



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

SECOND ASSEMBLY –FOURTH SESSION

THE HANSARD

Wednesday, 11th March 2020

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

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

PRAYERS

PAPER

THE KILIFI COUNTY FISCAL STRATEGY PAPER, 2020

Hon. Kiraga: Thank you Mr. Speaker. I beg to lay on the House a Report of the Budget and Appropriations Committee on the Kilifi County Fiscal Strategy Paper, 2020. Thank you.

(Hon. Kiraga laid the Paper on the Table)

NOTICE OF MOTION

ADOPTION OF THE KILIFI COUNTY FISCAL STRATEGY PAPER, 2020

Hon. Kiraga: Thank you Mr. Speaker. I wish to give the following Notice of Motion for the adoption of the Report the Budget and Appropriations Committee on the Kilifi County Fiscal Strategy Paper, 2020. Thank you.

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STATEMENTS

EMPOWERMENT CENTRE FOR PWDS IN MALINDI

Hon. Mwarandu: Thank you Mr. Speaker, Sir. I take this opportunity to respond to a Statement made on behalf of the Chairperson, Culture, hon. (Ms.) Elina Mbaru. Allow me to take the Members through the Statement before I go to the response.

Statement made on the 8th of March, 2019 to the CECM (County Executive Committee Member) in charge of Gender, Culture, Social Services and Sports on empowerment centres for people living with disabilities in Malindi.

Whether, the CECM in charge of Gender, Culture, Social Services and Sports is aware that the empowerment centres for the people abled differently in Malindi town have delayed since the Financial Year 2017/2018.

Whether, the CECM is further aware that even after 2.4 acres of land was donated by the Malindi General Hospital for the project several months ago, nothing has taken place to date.

If yes, what plan has the CECM taken to ensure that the centre is done for the benefit of the people living with disability and the county at large?

The response Mr. Speaker, Sir, addressed to the Chairperson of the Committee in charge of Public Entertainment and Amenities, County Assembly of Kilifi.

Re: Statement on empowerment centres for people living with disabilities in Malindi. The above subject matter refers; the Department of Gender, Culture, Social Services and Sports had envisioned establishing and operationalizing the empowerment centre for the people enabled differently in phases. This plan featured in the department's annual development plan for the financial year 2017/2018.

This project as explained earlier is being implemented in collaboration with the Department of Public Health and Medical Services due to the fact that the empowerment centre has a component of health in its operation and having donated 2.4 acres of land curved from the Malindi Sub-County Hospital land.

The two departments submitted their respective proposal to the Department of Roads, Transport and Public Works and the final drawing and BQ were submitted in December, 2019 with the total project estimated at Ksh.200M. However, in the Financial Year 2019/2020, the Department of Health did not allocate funds for this project while that of gender allocated Ksh. 10 million with a proposed intention to undertake the project in phases.

This necessitated our department to request public works to separate the social section of the drawing and BQ from the main document in order to facilitate implementation. This exercise has been ongoing and we have been advised that the final documents will be submitted by the end of February 2010 to enable the procurement process begin and finally implementation done during the current financial year. Thank you. Signed by; hon. Maureen Mwangovya, CECM Gender, Culture, Social Services and Sports. Thank you Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Hon. Victorine, are you satisfied with the response?

Hon. (Ms.) Victorine: Thank you Mr. Speaker. I wish to say that I am not satisfied with this answer simple because there is no attachment showing that the first BQ was ready and that it was Ksh. 200M.

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Another reason why I am not satisfied is because I feel that there is some delaying tactics that the CECM is using. This is because I sent this Statement on the 8th of March, 2019 and I am receiving the response after one year. I wish you give us direction Mr. Speaker. Please help me through the committee to get to know what the cause of delay of this noble project is for the Persons with Disabilities (PWD) of Kilifi County. Thank you.

The Speaker (Hon. Kahindi): Hon. George Baya, the Statement was requested on the 8th of March, 2019; today is the 11th of March, 2020. That is a whole year. Clearly the hon. Member deserves an explanation. It is not even fair to this county assembly.

