

REPUBLIC OF KENYA
MANDERA COUNTY ASSEMBLY

THE HANSARD

Wednesday, 15th July, 2020

*The House met at the Assembly Chambers
County Assembly Buildings, at 2.33 p.m.*

[Deputy Speaker (Hon. Farah Abdi) in the Chair]

PRAYER

STATEMENTS

**WHY DIRECTORS/SHAREHOLDERS OF ELWASCO ARE
SENIOR COUNTY EMPLOYEES**

Hon. Abdinoor Diisow (El-wak South): Thank you, Mr. Deputy Speaker. Section 77 of Water Act No. 43 of 2016 requires that the County Government is to establish Water Service Providers. The law requires that such institutions should be registered as public entities and are mandated to provide water services in their respective areas of jurisdiction. According to the records of business registration services at Sheria House, Nairobi, as at 15/7/2020 (attached), the Directors/Shareholders of Elwak Water & Sewerage Company Limited (ELWASCO) are apparently senior county employees in different dockets.

Pursuant to the provision of the Standing Order No. 44 (2) (c), I wish to seek a statement from the Chairperson of Water, Energy, Environment and Natural Resource Committee on;

1. Whether the said Elwak Water & Sewerage Company Limited (ELWASCO) was registered as public entity as enshrined in the provisions of Water Act No. 43 of 2016?
2. Why Mr. Ibrahim Barrow Hassan, Mr. Abdinoor Maalim Hussein and Mr. Mohamed Ali Omar were allocated 200 shares each in the said Company?

Thank you.

Deputy Speaker (Hon. Farah Abdi): Thank you. Chair for Water, Energy, Environment and Natural Resource Committee. Vice-Chair for that Committee! Hon. Yussuf Maalim!

Hon. Yussuf Maalim Dakane (Alungu -Gof): Thank you, Mr. Deputy Speaker. We will respond to this statement in two Weeks's time.

Deputy Speaker (Hon. Farah Abdi): Two weeks is ok. We go to the next statement; statement to be responded to. We have a statement raised by honorable Yussuf Maalim Dakane to the Committee on Health Services.

Disclaimer: *The electronic version of the Mandera County Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Mandera County Assembly.*

Hon. Shaban Hassan (Ashabito): Thank you, Mr. Deputy Speaker. The response was brought this morning and we have not yet deliberated on it as a committee. We will present to the floor of the House next week on Wednesday.

Deputy Speaker (Hon. Farah Abdi): We go to the next statement. This is a statement raised by honorable Abdinoor Dakane Rafat to the Committee on Finance and Economic Planning. Chair for that Committee! Vice-Chair!

Hon. Mohamed Rashid (Kutulo): Thank you, Mr. Deputy Speaker. This statement has been responded to by the Department of Finance and Economic Planning. Due to the challenge of quorum hitch, we could not deliberate on it. So, the response is with us. Hopefully, next week, may be the members will come back and we might get quorum to discuss it. We will present it next week on Wednesday, Insha'Allah.

Deputy Speaker (Hon. Farah Abdi): I think the House is not on recess. Members should be around and do their things at committee level and plenary. We therefore, urge the committee members to be very serious with their business. I think for matter, next week is very fair and it is our prayer that it will be on the floor. We go to the next statement. This is a statement raised by honorable Yussuf Maalim Dakane to the Committee on Roads, Transport and Public Works. Chair for that Committee? Vice- Chair? Any member!

Hon. Ahmed Gabnan (Waranqara): I am a member of that committee. This statement was earlier responded to and the committee deliberated and it was not satisfactory. Since then the committee's last sitting had quorum hitch; issue raised by the Vice-Chair for Finance and Economic Planning Committee. With your indulgence, we request next Tuesday to furnish the House with the response.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Honorable member, what do you want to say?

Hon. Bishar Maalim Abdullahi (Takaba): I think there is a serious issue on committee's performance as the Chair for Liaison Committee. According to the records of the House, we need to find out which are these committees which have not sat for sometimes. It is not for Committee on Finance and Economic Planning and Public Works, Roads and Transport alone. There are a lot of committees which have not sat. We are not on recess. Can the House try to assess which committees failed to sit because of quorum so that at least we take action because this is underrating the performance of the House?

