



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 29th June, 2021
The House met at 10:20a.m.

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

PRAYERS

The Speaker (Hon. Khatri): Honourable Members we may be seated. Yes, Clerk next order please?

PAPER

REPORT ON THE PROPOSED AMENDMENTS TO THE MOMBASA COUNTY ASSEMBLY
STANDING ORDERS (STANDING ORDER (186))

Yes, Honourable Hamisi Musa Mwidani, the Vice Chair of the Rules and Procedures please lay the Paper?

The Vice-Chairperson Committee of Appointments, Rules and Procedures (Hon. Mwidani): Thank you Mr. Speaker. Let me take this opportunity to lay the Paper; report on the proposed amendments to the Mombasa County Assembly Standing Orders (Standing Order 186). Thank you.

[Paper laid]

The Speaker (Hon. Khatri): Thank you Honourable Hamisi Musa Mwidani. Yes, Clerk next Order please?

NOTICES OF MOTION

REPORT ON THE PROPOSED AMENDMENTS TO THE MOMBASA COUNTY ASSEMBLY STANDING
ORDERS, STANDING ORDER (186)

Yes again Honourable Hamisi Musa Mwidani?

The Vice-Chairperson Committee of Appointments, Rules and Procedures (Hon. Mwidani): Mr. Speaker Sir, I beg to give the following Notice of Motion;

That this House adopts the report by the Committee on Appointments, Rules and Procedures on the proposed amendments to the Mombasa County Assembly Standing Orders (Standing Order 186) laid on the Table on Tuesday 29th June, 2021.

Thank you Sir.

The Speaker (Hon. Khatri): Thank you Honourable Hamisi Musa Mwidani. Yes Clerk Next Order please?

ESTABLISHMENT OF REHABILITATION PROGRAM FOR YOUTH ON DRUGS AND SUBSTANCE ABUSE IN
LIAISON WITH NACADA

Yes Honourable Faith Mwende MCA Kipevu Ward, please give the Notice of Motion?

Hon. Mwende: Thank you Mr. Speaker. I beg to give the following Motion;

AWARE that Article 55 of the Constitution of Kenya, 2010 provides *inter-alia* that the state shall take measures including affirmative action programmes to ensure that youth are protected from harmful cultural practices and exploitation;

FURTHER AWARE that Article 21 (2) of the same Constitution dictates that all state organs and all public officers have the duty to address the needs of the vulnerable groups within the society, one group being youths;

COGNIZANT that Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010 provides for the functions and powers of the County governments which includes *inter-alia* control of drugs and pornography;

DEEPLY CONCERNED that of rising numbers of youths including in drugs substance abuse such as cannabis sativa, heroin, cocaine, amongst others with reasons for such ranging from dysfunctional families, peer influence, uncontrolled alcohol trading environment, unemployment, social media influence, stress and depression to mention but a few;

DISTURBED that failure by all relevant stakeholders to arrest the growing trend of youths involving in alcohol drugs and substance abuse would see the County and nation lose an entire generation with its advance effect on the moral fabric of the society as seen from the rising case of sexual and gender based violence, suicides, homicide, femicide, Crime, hopelessness and unstable marriages;

ACKNOWLEDGING that the existence of the National Authority for campaign against alcohol and drug abuse (NACADA), a state corporation under the Ministry of Interior and Coordination of national government mandated to undertake public education and awareness against drug abuse;

FURTHER ACKNOWLEDGNG the need for top-bottom coordination approach by the National government and the County government as provided in Article 189 of the Constitution of Kenya, 2010 in mitigating the young generation from drugs and substance abuse;

I therefore urge this Assembly to RESOLVE that:

1. Engage with an aim of partnering with National Authority for Campaign Against Alcohol and Drug Abuse (NACADA) in developing programmes and policy for creation of awareness, treatment and rehabilitation of the persons with Substance Use Disorder (SUDs);
2. The Executive to initiate plans for establishment of an affordable Rehabilitation and rescue centre to be equipped with qualified personnel to offer medical care to those already addicted.

Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Honourable Faith Mwende. Yes Clerk, next Order Please?

MOTION

REPORT ON THE PROPOSED AMENDMENTS TO THE MOMBASA COUNTY ASSEMBLY STANDING ORDERS (STANDING ORDER (186)

Yes Honourable Hamisi Musa Mwidani, Vice-Chairperson Committee of Appointments, Rules and Procedures, please move the Motion.

