



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 3rd December, 2019
The House met at 2:57p.m.

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

PRAYERS

The Speaker (Hon. Khatri): Hon. Members you may be seated. Yes Clerk?

STATEMENTS

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON LANDS AND PLANNING
HON. AHMED SALAMA ON CONSTRUCTION OF SHOP OUTLETS IN VOK

Chairperson, Committee on Lands and Planning Ahmed Salama?

(Silence)

The Vice Chair? Any Member from that Committee?

(Hon. Nyache rose)

Yes Hon. Leila?

(Hon. Nyache read the response to Statement on behalf of the Chairperson)

Hon. Nyache: Thank you Mr. Speaker. Mr. Speaker i beg to read the response to Statement on construction of shop outlets in VOK. Mr. Speaker Sir, a request for statement was made in the County Assembly on Wednesday, 6th November, 2019 during the 101st Sitting, seeking to know whether the County government was aware of the ongoing construction of shop outlets in VOK area on your way to Kisauni Polytechnic, opposite VOK Social Hall.

Mr. Speaker Sir, the Committee on Lands Planning and Housing wrote to the Department of Lands, Planning and Housing vide a letter of reference Number CAM/CAS/CO - CORR/VOLII/185 dated 7th November, 2019 who then responded as attached. Thank you Mr. Speaker.

(Hon. Nyache continued)

The site inspection was ordered by Dr. June Juma M., C.C. Officer, Lands Planning and Housing Department and was conducted by Arch. John Kinuthia.

The Speaker (Hon. Khatri): Hon. Yes Hon. Charles Kitula?

The Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Spika. Mimi ndie niliyeweza kuuliza Taarifa hii na kusema kweli nimeridhika na majibu, kwa hivyo haina haja Mheshimiwa kuendelea kusoma nimeridhika na majibu.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Charles but i think procedure the Hansard has to capture the response, yes but still the Hansard has to capture the response, just continue Hon. Leila.

Hon. Nyache: Thank you Mr. Speaker. The inspection was ordered by Dr. June Juma M., C.C. Officer, Lands Planning and Housing Department and was conducted by Arch. John Kinuthia, Ag. C.B.I and Mr. Felix Dindi, Building Inspector.

OBJECTIVE OF THE INSPECTION

The objective of the inspection was to determination the legality of a structure standing on plot No. IMN/11175. This was to be achieved by establishing the following:

- I. Whether or not the development had been approved by the County government;
- II. Whether or not the development was constructed according to the approved drawings;
- III. Whether or not the development has encroached on to the road reserved.

OBSERVATIONS

The following observations were made:

- i. The structure is a one-room building of approximately 3M X 3M standing on plot No. IMN/11175, and owned by one Mr. Mohamed Hassan according to an employee at the premises, a Mr. Rueben Chuma.
- ii. The structure is new, complete and operational acting as a water filling station, as shown in the attached photos.
- iii. It was not possible to immediately establish whether or not the structure had been approved by the County government since the owner was not available at the time of inspection to respond to the issue and we could not demand for proof of approval from the people on the ground since no building works were being carried out during the time and the structure is complete.
- iv. On the issue of encroachment on to the road reserve, a casual observation seems to indicate that the structure lies within the confines of an old existing perimeter wall.

This could mean that the building in question lies within the plot boundaries. However, this can only be established through a survey by a qualified surveyor.

ACTION TAKEN

The C.B.I issued a notice to the owner demanding that he presents this office all development approval documents relating to this structure on 3rd Dec, 2019 at 9:00a.m.

CONCLUSION

The legality of the development can only be determined after the period given for the production of approval documents has elapsed, Thursday 3rd Dec, 2019 and after a survey has been conducted to determine the plot boundaries.

RECOMMENDATIONS

We recommend that in the event the building lies within the road reserve, the owner shall be ordered to demolish it; whether or not he presents approval documents. If it lies within the plot boundaries but the development had not been approved, he shall be ordered to regularize the structure through the due process. If the structure had been approved and lies within the plot boundaries, then no further action shall be taken Hon. Speaker. Thank you Hon. Speaker.

The Speaker (Hon. Khatri): Thank you very much Hon. Leila. Yes Clerk, next Order?

(Interruption)

Yes Hon. Samba. Are you on a point of information, yes?

Hon. Samba: Yes Hon. Speaker, as I was going through the Report, I think the Hon. Member who asked for this Report, the Report that the Department has given, I don't know who is supposed to respond on this, point about observations point number 3.

The Speaker (Hon. Khatri): Which Report now?

Hon. Samba: This Statement response.

The Speaker (Hon. Khatri): Sorry?

Hon. Samba: Statement response, response to the Statement.

The Speaker (Hon. Khatri): For which Statement?

Hon. Samba: The one she has read.

The Speaker (Hon. Khatri): Okay.

Hon. Samba: Yes.

The Speaker (Hon. Khatri): So what is your concern?

Hon. Samba: My concern is the response; that is why I have taken the House to observation number 3.

It was not possible immediately established whether or not the structure had been approved, my concern is, who is supposed to establish? They are the ones who are supposed to establish. Whenever a Statement has been requested from this House we should be given a full detailed report so we are now given another chance for them to go and enquire whoever will come up with a full detailed information until 3rd ...whereby we were supposed to be given full detailed information because this is a Department so this is response. I don't think whether it is only whoever has requested for the Statement has accepted but it is not convincing. Thank you Hon. Speaker.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Fadhili.

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker. Mr. Speaker am a Member of Lands Committee and it is clear in our Report, the issue of that Hon. Member from Tudor raising has been responded by the action taken. Mr. Speaker it was not possible for us to get the document while the owner of that building was not around and we could not establish if as stated in this Report... if the development had got, the structure had all requirements that are required. So Mr. Speaker we have given the owner up to 3rd of December, 2019 to bring the documents and as in our conclusion we clearly stated what will transpire if the owner does not produce whatever that is required to produce to this Committee and the executive wing. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Faith.

Hon. Mwende: Thank Mr. Speaker. I kindly request the Hon. Member who was reading the response to substantiate the meaning of CBI. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): County Building Inspector, thank you Hon. Faith. Yes Clerk next Order?

(Interruption)

Are you on a point of information?

Hon. Bwire: Yes, Hon. Speaker the response is quite good but under observation II. The structure is new, complete and operational acting as a water filling station as shown in the attached photos. In my report Hon. Speaker, I don't have the photos so that was just my concern that there are some photos attached to the response but nowhere to be seen.

The Speaker (Hon. Khatri): Thank you.

(Interruption)

Are you again on a point of information Hon. Samba?

Hon. Samba: This response, I think approval is not done on air and any structure that...

