



## COUNTY ASSEMBLY OF MOMBASA

### OFFICIAL REPORT

Wednesday, 4<sup>th</sup> December, 2019  
The House met at 2:46p.m.

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

### PRAYERS

**The Deputy Speaker** (Hon. Mwalimu): Hon. Members you may be seated. Yes Clerk?

### PAPERS

REPORT ON PUBLIC PARTICIPATION OF THE MOMBASA COUNTY FINANCE BILL, 2019

Yes, Chairman Budget and Appropriations. Please lay the Paper.

*(Paper laid)*

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker I wish to lay out the public participation of the County Finance Bill, 2019 that this House adopts the Report on public participation of the Mombasa County Finance Bill, 2019 laid on the table on 4<sup>th</sup> December 2019...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Hatimy just the Paper on the floor of the House.

*(Paper laid)*

Yes Clerk?

### STATEMENT

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON HEALTH HON. KIBWANA SWALEH ON  
TRANSFER OF HEALTH OFFICERS AT SUB-COUNTY LEVEL

Chairperson Committee on Health Services?

**Hon. Kibwana Swaleh:** Thank you Mr. Speaker.

Mr. Speaker I want to confirm to this Honourable House that I am unable to produce the response because we were promised that by 3<sup>rd</sup> they will have given us the response. So I will ask my colleague and also the Honourable House to give me more time until we came back from recess Hon. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): I can see there is no reaction so we will wait for the response when we resume after recess. Yes Clerk?

### MOTION

ADOPTION OF REPORT ON PUBLIC PARTICIPATION OF THE MOMBASA COUNTY FINANCE BILL, 2019

Chairperson, Committee on Finance, Budget and Appropriations?

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Hatimy be audible.

**Hon. Mohamed Hatimy:** Sorry Mr. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Use your microphone, be audible.

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker I wish to move the following Motion that this House adopts the Report of Public Participation of the Mombasa County Finance Bill, 2019 laid on the table on 4<sup>th</sup> December, 2019. Mr. Speaker I beg to move. Thank you.

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

**Hon. Mohamed Hatimy:** Mr. Speaker I request Hon. Kibwana Swaleh to second the Motion.

**Hon. Kibwana Swaleh Baya:** I second.

**The Deputy Speaker** (Hon. Mwalimu): Hon. Members I now propose a question that the Motion on adoption of Report on Public Participation of Mombasa County Finance Bill, 2019 be debated in this Honourable House.

*(Question proposed and agreed to)*

Yes Hon. Mohamed Hatimy?

**Hon. Mohamed Hatimy:** Mheshimiwa Spika nafikiri Waheshimiwa wote wako na Ripoti wanaweza kuiangalia na kama wako na jambo lolote tuzungumzie hapa ili tuweze kuendelea na hili zoezi la *Finance Bill*. Mheshimiwa Spika tuliweza kufanya *public participation* na kuna sehemu ambazo kulifanyika zoezi hilo lakini kuna sehemu nyingine ambazo hazikuweza kufanyika, *attendance ilikuwa very poor* lakini tuliweza kusoma zile ripoti ambazo tumezipata, *Memorandums* na kwenye Ripoti tumetaja vitu vyote hapa ndani.

Kwa hivyo kila kitu kimo ndani ya hii Ripoti. Naomba Nyumba hii tupitishe hii Ripoti ili tuweze kuendelea kwani kama tunavyojua kuwa kwenye mgao wa pesa kwa Kaunti ya Mombasa imekatwa Ksh.1.4Billioni Mheshimiwa Spika ni sisi lazima tutafute pesa isipokuwa ningetaka kuhakikishia Nyumba kuwa hatukumshika mwananchi kabisa. Unajua Mheshimiwa Spika kuna vitu vile ambavyo, kuna *needs* na *wants*; kwa hivyo zile *needs* hatukuzishika, hatukuingia sokoni, hatukushika vile vitu ambavyo vinamshika mwananchi. Tumeshika vile vitu ambavyo mwananchi si lazima navyo sana kuvitumia. Hivyo basi Mheshimiwa Spika naomba Nyumba hii ipitishe hii Ripoti ili tuweze kuendelea mbele na tuweze kukusanya pesa kwa Kaunti yetu. Ahsante Mheshimiwa Spika.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Members, the Motion is on the floor of the House not unless there is no input then we proceed in putting the question. Yes Hon. Athman Mwamwiri?

**Hon. Athman Mwamwiri:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika nina machache ya kuchangia lakini kwanza nimshurutishe Mwenyekiti wa masuala ya Fedha na Mipangilio ya kwamba mbeleni akijua sheria imevunjwa atangulize kuomba msamaha au radhi ili tusonge mbele. Mheshimiwa Spika Sehemu 133 ya kanuni za masuala ya fedha ama PFM, inanukuu vizuri mipangilio na utekelezaji wa masuala yote yanayohusiana na bajeti au *budget timelines* na hapa japo wanati wanasema chelewa ufike ingawa ukiukaji wa sheria uko pale pale na ingekuwa ni jukumu langu la kuadhibu, ningetoa adhabu kali.

Mheshimiwa Spika katika Ripoti yao wameangazia mapendekezo ya waja kuhusiana na mabadiliko ya ada zilizokuwa zimewekwa lakini kuna mawili au matatu kwa niaba ya watu ninaowakilisha na kile kikao cha maoni ya wananchi nilicho hudhuria yalipendekezwa ingawa kwenye Ripoti yao sijaona naona yamesalia kama yalivyokuwa yamependekezwa awali. Ambayo hii Mheshimiwa Spika itakuwa ni hujuma ya muda wetu tuliotumia kubumburusha watu wetu mashinani kuja kusoma na kuchangia yanayowasibu halafu lisiguswe ama lisinukuliwe hata moja kupewa uzingativu.

