



## COUNTY ASSEMBLY OF MOMBASA

### OFFICIAL REPORT

Tuesday, 8<sup>th</sup> May, 2018

The House met at 2:40p.m.

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

### PRAYERS

**The Speaker:** Thank you we may be seated. Yes Clerk?

### NOTICE OF MOTION

ESTABLISHMENT OF MOMBASA COUNTY GOVERNMENT EMERGENCY FUND

Yes Hon. Mohamed Hatimy give the Notice of Motion.

**Hon. Mohamed Hatimy:** Mr. Speaker I wish to give a Notice of Motion Establishment of Mombasa County Government Emergency Fund.

*(Hon. Mohamed Hatimy moved the Notice of Motion)*

Mr. Speaker I wish to give notice of the following Motion;

**THAT AWARE** that Section 110 to 115 of the Public Finance Management Act, 2012 provide for establishment and modalities of operation of a County government emergency fund;

**FURTHER AWARE** that the County government has up to now not established such an emergency fund to cater for unforeseen expenditure especially during the disasters;

**NOTING** that the Country and County is faced with rains which have caused immense flooding and havoc including the loss of human lives at a scale not foreseen;

**FURTHER NOTING** that the County government is at the end of the financial year and preparing to process a new budget for the upcoming financial year;

**CONCERNED** that the County has limited financial to mitigate against disasters and to cater for unforeseen expenditure;

I therefore urge this Assembly to **RESOLVE:**

1. That Pursuant to section 110 to 115 of the Public Finance Management Act, 2012, there is hereby established Mombasa County government Emergency Fund or Mombasa County Emergency Fund to be administered by the County Executive Member for Finance and Economic Planning in accordance with the terms and conditions provided thereof.
2. That the Fund established hereof shall be used to cater for disasters, emergencies and any other expenditures in accordance with section 112 of the Public Finance Management Act, 2012 or any other relevant written law and regulation.

Thank you. Mr. Speaker I rise under Standing Order 49 wish to table this Notice of Motion and I seek leave of this House Mr. Speaker to enable me to table this Motion. Thank you.

*(Question proposed)*

**The Speaker:** Hon. Members I now propose the question that the Notice of Motion by Hon. Mohamed Hatimy be considered for debate by this House in the same terms as moved.

*(Question proposed and agreed to)*

...yes Clerk?

### **NOTICE OF MOTION**

#### **ESTABLISHMENT OF A SCHOLARSHIP SCHEME BY THE COUNTY GOVERNMENT**

Yes Hon. Charles Kitula?

**Majority Chief Whip** (Hon. Kitula): Thank you Mr. Speaker. May I take this opportunity to give a Notice of Motion on establishment of a Scholarship Scheme by the County government. Mr. Speaker Sir, I wish to give notice of the following Motion;

*(Majority Chief Whip (Hon. Kitula) moved the Notice of Motion)*

THAT AWARE that the County Government has been providing bursaries to the bright and needy students in the County aimed at increasing their access to education;

FURTHER AWARE that various institutions and well wishers have also been providing scholarships to the needy students who have performed exemplary in the County;

CONCERNED that despite the disbursement of the bursaries from the County government and the scholarships from the companies, a number of deserving students especially from public primary schools have been left out due to a myriad of reasons for instance, the rigorous cut-off mark of 350 needed for one to gain scholarship for high school admission;

I therefore urge this Assembly to **RESOLVE:**

1. That the County government set up a scholarship scheme for needy and bright students from the County especially from public primary schools, who are joining high school with a pass mark of 300.
2. That the County government partner with companies from within and outside the County that do not offer scholarship programmes in the County so that County government can accommodate the anticipated large number of needy students.

**The Speaker:** Hon. Members I now propose the question that the Notice...yes Clerk?

### MOTION

#### ESTABLISHMENT OF MOMBASA COUNTY GOVERNMENT EMERGENCY FUND

Yes Hon. Mohamed Hatimy?

**Hon. Mohamed Hatimy:** Mr. Speaker I wish to move the following Motion.

*(Hon. Mohamed Hatimy moved the Motion)*

THAT AWARE that Section 110 to 115 of the Public Finance Management Act, 2012 provide for establishment and modalities of operation of a County government emergency fund;

FURTHER AWARE that the County government has up to now not established such an emergency fund to cater for unforeseen expenditure especially during the disasters;

NOTING that the Country and County is faced with rains which have caused immense flooding and havoc including the loss of human lives at a scale not foreseen;

FURTHER NOTING that the County government is at the end of the financial year and preparing to process a new budget for the upcoming financial year;

CONCERNED that the County has limited financial to mitigate against disasters and to cater for unforeseen expenditure;

I therefore urge this Assembly Mr. Speaker to RESOLVE:

1. That Pursuant to section 110 to 115 of the Public Finance Management Act, 2012, there is hereby established Mombasa County government Emergency Fund or Mombasa County Emergency Fund to be administered by the County Executive Member for Finance and Economic Planning in accordance with the terms and conditions provided thereof.

2. That the Fund established hereof shall be used to cater for disasters, emergencies and any other expenditures in accordance with section 112 of the Public Finance Management Act, 2012 or any other relevant written law and regulation.

I beg to move Mr. Speaker thank you. I ask Hon. Abrari to second the Motion.

**Hon. Abrari Mohamed Omar:** Thank you Mr. Speaker I second the Motion.

*(Question proposed)*

**The Speaker:** Thank you Hon. Members I now propose the question that the Motion by Hon. Mohamed Hatimy be considered by this House in the same terms as moved.

*(Question proposed and agreed to)*

...yes Hon. Mohamed Hatimy?

**Hon. Mohamed Hatimy:** Mheshimiwa Spika ahsante sana kwa kunipatia fursa hii kuweka hii Hoja. Mheshimiwa Spika jambo la kusikitisha ni kuwa wewe unafikiria watu harusi lakini wengine wanafikiria matanga. Mheshimiwa Spika hii ni Hoja ambayo tunataka Kaunti ifungue akaunti ya dharura kwa haraka vile inavyowezekana ili kuweza kutoa pesa za kusaidia wale watu ambao wamepatikana na janga hili lilioko hivi sasa...

