



## COUNTY ASSEMBLY OF MOMBASA

### OFFICIAL REPORT

Wednesday, 3<sup>rd</sup> April, 2019  
The House met at 2:48p.m.

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

### PRAYERS

**The Deputy Speaker (Hon. Mwalimu):** Members you may have your seat.

*(Silence)*

Yes, Clerk?

### PAPERS

ANNUAL REPORT OF FINANCIAL YEAR 2017/2018 FOR MOMBASA COUNTY PUBLIC SERVICE BOARD

Yes, the Leader of Majority or any other Member? Yes, Hon. Raphael Bwire.

**Hon. Bwire:** Thank you Mr. Speaker. Mr. Speaker I am mandated by the Hon. Majority Leader, to table this report before the House in his absence.

*(Interruption)*

**The Deputy Speaker (Hon. Mwalimu):** To lay?

**Hon. Bwire:** To lay the report in his absence Mr. Speaker. I have the annual report of financial year 2017/2018 and I would wish to lay it before this House. Thank you.

*(Paper laid)*

**The Deputy Speaker (Hon. Mwalimu):** From which Department?

**Hon. Bwire:** From the Mombasa County Service Board.

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

**Hon. Bwire:** Mr. Speaker Sir...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Bwire you are out of order; we are in order number five. I think you have laid the report on order number five.

**Hon. Bwire:** Yes, Sir.

**The Deputy Speaker** (Hon. Mwalimu): Thank you, then just wait for the next order so that you present to this House whatever that you have.

**Hon. Bwire:** Thank you.

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

### **PAPER**

MOMBASA COUNTY PUBLIC SERVICE BOARD EVALUATION REPORT FOR THE YEAR 2017 ON  
COUNTY PUBLIC SERVICE COMPLIANCE WITH THE VALUES AND PRINCIPLES IN ARTICLE 10 AND 232  
OF THE CONSTITUTION

Yes, Hon. Raphael Bwire?

**Hon. Bwire:** Mr. Speaker, with me...

*(Consultations)*

**The Deputy Speaker** (Hon. Mwalimu): ...Okay proceed Hon. Bwire.

**Hon. Bwire:** Mr. Speaker Sir, this is a Mombasa County Public Service Board, the evaluation report for the year 2017 on County Public Service Compliance with the values and principles in Article 10 and 232 of the Constitution. I wish to lay Mr. Speaker.

*(Paper laid)*

**The Deputy Speaker** (Hon. Mwalimu): Thank you.

MOMBASA COUNTY PUBLIC SERVICE BOARD EVALUATION REPORT OF 2018 ON COUNTY PUBLIC  
SERVICE COMPLIANCE WITH THE VALUES AND PRINCIPLES IN ARTICLE 10 AND 232 OF THE  
CONSTITUTION

**Hon. Bwire:** And again Mr. Speaker on the same note I have the Mombasa County Public Service Board Evaluation report of 2018 on County Public Service compliance with the values and principles in Article 10 and 232 of the Constitution. I would wish to lay. Thank you Mr. Speaker Sir.

*(Paper laid)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Members the three laid reports will be Committed to the Committee on Labour, so Members from that Committee please take note and start working on the said Committees because as from today the reports are committed to that sectoral Committee. Yes Clerk?

### **PAPER**

Chairperson Committee on Justice and Legal Affairs or the Chairperson on Labour and Social Affairs? Yes Hon. Shomari?

**Hon. Ali Shomari:** Ahsante Mheshimiwa Spika kwa kunipatia fursa hii. Ningependa kufahamisha Nyumba hii kama ikiwezekana watupatie kama muda wa wiki moja kwa sababu kuna ripoti ambayo tunaisubiri kupatia kwa hilo suala la Fagia Bunge, hivyo basi tungeomba Nyumba hii itupatie wiki moja tuweze kukamilisha hiyo ripoti Mheshimiwa Mwenyekiti.

