



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Thursday, 22nd November, 2018

The House met at 2:36p.m.

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

PRAYERS

The Deputy Speaker (Hon. Mwalimu): Hon. Members have your seats. Yes Clerk?

STATEMENTS

SHORTAGE OF DRUGS IN COUNTY HOSPITALS

Yes statement on, shortage of drugs in County Hospitals. Yes Hon. Faith Boniface.

Hon. (Ms.) Mwende: Thank you Mr. Speaker. Hon. Speaker pursuant to Standing order 41 (c) I rise to seek a statement from the Chairperson, Committee on Health Services on the shortage of drugs in County hospitals. Hon. Speaker, does the Chairperson know that there is a shortage of drugs in County health facilities for instance, Coast General Hospital which has led to patients buying their own drugs, regardless of having to pay for hospital registration and doctors consultation fees. Hon. Speaker, I therefore request the relevant Committee to go on the ground for a fact finding mission to substantiate the aforementioned concerns and report back to the House before we adjourn for the long recess. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes Members from Committee on Health the Hon. Member has requested that you bring back the response before we go for the long recess so the House is giving the Health Committee one week's time for them to report back to this Honourable House. Yes Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON OF HEALTH HON. KIBWANA SWALEH ON HEALTH CONCERNS

Chair on Committee on Health...

(Silence)

Any Member from Health Committee? No Member from Health Committee in this House?

(Silence)

Yes what is it Hon. Amur.

Hon. Murfad Amur: Mr. Speaker since there are no Members we kindly request for deferment of this issue until next week Tuesday because most of the Members have travelled.

The Deputy Speaker (Hon. Mwalimu): Ok, yes Hon. Thoya what is it?

Hon. Thoya: Mr. Speaker as much as majority of the Members from that said Committee are not here but we have just seen the Chairman within the Chambers I do not know if it can be justified that he has travelled because in the past ten minutes we have seen the Chairman within the Chambers.

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

Hon. Murfad Amur: Mr. Speaker with all due respect the Chairman had a sick mother she has just arrived from Nairobi. Mr. Speaker we cannot hold him at ransom he has a sick mother. Thank you.

The Deputy Speaker (Hon. Mwalimu): Ok, I can see the Vice Chair for Health. I think the Vice Chair will be in right position to respond on this issue but as far as the..., okay we are in order number 8 sorry, Serjeant just call the Hon. Vice Chair.

(The Serjeant-At-Arms executed the instruction)

Yes Hon. Fatma Kushe we are in order no. 8 we need a response on that issue. Hon. Fatma the House is waiting for the response.

Hon. (Ms.) Fatma Swaleh: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nakuomba na naomba Jumba hili kwa heshima na taadhima wiki ijayo tutakuja na jibu muafaka...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Hon. Fatma you had requested for a week, the issue was raised by Hon. Shebe Athman and it has taken almost a month since he raised this issue and I remember last sitting last week you said this week the response will be ready and not unless they are some technicalities that you are to tackle.

Hon. (Ms.) Fatma Swaleh: I am sorry Mr. Speaker I was not around and my Chair was not feeling well. So we kindly request until next week.

The Deputy Speaker (Hon. Mwalimu): Ok granted, yes Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON EDUCATION, INFORMATION TECHNOLOGY AND MV 2035 HON. IBRAHIM OMONDI ON THE STATUS OF BURSARY IN THE COUNTY

Yes Hon. Ibrahim Omondi, status of bursary in the County.

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor*
Page 2

Hon. Omondi: Thank you Mr. Speaker Sir. I am going to read a response for the bursary statement. Mr. Speaker Sir, I wish to give the following statement on the status of bursary in the response to the concerns raised by Hon. Raphael Musumba Bwire in the House on the 94th Sitting seeking to know from the Committee on Education, Information technology and MV 2035 on the actual status of Bursary in our County.

