



COUNTY ASSEMBLY OF MOMBASA THE HANSARD

Wednesday, 6th December, 2023
Third Assembly – One Hundred and Fourth Sitting

*[The County Assembly met at 10:27a.m. at the County Assembly Buildings]
[The Deputy Speaker (Hon. Fadhili Mwalimu Makarani) in the Chair]*

PRAYERS

The Deputy Speaker (Hon. Fadhili Makarani): Have your seats.

STATEMENTS

REGENERATION PLANS FOR PUBLIC ESTATES, WITH A FOCUS ON TUDOR ESTATE

Honourable Amriya Boy. Chairperson, Committee on Lands, Urban Planning and Housing.

Hon. Amriya Juma: Thank you Mr. Speaker. First and foremost, I wish to congratulate the Chair for the well-orchestrated, competent, comprehensive and well organised football league and I wish I could say that in person, congratulations to you.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you.

Hon. Amriya Juma: Secondly Mr. Speaker, I am ready with the response on behalf of the Committee on Lands, Urban Planning and Housing. Mr. Speaker, we received the response on 5th December, 2023, on the re-development of old County housing estates within the County of Mombasa, under a joint venture partnership between the County government of Mombasa and private developers' regeneration plans for Tudor estate. I think all Members have the correspondence and it reads as follows:

The above subject matters refer. Reference is made to your letter dated 16th November, 2023 of ref. CAM/CAC/COCORR/VOL.VI/59 requesting for a statement on the progress and details of regeneration project for Tudor estate.

We write to inform you that the aforementioned project was awarded to Ms. Aden contractors. However, the joint venture agreement between the County government of Mombasa and developer has not yet been crystallized due to a number of reasons:

1. *We are in the process of planning for the developer, Housing Committee on Land and Urban Development (County Assembly) and the Taskforce Committee to engage in stakeholder meeting;*
2. *The input of the Committee on a number of issues such as relocation plan/package, timeline on notice to vacate, landlord/tenant rights etc is essential to enable the department to negotiate appropriately with the developer on behalf of the existing tenants;*
3. *The joint venture agreement (JVA) has not yet been signed since the terms and conditions can only be agreed upon once the stakeholder engagement meeting has been accomplished;*
4. *Finally, the cost of the project can only be determined once the designs have been finalized and agreed upon.*

So, essentially this correspondence stipulates that at this moment we can only ascertain that name of the contractor which is Ms. Aden contractors and any other detail on costs or even the designs or even the rights of the tenants will be ascertained after the stakeholders meeting. Thank you very much.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Amriya. Honourable Bhaloo from Tudor, do you have anything to say?

Hon. Bhaloo: Good morning, Mr. Speaker Sir. Well, I am satisfied but not fully satisfied, well we will wait for the other half to be delivered once it's done that is when I will say that I am satisfied, thank you Sir.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Clerk?

SETTLING OF PENDING BILLS IN THE COUNTY

Honourable Kibwana Baya Chairperson, Committee on Budget and Appropriations.

[Silence]

Any Member from that Committee? I understand Honourable Abdirahman is a Member, Honourable Majority Leader is a Member. Yes, Honourable Abdirahman any response?

Hon. Abdirahman Abdulkadir: Honourable Speaker, yes indeed I am a Member of the Committee. However, I am the same individual who raised that statement so it would be very unfair if you direct me to give a response on that same matter. I am equally waiting for a statement for response on that matter Mr. Speaker. Perhaps you could give the chance to Majority Leader who is a Member of the Committee. I do not have a response Mr. Speaker, thank you.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): So, you are the one who brought this statement?

Hon. Abdirahman Abdulkadir: Yes Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Okay yes, Honourable Majority Leader?

The Leader of Majority (Hon. Athman Mwamwiri): Thank you Mr. Speaker. Mr. Speaker, Honourable Abdirahman is aware that we are still pursuing the matter and at this moment we cannot deliver the response because we are not done with the inquiry. So, I ask him and the Honourable House to be a little bit patient before we give the response. Thank you, Mr. Speaker.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Now that the House is aware the Honourable Member who brought the issue is from the same Committee. I would like the Committee to sit and bring back a comprehensive report to this Honourable House, knowing that the matter or the issue touches a lot of people from the County of Mombasa and it's a concern that has been brought to this Honourable House by several Members. So, Majority Leader please take charge and make sure you respond back to this Honourable House in the next sitting.

The Leader of Majority (Hon. Athman Mwamwiri): Most obliged, Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Makanga?

