



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

THIRD ASSEMBLY-SECOND SESSION

THE HANSARD

Wednesday, 6th December 2023

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

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

PRAYER

COMMUNICATIONS FROM THE CHAIR

SUSPENSION OF COMMITTEE MEETINGS DURING THE LONG RECESS

The Speaker (Hon. Mwambire): Hon. Members, I have some Communications to make here concerning the suspension of Committee meetings during the long recess.

Hon. Members, as notified in today's Order Paper at the rise of this sitting, the House is scheduled to proceed on its long recess from tomorrow Thursday, 7th December 2023 to resume its sittings on Monday 12th February 2024 by its Calendar as approved on Monday, 13th February 2023. Today's sittings therefore mark the conclusion of the regular sittings of this Third Assembly-Second Session.

Hon. Members, during this session, we have managed to transact key business of the House, including; Approval of the County Integrated Development Plan (CIDP) 2023-2027, Budget Estimates FY 2023/2024, overseeing the Charter of three towns (Watamu, Mariakani and Mtwapa) to Municipalities, passage of The Kilifi County Community Health Services Bill, 2023, The Kilifi County Sexual and Gender Based Violence Bill, 2023, The Kilifi County Climate

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.*

Change (Amendment) Bill, 2023 and The Kilifi County Microfinance (Mbegu Fund) (Amendment) Bill, 2023.

Noteworthy is the fact that during this session, cultism took a serious toll on the county, while the House was leading the charge to denounce this behaviour and established an Ad hoc Committee to investigate it. A more comprehensive Report on the activities of the House will be contained in the Session Report on the Business of the Assembly, which the Clerk will prepare.

Hon. Members, as an established practice, Committee activities are usually interrupted during this (December to February) long recess. In this regard, the House is notified that all Committee activities shall stand suspended from Monday, 11th December 2023 to Monday, 12th February 2024. Consequently, no Committee activities shall be conducted during the said period unless my Office grants special consideration upon written request.

To safeguard business with statutory timelines from lapsing during the period, the counting of the days for such business shall cease and resume when the House first sits for the Third Session on 12th February 2024. I am compelled to remind Members that should the need for the House to be recalled to transact any urgent business pursuant to Standing Order 26, you will be notified accordingly.

Hon. Members, I would like to express my heartfelt gratitude to the House Leadership, Members and Staff for their effort and devotion during the Session in the processing and transaction of business, both in plenary and in Committees.

In conclusion, Hon Members, I would like to take this early opportunity to wish you all a good holiday season and a prosperous new year, 2024, as you continue to serve your people and enjoy time with your loved ones.

Let us proceed. Yes, who is moving? Chairperson or any Member from the Public Investment and Accounts. Okay, hon. Morgan or hon. Mwambire Mohamed.

(Applause)

MOTIONS

ADOPTION OF THE REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF THE MUNICIPALITY OF MALINDI FOR THE FINANCIAL YEAR ENDING 30TH JUNE 2020 AND 2021

Hon. Mohamed: I am sorry to be on the record, Mr. Speaker. It is hon. Mwambire Mohamed. On behalf of the Chairperson PIC/PAC Committee, I beg to move the following Motion: -

THAT, this House adopts the Report of the Select Committee on County Public Investments and Accounts on consideration of the Report of the Auditor-General on the financial statements of the Municipality of Malindi for the financial year ending 30th June 2020 and 2021 laid on the Table of this House on Monday, 4th December 2023.

Mr. Speaker, before I call hon. Thomas Chengo (Mumba), the Leader Minority, to second the Report, I wish to submit that this Report that the Committee dealt with was a qualified Report both two years were qualified and in summary, the Report is as follows:

That, the Committee scrutinized the Auditor General's Report for the Municipality of Malindi and observed the following points:

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.*

One, performance during the audit exercise - The Committee noted the poor performance of the accounting officers by failure to respond to the management letters raised by the auditors during the audit process. It was the Committee's observation that most of the queries; 80 per cent of the queries could have been sufficiently answered if there was cooperation between the accounting officers and the Auditors.

Two, there was a poor response to the audit queries from the Accounts Department of the Municipality of Malindi, which is why all these queries were raised. Late submissions of responses by the Auditors because the time we were scrutinizing some of the evidence or responses had not been given by the municipality. Rather, when the Committee requested that evidence when it was provided, they were late.

If most of these queries had been sufficiently answered and cooperation between the Auditors and the municipality, most of these queries could have been sorted out. So, the Committee recommended that going forward, accounting officers should take prompt action on the Auditor General's Reports and those who do not cooperate will be sanctioned because the Auditors when they are at the municipality offices, we expect as a Committee that the officers cooperate with the Auditors and answer most of the queries which otherwise were answered at the Committee level, which if they could have answered all these queries such queries could not have emerged up to the final level of the Report.

The second one was the autonomy of the municipalities. The Committee noted with concern that the Municipality of Malindi was very dependent on the Department of Lands and did not serve as a separate entity because most of the activities are still headed by the Department and the municipalities are supposed to be monotonous. The Committee had several cases: One was delays in the disbursement of funds from the Department. The Municipality has been raising requisitions but there have been delays in the disbursement of funds, hence affecting the budget. The absorption rate of the budget was a bit low. They could not spend the budget they had requested because the disbursement of the funds was delayed.

Two; lack of proper integration and cooperation in the procurement process. There are some tenders that the municipality is not able to handle rather those procurement processes are done at the Department level which makes or gives no autonomy, control, or cooperation by the Municipality on these. When we call here, we do not call the Department of Lands rather we call the Municipality management. So, when they come here, they also cite issues that certain documents are held at different Departments and could not be availed.

Three; lack of release of documents needed for audit verification. Some of the audit verification documents could not be obtained at the Municipality management offices because the process of procurement was done at the Department level. So, these were concerns which were noted by the Committee.

The Committee noted that this lack of effective autonomy of the Municipality was largely attributed to the Department of Lands not fully delegating the functions, funds and people to the Municipality as authorized in the law. So, the Committee recommended that the Municipality should be given autonomy so that they can perform their duties effectively and serve the people of Kilifi in their areas of jurisdiction.

The fourth point that the Committee noted was unsupported expenditure. There were expenditures which were spent by the Municipality of Malindi but when you request for supportive documents on those expenditures the Municipality could not avail the document to

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.*

support the same. The Committee recommended that the accounting officers should institute strict measures to ensure that the municipality has in place a proper records system.

The Committee further recommends that the accounting officers must ensure strict adherence to Section 149 of the Public Finance Management Act, 2012. The Committee further recommends that unsupported and irregular expenditure should be recovered from the accounting officers responsible, and a Report should be submitted to the County Assembly within 90 days after the adoption of this Report, failure to which the matter will be referred to the Ethics and Anti-corruption (EACC) for further investigations with an intention to prosecute those responsible.

This was a very serious matter that some lines of expenditures were spent by the Municipality and they do not have supportive documents which the Committee noted as a serious mistake and they have given them, upon this House adopting the Report today, 90 days for them to submit a written Report with the verification of supported documents, otherwise, the Report will be forwarded to the EACC for investigative and prosecution measure.

With those remarks, I wish to call hon. Thomas Chengo (Mumba) to second the Report. Thank you.

Hon. Mumba: Thank you, I stand to second.

(Question proposed)

Hon. Mumba: Thank you, Mr. Speaker, for this opportunity. I want to take this opportunity to also wish all Members Happy Holidays as we move to the long recess and as you celebrate. Kindly remember that Kilifi still needs you and we need you back here by February. Let me take this opportunity to also support the adoption of this very Report on the Committee on PIC and PAC and as the vice-chairperson was highlighting, he mentioned a qualified Report. For the benefit of the House and those who are watching us from the social media handles, I wish to explain to them what a Qualified Report is; a Qualified Report by the Auditor refers to Reports with certain discrepancies and these financial discrepancies are the ones that are called the qualifications and that is why it is termed as a qualified Report.

So, the discrepancies are as he was highlighting the reasons behind the discrepancies based on the engagements between the Auditor and the officers under the financial dockets. We had a very hard time handling these Reports and I want to make it very clear before this House and submit a very humble request to this House that the PIC and PAC Committee has got a very huge workload to handle.