*(Applause)*

...Mheshimiwa Spika sheria iko wazi inasema kuwa Kaunti ina uwezo wa kufungua kupitia Nyumba hii kufungua akaunti ya dharura na hiyo akaunti inaweza kupatiwa isiozidi asilimia mbili ya pesa za bajeti zilizopita za mwaka uliopita. Kwa hiyo Mheshimiwa Spika nawaambia Waheshimiwa kuwa hili jambo tulilizungumza juzi na tukaona kuwalazimisha hawa *executive* waende kwa haraka vile inavyowezekana kuweza kufungua akaunti ya dharura ili tuweze kusaidia watu wetu wale wanaopatikana na hii shida ya mvua ilio sasa. Kwa hivyo naomba Waheshimiwa wachangie na waunge mkono huu Mswada ili tuweze kufaulu kuweza kupata hizi pesa na kuweza kuwasaidia watu wetu mashinani. Ahsante sana Mheshimiwa Spika.

**The Speaker:** Ahsante yes Hon. Shebe Athuman?

**Hon. Shebe Athuman Salim:** Ahsante sana Mheshimiwa Spika kunipatia fursa hii kuweza kuchangia katika Mswada huu ulioletwa mbele na Mheshimiwa Hatimy. Kwanza kabisa Mheshimiwa Spika ningependa kutoa sauti yangu, kutia nguvu yangu kwa huu Mswada wa Mheshimiwa Hatimy. Ni dhahiri shahiri kuwa Kenya nzima Mheshimiwa Spika tumepata baraka, mvua kila mahali katika pembe ya nchi inanyesha na vile vile kuna sehemu zengine ambazo pia zimeathirika na mvua nikizungumza katika muktadha wa Kaunti yetu ya Mombasa mafuriko yako kila pembe ya Kaunti yetu ya Mombasa katika Wodi 30 lakini ni masikitiko kuwa hakuna bajeti ama mfuko uliowekwa hususan kushughulikia masuala mazima ya kibinadamu kama haya ya mafuriko na mengineo.

Kwa hivyo nampongeza Mheshimiwa Hatimy kuwa amezingatia kuwa hili suala lina uzito na mimi vile vile pia ningependa Waheshimiwa wenzangu tuweze kuliunga mkono, labda tu ningependa kulitia nakshi kwa upande mwengine ambao litazingatiwa. Nafikiri bajeti hii ama mwaka uliopita Mheshimiwa Spika kulikuwa na mafuriko vile vile na kulikuwa na pesa zilitengwa wakati ule zikisemekana kuwa hizi pesa ni za kusaidia masuala ya wale waathiriwa lakini kwa kweli hizo pesa hazikutumika vile ilivyotakikana na hatujui mambo yalikwenda namna gani?

Kwa hivyo ningependa Mheshimiwa Spika huu Mswada ambao ulikuja tuweke misingi, mikakati thabiti ya kusimamia hii hazina na iwekewe kanuni zinazotakikana kuhakikisha kuwa hizi pesa zitakwenda kwa wale waathiriwa waliokusudiwa Mheshimiwa Spika. Mimi nasema shukrani sana nafikiri mchango wangu ni huo Mheshimiwa Spika ahsante.

**The Speaker:** Thank you. Yes Hon. Lucy?

**Hon. (Ms.) Chireri:** Ahsante sana Mheshimiwa Spika kwa kuniona. Mheshimiwa Spika nampongeza Mheshimiwa Hatimy kwa kuleta hii hoja wakati mwafaka unaofaa. Mheshimiwa Spika saa hii imekuwa ni janga kama hii fedha itapatikana itasaidia sana katika nyakati hizi za mvua; barabara zimebomoka sehemu ya Mwakirunge, ng'ombe zimeenda na maji, njaa tele na hii pesa ikiweko itaweza kusaidia. Mheshimiwa Spika manyumba yamebomoka hali binadamu mikono iliumbwa tofauti wengine bado wanalala kwenye nyumba za nyasi, wengine wanalala kwenye nyumba za udongo, mvua imeathiri pakubwa wananchi wetu kwa hivyo mimi ningependa hili jambo tulitilie maanani sana wananchi wetu kule chini wanataabika kama ni madaraja saa hizi yamebomeka watu wanaweka manguzo wanapita kwenda sehemu nyengine ambayo ni hali ya hatari sana. Kwa hivyo hii pesa ipatikane iweze kusaidia hawa wananchi wetu kelele ni nyingi Mheshimiwa Spika saa hizi watu hawaoni mvua wanaona ni Kaunti imezembea lile janga mwananchi hajalikubali ni janga ambalo huu msimu tuko ni msimu mbaya imekuwa ni Kaunti wamezembea, wamezembea lakini hatukuzembea pesa ipatikane tufanye kazi. Ahsante sana.

**The Speaker:** Yes Hon. Ibrahim Omondi?

**Hon. Ibrahim Omondi:** Thank you Mr. Speaker Sir for the golden opportunity that you have given to me. Mr. Speaker Sir just like other Members have stated I would like also to add my voice to this; this is the one of very important issues that we are discussing, in fact at the correct time, the correct moment and even the correct season and I think if you are living in Mombasa County you cannot oppose this particular Motion. Mr. Speaker very many people, our people who gave us the strength we have to speak on their behalf are really facing it rough on the ground and we have experienced a lot, we have nothing but to add our voice on this so that this one can be actualized as fast as possible. Mr. Speaker Sir that and again today discussing this Motion is very important there are also other things we need to put in action that this one should be realized on the ground, should be realized at the Ward level. Mr. Speaker Sir as we support this I want to speak loudly that we have also to be very careful with the cartels who will at long last surround this particular important package not to allow it to reach our people and as a Member of Airport Ward I will not hesitate if that one will happen.

Mr. Speaker Sir I want also to say something that this is not the first time that we are facing such problems at our Ward level in our County, it has been there and the former President of USA Barrack Obama said that, "We did not come to fear the future but we came to shape the future." We are not going to run away from it Mr. Speaker Sir even if for the last years it has been happening and it has not been actualized this House we want to stand still to ensure that it happens. I also want to add the words of wisdom from the former Speaker of USA who is Richard Baraka he said, "A man is not finished by being defeated but a man is only finished when he quits".