Number two, I can also note that there has been an indication the final documents will be submitted by end of February, 2020. We are almost midway March. I don't want to subject this to another discussion. I want you to convene the committee and summon the CECM to come and explain and of importance is why the response has taken a whole year. Because if that is the way we operate by the time we get to 2022, we will not have done anything.

So, one of the things to seek is why the response has taken a whole year to respond and number two is where the hon. Member has put it, there is no attachment to show anything that has been put here that can prove that something is being done.

There is an allegation that some documents will be done by end of February. We are in March, and again those documents have not been done.

So, please I know you are only a messenger but you also represent a committee of this House. Find time within yourselves to just summon the CECM so that we get the way forward. After recess, let us a feedback.

Hon. Baya: Okay. Thank you, Sir.

BUSINESS FOR THE WEEK COMMENCING MONDAY 16TH MARCH, 2020

Hon. (Ms.) Victorine: Thank you Mr. Speaker. Pursuant to the provisions of Standing Order 41 Sub-Order 2 (a), I wish to lay on the Table of this House the Statement regarding the Business of the House for the week commencing Monday 16th March, 2020 as follows:-

On 16th March, 2020 Monday 2:30 p.m. a) Communication from the Chairperson, Response, a Motion on County Internship Policy moved by hon. Stanley Kenga. b) Papers, Report on the Select Committee on Delegated County Legislation on the Kilifi County Micro-Finance (Mbegu) Fund Regulation, 2019. c) Statement (1) Statement sought by hon. Caroline Maku Kalume from the Department of Health Services. (2) Statement sought by hon. Caroline Maku Kalume from the Department of Health Services. d) Notices of Motion; Adoption of the Report of the Select Committee on Delegated County Legislation on the Kilifi County Micro-Finance (Mbegu) Fund Regulation, 2019.

On 17th March, 2020 Tuesday 9:30 a.m. we have (a) Statements; 1) Statement sought by hon. Caroline Maku Kalume from the Department of Agriculture, Livestock and Fisheries. 2) Statement sought by hon. Caroline Maku Kalume from the Department of Agriculture, Livestock and Fisheries. 3) Statement sought by hon. Caroline Maku Kalume from the Department of Roads, Transport and Public Works.

On Tuesday 2:30 p.m. we have (a) Motion on adoption of the Report of the Select Committee on Delegated County Legislation on the Kilifi County Micro-Finance (Mbegu) Fund Regulation, 2019. It will be done by the Chairperson, Delegated County Legislation Committee.

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On 18th March, 2020 Wednesday 2:30 p.m. we have a) Papers; The Kilifi County Valuation Court (Review of Objections to draft valuation Roll and Supplementary valuation Roll) Regulations, 2020. b) Statements (1) Statement sought by hon. Caroline Maku Kalume from the Department of Water, Environment, Forestry, Natural Resources and Solid Waste Management. (2) Response to a Statement sought by hon. Maitha Masha from the Department of Water, Natural Resources, Environment, Forestry and Solid Waste Management. c) Bill; The Kilifi County Disaster Management (Amendment) Bill, 2020 (First Reading). Thank you Mr. Speaker.

MOTIONS

ADOPTION OF THE REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE KILIFI COUNTY FISCAL STRATEGY PAPER, 2020

Hon. Kiraga: Thank you so much Mr. Speaker. I wish to move the following Motion; THAT this House adopts the Report of the Budget and Appropriations Committee on the Kilifi County Fiscal Strategy Paper, 2020 laid on the Table of this House on Wednesday 11th March, 2020.

Mr. Speaker, before I give my submissions, I would wish to thank your office and the Office of the Clerk for the much needed help this committee received to work under good environment. I would also wish to thank the secretariat attached to this committee. The secretariat is composed of a team which is willing to work even during odd hours. I would also wish to thank any other officer attached to the Budget and Appropriations Committee more so the Committee Members for their commitment. Mr. Speaker, during the workings on these documents we have seen a very high degree of commitment. I just want to give an example. Yesterday, the committee with the secretariat was willing even to work some minutes to six; so may I take this opportunity to thank everybody.

