



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 19th June, 2018

The House met at 2:47p.m.

(The Deputy (Hon. Fadhili Mwalimu) in the Chair)

PRAYERS

The Deputy Speaker (Hon. Mwalimu): Have your seats. Yes Clerk?

COMMUNICATION FROM THE CHAIR

Hon. Members, I trust that you're all well this day. First and foremost let me start by thanking the Almighty God for protecting us through the recess period and enabling us to assemble here today to continue with the second session of this Assembly. Permit me to officially welcome you back to the second part of the second session of our Assembly. The recess has served as a break from the rigorous Assembly duties and it is my hope that we are well rejuvenated and ready to embark on the journey of transforming the lives of residents of this great County of Mombasa.

Hon. Members during the first part of the second session, you worked diligently and shown dedication while discharging your roles of representation, legislation, and oversight. This can be attested by the sittings which have been taking place as scheduled, the cordial and vibrant debates in the Assembly and the numerous committee meetings conducted. However, I commend you for the zeal and commitment that you have displayed over time in undertaking your constitutional and statutory duties; I want to challenge each of us to do more than we have previously done.

Hon. Members as you are all aware; key among the activities during the recess was the budget process which is still on course. The Committee on Finance, Budget and Appropriations has conducted public participation and we await its report and the passage of the budget estimates as well as Mombasa County Appropriation Bill, 2018 by 30th June, 2018.

Hon. Members, I am also aware that the Committee activities have been going on for the better part of the recess period and it is my hope that various Committees used this duration valuably to dispense off any pending activities. I am convinced that the deliberation coming out of the Committee activities will form part of our legislative agenda moving forward.

My office is committed and shall continue to strengthen the Committees and individual MCA's through continuous training programmes, benchmarking and attachments. This will be done in order to strengthen the capacity of the Members so that you can constantly update your skills and expertise while acquiring the requisite exposure to better handle your work.

Hon. Members, to enable you to have an informed debate and contribution before the Assembly, I wish to urge everyone to develop a habit of continuous interaction with the Standing Orders and other requisite laws which govern the business of the Assembly. It is my appeal that you develop interest on all matters deliberated in this Assembly, research on the same with the aim of making substantive contribution both at the plenary and the committee level.

Hon. Members, as we embark on the second part of second session, I would like to politely...

(Technical hitch)

I would like to politely remind you of the significance of your work as Hon. Members...

(Technical hitch)

(Loud consultations)

Hon. Members as the technicians are working on the technicalities of the microphones I will continue with my message.

Hon. Members, as we embark on the second part of the second session, I would like to politely remind you of the significance of your work as Hon. Members. This Assembly exists primarily for one reason only, and that is to solve the problems and meet the needs of our people. In order to do that, we need to constantly remind ourselves of what this Assembly expects of us as Members. It is my sincere hope that we continue to portray Mombasa County Assembly with decorum and decency it deserves while remaining focused in our quest to deliver to the constituents we represent.

Hon. Members, in closing I wish to reiterate that as Members we have the responsibility to improve the role played by this important organ of the Mombasa County Government, as mandated by our Constitution. Both our individual and collective efforts will contribute towards making this Assembly a critical pillar in the development of our County. This County Assembly must act as the voice of the people and an important platform for monitoring the implementation of the policy programmes of the County Government.

Once again, may I take this opportunity to officially welcome you all and wish you fruitful engagements and deliberations as we continue with the second session.

Thank you and may God Bless Mombasa.

(Applause)

Yes Clerk?

MESSAGE

NOMINATION OF CHIEF OFFICERS

Hon. Members we have a message from H.E The Governor of Mombasa County Hassan Ali Joho.

(The Deputy Speaker (Hon. Mwalimu) read H.E The Governor's message)

According to the powers conferred to me by the County Government Act, 2012 Section 45, I hereby forward the names of the nominated Chief Officers for vetting and approval before appointment to the position of Chief Officers as follows.

1. Tourism - Mr. Innocent M. Mugabi

So I commit the Committee concerned Trade, Tourism and Investment to start the vetting with immediate effect.

(Applause)

Yes Clerk?

MOTION

RE-ALLOCATION OF UNUTILIZED APPROPRIATED BUDGET VOTES AND FINAL SUPPLEMENTARY APPROPRIATION BILL FOR FY 2017/2018

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Mohamed Hatimy?

