

**MOMBASA COUNTY ASSEMBLY****HANSARD REPORT**Thursday, 22<sup>nd</sup> September, 2016

The House met at 2.49pm.

*(The Temporary Speaker (Hon. Fadhili Mwalimu) in the Chair)***PRAYERS****The Temporary Speaker** (Hon. Mwalimu): Have your seats, yes Clerk.**NOTICE OF MOTION**

Hon. Mohamed Hatimy.

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker I seek leave in this House to table the Motion.**The Temporary Speaker** (Hon. Mwalimu): It is a Notice...**Hon. Mohamed Hatimy:** So I wish to give Notice of Motion in the Order Paper, so I seek leave if I can be given a chance today to read it as a Motion.**The Temporary Speaker** (Hon. Mwalimu): First read the Notice of Motion.**Hon. Mohamed Hatimy:** Ok Mr. Speaker I beg to move the following Notice of Motion;

*“THAT AWARE that the defunct Municipal Council of Mombasa had pending legal fees which are yet to be settled by the County Government of Mombasa, which is its successor by virtue of Section 58 and 59 of the Urban Areas and Cities Act, 2011.*

*FURTHER AWARE that the County Government of Mombasa inherited liabilities amounting to over Kshs. 2.3 billion allegedly for goods supplied, legal fees and services rendered previously;*

*CONCERNED that the law firm of O.M Robinson & Company has a pending claim against the County Government from the defunct Municipal Council of Mombasa era amounting to Kshs.700 million;*

*CONCERNED Mr. Speaker that the same firm of Advocates also auctioned several properties within the Mombasa County during the transition period purportedly under the instructions of the County government;*

*NOTING Mr. Speaker that the defunct Transition Authority did not hand over assets and liabilities of the defunct Municipal Council of Mombasa and that some of the liabilities including legal fees may be fraudulent and false intended to misappropriate public funds wrongfully.*

*So I urge this County Assembly to resolve that the County Assembly Public Accounts Committee to investigate the following:*

- 1. The inherited debt stock pile of the defunct Municipal Council of Mombasa be subjected to investigation including forensic audit to establish authenticity and propriety;*
- 2. That the County Treasury to suspend all payments of debts to Advocates and suppliers of the defunct Municipal Council of Mombasa era pending further investigations;*
- 3. Investigate all the departments involved in the afore mentioned matters;*
- 4. PAC to invite the Ethics and Anti Corruption Commission on the same, thank you Mr. Speaker”.*

*(Hon. Mohamed Hatimy moved)*

**The Temporary Speaker** (Hon. Mwalimu): Thank you, permission granted for the Motion to be moved in this Hon. House when it comes to that order, yes Clerk.

### STATEMENT

Yes Hon. Zainab Mumba.

**Hon. (Ms) Zainab Mumba:** Thank you Mr. Speaker sir, I have a statement on status of garbage collection in the County pursuant to Standing Order 40(1).

I seek a statement on garbage collection within the County, the County Government has established garbage collection areas across the County, however these areas are poorly managed;

*(Hon. (Ms.) Zainab Mumba read)*

*“ I wish to request the Leader of Majority to follow up and bring forward a comprehensive report concerning how garbage is managed within the County; especially on the following Wards, Kibuluni in Bofu Ward, Mt Sinai in Timbwani Ward, Lights in Kongowea Ward, Hongera Mjambere Ward, VOK in Ziwa la Ng’ombe Ward, and Toa Tugawe in Bamburi”.*

*(End of statement)*

**The Temporary Speaker** (Hon. Mwalimu): Thank you Chair of Environment; as you have stated on the statement the Leader will respond, Clerk write to the Leader of Majority, yes Clerk.

### STATEMENT

Hon. Mary.

**Hon. (Ms.) Akinyi:** Thank you Mr. Speaker Sir, I have a statement on request for fumigation exercise to be carried out in the Mombasa County.

Mr. Speaker I rise to seek a statement pursuant to Standing Order 40(1) on the increased infestation of pests e.g mosquitoes, bedbugs and other insects within the County especially in Magongo.

*(Hon. (Ms.) Akinyi read)*

### FUMIGATION AND CONTROL OF INSECTS IN MOMBASA COUNTY

*“Mr. Speaker Sir, the County Government is mandated to conduct regular fumigation in residential areas within the County with a view of control of the pests and reduce the spread of disease such as malaria.*

*I therefore seek a detailed statement from the relevant department on when and how the County Government will fumigate infested areas”.*

*(End of statement)*

**The Temporary Speaker** (Hon. Mwalimu): Thank you Hon. Mary, the Environment Committee will work on this issue and bring that statement in a week’s time because it is a concern and it is also a health issue because without fumigation it will expose residents to a lot of diseases rather in the said areas.

So the Environment Committee work on this issue in a week’s time, yes Clerk.

### STATEMENT

Yes Hon. Zainab.

**Hon. (Mrs.) Zainab Said Ali:** Ahsante sana Bwana Spika kwa kunipa nafasi hii.

**The Temporary Speaker** (Hon. Mwalimu): Thank you Hon., she is in order and she can continue, Hon. Zainab Ali continue.

**Hon. (Mrs.) Zainab Said Ali:** Ahsante sana kwa kunipa hii nafasi Bwana Spika, mimi niko na taarifa kuhusu malori ya kubeba taka; yale malori ya kubeba taka ambayo yanakaa kila mtaa yanabeba taka na zile taka zinajaa mpaka zapita kiasi.

Sasa zikiondoka zile taka zina mwagwa taka kila mahali yaani toka pale yanapotoka mpaka yafike Mwakirunge yanamwaga taka kila mahali, ambapo jambo nzuri yale magari yangekuwa na kifunikio ama neti yakafunike zile taka alafu sasa yale magari yakiwa yanaenda zile taka zimefunikwa na ile neti mpaka pale mahali zinapofika kumwagwa ikatolewa ile neti na kumwagwa zile taka.