Mr. Speaker Sir and I want to say in this Honorable House, we are not quitting anywhere near, we are going to stand on this until it is fully implemented, our people are protected from this natural terrain that attacks our people on the ground. Mr. Speaker Sir that today when you go to the Ward level always it is as if an MCA is the one who has ordered rain to come and destroy or to come and affect the people at the Ward level, we are very much blamed all the time; even some of us don't sleep we end up sleeping at those corners.

So I want this one to be taken with a lot of seriousness and as I finish I stand to support. Thank Mr. Speaker Sir.

**The Speaker:** Yes Hon. Kitula?

**Majority Chief Whip (Hon. Kitula):** Ahsante Mheshimiwa Spika mimi nimesimama kuweza kuunga mkono hoja ambayo iko mbele yetu na ama kweli hivi sasa Kaunti ya Mombasa hasa Bunge hili lazima sisi kama Bunge tuwe na kila sababu ya kutabasamu hoja kama hii inapokuja Bungeni na nimeshangazwa sana kuona Mheshimiwa Mwakilishi wa Kipevu kuweza kupinga Hoja kama hii.

Mheshimiwa Spika Kusema kweli jambo kama hili ni la kushangaza na hadi kufikia sasa nasubiri kuweza kusikia tu maoni au ni maoni gani anayo kulingana na hoja kama ya leo. Kusema kweli jambo la dharura katika maisha ya sasa inahitaji kuwa na angalau fedha za kuweza kutatua janga hili na kusema kweli mimi hivi sasa nitakuwa na faraja maana ninapokuwa dharura yoyote nitaweza kujua kwamba kuna kiwango cha fedha katika Bunge letu ambacho tumeweza kuweza kukihifadhi katika idara ya masuala ya fedha kuweza kuhakikisha kuweza kuhudumia wananchi wetu.

Kwa hivyo hivi sasa sisi kama Wabunge tutakuwa na sababu ya kuweza kuita Waziri huyu na kuweza kukagua kama kuna dharura lolote; dharura si mvua Mheshimiwa Spika, kuna dharura ya moto, kuna dharura hata wachezaji wakicheza mpira kuna madharura yanatokea. Hivyo basi nilikuwa naangalia utekelezaji wa *PFM Act* lakini si kuweza kupata ufafanuzi wa neno dharura lakini nafikiri Mheshimiwa ambaye ameweza kuwakilisha hoja hii ataweza kutufafanulia zaidi kuhusiana na ufafanuzi wa neno dharura. Kwa sababu hata katika michezo ya kandanda kuna majeruhi huwa yanatokea ambayo ni hatari zaidi, sasa lazima tuweze kuangalia je dharura hii si ya mvua pekee yake? Je dharura hii ni ya masuala ya moto au ni aina gani ya dharura Mheshimiwa Spika? Hivyo basi mimi kama mahala hapa nimesimama kuweza kuunga mkono na vile vile kuweza kuhimiza Wabunge wenzangu tuweze kuunga mkono hoja hii ili tuweze kuhakikisha kwamba hela hii imepatikana kwa kiwango kinachostahili ili kuweza kuhudumia watu wetu. Ahsante sana Mheshimiwa Spika.

**The Speaker:** Yes Hon. Nyiro?

**Hon. Nyiro:** Ahsante sana Mheshimiwa Spika leo naomba niepoke ung'eng'e ili niweze kuongea lugha ya ufasaha zaidi. Kwanza nishukuru kwa Hoja hii na pili nishukuru kwa sababu mwenye kuileta ndio Mwenyekiti wa Kamati ya Fedha katika Bunge letu na katika masuala ambayo Mheshimiwa Kitula kwamba ufafanuzi wa lugha ama katika kueleza vizuri sisi katika Kaunti ya Mombasa tuna kitengo kinachoshughulikia majanga na juzi wakati Kamati ya Utekelezaji ambayo mimi ninaketi katika Kamati hiyo tulipokuwa tunasutwa ya kwamba tufuatilie na hata hiyo ripoti yetu iletwe leo kwa ghafla ya jinsi kushughulikia majanga wanavyofanya kazi yao ni kwamba tulivyokuwa tumefuatilia sisi kama Kamati tulikuta kwamba kuna unyonge ambao tunauona ni kwa sababu ya fedha na Mheshimiwa Hatimy ambaye ameleta Hoja hii akatuhakikishia katika Bunge hili ya kwamba asilimia mbili ya bajeti ya Kaunti hii huenda kwa kitengo kile cha kushughulikia majanga ibuka kama yale ambayo tunayashudia sasa.

Naomba Bunge hili lielezwe vizuri pengine na Mheshimiwa huyo huyo alieleta Hoja hii; hii fedha ambayo anaomba itengwe na ile ambayo asilimia mbili ya bajeti nzima yawekwa katika majanga sijui kama ni tofauti na ile ambayo iko sasa ama ni nyengine kwa sababu tukiongelea majanga kama yale ambayo yako sasa; moto, uporomokaji wa nyumba, mambo kama hayo ambayo kile kitengo ambacho kiko husika ambacho kiko hivi sasa kinafaa kushughulikia na kwa ufahamu ambao alituletea ni kwamba wanatengewa pesa nyingi sana. Katika hali ya kuangalia utenda kazi wa Kaunti nafikiri ni vizuri tuangalie ni wapi tunatumia; binafsi yangu na katika yale majukumu ambayo nimeanza kuyatekeleza tangu nije hapa ni kwamba utepetevu mwingi Mheshimiwa Spika unapatikana katika kitengo kile kile cha fedha.



Hii ni kwa sababu mpaka sasa na ifahamike kwamba hata jana tulikuwa tumeketi na Waziri wa Mazingira aliekuwa ameitwa na Kamati ya Leba na akawa analalamikia kwamba kuna wafanyi kazi ambao walipewa kandarasi ya kufanya kazi kwa miezi mitatu na kwa miezi ile mitatu hawakulipwa shilingi mpaka sasa tunavyoongea hawakulipwa na walianza kazi...