(Interruption)

The Speaker (Hon. Khatri): So what is your point of information?

Hon. Samba: My information is am reacting to the Statement.

The Speaker (Hon. Khatri): Under which Standing order?

Hon. Samba: Am not on a point of Standing order, am on a point of information.

The Speaker (Hon. Khatri): So do you know that when you raise in the House you need to quote the Standing order, It is very clear in our Standing order.

Hon. Samba: A point of information Hon. Speaker.

The Speaker (Hon. Khatri): To who?

Hon. Samba: To Hon. Fadhili who was reacting to the issue that has raised.

The Speaker (Hon. Khatri): And what is the information about?

Hon. Samba: Information is that Hon. Speaker every County approval is done by the Department so the Department should be aware of each and every development that is taking place. Prior to that they should have every detailed information whenever they are going on the ground they should be aware that this thing we are the ones who did the approval not that they have to give them time and do what? But they are the ones who are doing the approval so they have to give us full detailed information in the House. Thank you Hon. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Samba. Yes Hon. Fadhili?

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker. Mr. Speaker I'll first respond to what was raised by Hon. Bwire. Mr. Speaker we tried to photocopy the photos but unfortunately they were so dark that we could not attach them to this Report, but i am assuring this House that the photos are there and we can circulate to the Hon. Members. And Mr. Speaker to the point of Hon. Samba there are many constructions that are going on in this County, some are legal and some are illegal and as a Department they cannot determine if this structure that is constructed has got all the required documents and not unless the contractor is asked to produce or the owner of the structure is asked to produce. So Mr. Speaker that is why we told the owner of the house to produce the required documents on 3rd of December; and if he will be unable to present that is when the Department will be aware that the construction was illegally constructed Mr. Speaker. Thank you.

The Speaker (Hon. Khatri): Thank you Hon. Fadhili. Yes Hon. Juma?

Hon. Amriya Juma: Thank you Mr. Speaker, am also on a point of information. I have just been amused by the response of the Deputy Speaker saying that the onus of the proof is on the land lord and my opinion is that the onus is on the Department. Mr. Speaker, being that the Statement has been brought to the Department and the Department is the issuer of either this plan or either approval. So it is in the means of the Department to say whether this plan has been approved or not and whether it's actually on the road reserve or not; it's not upon the contractor or the Land lord to the onus or the burden of proof has shifted because this is the government we are talking about!

The government cannot say the information is with somebody else because we are the government, so it is in our place to give that information and the right to information is guaranteed in the Constitution under Article 35 Mr. Speaker.

So the onus is on the government to give that information and not to shift the burden and say that there are other illegal and legal so it's for the government to tell us is this part of the legal or is that construction illegal. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Amriya. I think Hon. Fadhili you have taken note on that so while you are bringing the issue again, make sure you have all the answers for those issues which have been raised. Yes Clerk next order?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON TRANSPORT,
INFRASTRUCTURE AND PUBLIC WORKS HON. MUMBA ON REHABILITATION WORKS ON
DRAINAGE SYSTEM IN MKOMANI WARD

Yes Hon. Prischilla Mumba. Chairperson Transport, infrastructure and public works.

Hon. Mumba: Thank you Mr. Speaker. With due respect I think according to this rehabilitation we haven't got any response yet on my hands so I can't talk about anything for now.

The Speaker (Hon. Khatri): Sorry, you don't have the Statement?

Hon. Mumba: I have not received any information about any response so i can't talk about anything for now.

The Speaker (Hon. Khatri): Do you know what is the issue?

Hon. Mumba: It's about drainage system in Mkomani Ward.

The Speaker (Hon. Khatri): And you wrote to the Department.

Hon. Mumba: Yes.

The Speaker (Hon. Khatri): They have not give you the feedback.

Hon. Mumba: Yes.

The Speaker (Hon. Khatri): When are you expecting to get the feed back?

Hon. Mumba: Honestly Hon. Speakers, its them now to give me the response.

The Speaker (Hon. Khatri): But you know we are going for the long recess.

Hon. Mumba: Yes I know that.

The Speaker (Hon. Khatri): So how will the residents of Mombasa get their service delivery if you have been asked this Statement for the last... is it one week or two weeks?

Hon. Mumba: May be I follow up by tomorrow morning then by afternoon i respond.

The Speaker (Hon. Khatri): And do you know this is the second time again you have been saying that you don't have the response? It's not the first time right? So it looks that there is a problem there with the Department, right?

Hon. Mumba: Maybe.

The Speaker (Hon. Khatri): So please Hon. Prischilla since we know that tomorrow we are going for a long recess make sure you bring the Statement tomorrow, please?! Thank you. Yes Clerk next Order?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON TRANSPORT,
INFRASTRUCTURE AND PUBLIC WORKS HON. MUMBA ON DEMOLITION IN TUDOR WARD

(The Speaker (Hon. Khatri) left the Chair)
(The Deputy Speaker (Hon. Mwalimu) in the Chair)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Prischilla Mumba?

Hon. Mumba: Ahsante Mheshimiwa Spika. Swali hili la ubomoaji la Wodi ya Tudor nilizungumza na wahusika katika Idara hii ya Uchukuzi lakini wakaniambia kuwa hili jambo haliko katika Wizara yetu kwa sababu maaskari wako katika Wizara ya Ugatuzi. Kwa hivyo ni vyema tunaomba kwa unyenyekevu Mheshimiwa aliyeyuliza swali hili akajaribu tena kuuliza katika Wizara hiyo ya *Inspectorate* ili apate kuelekezwa kwa njia muafaka ndio aweze kuweza kutatua hii shida yake aijue ilianzia wapi. Lakini nimeambiwa maaskari sasa hivi ambao wanafanya hiyo kazi wako katika Ugatuzi, kwa hivyo ninaomba maelekezo ama tuelekezwe vyema katika Jumba hili. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Samba?

Hon. Samba: Hon. Speaker it is very unfair, I asked this Statement around two months ago I think if Hansard can capture me well, I asked it about two months ago and I brought it even before the House and for the first time the Speaker was Hon. Khatri and then for the second time you were the one who presided over. So I don't know when actually it is supposed... or the time frame, duration that the Committee is supposed to respond to a Statement, reason being that the issue that I brought was urgent and it was like an emergency.

So I don't know since we are breaking tomorrow... I don't know what will transpire in between because I asked for this thing; I have been doing follow up maybe if you can give a directive on this so that my Tudor people can feel at least they are fairly represented when it comes to issues to do with Statement response. Thank Hon. Speaker.