Deputy Speaker (Hon. Farah Abdi): That is a very good concern honorable Bishar but what we are discussing is statements and its responses. We are not discussing the performance of the committee. That one is a very good concern but it should have come in another forum. I think some chairs are performing very well perhaps there are some chairs that are not very much serious with their work but I think in the mean time they will improve and they will do their work as required. The Speaker's and Clerk's office will also encourage them to improve and do their work seriously. For that matter, the liaison chair is not a chair for specific committee. He is the chair for all committees and we only advise the chairs to do their work seriously but most of the works are for the Members of the respective committees. So, let the committee Members be very serious with their duties and attend committee sittings.

We go to the next statement. Again it is for roads and transport. Statement raised by honorable Yussuf Maalim Dakane. The issue of County rest house, County headquarter and Governor's residence. Honorable Ahmed!

Hon. Ahmed Gabnan (Waranqara): Mr. Deputy Speaker, as we reported last week Wednesday, we said the response from the department was not satisfactory and we felt that we cannot present it to this House and we returned it to them. They are yet to furnish us with the response. So, through your indulgence we humbly request also to be given one more week; all pending responses of the roads.

Deputy Speaker (Hon. Farah Abdi): Do you have the response first?

Hon. Ahmed Gabnan (Waranqara): Yes, Mr. Deputy Speaker. The County rest house this question of honorable Yussuf has been responded to but in its on wisdom the committee saw it necessary to return it to the department because it was very shallow and the content was not convincing. So, they are yet to give us another feedback till today. We are also requesting all the statements lying before the committee and also the chair has some.

Deputy Speaker (Hon. Farah Abdi): Okay before you take your seat honorable Ahmed, I think there are statements for that committee. I see there are almost two or three actually there are two, do you have the responses for these two again?

Hon. Ahmed Gabnan (Waranqara): We have none, unfortunately our chair and vice had some.

Deputy Speaker (Hon. Farah Abdi): Please get back to your seat. You will be given the chance honorable Member representing Morothile.

Hon. Ahmed Gabnan (Waranqara): Mr. Deputy Speaker, some of these statements were to be responded to in two weeks' time and some their time is yet to lapse. We humbly request you to give us till next week.

Deputy Speaker (Hon. Farah Abdi): Fine honorable chair before you get back to your seat, the time has already lapsed and some of these statements have taken long and these statements must be taken very seriously. These are issues that are affecting the public. It is not an issue of not getting quorum or whatever.

Hon. Abdullahi Yunis (Morothile): Point of information Mr. Deputy Speaker!

Deputy Speaker (Hon. Farah Abdi): What is your point of information honorable Sharmake?

Hon. Abdullahi Yunis (Morothile): Mr. Deputy Speaker, the chair and the vice chair are a way to Nairobi. I do not know when this committee sat. I am 100% sure there is no siting undertaken by the Roads Committee. On the same, the committee is not taking this matter seriously. You can refer the County rest house and the County headquarters to PIC and PAC so that we investigate.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Honorable Member representing Rhamu.

Hon. Kulow Alio (Rhamu): Thank you, Mr. Deputy Speaker. I want to conquer seriously with the Member for Morothile. The Committee on Roads is taking this matter very lightly and I am very sure just like my counterpart has said that the honorable whip is misleading this House. If it is true that the committee sat last week because the chair for water and his other Members like honorable Member for Derkhale are the biggest noise makers in this House saying that the Committee on Water is very active.

Deputy Speaker (Hon. Farah Abdi): Order honorable Members!

Hon. Kulow Alio (Rhamu): I am on the floor Mr. Deputy Speaker, protect me. Mr. Deputy Speaker, protect me from the whip.

Disclaimer: The electronic version of the Mandera County Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Mandera County Assembly.

Deputy Speaker (Hon. Farah Abdi): Order honorable Members! Please honorable Kula, **Hon. Kulow Alio** (Rhamu): Yes,

Deputy Speaker (Hon. Farah Abdi): Withdraw that statement that you have just made.

