



**COUNTY ASSEMBLY OF MOMBASA
THE HANSARD**

Tuesday, 29th November, 2022
Third Assembly – Seventeenth Sitting

[The County Assembly met at 10:20a.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 Honourable Members.

[Long Consultations]

Order! Order Members! Order! Yes Clerk?

MESSAGES

NOMINATION OF RECRUITMENT PANEL FOR MOMBASA COUNTY SECRETARY AND
THE SECRETARY TO THE COUNTY PUBLIC SERVICE BOARD

Honourable Members, the County Assembly has received a message from his Excellency the Governor of Mombasa on the nomination of recruitment panel for Mombasa County Secretary and the Secretary to the County Public Service Board dated on Wednesday 16th November, 2022. The letter reads,

According to the powers conferred to me pursuant to Section 15 (2)c as read with Section 18(A) (1) of the County Government Amendment Act, 2020, I hereby forward the names of Selection Panel for the position of the County Secretary and Secretary to the County Public Service Board for vetting and approval.

Names of the recruitment panel:

1. *Dr. Winfred Kithinji, the Chairperson*
2. *Ms. Jacqueline Wahlenya, from private sector*
3. *Mr. Oscar Ojuma, from The Institute of Certified Public Accountants of Kenya (ICPAK)*
4. *Mr. Mwinyi Bwika, from law society of Kenya (LSK)*
5. *Mr. Hamid Abubakar, from workers union representative.*

Please expedite the process.

Yours faithfully, His Excellency Governor Abdulswamad Shariff Nassir.

Honourable Members, I have directed that the issue be dealt today during this Sitting so as to enable the recruitment panel to start its work expeditiously. Yes Clerk?

NOTICE OF MOTION

NOMINATION OF RECRUITMENT PANEL FOR MOMBASA COUNTY SECRETARY AND SECRETARY TO THE COUNTY PUBLIC SERVICE BOARD BY THE GOVERNOR

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

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

THAT this County Assembly approves the nomination of recruitment panel for Mombasa County Secretary and Secretary to the County Public Service Board made by his Excellency, the Governor of Mombasa as follows;

Names of the recruitment panel:

1. *Dr. Winfred Kithinji, the Chairperson*
2. *Ms. Jacqueline Wahenya, from private sector*
3. *Mr. Oscar Ojuma, from The Institute of Certified Public Accountants of Kenya (ICPAK)*
4. *Mr. Mwinyi Bwika, from Law Society of Kenya (LSK)*
5. *Mr. Hamid Abubakar, from workers union representative.*

Thank you, Mr. Speaker.

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

NOTICE OF MOTION

RESOLUTION TO PETITION THE NATIONAL ASSEMBLY ON THE COUNTY WARDS EQUITABLE DEVELOPMENT FUND

Yes, Honourable Allen Katana, MCA Shanzu Ward?

Hon. Katana: Thank you Honourable Speaker. I stand to give a Notice of Motion on resolution to petition the National Assembly on the County Wards Equitable Development Fund. Mr. Speaker Sir, I beg to give Notice of the following Motion;

THAT, pursuant to Article 37 and 119 of the Constitution of Kenya, this County Assembly resolves to petition the National Assembly individually and collectively as Members of County Assemblies and the County Assemblies Forum (CAF) vide the annexed draft petition for the National Assembly to intervene and ensure;

THAT, the County Wards Equitable Development Fund be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by the Honourable Stephen Mule, MP and the Honourable Gichimu Githinji MP, alongside other proposed funds namely the National Government Constituencies Development fund (NGCDF), National Government Affirmative Action Fund (NGAAF), the Senate Oversight Fund and the economic stimulus and empowerment fund; either prior to publication of the said Bill or before it is referred to the Senate, in accordance with rules of procedure of Parliament;

THAT the proposed Constitutional Amendment Bill, in amending Article 204 of the Constitution should provide for the following with respect to County Wards Equitable Development Fund;

- 1. THAT each County government shall allocate funds comprising of a certain percentage of the respective total County's annual budget estimates or as shall be advised by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund;*
- 2. That all monies allocated to County Wards Equitable Fund shall be considered as funds allocated to Wards pursuant to Article 206 (2) (c) to be administered in accordance with the provision of an Act of Parliament and,*
- 3. That Parliament shall enact a legislation to provide for the administration of the County Ward Equitable Development Fund.*

I, thank you Mr. Speaker.

