

REPUBLIC OF  
COUNTY  
KILIFI  
SECOND ASSEMBLY –



KENYA  
ASSEMBLY OF  
THIRD SESSION

## THE HANSARD

Tuesday, 29<sup>th</sup> October 2019

*The House met at the County Assembly Chamber,  
Malindi Town, at 2:30 p.m.*

*[The Speaker (Hon. Kahindi) in the Chair]*

### PRAYERS

### STATEMENTS

#### DELAYED CONSTRUCTION OF A PHARMACY AT BORE-SINGWAYA DISPENSARY

**Hon. Ziro:** Thank you Mr. Speaker for this time. Before I read the Statement, I have a concern that I wish to put forward so that I can get your direction. On the 25<sup>th</sup> of April this year, I got a Response of a Statement that I had raised a month earlier. This Response was read in this House and it was not satisfactory. After debate, we agreed unanimously that the CECM in charge of Education should be asked to present himself before this hon. House to answer some allegations. That has not happened to date. Yesterday I got a letter from the Committee where the project of the ECD Centre stalled in Garashi. I am wondering if that letter goes higher than our offices; it is obvious that this House will be counted to have failed on its mandate of oversight to the community so...

**The Speaker (Hon. Kahindi):** The County Executive Committee (CEC) Member will appear before this House on 11<sup>th</sup> of November this year that is next Month as per our earlier discussion. Letters have been sent so he is going to come and other pending issues of education will be discussed. The CEC Member for Roads, Transport and Public Works will also be here.

**Hon. Ziro:** Thank you very much for your concern Mr. Speaker. Let me read a Statement to the County Executive Committee Member in charge of Health Services Department through the Chairperson, Health Services in regards of an incomplete Pharmacy:-

Whether the County Executive Committee Member is aware that there was an allocation for construction of a pharmacy at Bore-Singwaya Dispensary in the financial year 2014/2015 and is further aware that the said project stalled. If yes, why has the project taken so long to be completed and what measures is the CECM taking to ensure the project is completed?

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## REVOCATION OF AN UN-PROCEDURAL TRANSFER OF AN OFFICER

Mr. Speaker, there is another Statement to the County Executive Committee Member in charge of Health Services Department through the Chairperson; Health Services on an un-procedural transfer:-

Whether the County Executive Committee Member is aware that the un-procedural transfer of Mr. Thoya (Nurse) from Dagamra Dispensary to Matolani Dispensary triggered a public outcry?

Whether the County Executive Committee Member (CECM) is further aware that even after the plea by the area MCA (Garashi Ward) to hold the transfer until the right procedure was followed, the Ministry of Health (MOH) went ahead to effect the transfer.

If yes, what measures is the CECM taking to ensure the un-procedural transfer of Mr. Thoya is revoked?

Thank you, Mr. Speaker.

**The Speaker** (Hon. Kahindi): Is hon. Benson Chengo around? Yes, hon. Hassan proceed.

## LACK OF WATER SUPPLY ALONG THE MALOMANI-KAKULUNI-MGAMBONI PIPELINE

**Hon. Hassan:** Thank you Mr. Speaker, Sir, for giving me an opportunity to respond to a Statement on Malomani-Kakuluni-Mgamboni pipeline and Dungicha Dam in Ganze Ward.

This is a pipeline that is currently operated by the water service provider Kilifi-Mariakani Water and Sewerage Company (KIMAWASCO). Water has been flowing through the pipeline up to Migodmani Primary School in Ganze Ward when the pressure is sufficient.

However, most times water flowing in the pipeline has not been reliable due to lack of sufficient pressure. In order to handle this problem, the water service provider has procured and installed a booster pump at Mweza area to boost the water pressure which is to be tested and definitely operate.

It is also good to mention that the pipeline status from Migodmani to Mgamboni needs complete rehabilitation since the pipe quality has deteriorated with time. The service provider has been requested to work on the Bill of Quantity (BQ) for the rehabilitation works so that the Department can prioritize this in its budgeting. Once this pipeline rehabilitation is done and the booster is operational, then water shall be able to flow all the way to Mgamboni.

