

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Thursday, 30th June, 2016

The House met at 2:37p.m.

*(Mr. Speaker (Hon. Thadius Rajwayi) in the Chair)***PRAYERS****Mr. Speaker** (Hon. Rajwayi): Please have your seats Hon. Members.**COMMUNICATION FROM THE CHAIR**

Yes maybe this is information that has just come to me. I have been informed that the Members of the public have been locked out because of time but am directing them that they be allowed five minutes they come in but thereafter nobody should come in because I understand that there are quite a number of people that are outside so they better be allowed to come. You can organize and see how best that number can be accommodated.

*(Members of the public allowed into the public gallery)***PAPER**

Again we have a petition before the Hon. House and it reads; *'Notification on the outcome of the public participation forum on Mombasa County budget estimates 2016-2017 scheduled for 29th June 2016. The above Subject matter refers. We the undersigned CSOs and Members of the public; Kituo Cha Sheria, Transparency International Kenya (TI-KENYA), Haki Yetu, Pamoja Trust, Ujamaa Center, Juhudi Support Center, Muslims For Human Rights (MUHURI), Center For Law And Research International (CLARION) bigship CBO, Local Empowerment for good governance (LENGGO), KECOSCE, Coast Education Center, Kwacha Afrika among others hereby notifies you that the planned public participation meeting that was scheduled to take place on the above said date 29th June 2016 at Tononoka Social Hall did not take place and the forum was called off by the Acting Chairperson of the budget and appropriations Committee Hon. Hamisi Mwidani. That was due to the fact that there was no proper notification to the public about the forum. The documents that were supposed to be discussed on this day has also not been given to the public in good time to facilitate for their internalization before participating in the forum. Kindly be advised that any attempt to read and /or pass the budget is illegal and not acceptable to us and the public in general for the undersigned.'*

Attached are copies from the Nation and the Standard newspapers, the Nation page 24 and the Standard page 22 so it is important ladies and gentlemen that I bring this to your attention, I wish it was brought as early as yesterday because that is when it was due for the Report but your Report yesterday was that that public participation was smooth and this one now contradicts that position. I do not know what you are saying about this but this is the petition; any Member from Finance Committee? I want to hear from any Member? Yes Hon. Nyamvula?

Hon. (Mrs.) Nyamvula: Mr. Speaker I actually wish to comment on your communication from the Finance Committee, because of this petition I would appreciate if just about five representatives would come in so as they see deliberations because ever since in the morning we have received a lot of phone calls from the press because Mr. Speaker on behalf of my Committee because some of you ...that is my opinion. Yesterday the day before we had a public participation at the Tononoka Hall as mentioned in yesterday's Report it is true that... it is true that we went there; the very unfortunate thing is that I turned up there because the Members were still interrogating the budget document at North Coast. We were interrogating it on behalf of the said public for us to have taken longer Mr. Speaker is because we had concerns and that is why we had to call the Chief Officer's to come and defend themselves and that is why we took

longer. So there was no point, yes it had been advertised but there would not have been any point of us going ahead with it if we the representatives of the people had some issues with it; now from what I understand thereafter yesterday we had a public...so the only representative I was there I was shut down because you understand I am still a Member of the Civil Society Organisations (CSO's) and I understood their anger and I understood their appeal but then we did it for them we did it for the people of Mombasa. Yesterday according to the Report Members did not turn up and if it is about the seven days that can be debated, the seven day notice that can be debated Mr. Speaker but Hon. Members of this County Assembly turned up for this public participation and according to our Report on behalf of this Committee, my Chair the Leader of Majority is not here I do not know what the Chief Whip will say because he must have whipped the Members that this public participation took place. Thank you Mr. Speaker and if I am right there were two advertisements on yesterday's dailies. Thank you.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Swaleh Fatuma Mote?

Hon. (Ms.) Fatuma Swaleh: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii; *public participation* ilifanyika na kulikuwa na utulivu na usalama. Ahsante sana Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Riziki?

Hon. Fundi: Ahsante sana Mheshimiwa Spika kutokana na ripoti ambayo umetupatia ya kwamba umepatiwa tetesi ambayo mashirika kadhaa ya uma ambayo yanawakilisha katika Kaunti yetu ya Mombasa imeleta tetesi yao kuhusiana na masuala ya bajeti. Mheshimiwa Spika sisi tuko hapa pia kuwakilisha watu na wao vilevile wanawakilisha watu nafikiri itakuwa si bora ikiwa tutaipuuza hii tetesi ambayo imeletwa mbele yetu kwa sababu wametoa sababu zao za kisheria katika Nyumba hii. Kwa hivyo na hii ni mara ya kwanza katika muhula ambao tumeingia katika Bunge hii kwamba wakati tukiwa na bajeti tunaletewa tetesi. Kwa hio nafikiri itakuwa ni jambo la busara sheria ambazo zitakuwa zinatumiwa kuhusiana na mambo ya tetesi tukiangalia sheria za Bunge kuanzia nambari 199 mpaka 202 nafikiria Mheshimiwa Spika iko haja ya sisi kuangalia hiyo tetesi na sisi kuangalia sheria zilizotumiwa ili wale watu walio kule nje wajue kwamba tuko hapa kwa maslahi ya wananchi na sio kwa maslahi yetu hili. Ni jambo limetokea sisi kwa mara ya kwanza na sheria ziko wazi, ningependa kutokana na sheria ambazo zinatupatia sisi uwezo katika Bunge hili tuweze kuishughulikia hiyo *petition* ili tuangalie vile ambavyo pameangaziwa pale ili tuweze kupata mwelekeo rasmi kulingana na matumizi ya pesa.

Mheshimiwa Spika bajeti ambayo tumetengeneza ni zaidi ya Billioni tisa na billioni tisa sio pesa kidogo hizi ni pesa nyingi na nyingi zinatoka katika serikali kuu. Kwa hio kuna haja sisi kama Wawakilishi wa watu na kwa sababu tumeletewa malalamishi kuna haja ya kuwa kuangalia yale malalamishi ili tuweze kuyarekebisha; mimi sioni haja ya kupitisha bajeti ambayo kesho ambayo itapelekwa kortini kwa sababu raia wamepatiwa nguvu na katiba kwamba wao pia wako na nguvu ya kuchukua ili nao waweze mambo ambayo tumepitisha hapa kinyume cha sheria wanaweza kuchukua hatua. Kwa hio Mheshimiwa Spika mimi nachukua hili ni jambo zuri katika Kaunti ya Mombasa tuonyeshe ule uwakilishi wetu kwa sababu ya watu wa Mombasa kwa sababu pesa ambazo tunataka kuzicommit saa hii ni pesa nyingi na hizi ni pesa za wananchi, wanalipa kodi, mimi pia ungeniweka jina langu katika hiyo tetesi kwa sababu mimi pia nilikuwa na maoni mengi sana ningetoa ...(*Inaudible*) kwa sababu watu wangu wa Bamburi hawajawakilishwa kabisa katika bajeti ilioko mbele yetu. Kwa hio Mheshimiwa Spika tufuate sheria tuangalie tetesi inasema nini tuiangalie tuiapatie muda ili wananchi wa Mombasa waridhike wajue kwamba wako na waakilishi katika Bunge hili... kwa dhati wa moyo na...

Mr. Speaker (Hon. Rajwayi): Hon. Amir Thoya?

Hon. Thoya: Ahsante sana Mheshimiwa Spika, nachukua fursa hii kujaribu kusema jambo moja ... (*Inaudible*) tulikuwa tunauliza kama cha msingi ni kwamba Bwana Spika umma wana haki ya kuuliza maswala yote ambayo tunafanya katika Bunge kwa sababu.... (*Inaudible*).

Mambo haya yanafanya chini ya sheria na sisi hatuna jambo ambalo tunaweza kupinga Mheshimiwa Spika....(*Inaudible*) ya kwamba mpangilio wa(*Inaudible*) kwa sababu mambo haya ni ya kisherianataka kusema kwamba Mheshimiwa Riziki anasema anataka kuwa moja wa wale *petitioners* jina lake liwe moja ya yale yako pale katika orodha. Jambo la kusikitisha ni kwamba Mheshimiwa Riziki amekuwa katika Bunge hili; bajeti tangu mara ya kwanza ilifanywa alikuwepo kule kikambala na *executive* alikuwepo hivi sasa nashangaa akipata nafasi ya kuchangia maoni mkutano muhimu kama ule ambapo angekuwa moja wa wale ambao wanapinga ni kinyume cha sheria na ni kama kwamba....cha msingi Bwana Spika wananchi wameikubali tuko nazo katika rekodi za Bunge na kama ilikuwa ni tetesi sisi kama Bunge hatuna uoga wowote wa tetesi kwa sababu ni swala ambalo liko katika katiba. Ahsante sana Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Riziki.