The Reports that come before this Committee are very many and very heavy and it is very unfortunate that as a committee, we are allocated the same budget as the other Committees. I simply think that the Committee should be given different consideration when it comes to these allocations based on the work that it handles so that in the future, we can handle these matters as required in good time. That is a very humble request to this House so that next time we shall submit these Reports in good time.

Going forward, I want to highlight very few issues that we encountered as a committee in coming up with these Reports and these are very critical Reports when it comes to public funds. These are Reports which touch on the usage of public funds. As a House, we appropriate a budget here and after the budget, the Executive are left with the burden of making sure that they utilize the budget in a manner that does not even indicate any slightest of doubts in the usage of

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.*

the funds that are allocated to this very county. The county referred to us here is Kilifi and the people of Kilifi are very keen to make sure that they see how well these funds are being utilized. That is why when these Reports come, we as a committee take a lot of concerns in it and we take a lot of time in making sure that whatever is being reported here contains exactly what should be reported. I want to be very categorical here that the officers and the accounting officer were put to task during the Committee to explain certain queries that the Auditor General asked. It is very clear that these officers sometimes are the ones who cultivate these queries because they fail to engage the auditors during the audit period.

You see the audit period is very clear and the engagement there takes a lot of time. If the accounting officers and the officers under them can strictly adhere to the instructions of the Auditor, then these queries can be addressed. If they cannot be addressed, that then tells you that there is something wrong or maybe the funds were not utilized as required but if indeed they were used as required then it is easier and very clear that you can address this query.

Many times, when the Auditor comes, they fail to submit the necessary documents as requested by the Auditors. So, it makes it very difficult to account for the usage of these funds and that is why in the end we end up with very many weird queries from the Auditor. That explains why at the end of the day we end up getting these qualified Reports. It is my sincere hope that in the future we shall be getting unqualified reports, Mr. Speaker, a Report with very minimal queries or even none because it is very possible.

These are qualified people, and they were employed to execute these roles so being in these offices they are not to sit in their comfort zones, but they are supposed to be there and make sure that they cooperate and do the right thing as required by the law. It is very evident and is required by the Constitution that any matters that involve public funds they should be aware that reporting to the public is mandatory, Mr. Speaker. This is one way of now reporting back to the public on how these funds were utilized.

Mr. Speaker, as a Committee we are delighted today that we are submitting this Report for adoption and I am quite sure that the officers with the engagement that we had will adhere to the instructions and the recommendations that the Committee has made so that in future as a county, we can look forward and make sure that we are using our time well and even the funds that are here are utilized well for future benefit to the county.

Mr. Speaker, I do not want to labour much, but with those few remarks, I want to say I strongly support the adoption of this Report and request our hon. Members we unanimously adopt this Report because it all dwells on us. Funds that are utilized cut across the whole county. Thank you, Mr. Speaker, for this opportunity.

The Speaker (Hon. Mwambire): Hon. (Ms.) Grace Mwangi. I was giving you an opportunity then it ended up going to the Leader of Minority. Do you have something too?

Hon. (Ms.) Grace: No, I will speak later.

The Speaker (Hon. Mwambire): So, you reserve your comment for now? Okay. I am not seeing requests, so I might end up giving an opportunity to the Mover to respond if no one is ready to give submissions. Should I give it to the Mover to Respond?

Hon. Members: Yes.

(Question, that the Mover be now called upon to reply, put and agreed to)

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.*

The Speaker (Hon. Mwambire): Then, make your request so I can give you an opportunity.

Hon. Mohamed: Thank you, Mr. Speaker, for giving me this opportunity to thank hon. Members in this House for their submissions on the Report and I do not want to take much time on this. I wish that we adopt the Report. Thank you.

(Question put and agreed to)

ADOPTION OF THE REPORT ON THE STATUS OF THE ASSEMBLY RESOLUTION ON MASSIVE ENVIRONMENTAL DEGRADATION BY QUARRY OPERATING COMPANIES IN JARIBUNI WARD

Hon. Changawa: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I beg to move the following Motion: -

THAT, this House adopts the Report of the Implementation Committee on the status of the Assembly resolution on massive environmental degradation by quarry operating companies in Jaribuni Ward laid on the Table of this House on Tuesday, 5th December 2023.

Allow me to give my submissions before I call upon my seconder. Mr. Speaker, Sir, on Tuesday, 28th March 2023, the County Assembly adopted the Report by the Committee on Water, Environment and Natural Resources site visit to Jaribuni Ward to ascertain the massive environmental degradation by quarry operating companies. An Implementation Status Report was forwarded to the Committee on Monday, 20th June 2023 by the County Executive Committee Member (CECM) for Water, Environment, Climate Change, Natural Resource and Solid Waste Management Department.

In considering the Report as the Implementation Committee, the Committee conducted site visit meetings to Jaribuni Ward this year with a view to collecting facts which helped the Committee in coming up with the recommendations to this House. The Committee then invited the CECM for Water, Environment, Climate Change, Natural Resources and Solid Waste Management to a consultative meeting to ascertain the steps the CECM had taken to ensure that the resolution of the House has been implemented.

Mr. Speaker, Sir, we looked at the resolutions made by this House *vis a vis* the CECM submissions and we came up with several observations and recommendations. The CECM did not adhere to the resolutions passed in the House pursuant to Standing Order 190 and that there was a major delay in implementing the recommendations resulting in most of the issues being outstanding.

Second, that, Hunani Road and Bridge Construction Group Company Limited opened a new quarrying site less than 50 meters from Mitangani Primary School. That, Suria Development Limited which was situated close to Mitangani Primary School was still operating even after being ordered to stop operations in November 2021. That, the CECM in charge of Water, Environment, Forestry and Natural Resources and Solid Waste Management issued improvement notice to the quarry owners after being reminded of the implementation status of the House resolution.

Therefore, the Committee came up with the following recommendations: - One; the CECM for Water, Environment, Natural Resources, Climate Change and Solid Waste Management should take the resolutions of this House with the seriousness it deserves by

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.*

implementing House resolutions in accordance with the timelines provided or face sanctions for failure to act on County Assembly resolutions. Fast-track the formation of the County Artisanal Mining Committee and report back on its progress two weeks after the adoption of this Report. Hunani Road and Bridge Construction Group Company Limited and Suria Development Limited operating close to Mitangani Primary School should stop operations immediately. A report on the same should be submitted to this House within two weeks in this House after adoption of the report.

The CECM in charge of the Environment should collaborate with the National Government and enforcement agencies to ensure that Shaina Civil Company relocate the mountains of ballast that block the water springs of Nzovuni and report to this House within two weeks after the adoption of this report. The County should revoke county consent for quarrying to mining companies which fail to adhere to the Laws and resolutions of this House.

Mr. Speaker, Sir, with those few submissions, allow me to call upon hon. (Ms.) Mariam to second this Motion. Thank you.

Hon. (Ms.) Mariam: Thank you, Mr. Speaker, Sir. I stand to second the Report.

(Question proposed)

The Speaker (Hon. Mwambire): Those who are willing to comment. Hon. Shehe.

Hon. Shehe: Thank you, Mr. Speaker, Sir. I stand to appreciate the contribution from the Implementation Committee and wish to comment as follows. The Chinese companies are doing some quarry activities just 50 meters from Mitangani Primary. This one is a big challenge to our officers who permit such companies to operate with a lot of selfishness. They do not care about the environment that involves the primary school pupils who are learning and even though they have been requested to close or relocate that school, they have not done it.

Just the other day when there was a lot of rain, a small boy was going to see a fenced area where they had planted some vegetables, and it is very sad to comment that they had put up a transformer with dangling live wires and this young boy was electrocuted. It is so sad because these people do not care. They think of the mining or quarrying activity to be much more important than the lives of the human beings around there and those that are issuing licenses, I do not know whether they are human beings because they do not care.

I speak with a lot of sympathy that this hon. House through the adoption of the Implementation Committee Report, the Minister in charge should take these things extremely seriously because we have lost humanity, we have lost livestock, and we are losing every small little income for the community but even though there is such implementation no one is taking full charge. If the community takes the role of trying to defend themselves, they are termed to be breaking the law.

