
REPUBLIC OF KENYA
THE COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 7th March, 2018

The House met at 9:09a.m.

(The Deputy Speaker (Hon. Fadhili Mwalimu) in the Chair)

PRAYERS

The Deputy Speaker: Have your seats. Yes Clerk.

COMMUNICATION FROM THE CHAIR

Hon. Members I just want to bring to the attention of the House that the Mombasa County Assembly football team will be leaving for a peace tournament in Nairobi. I take this opportunity to announce to the House and wish them safe journey, the motive of the tournament is to bring peace in Kenya so all the best for the Mombasa County Assembly team. Yes Clerk?

NOTICE OF MOTION

Yes Hon. Hatimy Mohamed.

**CENTRALIZATION OF REVENUE COLLECTION ADMINISTRATION UNDER COUNTY
EXECUTIVE MEMBER FOR FINANCE AND ECONOMIC PLANNING**

Hon. Mohamed Hatimy: Thank you Mr. Speaker for giving me this opportunity to table the following Notice of Motion under centralization of revenue collection administration under County Executive Member for Finance and Economic Planning.

(Hon. Mohamed Hatimy moved the Notice of Motion)

THAT AWARE that pursuant to section 104, 105, 157 and 158 of the Public Finance Management Act, 2012 the County Treasury is empowered to oversee and administer matters of public finances and appoint receivers of revenue at the county government level;

FURTHER AWARE that the County Government has in the last two years been performing outstanding too well in on - source revenue collection and has received awards on that score;

NOTING that departments in the first half of this financial year have not been able to meet revenue collection targets occasioned partly by uncertainty over general elections and subdued business climate accompanying the same;

FURTHER NOTING that decentralization of revenue collection and multi-administration of the same may have also contributed to the situation and to reverse that revenue collection administration needs to be centralized for efficiency and effectiveness;

Mr. Speaker, **DEEPLY CONCERNED** that the state of poor revenue collection in the first half of the financial year 2017/2018 may negatively affect implementation of budgetary programmes;

Mr. Speaker I therefore urge this Assembly to **RESOLVE** that:

All revenue collection activities; receivers, collectors and officers are under the supervision and authority of the County Executive Member for Finance and Economic Planning.

Mr Speaker I beg to move thank you.

The Deputy Speaker: Next Order?

STATEMENT

Yes Hon. Kibwana.

(Interruption)

Hon. Hatimy what is it?

Hon. Mohamed Hatimy: Mr. Speaker because I can see Notice of Motion is any way going to order number seven is statement so if you can grant permission I want to seek leave to move this Motion.

The Deputy Speaker: So wait when we come to order number nine Motions you will be permitted to seek leave for the House to debate on your Motion. Yes Hon. Kibwana.

CHIKUNGUNYA DISEASE

Hon. Kibwana Swaleh: Thank you Hon. Speaker. I wish today to highlight or give my answers as the Chair of the Health Committee on the issue of the disease Chikungunya, just to say that this Health Committee which comprise of Hon. Members; Hon. Speaker, Members of this Committee myself as the Chair, Vice Chair is Hon. Fatma Kushe, you being also a Member Hon. Speaker and other Members are Khamisi Mwidani, Kombe Nzai Hon. Speaker, Kizito Opeya, Lucy Chizi, Fahad Kassim and Murfad Amur. Hon. Speaker I will just go directly to the issue that was raised. Hon. Speaker Mombasa County is administratively divided into six sub Counties Hon. Speaker; namely Mvita, Likoni, Kisauni, Changamwe, Nyali and Jomvu with a total projected population of 1,322,408.

Hon. Speaker the Chikungunya virus is spread commonly by a mosquito which bites during the day with peak early morning hours and late evening. The mosquito breeds close to human habitation specifically in clean water as those contained in the flower vases, water storage facilities, used tyres and discriminatory disposed plastic containers.

Hon. Speaker when this disease started affecting people the County initiated immediate response measures to prevent and control the outbreak in implementing the following interventions. One Hon. Speaker it was case management; this was about treatment of patients which was done to all facilities within this County; the other issue, the other intervention was heightened surveillance and reporting. The Health officers were able to monitor this disease and also report back to the health facilities on how it has gone further in affecting the people. Hon. Speaker the other it was just an active area finding by visits to the health facilities and medical record review. Hon. Speaker so the Health Department was able now to send officers on the ground and monitoring these mosquitoes. Hon. Speaker the fourth one was fogging; you are aware that all the Wards were able to see the Health officers with their vans fogging this with machines which were procured and launched under the leadership of His Excellency the Governor Ali Hassan Joho.