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## LACK OF WATER AT DUNGICHA DAM

In reference to the Statement raised on the dam, the work that was intended to be done was done and completed. Technically, the 10,000 cubic metres capacity which was to be done was achieved. The work might be seen as haphazard as stated in the Statement but it is important to understand that during the time of carrying out the works, the facility had water and therefore the centre of the facility was unreachable. The contractor could not have waited for the facility to completely dry up and could not have flushed out the water because the community was still accessing water from the pan. The expansion and rehabilitation works to achieve the required capacity was majored on the sides, upstream and the fetching point. Delisting was mainly done upstream where the facility was dry. All these works were conducted in close supervision by the project supervisor on site ensuring the required capacity is attained.

It is important to note that water works will always require maintenance for efficient service delivery and the Department will always work very closely with the water service providers in order to ensure that any rehabilitation works required on the dilapidated pipelines or upgrade of the same then the Department is able to facilitate the same. Thank you, Mr. Speaker.

**Hon. Chengo:** Asante mheshimiwa Spika. Kwanza nataka nikushukuru kwa lile jibu ambalo limetolewa kwamba lile bomba la maji limeanza kurekebisha na naamini ya kwamba maji yataweza kupatikana ile sehemu ya Kakuluni na Mgamboni.

Pili, ni kuhusu lile bwawa la Dungicha ni kwamba kile kilichozungumzwa hapa ni ile *Bill of Quantity (BQ)* haikufwatwa kwa sababu kazi iliyofanywa haikuwa nzuri kiasi cha kwamba wale wananchi waweze kuridhika maana ilikuwa wachimbe ndani zaidi na vitu vingine vifanywe. Ombi langu ni kwamba tunataka kuona hiyo *BQ* na jinsi alivyolipa ili tujue kazi ilivyofanywa na hio *BQ* yao. Juzi nilikutana na Waziri na nikaongea naye lakini mambo hayakunifurahisha. Tulikuwa pale *Ocean Beach* pamoja na mheshimiwa Mwayaa na mheshimiwa Pascal na yeye akasema kila wakati mimi naandika statements na mwishowe tutaandika uongo na hakuna kitu chochote kitafanyika. Kwa hivyo, ni jambo ambalo liliweza kunikasarisha sana. Asante mheshimiwa Spika.

**Hon. Hassan:** Asante mheshimiwa Spika. Kwanza nimefurahi kwa majibu yaliyotolewa na mheshimiwa wa Ganze. Ombi langu mimi kama Mwenyekiti na kwa niaba ya Kamati ningeomba tutembelee hilo eneo ili tuhakikishe yale yanayosemwa na Waziri ni kweli ndio tupate mwelekeo mwafaka. Asante.

**Hon. Kenga:** Mheshimiwa Spika, naomba kupata mwelekeo kutoka kwako kwa maneno ya Mheshimiwa wa Ganze ya kwamba alichukua nafasi kuzungumza na Waziri kutokana na maswala ya shida ambazo zinakumba wananchi katika eneo lake. Kwa sauti yake ni kwamba akizungumza haya alikuwa mbele ya viongozi na mheshimiwa Mwayaa ambaye ni kiranja wa walio wengi Bungeni, na kuna sauti ambapo Waziri alisema na imesikika katika Bunge hili ambapo mheshimiwa ana kazi ya kuniandikia *statements* kila mara na sasa nitajibu vile nataka. Hilo ndio lilijitokeza hapa.