Kwa sababu zile taka zina uchafu mwingi; kuna *pampers*, kuna mambo machafu mengi yako mle alafu bado yapita mitaani, kwenye ile mitaa badala ya taka kutolewa inaongeza taka pale.

Kwa hivyo ningeomba yale magari yawe na neti ya kufunika na yale magari ya kubeba mchanga malori yanabeba mchanga pia bila kufunikwa kukiwa na upepo ile michanga yaruka, wale wanaopeleka mahonda wenye kupeleka kwa mbio, wanaumia.

Vile ile michanga inawarukia kwenye macho ama kukiwa na upepo mwingi inaumiza, kwa hivyo ningeomba ikiwezekana itolewe sheria kuwa yale magari yote yawe na kifuniko, ahsante, chandarua ya kufunika ahsante...

*(Applause)*

**The Temporary Speaker** (Hon. Mwalimu): Yes Committee on Environment also work on this respond if what has been raised is possible, yes Clerk.

### STATEMENT

Yes Hon. Zainab Mumba.

**Hon. (Ms.) Zainab Mumba:** Thank you Mr. Speaker sir I have a statement on status of drainage on the old Mombasa-Malindi road and Kongowea near Badria Hospital.

The Mombasa-Malindi road drainage system is very poor, and it has blocked completely, water cannot flow well and this can cause flooding during the rainy season, I therefore request the contractor to take action and push to unblock the drainage system. Thank you Mr. Speaker.

**The Temporary Speaker** (Hon. Mwalimu): The same issue goes back to your Committee,

*(Laughter)*

Environment Committee, work on that issue, the Environment Committee will work with Transport Committee...

(Laughter)

Thank you Hon., yes Clerk, yes Hon. Sarah Nyamvula.

**Hon. (Mrs.) Nyamvula:** Mr. Speaker I kindly request with your permission that I give a statement

**The Temporary Speaker** (Hon. Mwalimu): Yes Continue.

**Hon. (Mrs.) Nyamvula:** Mr. Speaker this statement I informed through the House Business Committee and came when I was chairing that day, it's about unblocking the drainages in...(??) and the state in which the drainage is kept.

**The Temporary Speaker** (Hon. Mwalimu): I think the statement from Hon. Sarah Nyamvula is somehow the same as the one brought by Hon. Zainab Mumba so the Environment Committee with also the Transport Committee, what is it Hon. Sarah.

**Hon. (Mrs.) Nyamvula:** Mheshimiwa Spika ningependa kusema hivi kwamba kitu ambacho ningependa kifafanuliwe wakiwa wenzangu ambao wamepawa ile kazi ni ule mkataba; ni mkataba gani ambao hawa watu ambao wamepewa kandarasi za kusafisha ile mitaro wanapewa.

Kwa sababu Mheshimiwa amesema zile sehemu, mimi nilikuwa nataka kuwaambia haswaa zile sehemu zina nini kwa sababu tunaona Mheshimiwa Spika ukifika pale utaona kina mama wachuuzi hii mitaro husafishwa kweli ikapakuliwa lakini uchafu ukaachwa pale.

Sasa hii mikataba inasemaje kwa zile kandarasi mwenye kupewa, huwa ameambiwa akifagia aache pale? Kwa sababu wakishawacha pale mvua ikinyesha unarudi tena.

Kwa hivyo hili ni jambo ambalo taarifa yangu ilikuwa nataka nifafanue kwa sababu nataka kujua ule mkataba hawa watu wanapewa ni wanapewa mkataba wa aina gani, wapakue wawache uchafu pale ama wapakue uchafu wauondoe ili kusiwe saa zote mtu yule anapewa kazi ile ile anafanya anaenda uchafu na pale kuna watoto, kuna kina mama, kina baba, vijana, walemavu, watu wanafanya uchukuzi wa mboga.

Kwa hivyo Mheshimiwa Spika ni hayo ndio nilikuwa nataka kusema, ahsante.

**The Temporary Speaker** (Hon. Mwalimu): But I think Hon. Sarah you had one once came to this Honorable House and said that all was cleared and if am not wrong.

**Hon. (Mrs.) Nyamvula:** Mheshimiwa Spika nilikuwa na taarifa mbili; taarifa ya kwanza ni kuisafisha mitaro ambayo ilikuwa imechimbuliwa kule Bamburi Cement, nikasema kwamba ishatengezwa taarifa yangu, ya pili ilikuwa ndio hii.

**The Temporary Speaker** (Hon. Mwalimu): Okay thank you, so from Hon. Sarah's statement the Transport Committee will work on that issue and mind you Transport Committee we need the information to this Motion in a week's time and remember Transport Committee you have stored so many reports, so work on this...

*(Applause)*

Yes Clerk.

### STATEMENT

Yes Hon. Mwabashiri.

**Hon. Mwabashiri:** Ahsante Bwana Spika kwa kunipa fursa hii. Mheshimiwa Spika nilikuwa nimesimama kupata mwongozo wako; katika kama miezi miwili iliyopita nimesimama hapa kuomba taarifa kwa Kiongozi wa Walio Wengi kama Kamati ya Ardhi kuhusu Kamati ile ya County Management Board.

Lakini mpaka wa leo alielekeza Kiongozi wa Walio wengi na Kamati ya Ardhi ilete ripoti kwenye Bunge lakini mpaka leo ripoti ile hatujaipata.

Kwa hivyo naomba ni muhimu tupate ripoti kuhusu jambo hili Mheshimiwa Spika kwa sababu wananchi wetu wanapata shida sana kulingana na masuala ya ardhi. Ahsante sana.

**The Temporary Speaker** (Hon. Mwalimu): Thank you Hon. Mwabashiri the House Business Committee will allocate a day for the business to come to this House.

