon. Raphael. Hon. Nzai I think we have exhausted this issue, this statement so I will not allow any more debates to continue. Hon. Members we understand that the reports to the Controller of Budget are being prepared by the CEC to the office of Controller of Budget and the Controller of Budget prepares what has been submitted by the CEC Finance. So whatever that is in front of us was prepared by the office of CEC Finance, but Hon. Members as per the questions these are not audit queries but the queries from the Hon. Members which I concur some were captured by the office of the Auditor General.

So the Committee on PAC will liaise with the Committee on Finance and when the reports are ready because I understand in two weeks time or three weeks time the reports from PAC will be tabled before this Honourable House. So I will let the House wait for the reports from PAC and if the matters raised are not answered in those reports i will let the Hon. Member to give a supplementary statement on follow up on what he has raised. So Hon. Members the PAC reports will be in this House in two or three weeks time and it will capture the said years that the Hon. Member has raised. Yes Clerk.

ADJOURNMENT

Hon. Members there being no other business the House stands adjourned until 17th March, 2020 at 10:00a.m.

The House rose at 4:29p.m.