



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 19th March, 2019

The House met at 2:48p.m.

(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)

PRAYERS

The Speaker (Hon. Khatri): Honourable Members you may be seated. Yes Clerk?

MOTION

IMPEACHMENT OF COUNTY EXECUTIVE COMMITTEE (CEC) MEMBER FOR TRANSPORT,
INFRASTRUCTURE AND PUBLIC WORKS HON. TAWFIQ BALALA

Honourable Members, I confirm that the Motion before this House has complied with Section 62(4) of the Standing Orders together with Section 40 (2) of the County Government Act which requires that before the Motion is moved the Speaker must be satisfied that the Motion is supported by at least a third of the Members, which is at least 14, the Notice of the Motion dated March 8th 2019 was delivered to the Clerk pursuant to Standing Order 44 (2) and the Clerk then submitted the said notice to me on the 11th March, 2019 for the approved Motion accompanied with the list of signatures for removal of Mr. Tawfiq Balala, Member Executive Committee for Transport, Infrastructure and Public Works.

Honourable Members I approved the said notice of Motion on 11th March, 2019, the County Assembly Business Committee then slotted the Motion for Tuesday March 12th at 2:30p.m and the Motion is due to be moved today. Yes Honourable Athumani Shebe, please move the Motion.

(Hon. Shebe Athman moved Motion)

Hon. Shebe Athman: Mr. Speaker Sir, I wish to move the following Motion as amended;

That this House RESOLVES THAT Hon. Tawfiq Balala be removed from the office of the Mombasa County Executive Committee Member for the Department of Transport, Infrastructure and Public Works pursuant to Section 40 of the County Government Act, 2012 and the Mombasa County Standing Orders in so far as the Standing Orders are in line with national legislations. Grounds thereof:

A) INCOMPETENCE

Mr. Speaker Sir, Hon. Tawfiq Balala is incompetent and therefore unsuitable to serve as Member of the Mombasa County Executive Committee for Transport, Infrastructure and Public Works as:

- a. The CEC Mr. Speaker Sir, has failed to ensure that there is sufficient street lighting in the County despite the Department having been allocated monies in the financial year 2017/ 2018 for street lighting and in the current financial year;
- b. Failure to properly manage collection of revenue generated from billboards and other advertisement activities and parking fees. Mr. Speaker Sir, There was a 0.3 percent decline in revenue collection from the aforementioned activities in the year 2017/2018 as compared to previous financial year; the towing fee collected was Kshs 0 out of a target of Kshs 72,504 in FY 2017/2018 under the leadership of Hon. Tawfiq Balala...

(Applause)

- c. He has failed to formulate departmental policies and conceive legislative proposals for enactment by the County Assembly;
- d. Mr. Speaker Sir, failure to implement projects and programmes as required by the Annual Development Plan (ADP). Mr. Speaker Sir, there are incomplete projects that have overlapped financial years; the budgetary allocation for development in the department in the FY 2017/2018 was Kshs. 891,205 663 which was increased to Kshs. 1,733,031,277 by a Supplementary budget and yet most projects including roads have stalled and yet the recorded absorption rates for most of the stalled projects are very high. This can be attributed to his lack of providing leadership which has led to stalled projects.

(Applause)

B. GROSS VIOLATION OF CONSTITUTION OR ANY OTHER LAW

- a. Mr. Speaker Sir, the County Assembly is mandated by Article 185(3) to exercise oversight authority and in so doing, it may require any person to appear before the County Assembly to provide information as stipulated in Article 195 of the Constitution; Section 39(2) of the County Government Act, 2012 provides that a Committee of a County Assembly may require a Member of the Executive Committee to attend or appear before the Committee and answer any question relating to the Member's responsibilities;

Mr. Speaker Sir, Hon. Tawfiq Balala has failed to honor invitation(s) by Committee on Transport, Infrastructure and Public Works on occasions without any justifiable cause;

- b. He has also failed Mr. Speaker Sir, to submit quarterly reports to the County Assembly to enable the County Assembly discharge its oversight role over the Executive as required by the County Government Act Section 40(f), Article 183(3) of the Constitution of the Republic of Kenya.

I urge my fellow Member Mr. Ahmed Salama to second the Motion. Thank you.

(Applause)

Hon. Ahmed Salama: Mr. Speaker Sir, I second.

(Motion proposed)

The Speaker (Hon. Khatri): Thank you Honourable Shebe. Honorable Members I now propose the question that this House adopts the Motion on the impeachment of CEC Transport, Infrastructure and Public Works, Hon. Tawfiq Balala pursuant to Standing Order 62 and County Government Act Section 40.

Hon. Members, the floor is open now for debate. Yes Honorable Kassim Fahad.

Hon. Fahad Kassim: Ahsante sana Mheshimiwa Spika.

The Speaker (Hon. Khatri): Sorry Honourable Fahad Kassim let the mover of the Motion please address the House. Yes Honourable Shebe Athmani?

Hon. Shebe Athman: Ahsante Sana Mheshimiwa Mwenyekiti kwa fursa, vile vile kongole kwa uongozi wa wenza kwa sababu ya kuniunga mkono hoja hii. Mimi sitakuwa na mengi Mheshimiwa Mwenyekiti bali tu ni kuonyesha kuwa wameingia katika kumbukumbu ya historia ya Bunge la pili na kwa sababu nzuri Mheshimiwa Mwenyekiti wamesimama na ukweli na wako tayari kutetea haki na ukweli. Ahsante sana Mheshimiwa Mwenyekiti kwa kunipatia fursa hii.