The Vice-Chairperson Committee of Appointments, Rules and Procedures (Hon. Mwidani): Mr. Speaker, I beg to move the following Motion;

That this House Adopts the Report by the Committee on Appointments, Rules and Procedures on the proposed Amendments on the Mombasa County Assembly Standing Orders 186 laid on the Table on Tuesday 29th June, 2021.

I will request Honourable Chief Whip to support.

The Chief Whip (Hon. Wambua): I second.

The Speaker (Hon. Khatri): Thank you Honourable Members. I now propose the question that the Motion by Honourable Hamisi Musa Mwidani on the Report of the proposed Amendments to the Mombasa County Assembly Standing Order 186 be considered by this House in the same terms as used.

[Question proposed and agreed to]

Yes Honourable Hamisi Musa Mwidani? Please make your contribution.

The Vice-Chairperson Committee of Appointments, Rules and Procedures (Hon. Mwidani): Thank you Mr. Speaker. As all Members have the copies I will just go in detail. Standing Order 186 establishes the Public Investments and Account Committee whose mandate, composition and terms clearly stipulated therein; Standing Order 183, Section 3; Mr. Speaker provides for the composition as follows;

The County Public Accounts Committee shall consist of Chairperson and not more than four other Members.

The Committee when constituted had a Chairperson and four Members as per the Standing Orders. Unfortunately, in the year 2020 one of the Members passed on and this has crippled the Committee operations as there are only three Members with the exclusion of the Chairperson. Mr. Speaker the Committee on Appointment, Rules and Procedures on its committal to improve and provision of Standing Order for effective discharge and mandate by the Members found it fit to expand the membership from the current membership of not more than four as per the Standing orders to not more than six in order to cure any quorum challenges as and when may arise due to *lean Committee and further to also include Members of the other political parties to enhance the oversight Committee role of Committee on County Public Investment and Accounts*. So, Mr. Speaker we are very glad that it is therefore my pleasure, duty and privilege on behalf of the Committee on County Assembly Appointment, Procedural and rules to present the Committee's Report on the Amendment of the County Assembly Standing Order containing proposed amendment for Standing Order 186. No.188 and Standing Order No. 234 and hence therefore propose its amendment to the Standing Orders as follows; Standing Order 186(3) which reads as follows;

"The County Public Accounts Committee shall consist of Chairperson and not more than four Members", be amended to read as follows;

"The County Public Investments and Accounts Committee shall consist of a Chairperson and not more than six other Members".

So, Mr. Speaker I wish the Members to support on the recommendation which we have made as a Committee. On the foregoing Committee recommends as follows;

THAT;

- (a) Pursuant to Provisions of Standing Order No.234, the Assembly approves the report of the Committee on the proposed amendments to the Mombasa County Assembly Standing Order as contained in the proposed amendment above; and,
- (b) That the amendment Standing Order take effect from the time of adoption this report.

Thank you Mr. Speaker Sir.

The Speaker (Hon. Khatri): Thank you Honourable Hamisi Musa Mwidani. Yes Honourable Fadhili Mwalimu please make your contributions.

The Deputy Speaker (Hon. Fadhili Mwalimu): Ahsante sana Mheshimiwa Spika. Mimi pia ni mmoja wa wanakamati wa hii Kamati ya sheria na taratibu za Bunge; tuliona iko haja ya kubadilisha kipengee hichi ili kuleta natija katika Kamati ile husika na vile vile hino ni moja wapo ya matakwa ya ndugu zetu kutoka Bunge kuu na Bunge la Seneti walipokuja ndani ya ukumbi huu walituomba kama Wabunge wa Mombasa tuweze kuongeza wanakamati wa Kamati husika wanao shikwa na kipengele mia moja thamanini na sita. Mheshimiwa Spika baada ya kukaa kwa muda na kuangalia kuwa Kamati ile na yale mapendekezo yaliyoletwa na ndugu zetu kutoka Seneti kweli yana umuhimu na yanafaa na vile vile ndani ya Kanuni zetu za Bunge zimeonyesha ule muda ambao Kamati inatakiwa ikae na imeonyesha ni miaka mitatu na lazima Kamati ifanyiwe marekebisho ndiposa tukaona ipo haja tufanye marekebisho haya ili ndugu zetu kama ilivyosemwa Kamati ili kama itaweza kuingiza wale wengine ambao wako katika vyama vingine, nafikiri tumeweka katika ripoti yetu ili nao pia wasione wameachwa nyuma waweze kuwa pale mbele na kutoa mapendekezo yao ama kuona kutoa maono yao kulingana na ripoti ilivyoletwa kutoka kwa Mhasibu mkuu.