Hon. Makanga: Mr. Speaker maybe you give clarity because next sitting is today in the afternoon and this issue has been in this House and Committee has been given more than enough time to respond. This is an issue of public interest because very many contractors and suppliers now are dying out of depression, because of this issue of pending bills. So, I think from your seat Mr. Speaker you need to give clear direction with clear timeline, so that the Committee take full responsibility. Yes Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Makanga. The Chair is aware by saying next sitting I meant today in the afternoon, and if I wanted to push it further, I could have said the next session. So, I would like the Majority Leader and the mover of this statement to sit as a Committee and bring a comprehensive response to this House, in as to why the Member is not aware and that they are from the same Committee. So, I have asked the Majority Leader to take charge. Yes Clerk?

ENCROACHMENT AND DESTRUCTION OF PUBLIC ROAD IN SHANZU

Yes, Honourable Mohamed Ulher, Chairperson Committee on Transport and Infrastructure?

[Silence]

Any Member from that Committee? Honourable Manuari, are you a Member of Transport Committee?

Hon. Juma Manuari: Ahsante Mheshimiwa Spika. Ndio mimi ni Mwana Kamati hii lakini sisi kama Kamati ya Uchukuzi tuna matatizo maana Mwenyekiti hatumuoni na msaidizi wake pia hatujui yuko wapi...

[Applause]

Kwa hivyo kuchakachua neno lolote inakuwa ishu. Kwa hivyo mimi ningeomba tu Mheshimiwa Spika utupe nafasi tutafutane na huyu Mwenyekiti wetu kwa sababu tulisikia anaumwa na mpaka sasa hivi hatujui amefikia kiwango gani kuumwa kwake na huyu msaidizi wake pia tumesikia amejifungua hatujui sasa sisi twaomba utuongeze nafasi tuwatafute hawa watu wawili ili tuendeleze hili suala. Ahsante Mheshimiwa Spika.

[Silence]

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Madialo?

Hon. Madialo: Bwana Spika kama sijakosea Naibu wa Mwenyekiti wa Kamati hiyo ni Mheshimiwa Mwaka Mwalundonda. Nataka huyu Mheshimiwa ambaye amesema kwamba Naibu Mwenyekiti amejifungua afafanue amejifungua nini maana kulingana na Mheshimiwa Mwaka sidhani kama anaweza jifungua ile kujifungua ninafikiria! Kwa hivyo anaweza kutuelezea tafadhali.

The Deputy Speaker (Hon. Fadhili Makarani): The Majority Leader is up! Yes, what is it Majority Leader?

The Leader of Majority (Hon. Athman Mwamwiri): Mheshimiwa Spika nimkumbushe tu Mheshimiwa Madialo ambaye pia ni Mchungaji ya kwamba imedhihiri ndani ya Biblia kwamba mama Sarah kwa umri aliokuwa nao wa zaidi ya miaka 70 bado Mungu alimpa ruzuku na akaweza kujifungua...

[Applause]

Kwa hiyo hakuna miujiza katika hili na kwa mama zetu Mheshimiwa Spika Mungu amewabariki kwa hiyo atakapokuwa kwa umri wowote bado anaweza akajifungua. Kwa hivyo acha tusadiki kwa sasa maneno ya Mheshimiwa ya kwamba Naibu Mwenyekiti amejifungua.

[Laughter]

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Allen Katana?

Hon. Katana: Ahsante Mheshimiwa Spika. Nimesimama kwa sababu uoga wangu ifikie mahali utoe maamuzi kabla sijasema ninachotaka kusema Mheshimiwa Spika ni kwamba suala hili limekuja hapa ni muda sasa na pengine Kamati husika haioni uzito wake kwa sababu ninavyo kwambia hii barabara ni ile ya *cabro* na inaendelea kuharibika na huyu ni wale kizungu tunawaita *grabber* alinyakua sehemu na akachimba barabara iliyotengenezwa na pesa za Kaunti.

Sasa barabara inaendelea kuharibika Kamati nasikia mwengine anajifungua, nasikia mwengine hapatikani Mheshimiwa Spika maelekezo yako naamini yatakuwa mwafaka na yataleta natija katika hasara ambayo tunaendelea kupata kama Kaunti. Ahsante.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, thank you Honourable Katana. Honourable Members, in the absence of the Chair and the Vice Chair the Members can sit and between themselves can decide who chairs that meeting. So, I instruct the Committee to sit and make a follow up on this issue putting in consideration that these are County resources, County funds are being wasted and also bring back the response to this Honourable House as soon as possible. Yes Clerk?