As you have said that it's now two months time, so hopefully the business will come in two week's time, the business in this House but the House Business Committee will plan on the day that the matter should be brought to this House.

Hon. Members with due respect statements time is over and Clerk proceed...

*(Applause)*

To the next business I have already ruled that...

*(Applause)*

*(Laughter)*

Yes Clerk.

### MOTION

Yes Hon. Hatimy, yes Hon. Hatimy, Hon. Ibrahim I have already ruled...

*(Applause)*

Hon. Hatimy proceed.

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker I beg to move the following Motion;

*(Hon. Mohamed Hatimy read)*

*“THAT AWARE that the defunct Municipal Council of Mombasa had pending legal fees which are yet to be settled by the County Government of Mombasa which is its successor by virtue of Section 58 and 59 of the Urban Areas and Cities Act, 2011.*

*FURTHER AWARE that the County Government of Mombasa inherited liabilities amounting over Kshs. 2.3 billion allegedly for goods supplied, legal fees and services rendered previously;*

*CONCERNED that the law firm of O.M Robinson & Company has a pending claim against the County Government from the defunct Municipal Council of Mombasa era amounting to Kshs.700 million;*

*CONCERNED Mr. Speaker that the same firm of Advocates also auctioned several properties within the Mombasa County during the transition period purportedly under the instructions of the County Government;*

*NOTING Mr. Speaker that the defunct Transition Authority did not hand over assets and liabilities of the defunct Municipal Council of Mombasa and that some of the liabilities including legal fees may be fraudulent and false intended to misappropriate public funds wrongfully;*

*So I urge this County Assembly to resolve that the County Assembly Public Accounts Committee to investigate the following:*

- 1. The inherited debt stock pile of the defunct Municipal Council of Mombasa be subjected to investigation including forensic audit to establish authenticity and propriety;*
- 2. That the County Treasury to suspend all payments of debts to Advocates and suppliers of the defunct Municipal Council of Mombasa era pending further investigations;*
- 3. Investigate all the departments involved in the afore mentioned matters;*
- 4. PAC to invite the Ethics and Anti Corruption Commission on the same, thank you Mr. Speaker”.*

*(Hon. Mohamed Hatimy moved the Motion)*

I beg to move Mr. Speaker, and I request Hon. Saad to second the Motion. Thank you Mr. Speaker.

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Saad.

**Hon. Faraj:** Thank you very much Mr. Speaker. I rise to second this Motion, if allowed I be able also to contribute for this very very important matter which has been brought by Hon. Hatimy.

**The Temporary Speaker** (Hon. Mwalimu): If you want to contribute just contribute.

**Hon. Faraj:** Thank you very much Mr. Speaker. Mr. Speaker the issue that is in this Motion today is a very very important issue and we should have addressed this issue during the time when we were on transition.

But Mr. Speaker we have had so many cases of this nature coming up every now and then and we hear also there are some documents which keep on vanishing with regards to pending bills, with regards to so many issues that requires....

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Duncan.

**Hon. Onyango:** Mr. Speaker is the Member in order to contribute before the putting of the question.

**The Temporary Speaker** (Hon. Mwalimu): Yes he is seconding and is in order but he has to put behind after him debating or contributing he won't get another chance to contribute so Hon. Saad you can proceed.

*(Applause)*

**Hon. Faraj:** I think Hon. as a seconder of the Motion I need to build the foundation of this Motion and that's why it is best to contribute now, and even be given a chance to contribute even after the question has been put.

Mr. Speaker the issues that have been highlighted are very critical for the well being of this County Government; the amount which is being discussed here is Kshs. 700Million.

If you look at the budget ceiling Mr. Speaker and if you do comparison of the budget of the County Assembly the amount required is more than the budget of County Assembly.



Mr. Speaker my concern is that the same company; the same law firm was involved in (??) some of the County properties during the transition period; its clearly state here that it was purported that this decision came from County Government.

Mr. Speaker I think it is high time that we stop all payment; debts are there which have been inherited by the County Government through the Public Account Committee and Finance and Budget and Appropriation Committee to investigate whatever we pay is within the law and is not misappropriated in this County government.

Mr. Speaker I think it is crucial and very important to import all machineries that is there; including the Ethics and Anti Corruption Commission (EACC) so that it can take care of this issue.

We saw what happened a few days ago when we people were coming in and harassing our officers here we felt that the respect that was given it is not there...

*(Consultation)*

**The Temporary Speaker** (Hon. Mwalimu): Proceed Hon. Saad.

**Hon. Faraj:** So Mr. Speaker it is high time this Hon. House plays its role as the overseer and this is our opportunity.

Mr. Speaker I think it is important and very crucial we do a comprehensive report and also invite other people, other stakeholders and other authorities to come and talk about this issue.

Mr. Speaker I don't have much to say but am urging Members of this County Assembly to pass this Motion. Thank you very much Mr. Speaker.

*(Applause)*

**The Temporary Speaker** (Hon. Mwalimu): Members I now propose a question to this Motion in the Supplementary Order Paper, Investigation in to the pending legal fees of the defunct Municipal Council of Mombasa be debated in this Motion.

*(Question proposed and agreed to)*

Yes Hon. Lucy.

**Hon. (Mrs.) Chireri:** Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Mheshimiwa Spika ninaunga mkono hoja hii moja kwa moja kwa sababu yanayoendelea katika Kaunti yetu ni ya aibu.

Kwa hawa wenye kudai hawafai, hawafai kabisa wanafanya mambo ya aibu; kitendo kilichofanyika juzi ni cha kudhalilisha Kaunti yetu, deni haliwezi likaja likafurisha wafanyi kazi wetu hapa na si deni la juzi ni la jadi.