Mheshimiwa Spika, na kama vile vile pia ripoti ilivyo pendekeza kuwa hii Waheshimiwa wakiwa wamekubaliana iwe itanza kwa haraka upesi hii ina maana kuwa leo ikiwa tutaweza kukubaliana itakuwa hatuna budi katika siku mbili zetu hizi basi majina ama mapendekezo ya majina ambayo yatakuwa yanapendekezwa hii naomba kupitia Kiti chako uwe utaturuhusu maanake ripoti inasema hivyo. Ikiwa itakua imepitishwa Mheshimiwa Spika majina ya wale ambao atapendekezwa basi yasichukue mda mrefu yaweze kuwakilishwa mbele yako na Bunge hili ili Bunge litakua ni lenye kuwakubali na waanze kufanya kazi maana kama nilivyosema wakati wa nyuma tumepokea ripoti mbili ambazo zahitaji kufanyiwa kazi na nina imani wale watakuwa kuwa wamewekwa hapa ili kuja kuipa nguvu Kamati hii watakuja na ari mpya watakuja na nguvu mpya na maono mapya na tutaweza kutekeleza majukumu yetu kama wabunge wa Bunge hili la pili la Mombasa. Kwa hayo mengi naomba ndugu zangu tushirikiane tupitishe hoja hii na tuhakikishe Kaunti yetu ya Mombasa inasonga mbele. Ahsante sana.

The Speaker (Hon. Khatri): Thank you Honourable Fadhili Mwalimu. Yes Honourable Charles Kitula please make your contribution.

Hon. Kitula: Ahsante Mheshimiwa Spika. Mimi pia ni mmoja wao ambao tuliweza kutilia mkazo swala hili liweze kufanyika katika Bunge hili nashukuru kupitia Kamati husika wameweza kutekeleza Mheshimiwa Spika lakini awali ya yote kuna kipengele *Standing Order* 158 ambayo pia imenipatia utatanishi kulingana na inavyosema kwamba, '*Subject to any written law this Standing Order or a resolution of this County Assembly, a Select Committee shall consist of an odd number of Members being not less than 11 and not more than 17*'. Mheshimiwa Spika, sasa Kamati yako imeweza kupendekeza Wanachama wawe sita lakini *Standing order* 158 inazungumzia kwamba Wanachama wasiwe chini ya 11 au zaidi ya 17. Kwa hivyo pia iweze kuangaziwa na Kamati yako husika, na vile vile Kamati hii kupitia kipengele cha 186 *sub section 4* inasema, '*the Public Investments and Accounts Committee constituted immediately following the general election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remaining County Assembly term*'. Mheshimiwa Spika sheria inasema kwamba Kamati ambayo imeweza kuundwa tangu kuanzia Bunge hili itaweza kuhudumu miaka mitatu kulingana na kalenda yetu. Kwa hivyo Mheshimiwa Spika kupitia hekima ya Kamati yako iweze kuzingatia wanachama wapya katika Kamati hii husika ili iweze kuleta damu mpya nguvu mpya na ari mpya.

Kwa sababu tushaona huduma yao ambayo imekua katika Kamati hii *Public Accounts Committee, the most powerful Committee* katika Bunge lolote Kenya hua ni Kamati ya uhasibu Mheshimiwa Spika. Kwa hivyo ni sharti wana Kamati wawe wapya kulingana na sheria inavyosema kwamba wahudumu kwa miaka mitatu lakini sasa hivi ni zaidi ya miaka minne lakini hakujawahi fanyika mabadiliko yeyote kulingana na sheria. Hivyo basi niwapatie kongole wanakamati lakini sheria iweze kufuatwa wanachama wawe wapya tuweze kuona huduma mpya. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Ahsante Mheshimiwa Charles Kitula. Yes Honourable Samba.