*(Applause)*

...Nafikiri ni mwezi wa pili mpaka sasa hawakulipwa na mpaka kandarasi yao iliisha juzi jumapili na hawajalipwa. Sasa wakati tunafikiria ya kwamba fedha! Fedha, fedha, nafikiri ni vizuri tuangalie tunaumia wapi? Ukweli wa mambo ni kwamba ile Wizara ambayo inashughulikia na masuala ya fedha ina utepetevu mwingi Mheshimiwa Spika, kwa sababu vile vitengo vyote ambavyo vinafaa kushughulikia masuala muhimu zaidi hata kwa dharura unakuta kwamba fedha haziachiliwi kwa wakati wanaambiwa watengeze bajeti yao na matumizi yao wanatengeneza wanapeleka lakini pesa hazifiki haziachiliwi na ndio maana kazi inazembea. Kwa hiyo mbali na kutenga mapesa tukitenga mapesa na kutenga mapesa je hizi fedha tukizitenga ndio je zitaachiliwa kwa wakati zikafanye ile kazi maanake mpaka sasa tunaona kwamba kuna utepetevu...

*(Applause)*

...Fedha hazipelekwi kufanya zile kazi ambazo zimetengewa kufanya.

*(Applause)*

...Binafsi yangu na wasiwasi sana natamani sana fedha hii itengwe na iweko lakini wasiwasi wangu ni je hata ikitengwa itafika kule mahali kwa wakati unaohitajika jamani? Kwa hiyo naomba sana Bunge hili wakati tunachanganua mambo kama haya tujaribu kuangalia mahali tunaumia kwa sababu tumekuja hapa kutekeleza majukumu matukufu jamani, hatukuja hapa kufurahishana tumekuja kutekeleza majukumu kwa muda mfupi na tena tutapeana hesabu kwa wananchi waliotuchagua na Mungu pia jamani. Kwa hiyo naomba ieleweke ya kwamba kuna utepetevu fedha hazifiki mahali zinavyohitajika kwa wakati na hata yale majanga ambayo tunayashuhudia hivi sasa naomba mtu akitoka hapa apitie mahali ile ofisi ya majanga ataambiwa kuwa hatuna hiki, hatuna kile, na pesa zilitengwa na zikawekwa lakini hazipo...

*(Applause)*

...Kwa hivyo Mwenyekiti ambaye umeleta Mswada huu ambae wewe ndiye unayesimamia fedha Kamati ile ya fedha tafadhali tunaomba uhakikisho ya kwamba je hizi fedha kama unaomba Bunge hili liweze kupitisha Mswada huu na pesa ziwewe, kuwekwe pesa maalum je zitapatikana wakati zikihitajika ama itakuwa ni kama vile tunavyoona sasa? Kwa sababu kuna pesa nyingi zimetengwa lakini hazifiki kule zinakohitajika kwa hiyo sauti yangu ni kwamba jamani tujukumike na kwa sababu yeye ndiye mhusika mkuu wa mipangilio ya fedha nafikiri anajua vizuri ya kwamba haya mambo yanaumiza wananchi na sisi hatuna shida na kutenga pesa kwa sababu zinatengwa kwa sababu ya matumizi ya wananchi lakini shida yetu ni kwamba zile pesa hatazikitengwa hazifiki. Kwa hivyo natamani niunge mkono lakini nataka nihakikishiwe ya kwamba hizi fedha tunazozitenga je zitapatikana kwa ule wakati unaohitajika? Ahsante Mheshimiwa Spika.

(Applause)

**The Speaker:** Thank you, yes Hon. Faith?

**Hon. (Ms.) Boniface:** Ahsante sana Mheshimiwa Spika na mimi siku hii ya leo nasimama kupinga vikali Hoja iliopo mbele yetu; nimefaidika kupitia vitengo vingi na kuona wakililia juu ya hizi fedha wapata *Chief Officers* wana mipangilio mizuri ya ku *transform* Kaunti ya Mombasa lakini kwa hali ya fedha mambo yanakwama pale pale. Nashukuru vyenye Mheshimiwa Nyiro alivyosema jana tulikuwa na watu wa Mazingira na tukasikia kilio chao, mtu ni kibarua alifanya kazi miezi mitatu Kitengo cha Mazingira ilikuwa na hiyo bajeti wakipeleka kwa Kitengo cha Fedha hawalipwi, hii pesa tukiitenga itatoka kwa wakati? Mheshimiwa Spika ni hivi majuzi tulileta Mswada wa kwa nini kitengo cha *disaster preparedness department* hawakujitayarisha na walikuwa wanajua kuwa mvua itakuja kulingana na utabiri wa watu wa hali ya hewa.

Mheshimiwa Spika ni changamoto nyingi sana ambazo hawa maofisaa wetu wazipata na inafaa tuelewe hivyo na ndani ya Jumba hili pia tuna hizo changamoto kupata zile pesa kupitia hiyo idara ya fedha. Kwa hivyo sioni haja tuharibu pesa tukaweka mahali fulani na hatujui zinaenda wapi. Kwa hivyo kwa hayo machache naomba kupinga Mswada huo mpaka tujue zile pesa ambayo yeye mwenyewe alisema asilimia mbili ya bajeti yote huwa zinaenda katika kukimu majanga zile pesa zimefanya kazi gani? Ni hayo tu Mheshimiwa Spika.

**The Speaker:** Thank you, yes Hon, Amriya.

**Hon. (Mrs.) Amriya Boy Juma:** Thank you very much Mr. Speaker for according me this opportunity. I wish to support the Motion and I state that any matter that involves revenue from any government institution; whether the national level or County level requires a regulation background or a legal framework to support the revenue. So having said that even if we complain that there is natural disaster affecting our people, our people can't be assisted if we don't have a law where will that revenue will come from, so I support the Motion that we establish this emergency fund. However I think it's nearly a reactionary move, we should have done this like yesterday before we were hit by this natural disaster, we should have foreseen that there is going to be a flooding and we ought to have done this like yesterday.