MOTION

NOMINATION OF RECRUITMENT PANEL FOR MOMBASA COUNTY SECRETARY AND SECRETARY TO THE COUNTY PUBLIC SERVICE BOARD

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Mwamwiri, the Leader of Majority Party.

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

THAT, this County Assembly approve the nomination of the recruitment panel for the Mombasa County Secretary and Secretary to the County Public Service Board made by His Excellency, the Governor of Mombasa as follows:

Names of the recruitment panel;

- 1. Dr. Winfred Kithinji – Chairperson*
- 2. Ms. Jacqueline Waihenya -Private Sector*
- 3. Mr. Oscar Ojuma – ICPAK*
- 4. Mr. Mwinyi Bwika –LSK*
- 5. Mr. Hamid Abubakar – Workers Union Representative*

May I ask the Majority Chief Whip to second the Motion.

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Chief Whip?

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

[Question proposed]

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

I now propose the question that the Motion on, nomination of recruitment panel for Mombasa County Secretary and Secretary to the County Public Service Board made by the Governor and as moved by the Majority Leader be debated in this House.

[Question Proposed and agreed to]

Yes, Leader of Majority?

The Leader of Majority (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker, may I ask this House to approve the names brought forward by His Excellency, the Governor to the process of vetting and interviewing County Secretary and the Secretary to the County Public Service Board. Mr. Speaker, it is a requirement under the amended version of the County Government Act that the panel consist of the following, under section 15, 2(c) Mr. Speaker; That the Chairman of that panel;

1. Must not be a public officer
2. Must have a representative from the private sector
3. It is a requirement that we must have an advocate in that selection panel
4. We must have a certified Lawyer of a High Court; and,
5. A representative of the workers Union

By so Mr. Speaker, His Excellency the Governor has fulfilled this requirement by forwarding these names and their position held as a requirement in the County Government Act. I, therefore urge my fellow Members, since the Governor has shown goodwill by abiding by the rule of law by forwarding this panel with the requisite requirement under the County Government Act, we honor his wish and approve these names so that he can perform his functions as required by law in ample time without prudence of the law so.

Mr. Speaker, this is a goodwill from His Excellency because not all of us or not all the public are aware of this amended version; so he could have assumed there is no requirement and gone forward doing his duty as normal but since he is a law abiding citizen, he opted to follow the required law and here we are as an Assembly required by the County government and the Constitution of Kenya that we exercise our duties; one of it is approving his Selection Panel so that they can perform their duties after they have been approved by the County Assembly. I, therefore urge the Honourable Members we go ahead and approve the names so that other things can flow. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you, the Leader of Majority. Yes, Honourable Chief Whip, Majority Chief Whip?

The Majority Chief Whip (Hon. Mumba): Ahsante Mheshimiwa Spika. Na mimi pia nimesimama kuunga mkono maana nikiangalia hii *Panel* ndio itaweza kuanza kusaidia kazi tofauti tofauti na ikiwa Gavana mwenyewe ametuletea haya majina; ni kuonyesha amewachunguza vizuri na ana imani na wao na anajua ni watu ambao wanaweza kukaa na kufanya kazi hii ambayo wanatarajiwa kufanya bila tashwishi wala kutatizika. Kwa hivyo ningeomba kwa sababu ni kama kazi yetu ya kwanza kwa kuombwa na Gavana hapa tumpitishie jambo lake ili aweze kuona kuwa tumemsaidia katika kuanza kazi zake ili asione kuwa tumekuwa kikwazo.