Mr. Speaker, the County Fiscal Strategy Paper is a paper which sets the broad strategic priority and policy goals which guides the County Government to do the proceeding budget. While looking at this document and guided by the various regulations not excluding the Public Finance Management Act, this document has linked its priorities to the relevant budgetary documents. We talk of the CIDP (County Integrated Development Plan) and the ADP (Annual Development Plan). This is also a document which has also alligned itself to the Budget Policy Statement for both the National Government and County Government. We understand Mr. Speaker for the National Government, Vision 2030, we have the five point agenda and for the County Government we have the seven point agenda and these points are one and the same. The issues to do with good health care, quality education to mention but a few. So we have seen this document aligning to those points.

Let me take this House through the findings and eventually recommendations. As I have said, it is a document which has followed all the regulations which are concerned. Talk of the Public Finance Management Act and any other document in relation to finances it has adhered to those regulations. Mr. Speaker, looking at this Paper there are various ceilings and the Members have the document. There are various ceilings which have been cut to the various departments but looking at these ceilings and going to the County Assembly ceilings, we thought it was an oversight from the Executive side because whatever we have in the current financial year looking

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at what has been projected as a ceiling has gone down and it is not normal because we are expecting things to go up not down.

Another issue Mr. Speaker, we have had some consultations with the relevant departments but as a tendency most of these departments when they come before either the Whole House or Sectoral Committees, their submissions are mostly geared towards increment of their ceilings. Somebody might wonder because this document emanates from their side and when it comes to the Assembly they try to convince the House to add more funds. Most of what they are pledging to the County Assembly to do are justifiable but looking at the resources envelop, it cannot service all programmes which the departments have.

I wish to give an example about the health department. In our engagement with the CEC Health, the programmes he was requesting amounted to Ksh.5.8 billion; this is almost half of the county budget. Mr. Speaker, some of those explanations were valid but the committee had to pick the basic items to be financed. The committee was careful not to tamper with the ceilings. We sourced funds from the strategic intervention. This time round the county government is having the departmental ceilings and they also have a basket which they call, the Strategic Intervention Basket; that is where we got our savings.

I will not fail to mention the issue to do with municipalities; they were created under the Urban Areas and Cities Act. They were created and put in place that is why we have the municipal boards and any other relevant stakes. From the submissions of the Municipal Board of Kilifi and Malindi, it is evident that County Government of Kilifi has given them roles and denied them resources.

Schedule one of the Urban Areas and Cities Act, you will find out that the issues to do with garbage collection are entirely placed under their mandate. The issues to do with street lighting and roads within the town are functions of the municipal boards but look at the resources, monies are still held by the Department of Water resources and Environment; the issues on street lighting, monies are being held by the Department of Lands and the issue of roads, monies are still held at the Department of Roads. That is why as a committee we recommended that functions should be followed by resources; the departments have got no otherwise but to adhere to the principle.

I briefly want to take this House through how we managed to source funds to service the areas we felt as a committee are basic and monies should be enhanced; that is why we are humbly requesting this House to adopt the Report. If you look at the strategic intervention, the legal fees have been cut at hundred million; most of the departments have a legal fee vote head, we thought it better that we have Ksh.50, million from this department on the legal fee. On the car loans and mortgage which was put at Ksh.200 million we also took Ksh.82 million from that vote and leaving Ksh.118 million. Most of these monies might go to the third and fourth quarter without being utilized; there is also room for supplementary budgets if things go the other way round.

Again, we have the Kilifi County hospital complex which we heaved Ksh.29 million from the Ksh.236, 626,466 million. Next financial year is going to be third financial year. Talking about Kilifi stadium, looking at the second supplementary budget which the Budget committee is working on, the monies of Kilifi stadium have been collapsed. We are wondering if the County Government is ready to undertake these projects. So from there we heaved Ksh.100 million and left Ks.100 million so that they can start with what is remaining.