But having also said that it suffices that now it's here section 110 to 115 of the PFM Act is alive to the creation of this said fund and I hear one of the Hon. Member asking that what about the two per cent that is set aside for disaster management as it is right now; I could put it this way but I know that the Chairman is going to respond that whatever we are having now has not like been established by a regulatory framework at now if I am right it is under the Inspectorate department but as you see as Hon. Nyiro said that they are facing challenges on allocation of revenue. So how that will be made possible is by these laws; these regulatory frameworks to give them power to get that revenue that they require. So the PFM Act is clear that this docket, this emergency fund should be under the County Executive in charge of Finance according to Section 113. So maybe this is a current...is the law and it has limitation that it shouldn't exceed two per cent of the budget that has been passed. Okay having said that also I wish to conclude by saying that this fund ought to cater for all natural disasters not only floods because we have so many unforeseen; we have fires, God forbid earthquakes, God forbid anything else that can be accorded as a natural disaster should be catered in under this fund so that we don't have implication next time we have fires we need to come back next time we have this we need to come back here. So I wish to support the Motion and state that as long it is under the Minister of Finance but there is need of vigilance from that department so as all those other departments can really coordinate and relate in a manner that they are efficient because all the other departments are dependent on the finance department.



So if there is no vigilance in the finance department then there are departments that are crippled for that matter. So thank you Mr. Speaker.

**The Speaker:** Thank you, yes Hon. Leila?

**Hon. (Ms.) Leila Nyache:** Ahsante sana Mheshimiwa Spika. Mimi nasimama kuunga mkono Hoja hii iliyokuja na Mheshimiwa Hatimy. Kwanza nampongeza sana kwa sababu ameleta wakati unaotakikana, kusema kweli Mheshimiwa Spika ni janga; hili ni janga tunasema ni janga la mvua, kwa sababu kama vile wenzangu walivyoelezea hapa yaani ni kama hatari katika Kaunti yetu ya Mombasa na pia kwa upande wa Mwenyezi Mungu tuisahau kwamba ni baraka, tumshukuru Mwenyezi Mungu halafu pia tumuambie Mwenyezi Mungu kwa safari hii sasa imetosha kwa sababu mimi mahali natoka, natoka Changamwe *Sub County* na pia kule kuna mafuriko vibaya sana hususan sehemu ya Kalahari nyumba zimeenda na Kwa Hola pia shule ya msingi maji yamejaa shuleni, watoto hawasomi wamehamishwa wameenda kuwekwa kwa darasa lengine wanasoma.

Kwa hivyo Mheshimiwa Spika kusema la ukweli ni jambo la kusikitisha lakini mimi ningeomba Waheshimiwa wenzangu tuungeni mkono Hoja hii na tuone pale itakapofikia kwa sababu tumelezewa kuwa pesa hazijaja lakini ziko njiani zinakuja. Natuombeni Mungu bajeti iko yatengezwa na ikifika *InshaAllah* hii shughuli yote itakamilika. Kwa hivyo Mheshimiwa Spika mimi naunga mkono Hoja hii.

**The Speaker:** Thank you, yes Hon. Abrari.

**Hon. Abrari Mohamed Omar:** Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi ni mrefu sana; ahsante sana, ni masikitiko makubwa kuona sisi tuko hapa kufurahishana hatuko hapa kutengeneza Hoja ambazo zitasaidia wananchi. Suala hili la majanga lilikuwa mwaka jana nafikiri kwenye Bunge hili hili kulikuwa na kitengo cha kushughulikia majanga ambacho Mheshimiwa Kiongozi wa Walio Wengi Bungeni ndiye alikuwa Mwenyekiti, kama sijasema urongo waliokuwa hapa mwaka jana walikuwa wanajua.

Sasa Kiongozi wa Walio Wengi Bungeni yeye alikuwa anasimamia kitengo hichi cha kushughulikia majanga na ni dhahiri shahiri kuwa kulikuwa na pesa ambayo imetengwa kukabiliana na dharura kama hizi. Sasa hivi tuko kwenye bajeti ya 2018/2019, mwaka uliopitwa kulikuwa na bajeti 2017/2018 kumaanisha pesa zilitengwa kwenye bajeti iliopita ya janga hili ndiposa kukawa na kitengo maalum cha dharura kwenye Bunge hili.

*(Applause)*

...Sasa kwa hivyo tusiende mbele tukirudishana nyuma na tusiwe hapa kuridhishana; hichi kitengo kilikuwa na walikuwa wanajua mvua itakuja, mvua si kitu kiliamka jana kikaja leo, mvua ni kitu ambacho tunajua pia mwaka ujao! Hivi saa hii kile tunapitisha, tunapitisha kitengo ambacho kitasaidia katika mwaka wa fedha 2018/2019.

Kwa hivyo tukiregea nyuma tusiridhishane hapa na kufurahishana, tukiregea nyuma kuna bajeti ambayo ilikuwa ya 2017/2018 ambayo hii pesa ilitengwa na sasa hivi twakabiliana na hii shida ambayo pesa...

*(Interruption)*

*(Hon. Mohamed Hatimy stood)*

Subiri! Subiri ! Subiri kidogo.

**Hon. Mohamed Hatimy:** Point of Order Mr. Speaker! *Bwana Spika nataka Mheshimiwa anayezungumza atupe ushuhuda kuwa pesa zilitengwa na akaunti ya dharura iko wapi na zimeandikwa wapi?*

**Hon. Abrari Mohamed Omar:** Ahsante sana Mheshimiwa Spika.

Nafikiri kikao kilichopita tulikuwa nacho hapa na kutoka kwa mdomo wako hasa Mwenyekiti wewe mwenyewe ulituelezea Bunge hili wakati tulikuwa tunazungumzia kuhusu dharura ukatuambia kuna asilimia mbili imetengwa kufanya nini, kwa haya mambo ya dharura na kama haikutengwa hapa kulikuwa na Mwenyekiti wa *Disaster Management* alikuwa anafanya kazi vipi na pesa gani? Na alikuwa ana *account* nini? Alikuwa hapa? Alikuwa hapa ambao nyinyi ndio *seniors* ambao mlikuwa na kitengo hicho kilikuwa kwenye Jumba hili hili...