**The Deputy Speaker** (Hon. Mwalimu): So Hon. Shomari you are talking on behalf of which Committee?

**Hon. Ali Shomari:** ...of Justice.

**The Deputy Speaker** (Hon. Mwalimu): Legal and Justice.

**Hon. Ali Shomari:** Yes.

**The Deputy Speaker** (Hon. Mwalimu): Thank you.

*(Interruption)*

Yes what is it Hon. Musumba Raphael?

**Hon. Bwire:** Mr. Speaker Sir, I hereby represent the Chairperson on Committee of Labour and Social Welfare. Mr. Speaker we were to have a joint meeting which we had and as indicated by the Hon. Member from the Legal and Justice we also join him in asking for one more week so that we bring a very comprehensive report on the same. Thank you.

**The Deputy Speaker** (Hon. Mwalimu): Okay thank you noted. Yes Clerk?

### **STATEMENT**

I understand the Leader of Majority has just left because it was his responsibility to come and respond on this urgent issue from Jomvu Kuu Ward, so we will give him until tomorrow afternoon so that he respond on this issue.

*(Interruption)*

Yes Hon. Athuman Shebe? Okay proceed?

**Hon. Athman Shebe:** Yes thank you Hon. Speaker, am just standing to appreciate the effort which have been put in place by the Leader of Majority and also the Water Committee I just want to confirm that I just received water in my area and as we speak right now...

*(Applause)*

My people Hon. Speaker are just enjoying themselves drinking and showering it has been a long time! Yes Hon. Speaker I think I have decided just to appreciate the effort which have been made by the Leader of Majority and the Chair of Water. Thank you Hon. Speaker.

*(Applause)*

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

*(Interruption)*

What is it Hon. Junior Wambua?

**Hon. Wambua:** Bwana Spika nafikiri malalamiko ilikuwa Changamwe na Jomvu, Jomvu walipata...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): There is a Point of Order!

**Hon. Wambua:** Changamwe tuna shida sana hakuna maji hata kidogo, tungetaka na sisi tupate maji.

**The Deputy Speaker** (Hon. Mwalimu): Yes what is it? There is a point of information.

**Hon. Bwire:** Mr. Speaker before the Member Hon. Athuman..., I appreciate that you directed the Majority Leader who was mandated to do a follow up to report, he has not reported, so I do not think it is viable for the Members to start again arguing the case and yet he has not been reported back by the Majority Leader...

*(Applause)*

Hon. Speaker I would wish to urge the fellow Members to wait till the response to come from the Majority Leader, then we start reacting, thank you.

**The Deputy Speaker** (Hon. Mwalimu): Thank you for the Information Hon. Junior Wambua.

**Hon. Wambua:** Spika niliona kama huyu alikuwa anamwakilisha kwa mambo yote, naona angeendelea kumwakilisha pia.

**The Deputy Speaker** (Hon. Mwalimu): Thank you Hon. Junior Wambua. I think I had said earlier that it was the responsibility of the Majority Leader to respond to this issue, so I had directed that he responds to this Honourable House due to its urgency by tomorrow afternoon even though the Member from Jomvu Kuu Ward responded that in his Ward people have now started receiving water, but the Statement was on Mombasa West. Yes, Clerk?

## STATEMENT

### STATUS OF LAPFUND DEDUCTIONS

Yes, the Leader of Majority? This will return to the House Business Committee they will allocate time and date for it to come back. Yes, Clerk?

*(Statement on status of Lapfund deductions deferred)*

Yes, Hon. Leader of Majority.

*(Laughter)*

**Hon. Bwire:** Thank you Mr. Speaker. Mr. Speaker through the office of the Majority Leader as requested that you kindly allow him to report back next week, thank you.

