



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 13th March, 2019

The House met at 9:25a.m.

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

PRAYERS

The Deputy Speaker (Hon. Mwalimu): Hon. Members we may be seated. Yes Clerk?

STATEMENTS

FACILITATION OF MCAS FOR ATTENDANCE TO DEVOLUTION CONFERENCE IN KIRINYAGA

There is a Statement, yes Hon. Faith?

Hon. Mwende: Mr. Speaker I am standing under Standing Order 41(c) if you can allow me?

The Deputy Speaker (Hon. Mwalimu): Okay, proceed.

Hon. Mwende: Mr. Speaker I would like to know from Committee of Finance when they are planning to pay the MCA's for Devolution Conference which they went last week. Thank you Mr. Speaker.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Thank you. Yes Chair or the Vice Chair any response?

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker. I think I have noted and I will take a note and I will make some follow ups. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes, are you satisfied Hon. Faith?

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Hon. Mwende: Mr. Speaker I am not satisfied because at least he can give us the timeline when because we are supposed to leave with the facilitation money before we leave the County and we went without any penny...

(Applause)

So we want to know why will it last for this trend to happen in Mombasa County?

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Faith. So Hon. Hamisi Musa the Vice Chair the House would like to know the timeframe of when you are going to report back?

The Leader of Majority (Hon. Mwidani): Mr. Speaker I think this is an issue for all of us not for an individual Member, even I myself am in need of that money so with your due respect I will do all my level best so that I give you the result of this issue before next week. Thank you.

The Deputy Speaker (Hon. Mwalimu): Yes what is it Chief Whip?

The Majority Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti kulingana na maneno aliyoyaongea Naibu Mwenyekiti wa Kamati ya Fedha ikiwa wale *Executive* waliweza kupatiwa pesa yao mbona sisi hatujapewa pesa yetu na ni vigezo gani viliweza kutumika?

(Applause)

Kwa hivyo atakapoleta majibu pia anafaa atueleze ni vigezo gani vilitumika kulipa wale *executive* na sisi tuweze kulipwa pesa hizi Mheshimiwa Mwenyekiti. Ahsante.

The Deputy Speaker (Hon. Mwalimu): Thank you I think the Vice Chair who is also the Leader of Majority has noted and as you said the Leader of Majority will need the response in a weeks' time so make proper arrangement even if is to call the Members from the Executive to explain as to why the Executive staff were given their per diems and the MCAs and the staff from the Assembly are yet to receive their monies up to today. Yes Hon. Renson Thoya?

Hon. Thoya: Bwana Spika nafikiri uzi ni huo huo na ningependa kuzidi kufuatilia, jana nilizungumza kuhusu mikato ya NHIF na bado nazungumzia mikato mengine kama ile ambayo iko inapelekwa katika LAPFUND, LAPTRUST na zile pesa zetu ambazo ni hatima tukiwa tunatoka hapa za *gratuity* tukipenda kujua kutoka kwa Kamati husika ya fedha kama mikato hii inapelekwa ama tutangoja siku zetu zitakapofika hapa miaka mitano tuanze kwenda mbio

(Applause)

The Deputy Speaker (Hon. Mwalimu): It is also noted so Hon. Leader of Majority when you respond the issues raised by Hon. Faith and Hon. Renson Thoya. Yes Hon. Shomari?

Hon. Ali Shomari: Ahsante sana Mheshimiwa Spika kwa kunipatia fursa hii. Swali langu bado linaelekea kwa Kamati ya Fedha ningependa kujua kwamba ni muda gani watachukua kuweza kutupatia yale mapeni yetu ya kuweza kuwalipa wale wafanyi kazi wetu wa ofisi zetu za Wodi kwa sababu...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Hon. Shomari from your Statement you are out of order I can say sorry to say so; even though it is their right our staffs are yet to be paid I understand that the rents are yet to be paid so we will ask the Majority Leader who is also the Vice Chair of Finance to make a proper follow up, it seems that monies are yet to be brought to the Assembly from the Executive from the way things are. The Leader of Majority please make proper follow up and bring back a report as you said by next week Tuesday. Yes Clerk?

PROCEDURAL MOTION

ADJOURNMENT OF THE COUNTY ASSEMBLY

Yes Hon. Leader of Majority?