Hon. Speaker the other issue that also was taken care of was environmental management; bush clearing, garbage removal, and destruction of breeding sites. I was able to see all the other Members also taking these activities that were able to clear the bushes to reduce the number of mosquito zones. The other issue Hon. Speaker was health education and promotion before the fogging was done by the health workers, they were able to educate the people on how to minimize the spread of these mosquitoes. The other issue was monitoring and evaluation of the activities so you will find that through evaluation we are able to contain the spread of these mosquitoes. Hon. Speaker I think that is the initiative that was also taken and through our observation of as the Chair and the other Members we have found that the Chikungunya issue now have reduced to a considerable number.

So Hon. Speaker I think the disease has been now contained but we also have our recommendations as a Committee on this issue; one is to employ more Public Health Officers and Vector Control Officers to ensure that regular and sustained interventions. Hon. Speaker what we have observed as a Committee is that they should employ more people who will going to spray like what used to happen before during the existence of the defunct Municipal we used to see the health workers going round fogging/removing the mosquitoes. So we urge the Health Department to employ more people on this issue we call it Vector Control Officers to ensure that we have this regular sustainable intervention Hon. Speaker. The other issue is community sensitization and advocacy, it is also very important for our people to be educated; we are saying that to do the prevention should be there than curative. So once the people know how to prevent then I think we will able now to protect our people against different diseases Hon. Speaker. The other recommendation is regular maintenance of machines to prolong their life span; Hon. Speaker these machines also need to have regular maintenance.

This report containing the Committee observations, findings, conclusions and recommendations be tabled before this House for adoption Hon. Speaker. Finally Mr. Speaker I say this is what we have come across and I think we will be able now to see how we will follow it up when there is another disease coming so that would be able to inform our people. Thank you Hon. Speaker.

The Deputy Speaker: Yes thank you, the Chairman and the Committee on Health. Next Order?

POLICY ON SPONSORSHIP OF WARD TOURNAMENT

Yes, Hon. Moses Aran.

Hon. Oindo: Thank you Mr. Speaker. Mr. Speaker Sir I wish to give the following statement response on Policy on sponsorship of Ward tournament. Mr. Speaker Sir the statement was raised by Hon. Mwaka Bakari MCA Timbwani Ward on 15th February, 2018. The Department of Gender and Sports responded to the Committee as follows;

1. Currently there is no policy in place to sponsor Ward tournament though we have draft Sports Policy.
2. According to Schedule Four of the Constitution, the National Government is mandated under part One (17) to promote sports and sports education, while under the same schedule, part Two 4 which reads – Cultural activities, public entertainment and public amenities including: (h) reads – Sports and Cultural Activities and Facilities. Schedule Four explains the functions of each arm of the Government.
3. The Department has been supporting various sports activities in terms of transport, uniforms and equipment. They have been sponsoring County soccer league for two years running. This has been done in conjunction with the local football federation, which is legally mandated to run soccer.
 - From 2010 to 2013, His Excellency, The Governor sponsored trophies for the final event/match.
 - In 2014, His Excellency the Governor, through Hassan Joho Foundation contributed Kshs.900, 000/= (Nine hundred thousand only) as part sponsorship of soccer activities in the County.
 - In 2015, Mr. Speaker, the Department sponsored the County league to a tune of Kshs.2.8 Million.
 - In 2016, the Department prepared a sponsorship to a tune of Kshs.3.4Million, this facilitation has not been released by the Treasury to date, and this complicated the sponsorship of 2017 season, which we did not prepare.
4. The funds are used as follows:
 1. To pay match officials
 2. Prizes for the finalists
 3. Trophies
 4. Securing of kits for all participating teams
 5. The teams which benefits from this sponsorship are:

Mombasa County Premier League which has 18 teams:

- a) County Division 1 League which has 20 teams
- b) County Division 2 which has 20 teams
- c) County Women League, which has 16 teams
- d) FKF Mombasa Sub-branch youth tournament under 13 and under 15

Thank you Mr. Speaker.

The Deputy Speaker: Thank you Hon. Aran and your Committee on Youth, Gender, Sports and Cultural Affairs for the response; the two reports will be discussed in the Liaison Committee. Yes Clerk?

MOTION

Yes, Hon. Hatimy?

Hon. Mohamed Hatimy: Thank you Mr. Speaker. Mr. Speaker I seek leave to seek permission from this Honorable House to move a Motion.