The Speaker (Hon. Khatri): Thank you Honourable Shebe. Yes Honourable...

The Chief Whip (Hon. Kitula): Ahsante. Mheshimiwa Mwenyekiti, mimi nimesimama kama Mwakilishi wa kata ndogo ya Frère Town kuweza kuunga mkono hoja ya leo...

(Applause)

Kwanza kabisa nitaenda katika mwaka wa fedha 2016/2017; idara hii ya uchukuzi jinsi ilivyo tumia hela, 2016/2017 Mheshimiwa Mwenyekiti mwaka huo wote idara ya Uchukuzi na Miundo Msingi ilitumia kitita cha Sh.1,298,450,000Bilioni kwa maendeleo, narudia tena 1,298,450,000Bilioni kwa maendeleo mwaka wa fedha 2016/2017.

Twende kwa mwaka wa fedha 2017/2018 Mheshimiwa Mwenyekiti Bunge lilipitisha bajeti katika idara hiyo Shs.500,807,858Milioni kwa *recurrent, supplementary* ikafanyika wakatumia kitita cha Shs.554,004,718Milioni *total expenditure* wakatumia Shs.462,102,898Milioni kwa maendeleo. Niko katika mwaka wa fedha 2017/2018 bajeti yake ya awali ilikuwa ni shilingi 691, 205,663Milioni Mheshimiwa Mwenyekiti; cha kushangaza bajeti ya *supplementary* ikafanywa Shs. 1,703,031,271Bilioni, *supplementary* imezidi bajeti ya awali zaidi ya mara tano! Mheshimiwa Mwenyekiti *total expenditure* 2017/2018 kwa maendeleo walitumia shs1,471,432,134Bilioni, hivyo ni kusema kwamba kuanzia mwaka 2016-2017 Idara ya Uchukuzi ilitumia shs1,2,988,450,000Bilioni mwaka wa fedha 2016/2017, 2017/2018 Mheshimiwa Mwenyekiti idara hio ilitumia shs1,9,333,582,102 *this current financial year* 2018/2019 imetumia Shs. 513,589,000,092. Kwa kifupi kwamba kuanzia mwaka wa 2016-2019 idara hii imetumia shs 3,4,445,624,194 kwa miaka mitatu kwa maendeleo pekee, Mheshimiwa Mwenyekiti kwa maendeleo pekee.

Mheshimiwa Mwenyekiti cha kushangaza zaidi maendeleo ambayo wanasema walifanya katika 2017/2018 twende katika eneo ninalotoka mimi eneo la Nyali 2017/2018 Idara iliweza kujenga kutoka barabara ya Saga to Pride Inn Nyali ilitumia shs41,183,940 Mheshimiwa Mwenyekiti, barabara hii kwenda Saga mpaka Pride Inn tayari ilikuwa ina lami lakini lami ikaweza kuvunjwa ikawekwa *cabro* na si *priority* kwa wananchi.

Twende eneo la Nyali ninako toka mimi kukakuwa na *expansion of a section of* barabara ya Nyali, barabara mpya ya Nyali Mheshimiwa Mwenyekiti ni barabara inayotokea kutoka pale Lights inakwenda moja kwa moja mpaka BP. Mheshimiwa Mwenyekiti mimi naishi katika eneo hilo lakini hakuna *expansion* yoyote imefanyika isipokuwa ni alama tu ya barabara inaweza kufanyika lakini inasema kwamba idara ilitumia shs 34,727,973.

Mheshimiwa Mwenyekiti jambo hili barabara hizi sio *priorities* kwa wakaazi wa Nyali, Nyali kuna Kadzandani, Nyali kuna Frère Town na Nyali vile vile na kuna Ziwa La Ng'ombe pamoja na Mkomani, kwa nini barabara hizi zimewekwa katika sehemu ambazo ni za matajiri ambao wakati wananchi maskini ambao mara kwa mara wanajitokeza kupiga kura hawafikiwi na miradi kama hii Mheshimiwa Mwenyekiti....

(Applause)

Mheshimiwa Mwenyekiti ninapoongea serikali ya kitaifa imeweza kutupatia sisi *Road Maintenance Levy grant* kwamba pesa hatulipi idadi ya 132,073,057 lakini hii *grant* hatuoni imefanya nini, haijulikani imefanya mradi gani katika serikali yetu ya Kaunti ya Mombasa kupitia uongozi wa Idara ya Uchukuzi na Usafiri katika jumbo letu.

Mheshimiwa Mwenyekiti jambo lengine ambalo lanishangaza juzi tuliweza kumwita Afisa Mkuu wa Idara hio ya Uchukuzi na Usafiri akaweza kutuambia mwaka huu wa fedha tumeweka kitita cha shs 181Milioni bajeti ya mataa lakini jambo la kushangaza kati ya pesa hizo yeye mwenyewe akakiri na kauli yake kwamba kati ya pesa hizo shs10Milioni ni ya malipo ya stima Mheshimiwa Mwenyekiti! Akatudanganya *development budget* shs 10 Milioni iko katika *recurrent budget* sio katika *development budget*...

