

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**

Wednesday, 7th September, 2016

The House met at 2.32pm.

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

PRAYERS

The Temporary Speaker (Hon. Mwalimu): Hon. Members you may sit, yes Clerk.

NOTICE OF MOTION

Hon. Enock Mwadziwe.

Hon. Mwinga: Thank you Mr. Speaker. Mr. Speaker maybe before I give my Notice of Motion, guide us because we have two order papers; so I don't know which one is...

The Temporary Speaker (Hon. Mwalimu): One is a supplementary Order paper so let us proceed Hon. Enock.

Hon. Mwinga: Thank you Mr. Speaker. Mr. Speaker I would like to give a Notice of Motion concerning familiarization with Ward Administrators.

NOTICE OF MOTION**FAMILIARIZATION WITH WARD ADMINISTRATORS**

That aware that the office of the Ward Administrator is established pursuant to Section 51(1) of the County Government Act 2012;

Speaker Sir, further aware that they are employed by the County Public Service; Recognizing that they play a critical role in service delivery in the wards and hence the need for peaceful co-existence with the MCA's within the Ward;

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Mr. Speaker concerned that since the Ward Administrators were employed, they have not been formally introduced to the Members of the County Assembly and this may undermine the working relations;

Mr. Speaker i urge this assembly to resolve that;

1. The County Secretary with the County Public Service to arrange for a forum where the Ward Administrators will be formally introduced to the MCA's to enhance service delivery within the Wards.

Thank you Mr. Speaker.

The Temporary Speaker (Hon. Mwalimu): Yes Clerk.

NOTICE OF MOTION

Yes Hon. Saad, Supplementary Order paper.

Hon. Faraj: Thank you Mr. Speaker, on behalf of Hon. Hatimy the Chairman for Finance, Budget and Appropriations I would like to give the Notice of Motion on Authorization to utilize Kshs. 1,006,557 for Governor's office rent in Nairobi.

Mr. Speaker;

That aware that the Council of Governor's is a statutory body and has provided offices for all County Governors on rental basis in Nairobi.

Further aware that the County government of Mombasa County executive budget for 2016/2017 has no allocation for office rent.

Noting that His Excellency the Governor's office in Nairobi has outstanding rent arrears amounting to Kshs. 1,006,577 to date.

Concerned that failure by the County government of Mombasa to settle these arrears would be detrimental to His Excellency the Governor's duties'.

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I therefore urge the County Assembly to resolve that:

- 1. The Committee on Finance, Budget and Appropriations resolve to recommend to the County Assembly that the expenditure of Kshs. 1,006,577 be paid using the County Assembly's office rent vote.*
- 2. That the funds of the foregoing expenditure be paid by the County treasury from the County executive.*

Thank you.

The Temporary Speaker (Hon. Mwalimu): Hon. Saad and Hon. Duncan unless the mover asks for a leave from this House to allow the Notice of Motion to be discussed I will give the opportunity but if the mover does not ask for a leave we will proceed, yes Hon. Hatimy.

Hon. Mohamed Hatimy: Mr. Speaker I seek leave to seek this notice to be moved today Mr. Speaker. Thank you.

(Question proposed)

The Temporary Speaker (Hon. Mwalimu): I will propose a question for the Hon. House to either consider the need to discuss as proposed by the Chairman of Finance.

(Question proposed and agreed to)

Yes Clerk.

NOTICE OF MOTION

Hon. Ndanda as per your request that you brought in front of my office, is that you wanted to amend this to a statement right? permission granted. Yes Clerk.

STATEMENT

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

Hon. Kibwana Swaleh: Thank you Hon. Speaker.

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(Interruption)

Hon. Amur: Mr. Speaker there's a virus in the machines we cannot get clear information please can we get better and clear information, thank you. The microphones have got virus.

The Temporary Speaker (Hon. Mwalimu): Thank you Hon. Murfad, Hon. Kibwana may you proceed, Hon. Kibwana proceed.

Hon. Kibwana Swaleh: Thank you Hon. Speaker for allowing me to read my statement to this Hon. House on the engagement in uncontrolled gambling within the villages by the Chinese.

Hon. Speaker, this is my concern that imagine I was just going around my Ward and I also happen to go to visit other Wards; I found out that the Chinese nowadays have established some sort of gathering in open areas in every market place in every corner of a village where they have established a box where they are doing gambling.

Hon. Speaker my concern is a concern to other Members, and is that this gambling is creating a lot of insecurities and also it brings some theft in these areas.