**The Deputy Speaker** (Hon. Mwalimu): Thank you Hon. Musumba Raphael. Hon. Members there was a Statement in order number six, I have seen the Chair Labour and Social Welfare and the Chair Justice and Legal affairs, they have requested that they be ready with their response and it is just a response so I will let the Hon. Chair Labour to respond so that we proceed. Yes Chairman Labour.

**Hon. Thoya:** Thank you Mr. Speaker Sir, apology for arriving late here but I want to bring to your attention that we have had a very fruitful meeting with the said officers. I want to allay fears that Fagia Bunge is existing no more, I want this to be captured by that Hansard that Fagia Bunge has come to an end officially and related to the involvement that due to the natural death of Fagia Bunge then the administrators that were involved are going to be called to order and discipline will be followed henceforth. Thank you.

**The Deputy Speaker** (Hon. Mwalimu): Thank you the Chair of Labour, what is your concern Hon Tobias?

**Hon. Samba:** Mr. Speaker I have a concern just 3 minutes ago we have been informed by both Chairmen for Legal and the other one stood in for Labour now they requested for 1 week. Now both Chairmen...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): They requested Hon. Tobias, they requested for one week because the Chairmen were not around but they had said that they have already sat on a joint Committee, so it is in order because I ordered the Hon. Member to respond because it is just a response...

*(Interruption)*

**Hon. Samba:** Hon. Speaker you were being misled.

**The Deputy Speaker** (Hon. Mwalimu): No we were not being misled they were just requesting to let the Honourable Chairs to present the response...

*(Interruption)*

**Hon. Thoya:** Mr. Speaker it is just very sad for the Committee that has sat and deliberated on this issue and is reporting something very positive and the said Member himself was present, so please you were in and you have attested to that and I have said it is very clear that Fagia Bunge has come to an end so let us stick to that and if there is anything that will raise I will be there for you. Thank you.

*(Applause)*

**Hon. Bwire:** Mr. Speaker?

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Raphael Bwire.

**Hon. Bwire:** Thank you Mr. Speaker. Mr. Speaker I happen to be a Member of the said two Committees, I am a Member of Legal and Justice Committee and I am also a Member of Labour and I stood here on behalf of the Chairperson and the entire Committee asking for 1 week same applies to the Vice Chairperson of the Legal and Justice Mr. Speaker. I also stood here to ask for more time. Mr. Speaker I think you had already ruled upon the item and it was...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Raphael I had not ruled but the Hon. Members it is you who stood and said you are requesting for one week that the Chairs...

*(Interruption)*

**Hon. Bwire:** I agree with you Mr. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): We are not around, so when the Chairs came in I just used Standing Order No.1 to let the Honourable Chairs to respond on their Statements. It is just a response to a Statement and it is not a report.

**Hon. Bwire:** But Mr. Speaker with your permission allow me to say that despite being a Member of the two Committees whether it is a response or a report it has been an issue that has affected the Hon. Members and I would wish this report, be it a report or a response to come in written form and that is why as Members of the said Committees we had requested one week at least we table this written report next week Tuesday. Thank you.

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

**Hon. Athuman Mwamwiri:** Naomba kutaarifu Jumba hili ya kwamba Wawakilishi sahihi wa kuripotia masuala ya Kamati ni Wenyekiti wa Kamati kama wapo wanajukumika kuripotia na kama hawapo ndio Mwanachama wa Kamati anaruhusika kuzungumzia na kwa kuwa Mwenyekiti amezungumza ni yakini ya kwamba Mwenyekiti inatosha na kama wanachama wa Kamati hio wana shida na Mwenyekiti...

*(Applause)*

Na kama wana tofauti katika Kamati zao sisi kama Jumba ni mwafaka kuchukua taarifa kutoka kwa Mwenyekiti...

*(Applause)*

**Hon. Samba:** Point of information!

**The Deputy Speaker (Hon. Mwalimu):** Yes Hon. Samba?

**Hon. Samba:** Hon. Speaker we are setting a very bad precedent in this House, a Chairman cannot be one without Members and here is a situation where a Deputy Chair takes responsibility in the absence of both Chairmen. Hon. Speaker...