(Consultations)

The Deputy Speaker (Hon. Mwalimu): Chairlady Transport, Infrastructure and Public works we heard your response but as the House I directed that you are the one who is supposed to report back to this Honourable House and you have clearly said that the issue is not from your Department. I think it could be wise if you present to this Honourable House a written response as per this Statement that it is not from..., it is from that Statement so that the House may look at how it is going to direct to the other required or responsible Committee and the Hon. Member will have also a copy to have in his office to show that he has been following up this issue and the directions from the House might change or you will be supposed to work with the required Committee or the responsible Committee to fast track the issue in Tudor Ward.

Hon. Mumba: Ahsante Mheshimiwa Spika. Kulingana na vile nimezungumza na ni Wizara ndio iliyonieleza itabidi niwashurutishe wanipe maandishi ikiwa wataniruhusu katika Nyumba hii tukufu niweze kuyaleta hata kama ni kesho saa nane na kuthibisha kuwa wamesema hili jambo haliko mikononi mwao. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Samba?

Hon. Samba: Hon. Speaker it is quite funny so we should wait for the response for the Department that clearly shows that they are not involved, why can't... I am just pleading with you through your Chair that you may delegate another Committee... maybe the supposed Committee that they are claiming to be responsible to do that work for the interest of the Tudor People. That is my request through your Chair. Thank you Hon. Speaker.

The Deputy Speaker (Hon. Mwalimu): There is no problem Hon. Tobias, the directions will be given of this Honourable House or whoever who will be sitting in this Hon. Chair by tomorrow after getting that written response. So we will direct the responsible Committee to work and we understand that we are going for a recess but we will direct the Committee to work upon that issue so that your people are pleased with the kind of work that you are doing for them.

Hon. Samba: Thank you Hon, Speaker.

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

MOTION

(Interruption)

Before we proceed to order number 10, I see Hon. Bwire is up! Yes what is it?

Hon. Bwire: Thank you Hon. Speaker. Hon. Speaker I had asked for permission for your office to allow me read my Statement. Hon. Speaker Sir I seek to know from the Leader of Majority party if is aware that former CEC Members whose contracts had come to an end as on 12th November, 2019 as officially communicated to this House on Tuesday 19th November, 2019 are still using County government vehicles.

Mr. Speaker Sir I am concerned that the use of government vehicles is cost to the Tax payers and this is a cost that tax payers should incur when they are getting services, any person who is not in the office should not be a burden to the tax payers. Mr. Speaker Sir in his response I would wish the Majority Leader to indicate the measures that the County Government will undertake in order to address the above named issues. Hon. Speaker that is my statement, thank you.

The Deputy Speaker (Hon. Mwalimu): Thank you. Yes the Leader of Majority or the Deputy Leader of Majority?

(Silence)

Now that the Statement was directed to the Leader of Majority and the Leader of Majority is not around; I can see the Leader of Majority is not around but we will communicate to the office of the Leader so that we get a response from the office of the Leader of Majority. Yes Clerk?

MOTION

ADOPTION OF REPORT OF THE VETTING OF NOMINEE FOR POSITION OF COUNTY SECRETARY
MR. DENNIS LEWA

Vice Chairperson Committee on Appointments, Rules and Procedures Hon. Hamisi Musa Mwidani or any Member from that Committee?

Hon. Murfad Amur: Mr. Speaker I am a Member of that Committee and therefore I wish to present it. In the morning I did laying of the Paper and now I want to put the Motion Mr. Speaker Sir on behalf of both Committees. Mr. Speaker, I beg to move the following Motion;

That this House adopts the report of the vetting of Mr. Dennis Lewa to the position of County Secretary laid on the table on Tuesday, 3rd December, 2019 at 10:00a.m.

The Deputy Speaker (Hon. Mwalimu): Who is your seconder?

Hon. Murfad Amur: I ask Hon. Shebe Athuman to second it Mr. Speaker...

(Consultations)

Mr. Speaker I am sorry he is not a Member of the Committee, therefore I call upon Hon. Amriya Juma Boy to second.

Hon. Amriya Juma: I second Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Hon. Members I now propose a question that the Motion on adoption of the report on vetting of Mr. Dennis Lewa to the position of County Secretary be debated in this Honourable House.

(Question proposed)

Hon. Bwire

Hon. Bwire: Hon. Speaker I do respect your ruling but we need to be so fair when it comes to matters pertaining to the interest of Kenyans and the people we represent. Hon. Speaker...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Hon. Bwire the Standing orders are very clear and if you are up on division there is a number that requires you to stand up on division so that we proceed to voting or counting. Hon. It is supposed to be ten Hon. Members...

(Interruption)

Hon. Bwire: But why division Hon. Speaker when the voice of people are for Nay?

The Deputy Speaker (Hon. Mwalimu): The Speaker heard the ayes and you are protesting that it is the Nay who had the day?

Hon. Bwire: Yes.

The Deputy Speaker (Hon. Mwalimu): So as per the Standing order it is supposed to be ten? Five? Okay thank you it is supposed to be five Hon. Members who will be up and request for a division so that we proceed with the voting that you are requesting. So not unless five of you or you want us to proceed in voting we can proceed in voting.

Hon. Bwire: Thank you Hon. Speaker. Just like I said I respect your ruling and I had no intention of calling any voting Hon. Speaker, my interest was on your..., I mean was on what side carried the day and Hon. Speaker the Hansard is..., I mean we are on record and if our Hansard is clear or has no problem then the Nay must have carried the day but whichever way the way you will rule out Hon. Speaker we will comply. Whichever way you feel like but the interest of the people we serve Hon. Speaker must be a priority in this Honourable House.

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Bwire. Hon. Bwire as I said we are guided by the Standing orders and it is not the Hansard that captures the Ayes and Nays of this Honourable House but it is the Speaker who decides what he has heard from this Honourable House! So if the Speaker heard on the negative side of your response then you are supposed to stand on division, after division that is when we are going to proceed with either voting, counting or whichever way that the House will rule.

Hon. Bwire: Hon. Speaker as much as the Chair is the one to decide but you have to decide according to the ground and the mood of the House. You cannot decide otherwise Hon. Speaker when the mood of House is of the other opinion; I am informed Mr. Speaker and I am engaging you in a sober way. I don't entertain any... I am just engaging you Hon. Speaker considering that I am also a Member of the Speaker's panel.

(Consultations)

The Deputy Speaker (Hon. Mwalimu): So Hon. Members I think the issue is clear and we still have a space... the Motion will proceed to be debated when voting time comes and you know that you have the numbers when we put question, that is when we are going to know who will take the day. So Hon. Amur proceed.

