



## COUNTY ASSEMBLY OF MOMBASA

### SPECIAL SITTING

OFFICIAL REPORT

Friday, 7<sup>th</sup> June, 2019

The House met at 11:05a.m.

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

### PRAYERS

**The Speaker** (Hon. Khatri): Hon. Members you may be seated, yes Clerk?

### COMMUNICATION FROM THE CHAIR

Hon. Members, receive my warm greetings; to my Muslim brothers and sisters, we thank the Almighty God for having seen us through the Holy Month of Ramadhan. We celebrated Eid-ul-Fitr successfully on Wednesday, 5<sup>th</sup> June, 2019. It is my hope that you were a blessing to the less fortunate by sharing what Allah has blessed you with to make their Eid special too. I wish you all Eid Mubarak and may we continue with the good deeds that we observed during the Holy Month of Ramadhan.

Hon. Members, as you are aware, we are still on recess which is scheduled to end on Monday, 17<sup>th</sup> June, 2019. Our normal sittings are to resume on Tuesday, 18<sup>th</sup> June, 2019. Our Standing Orders allows us to call for a special sitting when need arises during recess. This special sitting has been made necessary as the County Assembly needs to pass the Mombasa County Supplementary Appropriations Bill, 2019 as most of the votes are exhausted since we are approaching the end of the financial year 2018/2019.

Hon. Members, this is a Special Sitting of the Mombasa County Assembly which is properly convened pursuant to Standing Order 26. The sitting has been published in the Kenya Gazette vide Gazette Notice No. 4978 which provides that a Special Sitting will be held on Friday, 7<sup>th</sup> June, 2019 at 10:00a.m to consider and approve the Mombasa County Supplementary Appropriations Bill, 2019.

Hon. Members, please note that in accordance with Standing Order 26 (4) the only business to be conducted today is the consideration and approval of the Mombasa County Appropriations Bill, 2019. I wish to take this opportunity to officially welcome you all to this Special Sitting. Thank you and God bless you all.

*(Applause)*

Yes Clerk?

### **BILLS**

#### **MOMBASA COUNTY SUPPLEMENTARY APPROPRIATIONS BILL, 2019**

Hon. Members, Pursuant to Standing Order 118(2) we can proceed with all the stages to the Bill since this is a Money Bill. Yes Chairperson Committee on Finance and Budget Appropriations, yes Hon. Mohamed Hatimy?

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker this is a Supplementary Appropriations Bill, 2019...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Hatimy?

**Hon. Mohamed Hatimy:** Mr. Speaker first I wish to apply for leave; that to be granted...

*(Interruption)*

**The Speaker** (Hon. Khatri): Sorry I cannot hear you properly Hon. Hatimy.

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker under Standing Order No.118, I do hereby apply leave; I seek leave to have all the stages conducted in one sitting since it is a Money Bill.

**The Speaker** (Hon. Khatri): Yes Hon. Hatimy, you can continue.

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker Sir. This is a Supplementary Appropriations Bill, 2019 the main budget Mr. Speaker of 2018/2019 was taken for Public Participation before passage of Appropriations Bill, 2018. I therefore Mr. Speaker Sir I beg to move a Motion that since a report has been issued and this is just a re-allocation of votes I request that the Bill be read a second time and thereafter...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Hatimy there is a point of order from Hon. Fadhili.

**The Deputy Speaker** (Hon. Mwalimu): Thank you Mr. Speaker. Mr. Speaker I am up on a point of information and I want to inform the House that the Chairman has moved to the second reading without it being read for the first time. It has not passed the first reading Mr. Speaker Sir.

**The Speaker** (Hon. Khatri): I think Hon. Hatimy had sought leave for that. Yes Hon. Hatimy?

**Hon. Mohamed Hatimy:** Ok, I do agree with the Member Mr. Speaker but since I had applied under Standing Order 118, I think we can proceed. I therefore request to move a Motion that since a report has been issued then this is just a re-allocation of the votes. I therefore request that the Bill be read a second time and thereafter to proceed to Committee of the Whole House. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): Hon. Hatimy you said Standing Order 118?

**Hon. Mohamed Hatimy:** Standing Order 118. I have requested for leave and I think we can read the first reading Mr. Speaker and then we can proceed to second reading.

**The Speaker** (Hon. Khatri): So then Hon. Hatimy we can read the first reading, is it ok? Let us read the first reading then the second reading we can...

*(Interruption)*

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

**The Speaker** (Hon. Khatri): Thank you. Yes Hon. Hamisi Musa?

**The Leader of Majority** (Hon. Mwidani): Mr. Speaker it is just a correction because it has to be read by the Clerk of the Assembly for the first reading then it is we now to move from there. So it was the Clerk now to move so that now we can also join the movement.

**The Speaker** (Hon. Khatri): Thank you. Yes Clerk?

### **FIRST READING**

#### THE MOMBASA COUNTY SUPPLEMENTARY APPROPRIATIONS BILL, 2019

Thank you Clerk. Yes Clerk?

*(Interruption)*

Yes Hon. Mohamed Hatimy?

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker I request that the Bill be read the second time and thereafter to proceed to the Committee of the Whole House. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): Hon. Members I now put a question that the Mombasa County Supplementary Appropriations Bill, 2019 to be now read a second time.

*(Question put and agreed to)*

Yes Clerk you can read the second reading.

## SECOND READING

### THE MOMBASA COUNTY SUPPLEMENTARY APPROPRIATIONS BILL, 2019

Thank you. Hon. Members let us rise and dissolve into the Committee of the Whole House to consider the Clauses of the Bill.