Hon. Kulow Alio (Rhamu): Withdrawn Mr. Deputy Speaker. I am very sure that the Committee on Roads has not sat and if they sat and he claims that there is partial response which was brought, we want him to provide us with that partial response so that we prove that the committee has actually received a response and the response is within the precinct of the Assembly. If that is not proved, the honorable minority whip has actually lied to the House and is liable under the Standing Order No. 106 for punishment.

Deputy Speaker (Hon. Farah Abdi): Order! The floor belongs to honorable Alinoor Member for Wargadud.

Hon. Alinoor Derow (Wargadud): Thank you, Mr. Deputy Speaker. I thank you for giving me this opportunity. I personally raised one of the statements concerning roads. Mr. Deputy Speaker, there are almost four statements for the Committee on Roads. I doubt the minority whip. He is giving contradictory statements where he talked about the first instances there was no quorum, he said he received the response and they have not sat. He was supposed to give us the overall results that they were given--- protect me Mr. Deputy Speaker.

Deputy Speaker (Hon. Farah Abdi): Please get back to your seats, if you have information, you will be given and you will share with us the information.

Hon. Alinoor Derow (Wargadud): Thank you, Mr. Deputy Speaker for protecting me. We raised this statement concerning roads. This is about service delivery. It is budgeted for and we want to know exactly what the executive is doing for our electorates. It is an issue of concern and the committee should take up the responsibility. They should not overstep that. Some of them are within this town and they are deliberately appearing in the House. I think it is either two, those committees which are not performing and not providing service delivery on oversight. They should relent there membership and the party should take action against the members. If they fail to do so because next time the budget will come and we cannot wait for another week since it is due---

(Loud consultations)

Hon. Mohamed Rashid (Kutulo): Thank you, Mr. Deputy Speaker. The point of information that I want to give to this House as roads committee member is we are not misleading this House. We have received the response from the department which was not satisfactory. We have written back to the department to give us more comprehensive response so that we can furnish the House. It is on record and you can go back to the clerk's desk and confirm that we have returned that response to the department.

On the matter of budget, we understand that this is the time for budget making process as Hon. Alinoor Derow said. What I want to tell this House is that this House will approve the budget. It is not only the executive that will make the budget. It is the House to approve the budget and we can look at it and consider the priority needs of our people. Budget must come to us and we must check it at departmental level. Otherwise, the information we are giving is true.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Get back to your seats. We do not have substantive business to discuss before the House right now. It is true that we discuss the performance of

***Disclaimer:** The electronic version of the Mandera County Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Mandera County Assembly.*

committees but this one if for statements. Order! On the issue of statements, the members of that committee said the response is not satisfactory. In consultation with the clerk, order! Order! We have confirmed that they have received the response. One thing that I want to make clear is that there are a lot of statements before the committee and most of the time the committee did not comply with the time that was given to that particular committee because we normally give them two or three weeks and we do not force the chair or vice chair of that committee to take time and respond within two weeks. So, it is up to you as the chair, vice chair or member of that committee to fulfill what you say before this honorable House.

The other thing is making false information to the House. It is very bad and it has consequences under Standing Order 106 (h). I believe the information you are giving to honorable members is false. Honorable Ahmed, please take this matter serious. Liaise with your chair and vice chair. Order honorable members! Let this response be ready by next week. Failure to do so, we will take serious action against that committee.

(Applause)

Honorable Members, we go to the next statement. Order honorable Members! Get back to the seats. You are out of order! Get back to your seat. You have nothing to tell us. Get back to your seat!

(Members laughing)

This second statements raised by honorable members for Libehia, order honorable members, these two statements for that committee are the ones raised by honorable members for Libehia and Wargadud. I can see already it is not attached to the order paper. Let that one be ready by next week. I think that one is done. Now honorable Abass what do you wanted to say? Hon. Kulow, I think it is not on the matter that we have ruled.

Hon. Kulow Alio (Rhamu): Mr. Deputy Speaker I wanted to give some information.