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On the garbage collection we heaved ksh.20 million out of the Ksh.30 million; we are leaving only 10 million at least to service the areas which do not fall under the municipalities. Out of these savings, the committee is seeking this House to adopt this Motion.

One, we topped up the ceiling of the County Assembly with Ksh.82 million and we also topped up the Car Loan and Mortgage for the County Assembly staff with Ksh.50 million. On the Assembly complex, we also topped it with Ksh.50 million. If you look at the development ceiling of the County Assembly, it was put at around Ksh.44 million which is a very small figure.

From the submission of the Health Department, the CECM and his team, it is evident because he talked about the issues of water in some dispensaries and it is pathetic that most dispensaries are going without water and there are some mothers who go there for deliveries. It has been a very big challenge to these dispensaries. They are in charge for these dispensaries and health centres and more so the hospitals. So the department was requesting the drilling of boreholes for dispensaries and health centres. We thought as a committee that was a very valid issue. So out of those savings we did enhanced that area with Ksh.30 million and again it was also submitted by the department, the issues to do with food and ratios; that patients mostly go without food because of insufficient funds of which we saw that was also very basic and we enhanced that programme with Ksh.30 Million.

It was also submitted that the department sometimes lacks medical gases; we are talking of oxygen and nitrogen oxide. Most of these gases are used to save lives of patients so we thought that was also a very valid issue and we enhanced that area with Ksh.9 million.

The other department that we had to enhance was the Trade, Tourism and Cooperative Development; the issues of capacity building for Mbegu Fund. It was submitted that most of the groups have very insufficient information concerning Mbegu Fund or how they are supposed to make the repayments of the loans they get from the pocket. So, we thought the issue of capacity building for Mbegu Fund was very valid and we enhanced that programme with Ksh.10 million.

On the issues to do with municipalities; Kilifi municipality garbage collection we gave them Ksh.5 million. In fact in Kilifi that was the figure they submitted, that if they get the Ksh.5 million they will be comfortable to offer that service.

Malindi Municipality benefited with Ksh.15 million. Therefore, I think that is how far this committee went and we humbly request this House to adopt this Report so that it forms part and parcel for the next budget estimates, Mr. Speaker. With those remarks, I would wish to call upon hon. Pascal to second me. Thank you.

(Question proposed)

Hon. Pascal: Thank you Mr. Speaker. I support the adoption of the Report that is before this House.

The Chairperson has explained almost everything and that in my submission, I will be touching on a few issues to affirm that it is actually the committee's recommendation and that we kindly appeal to this hon. House to agree with the committee and pass the Report. When you look at this document, you'll find that the ceilings that had been put by CRA (Commission on Revenue Allocation) in the current financial year is 668 which is far much below the former ceiling that was put by CRA which was at 758. The difference of Ksh.82 million which this committee made it to be upped is because ceilings are supposed to grow and not move

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downwards and that is why the committee went ahead to recommend that we go to the original 758 instead of the 668 million.

Again, there are some findings that we realized as a committee that in the Health Department just as the Chairperson has put it, there were some very critical issues that we wanted to deal with as government so that lives can be saved. You will find out that the submissions by the principals were that in many of the dispensaries that we have across the county is that these facilities are operating without water. They had recommended that we at least do a borehole per facility so that the flow of water can be controlled and achieved to the maximum. That is why there was a recommendation that we give them a leeway to ensure that we do a borehole at every facility. This would save our people and make life better in these facilities. That is why this committee recommended that we also up the figure for the function of drilling those boreholes.

Again, Mr. Speaker, we found out that as hon. Members here have survived without offices for a long time and it is the motto and urge of this House to ensure that the office complex is completed in good time so that at least hon. Members can live honourably when they come here for their daily calls. That is why as a committee we thought it wise to ensure that we look for Ksh.50 million to up for the Ksh.42 million that's there to ensure that we can at least get some good amount that will go into the office block and complete that block in the coming financial year. Therefore, we thought it wise to up that amount.