## COMMITTEE OF THE WHOLE HOUSE

### ORDER OF COMMITTEE READ

*(The Mace was lowered)*

*(The Speaker (Hon. Khatri) exited the Chair)*

### IN THE COMMITTEE

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

**The Chairperson** (Hon. Mwalimu): Hon. Members have your seats. Welcome to the Whole House Committee on the Mombasa Supplementary Appropriations Bill, 2019 and Hon. Members in this Committee we shall be going through the clauses one by one or you can propose if we pass the whole of the recurrent clauses and afterwards the whole of the development clauses. So Hon. Members before we proceed we would like to hear from the Chairman Finance, how do you want us to proceed?

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker I think if Members may be given a chance to scrutinize this Bill then I believe that we can reach a consensus to pass it as it is.

**The Chairperson** (Hon. Mwalimu): Hon. Members I am the Chairman of this Whole House Committee you are now at liberty to scrutinize the Bill and am giving you five minutes for you to peruse the Bill so that we can continue to pass the clauses as said by the Chairman of Finance so that the House can proceed to the other stages.

*(The Hon. Members scrutinized the Bill)*

Hon. Members under our own Standing Orders 124 the sequence to be observed on a Bill in the Committee we shall start with the (a) clauses as printed, excluding the clauses providing for the citation of the Bill, the commencement, if any, and the interpretation (b) new clauses; (c) schedules; (d) new schedules; (e) interpretation; (f) preamble, if any; (g) long title; (h) the clauses providing for the citation of the Bill and the commencement. Hon. Members we are proceeding with the clauses of the Bill, yes Clerk?

**Clerk:** Clause No. 2 *The County Treasury may issue the sum of Fourteen Billion, Seven Hundred and Seventeen Million, Two Hundred and Forty Six Thousand, Nine Hundred and Sixty Three Kenya Shillings only, out of the County Revenue Fund and apply it towards the supply granted for the service of the year ending on the 30<sup>th</sup> June, 2019.*

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**Appropriation of the money granted**

Clause No. 3. *The sum granted by Section 2 shall be appropriated for the several services and purposes specified in the second column of the First Schedule, in the amounts specified in the third column of that Schedule.*

Clause No. 4. *In addition to the sum granted by Section 2, the sum specified in the Fourth Column of the First and Second Schedules shall be applied for several services and purposes specified in the second column of those Schedules, out of revenue directed to be applied outside the Consolidated Fund under Article 206(1) of the constitution.*

(Silence)

**The Chairperson** (Hon. Mwalimu): Hon. Members I now propose that clause 2, 3 and 4 be part of the Bill.

(Question proposed)

So Hon. Members any input on the three clauses before we put a question?

(Silence)

I now put a question having seen no input on the three clauses. I now put a question that clauses 2, 3, and 4 be part of the Bill.

(Question put and agreed to)

Yes Clerk?

**Clerk: Appropriation in Aid**

Clause No. 5. *The supply granted for the services of the year ending on the 30<sup>th</sup> June, 2019 in respect of Votes R3011, R3012, R3013, R3014, R3015, R3016, R3017, R3018, R3019, R3020, R3021, R3022, R3023, R3026, and D3011, D3012, D3013, D3014, D3015, D3016, D3017, D3018, D3019, D3020, D3021, D3022, D3023, D3026 in accordance with the Supplementary Appropriation Act.*

**The Chairperson** (Hon. Mwalimu): I now propose that clause 5 be part of the Bill.

(Question proposed)

Yes Hon. Kitula any input?

(Silence)

Hon. Mwamwiri?

(Hon. Athman Mwamwiri was off microphone)  
(Loud consultation)

Use your microphone.

**Hon. Athuman Mwamwiri:** Thank you Mr. Speaker. Mr. Speaker my concern is on D3011 and D3013 because on the Schedule it is not specified where the fund is appropriated to.

There is no mention on the department; just fund, for the D3011. The amount required in the year ending 30<sup>th</sup> June for capital expenditure, Kshs.5, 000,000. I do not know where is that expenditure directed to? D3013, the amount required in the ending 30<sup>th</sup> June, 2019, for capital expenditure Kshs.2,000,000. To me the information is not clear. I do not know where that money is appropriated to? Thank you Hon. Speaker.

**The Chairperson (Hon. Mwalimu):** Yes Hon. Kitula and we will give time to the Hon. Chair but what I am sure the details cannot be found in that document. I will ask the Chair at least to shed more light on the issue raised by Hon. Mwamwiri.

**Hon. Athman Mwamwiri:** D3014 was stated in which department? D3015 is stated but these two votes, I do not know what you mean for what you are saying that the information cannot be found in these votes...

*(Consultations)*

**The Chairperson (Hon. Mwalimu):** Yes Hon. Kitula?

**The Chief Whip (Hon. Kitula):** Mheshimiwa Mwenyekiti kama vile Mheshimiwa mwenzangu alivyoweza kuongea Vote D3011 lazima tuweze kuwa wazi kama *vote* zingine kuanzia D3014 hadi D3026 tujue pesa hizi ambazo tuna-*appropriate* katika *Appropriation* inakwenda katika Idara gani Mheshimiwa Mwenyekiti? D3011 to D3013?

*(Consultations)*

**The Chairperson (Hon. Mwalimu):** Hon. Members I stand to be corrected but from the attachment that has been provided with the Appropriation Bill it clearly shows R3011 the department County Assembly and the estimates, so not unless we are not reading on the same page. Hon. Mwamwiri? Yes Hon. Hatimy?