It is very unfortunate that now it has reached a stage either those cess collectors, I do not think the County Government is getting any money because the cess collectors are pocketing more than 75 per cent of the income which is millions of monies. We will be sitting here, and others are very comfortably building Houses and buying cars, eating goats almost every day and I know it personally. It is so shaming that people are seated here and we are looking at boys and men who have been given the authority to collect cess for the County Government.

The County Government is not earning anything. There are two receipt books that are circulating there; one is a genuine receipt book for the County Government and the other one is

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.*

secret having all the systems of the County Government. They give the receipts and at the end of the day, they have strict regulations that they should not be collecting money and using m-pesa which is the opposite they take money. We have been having some spot checks once or twice only to find others having 40 to 50 thousand, 100 thousand shillings. Just spot-checking and it is daily. I stand to appreciate the recommendations made by the Implementation Committee and I hope this CECM is going to take these things seriously. Otherwise, thank you very much for the opportunity, Mr. Speaker.

The Speaker (Hon. Mwambire): The Leader of Minority.

The Leader of Minority (Hon. Mumba): Thank you, Mr. Speaker. Once again, it is very unfortunate that this is what we are adopting today after the failure of the other wing to execute the resolutions of this House. While I was listening to the Member of Jaribuni, seriously speaking, I empathised with the people of Jaribuni and this is not a matter to be taken lightly. I remember very well when we were adopting the Report on Water, Environment and Solid Waste Committee the recommendations were very clear but as it is now, I want to again commend the work of the Committee on Implementation headed by the Chairperson who is hon. Emmanuel Changawa for following up on the matter.

This is how serious it is, and I really support the work of this Committee making sure that they follow up on the recommendation and resolution of this House as fast as it has been done today. For the many years I have been here, this is the first time the Committee has done a very wonderful follow-up on such a matter.

(Applause)

Mr. Speaker, it is very evident that the CECM is sitting on his job because there is no way a resolution of this House and this nature can be taken so lightly. It is high time this House should act. While the Member for Jaribuni was alluding that the CECM is not serious, to me, we as a House must be very serious, more than the CECM so that wherever he is in a comfort zone he shall be moved and sit where we want him to sit so that all these actions must be taken as fast as possible. We are talking about life and the Bill of Rights has guaranteed freedom of life to every Kenyan and the people of Jaribuni are not exceptional.

We shall not wait until it is a disaster for us now to go and start rescuing these people. We are here and we are seeing whatever is eminent in the near future to the people of Jaribuni and we have a duty and we have a role as a House together with the Member of Jaribuni who has been very vibrant in making sure that his people get the right of life, good environment and fresh breath that this House shall unanimously put the CECM to task and as a practice with this gross misconduct and negligence of his roles, I believe he should appear before the Committee on General Oversight so that he can answer these questions and tell this House how soon and how fast these resolutions shall be followed and dealt with accordingly.

Thank you, Mr. Speaker, and I am very much aggrieved with the failure of this officer to execute the resolutions of this House. I support the adoption of this Report. Thank you.

The Speaker (Hon. Mwambire): Majority Whip.

Hon. Tete: Asante Spika, kwa kunipea nafasi hii ikiwa ni ya mwisho wa kufunga mwaka hadi mwaka ujao.

Mwanzo, nachukua fursa hii kushukuru Kamati ya *Implementation* kwa uchunguzi walioufanya na kuleta Ripoti ambayo inafaa kuchukuliwa hatua kwa haraka na ukali. Ni

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.*

masikitiko makubwa kwa Kaunti yetu ya Kilifi ambayo tunaienzi na tunataka kuifanyia kazi katika juhudi za kuona watu wetu wanapata matumaini kupitia kwa viongozi waliowachagua. Jaribuni ni sehemu ambayo iko ndani ya Kilifi Kauti katika Taifa letu Tukufu la Kenya na yale ambayo tunayakuta katika sehemu kama hiyo si hapo peke yake. Hawa waekezaji ambao tumesema ya kwamba wawe ndani ya Gatuzi letu la Kilifi ili kutuendelezea maisha, wamekuwa ni hatari na tena wana mchango mkubwa sana kwa jamii zetu kudhoofika kimaisha.

Nasimama hapa nikisema ya kwamba liwe liwalo, Kilifi kwanza. Mwana Kilifi atambulike, apewe haki kama vile wananchi wengine ambao wanastahili haki. Jaribuni imekuwa katika historia, kila wakati hata ardhi ya Jaribuni haipandi hadhi kwa sababu ya haya mambo ya mitambo ambayo inaelekea kule kutusagia kokoto na vitu vingine ambavyo tunavitumia kwa ujenzi. Ni aibu!

Mheshimiwa wa Jaribuni aliposimama wakati ule wa kwanza wakati Kamati imeenda kuzunguka kule kutafuta ni kipi ambacho kinaathiri wakaazi wa Jaribuni, nilisikia kudondokwa na machozi. Wengine wana juhudi za kuingia katika ndoa lakini matunda ya ndoa yanaathiriwa na wenye mitambo upande ule. Haya ni masikitiko kwa sababu katika hali hiyo, kizazi kule pia kinatarajiwa na kama mitambo ile ilienda kule kimpango ule uavyaji wa mimba uonekane pasipo kuwa na sababu za mwingine ameshiriki basi wanafanya kazi nzuri kiupande wao.

Sisi kama wakaazi wa Kilifi ni tendo ambalo tunalilani na maadamu utafiti umefanywa na ukaonekana kwamba hawastahili. Ninakemea maofisaa walio nyanjani katika Gatuzi letu la Kilifi ambao tunasema wafanye kazi kwa umaakini ili kuona kama ni mtambo unastahili kuwa mahali uwe mahali kwa taratibu ambazo zimeangaliwa na kukaguliwa kisawa sawa. Ili wakipewa *license* isiwe ni kama ambao tumehongwa.

Ni aibu, mheshimiwa ameongea hapa pesa nyingi za Kaunti zinaingia katika mifuko ya watu na ukiangalia yule mfanyikazi ambaye unamuangalia wewe kama mfanyikazi wa kawaida, umtembelee kwake utaenda kuona sio yule wa kawaida kwa sababu pesa nyingi haziingii katika mfuko wa Kaunti zinaingia mifukoni mwao. Sasa katika hiyo hali ndio watu wetu wanaumia. Kwa hivyo mtu anauza maisha ya mtu akijijenga yeye.

Ningeomba ile Ripoti ambayo imeletwa hapa leo, ichukuliwe hatua kali na ikiwezekana hata kwa waekezaji wengine wanapoingia wasipewe vibali mpaka hii Kamati ya Bunge ambayo inahusika na idara hiyo kwenda kuthibitisha kweli hawa watu wanastahili kupewa vibali vya ufanyikazi ama ni namna gani. Hii ni kwa sababu wengi ambao tunawapatia nafasi za ajira hawaangalii kufanyia kazi wanakilifi bali wanaangalia wakionekana ni bahati ile waliyoipata, ile kupata kazi na kujisukuma kimaisha kama wao.

Sisi tumetumwa hapa kuja kuteteta wanajamii na kila mmoja ambaye ataingia katika kitengo cha kusema ya kwamba ameajiriwa na Kaunti tunataka ajitume kama mtetezi wa mwengine. Ikifika wakati wa kwamba kunafanyiwa *inspection*, ningeomba Kamati husika ya kila Idara iende kulingana na taratibu ambazo zinafaa kikanuni na sheria za Kaunti hii. Sitataka kuzungumza mengi lakini naomba hii Ripoti izingatiwe na ichukuliwe hatua kama inavyopasa ili watu wetu pia nao wapate afueni ya kimaisha. Asante.

Hon. Juma: Asante, Bw. Spika, kwa kunipatia nafasi na mimi kuisisitiza jambo kulingana na haya ambayo tunazungumza leo hapa. Maneno ambayo yamezungumzwa na mheshimiwa Peter Safari Shehe na wale wengine ni ya ukweli. Mheshimiwa Peter Safari Shehe, kabla pale hatujakutana hapa Bungeni, tulikutana kule nyuma alikuwa Mbunge wa Ganze na mimi nilikuwa nikifanya kazi hizo kule Ganze. Kwa kweli, nina nakala kadhaa na ilikuwa ni hali ya kutatanisha. Sasa mimi...