Mr. Speaker Sir, the update from previous bursary Financial Year 2016/2017:

1. Amount of Kenya shillings issued as bursaries in FY 2016/2017 and FY 2017/2018 23,134 cheques totalling to Kshs.175 Million plus administration costs;
2. Cheques not presented: they are 173, and we have contacted the beneficiaries several times to deposit the cheques and these have now expired;
3. Cheques not collected: 159, beneficiaries were also contacted several times to collect the cheques and they have also expired;

Mr. Speaker Sir, the current status of bursaries is; the Elimu Fund received from the County Treasury Kshs.20 Million in April, 2018 and 30 Million in July, 2018 into the Elimu Fund account. In August, 2018 Mr. Speaker Sir, we planned to use the Kshs.50 Million for only Secondary school beneficiaries. Later, H.E. the Governor instructed that we wait and combine this amount with the Kshs.100 Million allocation for FY 2018/2019 and make the funds available for beneficiaries of all the four categories; namely Mr. Speaker: Special needs, Secondary school, College (driving school, certificate and diploma) and finally university.

Mr. Speaker Sir, the Bursary forms have been designed and are ready for printing and are awaiting confirmation of availability of funds to facilitate printing of forms and final logistics. The Department has requested the Department of Finance for the Kshs.100 Million and the request is being processed.

Mr. Speaker Sir, the expected date for the issuing of forms for the FY 2018/2019 bursary depends on when funds are available from the Finance Department hopefully by end of December, 2018.

Thank you Mr. Speaker sir, and to that I also have, if you could allow me with due respect to also give the evidence just to confirm what I have read.

(Applause)

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

Hon. Thoya: Ahsante Bwana Spika, mimi naajabikia lakini hata hivyo ni lazima tukubali, nashukuru kwa ndugu yangu kuweza kuleta ripoti hii, na nakushukuru sana, lakini ndani ya majuma mawili yaliyopita ulikuwa hapa kutuletea ripoti ya vile jinsi mitihani itaendeshwa ukatuambia watoto wetu watakunywa maziwa na nusu mkate, tuliweza kuyasikia hayo, hayo hayakuweza kutendeka, nataka uweze kudhibitisha katika Jumba hili kwamba haya unayoyanena wakati huu, hayo yatakuwa ndiyo ama yatakuwa kama yale ya mkate na maziwa ya siku ile.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. The Leader of Majority is up.

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker for giving me this opportunity. I want to support the report of the Chairman Education; Mr. Speaker I think he has mentioned everything black and white and let us give him support so that when it reaches December we see the fruits of results. Mr. Speaker I think the children in Mombasa have done well in KCPE so we will be having so many candidates enrolling in form 1, so when the money is there and if we can get those bursaries I think they will really help our people so Mr. Speaker I want to support the department for the good work they have done. Thank you.

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

Hon. Murfad Amur: Thank you Mr. Speaker. I also want to support it but with caution; there is this 173 cheques which were not collected and 159 were not presented, that means that there is a lot of money pending in that education account. I would kindly request the Chair to also inform the people that we need to know how much is that money so that it can be combined with 150 million and the amount will grow so we will reach may be 200 million. I want just to make sure that we get the total amount of the uncollected cheque which has expired, the money has not been utilized so that 150 plus 332 cheque amount will empower us to go may be to 200 Million. Mr. Speaker, that is my concern this money should not be in the account yet we are looking for an extra money, even this money should be converted to the 150 plus whatever we have in the account and given the figure of total and uncollected cheques plus the cheques which were not presented so the amount will now go to above 150 million Mr. Speaker. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Hon. Fatma Mote.

Hon. (Ms.) Fatma Swaleh: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii, kwanza kabisa ningependa kumpongeza Mwenyekiti wa elimu na si mwengine ni Mheshimiwa Bomoa kwa kuweza kutuletea taarifa ya uhakika. Mheshimiwa Spika ninaamini taarifa iliyokuja hapa katika Bunge ni taarifa ya ukweli kabisa na twashukuru kwamba watoto wetu wengi wameweza kufanya vizuri. Bila shaka nina hakika na ninaamini, Mheshimiwa Spika nisikilize vizuri, nina hakika na nazungumza bila kigegezi kwa sababu mimi mwenyewe kwanza niko katika Kamati ya fedha....

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Somebody is up.

Hon. Thoya: Mr. Speaker I would like to know from where you sit if the Member who is on air is a Member of education as much as she is trying to hit the nail on the head kwamba hii ripoti ni ya uhakika, yeye ni Mwanakamati wa elimu? Ninataka kujua hilo.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Fatma, are you a Member of that Committee?