Hon. Speaker it is my concern regarding also the youth that they also play this gambling and we are aware that we have schools and education standards are becoming low and I think to me this is a very dangerous trade so I think I would just ask this Hon. House to see how we can control this gambling as it is destroying our youth who are our future leaders. Thank you Hon. Speaker.

The Temporary Speaker (Hon. Mwalimu): Hon. Thoya, I hope you are not contributing on this statement.

Hon. Thoya: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika si nia yangu kuweza kuchangia.

The Temporary Speaker (Hon. Mwalimu): Are you contributing on this statement?

Hon. Thoya: Si nia ya kuweza kuchangia bali kutokana na tatizo ambalo Mheshimiwa ameleta, ningeomba kama itawezekana kupitia kwa kiti chako tupate nafasi ya kulijadili kwa

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sababu hata kwangu, mtaa umeharibika kwa sababu ya hizi kamare ambazo ziko katika kila kichochoro. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Mwalimu): Thank you Hon. Amir Thoya, but first I will give an opportunity to the Youth, Gender and Sports committee to follow up this matter and by their report it is going to, the report it is going to be debated in this Hon. House and I would like the Committee, the named Committee to take this matter as an urgent issue that will need to be discussed in this House in a week's time.

So Youth, Gender and Sports, work on this issue and if possible you can also engage the Trade Committee and Childhood, Security and Tourism if you wish but take this matter as an urgent issue and in a week's time we need the report to be discussed. Yes Clerk.

STATEMENT

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

Hon. Ibrahim Kondo: Ahsante Mheshimiwa. Mheshimiwa Spika nimesimama mbele ya Jumba hili ili kuweza kuongelea kitengo ambacho ni muhimu, ni kitengo ambacho kimeshikilia nafasi kubwa katika Kaunti yetu ya Mombasa, kitengo cha wazima moto.

Mheshimiwa Spika kuna matatizo ambayo yanajitokeza kila leo kupitia kwa kitengo hichi, bidii na juhudi ya Gavana wetu kutuletea magari mapya ya wazima moto, ambapo magari yale yana manufaa ya kila namna.

La kusikitisha Mheshimiwa Spika magari yale hayajaweza kutolewa na bado yamekaa yamewekwa katika *store* ya ofisi kubwa ya wazima moto na mbali na hayo wafanyi kazi wanatatizika wakati wanaenda katika shughli ya kuzima moto.

Mheshimiwa Spika magari yamekuja na kila kitu, yamekuja na viatu vya kupambana na moto, nguo za kupambana na moto, kofia za kupambana na moto, lakini ajabu ni wiki iliyopita ilitokea moto katika maeneo ya Jomvu na kukawa na shida mpaka gari ikabidi kutaka kuchomwa kwa sababu baadhi ya vifaa ambavyo ni vya mawasiliano pia havimo na vinapelekwa katika

store ambako wale wahusika wanaenda kuzima moto bila kuwa na mawasiliano kupitia wanaohusika na mambo ya usalama.

Nikisema hivyo ni kwamba wazima moto wanapokwenda katika shughuli lazima waandamane aidha na polisi au vile vile waandamane na askari wetu wa Kaunti.

Ningependa Mheshimiwa Spika swala hili tulichukulie na uzito ili wale wahusika waweze kuwa katika hali nzuri. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Mwalimu): Committee on disaster and security the two committees to work on this statement and not less than or in two weeks time we need the report in this Hon. House. Yes Hon. Siminyu.

Hon. Siminyu: Mr. Speaker I have a statement if you allow me.

The Temporary Speaker (Hon. Mwalimu): I think we'll have the statement for Hon. Ndanda first and then we will consider yours.

Hon. Mohamed Ndanda: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi niko na taarifa ambayo inahusiana na FKF ambayo ni Football Kenya Association ya kwamba shirika hili la soka hapa katika Kaunti yetu, kaunti yetu iliweza kuchangia vya kutosha ili kuweza, zile kazi zake ziweze kuendelea vizuri.

Naweza kutoa mfano ya kwamba kupitia ile akiba ambayo inaitwa kupitia Hassan Joho Foundation, iliweza kugharamia Kshs. 900,000 na vile vile pia hapa mwaka wa kwanza Kaunti yetu ikalipa Ksh. 2,800,000, mwaka tena wa pili Kaunti yetu ikachangia katika mfuko ule ule ili zile ratiba zake ziweze kuendelea, FKF ikatoa Kshs. 3,500,000 na zile zengine tuliweza kuchangia kama Mombasa kaunti.

