



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 7th May, 2019

The House met at 2:43p.m.

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

PRAYERS

The Speaker (Hon. Khatri): Hon. Members you may be seated, yes Clerk?

COMMUNICATION FROM THE CHAIR

Hon. Members welcome to this sitting. I take this opportunity to thank the Almighty God for enabling us to assemble here today, as you all know the Holy month of Ramadhan commenced on Monday 6th May, 2019. It is my prayer that it will be a period of reflection for the Muslim faithful, I urge us to remember the less fortunate by ensuring that we ease their burden by sharing what God has graced us with in terms of food, stuff and other provisions. I wish all Muslim faithful and Mombasa County residents Ramadhan Kareem and Saum Maqbul. Thank you.

(Applause)

Yes Clerk?

NOTICE OF MOTION

TIMELY PAYMENT OF SALARIES BY THE COUNTY GOVERNMENT

Yes Hon. Athman Shebe please give the Notice of Motion.

(The Speaker (Hon. Khatri) exited the seat)

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

Hon. Athman Shebe: Thank you Hon. Speaker. Mr. Speaker Sir I beg to give the following Notice of Motion;

THAT AWARE that the County government of Mombasa has both state and other public officers who are employees, Hon. Speaker.

FURTHER AWARE that Article 41(2) b of the Constitution provides that every worker has a right of fair remuneration and that Section 18 (2) (c) of Employment Act, 2007 provides that wages and salaries shall be deemed due at the expiration of each month or part thereof;

CONCERNED that the payment of salaries within the County government often times is delayed and paid past the due date for salaries thus subjecting employees to anguish and desperation which may affect their performance at work, Hon. Speaker;

FURTHER concerned that statutory deductions and other remittances deducted from salaries of employees are not remitted as and when they fall due and which result to negative listings and unnecessary penalties, Hon. Speaker.

I urge this County Assembly to resolve that:

1. The County Executive Committee Member of Finance to ensure that salaries for County workers are paid in accordance with Section 18(2) c of Employees Act, 2007 which is not later than 30th of each month.
2. That the County Executive Committee Member of Finance to ensure those statutory deductions and other remittances deducted from County employees salaries is remitted as and when they fall due.

Thank you Hon. Speaker. Hon. Speaker I seek leave for this Motion to be debated today.

The Temporary Speaker (Hon. Bwire): Hon. Member it is on Order Paper number 8 so there is a Motion, you do not have to seek leave, automatically there is a Motion. Thank you Hon. Athuman Shebe, yes Clerk?

STATEMENT

Yes Hon. from Bamburi, Hon. Nyiro?

Hon. Nyiro: Ahsante Mheshimiwa Spika. *May I take this opportunity to stand on your behalf and give Statement Mr. Speaker.*

RESPONSE TO STATEMENT BY HON. NYIRO ON THE STATUS OF IMPLEMENTATION OF PROJECTS BY THE COUNTY GOVERNMENT IN THE FINANCIAL YEARS 2017/2018 AND 2018/2019

Mr. Speaker Sir I stand pursuant to Standing Order 41(2) (c) to compel the Chairperson Committee on Implementation to bring a detailed Statement before this Honourable House as regards to the following;

1. Number of development projects that were acknowledged in FY 2017/2018 and FY 2018/2019 in all the Departments,
2. The project that were implemented during these two financial years,
3. The expenditure incurred on each project and,
4. Location of each project.

Thank you Mr. Speaker.

The Temporary Speaker (Hon. Bwire): Yes I think the Chairperson on the Committee on Implementation you have talked; I mean you have the point already so you kindly work on the same and you will tell us maybe when you will be okay with this or when you will be reporting back to this House.

Hon. Salim Kalume: Ahsante Mheshimiwa Spika. Naomba unipatie muda kama wa wiki mbili ili niweze kuahirisha hii ripoti manake itabidi tuwasiliane na Mawaziri wote katika Kaunti ya Mombasa. Kwa hiyo naomba unipatie muda wa wiki mbili.

The Temporary Speaker (Hon. Bwire): Thank you also putting in consideration that we will be going for a recess so you still have more time to work on the same. I think it is more than now two weeks so kindly when we report back the very first week we need to hear from you and your Committee over the same. Yes Clerk?