(Applause)

Mheshimiwa Mwenyekiti nimesimama kadri ninavyozidi kuongea ningewahimiza Wabunge wenzangu kwamba jambo hili (??) ushahidi wa kutosha na kwamba tunaposimama tuzungumza na ushahidi ambao uko na kulingana na desturi yetu sisi tuliweza kula kiapo kuwahudumia wananchi wetu, kuweza kutowabagua kuwahudumia wananchi wetu, kuhakikisha wanapata haki mashinani. Leo hii ikiwa mimi Mbunge siku ya tarehe sita mwezi wa Septemba nilikula kiapo kuweza kuhudumia wananchi mtu mmoja yuko katika ofisi ambaye ametumia kitita cha shs 3.7Bilioni sijaona maendeleo yoyote katika eneo langu, sijaona maendeleo yoyote Kaunti ya Mombasa ndio maana leo nina uchungu wa kuhakikisha kwamba kuunga mkono Mswada ulioletwa na ndugu yangu Mheshimiwa Athman Shebe kuhakikisha kwamba mtu huyu ameweza kutoa nafasi ili mwingine zaidi aweze kufanya kazi. Ahsante sana Mheshimiwa Mwenyekiti.

(Applause)

The Speaker (Hon. Khatri): Thank you very much Hon. Kitula, the Chief Whip. Yes, Hon. Fahad Kassim?

Hon. Fahad Kassim: Ahsante sana Mheshimiwa Spika kwa fursa hii na ningependa kumuunga mkono ndugu Mheshimiwa Athman Shebe Mukono kwa Mswada alioleta leo Bungeni. Mheshimiwa Spika tumekuwa tukijadili Wizara hio kwa mda mrefu sana mwaka mzima ndani ya Bunge la Kaunti ya Mombasa tuko na vilio vingi kushauriana na idara hio, tumekuwa na matatizo mengi na inaonekana dhahiri shahiri ya kwamba Wizara hio imeshindwa kuwajibika na basi kwa leo nitaongea kwa upande wangu mimi yale matatizo tunapata kutokana na Wizara hio. Mheshimiwa Mwenyekiti ndani ya Wodi yangu ya Mjambere ni mwaka mmoja na nusu hapajawahi kuletwa hata taa na ningependa kukumbusha viongozi wenzangu tulipoingia Bunge hili mwezi wa nane mwaka elfu mbili kumi na saba kulikuwa na bajeti ilikuwa imetoka, kupitishwa tuu Mheshimiwa Kitula ametuambia ni bilioni moja na kitu ya kuleta maendeleo mashinani, Mheshimiwa Mwenyekiti ndani ya mwaka moja na nusu hakuna taa hata moja imewahi kuletwa ndani ya Mjambere mpaka leo...

(Applause)

Mheshimiwa Mwenyekiti juzi tulipitisha bajeti ambayo itakuwa inaisha hivi karibuni mwezi wa sita tuliweka pesa maalumu kila Wodi tukianza na Mjambere yangu niliweka mimi mwenyewe katika *allocation* pesa taslimu za kuleta taa ndani ya Wodi hio na mabarabara. Mheshimiwa Mwenyekiti mpaka leo wacha kuwekwa *cabro* hata moja hapajawekwa hata tinga halijawahi kufika kuchonga hio barabara wakati tunalipa mtu Mheshimiwa Spika ametumia mabilioni ya pesa ya wakaazi wa Mombasa wakati hawajibiki.

Mheshimiwa Spika wakati kunanyesha ndani ya Kaunti ya Mombasa kuna pesa hio Wizara inatenga kando zaidi ya milioni mia moja Mheshimiwa Mwenyekiti na hizo pesa tulijaribu kuita Mawaziri na Ma Afisa Wakuu waje wawajibike lakini hawakuja Mheshimiwa Mwenyekiti, hizo pesa zilienda kwa akaunti ya mtu binafsi ndani ya Mombasa Kaunti...

(Applause)

Hio ni aibu na ni laana kwa viongozi kama sisi kama tutanyamaza hio pesa; kimimi ufahamu nilio nao ilienda kwa akaunti ya mtu anaitwa Vipul Shah na ningependa wakati unatoa mwelekeo Mheshimiwa Spika iwe utafiti na uchunguzi uweze kufanywa.

Mheshimiwa Mwenyekiti juzi Mombasa nzima imebadilishwa *cabro* nyekundu Mombasa nzima tulibadilisha na *cabro* zile tuliweka miaka mitano iliyopita na *unfortunately* zile *cabro* zilizotoka katika zile bajeti tulipitisha mwaka jana *cabro* hizo hizo zilitumika kwenda kupelekwa mashinani wakaweka hizo *cabro* na hizo pesa zikaliwa na mabwenyenye fulani ndani ya Kaunti ya Mombasa....

(Applause)

Juzi tulipomwita Afisa Mkuu wa barabara aje awajibike tulimuuliza hilo swali kuwa *cabro* ulizotoa ndani ya Kaunti ya Mombasa nzima ziko wapi, alisema zile *cabro* ni za watu binafsi kila mwenye duka aliweka *cabro* yake sijui ni nani aliweka *cabro* ndani Mombasa hii Mheshimiwa Spika.

Mheshimiwa Mwenyekiti kuna matatizo kama *parking clamps*; kuna watu wamewekwa magari yalikuwa yakiwekwa *clamp* na Wizara hio baadaye jioni yanafunguliwa bila kulipa *official* kwa Kaunti ya Mombasa! Pesa zikienda kwa mfuko ya watu binafsi na hizo namba tutazitoa ili Mpesa yao iweze kuangaliwa na utafiti na ukarabati uweze kufanyika kwa upande huo...