Hon. Samba: Thank you Honourable Speaker. I am also up to supporting the Motion; indeed you have done a very wonderful job. This is the first amendment that we had and we have been yearning for the amendments. Mr. Speaker, I will also echo what Honourable Kitula has said; that when we look at the laws we do not look at them selectively so and even any business that the Committee does they do it for the best and betterment of this House and the people that we represent. Honourable Speaker, I will also repeat the same Standing Order 186 (4); that this thing Members we have been waiting for so long, the amendments ought to have been done long time ago but equally we are not late, better late than never. We recommend you for the good job that you have done but the issues that Members have raised and the ones that are also echoing should also be considered so next time when we you are having Committee look on to suggestions that we have given. Thank you Honourable Speaker.

The Speaker (Hon. Khatri): Ahsante Mheshimiwa Samba. Yes Honourable Salim Kalume?

Hon. Kalume: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii. Mimi ningelipenda kuunga mkono hoja ilioko Bungeni na pia vile vile ningependa kuunga mkono Kamati iliochaguliwa manake Kamati hii imekuwa kilema kwa muda mrefu sana ikizingatiwa kwamba ingekuwa na wanakamati wachache na hivi sasa leo naona tumefanya juhudi zote na tumeweza kupata Wanachama wapya, kwa hiyo naunga mkono Kamati hii...

[Interruption]

The Speaker (Hon. Khatri): Yes Honourable Charles Kitula? Are you on a point of information?

Hon. Kitula: Ningependa kumuarifu Mheshimiwa wa Ziwa la Ng'ombe ni kwamba hakuna Kamati iliyoweza kubuniwa ila ni ripoti ya Kamati ya *Select* imeweza kubuni mapendekezo mapya Mheshimiwa Spika.

The Speaker (Hon. Khatri): Okay, thank you.

Hon. Kalume: Ahsante Mheshimiwa Kitula kwa kunirekebisha. Kwa hiyo mimi naunga mkono mapendekezo yaliyopo Bungeni kwamba Kamati hii yale mapendekezo yaliyofanywa ni sawa na tufanye bidii ili tutengeneze Kamati hii iwe sawa na ifanye kazi kama inavyotakikana. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Ahsante sana Mheshimiwa. Yes Honourable Mwaka Zahoro?

Hon. Mwaka Zahoro: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii ili na mimi niweze kuchangia hoja ilioko mbele yetu. Mheshimiwa Spika kulingana na ripoti ya Kamati wameleta mapendekezo ya kuwa hii Kamati ya *Public Accounts and Investments* iweze kufanyiwa marekebisho katika kuongeza idadi ya wanachama walioko katika Kamati ile. Mheshimiwa Spika nafikiri kama tutaangalia katika Kamati hiyo itakuwa ni bora tuweze kuangalia Kamati zote; unapata kwamba kuna watu wana Kamati nne lakini utapata ilhali kuna watu wana Kamati saba ama nane hivyo basi katika hali ya kusawazisha itabidi Kamati zote ziangaliwe ili kuwe na usawa. Mheshimiwa Spika katika hali hii kama Mheshimiwa mwenza alivyosema kuna kipengele katika *Standing Order* kinaleta utata katika mambo ya uwakilishi, kwa hivyo basi sijui Kamati kama mapendekezo ya Kamati hii na hii ripoti yake itabidi iongezwe idadi ama itakuwa vipi ama sijui itabidi pia kipengele kile kiweze kushughulikia ili vipengele hivi viwili visilete mtafaruku na kugongana. Mheshimiwa Spika kwa hayo nasema shukran na ni kazi nzuri ya Kamati yenye imefanya lakini nasisitiza kuwa waangalie Kamati zote Wanachama wote wawe na usawa katika Kamati. Ahsante.

The Speaker (Hon. Khatri): Ahsante sana Mheshimiwa Mwaka Zahoro. Yes Honourable Moses Aran?

Hon. Aran: Thank you Mr. Speaker. First, I would like to congratulate the Majority Leader for coming up with the noble Motion; the Motion itself is self-explanatory so I do support the Motion Honourable Speaker. Thank you.

The Speaker (Hon. Khatri): Thank you Honourable Moses Aran. Yes Honourable Shebe Athman, please make your contribution.