Deputy Speaker (Hon. Farah Abdi): Is it that one that we ruled or another one?

Hon. Kulow Alio (Rhamu): Why don't you just listen to me Mr. Deputy Speaker?

Deputy Speaker (Hon. Farah Abdi): But we have to know. Is it for that one or it is something else?

Hon. Kulow Alio (Rhamu): Mr. Deputy Speaker, we were elected to come and talk on the floor of this House.

Deputy Speaker (Hon. Farah Abdi): But procedurally.

Hon. Kulow Alio (Rhamu): Mr. Deputy Speaker, it is on who to respect the chair?

Deputy Speaker (Hon. Farah Abdi): Okay proceed. I think it is not for the matter that we ruled, otherwise you have the floor.

Hon. Kulow Alio (Rhamu): Mr. Deputy Speaker, what I want to say is this, as honorable members of this House we have no other business apart from coming here to talk and debate. That is our constitutional right. Whenever a member stands on appoint of order he has information or he has something to talk about that is being raised on the floor of the House. Mr. Deputy Speaker, according to the Standing Order we have to debate on all issues and even up to 7:00 p.m. When you leave this House and adjourn within 15 minutes, it will not add value for us.

Disclaimer: The electronic version of the Mandera County Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Mandera County Assembly.

Whenever there is an issue on the floor of the House, I kindly request you to exhaust all the members because we represent the wards, we represent the special groups and they have input in the matter before the House. I always take precedence with the South African parliament where honorable members are given ample time to debate and talk on any issue before the House and they are rarely victimized. I have been listening to South African Parliament. Julius Malema is a chronic member in that House. Therefore, we kindly request the chair to give honorable members ample time as per Standing Order No. 90.

Thank you.

Deputy Speaker (Hon. Farah Abdi): I think we have nothing else to discuss. Order honorable Bishar! Get back to your seats both of you. Honorable members, I think we always say this is a House of rules and procedures and we have a Standing Order that we should follow. Hon. Member representing Rhamu is one of the members who have mastered the Standing Order. It was my believe that he should be the one guiding some of our members but when he is saying members should be given time and the members are interrupting while the Speaker is on the floor, it is very unfortunate. You have no chance to speak while the speaker is on the floor. Give him time and let him exhaust, then you will be given your chance. It is your right to debate, contribute or to give information to the House and we do not deny that. Honorable Members, let us behave well. We respect and highly appreciate your contributions.

Otherwise, honorable members we go to the next statement. These are statements raised by honorable Abdirahman Issack member representing Banisa to the Committee on Land. Honorable chair for Lands, Hindia!

Hon. Hindia Hussein (Nominated): Thank you, Mr. Deputy Speaker. I am the vice chair of the committee. This statement was raised last week and we asked for two weeks. Still our time has not elapsed.

Thank you.

Deputy Speaker (Hon. Farah Abdi): So when will it elapse?

Hon. Hindia Hussein (Nominated): God willing next week.

Deputy Speaker (Hon. Farah Abdi): Next week? Next order! Hon. Member representing Rhamu!

Hon. Kulow Alio (Rhamu): Standing Order No.44 has not been exhausted Mr. Deputy Speaker.

Deputy Speaker (Hon. Farah Abdi): You mean House Business Committee (HBC).

Hon. Kulow Alio (Rhamu): Yes, that is exactly what happened last week. They just dealt with statements. We were not given any information on the House Business Committee (HBC) deliberations concerning the next week's agenda. Last week the same thing happened and I am sure this week it is happening again. So, we want to be told whatever is coming before this House next week.

Deputy Speaker (Hon. Farah Abdi): Thank you very much. I think it is true but House Business Committee (HBC) has no business next week and that is the information that we have honorable member.

Hon. Kulow Alio (Rhamu): Mr. Deputy Speaker, even saying there is no business is information that we should be given.

Deputy Speaker (Hon. Farah Abdi): Thank you for your concern honorable Kulow.

ADJOURNMENT

Deputy Speaker (Hon. Farah Abdi): Honorable Members, we are now going to adjourn the House to next week Tuesday 21st July, 2020 at 2.30 p.m.