MOTION

TIMELY PAYMENT OF SALARIES BY THE COUNTY GOVERNMENT

Yes Hon. Athuman Shebe?

Hon. Athuman Shebe: Thank you Hon. Speaker, at the very beginning I did not see my Motion coming next. Otherwise I am very glad Hon. Speaker. Mr. Speaker Sir I beg to give notice of the following Motion;

THAT AWARE that the County government of Mombasa has both state and other public officers who are employees;

FURTHER AWARE that Article 41 (2)b of the Constitution provides that every worker has a right to fair remuneration and that S 18(2)(C) of employment Act, 2017 provides that wages and salaries shall be deemed due at the expiration of each month or part therefore Hon. Speaker;

CONCERNED that the payment of salaries within the County government often times is delayed and paid past the due date for salaries thus subjecting employees to anguish and desperation which may affect their performance at work Hon. Speaker;

FURTHER concerned that statutory deductions and other remittances deducted from salaries of employees are remitted as and when they fall due and which results to negative listings and unnecessary penalties.

I urge this County Assembly to resolve that;

1. That the County Executive Committee Member Finance to ensure that salaries for County workers are paid in accordance with section 18 (2) c of the employees Act, 2017 which is not later than 30th of each month Hon. Speaker.
2. That the County Executive Committee Member Finance to ensure that statutory deductions and other remittances deducted from County employees salaries is remitted as and when they fall due Hon. Speaker.

Thank you.

(Applause)

The Temporary Speaker (Hon. Bwire): Who is to second?

Hon. Athuman Shebe: I beg Hon. Kitula to second this Motion Hon. Speaker. Thank you.

The Chief Whip (Hon. Kitula): I second Mr. Speaker.

The Temporary Speaker (Hon. Bwire): Thank you Hon. Members. I now propose the question that the Motion on timely payment of salaries by the County government be considered in the same terms as moved.

(Question proposed)

(Applause)

Yes Hon. Athuman?

Hon. Athuman Shebe: Naam Shukran za dhati sana Mheshimiwa Mwenyekiti kwa Waheshimiwa wenza kuweza kupitisha Hoja hii. Nafikiri kiatu Mheshimiwa Mwenyekiti kimetubana takriban miaka miwili sasa na mimi naweza sema ni Bunge letu tu la Mombasa. Kwa sababu hulka hii haiko pande zote Mheshimiwa Mwenyekiti, ni hulka ambayo imebuniwa katika Bunge hili la pili la Mombasa. Kwa hivyo mimi nafurahi kwa sababu masuala mazima ya marupurupu na mishahara ya wafanyi kazi Mheshimiwa Mwenyekiti ni suala moja muhimu sana ambalo tunatafikana tulipatie kipao mbele. Sote hapa ni wazazi, sote ni viongozi tuna majukumu makubwa sana mashinani mwetu lakini kulingana na ratiba yetu ya ulipaji mishahara na marupurupu Mheshimiwa Mwenyekiti imekuwa changamoto kubwa kwa hivyo nawapongeza Waheshimiwa wenza na nawaomba isiishie hapa tuhakikishe kuwa tumeweza kufuatilia Kaunti ya Mombasa pindi itakapofika leo takriban ni mfano tu tarehe saba tunaelekea tarehe nane unaona na bado mfuko umetoboka Mheshimiwa Mwenyekiti, hii si desturi ya kawaida.

Hivyo basi ukiona nimesimama hapa na nimekuja na hoja kama hii ni kiatu kimenibana sana. Kwa hivyo ninawaheshimu na ninawashukuru na ninawapongeza Waheshimiwa kuhakikisha kuwa ikiwa sisi hatutaangaliwa maslahi yetu na ya wafanyi kazi wetu wanao tuangalia katika Bunge hili, vipi tutaweza kuangalia maslahi ya watu ambao tunawaongoza? Kwa hivyo ni vizuri kuwa tuhakikishe kuwa maslahi na marupurupu na mishahara tutaweza kupata kwa wakati unaotakikana ili tuhakikishe kuwa majukumu yetu ya kifamilia na ya kiuongozi mashinani hayataweza kuathirika kwa njia moja ama nyengine. Nashukuru sana Bunge la Kaunti la pili kuhakikisha kuwa tumeweza kupitisha Hoja hii. Ahsante sana Mheshimiwa Mwenyekiti.

