

**MOMBASA COUNTY ASSEMBLY****HANSARD REPORT**Thursday, 30<sup>th</sup> March, 2017

The House met at 2:45pm.

*(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)***PRAYERS**

**Deputy Speaker (Hon. Mswabah Rashid):** Members you may sit down. Yes, Clerk?

**COMMUNICATION FROM THE CHAIR**

Hon. Members I have a communication to make.

Hon. Members, I wish to bring to the attention of this Hon. Assembly that we have visitors from Nairobi City County Assembly, Committee on Implementation.

I hereby recognize the presence of the delegation which consists of:-

- |                              |   |  |
|------------------------------|---|--|
| 1. Hon. Elias O. Okumu       | - | Chairman (Leader of Majority Party)      |
| 2. Hon. Abdi I. Hassan       | - | Vice Chairman (Leader of Minority Party) |
| 3. Hon. Pius Mbono           | - | Member                                   |
| 4. Hon. Susan Karimi         | - | Member                                   |
| 5. Hon. Celestine Owino      | - | Member                                   |
| 6. Hon. Imeldah Wanjala      | - | Member                                   |
| 7. Hon. John Waweru          | - | Member                                   |
| 8. Hon. James Kinuthia       | - | Member                                   |
| 9. Hon. Marion Githinji      | - | Member                                   |
| 10. Hon. Peter Were          | - | Member                                   |
| 11. Hon. Alvin P. Olando     | - | Member                                   |
| 12. Hon. AntHon.y K. Karanja | - | Member                                   |
| 13. Hon. David Mberia        | - | Member                                   |
| 14. Hon. Mike O. Guoro       | - | Member                                   |
| 15. Hon. Magdalene Mbogori   | - | Member                                   |
| 16. Hon. David Kitavi        | - | Member                                   |
| 17. Hon. Maxwell O. Ochar    | - | Member                                   |
| 18. Hon. Ruth Njeri          | - | Member                                   |
| 19. Hon. Amos Mbuthia        | - | Member                                   |
| 20. Monica Muthami           | - | Principal Clerk Assistant                |
| 21. Jolinda Wangui           | - | Clerk Assistant                          |
| 22. Kevin Wasike             | - | Clerk Assistant                          |

On behalf of the Assembly, I welcome you all to the County Assembly of Mombasa.  
*Karibuni Sana.*

*(Applause)*

Members I have another communication.

Hon. Members, we have now come to an end of our first part of the last session. The House will be resuming on 18<sup>th</sup> April, 2017 for the last part before proceeding for recess Sine Die. As you are all aware, the Assembly to date has been able to pass 41 Bills and 221 substantial Motions. We have been exercising oversight and have seen that the Executive has been kept on toes to discharge their mandate. In the last part that shall end on 15<sup>th</sup> June, 2017 we expect to pass any pending Bills. During the recess, we are all aware that party primaries will be taking place. My prayer is, let the nominations be peaceful and I wish you all the best. Let us preach peace and also be close to our constituents during the recess. With God first, I believe that Mombasa as a County will succeed and all the hurdles which are currently in

place we shall be able to overcome. Hon. Members, thank you for your diligence and co-operation in discharging our Constitutional mandate,

I look forward to seeing you in the last part but in the meanwhile Members we can proceed with the order of the day. Yes, Clerk.

#### STATEMENTS

Hon. Saad Faraj Ahmed, Hon. Saad Faraj Ahmed...

*(Silence)*

Yes, Clerk.

#### STATEMENT

Hon. Ahmed O. Ibrahim, Hon. Ahmed O. Ibrahim...

*(Silence)*

Yes, Clerk...

#### MOTION

Members we are in order number nine, Procedural Motion but this Order number nine I will make it to be the last business of the day. Yes Clerk you may proceed.

#### BILL

Chair Committee on Finance? Hon. Hatimy?

**Hon. Mohamed Hatimy:** Thank you Mr. Chairman, Speaker pursuant to Standing Order 117 I ask this Assembly to resolve that we reduce the publication period of The Mombasa Supplementary Appropriation Bill 2016/2017 from seven days to one day Mr. Speaker. Thank you.