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.*

The Speaker (Hon. Mwambire): Ulikuwa unafanya kazi za kuchimba ama kazi za ubunge?

(Laughter)

Hon. Juma: Asante, Spika, kwa kuweza kutaka kuchanganuliwa zaidi. Mimi ni mwanahabari na nilikuwa nina nakala tofauti tofauti. Nilikuwa nikienda nikikita mizizi kule na kupeana taarifa ambazo zilikuwa ni za kuhakikisha watu wetu ama watu wa Ganze wanasaidika. Si Ganze peke yake kama vile vilivyozungumzwa hapa, ni maeneo mengi ambayo kulingana na sheria zile za awali walikuwa hawazitii na kuzifwatilia. Mimi nina shukuru Kamati ya Utekelezaji na nina imani nayo sana kwamba hatutakuwa tunaongea maneno hapa Bungeni peke yake. Mwaka ujao *inshallah* itakuwa ni vitendo ili Bunge hili zile sheria ambazo zinapitishwa zinakuwa zina ambatana na zile sheria za maswala haya ya mwaka wa 2016 mambo ya kuchimba migodi.

Mimi pia ninaunga mkono ile Kamati na nina imani kwamba utekelezaji huu ama Kamati hii ya Bunge hili letu hapa itakuwa tofauti kabisa na vile ambavyo wanafanya kazi kinyume na wale maafisa wengine waliotutangulia.

Ninaunga mkono kikamilifu kabisa kwamba hii ikipita na mwaka ujao watu ama jamii ya Kilifi Kaunti itakuwa na imani na sisi. Hii ni kwa sababu tutakuwa tunaonyesha mwangaza, mbali na hii Kamati ya Utekelezaji kuna zile ambazo zimezungumzwa hapa kwamba tumezipitisha twataka tuone ikifanyika.

Mimi nimekuja hapa kuhakikisha kwamba haya mambo yanafanyika. Ninaunga mkono na nitasimama kidete ili tuhakikishe utekelezaji wa sheria ambayo tumeapatiwa na jamii yetu ina tekelezeka kisawa sawa. Asante sana.

Hon. (Ms.) Faith: Thank you, Mr. Speaker, for this good afternoon. I first want to thank the Lord for the gift of life for all of us. I would like to make my submissions as far as this Jaribuni issue is concerned. First, I am supporting the resolutions which were made by the Implementation Committee. Those women at Jaribuni who are dying are our fellow women; those men who are dying are our people in Kilifi. The children whose lives are being cut short are our children.

The women who are experiencing miscarriages in Jaribuni are our fellow women. Why should something like that happen? I am feeling it from deep down in my heart. Why should these people at the expense of our people who are Kilifians die because we are granting permits to the companies who are not complying with the rules of safety and regulations in our county?

I once visited the Jaribuni place; the condition was very bad. The environment is not conducive for even a small child. The first time the area MCA (Member of County Assembly) said even he is not sure if he is going to reach 2027 if he stays in that place due to the dust that is emitted by the quarries in that place. Why am I saying this? Those people have the right to live in a good environment. The companies which are given licenses to operate, why should they not comply even with the regulations which are supposed to be done? Mr. Speaker, it is a touching issue if we see our women, men and children dying.

The leadership of that place is diminished because of the interest of a few people. Yes, they are giving us employment. We are interested in the work because our boys are there, and we are getting employment from them but in as much as we need employment, do you need our community? I believe we need our people and therefore the recommendations have been passed

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.*

by the Committee and we need compliance with immediate effect. The place is in a bad state in which we cannot sit and wait. Who are we waiting for to come and pass the Regulations? Who else will represent those people who are suffering? Those people depend on this House to fight their case like we are doing now.

So, my take, Mr. Speaker, it is a touching issue as much as we need the investors, we want the investors to comply with the conditions, rules, and regulations from the CSR (Corporate Social Responsibility) they are not meeting, to everything they are supposed to do before they are granted another permit. As I have said, this issue is pushing me to somewhere else but let me leave it at that. Thank you for this time.

The Speaker (Hon. Mwambire): Member for Jilore, Hamisi Jambo.

Hon. Jambo: Asante, Bw. Spika, kwa kunipa nasafi nami niweze kutoa changizo yangu. Kwa hakika, jamii ya Jaribuni inateseka. Kama Bunge hili linaweza kupeana mamlaka au kusaidia, sote tuunge mkono hii Ripoti ili tuweze kuokoa wale ndugu zetu walio kule Wadi ya Jaribuni. Ukitazama zile kampuni ambazo ziko kama Mwenyekiti alivyosema na kwa Ripoti ambayo imenakiliwa, umbali wa kampuni na mahali shule iko ni umbali wa chini ya mita Hamsini (50).

Itakuwa ni maandhari gani kwa yule mwanafunzi kuweza kusoma ikiwa huku kampuni inaendelea kuvunja mawe ama kelele zile zinzofanywa na kampuni? Yuko msomi aliyesema kwamba elimu ndio silaha muhimu ya kubadilisha ulimwengu. Sisi leo tuko katika Bunge hili tukufu na tuko hapa kwa sababu na kwa muda huu. Wale watoto wadogo wa Jaribuni ambao ndio viongozi wa kesho wanakosa haki yao ya elimu kwa sababu ya kampuni zinazotengeza fedha. Si jambo la busara, wala la kufungia macho. Lazima tutazame kwa jicho lengine kuona ya kwamba tunawapatia haki hata vizazi vya kesho kwa sababu hao ndio viongozi watakuja kushikilia baada ya sisi kukaa hapa.

Kazi ngumu inayofanywa na wazee kwa maboma yao kumtengezea kura za baadaye Mheshimiwa Shehe, unapata wamama wanaavya mimba, inatoka bila kutarajia kwa sababu ya kampuni. Ni swala la huzuni, sasa kama tuliletwa hapa ulimwenguni kwa sababu tujaze ulimwengu na kuna watu wanatengeza pesa huku mimba zinatoka...

(Hon. Ms.) Grace stood on a Point of Order)

The Speaker (Hon. Mwambire): There is an intervention here.

Hon. (Ms.) Grace: Asante, mheshimiwa Spika. Ningelipenda mheshimiwa aliye kwenye Sakafu atueleeze hii kazi ngumu ambayo wazee wa Jaribuni wanafanya ni kazi ya kuchimba mawe ama ni kazi gani?

(Laughter)

Hon. Jambo: Asante. Nafikiri kwa kumuelimisha ni kwamba kazi ngumu ni ya kutengeza watoto, nilikuwa namaanisha hivyo...

(Hon. Shehe stood on a Point of Information)

The Speaker (Hon. Mwambire): Hon. Shehe also wants to make an intervention ama hamtoki jasho? ...

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.*

Hon. Shehe: Thank you, hon. Speaker. I have a very practical example that I would like to share with my hon. Members...

The Speaker (Hon. Mwambire): Then it is a Point of Information. Do you wish to be informed?

Hon. Jambo: No, no...

The Speaker (Hon. Mwambire): Sorry hon. Shehe, he is not willing to be informed. Just take your seat. *Endelea. mheshimiwa Jambo.*

(Laughter)

Hon. Jambo: Nafikiri angeniwacha nikamaliza. Nikiongezea ni kwamba tuna uhitaji wa kusaidia ile jamii ukiangalia kama Mto Nzovuni, chemichemi za maji zimekauka. Binadamu ni maji na maji ni uhai. Maji yamekauka kwa sababu ya kazi inayoendelea pale na kampuni zile. Kuna umuhimu ile mito ambayo inasaidia jamii kupata maji tuweze kusimamisha zile kazi. Ningeomba Bunge hili ya kwamba Ripoti hii ambayo imeweza kuletwa tuiunge mkono ili jamii ya Jaribuni iweze kusaidika kama wengine ndani ya Kaunti ya Kilifi. Asante.

The Speaker (Hon. Mwambire): Hon. Morris Hinzano, Member for Kakuyuni.

