



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 12th March, 2019
The House met at 2:57p.m.

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

PRAYERS

The Speaker (Hon. Khatri): Hon. Members you may be seated. Yes Clerk?

PAPERS

REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENT OF COUNTY EXECUTIVE OF MOMBASA

Yes Hon. Hamisi Musa Mwidani, Majority Leader please lay down the Paper?

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker, let me take this opportunity to lay Paper, report of Auditor General on the financial statement of County Executive of Mombasa for the year ended 30th June, 2018. Thank you Mr. Speaker.

(Paper Laid)

The Speaker (Hon. Khatri): Thank you Hon. Hamisi Musa Mwidani, the Majority Leader. Yes Clerk?

REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENT OF THE COUNTY ASSEMBLY OF MOMBASA

Yes Hon. Hamisi Musa Mwidani again..., yes Hon. Amur please lay down the Paper?

Hon. Murfad Amur: Paper? Thank you Mr. Speaker Sir. Mr. Speaker Sir I wish to lay a Paper for report of Auditor General of the financial year statement of the County Assembly of Mombasa for the year ended 30th June, 2018. I wish to lay Mr. Speaker Sir.

(Paper Laid)

The Speaker (Hon. Khatri): Thank you Hon. Murfad Amur. Yes Clerk?

NOTICE OF MOTION

IMPEACHMENT OF CECM TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS MR. TAWFIQ
BALALA

Yes Hon. Shebe Athuman. Please give the Notice of Motion?

Hon. Shebe Athman: Thank you Mr. Speaker. Mr. Speaker Notice of Motion, Impeachment of CEC Transport, Infrastructure and Public works pursuant to Section 40 of County Government Act, 2012. Mr. Speaker Sir, I wish to give notice to the following Motion that this Honourable House resolves that Hon. Tawfiq Balala be removed from the office of Mombasa County Executive Committee Member for the Department of Transport, Infrastructure and Public Works pursuant to Section 40 of the County Government Act, 2012 and Mombasa County Standing Orders in so far our Standing Orders are in line with national legislations. The grounds thereof:

(a) INCOMPETENCE

Mr. Speaker Sir Hon. Tawfiq Balala is incompetent and therefore unsuitable to serve as a Member of Mombasa County Executive Committee for Transport, Infrastructure and Public Works as:

- a) The CEC is overwhelmed with technical sections which has failed to deliver;
- b) The Department lacks laws and regulations to guide their Departmental functions.

(b) ABUSE OF OFFICE

- a) Misappropriation of funds e.g. Incomplete projects that have overlapped financial years;
- b) Mismanagement of advertisement boards and other advertisement activities.

The other reasons, Mr. Speaker are;

(c) GROSS MISCONDUCT

- a) Failure to honour invitation by Committee on Transport, Infrastructure and Public Works.

(d) GROSS VIOLATION OF CONSTITUTIONAL LAW

- a) Failure to submit documents requested by this Honourable Assembly in discharge of their oversight role over the Executive (County Government Act, Section 40(f), Article 183(3) of the Constitution of Kenya.

Mr. Speaker I request Hon. Shomari to second the Motion.

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

Hon. Ali Shomari: I second.

(Applause)

The Speaker (Hon. Khatri): Yes Honourable Members this is just a Notice of Motion, so a Notice of Motion you do not need to second, just sit down Honourable Member please. Honourable Members you do not need to second this is just a Notice of Motion and if you go to the Standing Order it is very clear, you just give the Notice of Motion and now according to Standing Order 62..., if you read Standing Order 62(3) it is very clear that the Motion will be moved upon the expiry of three days and after notice given the Motion shall be placed on the Order Paper and shall be disposed within the three days. So Hon. Members I think we are in line with the procedures and the Motion shall be put in the Order Paper within three days.

Hon. Members I have the two documents which have been tabled by The Majority Leader and Hon. Murfad Amur which the Papers laid here are both committed to the Committee on PAC – Public Accounts and Investment Committee, Hon. Fadhili, thank you. Yes Clerk?

STATEMENT

RESPONSE TO STATEMENT ON THE SUPPLIES OF MEDICAL DRUGS AT JUNDA DISPENSARY

The Speaker (Hon. Khatri): Yes Hon. Priscilla Mumba?

