

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Wednesday, 15th February, 2017

The House met at 9:09am.

*(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)***PRAYERS****Deputy Speaker** (Hon. Mswabah Rashid): Members you may sit down. Yes Clerk.**NOTICE OF MOTION**

Yes Hon Mary Akinyi.

Hon. (Ms) Akinyi: Thank you Mr. Speaker. Mr. Speaker Sir I wish to table a Notice of Motion on Installation of Billboards on Entry Roads.*(Hon (Ms) Akinyi tabled the Notice of Motion)*

Mr. Speaker Sir,

Aware that the County has several entry road gateways at Shika Adabu, Shimo la Tewa, Mwakirunge and Miritini.

Further aware that the existing banners welcoming visitors to the County are faint or in some cases do not exist;

Concerned that visitors may not be aware or properly guided as to our County boundaries;

I therefore Mr. Speaker urge this Assembly to **RESOLVE** that:

The County Government to install billboards on entry roads at County boundaries for guidance to visitors and members of the public.

(End of Notice of Motion)

Thank you, Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Thank you, yes Clerk.**MOTION**

Yes Hon for Changamwe, yes Hon Fadhili.

Hon. Mwalimu: Thank you Mr. Speaker. Mr. Speaker I just need your guidance because I believe the Motion was brought yesterday but there was a part was to be amended, I think we were waiting for the question to be put if you allow me to read the amendment I will proceed to read the amendment.**Deputy Speaker** (Hon. Mswabah Rashid): Do you have the authority from the Mover of the Motion.**Hon. Mwalimu:** Yes Mr. Speaker.**Deputy Speaker** (Hon. Mswabah Rashid): Yes you can go ahead.**Hon. Mwalimu:** Thank you Mr. Speaker. Mr. Speaker I will start from the beginning of the Motion.*(Hon Mwalimu moved the amended Motion on behalf of Hon Odari)*

Mr. Speaker I beg to move the following Motion.

That aware that the first Assembly began its sittings in March 2013;

Further aware that this House will soon be dissolved to pave way for the General Elections scheduled for 8th August, 2017.

Noting that the rightful term of any of our previous parliaments has always been five years.

Concerned that our term will be less than five years given the date of the next General Elections in August 2017.

I therefore urge this House to **RESOLVE** that:

1. The County Treasury to factor the afore-said Members' compensation in a Supplementary Appropriation Bill for the FY 2016/2017.

And Mr. Speaker this is the amended part, yesterday it read the year 2017/2018 Mr. Speaker.

2. *That payment of the above-mentioned eight months salary be effected before the lapse of Members' term in August 2017.*

(End of Motion)

Thank you Mr. Speaker and I beg the Hon Members to approve and second the amendments.

Deputy Speaker (Hon. Mswabah Rashid): Who is going to second the amendments? Yes Hon Saad Faraj.

Hon. Faraj: Thank you very much Mr. Speaker I rise to second the amendment which reads, '*The County Treasury to factor the afore-said Members' compensation in a Supplementary Appropriation Bill for the FY 2016/2017*'.

Deputy Speaker (Hon. Mswabah Rashid): Thank you Hon Saad Faraj, I now propose a question on an amendment that the County Treasury to factor the afore-said Members' compensation in a Supplementary Appropriation Bill for the FY 2016/2017. Yes Hon Fadhilli.

Hon. Mwalimu: Thank you Mr. Speaker. Mr. Speaker as it was said yesterday we need to factor the said amendments in this Motion because what was written yesterday it wasn't factoring us because by the FY 2017/2018 as it was yesterday the House or the Members present in this House will be out and it was up to us to amend what was brought yesterday.

Mr. Speaker even the constitution states that our term should be five years and if you fail to plan you...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): You plan to fail.

Hon. Mwalimu: Thank you Mr. Speaker, you plan to fail so it is our right cause it is in the constitution and we have seen also from the National Assembly we are not the ones beginning this trend it started from the National Assembly and even if the date of the next General Elections will be pushed forward may be we are ready to work for the said months that the government or the date of the next general election will be minus the days we are supposed to have.

Mr. Speaker I beg the Honorable Members to support this amendment and to support this Motion for our budget to be factored in this Supplementary budget and as the Chairman of Public Accounts Committee we are not and i repeat we are not misusing public funds it is our right.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Amur Murfad.

Hon. Amur: Mr. Speaker I rise to second the Motion...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): With amendment.

Hon. Amur: Yes with amendments Mr. Speaker, we are not claiming but it is on the contract that we take for five years.

Mr. Speaker I just want to inform the House even the IEBC who were found guilty they were compensated for their term, so for us we are not of any interest it is our right so we are fighting for our right, if they were found guilty misusing the office of IEBC and they were paid what is the argument for us not to be paid. Thank you, Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Saad Faraj.

Hon. Faraj: Thank you very much Mr. Speaker, as we are all aware that our budget is a program based budget in fact they should include it in our budget so that we can be able to utilize the funds for a certain vote.