Hon. Hinzano: Asante sana, mheshimiwa Spika, kwa kunipatia hii nafasi. Pia nimshukuru Mwenyezi Mungu kwa uzima na afya tele. Kwanza kabisa, nichukue nafasi hii kuipongeza Kamati kwa kazi nzuri ambayo imefanya juu ya swala hili la machimbo kule Jaribuni. Ni aibu sana na ni huzuni kwa muda wa wiki mbili imepita mpaka sasa tulikuwa tukijadili jinsi Kaunti yetu imevamiwa na wakora ambao wanaibia Kaunti ya wale mashirika ya NARIGP (*National Agricultural and Rural Inclusive Growth Project*). Mambo mengi tulikuwa tunajadili hii wiki na wiki iliyopita ni kuhusu watu kuiba, hakuna mpango mwingine. Watu walikuwa wanaiba, kuficha stakabadhi. Saa hii wakora wako wanaoibia Kaunti na pia wauaji.

(Laughter)

Mheshimiwa Spika, hili swala si la kuchekesha na ni huzuni sana ikiwa sheria imewekwa na ikaambiwa hayo mashirika yafungwe kwa sababu ya kudhuru maisha ya wananchi lakini yanaendelea tu. Ni nani mwenye uwezo anayeweza kupingana na sheria na kuendeleza na kazi ya machimbo yaendeleo na kuna Serikali ya Kaunti ambayo tunaiamini na pia ikishindikana kuna Serikali ya Kitaifa. Watu wanaendelea kuumia na kufa. Hilo halionekani; linaloonekana hapa ni fedha ziingie ili kwamba mambo fulani yaendeleo. Yataendelea vipi na yatakuwa yanamfanyia nani hayo maendeleo ikiwa wananchi wanakufa?

Mheshimiwa Spika, mahali imefikia sasa hivi mbali na Waziri kupatiwa hiyo Ripoti na hakuna Ripoti inayofanyika ya maana, ni maoni tu japo Ripoti ni nzuri lakini tusimame kama Bunge twende hapo Jaribuni kwa hizi kampuni zote kama Wabunge wa Kaunti ya Kilifi na kuweza kuyafunga. Kama watatupeleka jela, ni badaye lakini tujulikane kwamba tunatetea watu wetu maanake kama hawawezi kufuata sheria kwa sababu ziko kwa makaratasi tuende wenyewe tukawambie tumesema hivi na haya mambo lazima yasimame la sivyo, wananchi wanaumia. Tutaongea, hapa kuna wakubwa wataenda huko watawambia kila kitu kiko sawa watu endeeleni na kazi kwa sababu kuna mambo wanapata wenyewe huko.

Ni huzuni kubwa na ni aibu kuona kwamba watu wanakufa na wengine wanaangalia biashara kuliko maisha ya wananchi. Nasema, kwa maoni yangu nashukuru kwa hiyo Ripoti

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.*

lakini pia tupange kama Bunge tena ikiwezekana wiki ijayo kuweza kufunga hizo kampuni zote kwa sababu maisha ni muhimu kuliko jambo lengine lolote halafu tuweze kujua kwamba tumesimamisha sisi wenyewe maanake ndio ambao tumetunga sheria ya kusimamisha hayo machimbo huko.

Nataka niambie ile familia iliyopoteza huyo mtoto iwe pole na Mwenyezi Mungu aifariji. Niwatakieni tu kila la heri katika muhula huu ambao tunaenda kwa mapumziko marefu. Naomba turudi hapa salama tukiwa hatuna majeraha kwa sababu tulipoenda kule Bonde la Ufa, mheshimiwa Spika, kulikuwa kuna majeraha ndani ya viwanja na nje ya viwanja lakini hata hivyo tulirudi salama. Tuonane Mwenyezi Mungu akipenda. Asanteni sana.

The Speaker (Hon. Mwambire): Hon. Mkumbi (Mariam).

Hon. (Ms.) Mariam: Asante, mheshimiwa Spika, kwa kunipa fursa hii tena. Hili swala la Jaribuni mimi nikiwa mmoja wa wale Wanakamati wa Utekelezaji ambaye pia niliambatana na hiyo Kamati na kuangalia ile hali halisi ya Jaribuni. Jaribuni kunatolewa raslimali nyingi sana ambayo inapeana pesa nyingi lakini ukiangalia maisha ya watu wa Jaribuni na zile pesa ambazo zinatoka Jaribuni havilingani, Bw. Spika. Ni mambo ya kusikitisha sana na ni mambo ya kuumiza moyo.

Kitu chengine ambacho nataka kuzungumza ni hii tabia ya kuwa Kamati inayohusika imepeana *recommendations* na haifuatwi na mtu. Hili ni jambo la kuudhi sana, yaani hii Kamati na hawa wanakamati kukaa na kuandika hizi *recommendations* na kupeana walikuwa hawana kazi ya kufanya. Hata wewe ambaye unaambiwa kuwa ufanye hivi na hivi hufanyi hata moja kwa sababu sisi kama Kamati ya Utekelezaji tuliangalia zile *recommendations* kama zilifanyika na hakuna *recommendation* yoyote ambayo ilifuatwa ambayo sasa hilo ni jambo ambalo wewe kama mwakilishi unajiuliza, *Executive* ina shida gani ama hawa Mawaziri wana shida gani?

Saa nyingine nataka kuungana na mheshimiwa Chengo ya kuwa nafikiri ikiwa hii Kamati haiwatoshi basi waletwe katika ile Kamati ya *General Oversight* hawa Mawaziri kwa sababu hatuwezi kuwa sisi tunakuja hapa kuweka *resolution* halafu wao hawafuatilii. Hili jambo lazima tuhakikishe limesimama kabisa ndio sisi kama Bunge wajue sisi tuko na kazi ya kufanya na kazi yetu ya kufanya ni hiyo na lazima sisi tukipitisha kitu hapa na ikiwa wao ndio wafuatilie ama watekeleze, lazima watekeleze.

Hii Ripoti ya Kamati ya Utekelezaji, naiunga mikono sana na kidogo nataka kukuuliza ikiwa sisi kama Kamati ya Utekelezaji imefika hapa na tumeweka maamuzi yale ambayo tumeyaweka na hao ambao wanastahili kutekeleza hawatekelezi tunaenda wapi kwengine? Kwa sababu haya ni mambo ambayo yanasikitisha na nafikiri nimuunge mkono huyu kama hizi sheria tukitunga hazifuatwi twende tukazitekeleze huko ambako kuna hayo mambo yanayoendelea ambayo hayafai. Sisi, tukitunga tunatunga na zinakuwa kwenye makaratasi na labda wanaona hawawezi kuzifuata tuende mpaka hapo.

Swala lengine ambalo linauma sana ni ile shule na ile kampuni. Mimi natoka pale Kambe Ribe na kidogo niko sehemu ambayo kuna *blast* ambazo zinafanywa na ile Simba *Cement*. Ukiangalia hao ni watu wazima ambao wanakaa pale, itakuja kuwa hawa watoto wa shule. Wale watoto wa shule na zile *blasts* na ni watu ambao kuna vitu ambavyo vinaweza fanyika na ile *blast* ifanywe kidogo lakini kwa sababu wanataka kuwa na mali nyingi kwa pamoja wakipiga wanapiga na kiwango ambacho hata hakiruhusiwi kisheria. Tulipoenda na Waziri ama tulipokaa na Waziri kabla hata hatujaenda tulimuita sisi hapa na tulipokaa naye tukawa tunajaribu kumuuliza haya maswala kwa sababu kuna kampuni imetajwa hapa pengine jina lake

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.*

nimelisahau, ilikuwa hawakupewa kibali walikuwa wameambiwa wasifanye ile kazi lakini utapata kazi inaendelea.

Yaani wameambiwa wasifanye lakini wanafanya na nasikia ni wachina. Sasa wachina kwa nini watatize wakenya ambao tuko ndani ya Jimbo letu na tuko ndani ya nchi yetu. Nafikiri kuna mambo ambayo pia Serikali yetu ya Kaunti lazima iangalie na watilie maanani kwa sababu maisha ya watu ni muhimu zaidi. Wewe ukiwa kiongozi na unaruhusu watu wanakufa bure utamuongoza nani? Lazima hili swala tulichukulie na nguvu zaidi sisi sasa kama watungaji sheria. Na nataka nikomee hapo nikiwa na huzuni sana kwa sababu maisha ya watu wa Jaribuni yako hali mbaya sana, Bw. Spika. Asante.