Tumfungulie bawa zake aanze kazi zake ndio na sisi tuweze kuona kazi zinasongea kwa sababu mpaka dakika hii tunaona mambo mengi bado yamesimama na katika njia ya mfumo huu. Hata tukimaliza tunataka tuletewe pia mengine na mengine kabla hatujaenda muhula wa kupumzika, tuweze kufungua milango mingi ili kazi ziweze kufanyika. Ahsante Mheshimiwa Spika.

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

Hon. Katana: Ahsante Mheshimiwa Spika. Nimesimama kwanza nakupa shukrani kwa ajili ya nafasi hii Mheshimiwa Spika na pengine Bunge hili asubuhi ya leo litaniwia radhi kwa sababu sitaki kuwa miongoni mwa Waheshimiwa ambao kazi yao ni kupitisha vitu hata ambavyo pengine saa nyengine inakuwa ni vigumu kuvieleza. Sitapitisha mtu ambaye simjui Mheshimiwa kwa sababu sitaki kuwa muongo katika utenda kazi wangu; laiti tungepewa nafasi ya kuwafahamu hawa watu kwanza basi tungekuwa tunapitisha watu ambao kwa hakika tukiambiwa anafanya kazi hii ndio maana ameletwa katika Bunge hili, mimi nitakuwa wa kwanza kupitisha lakini kwa hayo naomba kutounga mkono Mheshimiwa Spika.

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

Hon. Ngare: Thank you Mr. Speaker for giving this chance to comment on the Motion that has been brought by the Majority Leader. I was still going through to internalize, however now that you have given me a chance to comment, I do support the Governor's choice because operations must continue within the County so I support the nominations by the Governor. Thank you, Mr. Speaker.

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

Hon. Hamid Mohamed: Ahsante sana Mheshimiwa Spika kwa fursa hii. Langu ni wazo, sijapinga wale walio chaguliwa lakini naona ikiwa tutakwenda namna hii itakuwa ni makosa; tutachagua watu, hawajui wamechaguliwa na nani, kesho twapishana nao ndani ya hizi *corridors* hatujuani, yeye hajui mimi ni nani na mimi sijui yeye ni nani. Kwa hivyo mimi sipingi wale waliochaguliwa lakini kitu ninacho kiona kitakuwa kina manufaa yetu sisi sote kwenye Jumba hili na heshima ni kabla ya uteuzi wa watu ni tuwe na kamukunji, tujue sisi twachagua watu namna hii, sura zao ni hawa, tumepata kuzungumza nao neno moja au mawili. Lakini tuletewe majina tu; hatujapinga hao waliochaguliwa nataka nieleweke mara tena na narudia tena nalikariri tena, sijapinga walio chaguliwa lakini napinga huu mfumo tunao fuata wa kuletewa majina tupitisha, basi itakuwa sisi kila tunacholetwa tu tupitisheni. Kwa hivyo sijapinga Mheshimiwa Spika yangu, ni hio hoja yangu. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable. Honourable Members, I would like to bring to your attention that this is a Selection Panel for vetting the County Secretary and Secretary to the County Public Service Board, so after vetting, after this Panel vets the two candidates they will be brought to this County Assembly through the Committee on Appointments for further interrogation and as you know Committees are extension of the Assembly so, please be confined within the Motion.

We are discussing these Members who were to vet the two individuals; note that the Governor has not appointed a County Secretary nor has he appointed Chair of the Public Service Board so please let us be in line with our debate that is on the floor, of the Members recruited to vet the said individual, Thank you. Yes, Honourable Patrick Mbelle?