*(Hon. Mohamed Hatimy was off microphone)*

Hon. Hatimy use your microphone?

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker.

*(Interruption)*

**The Chairperson:** I am the Chair!

**Hon. Mohamed Hatimy:** The Chair.

**The Chairperson (Hon. Mwalimu):** Yes.

**Hon. Mohamed Hatimy:** I want to notify Hon. Mwamwiri that...

*(Interruption)*

**The Chairperson** (Hon. Mwalimu): Notify the House.

**Hon. Mohamed Hatimy:** Ooh the House, because he is the one who came up with the question Mr. Speaker. If you go through R3011 it shows that the capital expenditure will go for salaries, expenses of executive headquarter office, Mombasa including expenses on general administration and advisory service...

*(Interruption)*

*(Loud consultations)*

**The Chairperson** (Hon. Mwalimu): Yes Hon. Charles Kitula?

**The Chief Whip** (Hon. Kitula): Ahsante Mheshimiwa Mwenyekiti. Kupitia *attachment* zangu ambazo tumepatiwa hapa nikiangalia *vote* ya R3011 inasema ni County Executive labda huenda Makarani wetu waweze kutupatia muongozo zaidi. R3011, R3012, R3013; R3011 ni County Executive, R3012 ni County Assembly, R3013 ni Public Service Board kwa muongozo wa Makarani Mheshimiwa Mwenyekiti.

**The Chairperson** (Hon. Mwalimu): Thank you Hon. Charles Kitula. Hon. Kitula for the clarification before you go to clause D just look at clause D3011 you can refer to clause R3011. These are the same clauses from the same department so if you are proposing that it is a typing error we can refer to the R3011, R3012 and R3013. Yes Hon. Kitula?

**The Chief Whip** (Hon. Kitula): Mheshimiwa Mwenyekiti 3012 inamalizia kusema kwamba *legislation and financial management services of the entity*. Mheshimiwa Mwenyekiti *entity* ziko nyingi katika Kaunti ya Mombasa na hii ni *vote* ya *recurrent* na hii ni *development* so *we need to indicate which entity* tujaze tu ili iwe rahisi zaidi.

*(Interruption)*

**The Chairperson** (Hon. Mwalimu): 3012 D or R?

**The Chief Whip** (Hon. Kitula): Yes R3012.

**The Chairperson** (Hon. Mwalimu): R3012.

**The Chief Whip** (Hon. Kitula): Yes services of the entity. Which entity?

**The Chairperson** (Hon. Mwalimu): Hon. Kitula R3012.

**The Chief Whip** (Hon. Kitula): Yes.

**The Chairperson** (Hon. Mwalimu): The amount required in the year ending 30<sup>th</sup> June, 2019 for salaries and expenses of the County Assembly. It has referred to County Assembly...

*(Loud Consultations)*

**The Chief Whip** (Hon. Kitula): Okay Hon. Speaker.

**The Chairperson** (Hon. Mwalimu): Any other issue Hon. Members before we proceed? Yes Hon. Mwamwiri?

**Hon. Athman Mwamwiri:** Maybe Mr. Chair I was not in the meaning of the word capital expenditure and maybe I am not alone in this House and maybe we have many Members who have difficulties in understanding the same term. Maybe if we can get clarity in the same term; 'capital expenditure', what is meant to be? Maybe to give us more light.

**The Chairperson** (Hon. Mwalimu): Hon. Mwamwiri I think from the recurrent clauses; Hon. Members from what has been raised from Hon. Mwamwiri from recurrent clauses you will not find across any capital expenditure but from the development clauses you are coming across the capital expenditure so it is developments of that particular department. It stands for the development of that department. Yes Hon. Amriya?

**Hon. Amriya Juma:** Thank you Chairman. I think capital expenditure means the finances that are used in acquiring or maintaining fixed assets that includes property, includes equipment, its property for maintaining or acquiring fixed assets. Yes like (??), equipment property for clarification to the Members.

**The Chairperson** (Hon. Mwalimu): Hon. Members now I put a question that clause 5 be part of the Bill.

*(Question put and agreed to)*

Yes Clerk?

**Clerk:** SCHEDULE

Recurrent Expenditure, Supply total amount is Kshs10, 302,123,028, donor funds total is Kshs.85, 591,582, and Appropriation in Aid total amount is Kshs.3, 981,849,698.

Vote number R3011, supply amount is Kshs. 403, 658, 341, Appropriation in Aid is Kshs.178, 018,296.

R3012, Supply amount is Kshs. 707,114,950, Appropriation in Aid amount is Kshs. 311,846,394.

R3013, Supply amount is Kshs. 113,613,221, Appropriation in Aid Kshs.50, 104, 828.

Vote number R3014 supply amount is Kshs.2, 263, 424, 001, Appropriation in Aid amount is Kshs. 948, 388, 775.

Vote number R3015 supply amount is Kshs.597, 156, 893; Appropriation in Aid is Kshs 263, 353, 538.

Vote number R3016 supply amount is Kshs. 505,760,772, Appropriation in Aid Kshs.152, 565, 404.

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Vote number R3017 supply amount is Kshs.2, 481, 846, 488, donor funds amount is Kshs. 85, 591, 582, Appropriation in Aid amount Kshs. 677,856,843.

Vote number R3018, supply amount Kshs.72,172,793, Appropriation in Aid Kshs. 31,829,090.

Vote number R3019, supplied amount Kshs.214,595,326, Appropriation in Aid Kshs. 94,639,179.