There is the issue of ratios for the sick in hospitals. It came to the light of the committee that at times many of the patients in the hospitals do not get enough food and it has become a problem to those who are admitted in hospitals. There was a plea by the principals that we also do something positive for the hospitals so that they can have some food and this committee added something on top for the food provision.

The medical gases which are very critical for those people in very severe conditions was also another need that we thought it wise to also actually support. That is why this committee gave Ksh.9 million for the gases.

I will conclude by saying that the issue of Mbegu Fund has actually assisted many of our people in the county. We have seen our youths coming for these loans. We have seen women coming for these loans to better their lives and we thought it wise that we also up this figure and another Ksh.10 million for training because we came to realize that many people had not been reached. Many people do not have information about these loans that we are providing as a county and we thought it wise to give that section money so that information can be taken to the right people and everyone can be made aware and we distribute enough loans to our people, Mr. Speaker.

Therefore, I think those are the many critical issues that we thought as a committee and kindly appeal to this House so that we agree with this Report before this House and the fortunes of our people for the better. Thank you, Mr. Speaker. I support the adoption of this Report.

(Question put and agreed to)

ADOPTION OF THE REPORT ON ALLEGATION OF POOR WORKING CONDITIONS OF WORKERS AT
BRILLIANT GARMENTS (EPZ) LTD AND AMORY COCO KENYA (EPZ) LTD

Hon. Kadenge: Thank you Mr. Speaker. I wish to move a Motion:-

THAT, this House adopts the Report of the Joint Committee on Devolution, Public Services and Disaster Management and that on Health Services on allegation of poor working conditions of workers at Brilliant Garments (EPZ) Ltd and Amory Coco Kenya (EPZ) Ltd laid on the Table of this House on Monday 9th March, 2020.

Mr. Speaker, Sir, before I call my able Deputy Chairperson to second, allow me to do my submission on this. First, I wish to thank the whole committee which was the Committee on Devolution together with the Committee on Health which was led by our able clerks Madam Charity and Mr. Kapombe. After visiting the places, we had some other engagements with the managements and employees. We came to realize a lot of issues; that the firms were subjected to long hours reporting from around 6 a.m. to 8 p.m. We came to realize that the employees were not issued with protective gear like dust masks exposing them to health hazards. The employees were not given any notice contrary to the provisions of the Employment Act, 2007. Also the Brilliant Garments Limited did not comply with Section 5 (4) of the Employment Act on Employer Act which says, "The employer shall pay his employees equally dues for work of equal value."

After getting all these findings, we came up with recommendations and the joint committee suggested that the Department of Devolution, Public Services and Disaster Management should ensure that the management of Brilliant Garments Limited complies with Section 5(4) of the Employment Act, 2007. We also recommended that the Department of Devolution, Public Services and Disaster Management in collaboration with the Export Processing Zone Authority should conduct an investigation on allegation regarding the export processing zone irregularity Officer attached to Brilliant Garments Limited Mr. Francis Itegi with a view of taking unnecessary action and report back to the House within 21 days.

We recommended that the Department of Public Service and Disaster Management in cooperation with the Ministry of Public Service should investigate the unlawful dismissal of Mr. Mubarak who worked with the company for over five years and ensure that he is properly compensated within 21 days after the adoption of this Report.

We also recommended that the workers should be given a copy of the contract service as stipulated in the Employment Act 8 and 9 within 14 days after adoption of this Report. With these few remarks, I wish to invite my Deputy Chairperson hon. Dickson Shaban to second the Motion.