(Applause)

Mheshimiwa Mwenyekiti kuna *advertisement* na *billboards* ndani ya Kaunti ya Mombasa ambazo zinafaa kuleta mamillioni ya pesa ambayo iweze kunufaisha wananchi wetu ama wakaazi wa Mombasa. Mheshimiwa Mwenyekiti nafikiri Mombasa nzima inajua na wale viongozi sote tuko hapa hio pesa inaenda kwa mfuko wa mtu, kuna wakati nilifanya utafiti na nikaweza kuripoti hilo jambo kwa Wizara ya Biashara kuna *Inspectorate* ambayo inafaa iwe kwa Idara ya Ugatuzi lakini Wizara hio ama Waziri huyu ameweza kuikalia ngumu kitengo hicho kwa sababu Mheshimiwa Mwenyekiti kwa siku kunaingia takriban milioni mbili ambayo inaenda kwa mfuko wake, hizo gari zinalipa hio pesa kwa askari wake na wanampeleka yeye...

(Applause)

Mheshimiwa Mwenyekiti kuna ma *quarries* na *mines* ambazo zinaangaliwa chini ya Wizara ya Maji ndani ya Mombasa na ndani ya Kenya nzima kulingana na sheria za ugatuzi. Mheshimiwa Mwenyekiti Waziri huyo amechukua Idara hio kunatolewa saruji kila siku Bamburi, Kashani kule na kwengineko na hakuna pesa hata shillingi moja inaingia kwa Kaunti ya Mombasa ikienda kwa mfuko wa mtu mmoja ama Wizara hio...

(Applause)

Mheshimiwa Mwenyekiti sina mengi lakini ningeomba na hawa Waheshimiwa ambao tuko hapa ningewakumbusha sisi ni watumishi tulitumwa tuje tuwajibike na yeyote yule atakayepinga Mswada huyo basi kesho mbele ya Mungu utakuwa *masuula*, uongozi ni cheo unapewa na Mwenyezi Mungu kesho utakwenda wajibika.

Kwa hivyo naomba Mheshimiwa Mwenyekiti uweke hatua kabambe na ukarabati uweze kufanyika ili hawa wananchi wa Mombasa waweze kunufaika la sivyo miaka mitano itaisha hivi hivi na hakuna chochote Mombasa tutaweza kunufaika. Ahsante sana Mheshimiwa Mwenyekiti.

The Speaker (Hon. Khatri): Thank you Hon. Fahad. Yes, Hon. Bwire.

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker I rise to also support the Motion of the day; in my understanding the devolution was made to do away with the marginalization that is my knowledge, before the devolution so many areas in this country have been marginalized so the presence of devolution was to do away with such like things. It is very unfortunate Mr. Speaker that seven years down the line after the devolution system of governance still other areas like Junda are still under the same marginalization system of governance.

Mr. Speaker my first budget or the first budget under my leadership as the MCA representing Junda Ward I approved a budget of seven million (Shs 7 Million) to rehabilitate the Junda Ward from Safari - Ngombeni - Safari - Junda Mission, as we speak I wrote so many letters, I presented so many Statements in this Assembly to the Department concerned or rather the Committee concerned but Mr. Speaker so far little had been done.

The other day last year November after threatening to demonstrate with my people I was given a contractor who lasted less than one week Mr. Speaker on the site doing nothing, thereafter the contractor told me that he has not been paid so he will not continue with the work. Mr. Speaker the very month last year November I happened to lose eight people in one week due to insecurity, I came with the same statement asking the Committee of Transport and Infrastructure, I requested them to have a site visit in my Ward which they never did.

Mr. Speaker I allocated or rather I approved a budget of two point two five million (Shs 2.25 Million) to cater for the street light in my area, as we speak I have so far received less than 50 bulbs or rather I wonder whether those 50 bulbs with 10 igniters can cost two point two five million (Shs 2.25 Million). Mr. Speaker, we have two months down the line...

(Applause)

We have two months down the line Mr. Speaker to go for another financial year 2019/2020, now my question remains how would I approve a budget and yet the one that I approved before has done nothing and this shows how incompetent the CEC Member of Transport and Infrastructure is. I will therefore join my fellow colleagues in calling upon the removal of this incompetent fellow to the office...

(Applause)

Mr. Speaker to pave way to a very competent Kenyan with knowledge, with interest of people at his heart to do work for this County. Thank you Mr. Speaker.

(Applause)

The Speaker (Hon. Khatri): Thank you very much Hon. Bwire. Yes Hon. Amur?

Hon. Murfad Amur: Ahsante sana Bwana Spika na mchana utabakia kuwa mchana, usiku utabakia usiku Mheshimiwa Spika...

(Applause)

Mheshimiwa Spika wakati tukianza siasa za Uhuru na kura mimi ni mmoja niliyeumia zaidi kwa sababu tulileta taa zinaitwa *LED* na mimi nikang'olewa taa zote zile ambazo nilikuwa nimeweka wakati nikiwa Diwani kutoka miaka ile ili zikabadilishwa na zile ambazo zinatoka kwa serikali kuu...

(Interruption)

Hon. Mumba: Point of order!

Hon. Murfad Amur: ...Utanijuza baadae kaa chini, utakaa chini niko kwenye *order*, tukabadilisha mataa haya Mheshimiwa...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Prischillah, under what Standing Order are you standing?

