



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 17th September, 2019
The House met at 10:25a.m.

(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)

PRAYERS

The Speaker (Hon. Khatri): Hon. Members we may be seated. Yes Clerk, next Order?

STATEMENTS

STATUS OF PUNGUZA MZIGO BILL

Yes Hon. Charles Kitula?

The Chief Whip (Hon. Kitula): Thank you Mr. Speaker. Mr. Speaker I seek to know from the Chairperson Committee on Justice and Legal Affairs on the status of Punguza Mzigo Bill as communicated by the Speaker on 31st July, 2019 during the 69th Sitting. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Yes Hon. Bwire?

Hon. Bwire: Thank you Mr. Speaker.

(Interruption)

The Speaker (Hon. Khatri): Are you the Vice Chair or you are a Member?

Hon. Bwire: Thank you Mr. Speaker. Am not the Chair and neither the Vice Chair is in the House but...

(Interruption)

The Speaker (Hon. Khatri): Okay you are a Member?

Hon. Bwire: I happen to be a Member of the Committee.

The Speaker (Hon. Khatri): Please respond.

Hon. Bwire: Mr. Speaker we are aware that the Bill was committed to this House but we are yet to communicate back to the House as the Justice Committee; we therefore ask for time for us to meet and deliberate on the same, I wish to ask this House to allow us to respond back next week. Thank you.

The Speaker (Hon. Khatri): But Hon. Bwire just be aware that there is a deadline for that Bill which I think is 90 days so...

(Interruption)

Hon. Bwire: Am aware and the 90 days we still have time Mr. Speaker that is why I have asked for at least one week I know we still have time.

The Speaker (Hon. Khatri): How much time do you want?

Hon. Bwire: Next week Mr. Speaker we will be able to respond.

The Speaker (Hon. Khatri): You said you still have time, so how much time do you have?

Hon. Raphael Bwire: We have more than one month Mr. Speaker as far as am concerned.

The Speaker (Hon. Khatri): Okay thank you Hon. Bwire. Yes Hon. Charles?

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti ahsante sana lakini tuweze kufahamu kwamba sisi kama Wabunge katika Bunge hili kwanza kama Kamati wanastahili kuweza kutupangia sisi kwenda kuweza kusoma mahali kupitia *Bill* hii maana hatuifahamu kabisa lakini mzigo huu tukiwaachia Kamati peke yake waweze kupitisha itakuwa ndivyo sivyo maana watakuja hapa wanaofahamu ni Wanakamati peke yake, je sisi Bunge nzima litakuwa halina ufahamu.

Kwa hivyo tungesihhi Kamati hiyo iweze kupanga siku tuweze kwenda kusoma sote tuweze kujua nini kiko ndani ya *Bill* hiyo na kipi ambacho ni kibaya na kipi ambacho ni kizuri ili tuweze kuhakikisha kila mmoja ana ufahamu na *Bill* hiyo. Ahsante.

The Speaker (Hon. Khatri): Thank you. Yes Clerk, next Order?

STATUS OF THE ANNUAL DEVELOPMENT PLAN (ADP) AND FINANCE BILL

The Chief Whip (Hon. Kitula): Thank you Mr. Speaker. Mr. Speaker I seek to know from the Chairperson Committee on Finance, Budget and Appropriations on when the Annual Development Plan (ADP) would be tabled in this House considering that it is past the deadline of 1st September, 2019 and the Finance Bill which is supposed to be passed by this House by 30th September, 2019. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Mohamed Mohamed, Chairman for Committee on Finance?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika ni kweli kuwa ADP haijaletwa kwenye hii Nyumba na pia naona *Finance Bill* lakini nafikiri mwanzo kabla sijajibu nataka Mheshimiwa aende akatengeze *Statement* yake tena sawa sawa ndio airegeshe ndani ya hii Nyumba. Kwa sababu *Finance Bill* sio tarehe 30 Septemba sheria inasema ni *90 days after approving the Appropriations Bill. Appropriation Bill* ilikuwa *approved* na Nyumba hii tarehe 20, kwa hivyo tarehe 20 ndio yatakikana iwe imekuja ndani ya Nyumba hii...

(Interruption)

The Speaker (Hon. Khatri): Maybe you can clarify more so that the Members can understand Hon. Hatimy, *tarehe 20 ya?*

(Interruption)

Hon. Mohamed Hatimy: Tarehe 20/06/2019 ndio ilipita ile *Appropriation*. Kwa hivyo itakuwa ni tarehe 20/09/2019 mwezi huu ndio itakuwa imefika siku tisini kwa sababu sheria inasema *90 days after approving the Appropriation Bill*. Kwa hivyo ilikuwa namuomba mwanzo aende akaitengeze halafu warudi ndio niweze kumjibu Mheshimiwa Spika.

