



**COUNTY ASSEMBLY OF MOMBASA
THE HANSARD**

Tuesday, 12th March, 2024

Third Assembly – Third Session

FOURTEENTH SITTING

*[The County Assembly met at 3:00p.m. at the County Assembly Buildings]
[The Deputy Speaker (Honourable Fadhili Mwalimu Makarani) in the Chair]*

PRAYERS

The Deputy Speaker (Hon. Fadhili Makarani): Good afternoon, Members. Have your seat Members. Yes, Clerk?

PAPERS

REPORT OF THE AUDITOR GENERAL ON COUNTY REVENUE FUND FOR THE YEAR ENDED 30th
JUNE, 2022 COUNTY GOVERNMENT OF MOMBASA

Yes, Honourable Leader of Majority?

The Leader of Majority (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker, I wish to lay Paper, Report of the Auditor General on County Receiver of Revenue for the year ended 30th June, 2022 County government of Mombasa.

[Paper Laid]

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, the Report of the Auditor General on County Receiver of Revenue Fund for the year ended 30th June, 2022 County government of Mombasa, stands committed to the Committee of Investments and Accounts. Yes, Clerk?

PAPER

REPORT OF THE AUDITOR GENERAL ON MOMBASA COUNTY ALCOHOLIC DRINKS CONTROL
FUND FOR THE YEAR ENDED 30th JUNE, 2023

Yes, Honourable Leader of Majority?

The Leader of Majority (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker Sir, I wish to lay Paper; a Report of the Auditor General on Mombasa County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.

[Paper Laid]

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, the Report of the Auditor General on Mombasa County Alcoholic Drinks Control Fund for the year ended 30th June, 2023, stands committed to the County Public Investments and Accounts Committee. Yes, Clerk?

REPORT OF THE AUDITOR GENERAL ON MOMBASA COUNTY CONSOLIDATED REVOLVING FUND
FOR THE YEAR ENDED 30th JUNE

Yes, Honourable Mwamwiri?

The Leader of Majority (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker Sir, I wish to lay Paper, Report of the Auditor General on Mombasa County Consolidated Revolving Fund for the year ended 30th June, 2023.

[Paper Laid]

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, the Report of the Auditor General on Mombasa County Consolidated Revolving Fund for the year ended 30th June, 2023 stands committed to the Committee on Public Investments and Accounts. Yes, Clerk?

REPORT OF THE AUDITOR GENERAL ON MOMBASA COUNTY ELIMU SCHEME FOR THE YEAR
ENDED 30th JUNE, 2023

Yes, Honourable Athman Rama?

The Leader of Majority (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker Sir, I wish to lay Paper, Report of the Auditor General on Mombasa County Elimu Scheme for the year ended 30th June, 2023.

[Paper Laid]

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, the Report of the Auditor General on Mombasa County Elimu Scheme for the year ended 30th June, 2023 stands committed to the County Public Investments and Accounts Committee. Yes, Clerk?

NOTICE OF MOTION

TIMELY CONSIDERATION OF COUNTY FISCAL STRATEGY PAPER, 2024

Honourable Kibwana Swaleh, Chairperson Committee on Finance Budget and Appropriation?

Hon. Kibwana Swaleh: Thank you Mr. Speaker. Mr. Speaker Sir, I beg to give notice of the following Motion:

WHEREAS, the County Assembly acknowledges the receipt of the County Fiscal Strategy Paper, 2024 on 23rd February, 2024, subsequently laid in the County Assembly during the 8th Sitting on Wednesday, 28th February, 2024;

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FURTHERMORE, recognizing the requirement stipulated in Standing Order 205 (7), mandating the County Assembly to deliberate and adopt the County Fiscal Strategy Paper with or without amendments within 14 days of its submission;

Honourable Speaker,

ACKNOWLEDGING, that public participation on the Mombasa County Fiscal Strategy Paper, 2024 is slated to occur on the 14th, 15th, and 18th of March, 2024, a process deemed crucial for transparency and inclusivity;