The Speaker (Hon. Mwambire): Mheshimiwa Mkumbi (Mariam) anauliza kama haikutimizwa atafanyaje? Bibilia inasema asiyefanya kazi asile, kama hutakula unafanyikaje? Unakufa, kwa hivyo kama hawakutimiza nyingine ni *impeachment* ndio imebakia kwa sababu *resolution* zote Kamati hata ikiweka mpaka ipitishwe katika Bunge ikipitishwa kwa Bunge huwa ni jukumu la Waziri mhusika atomize; kama hakutimiza ndio imewekwa hii Kamati iwe inaenda kufuatilia yale maamuzi ambayo tulifanya kama Bunge.

Kwa hivyo, ikiletwa Ripoti kama hii na ikipitishwa na haitatimizwa ni kumaanisha ameshindwa na kazi. Kwa hivyo, itakuwa hilo jino ni lingolewe ndivyo inakaa kisheria na iko vizuri imeandikwa kwa wino ambao ni mzito zaidi. Kwa hivyo, haina haja ya kuuliziwa labda kwa wale ambao hawakuwa wanafahamu kwamba lazima wafanye hivyo. Mambo mengi huwa yanaharibika kwa sababu nafikiri umemsikia mheshimiwa Chengo (Mumba) wa Tezo akisema kwamba kwa mara ya kwanza toka awe hapa ambayo saa hii ni mwaka wake wa saba ameona hii Kamati ikifanya kazi, Hii Kamati kama haifanyi kazi ndio itakuwa uamuzi wa Bunge hauwezi kutekelezwa. Lakini hii Kamati kazi yake ni kufuatilia zile Kamati zote na ule uamuzi ambao unaletwa hapa Bungeni kama utafanyiwa marekebisho ama ukiritimba halafu upitishwe unatakikana ufuatilizie. Je, kama iliambiwa ndani ya miezi mitatu na imefanya kazi, mmefanyiwa yale ambayo Bunge liliamua.

Kama uamuzi haukufanywa, wanaleta Ripoti kama vile wameleta leo na ikimaliza namna hiyo hakuna haja tena ya kupelekwa sehemu nyingine. Ile inayofuatilia sasa ni kumaanisha sikio la kufa halihitaji nini? Namalizia na hapo. Kwa hivyo, hakuna haja ya kuuliza swali kama hilo; swali tuko nalo sisi kwa sababu sisi ndio macho ya wale walituchagua tuje hapa, si ndio? Kwa hivyo, sisi ndio wa kuamua kama imeshindikana hawezi kufanya kazi, hii Kamati ina jukumu kubwa zaidi. Ndio inaweza fanya Kilifi iende mbele ama isiende mbele kwa sababu kazi yao ni kufuata nyuma yale ambayo mumeamua hapa. Kwa hivyo, si kusema *aye* tu muende nyumbani; ukisema *aye* pia inafuata nyuma. Mheshimiwa Ngome wa Mwawesa (Kalama).

Hon. Kalama: Thank you, Mr. Speaker, Sir, for this opportunity. My submission is based seriously on the issue of unattended County Assembly resolutions. It has become a tendency of the Executive. Finally, there is a certain philosopher who said that justice delayed is justice denied. The Executive should take things seriously, otherwise this House will lose meaning. With those few remarks, I support the adoption. Thank you.

Hon. Brown: Asante, Bwana Spika, kwa muda huu ambao umenipatia. Nashukuru Mungu ni buheri wa afya siku ya leo. Mimi katika Ripoti hii ya Jaribuni ni Ripoti ambayo imenipatia mshangao mkubwa kwamba Kilifi yetu inaelekea wapi. Huwezi kuweka moja na hiyo hiyo moja ambayo umeiweka mwengine anaondoa, tutabaki na nini?

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.*

Hapa kuna kazi ambayo inafanyika. Nina kubaliana na maamuzi yaliyozungumzwa; kazi iliyobaki ni sisi tusimame kidete. Sasa mimi la kwangu nilikuwa naomba nizungumze ndani ya Bunge hili maswala matatu.

Swala la kwanza; ni lazima tusimame kidete tuondoe huu ubepari. Kuna ubepari ambao mara nyingi hausikii dawa na tukiwa hapa Bunge kama sisi ni wanasheria huu ubepari tuna uwezo wa kuamaliza, kama vile ulivyozungumza. Haiwezekani kwamba ndani ya Bunge kila kitu kiko dhahiri, watu wanaangamia, watu wanapata shida, watoto wanaangamia, afya inazorota lakini sisi tuko hapa tu tunaangalia mambo yanaendelea hivi hivi. Hilo haliwezekani! Na tukisema kwa kauli moja kwamba hii haiwezekani, tutaweza kutimiza maswala ya wanakilifi.

Mimi nahuzunika. Wiki nzima sijakuja Bunge na maswala ni hali kadhalika. Watu wanajenga kiholela holela pasipo na sheria. Mahali kwa ufuo wa maji mtu anajenga kampuni, wananchi mahali waliko maji yanatoroka yanafwata wananchi mahali ambapo siko, tunaelekea wapi? Ndio swali langu nilikuwa nimeanzia, sisi tunaelekea wapi? Majibu ya maswala haya tuko nayo sisi Wabunge ambao tulichaguliwa hapa Kilifi.

Jambo lingine ambalo nataka kulizungumzia ni kwamba sisi kama wanasheria ambao tuko hapa ni lazima tuhakikishe kwamba utekelezaji ufanywe pasipo uzembe. Maofisaa ambao ni wazembe kwa kazi wanazembea, tuhakikishe kwamba tunawaondoa. Tukifanya moja tu kwa mfano wengine wote watakuwa wamelainika. Ni kweli, sisi tunahitaji kazi na yule mwenye kampuni akija, anaajiri watu na wanapata kazi.

Pili, tunapata pesa za Kaunti lakini tukiangalia wanaofaidika ni wachache. Je, sisi tuko hapa, la kufanya ni nini? Naomba tuhakikishe kwamba jinsi Bunge hili lilivyoamka na ninajua kabisa uwezo tuko nao; tuhakikishe kwamba tuna usimamizi wa kisawa sawa.

Mimi sina mengi yangu ni kuwatakieni siku kuu njema yenye heri na baraka na mwaka mpya wa fanaka mpaka mwakani tena tuonane kama tulivyo. Asanteni sana.

The Speaker (Hon. Mwambire): Dr. Ziro from Mwanamwinga, your friends normally notify me that you are an expert in minor operations.

Hon. Ziro: Asante sana, Bwana Spika, kwa hii nafasi. Kwanza kabisa, ningetaka nipongeze Kamati ya Utekelezaji ikiongozwa na mheshimiwa Changawa. Kulingana na ile Ripoti ambayo tulipewa na ile ambayo wametosomea ni kwamba wanafanya hii kazi bila uoga. Na mimi, ningetaka niwapongeze kwa hii shughuli; najua ni ngumu.

Pia kama Kiongozi wa walio Wachache alivyosema, nitataka niwaambie pole kwa ile kazi nyingi ambayo mnafanya na mapato ni kidogo ambayo yanaweza fanya mtende kazi hiyo yote. Mwenyekiti wa Bajeti ako hapa na bila shaka atachukulia hili jambo na uzito maanake hata mimi kuna Ripoti zetu za Afya ambazo pia tunazisubiri hapa Bungeni tujue mwelekeo wake uko namna gani. Wananchi wetu wanaumia na tuko na imani kwamba Kamati hii na hii kazi yao ndio itafanya tuone sura ya mabadiliko hapa Kilifi Kaunti.

Swala hili la jaribuni, sisi kama Kamati ya Afya tulifika Jaribuni. Kusema kweli ni jambo la kuhuzinisha na ni jambo la kutamausha na ni jambo ambalo linatuacha vinywa wazi. Kama wanakamati walifika kule, wakapeana mapendekezo yao na kufikia sasa hayajafanyiwa kazi. Mimi ninaunga Ripoti hii na ningetaka kuunga mkono Mwenyekiti wa Kamati hii kwamba ndani ya wiki mbili mabadiliko lazima yawe yameonekana pale Jaribuni.