Lakini maajabu ni kwamba Mheshimiwa Spika kuna kitengo kinaitwa Mombasa Coast Branch sasa wanataka kuvunja hili shirika ambalo liko hapa katika Kaunti ambapo mimi nimeona, vile ambavyo sisi tulikuwa tunataka kukuza zile talanta za vijana zitakuwa zimepotea na pia zile pesa zetu ambazo tumeekeza pale ndani, zitakuwa zimepotea na zaidi ya hivyo katika

katiba yao hio ambayo sasa hivi wanatumia, ni kwamba wao walikuwa wanatumia kitu kinaitwa *province* na saa hii sisi tuko na kaunti.

Kwa hivyo Mheshimiwa Spika kupitia taarifa yangu nilikuwa ninaomba kama Bunge hili kupitia uwezo wako vile utakavyoamua tuweze kumuita ama tuwaite wale maafisaa wa *Coast Branch* na iwapo watakataa kufika katika ile Kamati utakayoiidhinisha basi na sisi kama Kaunti tuweze kuwafungia wasifanye shughuli yoyote mpaka waweze kukubaliana na sisi Mombasa kaunti kwa sababu vijana wetu watakuwa hawawezi kufaidi na vile vile sisi kama Kaunti tutakuwa tumepoteza kama vile ambavyo ilikuwa nimetoa mifano ya kwamba kama Kaunti zimechangia hivi sasa karibia Milioni saba. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Mwalimu): Thank you Hon. Ndanda the Committee on Youth, Gender and Sports to work with the Committee of Finance because i have seen some financial issues.

The two Committees to work together and as the prayer to summon the respective people and we need the report in two weeks time so the two committees to work on this issues. Yes Hon. Hatimy.

Hon. Mohamed Hatimy: Mheshimiwa Spika kama itawezekana usitupe siku nyingi kwa sababu kama wameweza ku *clear* Kaunti yetu Mombasa Kaunti kwa sababu kama tumeweza kukaa siku tatu ya kueleza dira ndani ya Mombasa hii Kwa hiyo kama tunaweza kufanya kwa muda mfupi vile inavyowezekana kwa sababu itakuwa vijana wetu wanaumia ikiwa wamezuiwa kucheza mpira.

Kwa hiyo naomba kama itawezekana utupatie wiki moja hili jambo hili tulitatie Mheshimiwa Spika. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Mwalimu): Well I think it will depend on the two Committees if you will work the quickest time possible to bring that report then in a week's time the Assembly will receive the report so the Hon. Chairs for Youth she's around you will work

with the Finance Committee as the Finance Chair has stated that it is a burning issue so please if possible try as soon as possible to bring back the report to this Hon. House. Yes Hon. Siminyu

Hon. Siminyu: Thank you Mr. Speaker. Mr. Speaker I will like to support the representation of Mombasa County in several activities, including the just the concluded Mombasa Show.

Mr. Speaker there was no representation of the Assembly; there was no any stand there. Mr. Speaker as i remember last few weeks we were at Meru at the Governor Councils there was no stand for Mombasa County.

The Mombasa County Assembly each and every County Assembly had a stand but to us Mombasa County Assembly we did not have a stand there in the Showground; we didn't have a stand and this is very important so that people can understand what the Assembly is doing.

Mr. Speaker I would like from your Chair you direct the Committee so that to look in to this matter so that we can come up with a solution; we have to have representation everywhere we go and we have done wonders, we have so many views from the wananchi I wish we had a stand there.

Mr. Speaker we would expect the wananchi to understand our mandate as Members of the County Assembly.

Mr. Speaker I beg to direct the committee of Agriculture to tell us why we didn't have a stand at Mombasa Showground and everywhere we are having representation but Mombasa County Assembly is missing.

Mr. Speaker it's a burning issue and i see Members discussing it; I would like to take this opportunity to seek leave so that it can be discussed in this House because it is important for this House to discuss and find the way forward where Mombasa County Assembly is represented in each and every thing pertaining to its operations. Thank you.

The Temporary Speaker (Hon. Mwalimu): Thank you Hon. Siminyu, as it is a matter before the Assembly I direct the County Assembly Service Board CASB to bring a report on why there was no stand for the Assembly; after they bring back their report that when we are

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going to discuss this issue and am sure they've got an answer on the table so soon like tomorrow afternoon we would like to hear from the County Assembly Service Board on why we have failed in two occasions after that we are going to discuss or i will give an opportunity to your statement to turn into a Motion. Yes Leader of Majority Hon. Mwidani.