Mheshimiwa Spika mbeleni hawatakuwa na ari na sababu ya kuhudhuria vikao vile ikiwa maoni yao na mapendekezo yao ni bure na hayana nguvu ama uzingativu wowote katika Gatuzi letu. Nikiwa Mwakilishi wao nikinyamazia hili nitakuwa sijatenda haki na najua Mheshimiwa Mwenyekiti wa Fedha mwishowe ataniambia mapendekezo yeyote ni lazima yawe yameandikwa, akijua fika muda tulionao sina nafasi wala uwezo wa kuliandika hilo. Moja Mheshimiwa Spika ni sehemu ya 60 katika mpangilio wa ratiba ama sehemu ya 9 ya *County Cemetries*, nambari 59 na 60 katika mapendekezo ya ada za makaburi.

Mapendekezo ya kule nilikohudhuria na watu ninaowakilisha walipendekeza ada iongezwe kwa minajili ya Serikali yetu ya Ugatuzi kuokota mapato zaidi. Hali kadhalika, kulinda ardhi kwa sababu Mheshimiwa Spika ardhi haipanuki, kadri inavyotumika ndivyo inavyoisha; kwa hivyo kuweka ada ya chini itapeana nguvu hata watu wa nje ya Gatuzi letu kuja kuhifadhi miili yao katika maeneo yetu wakati sehemu zinazidi zikiisha kwendewako.

Mheshimiwa Spika itapelekea kama hatuna maziara ya mazishi tuje katika utamaduni wa kuchomana kwa sababu ardhi itakuwa imekwisha; lakini kwa kuongeza ada, ingezuilia watu wa Gatuzi za nje kuja kutumia ardhi zetu za Mombasa.

Kwa hivyo hili Mheshimiwa Spika ilikuwa ada ipande kwa mujibu wa kikao nilicho hudhuria na mapendekezo ya watu wangu. Mheshimiwa Spika swala lingine nambari 627 katika mpangilio ilikuwa inazungumzia *box* la Miraa na *box* la Muguka, Mheshimiwa tumeona athari na changamoto ambazo vijana na jamii ya Mombasa inapitia kupitia utumizi wa masuala haya.

Ada iliyoongezwa bado inapeana fursa na uwezo wa yeyote kuweza kutumia masuala ya Muguka na mihadarati kwa sababu bado ni chini na itakuwa ikipatikana kwa bei nafuu Mheshimiwa Spika. Kwa hivyo Mheshimiwa Spika ilikuwa mapendekezo ada katika *box* la Muguka na Miraa ipande zaidi ya hii ambayo Serikali imewekeza...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Member, why are you up?

**Hon. Mohamed Hatimy:** Mheshimiwa nataka kumuelekeza mwenzangu kuwa hatujaishika hii stakabadhi, sisi tuko kwenye Ripoti, nafikiri kama uta *refer* kwa hii Ripoti maana yake naona una *refer* kwa *Bill*, hatujafika kwenye *Bill*. Kwa hio tafadhali tuko kwenye Ripoti.

**Hon. Athman Mwamwiri:** Mheshimiwa unayonukuu sijayaona katika Ripoti yao na ni masuala ambayo walipendekezwa katika kikao nilicho hudhuria na watu wangu na ndio maana nagusa Ripoti ya kwamba sijaona labda aniongoze...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Mwamwiri just refer to your Report, 625.

**Hon. Athman Mwamwiri:** Page 625 or No. 625?

**The Deputy Speaker** (Hon. Mwalimu): Item 625, in the Report 625 and 626.

**Hon. Athman Mwamwiri:** Enhee, nimeona.

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

**Hon. Athman Mwamwiri:** Nimeiona, nimeiona!

**Hon. Mohamed Hatimy:** Mheshimiwa Spika nataka kumkumbusha ndugu yangu, mwanzo mimi nampa pongezi kwa Likoni ni kuwa ni kwa waliofanya *public participation* ikaenda vizuri sana...

*(Applause)*

Na haya maneno anayozungumza angalia kwenye Ripoti ukurasa 3, *bullet* 13, watu wako walizungumza habari ya Muguka na Miraa na imo kwenye Ripoti. Kwa hivyo kwenye *public participation* Ripoti tumeizungumza hio na tutakuja kuizungumza mbele Mheshimiwa. Ahsante.

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

**Hon. Athman Mwamwiri:** Ahsante Mheshimiwa Spika. Nimeiona kwa sababu ya muda nimeipita haraka haraka japo nina macho makubwa lakini nukuu nilokuwa ninaiangazia sikuiona Mheshimiwa Spika. Kwa hilo Mheshimiwa Spika nipongeze Kamati kwa mara ya kwanza kwa uadilifu wa kuzingatia...

*(Applause)*

Maoni ya wananchi na kuhakikisha yamenukuliwa barabara kama ilivyokuwa.

Mheshimiwa Spika mimi ni kiumbe dhaifu najitambua lakini siku zote nitapongeza panapo stahiki na nitakosowa palipo na walakini pasi kuogopa wala kutishwa nyau. Kwa hivyo kwa hili Mheshimiwa Spika napongeza Kamati na nauunga mkono.

*(Applause)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Members, okay Hon. Member who is up? Yes Hon. Junior Wambua?

**Hon. Wambua:** Bwana Spika nimeangalia hapa kwa watu wetu ambao wanauza vinywaji Bwana Mwenyekiti namba 924 nimeangalia walikuwa wakilalamika wakisema ile mia moja ni nyingi, saa hii Mwenyekiti naona umewawekea laki mbili sijui kama umeangalia tunawasaidia namna gani kwa sababu wengine hizo ndio biashara zao...

*(Consultations)*

Nazungumzia wale wafanyi biashara ambao wanafanya kazi kama hizi...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Order! Order! Hon. Members Order! Yes there is a Member who is up.

**Hon. Wambua:** Tulilalamika sisi...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Order! Order! Order! Yes Hon. Member use your microphone.

**Hon. Murfad Amur:** With all due respect to my brother Hon. Member first he should declare his interest because there is interest in it Mr. Speaker! He should declare interest Mr. Speaker first before he contributes.