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker for giving me this opportunity. I would like to move the following Procedural Motion on Adjournment of the County Assembly. Mr. Speaker Sir;

THAT Pursuant to Standing Order 30 (1) of the County Assembly Standing Orders this House resolves to adjourn today Wednesday 13th March, 2019 to attend Public Participation on the Mombasa County Fiscal Strategy Paper (CFSP) at Tononoka Social Hall and I would like Hon. Amur to second the Motion.

Thank you Mr. Speaker.

(Hon. Murfad Amur bowed)

(Silence)

The Deputy Speaker (Hon. Mwalimu): I propose that the Motion by Hon. Hamisi Musa, the Leader of Majority be discussed in this House. Yes Leader of Majority, what is the urgency of the House to adjourn?

The Leader of Majority (Hon. Mwidani): Bwana Spika kama tunajua sheria ni kwamba *County Fiscal Strategy Paper* ilitoka kutoka daraja la kwanza mpaka leo ndio daraja la mwisho ambayo lazima tuirudishe kwa wananchi waone kwamba yale walio yatekeleza ndio yaliyoko katika ile karatasi kwa sababu tayari ishafika ule mda tarehe 28 na sisi tumepewa siku 14 ili tuweze kuipitisha. Kwa hivyo tusipoweza kuipitisha leo ama kwenda kufanya *Public Participation* tena tutakuwa kinyume cha sheria, hivyo basi ningeomba Bunge ili leo tuahirishe kikao kwa kipindi cha asubuhi ili tuende tukawapatie wananchi fursa yao ya kuangalia kwa fursa yao ya mwisho sababu hio ndio fursa yao ya mwisho na sisi twende tukathibitishe kwamba yale ambayo yaliyomo ndio vile pia wananchi waliona na yako sawa. Kwa hivyo ningeomba Bwana Spika hichi ni kikao muhimu na pia ningeomba hususan wale Wanachama wa Kamati ya Fedha wote wasikose tuweko pale katika ile shughuli. Ahsante Bwana Spika.

The Deputy Speaker (Hon. Mwalimu): Does it need all the Assembly Members or just the Finance Committee Members?

The Leader of Majority (Hon. Mwidani): Bwana Spika si vibaya hata Wanachama wote wakiwepo lakini ingekuwa muhimu lazima Kamati ya Fedha wawepo wenyewe pia.

Hata Wanachama wengine marafiki wa Kamati ya Fedha ni haki yao kuwepo, kwa hivyo hatujasema kwamba tumebagua hivyo basi ningewaomba Wanachama wale wote watakaoweza wangeweza kufika na tukaona tumepitisha hino stakabadhi. Ahsante Bwana Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Kibwana Swaleh?

Hon. Kibwana Swaleh: Thank you Hon. Speaker. Hon Speaker if he is going to say that we adjourn only for certain Members... that the other Members will be at the Assembly I think we are not unfair, it is a ruling meaning I do not want to judge your ruling but I think Hon. Speaker we cannot adjourn only for the Members to go but the rest of the other Members to be at the Assembly; adjournment cover everybody.

Mr. Speaker the other thing I think this the adjournment thing to me it is not all that crucial because we have the staff who can go through this Public Participation, it does not mean it requires that the Members should be there. Mr. Speaker I think the people who are capable of handling this issue should be given on their own opinion because the participants or the people who are attending this Public Participation are going to give their views and if there is any memorandum so I think at this juncture Hon. Speaker we have a lot of business in this Assembly so I think we should continue going through with this Assembly rather than adjourning the House. Mr Speaker thank you.

The Deputy Speaker (Hon. Mwalimu): Yes. Hon. Bernard Ogutu.

Hon. Ogutu: Mheshimiwa Spika mimi pia nina hisia kama hio ya Kibwana manake hata leo tukiongea ukiulizwa nini iko ndani ya hio *Fiscal Strategy Paper* huwezi kujieleza pale utaenda kwa wananchi utaulizwa maswali wale wajuzi watakuwa pale wewe ni mtu wa wananchi watataka pengine wewe ujibu pengine hujui chochote, alafu pia vile mambo yanaendeshwa kwa hii Bunge tunashangaa hizi vitu ni vitu zinatakikana tueleze tujue mapema manake ni vitu ambazo zinagusa watu wetu mashinani. Kwa hivyo mimi naona haikuwa na umuhimu kwetu sisi ndio maana tumeambiwa kuchelewa kuwa tuna hio *Public Participation*, kwa hivyo sisi tuna mambo muhimu ambayo tunataka tuendeleze kwa Bunge tuwe kwa Bunge tuendeleze mambo haya Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes, Hon Faith Mwende.