**Deputy Speaker** (Hon. Mswabah Rashid): Hon. Hatimy I think you are supposed to read the Bill first.

**Hon. Mohamed Hatimy:** Yes I think Mr. Speaker I think it's the Clerk.

**Deputy Speaker** (Hon. Mswabah Rashid): Okay, okay, yes Clerk?

*(Clerk introduced the Bill)*

#### FIRST READING

#### THE MOMBASA SUPPLEMENTARY APPROPRIATION BILL 2017

**Clerk:** Mr. Speaker Sir, The Mombasa Supplementary Appropriation Bill 2017, an Act of the County Assembly to authorise the issue of certain sums out of County Revenue Funds and the application towards the service of the year ending 30<sup>th</sup> June 2017 and to appropriate those sums for certain public services and purposes.

**Deputy Speaker** (Hon. Mswabah Rashid): Thank you, after the First Reading I commit the Bill to the Committee on Finance Budget and Appropriation, Chairman?

**Hon. Mohamed Hatimy:** Mr. Speaker I beg this House pursuant to Standing Order 117 I ask this Assembly to resolve that we reduce the period of the Mombasa County Supplementary Appropriation Bill, the County Assembly Bill number 12, 2016/2017 from seven days to one day, thank you Mr. Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): Granted.

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr Speaker Sir this is a Supplementary Appropriation Bill 2017. The main budget estimate 2016/2017 was taken for public participation before passage of Appropriation Bill 2016. Mr. Speaker Sir I therefore request that since a report had been issued and this is just allocation of votes as per section 135 of PFM I request that the Bill be read a second time and thereafter we proceed to Committee of the Whole House. Thank you, Mr. Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): Members I put the question that the Mombasa County Supplementary Appropriation Bill 2017 be read a second time.

*(Question put and agreed)*

**THE MOMBASA SUPPLEMENTARY APPROPRIATION BILL 2017  
SECOND READING**

**Clerk:** Mr. Speaker Sir the Mombasa County Supplementary Appropriation Bill, an Act of County Assembly to authorise the issue of certain sums out of County revenue funds and the application towards the services of the year ending 30<sup>th</sup> June 2017 and to appropriate those sums for certain public services and purposes.

**Deputy Speaker (Hon. Mswabah Rashid):** Members already the Bill has been read the second time I think the House, the Bill is committed to the Committee of the Whole County Assembly, so the House will dissolve itself into a Committee of the Whole.

*(Sergeant At Arms lowered the Mace on the Table)*

*(Deputy Speaker (Hon. Mswabah Rashid) exited the Chair)*

**COMMITTEE OF THE WHOLE HOUSE**

**ORDER OF COMMITTEE READ**

**IN THE COMMITTEE**

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

**Chairperson:** Members welcome to the Committee of the Whole House, the Bill now is in the stage of Committee of the Whole House. Mr. Chairman of the Committee.

**Hon. Mohamed Hatimy:** Thank you... *(Inaudible)*

**Chairperson:** So there is no need of going clause by clause Chair?

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

**Chairperson:** Yes Hon. Kasagamba.

**Hon. Kasagamba:** Chairperson I ascertain the Chairman of Finance Committee what says is very true we have come to a consensus that we have already scrutinized this as a Whole House and Mr. Speaker we look forward for approval in this House.

**Chairperson:** Yes Saad Faraj.

**Hon. Faraj:** Mr. Speaker as part of Budget and Appropriation Committee I want to ascertain the fact that we've been able to go through the document thoroughly and therefore there is no need for us to go through the same process again, and I second thank you.

**Chairperson:** Yes Mheshimiwa Meti

**Chief Whip (Hon. Ahmed Omar):** Thank you Mr. Speaker as a friend of the committee I also concur with my colleagues because we've gone through this document and we've seen that it is okay and I also wish to tell my Members we pass this Bill for our County to move on.

**Chairperson:** Yes Lucy.

**Hon. (Ms.) Chireri:** Ahsante sana Mheshimiwa Spika, mimi hata naona twachelewa yaliyo zungumuzwa ni ya kweli na kweli kabisa nayaunga mkono tuyatekeleze, ahsante.

**Chairperson:** Ok Members since we have come to the consensus that the Bill has already passed so many stages am left with no other reason not to propose the question.

Members I propose a question now, I propose a question that all clauses of this Bill be part of the day...