Hon. Fundi: Ningependa kumfahamisha Mheshimiwa Amir Thoya ambaye namheshimu sana wakati tulikuwa kule nilitoa maoni yangu na haimanaishi kwamba maoni ya kila moja yatachukuliwa vile yalivyo lakini maoni ni lazima niseme wakati nilikuwa pale nilisema watu wazi ya kwamba wodi ya Bamburi haikuhusishwa katika maendeleo na naregelea kusema hapa hata Mheshimiwa Spika ukiangalia katika ripoti ya Hansard itaonyesha ya kwamba hata kule Kikambala nilipinga Hansard itaonyesha kwamba nimepinga kwa hivyo kusema kwamba nilichangia nilisikika vizuru na ikiwa itawezekana uwende kwa ofisi ya Hansard watakuonyesha na...

(*Interruption*)

Mr. Speaker (Hon. Rajwayi): Hon. Kondo.

Hon. Ibrahim Kondo: Nyumba hii ina sheria na ni lazima lifuatiliwe Mheshimiwa Spika swala la bajeti ni swala la wananchi wa Mombasa na si swala ya mashirika ya Mombasa. Nafikiri jana tulikuwako na wananchi, kuna makundi ambayo yalikuwako kuna makundi ambayo yalikuwa na maoni yao kupitia kwa Mwenyekiti wetu Hamisi Musa Mwidani mashirika yalitoa maoni yao, mashirika yalittoa maoni yao na pia maoni yanavyozidi kutolewa ...yakajadiliwa na yakapatiwa kipao mbele. Mheshimiwa Spika swala hili la bajeti halikuanza jana wala halikuanza leo, kama alivyotangulia kusema aliyekuwa Mwenyekiti mdogo nafikiri ni moja aliyekuwa na kipao mbele kwanzia shughuli zilipoanza mpaka hapo jana na ni mmoja alikuwa pale na alikuwa na Wawakilishi wa kutoka katika wodi yake ambao walikuwako zaidi ya watu wengine wote katika Kaunti ya Mombasa. Mheshimiwa Spika yeye ni Mwakilishi hatuwezi kuletawa watu wa Bamburi ndani ya Nyumba hii wakaongea isipokuwa ni kauli yake na kuna njia nyingi za kufuata kupitia kwa Kiongozi wa Walio Wengi. Kwa hio mimi ningependa swala hili ni la umuhimi kwa watu wote wa Mombasa tusinagalie tu yale mashirika, mashirika yana mambo mengi ya...na ikiwa walitoa maoni yao sisi tuliyachukuwa na tuliyapatia kipao mbele kwa hivyo tunaangalia masuala katika bajeti hii tuangalie masuala yetu katika Kaunti ya Mombasa. Ahsante.

Mr. Speaker (Hon. Rajwayi): Hon. Karume.

Hon. Karume: Thank you Hon. Speaker sir I just want to raise three issues; first and foremost the constitution is the backbone of our nation Article 196 of the constitution is very clear on public participation. Mr. Speaker you realize with this petition we are breaking the law. Mr. Speaker sir I believe that Hon. colleague Hon. Fatuma Mote who has affirmed to that and even Hon. Patrick who has affirmed to that, unfortunately I was personally not there to attend the sittings but the Committee had a Report so I want to believe all of us know the consequences of

misleading this House we move for Ward and do what we are required to do and thirdly all of us in this House we know there are other avenues of who can follow it through and exercise their will... (*Inaudible*). Mr. Speaker sir at this particular time I repeat my Submission ...(*Inaudible*) I find it very annoying and ...the police ...(*Inaudible*) that is not permissible under the law and it's not right and I would like I am not directing you Mr. Speaker to direct that similar respect to be allowed (*Technical hitch*).

Mr. Speaker (Hon. Rajwayi): The Hon. Members that are up standing are the ones who will speak then I will give direction, Hon. Mary?

Hon. (Ms.) Akinyi: Ahsante Mheshimiwa Spika, kabla niendeleo ningeomba wale ambao wako nje ambao hawakuvingia kwa *gallery* waruhusiwe waingie hata kama wengine watasimama lakini wawe wamesimama lakini wawe wamepata haki zao ya kuweza kukaa kwa *public gallery*. Mheshimiwa Spika ni jana ndio tulikuwa tuna jana tulipitisha ripoti ya *public participation* ambaye ilikuwa imeletwa hapa na ambaye anashikilia kama Mwenyekiti wa Fedha na Bajeti. Ripoti ikaja hapa ikapitishwa na marekebisho, ndio wameleta tetesi yao lakini juzi siku ya Jumanne pia walikuwa na tetesi tukakubaliana ndiposa tukarudia *public participation* siku ya Jumatano. Mimi nilikuwa naomba tuweze kuendelea kwa sababu hata *public participation* juu ya hii bajeti tunataka kupitisha ilikuwa ishategenezwa katika *public participation* na *executive* ambapo sisi tulikuwa tumeenda ndio watungaji sheria kupeleka hii *public participation* lakini ilikuwa ishapelekwa. Sasa sisi zile haja za wananchi walikuwa wameleta tukiwa *public participation* wana marekebisho mahali popote tuko tayari walete kwa karatasi ya maandishi yaani *written memorandum* ili tuweze kuwarekebisha kabisa lakini tuendeleo wakati hauko upande wetu. Ahsante.

Mr. Speaker (Hon. Rajwayi): Hon. Mswabah Rashid.

Deputy Speaker (Hon. Rashid Mswabah): Ahsante sana Bwana Spika mimi pia nachangia swala hili la tetesi. Mheshimiwa Spika nikinukuu katiba kwa kiingereza utaniruhusu nisome kwa kimombo (*Inaudible*) wana haki ya kuleta tetesi, nasikitika kusema ya kuwa tetesi hii yao itakuwa imepitwa na wakati kwa sababu hiyo alafu ya pili hii bajeti si yetu ilitengenezwa na *executive arm* kama miezi mitatu ilyopita na wao pia walikuwa wameenda *public participation*. Kwa hio Mheshimiwa Spika mzuri sana ni baada ya *public participation* ya *executive* ili tuangalie kabla ikiwa hii *Bill* ambayo iko mbele yetu iwapo haitapita itakuwa makosa sana tutakosa pesa kama Mombasa ikiwa *County Appropriation Bill* haitapita leo ambapo leo ni mwisho kama wanavyotaka wao ikiwa tutakubali *petition* yao itabidi iendee kwa Kamati ya Fedha, wakati umeisha kwa hivyo tuweze kufanya biashara yetu ya leo ili tuweze kupata pesa tufanye huduma kwa wananchi. Ahsante.

Mr. Speaker (Hon. Rajwayi): Thank you, yes Hon. Mwabashiri?

Hon. Mwabashiri: Ahsante Mheshimiwa Spika kwa kunipa fursa hii kwa tetesi hii, jana *public participation* haikufanyika tuseme ukweli na Mwenyekiti ambaye ni Hamisi Musa Mwidani akaahirisha kikao

(*Interruption*)

Hon. Amur: Point of information.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Amur?

Hon. Amur: The public participation was done on humanitarian grounds; the notice was given on 22nd of June 2016, the public participation was to take place on the 27th but because they wanted a hearingthe seven day notice was given ...to see and understand what it was about but they did not give us a chance. They said no notice no public participation but if they had sat and discussed and had solutions we were there to hear them and according to the advertisement the notice was there and they can proceed with what they want .thank you.

Mr. Speaker (Hon. Rajwayi): Hon. Onje.

Hon. Onje: Ahsante sana mheshimiwa Spika mimi naungana na wenzangu ambao wameongea saa hii kama *public participation* ilifanyika, ilifanyika ikiwa wanasema haikufanyika na ilikuwa na notisi fupi walijuaje kuna *public participation* na itafanyika sio kwamba notisi ni fupi. Hiyo iko sawa kama unajua wazi hutaki kufanya kitu usiingie lakini ukiingia mpaka unasema hii kidogo ukiingia mahali Mheshimiwa Spika na polisi wamekuja utasema wewe sio mwizi. Kwa hivyo *public participation* ilifanyika vizuri sana na rekodi ikachukuliwa wale walikuwa wanapinga ni kidogo ni kawaida ni siasa lakini ilipita vizuri na tusirudi nyuma hiyo unajua saa hii tuniangua katika musimu wa siasa najua kuna wengine wanataka kusimama lakini *public participation* ilikuwa *very successful*...

Mr. Speaker (Hon. Rajwayi): Thank you Hon. Onje, can we have Hon. Mwabashiri?

Hon. Mwabashiri: Ahsante Mheshimiwa Spika *public participation* siku ya jumatatu haikufanywa lakini jana ilifanyika mda mchache. Kwa hivyo wakaomba wajitayarisha tena kwa hivyo siku nyingine lakini jana haikuweza kufanyika Mheshimiwa Spika kwa sababu walikuwa wanadai ile notisi ya jana ilikuwa ni fupi sana mwenzangu akisema ilikuwa imewekwa tarehe 22 mwezi huu kwa gazeti na kweli nimeona ilikuwepo kweli. Kwa hivyo Mheshimiwa Spika mimi kwa ufupi mimi nimesema naunga mkono hiyo *petition* hata sasa mimi Mwabashiri nazungumza kwa niaba ya Mjambere. Juzi tulikuwa wote kutoa maoni ya bajeti hii lakini Mheshimiwa Spika maoni yetu bado hayajitiliwa maanani. Jana pia wale wananchi waliokuwa pale walitoa maoni yao lakini maoni hayakuchukuliwa maanani hata moja hakuna na sisi pia tulitoa maoni yetu tukiwa wote tulitoa maoni kuhusu hii bajeti, jana Mwenyekiti wa Fedha alipoleta maoni hayo bado bajeti iko vile vile kama *executive* walivyoileta, maoni yetu kama wabunge bado hayajitiliwa maanani. Kwa hio si kuwa napinga bajeti mimi nataka bajeti ipite hata leo hata jana lakini nasema bajeti hii ipite ikiwa imeangalia maoni ya Mombasa mzima kwa ujumla yawe yamepewa kipao mbele.