(Applause)

...sasa yeye alikuwa aki *account* nini Mwenyekiti yeye? Kwa hivyo kiufupi mimi nazungumza hatuko hapa kuridhishana na kufurahishana katika Bunge hili isipokuwa tuko hapa kutengeneza sheria ambazo zitamfaa mwananchi wa chini kule. Hivyo basi nakuomba mzee wangu, Mheshimiwa Mwenye kiti wangu utuelezee hasa kile kitengo kilichokuwa hapa cha kushughulikia majanga kilikuwa kinafanya kazi na pesa gani, ama kilikuwa kinafanya kazi vipi! Sisi hatutaki kusema kuwa tunapinga mazuri, mazuri tunayataka sote lakini mazuri yale yale lazima tuangalie haya mazuri yana athari gani? Tupitishie pesa hizi halafu turegee tena 2018/2019 tuje tuzungumze shida hizi hizi za mwaka uliopita, kwa sababu sasa hivi hizi shida tunazozungumza ni shida ambazo zilikuwa tayari ziko na makadirio katika bajeti iliyopita, sio bajeti ambayo tutaitengeneza sasa hizi shida sasa zatatuliwa vipi? Ndio tuangalie shida nyengine tutazitua vipi, hivyo basi ningependa sana kwa heshima ya Mheshimiwa Spika atuelezee vizuri kile kitengo kilichokuwa hapa cha kusimamia majanga na dharura, kilikuwa kimetengenezwa vipi na pesa yake ilikuwa yatoka vipi na zilitumiwa vipi?

**The Speaker:** Yes Hon. Samba.

**Hon. Samba:** Thank you so much Hon. Speaker, let me first of all thank Hon. Members who assisted me in one way or the other when I left here, I was out of the country for almost a month and I thank Hon. Members who prayed with me and I came back safely and I thank God for that, thank you so much Members...

(Applause)

...Hon. Speaker as you can see today am welcoming the Holy Month of Ramadhan I think am the only person dressing in this attire today, am getting ready for the Month of Ramadhan and during Ramadhan the Holy month we need to be truthful and we need to state things as they are. Hon. Speaker as I stand here, I stand to oppose the Motion. I don't oppose it in bad faith but I just want to oppose it in good faith and there is no hard feelings about it, we debate this is a House of rules and procedure where we make laws that at least should govern our County. Hon. Speaker the Motion; establishment of the Mombasa County Emergency Fund, since the establishment of the County government I think this is the sixth year and I don't think whether the previous regime ran through out four years to five years without even establishing a County Disaster Management Fund, I don't think that it happened and if it happened it was quite unfortunate, and it happened to be so, the previous House failed the Mombasa County residents.

Hon. Speaker we've been coming up with so many Acts and it is just recently here when we passed, there was an Act or rather direction that was we were transferring power from a certain administrator, we were taking power to the Ministry of Devolution, we did that and we passed it unanimously and at the end of it, nothing and we are being told face to face whether you do this or not, there is nowhere you are going and at some point this House has just turned where we just come and attend and go back home.

There are so many Acts that we are coming up with, Hon. Speaker if at all last regime there was an Act or there was a kitty or a fund kitty that was supposed to cater for the disaster management, in case there was then I don't think that this is the right time to do this, however what we should establish, we should establish if there was such a department, how were we supposed to deal with it...

**The Speaker:** Yes you have a point of order Hon. Kibwana?

**Hon. Kibwana Swaleh:** I have heard my colleague who is putting on a new attire for Ramadhan saying that the other regime, to my understanding it is as if we have a new Governor, which is this another regime I think we are still in the same regime so I don't know whether you are saying a different issue.

*(Applause)*

**The Speaker:** Yes continue Hon. Samba?

**Hon. Samba:** Hon. Speaker as I was saying if at all there was such an account or a fund from the last Assembly we have to establish how it operated, we don't have just to come up with a fund and it is tricky anything to do with funds and finance it is very tricky and as you can witness you Hon. Members, we Hon. Members we suffer the same, at a time we even go around begging for what is rightful ours, and there is one tendency when there is no money everyone will tell you there is no money, treasury hasn't released the money and when they release they don't come back to us and tell us there is money now, now you can come up with your issue...

*(Applause)*

...and as we are going to establish this Act, it is a good Act if at all it was not there we are going to adopt it and if at all it was there, we don't want to create a room for cartels to continue becoming richer, some of the people are becoming excessively richer and there are some of us here, there are some of the projects going on even we are not aware, there was a disaster even right now there some that are happening there are going on, they will come to your place, they will come with six mattresses, they will come with doughnuts, we are doing things. We want to come up with a well structured, whereby if at all it is meant for disaster after each and every financial year we can account for it, that there was shs 200Million it did this and this and this is the result, that is what we want to establish we are not, it is not that we are opposing this thing but if at all there is let us establish what happened. I heard the Hon. Member, my colleague Hon. Amriya stated that the two per cent that was there was for the Inspectorate department..., I don't think whether there is treasury for the Inspectorate department, I think we have one financial department that is controlled by the County Executive of Finance even if that was meant for Inspectorate it was meant for Inspectorate for the whole County. However Hon. Speaker, as I sit down I just want to state that there are two things that we need to establish. Hon. the Motion mover...

*(Interruption)*

**Hon. (Mrs.) Amriya Boy Juma:** Point of order Hon. Speaker.

**The Speaker:** Yes Hon. Amriya?

**Hon. (Mrs.) Amriya Boy Juma:** Mr. Speaker am Standing on a point of order of misinformation by a Hon. Member, he just mentioned my name and said that I informed this Assembly that the Inspectorate were given two per cent and that's not the position.

Mr. Speaker the position is I said that under section 113 of the PFM Act it provides that an emergency funds has a limitation of two per cent, wherever it is based; whether it is in the Inspectorate or even the new creation we want it to put it as per the law from section 110 to 115 provide that it is now under the Minister of Finance but previously wherever it was, which I suspected it was now under the Inspectorate it had the same limitation. Thank you.