Hon. Shebe Athman: Mheshimiwa Spika ilikuwa najisanya sanya hapa kidogo niangalie lakini *wallahi* tangu napiga kelele mpaka sauti ikapotea sasa hii Kamati mimi hata sina ujanja nayo kwa sababu imehudumu kwa kipindi kile kinacho stahiki kulingana na sheria na utaratibu wa sheria uko bayana kabisa. Lakini sasa wengine tumekuwa wanyonge kiasi kikumbwa Mheshimiwa Spika maana yake sheria ya huku naona yakata mbele tu haikati nyuma. Kwa hivyo mimi niko chini ya himaya yako Mheshimiwa Mwenyekiti; ikiwa kutakuwa na mabadiliko ya kuweza kuleta muamko mpya kama vile wanavyo tangulia kusema Mheshimiwa mwenza basi *ahlan wasahlan marhaba* sisi tutaipokea kwa mikono miwili. Na ikiwa mambo ni yale yale kama kule kule Mheshimiwa Mwenyekiti, pia tushakubali tutafanya namna gani, kwa hivyo sisi hatuna ujanja mimi hata sijui Mheshimiwa niko tu chini ya himaya yako hapa, nishalemewa na mzigo huu mpaka shingo imeingia kwa kola. Ahsante Mheshimiwa Mwenyekiti.

The Speaker (Hon. Khatri): Ahsante Mheshimiwa Shebe Athman. Yes Honourable Junior Wambua, please make your contribution.

The Chief Whip (Hon. Wambua): Ahsante sana Bwana Spika. Kwanza ni kupongeza Kamati hii ambayo ilienda ikakaa chini na ikaona ni vizuri iongeze Wanachama katika Kamati hii.

Tunakumbuka ya kwamba Kamati hii ni muhimu sana katika Bunge na inafanya majukumu makubwa kwa kuangalia mambo ya mahesabu. Bwana Spika ningelitaka ifahamike kidogo ya kwamba ile inasemekana kuwa kwa kila miaka mitatu tubadilishe Kamati katika Kanuni za Bunge 186. Bwana Spika haimaanishi wale waliokuwepo watolewe wote kuwekwe wengine upya, bali kuna wengine wanaweza kuongezewa ili ikawa inapatia nguvu Kamati kuendelea. Kwa sababu ikiwa na watu wachache kama ilivyokuwa nayo, haileti nguvu kamili ya kufanya kazi ambayo inastahili kufanyika kuhakikisha ya kwamba mahesabu katika Kaunti hii imechambuliwa ki sawa sawa. Kwa hivyo nauunga mkono Bwana Spika.

The Speaker (Hon. Khatri): Ahsante sana Mheshimiwa Junior Wambua. Yes Honourable Hamisi Musa, you may reply.

The Leader of Majority (Hon. Mwidani): Bwana Spika kwanza nawashukuru Wanachama wote kwa kuunga mkono huu Mswada na pia tunawashukuru kwa vipengele walivyo vitaja kisheria na pia kama Kamati tuliviangalia kisheria na katika muda ukifika sheria haijasema pana Hamisi usirudishe Hamisi, haijasema, imesema ni kwamba munaweza kuitengeza tena hio Kamati lakini kuna uwezekano ikiwa walifanya kazi vizuri wakaweza kurudi Bwana Spika. Na pia Bwana Spika nashukuru Kamati yetu kwa sababu haswa *Public Accounts* ni Kamati ambayo inatafikana iwe ni *oversight* ya Bunge letu na hiyo ni upande wa upinzani, na ukiangalia Bunge letu Wanachama walio upinzani ni tatu. Kwa hivyo wakati huu pia tumewafikiria ni sawa waweko kwa hiyo Kamati kisheria na ki haki zao. Kwa hivyo Bwana Spika langu ni kuwashukuru waheshimiwa kwa kuunga mkono huo Mswada na kuomba Kamati ya *Public Accounts* itufanyie kwa haraka kuweza kuleta *nominations* zile za majina za ile Kamati ndio Wanachama waweze kujua ki sawa ni nani na nani wako katika hio Kamati. Ahsante sana Bwana Spika.

The Speaker (Hon. Khatri): Ahsante Honourable Hamisi Musa Mwidani. Honourable Members, I now put the question that the Motion by Honourable Hamisi Musa Mwidani on the *Report on Proposed Amendments to the Mombasa County Assembly Standing Orders Standing Order 186*, be adopted by this House in the same terms as moved.

[Question put and agreed to]

Yes Clerk, next Order please. Clerk?

ADJOURNMENT

There being no other business, this House adjourns until Tuesday, 29th June, 2021 at 2:30p.m.

The House rose at 10:53a.m.