Hon. (Ms.) Fatma Swaleh: Mheshimiwa Spika mimi si Mwanachama wa Kamati hii lakini ni Mwanachama wa Kamati ya Fedha na nina hakika kwamba pesa ziko watoto watasoma.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Okay thank you.

Hon. (Ms.) Fatma Swaleh: Mheshimiwa Spika naregelea tena kusema nashukuru kwa kuletewa ripoti muafaka.

The Deputy Speaker (Hon. Mwalimu): Hon. Renson Thoya is up, what is it? And Hon. Renson and plus the Hon. Members I've just allowed the reaction on this statement but put in mind that a statement is not debated, it is just that I have allowed the Hon. Member to react to the statement from Hon. Ibrahim so give somebody a chance or the time that we have given him or her to express her concerns so that we proceed with the business of the day. Yes Hon. Renson Thoya.

Hon. Thoya: Thank you Mr. Speaker. I think my question was very clear that the speaker that was on air is not a Member and is much better when you give information you are in a position to justify and substantiate and in that regard I would kindly like you as the Speaker to ask her to withdraw that statement because she is not aware of that information, she is from finance Committee, thank you.

The Deputy Speaker (Hon. Mwalimu): Yes let Hon. Fatma proceed, yes Hon. Fatma.

Hon. (Ms.) Fatma Swaleh: Ahsante sana Mheshimiwa Spika. Mimi nafikiri nimemjibu vizuri nikamwambia kuzungumza uhakika ni kwamba Kamati ya fedha ni kwamba pesa ziko, na nina hakika Mheshimiwa Spika na nimefurahi sana kwamba watoto wetu wamepita na katika Kaunti ambazo zinaongoza kwa kutoa basari, Mombasa Kaunti 001 inaongoza. Mheshimiwa Spika, watoto wetu watasoma wala Waheshimiwa wasiwe na shaka tuweze kushirikiana pamoja. Ahsante sana.

The Deputy Speaker (Hon. Mwalimu): Okay thank you. Yes Hon. Faith.

Hon. (Ms.) Mwende: Ahsante sana Mheshimiwa Spika. Mimi kama Mwanakamati wa elimu mumetupeleka mbio sana kuweza kuleta majibu lakini mchezo mahali ulipofikia utakuwa katika Kamati ya fedha, hapo ndio ngoma iko, Januari tusipopata basari, huo mzigo uende kwa finance kwa sababu kila kitu tushatengeneza.

The Deputy Speaker (Hon. Mwalimu): I think the Member from finance has clearly said in front of this honourable House that the money will be available, that is a Member of finance Committee who has clearly stated that money will be available, so she must put in mind that this is not a public baraza, you can proceed Hon. Faith.

Hon. (Ms.) Mwende: Ahsante sana Mheshimiwa Spika, wajua hili jambo la basari mumetupeleka mbio nalo sana na changamoto ilikuwa ni hela, kwa hivyo ifikapo mwezi wa Disemba nina uhakika wakitupatia pesa hakutakuwa na majibizano mengine ya kusema hakuna basari. Ahsante sana Mheshimiwa Spika.

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

Hon. (Ms.) Ramla Said: Ahsante sana Mheshimiwa Spika, mimi ningeomba kutaka kujua tofauti ya *cheques not presented* na *cheque not collected*.

The Deputy Speaker (Hon. Mwalimu): I think the Chair is the rightful person to respond.

Hon. Omondi: Thank you Mr. Speaker Sir, I think it is very important for me to clarify the concern that the Hon. Member has just raised. When you talk about the cheques that are not presented they are 173 in number, meaning that those ones are beneficiaries who were supposed to have received those cheques, the total number is 173 that means there are 173 beneficiaries but what happened is that the cheques were not presented because the beneficiaries who were supposed to collect, who were supposed to come for these cheques, they were supposed to have collected the cheques then after collecting they were supposed to take them to the bank and now transaction takes place, the cashing takes place but unfortunately the beneficiaries did not collect those cheques. Mr. Speaker Sir, and that is now... no sorry I was talking about the cheques that are not collected, am sorry Mr. Speaker Sir, the cheques that are not collected sorry..., the cheques that are not collected are 159 and I was saying that beneficiaries did not take these cheques and therefore did not take these cheques, they did not present them but let me answer on the side on the cheques which were not presented. Mr. Speaker Sir it is very sad indeed that the beneficiaries got the cheques, they took the cheques, they were given the cheques and again it is very sad indeed that after the cheques have been given to beneficiaries they did not take it to the bank so that they can benefit, so that they can get the money from the bank, and therefore these ones also leave a question. That is why should people actually collect cheques then after collecting the cheques they cannot go and present them so that the cheques can be cashed Mr. Speaker Sir? Thank you.