*(Question put and agreed to)*

**Hon. Mohamed Hatimy:** Mr. Speaker thank you I think I hereby request the House to read the Bill for the Third time.

**Chairperson:** Hon. Hatimy I've just proposed a question and I was waiting for anybody to raise but since I have proposed the question I have to put the question first, Members I now put the Bill, as many are of the opinion that all clauses be part of the Bill.

*(Question put and agreed to)*

We have come to the end of the Committee of the Whole House, thank you very much.

**PLENARY RESUMED***(Sergeant At Arms raised the Mace on the Table)**(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)***Deputy Speaker** (Hon. Mswabah Rashid): Yes Chairman of Finance Committee.**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker I wish to report to this Hon. House to the Hon. Members during Committee of the Whole House...*(Inaudible)* I beg to move...**Deputy Speaker** (Hon. Mswabah Rashid): I think you should request for the Bill to be read for the Third time.**Hon. Mohamed Hatimy:** Mr. Speaker am reporting on the Whole House.**Deputy Speaker** (Hon. Mswabah Rashid): Okay.**Hon. Mohamed Hatimy:** I wish to report to this Hon. House that the Hon. Members during the Committee of the Whole House approved all the clauses Mr. Speaker, thank you.**Deputy Speaker** (Hon. Mswabah Rashid): Can you request for the Bill to be read for the Third time.**Hon. Mohamed Hatimy:** Hon. Members are supporting this Bill as it will enable the residents of Mombasa to continue receiving uninterrupted services from the County government. Mr. Speaker sir, I now request for the Bill to be read for the Third time.**Deputy Speaker** (Hon. Mswabah Rashid): Thank you Hon. Hatimy, as per your request I propose a question that the Bill to be read for the Third time.*(Question put and agreed to)*

I now put the question that the Bill be read the Third time.

*(The Question put and agreed to)*

Yes Clerk.

**THE MOMBASA SUPPLEMENTARY APPROPRIATION BILL 2017***THIRD READING***Clerk:** Mr. Speaker sir, The Mombasa Supplementary Appropriation Bill 2017, an Act of the County Assembly to authorize the issue of certain sums of money out of County revenue funds and the application towards the service of the year ending on the 30<sup>th</sup> June 2017 and to appropriate those sums for certain public services and purposes.**Deputy Speaker** (Hon. Mswabah Rashid): Thank you. Yes Clerk, can we go back to business number nine.**PROCEDURAL MOTION**

Yes Leader of Minority.

**Leader of Minority** (Hon. Maimuna Salim): Pursuant to Standing order 25(3) the Assembly adjourns its normal sittings until 17<sup>th</sup> April 2017 and will resume its normal sittings on 18<sup>th</sup> April 2017. I beg this House to move the Motion.**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Fatma Kushe.**Hon. (Ms.) Fatma Swaleh:** Thank you Mr. Speaker sir, I do second the Motion.**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Saad Faraj.**Hon. Faraj:** Mr. Speaker I think the Motion has already been seconded.**Deputy Speaker** (Hon. Mswabah Rashid): I thought you were up, the Motion is on the floor now.**Hon. Faraj:** I was actually down Mr. Speaker.**Deputy Speaker** (Hon. Mswabah Rashid): I said the Motion is on the floor.**Hon. Faraj:** Ooh For the purpose of discussion.**Deputy Speaker** (Hon. Mswabah Rashid): Yes.**Hon. Faraj:** Thank you. Mr. Speaker thank you for this opportunity. Mr. Speaker due to the fact that we will be going for nominations on 11<sup>th</sup> of April, we needed the time to go

back to our people and inform them on what we've be able to achieve in past four years, our challenges and the fact that we still want to come back here and serve them for another term, so Mr. Speaker I do support this Motion, and I would like to ask other Members of this Hon. House to support this Motion so that it can allow us time, proper time to be with our people on the ground. Thank you so much.