Mheshimiwa Spika nimezungumza katika Mjambere hakuna hata mradi hata mmoja ndani ya bajeti hii kwa watu wa Mjambere na hayo ni masikitiko mheshimiwa kwa sababu Mjambere iko ndani ya Kaunti ya Mombasa lakini kwa masikitiko makubwa maoni yangu hayajachukuliwa muhimu na mimi nilitoa maoni yangu nikiwaakilisha lakini hata sasa maoni yao hayajitiliwa umuhimu. Mheshimiwa Spika tusipopitisha leo Mombasa Kaunti kutakuwa na shida hata tukipitisha wiki ijayo ama mwezi ujao pesa ambazo tutapata ni chini ya asilimia 50. Kwa hivyo ikiwezekana kwa sababu pesa ambazo tunapitisha hapa ni zao wao ndio wanakatwa kodi tusifanye pesa ni zetu sisi zatoka mfukoni mwetu hizi ni pesa za wananchi ambao wanakatwa kodi wakiwa na jambo. Mheshimiwa Spika kama viongozi katika Jumba hili tukubaliane kwamba ni ya mwisho ikiwa wameleta maoni yao tuyasikilize kupitia Kamati ya Fedha pia tuangalie mwananchi atafaidika vipi na bajeti hii lakini mambo ya kwenda ghafla ghafla na maoni ya wananchi hayaangaziwi tukishtukia tunapitisha kitu ambacho sisi wenyewe kitatudhuru katika mji wetu wa Mombasa. Ahsante.

Mr. Speaker (Hon. Rajwayi): Hon. Madundo.

Hon. Mohamed Madundo: Ahsante Mheshimiwa Spika mimi yangu ni kuunga mkono Mheshimiwa. Vile alivyozungumza Mheshimiwa Onje kwa sababu wakati Mwenyekiti aliyekuwa ambaye ni Hamisi Musa aliwaambia vizuri sana sisi tumekuwa hapa kuwasikiza nyinyi yale matatitizo mlionayo sisi hatutasema matatizo tuliyo nayo sisi ni nyinyi wananchi lakini cha kushangaza ni kuwa wale wananchi hawakujali na kuona kuwa sisi...mara ya kwanza walisema hatuko katika Tononoka walisema hivyo sisi pia kule tulikuwa tunarekebisha tulikuwa tunapanga hii bajeti iwe sawa na muelewe kitu kimoja waheshimiwa wenzangu hivi sasa ni wakati wa lala salama kuna baadhi hapa pia...na wakatia chumvi ya kwamba haikufanyika na hizi miradi ambayo inapangwa katika kila wodi kila moja anajua ile miradi ambayo imepangwa na ile bajeti ambayo tulisoma wakati wa mbeleni kulikuwa na wengine hawana mradi. Kwa hivyo ilienda

rotation lakini katika Bunge hili kila mmoja ana miradi katika wodi yake, kwa hivyo alafu kitu chengine cha kushangaza sisi kama tulivyokubali alafu wanasema hatukupeana notisi ya siku saba, tusiende namna hiyo, maana hivi sasa hii bajeti ambayo tuko nayo sasa, ni vitu tumewania tumalize ili tuonekane watu wa Mombasa tumefanya miradi yetu, kwa hivyo tusilete mambo mengine kama hiyo notisi ya siku saba tungoje kama hiyo 2018....

(Laughter)

Ahsante, Bwana Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Wangudi.

Hon. Wangudi: Ahsante Mheshimiwa Spika kwa fursa hii, na mimi niweze kutoa mchango wangu, kuhusu....

(Technical Hitch)

Mr. Speaker (Hon. Rajwayi): Yes Hon Mdhai.

Hon. Oduor: Mheshimiwa Spika nasema ahsante sana kwa kunipa nafasi hii; kwanza nataka kutoa shukrani kubwa kwako Bwana Spika kwa mwelekeo uliotoa kwa kuwakaribisha watu ambao wako kwa *public gallery*, wawakilishi wetu huko mashinani kuja kushuhudia. Kitu cha kwanza Mheshimiwa Spika kulingana na maswala haya nyeti, hao ambao wanakaa juu kututizama sisi ni wawakilishi wao na yale ambao tunasema hapa sio yetu bali ni kioo cha hawa hapo ambao tumewachagua Bwana Spika na mimi nataka kusema hivi kutokana na bajeti, hawa *executive* wawe wakileta kama ni bajeti ya Bunge la Kaunti iwe yaletwa kwa muda unaofaa, kwa sababu Bwana Spika utata ambao tuko na hapa kati yetu na hizi hayo mashirika ya kijamii Bwana Spika ni sababu inakua *last minute rush* Bwana Spika. Na Mheshimiwa Spika mtu yoyote ambaye ni mzima hata mtoto wa miaka 16 ikiwa unamletea kitu leo kwa kesho huwezi mfanya asitie shaka kwamba kuna shida kwa hicho kitu, kwa hio Bwana Spika ombi langu kwamba mara nyingine kama kuna matangazo iwe kuna muda wa kutosha hawa wawakilishi saa zengine nia zao pia ni nzuri, wana ajenda nzuri Bwana Spika lakini mimi nataka kusema kwa niaba ya watu wenye ambao tumewawakilisha wapewe muda wa kutosha. Kwa hayo machache Bwana Spika, naomba nikae, nasema ahsante ingawa sikupigiwa mawe.....

(Applause)

Kiongozi wa Walio Wengi Bungeni mpya nakutambua....

(Laughter)

Ahsante sana...

Mr. Speaker (Hon. Rajwayi): Hon. Zeinab Kithinzi.

Hon. (Ms.) Zainab Kithinzi: Ahsante Bwana Spika kwa kuniona, ahsante kwa kunipa hii fursa. Ningependa kusema ya kuwa hii bajeti tusiingize siasa ndani, bajeti hii sio ya waheshimiwa tu bali ni ya wananchi wa Mombasa. Jana tulienda Tononoka kuchukua maoni ya wananchi wanasema nini ili tukija hapa tuyajadili lakini Mheshimiwa Spika tulivyofika pale wananchi walikua wamekaa kwa utulivu lakini waliokua wakipiga kelele wakipinga ni watu walikua wametumwa na mashirika fulani na ni lazima maanake mshahara wao watoka pale wasipopiga kelele hakuna mshahara....

(Laughter)

Kwa hivyo hilo twalijua, kwa hivyo watuache sisi tufanye kazi na wao wafanye yao...

(Applause)

Mr. Speaker (Hon. Rajwayi): Hon. Zeinab, civil society has been my panel and I know that statement has been hitting me directly...

(Laughter)

Once I was there i never made noise for me to be paid, we used to make noise for a good reason and if you doubt that maybe you can ask Hon. Hudson Karume he is a Member of this Hon. House, Honorabel Serah Nyamvula was also a strong supporter...,

(Laughter)

Have some order Hon. Ogalo! Ladies and gentlemen i know that this particular petition wasn't supposed to be discussed here but i found it fit as the head of this particular Assembly to discuss this because the previous petition i read out I haven't heard if it was considered that petition and this is very serious in terms of your integrity and how quickly you address these issues so that's why i found it fit to see whether this direct contradiction is of the true situation on the ground because in your Report it was very successful, so very successful contradicts something that was never done or was stopped.

Having said that ladies and gentlemen the level where we are in terms of considering the votes in the Appropriation Bill I want to say that this particular petition is behind schedule but nothing is lost so far am still reminding the directive because i cannot know how they have reached this particular Committee because there is a war between the CSO's and this particular Committee expediting this. The Committee on Delegated Legislation is in better place to handle this matter, if you can avoid creating crisis you know we must not always wait for crisis for us to solve problems, even though there was a comment that was made that in the next level the CSO's can take, you know though we are not saying is that they can go to court and know the consequences in which personally i wouldn't want to propose, when you are sending your partner to the next level to solve problems it means both of you have failed in leadership and i wouldn't want to believe you have failed in leadership. So if there is any other means that we can consider that what the petition advises then let's act as fast as possible; infact today you should be able to advice us in the best way out whether you want to have that as a memorandum, and remember there was an issue that was raised by Hon. Riziki Fundi that no single suggestion was considered, you know the essence of negotiation is that you let go certain things as i let go some other issues as well...

(Applause)

So I want to believe certain areas ought to have been considered by us as Assembly and for that reason therefore Hon. Paul Onje and your Committee can you handle this very fast and advice us how best we can respond to it. Otherwise as it is can we allow the Clerk to take us to the next level in terms of business of the day.

PAPER

Yes Akinyi.