Hon. Mumba: Am standing up on Standing Order 82.

The Speaker (Hon. Khatri): What is Standing Order 82 saying? Can you tell us what Standing Order 82 says?

Hon. Mumba: Thank you Mr. Speaker. Standing Order 82 says, *'No Member shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the County Assembly.'*

The Speaker (Hon. Khatri): Thank you, you can sit down now. Yes continue Hon. Amur?

(Applause)

Hon. Murfad Amur: I respect my learned friend, how many reports have been brought here Mr. Speaker including this one here? This is also a report that was brought here, incompetent report...

(Interruption)

The Speaker (Hon. Khatri): Hon. Please sit down and let the Hon. Member continue.

Hon. Murfad Amur: Let us call a spade a spade today Mr. Speaker. Hon. Uhuru Muigai Kenyatta with Kenya Power and Lighting came into partnership with Mombasa County government and LED lights were installed in this County of Mombasa in partnership with the government; the big question is where those lights which were removed were taken to and at what cost? Mr. Speaker we want to know that?

(Applause)

Mr. Speaker Sir we can say until tomorrow the department of electrical is not to be blamed, I want to repeat it is not to be blamed as they have not been given the tools to do their work. Mr. Speaker if the car does not have fuel how will the driver drive it Mr. Speaker?

(Applause)

Mr. Speaker if they do not have spares how will they replace the spares? Mr. Speaker if the cars do not have insurance cover how will the driver drive that vehicle? Yet during the budget each and every item is itemized and budgeted for but unfortunately it is a shame, big shame for me being here today and seeing that we are crying for lights and am told we are not the provider of LED...

(Applause and Laughter)

If you can not provide LED you have money go and purchase streetlights for my people, you do not give 10 bulbs. I start from Nyali bridge to Kizingo to Likoni and you give me 10 bulbs, who are you fooling? Thank you Mr. Speaker.

(Applause)

The Speaker (Hon. Khatri): Thank you very much Hon. Amur. Yes Hon. Samba?

Hon. Samba: Thank you Mr. Speaker at least you have recognized my presence. Hon. Speaker I would wish to take Members through the matter in place; it is a matter that has got several interests in it like for instance each and every business day we have a request or rather Statement that is directed to the Department of Transport and Infrastructure.

Hon. Speaker I will take Members to take Order Paper for 8th Sitting on Thursday 25th of October, 2018; we have about six Statement requests from the Hon. Members, six per day and at times they even go up to 10 and there is no even a single day this House has been convinced with even a Statement, with even a report.

Every day since the inception of the Committee led by the Chairman who was fired unceremoniously Hon. Fahad Kassim and later on it was given this mandate to Hon. Prischillah, either of them has never provided a convincing report to this Honourable House...

(Applause)

Hon. Speaker when we were sworn in under the Code of Conduct, Paper number 4 of 2003.

Code of conduct of all public officers; we are all public officers here and at the same time people have to know and differentiate the roles that we play outside. There we are blamed for each and every bad thing that is taking place, every activity Honourable Members, every bad activity Honourable Members, at a times it reached a point where everyone knows that Hon. Members of Mombasa County are rubber stamps, now we tried and we said since we are rubber stamps we want to rubber stamp authoritatively that from today...

(Applause)

We will no longer be rubber stamps...

(Applause)

Hon. Speaker a noble thing, a responsible officer can do when called upon to appear before the Committee the best and simple thing is to appear come and convince Members that the budget that I have is less what do we do, add me other funds so that at least I can complete the projects. As I speak the said department, I have visited that Department more than 10 times to CEC, to Chief Officer and to the Director and Hon. Speaker it is not something that is secretive they have powers I do not know where they are deriving their powers from but am assuming they are having powers from the above.

Hon. Speaker I have a road in my estate, Tudor Estate that was started one year ago until now it is unfinished, I have another road from Kiziwi roundabout going to Hamisi High School on your way to Polytechnic it is impassable and when you make enquiries the issue is that they will be done and now just recently before we broke for recess a group of people came to my place they wanted to attack me reason being that they gave me the mandate and they feel that am not representing them responsibly. Hon. Speaker I can take a liability of my own, I can take my own blames and my own yolk but I cannot take somebody's yolk...

(Applause)

These offices are designed by these *wananchi*, these *wananchi* are the ones who have the powers and since they cannot all represent us here, they have selected us to represent them here so whenever an issue that they have that is their own issue it is not personal, this thing even if I die today or tomorrow they will be an elected Member of Tudor Ward and before me there was a Member and after me they will be a Member even if I will come for another term again as I know I will come but business has to go on...

(Applause)

Hon. Speaker as I wind up my contribution the duty of a public officer, Public Officer Procurement Act states very well every act we are lead by the Constitution and I support. Hon. Speaker before I sit down I think you can see I sit between this was former and this is the current; hopeful maybe the seat of the transport docket was designed for this row...

(Laughter)

Maybe next time i am the one...

(Applause)

But if you give me that Chair Hon. Speaker I will bring reports and the reports that is required this Motion is in good timing and I request Hon. Members to support the Motion I beg to support the impeachment Motion.

(Applause)

The Speaker (Hon. Khatri): Thank you very much, yes Hon. Lucy Chizi?

Hon. Chireri: Ahsante sana Mheshimiwa Spika nilikuwako naona ukipofu kumbe umeniona ahsante sana. Mheshimiwa Spika hoja ilioletwa mbele yetu mimi kama Lucy Chizi Mheshimiwa wa Mtopanga Wodi naipinga hoja hii vikali sana...

