

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**

Tuesday, 27th September, 2016

The House met at 2.50pm.

(The Deputy Speaker (Hon. Mswabah Rashid) in the Chair)

PRAYERS

The Deputy Speaker (Hon. Mswabah Rashid): Yes Clerk.

PAPER

Yes Patrick Siminyu, Chairman Committee on Disaster Management.

Hon. Siminyu: Mr. Speaker as we understand that the Report of fire station in the County is very important in this House, as a Committee we were facing technical challenges Mr. Speaker but am sure if you give me until next week Tuesday the report will be ready.

The Deputy Speaker (Hon. Mswabah Rashid): Next week Tuesday the report will be ready, yes Clerk.

NOTICE OF MOTION

Majority Leader, yes Hon. Prischillah Mumba.

Hon. (Ms.) Prischillah Mumba: Thank you Mr. Speaker I beg to read the Notice of Motion behalf of Hon. Mwidani Majority leader.

The Deputy Speaker (Hon. Mswabah Rashid): Go ahead.

Hon. (Mrs.) Prischillah Mumba: Thank you Mr. Speaker sir, i seek to give Notice of the following Motion.

(Hon. (Mrs.) Prischillah Mumba read)

"THAT AWARE that Section 133 of the Public Finance Management Act, 2012 stipulates that not more than 90days after passing of the Appropriation Bill in every year the County Assembly shall consider and approve the Finance Bill with or without amendments.

FURTHER AWARE THAT the deadline envisaged for the approval of the finance Bill every year is September 30.

CONCERNED THAT the September 30, 2016 of this year falls on a Friday which is a non sitting day of the County Assembly.

I therefore urge the County Assembly to RESOLVE that;

1. The County Assembly of Mombasa to hold a Special Sitting on Friday 30th September 2016 at 2:30pm.

2. Any stipulations or requirements under Standing Order no. 26 or any other Standing Order are hereby temporarily waived.

(End of Notice of Motion)

The Deputy Speaker (Hon. Mswabah Rashid): Thank you very much, yes Hon. Saad Faraj what is it?

Hon. Faraj: Mr. Speaker i think the intention of the mover of the Motion was this Notice to be read as a Motion because it qualifies to be a Privilege Motion.

Looking into the content of this particular Motion and i think Mr. Speaker we should discuss and pass it so that being a Privilege Motion you can allow it to be deliberated and passed, thank you.

The Deputy Speaker (Hon. Mswabah Rashid): Okay maybe i ask the House, Members as many as are of the opinion that this Motion should be discussed.

(Question put and agreed to)

It will be discussed during the Motion business, Clerk.

MOTION

Yes Hon. Prischillah Mumba.

Hon. (Mrs.) Prischillah Mumba: Thank you Mr. Speaker sir, i arise to give the following Motion.

(Hon. (Mrs.) Prischillah Mumba read)

"THAT AWARE THAT Section 133 of the Public Finance Management Act , 2012 stipulates that not more than 90 days after passing of the Appropriation Bill in every year the County Assembly shall consider and approve the Finance Bill with or without amendments

FURTHER AWARE THAT the deadline envisaged for the approval of the Finance Bill every year is September 30.

CONCERNED that the September 30, 2016 of this year falls on a Friday which is a non sitting day of the County Assembly.

I therefore urge the County Assembly to RESOLVE that;

1. The County Assembly of Mombasa to hold a special sitting on Friday 30th September 2016 at 2:30 pm

2. Any stipulations or requirements under Standing Order no. 26 or any other Standing Order are hereby temporarily waived.

(End of Motion)

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor Page 2*

I would like Hon. Saad to second.

Hon. Faraj: Mr. Speaker I rise to second the Motion, thank you.

The Deputy Speaker (Hon. Mswabah Rashid): Members I propose the question, it has been proposed that authority to hold a Special Sitting to approve Finance Bill 2016 on Friday 30th September 2016...

(Question put and agreed to)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Mumba?

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika nimeona umuhimu wa sisi Waheshimiwa kuweza kukalia hichi kikao na kuweza kupitisha hii *Finance Bill* kwa sababu nafikiri kuna mwisho wa kupitisha hii *Bill*.

Siku zimeenda na hatuna wakati wa kuweza kupoteza ila tuweze kupitisha ndio mambo mengi yaweze kuendelea katika Kaunti kwa sababu saa hizi tumekwama kwama kwa sababu *Finance Bill* ndio imebeba utovu wa kila kitu.

Kwa hivyo ninaomba Waheshimiwa wenzangu ili tuweze kushirikiana tuweze kupitisha hii *Finance Bill* ndio tuweze kufanya yale yanatakikana. Ahsante Mheshimiwa.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Wangudi.

Hon. Wangudi: Ahsante Mheshimiwa Spika hata mimi nichangie mswada ambao umeletwa na Kiongozi wa Walio Wengi na kuwasilishwa na Naibu wa Kiranja wa Walio Wengi.