Vote number R3020, supply amount Kshs.468,544,509, Appropriation in Aid Kshs. 206,633,894.

Vote number R3021, supply amount Kshs.147,652,574, Appropriation in Aid Kshs. 65,116,602.

Vote number R3022 Supply amount Kshs.453,154,772, Appropriation in Aid Kshs.199,846,831.

Vote number R3023 supply amount Kshs.210,500,241, Appropriation in Aid Kshs. 68,278,248.

Vote number R3026, supply amount Kshs.1,662, 928, 147, Appropriation in Aid Kshs. 733,371,776.

**The Chairperson** (Hon. Mwalimu): Hon. Members I now propose that clause number R3011, R3012, R3013, R3014, R3015, R3016, R3017, R3018, R3019, R3020, R3021, R3022, R3023, R3026.

*(Question proposed)*

Thank you Hon. Members. Hon. Members I now put a question that Votes R3011, R3012, R3013, R3014, R3015, R3016, R3017, R3018, R3019, R3020, R3021, R3022, R3023, R3026 be part of the Bill will as many as of the same opinion say Aaaaay...

*(Question put and agreed to)*

Yes Clerk.

**Clerk:** Capital expenditure is still part of the schedule, total supply amount is Kshs. 4,415,123,935, Donor funds Kshs.415,988,911, Appropriation in aid Kshs. 1,232,145,810.

Vote number D3011, amount is Kshs. 13,199,990, Appropriation in Aid Kshs. 5,821,238.

Vote number D3012, amount supply Kshs. 0, Donor amount is Kshs. 0, Appropriation in Aid Kshs. 0.

Vote number D3013 supply amount Kshs.6,000,000, Appropriation in Aid Kshs. 2,646,019.

Vote number D3014 supply amount Kshs.594,252,923, Appropriation in Aid 62,067,461.

Vote number D3015 supply amount Kshs.283,373,526, Appropriation in Aid 124,970,846.

Vote number D3016 supply amount Kshs. 91,455,220, Appropriation in Aid 40,332,048.

Vote number D3017 supply amount Kshs.159,061,767, Appropriation in Aid Kshs. 78,312,944.

Vote number D3018 supply amount Kshs. 0, Donor fund Kshs. 415,988,911, Appropriation in Aid Kshs. 0.

Vote number D3019 supply amount Kshs.189,856,181, Appropriation amount Kshs. 88,463,581.

Vote Number D3020 supply amount Kshs.152,091,700 Appropriation in Aid Kshs. 67,072,932.

Vote number D3021 supply amount Kshs.235,557, 262 Appropriation in Aid Kshs. 103,881,514.

Vote number D3022 supply amount Kshs.2,016,256,681 Appropriation in Aid Kshs. 544,787,466.

Vote number D3023 supply amount Kshs.192,099,806 Appropriation in Aid Kshs. 84,716,636.

Vote number D3026 supply amount Kshs. 65,924,968 Appropriation in Aid 26, 073,124.

**The Chairperson** (Hon. Mwalimu): I now propose that D3011, D3012, D3013, D3014, D3015, D3016, D3017, D3018, D3019, D3020, D3021, D3022, D3023, D3026, be part of the Bill.

*(Question proposed)*

Yes it is on the floor, yes Hon. Mwanwiri?

**Hon. Athman Mwanwiri:** Thank you Mr. Chair. Mr. Chair my concern still is on D3011 and D3013; with less than three weeks the much allocated to County headquarters that is D3011 am wondering what are they going to do with it? What development is going to happen in that department, and D3013 Kshs.2Million to County Public Service Board for developments and we know where the offices are. So I was suggesting if this money can be reallocated to other departments which are in their needs like Health, Youth, Gender and Sports and Education for the remaining days at least to have value for money but this much to this department on development actually in less than three weeks, that is my concern Mr. Chair, we slash this money to these two departments we take them to other departments. Thank you.

**The Chairperson** (Hon. Mwalimu): Thank you Hon. Mwanwiri for raising that concern; indeed it is a good concern but Hon. Mwanwiri we also have to put into consideration that they might be suppliers that are to be paid from this amount that is here not unless we discuss further but in my thinking there might be some people who have supplied services to that department and are yet to be paid, not unless we read from a different angle Hon. members and Hon. Members this is Committee of the Whole House, you can talk as much as possible and the number of times that you are supposed to give your input is not limited so you are at liberty to inform the House whenever you wish to. Yes Hon. Mwanwiri?

**Hon. Athman Mwanwiri:** Ahsante Mheshimiwa Mwenyekiti. Mheshimiwa Mwenyekiti tunazungumzia mtazamo ama muktadha ya kwamba labda kuna mipangilio hii, lakini mimi siko sahihi na pia wewe Mheshimiwa Mwenyekiti samahani pia nasema huko sahihi, kwa sababu hatuna muafaka wa taarifa ya kwamba kitengo hiki kimekusudia kufanya nini hizi senti; aidha labda kuna madeni wanadaiwa ama kuna mambo wanataka kuyapangia kwa sasa, sasa sote Mheshimiwa Mwenyekiti hatuna taarifa sahihi.

Kwa hivyo mimi bado pendekezo langu liko pale pale; kwa kuwa sina uhakika kwamba wanadaiwa na kama kuna deni, nina imani katika matumizi ya mipangilio ya bajeti, huwa wanazi *commit* ama wanaziwekeza katika *vote* mahususi ili wakipata pesa waweze kulipa ile ambayo iko tayari katika mlolongo wa madeni lakini kwa hili mimi mtazamo wangu nahisi wanataka kuzitumia wiki hizi tatu zilizoko kwa kufanya hayo walio kusudia na si kulipa madeni.