(Question proposed)

Hon. Shaban: Thank you Mr. Speaker, Sir, for giving me this opportunity to support this Motion. Mr. Speaker, first I want to thank the able Chairperson together with Members of the Labour Committee but before I give my submissions, I am so disappointed that the Member for Mtepeni hon. Victor Gogo Mwanganda is not in this House and I am aware that this issue was brought by him. When the Report was delaying he complained and I would wish that he would be in this House to also air his sentiments. Mr. Speaker, Sir, we are being guided by the weekly

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programme so that the Members can know which business we have. I have just noted that concern.

Mr. Speaker, there is a lot of violation of human rights in the EPZ companies. There was a time I was a Human Rights Officer working with MUHURI (Muslims for Human Rights) and it is high time we either make a strong recommendation on these companies. It is not about the Brilliant or Amory Coco; even in Mazeras our wives, mothers and daughters are really going through a lot in the name of EPZ.

When we visited the companies, they were working for long hours without being paid overtime. Mr. Speaker, someone is reporting to work at 6 a.m. and leaves at 8 p.m. and on that note, I want to say there was a time when I had finished school and I was about to marry a girlfriend who was working at EPZ and it was very difficult for me to marry that lady because she was working for long hours from Monday to Sunday. The time we were meeting even when you touch her she will always resist because she was tired and that made me to withdraw that relationship. This is something serious and something must be done to these investors. They are coming to our country to invest but at the same time our girls are suffering. You can have a beautiful girl who has a good shape but when she joins the EPZ within some few months you will see she has become weak because of the work load.

We have another concern on maternity issue. We all know that the law is very clear on the Employment Act, 2007 when someone goes for maternity leave, she must be paid and nowadays we have also introduced paternity leave for men for two weeks but this is not the case at EPZ. Our women go for maternity leave but they are not paid; we ask why but it is because of the poor management that we have at the EPZ. It is very wrong for our mothers to get pregnant and when they go for maternity leave they are not paid. That is a violation of their rights.

Another issue that I also want to emphasize about the contract is that everybody, even the MCAs, when we took oath of office on 6th of September, 2017 signed a contract for five years but this management people don't sign the workers contracts of service. So at their own will, someone can come to work in the morning and you can be shown the door. So when you are shown the door, there is nowhere you can go seek redress because you don't have a contract of service.

It is time that more things needs to be done and we will appreciate your support on this at least for once we can send a strong message that the EPZ can either meet our recommendations or sometimes I say it is better maybe if we can say they shut down; maybe our people won't get employment but that employment comes with a lot of problems and I can tell you, Mr. Speaker, were it not for those working hours at the EPZ maybe today I could have enjoyed the fruits of my girlfriend who is was supposed to marry but to make things better I had no option even after marrying, I got her a good job that she is enjoying.

So, Mr. Speaker Sir, I want to rest my case and urge my fellow hon. Members in the House that let us support this Motion with the recommendations so that at least for once we can pass a strong message to this EPZ because most of our girls and mothers are working there thus we can safeguard them. Thank you, Mr. Speaker. I support the Motion.

Hon. Pascal: Thank you Mr. Speaker for the opportunity. I am a Member of the Labour Committee and I managed to go with my fellow Committee Members to the EPZ and life there is very tough. It is indeed true that workers at these facilities are working under duress and under very tough conditions. Working for many hours without compensation and I believe it is this

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House that will come with the right recommendations like what is happening in this Report so that we can put sanity in the EPZ sector.

We understand that the EPZ has provided employment facilities to many of our youth and it is a very noble idea to have these partners with us because we expect that the economy of this county will grow but we need to be very tough so that things go the right way. It is a right of everybody to get employed but there are these rascal employers who will always want to breach the law for their own selfish interests because when we went there just as my fellow Member has put it, we found out that many of our girls get to these facilities very early and would work while standing for the whole day until 9 in the evening and if you asked about their compensation arrangement then we realized that there is no proper arrangement for the extra hours these guys would work because we understand the law provides that very person works for eight hours and beyond which that person be compensated for the extra hours they work but that is not to be Mr. Speaker. It is not to be and these ladies and gentlemen work endlessly without any help.