**The Deputy Speaker** (Hon. Mwalimu): Okay thank you. Yes Hon. Raphael Bwire?

**Hon. Bwire:** Hon. Speaker I think it is not procedural for Members to ask a Member who is representing his people to declare interest...

*(Applause)*

I believe Hon. Speaker there is no any form that Hon. Junior Wambua signed or rather filled here indicating that he is running any other business; he is a representative for the people of Chaani and is talking on behalf of the people of Chaani therefore he should not therefore be asked to declare any interest! I may be doing that business but this is a House of Order, we are here to represent the people my business is not a business of this House. Thank you Hon. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Junior Wambua?

*(Laughter)*

**Hon. Wambua:** Tumelalamika zaidi wakasema ile pesa ni nyingi...

(*Interruption*)

**The Deputy Speaker** (Hon. Mwalimu): Order!

**Hon. Wambua:** Na tulikuwa... sorry!

**The Deputy Speaker** (Hon. Mwalimu): Proceed.

**Hon. Wambua:** Na Spika tulikuwa tunafikiria wakati huu itaangaliwa zaidi ili waonekane kwamba wamesaidika lakini hapa badala ya kwenda chini naona imepigwa mpaka elfu mbili na ilhali ilikuwa iko juu sana, ilikuwa na pendekezo kwamba ingeshuka mpaka 50 iweze kusaidia wananchi wengi ambao wako katika hii biashara. Nafikiri Bwana Spika Mheshimiwa Bwire ameelezea zaidi ni watu wengi ambao wako pale nje ambao hawana nafasi ya kuingia hapa ili waweze kuzungumza na kueleza kinaga ubaga kwamba hii itatoa watu wengi katika biashara, yatakuwa ni makosa sana watu wakianza kwenda kotini wakisema wanaumizwa na tuna wakati hapa mwafaka tunaweza kuifanyia marekebisho ikaweza kusaidia watu wengi ambao wanafanya hiyo biashara mjini Mombasa.

**The Deputy Speaker** (Hon. Mwalimu): Hon. Members I now call upon the Mover of the Motion to respond.

**Hon. Mohamed Hatimy:** Mheshimiwa Spika kwanza nataka kupongeza zile *sub Counties* zilizoweza kufanya *public participation* kwa kuweza kufanya *public participation* iliyoleta mazao. Na pili Mheshimiwa Spika nataka kumwambia rafiki yangu, ndugu yangu aliye *migrate* kutoka Kongowea kwenda Changamwe kuwa hakuna malalamiko yoyote tuliyo *receive* sisi kusema kuwa ile pesa ni kidogo ingekuwa tumepata maandishi tungeyaangalia lakini sisi twasema kunyamaza nikukubali.

Kwa hivyo ile mumenyamaza inamaanisha kuwa mumekubali ile kwa hio Mheshimiwa Spika na pia nataka kumwambia rafiki yangu ambaye leo Kibwana amesema kulikuwa na *handshake* Mheshimiwa Mwamwiri kuwa malalamiko walioleta wao ya magari kupita kwenye *cess* pia tumeweza kuangalia na pia tukasikiza malalamiko yao, pia tumeweza kuondoa na kusema kuwa yakifika *cess* yatakuwa ni *flat rate*...

(*Applause*)

Kwa hivyo Mheshimiwa Spika nafikiri kwa mara ya kwanza sisi kama Kaunti *Finance Bill* ilifanywa na *Members* na *Non-Members*; tulialika *Members* wale *Members* walioweza kwenda Eldoret kwenda kwa michezo ya CASA na wale *Members* waliobakia Mombasa tuliweza kukaa sote na tukaenda *through* hii stakabadhi tukakubaliana. Mheshimiwa Spika tulikuwa karibu *Members* 24 tulikaa na tukaenda *through* hii *Bill* na tukakubaliana sote kuwa hivi tulivyofanya ni sawa na tumemalizana nayo. Kwa hivyo Mheshimiwa Spika nashukuru na naomba *Members* tupelekeni hii Ripoti ili tuweze kwenda kupitisha *Bill* na tuweze kuokota pesa za Kaunti Mheshimiwa Spika. Ahsante sana.

(*Silence*)

**The Deputy Speaker** (Hon. Mwalimu): Hon. Members I now stand to put a question that the Motion on the report on public participation of Mombasa County Finance Bill, 2019 be adopted in this Honourable House.

*(Question put and agreed to)*

Yes Clerk?

## **BILL**

### **MOMBASA COUNTY FINANCE BILL, 2019**

Yes Hon. Mohamed Hatimy?

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker, Mombasa County Finance Bill, 2019 be now read a Second Time and I request your Chair Mr. Speaker that this House to dissolve to Committee of Whole House. Thank you Mr. Speaker.

*(Silence)*

### **MOMBASA COUNTY FINANCE BILL, 2019**

#### **SECOND READING**

*(The Clerk read the Bill for the second time)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Members as per the request of the Chairman Finance and I can see there is no reaction on the Second Reading so the House moves to the Committee of the Whole House.

### **COMMITTEE OF THE WHOLE HOUSE**

*Order of the Committee read*

*(The Deputy Speaker (Hon. Mwalimu) exited the Chair)*

#### **IN THE COMMITTEE**

*(The Temporary Speaker (Hon. Bwire) in the Chair)*

**The Chairperson** (Hon. Bwire): Hon. Members welcome to the Whole House Committee. Yes Hon. Mohamed Mohamed Hatimy?

*(Silence)*

Kindly *Mheshimiwa* use your microphone. Serjeant-At-Arms?

**Hon. Mohamed Hatimy:** Thank you Mr. Chair. Mr. Chair I wish to give the following Notice; notice is hereby given that the Chairman, Committee on Finance, Budget and Appropriation intends to move the following amendments in respect to the Mombasa County Finance Bill, (No. 4) of 2019 at the Committee stage on Wednesday 4<sup>th</sup> December, 2019.



Mr. Chair (1). Clause 15 of the Bill is hereby amended by including the following after the full stop...