Kwa hivyo mimi sioni haja na dharura ya pesa hizi kutumika Milioni tano katika ofisi ya Gavana na Naibu wake katika masuala ya miundo msingi wakati mnazijua jinsi zile ofisi zilivyo sasa hivi, ziko katika hali nzuri na mazingira mazuri lakini kuna hizi idara Mheshimiwa Mwenyekiti ambazo imekuwa ni changamoto, Waheshimiwa wamekuwa wakilia hapa kuhusu madawa, kuhusu sipitali zao kukosa vifaa na zahanati kule wanakotoka. Pesa hizi zikisongezwa katika idara kama hizo Mheshimiwa Mwenyekiti zitakuwa na maana na faida zaidi kwa wakaazi wa Mombasa kuliko hapa zilipopangiliwa hivi sasa.

Mheshimiwa Mwenyekiti Bodi ya Uwajiri katika Gatuzi letu la Mombasa tunajua pale ilipo na ile ofisi yao jinsi ilivyo, hapa wana milioni 200 zaidi, vipi haswa tuulizane, sijui kama Waheshimiwa wenzangu wanaitazama katika mtazamo kama mimi Mheshimiwa...

*(Interruption)*

**The Chairperson** (Hon. Mwalimu): Hon. Mwamwiri where is the Kshs. 200Million that you are talking about?

**Hon. Athman Mwamwiri:** Milioni mbili.

**The Chairperson** (Hon. Mwalimu): Oh Kshs. 2Million okay, yes Chairman Finance? Use your microphone.

**Hon. Mohamed Hatimy:** Ahsante Mwenyekiti. Mimi namshukuru Mheshimiwa Mwamwiri kwa kutoa hiyo jambo, nafikiri ni jambo ambalo litatusaidia, lakini pia tukizingatia sheria, ukiangalia Kanuni za Bunge nambari 126 (2) imetufunga Mikono Mheshimiwa Spika kufanya jambo lolote.

**The Chairperson** (Hon. Mwalimu): Just a minute. Hon. Members, under 126(2) *it state that no amendment shall be moved to any part of the bill by any member other than the member in charge of the bill, unless written notification of the amendment shall have been given to the clerk 24hrs before the commencement of the sitting at which that part of the Bill is considered in Committee*, Yes Hon. Athman Shebe?

**Hon. Athman Shebe:** Ahsante sana Mheshimiwa Mwenyekiti. Kwanza kabisa niseme ni kinaya kikubwa, kwa sababu hoja imeletwa hapa na Mheshimiwa mwenzu ameweza kudokoa maswala ya kimsingi kabisa Mheshimiwa Mwenyekiti. Hizi shilingi milioni sita anataka kujua kama ni za madeni ingekuwa imekuwa *indicated* ni madeni ya wapi na ni kina nani wanalipwa?

Kwa hivyo Mheshimiwa Mwenyekiti wa Fedha akisema kuwa akinukuu kipengee, mimi naona ni hujuma kubwa! Ni kama kwamba alikuwa anajua kuwa tutajifunga na hili swala, sasa iwe vipi maswala utuambie hatuwezi isipokuwa Mheshimiwa aliyekuja na hii sheria na wakati sisi tumeipata tu sasa hivi kuamka ni sasa hivi.

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Alafu unatuambia kuwa yeye peke yake ndio anafanya nini? Anaweza kurekebisha. Mimi nahitaji msaada hapa Mheshimiwa manake naona ni hujuma na ni kinaya kikubwa. Ahsante.

**The Chairperson (Mwalimu):** Thank you Hon. Athman Shebe. I think Hon. Members it is high time now also we peruse our Standing Orders and make changes as preferred by the House. This is because am seeing there are some Standing Orders that are not friendly, (??) and free also to the Hon. Members. So Hon. Members it is high time as I said we also we have to sit also and make necessary changes to our own Standing Orders because what Hon. Hatimy has referred, he has referred to the Standing Orders of which it is not words from his mouth but words from our Standing Orders. Yes Hon. Mwamwiri? Hon. Mwamwiri, the Leader of Majority is up, yes?

**The Leader of Majority (Hon. Mwidani):** Bwana Mwenyekiti namshukuru Mheshimiwa kwa kufanya *observation* yake, yangu ni kumfahamisha tu kwamba hizi ni *votes* tunaziweka na ikiwa *vote* imewekwa lazima kuna ishuhari ya kuifanyia, hakuwezi wekwa *vote* ikiwa hakuna kitu cha kufanyia na kama ni mambo ya *development* ni kama inavyosemekana tumbeki na mwezi mmoja na nusu tu, kwa hivyo lazima kuwe na *vote* ambayo itaweza kulipa jambo, kama ni ku *supply* na nini.

Kwa hivyo Bwana Mwenyekiti simkosoi ana haki ya kuuliza lakini *vote* ikiweka pesa ni kuonyesha ilikuwa imeisha ndio tunaweza kuiweka ndio jambo lifanyike, kwa sababu Bwana Mwenyekiti hata hiyo Public Service Board pengine ni watu walipiwa magari na wanatajikana wamalize *within financial year* kulipa kwa hivyo tusipowakubalia ile *vote* yao kuwa na pesa ni kuonyesha sasa tutakuwa na deni ambalo litakuwa *carried forward*.