CONCERNED THAT, the 14-day period as provided in the Standing Orders may not be adequate as the Committee on Finance, Budget and Appropriations intends to carry out elaborate public participation;

Honourable Speaker,

THEREFORE, I urge this esteemed Assembly to RESOLVE as follows:

THAT, The Committee on Finance, Budget, and Appropriations be granted a two-week extension period to efficiently process the County Fiscal Strategy Paper, 2024, ensuring its timely consideration and adoption;

Honourable Speaker, having said that, I seek leave so that we can have a Motion today. Thank you.

[Consultations]

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Clerk next order?

MOTION

TIMELY CONSIDERATION OF COUNTY FISCAL STRATEGY PAPER, 2024

Honourable Members, before the Motion, that is in the Order paper the Chairman Committee on Finance, Budget and Appropriation had given his notice and I now, allow him to ask for permission in the Assembly, if he will be allowed then his Motion will be debated in this Honourable House. So, Honourable Kibwana please, ask the permission and have a seconder for you seeking leave or permission from the House, that they debate your Motion. You need to have a seconder.

Hon. Kibwana Swaleh: Once again, thank you Honourable Speaker. Honourable Speaker, as I have stated in my notice, that this is a crucial document that we have to seek for leave, so if you allow me through your permission, we debate this Motion. So, I will ask Honourable Abdirahman to second.

Hon. Abdirahman Abdulkadir: Thank you Mr. Speaker. I stand to second the Motion.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Abdirahman, which Motion are you seconding?

Hon. Abdirahman Abdulkadir: Thank you Mr. Speaker. Let me just clear on that; I am seconding the Motion brought by Honourable Kibwana Swaleh, on the timely consideration on CFSP.

The Deputy Speaker (Hon. Fadhili Makarani): The Honourable Chair was seeking leave for that Motion, so we are yet to start debating that Motion.

Hon. Abdirahman Abdulkadir: Okay but he has asked me to second, so I was...

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): Yes, you are seconding him but, he had asked for permission from the Assembly to debate a Motion that he had given a notice before.

Hon. Abdirahman Abdulkadir: Okay, I am seconding that.

The Deputy Speaker (Hon. Fadhili Makarani): You are seconding?

Hon. Abdirahman Abdulkadir: His request.

The Deputy Speaker (Hon. Fadhili Makarani): His request, thank you.

Hon. Abdirahman Abdulkadir: Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, I now stand to put a question that the request by Honourable Chairman Kibwana Swaleh Chairperson Committee on Finance, Budget and Appropriation that he is seeking leave from this Honourable House for you to allow his Motion to be debated today?

[Question put and agreed to]

Yes, Honourable Kibwana Swaleh, read your Motion?

Hon. Kibwana Swaleh: Thank you Honourable Speaker. Honourable Speaker, I beg to move the following Motion;

WHEREAS the County Assembly acknowledges the receipt of the County Fiscal Strategy Paper, 2024 on 23rd February, 2024, subsequently laid in the County Assembly during the 8th Sitting on Wednesday 28th February, 2024;

FURTHERMORE, recognizing the requirement stipulated in the Standing Order 205 (7) mandating the County Assembly to deliberate and adopt the County Fiscal Strategy Paper with or without amendments within 14 days of its submission;

AKNOWLEDGING that public participation on Mombasa County Fiscal Strategy Paper, 2024 is slated to occur on the 14th, 15, and 18th of March, 2024 a process deemed crucial for transparency and inclusivity;

CONCERNED that the 14-day period as provided in the Standing Order may not be adequate as the Committee on Finance Budget and Appropriation intends to carry out elaborate public participation,

THEREFORE, I urge this esteemed Assembly to resolve as follows,

That the Committee on Finance Budget and Appropriations be granted a two-week extension period to efficiently process the County Fiscal Strategy Paper, 2024 ensuring its timely consideration and adoption.

Honourable Speaker, I will ask the Leader of Majority to second it.