*(Interruption)*

**The Chairperson** (Hon. Bwire): Hon. Hatimy just a moment I consult the Clerk, just a moment please...

*(Consultations)*

Hon. Members we were consulting and we have arrived on a solution. Yes Clerk?

*(The Clerk read Clause 2 of the Mombasa County Finance Bill, 2019, Clause 3, Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9)*

Hon. Members I now propose the question that Clause 3 to Clause 9 be part of the Bill.

*(Question proposed and agreed to)*

I now put..., any concern from any Member before I put a question? Members seem to be in agreement! Allow me now to put a question that Clause 3 to Clause 9 be part of this Bill.

*(Question put and agreed to)*

Yes Clerk?

*(The Clerk read Part 3, Clause 10, Clause 11)*

Hon. Members I now propose...

*(Silence)*

I now propose a question that Clause 10 to Clause 11 be part of the Bill.

*(Question proposed and agreed to)*

Any input? Any reaction Hon. Members? Yes Hon. Mwamwiri?

**Hon. Athman Mwamwiri:** Ahsante Mwenyekiti. Mwenyekiti sehemu ya 10 (1) inasema malipo yote ya serikali Gatuza yatalipwa moja kwa moja kupitia benki, hali kadhalika kupitia njia ya kielektroniki. Mheshimiwa Mwenyekiti tukizingatia ya kwamba kuna mazingira mengine ya kulipa hayapo moja kwa moja kiukaribu na masuala ya benki wala malipo ya kielektroniki na kama tumepiga marufuku suala la kulipa pesa ya moja kwa moja naona hii itakuwa ni fursa ya ugatuzi kupoteza baadhi ya pesa. Hali kadhalika kufungua mazingira ya ufisadi kwa sababu kama mtu hana pesa kwa simu atajitetea kwa kile alichona nacho na kwa ofisa mwenye atapokea hakitafika katika akaunti ya serikali.

Mheshimiwa Mwenyekiti, angalau ile fursa iko ya kulipia na kwa kupata risiti rasmi kuashiria kwamba malipo fulani yamefanyika bado ingekuwa ni fursa kwetu tungeongeza pesa lakini kwa hizi njia mbili pekee yake kwa mtu akipatikana pengine katika suala la *off load* anashusha na hana pesa kwa simu na hawezi enda mpaka *cess*, hawezi enda mpaka benki atajitetea.



Hii itafungua fursa ya kupoteza pesa hali kadhalika kufungua njia za uifisadi lakini tukiwa na vitabu rasmi vya risiti hata wakipokea *cash* lakini imenukuliwa bado ni mchango na ni faida kwetu kama Gatuzi, huo ndio mchango wangu Bwana Mwenyekiti. Ahsante.

**The Chairperson** (Hon. Bwire): Thank you Hon. Mwamwiri.

The reaction from the Committee concerned; the Chairperson, Hon. Members who are the Committee Members? Hon. Kibwana you happen to be a Member of Finance, are you aware of the concern raised by Hon. Mwamwiri? Can you kindly come up again Hon. Mwamwiri? Hon. Mwamwiri, I said can you kindly come up again.

*(Silence)*

**Hon. Kibwana Swaleh:** Thank you Mr. Chair. I think I just want to inform my colleague who is a good contributor one thing that we try to avoid i think Chair you should also give me an ear.

**The Chairperson** (Hon. Bwire): Just go on Honourable.

**Hon. Kibwana Swaleh:** I want you to capture what am replying back. The Chair, i think i just appreciate what my colleague has contributed but i want to inform him that the world is changing and we are trying to avoid the issue of corruption. Hon. Chair, why we define that it has shown us that the increase of collection through electronic... the Mpesa, when it comes to oversight role it is also easy for us in terms of follow up. So i think Honourable there are very few people currently... even the social support funds that the national government gives to the elderly is disbursed through that system Hon. Chair, so i think this is a method that has been derived so as to reduce... as much as we cannot eliminate corruption but this one has really worked out for those people who have been getting the cash because it is easy for the money to be lost when it comes to cash especially when it is bulky money. So i think through this process i hope every Kenyan around who is in business has a phone which is easy for him or her to use, also using the bank i think is the safe way Hon. Chair, i think that is what i can say.

**The Chairperson** (Hon. Bwire): Thank you. Any other input or rather reaction? Hon Members now allow me to put a question that; Clause 9, 10, 11 be part of this Bill.

*(Question put and agreed to)*

Yes Clerk?

*(The Clerk read Clause 12, Clause 13)*

Hon. Members I propose the question that Clause 12 to 13 be part of this Bill.

Any reaction? Input? It means we are in agreement, i now put a question Hon. Members that Clause 12 to 13 be part of this Bill.

*(Question put and agreed to)*

Yes Clerk.

*(The Clerk read Clause 14,15,16)*

Hon. Members i need you to be alert so that you capture everything that is happening.  
Hon. Members allow me to propose that Clause 14,15, 16 be part of this Bill.

*(Question put and agreed to)*

Any reaction? Any input? Any amendment Hon. Chairman? Hon. Chairman Hatimy any amendment on Clause 14, 15 and 16?

**Hon. Mohamed Hatimy:** Clause 15 of the Bill is hereby amended by including the following after the full stop and jumping a line provided that the fees charges levy and penalties charged and applicable to the Mombasa County Department of Health Services for the year 2018-2019 shall be valid and continue to apply and be payable until otherwise amended, thank you Mr. Chair.

**The Chairperson (Hon. Bwire):** Who is your seconder Hon. Member?

*(Hon. Kibwana Swaleh seconded by bowing)*

Thank you.