Hon. Mbelle: Ahsante Bwana Spika. Bwana. Spika, nafikiri nikimnukuu Kiongozi wa Wengi katika Bunge alitusomea nafikiri katika... akiwa anajibu atatuambia ni kifungu gani katika Katiba kikisema kwamba Mwenyekiti wa Kamati hii ya kuweza kuu... kwa Kiswahili *vetting* sijui twaitaje, Waswahili wanisaidie..., kuchunguza yule *County Secretary* nafikiri *Chairperson* amesema ni mtu ambaye hafanyi kazi katika serikali na nikiangalia wa kwanza ambaye ni Dr. Winfred Kithinji huyu ni *Lecturer* katika Chuo Kikuu inaitwa Kenya Methodist University (KMU) iliyoko hapa Buxton na mama huyu angalia historia yake hata katika tovuti ya *Google* ni kwamba alikuwa mwalimu aliyepitishwa na kuidhinishwa na tume ya kuajiri walimu na vilevile sasa hivi ni *Lecturer* katika Chuo Kikuu cha KMU. Wa pili nafikiri kulingana na kile alichosema nilipo nukuu kutoka katika Katiba; wa pili ni lazima awe ametoka katika *private sector*, awe ni Mwana biashara na naona hapa amenakili kwa wema akisema kwamba Miss Jackline Waihenya ametoka katika *private sector*, watatu Bwana Oscar Ojuma ametoka katika ICPAK na ICPAK wenzangu Muhasibu upande ule wa pili Nyota na wengine ambao ni Wahasibu nafikiri wanaelewa kwamba hawa ni watu ambao wameidhinishwa na idara hii ya ICPAK. ICPAK inamaanisha..., nikusomee tu kwa haraka Mheshimiwa Spika, ICPAK inamaanisha Institute of Certified Public Accountants of Kenya; kwa hio ikiwa ameidhinishwa na ICPAK na kule katika Katiba imesema hivyo hivyo itakuwa si wakosa. Watatu ni Dada Mwinyi Bwika ambaye ni wa LSK na LSK ni shirika lililo idhinishwa Kenya linalo angalia Mawakili na wanne ni mmoja wetu kutoka Workers Union. Kwa hivyo Mheshimiwa Spika siendi kinyume na yale wenzangu wamesema Mheshimiwa Katana na Mheshimiwa Mwenyekiti wa Chama cha ODM ya kwamba ni lazima, ni muhimu tuwajue wale watu...

[Applause]

...Lakini nafikiri vile vile Gavana amefuata sheria kwa uhakika kuhakikisha kila aliye muweka hapa ako kulingana na vile Katiba inavyotaka. Ahsante Mheshimiwa Spika.

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

Hon. Madialo: Thank you so much Mr. Speaker Sir for the opportunity. As I have always said that I believe that Mombasa we are really lagging behind in implementation of issues as the Majority Chief Whip has correctly said. We are truly behind, so if by passing these names expeditiously it will help Mombasa County to move faster than it is moving, I truly support. Secondly, as the Speaker correctly said, this is just a Panel that will sit for three to four or two days and it is over to select the County Secretary. In fact, it is the duty of the Governor to select the kind of County Secretary that he saw desires then it is our duty now to oversight, let us note we might run the risk of trying to oversight and at the same time being the Executive. Our duty is to oversight, it is the Governors' responsibility to choose the person that he wants...

[Applause]

In fact, if it was not for the law, if it was not for law for him to choose this Panel who will vet the consecutive Secretaries?

Then he will have gone ahead to choose by himself the Secretary that he wants, then he brings the name to us. I would like to urge the House that this thing is as simple as...

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): Yes, what is it Honourable Allen? Are you up on a Point of Order? Which Point of Order?

Hon. Katana: Yes, it is a Point of Information Honourable Speaker. I tend to think that Honourable Madialo is not informed that is why he is not aware that it is procedural for these names to come for discussion in this Assembly for approval so that they can go ahead with the same exercise. So, I think Honourable Madialo he is not in order to say it is at the mercies of the Governor to select directly who he wants to be the County Secretary. Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Okay thank you Honourable Allen, we have been informed.