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Leader of Majority?

The Leader of Majority (Hon. Mwamwiri): I second.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, I now propose a question that the Motion by Honourable Kibwana Swaleh that timely consideration of County Fiscal Strategy Paper, 2024 be debated in this House?

[Question proposed and agreed to]

Yes, Honourable Kibwana Swaleh?

Hon. Kibwana Swaleh: Thank you Honourable Speaker. Honourable Speaker, I want to thank you for giving us this opportunity and allow us to debate this Motion and also appreciate the Members after seeing that it is very crucial. Honourable Speaker, I will be very brief as you are aware that County Strategy Paper is almost a budget and when you look at the timeline within the 14 days we could not be able to look at this document thoroughly and you aware that we are going for public participation we are also involved in report writing so Honourable Speaker I think getting this extension it will help us because we will go into details to this document which is the County Fiscal Strategy Paper and also to be able Members to have an opportunity to interrogate including the departments on the issue of ceilings in other budget allocation. Honourable Speaker, again I want to urge Members to support this Motion so that at list we have an opportunity to pass a document that all of us we know its content. Thank you, Honourable Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Abdirahman?

Hon. Abdirahman Abdikadir: Thank you Mr. Speaker. First and foremost, let me appreciate your wisdom in ruling that we have this Motion at this juncture. Honourable Speaker, this is a very crucial agenda brought forward by the Chairman of the Committee and we are just requesting one resolution that is we be extended; that we be granted a two-week extension period

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so that we do justice to the County Fiscal Strategy Paper (CFSP). So, I request my fellow colleagues to agree with us and let us not take much time on this Motion and we pass it as collegeaus. Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Abdirahman. The Majority Leader is up?

The Leader of Majority (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker, indeed it is in order for the Chair to seek leave for the extension of time. Mr. Speaker, budget has timelines and for us to be safe from audit queries it is in order for the Chair to seek leave so that when we surpass the expected time will be having a granted position by the Whole House, the Honourable House so that no one can query the process. Mr. Speaker, it is in that order that I urge the Honourable Members to support this Motion that the Committee on Finance be granted the time requested so that in future we would not have the queries for failing to honor the timelines of the Budget. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Kibwana Swaleh please reply to your Motion?

Hon. Kibwana Swaleh: Thank you Honourable Speaker. Honourable Speaker once again I want to appreciate your office and also your wisdom as my colleague said and also thanking my Committee that is Finance, Budget and Appropriation for their support that they have given me and also Members for supporting this Motion and I hope that we will be able to fulfill our mandate as Members of the County Assembly. Thank you.

The Deputy Speaker (Hon. Fadhili Mwalimu): Thank you. Honourable Members, I now stand to put a question that the Motion by the Chairperson Committee on Finance, Budget and Appropriation Honourable Kibwana Swaleh Baya on *Timely Consideration of County Fiscal Strategy Paper, 2024* (CFSP) be approved by this Honourable House?

[Question put and agreed to]

Yes Clerk?

MOTION

IMPLEMENTATION OF RECOMMENDATIONS BY THE COMMITTEE ON PROCEDURE AND RULES

Yes, Honourable Leader of Majority, MCA Likoni Ward?

The Leader of Majority (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker, I beg to move the following Motion;

WHEREAS, the County Assembly of Mombasa, during its 9th Sitting convened on Tuesday, 5th March 2024, at 2:30 p.m., duly sanctioned the Report of the Committee on Procedure and Rules concerning the Proposed Amendments of Part XXI of Standing Orders and the Second Schedule;

FURTHER ACKNOWLEDGING, the aforementioned report, which advocates for the establishment of new County Assembly committees and proposes amendments to align existing Committees in the Second Schedule with the newly proposed structures;

CONSCIOUS of the significance of these recommendations, recognizing their critical role in enhancing the efficiency and efficacy of the County Assembly's functions;

APPREHENSIVE that failure to implement these recommendations expediently, coupled with the lack of action by the Committee on Selection, mandated with effecting these changes, may impede the seamless operations of the Committees;

THEREFORE, I implore this esteemed Assembly to RESOLVE as follows:

THAT, pursuant to the stipulations of Standing Order 154 (1) and (2), upon passage of this Motion, the Committee on Selection, in consultation with County Assembly Parties, to reorganize Committees to suit the approved amendments.