(Hon.(Ms.) Akinyi laid Report of Powers and Priviledges Committee)

Hon. (Ms.) Akinyi: Mr. Speaker i beg to give a Report from the Committee on Powers and Privilege am giving this Report because you up there as the Speaker you were the Chair of this Committee and since you are up there that's why am asking for permission to give the Report. If permission is granted I can continue

Mr. Speaker (Hon. Rajwayi): Yes, I can see Hon. Mwabashiri.

Hon. Mwabashiri: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika, Mheshimiwa Mary amesema yeye ni Mwanachama wa Kamati hii na ningeomba wewe kama Mwenyekiti wa hii Kamati kama uko hapo yeye aweze kutoa ripoti lakini taratibu zetu kwenye Kamati ya *Powers* na *Privileges* naibu ni Ahmed Omar Ebrahim ambae pia ni Kiranja wa Bunge yuko kwa Nyumba hii....

(Applause)

Kwa nini Omar kama naibu asiweze kutoa yeye ripoti hii?

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ahmed.

Chief Whip (Hon. Ahmed Ebrahim Omar): Mr. Speaker as the Vice Chair of the said Committee, today we sat in the morning and we agreed that Mary as a Member will present the Report...

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mary continue.

Hon. (Ms.) Akinyi: Thank you Mr. Speaker sir..

(Interruption)

Mr. Speaker (Hon. Rajwayi): Allow Hon. Mwabashiri.

Hon. Mwabashiri: Mheshimiwa Spika ripoti ya Kamati ni ripoti ya Bunge nzima yaani kama anasema hawezi kutoa ripoti ni aeleze ni mgonjwa hawezi kutoa hii ripoti lakini akisema Kamati imeketi ikasema Mary basi Mary arudi awe Mwenyekiti na yeye kama Naibu Mwenyekiti yuko sawa kabisa.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Madundo.

Hon. Mohamed Madundo: Vile ambavyo Ebrahim amesema ni sawa, kwa sababu sauti yake leo sio nzuri kwa hivyo akimpa mwenzake sio vibaya yeye yuko lakini amepeana, ahsante Bwana Spika.

Mr. Speaker (Hon. Rajwayi): Yes the two Hon. Members today this afternoon have actually informed me they are not in good health to talk more than one minute infact if you look at your order paper the second business that is order nine, Motion it is supposed to be moved by one Hon. Mswabah Rashid. I am just informing you in advance that he will not be able to move the Motion, he is in the House but he is not feeling well and he cannot talk for more than one minute so and the concern by Hon. Mwabashiri is very much in order. The Standing Orders are very clear that if the Chair is not there the Vice Chair will take over if the Vice is absent or not able to move the Motion; any Member and that Members must not choose him or herself, the Committee must sit down and agree so for that reason therefore the Committee agreed that Hon. Mary is the one to move the Motion.

(Applause)

Mr. Speaker (Hon. Rajwayi): Continue?

Hon. (Ms.) Akinyi: Thank you Mr. Speaker I beg to give the following Report of Powers and Priviledge.

COMMITTEE MEMBERSHIP

Hon.Thadius Rajwayi	Chairman- Hon. Speaker
Hon.Ahmed Ebrahim Omar	Vice Chairman – Chief Whip
Hon. Abdallah Kasangamba	Member
Hon. Mohamed Ndanda	Member
Hon. Lucy Chizi Chireri	Member
Hon. Enock Mwinga	Member
Hon. Mary Akinyi	Member
Hon. Suleiman Boma	Member
Hon. Caroline Auma	Member

Committee Secretariat

Ms. Eve Sebbi – Committee Clerk

Ms. Salma Maro – Principal Hansard Editor

1. INTRODUCTION

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Mr. Speaker and Hon. Members, I am pleased to present to you a brief Report by Committee on powers and privileges on the issue of suspension of the three Hon. Members during the 57th sitting held on Wednesday 15th June 2016. As you are all aware Hon. Members, the Powers and Privileges Committee was tasked by the Hon. Speaker to come up with a comprehensive Report on the identified issues surrounding the conduct of the three named Hon. Members with a view to make recommendation to the House on the way forward. The Committee Members met on 29th June 2016 and resolved to summon the three Hon. Members on 30th June, 2016 from 8.00am so as to engage them on the issues as identified in the communication from the Chair during the 57th sitting of 2016. The Committee also resolved to summon Hon. Mohamed Hatimy who is also on suspension to appear before the same Committee on 30th June, 2016. The Members subsequently met and had fruitful engagement with Hon. Kibwana Swaleh of Miritini, Hon. Saad Faraj of Tononoka and Hon. Fadhili Mwalimu of Port Reitz Ward from 9:20a.m to 11:20a.m. Hon. Hatimy however sent his apologies through Hon. Faraj and Hon. Mwalimu to the Committee Members as he was keeping a medical appointment at that time. This Report therefore provides highlights of the findings, recommendations and conclusion by the Committee on powers and privileges

2. FINDINGS

2.1 Hon. Members of the Powers and Privileges Committee found that the conduct of the leaders was in violation of the provision of Chapters Six of the constitution and the Standing orders which prescribe the conduct of elected leaders. It is important to note that even the Ethics and Anti Corruption Commission EACC as an oversight entity in their communication to the Hon. Speaker dated 17th May 2016 took great exception to the conduct of elected leaders of the County Assembly of Mombasa and indicated such conduct is actionable under the County Assembly Standing orders and the County Assembly Standing Orders.

(Interruption)

Mr. Speaker (Hon. Rajwayi): What is it Hon. Jabess?

Hon. Oduor: Point of clarification, the Report is wrongly written numbered 2.1 then I think something is missing then it has gone back to 1.1 so I request it be taken back then be written properly.

Hon. Onje: Thank you Mr. Speaker sir, now let me inform this House, the area which Hon. Jabess is trying to tell us here is findings, in findings is the place where we have 2.1 this is findings, then we continue with 1.1.

(Laughter)

Mr. Speaker (Hon. Rajwayi): Now and again Hon. Member such particular concerns allow the presentation then you raise that concern so allow Hon. Mary to continue.

(Hon. (Ms.) Akinyi resumed reading Report)

2.2 The summoned Hon. Members in their engagement with Members of the Committee today expressed remorse at their conduct and have prayed that opportunities for peace and reconciliation be explored amongst the entire Membership of the County Assembly of Mombasa so as to ensure peace and harmony prevails and to ensure the future prosperity of the institution in general.

2.3 The Committee Members have noted that the ongoing wrangles amongst the Members of this Hon. House was derailing their given mandates of ;

i. Representation

ii. Legislation

iii. Oversight and hence denying the residents of Mombasa the much desired services as envisaged under the evolution dispensation.

2.4 The Members have noted that the current statement amongst the Members of County Assembly was portraying the institution, and the County Government in general in bad light, and that it was high time that peace and reconciliation be given a chance

2.5 That the continued absence of the four Hon. Members from plenary and Committee sittings was denying the County the vibrant contribution of the affected Members as they are very active Members of this Hon. House.

3. RECOMMENDATIONS

3.1 Committee Members appreciated that elected leaders needed to remain vigilant on the provisions of Chapter Six of the Constitution and the Standing Orders which prescribe the conduct of leaders. Committee Members pointed out that Hon. Members must at all times behave honorably and respect the various institutions created by the Constitution, and avoid any conduct that will bring disrepute to themselves, the Assembly at large and the County Government.

3.2 Committee Members recommend that there is an urgent need for Hon. Members of the House to find time to retreat away from the Assembly to be able to identify and resolve all underlying issues that have culminated in the current stalemate.

3.3 Committee Members recommend that this Report be shared with the Ethics and Anti Corruption Authority as requested in their communication to the Hon. Speaker dated 17th May 2016.

4. CONCLUSIONS

4.1 After due consideration of all the identified issues, the Committee Members hereby unanimously **RESOLVE** the following.

- That the suspended Hon. Members i.e. Hon. Kibwana Swaleh of Miritini Ward, Hon. Saad Faraj of Tononoka Ward, Hon. Fadhili Mwalimu of Portreitz Ward and Hon. Mohamed Hatimy be reinstated unconditionally.
- That peace and reconciliation effort amongst all Members of the County Assembly be undertaken urgently as a way to bring harmony in the institution.
- The Clerk of County Assembly to communicate this resolution to the affected Hon. Members with immediate effect.

Mr. Speaker thank you and I ask Hon. Enock Mwinga to second this Report.

Hon. Mwinga: Thank you Mr. Speaker I rise to second the Report.

(Applause)

Hon. (Ms.) Akinyi: After it has been seconded by Hon Enock Mwinga i beg to table.

(Hon Akinyi tabled Report)

(Question proposed)

Mr. Speaker (Hon. Rajwayi): Now i propose a question that the House considers the Report as has been tabled by Hon. Mary Akinyi

(Question put and agreed to)

Any comments, about the Report Hon. Amur.

Hon. Amur: Mr. Speaker, we are glad for this, considering that those are Members representing Wards, i want to support what the Committee has done and we Members should embrace that so that no future wrangles to occur in this Assembly.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Patrcik Siminyu.