Hivyo basi Bwana Mwenyekiti ningemuomba Mheshimiwa aturuhusu hizi *vote* tusiziguse tuziache kwa sababu kesho ni sisi Kaunti yetu wenyewe ndio tutakuwa na hizo shida, kwa hivyo mimi ningeomba kwa unyenyekevu kwamba Kshs. 2 Million ukiitizama kwa *almost one month* si pesa nyingi ya vile inaweza kutusababishia kuwa mtu hakulipwa akatupeleka kortini tukalipa pesa nyingi *of which* kwa sababu tuliondoa ile pesa ambayo angeweza kulipwa. Kwa hivyo ningeomba Waheshimiwa kwamba hatumpatii mtu pesa ni ile *vote* tunaiweka pesa ikiweka aweze kulipwa. Ahsante Bwana Mwenyekiti.

**The Chairperson (Hon. Mwalimu):** Yes Hon. Mwamwiri?

**Hon. Athman Mwamwiri:** Ahsante Mheshimiwa Mwenyekiti. Mheshimiwa Mwenyekiti naheshimu mawazo ya Mheshimiwa Mwenyekiti wa Bajeti na Makadirio na hali kadhalika Kiongozi wa Wengi lakini niwakumbushe tu kwa wapenzi wa maandishi takatifu, Isaya 10:30 yasema hakuna *legacy* iliyoko bora kama kuwa mkweli ama *honest*, hiyo nawapa waweke katika kumbukumbu zao ya kwamba hakuna *legacy* katika maisha ya mwanadamu iliyoko bora kama kuwa wakweli...

(Applause)

Kwa kipengele 126 kutuzuilia kulifanya hilo, hali kadhalika Kanuni zetu za Bunge zinasema bara bara ya kwamba tunapaswa kupata taarifa siku ya alhamisi kwa kikao kinacho kuja, kwa hili lililofanyika kulikuwako na uadilifu, na ukweli?

Na kuitiwa na kupewa karatasi halafu tunapewa nukuu inayotuzuilia sisi ya kwamba angalau tuandike nukuu zetu masaa 24 kabla ya Mswada kuingia katika hapa, kisheria hivi ndio hufanyika inatupatia haki na uhuru wa kufanya hilo ama ni hujuma kwa utekelezaji wa majukumu yetu? Pili nimkumbushe Mheshimiwa Kiongozi wa Walio Wengi ya kwamba tunapotengeneza bajeti kila *vote* huwekwa kulingana na mapangilio ya idara na hakuna pesa inayotumika ya ile iliyopangiliwa kwa idara kuwa na deni ambalo halikuwa kwenye bajeti.

Walipata idhini kutoka wapi kufanya jukumu hilo ili wadaiwe na jukumu lile halikuwa ama halikukadiriwa katika bajeti iliyopita? Akiwa ni Mwenyekiti Naibu wa Kamati ya Fedha pamoja na Mheshimiwa Mwenyekiti wake hili watufafanulie idhini ilitoka wapi ya idara kutumia senti ama kuwekeza suala ambalo halikuwa katika bajeti ili Kaunti ije iwe na madeni na malimbikizo ya madeni kiasi ya kwamba wao wanachelea ya kwamba bajeti ijayo tutaichukua tukiwa na madeni, hayo waliyatengenezea wapi? Mheshimiwa Mwenye Kiti tuweni wakweli.

Inasikitisha, inahuzunisha katika karne hii kwa viongozi sisi kujafungwa na vikanuni kwa maksudi ya kutaka kunufaisha maslahi ya mtu, bajeti hii ni yetu sote na haya ninayokusudia ama niliyokuwa nachangia si kwamba zikuwe *reallocated* ziende Wodi ya Likoni, zipelekwe katika idara mpaka leo bado kuna sehemu katika Kaunti hii Waheshimiwa wanalia kwa sababu ya mrundikizo wa taka. Idara ya Mazingira haina uwezo, haina vifaa, haina kadhalika kutekeleza hayo, tunapelekea pesa Public Service Board; kwa wiki tatu Kshs. 2Millioni, Kshs. 5Millioni ofisi ya Gavana ni kipi ambacho hakipo pale, si rangi, si viti, si magari, si nini, zinaenda fanya nini? Sawa kama kawaida yetu ni kuchagulia wengine mazingira, tuendeleeni.

**The Chairperson (Hon. Mwalimu):** Yes Hon. Athuman Shebe? Hon. Mwamwiri Switch off your microphone. Yes Hon. Shebe?

**Hon. Shebe Athmani:** Ahsante sana Mheshimiwa kunipatia hii nafasi. Wallahi Mheshimiwa Mwenza ameongea na roho yake na Mheshimiwa Mwenyekiti tunachokitaka sisi ni uwazi na usawa na sheria tunazitengeza sisi na sheria tunao uwezo wa kuzibadilisha sisi. Nafikiri suala la msingi tu Mheshimiwa Kiongozi wa Wengi Bungeni sisi hatukutaka mengi, tulikuwa twataka tueleze kama hizi Kshs. 4Milioni zilipelekewa, Kshs. 7Milioni takriban, hawa waliokisiwa watalipwa, je ni kina nani? Ni maswala mengine yako wazi bayana, hawa ambao mwasema mumeweka madeni sijui yakaingia yakawa *carried forward*. Ni kina nani hawa wanastahiki kulipwa; hawana majina, lini? Kweli kuna Wizara Mheshimiwa Mwenyekiti ambazo zinahitaji sana; Wizara ya Afya, Wizara ya Mazingira, Wizara ya Elimu, kwa nini kwa muda wa mwezi mmoja tuna *allocate* takriban milioni saba wakati leo kuna watoto wako nyumbani kwa sababu ya kiwango kilichowekwa na Kaunti cha kuweza kupita kusoma hawakupitia na kuna milioni saba zitapelekwa mahali.