Therefore the Report that is before this House calls for a raft of recommendations that I believe if adopted then we will be making very big strides towards assisting these people.

When we visited there, there were some workers that had been expelled and it was like a tug of war between the organization and the workers. They had been stopped working without any notice. We realized that there are those who do not have contract letters which is a right for every worker to know the terms of service so that as they work they know the parameters within which they can work, Mr. Speaker, but that is not the case.

So, the passage of this Report will actually be a big step in addressing the many issues that we are facing in the EPZ. Those of us who managed to interrogate the manager saw the arrogance in this particular investor because the person who was there was so arrogant that he would not even give answers to the committee Members yet the Chairperson had introduced himself to the management. Therefore I think we need to up our task and ensure that we bring sanity in the management of the EPZ, Mr. Speaker. I support the adoption of this Report and call upon Members to support it so that we can assist our people. Thank you, Mr. Speaker.

Hon. Kiraga: Thank you Mr. Speaker. I also support the adoption of this Report. I also wish to thank the Chairperson of the Labour Committee of which I also believe he was the Chairperson of the joint committee which was Labour and Health and I am a Member of the Health Committee.

Before I give my submission I would also wish to thank the directors of the Brilliant Garments (EPZ) Ltd. These people have got a social programme which has seen very many children within Kilifi South sub-county and even extended to even Mombasa County going as far as Likoni, but I think the management of this programme should be enhanced; this is a very good programme but it needs to be enhanced. First of all, these children are not given an opportunity to attend church services because I believe this social programme has been happening during Sunday and again the agony of travelling from one place from their areas it has really...

(Hon. Shaban stood on a Point of Order)

The Speaker (Hon. Kahindi): What is your Point of Order?

Hon. Shaban: Thank you Mr. Speaker, Sir. The Chairperson is talking about the programme. I do not think the EPZ are doing the program because I am also a residence in

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Mtwapa. It is Mombasa Cement which offers that food programme for people which comes after every two weeks on Sundays. So, Mr. Speaker, Sir it is Mombasa Cement and not EPZ. Thank you.

Hon. Kiraga: Mr. Speaker, I think I am right because these are the Directors and if you look at the Directors of Mombasa Cement and the Directors of Brilliant, they are one and the same. Nevertheless, coming to this Motion, I will dwell much on the health part of it. Standing for long hours a lot of energy is being lost. So it is our recommendation that something to substitute the energy lost in form of probably milk which it can offer very good macro nutrients to supplement the energy lost.

When we visited that area, there were people outside who were offering outside catering and it was chaos. If you look at the areas themselves where this food is being served and even the people who are also serving, you will just at a glance notice that health regulations were not followed and that is why the Joint Committee made that recommendation number 8 that is very vital, that: - “The Department of Health should ensure that persons providing outside catering are in compliance with Public health Standards.”.

When we visited the area, the issues to do with open sewerage, some areas were smelling with open pits which obviously compromises the health standards of those areas and more so the health of the workers. That is why it was very vital for the Joint Committee to put recommendation number five. If all these recommendations will be adhered to, I think workers around that factory will be in good health.

Mr. Speaker, when we were trying to engage some of these workers, we found some cases where a foreigner and an African are in the same of job group cadre but are paid differently despite being in the same job group. The foreigner is getting thrice than the African and this tendency cuts across not only that factory but even if you go to these salt firms it is the tendency. You will get someone is the departmental manager or production manager which is a very big post, but the African production manager is being paid Kshs.15, 000 per month but the foreign production manager is paid Kshs.100, 000 per month. So, these are the issues which are happening across most of these factories owned by the investors which I think when these recommendations are put into consideration, and then such tendencies will be minimized. For those few remarks, I say thank you.