Hon. Siminyu: Thank you Mr. Speaker first and foremost i want to congratulate the Committee. Mr. Speaker these Members are representing Wards they were elected, especially at

this time of budget making we are really missing their inputs in the process Mr. Speaker sir and as a process of reconciliation of what happened as you know whatever transpired we are to forgive each other and work as a team, i support this Motion, thank you.

Mr. Speaker (Hon. Rajwayi): Hon. Onje.

Hon. Onje: Thank you Mr. Speaker sir for giving me this opportunity I also support the Committee on Powers and Privileges for the good work that they have done. Mr. Speaker sir when i come to conclusion part two, this is where we get more problems and here if we can agree together as honourable Members of this House let us start from today, number two if you can allow me, *'That peace and reconciliation efforts... That peace and reconciliation efforts amongst all Members of the County Assembly be undertaken urgently as a way to bring harmony in the institution.'*

(Applause)

....Mr. Speaker Sir today am very happy because the wrangles in this Assembly has ended from today and I don't think there will be any problem in this Assembly, let us now start moving and let us work for this County Assembly, Thank you.

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Jabess Mdhai.

Hon. Oduor: Mr. Speaker I don't support and i don't oppose, i feel the Report, i have the Report as it is, but i want to go back Mr. Speaker to what my brother Onje has said *'That peace and reconciliation efforts... That peace and reconciliation effort amongst all Members of the County Assembly be undertaken urgently as a way to bring harmony in the institution.'* Mr. Speaker lets be very honest we heard such problems, our country in 2007 went through post election violence and many chaos we there. Mr. Speaker the key problem that brought all this must be addressed because the key problem that brought this witch-hunting I will say is the generation or what i will call *mambo ya kutoana, mtoe yule mtoe huyu* initially it was the Board, it came to the Leader of Majority, it haunted my sister Minority leader it *kwangurad* her a little...

(Laughter)

(Applause)

...Mr. Speaker even tonight there are signatures walking, yes there are signatures walking we cannot say peace and reconciliation *huku watu wameficha mapanga, amani na huku tumeficha mapanga*, if it is peace and reconciliation from today we agree *mambo ya kutoana hakuna.....*

(Applause)

.....If it is peace and reconciliation Mr. Speaker we give our hands most of the opposition are sitting on this side.....

(Applause)

And there are people who are ready for anything, even when you see the Assembly is full like this Mr. Speaker it's not because people wanted to come there are my brothers like my brother Abu Golo we know him when he appears here there is something Mr. Speaker.....

(Laughter)

I saw my brother Kalume today he came just to check that things are still okay Mr. Speaker; if it is peace and reconciliation let us sit back the way we used to sit properly, we agree to forgive and forget, yesterday i sat here and i looked at Hamisi Musa, Kasangamba is my brother Mr. Speaker I didnt want to accept it but Waswahili wasemavyo, *alalae na mama ndio baba, upende usipende*. So in the same manner Mr. Speaker if there has to be peace and reconciliation all the signatures that are being collected at night they be burnt. All the things that we carry in our hearts *Kamati zitaenda vipi* we forget because there are problems in this House. Mr. Speaker this trip, this is the first trip i went for the past two years.....

(Laughter)

It is true Mr. Speaker, we cannot say let's forgive and forget then we come back to the same problem we will look for a nuclear bomb this time so with those few remarks thank you.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Nyamvula.

Hon. (Mrs.) Nyamvula: Ahsante Bwana Spika, siku zote Jabess anaongea mambo yananiipita lakini leo ameongea vizuri hongera sana.....

(Applause)

Mheshimiwa Spika mimi nasema kwa nini watu waliondolewa kwanini ikawa hivyo, lakini ikiwa sasa tumesema watu tuwe na amani, mimi leo nasikia vizuri sana kwa sababu sikuona shida gani Saad, Fadhili, Hatimy, Baya chenye wamefanya ambacho sisi hatukufanya mpaka sisi wengine turudi hapa tukae, hapa leo haki imetendeka na najulikana kuwa nilienda *private* na nikasemea haswa kwanini hawa vijana wafanyiwe hivyo kama ni haki iwe haki unajua Mheshimiwa Spika wengine wetu amri hutoka kwako. Hivyo basi mimi nashukuru na kama alivyosema Jabess ikiwa tumesema yameisha basi yaishe maanake yanatatiza haya mambo; leo tuko kesho hatuko ya nini tuna miezi saba ya kuweza kufanyia wananchi kazi kama kweli sisi twataka kuhudumia Kaunti ya Mombasa basi kesho hapa tukirudi ama jumatatu tukirudi kusiwe na *petition* kama vile Jabess amesema, kwa hivyo kama ni kuisha yaishe na leo tutajua kama mambo yameisha ama bado...

Mr. Speaker (Hon. Rajwayi): Hon Mwabashiri.

Hon. Mwabashiri: Ahsante Bwana Spika, mimi pia nimesimama kuunga mkono ripoti hii...

(Applause)

Ukiangalia recommendations, 'Committee Members recommend that there is an urgent need for Hon. Members of the House to find time to retreat away from the Assembly to be able to identify and resolve all underlying issues that have culminated in the current stalemate.'

(Applause)

Mheshimiwa Spika ukiangalia *conclusion* kuna kipengele kinasema, *'That peace and reconciliation efforts...that peace and reconciliation effort amongst all Members of the County Assembly be undertaken urgently as a way to bring harmony in the institution.'* Mheshimiwa Spika haya yote ni mambo mazuri yamesemwa hapa lakini kama waheshimiwa wenzangu walivyotangulia kuzungumza kwamba lazima haya mambo tuzungumze hii Ripoti ambayo wenzetu wametuletea haya ni mapendekezo yao sisi tuyatilie maanani sana na sisi tuyatilie manani sana ni maneno mazito yaliyoletwa hapa na kama sisi tunavyosema ni ndugu wa moja Mheshimiwa Spika yale mengine yote ambayo yalipita tuyasahau tugange yajayo.....

(Applause)

Mheshimiwa Spika tuyasahau yale yaliyotufanya tukakwaruzana; wenzetu kitendo walichokifanya cha kutoa picha zako katika Bunge hili ilikuwa si kitendo kizuri na kama Waswahili wanavyosema ukitaka kutonesha kidonda kitoke damu ni lazima ukisugue na ukitoka damu itakuwa kile kidonda ndio kitakuwa kinapona. Lakini wakati unapaka dawa lazima ukitaka kupona ukitoneshe kidonda na bila kusumbuana inafaa tuambiane ukweli hichi ni kipindi chetu cha mwisho kama waheshimiwa wa kwanza katika historia hata wale wengine watakaokuja sisi waheshimiwa ndio tumepata fursa hii kuwakilisha wananchi kwa mara ya kwanza katika Bunge la Mombasa.

Mheshimiwa Spika ni vizuri sisi kama waheshimiwa tukae pamoja tuelezane shida iko wapi? Manake lazima watu waambiane ukweli kama tunataka kumtoa Spika kuna sheria za kukutoa kama vile kuna sheria za kusema Spika anafaa awe mtu wa nje basi kama kuna sababu za kutoridhika na wewe basi ni lazima tukutoe. Meshimiwa Spika ni lazima taratibu zifuatiliwe kwa sababu ikiwa hatuna imani na mtu basi ni lazima sheria ifuatwe mkondo wake haina shida lakini haya yaliyokuwa yamefanywa si ya sawa japo mimi pia naunga mkono kama hawa

waheshimiwa wameomba msamaha na Kamati imewasamehe basi na pia Bunge hili liwasamehe kwa sababu ni mwanadamu na mwanadamu ni kiumbe wa kufanya makosa ..

(Applause)

Kwa hivyo tusameheane ndio kibinadamu sisi kama viongozi ni muhimu sana tusameheane ili tuweze kuonyesha mfano na isiwe sisi kwa sisi tu bali hata ukikosana na mtu kule kwa wodi yako iwe rahisi kumsamehe. Mheshimiwa Spika mimi naunga mkono ipoti hii na vile Kamati ilivyozungumza ili Jumanne Mungu akipenda tuwe pamoja nao....

(Applause)

Mheshimiwa Spika naona wenzangu wanataka kuunga mkono ripoti na mimi nawaomba Bunge nzima tuinge mkono ripoti hii lakini yale yalozungumzwa katika ripoti hii nasisitiza ya kuwa kuna umuhimu wa sisi kama waheshimiwa twende na tukae mahali tuzungumze masuala yetu Mheshimiwa Spika. Hilo nataka litiliwe maanani sana na juzi Mheshimiwa Spika wewe kwa uwezo wako unaweza kuonyesha ule mwelekeo si eti tunategemea Kamati moja au watu watatu ndio wanaenda safari lakini juzi Mheshimiwa Spika kwa heshima na taadhima yako ukaamua Bunge nzima likaondoke wakakae mahali ili kwenda kukalia masuala ya bajeti na huo ni mwelekeo mzuri na baada ya hapa hata sisi wenye viti kama mimi Mwenyekiti wa Kamati ya PAC Mheshimiwa Spika nadhani ni haki ya kila mmoja wetu kuhisi kwamba yeye ni kiongozi wa watu Mheshimiwa. Ahsante sana Mheshimiwa Spika.