The Deputy Speaker: Yes Hon. Members I propose a question that the House permits the Motion on centralization to be debated today.

(Question proposed and agreed to)

...And the Motion to proceed.

(Hon. Mohamed Hatimy moved the Motion)

**CENTRALIZATION OF REVENUE COLLECTION ADMINISTRATION UNDER COUNTY
EXECUTIVE MEMBER FOR FINANCE AND ECONOMIC PLANNING**

Mr. Speaker I wish to table this Motion pursuant to Section 104, 105, 157, 158 of the Public Finance Management Act, 2012. The County Treasury is empowered to oversee and administer matters of public finance and appoint the receivers of revenue at the County Government level;

FURTHER AWARE that the County Government has in the last two years been performing outstanding too well in on source revenue collection and has received awards on that score;

NOTING THAT the Departments in the first half of this financial year have not been able to meet revenue collection targets occasioned partly by uncertainty over general elections and subdued business climate accompanying the same;

FURTHER NOTING that decentralization of revenue collection and multi administration of the same may have also contributed to the situation and to reverse that revenue collection administration needs to be centralized for efficiency and effectiveness;

DEEPLY CONCERNED that the state of poor revenue collection in the first half of the financial year 2017/2018 may negatively affect implementation of budgetary programmes;

I therefore urge this Assembly to RESOLVE that:

All revenue collection activities receivers, collectors and officers be under the supervision and authority of the County Executive member for Finance and Economic Planning.

Mr. Speaker I beg to move. Thank you.

The Deputy Speaker: Who's to second?

Hon. Samba: Mr. Speaker I beg to second.

The Deputy Speaker: Okay, I now propose that the Motion on Centralization of Revenue Collection Administration under County Executive Member for Finance and Economic Planning be debated in this House?

(Question proposed and agreed to)

Yes Hon. Hatimy.

Hon. Mohamed Hatimy: Naona kama ambaye Mheshimiwa Spika Mheshimiwa Samba anataka kuitoa kauli yake ya kuunga mkono. Mheshimiwa Spika niko mbele ya Nyumba hii tunataka kuwacha shida tulizo nazo kwa mambo ya ukusanyaji pesa za Kaunti. Kama tunavyojua Mheshimiwa Spika na tumeleza kwenye Mswada kusema kuwa *section 104* inazungumzia juu ya *treasury* na *treasury* ndio mambo yote juu ya mambo ya ukusanyaji, mambo ya pesa yote ni chini ya *treasury*. Mheshimiwa spika miaka miwili nyuma iliyopita tumeweza kukusanya pesa vizuri sana ndani ya Kaunti hii na tukawa tumeongoza ndani ya Kaunti 47 sisi tukawa ni namba moja mara mbili mfululizo. Lakini naona kuwa kidogo kuliharibika ule mfumo ikawa kila kitengo kinataka kukusanya pesa; sasa ukiangalia hata juzi nilikwenda mbio kutaka kupata *quarterly report* ikawa pia nao wana tabu kutengeneza *quarterly report* mpaka wapate ripoti kutoka kwa vitengo vyengine alafu wao ndio watengeneze ile *quarterly report*. Kwa hivyo Mheshimiwa Spika naomba Nyumba hii tukubaliane kwa sauti moja ya kuwa *in charge* wa Fedha awe atasimamia ukusanyaji wa pesa na hizi pesa ziwe zitakuwa chini yake na yeye ikiwa kitengo kinataka kukusanya pesa basi yeye atoe ofisaa kutoka kitengo chake waende wakaifanye hii kazi ili kusudi kujulikane kwa patikana nini. Kwa sababu Mheshimiwa Spika pesa hizi zina shetani watu watakuwa wanakusanya pesa alafu watu watakuwa wanazifanyia mipango yao hazifiki vile zilivyokusanywa zitakuwa pengine zimekusanywa mia zitaletwa ishirini, thamanini zipotee njiani.

Kwa hivyo naomba Mheshimiwa Spika Nyumba hii ipitishie hoja hii ili tuhakikishe huyu Msimamizi wa Fedha tumempatia uwezo na ikiwa kuna jambo lolote sisi tuwe tutamchukua yeye tutamshika yeye kama kuna shida yoyote. Kwa sababu leo ukimuuliza leo tumekusanya pesa ngapi, hawezi kukuambia mpaka aanze kupiga simu kila kitengo aulize alafu ndio aambiwe ndio akujibu swali lako. Kwa hivyo Mheshimiwa Spika jambo hili ni jambo la umuhimu na ni la haraka kuwa sisi baada ya miezi mitatu twaingia kwenye bajeti mpya na twataka kuwa hizi pesa ziwe chini ya kitengo cha Fedha. Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii.