Mheshimiwa Spika naunga mswada huu mkono kuwa iko haja tuwe na kikao ambacho madhumuni yake ni kuidhinisha sheria hii ya mambo ya fedha.

Naona ni kazi kubwa ambayo inahitaji kikao chake peke yake bila mjadala mwingine na pia Mheshimiwa Spika naona kidogo hatuna muda kwa sababu mwisho wa kupitisha ni tarehe 30 mwezi huu.

Iwapo itapitwa na hiyo siku hatutakuwa na uwezo wa kutoza ushuru ama kukusanya ushuru wetu wa Kaunti.

Nasihi wenzangu ambao ni Waheshimiwa wa Jumba hili tuweze kukubaliana kuwa tuwe na kikao ambacho tutatumia kupitisha sheria hii. Kwa hivyo naunga mkono.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Madundo?

Hon. Mohamed Madundo: Ahsante Mheshimiwa Spika Al Hajj kwa kunipatia fursa hii na mimi pia vile vile naunga mkono Kiongozi wa Walio Wengi ambaye amelea huu Mswada kuhusu mambo ya fedha na katika Fedha ndio mambo yote katika Bunge.

Bila mambo ya fedha huwa hakuna chochote kinafanyika, kwa hivyo Kamati ya Fedha ipatiwe nafasi kwa haraka ili tupitisha kwa sababu kulingana na muda ambao umebakia ikiwa leo ni tarehe 27 ikiwa sijakosea basi ni muhimu tufanye hima hima ili tuweze kumaliza haya matatizo ambayo yako katika Bunge letu.

Kwa hivyo mimi naunga mkono kwa dhati na pia wenzangu vile vile waunge mkono. Ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Patrick Siminyu.

Hon. Siminyu: Thank you Mr. Speaker for giving me this opportunity to support this Motion that has been brought by the Deputy Majority Leader on behalf of the Majority Leader.

Mr. Speaker we have to follow the law and as we understand the budget cycle has ...it is very important for this House to have a Special Sitting to get the job done.

Mr. Speaker as you know the County Assembly is the oxygen that helps the County to run and if we operate as a County without a Finance Bill there will be no way.

Mr. Speaker I fully support because we are going to do justice for Mombasa County, thank you Hon. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Saad Faraj.

Hon. Faraj: Ahsante sana Mheshimiwa Spika; kwanza ni kukuaribisha katika Bunge letu baada ya kutoka katika ziara tukufu huko Mecca, natarajia kuwa umetuomba maombi kwa wale waliotarajia maombi.

Mheshimiwa Spika mswada ambao uko hapa ni mswada ambao kwamba ni muhimu na namuona Kiongozi wa Walio Wengi Bungeni pia ameingia na sisi uhai wetu kama tunavyoelewa kama Kaunti ya Mombasa.

Ni kuweza kupitisha *Bill* ambayo iko katika mikono yetu na ni lazima tufahamu kikamilifu ya kuwa *Bill* hii na ule msururu wa kutengeneza bajeti uko na msururu ambao ni lazima tuweze kuipitisha ili tuwe katika sheria na nidhamu vile inavyohitajika.

Na ukiangalia Mheshimiwa Spika tuko na siku kama tatu hivi, siku ya mwisho ya kupitisha itakuwa tarehe 30 ambayo itaangukia siku ya Ijumaa.

Ni wajibu wetu sisi sote kutaka kutekeleza majukumu yetu kama inavyostahili ni tuweze kupitisha mswada huu Ijumaa itakapowadia tuwe sisi tutaweza kuijadili *Bill* hii na kuipitisha ili kupatia nguvu Kaunti kuweza kukusanya pesa zinazohitaji kukusanywa. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Hatimy.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi pia nasimama kuunga mkono hoja hii kwani sheria 133 ya *Finance Act* iko wazi kusema kuwa *Finance Bill* itakuja baada ya siku tumepitisha *Appropriation Bill*.

Kwa hivyo Mheshimiwa Spika kama tunavyojua kazi ya *Appropriation Bill* ni nini? Na kazi ya *Finance Bill* ni nini? Kwa hiyo Mheshimiwa Spika bila ya *Finance Bill* hii ndio uti wa mgongo wa Kaunti.

Mheshimiwa Spika twaomba Waheshimiwa tukubaliane sote kwa kauli moja tupitishe huu Mswada tarehe 30th September, 2016 tuje kuweza kusoma hii *Bill* na tupitishe Mheshimiwa Spika. Ahsante.

The Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Nasser.

Hon. Nasser Rashid: Ahsante sana Al Haj Mheshimiwa Spika mimi nasimama kwa kuunga mkono.

Mheshimiwa Spika nafikiri Waheshimiwa wote ambao wako hapa Kitengo chao wanategemea hii *Bill*, lazima tuunge mkono.

Vile vile ningependa kumuunga mkono Naibu Kiongozi Wa Walio Wengi Bungeni kwa kuleta hii ripoti na ningependa Nyumba hii mbali na kuleta ripoti hapa kama Kiongozi wa Wengi hayuko basi aanze kupewa gari, askari hadi na ofisi Mheshimiwa Spika.