Kwa nini wachukulie hili jambo waje hapa bila adabu wamepoteza adabu wamekuja kuwasumbua wafanyi kazi wetu; hichi kitendo ni cha aibu.

Pili Mheshimiwa Spika hili deni lazima lichunguzwe, mtu mmoja hawezi akafanya kazi ya mamilioni kwani kulikuwa kwafanywa kazi gani?

Milioni hizi zilizoko hapa ni kampuni moja inamaanisha kuwa ilikuwa hakuna kampuni ambazo zinafanya kazi huu ni uongo na uongo huo Mheshimiwa Spika.

Ni lazima uchunguzwe na madeni yote ya zamani yaangaliwe na yenye kukatwa yaweze kukatwa ambayo si halali inaonyesha madeni mengi ambayo si ya ukweli tunapoteza pesa zetu.

Nataka uchunguzi ufanyike na haki iweze kutendeka. Ahsante sana.

**The Temporary Speaker** (Hon. Mwalimu): Hon. Asha Hussein.

**Hon. (Mrs.) Hussein:** Thank you Mr. Speaker. Mheshimiwa Spika nataka kuchangia kupinga hii hoja ya kuwa hawa watu waliotoa huduma wakati wa Manispaa wasilipwe pesa zao.

Mheshimiwa Spika watu wameathirika sana; watu wamefanya kazi, kazi za kuonekana, kazi za mjengo tuko na wakaguzi wa vitabu yaani *Auditors* waliohitimu na inataka tuangalie wale ambao waliofanya kazi ambao ni feki walioleta hewa ni lazima wachujwe kulingana na Mheshimiwa Hatimy alivyosema.

Ila kuna watu na hii sio stakabadhi ya mwisho Transition walikuja wakatuletea hii na wakatuambia wataenda warudi watakusanya vithibitisho vyote ili ndio watu waanze kulipwa Mheshimiwa Spika...

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Saad.

**Hon. Faraj:** Nafikiri langu nikutaka kufahamu zaidi *Transition Authority* hawajaanza kazi jana wala leo na mpaka leo tumekaa tunasubiri *Transition Authority draft* watuletee?

Hatutaiona hata tukimaliza uongozi wetu katika Bunge letu, akiwa amepewa hakikisho na tarehe kuwa *Transition Authority* watatuletea ripoti zao basi itakuwa vizuri atuelekeze basi tuzingoje. Ahsante.

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Serah.

**Hon. (Mrs.) Nyamvula:** Ahsante sana Mheshimiwa Spika mimi ninavyojua *Transition Authority* ni kazi yao sasa sijui itatuletea nini?

*(Laughter)*

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Asha.

**Hon. (Mrs.) Hussein:** Mheshimiwa Spika kulingana na wakati uliowekwa katika katiba ya *Transition Authority* ndio waliweza kuja lakini Mheshimiwa Spika kazi hii ya *liabilities, debts and assets* ilipewa *Transition* jukumu hili na....

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Tom.

**Hon. Ogalo:** Mheshimiwa Spika ningependa Mheshimiwa aseme kama ana *effect* na hii kesi...

*(Applause)*

**Hon. (Mrs.) Hussein:** Mheshimiwa Spika sina ushawishi ila waliofanya kazi wako katika hiki kitabu; rekodi zao ziko na sisi tuko na Wakili, sisi tuko na *Auditors, Internal Auditors* na *External Auditors* wanaoweza kuifanya shughuli hii bila kuhusisha shirika linalopigana na ufasadi nchini.

Bwana Spika tuko na ma afisa waliohitimu; kwa nini mtu amefanya kazi anadai haki yake asilipwe iwe ni huyu Mr. Robinson awe Robinson pekee yake lakini sio watu wote Mheshimiwa Spika.

Ikiwa anachunguzwa achunguzwe Robinson pekee yake lakini si *suppliers* wote wala *contractors* Mheshimiwa Spika kwa sababu kazi ziko za kuonekana ikiwa wewe umepewa kazi ya mjengo *Auditor* akienda pale ataona akijenga anathibitisha na anaona kila kitu yule mtu alipwe kazi yake maanake amekopa pesa kujenga leo msipomlipa ataishi vipi? Ahsante Mheshimiwa Spika.

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Patrick Siminyu.

**Hon. Siminyu:** Mr. Speaker I, 100% support the Motion. Mr. Speaker our role as County Assembly is to oversight and if we are not going to oversight money, tax payers money we will be doing wrong to our people.

Mr. Speaker Sir, from reliable information Robinson company have already been paid shs 100 million; the same company has sold some of our assets, and now they are saying we owe them shs700 million for one year, and somebody is saying we should not investigate it, we must be crazy.

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We must investigate each every transaction that have been done by former defunct Municipal, they had a lot of corruption during that time and our Public Accounts Committee has to do its mandate and investigate each and every contract.

Mr. Speaker there are no cases that are attached that have been handled by this Company; we have to see each and every case and what amount is owed so that we can pay money of which we are sure the service have been rendered but we cannot pay money just like that and the money belongs to the Kenyan people and this is wrong.

I fully support this Motion because it will be that we are doing our mandate and it has to be fast tracked and we are not saying that they should be paid but investigations for each and every transaction that is what we are saying.

So that when we are paying we are paying for the service delivery, the suppliers in the former Municipal people used to supply air, so that means we have to pay for air without investigating.

Mr. Speaker we have to take our baton as elected leaders and investigate each and every matter, I fully support this Motion. Thank you Mr. Speaker.

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Odari?

**Hon. Odari:** Thank you Hon. Speaker for allowing me to voice my opinion for the Motion at hand.

Hon. Speaker I rise to support this Motion 100% that the Public Accounts Committee investigates all the debts that have been inherited from the former or the defunct Mombasa Municipal before anything is done with regard to payment of these debts, with regards to Mombasa County.