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Riziki Fundi.

Hon. Fundi: Ahsante sana Mheshimiwa Spika mimi pia nasimama kuunga mkono Ripoti ambayo imeletwa ndani ya Bunge letu....

(Applause)

Mheshimiwa Spika yale mambo ambayo yalitokea ilikuwa ni mambo ya kusikitisha lakini kwa sababu waliyoyatenda wamekubali kitendo chao ni kosa...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Hon. Mwabashiri is up?

Hon. Mwabashiri: Mheshimiwa Spika ningeomba waheshimiwa wenzangu waonyeshe umoja kwa sababu hata nikisimama na jambo la maana huwa watu hawapigi makofi.....

(Laughter)

Mr. Speaker (Hon. Rajwayi): Yes can you allow Hon. Riziki Fundi.

Hon. Fundi: Ahsante sana Mheshimiwa Spika mimi pia naunga mkono ripoti iliyoletwa na Kamati ya *Powers and Privileges* lakini Mheshimiwa Spika nataka kusema hivi sisi kama Bunge la Mombasa tukiwa waheshimiwa 43 katika Bunge hili na hivi sasa tunaongozwa na wewe pamoja na Kiongozi mpya wa Walio Wengi Bungeni Bwana Hamisi Mwidani. Najua Mheshimiwa Mwidani alikuwa kwa mambo ya *administration* kwa muda mrefu amekuwa Meya wa jiji hili achukue hatua zile zinazostahili katika kuleta umoja lakini nataka niwaambie wenzangu ikiwa yale ambayo tulikuwa tukiyafanya huko nyuma hatutaacha basi kila siku itakuwa tunaregelelea mambo haya. Sisi kama Bunge tunatakikana tuwe huru, maamuzi yetu yawe yanafanyika ndani ya Bunge hili maamuzi yasifanywe nje ya Bunge hili kwa sababu yanayoleta matatizo ndani ya Bunge hili, sio wale Waheshimiwa waliokaa hapa ndani tatizo linakuja kwa sababu uamuzi mwingine unatoka nje ya Bunge hili kwamba kwa nini tusikae tukafanya jambo fulani ikiwa tutakuwa hatuwezi kukubali kwamba sisi ndio Waheshimiwa ambao tunaweza kujiamulia maneno yetu na tusimame kulingana na sheria basi haya tunayoyapitisha hapa leo yanaweza hata wiki ijayo yakabadilika ikiwa ule mtindo tulikuwa nao huku nyuma hatutauwacha.

Sisi kama waheshimiwa wa Mombasa tulipawa dhamana na watu wa Mombasa na tunaweza kujiamulia mambo yanayohusu ama yale yanayotendeka katika Nyumba hii ikiwa leo

tumemchagua Mheshimiwa Mwidani sisi ikiwa hatumtaki Mheshimiwa Mwidani sisi wenyewe tukae chini kama wawakilishi wa Mombasa tufanye uamuzi tusingoje kesho tuambiwe Mheshimiwa Mwidani mtoeni bila ya kuambiwa sababu. Ikiwa haya itakuwa hatuyafuati Mheshimiwa Spika kila siku itakuwa tunarudi hapa tukisema tusameheane halafu baada ya siku mbili yale yale tuliyoyasema yanaregea. Mimi ningeweza kusema Mheshimiwa Mwidani ambaye yuko hapo amekalia kiti cha Kiongozi wa Walio Wengi Bungeni lazima achukue majukumu tusiachie watu wengine watuamulie sisi kama Bunge tuamue yale mambo yanayostahili kwa ajili ya kazi ya Bunge hili. Tusingoje maamuzi yatoke nje tukiwa tunangoja maamuzi ya kutoka nje kesho tutaambiwa Riziki mumtoe pale, yule muondoe pale na itakuwa haifurahishi Mheshimiwa Spika. Mimi nataka niwe mfupi wa maneno. Ahsante.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Nasser.

Hon. Nasser Rashid: Ahsante Mheshimiwa Spika kwa kunipa fursa hii. Mheshimiwa Spika ningependa kupongeza hii Kamati ya *Powers and Privileges* kwa uamuzi ambao wameuchukua. Mheshimiwa Spika ni lazima tusameheane na sisi lazima tujue wengine tukikosa sheria itatuchukulia vile vile sio wale pekee yake hata sisi wengine. Mheshimiwa Spika hili joto ambalo liko hapa ikiwa tukikaa na tukaongea; hili joto litaondoka hapa ni lazima tukae chini na tuwe sawa kila mtu na ningependa kumpa pongezi Mheshimiwa Mwidani kuwa Kiongozi mpya wa Walio Wengi Bungeni na vile vile ningependa kumuomba Mheshimiwa Amur msamaha kwa kumpiga kwa kuwa huu ni wakati wa kuomba msamaha na ikitoka hapo tuangalie chini wale ambao hawana kamati wapewe kamati ziwe sawa hapo ndio joto la hii Nyumba ndio litaondoka. Mheshimiwa Spika Gavana kama anatatusa mizozo ya Kaunti zengine basi sisi tuwe na nidhamu manake tunamuaibisha yeye, tunajiaibisha sisi na tunaibisha watu wa Mombasa, Mheshimiwa Spika nafikiria leo itakuwa ndio mwanzo na ndio mwisho amani ipatikane. Ahsante sana.

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Tom Ogalo.

Hon. Ogalo: Ahsante Bwana Spika. Bwana Spika mimi pia ningependa kuunga mkono ripoti hii. Nasema Mheshimiwa Spika kama mtu anataka kusamehe asiseme kwa mdomo na huku kwa roho an kitu kwa roho yake tuwaache na tukae pamoja kama vile ilikuwa tuko tulikuwa tukisema hvi tunaenda lakini kuna mtu ambaye aliingia hapo kati kati lakini kama tunaongea basi kwa nini tukosane na chama ni kimoja na sote ni watu wa Mombasa Kaunti basi tukae na amani kama zamani. Ahsante.

(Applause)

Mr. Speaker (Hon. Rajwayi): From the second page; the in attendance list we have Hon. Hamisi Mwidani, the second one is Hon. Maimuna Salim and the third one is Hon. Patrick Siminyu. We need to include them in the Report and the next is that it does not match the corrections that were made that; one is Introduction the second one should be Findings not 1. Findings so that we have 2.1 then the next to continue 2.2 then 2.3 then 2.4 then the last one 2.5 those are some of the amendments that must be done here. Ladies and gentlemen the Report is having a strong message and why have mentioned the name of Hon. Maimuna Salim is because she was one of those particular Members affected with the storm and she was part of that meeting and i congratulate Hon. Maimuna....

(Applause)

And the other person i would like to congratulate very much is Hon. Abdallah Kasangamba he was in the meeting the first day....

(Applause)

So i congratulate you even if you are not in the House Hon. Abdallah Kasangamba, the next person is myself Hon. Speaker of this Assembly I was the same person who chaired that particular meeting

(Applause)

We do not know what transpired but we needed a quite solution; the Committee of Powers and Privileges has solutions and that is why if you look at the recommendations in fact if you go to Conclusions that word should be changed to Recommendations and under Recommendation which it reads *The peace and reconciliation efforts amongst all Members of the County Assembly be undertaken urgently as a way to bring harmony in the institution.* Ladies and gentlemen maybe after this particular adoption of this Report the Clerk is directed to facilitate for the process of peace and reconciliation...

(Applause)

Ladies and gentlemen i want to remind us we must all work as a team today; it is sad that we have never heard anything about Mombasa but today am over has you have said that the storm is over...

(Applause)

Before we move on to have that peace and reconciliation process I would ask each and every one of you Hon. Members to look for any person or technical staff of this institution and say i have forgiven you and i tell that person i want to forgive you.....

(Applause)

And that is the only way we can move forward. Yesterday i received two phone calls from Hon. Members and they talk to me about peace and reconciliation and they asked me Mr. Speaker with all due respect they say we must forgive the four Hon. Members. Before then Hon. Amur Murfad came to my office he talked to me earlier and he asked me Mr. Speaker i want you to forgive the four Hon. Members it is not too very long one Hon. Hamisi Musa Mwidani came inside and said these words and it did not take long and the four MCA's told me. Ladies and gentlemen when i went home last night i decided to think about Mombasa County and i had no option than to forgive and reconcile with the Hon. Members.....

(Applause)

Now Hon. Members am urging from today onwards any changes that you want to do, do in the Committee level don't do it here and you should make sure the whole team is aware....

(Applause)

If you want to make a decision the same make sure all the 43 sit down and make that decision that is going to be in the right way.....

(Applause)

First I would like to say that i have forgiven those four Hon. Members unconditionally.....

(Applause)

Ladies and gentlemen and let me now put this into question that the Report of the Powers and Privileges be adopted with amendments.

(Question put and agreed to)

Yes Next.

PAPER

Mr. Speaker (Hon. Rajwayi): This stands as the peace and reconciliation process. Thank you.

(Applause)

Yes Clerk.

MOTION

The Motion mover communicated to me earlier so he will communicate when the Motion will be brought in the House.