The Temporary Speaker (Hon. Bwire): Thank you Hon. Athuman. Hon. Members now the floor is open for the debate. Any contribution from Members, yes Hon. Samba?

Hon. Samba: Thank you Hon. Speaker. I would also like to congratulate the Hon. Member for the courage that he has gathered at least bring a timely motion and I would advise Members as from today hence forth when we come to Assembly at least go through the Order Paper first of all then when you want to leave at least you might leave knowing what is at hand...

(Applause)

...This issue is affecting us, all of us but I do not see the reason why some Members have just decided to leave. Hon. Speaker it is quite pathetic the state that the culture that we are breeding, we are breeding and we are setting a very bad precedent or rather in our County. Hon. Speaker we are the only County that always we cry for everything; everything we cry, we cry starting from salary, these deductions we have never been...I have never benefited from my NHIF and whenever I look at my pay slip it is being deducted on time, when it comes to loan, loan deduction remittance the same thing happens and Hon. Speaker we cannot just bury our heads in the sand, no because we cannot be fighting for Wanjiku and we are pressed and sometimes a wrong done several times sometimes some people take it to be a right, and it is wrong and where that is a culture.

When we first joined the House we were being paid around 29th to 30th there now it went to 5th and now after 5th and Members are just comfortable and outside there the County employees depend on us. The culture that we are breeding Hon. Members am telling you will be used to judge us unfairly, one day whatever the things that you are doing right now will determine your future whether you will come back in this House or not and I have been saying more of that some of us will not come back here not because they did nothing but God will have (??) them and find them wanting that this kind of a person cannot be a leader...

(Applause)

...All we consider is solid management, I do not know why we have never summoned the County Executive Member for Finance, I do not know why even the Chief Officer has never been summoned even to explain, all these cries, when will these cries stop? Hon. Speaker the prayers that we have been praying for these should not be even be prayers, these are things that are there, you know that at the end of the service delivery you need to pay your employees, you need to pay them it is something that is obvious, it is in bold black and white. I do not see the reason why this thing should be a prayer and Hon. Speaker I would advise or I would request that the Committee of Finance to take charge and if they fail to take charge then the Committee of Implementation to take charge because all this while who does not know that after the end service delivery somebody should be paid. Even the Employment Act, 2007 Section 18 states very well Hon. Speaker not only payments or rather deduction, even those people who provide services even tenders are crying. It has reached a point whereby even somebody has not been paid Kshs. 200, 000 for one year; Hon. Speaker these people are crying, their cry do not affect those people they affect us because we are supposed to stand for them, if we cannot stand for ourselves how can we stand for somebody who we are representing...

(Applause)

It is high time something has to be done and their prayers and resolutions that we are going to make in this House should not be the normal and the obvious one that we will be making, we need to be paid as early as 27th or 25th. You can not be a Hon. Member where you live on credit, when you get your salary you settle all the debts that you have, no! We are setting a very bad precedent and mark you Hon. Speaker for your information some of them do not depend on salary some of them sit on the Committees that have very heavy attendance and you know what attracts them they are comfortable we are not comfortable. There is no source of income we are getting apart from the one we are supposed to get by serving *wananchi* in this House.

Otherwise Hon. Speaker if we continue like this am telling you it will reach 2022 we will even disappear we will not even be able to defend our seats; if your salary you cannot get on time what else will you get on time! Thank you Hon. Speaker I beg to support the Motion.

The Temporary Speaker (Hon. Bwire): Thank you Hon. Samba. Yes Hon. Chief Whip?

The Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Mwenyekiti. Mwenyekiti nimesimama kuweza kuunga mkono hoja iliyoletwa na Mheshimiwa wa Jomvu kuu Athuman Shebe Salim.