The Speaker (Hon. Khatri): Not unless Hon. Charles maybe you tell us where did you get these deadlines, if you can clarify.

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti kwanza ningemruhusu aweze kujibu Taarifa ya kwanza, halafu alete majibu ya Taarifa ya pili pia nitaweza kumjibu. Kwanza ajibu ya kwanza ADP halafu pale anapojibu Taarifa ya pili nitaweza kumjibu kutokana na sheria ya PFM. Ahsante.

The Speaker (Hon. Khatri): So the first Statement Hon. Charles, the one you are saying the deadline of 1st September it is under PFM Act?

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti iko ndani ya sheria ya PFM 126 (3).

(Interruption)

The Speaker (Hon. Khatri): PFM Act 126?

(Interruption)

The Chief Whip (Hon. Kitula): Yes, 126 (3).

The Speaker (Hon. Khatri): Yes Hon. Mohamed?

Hon. Mohamed Hatimy: 126 inazungumzia kitu gani Mheshimiwa Spika? Sijui atuambie.

The Chief Whip (Hon. Kitula): Wacha nimsomee Mheshimiwa Mwenyekiti. *PFM Act 126 (3) County government to prepare Development Plan, Sub Section (3) inasema, the County Executive Committee Member responsible for planning shall not later than 1st September in each year submit the Development Plan to the County Assembly for its approval and send a copy to the Commission on Revenue Allocation and the National Treasury. (4) The County Executive Committee Member responsible for planning shall publish and publicize the Annual Plan within seven days after its submission to the County Assembly.* Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Charles Kitula. Yes Hon. Mohamed Mohamed Hatimy.

Hon. Mohamed Hatimy: Mheshimiwa Spika imesema, *shall table the Plan, not ADP but it is CIDP.*

The Speaker (Hon. Khatri): Hon. Mohamed Hatimy, so you are saying it is not the ADP?

Hon. Mohamed Hatimy: Sisi twazungumza kuwa ni *Plan*, haikuzungumza ADP. Kwa sababu ADP inatokamana na CIDP, ni kweli kuwa ni tarehe moja Septemba inatakikana iwe imeletwa lakini haikuzungumza habari ya ADP imesema *Plan*. Sasa *Plan* ni ipi, ni CIDP ama ni ADP? Ambayo CIDP ishakuwa *tabled* na ni lazima iregeshwe tena ndio watuambie wametoa pale kwa sababu Mheshimiwa Spika kuna *long term* na *short term*, lakini ile *short term* inapambana na *long term* Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes Hon. Charles.

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti Mheshimiwa wa Kamati ya Fedha anapotosha Bunge hili kabisa tena sana. Kwanza ni sharti aweze kukubali kwamba Waziri wa Fedha amekiuka Katiba na sheria ya PFM hiyo lazima aikubali, alafu anapotosha Bunge hili kusema kwamba CIDP au ADP. CIDP Mheshimiwa Mwenyekiti ni mapendekezo ya miaka mitano ndani ya serikali ya Kaunti ya Mombasa, ADP kulingana na sheria ambayo ni Annual Development Plan ambayo kila 1st September ni lazima iweze kuja katika Bunge, 2018/2019-2019/2020 haikuwa *publicized* katika Bunge hili, 2019/2020 pia haikuletwa katika Bunge hili Mheshimiwa Mwenyekiti.

Kwa hivyo hili ni dhahiri shahiri ya kwamba Waziri wa Idara ya Fedha amekiuka Katiba Mheshimiwa Mwenyekiti, lakini asiseme hapa kwamba CIDP ama ADP. CIDP tuliileta kitambo ni ya miaka mitano, lakini kila mwaka ni sharti kabla mwezi wa tarehe 1st Septemba iwe imeletwa katika Bunge hili ahsante sana.

The Speaker (Hon. Khatri): Thank you Hon. Charles. Yes are you on a point of information or you just want to?

Hon. Mwende: It's just a point of information.

The Speaker (Hon. Khatri): Okay.

Hon. Mwende: Thank you Mr. Speaker. Mr. Speaker I think the Chairperson of Finance is misleading the House, because even when you search the Annual Development Plan when it is supposed to be submitted in the County Assembly in Google, it will tell you it is not later than 1st September. So maybe you can come up clearly because the Members who are here now are very sharp and they know their timing deadlines not like before. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Yes, are you on a point of information Hon. Mwamwiri? I hope you are not going to..., because she was saying the same thing which the Hon. Charles is saying. You are going again to say the same things? Okay continue.