Jamani tuyaangalieni haya, sisi tunataka Mheshimiwa Mwenyekiti wa Fedha atuelezee hizi milioni saba, tano, mbili zalipwa kina nani ambao twasema kuna madeni, hawa ambao hawana majina, lini ama zimepangiwa kufanya nini ili tuweze kutafakari Mheshimiwa hilo linalopangiwa kwa hizi milioni saba ambalo ni muhimu kuliko haya mengine yaliyoko hapa, na umetupatia nafasi Mheshimiwa ili tuweze kuangalia vipi? Sioni basi ni faida gani ya sisi kusimama ikiwa hatuwezi kuona dosari na tukapendekeze likazingatiwa, muhimu twataka tuangalie je hizi saba ni za kukalia viti ama kupigwa na hewa ya Mjapani na kuna wengine taka zaoza, kuna wengine madawa hakuna Hospitali. Jamani tuangalie Mheshimiwa Mwenza haya ni maswala Mheshimiwa Mwenyekiti ya kupatiwa karatasi, kupatiwa bajeti nakuambia kuamka ni sasa hivi, halafu kanuni zilizowekwa hapa ni za kutufunga.

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Masikitiko Mheshimiwa Mwamwiri amezungumza maswala ambayo Waheshimiwa Wenza yatakikana tuangalie jamani; ikiwa sisi sasa hivi hatuwezi kufanya mabadiliko ya kuweka mabadiliko ya milioni saba pekee na twapitisha bajeti ya mabilioni ya mapesa, je, umuhimu wa sisi kuwa hapa ni nini basi?

Tafadhali Mheshimiwa Mwenyekiti nakuomba uisikize roho ya Mwamwiri, si mdomo wake ulioongea, usikie roho yetu kama tunao uwezo wa kubadilisha hizi senti zibadilishe zipelekwe mahali zinakostahiki ama watuelezee sababu gani zatakikana, hawa wadeni ni kina nani walipwe, ahsante.

**Chairperson** (Hon. Athman Mwamwiri): Thank you. Hon. Chair Environment. From the votes I can see 3015 Environment and Waste management has been allocated quite a good sum, the health so Hon. Members what I have been advised is that the experts from the different departments sat and made the proposals that are here with us. So am urging the Hon. Members for the sum of..., from the votes D3011 indeed it is a sum but as I said earlier it might be for paying some suppliers and other issues from that department Hon. Members, so am urging this Honourable House if we are in agreement we can proceed to put the question. Yes Hon. Kitula?

**The Chief Whip** (Hon. Kitula): Ahsante sana Mheshimiwa Mwenyekiti nimewasikiliza vizuri Wawakilishi wa Likoni na Mwakilishi wa Jomvu Kuu na kweli matakwa yao yanastahili kuweza kuangaziwa lakini niwapatie uhakikisho wa kwamba swala kama hilo limeweza kukadiriwa milioni tano na milioni mbili katika *vote* ya D3011 na D3013. Ni kwa ajili kuweza kuhakikisha ya kwamba mafanikisho ya kuweza kuhakikisha kwamba huduma kwa wananchi wetu yanatekelezwa; swali ni kuwa huduma gani ilikuwa imetekelezwa?

Kwa hivyo sisi tutahakikisha kwamba huduma hizi kuweza kuwaita Mawaziri baadae kuweza kuangalia kwamba pesa hii imeweza kutumika vipi; hivyo basi kwa leo tuweze kuungana kuhakikisha kwamba tumepitisha lakini jukumu letu tusilisahau baadae tuna uwezo wa kuweza kuwaita hawa watu au wawakilishi katika idara tofauti tofauti waje watuelezee kwamba hizi pesa ambazo tuliweza kuziweka siku ya leo wameweza kufanya nini? Ahsante Mheshimiwa Mwenyekiti.

*(Applause)*

**The Chairperson** (Hon. Mwalimu): Thank you Chief Whip. Yes Hon. Tobias Samba, then we will go to the Chairman Finance and proceed in putting the question.

**Hon. Samba:** Yes Mr. Chair thank you for giving me this opportunity I would like to bring to the attention of the House that we should debate this thing soberly, we should not let emotions to carry us over and the issues that have been raised Hon. Chair pertaining to D3011, D3012 and D3013 are very genuine concerns but I would wish to appeal to the Members that this is just a supplementary budget we have reached this point because we have never been engaged from the initial stages of the budget making process.

Now we have the budget process that is in the waiting let us take our time to at least go through the budget so that when it comes to the House at least we know what will be discussed. For now we will have to pass this one we do not have any option because there are so many pending issues but I would only wish to clarify whether I do not know where you are going to get that fund.

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Just recently we had our Deputy Chief Whip who was elected and D3012 is blank I wish you could put some figures there in order for us to purchase him a car and other necessities. Thank you Hon. Chair.

*(Applause)*

**The Chairperson** (Hon. Mwalimu): Okay Thank you, Yes Chairman Finance.

**Hon. Mohamed Hatimy:** Ahsante Bwana Mwenyekiti. Bwana Mwenyekiti nafikiri mimi nilipoanza taarifa yangu kuwa ni wazo zuri lakini sheria imetufunga; tukiangalia PFM Act 154 regulations za PFM, nafikiria Section 47 and 48 ziko wazi, unapofanya hii *reallocation* hauwezi mwanzo kufanya kitu zaidi ya ile *ceiling* yako ulio nayo.