The Leader of Majority (Hon. Mwidani): Yes Mr. Speaker mine is just to request more time.

To be sincere Mr. Speaker the report may not be tabled tomorrow because we have an exercise of getting shortlist for those who had applied for jobs vacancies of the Assembly so my request is just give us time until next week Tuesday then we can bring the report. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Mwalimu): So next week Tuesday the report will be ready.

The Leader of Majority (Hon. Mwidani): Most probably.

The Temporary Speaker (Hon. Mwalimu): Okay next week Tuesday, Yes Hon. Nyamvula.

Hon. (Mrs.) Nyamvula: Thank you Mr. Speaker. The same point Mr. Speaker I wonder if we can expand that to our performance of the Agricultural sector; the performances we know that they are budgeted and they are given the budget allocation for the show but to that we need to expand to performances.

The Temporary Speaker (Hon. Mwalimu): Thank you I would like the Clerk to communicate to the Department on what Hon. Nyamvula has raised for them to reply to this House the same day on Tuesday; we need a report from the Department on the matter which was raised by Hon. Nyamvula and the Committee on Agriculture to be presented. Yes Hon. Ibrahim Kondo.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika kama tunavyofahamu kitengo cha Fedha katika kila wizara ni kitengo ambacho ni cha umuhimu na kitengo hicho kimechukuliwa kama uti wa mgongo kwa wizara yeyote.

Mheshimiwa Spika katika wizara yetu ya fedha na uhasibu kumekuwa na matatizo na matatizo yenyewe Bwana Spika ni kama kila leo kila kukicha yanazidi kuongezeka.

Mheshimiwa Spika sisi kama waheshimiwa kuna watu tumewaandika katika kitengo cha fedha na uhasibu lakini cha kushangaza leo sisi ndio tunakuwa tunasukumana na kupeleka mbio mambo ya fedha katika shughuli zetu.

Mheshimiwa Spika la kusikitisha tena zaidi ni baadhi ya nakala ambazo zinapotea kila leo katika ofisi ile ya fedha na uhasibu ambapo zinahusiana na mambo yetu ya pesa.

Mheshimiwa Spika tunafahamu kwamba kitengo chochote kinahusika na pesa ni lazima kiwe na nakala zake na nakala ambazo zinawekwa kwa njia mwafaka; hivi leo, kesho ama miaka kumi ukihitaji nakala zile unazihitaji lakini leo sisi hapa tuna ma '*imprests*', tuna mavitu tunadai na kila siku tukienda katika maofisi tunaambiwa vitu vimepotea.

Mheshimiwa Spika ningeliomba kupitia kwa kiti chako suala hili lichukuliwe kwa uzito na liweze kuangaliwa kwa njia mwafaka ili kitengo kile kiweze kuimarika na kazi ambazo zinafanyika kwa njia sawa. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Mwalimu): Hon. Ibrahim I think that's an administrative issue of which the Table Clerk will communicate to the Clerk of the Assembly and see how they will work on that issue; not an issue for the Hon. Members though it concerns the Hon. Members but we will take it administratively so the Clerk should communicate to the County Assembly Clerk. Yes Clerk.

MOTION

Hon. Hatimy.

Hon. Mohamed Hatimy: Thank you Mr. Speaker I beg to move a Motion

(Hon. Mohamed Hatimy read the motion)

That aware that the Council of Governors is a statutory body and has provided offices for all County Governors on rental basis in Nairobi.

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Further, aware that the County government of Mombasa County executive budget for 2016/2017 has no allocation for office rent.

Mr. Speaker, noting that His Excellency the Governor's office in Nairobi has outstanding rent arrears amounting to Kshs. 1,006,577 to date.

Mr. Speaker, concerned that failure by the County government of Mombasa to settle these arrears would be detrimental to His Excellency the Governor's duties'.

I therefore urge the County Assembly to resolve that:

- 1. The committee on Finance Budget and Appropriations resolve to recommend to the County Assembly that the expenditure of Kshs. 1,006,577 be paid using the County Assembly's office rent vote.*
- 2. That the funds of the foregoing expenditure be paid by the County treasury from the County executive.*

Thank you Mr. Speaker I beg to move.

(Hon. Mohamed Hatimy moved)

The Temporary Speaker (Hon. Mwalimu): Any seconder? Yes Hon. Siminyu.

Hon. Siminyu: I second.

(Question proposed)

The Temporary Speaker (Hon. Mwalimu): I now propose a question that the Motion on Authorization to utilize Kshs. 1,006, 577 for the Governor's office be discussed in this House.