**Deputy Speaker** (Hon. Mswabah Rashid): Mheshimiwa Kasangamba.

**Hon. Kasangamba:** Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika langu kwanza ni kutakia kila Mheshimiwa kila la heri katika safari tunayo kwenda na kinyan'gany'iro kilichoko mbele yetu cha mchujo wa chama tarehe kumi na moja. Mwenyezi Mungu ajaalie Waheshimiwa wote kwa nguvu zake basi wawe ni wenye kurudi kama vile vile walivyo Mheshimiwa Spika. Mheshimiwa Spika ni safari ndefu tuliyoipitia, na ni kazi nzuri tuna imani kwamba kila mmoja alionyesha kazi nzuri kwa wananchi wake mashinani, na kwa kupitia ile tajriba tuliyo nayo na nguvu tuliyo nayo na matumaini makubwa kwamba Waheshimiwa walio mamlakani wana nafasi kubwa tena nafasi ya mbele ya kuhifadhi nafasi zao katika chama na vile vile pia mbele mbele katika uchaguzi mkuu. Mheshimiwa Spika, pia kuna wale wanaosubiri marupurupu yao yale yaliyo simamishwa tunaomba yatoke mapema maana tunavyojua siasa ni pesa, pesa za kujisaidia usafiri na kazi, kwa hiyo twatarajia kila kitu kiwe kiko sawa, na tutakapo rudi hapa baada ya mapumziko tuwe na nyuso za furaha na bashasha, na tuwe wenye ari na nguvu zaidi. Ahsante.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Ndanda Chiro.

**Hon. Mohamed Ndanda:** Ahsante Mheshimiwa Spika, hata mimi pia nataka niwaombe na tujiombee sote ni kwa sababu safari ilikuwa ni ndefu lakini hatimaye tumefika, na mimi pia nataka nitambue pia wale wenzetu tuliokuwa nao lakini siku ya leo hatukuweza kuwa nao kwa sababu Mwenyezi Mungu aliwapenda. Pia nataka tuwakumbuke kwa sababu tulianza nao safari hii, Mheshimiwa Marehemu Amina Zuberi, vile vile Mama Sada na pia wa juzi Mama Sera Nyamvula ambao walituwacha, ni sikitiko kubwa lakini kwa sababu ya Mwenyezi Mungu ni lazima tushukuru kwa lile ambalo anatupatia. Mheshimiwa Spika wakati umefika ya kwamba sisi kama watu wa Wodi ya Mombasa kinyang'anyiro chetu kinakuja mwezi huu wa nne tarehe kumi na moja basi ni kuombeana tu mazuri kwa sababu hata mimi pia mpinzani wangu anisikia hii kauli Fatuma Kushe yuko pale karibu lakini pia namuombea kila la kheri akinishinda niMs.hinde sote ni ODM...

(*Applause*)

Na sisi twawakilisha na kuongoza watu wa Kenya ambao wako katika Kaunti yetu ya Mombasa, shukran sana Mheshimiwa na tuweni na amani. Ahsante sana.

**Deputy Speaker** (Hon. Mswabah Rashid): Mheshimiwa Kithinzi.

**Hon. (Ms.) Zainab Kithinzi:** Ahsante sana Mheshimiwa Spika kwa kunipa hii fursa, Mheshimiwa Spika sote tunajua ya kwamba wale wenzetu wanaosimama wanatufanya sisi ni kuwa ni *target* na hatungependa tuwe *target* hii nafasi tuliopewa. Mheshimiwa Spika, nafikiri ni nafasi nzuri ya kwenda mashinani kushindana nao na kueleza wananchi tumewafanyia nini ili waweze kuturudisha mara ya pili kwa sababu kila mmoja ana hamu ya hiki kiti lakini hakielewi kiko vipi. Kwa hio Mheshimiwa Spika nashukuru kwa hii nafasi muda tuliopewa unatosha kabisa kupambana na wenzetu ili tuhakikishe tumewaweka kando na tumerudi tena kama jamii moja na Mwenyezi Mungu atujaalie turudi tena kama vile tulivyo ili tuweze kuendeleza masuala yaliobakia. Ahsante Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Mheshimiwa mama Kaunti Zainab Ali Darwesh.

**Hon. (Mrs.) Zainab Said:** Ahsante sana Bwana Spika kwa kunipa hii nafasi mimi pia natoa shukran kwa wenzangu wote na pia twashukuru miaka minne yote tuliofanya kazi pamoja kwa wenzangu wote tulikuwa pamoja tulikuwa vizuri na hivi sasa nawaombea wenye

kusimama na wenye kushindana wasigombane yaani itakuwa wewe wakitaka kile kiti mimi nakitaka lakini nataka tuishi pamoja tutasaidiana lau kutukanana kwenye jukwaa sitoweza kukusaidia ama ukinitukana sitaweza kukusaidia tuna khiyari kiti kiende kwengine.