Sasa mheshimiwa Spika, haya maneno ni mazito kwa sababu imejitokeza kwamba kwa muda wa miaka miwili mfereji ambao ulitakikana kupeana maji kwa wananchi wanakosa maji na Waziri kiholela mbele ya Kiranja wa Bunge anaweza kuzungumza matamshi kama haya. Sijui ungetupa mwelekeo gani kwa sababu hili tatizo la sehemu zile ambazo tayari mabomba

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yameweza kujengwa pale na wananchi kukosa maji leo kwa kweli haya maneno yalizungumziwa labda inatupatia picha kamili na dhana ambazo Waziri anasema anaona zimechangia haya matatizo ambayo wananchi katika Kaunti ya Kilifi wanaweza kushuhudia. Kwa hivyo, tungeomba kupata mwelekeo na pia kwa sababu mheshimiwa Mwayaa ametajwa naye yuko hapa pengine aweze kututhibitishia alivyozungumza Waziri kama ni kweli. Asante mheshimiwa Spika.

**Hon. Mwayaa:** Asante mheshimiwa Spika. Kusema kweli, maneno aliyoyatamka Mjumbe wa Ganze ni ya ukweli isipokuwa nilifikiri kwamba ilikuwa ni matani lakini maneno hayo yalimkasirisha kiwango cha kwamba anaweza kupiga ripoti hapa. Kusema kweli, *statements* katika Bunge ndio utaratibu wetu lakini wanachukulia kama tunawashtaki nilivyomuelewa siku hiyo. Kwa hivyo tuyafwatilie na ningeomba, mheshimiwa Spika, kuwa ile njia Mwenyekiti aliyosema sisi kama Kamati ya Maji tuende kwa eneo hilo ili tuweze kuunga mkono na mheshimiwa wa Ganze halafu ile Ripoti Kamati itaandika tutakuja kuizungumzia kwa Kamati ya *General Oversight*. Asante mheshimiwa Spika.

**Hon. (Ms.) Messo:** Thank you Mr. Speaker, Sir. I would like to respond to the Statement that our Whip has just said that when the County Executive Committee Member (CECM) talked to him on a light note, he took it as something very light. We are hon. Members; when talking to any hon. Member, you must check your words. I think we should not even rely on this Response because he is so rude to the Member of County Assembly (MCA). He is trying to help his area and the CECM tells him that you are so used to many statements. I think we should just follow what our Deputy Speaker has said that we should summon the CECM. It is very serious so next time, none of the other CECMs will make that mistake again. Thank you, Mr. Speaker.

**Hon. (Ms) Sidi:** Asante sana mheshimiwa Spika kwa nafasi hii. Nami ningependa kuunga mkono mwandishi wa swali hili kwa Wizara ya Maji. Kusema kweli, kuna shida mheshimiwa Spika na hawa ndugu zetu Mawaziri na *Chief Officers*. Samahani lakini wanatubeba kwa madharau sana. Mheshimiwa Spika, mwezi wa tatu tulipotoka hapa kwenda Kirinyaga mimi nilikuwa Idara ya Elimu lakini wakati wa malipo nikapelekwa kwa Idara ya Maji; jambo ambalo nilipiga simu kwa Waziri wa Maji na *Chief Officer* na mpaka leo hawajawahi kunilipa.

Kwa hivyo, haya ni mambo yenye yanafanyika upande wa pili na ni madharau ya hali ya juu. Leo ni Idara ya Maji lakini kila siku Idara ina shida zake. Kwa hivyo, mimi naomba hawa Mawaziri wa Idara zote waje mbele ya Kamati ya *General Oversight* ili haya maswali tuyaseme kwa uwazi na kila mtu aseme ni wapi anaona anakanyagiwa. Asante, Mheshimiwa Spika.

**Hon. Mwambire:** Asante sana Mheshimiwa Spika kwa kunipatia nafasi hii. Mimi pia nasimama kwa masikitiko kwa majibu ambayo mheshimiwa mwenzangu alivyojibiwa na kuongelehwa hadharani. Kusema kweli, hawa Mawaziri tunatazamia wao waweze kutueleza tunayoyajadili hapa Bungeni wayachukulie maanani maanake la kushangaza ni kwamba ikiwa mheshimiwa ataleta *Statement* yake na halafu ajibiwe vile atavyojibiwa, hili jambo nimelisikia, limenivunja moyo sana na kunitoa nguvu kiasi cha kwamba ikiwa mwenzangu anaweza kujibiwa hivyo, basi ujue mwengine pia kati yetu anaweza kujibiwa hivyo. Kwa hivyo ni jambo ambalo linatajikana lilaaniwe vikali sana.