Mheshimiwa Mwenyekiti kuongezea tu maneno yaliyozungumzwa na Mheshimiwa Samba Mwakilishi wa Tudor, mimi kama Mwakilishi wa Frere Town, tayari tunaomba kulingana na ukaguzi wangu katika ripoti iliyoletwa na Controller of Budget kusema kweli idara inapatiwa pesa lakini kusema kweli pia kule nje watu wanalalamika, wafanyi biashara wa Kaunti yetu wanalalamika, wawekezaji wanalalamika, wanaopatiwa zabuni wanalalamika. Sasa sisi pesa tunapata *expenditure* imetumika lakini watu bado wanalalamika sasa hizi pesa zinaenda wapi? Ndio swali kuu sisi tunajiuliza kama Wabunge katika Bunge hili, lakini licha ya hayo hili ni jukumu letu na nashukuru vile vile ndani ya Hoja hii imezingatia maanani kipengele cha pili inasema kwamba; *that the County Executive Committee Member Finance to ensure that statutory deductions and other remittance deducted from County employees of salary is remitted as when the date is due.*

Kusema kweli Mheshimiwa Mwenyekiti hili ni donda sugu sana sisi tunapitia, tunapata watu walikatwa mishahara yao twasema kwamba tunasema kwamba hiari yetu haijengi binafsi lakini still idara hawalipwi yale madeni wanastahili kulipa Mheshimiwa Mwenyekiti lakini mwisho wa siku sisi ndio tunawazunguka baadaye inakuwa ni kizungumkuti unapata haki yako unapelekwa huku na huku wakati sio jukumu letu sisi kama Wabunge ni jukumu la Waziri kuweza kuhakikisha kwamba malipo hayo yanafanywa katika idara husika. Sasa tunajitokeza sana kulingana na Hoja ya leo na ikiwa Mwenyekiti wa *Implementation* yuko hapa katika Bunge Mwenyekiti tunamhimiza, twamsihi kila mwezi aweze kuhakikisha kwamba idara hii imepeleka pesa hizi na kama atakuwa...

(Applause)

...Atuite sisi Waheshimiwa twende kwa Waziri kupitia idara ya Fedha tuweze kumualika *Chief officer* pamoja na Mawaziri wake waje kutueleza kwa nini pesa hizi hazijalipwa ili baadaye sisi tuna mkataba wa miaka mitano ikiwa ni sisi pamoja na wafanyi kazi wetu tunaolipwa na Mombasa Kaunti itakuwa hizi *remittance* hazifanywi tutakuja kuzipokea ndani katika Bunge. Juzi angalia mfano mzuri Wabunge walitoka katika Bunge hili wanakuja mpaka hapa wakizunguka huku na huku hakuna mtu anaweza fursa ya kuweza kuwasaidia Mheshimiwa Mwenyekiti, je hili ni sisi Wabunge sasa tutaweka msukumano kwamba matakwa yetu ya baadaye pale 22, 21 utakuja hapa utampata nani Mheshimiwa Mwenyekiti? Wengine kama sisi tunasimama kusema ukweli utakuja hapa utaambiwa kwamba wafanyi kazi hawako kwa sababu ilikuwa unapinga katika Bunge ama ilikuwa unaunga mkono mtu fulani katika Bunge. Kwa hivyo hatutaki pesa nyingi twataka ile ilikuwa haki yangu baada ya muda unastahili kama kutakuwa na nadai wa nitoe peke yangu sio kwa kuwa ofisini ulikuwa mpinzani wa serikali unakuja unadhulumiwa haki yako Mheshimiwa Mwenyekiti...

(Applause)

...Kwa hivyo nasihi sana jukumu hili ningependa sana kama Kiranja wa Bunge hili na Mwenyekiti wa *Implementation* tushirikiane na wakubwa wetu katika Bunge Mheshimiwa Amur tuweze kwenda katika wizara husika kila mwezi tuulize kwamba je hii haki ya wenzetu ambao sisi wahusika 42 ambao tuko hapa, wanapata haki yao au la? Ili wafanyi kazi pia wajihisi kama kweli kuna Wabunge katika Bunge lao. Ahsante sana Mheshimiwa Mwenyekiti, kwa hayo machache naunga mkono.