MOTION

AMENDMENT OF THE STANDING ORDER TO FACILITATE COUNTY EXECUTIVE COMMITTEE MEMBERS PARTICIPATION IN PLENARY SITTING

Yes, Majority Leader?

The Leader of Majority (Hon. Athman Mwamwiri): Thank you Mr. Speaker. Mr. Speaker, I beg to move the following Motion;

AWARE THAT, the County Executive Committee Members (CECMs) are responsible for the direction and coordination of the affairs of their respective departments under the guidance of His Excellency the Governor, as stipulated in Article 179(2)(b) of the Constitution of Kenya;

FURTHER AWARE THAT, the current Standing Orders of this esteemed County Assembly do not allow the County Executive Committee Members (CECMs) to participate in the plenary sittings, thereby limiting their ability to address the inquiries and concerns raised by the Members of the County Assembly regarding their departments;

NOTING WITH APPRECIATION, the recent amendments made at the national level to the Standing Orders of the National Assembly and the Senate, which enable the Cabinet Secretaries to attend and respond to questions in the plenary sessions upon invitation, as per Article 153(4) of the Constitution of Kenya;

COGNIZANT OF, the constitutional and legal obligations of the County Executive Committee Members (CECMs) to account for their actions and decisions to the County Assembly, as enshrined in Article 185(3) of the Constitution of Kenya and Section 8 of the County Governments Act, 2012;

CONCERNED THAT, the lack of participation of the County Executive Committee Members (CECMs) in the plenary sittings hampers the effective communication and collaboration between the County Executive and the County Assembly, which adversely affects the overall governance structure and impedes the public service delivery in the County;

APPRECIATING THE BENEFITS, of allowing the County Executive Committee Members (CECMs) to participate in the plenary sittings, such as enhancing the transparency and accountability of the County Executive, fostering the self-responsibility and Committee of the County Executive Members (CECMs) to their respective departments, and facilitating the

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timely and comprehensive responses to the issues raised by the Members of the County Assembly;

REGRETING THE DELAYS, in the implementation of the projects and programmes within the County, which necessitate the direct interaction and engagement between the two arms of the County government to expedite the public service delivery and address the needs and aspirations of the people of Mombasa County;

ALARMED BY, the potential ramifications of the absence of the County Executive Committee Members (CECMs) during the plenary sittings, such as the possible delays or incomplete responses to the questions and statements from the Members of the County Assembly, which may jeopardize the efficiency and effectiveness of the legislative process and oversight function of the County Assembly;

DEEPLY CONCERNED, that the absence of the County Executive Committee Members (CECMs) during the plenary sittings may also lead to a lack of clarity and consensus on the policies and priorities of the County government which may result in the conflicts and misunderstandings between the County Executive and the County Assembly, and ultimately undermine the public trust and confidence in the County government;
I, therefore, urge this Assembly to RESOLVE:

- 1. THAT the Committee on Rules and Procedures undertakes an expeditious review and recommend amendment of the relevant Standing Orders to the County Assembly, to provide for the participation of the County Executive Committee Members (CECMs) in the plenary sittings of the County Assembly upon invitation, in order to address the matters pertaining to their respective departments;*
- 2. THAT the County Executive Committee Members (CECMs) attending the plenary sittings adhere strictly to the rules and procedures of the County Assembly, and uphold the highest standards of accountability, integrity, and professionalism in their interactions with the Members of the County Assembly.*

May I, ask Honourable Hamisi Athman Nyota to second the Motion.

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Nyota?

Hon. Hamisi Nyota: Thank you Mr. Speaker. I second the Motion.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Honourable Members, I propose a question to the Motion by Honourable Athman Rama Mwamwiri on Amendment of the Standing Order to facilitate County Executive Committee Members Participation in the Plenary Sitting be debated in this House.

[Question proposed and agreed to]

Yes, the Majority Leader?

The Leader of Majority (Hon. Athman Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika awali ya yote kwanza ni kutambua sisi kwamba ni muigo wa Bunge la Kitaifa katika uendesaji wa shughuli zetu kwa sababu majukumu yanayoendesha na ubunge katika Bunge la kitaifa ni sawia na yale ambayo sisi tumepewa dhamana na wananchi kwa mujibu wa Katiba yetu ya Kenya. Mheshimiwa Spika, tukitambua ya kwamba uwakilishi wa utawala katika Bunge mara nyingi huwa uko chini ya Wenye Kiti wa Kamati mbalimbali, nitambue binafsi na kupongeza Wenye Viti katika Bunge hili kwa weledi wao na uongozi wao na uwezo mkubwa waliokuwa wakifanya katika kuleta majibu yanayo stahiki kwa Bunge hili kwa minajili ya faida ya wananchi wetu wa Mombasa.