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

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE OF FINANCE HON. MOHAMED HATIMY
ON REPORT OF CONTROLLER OF BUDGET

Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika kwenye taarifa iliyokuja...

The Deputy Speaker (Hon. Mwalimu): Use your microphone.

Hon. Mohamed Hatimy: Taarifa iliyokuja Mheshimiwa Spika, nilikuwa siko kwenye hii Nyumba lakini ngingekuwako ningejaribu kueleza kufahamisha Nyumba hii ya kuwa *first quarter* iko tayari lakini *second quarter* nafikiri *due date* yake itakuwa ni 15th ya mwezi wa Januari. Kwa hivyo *second quarter* haiko tayari Mheshimiwa Spika hivyo basi ukiniiruhusu niendelee nataka kusema kuwa ripoti niko nayo kama tunavyojua kuwa hii Kaunti imegawanywa vipande viwili; tuna *executive* na *Assembly*, kwenye *quarterly report* ya *executive* niko nayo tayari lakini ya *Assembly* bado sijaipata. Kwa hivyo Mheshimiwa Spika naomba ruhusa kupitia kwako uturuhusu ripoti ya pili iwe itakuja ule muda utakao tupatia, siwezi kusema lini lakini vile utatoa muongozo wako. Mheshimiwa Spika, kwenye ripoti ambayo niko nayo ni kusema kuwa serikali ya Kaunti ilikuwa ipokee shilingi 5,758,760,000 hiyo ni *equitable share* alafu tuko na *conditional grant* ya Level 5 Hospital...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Chairman finance I think it will be prudent enough if Members will have copies of the report that you are taking us through now, atleast the summary of the report.

Hon. Mohamed Hatimy: Mheshimiwa Spika unajua hizi ripoti ndio zinazotolewa na Controller of Budget na Controller of Budget walikuwa bado hawajazitoa na kama utaniruhusu itabidi nipige *copy* kwa sababu kitabu nilicho nacho ni kikubwa.

The Deputy Speaker (Hon. Mwalimu): Not the whole book but I can see it is like if you have a summary of what you are taking us through now.

Hon. Mohamed Hatimy: Yes the summary niko nayo ndio itabidi nipige nasema kutokana na hiki kitabu Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Okay then let us just bring the report, if you bring back the report in a week's time so that the Members might have some copies I think to me it will be okay for the House and the Committee.

Hon. Mohamed Hatimy: Sawa Mheshimiwa Spika kama waweza kutoa uamuzi kutoka Nyumba hii Karani wa Bunge aweze kufanya *copies* maanake hii Nyumba baada huduma hasara, twatoa pesa kwenye mifuko yetu kupiga *copy* tumechoka, kwa hivyo kama Karani atafute atapiga sina shida.

The Deputy Speaker (Hon. Mwalimu): It is okay just give the Table Clerks the report that you are taking us through so that they prepare it next week we will be having copies for the Hon. Members, just give us the summary.

(Silence)

And also if you will be in a position to get the quarterly report from the Assembly you can also produce them together but as far as the House is concerned we shall work on this report next week Thursday. The Committee will provide the House with this statement from Hon. Athman Mwamwiri, so Table Clerks make sure the copies will be with the Hon. Members during our next sitting. Yes Clerk.

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON LABOUR AND SOCIAL WELFARE ON
THE RECRUITMENT OF WORKERS AT THE COUNTY GOVERNMENT IN THE DEPARTMENT OF FIRE

Yes Hon. Renson Thoya.