Hon. Mohamed Hatimy: Thank you Mr. Speaker. Mr. Speaker I wish to table the following Motion;

(Hon. Mohamed Hatimy moved the Motion)

THAT AWARE that the County Government is authorized to make re-allocations of appropriated budget votes to be approved by the Assembly pursuant to section 135 of the Public Finance Management Act, 2012;

FURTHER AWARE that the County Government prepared a Mombasa County Supplementary Appropriation Bill, 2018 in March, 2018 that was approved by the Assembly;

CONCERNED that there are many un utilized votes which left unused will negatively influence essential services to the public;

NOTING that....

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Hon. Hatimy due to the technicalities of our microphones just step forward...

(Interruption)

Hon. Mohamed Hatimy: Okay.

(Loud Consultations)

The Deputy Speaker (Hon. Mwalimu): No the gadget is very far. Okay then you can proceed.

(Hon. Mohamed Hatimy moved the Motion)

NOTING that the financial year is coming to an end in a weeks' time by June 30th 2018;

I therefore urge this Assembly to RESOLVE that:

The County Government be hereby authorized to re-allocate unutilized appropriated budget votes and final Supplementary Appropriation Bill for FY 2017/2018 be approved.

Thank you Mr. Speaker, I wish to move the Motion.

The Deputy Speaker (Hon. Mwalimu): Who is your seconder?

Leader of Majority (Hon. Mwidani): I second.

(Question proposed)

The Deputy Speaker (Hon. Mwalimu): It has already been seconded. Members I now propose a question that the Motion on approval of the re-allocation of unutilized budget votes for the FY 2017/2018 be debated in this Honorable House.

(Question put and agreed to)

(Applause)

Yes Hon. Hatimy?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika hapa tumekuja mbele ya Nyumba hii kuomba ruhusa ya Nyumba hii kama tulivyosema kwenye Mswada ya kusema kuwa *section* 135 inaruhusu kufanya *re-allocation*. Mheshimiwa Spika kwa ufupi ni kusema kuwa tunataka kuangalia zile *votes* ambazo hazikutumika, ziweze kutumika na kutengeneza *supplementary budget* yetu ili tuweze kutumia kwa njia ile inayotakikana.

Mheshimiwa Spika naomba *Members* waunge mkono ili tuweze kufanya mambo yetu kwa njia ambayo inatakiwa. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Amur?

Hon. Amur: Ahsante Bwana Spika nataka kuunga mkono Mheshimiwa Spika ikiwa kuna *votes* ambazo hazijatumika basi ni muhimu kwamba ziwe *reallocated* ili ziweze kusaidia katika mahali ambapo kuna upungufu na hiyo itakuwa ni kuwezesha Kaunti yetu ya Mombasa kufanya kazi zake na kujikimu sababu kuna umuhimu wa ku *re-allocate* pesa hizi ili ziweze kufaidi watu wa Mombasa katika kutekeleza majukumu yetu. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes the Leader of Majority?

Leader of Majority (Hon. Mwidani): Ahsante sana Bwana Spika pia ningependa kuunga mkono kwa huu Mswada ulioletwa na Mwenyekiti wa Fedha. Kama unavyojua Bwana Spika tumebakia na wiki mbili tu huu mwaka wa kifedha wa serikali uishe, sasa zile *vote* ni vizuri tukiweza kuzi *re-allocate* kwa pesa itakayokuwa ipo kwa kuweza kumaliza miradi mingine ambayo bado zangoja huu mwaka wa kifedha.

Kwa hivyo ni kitu kimoja cha muhimu sana pia namshukuru sana Mwenyekiti kwa kuweza kuileta kwa huu mda ambao umebaki wa wiki mbili kwa sababu itakuwa si vyema baada ya mwaka ipatikane kwamba pesa zimekosa kutumika zikaweza kurudi na huku kuna miradi ambayo imeweza kusimama kwa sababu ya hizo *vote*. Hivyo basi Mheshimiwa Spika nampa kongole Mwenyekiti kwa sababu amefikiria kwamba kuna umuhimu wa jambo kama hili kwa sababu ya watu wa Mombasa si kwa sababu ya sisi kama Waheshimiwa, kwa sababu ya watu wa Mombasa kuweza kupata huduma zao vyema. Ahsante sana Bwana Spika.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Faith Mwendé?

Hon. (Ms.) Faith Boniface: Mwanzo nashukuru kwa kunipatia fursa hii niweze kuchangia Mswada huu. Mheshimiwa Naibu Spika pia mimi sina budi kuunga mkono kwa vile kama kuna miradi ambayo haijaisha, ni vizuri pesa ziweze kuwa *reallocated* ziweze kumaliza hizo kazi, kwa vile sioni haja 30th ikifika zile pesa itabidi zirudi ni vizuri ziweze kutumika vizuri, zi *reallocatiwe* kwa vitengo vyengine ndio ziweze kufanyika vizuri, kama zitafanyika vizuri hilo nasisitiza. Ahsante sana Mheshimiwa.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Tobias?