Hon. (Ms.) Dama: Asante Mheshimiwa Spika kwa kunipatia nafasi hii. Kwanza wacha nishukuru Kamati ya Leba na Kamati ya Afya. Kwanza mimi ni mmoja wa wanakamati wa Leba, na kusema kweli ukifika pale mahali ukiwa nje kwa barabara ukiona watu wanavyoingia utasema wanasaidika lakini tulienda tukaona kuna shida. Mtu anasimama kuanzia saa kumi na mbili asubuhi mpaka saa mbili usiku na wengi wao ni wasichana ambao hawajazaa wala hawana watoto. Mimi nilijaribu sana kuwauliza wananiambia mama hii hali ni ngumu na ukifanya hii kazi sahau mambo ya kuzaa maana ukipata mimba hapa hutaweza kuja. Ikiwa unasema uko na mimba ni lazima uje ukiibeba na ikiwezekana uje uzalie hapa ndio waamini kwamba una mimba. Mheshimiwa Spika ni hali ya kusikitisha na ilipofika wakati wa chakula cha mchana, Mheshimiwa Mwarandu alisema twende tuone pale mahali wanakula.

Upande wa chakula wanakula huku wamesimama kisha kula haraka haraka na vile tumefika hapo kukatoka mtu mwengine anatusikiza kama tunawaambia nini. Ni hali ya kuhuzunisha na wale wanafanyi kazi pale ni kama hawako huru kuongea na watu. Mimi naomba

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Waheshimiwa wenzangu tuunge mkono Ripoti hii ili tuweze kusaidia hawa wananchi wetu. Asante Mheshimiwa Spika.

Hon. Mramba: Thank you Mr. Speaker. I stand to congratulate hon. Kadenge and his counterpart hon. Thaura who is the Chairperson for the Health Services Committee although I am told he did not attend the joint session but one of the Members of the Health Services Committee hon. Kiraga attended and because he is a medical professional and he has served at the laboratory technologist and an expert in circumcision, he is better placed in matters of health.

Mr. Speaker, if after over 60 years of independence we still have Kenyans working like animals this is something we need to act upon. These foreigners in as much as they bring employment to our people but we have seen even in Gongoni Ward where hon. Kiraga comes from, workers are being subjected to inhuman conditions. Working for long hours without payments and working under harsh conditions.

The only problem is that the Labour Department is not fully devolved. We have passed several reports here like one in KambeRibe Athi River. We passed other recommendations from Gongoni Ward at the salt firms but they have gathered dust simply because the Labour Department is fully in the national government. We need your advice Mr. Speaker and if need be, we need to talk to the Senate or the National Assembly because the Members of Parliament, for example, the MP of Kilifi South is there while his people are suffering and there is very little he can do whether he doesn't know or he knows but he's trying to act ignorant, I do not know.

We need very clear guidelines so that this Report can be acted upon, Mr. Speaker. We cannot sit here and watch our people being subjected to all manner of inhumane treatment. I support fully and advice that we need to take this Report to the Senate for further considerations. Thank you.

Hon. Reuben: Thank you Mr. Speaker, for granting me this opportunity. It will once again be remembered that those who get through gigantic seemingly insurmountable obstacles in life in an effort to promote justice are real champions who can create a victorious history, Mr. Speaker.

It has begun with the hon. Member for Malindi Town Ward who is the Chairperson, Devolution and the Chairperson, Health. What they have done is tremendously good! Let me first of all thank these Members for having taken their opportunity to assemble this research just only for the benefit our people. I have never been there but the story as narrated by the Motion Mover is tear shedding. It is inhumane! So devastating! An action has to be taken and I urge the hon. Members of this House, if at all you came here purposely to represent and address the concerns that our people have out there then this is the right moment that we must rise to support this Motion. I urge my fellow hon. Members that we have to protect and preserve our dignity. Dignity is dignified. This is the moment.

If someone in this era since independence in 1963 can take advantage of our weakness in terms of unemployment and take that one as a soft spot to exploit human power, I do not know what that is. With those few remarks, I rest my case.

(Question put and agreed to)

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ADJOURNMENT

The Speaker (Hon. Kahindi): Hon. Members, in the absence of any other business on the Order Paper, the House stands adjourned.

The House rose at 3:45p.m.

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