Hon. Murfad Amur: Thank you Mr. Speaker. Mr. Speaker, I want to believe each and every Member has a copy and if you allow me Mr. Speaker..

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Hon. Athman, just let Hon. Amur! He is on the floor let him proceed. Hon. Amur, proceed...

(Interruption)

Hon. Athman Shebe: Mheshimiwa Spika tafadhali naomba kwa heshima yako nataka kuongea kitu kimoja siko kwa kupiga kura ama kuunga mkono ama kupinga. Naomba Mheshimiwa Spika unipe fursa tu kidogo niongee jambo moja alafu watu waendeleo. Tafadhali kwa heshima yako.

The Deputy Speaker (Hon. Mwalimu): Just let Hon. Amur to start debating his Motion then we will let you to inform the House.

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor Page*

Hon. Murfad Amur: Thank you Mr. Speaker. Mr. Speaker first I want to ask your permission since all the Members have been given copies; other than going through the whole Report I may decide with your permission to do the highlights on introduction part, observation, recommendation and conclusion. Mr. Speaker, if I will be allowed through your Chair other than to go through the whole Report.

The Deputy Speaker (Hon. Mwalimu): Hon. Amur it is a time now that you explain to the House why the Committee came with recommendations that the said person is, if approved is going to be the County Secretary of this Honourable House. So it is not that you are supposed to read the whole Report but try and convince this Honourable House why the Committee has concluded to this person, so you can look at the observations or whatever that you want to say and convince the Hon. Members in front of you.

Hon. Murfad Amur: Thank you Mr. Speaker. I will start by saying this is the Report on the vetting of Mr. Dennis Benjamin Muganga, Nominee for the position of County Secretary. Mr. Speaker Sir the Committee comprises of: The Chairman, Hon. Aharub Khatri who is the Speaker of the Assembly, Hon. Hamisi Musa Vice Chair, Hon. Amriya Boy Juma Member, Hon. Fadhili Mwalimu Member, Hon. Kibwana Swaleh Member, Hon. Mohamed Hatimy Member and Hon. Murfad Amur Member. Mr. Speaker the Committee Secretariat Members were: Mr. Salim Juma, the County Assembly Clerk, Dorothy Auma Director Legislative, Abdallah Khamis Lead Committee Clerk, Leila Mosseen Committee Clerk, Fiona Nzaro Legal Counsel, Nasra Omar Hansard Officer, Mwinyi Sudi Commissionaire, they were present on that particular day.

Mr. Speaker Sir the Committee mandate and scope: The Committee on Appointments, Rules and Procedures was appointed by the County Assembly to carry out vetting of appointees under section 179 (2) of the Constitution and other laws, to consider amendments to the Standing Orders and other related matters and make appropriate recommendations to the County Assembly of Mombasa.

Mr. Speaker Sir I wish to go direct to the Introduction: Mr. Speaker Sir the Nominee Mr. Benjamin Lewa Muganga, that is number two was communicated by His Excellency the Governor vide his letter to the County Assembly Clerk Ref. Msa CG/APP/CECM/1/243 dated 11th October, 2019 pursuant to Section 6 (3) of the Public Appointments (County Assemblies Approval) Act (No. 5 of 2017).

Mr. Speaker Sir pursuant to Section 7 (5) of the Public Appointments (County Assemblies Approval) Act (No. 5 of 2017) the vetting meeting was advertised in The Standard newspaper on 14th November, 2019 and was conducted on Thursday 21st November, 2019 as amended. Members, there is a typing error that is reading 31st and therefore Mr. Speaker I wish to clarify that there was a typing error it is 21st Thursday, 2019. Members of the public were invited to submit memorandum on the suitability or otherwise of the candidate and also attend the vetting meeting Mr. Speaker Sir.

Mr. Speaker Sir the Committee complied with all necessary requirements of the law with regards to the vetting including notifications of the candidate and members of the public on the vetting, allowing public access to the vetting hearing meeting, receipt of adverse submissions and allowing the nominee to reply to adverse submissions raised against him. Now am going to Observations Mr. Speaker Sir No. 8: The Committee on Appointments is mandated under Standing Order 42 (1) to vet officers pursuant to Article 179 (2) of the Constitution or any other legislation.

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor Page*

Mr. Speaker Sir still under observation and findings Number 9 Section 44 of the County Government Act (No. 17 of 2012) establishes the office of the County Secretary in each County who shall be the Head of the Public Service and Secretary to the County Executive Committee. Section 44 (2) (a) of the same law provides that the holder of the position shall be competitively sourced from amongst persons who are university graduates with at least ten years experience in administration and management.

Mr. Speaker Sir under same observations and findings Number 11. The Committee received only one letter contesting the suitability of Mr. Dennis Benjamin Lewa Muganga to hold the position he was nominated of County Secretary, by one Kelvin .N. Inanga dated 20th November, 2019, a self proclaimed public interest activist. He had two main objections, first that the nominee never applied and was never shortlisted for the job and that he was a relative to His Excellency the Deputy Governor.

Mr. Speaker Sir Number 12. The Committee noted under Section 7 (10) of the Public Appointments (County Assemblies Approval) Act (No. 5 of 2017), any person may, prior to the approval hearing, submit... I want to repeat the word submit a sworn statement or affidavit contesting the suitability of a candidate to hold the office to which the candidate was nominated. Mr. Speaker, he did not adhere to that instead he submitted an unsworn letter with no supporting evidence; nevertheless, under Section 8 (a) of the same law, the Committee is required to consider the procedure that was used to arrive at the Nominee including the criteria for short listing the Nominee and promised to do so at the meeting to safeguard the public interest.

Mr. Speaker Number 13. On the allegation by Mr. Kelvin Inanga gave in his letter that Mr. Dennis Lewa Muganga did not apply for the position of the County Secretary, the Committee established from the Chief Executive Officer of the County Public Service Board who was present at the vetting meeting that the Nominee applied for the position when it was advertised in 18th October, 2017 and was subsequently shortlisted Mr. Speaker.

Mr. Speaker I now go to Number 15. Since Mr. Kelvin Inanga did not submit any documentary evidence or proof to support his allegations, the Committee finds no basis to pursue or admit them as the law requires that a person does so. Mr. Kelvin Inanga who was present at the vetting meeting was informed accordingly by the Committee.

Mr. Speaker that is Number 16. The nominee submitted replies to the written questionnaire provided for under the First Schedule, Section 7 (9) of the Public Appointments (County Assemblies) Act (No. 5 of 2017) and also attached his Curriculum Vitae and supporting testimonials. He also submitted originals of his National ID, Passport, academic and other certificates to the Committee during the vetting meeting. The Committee asked further relevant questions seeking clarifications on the foregoing and was satisfied by the replies given by the Member.