Ni kweli kwamba watoto wanaumia kwa sababu zile kampuni zimejengwa karibu na shule na pia mbali na hayo kulingana na yale maswala ambayo tuliweza kupata Jaribuni, ni kwamba mbali na maswala ya shule wakaazi wa Jaribuni wanaumia.

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.*

Mheshimiwa Jambo amegusia moja tu ya kwamba wazee wanafanya kazi ngumu ili kwamba wapate watoto lakini watoto wanaishia wakitoka kabla siku zao hazijafika. Hilo jambo ni la ukweli na tulilipata wananchi wakilizungumzia pale Jaribuni kwa huzuni kubwa sana.

Mimi nasimama kuunga mkono Ripoti hii na ndani ya wiki mbili, tuone mabadiliko na kama hakuna mabadiliko basi ile sheria ya Bunge ichukue mkondo wake. Asante sana, Bwana Spika.

The Speaker (Hon. Mwambire): Our new convert Emmanuel Baya, Member for Marafa.

Hon. Emmanuel: Thank you, so much hon. Speaker, for this opportunity. Thank you, hon. Members for the sincerity of your contributions. This is a matter of life and death and I stand here to defend life. With that, therefore, I join the hon. Member of Jaribuni to defend the lives that are under threat in Jaribuni.

We are elected Members, and we are here to defend and implement the wish and willingness of our people. It is very sad, that this House with all its integrity, with all the powers that we have been given and mandated by the people of our respective Wards and then we pass something, and it does not happen or it does not take place or it does not get implemented.

The honourable Chairperson of the Implementation Committee has indeed done a wonderful job of defending and trying to bring to the attention of this House that something is happening, and lives are in a state of threat.

If environmental issues are not well taken care of, they are like cancer and if we engage in the business of corruption with matters of life, I think we are not supposed to be here. We are not supposed to be here!

I come back to you, hon. Speaker. As we have said, if these matters have passed and are not being taken seriously, the main step this House must take is to bring on board the CECM in charge of this Department to be here. This should be the next step.

We will not be quiet to see this impunity happening while I am in this House. I will join my friends, Hon. Members, and the people of Jaribuni to make sure that this should not persist. I became emotional because I am a husband, I am a father of sons and daughters and I know and feel the same with the people of Jaribuni. It is not soothing that we should not take it merely.

If we mean the people of Jaribuni are trying hard to make sure that they achieve their biological rights to make sure that this world is full, nobody should come here and start undermining those powers of implementing that very noble action of bringing people to this world. It is very sad. All the environmental issues that are to be taken should be measured and make sure that the environment should be peaceful.

(Applause)

Those who are standing there in objection maybe in times of corruption deeds, this House is going to hunt them. I join the Hon. Member for Kakuyuni that if the CECM will not implement by next week, even if he shall not, the Whole House can go and implement. How dare a child who is a future leader not get the proper environment to achieve his dreams in terms of education and yet we are here? This cannot happen. If that continues, then Members need to resign. If this will not be implemented, then all Members should also resign and we are not resigning because we are going to take action.

The people of Kilifi will know that we are here, so let's take the correct steps so that this issue can be taken either peacefully or forcefully. I do not mind which way it may take but it

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.*

should be implemented. Thank you so much for this opportunity and I stand again to commend the job well done by this Committee and this is the way to go. We should not whatsoever jeopardize the efforts of this Committee on Implementation.

The Speaker (Hon. Mwambire): Hon. Morgan Kubo.

Hon. Kubo: Asante sana, mheshimiwa Spika, kwa nafasi hii. Nimesimama kuunga mkono Kamati hii kwa sababu najaribu kufikiria kitu kimoja. Kule kwetu Kambe-Ribe kuna kampuni moja ambayo pia iko na *quarry*. Vile inavyotuhangaisha hiyo kampuni sisi Wadi ya Kambe-Ribe na Kaloleni na ni wadi mbili, je kule Jaribuni vile kuna kampuni zaidi ya moja kunakuwa namna gani? Ningeomba...

The Speaker (Hon. Mwambire): Jaribuni iko na kampuni 25.

Hon. Kubo: Sisi tuko na moja peke yake Simba *Cement* na wako pale kutengeneza pesa lakini hawataki kujali maisha ya wananchi wa kawaida wa Kilifi. Hii kampuni wakitaka kuvunja mawe kuna baruti wanapiga. Kabla wapige hizo baruti, wanapiga king'ora ati wakaazi wa Kambe-Ribe wahame pale kwanza na wakae kando kwa muda wa dakika ishirini (20), wapige baruti halafu ndio warudi kuendeleza shughuli zao. Hii ni hali ambayo inasikitisha sana na kama haya mapendekezo yanaweza kufanyiwa kazi huko Jaribuni, nina hakika kwamba pia kule kwetu Kambe-Ribe hiyo kampuni moja ikisikia hivi, mambo mengi yatabadilika.

Nimesema niko na uchungu mwingi sana kwa sababu nimejaribu kusikiza haya mambo ni kama yale yanaoendelea kule kwetu pia. Naishukuru sana hii Kamati na naipongeza zaidi na naomba huyu Waziri afuatilizie haya mambo na kama hatafuutilizia kama vile mheshimiwa mwenzangu amesema, tutaungana sote twende kule kwa nguvu moja kama Bunge tuweze kuwaonyesha mfano bora zaidi.

Nikijua kwamba lile Bunge lilikuwa wakati mwengine, mambo mengi kama haya yaliletwa lakini hawakuyafuatilizia wakayamaliza waliyapuza na nisingependa hili Bunge liwe mfano kama ule. Hii Kampuni ya *Simba Cement* shida ilianza tangu miaka ya nyuma. Jambo hili lililetwa hapa pamoja na zile kampuni nyengine za *quarry* lakini mambo haya mpaka sasa, Mheshimiwa Spika, kusema ukweli bado yanaendelea, kuonyesha kwamba hayakufanyiwa kazi.

Ningeomba Bunge hili tushikane, tuonyeshe utofauti na Bunge lililopita na mambo yafanyike na tuweze kutetea mkaazi wa Kilifi. Kwa hayo mengi, naishukuru sana kwa nafasi hii na Mwenyezi Mungu awabariki. Asante.

The Speaker (Hon. Mwambire): Waheshimiwa, msije mkafanya watu wakafikiria kwamba mtaenda mkafunge kampuni. Uamuzi mtakaotoa hapa kuna ofisaa ambaye mmempatia mamlaka na sheria inamlinda kufanya juhudi kama hizo za kufunga kwa sababu mmeamua hivyo. Iwapo atashindwa, kwa mujibu wa sheria ni afunge virago aende nyumbani. Lakini sio nyinyi mkasukumane na kampuni na kuna mtu mmemtuma. Na mkienda kule ni awe yuko nyumbani ndio mnaenda. Kwa hivyo, ni mjue majukumu yenu na vile hali iko. Msisisitize sana kwa sababu hiyo ni kama wanaharakati lakini umekuja kuwakilisha.

Hapa unafanya kazi tofauti ya utunzi wa sheria, na uamuzi unaoweka hapa ni muhimu zaidi, ndio sababu unaambiwa kwamba uamuzi unaotoa wewe uko sawia na uamuzi ambao umetolewa na mahakama kuu. Kwa hivyo, kama uamuzi umeutoa hautatimizwa, uende ukashike mtu ufunge wewe, si hata mahakama ikisema afungwe, unafungwa? Askari atakuja, akuchukue maana mahakama imesema, ushikwe uwekwe ndani.

Kwa hivyo, ule uamuzi mnatoa ni kama haukutimizwa, yule afisaa ambaye anahusika anabeba jukumu. Hawezi itwa hapa kwa sababu hatuwezi kumuita na barua ya kusema tumekuja

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.*

kukuulize kwa nini tusikufute kazi? Huwa ameshindwa na majukumu, kwa hivyo anafunga virago aende kwao.