Mheshimiwa Spika, ni masikitiko ya kwamba Waheshimiwa hawa na Wenye Viti hawa wamekuwa wakipata wakati mgumu kufuatilia taarifa ambazo zinafaa kujibiwa katika Bunge hili kwa wakati unaofaaa kwa sababu moja ya kutopatikana kwa Mawaziri. Pili, kwa majukumu ambayo Mawaziri wako nayo na kutolichukulia umuhimu Bunge hili ili Mheshimiwa Spika twende sawia iwapo itakuwa imetokea dharura ya swali ambalo linahitajia mchango wa Bunge zima kwa jumla chini ya Kiti chako tuweze kuidhinisha katika mapendekezo haya kwenye Kanuni zetu za Kudumu ya kwamba Waziri muhusika aweze kufika binafsi pasi na kumtegemea Mwenyekiti wake ili aweze kujibu yanayojiri katika mji wetu wa Mombasa. Na vilevile kupeana fursa kwa Waheshimiwa ambao hawakai katika Kamati ile kuweza kuchangia juu ya mjadala utakao kuwa mbele ya Kiti chako Mheshimiwa Spika, kwa ufanisi zaidi, ufafanuzi zaidi na ufasaha zaidi.

Lakini zaidi ya yote iweze kujenga uwazi na uwajibikaji katika utekelezaji wa majukumu ya serikali hii yetu ya Mombasa ambayo sisi kama Bunge ni kitengo sawia na utawala katika serikali hii. Mheshimiwa Spika hatuna nia mbaya katika hili wala hatuna ubinafsi wa mtu yeyote katika upande ule wa pili, tunacho kitaka baada ya miaka mitano sisi tutahukumiwa sawia na yale yaliyotendwa na utawala kwa wananchi. Kwa hivyo Mheshimiwa Spika kwetu sisi tukiliboresha hili sasa, tukiliweka jambo hili wazi sasa itakuwa ni faida kwetu na tutakuwa tuna majibu muafaka wakati wowote itakapobidi kuweza kusukuma gurudumo hili la utawala na serikali yetu ya Kaunti ya Mombasa. Kwa hayo mengi niwasihi tu Waheshimiwa ya kwamba tuweze kuungana kwa sababu baadhi ya Kaunti ambazo ni majirani zetu tayari washaweza fanya mabadiliko ya mapendekezo haya kwa Kanuni zao za Kudumu na tumeshuhudilia ndugu zetu hapa Kilifi, ni juzi tu wamekuwa na mjadala tete ambao umelazimu Kamati ya Bunge zima kuweza kuliendesha na wale wahusika waliweza kufika mbele ya Bunge na kuweza kujibu na imejenga imani kwa wananchi wa Kaunti ile Mheshimiwa Spika. Kwa sababu wameweza kulifuatilia jambo lile wazi bayana na wameweza kujua ukweli uko wapi.

Tofauti Mheshimiwa Spika na baadhi ya Kaunti ambazo ikiwa miongoni mwetu hatuna hili, inapotokea dharura ya mkwaruzano ama msukumano kwa kutafuta ufasaha mwisho wa siku itakuwa labda Bunge lina lengo fiche kwa mtu fulani ambayo ni tofauti ni ile hali ya kujaribu kutekeleza majukumu yetu kama ilivyo katika Katiba. Kwa hayo mengi Mheshimiwa Spika niwaombe waheshimiwa wenza tuweze kuunga mkono hoja hii ya kupatia fursa kamati hii husika iweze kuzingatia ama iweze kuzingatia mapendekezo haya ya kwamba mabwana hawa waweze kufika mbele ya Bunge inapokuwa na haja kuweza kujibu maswali moja kwa moja, ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Majority Leader. Yes, Honourable Abdirahman?

[Applause]

Hon. Abdirahman Abdulkadir: Thank you Mr. Speaker for spotting me. Mr. Speaker, I do not have much to add on this particular Motion. It is a much summarized, very precise and I stand to support it. Thank you, Mr. Speaker.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Hamisi Nyota?