Hon. Samba: Thank you Mr. Speaker for giving me this opportunity, at least when the reallocation is done is for the good interest of the citizens of our County and the timing of course is necessary, genuine and the mover of the Motion could have just be more elaborative we are reallocating from this kit to the other one, it should not be left more open like that, now we should be aware where it is being re-allocated to! But the timing itself is good, but I wonder if now there is money to be re-allocated but we've been having problems of money, next time I would request if we have money we should also be let known that there's money so that at least we may have time to spend the money rather than now we are rushing to re-allocate, otherwise I beg to support the Motion. Thank you Hon. Speaker.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Thoya?

Hon. Thoya: Bwana Spika nachukua nafasi hii kuweza kukushukuru nikiweza kutia pondo kwa Mswada huu tunafahamishwa kwamba kuna pesa ambazo hazijatumika na ikiwa hatutapitisha Mswada huu zile pesa zitarudi kule na hatimaye zile ambazo tutaletewa itakuwa ni kidogo kwa sababu watu wa Mombasa hawatumii pesa, haitakuwa vizuri ni vizuri tupitische tuzitumie lakini hata hivyo pesa hizi tunazitumiwa kwa wiki moja ni kama ambaye tunazitumia kwa fujo, Mswada huu ulikuwa uje mapema zaidi kwa sababu wengi wa Waheshimiwa walioko hapa wamekuwa waathiriwa, madeni ya kila aina ambayo watu wameenda ku *benchmark* ama watu wameenda ki safari rasmi mpaka sasa hii hatujui hatima hiyo na kuna pesa ambazo zilikuwa zitumike kutulipa, basi kama ni hivyo ipitische na ifanyike sasa hii tuione heri na ni funzo kubwa kwamba huu mwaka ambao tunaenda kupitisha bajeti tumakinike zaidi kwa sababu inatafikana zile sehemu ambazo zile pesa hazitumiki kikamilifu tuzilete kule ambako tuko sawa, tuko na mambo mengi.

Jumba letu hili tunaloliona lina dhiki zake, inasikitisha hata hicho chombo unatumia saa hii lawaka? Tuone! Mitambo ina matatizo hapa, nafikiri hiyo yote ni shida ambayo inahitaji pesa twazungumza twaziwakisha lakini nimeona afadhali niizime, zima tukisema inarekodi kitabutabu na mimi nafikiria kama kuna pesa basi zikatolewe zikanunuliwe mitambo mipya hii inakuwa ni aibu ya hali ya juu...

(Applause)

...ukirudi tukienda huko Chumba cha mikutano, *Committee room* ukiita wageni kunanyesha unaweka ndoo, ni aibu ambayo imetuzonga Bwana Spika na sijui tutaipitisha wapi? Kama kuna pesa mimi nataka angalau mununue mabati mutengeze kile chumba cha mikutano tu angalau zile aibu tunazoweza kuzificha tukazifiche na mapema. Ni vizuri tuyaseme uchi ukiuficha hutazaa, tuuseme vile ulivyo kama kuna pesa zikatolewe tuangalie wale ambao kidogo walienda safari za *benchmarking* tulipwe, kama kuna mahali ambapo twaweza enda tukapate masomo zaidi twende kuliko hizo pesa zirudishwe huko, zikipelekwa huko hazikosi kazi ndugu yangu, huko juu kazi zimejaa tele, leo tuziregeshe tutaonekana kweli hali yetu ni ngumu kiakili lakini mimi ningependekeza siku za usoni tuhakikishe zile sehemu ambazo zina matumizi makubwa ya pesa tunazipangia kikamilifu...

(Applause)

Si vizuri zile sehemu ambazo zinahitajika sana mapeni tuzipangie mapeni hafifu halafu tu *hang* ama tupepee juu kwa sababu hatuna lolote acha nimalizie hapa lakini hii aibu ya leo imepita kiwango.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Mwalimu?