(Consultations)

Yes Hon. Kibwana Swaleh because you are the Chairperson of Committee on Health it is not Hon. Prischilla Mumba, yes can you please give the reply to the Statement?

Hon. Kibwana Swaleh: Thank you Hon. Speaker for giving me this opportunity. Hon. Speaker being the Chair of the Health Committee we are aware of the problem they are facing in Junda Hospital which my colleague Hon. Bwire who was given on this Junda Dispensary. Hon. Speaker my Committee has decided to do a site visit on that hospital for us to know or to get to know information on the issue of the supplies of medical drugs in that Hospital. So Hon. Speaker I think within two week's time we are going to come up with a comprehensive report on the supply of drugs in this Dispensary. Thank you Hon. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Swaleh. Yes Hon. Bwire?

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker indeed I agree with the Hon. Member who happens to be the Chairperson on Health but I raised this issue and it is over three weeks now again the Chairperson is coming up with a request of two more weeks! Mr. Speaker it is not making sense so I would wish to call upon this House and the Chairmen of the several Committees to be serious.

Mr. Speaker, I raised the issue of lack of drugs in only a public facility that I have in my Ward which is a Dispensary and it is now taking more than one month for a Committee just to have a site visit to come up with a report. I therefore, Mr. Speaker disagree with the two weeks request made by the Chairman and I would wish to pray that you give the Committee at least one week so that they come up with a report, two weeks is too much Mr. Speaker. Thank you.

The Speaker (Hon. Khatri): Yes Hon. Kibwana Swaleh?

Hon. Kibwana Swaleh: Thank you Hon. Speaker. I am aware of what my colleague is going through being the only dispensary in that facility. Mr. Speaker we were unable to visit because we had a Devolution Conference but through his request and I feel that it is very urgent we can do that visiting in one weeks' time. Thank you Mr. Speaker.

(Consultations)

The Speaker (Hon. Khatri): Thank you. Yes Hon. Fadhili, the Deputy Speaker?

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker. I am up even though I can see am out of order but am in order Mr. Speaker! Mr. Speaker I just want you to revisit the decision on the Notice of the Motion because you said as per the Order Paper it gives us three days and the three days will fall on a Friday. So we need your guidance as on when are we actually revisiting the Notice of Motion Mr. Speaker, will it be on Friday or next Tuesday? Thank you.

The Speaker (Hon. Khatri): Thank you Hon. Fadhili. Hon. Fadhili I think we all know we are in this House and it has its orders; we really need to follow the orders which have been set by this House and the Standing Orders; and the Standing Order is very clear saying that you need to give the three days so three days will elapse on Thursday and as you all know our Sittings are Tuesdays afternoon, Wednesday morning and afternoon and Thursday afternoon, so on this matter I think the earliest we can say is going to be on next week Tuesday afternoon.

(Applause)

So the Motion will come next week Tuesday afternoon, thank you very much Hon. Fadhili. Yes Hon. Renson Thoya?

Hon. Thoya: Ahsante Bwana Spika nimesimama na niko na dharura ama natafuta Taarifa kutoka kwa Kamati husika ya Fedha na tatizo langu ni kujua kwamba hii mikato yetu ya National Hospital Insurance Fund (NHIF) hizi pesa zinapelekwa wapi? Kwa sababu ni jambo la kusikitisha kwamba wiki nzima nimekuwa pale Pandya na familia yangu nilipokuwa nafuatilia mambo ya NHIF niliambiwa kwamba Bunge hili halilipi.

Kwa hivyo nataka nijue hizo pesa mnapeleka wapi? Na zitatusaidia namna gani kama kitendo kama kile jana ilibidi nikatafute laki mbili na elfu hamsini kutoka kwa mikopo ya hapa na pale. Hii ni aibu na ni lazima tufike mwisho wa matatizo haya. Ahsante.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Renson Thoya. I think I shall direct the Committee of Finance, the Chairperson Committee on Finance is not here, so the Vice Chair is here Hon. Hamisi Musa Mwidani please make sure that we know if the outstanding bill has been paid or if not so that the Hon. Member can know where he is standing and it is his right for the bills to be paid and if we do not have the money just tell this House if you have not received the money or anything.

So Hon. Deputy Chair make sure we get the response by next week if possible. Yes Clerk?

ADJOURNMENT

Hon. Members this House stands adjourned until Wednesday morning at 9:00a.m 13th March, 2018.

The House rose at 3:15p.m.