*(Interruption)*

**The Deputy Speaker (Hon. Mwalimu):** Hon. Thoya.

**Hon. Samba:** I am on a point of order! Hon. Speaker once the Statement was requested and the response was to be given both Chairmen were not in the House and the representatives took the initiative to give the response in their absence they cannot take us back even if they are Chairmen they cannot be Chairmen without Members and we are going to contradict ourselves.

A response was given by the Vice Chair and then here comes a situation where Chairmen walk slowly and they come at their own time they are taking us back it is our right to seek for a response in a written form and I think that is why both the colleagues who stood did not have a written response that is why did not have a report and if they have failed in their deliberation as Chairmen they can as well resign and quit...

*(Loud consultation)*

*(Interruption)*

**Hon. Bwire:** Mr. Speaker!

**Hon. Thoya:** Mr. Speaker! Mr. Speaker!

**The Deputy Speaker** (Hon. Mwalimu): Members!

**Hon. Thoya:** Mr. Speaker!

**The Deputy Speaker** (Hon. Mwalimu): Hon. Members this is a House of rules and we are guided also by our Standing Orders; which Standing Order number 161(c) clearly state that the Chairperson of a Committee is the spokesman of the Committee so the Hon. Member or the Chairperson of that Committee as the spokesman of that Committee is in order but unless the Chair of Justice and Legal Affairs is not or she is not accepting whatever that the Chair from Labour Committee has responded.

So if the Chair from Justice Committee is supporting whatever that has been said by the Chair of Labour then Hon. Members we will proceed with whatever that has been responded and when you go back with to your Committees you can proceed in writing a report and present it to the House Business Committee for it to be debated in this House. It can come as a Motion if you want it to come back to this Honourable House you can go back to your Committees and prepare a report, go to the House Committee and bring back as a Motion but it is a response and it has been responded well so Hon. Members let us just proceed with our proceedings.

*(Interruption)*

**Hon. Bwire:** Mr. Speaker with due respect I indeed respect your directives but as much as the Chairperson is a spokesman of the Committee that does not mean that Members cannot have their say. Mr. Speaker we were to have a joint meeting between the two Committees...

*(Interruption)*

**The Deputy Speaker** (Hon Mwalimu): Of which you had.

**Hon. Bwire:** Mr. Speaker I am speaking what I know; we only held a Labour Committee we never held a joint meeting and that is why we are asking for more time...

*(Applause)*

We need the advisory point of view...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Now you are contradicting yourselves because the Vice Chair stood up and said you had a joint Committee not unless we go back to our Hansard records and find out what the Hon. Vice Chair said because he said you had a joint Committee.



**Hon. Thoya:** Mr. Speaker! Mr. Speaker!

**Hon. Bwire:** That is the position Mr. Speaker.

**Hon. Thoya:** Bwana Spika tunachotaka ni hii vumbi iishe, hii vumbi iishe! Ukweli tumekuwa na mkutano na tunajua vile zile hali ziko. Mwenyekiti mwenza yuko hapa, ikiwa ni vyema kwao kwamba tupewe wiki moja na mioyo yao ingekuwa myeupe kama theluji tukiileta *in form of writing I will always do it and I am committed to do it. Please let us discern. Thank you.*

**Hon. Samba:** Hon. Speaker!

**The Deputy Speaker** (Hon. Mwalimu): Hon. Members!

**Hon. Samba:** Kindly!

**The Deputy Speaker** (Hon. Mwalimu): Hon. Members, I think I have given my directives and let us proceed from where we are. You will discuss the issue at your Committee level and report to the House Business Committee. Yes Clerk?

### **ADJOURNMENT**

Hon. Members the House stands adjourned until 4<sup>th</sup> April, 2019 at 2:30p.m.

The House rose at 3:18p.m.