**The Speaker:** Yes Hon. Samba?

**Hon. Samba:** Yes Hon. Speaker it is sometimes good to listen to our self when we are contributing and I even took some notes here, she said maybe she is now running away from a point but let us leave it to remain like that. Hon. Speaker as I was concluding whatever thing that this House needs to establish under this Second Assembly need to be a binding Act, whatever thing we are going to discuss here should be taken seriously, I was proposing or I would rather advise or rather suggest or rather give my views, if at all we could have been coming up with a Motion that under such and such Act we are going to take such amount in Ward level, we are going devolve in Ward level...

*(Interruption)*

**The Speaker:** Yes Hon. Hatimy?

**Hon. Mohamed Hatimy:** Bwana Spika, huyu rafiki yangu, ndugu yangu kuwa kuna sheria ya kushughulikia majanga.

**Hon. Samba:** There is so much information today, I need to be informed; as am concluding we need, as am told today that there's an Act but we need to come up with an Act that will benefit as all. I stand to oppose the Motion.

**The Speaker:** Yes Hon. Nzai?

**Hon. Nzai:** Ahsante sana Mheshimiwa Spika kwa kuniona japo kwa maumbile yangu ya udogo, tena nashukuru Mungu pia. Mimi nasimama Mheshimiwa Spika kupongeza hoja hii; japo inanishangaza ni vipi imekuja kuchelewa tayari Kamati ya kushughulikia majanga inaendelea mashinani na sijui wana idhini ya kutoka kwa nani na ikiwa Mswada kama huu tulikuwa hatujaipitisha. Imani yangu ilikuwa inaniambia ni ishara kwamba kitengo hicho kilikuwa kimefanyiwa mambo na ndiposa misaada tunaiona kama tunavyoiona chini na sijui sasa itanakiliwa kwamba misaada hiyo inaendelea ni kinyume cha sheria ama ni sheria gani hayo siyajui lakini cha muhimu hapa ukiona Jumba lako limeanza kufuka moshi, jua hapo mahali majanga imeingia kweli kwa sababu haya majanga ya mvua tunayaona lakini yalianza majanga mpaka ya mashule na mengineyo. Hivi nikikuambia Mheshimiwa Spika hata sisi wanao tulio Waheshimiwa wako pia mifuko yetu imeingia majanga kwa sababu tukiamka asubuhi basi ni mlolongo ya yule yuataka hivi, yuataka hivi, nafikiri Mwenyekiti wetu ambaye tuna muenzi na kumuheshimu angeleta Mswada wa dharura pia kuhusiana na hizi pesa pia hivyo hivyo, zile pesa za mkopo nazo zitoke.

*(Applause)*

...ili tuweze kusaidia yale haya majanga maana ni majanga haya Mheshimiwa Spika yanaendelea; hii ni ishara pesa ziko na basi kila pande ziangaliwe mara moja ili tuweze kuhudumia wananchi wetu kwa ubora kwa sababu hii timu hata ikiwa saa hii tutapitisha hoja hii wataenda wakajipange itachukua siku mbili tatu lakini sisi wenzenu tutakuwa hatulali. Kwa hivyo hili letu nalo lingetangulia ili likachangie hawa wenzetu tuwe tunasaidiana bega kwa bega. Juzi nashukuru nililetewa jungu la mchele tukala lakini kukicha kumekucha Mheshimiwa Spika, huu mkopo nao nafikiri tungefanyiwa japo hata kama ni nusu ili tukaangalia mambo mengine. Ahsante Mheshimiwa Spika.

**The Speaker:** Thank you, yes Hon. Feddis Salame?

**Hon. (Ms.) Mbura:** Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii, mimi naunga mkono hoja hii iliyoletwa na Mheshimiwa, na ninaiunga mkono na nampongeza kwa sababu ameona kwamba ama naona kwamba anatetea vizazi vilivyoko na hata vizazi ambavyo vinakuja. Huu mfuko wa dharura naona kama utasaidia Kaunti yetu ama utatusaidia kwa sababu saa hii kusema kweli Mheshimiwa sisi tukiamka asubuhi yale majanga yaliyoko katika Wodi zetu kusema kweli yatutesa sisi Waheshimiwa na kama Kaunti haitakuwa na mfuko wa dharura basi tutaendelea kuteseka kama vile wenzangu walivyotangulia kusema kwa sababu asubuhi ukiamka, pengine kuna mtu nyumba yake imeanguka unafuatwa wewe Mheshimiwa, wewe mwenyewe huna halafu yeye anataka wewe umsaidie.

Kwa hivyo mimi ningeomba Waheshimiwa wenzangu tuweze kupitisha Mswada huu, ile asilimia mbili itakapotolewa, la muhimu ni kwamba ikapate kufuatiliwa itumike vile inavyotakikana ama vile ambavyo tutapitisha hapa. Huo ndio wasiwasi wa Waheshimiwa wenzangu lakini kama itafuatiliwa vizuri na kusaidia vile ambavyo tunatarajia hapa basi hakutakuwa na wasiwasi. Kwa hivyo mimi naunga mkono na haswa Mwakirunge vile wenzangu wanavyosema afadhali huku ni maji chini Mwakirunge nyumba za matope zinaanguka hata sasa hivi nina orodha ya nyumba zimeanguka Mheshimiwa Spika tukiwa na asilimia mbili tutasaidia watu wetu. Ahsante sana kwa kunipa nafasi hii.

**The Speaker:** Thank you Hon. Member, Yes Hon. Aran?

**Hon. Oindo:** Ahsante sana Mheshimiwa Spika, kwa angalau kuniona nimesimama, sijui mimi pia ni kama Kombe lakini twatetea haki zetu. Mheshimiwa Spika nasimama kuunga mkono hoja iliyoletwa na Mwenyekiti Mheshimiwa Mohamed Hatimy...

*(Applause)*

...Na ngingependa kusema kwamba ijapokuwa naunga mkono hii hoja lakini nafikiri kuna vitu vinafaa kuangaliwa Mheshimiwa Spika. Ya kwanza kuna Mheshimiwa amesema hapa ndani kwamba tumekuwa tukipitisha hizi hoja, hizi hoja zilikuwa zikipitishwa lakini baadae hatuoni zaenda wapi. Kwa hivyo Mheshimiwa Spika naomba Kamati ya Utekelezaji iweze kufanya kazi yake, kwa sababu tutakua tunafanya tu twazipitisha lakini baadae zafika wapi? Tutakuwa twafanya lakini hakuna yale mazuri ambayo tunayaona.