Hon. Mwalimu Mgwisho: Ahsante sana Mheshimiwa Spika nachukua nafasi hii kuweza kumshukuru Mwenyekiti wa Kamati ya Fedha kwa kutuletea hoja hii katika Bunge letu tukufu ili tuweze kupitisha hizi pesa ambazo zimebakia bakia ziweze kutumika. Nafikiri katika Jumba hili kuna mambo mengi sana ambayo sisi twayahitaji lakini kumbe kuna pesa ambazo zimekaa mpaka hazitumiki. Kuna shida muhimu sana ambazo sisi Wabunge wa Kaunti ya Mombasa ni masikitiko na watu wengi wana chuki kwa sababu ya ukosefu wa pesa kwa mfano sisi mikopo yetu ile ambayo ilikuwa twatarajia tuipate hatujaipata sijui pengine pesa hizi haziko katika *vote* pengine yafaa sisi Waheshimiwa tuweze kupata mikopo hii. Sisi kusema ule ukweli tumefurahi kuona kwamba Mswada huu uliweza kuletwa katika Jumba hili liweze kupitisha pesa zitumike lakini tunaomba Jumba hili kuwe na uwazi kwaonekana kuwa kuna matatizo mengi ya pesa ambayo Waheshimiwa wanahitaji, watu wengine hawana raha, huyu hampendi huyu lakini kumbe pesa ziko.

Kwa hivyo naomba Jumba hili tukufu la Mombasa Kaunti tuweze kupitisha hizi *votes* lakini kuwe na uwazi na pia tujulishwe kwamba hizi pesa hizi ziko vipi? Ziko wapi? Na kwa nini zimebaki? Zimetumika kwa njia gani? Kwa hivyo kwa hayo machache Mheshimiwa Spika nashukuru kwa kupata nafasi hii narudia tena kumpatia tena Mwenyekiti wa Kamati ya Fedha kwa kuleta huu Mswada. Ahsanteni.

The Deputy Speaker (Hon. Mwalimu): Members unless there's somebody opposing but if you are all in agreement I will ask the Mover of the Motion to put his input. Yes Hon. Hatimy?

Hon. Mohamed Hatimy: Mr. Speaker...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Use your microphone.

Hon. Mohamed Hatimy: Mheshimiwa Spika nikushukuru *Members* kwa kuweza kuuunga mkono huu Mswada kwa sababu wameona umuhimu wa jambo hili. Mheshimiwa Spika mwanzo kama tunavyojua kuwa watu dakika ya mwisho wameanza kusafiri, watu wamesafiri na kusema hivi pia kuna mambo mengine kuweza kufanyika na utasema kuwa hii nafasi kwa wale waliosafiri ambao hawakusafiri pia wote wapatiwe nafasi wote wasafiri...

(Applause)

Kwa sababu Mheshimiwa Spika kuna maneno mengi ambayo tunazungumza zungumza wanaona kuwa pengine Hatimy amefanya hivi ama ni nani amefanya hivi, unajua viongozi wako kwenye hii Nyumba na kila mmoja anajua kiongozi anafanya kazi yake. Nataka kusema Mheshimiwa Spika kuwa tusipofanya jambo hili *Auditor General* atatuletea *query* ya kusema kuwa sisi tunatengeneza bajeti ambayo hatuwezi kuitekeleza kwa hivyo kukaingia hatari pengine tukaambiwa zile pesa zetu tunazopewa tukatiwe kwa sababu hatukuweza zile tulizozitengeneza hatukuweza kuzitumia.

Kwa hivyo Mheshimiwa Spika kwa uchache wa maneno nasema shukrani sana na naomba muendeleo kuunga mkono huu Mswada sio mwisho wake mpaka ikishapita ndio tuseme kweli imepita na tuweze kufanya yale mambo ambayo yatakikana sisi tufanye. Nataka kuwaambia *Members* kuwa hizi pesa huwezi kuongeza jambo lolote kwa *supplementary* isipokuwa pesa ni zile zile itakuwa tu zimetoka kwa *group A* zimeingia *B* na *B* kwenda *C* lakini pesa ni zile zile kwa hivyo pesa hizi ambazo zilikuwa za mikopo zimetoka kwa mikopo ndio zinatumika kwa mambo mengine Mheshimiwa Spika...

(Applause)

Pesa tulioweka shs 87Milioni ambazo kwamba ilikuwa tuchukue mikopo lakini mwaka tarehe 30 ukifika itakuwa hakuna tena zile pesa kwa hivyo ni afadhali kusema kuwa sisi tuzitumie hizi pesa kwa njia nyengine ambayo itaifaidisha hili Bunge Mheshimiwa Spika. Ahsanteni sana Mheshimiwa Spika.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Hatimy and the rest of the Hon. Members I now stand to put a question after seeing the mood of the House, it's as if all are in agreement. I put a question that the Motion on Approval of Re- allocation of an utilised budget votes for the Financial Year 2017/2018 be approved in this Hon. House.

(Question put and agreed to)

(Applause)

Yes Clerk?

ADJOURNMENT

Members there being no other Business the House stands adjourned until tomorrow Wednesday 20th at 9:00a.m.

The House rose at 3:18p.m.