Nambari ya pili hauwezi kuchukua pesa za pahali pamoja kutoka kama pesa za maendeleo kuzipeleka kwa *recurrent*, kwa hivyo kuna sheria ambayo inafuatwa kufanya hii *Supplementary budget* na *reallocation*. Naomba Wanachama wapitie *regulations* hizi za PFM pamoja na PFM Act wataona haya maneno mimi ninayozungumza inaeleza vizuri sana njia ya kufanya hii *Supplementary Bill*.

Kwa hivyo Mheshimiwa Spika..., pole Mheshimiwa Mwenyekiti naomba wenzangu wasichukulie kwa ubaya bali ni watu kukaa tangu mwanzo nilipokuwa niko *consensus* kukubaliana tukubaliane jambo hili halafu tuangalie kwenye hii bajeti inayokuja watu wakae mambo kama haya yasiregelewe tena. Ahsante Bwana Mwenyekiti.

**The Chairperson** (Hon. Mwalimu): Thank you. Thank you Hon. Chair and I thought you will admit to this Honourable House that you are not in position to name the suppliers as earlier there was an Hon. Member who raised that you stand and confirm to this Honourable House that so and so is going to be paid certain amount so just admit that you are not in that position, then we proceed.

**Hon. Mohamed Hatimy:** Ahsante Bwana Mwenyekiti. Bwana Mwenyekiti nitafuata amri yako lakini haya mambo ya madeni au nini sijui yametokea wapi? Sijui ni nani amesema kama ni madeni lakini tutauliza Wizara ya Fedha itueleze kwa nini wamepeana hizi pesa kwa Wizara hii haikupeanwa kwa Wizara nyengine halafu nitajulisha Nyumba hii. Ahsante Bwana Mwenyekiti.

**The Chairperson** (Hon. Mwalimu): Thank you. Hon. Members having exhausted the development clauses I now put a question that vote D3011, D3012, D3013, D3014, D3015, D3016, D3017, D3018, D3019, D3020, D3021, D3022, D3023, D3026 be part of the Bill.

*(Question put and agreed to)*

Yes Clerk?

**Clerk:** Clause No. 1, *short title this Act may be cited as the Supplementary Appropriation Bill, 2019. Issue of Kshs14, 717, 246, 963 out of the consolidated fund for the service of the year ending 30<sup>th</sup> June, 2019.*

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**The Chairperson** (Hon. Mwalimu): I propose that clause one be part of the Bill.

*(Question proposed)*

Any input? I now put a question that Clause one be part of the Bill.

*(Question put and agreed to)*

Yes Clerk?

**Clerk:** *Preamble, AN ACT of COUNTY ASSEMBLY to authorize the issue of certain sum of money out of the county revenue fund and their application towards the service of the year ending on the 30<sup>th</sup> June, 2019 and to appropriate those sums for certain public services and purposes.*

**The Chairperson** (Hon. Mwalimu): I now propose a question that the Preamble be part of the Bill.

*(Question proposed)*

Having no input I now put the question that the preamble; An Act of County Assembly to authorize the issue of certain sums of money out of the County Revenue Fund and their application towards the service of the year ending on the 30<sup>th</sup> June, 2019 and to appropriate those sums for certain public services and purposes be part of the Bill.

*(Question put and agreed to)*

Yes Chairman Finance?

**Hon. Mohamed Hatimy:** Thank you the Chairman, may I propose that the Committee of the Whole House be dissolved. Thank you Mr. Speaker.

**The Chairperson** (Hon. Mwalimu): To report back to the Assembly.

**Hon. Mohamed Hatimy:** Yes to report back to the Assembly.

**The Chairperson** (Hon. Mwalimu): Thank you. Hon. Members let us resume to the Assembly.

PLENARY RESUMED

*(The Mace was raised to position)*

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

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Members, we are in the reporting stage. Yes Chairman, Finance, Budget and Appropriations?

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**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker I wish to report to this Honourable House that the Hon. Members during the Committee of the Whole House approved all the clauses.

**The Deputy Speaker (Hon. Mwalimu):** Yes Hon. Members I think you are in agreement with the Chairman's report; you all agreed and passed as reported by the Chair before we proceed to the next stage. No amendments?

**Hon. Mohamed Hatimy:** No amendments. Mr. Speaker the County Assembly do agree with the Committee on the said report.

**The Deputy Speaker (Hon. Mwalimu)** Yes Clerk?

### THIRD READING

#### THE MOMBASA SUPPLEMENTARY APPROPRIATIONS BILL, 2019

Yes Hon. Hatimy?

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Thank you Hon. Members for supporting this Bill as it will enable the residents of Mombasa to continue receiving uninterrupted services from the County government. Mr. Speaker I propose the Bill to be read a third time.

**The Deputy Speaker (Hon. Mwalimu):** Yes Hon. Members I now put a question that the Bill be read for the third time.

*(Question put and agreed to)*  
*(Applause)*

Yes Clerk take us for the third reading.

**Clerk:** *The Mombasa Supplementary Appropriations Bill, 2019 An Act of County Assembly to authorize the issue of certain sums of money out of the County Revenue Fund and their application towards the services of the year ending on the 30<sup>th</sup> June, 2019 and to appropriate those sums for certain public services and purposes.*

**The Deputy Speaker (Hon. Mwalimu):** Hon. Members I now..., yes Clerk, sorry.

### ADJOURNMENT

Hon. Members the House stands adjourned until Tuesday, 18<sup>th</sup> June, 2019 at 2:30p.m.

The House rose at 12:31p.m.