May I ask Honourable Frankline Makanga to second this Motion.

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Frankline?

Hon. Makanga: I second.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Members. I now propose a question that the Motion by Honourable Athman Mwamwiri MCA Likoni ward and the majority leader on implementation of recommendations by the Committee on procedure and rules be debated in this House.

[Question put and agreed to]

Yes, Honourable Athman Rama.

The Leader of Majority (Hon. Mwamwiri): Ahsante Mheshimiwa Spika. Hili ni Bunge la sheria na kanuni Mheshimiwa Spika na kama ilivyo katika hoja hii mnamo tarehe tano mwezi wa tatu Bunge hili liliweza kupitisha marekebisho ya kanuni za kudumu Mheshimiwa Spika ambayo kwamba yaliweza kuruhusu wanachama katika kamati kuathirika na kuongezeka kutoka idadi ilioko sasa na vilevile baadhi ya kamati ziliweza kugawanywa kwa sababu ya uzito wa majukumu ama wengi wa majukumu ili kurahisisha majukumu yetu katika Bunge hili lakini pia Mheshimiwa Spika kunazo kamati kulingana na uajibikaji wa majukumu ziliweza kubuniwa Mheshimiwa Spika ziweze kuwa saraunge ya utekelezaji wa majukumu haya katika upande wa pili wa utawala. Mheshimiwa Spika tukizingatia hayo kulikuwa na ulazimu ya kwamba kutakuwa na uathirikaji wa uwanachama katika kamati hizi.

Ingelazimu baadhi ya wanachama kutoka kamati walizoko na kwenda kwa Kamati zengine katika kutekeleza hilo lakini pia kuzingatia usawa ya uchache wa kamati ya baadhi ya Wanakamati wanazo miliki na kutafuta kuweka sawa ni lazima kulikuwa kuwe na mvurugiko wa mpangilio wa kamati hizi. Ili kuliwezesha hili Mheshimiwa Spika ili lazimu Kamati ya uteuzi kuweza kupangilia jukumu hili lakini kwa mujibu wa kanuni zetu za kudumu Mheshimiwa Spika tulikosa ibara maalum ili kuwapa nguvu ama mamlaka ya kuweza kupangilia upya Kamati hizi.

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Hivyo basi, Mheshimiwa Spika fursa iliokuwa ilikuwa ni katika sehemu ya kwanza kanuni za kudumu ambayo mamlaka haya yangebakia kwa kiti chako tukufu lakini vilevile tukiwa katika Bunge hili Mheshimiwa Spika tuna kila sababu kwa sababu tumepewa mamlaka ya sawa na mahakama ya juu. Ya kuweza kufanya maamuzi kama Bunge Mheshimiwa Spika ambalo maamuzi haya hayatakuwa na kigegezi ama kumfanyia mwengine kuwa na shauku ya utekelezaji wa majukumu yetu. Ndiposa tukaja na hoja hii Mheshimiwa Spika na kuwaona Waheshimiwa ya kwamba tuidhinishke kamati ya uteuzi ama tuipe ruksa kamati ya uteuzi kuweza kwenda kufanya mpangilio wa kamati hizi na kuleta ratiba ile ya kamati katika Bunge hili kuweza kuidhinishwa ili tuwe sambamba na marekebisho ya kanuni zetu tulizipitisha katika Bunge hili lakini vilevile pia kusiwe na uathirikaji wa uwanachama katika kamati hii Kwenda kwengine ikawa labda tumekengeuka kanuni. Kwa rukhsa ya Bunge hili Mheshimiwa hili itakuwa liko sahihi na tutaweza kutekeleza. Ahsante Mheshimiwa Spika niwaombe waheshimiwa wenza kuweza kupitisha hili ili tuweze kupitisha jukumu hili haraka na kukabiliana na majukumu mapya katika zile kamati ambazo tutakuwa tumebahatika. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Florence.