Kwa hivyo, yanayokuja hapa inakuwa ni Hoja ya kutokuwa na imani naye ama Hoja ya kumng'oa mamlakani kwa sababu ameshindwa kutimiza. Ndio sheria inavyosema, lakini haisemi nyinyi mtoe uamuzi galafu mfuatilie. Kamati ya kufuatilia itoe uamuzi na nyinyi mchukue bakora na majembe kwenda kufunga. Sasa itakuwa hakuna haja hata ije hapa mngekuwa mmebaki kule nje mkatimiza hayo lakini, mmekuja hapa mkijua mnafanya jambo ambalo ni zito zaidi. Kwa hivyo, msiwe na hofu lakini mjue uamuzi mtakaotoa hapa kwa mara ya kwanza utakuwa ni mzito ziadi. Mlitoa uamuzi wa kwanza, ukadhihakiwa, huu mwengine hawawezi kudhihaki. Ni atimize, ama apishe mwengine achukue jukumu alitimize. Yeye awe yuko nyumbani. Mheshimiwa Elina Mapenzi.

Hon. (Ms.) Mapenzi: Asante, Mheshimiwa Spika. Kwanza nishukuru Mwenyezi Mungu kwa kutupa uhai; tuko wazima tunafunga Bunge salama isipokuwa mheshimiwa Zia ambaye hasikii vizuri lakini Mungu pia nawe atamshushia uponyaji na atainuka. Tumekuwa na safari za hapa na pale wengine tumeenda ulaya tumerudi salama, ni kumshukuru Mungu tu kwa rehema za safari.

(Laughter)

Mheshimiwa Spika, ninasimama kwa swala hili la Jaribuni ambalo tunalijadili kwa sasa. Kwanza, nataka kusema inahuzunisha kwamba hivi leo tunajadili swala hili kwa mara ya pili. Kamati ya Mazingira na Maji ilishughulikia swala hili nikiwa Naibu wa Mwenyekiti. Tulikuwa na ziara kule Jaribuni tukakalisha wananchi ambao tunawawakilisha wakatuelezea shida zao na tukakaa kama Kamati, Bunge likatumia fedha tukaenda andika Ripoti tukaja na mapendekezo ambayo baadaye hayakutekelezwa. Kwa mara ya pili tena, Bunge likatumia pesa kupeleka Kamati ya pili ya Utekelezaji kwa sababu ya utepetevu wa ofisaa ambaye tulimuweka pale kufuatilia maswala yanayopitishwa hapa yaweze kutekelezwa naye hafanyi hivyo.

Bunge limetoa fedha zake tena kwa mara ya pili kupeleka waheshimiwa Jaribuni kushughulikia swala hilo moja. Kwangu mimi naona ni madharau makubwa kwa hili Bunge na ni kama kazi yetu haitambuliki. Maanake kama tulichagua maofisaa ambao tunashirikiana sisi tukipitisha na ule upande mwengine kumelegea, basi mheshimiwa Changawa imefikia wakati utuletee ofisaa huyu kwa *Committee on General Oversight* tukirudi tu kutoka *recess*.

Tunataka aje atueleze ni nini kinamzuia na ni nini kinajiri kutekeleza yale ambayo Bunge limepitisha mahali hapa. Baada ya hapo tutajua ni hatua gani tutazifuata. Lengo letu ni mapendekezo ya Bunge yafuatilizwe maana tuko hapa kuwakilisha wale wengi ambao hawajaweza kufika mahali hapa. Itakuwa ni huzuni ikiwa wananchi wanaumia huko chini na sisi tuko hapa tunashughulika ila kuna mmoja anatumia nyuma katika jitihada zetu.

Nashukuru vile waheshimiwa wamekuja na muamko mpya; inakaa mheshimiwa Spika ile safari ya Dubai ilikuwa nzuri sana. Mwenyekiti wa Bajeti naona mambo yake si mabaya maanake ni mkali sana na anataka tuende kule haraka sana lakini tutafuata sheria vyenye inatuelekeza na hatimaye tutapata jibu la swala la Jaribuni. Asante.

The Speaker (Hon. Mwambire): Hon. Biryia Jonathan.

Hon. Rafiki: Asante Mheshimiwa Spika, *for the record*, mimi ni Mheshimiwa Rafiki. Nimekuja kuchelewa natumia kadi ya Mheshimiwa Biryia.

The Speaker (Hon. Mwambire): Ooh, Hon. Rafiki, proceed.

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.*

Hon. Rafiki: Asante, mheshimiwa Spika. Mimi ni Mwanakamati wa Kamati ya *Implementation*. Nilijaliwa siku moja kuenda kule Jaribuni na ile hali inaendelea kule ni dhambi. Kuna kiwanda nilienda kukiona na sikijui jina lakini mita 50 kutoka kwa hicho kiwanda kuna shule ya *primary school*. Nilipofika pale niliona watoto wanacheza lakini lile vumbi vile linavyokuja ni uangalie upande moja kwa sababu linakuja na nguvu nyingi. Niliuliza mwalimu mmoja kwa mfano huu upepo ukiwa mwingi mnafundisha vipi hawa watoto? Kumewekwa ka *fence* kadogo ka mabati ka *level* ya chini kidogo. Akanambia hapa mahali, mheshimiwa, pana shida hata ni Mungu atusaidie. Mtu akifika kiwango hicho basi huwa amepoteza imani kama anaweza kupata msada mahali popote.

Nilipofanya utafiti nikaona shida kubwa ni uzembe wa maofisaa wetu wa serikali yetu ya Kaunti. Zile kampuni zina leseni ya kibiashara na za NEMA (*National Environment Management Authority*). Kuna shida kule mahali kwa sababu wale watu wanaumizwa na maofisaa wachache sana. Mimi nimesimama nikisema tuna jukumu la kutetea watu wetu na najua matumaini makubwa ya wananchi ni hili Bunge. Mimi sitakaa hapa kuangalia maofisaa wachache wakidhulumu watu wetu; ni makosa sana.

Ninaunga mkono Ripoti hii na mwisho niwaombe the *Special MCAs* ambao wamejaliwa kuenda safari zaidi ya tano na wenzao wakiwa wamewawacha hapa, Mungu awasaidie waweze kuenda mpaka 2027 maana hicho kipindi chaishia hapo.

(Laughter)

Maana sielewi, mheshimiwa Spika. Nawatakia *Christmas* nzuri na mwaka mpya mwema wenye mafanikio. Mungu awajalie na afya njema tukutane tena hapa mwakani Mungu akipenda. Mimi niko nyumbani pale mnajua mtu akinialika napatikana. Asanteni.

The Speaker (Hon. Mwambire): Let the Mover respond please, Hon. Changawa.

Hon. Changawa: Thank you, Mr. Speaker. I want to thank all Members who have contributed to this Motion and even those who have not contributed. I am hoping they will contribute positively when you pose the Question. With those few remarks, I say thank you.

(Question put and agreed to)

BILL

First Reading

THE KILIFI COUNTY FINANCE BILL, 2023

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

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.*

COMMUNICATION FROM THE CHAIR

SUPPLEMENTARY BUDGET 2023/2024

The Speaker (Hon. Mwambire): Before we go to the last item, from the Communication I have issued today does not affect the Budget and Appropriations Committee Supplementary Budget of 2023/2024. We will have a brief meeting with the Chairperson and the Secretariat to decide on when we will be concluding the issues of the Supplementary Budget, possibly before Christmas.

Again, we will conclude together on the issue of the Report of the Committee on General Oversight. Tomorrow we will have a special meeting to deliberate on the issues of the Committee on General Oversight and later take a retreat on Friday to make a resolution on the same day we will be resolving the Supplementary Budget of 2022/2023.

To put it on record, the issues we will deliberate tomorrow will be in regard to the Department of Sports on the Supplementary Budget of 2022/2023 vote head 11109. So, Members, kindly avail yourselves tomorrow and be assured we will conclude this matter before we break for the Christmas season this year. We can proceed with the last item. Yes, Clerk?

I think I have already communicated the last item because there is no need for voting.

ADJOURNMENT

LONG RECESS-END OF THE SECOND SESSION

The Speaker (Hon. Mwambire): Pursuant to the provision of Standing Order 253 relating to the Calendar of the County Assembly and the resolution of the House, the Speaker notifies that upon the rise of the House at the appointed time today, regular sittings will resume on Monday, 12th February 2024 at 2:30 p.m.

Hon. Members, I wish you all the best as you prepare for this festive season. This House stands adjourned for the Second Session.

The House rose at 4:11 p.m.