**Hon. Mohamed Hatimy:** Maybe i explain to Members. This is a schedule, *Mheshimiwa hii ni schedule ambayo ukiangalia huoni vitu vya health ndani hapa kwa sababu hichi kitabu kilikuwa ni kikubwa sana na kusema kuingia gharama ya kuchapisha na hakuna mabadiliko yoyote yaliyofanyika 2018-2019 tunasema schedule ile ya health inabakia vile vile ndipo tunaleta hii amendment kuiweka ndani ya hii, kuwa itakuwa inaendelea watu kuchajiwa kwa mujibu wa ile 2018-2019 kwa sababu tusipoiweka Mheshimiwa itaonekana ile 2018- 2019 imekuwa repealed alafu watu watakataa kulipa pesa. Kwa hivyo tumeitowa kwenye 2018-2019 tumeileta kwenye 2019-2020. Ahsante Bwana Mwenyekiti.*

**The Chairperson (Hon. Bwire):** Thank you. Any reaction?

*(Silence)*

I now put a question Hon. Members that Clause 15 be part of this Bill, as amended.

*(Question put and agreed to)*

Yes Clerk?

*(The Clerk read the Schedule)*

Hon. Chairman.

**Hon. Mohamed Hatimy:** Thank you Mr. Chair. *Kuendelea kwenye notice niliyopeana number 2 that the entire schedule fees charges and penalties from the County Department of Health Services be inserted at the end appended at the end of the Mombasa Health Act, 2018. Tunajaribu Chair nikielezea Members kuwa mwakani Mungu akipenda tunataka kutowa tusiwe tena na hii kitabu cha Finance Bill na kurasa zote hizi.*

*Mheshimiwa Chairman tunataka kutowa kila kitu kiende kwa Wizara yake, kama issue ya finance, mambo ya health iende kwenye Act ya trade, mambo ya trade iende kwa Act ya Trade, mambo ya Wizara kila Wizara itakuwa imebeba mambo yake. Hichi kitabu kitakuja kitakuwa ni kifupi sana Mheshimiwa Chair kwa hivyo naomba Members tukubaliane ili tupate kuendelea mbele. Ahsante Mheshimiwa.*

**The Chairperson** (Hon. Bwire): Thank you. Hon. Members i now propose a question that Schedule 2 be part of this Bill as amended.

*(Question proposed and agreed to)*

Yes Hon. Hatimy?

**Hon. Mohamed Hatimy:** Shukran Bwana Mwenyekiti na pia number tatu nataka kusema *the entire Schedule to the Bill is deleted and replaced to the new schedule annexed hereto*. Kwa hivyo ile itakuwa *deleted* na itaingia kwenye hii mpya Mheshimiwa Mwenyekiti, ahsante.

**The Chairperson** (Hon. Bwire): Thank you Hon. Hatimy. Hon. Members i now propose a question that Schedule number 3 be part of this Bill as amended.

*(Question proposed and agreed to)*

Hon. Members allow me now to put a Question that Schedule number 2 and 3 be part of this Bill as amended, will as many as of the same opinion say Aaayee

*(Question put and agreed to)*

Yes Clerk?

Hon. Members we are done with Whole House Committee and we are reverting back to plenary.

*(The Chairperson (Hon. Bwire) exited the Chair)*

#### PLENARY RESUMED

*(The Temporary Speaker (Hon. Bwire) in the Chair)*

**The Temporary Speaker** (Hon. Bwire): You may be seated Hon. Members. Hon. Mohamed Hatimy you kindly report to this House what transpired.

**Hon. Mohamed Hatimy:** Ahsante Mheshimiwa Spika. Nachukuwa fursa hii kupongeza Wanachama ya kuwa wameweza kupitisha hii *Bill* bila ya shida yoyote na twaomba Nyumba sasa ipitishe hii *Finance Bill* na tusome the *third reading*. Ahsante Mheshimiwa Spika.

**The Temporary Speaker** (Hon. Bwire): Thank you Hon. Mohamed. Yes Clerk?

**MOMBASA COUNTY FINANCE BILL, 2019**

## THIRD READING

*(The Clerk read the Bill for the Third Time)**(The Temporary Speaker (Hon. Bwire) exited the Chair)**(The Deputy Speaker (Hon. Mwalimu) in the Chair)***The Deputy Speaker (Hon. Mwalimu):** Yes Clerk?**MOTION**

## ADJOURNMENT OF THE COUNTY ASSEMBLY

Yes Chief Whip Hon. Charles Kitula? A Member of the Service Board Hon. Murfad Amur.

**Hon. Murfad Amur:** Mr. Speaker Sir, on behalf of the Chief Whip i wish to move the Motion of adjournment of the County Assembly.

**The Deputy Speaker (Hon. Mwalimu):** Hon. Murfad Amur, proceed.

**Hon. Murfad Amur:** Thank you Mr. Speaker Sir.

**The Deputy Speaker (Hon. Mwalimu):** Move your Motion so that you get a seconder.

**Hon. Murfad Amur:** Motion of the adjournment of the Assembly Mr. Speaker Sir.

That pursuant to the provision of Standing order 25 Sub Section 3, this House adjourn until Tuesday 11<sup>th</sup> February, 2020 in accordance with the County Assembly calendar Mr. Speaker Sir, thank you.

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

**Hon. Murfad Amur:** Hon. Swaleh Kibwana.

**Hon. Kibwana Baya:** Thank you Hon. Speaker. Hon. Speaker i think since we are following the calendar i do support.

**The Deputy Speaker (Hon. Mwalimu):** I now propose a question that the Motion on adjournment by Hon. Murfad Amur be debated in this Honourable House.

*(Question proposed and agreed to)*

Yes Hon. Murfad Amur.

**Hon. Murfad Amur:** Thank you Mr. Speaker. I want to congratulate the Members for accepting; it is that calendar of this Honourable House that we are following and therefore every year when it comes to end of December normally the House goes for recess Mr. Speaker so...

(Interruption)

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Raphael Bwire.

**Hon. Bwire:** Hon. Speaker i also want to have a rest and mix up with the people of Junda but i want to do it under clear circumstances. Hon. Speaker it is just the other day we were told that we do not have a calendar and i now wonder on which grounds are we adjourning, have we published that calendar? Do we have it? I remember Hon. Speaker you ordered that the Clerk of the County Assembly been asked to bring that calendar that was published containing the business of this House Hon. Speaker. I just want to go home but i would wish to go under clear circumstances. Thank you.