(Applause)

The Temporary Speaker (Hon. Bwire): Thank you Hon. Chief Whip. Yes Hon. Nyiro?

Hon. Nyiro: Thank you Chair, I want to start by thanking the Hon. Member for Jomvu Kuu who I am sure might have even borrowed the bus fare to come to this Assembly...

(Applause)

...And I want to also say that I personally have borrowed fare from my neighbour who happens to be a shopkeeper, very true Mr. Speaker it is because of the situation and it is a tendency that has been going on for quite some time and if we keep quiet then it becomes a habit like what Hon. Samba has said whenever something is done the wrong way it becomes a culture and people might think that is the way things are being done.

So it is high time that we talk to the responsible people or rather the CEC for Finance so that she can maybe shed some light because maybe we are blaming them but also they are receiving their disbursements late but they have to explain to us because I have come to realize also apart from the delays in our salaries the last two months I think our offices were not paid, I think like for two months and people who were put in our offices were really crying.

But there is also another thing that is very important that we should look on to, the projects that were supposed to be implemented in our areas. Some of these Projects are stalling or rather have stalled for years because the contractors are not being paid; personally I have a contractor who have not been paid and he has carried a project half way but he has used his money, he has exhausted his money and he has not been paid and now the project that he was doing because of the rains is being destroyed and he will be forced to start again.

There is no reason why you give work to somebody and the money is not there; so there is a lot of laxity in the Department of Finance and if we want to be true to this County and to ourselves we should be able to summon this Minister so that she can shed light because we have been looking for the last two, three weeks we have been really looking at the expenditures and the way money is being brought to Counties and seriously there is a lot of money that is coming in, there is a lot of money that is being used but there is little to show for the money that is being used including the money that comes for our salaries.

So it is only good that we are paid in time so that we do not become Honourable beggars, it is good for us to continue being Hon. Members and not Honourable beggars. So I beg to support the Motion and because I am a Member of the Implementation Committee I think actually if called upon then I should be able to act quickly with my able Chair and also the other Members who are supposed to come in so that we can do the necessary and make sure that this trend changes and all is well again. Thank you Mr. Speaker.

(Applause)

The Temporary Speaker (Hon. Bwire): Thank you Hon. Member, I think you have exhausted but also I must declare the interest despite that I am the Chair we are all affected by the issue raised by the Hon. Member and I think the Department should be held responsible over the issues raised by the Member and also the CEC Finance plus the Chief Officer to come out clear why do we have always delays when it comes to salary of the County employees? So it must be noted that it is not an issue that will be tolerated either by myself or the Hon. Members or any of the County employee since we also have bills to pay and children to take to schools. We pray that we must be paid in time so that we can carry out our duties effectively, I think I will invite the Motion mover now to reply since the Members have exhausted their contributions. Hon. Athman Shebe?

Hon. Athman Shebe: Thank you very much Hon. Speaker for giving me this opportunity once again to say some few remarks. It is very unfortunate Hon. Speaker to see such a Motion and Hon. Members in the House others are just leaving, I do not know what is happening in this Assembly Hon. Speaker. Sometimes I find it very difficult to comprehend what is happening to us because whenever we come up with a such an issue, such a Motion which really affects us and our livelihood and the livelihood of our people. It is very unfortunate to see such Hon. Members just walking out without even contributing to what was brought forward to us, I do not know sometimes I feel very discouraged and disappointed but otherwise I really appreciate my Hon. Members who have backed up this Motion and we hope even if we are going to remain a few Hon. Speaker but our voices *In Shaa Allah* by God's Grace we are going to be heard...

(Applause)

...And the rights of our people, the rights of our workers, our staff and our Hon. Members will be achieved Hon. Speaker. Thank you very much.

The Temporary Speaker (Hon. Bwire): Thank you Hon. Member for your reply. Hon. Members I now put a question that the Motion on timely payment of salaries by the County government be adopted in this House in the same terms as moved.

(Question put and agreed to)

(Applause)

Yes Clerk.

ADJOURNMENT

Hon. Members, there having being no any other business the House stands to adjourn until Tuesday 8th May, 2019 next week 9:00a.m.

The House rose at 3:15p.m.