Hon. Madialo: Thank you so much. I am the kind of a person that I might be willing to be informed because information is power; I think Honourable Katana did not really get what I said, what I said is that it is true that they must come to this place, what I am trying to dissuade the House from trying to do is to try to beat these ten horses so much, these peoples' work as the Speaker correctly said is to vet. They will use three to five days; now, it is the Secretary that they will have selected that will come to the House through the necessary Committee and we will have interactions. The most important person is not these people, it is the Secretary so it is the Secretary that if we do not agree with this kind of person that they have selected to us we will reject, but these ones let us not waste our time, let us pass this thing. Thank you.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Doctor from Chaani Ward? Honourable Osano?

Hon. Makanga: Mheshimiwa Spika nashukuru kwanza kwa nafasi hii ambayo umenipa niweze kuchangia suala hili, lakini mimi ningeenda kwanza nianze kwa kuwaelezea wenzangu ambao wanasema sisi tuendelee tu tupitisha haya majina bila kuwajua hao watu ni kina nani. Mheshimiwa Spika...

[Applause]

Endapo sisi tutafanya makosa ya kwamba wale ambao wamepewa wajibu wa kutuletea watu ambao wanachukua nafasi muhimu kabisa kwa sababu *Secretary to the Public Service Board* Mheshimiwa Spika huyu ndio muajiri mkuu katika tume ile inayo ajiri watu ndani ya Mombasa. Mheshimiwa Spika, yule ambaye pia anaitwa *County Secretary* yeye ndio *Head of Public Service* kwa hivyo kama wale ambao watatumika kuwachagua hawa kutuletea katika hili Bunge watakuwa ni watu ambao hawajawajibika, ni watu ambao hatujui misimamo yao ni ipi, ni watu ambao hatujui maadili yao ni yapi, ni watu ambao hatujui wametokea wapi na mchango wao katika uongozi huu wa Mombasa ni upi Mheshimiwa Spika tutakuwa tumeahirisha matatizo ambayo yatatupata hapa mbele...

[Applause]

Mheshimiwa Spika, tusiwe na haraka ya kufanya vitu kufurahishana, tusiwe wa kufanya mambo kwa sababu ya hisia tuonekane wazuri ule upande mwingine. Mheshimiwa Spika, ni wajibu wetu sisi kuhakikisha yeyote ambaye jina lake litaletwa hapa tayari kuanzia pale mwanzo tunapoweka misingi lazima misingi yetu iwe ya sawa ...

[Applause]

Leo hii ukienda katika idara ya ujenzi majumba mengi yanaporomoka, si kwa sababu yalijengwa au waliojengwa hawakuwa wanaujua kujenga; ni misingi ilikuwa mibaya Mheshimiwa Spika. Hili Bunge lazima liweke misingi ya sawa, hili Bunge liweze kufanya kazi si kwa kufuata tu upepo lakini tuna haki ya kujua unakuja tumekupa nafasi ya kuchagua kwa niaba ya wale waliotupigia kura kwa sababu Mheshimiwa Gavana Mheshimiwa Spika pia alipigiwa kura. Kwa hivyo mimi pia niseme kwamba sijasema napinga lakini nasema ya kwamba lazima tuweke misingi ya sawa ili tunaposonga mbele tusonge tukiwa imara, tuko sambamba na kila kitu kinaenda sawa. Ahsante sana Mheshimiwa Spika.