(Applause)

The Deputy Speaker: Yes Hon. Mwaka?

Hon. (Ms.) Mwaka Bakari: Ahsante Bwana Spika mimi jambo hili kama Mwanakamati wa Kamati ya Fedha nasisitiza Jumba hili liunge mkono Mswada huu kwa sababu jambo la pesa ndio kiungo kikubwa kabisa na kama mnavyoona kila mtu akiwa atachukua pesa kwa upande wake basi hayo mambo ya kila mtu anachukua pesa itakuwa haitaleti natija. Kwa hiyo mimi jambo hili naliunga mkono na naomba Jumba hili liunge mkono kitu hichi cha pesa ili tuweze kusonga mbele kimaendeleo. Ahsante.

The Deputy Speaker: Yes Hon. Feddis?

Hon. (Ms.) Mbura: Ahsante sana Mheshimiwa Spika kwa fursa hii ulionipa. Pia mimi nataka kuunga mkono Hoja hii ilioletwa mbele yetu kwa sababu nataka kukumbusha kwamba kawaida Mweka hazina huwa ni mmoja.

Kwa hivyo kusema kweli kama haya mambo ya ushuru kila mmoja ataingilia kati basi hakika hii pesa itapotea humu humu mifukoni mwa watu na serikali ya Kaunti inaweza kuenda chini kwa sababu ya hiyo tabia. Kwa hivyo mimi naunga mkono mara moja na pia wasimamishwe mara moja Mwekaji hazina awe mmoja kama kawaida. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker: Yes Hon. Thoya?

Hon. Thoya: Ahsante Mheshimiwa Spika nafikiri hii ni Hoja ambayo inapaswa uungwaji mkono hususan kutoka kwangu kama mtu binafsi. Kwa hivyo hiyo kura yangu Mheshimiwa Hatimy ipokee kwa moyo mkunjufu.

Ninachosema ni kwamba ni lazima kuwe kuna mipango maalumu kuhusu ukusanyaji wa pesa na ni hoja ambayo pia sisi tunaiangalia hivi; kwangu mimi naona itafungua mwanya kwa upande wa ajira kwa sababu tukiona vile vibanda hata vya mama mboga ambavyo zinakusanywa ushuru zitahitaji vijana. Kwa hivyo endapo itapita ni lazima kuwe kuna watu ambao watafanya hiyo kazi kule mashinani na nafikiri Mheshimiwa Hatimy ni lazima tuanze kujipanga kwamba tuko katika dunia ya kisasa hivi mambo vya jirisiti risiti watu wanakusanya pesa mtu ana vitabu viwili anakusanya 50 anaandika kitabu hiki mara wanakuja mara hawaji ni jambo ambalo hata kule Mikindani tulilijadili kwa sababu utakuta yule mtu wa *Trade* ambaye anazungukia vibanda anamaliza zaidi ya wiki mbili haji mara anakuja mara anakusanya shilingi 30 zawekwa kwa mifuko haeleweki. Ni bora tuje na mipango ya kisasa ambapo ile shilingi 30 ambayo yule mama mboga ataipeana iwe ameipeana kwa minajili ya maendeleo ya Kaunti hii lakini isiende kwa mtu binafsi ipate vifaa vya kisasa ambapo zile pesa zikikusanywa zinafika katika Wizara husika mara nyingi zinabaki mifukoni mwa watu. Ahsante.

The Deputy Speaker: Yes the seconder Hon. Tobias Samba.

Hon. Samba: Yes thank you Mr. Speaker let me first of all start by thanking Hon. Hatimy for coming up with such a Motion. Mr. Speaker Sir as we are all aware that the backbone of any economy depends on revenue collection and so far we have witnessed, as Hon. Members have stated there are so many people with different interests and when it has been centralized each and every Department to do their own collection they might not be having clear records as far as revenue collection is concerned and as per that respect I beg to support that all revenue collection be centralized under the Department of Finance and Economic Planning.

We have witnessed several incidences in our respective places where Revenue collectors have different receipts books that when they are issuing the receipts there are those that are given to those people who cannot pay the exact amount and there are those people who pocket for instance these car park attendants they will tell you say if you don't have 100 shillings give me 30 shillings so that at least I can guarantee the security of your property. So in that respect if you have one responsible department that even when it comes to time of question or report we will have a genuine answer. Mr. Speaker I beg to support the Motion thank you.