Mr. Speaker Sir now I wish to go to conclusion. Mr. Speaker Sir the conclusion that the Committee came out is that the Committee having considered the credentials, experience, suitability and abilities of Mr. Dennis Benjamin Lewa Muganga, His Excellency the Governors' Nominee for the position of the County Secretary in the County government of Mombasa and having ensured that the right procedure for his nomination were complied with and he qualifies for the position.

Pursuant to Section 9 (2) of the Public Appointments (County Assemblies) Approval Act (No. 5 of 2017) he is satisfied with the same and recommends to the County Assembly to approve him for appointment substantively to that position Mr. Speaker Sir.

The Committee at its sitting on Monday, 2nd December, 2019 considered the Report and approved the same and resolved to recommend to the County Assembly for adoption Mr. Speaker Sir.

Mr. Speaker Sir the recommendations: That pursuant to Section 9 (2) of the Public Appointments (County Assemblies) Act (No. 5 of 2017), the Committee recommends Mr. Dennis Benjamin Lewa Muganga and His Excellency the Governors' Nominee for the position of the County Secretary in the County government of Mombasa who the Committee has vetted satisfactorily be approved for appointment substantively as the County Secretary.

Mr. Speaker Sir that this County Assembly RESOLVES to adopt this Report and the annexed minutes of the proceedings of the Committee recommendation and adoption of the report. Thank you Mr. Speaker Sir.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Amriya?

Hon. Amriya Juma: Thank you Mr. Speaker for according me the opportunity. Mr. Speaker I wish to state that the candidate or the present Nominee is a very diligent man with over 15 years work experience from 2005 to date as a Consultant. Mr. Speaker, he has worked for different multi agents; both local and international, he has worked for the World Bank, for DANIDA as a Consultant, as a policy expert, at Jumuiya za Kaunti ya Pwani, he has exemplary academic qualifications. Mr. Speaker the candidate actually has Masters Degree in policy from South Africa, yes he actually has a second Masters in also policy; the candidate also has a Degree from Kenyatta University, he has a Diploma from the same Kenyatta University.

So Mr. Speaker the candidate in my view, I think is the similar opinion of the rest of the Members of the Committee that the Nominee is up and equal to the task, the Committee had successfully conducted the interview and it was not very easy for the candidate but he managed to sail through. This is because of his demeanor and because of his experience as a consultant over vast years; from 2005 and we are in 2019 Mr. Speaker, so I want to convince the Members of this House that the candidate per say is fit for the job description at hand. Actually he is overqualified because he has worked for the World Bank with no complaints, he has worked as an expert with the Jumuiya za Kaunti ya Pwani, he has worked in very different places over 15 years and I think he is up and he is the guy for this job. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Thank you. Yes Hon. Fatuma Mote?

Hon. Fatuma Swaleh: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii. Mheshimiwa Spika mimi nitaongea mambo mawili; matatu muhimu kulingana na Ripoti iliyoletwa ya Bwana Lewa. Kwanza kabisa ningependa kwa kueleza Jumba hili kwanza Bwana Lewa ni Mkenya, vile vile ni mkaazi wa Kaunti ya Mombasa na la tatu ni mpiga kura wa Mombasa na la nne vile vile Mheshimiwa Spika ukiangalia katika shahada na *Diploma* ni zile ambazo zilioweza kukubaliwa na Bwana Matiangi.

Kwa hivyo sina shaka na Ripoti iliyoletwa na Waheshimiwa wenzangu, mimi nakubali mia fil mia na nina hakika Mheshimiwa Spika ataweza kuhudumia Kaunti ya Mombasa ipasavyo. Ukiangalia vile vile Mheshimiwa naregelea tena; kulingana na kisomo chake Mheshimiwa Matiangi hana tashwishi nacho, sijui sisi ni kina nani wa kuweza kupinga. Ahsante sana Mheshimiwa Spika.

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor Page*

The Deputy Speaker (Hon. Mwalimu): Hon. Athman Shebe?

Hon. Shebe Athuman: Ahsante sana Mheshimiwa Spika. Nafasi hii japo imechelewa kidogo lakini nasema imechelewa imefika; mimi kwa hakika Mheshimiwa Spika sina mchango wa kuongeza ama wa kupunguza katika hili suala lakini nataka kuonyesha kwa sababu dada zangu Waheshimiwa wenza hapa wanakanganyika na mimi sana wanashindwa huyu Mheshimiwa wa Jomvu Kuu ni kivipi mbona hatumuelewi lakini labda tu niwapatie ufunguo. Mheshimiwa mimi naishi vipi, naamini vipi, na haya maisha yangu ndio yataniongoza!

Mimi naamini ukweli na haki na sipendi mimi kuweza kupata mtu ambaye hajanipa taarifa nikakurupuka nikatoa uamuzi ambao huenda ukamuangusha, ni mtu nina misimamo wangu, ni mtu ambaye naongozwa na uadilifu, naamini ukweli na haki. Ukweli ni kuwa Mheshimiwa Spika hoja hii ambayo ilikuwa imeletwa mbele na Mwakilishi wa Kiongozi wa Wengi katika Bunge yeye kapendekeza kuwa mimi niweze kuunga mkono, wazee kuunga mkono ama niweze kuruhusu hoja iendeleo lakini kwa uadilifu wangu, kwa sababu Mheshimiwa Mwenza heshima kama mzee wangu pili hakunishauri lakini ukweli wa mambo hoja hii nilikuwa naiua moja kwa moja.

Nataka tu iingie kwa kumbukumbu lakini *out of respect* na *principles* zangu na misimamo yangu ya kisiasa na utenda kazi nasema *that is not the right thing for me to do*. Ndio maana nikachelea na nikaweza kumwambia Mheshimiwa Mwenza kuwapendekeza Mheshimiwa Mwenza mwengine aweze kuendelezesha hoja kwa sababu misimamo yangu na nashukuru Mheshimiwa Mwenyekiti umenipa heshima ingekuwa umenifanyia dhulma kubwa kama ningetoka hapa ikawa nimenyamaza lakini nashukuru kupitia himaya yako umeweza kunipatia nafasi kuweza kuangazia hili suala nafikiri Mheshimiwa Mwenyekiti sote hapa tuko hapa kuwakilisha wananchi wetu, sote tuko hapa kuhakikisha yule mwananchi na wale watu ambao wanataka watumikie wananchi kule waangaliwe vile vigezo ambavyo vinastahiki kisheria waweze kupatiwa hizo nafasi kuweza kuhudumia.