Kwa hivyo nawaombea nyote, sote tuwe kitu kimoja na turudi salama. Shukran.

**Deputy Speaker** (Hon. Mswabah Rashid): Mheshimiwa Ibrahim Kondo.

**Hon. Ibrahim Kondo:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika kwanza ni kupongeza wenzangu kuhakikisha tumeweza kupitisha kuhusu ugao wa matumizi yetu katika Bunge la Kaunti kwa sababu ndio chanzo kikuu na ndio nguzo ya kuhakikisha mambo yetu yanaenda sawa. Mheshimiwa Spika pili ni kuwatakia na kuwapongeza wenzetu waliokuwepo na kwa uwezo wa Mwenyezi Mungu wakati wa mchujo unaokuja najua tuna imani kubwa tutarudi tena katika Nyumba yetu hino hino ili kuendeleza gurudumo la Mombasa la Mombasa Kaunti. Mheshimiwa Spika mwisho ni kupongeza wale wenzetu wa kutoka Kaunti 047 ambao si wengine bali walio tutembelea katika Nyumba yetu na ambao tuko nao hapa, na tumekuwa nao..

*(Applause)*

Kwa mazungumzo mazuri kuanzia asubuhi mpaka kipindi hichi. Mheshimiwa Spika langu la mwisho ni kusema mgeni akija kwako leo utamchinja kuku na kesho nawe uende kwake akatafute mbuzi, kwa hivyo ningeliomba kupitia kwa Nyumba hino na hekma ya Nyumba hino kupitia kwa kiti chako huu mda mfupi wa wiki mbili Waheshimiwa wetu wa Mombasa tufanye safari fupi ya siku tatu, nne na sisi twende tukawatembelee ndugu zetu wa Nairobi. Kwa haya machache Ahsante Mheshimiwa Spika.

*(Applause)*

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

**Hon. Mohamed Hatimy:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika nachukua fursa hii mwanzo kuwashukuru Waheshimiwa wote tumefanya kazi tukielewana na hivi sasa twaenda kwenye vita.

Mheshimiwa Spika langu ni ombi kuwaomba kama mwenyekiti wa ODM ndani ya Mombasa Kaunti ukitukanana na mwenzako tukana na uwache nafasi kidogo ya kupatana...

*(Applause)*

Sio kutukanana mpaka kukawa hakuna nafasi ya watu kukaa chini kusikizana, kwa hivyo Mheshimiwa Spika naomba na nawaombea wote waregee hapa na ushindi na tupate kufanya kazi kuhudumia watu wa Mombasa; la pili kama unavyojua tunakwenda mapumziko kupitia kiti chako naomba kuna bajeti ambayo inakuja na pengine huenda tukaita *public participation* wakati wa mapumziko kwa hivyo kamati mbili ya bajeti pamoja na mwenyekiti wangu wa kamati ya PAC hayuko na kama unavyojua kuna vikao ambavyo vinaendelea naomba Nyumba hii itupatie ruhusa ili tuendelee na kazi zetu. Ahsante Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Kushe.

**Hon. (Ms.) Fatuma Swaleh:** Ahsante sana Mheshimiwa Spika mimi pia nimesimama vile vile kusema kwamba tumshukuru Mwenyezi Mungu kwa kutufikisha muda huu wa sasa safari tunayokwenda ni nzito na vile vile ningependa pia kuwashukuru ndugu zetu ambao wameweza walioweza kufanya kazi na sisi; ma askari wetu ambao wako hapa ndani, makarani wetu ambao wako hapa ndani nawashukuru sana na ningependa kuwaomba Ms.amaha kwa niaba ya wenzetu kama tumewakwaza kidogo maanake sisi ni binadamu haujatolewa nyongo aliyetolewa nyongo ni Mtume Mohammad tunawaomba mtusamehe maanake safari tunayo kwenda ni nzito roho zenu zikiwa na vifundo wengine tunapata tabu, kwa hivyo naomba mtusamehe na vile vile Mheshimiwa Spika kabla hatujamaliza muhula wetu kama kuna haki zao hawa wenzetu waweze kupewa. Ahsante sana Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Thank you. I think we have come the end of the debate, we have come to the end of the debate for the Procedural Motion. Thank you

Yes Clerk. Order Number 13.

**ADJOURNMENT**

Thank you very much, Members there being no other business this House is adjourned.

The House rose at 2:40pm.