(Laughter and Applause)

Kama Kiongozi wa Wengi hayuko basi Naibu apewe ulinzi wa kisawa sawa. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Prischillah Mumba do you want to say anything concerning Hon. Nasser's statement.

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika na mimi nimesimama hapa nataka kumshukuru Mheshimiwa mwenzangu na mpinzani wangu mkubwa wa Shimanzi wa 2017.

(Laughter)

Lakini kwa sababu leo amenitakia mazuri na kuniombea mazuri nimeshukuru, mimi nasema nashukuru kwa sababu yeye anatuombea tupewe magari Naibu wa Kiranja wa Bunge na Naibu wa Kiongozi wa Walio Wengi.

Manake sisi tunasahaulika kwa kila majukumu lakini nilijua hayo majukumu yatakumbukwa kuwa ikiwa tunaweza kuwakilisha Bunge wakati wenzetu hawako basi na hayo mambo mengine yaangaliwe kama alivyozungumza Mheshimiwa Nasser.

Lakini hayo mengine ya zaidi naona tutaenda chemba na ningeomba twende na Mheshimiwa Nasser hata kama tutaenda Dubai ama America tumalize tofauti zetu tukija hapa tutakuwa tushachagua nani atakuwa Raisi na nani atakuwa Naibu wa Raisi wa Shimanzi/Ganjoni ward.

The Deputy Speaker (Hon. Mswabah Rashid): Thank you Hon. Prischillah I now put a question; Members Order! I now put a question.

(Consultation)

Members Order! Members I now put a question that as many as of the opinion that this House to get authority to hold Special Sitting to approve Finance Bill 2016 on Friday, 30th September, 2016.

(Question put and agreed to)

Yes Clerk, Yes Hon. Hatimy what is it?

Hon. Mohamed Hatimy: Thank you Mr. Speaker Sir I beg to request to move a Motion in this House.

The Deputy Speaker (Hon. Mswabah Rashid): Okay is it another different Motion?

Hon. Mohamed Hatimy: Yes Mr. Speaker.

The Deputy Speaker (Hon. Mswabah Rashid): It's okay.

MOTION

Hon. Mohamed Hatimy: Thank you Mr. Speaker. Mr. Speaker that pursuant to provision of Standing Order 107 this Assembly resolves to reduce that publication period of the Mombasa County Finance Bill, 2016 No. 4 from seven days to four days Mr. Speaker. Thank you.

The Deputy Speaker (Hon. Mswabah Rashid): Thank you Hon. Hatimy I think we don't need to put a question to that Motion so it has been done thank you. Yes Clerk

BILLS

(Interruption)

Order Number 9 is Finance Bill, yes Hon. Fadhili what is it?

(Laughter)

Yes Hon. Fadhili.

Hon. Mwalimu: Thank you Mr. Speaker with me I have got The Mombasa County Inspectorate Bill, 2016...

(Interruption)

The Deputy Speaker (Hon. Mswabah Rashid): No we are dealing with The Mombasa County Finance Bill, 2016.

Hon. Fadhili you must have skipped the Finance Bill we are in order number 9, Chairman Finance Committee proceed, the procedure is that the Clerk to read the Bill for the first reading. Yes Clerk.

MOMBASA COUNTY FINANCE BILL, 2016

FIRST READING

(Clerk read)

"A Bill of AN ACT of the Mombasa County to provide for various taxation, imposition of fees and charges for services, and other revenue raising measures by the County government and for matters incidental thereto..."

(End of First Reading)

The Deputy Speaker (Hon. Mswabah Rashid): Members Pursuant to Standing Order 121 section 1, The Mombasa County Finance Bill 2016 stands committed to the Finance Committee. Clerk.

BILL

Hon. Ndanda, Chairman Committee on Administration and County Security so it has been brought to the House by the Chairman. Yes Hon. Fadhili.

Hon. Mwalimu: Thank you Mr. Speaker

(Interruption)

The Deputy Speaker (Hon. Mswabah Rashid): No we need to know are you representing Hon. Ndanda? Hon. Fadhili, are you a Member of the Committee?

Hon. Mwalimu: Yes Mr. Speaker.

The Deputy Speaker (Hon. Mswabah Rashid): Okay, yes Clerk.

THE MOMBASA COUNTY INSPECTORATE BILL, 2016

FIRST READING

(Clerk read)

"A Bill for AN ACT of the County Assembly of Mombasa to provide for the establishment, organization, functions and conduct of the Mombasa County Inspectorate; and for connected purposes"

(End of First Reading)

Thank you, now the Mombasa County Inspectorate Bill, 2016 now stands committed to the Committee on Administration and County Security. Thank you. Clerk?

ADJOURNMENT

There being no other Business this House stands adjourned until tomorrow Wednesday at 9.00 am.

The House rose at 3.16pm