Hon. Athman Mwamwiri: Mheshimiwa Spika ahsante. Sioni sababu ya Mheshimiwa Mwenyekiti wa masuala ya Fedha na Bajeti ku *panic* katika hili, kwa sababu kanuni imesema sio zaidi ama sio baada ya tarehe moja mwezi wa tisa na tukiangalia gazeti la leo ya Standard, serikali Gatuzi ya Mombasa limetangaza kuokota kwa maoni ya Public Finance tarehe 25 mwezi huu.

(Interruption)

The Chief Whip (Hon. Kitula): Point of information.

The Speaker (Hon. Khatri): Yes Hon. Charles?

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti labda Mheshimiwa hayuko katika Bunge hili, twaongelea kuhusu ADP na hatujaingia katika Finance Bill bado ni ADP, Finance Bill ni Taarifa ya pili ahsante.

Hon. Athman Mwamwiri: Ahsante.

The Speaker (Hon. Khatri): Yes Hon. Mohamed Mohamed?

Hon. Mohamed Hatimy: Mheshimiwa naomba Nyumba hii inipatie nafasi kuuliza Executive wa Finance kwa nini mpaka leo hawajaleta hii stakabadhi inayoulizwa? Nipatiwe mda Mheshimiwa Spika.

The Speaker (Hon. Khatri): Hon. Hatimy lakini unakubaliana na maoni ya Mheshimiwa Charles Kitula?

Hon. Mohamed Hatimy: Maoni gani?

The Speaker (Hon. Khatri): Kuwa 1st Septemba.

Hon. Mohamed Hatimy: Nimekubaliana nayo kuhusu 1st Septemba!

(Laughter)

The Speaker (Hon. Khatri): Thank you Hon. Hatimy. Yes, Hon. Charles Kitula I think you had two issues, so Hon. Hatimy said he will come back by tomorrow.

Hon. Mohamed Hatimy: Yes tomorrow.

The Speaker (Hon. Khatri): Thank you. Yes Clerk next order?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON HEALTH HON. KIBWANA SWALEH ON
HEALTH CONCERNS

Yes Hon. Kibwana Swaleh, Chairman Committee on Health? Please give us the response.

Hon. Kibwana Swaleh: Thank you Hon. Speaker. I was enjoying the conversation between the Chief Whip and the Finance Chair! Anyway Hon. Speaker, I just seek for more time because we wrote a letter requesting for a Statement from the Department of Health before we went for the recess but when we resumed the Assembly we have not received the reply or the response, so after the Assembly I will have a meeting with my Committee and follow up on this. So I plead with the Members to be patient and if possible they can give me up to next week so that I can come with that report Hon. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Charles, please fast track the issue by next week we get the response. Yes?

Hon. Kibwana Swaleh: Although Hon. Speaker I'm not Charles, am Hon. Kibwana.

The Speaker (Hon. Khatri): Sorry Hon. Swaleh Baya Kibwana, yes Hon. Ibrahim, are you on a point of information or you just want to speak.

Hon. Omondi: Yes Mr. Speaker if am granted opportunity.

The Speaker (Hon. Khatri): Yes.

Hon. Omondi: Mr. Speaker Sir, am not in disagreement with the Chair of Health but Mr. Speaker Sir I just stood to emphasize on that issue because it's now the third time that this issue is coming and time it's all the time being asked for, to being extended and Mr. Speaker Sir the state of this particular dispensary is very pathetic that is how I can describe it.

The Speaker (Hon. Khatri): Thank you.

Hon. Omondi: And therefore Mr. Speaker Sir actually the urgent measures should be taken so that, that particular dispensary is renovated Mr. Speaker sir, I'll be waiting for that answer next week.

The Speaker (Hon. Khatri): Thank you, I think Hon. Kibwana you have heard that from your colleague. Yes Clerk next order?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE OF EDUCATION HON. OMONDI ON ECD
ISSUES

The Speaker (Hon. Khatri): Yes Hon. Ibrahim Omondi please give us the response.

Hon. Omondi: Thank you Mr. Speaker Sir again for giving me the opportunity. Mr. Speaker Sir this issue was raised by the Member Kipevu Ward, and this issue as I speak now already the contractors are on the site and they have already started they are doing their work and the Member is also present she can confirm that or not. Thank you.

The Speaker (Hon. Khatri): Thank you Hon. Ibrahim, Yes Clerk next order?

ADJOURNMENT

Hon. Members this House stands adjourned until Tuesday 17th September, 2019 at 2:30p.m.

The House rose at 10:40a.m.