Pili, ningeomba hawa Mawaziri kama itawezekana tuwe na kikao na wao kama wabunge na tuwaambie kwamba tunawategemea wao na nataka kusema yale ambayo mheshimiwa Gavana aliyazungumza kwamba hataki kuona Mawaziri wakiwa katika Afisi. Alisema ni muhimu Waziri

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awe atakuwa nyanjani aone vile wananchi wanahangaika. Hivyo tutaweza kutekeleza ajenda za serikali kwenye kaunti yetu.

Hivi juzi miezi mitatu iliyopita, tumepitia hali ngumu sana ya mambo ya shida ya maji. Nashukuru katika ule upande wangu wa Idara ilikuwa inasaidia lakini kwa sasa je sisi kama kaunti tunapitia mambo gani kwa sababu ni baada ya miezi michache tu ambapo tutaanza kufanya mambo ya *water tracking*. Naongea haya kwa uchungu kwa sababu mwenzangu wa Ganze aliyojibiwa hayaridhishi. Kwa hivyo, ombi langu ni kwamba hawa Mawaziri ikiwezekana tukutane na tuongee kwa faragha kama vile mheshimiwa Kiranja alivyoongea kwamba tuwe tunafwata mwelekeo. Hiyo ni njia ya kuwahusisha kibunge lakini kama atajibiwa namna hiyo, hiyo inamaanisha nini? Asiandike *Statement*? Kwa hivyo, tuwe tunakuja Bunge, tunakaa tukitoka. Hili jambo linaudhi na linakasirisha. Asante mheshimiwa Spika kwa kunipatia nafasi.

**Hon. Ziro:** Asante mheshimiwa Spika kwa hii nafasi. Pia nami nataka nionyeshe kutoridhika kwangu na majibu ambayo yametolewa ndani ya Bunge hili kutokana na swala ambalo mheshimiwa Chengo alikuwa ameulizia. Heshima ni kitu cha bure Waswahili walisema, na kama Waziri anaweza kujibu mheshimiwa namna hiyo, inaonekana kuna shida mahali. Mimi mwenyewe niko na mfano kule kwangu. Kuna mradi wa maji ambao ulianza 2014/2015, na huo mradi wakasema umekamilika, maji yakafunguliwa, wananchi wakanywa maji kwa siku moja na baada ya hapo maji yakagoma na mpaka leo hayo maji hayajafunguliwa na kila nikiuliza naambiwa ngojia tutafungua. Nilipoandika *Statement*, nikaambiwa hiyo pia haiwezi kusaidia lakini ni tuelewane tuje tutengeneze maji. Sasa nakosa kuelewa kwamba Waziri anasema tuje tuelewane; nashindwa ni maelewano gani anayotafuta ya mimi na yeye na mimi najua njia yangu ya kufanya kazi ni kupitia Bunge hili na ile njia mwafaka ni ya kuweka *statement* iende kule ili ijibiwe na majibu yakija yawe sahihi na yaniridhishe mimi na hata wenzangu pia waridhike ili wananchi wapate faida.

Kwa hivyo, naungana na wenzangu kwamba haya ni madharau na hivyo basi pia hawa Mawaziri kuwe na nafasi ya wao kuitwa katika Bunge hili haswa wale ambao wamekosa nidhamu katika kazi zao ili tuzungumze na wao na tujaribu kuona kama tutapata njia mwafaka ya kuwarekebisha. Kama njia haitapatikana, hata kama ni Hoja ya kukosa imani nao inaweza kuletwa kwenye hili Bunge, waadhibiwe na wananchi wa Kilifi waendeleo kupata huduma zinazostahili. Ni hayo tu mheshimiwa Spika. Asante.