Mr. Speaker the argument here was that we were supposed to serve our term according to the Constitution; it is a constitutional right if you look at Article 177 of the constitution part 4 it clearly states that County Assembly is elected for a term of five years.

Mr. Speaker we were supposed to serve full term five years but because of the issue that was raised and having understood very clearly what the people wants we are ready even if it seems we are going for election tomorrow but at the same time we must be in session for the five years and I understand clearly that this is our constitutional right and if we are to look back at the IEBC Commissioners they did not complete the full term but they were compensated..

(Applause)

We are not setting a precedent, it is not a new idea that we are coming up with, it has been there or along and we want people to understand this position as Members of the County Assembly of Mombasa and people who are representing the fraternity at large. Thank you very much Mr. Speaker and may the Almighty bless you all.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Boma.

Hon. Boma: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii mimi pia naunga mkono mswada huu ambao umeletwa na Mheshimiwa Jimmy Odari.

Mheshimiwa Spika tulichaguliwa Machi 2013 na kipindi chetu kilikuwa kinatakikana kiishe baada ya miaka mitano kuanzia Machi 2013 miaka mitano yetu itakamilika Machi 2018 lau Bunge letu litakatizwa Mwezi wa nane wazungu walisema hiyo ni *breach of contract*...

(Laughter and applause)

Ukiangalia Bunge Kuu pia nalo limepitisha mswada kama huu huu haitakuwa vizuri kwa sisi kupunguziwa muda wetu wa kutumikia katika Kaunti yetu hii, mfano mwengine unatokana na wale watu wa IEBC ambao kandarasi yao ilifupishwa na walikubaliwa walipwe pesa zao zote.

Kwa hiyo pia mimi naunga mkono hoja hii Kaunti yetu kwa vile tumehudumu vizuri bila ya matatizo tulipwe wale ambao watakwenda kuuza mbaazi wajue vipi watauza mbaazi. Ahsante Mheshimiwa Spika.

(Laughter)

Deputy Speaker (Hon. Mswabah Rashid): Yes in the absence of further debate I would like to take the opportunity to let the mover of the amendment to reply to the Motion.

Hon. Mwalimu: Thank you Mr. Speaker. Mr. Speaker the given minutes that you have accorded me to respond I will let the original mover of this Motion to respond but just to add on the Motion, in charge of the motion the IEBC factor...

(Interruption)

Hon. (Ms) Akinyi: Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Mary.

Hon. Mwalimu: Mr. Speaker I think you have finished debating this Motion and am responding to this Motion and I have given two minutes to the original mover Hon Jimmy Odari.

Deputy Speaker (Hon. Mswabah Rashid): It is a point of order.

Hon. Mwalimu: There's no point of order cause am responding Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Let's give her time Mr. Speaker, Hon Mary what is your point of order.

Hon. (Ms) Akinyi: Thank you Mr. Speaker. Mr. Speaker Sir I would like to know if he is the photocopy because he has just said the original person will respond to the Motion.

Deputy Speaker (Hon. Mswabah Rashid): Okay that's your point of order.

Hon. Mwalimu: Mr. Speaker we have seen those who are going to sell 'mbaazi'.

(Laughter)

And I clearly said am the mover of the amendment Motion Mr. Speaker, the real mover of this Motion is in the House...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy what is it?

Hon. Mohamed Hatimy: The Honorable Member is claiming to be the mover of the amendment but the amendment should be in writing.

Hon. Mwalimu: Mr. Speaker I think the 'mbaazi' vendors are increasing.

(Laughter)

...and am surprising the Chairman of Finance is not coping Mr. Speaker. Mr. Speaker we have it in writing in front of us and it is the amended written copy. Thank you, Mr. Speaker. Mr. Speaker...

Hon. Mohamed Hatimy: Did they seek leave in the House to do the amendment because it was reading 2017/2018.

Hon. Mwalimu: Mr. Speaker please guide the Honorable Member because that it is the only part that was amended and Mr. Speaker point in to consideration the IEBC factor.

Mr. Speaker IEBC were paid for the months that they did not work for why not us and I give this opportunity to Hon Jimmy for the remaining minutes to respond to this Motion. Thank you, Mr. Speaker.

(Applause)

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Murfad what is it?

Hon. Amur: Mr. Speaker he cannot over rule that Hon Odari to speak, he is not the Chair.

Deputy Speaker (Hon. Mswabah Rashid): It is his right you can give your minutes to somebody to talk. Yes Hon Jimmy Odari the original mover of the Motion.

(Laughter)

Hon. Odari: Thank you Mr. Speaker. Mr. Speaker I wish to concur with Hon Fadhili because i clearly express the permission to give the amendments to be included in the Motion and Hon Speaker am for the Motion and I urge this Honorable House to pass this Motion with the amendments as it is in the Order paper before us. Thank you, Hon Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Thank you Members I think I will put the question that this House pass the Motion with the amendments.

(Question put and agreed to)

(Applause)

Yes Clerk.

ADJOURNMENT

Members this House stands adjourned until in the afternoon. Thank you.

The House rose at 9:30am.