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

**Hon. Mohamed Hatimy:** Mheshimiwa Spika ile *calendar* nililetewa nikaingalia nimekubali kwa hivyo Bunge liendelee.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Raphael Bwire.

**Hon. Bwire:** Hon. Speaker whenever the Chair gives a ruling, it affects the entire House so to my knowledge that calendar was to circulate to all Members because it is a concern to all Members. I don't think Hon. Speaker if it was to be taken to... I don't know whether the directive... and i don't think the directive was so specific that Hon. Hatimy was to be served with that calendar. The Hon. Members were concerned and an issue that was raised Mr. Speaker was that which affects the interest of all of us so can we just also be served with the same calendar so that when I adjourn here, I adjourn with a calendar, and now Hon. Speaker not later!

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

**Hon. Mohamed Hatimy:** Mheshimiwa Spika nafikiri *ruling* ilitoka kuwa ilikuwa nipatiwe ile *calendar* na mimi nilionyeshwa na kama anataka mwambie Mheshimiwa kesho ukija kwa ofisi yangu nitakuonyesha.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Murfad Amur.

**Hon. Murfad Amur:** Thank you Mr. Speaker. Mr. Speaker it's high time we have been working from January and it is time to go back to our electorates so that we can at least serve them for a short period so that at least they can feel the Members they elected are seen at the grass root level. It will also give us time to be with our families and even may be to celebrate with our brothers and sisters during this festive month because as Muslims we normally celebrate during Idd and this is high time as our brothers and sisters in Christianity religion are also going to be having their festival. Mr. Speaker, we therefore wish them well and also to have an enjoyable festival. Thank you very much Mr. Speaker.

(Applause)

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Kibwana Swaleh.

**Hon. Kibwana Swaleh:** Thank you Hon. Speaker. Hon. Speaker I was just listening to my friend here speaking nicely about the recess; as much as we accept the recess as Members of the County Assembly of Mombasa but we have some reservations. Hon. Speaker my reservation is that we must be active as Members during recess and the County must create some activities that we will reach our people, it is not an issue of just going home and resting watching Television or watching football, it is mingling with the community or electorate. So I want the Service Board which is our board that looks after our welfare to see how we can interact with the community. We also urge all the programs including other activities that have been reached in our community to be rolled out during this recess.

Hon. Speaker our offices should not be a place where the doors are being closed; kindly I think I don't know how people will celebrate when at the moment they have not received their salary! This is a very serious issue, anything we should not just be happy here when outside you are really crying Hon. Speaker! So as much as we are following the calendar which is procedural for us but I think the leadership of the Honourable House or this Hon. Assembly should look into our welfare not only the Members only but even the staff. I think Hon. Speaker when we look at others currently we have heard about the issue of pending bills that we are not receiving any money so I don't know how we are going to celebrate as we don't know how we are going to interact with the community. We hope that... I think through this recess may be the leadership of this Honourable House will look into our affairs. Thank you Hon. Speaker.

**The Deputy Speaker (Hon. Khatri):** Yes Hon. Mwamwiri?

**Hon. Athman Mwamwiri:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika nichukue fursa hii awali ya yote nimshukuru Rahmani Aliyetuwezesha mimi na Waheshimiwa wenzangu kutamatisa awamu hii ya mwaka huu wa 2019 tukiwa wazima wa afya na ngaa wenye furaha.

Mheshimiwa Spika mengi yamepita lakini wakati umefika kwa Waheshimiwa kurudi kukutana na familia tukizingatia takwimu tulizozipata juzi za idadi ya watu Mombasa bado tuko na idadi ndogo. Pia Mheshimiwa Spika katika kipindi hiki kitapeana fursa kuwajibikia maswala ya kuongeza idadi hali kadhalika Mheshimiwa ni fursa pia ya kukutana na wananchi wetu kukusanya yanayostahiki kuja kuyatengenezea kanuni muafaka tutakaporudi mwakani na zaidi ya yote pia ni fursa kwetu sisi Wawakilishi pamoja na Wafanyi kazi ndani ya likizo hii kupata angaa wasaa wa kufanyiwa masomo zaidi ili kuboresha uwezo tulio nao katika kupigania na kuchangia maswala muhimu yanayohusu Gatuzi letu la Mombasa.

Mheshimiwa Spika kadhalika tutaafikiana ya kwamba miongoni mwa watu watakaopata uvuli siku ambayo kutakuwa hakuna kivuli isipokuwa kivuli cha Mwenyezi Mungu ni kiongozi muadilifu na hili Mheshimiwa liwe muongozo kwetu na Mungu atujaalie sote pamoja na Kiti chako tuwe tumeyatekeleza kwa uadilifu na tutayatekeleza mbeleni hali kadhalika yawe ni ya uadilifu kuweza kupata radhi na baraka za Mwenyezi Mungu si tu kwa wananchi Mheshimiwa Spika.

Mheshimiwa Spika kadhalika nishukuru Waheshimiwa wenzangu katika Bunge hili kwa kipindi hiki tumekuwa tukijadili na kuchachawizana kuhusu maswala muhimu ambayo tumekuwa tukipinzana kihoja ama kimaoni lakini wale watumwa wa lugha ya Kiingereza wanasema *disagree to agree* na katika mchezo huu hautaki hasira kwa hivyo kwa yaliyopita hayakuwa upinzani, hayakuwa ushindani bali ni moja wapo ya kuwekana sawa na kukuza serikali yetu ama kuwajibikia watu wetu wa Mombasa.



Kwa hivyo Mheshimiwa Spika mchezo huu hautaki hasira na hatutarajii kukutana na hasira hizi miongoni mwa Waheshimiwa mashinani. Mheshimiwa Spika nikiongezea kutoka nikinukuu maneno ya baba wa demokrasia Mheshimiwa Mwalimu Julius Kambarage Nyerere alinukuliwa akisema ya kwamba, uzalendo wa taifa uko mikononi mwa Wabunge. Hii ni kwa sababu wamepewa jukumu la wananchi kuwakilishia na kuwapigania matakwa yao na akasema katika uzalendo huu kwa Bunge ni kutekeleza majukumu yao kisawasawa kwa njia mbili; moja kuipongeza serikali inapostahiki, pili kuikosoa serikali inapoteleza ili kuiwajibisha na kuipatia kuikumbusha na kuweka katika mazingira sahihi kutekeleza majukumu yao.