Hon. Kachumbo: Thank you Mr. Speaker for this opportunity to air my views. I stand to support the Motion.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Frankline.

Hon. Makanga: Ahsante Mheshimiwa Spika na mimi nasimama kuunga mkono hoja hii ambayo imeletwa na Kiongozi wa Wengi. Mheshimiwa Spika tukizingatia majukumu yetu yanaweza kupewa nguvu na Kamati hizi, ikiwemo uangalizi, utunzi wa sheria Mheshimiwa Spika na hata vile vile katika uwakilishi inapohusiana na masuala ya kurudi mashinani ili kuweza kusema na wananchi wetu, kwa hivyo Mheshimiwa Spika, mimi kwa sababu hizi standing order zinapo badilika Mheshimiwa Spika, zinazidi kulipa nguvu Bunge hili na kuipa nguvu *Standing order* yetu ambayo ni sawa na katiba yetu katika Bunge hili, kuhakikisha kwamba afisi ama kizungu kina shida kweli Kiswahili, Mheshimiwa Spika, when we changed, when we had amendment to Standing Orders, they were meant to strengthen the procedures of this House and how we do things. Honourable Speaker, one of the many ways that is going to bring efficiency and ensuring that we perform our mandate and our functions without further delays, without any other issue that will cause a stagnation and there was a need of having this Standing order amended. Under such Mr. Speaker, it is paramount and very important that we allow the Committee on Selection to proceed make the reorganization so that this House can be fully in control and ensure that we deliver according to our mandate even as we serve our people, the great people of Mombasa, therefore I stand to support Honourable Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Mbaya?

Hon. Salim Mbaya: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii ya kuweza kuchangia. Mheshimiwa Spika, kutokana na hoja ambayo imeweza kuletwa mbele yetu sisi, mimi kwa siku ya leo singekuwa na mengi ya kuzungumza isipokuwa ni kudhihirisha wazi kwamba naiunga mkono hoja hii kwa sababu kama nitaongea mengi, pengine huenda nguvu za kufika nyumbani zikawa na uzito kwa sababu niko na saumu na leo ni siku ya kwanza. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Mbaya. Yes, Honourable Kai?

Hon. Kai: Ahsante Mheshimiwa Spika kwa kunipa fursa, ila niseme tu pia mimi nimesimama kuunga mkono Mswada huu ili shughuli za Bunge zikaweza kufanyika kwa ustawi zaidi. Ahsante.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Leader of Majority please reply to the Motion.

The Leader of Majority (Hon. Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika, ni kwa dhati ya moyo wangu niwashukuru Waheshimiwa wenza kwa kuweza kuchangia, lakini zaidi wa kuweza kuunga hoja hii kuweza kuipa mamlaka Kamati inayohusika kuweza kuendelea na shughuli hizi za kuweza kuweka sambamba Kamati kama ilivyokuwa katika mapendekezo ya Kanuni zetu za Kudumu. Mheshimiwa Spika, niwashukuru na nitakie ndugu zangu ambao tuko katika saumu Mwenyezi Mungu atutakabali saumu zetu lakini pia atufanyie wepesi katika ibada zetu katika mwezi huu na wale sio katika sisi *Inshallah* ikifika mwakani tuweze kufunga nao. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Leader of Majority. Honourable Members, I now stand to put a question that the Motion by Honourable Athman Mwamwiri on implementation of recommendations by the Committee on Procedure and Rules be approved by this Honourable House.

[Question put and agreed to]

Yes Clerk?

ADJOURNMENT

Honourable Members, having there being no other business the House stands adjourned until 14th March, 2024 at 10:00a.m.

The House rose at 3:35p.m.