It is common knowledge that the former Municipal Council of Mombasa was in deep rot; it was in ICU because of so many debts and corruption in all the departments.

We know what was going on and unless we investigate it is not proper for the County Government of Mombasa which has inherited the former Municipal Council to bear the brunt of this debt which unscrupulous people have benefited themselves individually and severally through corrupt practices.

Hon. Speaker these debts must be investigated by the Public Accounts Committee to establish whether they are authentically or fictitious; who doesn't know that there was a lot of air suppliers who have claims over goods and services which were never supplied.

So Mr. Speaker it is only prudent for this government or for this Assembly through the Public Accounts Committee to pass a resolution that all the debts of the former Council of Mombasa be investigated without any reservation.

They should be investigated for us to establish whether they are true debts or fictitious debts which came about as a result of corrupt practices which were undertaken by officials of the defunct Municipal Council. Thank you Hon. Speaker.

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Thoya?

**Hon. Thoya:** Ahsante sana Mheshimiwa Spika, nimesimama katika Jumba hili tukufu kuunga mkono hoja ambayo imeletwa na Mwenyekiti wa Fedha.

Manispaa ambayo ilipita kabla ya kuja kwa serikali za ugatuzi zilikuwa na mambo mengi na nashukuru kwamba serikali za ugatuzi zimekuja kuweza kutatua baadhi ya matatizo haya.

Ni kweli hata kama serikali za Manispaa zilikuwa na madeni na madeni haya yalikuwa yamepishwa yalipwe na serikali ya Kaunti nafikiri kulingana na katiba ni serikali ya Mombasa peke yake ambayo ni jiji na serikali ya baraza la Nairobi ambayo pia ni serikali na pia ni jiji.

Mheshimiwa Spika kisheria serikali hizi mbili ambazo ni Kaunti za jiji zilikuwa na mamlaka ya serikali kuu kwamba yale madeni ambayo yalikuwa yamerithiwa katika yale majiji yalikuwa ni lazima kwanza yaweze kubebewa na serikali kuu alafu baada ya hapo ni wakati wa mpito serikali za ugatuzi zianze kuanza kazi zake zikiwa hazina madeni.

Ni masikitiko kwamba shirika la *Transition Authority* ambalo lilikuwa limeaminiwa kwamba litaleta mabadiliko kutoka kwa Manispaa kuja kwa serikali za Kaunti kwamba wao waweze kuchukua majukumu ya kuweza kuchukua madeni ambayo yalitoka katika Manispaa wakaweza kuyalipa wale ambao walikuwa wanadai.

Na pili zile mali ambazo zilikuwa ni za baraza wakati ule kabla ya kuja kwa serikali za ugatuzi wakaweza kuziua kupitia kwa wale madalali na kuwapatia nafasi serikali za Manispaa kuja katika serikali za ugatuzi.

Kwa hivyo tayari kosa limefanyika, ni jukumu la Bunge hili kuweza kuhakikisha kwamba madeni yale yote yamechunguzwa na iwapo kosa litapatikana Mheshimiwa Spika zile *asset* zote ambazo zilikuwa katika serikali ya Manispaa ziweze kurudishwa rasmi ili tuweze kuhakikisha kwamba serikali yetu ya Kaunti ina rasimali za kutosha itakayoweza kutuendesha, ili tuhakikishe kwamba shida hizi ambazo tulirithi kutoka kwa serikali za Manispaa zisiweze kuingia katika mamlaka ya serikali za Kaunti.

Kwa hivyo kosa lilifanyika, uchunguzi ufanywe basi sheria ichukue mkondo na haki iweze kutekelezwa. Ahsante sana Mheshimiwa Spika naunga mkono mia chini ya mia.

**The Temporary Speaker** (Hon. Mwalimu): Hon. Nyamvula.

**Hon. (Mrs.) Nyamvula:** Thank you Mr. Speaker for giving me this opportunity, first I support this Motion by the Finance Chair.

There are so many things which have happened because the new structure of the Kenyan government; the handing over of the old to new never happened, that is why a lot of money, a lot of assets we can actually go round and in our local estates.....

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): Hon. Patrick? Proceed Hon. Nyamvula.

**Hon. (Mrs.) Nyamvula:** So when you go to the estates you can even see what used to happen; some of the stalls which are in the middle of an estate are private property belonging to somebody.

So you just wonder how that happened, but coming to this Motion I just want to remind Hon. Members that in the early 2014 I think a Motion came here and we passed it, when we wanted to rescue the Buxton estate.

We authorized that money be paid so that we can pay the estate and one mistake that they did; it is in my mind to date a Hon. Member stood and said with others we had intended on Buxton but it was cleverly done and it went through and that triggered that it was not the Buxton that we are paying off but somebody amended that others.

That was really sad because that is the day that we gave some of these crooks the go ahead.

So then somebody who wants to pay up will just come and say we passed this Motion but Mr. Speaker coming to this I also want to point out the Motion that somewhere within this Motion mentions that staff; all this cannot have happened without the help of our staff.

We have very important departments because how does somebody who doesn't work here know how to push the paper until the Kshs.1 Million comes out and not Ksh.1Million but Kshs 100Million.

So there has to be inside information and the only way we can get to the root of this subject is to get external people to come and investigate us...

*(Applause)*

As much as we want to do it ourselves Mr. Speaker if we think, which is very unfortunate expect us to get a good answer so it is naturally we get somebody from outside so that we get...

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): There was a point of information.

**Hon. Siminyu:** Mr. Speaker in this document if you look at it clearly it is saying that we invite the Anti-Corruption Commission; it is an external commission Mr. Speaker.

**Hon. (Mrs.) Nyamvula:** But Mr. Speaker going for a forensic audit I think it is very important to understand what forensic audit is before we panic and think what is going to happen.

The forensic audit we are always requesting, we always hear of forensic audit this is a term but it's just an audit where we will get the information if you...