Hon. Hamisi Nyota: Thank you Mr. Speaker for giving me this opportunity. First, I would like to appreciate my elder brother and the Majority Leader Honourable Athman Mwamwiri for coming up with such a Motion which amendments must be done on our Standing Orders so that we can invite the CECs to the chambers for the progress of our County. Honourable Speaker, I would like to comment on two things; first of all, I fully support this Motion 100 per cent. I would also like to say that in this Honourable House we have different professions and, in that matter, it will be prudent with the matters which are being addressed by this Motion that if the CECs will appear before the House, pertaining to different matters. Because we come from different Wards with different dynamics and we are representing our people at the grassroots level, so to be prudent that all those questions which have been asked and go back at our Wards regarding the County projects, County projects.

It will be prudent Honourable Speaker if the CECs will appear before us in this House so that we can air out the same concerns so that we get direct answers from the concerned CECs from each Department. It will be easy for us to respond back when we go back to our Ward, we can respond back to our people regarding to different issues they be pertaining in our Wards regarding to this progress of the County. So, Mr. Speaker the fact we have vested different professions we have accountants we have engineers and many professions. Honourable Speaker, it will be good if we can share as the County belongs to all us and it is good faith to make the County progress higher. So, it will be good if the CECs will appear before us those questions or those concerns which maybe the Members whom they do not belong to certain departments they will have a chance to air out their views and to air out their questions and may be get adequate response and answers so that they can help us progress this County of ours Mr. Speaker. I fully support this Motion thank you Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Hamid?

Hon. Mohamed Hamid: Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii. Ningelipenda kuingoza hoja hii nakubaliana na hoja hii mia kwa mia kwa sababu hawa watu ama ndugu zetu walikuwa *appointed through this Assembly* hatuna nafasi nyengine ya kuwaona na hatuna nafasi nyengine ya kupata haya majawabu tunayoyapata kutoka mashinani. Kwa hivyo nafikiria hii ni hoja muhimu na itafanya kazi kwa urahisi ya *Assembly* na ya *Executive*. Ahsante sana.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Bernard Ogutu?

[Applause]

Hon. Ogutu: Ahsante sana Mheshimiwa Spika. Kwanza kabisa nimpongeze Kiongozi wa Wengi Bungeni kwa kuja na hoja hii. Ni hoja ambayo ni muhimu sana na mara nyingi *statement* zinaletwa ndani ya Bunge hili hapa lakini majawabu ambayo tunapata Mheshimiwa Spika huwa wakati wengine hayatufurahishi. Kwa hivyo pindi wale wahusika watakapo kuja hapa ndani tutakuwa na *first-hand information* na tutapata majibu ya kisawasawa kwa maswali yale ambayo tutakuwa tumeweka ama kwa zile shida ambazo zinakumba watu wetu kule nyanjani. Kwa hivyo Mheshimiwa Spika mimi naunga mkono kwa mara ya kwanza mia fil mia. Mheshimiwa Spika ahsante sana.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Madialo?

Hon. Madialo: Ahsante Bwana Spika. Ningependa kumpongeza ndugu yangu mdogo, Kiongozi wa Wengi kwa kuleta hoja hii; nami pia naunga mkono na nikiunga mkono ningependelea pia iende sambamba na *proceedings* kwa mabano ya Bunge hili ili ikapate kuonekana moja kwa moja kupitia kwa njia hiyo ndiposa wananchi pia mbali na hao Mawaziri kutujulisha mambo ambayo wanatekeleza katika Wizara zao bila sisi kuweza kwenda kujieleza wananchi wataona moja kwa moja na nakumbuka nilitengeneza hoja ya kuomba Bunge hili ya kwamba tukapate kuwa na matangazo moja kwa moja pengine kwa mitandao na naamini ilipofika ile Kamati husika tukaelezewa kwamba Bodi ya Bunge la Kaunti tayari ilikuwa imeweka mikakati katika bajeti ya mwaka huu ya kwamba vyombo vyote vinahitajika kusababisha kwamba jambo hilo likapate kutekelezwa likatekelezwe. Kwa hivyo ningependa ofisi yako Bwana Spika wakapate kuharakisha jambo hili ili hao Mawaziri wanapokuja pia mambo yale yalikuwa wakitueleza yaonekane moja kwa moja.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Allen Katana?