Kwa hivyo kuna wanaounga mkono, kuna wanaopinga na huu ni uhuru na uwezo na ni heshima hili Bunge kuhakikisha kuwa zile sauti za wachache pia kuna uwezekano zinaweza kuwa washindi na kuwa kuna siku zile sauti za wengi zinaweza kuwa washindwa na ndio msimamo wa kidemokrasia ya siasa ya nchi yetu. Mheshimiwa Mwenyekiti mimi nashukuru umenipatia fursa ya kuangazia wala Waheshimiwa wenza msinielewe vibaya tafadhalini that is Hon. Shebe Athuman Salim aka *Mukono Power Principle*. Ahsante sana Mheshimiwa.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Mohamed Mohamed?

Hon. Mohamed Hatimy: Mheshimiwa Spika, Mheshimiwa aliyetoka kuzungumza hajasema kama ameipinga au ameionga mkono?

Hon. Shebe Athuman: Mheshimiwa Mwenyekiti, Mwenyekiti Mwenza wa sarafu natangulia kusema nataka niweze kubainisha bayana... kwa hivyo mimi katika hili suala nafikiri Mheshimiwa Mungu amekupa hekima ndio maana tumekuwa na imani na wewe kuweza kupata hicho Kiti. Kwa hivyo sauti iliyopita hapa kabla ya hoja kuendelea ilikuwa ni wale wachache waweze kuzingatiwa kidemokrasia kupata ushindi lakini ushindi huo umekuwa ushindwa haikuwezekana, kwa hivyo mimi niko na wale Waheshimiwa wachache ambao waliweza kupitisha ushindi ambao umekuwa washindwa. Kwa hivyo kwa ufupi Mheshimiwa hoja hii sitaweza kuichangia kwa sababu nina vigezo vyangu sitaweza kuzungumza kwa hivyo hili suala...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Ibrahim?

(Laughter)

Hon. Shebe Athman: Mheshimiwa ninakuomba unilinde, nakuomba unilinde Mheshimiwa...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Ibrahim?

Hon. Omondi: Yes Mr. Speaker Sir I have just risen on a point of information to the House. Mr. Speaker Sir the Member that is speaking is really audibly speaking we are getting him but again I think the message he is giving he has to substantiate that message when he says that *washindwa na washinda wamekuwa washindwa*. Mr. Speaker Sir I don't understand what he has communicated because I have been in this House since this matter came up and indeed your honourable ruling was very much in line with the rules and procedures of this House. Mr. Speaker Sir you said if there is a Member who purports that the Ayes or even the Nays you must have mislead any of them but they still have the right to move on and we do the counting. I think that was very clear but if he keeps on repeating that saying that the *washindwa walikuwa washindi na washindi walikuwa washindwa* Mr. Speaker Sir I think we are misleading and again this is a very important matter which we have to discuss, summarize and come to a conclusion. Thank you.

The Deputy Speaker (Hon. Mwalimu): Okay noted. Yes Hon. Members? Yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika uongozi ni dhamana na tutaenda jibu kwayo kama si kwa wananchi basi mbele ya Mwenyezi Mungu hali kadhalika sitaki niwe mnaofiki jumba mbovu liniangukie. Twakumbushana pia kwamba mojawapo ya majukumu ama vibainishi vya unafiki ni hiyana unapoaminiwa na kupewa dhamana ukilikengeuka basi hiyo ni dalili ya unafiki na unafiki wa viongozi Mheshimiwa ni mzigo mkubwa, kwa hivyo mimi binafsi unafiki siuwezi nanyanyuka kusema kauli yangu Mheshimiwa Spika.

Mheshimiwa Spika yamenukuliwa na kwa sauti na Hansard yetu imewekeza ya kwamba msimamo ulikuwaje na maamuzi yamekuwa vipi! Mheshimiwa mimi nina mambo mawili ama matatu yanayoniacha niipinge Ripoti hii; simpingi aliyependekezwa Bwana Lewa isipokuwa Mheshimiwa Spika napinga Ripoti hii, kwanza natamba kwa mawanda ya ufasaha mchache nilio nao katika Kanuni za kudumu za ibara ya 185 Mheshimiwa Spika ambayo ibara hii inazungumzia...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Order! Order! Order! Hon. Fatuma!

Hon. Athman Mwamwiri: Ibara hii Mheshimiwa Spika inazungumzia kuundwa kwa Kamati iliyotekeleza jukumu hili kwa mujibu wa ibara 185.

Mheshimiwa Spika natilia shaka uhalali, usawa, uhalisia wa Kamati ilio endesha jukumu hili kwa sababu idadi ya watu iliotajwa katika hii isizidi watu sita! Kamati ilio endesha hii wako saba. Pili katika *composition* ya watu waliotajwa katika Kamati hii sivyo ilivyowekwa Mheshimiwa Spika. Tatu kwa kuwa mimi ni Mwana harakati, Mwakilishi ambaye najali masuala ya utetezi wa haki wa kijinsia Kamati hii pia Mheshimiwa Spika haina usawa wa kijinsia kwa hivyo kuendesha jukumu hili kwa mujibu wa mahaba na mapendekezo ya Katiba ya Mwaka 2010 Kamati hii haipaswi kuwa kutekeleza jukumu hili. Mheshimiwa Spika...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): There is a point of information.

Hon. Murfad Amur: Mr. Speaker it is very sad, very sad to my colleague, a learned person; this Committee was appointed when the Committees were appointed before we took over this Assembly nobody raised an issue of the Committee, we have been vetting Members since we were elected nobody has raised any issue. Only for this issue Mr. Speaker somebody today is raising in this Honourable House to say that he has no confidence with the composition of the Committee, where was he all this time as a learned friend? Thank you.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Faith Mwende before we move on to Hon. Mwamwiri?

Hon. Mwende: Thank you Mr. Speaker. I am surprised for the Hon. Member to say no one raised this concern, I remember very well claiming the Standing Order 185 in this House and it is in the Hansard record so we raised the concern but they were not considered Mr. Speaker. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Musumba Raphael?

Hon. Athman Mwamwiri: Mheshimiwa sijamaliza.

The Deputy Speaker (Hon. Mwalimu): Mheshimiwa Mwamwiri, proceed.