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): There is a point of information.

**Hon. Mohamed Hatimy:** I want to...

**The Temporary Speaker** (Hon. Mwalimu): Use your mic.

**Hon. Mohamed Hatimy:** Mr. Speaker PAC works with the Auditor General and the Anti-Corruption.

**Hon. (Mrs.) Nyamvula:** So Mr. Speaker as much as we would like to look at it ourselves but the structure when it comes to public property we have organs who...for the purpose of not to be biased I still believe that my dear Hon. Member as long as we can get to see that company did deliver I am sure they will pay all that we are asking, let the right people be paid not people who supplied air...

*(Applause)*

Because these are issues which are known; some areas you get people to supply air and so I do not think there should be an issue here.

Let us support the Motion, let the engine start for investigation; in fact Hon. Members am so glad and I do not know if we have been following the next 2017 is currently being structured, something that we borrowed from 2013.

The 2017 structure that will be handed over will ensure that we are set, the public management sector here, I do not think the Motion is aiming at anybody.

The Motion is just trying to see who supplied and if he supplied give us your papers, where is the LPO and everything else. Thank you Mr. Speaker.

**The Temporary Speaker** (Hon. Mwalimu): Yes Chief Whip.



**Chief Whip** (Hon. Ahmed Ebrahim Omar): Thank you Mr. Speaker for giving me this opportunity to give my opinion on this.

Mr. Speaker I stand to fully support this Motion regarding payment of the suppliers or people who offered services to our Municipal government the past years.

Mr. Speaker as you know since the new government from Municipal Council to County government we are the successors by virtue of Article 58 and 59 of Urban and Cities Act.

Mr. Speaker there are a lot of people who did supplies at that time but the Transition Authority did not hand over assets and liabilities of the Mombasa Municipal to us properly.

So some of these supplies might be fraudulent Mr. Speaker, and honestly speaking some of us are very young in our careers we want to become the Governors of this county, maybe In shaa Allah become the presidents of this great country ....

*(Applause)*

So we cannot let such a thing to happen while we are in charge of this Assembly Mr. Speaker; we let someone get paid Ksh.700Million, the same person auctioned the properties of the County government.

We do not know the value of the property, maybe they only owed us Kshs 50 Million, we might not know.

I support this Motion because we need to thoroughly investigate this issue Mr. Speaker so that the government funds are not misappropriated because we must protect the County, we must protect the taxpayers money.

So I stand to support this Motion and this also applies to those who did work in the Municipal Council should be thoroughly investigated.

Make sure all the work they did was legal so that we can pay, so that they are also human because that is the source of money they have to help themselves they will get paid but first Mr. Speaker I urge my Honorable Members to support this Motion because fraudulent supplies get investigated.

The County Government is willing to pay only if the thing is legal Mr. Speaker. Thank you.

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Riziki Fundi.

**Hon. Fundi:** Ahsante Bwana Spika kwa kunipatia nafasi hii niweze kuchangia katika hoja ambayo imeletwa mbele yetu.



Mheshimiwa Spika kwanza nataka nizungumze kwamba sisi Waheshimiwa ambao tumechaguliwa tuje tufanye kazi kulinda wananchi na tuna mikakati ambayo lazima tutumie wakati tunafanya kazi.

Hili Bunge labda nikitumia lugha ya Kiingereza tusiwe '*reactive*' kwa kuwa jambo limetokea sasa ndio tunawaka; sababu jambo fulani limetokea sasa watu wote wametoka usingizini.

Mheshimiwa Spika hili ni swala lataka lichukuliwe makini sana; kwanza tupate hesabu kuanzia tulipoingia 2013 wale ambao washalipwa kwanza tuwajue, wale waliokua na madeni yao ya zamani na washalipwa kwanza tuwajue isiwe kwamba tumeona kwamba sasa tumeletewa mtu fulani hatumpendi na kwa sababu ametushika shingo ndio tuseme ooh asilipwe.

Mheshimiwa Spika hii ni pesa ya wananchi na ikiwa ni pesa za wananchi lazima tuangalie kwamba wale ambao walifanya kazi walipwe kwa sababu ni haki yao na wale ambao walifanya kazi za uongo pia walipwe wajulikane.

Lakini kufikia sasa Mheshimiwa Spika tumekaa hapa yapita takriban miaka minne na kuna watu washalipwa pia katika hichi kipindi, isiwe sasa huyu anadai ndio tunataka kuja mbio kusema huyu anadai kiasi fulani, kwa sababu Mheshimiwa Spika tunataka tuletewe orodha ya wale ambao wameshalipwa....

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): There is a Point of Order.

**Hon. Faraj:** Ahsante Mheshimiwa Spika, swala lilioko sio hela hizi peke yake ambazo zitazungumziwa katika milioni mia saba.

Ukisoma katika zile *resolutions* ukisoma *resolution* ya kwanza imezungumza wazi kuwa ukinirohusu niseme kwa Kiingereza, "*The inherited debts of defunct Municipal Council of Mombasa be subjected to investigations, including forensic audit to establish our authenticity and propriety*".

Hii inaonyesha wazi Mheshimiwa Spika hatushughulikii deni ambalo limezungumziwa hapa peke yake, bali ni madeni yote ambayo kwamba yameshalipwa, na yale ambayo yatarajiwa kulipwa, nafikiri tuwekane sawa ili tupate kuelewa, ahsante.

**Hon. Fundi:** Mheshimiwa Spika akili yangu imetulia sana sio kwamba sielewi ninacho kizungumza, labda pengine niwapeleke katika mswada katika maombi nambari '2', "*That the County Treasury to suspend all payments of debts*".

Hilo neno moja kuonyesha ya kwamba hapo nyuma kabla ya leo kulikua na madeni yakilipwa yale ya zamani sasa kabla hatujaingilia yale ambayo yanataka kusimamishwa kwanza

tujue yaliolipwa ni yapi; yalikua ya ukweli ama sivyo kabla hatujaingilia hili swala la milioni mia saba.