Interruption
(Loud Consultations)

Na sababu zake...

(Interruption)

The Speaker (Hon. Khatri): Order! Order! Order!

Hon. Chireri: Kila mtu aheshimiwe na maoni yake, haya ni maoni yangu.

The Speaker (Hon. Khatri): Order! Order! Order Hon. Members!

Hon. Chireri: Haya ni maoni yangu Mheshimiwa Spika nataka niheshimiwe na maoni yangu, haya ni maoni yangu na ningependa nisikizwe.

The Speaker (Hon. Khatri): Continue Hon. Lucy Chizi please.

Hon. Chireri: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika hoja ilioletwa mbele yetu kwanza nitasema haikufuata kanuni za Bunge. Mheshimiwa Spika Waziri ambaye tunamuongea hapa hakuletwa mbele yetu akajibu maswali yale ambayo yuko nayo naona aliyeitwa ni Afisa Mkuu ndio aliyeitwa na ripoti hiyo bado iko na Bi Mwenyekiti, ripoti hii ilikuwa itufikie mbele yetu tarehe 25 lakini kulingana na hamasa zetu...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Samba? Please sit down Hon. Lucy.

Hon. Samba: Hon. Speaker I fail to understand where the Member is opposing but I am very clear she was part of me when we signed the impeachment register...

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(Laughter)

I do not know when she refuted the claim.

The Speaker (Hon. Khatri): Hon. Members please give back the microphone to Hon. Lucy Chizi.

Hon. Chireri: Ahsante sana Mheshimiwa Spika...

(Interruption)

The Speaker (Hon. Khatri): Hon. Lucy just hold on. Hon. Members we are debating the Motion, she has all the rights to either support the Motion or not to support. So please Hon. Members let us give her time and let her talk. Yes continue Hon. Lucy?

Hon. Chireri: Mheshimiwa Spika naona yalikuwako mbele yetu ni...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Ogutu are you standing on a Point of Order?

Hon. Ogutu: Point of Information!

The Speaker (Hon. Khatri): Yes just pass the microphone please to Hon. Ogutu.

Hon. Ogutu: Mr. Speaker when introducing this Motion you read all the possible procedures and you yourself under your seat you declared that it has passed through all the procedures...

(Applause)

That is why it was brought in the House; Hon. Chizi is misleading the House by saying that the Motion did not pass through all the procedures Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Ogutu, let her talk maybe she has some point where she will refer us to why this thing is not in order so please give her some time let her talk.

Hon. Chireri: Mheshimiwa Spika chini ya *Standing Order 63 I have a right to be heard* kwa hivyo naomba msikize maoni yangu, yale ni yao na yangu ni haya, kama nilivyoeleza Bunge hili na sitaweza kuregelea tena naona wamesikia waliosikia wamesikia na ambao hawajasikia waendeleo...

(Loud Consultations)

Nimesema munisikize kulingana na maoni yangu. Mheshimiwa Spika kwanza ningependa kumshukuru Gavana wetu 001 ni mara yangu ya pili...Mheshimiwa Spika 2013 mpaka saa hii...

(Interruption)

The Speaker (Hon. Khari): Honourable! Honourable!

Hon. Chireri: Mheshimiwa Spika sitaki kusikia tena wacha nisikizwe Mheshimiwa Spika nikae.

The Speaker (Hon. Khatri): Honourable, Just sit down.

(Interruption)

(Hon. Murfad Amur off microphone)

Hon. Murfad Amur: The name of the Governor has not been mentioned in this House!

(Applause)

The Speaker (Hon. Khatri): Thank you. Thank you Hon. Amur. Hon. Lucy, please not unless you are not understanding English or you want us to speak in Swahili?

Hon. Chireri: Mheshimiwa Spika kuna kitu ambacho nataka nieleze sina budi kuzungumza hayo.

(Interruption)

The Speaker (Hon. Khatri): Ndio nakuuliza Mheshimiwa unaelewa kizungu ama ni shida?

Hon. Chireri: Kila kitu naelewa kama vile unavyoelewa wewe Mheshimiwa Spika.

The Speaker (Hon. Khatri): Sawa, uko na *procedure* umesoma *Standing Order 62*?

Hon. Chireri: Nimeisoma.

The Speaker (Hon. Khatri): Umeona makosa gani ambayo tumefanya?

Hon. Chireri: Makosa ambayo...

(Interruption)

The Speaker (Hon. Khatri): Ambayo Waheshimiwa wamefanya!

Hon. Chireri: Mimi ninajieleza lakini hao ni kama ambaye hawataki nijieleze...

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(Laughter)

The Speaker (Hon. Khatri): So please quote for us the Standing Order whereby the Honourable Members are wrong, please? Don't mislead the House Honourable please?

Hon. Chireri: Ni sawa Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes.

Hon. Chireri: Ndio ninasema Mheshimiwa Spika ninasema hivyo nimetaja Gavana na sababu zake. Mheshimiwa Balala...

(Interruption)

Hon. Mohamed Shomari: Mheshimiwa aondoe hiyo Taarifa, *we as are not discussing the Governor...(Off microphone)*.

The Speaker (Hon. Khatri): Honourable! Hon. Lucy, please let us give the chance to the Majority Leader, Please? Yes Majority Leader?