BILLS**MOMBASA COUNTY APPROPRIATION BILL, 2016****SECOND READING**

Yes Hon. Hamisi Musa Mwidani.

Leader of Majority (Hon. Mwidani): Mr. Speaker Sir I beg to move a Motion for the Mombasa County Appropriation Bill, 2016 for the Second Reading. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): The Bill is committed to the Whole House Committee for the Second Reading.

(Sergeant At Arms lowered the Mace)

(The House Dissolved to the Committee of the Whole House)

ORDER OF COMMITTEE READ**IN THE COMMITTEE**

(Mr. Speaker (Hon. Rajwayi) in the Chair)

(Laughter)

Chairperson: Have your seats Hon. Members, yes Hon. Mwidani?

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker for giving me this opportunity to present the Appropriation Bill, 2016. With your permission may you allow me to read the Memorandum of the Bill...

(Leader of Majority (Hon. Mwidani) read Memorandum of the Bill)

Memorandum of Objects and Reasons

The Appropriation Bill, 2016 makes provision for giving Statutory sanction for public expenditure for the year ending on the 30th June, 2017, on the basis of the Estimates of Expenditure 2016/17 (Development) and for the appropriation of those amounts. This sum includes the sum of Kshs.6,849,882,919 for Recurrent Expenditure and Kshs. 3, 075,871,374 for Development Expenditure as per the First and Second Schedule Respectively.

Thank you.

Chairperson: Yes Clerk.

Clerk: Mr. Speaker Sir the Second Reading of the Mombasa County Appropriation Bill, 2016.

(Clerk read the Bill for the Second Time)

SECOND READING

A Bill for an Act of County Assembly to authorise the issue of certain sums of money out of the County revenue Fund and their application toWards the service of the year ending on the 30th June, 2017, and to appropriate those sums for certain public services and purposes.

Chairperson: Yes Hon. Mwidani.

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker i beg to move the Bill for a Second Reading.

Chairperson: Now I propose that this Bill be read a second time.

(Question proposed and agreed to)

Now this Bill, under Standing Order no. 122 is now committed the Whole House Committee.

(Silence)

I want to believe the Hon. Members have the copy of the same Bill. Yes Clerk.

(Clerk read the Bill for the Second Time)

A Bill for An Act of County Assembly to authorise the issue of certain sums of money out of the County revenue Fund and their application toWards the service of the year ending on the 30th June, 2017, and to appropriate those sums for certain public services and purposes.

ENACTED by the County Assembly of Mombasa, as follows-

This Act may be cited as the Appropriation Act, 2017.

1. The County Treasury may issue the sum of Nine Billion, Nine Hundred and Twenty Five Million, Seven Hundred and Fifty Four Thousand, Two Hundred and Ninety Three Shillings only, out of the County Revenue Fund and apply it to Wards the supply granted for the service of the year ending on the 30th June, 2017.

2. The sum granted by Section 2 shall be appropriated for the several services and purposes specified in the second column of the First Schedule, in the amounts specified in the third column of that Schedule.

3. In addition to the sum granted by section 2, the sum specified in the fourth column of the First and Second Schedules shall be applied for the several services and purposes specified in the second column of those Schedules, out of revenue directed to be applied outside the Consolidated Fund under Article 206 (1) of the Constitution.

The supply granted for the services of the year ending on the 30th June, 2017, in respect of Votes R3011, R3012, R3013, R3014, R3015, R3016, R3017, R3018, R3019, R3020, R3021, R3022, R3023 and D3011, D3012, D3013, D3014, D3015, D3016, D3017, D3018, D3019, D3020, D3021, D3022, D3023 in accordance with the Appropriation Act, 2017.

Recurrent Expenditure

R3011, the amount required in the year ending 30th June 2017, for salaries and expenses of Executive HQs' office; Mombasa, including expenses on general administration and financial management services of the County, Sub County Administrators, and Ward Administrators. Supply 338,231,611 Appropriation in Aid 144,373,899.

(Question proposed)

Chairperson: I now propose a question that R3011 be now considered by this House.

(Question proposed and agreed to)

Yes any comments, any amendments? Yes Hon. Murfad?

Hon. Amur: Mr. Speaker we are all aware that we go one by one clause but this is a procedure so we should continue reading because we are confident what was put here it is the amount that we agreed upon.

Chairperson: It is a Motion i don't think you are trying a Motion so we will have to continue with the same statement. The procedure is to read the clause one by one that is one; alternatively you can do the entire Bill and thereafter propose the question to that effect. Yes Hon. Patrick Siminyu.

Hon. Siminyu: Mr. Speaker I agree with Hon. Amur to go clause by clause and then you put a question, thank you.

Chairperson: I now propose in the House that the request by Hon. Amur and seconded by Hon. Siminyu.

(Question proposed and agreed to)

R3012, the amount required in the year ending 30th June 2017, for salaries and expenses of County Assembly, including expenses on general administration and financial management services of the County, Sub County Administrators, and Ward Administrators.

Supply - 618,543,360

Appropriation in aid - 264,024,750

R3013, the amount required in the year ending 30th June 2017, for salaries and expenses of County Public Service Board.

Supply - 107,384,365

Appropriation in aid - 45,836,932

R3014, the amount required in the year ending 30th June 2017, for salaries and expenses of Finance and Economic Planning including salaries for the City of Mombasa.

Supply - 1,069,958,79

Appropriation in aid - 411,604,964

R3015, the amount required in the year ending 30th June 2017, for expenses of Tourism Development, including expenses on general administration and financial management services of the County, Sub County Administrators, and Ward Administrators.

Supply - 118,510,365

Appropriation in aid - 50,586,057

R3016, the amount required in the year ending 30th June 2017, for expenses of Education, including expenses on general administration and financial management services of the County, Sub County Administrators, and Ward Administrators.

Supply - 830,743,824

Appropriation in aid - 354,602,139

R3017, the amount required in the year ending 30th June 2017, for salaries and expenses of Health Services, including expenses on general administration and financial management services of the County, Sub County Administrators, and Ward Administrators.

Supply - 2,339,643,755

Appropriation in aid - 539,176,689

R3018, the amount required in the year ending 30th June 2017, for salaries and expenses of Water Environment & Natural Resources, including expenses on general administration and financial management services of the County, Sub County Administrators, and Ward Administrators.

Supply - 46,865,815

Appropriation in aid - 20,004,636

R3019, the amount required in the year ending 30th June 2017, for salaries and expenses of Youth Gender and Sports, including expenses on general administration and financial management services of the County, Sub County Administrators, and Ward Administrators.

Supply - 163,415,320

Appropriation in aid - 69,753,702

R3020, the amount required in the year ending 30th June 2017, for salaries and expenses of Trade, Energy & Industrial Development, including expenses on general administration and financial management services of the County, Sub County Administrators, and Ward Administrators management services of the County, Sub County Administrators, and Ward Administrators.

Supply - 329,585,083

Appropriation in aid - 140,683,135

R3021, the amount required in the year ending 30th June 2017, for expenses of County Planning Land & Housing, including expenses on general administration and financial management services of the County, Sub County Administrators, and Ward Administrators.

Supply - 217,768,303

Appropriation in aid - 92,954,230

R3022, the amount required in the year ending 30th June 2017, for expenses of Transport and Infrastructure, including expenses on general administration and financial management services of the County, Sub County Administrators, and Ward Administrators.

Supply - 490,916,847

Appropriation in aid - 209,547,473

Development Expenditure;

Supply - KSh. 3,075,871,3

Donor Funds - Ksh. 3,150,000

Appropriation in aid: KSh. 1,148,541,914

R3023, the amount required in the year ending 30th June 2017, for expenses of Agriculture Livestock and Fisheries, including expenses on general administration and financial management services of the County, Sub County Administrators, and Ward Administrators.

Supply - 178,315,976

Appropriation in aid - 76,114,035

D3011, the amount required in the year ending 30th June 2017, for the Governor's office for capital expenditure.

Supply- 191,195,979

Appropriation in aid - 86,607,021

D3012 The amount required in the year ending 30th June 2017, for the County Assembly Development purposes.

Supply - 40,613,408

Appropriation in aid - 18,396,863

D3013, the required for Development in the year ending 30th June 2017, including Strategic Planning and Human Resource policy formulation, by the County Public Service Board.

Supply - 19,197,984

Appropriation in aid - 8,696,209

D3014, the amount required in the year ending 30th June 2017 for the Department of Finance and Economic Development capital expenditure, including general administration and planning.

Supply - 475,005,592

Appropriation in aid - 215,165,714

D3015 The amount required in the year ending 30th June, 2017 for the Department of Tourism Development.

Supply - 33,442,835

Appropriation in aid - 15,148,772

D3016, the amount required in the year ending 30th June, 2017, for the Department of Education Development needs.

Supply - 393,606,748

Appropriation in aid - 393,606,748

D3017, the amount required in the year ending 30th June 2017, for the Department of Health Services for capital expenditure.

Supply - 350,075,022

D3018, the amount required in the year ending 30th June, 2017, for the Department of Water Environment & Natural Resources.

Supply - 60,000,000

Appropriation in aid - 27,178,507

D3019, the amount required in the year ending 30th June, 2017, for the Department of Youth Gender and Sports.