Yaonekana kuna wengine walikuwa washalipwa wana madeni yao tangu Manispaa.

Kwa hivyo Mheshimiwa Spika tunacho kiomba kwanza tuletewe orodha isiwe watu wamekuja hapa, Wanachama kuja kujiombea kazi ya kwenda kukaa mahali siku sita saba kufanya udadisi wapate senti na kumbe twataka tuelewe chanzo na kiini cha haya mambo ni nini...

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Serah.

**Hon. (Mrs.) Nyamvula:** Nafikiri Mheshimiwa ndio mimi nikasema tukienda kwa *Hansard* kuna mswada tulipitisha ya kulipa Buxton na wengine.

Kwa hivyo kusimamisha Mheshimiwa ni sawa kuwa vitu vilishalipwa kwa sababu tulipitisha Mswada hapa, ahsante Mheshimiwa Spika.

**Hon. Fundi:** Mheshimiwa Spika naomba Waheshimiwa wasikize kwa makini; natangulia kusema ya kuwa kuna madeni, wakati tukitengeza bajeti yetu ya kwanza mimi nilikua Mwenyekiti mdogo wa bajeti kulikuwa na shilingi 2.9 billion madeni tuliochukua huko nyuma.

Sasa hii mia saba inawezekana iko katika ile shilingi 2.9 billion lakini nina hakika kwamba ile deni haitabakia pale pale; kuna wengine wameshalipwa.

Kwa hivyo tukitaka kujua kwanza kuanzia 2013 tuingie hapa mpaka kufikia leo yale madeni yaliokua ya zamani waliolipwa ni kina nani na wamelipa pesa ngapi, kabla hatujaangalia kusimamisha Mheshimiwa...

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Kibwana.

**Hon. Kibwana Swaleh:** Thank you Mr. Speaker, i think my friend here who i do respect is beating around the bush.

I think if you feel that the Motion is not (??) because there are issues we want to settle in Mombasa in the Motion you should have given us evidence that there are people who have been paid.

I think what he is telling us is just rumour mongering that there are people who have been paid and he has no evidence to show that.

So Hon. Speaker let's concentrate either you support the Motion or you go against it.

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): Hon. Jimmy.

**Hon Fundi:** Mr. Speaker one cannot stand on another point of order.

**The Temporary Speaker** (Hon. Mwalimu): He is in a point of information. Hon Jimmy.

**Hon. Odari:** Thank you Hon. Speaker I think as a point of information I think Hon. Riziki what he wants to say here he is requesting for a back date of all the payments that have been made since 2013, and then i think it's not proper for a Hon. MCA from Miritini to say that Hon. is rumour mongering. It's not a Honorable word i wish he withdraws that.

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Hatimy.

**Hon. Mohamed Hatimy:** Mheshimiwa Spika nilikua nataka kujulisha Nyumba hii tunaposema tunataka kufanya *forensic, forensic audit* itasema *pending* zilikua ni ngapi, nani amelipwa nani hajalipwa.

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Riziki Fundi.

**Hon. Fundi:** Mheshimiwa Spika hilo ombi ambalo limetolewa, tusijiweke wakati tunapovuta mkokoteni unaweza ukaamua wewe ukae mbele uvute mkokoteni au ukakaa nyuma ukausukuma mkokoteni.

Kwa hivyo hapa mimi nataka tusukume mkokoteni tusiuvute mkokoteni, haya ni mambo mazito na tusilete dhihaka katika kazi ambayo ni muhimu sana.

Hii ni pesa ya wananchi ikiwa tumeshtuka kwa sababu ya shilingi 700 milioni kwa sababu wafanyi kazi wetu wameshtuliwa mpaka tukashtuka kwamba wanataka kuchukuliwa hatua kwa madeni ambayo yalipitishwa hapo zamani lakini hatukushtuka wakati madeni mengine yalikua yakilipwa.

Kwa hivyo maoni yangu nataka uyaangalie vizuri Mheshimiwa Spika kwa hivyo tunasema kabla hatujafanya hiyo *forensic audit* tunataka tuambiwe ni a kina nani wameshalipwa kuanzia 2013 mpaka saa hii, isiwe watu fulani washajilipa sasa wanajua kwamba wao yao yashaisha watu wengine wawakanyagie.

Mheshimiwa Spika hilo ni swala lazima tuliangalie kwa makini sana kwa sababu hizi ni pesa za wananchi sio za Riziki Fundi wala sio za mtu yoyote.

Kwa hivyo Mheshimiwa Spika tukiangalia hayo maombi vile ambavyo yameandikwa nimekusomea ya pili imeandikwa kusimamisha; ni kuonyesha kwamba tulikua tukilipa lipa hapo

nyuma sasa ndio tunataka tuletewe tuyaone hayo madeni ambayo tulilipa tuwajue wale ambao walilipwa. Natumai Mswada huu ni mzuri kweli, nauunga mkono.

*(Laughter)*

Lakini tusiwe tunaangalia mkono wa kushoto umefanya nini na mkono wa kulia hatutaki kujua...

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Hatimy.

**Hon. Mohamed Hatimy:** Mheshimiwa Spika mawazo yangu ni kusema kuwa kama anajaribu kuirekebisha huu Mswada ama anaingiza sheria za nidhamu za Bunge nambari 52 kama sivyo basi nafikiri twaweza kuendelea.

**The Temporary Speaker** (Hon. Mwalimu): Hon. Riziki I think your time is almost up.

**Hon. Fundi:** Mheshimiwa Spika mimi kwa kumalizia tu ningesema pesa ambazo tunazilinda ni pesa za wananchi, tuwe makini sana tukae ngangari tuhakikishe kwa saa hii hazipotei lakini pia tujue kwamba kuna watu ambao wamefanya kazi za haki ingawa wamefanya huko nyuma.