Hon. Katana: Mheshimiwa Spika nikushukuru kwa nafasi hii na tena kwa mara ya kwanza pia nitakuwa kama Mheshimiwa Ogutu kwa kusema ya kwamba nitamuunga mkono Kiongozi wa Wengi mia fil mia kwa swala hili ambalo limekuja. Mheshimiwa Spika nikukumbushe kwamba Jumba hili mimi ni mara ya kwanza kuingia, lakini bila swala la maana kama hili inanishangaza ni kiviipi Jumba hili linapata heshima yake. Kwa sababu kwa mara nyingi Jumba hili Mheshimiwa Spika nikisema Jumba ni Jumba tu lakini waliomo ndani ni Waheshimiwa tumepata kudharauliwa hata na kupewa majina kama vile *rubberstamp* kwa sababu hatuna nguvu kikamilifu ya kufanya kazi yetu. Lakini endapo swala hili, Waheshimiwa wenzangu pamoja tukimuunga mkono Kiongozi wa Wengi na ipite kwa hakika kutakuwa na heshima kubwa ya utenda kazi kwa hawa Mawaziri na nina hakika hata kiongozi Mwenyekiti wa ile inaitwa *Implementation Committee* Kiswahili nimesahau kidogo Mheshimiwa Spika, atapata kazi rahisi maana Mawaziri watajukumika kwa kuwa sisi tutakuwa tumepata nguvu ya kuja hojiana nao moja kwa moja. Mheshimiwa Spika ningetamani sana hata ingeweza kupita leo, na tuwaite Mawaziri wengine kikao cha mchana Mheshimiwa Spika, ingekuwa ni afadhali zaidi, kwa sababu kuna kazi nyingi ambazo zinahitaji tuje tujibiwe hapa na kwa hayo maeneo mengi Mheshimiwa Spika, jambo hili naliunga mkono. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Leila Nyache?

Hon. Nyache: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika, nimesimama kuunga mkono hoja hii iliyokuja na Kiongozi wa Wengi Mheshimiwa Mwamwiri. Kwa kweli ni hoja ya maana sana na pia namshukuru kwa kuweza kutupongeza sisi kama Wenye Viti wa Kamati ya kwamba tunawajibika na tunafanya kazi yetu vizuri. Lakini shida ni hawa ndugu zetu kutoka *Executive*; unakuta hata *statement* yenyewe pia Mheshimiwa Spika kujibika inakuwa ni matatizo kwa sababu watu wale hatuko karibu sana na wao ama tunawatafuta hatuwapati. Kwa hivyo tukiwaleta karibu na sisi kwa kweli kazi zetu kwa wananchi zitaweza kuwa rahisi kwa sababu kazi yetu ni yao na lazima tushirikiane na wao, hivyo basi Mheshimiwa Spika mimi pia naunga mkono hoja hii mia fil mia. Ahsante Mheshimiwa Spika.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Mbelle Patrick?

Hon. Mbele: Mr. Speaker Sir, I stand to strongly oppose and I repeat strongly oppose any thought or ideas of anyone who wants to oppose this Motion...

[Applause]

And the reason for my thoughts is that, I think so many of the CECs have been hiding behind Chairpersons just to camouflage and find a means and ways of getting away from many questions that we ask. But this now will give a platform and means for us to interact with them head-on and be able to ask them very tough questions that our people ask. We sometimes have to become CECs on the ground, become the MCAs become the Governor, become the MP just because we cannot be able to access the very critical people that we made sure that they become CECs in this House. So, I support this Motion 100 per cent and wish to congratulate the Leader of Majority for this thoughtful Motion. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Mbelle. Yes, Honourable Amriya Boy Juma Boy?

Hon. Amriya Juma: Thank you Mr. Speaker for this opportunity. I also want to support this Motion. Seeing that when you look at the constitution Article 183 on the functions of County Executive Member, or County Executive Committee, it is clear that their mandate involves around implementation of County legislation, making of plans, policy, budget and when we look at our functions at County Assembly in about Article 190-191 it talks about legislation, representation and oversight. So, it's clear that we must work coherently so that we are able to have the necessary information to represent our people; let us say if we do not have any information for instance myself am just in two Committees, am in Committee on Health and may be in Lands. I have no information in whatsoever, what is happening in Agriculture, what is happening in Environment, what is happening in the rest of the Committees. So, how am I supposed to oversight? How am I supposed to represent? So, it is very crucial for us to have the necessary information for us to partake our mandates in appropriate ways so that at least we can be able to foster the agenda of the government of the day because I am a representative of both the people and the government of the day. If our people will have more information than myself it means that am lacking in my responsibilities; so, we should just welcome this move in the positive attitude it accords since we will get the necessary information for us to represent both

our people and the government. When just a media person tends to call me today and ask me, what is the budget of El-nino, what happened? I have no idea what has happened and what is happening. So, if we have this CECs coming every now and then giving information, I will be abreast with the current issues so am in full support so that am not in the dark; I can be able at any time on my feet to respond to any question from the media, from the public, I will be more than ready to respond to any queries because we have this information at our fingertips. So, lastly, I wish to say that am in full support I can say even if am woken up at midnight I would say Amriya I am supporting that the CECs come and furnish us with the relevant necessary information that we require on our roles. Thank you very much.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Mote Fatma?