Hon. Mwende: Mheshimiwa Spika nasimama na ghadhabu nyingi sana kuona vile mambo yanavyoendelezwa katika Bunge hili ama Kaunti yetu ya Mombasa. Mheshimiwa Spika naamini ya kwamba hii ilikuwa ni wajibu wetu wa *oversight* na taarifa tumepewa jana jioni wale watu wetu labda hatukuwa tumewatayarisha. Mheshimiwa Spika hii *Fiscal Strategy Paper* hatujajielewa kindani ni nini inasema na nikienda pale yule mwananchi anataka hivyo vitu vyote viwe viko kwa akili yaani viko kwa my *finger tips*. Kwa hivyo naona kwangu ni jambo limeenda haraka sana na ni tusome kuanzia saa hii kama ni *oversight* tuifanye kikamilifu na vile inavyotakikana Mheshimiwa Spika siku 14 wakati ulileta hoja na tukaikataa kuja hapa kwa sababu ikasemekana ni ya *Executive*.

Sisi kama Bunge tunganze mikakati kutokea hapo tukiongozwa na Kamati ya Fedha kutuelekeza ni vipi na tulikuwa tumetoa maoni tukasema kama Wabunge tutafanya mikutano yetu kule mashinani kwa vile sasa hivi Mheshimiwa Spika saa zile nimepata ujumbe jana usiku ningepata wakati ama na saa ngapi ya kuambia watu wangu wa Kipevu wafike Tononoka?

Mheshimiwa Spika Bunge hili lilibaini ya kwamba watu wengine kama Wodi yangu mtaa wa Maporomoko kupata hata mia moja ya nauli ya kufika hapa haiwezekani labda ya kutafuta chakula nitaangalia nitafika Tononoka na labda mtu anasikia kukunwa yafaa niseme yaliyopo moyoni kwa sababu munalipa ushuru. Mheshimiwa Spika kwa hivyo mimi naona hiyo mipangilio haijafanyika vile inafaa kufanyika na inafaa tubadilike kuanzia leo kuenda mbele, ahsante sana.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Chief Whip, Hon. Charles Juma Kitula.

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti mimi ni mmoja wapo wa Wanakamati katika Kamati ya Mipangilio ya kazi za Bunge kwa almaarufu *House Business* na nakumbuka Mwenyekiti katika Kamati hio wakati huo aliweza kutuhakikishia ya kwamba baada ya *Executive* kufanya *Public Participation* sisi kama Wabunge tutaweza kuenda mashinani na katika sehemu ambazo zilikuwa *Sub-County level* lakini tulikubaliana, ilikuwa tuende kiwango cha Wodi lakini kwa sababu ya michakato ya kifedha labda twende katika kiwango cha *Sub-County* Mheshimiwa Mwenyekiti. Lakini la kushangaza na ningependa ikiwa Bunge hili ni Bunge la sheria na ni Bunge la haki tuzungumzeni haki na usawa. Je wanakamati wa Fedha mshapitia kweli hii nakala yote? Leo mnaenda ambia nini wananchi?

(Applause)

Hilo ndilo swali, isiwe hii kitu imetoka kumbe kwa mtu mmoja mwende kwa wananchi jamani itakua hatujawatendea haki wananchi wetu tusemeni ukweli wanakamati wa Fedha amkeni mzungumze, je *Fiscal Strategy Paper* mmepitishiwa kama Wanachama wa Kamati hio au mmefanya kuletewa kama vile sisi tumepatiwa jana na ujumbe mfupi tumepata jana.

Mimi si Mwanakamati Mheshimiwa Mwenyekiti lakini wacha Wanakamati wasimame waseme mbele ya Bunge hili na wawe katika rekodi za Bunge kama kweli walivyokula kiapo na walipitia katika Kamati yao hii na leo wana ruhusa kwenda kwa wananchi kuwazungumzia wananchi kuwazungumzia suala hili Mheshimiwa Mwenyekiti. Ahsante Sana.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Renson Thoya?

Hon. Thoya: Bwana Mwenyekiti nataka kuchukua nafasi hii kwamba tunao wakati kwa saa hizi kurekebisha mienendo ya Jumba hili, ule wakati wa kufanya kuletewa jitabu liko na kama kurasa 200 na unaambiwa usome kwa saa moja mimi mwenyewe sijajua bado naendelea kusoma naambiwa *County Fiscal Strategy Paper* vitu kama hizo sijui hio ni nini? Mbali na mimi kupelekwa kurasa kwa kurasa ama sentensi kwa sentensi ikiwa mimi Mwakilishi wa Wodi ya Mikindani sina ufahamu wa hii yule mwananchi wa kawaida alioko kule mashinani ataelewa vipi?