Vilevile akasema kinyume cha hiki ni unafiki wa viongozi na ni usaliti mkuu wa huduma kwa wananchi ya kwamba kwa Mbunge au kiongozi kufungia jicho ubaya ama dosari inayotendeka na serikali yake na yeye kuamua kunyamazia au kulimezea kwa kulinda ubinafsi wake peke yake pasi kuzingatia idadi kubwa ya wale aliowapa fursa hii ya kuwakilisha Mheshimiwa Spika. Sio kuwa tuishi Mheshimiwa Spika tutakaporudi mwakani Mungu Akituwezesha na *InshaAllah* Atatuwezesha tuliendeleze zaidi hili la uzalendo ili kuweza kukuza serikali Gatuzi yetu ya Mombasa kwa kuwa waadilifu hali kadhalika wazalendo wa kukosoa panapostahiki na kupongeza panapostahiki.

Vilevile Mheshimiwa Spika niwatakie Waheshimiwa wenza na wafanyikazi na zaidi wakaazi wa Mombasa likizo hii ambayo itaambatana na sikukuu kadha wa kadha ziwe za heri na baraka na Mungu Atuwezeshe tukutane tena mwakani palipo uzima. Ameen. Shukran.

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

**Hon. Mohamed Hatimy:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika nasimama mbele ya Nyumba hii ikiwa leo itakuwa ni siku ya mwisho sisi kukutana hapa. Mheshimiwa Spika kwa niaba yangu na niaba ya Chama cha ODM nataka kuchukua fursa hii kuwapongeza Waheshimiwa...

*(Interruption)*

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

**Hon. Athman Mwamwiri:** Mheshimiwa Spika naomba kufahamu kutoka kwa Mheshimiwa Hatimy ambaye pia ni Mwenyekiti wa chama cha Chungwa ya kwamba alikusudia nini aliposema kwamba leo ni siku ya mwisho kwetu sisi kukutana Mheshimiwa Spika na tuna imani kufungwa kwa Bunge sio mwisho wa yetu sisi kukutana. Sijui alikuwa amekusudia nini ama tukitoka hapa tunafariki sote Mheshimiwa Spika?!

**Hon. Mohamed Hatimy:** Nafikiri nimekuwa nimesema uwazi kuwa kukutana mwaka huu sikusema kuwa hatukutani, ambao hawakutani ni wale waliokwenda mbele za haki. Kwa hivyo Mheshimiwa Spika kwa niaba yangu na niaba ya chama cha ODM na wapongeza Wanachama kwa kazi nzuri walioifanya kwenye mwaka huu uliomalizika.

Ijapokuwa tumepambana na shida hapa na pale nataka kuhakikishia Wanachama kuwa mimi kama Mwenyekiti wa ODM na chama cha ODM hatuchukui chuki yoyote, maneno ambayo yanazungumzwa hapa ndani ya Nyumba hii na nafikiri umeona kuwa tunavyozungumza hapa sivyo vile tulivyo nje. Kwangu mimi mtu yeyote, wakati wowote mlango wangu uko wazi Mheshimiwa Spika mtu yoyote mwenye na shida zake kuja kwangu tunakaa tunazungumza na mimi nashukuru pia kwa heshima ile wamenipatia hawa Wanachama.



Mheshimiwa Spika nataka kuchukua fursa hii na ndugu zetu wanakwenda watakuwa na Krismasi kuwatakia Krismasi njema wao na familia zao na Mungu Atatujaalia tutakuja kuonana kwa furaha tele na hapa tuweze kuhudumia watu wa Mombasa kwa njia ya haki, ukweli na usawa. Kwa haya machache Mheshimiwa Spika nashukuru na nasema ahsante sana.

**The Deputy Spika (Hon. Mwalimu):** Yes Hon. Thoya?

**Hon. Thoya:** Ahsante Mheshimiwa Spika. Nafikiri ni kwa masikitiko makubwa kwamba kalenda imebidi twende nyumbani lakini kazi ambazo ziko mbele yetu ni nyingi na nikisema hivyo namaanisha kuna dharura la kwamba jana ndio kuna zile fomu za kwenda sekondari au shule za upili ziliweza kutoka. Hivyo basi nikinukuu hapo nyuma kuna Kamati ya Afya iliweza kupewa nafasi ya kuendelea na vikao, nilikuwa naomba kama inawezekana Kamati ya Elimu iweze kupewa nafasi kwa sababu itakuwa si sawa hili jambo tuje tulizungumzie mwakani, mwezi wa pili wakati watoto na wazazi wamehangaika kutafuta karo. Ikiwa inawezekana Kamati iweze kukutana iweze kusukuma basari hiyo ambayo inatoka itoke kwa wakati unaofaa kwa sababu mwaka jana basari ilipatikana kuchelewa na watoto walikuwa wameenda.

Kwa hivyo ninaomba kama itawezekana Kamati ya Elimu ipewe nafasi ya kuweza kufuatilia; najua sisi wengine tutakuwa tuko nyumbani na tumeridhia ni swala la kalenda lakini swala la karo za shule ni swala ambalo lazima lifuatiliwe kabla mwanzo wa mwaka ama sivyo swala hili twazungumzia mwezi wa pili, mwezi watatu ambapo tutakuwa tumechelewa, ahsante.

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

**Hon. Amriya Juma:** Thank you Mr. Speaker. I have heard the previous speakers; some of them giving out speeches and in my view although I agree that all work without play makes a Jane a dull girl. There is also a Japanese saying that says, no gains no life but at the end of the day a break is very important but I thought Mr. Speaker that some of these speeches were to be given during an end year retreat, an end year team building, end year workshops as rather than us people standing here and wishing other Members a happy New Year on plenary. I think it is best practise as corporate social responsibility that charity begins at home; we should have other avenues apart from an adjournment Motion to bid each other goodbye Mr. Speaker. Otherwise I am agreeable that all work without play makes Amriya a dull girl and I am rejuvenated to go on a holiday but I see that this is not the avenue to bid each other goodbye. Thank you.