Hon. Fatma Swaleh: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii. Kwanza kabisa namshukuru Mwenyezi Mungu muumba wa mbingu na ardhi pasi na kizuizi siku hii ya leo, vile vile sina budi kumpatia Mheshimiwa Ogutu kongole maana yake katika wale watu wakimpinga nilikuwa nikimuunga Mheshimiwa Nyundo mimi ni mmoja wao, kwa vile Mheshimiwa alishinda goli moja nampatia kongole. Mheshimiwa Spika, nimesimama hapa kuunga mkono Mswada ulioletwa na Mheshimiwa Mwamwiri. Mheshimiwa Spika nazungumza kwa huzuni maana yake nilikuwa nikipita huko chini mimi mwenyewe niko katika Kamati ya Fedha mara nasikia MRS, mara sijui ukwaju gani ambapo nikiuliza Mheshimiwa Spika, sipati jibu na vile vile ukiangalia pia Mawaziri wetu huwa hawaonekani. Sema vile Mheshimiwa Spika mimi nakaa sehemu za Nyali nafanya kuwaona kule Pronto wakijivinjari; kwa hivyo Mswada ulioletwa ni mzuri sana, kila mtu achukue jukumu lake, hakuna haja watu kuenda kukaa *Signature* wala Pronto. Mheshimiwa Spika, lazima tujue mambo ya MRS ni kitu gani, yaani mpaka waje watuelezee ili tukiulizwa vitu mashinani, tuweze kuelewa. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Hossana?

Hon. Makanga: Thank you Mr. Speaker. I rise to support the Motion brought to this House by Leader of Majority Honourable Athman Rama Mwamwiri, a Member of County Assembly from Likoni. Mr. Speaker Sir, I arise to support the said Motion that intends to bring on board the CECs into this Assembly to be able to respond to issues of public interest and concern as stipulated in the law. Mr. Speaker, citing from a similar Article that has been shared by Honourable Amriya the only Senior Counsel in this Assembly...

[Applause]

Article 183 which Mr. Speaker outlines the functions of County Executive Committees.

- *Article 183 (2) A County Executive Committee may prepare proposed legislation for consideration by the County Assembly;*
- *(3) The County Executive Committee shall, and it is important we note the use of word shall which states that provide the County Assembly with full and regular reports on matters relating to the County.*

So, there are three words here Mr. Speaker that have been used that we must note; we as an Assembly have been given powers by the law, that the CECM's must appear before us, they shall provide the County Assembly with full and regular reports.

Mr. Speaker, as previous speakers have said, we are dealing with very funny human beings who after taking oath they always disappear and they become demigods! Mr. Speaker, even reaching them, getting them to answer questions always hide behind the Committees where when you seek a statement here then they just go and sit with their Committees and we are not saying that they Committees are compromised; but the information that is given back to this House Mr. Speaker is not satisfactory and therefore we need them to come before this Assembly so that they are able to respond to our questions and they also feel what we feel when the people at the ground ask us these questions. Further Mr. Speaker, Section 9 of the County Government Act has outlined also the roles of the Members of the County Assembly, and amongst them is that we can examine witnesses, we can examine documents, we can call people to this Assembly to give witness or evidence on matters of public concern or public interest including them taking oath even as they give their evidence. Therefore, Mr. Speaker this is time that we go forth to pass this Motion and we call them here to ask questions and if they fail to respond we are going to tell them how things should be done. So, Mr. Speaker I stand to support this Motion 110 per cent for it to pass. As Honourable Member from Shanzu Honourable Allen Katana has earlier said; if possible, we pass the Motion and it takes immediate effect today so that before we go for recess, we would have atleast called one of them. Thank you, Mr. Speaker, I stand to support.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Honourable Members, I now call Honourable Mwaura then to be followed by the mover of the Motion to respond. Yes, Honourable Mwaura?