Kwa hivyo wale watu pia tusiwadhulumu kwa sababu sisi tunataka kumfurahisha mtu mmoja au wawili, kwa hivyo wale ambao walikua na pesa zao za halali tusiwasimamishie ulipaji wao wa pesa wakati wengine wameingia katika biashara pesa zao wameziweka hapa zimekaa miaka minne, mitano.

Mheshimiwa Spika hiyo pia twataka sisi tuangalie kama wananchi kwa sababu tuko hapa kama Waheshimiwa lakini sisi ni wananchi pia wa Mombasa.

Kwa hivyo ahsante Mheshimiwa Spika.

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Ibrahim Kondo.

**Hon. Ibrahim Kondo:** Ahsante Mheshimiwa Spika, nimesimama kuungua mkono kwa dhati mswada huu.

Kwanza kabisa ningependa kumpongeza ndugu yangu Mheshimiwa Riziki Fundi kwa kuunga mkono mswada huu.

Mambo yako wazi maombi yamewekwa wazi Mheshimiwa Spika na baadhi ya mambo ambayo yako hapa ni yale yale yamerudiwa.

Kwa hivyo langu ni kusesitiza tu kwa haraka kikao hiki ha PAC kianze kufanya uchunguzi wake ili ituletee majibu mwafaka na ningependa ndugu yangu Mheshimiwa Riziki wakati anasema watu wanajitafutia pesa ni kama atakua anazidi kudhalilisha Nyumba hii.

Ikiwa miswada inaletwa na kuilekeza kidole cha lawama kwamba baadhi ya Kamati zinatafuta pesa kwenda kuleta maswala ambayo yanahusika na Nyumba hii na masuala ya wananchi wa Mombasa.

*(Applause)*

Mheshimiwa Spika ndugu yangu Mheshimiwa Riziki Fundi nampenda sana...

**The Temporary Speaker** (Hon. Mwalimu): Hon Ibrahim address the Motion.

**Hon. Ibrahim Kondo:** Ahsante Mheshimiwa Spika nazidi kuelewesha Nyumba hii ya kwamba ndugu yangu ambae ni Mheshimiwa katika Nyumba hii aelewe kazi zinavyofanywa..

*(Interruption)*

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Mwabashiri.

**Hon. Mwabashiri:** Ahsante Mheshimiwa Spika, masuala ya kusimama ati Mheshimiwa yule anataka watu wakale pesa huu Mswada umekuja ni muhimu sana ikiwa Ibrahim Kondo amepata nafasi ni vizuri asimame ajadili hii ripoti.

Hapa kuna mtu anataka alipwe milioni mia saba; siku zote haonekani anaonekana juzi, lazima yazungumzwe hapa, masuala ya Mheshimiwa Riziki kuzungumza kwamba kuna wengine wanalipwa wasitengwe wale ambao hawajalipwa kuna miradi imekwama na mpaka leo haiendelei kwa sababu wao wanadai Kaunti na Kaunti haitaki kuwalipa.

Kwa hivyo masuala haya ni muhimu namuomba ndugu yangu ajadili mambo haya.

*(Applause)*

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Kondo.

**Hon. Ibrahim Kondo:** Ahsante Mheshimiwa Spika, kizungu ndio kinatatiza hapa.

*(Laughter)*

Na maombi nafikiri zimewachanganya wale waliokua wamesimama na kuanza kupinga mswada huu Mheshimiwa Spika.

Kwa hivyo mimi Mheshimiwa Spika naunga mkono na nasema kazi hii ianze kwa haraka ili jambo lililotokezea lisirudiwe tena katika uongozi wa Kaunti ya Mombasa, ahsante sana.

**The Temporary Speaker** (Hon. Mwalimu): Yes Hon. Riziki.

**Hon. Fundi:** Mheshimiwa nimekubaliana na swala lake lakini nataka nimfahamishe kwamba sisi kama Kaunti hili swala pia linatuhusu sana.

Kwa hivyo ikiwa kuna ile dadisi ambayo itafanywa ifanywe hapa kwa chumba cha mikutano ili na sisi tuweze kuchangia yale mambo ambayo tunayo, isiwe watu watatoka hapa waende Ukunda na sisi tunataka kuchangia.

*(Laughter, Applause)*

**The Temporary Speaker** (Hon. Mwalimu): Hon. Riziki as you saw in the recent when Nyeri MCAs wanted to impeach the Governor a Motion was brought in the House for investigation to continue in the House.

So if you want the investigations to continue wherever any place you wish you are also allowed to bring a Motion but am sure even the Public Account Committee sittings were conducted in this Hon. Chamber.

So you are allowed to come and put whatever input that you have in this so Hon. Members unless there is somebody who is opposing this Motion because i have seen only one person opposing Hon. Asha Hussein who has opposed this Motion.

So i rise Hon Members to put a question on this issue as per Chapter 6 of our constitution; Members are responsible to be accountable to the people through your actions and decisions.

Hon. Members you have to put into considerations that also we have signed a code of conduct of which am sure whatever was being debated in this Motion is a matter of concern, it's a crucial issue and it is an issue of public funds and Hon. Members you as leaders you have to stand firm to protect *wananchi's* public funds.

So i hereby put a question that the Motion on the Supplementary Order Paper number two on the investigation into the pending bills of the defunct Municipal Council of Mombasa be adopted in this House.

With the prayers brought by the mover of this Motion and mover should put into consideration that if he intends to change the prayers must be brought in this Honorable House to change the prayers he intends to change.

*(Question put and agreed to)*

*(Applause)*

## ADJOURNMENT

Hon. Members the House stands adjourned until Tuesday afternoon.

The House rose at 4:10pm.