Ya pili Mheshimiwa Spika nina imani kulingana na Waheshimiwa wengi hii hoja ishapita lakini naomba itakuwa hiki ni kitengo kila mwaka kuna fedha itakuwa inawekwa lazima uwazi ufanywe halafu tujue kwamba ningeomba Mwenyekiti Mheshimiwa Hatimy alioleta hii hoja atuambie kila mwisho wa mwaka, tukishamaliza na majanga ishafanyika ama haijafanyika hizi pesa kuwa zitaenda wapi?

Naomba na ningesihhi Mheshimiwa kwamba hizi pesa ziweze kusaidia vijana, na ziweze kusaidia kina mama walemavu ili hizi pesa zimeweza kutengwa zisiweze kurudi ama ikae tu pale hapo naona Waheshimiwa wako na shida wakiuliza hizi pesa zitaenda wapi? Kwa hiyo mimi naomba Mheshimiwa Spika hoja nzuri imeletwa naiunga mkono na naomba Mwenyekiti tafadhali utilie maanani hayo maombi nimependekeza. Ahsante.

**The Speaker:** Thank you Hon. Member. Hon. Hatimy can you please reply to the Motion?

**Hon. Mohamed Hatimy:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika kuna msemu mwanzo husema, siku zote husema kuwa ukienda pahali kumefiliwa usilie tu, uliza mwanzo aliekufa ni nani halafu ndio ulie. Mheshimiwa Spika kweli kuna pesa zinaliwa lakini kuna pesa nyingine ukizila zinaharisha; tumeweka kusudi kwenye Mswada huu sehemu ya 110 mpaka sehemu ya 115 ni kusema kuwa pesa hizi haziliki ninamaanisha. Mwanzo juzi Mheshimiwa Spika tulipokuwa tunayazungumza maneno haya ndani ya Nyumba hii mimi ni mmoja tukizungumza maneno sio nikitoka pale mlangoni nikayaacha maneno hapa, nikitoka nje huenda nikayatafuta haya maneno.



Kwa hivyo Mheshimiwa Spika nilitoka nikaenda nikauliza kwa mujibu wa sheria kama Mheshimiwa Amriya alivyosema sehemu ya 113 inasema kuwa pesa za majanga ni asilimia mbili *of the previous audited account* ya mwaka wa nyuma uliopita. Kitengo ambacho Mheshimiwa Abrari alikuwa anazungumza hapa sijui pengine sijui Kiswahili lakini kitengo ninavyofahamu mimi ni kitu kingine na Kamati ni kitu kingine ndio ufahamu wangu mimi, na Kamati ile ilikuwa kweli chini ya *Inspectorate* kwa sababu ilikuwa sheria bado haijatengenezwa na pesa yoyote kutumiwa kama Mheshimiwa Samba ni lazima mwanzo kuwe na sheria halafu ndio ile pesa itoke ipate kutumika.

Mheshimiwa Spika pesa hizi ambazo sisi twazizungumzia hapa za dharura baada ya miezi miwili anaesimamia kitengo cha fedha lazima alete ripoti ndani ya hii Nyumba aseme hizi pesa ameweza kutumia na ripoti hii ya pesa za dharura ni lazima ripoti iende kwa Mhasibu mkuu, ya kuonyesha ukiangalia sehemu ya 115 ya sheria ya PFM utaona kuwa hizi pesa lazima Kaunti ijulishe Mhasibu mkuu kumuambia kuwa pesa hizi zimeweza kutumika, sio kuwa sisi tumetenga pesa itakuwa hizi pesa nizakutumiwa kiholela holela. Hizi pesa zinatakikana ziwe zitahesabika vile inavyotakikana na kusema kuwa serikali iliopita ya kusema pesa zilikuwa ziko, vipi tutakuwa na pesa hatuna *accounts*? Mheshimiwa Spika ni lazima tufungue ile *account* halafu tuje tusema hizi pesa zilitumika kwa njia hii, mara ya mwisho walikuwa wakitumua kupitia kama tunavyojua kwenye bajeti ofisi ya *Inspectorate* iko chini ya ofisi ya Gavana, kama tunavyojua ni laini nne kwenye laini nne zile moja ni ofisi ya *inspectorate* iko chini ya ofisi ya Gavana.

Kwa hivyo Mheshimiwa Spika mimi nasema kufikiria mtu wamfikiria harusi, yeye hakufikiria matanga ni kwani mimi nasema kuwa sasa tuwe na *account* ya dharura ijulikane kuwa *account* hii iko, hakuna habari ya vitengo vianze kulalamika ziseme hakuna pesa, hakuna pesa, hii itafanywa kuwe na stakabadhi zake kisawa sawa ijulikane pesa za dharura zimeweza kutumika kwa njia gani na imetumika vipi? Kwa hivyo Waheshimiwa wenzangu jambo hili ni la kusaidia wananchi kule nje, jambo hili si pesa za kumtengezea mtu kwenda kutumia, jambo hili pesa zitatumika vile watahesabu vile inavyotakikana na ripoti lazima iangalie sehemu ya 155 ya PFM, ni lazima atoe ripoti kwa Mhasibu mkuu ametumia pesa ngapi na amezitumia kwa kazi gani? Kwa hivyo nawahakikishia kuwa hii *account* haifunguliwi mtu bali inafunguliwa kwa watu wetu, kuweza kuwasaidia vile inavyotakikana. Ahsante sana Mheshimiwa Spika.

*(Question put)*

**The Speaker:** Thank you Hon. Member. Hon. Members I now put the question that the Motion by Mohamed Hatimy be approved by this House in the same terms as moved.

*(Question put and agreed to)*

Yes Clerk?

## ADJOURNMENT

Hon. Members this House stands adjourned until Wednesday 9<sup>th</sup> May, 2018 at 9:00 a.m.

The House rose at 3:47p.m.