(Question proposed and agreed to)

Yes Hon. Hatimy.

Hon. Mohamed Hatimy: Mheshimiwa Spika kwa ufupi ni kusema kuwa hii ni kuwa *executive* hawana vote ya kodi ya kulipia ofisi.

Kwa hivyo wameomba kusema kuwa watumie *vote* yetu wao watupa pesa yaani itatupa sisi pesa tuwalipie sio kuwa watatumia pesa zetu, ni wao watatupa sisi pesa sisi nasi tulipe kwenye

vote ya kulipia kodi ya ofisi mpaka wakati tutakuja kutengeneza bajeti ya *supplementary* tutawatengenezea *vote* ya kulipia kodi ya ofisi na wao.

Kwa hivyo nafikiri hakuna makosa yeyote ya kuleta fikra hii ili kusiwe na aibu ya Mombasa kuonekana kuwa hailipi kodi ya ofisi Mheshimiwa Spika.

Kwa hivyo nawaomba waheshimiwa wenzangu tukubaliane kuwa *vote* ya pesa tuwalipie halafu na wao tuwalipie ili tupate kuondoa jambo hili Mheshimiwa Spika. Ahsante Mheshimiwa Spika.

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

Hon. (Mrs.) Nyamvula: Mheshimiwa Spika mimi nasimama nikiunga mkono huu mswada ambao umeletwa ndani ya Nyumba...

(Applause)

Ya kwamba tupeleke ile pesa kwa Gavana kwa sababu ni muhimu kama Mombasa Kaunti tuonekane kama tunachangia hata kama itatoka kwenye *vote* yetu ya Assembli ili tuchangie mambo yaendeleo vizuri.

Mheshimiwa Spika naomba waheshimiwa wote waliunge mkono suala hili ili Mombasa iwe Kaunti 001. Ahsante.

The Temporary Speaker (Hon. Mwalimu): Yes Leader of Majority Hon. Mwidani.

The Leader of Majority (Hon. Mwidani): Ahsante sana Bwana Spika pia nimesimama kuunga mkono hili suala kwa sababu Bwana Spika wiki jana nilikuwa Nairobi hata mimi nilishuhudia ile ofisi ya Gavana pale iko na utapata kwamba kila Gavana ana ofisi pale na kila ofisi ya Gavana imewekwa nembo yake.

Tulikuwa na mkutano na tukaenda huko kwa Gavana wa Mombasa; kwa hivyo Bwana Spika ni kama alivyosema mwenye Mswada huu kuwa *executive* ndio wanalipa ila ni *vote* ndio itatumika.

Kwa hivyo Bwana Spika hili ni jambo ambalo liko wazi ni kuwa ni hiyo *transaction* tu kwa sababu wao hawana *vote* ya kulipa kodi za ofisi, kwa hivyo Bwana Spika ningeomba Bunge hili tupitishie bila kuwa na shaka na hakuna ambacho kinatumika chetu ni zile zile pesa ambazo zitakuwa za *executive* na *vote* ni yetu. Ahsante Bwana Spika.

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

Hon. Siminyu: Mr. Speaker this thing should be done with speed so that we cannot bring shame to our governor.

Mr. Speaker every Governor has an office there and their duties they are done for the welfare of the County, and it will be shame for the County 001 for their Governor to not pay rent.

I fully support because it will help our Governor to work towards the achievements and according to the Constitution. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Mwalimu): Hon. Amur Murfad.

Hon. Amur: Ahsante Bwana Spika. Bwana Spika mimi nataka tu niongezee hii mambo ya kulipa kodi sijui mwezi mmoja mmoja; mimi nafikiri ingefaa tulipe mara nne ama mara mbili kwa mwaka ama kila mwaka kwa sababu ya kujitenga na mambo madogo madogo ya ulipaji wa kodi.

Ni heri tulipe kodi yote Bwana Spika, hayo ndio maoni yangu; tulipeni kodi yote, mara nne ama mara mbili kwa mwaka kuepuka mambo kama haya madogo madogo ya kulipa kodi. Ahsante.

The Temporary Speaker (Hon. Mwalimu): Hon. Members the matter have been deliberated enough I have no otherwise but to put a question that the Motion on authorization to utilize Kshs. 1,006,577 for the Governor's office rents in Nairobi be adopted.

(Question put and agreed to)

(Applause)

ADJOURNMENT

The House stands adjourned until tomorrow at 9:00 am.

The House rose at 3.14pm.