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker.

(Loud consultation)

I want to put some order of the House. I would like Members to concentrate on the Motion, they should not mention the name of the Governor...

(Applause)

We are not here to mention name of the Governor we are here to contribute on the issue of the Motion which is in the floor. Thank you, Mr. Speaker.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Members. Please let us give the Hon. Lucy Chizi time so that she can finish whatever she is saying, please! Yes Hon. Lucy?

Hon. Chireri: Ahsante sana Mheshimiwa Spika. Mimi ningesema Mgala muuwe na haki yake umpe. Mheshimiwa Balala amefanya mengi Mheshimiwa Spika, nazungumza Wodi ya Mtopanga hata kama sijamaliziwa...

(Interruption)

The Speaker (Hon. Khatri): Hon. Lucy you are addressing me, so please just continue.

Hon. Chireri: Sawa Mheshimiwa wacha ni...

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(Interruption)

The Speaker (Hon. Khatri): Usikae ukasikiza watu wewe ni *address* mimi uendelee, tafadhali!

Hon. Chireri: Ni sawa Mheshimiwa Spika.

The Speaker (Hon. Khatri): Ahsante sana Mheshimiwa.

Hon. Chireri: Ukiangalia Wodi ya Mtopanga Mheshimiwa Spika vile ilivyo kuwa sivyo. Ardhi ile ni mbaya lakini Mheshimiwa Spika kuna *cabro* imeanza *Turkey Baise* mpaka Vikwatani, Anwarali - Vikwatani...

(Interruption)

The Speaker (Hon. Khatri): Hon. Amur please?

(Interruption)

(Hon. Murfad Amur off microphone)

Hon. Murfad Amur: Because she has been favoured in her area...

(Applause)

The Speaker (Hon. Khatri): Hon. Members she still has the right to give her opinion. So please! Let her talk please Hon. Members. Yes Just make it short please Honourable.

Hon. Chireri: Kwa ufupi Mheshimiwa Spika nimesema hivyo kwa sababu anayeingia Mtopanga sasa hivi ukiangalia barababra tumetengenezewa, kwa kusema ukweli hata juzi Mheshimiwa Gavana ameenda kuzindua ile barabara nyengine kwa hivyo kazi imefanyika hata kama, waambiwa Mgala muuwe na haki uumpe. Hata kama kazi haijaisha lakini ni matumaini yangu ya kuwa hawa Mawaziri tukiwashika vizuri kazi zetu zitafanyika Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Lucy Chizi. Thank you very much. Yes Hon. Abrari?

Hon. Mohamed Abrari: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nimesimama kuunga mkono hoja hii...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Samba.

Hon. Samba: The Hon. Member who just spoken from the floor, she has just said that '*Hawa Mawaziri tukiwashika vizuri...*' we do not know *by kuwashika vizuri* maybe she explains!

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(Laughter)

We do not understand what she meant. That is un-Parliamentary language Hon. Speaker. We do not know. What means by *Tuwashike vizuri*?

The Speaker (Hon. Khatri): Yes Hon. Lucy Chizi, can you please clarify.

Hon. Chireri: Nimesema tukiwashika vizuri ni lazima...

(Loud consultatio)

Ni lazima tushirikiane nao.

(Interruption)

Nyinyi munasema hivyo si kuwa eti muko sawa katika Wodi zenu muko na lawama ndogo ndogo, binadamu si kamili aliye mkamilifu ni Mwenyezi Mungu. Leo tuko hapa kwa Waziri wa Uchukuzi, kesho tutaenda kwengine. Hawa Mawaziri tutakuwa tunawatoa kwa sababu wanafanya makosa? Tutawamaliza...

(Loud consultation)

Ni lazima tukae nao tujue shida iko wapi? Tushirikiane nao ndio ninasema hivyo.

The Speaker (Hon. Khatri): Thank you very much Hon. Lucy Chizi, yes Hon. Kitula?

The Chief Whip (Hon. Kitula): Point of Order Mheshimiwa Spika katika 104(f). 104(f) inasema, *'conduct is grossly disorderly if the Member concerned; deliberately gives false information to the County Assembly'*. Mheshimiwa Mwenyekiti sisi kulingana na Katiba, kulingana na sheria ya County Government Act tumepatiwa nguvu ikiwa Waziri hatendi kazi lazima sisi kulingana na Katiba yetu aweze kutoa nafasi kwa mwengine ambaye ana uwezo zaidi ili kuweza kufanya kazi hizo...

(Applause)

Halafu Mheshimiwa Mwenyekiti kazi hizi si za kuoneana imani Mheshimiwa Mwenyekiti hili si Kanisa...

(Laughter)

Hili ni Bunge tunastahili utendakazi Mheshimiwa Mwenyekiti. Kwa hivyo imani ni Kanisani Bungeni ni utimizaji na utenda kazi wa kazi. Ahsante sana.

The Speaker (Hon. Khatri): Thank you very much. Yes Hon. Abrari?

Hon. Mohamed Abrari: Ahsante sana Mheshimiwa Spika. Mimi nimesimama na uchungu sana lakini nimesimama kuunga mkono hoja hii...