Na nataka leo niambiwe wale wananchi ambao nawawakilisha wa Mikindani ni wangapi watakuwa pale Tononoka kupeana maoni yao na ndio hii mara nyingi watu wanapungukiwa na maoni kwa sababu tunangojea Kaunti iweze kufanya kazi kumbe wananchi hawakupeana maoni tukawa tunasema ikiwa hamuwezi kuenda Wodi kwa Wodi jaribuni kiwango cha *Sub-County* twende kule kwa sababu tunajua hali ya uchochole wa watu wetu.

Wakati wa kulazimishana, wakati wa kufanya vitu ndivyo sivyo hakuna tena katika Jumba hili *let us get it right, thank you.*

(Applause)

The Deputy Speaker (Hon. Mwalimu): Honorable Members I will not let the mover to respond but the Chair has caught your concerns but you have to put in mind the CFSP, County Fiscal Strategy Paper has timelines but I will ask the Clerk of the Assembly to consult further and see if we can let the timeline pass by tomorrow because tomorrow it is the deadline, the 14 days lapse tomorrow but I will ask the Clerk to consult with Senate and bring back a response when we sit in our afternoon sitting. If it will be possible then we shall move to the Sub-County level to consult our people and the Honourable Members to be taken through this document for you to understand before we go back to the Sub-County level but in the meantime we are not going to put a question on this Motion or declare that we are not going to pass the CFSP tomorrow. But I have said we will do consultations with the Clerks and whatever that is possible I will communicate to you in the afternoon sitting. Thank you. Yes Clerk?

(Applause)

(Interruption)

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti ningetaka kupata muongozo kutoka kwako maana nina habari kwamba wananchi waliweza kufahamishwa kupitia vyombo vya habari, kupitia gazeti kwamba hafla hii itafanyika sasa sijapata kuelewa nahitaji muongozo wako kuhusiana na hafla ya leo?

The Deputy Speaker (Hon. Mwalimu): Come again?

The Chief Whip (Hon. Kitula): Nimesema imeweza kutangazwa katika vyombo vya habari kuwa hafla hiyo itafanyika leo na ikaweza kuwekwa katika gazeti kwamba itafanyika leo, *public participation* sasa sijaelewa mwongozo wako kama itaiendelea au la?

The Deputy Speaker (Hon. Mwalimu): The CFSP; there was a notice in one of the newspapers if it is two or three I do not know. But I think there is a notice in one of the newspapers that there is a CFSP today at Tononoka and I remember saying that I am consulting with the Clerk if possible we might go to the Sub County level if it will be possible after consulting. Yes, in the afternoon sitting I will convey the message if the Assembly will be at liberty not to pass the CFSP tomorrow or the time lines will be no option other than to pass the CFSP tomorrow.

But in the meantime let us stay until the afternoon sitting after consultations then I will make our ruling on the CFSP or on what is transpiring today but we cannot stop what is going on today. So the Members of Finance you are at liberty to go to Tononoka and listen to the people's views and in the afternoon you can share what you had from Tononoka with the Hon. Members. Yes Clerk?

(Interruption)

Yes Hon. Renson?

Hon. Thoya: I think this is a House of rules and regulation and I have a feeling that we are not in a position to see a lot because we are controlled by the rules.

It is prudent for you to call for a *Kamukunji* on this related matter because yes there is an indication that we must pass that CFSP. I do not know the CFSP, I do not know what you call it! But again is very sad for me to pass something that I do not know, please Mr. Speaker we need atleast a *Kamukunji* atleast you inform me what I am going to pass! Thank you.

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Renson Thoya. As you know this is a House of rules and procedures and as the Chair I cannot plan a *Kamukunji* in this Honourable House so as I have said we will consult and see if our neighbouring Counties are passing their CPSP tomorrow or if there is a way we can break the timeline so that we go through the CFSP and go back to the *Wanjikus* and get their views on what is in the CFSP. But you have to know that in the CFSP these are just budget ceilings for departments. Clerk?

ADJOURNMENT

There being no other business the House stands adjourned until Wednesday 13th March, 2019 at 2:30p.m.

The House rose at 9:25a.m