**Hon. Mwamtsi:** Thank you Mr. Speaker, for giving me this opportunity. If the allegations are true, they are not good and they deserve somebody to be heard. Being in the Committee in charge of Water and Environment led by the able Chairperson Hassan, I think the Committee can handle that matter if given a chance by you Mr. Speaker. Thank you.

**Hon. Mramba:** Thank you Mr. Speaker. If the words of hon. Benson Chengo are anything to go by, then the County Executive Committee Member (CECM) belittled the Bishop before the public but according to the words of the Chairperson hon. Hassan, I also believe that the Chief Whip is also a Member of that Committee. I would propose because basically we cannot call the whole cabinet to this Assembly unless the allegations have been brought to this Assembly so that the Committee on General Oversight can summon them; we cannot summon the whole cabinet because of a mistake of one CECM.

If it is agreeable and I believe it is, the Committee on Water and Environment can try to investigate together with the hon. Member for Ganze. They can visit all the projects in his presence then bring a Report to this Assembly. Then if it becomes clear that whatever the CECM

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has said is not true then the CECM can be summoned to appear before the Committee on General Oversight. That is my take. Thank you.

**Hon. (Ms.) Ngari:** Asante sana mheshimiwa Spika kwa kunipatia hii nafasi. Nataka kusema kwamba kama Waziri, majibu aliyosema mheshimiwa Benson (Chengo) ni ya kweli na mheshimiwa Mwayaa amesema kwamba labda alikuwa ameongea kiutani. Nataka kusema kwamba waheshimiwa hawako hapa kwa sababu ya matani; hawakuchaguliwa kuja kutaniana hapa. Waheshimiwa wako hapa kwa sababu ya kuhudumia wananchi na wanaomba ushirikiano mzuri sana na hao Mawaziri kuona kwamba miradi ambayo inataka kuhudumia wananchi imetekelezwa kulingana na vile inavyostahili. Mheshimiwa alienda mpaka kuona BQ na akaona mradi haujatekelezwa vizuri na aende kumuuliza Waziri halafu amjibu tu kiholela nadhani ni jambo la kufuatiliwa vizuri na tuone kwamba huduma zinapatikana vizuri ndio wananchi wafaidike na wakaone ile kazi mheshimiwa anayoifanya ndani ya Bunge hili. Asante sana mheshimiwa Spika.

**The Speaker (Hon. Kahindi):** Hon. Hassan, I have heard the Response that you have brought before this House and I have also considered the allegations that have been made. I am saying allegations because we cannot only hear one party until they are verified. However, what is important before this House and for the people of Kilifi is whether the Statement was properly answered or not. Now, that is a question of fact and it can only be determined if the Committee goes to the ground and sees what is really happening there.

The Committee on General Oversight is the last resort. We would not engage each and everything to the Committee otherwise it will lose its relevance. A matter is brought to the Committee on General Oversight which has cogent facts because there is a respective Committee that is supposed to do that oversight role. Remember the Committee on Water already in itself under the Standing Orders has an oversight mandate. So until it is proven that the mandate of that Committee needs the support of the General Oversight Committee, then that is when now the Committee on General Oversight can be invited to hear a certain matter.

At this point, I still believe that the Chairperson of Water and its Committee still have the power to investigate this matter. I therefore direct that since the House is going on recess tomorrow for one week, during that recess period; write a letter to the Clerk and to my Office. You will be allowed to visit the site together with the hon. Member; make sure he is present so that you interrogate the facts that he is not comfortable with. When you report back to us after the recess, we shall determine which way to go.

Otherwise my ruling is that I am throwing it back to you hon. Hassan. I know you are very capable of these matters. Please take it up, investigate whether the issues raised in the Statement have been properly answered or not and I think you can do that if you go to site with hon. Ben (Chengo) then you report to us after the recess.

## ADJOURNMENT

**The Speaker (Hon. Kahindi):** In the absence of any other business on the Order Paper, I move to adjourn the House until tomorrow. Thank you.

**The House rose at 3:05 p.m.**

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