Hon. Athman Mwamwiri: Ahsante Mheshimiwa. Mheshimiwa nimenukuu hapa nikasema nitatamba na Mheshimiwa sijaona kigezo bado natamba.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Mwamwiri proceed?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa. Mheshimiwa nimenukuu hapa nikasema nitatamba na Mheshimiwa sijaona kigezo bado natamba na kwa ufasaha ama wana falsafa wenza waliosoma kitabu cha riwaya ya Kusadikika, kuna mahali inasema, “siku za kuheshimu watu kwa sababu ya mvi zinafika tamati” na kwa mantiki hii, wengine na mvi wao Mheshimiwa Spika naona hawana sababu bali wao pia heshima itupuliwe mbali kwa kusimama na Hoja na vinukuu ambavyo havijaenda shule. Mheshimiwa Spika natamba na naregelea ilipotangazwa nafasi hii ambayo ndugu yangu Dennis Lewa leo imeletwa kujadiliwa kwa kumbukumbu zangu ilikuwa bayana kwamba *County Service Board* ilikuwa imevunjwa na kwa kanuni za *competitive process* ya uajiri lazima swala hili lipitie kwao na katika Ripoti yao wamenukuu ya kwamba waliita *Chief Officer*. *Chief Officer* ni mwajiriwa mdogo...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Order! Order! Hon. Members consult on a low tone.

Hon. Athman Mwamwiri: Mheshimiwa Spika mimi natamba, nina uwezo wa kuitoboa toboa Ripoti hii kiufasaha, ninao na kama mtu ana duku duku na Hoja anyanyuke alafu twende mmoja mmoja yule ambaye anahisi ana kitu ya kuninukuu nacho anyanyuke.

The Deputy Speaker (Hon. Mwalimu): Hon. Mohamed Mohamed, yes what is it?

Hon. Mohamed Hatimy: Mheshimiwa Spika nafikiri rafiki yangu, ndugu yangu, Mheshimiwa mwenzangu anapotosha Nyumba hii. Ku *appoint Secretary* ni majukumu ya Gavana ukisoma kwenye sheria ya serikali za Kaunti yaani County Government Act Gavana ana uwezo wa kuteua jopo la kuweza kuangalia kazi ya kuteua *Secretary*. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Hon. Mwamwiri proceed?

Hon. Athman Mwamwiri: Mheshimiwa Spika nimesema nitatamba, na nitatoboa. Kwa sababu hajanidhihirishia ya kwamba kulikuwa na Public Service Board iliyoundwa japo anaegeza ya kwamba County Government Act inampatia uwezo Mheshimiwa Gavana kuteuwa Jopo la kuendesha la kuendesha jukumu kwa dharura.

Kwa hivyo mimi bado natamba, niko pale pale na kwa mantiki hii yeye ameafiki pia hakukuwa na County Public Service Board wakati swala hili likitendeka. Kwa hivyo niko haki, niko sahihi na nitaendelea kutamba Mheshimiwa Spika.

Mheshimiwa Spika mimi sina shida; naregelea ya Bwana Lewa, sina shida na vigezo vyake vya ki elimu japo kuna sifa nyengine zimependekezwa hapa ambayo mimi kama mwanati na mfuatiliwa wa karibu wa masuala yanahusu Pwani hii, amesifiwa ya kwamba alikua katika Jopo la kusimamia masuala ya Jumuiya ya Pwani.

Mheshimiwa Spika mtu asije hapa na ngonjera za Jumuiya ya Pwani, iwapi? Ni natija gani ambayo Jumuiya ya Pwani imefanywa leo kwa hawa waliowekwa kama *technocrats*? Ni lipi ambalo watasema tume *achieve* sisi kama Jumuiya ya Pwani?

Kwa hivyo hio kufanywa kigezo Mheshimiwa Spika ni ndoto za mchana za kupotosha watu, labda kwa wasiofuatilia masuala ya kiuchumi na kisiasa haswa ya Mwambao hii. Lakini kwa waledi, wanati suala hili si kigezo na kumwekelea Bwana huyu ni kumpotezea sifa tu ya kwamba amekuwa katika Jumuiya ya Pwani na Jumuiya ya Pwani haina hata mtoto wa paka kuonyesha kwamba hapa tumefikia kama Jumuiya.

Kwa hivyo Jumuiya bure, majukumu yaliyokabidhiwa baadhi ya watu bure, hivyo basi Mheshimiwa Spika mimi naregelea kwa mujibu wa kanuni, kwa mujibu wa ibara 185, napinga Ripoti hii kwa sababu walioitengeneza hawako katika nafasi muafaka kwa mujibu wa kipengele hichi cha kutekeleza Ripoti hii. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Ibrahim?

Hon. Omondi: Mr. Speaker Sir I do not want to actually pop holes on what the Member has said although I had some issues on these deliberations, but because of time I want to be very much categorical.

DISCLAIMER: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor Page

I want to say that I have read this Report which has been committed to this House by the Committee on Appointments which is mandated to do this work under Section 44 (2) and Mr. Speaker Sir I am satisfied that one Mr. Denis Benjamin Lewa has been appropriately nominated to this particular position pending today's nomination. And some of the issues that I want to raise why I really supported; one is on integrity issue.

Mr. Speaker we all understand that integrity is one of the measures that should be taken into consideration when you are appointing one in a public office which Mr. Benjamin Lewa has proved that he has no integrity issues, and therefore he qualifies to sit in that office. I want also to laud this particular appointment or this Nominee on the issue of academic credentials. Mr. Speaker Sir when I looked at his CV, I am convinced that indeed this particular Human Resource will do us good in that particular office. As you know we have been having most of the issues with our CECs, sometimes the communication does not reach this House at the right time and we have been having a lot of challenges. But I am sure that Mr. Dennis Benjamin Lewa who is pregnant of information being backed by his academic standards will be able to deliver on this.

Mr. Speaker I want also to point out the capacity of this particular individual; generally when you look at the qualifications, skills, suitability, they are overwhelming. The background is he is a Kenyan, all those qualifications amounts to a tick. And therefore, look at his principle of Economics, he seemed to be one who has a lot of experience in various fields when we collect all this together we say that Mr. Benjamin Lewa has the capacity of indeed holding this office, to run it well on the administration issues and all other relevant issues that may come in that particular office.

I therefore say Mr. Speaker let us not always bring issues where issues are not supposed to be brought; let us say no when it is no and say yes when it is yes. On this one, Mr. Dennis Benjamin Lewa... I thought the Members of this House would Honourably raise up and support this particular one to hold this particular office. Having looked at all the Sections that have been presented by this Report, and also I do not want to doubt our Committee, the Committee on Appointments which also has a Hansard when you look at this composition it has very experienced Members, we also have the constituent of this Committee, we have people who are informed with issues of law like Hon. Amriya Boy Juma who is also here. Mr. Speaker Sir them having agreed and vetted Mr. Benjamin and agreed on him I am sure he has hit 90 per cent to hold this particular office, therefore, Mr. Benjamin Dennis Lewa is qualified to hold office. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Thank you. Yes Hon. Faith?