The Deputy Speaker: Yes Hon. Mwaka Zahoro.

Hon. (Ms.) Mwaka Zahoro: Ahsante Bwana Spika nimesimama kuunga mkono hoja ya Mheshimiwa Hatimy katika kuelekeza pesa zote ziweze kukusanywa katika idara inayohusika.

Bwana Spika Waswahili husema, mikono mingi katika chakula hugaribu kile chakula, hivyo basi mikono mingi katika ukusanyaji wa pesa zitafanya zisieleweke zinakusanywa kiviipi na zinaelekea wapi? Kwa hivyo basi tukielekeza pesa zote upande mmoja kutaboresha utenda kazi na itakuwa rahisi kuuliza na kujua kiwango cha pesa kilichopatikana katika ule ukusanyaji huo. Hivyo basi ni muhimu kama pesa zote zitakuwa chini ya mkusanyaji mmoja kuhakikisha utenda kazi unafanyika huko na uwajibikaji unapatikana katika idara hiyo.

(Applause)

The Deputy Speaker: Yes Hon. Nzai?

Hon. Nzai: Ahsante sana Bwana Spika kwa kunipa nafasi hii na mimi niweze kusema mawili matatu sijui kama itakuwa ni kwa ufahamu ama ni utepetevu lakini ninavyofahamu mimi siku zote tulikuwa na Bwana Fedha miaka yote na tumeona pesa zikikusanywa zengine wakienda kuripoti *Inspectorate* chini huko, wengine wakija kulipa kodi za ardhi, wengine wakikusanya sokoni kule ninaamini hayo yote yalikuwa yakifanya wakielekeza hesabu zao kwa mtu mmoja. Sasa hichi ambacho kiunganishwe leo kwa huyo wa fedha sijajua ni kipi lakini kwa mtazamo wangu naona kumekuwa na utepetevu wa pesa kupotea.

Chief Whip (Hon. Kitula): Point of Information!

The Deputy Speaker: There's a Point of Information! Hon. Member, do you want to be informed?

Hon. Nzai: Mimi ninapinga kwa sababu naona kuna utepetevu...

(Interruption)

The Deputy Speaker: Hon. Kitula. Hon. Nzai, do you want to be informed?

Hon. Nzai: Mimi nataka kujua zile pesa zilikuwa zapotea wapi kwa sababu huyu Bwana Fedha amekuweko miaka yote...

(Interruption)

The Deputy Speaker: It seems that the Hon. Member does not want to be informed so continue.

Hon. Nzai: Mimi ninapinga huu Mswada kwa sababu hapa naona ni tuzingatie kufunga mashimo ya pesa kupotea lakini Kaunti hii inakusanya pesa nzuri sana kwa hivyo wale ambao wanaendelea kuzikusanya wahakikishe zinafika pale ambapo zinatakikana lakini tukisema hizi pesa zilikuwa zinapotea kwa sababu wakusanyaji ni wengi hapo mimi naona ninapinga. Ahsanteni.

The Deputy Speaker: The Mover, respond on your Motion.

Hon. Mohamed Hatimy: Mheshimiwa Spika nasisitiza kuwa hawa walifanya kutoa hizi ruhusa za idara kukutana hizi pesa ni makosa kwa sababu ukiangalia sheria ya PFM ikitokea jambo lolote anayesimamia kitengo cha fedha ndio atakae enda kujibu maswali. Kwa hiyo walijifanyia kwa kichwa chao na ni kinyume cha sheria na nafikiri Kamati yetu ya Fedha imekaa ikafikiria jambo hili na ikakubaliana kuwa sisi tuje na Mswada huu ili tupate kuipitisha hapa na wafuate vile sheria inavyotakikana.

Kwa hivyo Mheshimiwa Spika nataka kuwashukuru wale waliochangia na kuendelea kupitisha hii Hoja ili tuweze kupata mtu mmoja ndiye atakayekuwa masuhulia wa kufanya ukusanyaji wa hizi pesa. Ahsante Mheshimiwa Spika.

The Deputy Speaker: I now rise to put a question on the Motion as per your resolution that all revenue collection activities, receivers, collectors and officers be under the supervision and authority of the County Executive Member for Finance and Economic Planning.

(Question put and agreed to)
(Applause)

Next Order.

ADJOURNMENT

Yes Members the House stands adjourned until today the 7th March, 2018 Wednesday at 2:30p.m.

The House rose at 9:47a.m.