Supply - 352,458,256

Appropriation in aid - 159,654,820

D3020, the amount required in the year ending 30th June, 2017, for the Department of Trade, Energy & Industrial Development.

Supply - 120,341,126

Appropriation in aid - 54,511,536

D3021, the amount required in the year ending 30th June, 2017, for the Department of County Planning Land & Housing.

Supply - 173,669,448

Appropriation in aid - 78,667,939

D3022, the amount required in the year ending 30th June, 2017, for the Department of Transport and Infrastructure.

Supply - 827,711,617

Appropriation in aid - 288,756,758

D3023, the amount required in the year ending 30th June, 2017, for the Department of Agriculture Livestock and Fisheries.

Supply - 38,553,359

Appropriation in aid - 17,463,712

Chairperson: R3012 any comments? R3013 any comments? R3014 any comments? R3015 any comments? R3016 any comments? Yes Hon. Mary Akinyi.

Hon. (Ms.) Akinyi: Mr. Speaker i need to know if the Environment will be included in the Education expenses, because garbage collection was taken to the education docket.

Chairperson: Yes Hon. Amur Murfad?

Hon. Amur: Here is about the salaries expenses of Education it's just that a certain section of garbage collection was taken to the department of Education.

Chairperson: Yes Hon. Mary.

Hon. (Ms.) Akinyi: Yes i think it should be included here, because R3018 of water, environment and natural resource i think Education should just keep that part of Environment.

Chairperson: Yes Hon. Amir Thoya.

Hon. Thoya: Ahsante sana Mheshimiwa kwa kumueleza Mheshimiwa mwenzangu ni kwamba katika *vote* ya R3018 mambo ya mazingira na maji yako katika wizara ya maji isipokuwa ni kitengo kimoja cha taka pekee yake ndio kiko upande wa elimu lakini mazingira yapo baado na wizara yake. Ahsante sana Mheshimiwa Spika.

Chairperson: Yes Hon. Patrick Siminyu.

Hon. Siminyu: The education department is dealing with the garbage collection even we see that the Chief Officer of Education is doing great with the garbage collection and the management stand on the department of Education so i think we should the votes as it is.

Chairperson: Hon. Caroline.

Hon. (Ms.) Auma: Mr. Chair it was just part of environmental which was taken but it is still in the water, environment department although it was hidden but it can be included here.

Chairperson: Enough the explanations are okay because Hon. Amir has explained what Hon. Mary wanted and it is not like for example Kadzandani or Nyali that have been allocated more funds i believe Hon. Mary you are okay up to there. Yes Next vote we are at R3017 any comments? R3018 any comments? R3019 any comments? Yes Hon. Hudson Karume?

Hon. Karume: Through the Chair i don't have this document so i would like to request clarification on the department of Youth, women and people living with disabilities because they are having a crucial evaluation so i don't know whether they are appearing here .

Chairperson: Yes Hon. Patrick Siminyu.

Hon. Siminyu: Mr. Chair this is a House of procedure so it will be better if the Hon. gets a soft copy of the Bill to follow what we are being deliberating.

Chairperson: Yes Hon. Caroline.

Hon. (Ms.) Auma: The department of youth was supposed to be given 21% of the funds which we agree which is 21M and that 21M was in that vote Mr. Chair we cannot see it here but it is included in the vote.

(Applause and Laughter)

Chairperson: Yes Hon. Hudson.

Hon. Karume: Through the Chair i need to know what is that hidden so i want it to come out clear and am fighting the rights of my people so let it be clear if the vote of my people was indicated.

Chairperson: Yes Hon. Amir Thoya.

Hon. Thoya: Ahsante sana Bwana Mwenyekiti yangu ni kumhakikishia Mheshimiwa Siminyu na Mheshimiwa Hudson Karume nataka kuwahakikisha ya kwamba tarakimu ambazo ziko kwa bajeti hii zimezingatia masuala hayo na tulikuwa kule Kikambala na tukahakikisha ya kwamba wale ma *Chief officer* wametekeleza yale ambayo Mheshimiwa Hudson Karume amesema yameweza kuzingatiwa na kina mama, walemavu na vijana wote wamewekwa katika hiyo vote.

(Applause)

Chairperson: Yes Hon. Mary.

Hon. (Ms.) Akinyi: Mheshimiwa Mwenyekiti nashangaa na huyo kiongozi aliyetoka kuongea manake Kiongozi wa Walio Wengi alitambua kuwa ataenda kuhakikisha kama hiyo *vote* imeendana sambasamba na vile anahitaji lakini yeye hawezi kutuambia kuwa atahakikisha kwani yeye ndio waziri.

Chairperson: Yes Hon. Murfad.

Hon. Amur: Mr. Chair Hon. Karume was assured that the Chief Officer is going to take care of the issue.

Chairperson: Yes Hon. Amir Thoya.

Hon. Thoya: Mheshimiwa Spika....

(Interruption)

Chairperson: Hon. Amir Thoya you dont need to reply.

Hon. Thoya: Mheshimiwa Spika haikuwa kumuelezea bali yangu ilikuwa ni kumtoa wasi wasi Mheshimiwa Karume kumhakikishia kwa sababu masuala ya ndugu zetu na nilikuwa ni kuhakikishia pia malengo yake yamesikizwa ya kwamba maneno yametekelezwa yale tuliyopitisha kule Kikambala kupitia kwa *Chief Officer* kuhakikisha yamepitishwa kama kule tulivyoyapitisha.

Chairperson: Yes Hon. Tom Ogalo.

Hon. Ogalo: Mheshimiwa Mwenyekiti mimi nilikuwa nataka kuwaambia kuwa hiyo tulipitisha na amendments kwamba ingawanywe kwa elimu na mazingira.

(Laughter)

Hon. (Ms.) Auma: Mr. Chair this is an Appropriation Bill everything cannot be included here.....

(Applause)

All those proposals were done at North Coast and everything was written and the Hansard was there we should know that this is an Appropriation Bill, we should understand that.

Hon. Siminyu: The budget followed the right procedure so it is important to clarify the figures of the people living with disabilities. Thank you.

Chairperson: Yes Hon. Hudson.

Hon. Karume: I would like to appreciate my colleagues for that clarification.

Chairperson: Can we allow us to continue vote R3020, R3021, R3022, R3023 we move to the Development Expenditure D3011, D3012, D3013, D3014, D3015, D3016, D3017, D3018,

D3019, D3020, D3021, D3022, D3023. Now ladies and gentlemen any comments? None so am going to put this to question so that it can be taken to the next level.

(Question put and agreed to)

(Applause)

PLENARY RESUMED

(Sergeant At Arms raised The Mace)

(Mr. Speaker (Hon. Rajwayi) in the Chair)

Mr. Speaker (Hon. Rajwayi): Hon. Members have your seat, yes Hon. Mwidani.

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker i would like to take this opportunity to appreciate the Members of the Assembly who deliberated to the Bill in the right way and i think it is for the betterment of the people of our County so i would like the Members to support the Appropriation Bill, 2016 to have our budget which will start from tomorrow. Thank you very much.

(Applause)

Thank you very much Mr. Speaker allow me to move the Bill for the Third Time.

(Applause)

Mr. Speaker (Hon. Rajwayi): Pursuant to Standing Order Number 132 you need to move the Motion for the Third Reading.

MOMBASA COUNTY APPROPRIATION BILL, 2016

THIRD READING

Leader of Majority (Hon. Mwidani): Mr. Speaker Sir i take this opportunity to move the Appropriation Bill, 2016 for the Third Reading. A Bill for An Act of County Assembly to authorise the issue of certain sums of money out of the County revenue Fund and their application toWards the service of the year ending on the 30th June, 2017, and to appropriate those sums for certain public services and purposes.

Thank you.

Mr. Speaker (Hon. Rajwayi): Well before that Standing Order 129 the Motion is moved that the County Assembly do agree to the Committee in the said Report.

(Question put and agreed to)

Any comment up to that point. Yes Clerk?

(Clerk read the Bill for the Third Time)

A Bill for An Act of County Assembly to authorise the issue of certain sums of money out of the County revenue Fund and their application toWards the service of the year ending on the 30th June, 2017, and to appropriate those sums for certain public services and purposes.

Mr. Speaker (Hon. Rajwayi): Well we will only consider those amendments before passing the Bill but there's one thing that i want to highlight that last page of the Act it should be 2016 instead of 2017 so that correction should be made, any recommendations? Yes Hon. Mwidani.

Leader of Majority (Hon. Mwidani): Mr. Speaker i think we need to pass the Bill for the Third time because there are no more any amendments. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Hon. Caroline.

Hon. (Ms.) Auma: On the same point when you look at the Act down there it should be 2016.

Mr. Speaker (Hon. Rajwayi): Yes that amendment has been done thank you so much, ladies and gentlemen i now put to question that this House on the 30th June, 2016 that this House do approve this Bill.

(Question put and agreed to)

(Applause)

ADJOURNMENT

Ladies and gentlemen this House stands adjourned until next week Tuesday at exactly 2:30p.m.

The House rose at 5:28p.m