Hon. Mwaura: Ahsante Mheshimiwa Spika. Kwa hakika sina mengi ya kuongeza ila ni kuungana na wenzangu kumpongeza Mheshimiwa wa Kiongozi wa Wengi kwa sababu ya kuleta Mswada huu wakati kama huu. Mheshimiwa Spika awali tulikuwa na maswali ambayo hayakuweza kujibiwa na Wenye Viti katika Kamati kadha mahali hapa na mimi ni mmoja wa Mwenyekiti ambao mara kwa mara nimesikitika na yale majibu nimeyapokea kutoka kwa *Executive* na mara kwa mara imebidi niyarudishe niseme haya mimi binafsi hayaniridhishi na ninaamini nikiyapeleka katika Bunge hayataweza kuridhisha Waheshimiwa. Kwa hivyo Mheshimiwa Spika Mswada huu ninauunga mkono asilimia 100 ya kwamba tunawahitaji waje hapa ili waweze kujibu majibu yanayoridhisha. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, the Leader of Majority please respond.

The Leader of Majority (Hon. Athman Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika niwashukuru Waheshimiwa wenza kwa kuweza kusimama kidete kupinga kauli za wale wenye kupinga Hoja hii. Mheshimiwa Spika, Hoja iko bayana na maudhui yake yako bayana kwa sababu mwisho wa siku ni sisi wawakilishi Wadi pamoja na Bwana Gavana ambao tutarudi mashinani kujibu maswali katika kujitetea kwa nafasi nyengine tena. Lakini jukumu kubwa la uendeshaji Mheshimiwa Spika liko katika Mawaziri ambao wao hawataweza kusimama mbele ya wananchi kujibu chochote mbali na sisi. Kwa hivyo kwa niaba ya wananchi wetu Mheshimiwa Spika tumepewa mamlaka chini ya Ibara 195 ya Katiba hii ya Jamhuri ya Kenya ya kwamba tunao uwezo wa kumuita yeyote kutoa ushahidi, tunao uwezo wa kuitisha ushahidi wa makaratasi na chochote katika Bunge hili lakini pia tumepewa mamlaka ya kwamba Bunge hili linaweza kutengeza Tume ikaenda ughaibuni kuhoji ama kutafuta ushahidi wowote Bunge litahitajia.

Kwa hivyo Mheshimiwa Spika kwa hawa Mawaziri ambao wako tu nyuma ya Bunge hili kufika hapa na kujibu ni jambo ambalo halina sababu ya kigegezi ikiwa Katiba imetupatia mamlaka ya kutuma Tume kwenda ughaibuni kwenda katika swala la ushahidi lakini zaidi ya hayo Mheshimiwa Spika mamlaka ya Bunge hili ni sawia na Mahakama Kuu na sheria lazima zifuatwe kwa mtu atakae beza Bunge hili na Kamati zake lazima sheria ziweze kufuatwa ikiwemo kutozwa faini, ikiwemo kupeleka mapendekezo ya yeye kufunguliwa mashtaka ya uhaini na ikilazimu kufungwa katika hali ya kuitetea na kuipatia hadhi Gatuzi letu la Mombasa na wananchi wetu watukufu waliotupatia mamlaka hayo. Kwa hayo mengi nawashukuru Waheshimiwa na iwe bayana, Hoja hii yetu sote Mheshimiwa Spika hakuna mmoja wetu ama Mwenyekiti yeyote mwenye tofauti na Waziri upande wa pili lakini Waziri yeyote atakae beza Mwenyekiti na Kamati, yeye ni adui wa Bunge hili Mheshimiwa Spika...

[Applause]

Haijalishi ni Kamati gani lakini kwa Waziri yeyote mwenye kubeza mwakilishi ama Kamati ya Bunge hili Mheshimiwa Spika wakati umefika wa kuweza kumpatia mahali pake anapostahili. Asante Mheshimiwa Spika na Mwenyezi Mungu abariki Bunge hili.

[Applause]

[Consultation]

The Deputy Speaker (Hon. Fadhili Makarani): Order! Order Members! Order! Order Senior Counsel Order! Honourable Members I now stand to put a question that the Motion by Hon. Athman Rama Mwamwiri on *Amendment of Standing Order to facilitate County Executive Committee Members Participation in the Plenary Sitting* be adopted by this Honourable House in the same terms as moved.

[Question put and agreed to]

[Applause]

Honourable Members the Motion on *Amendment of Standing Orders to facilitate County Executive Committee Members Participation in the Plenary Sitting* is adopted by the House.

ADJOURNMENT

Honourable Members, the House stands adjourned until Wednesday, 6th December, 2023 at 2:30p.m.

The House rose at 11:21a.m.