(Applause)

Mheshimiwa Spika mimi ninasikitika sana kuona ugatuzi uliletwa kwenye Mombasa kufaidi kila mtu, umeletwa Kenya nzima kufaidi; vile nazungumzia kuhusu Mombasa hususan Mombasa lseo hii tunaona hakuna ugavi sawa kwenye Wodi zote, kuna Wodi nyengine ni bora zaidi kushinda zengine. Nataka kutoa mfano tu katika pesa tulioa katika migao ya ku *maintain* barabara nashangaa mimi kama mkaazi wa Kongowea ndugu yangu hakuna kitu nilichopata pale. Barabara nilizoekewa ndani zote haziko Kongowea; naanza, nimewekewa barabara inaitwa Neem Avenue ndani ya Kongowea, Kongowea mimi sina barabara hiyo inayoitwa Neem Avenue. Neem Avenue ni barabara inayoshikanisha Mon na paitwajee?...*(Finger clicking)* inatoka barabara ya Links inashikana na...iko kwenye Nyali A. Inashikana Koroga. Imetoka Koroga imeshikana mbele ambayo hiyo sio Kongowea, naregelea tena barabara inayoitwa Bandari road imewekwa ndani ya Kongowea, barabara ya Bandari hii pesa iliyotengwa kwenye barabara ya Bandari hii si Kongowea! Barabara hii imewekwa kwa mabwenyenye Kongowea sisi hatukupata mgao wowote kwa hivyo kiufupi Waziri hajazingatia usawa wa ugavi wa rasilimali katika Wodi zote sawa...

(Applause)

Katika pesa tuliotenga shs. 89,625,000 ya kutamausha ni kuwa Wodi moja imepawa Ksh.37, 000,000 ambayo ni takriban asilimia 50 ya pesa zile ku *maintain* Wodi moja kwa sababu kuna mabwenyenye. Nikiregelea tena kuna barabara hapa ya Beach road; Beach road iko kwenye hesabu lakini Beach road hii ina angaliwa na KURA (Kenya Urban Roads). Tukiregelea tena tunaenda kuangalia kuna pesa zimetengwa kutengeneza *drainage system* ya Kongowea, pesa zile waliopewa pesa washamaliza kutumia pesa lakini mradi haujafika hata nusu.

Mheshimiwa Spika ya kutamausha kabisa leo hii mimi nina uchungu kama Mwakilishi wa Kongowea katika bajeti ya 2018/2019 hakuna chochote nilichopata; barabara zote zimewekwa zikiwa zaitwa za Kongowea lakini zote si za Kongowea zote ni za mabwenyenye isipokuwa Ratna pekee yake. Sasa hii twenda wapi? Twaenda wapi na ugatuzi umetufikisha wapi leo?

Mheshimiwa kama hakuna ugavi sawa wa rasilimali katika kila Wodi, ugatuzi umetufikisha wapi kwa hivyo nakuomba Mheshimiwa Spika mimi kama Abrari Mwakilishi wa Kongowea, na niliapa na kitabu kitakatifu Quran na leo mimi kwa dhati kwa haki naunga mkono Mswada huu Mheshimiwa Spika.

(Applause)

The Speaker (Hon. Khatri): Thank you very much Hon. Abrari. Hon. Members I now put the question that this House, oh! Sorry, Hon. Members I now give the mover which is Hon. Shebe to give the reply.

Hon. Shebe Athman: Ahsante sana Mheshimiwa Mwenyekiti kunipatia nafasi hii ya kurudisha shukran zangu za dhati kwa Waheshimiwa wenza, kwa kuona mwangaza na kusimama na haki na kutetea ukweli.

Mimi nasema Wallahi kwa kijina la Mwenyezi Mungu mwingi wa rehema kubwa kubwa na rehema ndogo ndogo, Waheshimiwa wenza mumeingia kwa kumbukumbu ya historia hata bila nyinyi kujua. Kwa hivyo mimi nasema ahsante sana Mheshimiwa Mwenyekiti na natumai Bunge hili litazidi kusimama na kutekeleza majukumu yake ya kikatiba kuhakikisha kuwa Mawaziri wanawajibikia majukumu yao na wanatumikia wakaazi wa Mombasa kwa haki bila ubaguzi wa maeneo wa dini na wa ukabila. Mheshimiwa Mwenyekiti tunataka ugatuzi uonekane kuwa umefika mashinani bila mtu kubaguliwa. Ahsante sana na nawashukuru kwa dhati mno Waheshimiwa Wenyekiti na Waheshimiwa wenza kwa kuniunga mkono. Ahsanteni sana.

(Applause)

(Question put)

The Speaker (Hon. Khatri): Thank you very much Hon. Shebe. Hon Members as earlier said I had let the House to debate the Motion; Hon. Members now as the procedure I move to put the question again. Hon. Members I now put the question that this House adopts the Motion on the impeachment of CEC Transport, Infrastructure And Public Works Hon. Tawfiq Balala in the same term as moved.

(Question put and agreed to)

(Applause)

Hon. Members pursuant to Section 40(3) of the County Government Act, 2012 and Standing Order 62(6), the County Assembly having passed the Motion on impeachment of the CEC Transport Infrastructure and Public Works the Assembly has seven days within which to appoint a Select Committee comprising of five Members to look into the issues raised in the Motion and avail a report within 10 days of the appointment of the Committee and the mandate to determine when the Procedural Motion to form selective Committee will be moved lays with the County Assembly Business Committee. Thank you Hon. Members.

(Applause)

Yes Clerk next Order please.

ADJOURNMENT

Honourable Members this House stands adjourned until Wednesday 20th March, 2019 at 9:00a.m.

The House rose at 3:50p.m.