Hon. Mwende: Ahsante Mheshimiwa Spika kwa kunipa fursa hii. Naona tushaongea tukamaliza yote yakaisha yenye imebaki ni kupitisha twende nyumbani. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Rosemary?

Hon. Mukavi: Thank you Mr. Speaker for giving me this opportunity. Mr. Speaker let me applaud the seven Members who sat down and created this Report; looking at the credentials of Mr. Dennis I am quite satisfied in my mind he is very capable to run that docket of County Secretary. Mr. Speaker I want to support it fully; when I look at his credentials suitability, ability and integrity we also hold this... so I stand to support.

The Deputy Speaker (Hon. Mwalimu): Thank you. Yes Hon. Bwire?

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker this should go to all of us that ideologically we do differ for the interest of the common *mwanaanchi* we represent and every one of us wishes this County to prosper. And the prosperity of this County will depend on who is delivering the services to the said *mwanaanchi*, and therefore Mr. Speaker we all call upon both County Assembly and Executive to make sure that we employ the right people at the right time to offer the right services.

Hon. Speaker I have no doubt Mr. Benjamin Dennis Lewa mentioned in this Report is well educated, but my concern and I heard Hon. Hatimy referring to H.E the Governor has the powers to constitute a Board to vet a Member. But also Hon. Speaker let us not forget that the County Service Board mandates; its core mandates is to vet all the employees of the County government apart from the CEC Members. And I would wish to know from the mover of the Motion if indeed the Board was constituted and maybe the names of Board Members who approved Mr. Dennis as a suitable appointee, then from today going in future we would wish to ask for a proper process of any employee that intends to be employed by this County government, be it Executive wing, be it the County Assembly wing so that we get proper people to perform the duties.

Otherwise Hon. Speaker I have no much to say but I would wish to call upon the Hon. Members to embrace those Hon. Members with different opinion from theirs; we all serve the common *mwanaanchi*. My opinion should not be castigated or taken otherwise as if me or somebody else does not wish well for this County and the leadership of this County government. We all love H.E the Governor and we would wish whoever comes to offer services to be somebody who is up to task so as to help H.E the Governor and the entire government deliver better services to the people who elected us as elected and specially elected leaders. Otherwise Hon. Speaker I beg to support the Report. Thank you.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Hatimy then I call the mover to respond.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nafikiri sote tulikuwa wakati tukimchunguza Bwana Dennis Lewa na kulingana na stakabadhi zimekuwa wazi kuwa County Secretary alikuwa *vetted* na Kamati ambayo ilikuwa imekuwa *appointed* na Governor chini ya Kifungu 44 ya sheria za Kaunti.

Jambo la pili kuwa Public Service walitangaza kwenye magazeti kuwa kuna hiki kiti na watu wakatuma maombi na hiyo ilani iliweza kuletwa mbele yetu tuliuliza na tukapatiwa na tukaonyeshwa kuwa yeye ni kati ya wale waliotuma maombi ya hii kazi. Kwa hivyo mimi naona kuwa Mheshimiwa Mwenyekiti hakuna dhambi zozote zilizofanyika katika kufuatilia hii *process* na pia nataka kumwambia Mheshimiwa mwenzangu kuwa sisi tunaheshimu maoni ya wenzetu, isiwe kuwa wewe utakuwa ukae mtu akae afikirie vyengine. Kila mtu ana haki kufikiria vile anavyo fikiria na kila mtu ataona vile anavyo ona.

Kwa hivyo tusichukuane ati kuwa wengine wamepinga ikawa kutaingia chuki wala kusema hawa ni wapinzani wala nini; kila mtu ana fikira zake na nataka kuregelea ya kuwa tunaheshimu maoni ya wenzetu na pia nyinyi pia munataka mheshimu maoni yetu ya kusema kuwa hakuna jambo lolote lililofanywa kinyume cha sheria, na huu ndio ukweli hakuna jambo lengine lolote isipokuwa ukweli ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes I call upon the mover to respond.

Hon. Murfad Amur: Mr. Speaker thank you once again. Mr. Speaker I want to congratulate Members; this is a House of law, and there is democracy, each person has a right to air his views and I want to thank them for that. Mr. Speaker this Honourable House did receive a letter of communication from His Excellency the Governor to this House as per the law and that procedure was followed. On receiving that letter, the Clerk of the Assembly forwarded it to the Hon. Speaker and the procedures were followed. When you go to introduction No.2, the nomination of Mr. Dennis Benjamin Lewa Muganga was communicated by His Excellency the Governor vide a letter to the Clerk of the County Assembly Mr. Speaker. Here is where this House was given the mandate; and then it was brought into this House and Chair on that particular day appointed the same to the Committee. I want to say it clearly without fear or favour, I am a religious person and I cannot be a double dealer, let us call a spade a spade. If somebody deserves this Mr. Speaker, why me as Hon. Murfad Amur should object him because....

(Applause)

He is Mr. Lewa and I am Hon. Amur, he is a Christian and I am a Muslim, I am of that caliber Hon. Speaker. I want to be clearly captured, I am not a tribalist, but I am doing what my conscious is telling me is right. Mr. Speaker I want to thank the Members and I want to believe this person will bring a change in our County; as you know today there are more than 300 workers who have not received their renewal of contracts, this only because there is no County Secretary in place.

Therefore for us to adopt this Report and agree that this person is capable, maybe some of our few brothers and sisters will get the renewals of their contracts and their daily bread from today will continue. I want to thank the Members, and I want to say this person is a Kenyan, a voter of this County and Mombasa has no bias Mr. Speaker; we have every tribe, every Member in this Mombasa County. It is the only County that has all the tribes from Kenya; I want to repeat all the tribes are included in our leadership, in our positions, in every particular department. With these few remarks I want to thank the Members and I believe they will adopt and approve it. Thank you Mr. Speaker.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Members. Hon. Members I now stand to put a question that Pursuant to Section 9 (2) of the Public Appointments County Assemblies approval Act number 5 of 2017, the Committee recommends Mr. Dennis Benjamin Lewa Muganga, the Governors nominee for the position of the County Secretary in the County government of Mombasa who the Committee has vetted satisfactory be approved by this Honourable House as the County Secretary.

(Question put and agreed to)

(Applause)

(Background consultations)

Yes Clerk? And Hon. Members I also put a question in adoption of this Report of the vetting on Mr. Dennis Benjamin Lewa Mugambi.

(Question put and agreed to)

Yes Clerk?

ADJOURNMENT

Having there no other Business the House stands adjourned until Wednesday 4th December, 2019 at 10:00a.m.

The House rose at 4:30p.m.