Hon. Thoya: Thank you Mr. Speaker Sir, am standing here in regards to a statement that was requested by Hon. Murfad Abdallah Amur on the recruitment of workers at the County government in the department of fire on Thursday 15th November, 2018 during the 94th sitting.

Mr. Speaker Sir upon the request of this statement the Committee on Labour and Social Welfare arranged for a sitting on Thursday 22nd November, 2018 at 11:00a.m in the Committee room to deliberate and consider the matter. It was during this meeting the Committee resolved to bring the following to the attention of this House:

1. The Motion was brought by Hon. Mwaka Zahoro and passed in this House on Tuesday 17th October, 2017 during the 14th sitting where it was resolved that the County Assembly Rules and Procedure Committee to undertake a comprehensive review of the Standing orders and recommend appropriate amendments on the approval of the County Assembly;

2. The Chief Officer Devolution and Public Administration was vetted by the Committee on Justice and Legal Affairs and the Committee has a strong feeling that the process should have been expedited by Committee on Labour and Social Welfare;

3. That pursuant to the Second Schedule of the County Assembly Standing order the Committee on Labour and Social Welfare is listed as a sectoral Committee mandated to deal with all matters relating to labour, trade union relation with manpower human resource planning, gender culture and social welfare, youth, National youth service, children welfare, national heritage, vetting reports. Mr. Speaker Sir this itself is misleading; it is from this concern that the Committee finds itself in a difficult place to exercise its role and therefore the Committee kindly seeks clarification of its mandate and exact department it is supposed to oversight before it can continue taking further assignments, thank you.

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

Hon. Murfad Amur: Mr. Speaker it is very sad for a very respectable Member, my senior learned friend who after one year in this Assembly does not know the duties of labour it is very sad indeed! After one good year he has been a Chair and he never knew the duties of that Committee until today when we ask a crucial question about people being employed behind our backs he is telling us it is not under their Constitutional rights to investigate this and bring a report. With all due respect to my learned friend, brother it is shameful to say so that the Committee does not know their mandates they had been given officially; the powers that the Committee has it is to oversee all the departments it is given the mandates more than any other sectoral Committee they have the mandate of entering in any department and investigate and give a report. The much we delay those people will be employed permanently and the buck stops with us; me and you, how were they employed, where do they come from maybe some are not from Mombasa County and that is my worry. By the time we get this report Mr. Speaker they have their PF numbers, they have been stationed in departments and we will be liable to answer to our voters. Mr. Speaker this is a serious issue and I respect my learned brother but this is not the time to fool us Mr. Speaker Sir, thank you.

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

Hon. Omondi: Mr. Speaker Sir thank you for this particular golden opportunity you have given to me. I just want to react on the statement that have just been read by the Chairman of Labour; I think it is very sad and unfortunate that the Chair comfortably and confidently stand up and tell us that he is not able as I quote that he is not able to give us full report on what is happening on the employment opportunities. When this statement was brought to this House I remember very well the very Chair with due respect he stood and told us and even confirmed that we give him time so that he can go and find out and give us a credible and comprehensive report on what is happening because I remember Hon. Amur wanted to know why in the departments, in several departments there are some employments which were going on, people were warming up for employment and as he requested he said that as Member of the County Assembly we were not aware of any of that taking place.

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor*
Page 8

Therefore the ball was brought to the Chair and he confirmed today he will be giving us a very comprehensive report on what is going on only for him to stand up and tell us that he is not able to do that. I think Mr. Speaker Sir this is very dangerous, this is very serious and you have to rule on this because it is like the Chair seems like it is very hot for him and I think he is just trying to shy away from the Chair and therefore do something Mr. Speaker, thank you.

The Deputy Speaker (Hon. Mwalimu): Hon. Renson Thoya I think as per your response you are unable to respond on the statement that was raised in this House concerning the recruitment of workers by the County government. So I hereby rule that the House will communicate to this House an *ad hoc* Committee that will look upon this issue so that they bring back a report so in our next sitting. We will communicate to you the *ad hoc* Committee. Yes Clerk.

ADJOURNMENT

Hon. Members there being no other business the House stands adjourned until Tuesday 27th November at 2:30p.m.

The House rose at 3:36p.m.