**The Deputy Speaker (Hon. Mwalimu):** Yes Honourable from Kadzandani.

**Hon. Nzai:** Ahsante sana Mheshimiwa Spika kwa kunipa nafasi pia mimi kusema kwaheri, lakini kuna swala nyeti limekuwa likigonga vichwa katika Nyumba hii. Maombi yangu nilisema kwa sababu sije tukarudi hapa mwezi wa Februari tukawa na shida hizo hizo tena; kwa nyinyi wakubwa wa vyama hususan Mwenyekiti wa chama chetu cha ODM na vile vyama vyengine tanzu.

Jumba hili limekosa *Minority Leader* kwa muda mrefu na tumekuwa tukipata hiyo changamoto tukiwa kiongozi wetu hayupo basi inakuwa swala hilo ni la kupita hapa na pale. Tunaomba samahani munapoenda likizo hii tukirudi hapa mtuletee jawabu tupate *Minority Leader* na zile sehemu zengine ambazo hazina wanachini nazo zifidiwe. Ahsante kwa hilo Mheshimiwa Spika.

(Applause)

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Thoya what is your information?

**Hon. Thoya:** We want the Speaker who was on floor to come clear if he is talking about Minority Leader or Deputy Majority Leader because he has said that if our Majority Leader is away so he should come out very clear if he is talking about Deputy Majority Leader or Minority or both? Thank you.

**Hon. Nzai:** Thank you Mr. Speaker to have given me again this chance. Kiswahili is not my language that is why I normally speak in English in this House, i meant Deputy Majority Leader Mr. Speaker. Thank you.

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

**Hon. Mumba:** Ahsante Mheshimiwa Spika kwa kunipa pia mimi nafasi hii, ni nafasi muafaka ya kila mtu kujisemea yaliyo rohoni kwa sababu tumekuwa pamoja kwa muda mrefu, tumefanya mengi ambayo ni ya kushirikiana katika Jumba hili. Kwanza ninatoa shukrani kubwa kwa Jumba hili, muda ule ambao tumefanya kazi kushirikiana kama unavyojua tumekutana na kumbukumbu nyingi za kukwangurana huku na huku lakini mwisho wa kwisha tunaona serikali bado iko imara na Kaunti itaendelea kuwa imara na kama wenzangu walivyozungumza na wakasisitiza ni wakati muafaka na ninamshukuru Mwenyekiti wa ODM aliyesimama hapa kulingana na chama ambacho mimi nimetoka na ninamshukuru Mheshimiwa Nzai pia kwa kusisitiza majukumu kadhaa wa kadhaa kulingana na heshima ya Nyumba hii tunajua majukumu ya serikali, tunajua majukumu ya vyama, tunajua majukumu ya vyeo tumekumbana na wakati mgumu sana wengine hapa tumekumbana na upinzani mkubwa wakati tunajadiliana katika maswala ya serikali na kama mtu anavyojua ukiwa una bendera ya serikali ni wajibu kujua jukumu lako katika serikali ya Jumba hili.

Lakini wengi majukumu hayo wamekuwa wameyasahau, majukumu yale wanakuwa hata hawajielewi na ndio wakati unaposimama hapa na kuzungumza saa nyengine tukiwa tuko na mori kwa sababu tunajua majukumu ya serikali ni majukumu gani. Sio mtu kutaka vyeo tu na sio mtu kutaka mamlaka tu lakini wakati ukifika wakati wa kusimama na serikali tunakuta tunateteleka wakati wa kusimama na kuzungumza hoja inayostahili katika Nyumba hii yetu tukufu hauonekani lakini wakati wa majukumu ya kuwa unataka bendera na mamlaka na jukumu katika chama wewe ndio wa kwanza kusema unapinga, unapingwa unaonewa na unafanya nini? Hapana tunataka sasa Jumba hili lianze kusimama... hiyo kazi tumempa Mwenyekiti wa ODM ulisema katika Nyumba hii kuwa turudi chini tungojee majibu ya kutoka kwenye chama na Mheshimiwa Spika nimesimama hapa nikizungumza nikiwa hata mimi sibabaiki wala sitishwi nyau na unanijua hivyo kuwa...

(Interruption)

**The Deputy Speaker** (Hon. Mwalimu): Hon. Sheillah use parliamentary language.

**Hon. Mumba:** Ahsante Mheshimiwa Spika. Ninarudi nyuma lakini niliiga mwenzangu niliyemsikia katika Jumba hili ambaye ninampenda sana wakati akisimama na kuzungumza akiwa na ujasiri wa hali ya juu na ndio hata mimi na ujasiri huo huo ambao Mheshimiwa Mwamwiri amenifundisha na amenifundisha kusimama kidete na kutetea.

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Nikizungumza nikiwa kidete leo najitetea kwa Mwenyekiti wangu wa ODM arudi akae katika Nyumba yetu ya ODM ama afanye *restructuring* ndani ya hii Nyumba tukirudi Januari atuletee majina muafaka ya kuweza kufanya kazi katika Nyumba hii.

**The Deputy Speaker** (Hon. Mwalimu): Thank you Hon. Sheillah. Hon. Members we have heard from the Hon. Members and issues concerning your parties will be discussed at your party levels. And Hon. Thoya your request for the Education Committee, the only person who got the mandate to allow the movement of Hon. Members and the Committees is the Speaker of the County Assembly and not the Speaker of the day. So make a proper communication to the Speaker of the County Assembly and he will give a good direction as per what you have raised.

### ADJOURNMENT

Hon. Members having finished the Motion on adjournment I see the House is exhausted fully and the Motion. I now stand to announce that the House stands adjourned until Tuesday February 11, 2020 at 10:00a.m.

The House rose at 4:10p.m.