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

Hon. Juma Mwalimu: Ahsante sana Mheshimiwa Spika kwa kunipatia fursa hii. Kwanza nipongeze Waheshimiwa wa Bunge hili la tatu kwa sababu ni Waheshimiwa ambao wanajielewa na wanajua pia ni nini wamekuja kufanya katika Bunge hili lakini pia niwe upande wa kuunga mkono kwa sababu haya majina yaliyoletwa hapa sio watu ambao watatusaidia kwa lolote hao ni wa kupiga msasa wale ambao watakuwa fanyiwa *vetting County Secretary* na *Secretary to the Public Service Board*. Kwa hio ndugu zangu sisi ambae atakuwa wetu itakuwa ni *County Secretary* huyo ndio twafaa tumchambue tumuweke katika laini ya sawa. Hivyo basi tu niwaambie Waheshimiwa tuunge mkono Hoja hii ili tuweze kusonga mbele na harakati zetu za serikali ya Gatuza la Mombasa. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Juma Kambi. One of the senior most Member is up, so I will give it up to Honourable Maimuna.

Hon. Maimuna Salim: Ahsante sana Mheshimiwa Spika. Mwanzo ningependa kukupatia shukrani za dhati kwa sababu nitachangia kuhusu ajenda hii; Mheshimiwa Spika ni lazima tuwe na fahamu kuhusu hizi ndio *procedure* za Bunge, hawa ni wale watu watakuwa pokea wale watu wachukue stakabadhi na ndio waweze kutuletea sisi kama Wabunge tuweze kukaa tuwachambue na tuwafanyie *vetting*. Kwa hiyo hii Kamati ni ya muda kama *Selection Committee*...

[Applause]

Kwa hiyo mimi nitasema ya kwamba tutakwenda kulingana na mfumo wa Katiba; tutakwenda kulingana na Kanuni za Kudumu za Bunge, tutakwenda kulingana na sheria za Bunge. Kwa hiyo hapa hata tutakavyo zungumza vyovyote vile hii ndio sheria inavyotumbia kwamba hawa kwanza wachaguliwe na mwenye haki ya kuwachagua ni Gavana.

Alafu atuletee baada ya hapo stakabadhi zije na wenyewe waje tuwafanyie *vetting* tuamue ni nani ambaye atachukuliwa. Kwa hiyo hii ni Kamati ya muda mimi naiunga mkono na ningependa wenzangu waelewe ya kwamba kila jambo lina sheria zake, hakuna mtu hapa...

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): What is it Honourable Allen? Are you up on a Point of Order?

Hon. Katana: Point of Information!

The Deputy Speaker (Hon. Fadhili Makarani): Or whom do you want to inform?

Hon. Katana: The Member.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Maimuna, do you want to be informed?

Hon. Maimuna Salim: No.

The Deputy Speaker (Hon. Fadhili Makarani): She does not want to be informed!

[Applause]

Yes, Honourable Maimuna proceed?

Hon. Maimuna Salim: Kwa hiyo tusianze mambo mengi, kila mtu ana maoni yake lakini mimi najua hii ndio *procedure* ya Bunge. Kwa hiyo mimi naunga mkono ili tufungue kazi watu wa Mombasa waanze kutaka kufanyiwa kazi, kwa sasa tumekaa hatuna Mawaziri, hatuna *County Secretary* sasa sisi kama Wabunge tuko hapa tukiweza kupinga jambo kama hili ambalo halituhusu itakuwa sivyo. Kwa hivyo Mheshimiwa Spika...

[Interruption]

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

Hon. Katana: I am up on a Point of Order.

The Deputy Speaker (Hon. Fadhili Makarani): Which point of Order Honourable Katana?

Hon. Katana: Honourable Speaker, is Honourable Maimuna in order to say that we do not have Ministers...

[Applause]

...Because I understand there is no vacuum in government, so she is not in order to say that we do not have Ministers. Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Okay.

Hon. Maimuna Salim: Kwa hiyo Mheshimiwa Spika ninaomba ya kwamba wakaazi wa Mombasa waanze kufanyiwa kazi na sisi tuko hapa kama macho yao. Kwa hiyo mimi ninaunga mkono hii Kamati waweze kuanza kufanya kazi na sisi tufanye kazi kama Waheshimiwa kuwakilisha watu wetu. Ahsante sana Mheshimiwa Spika, naunga mkono.

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

Hon. Ogutu: Ahsante sana Mheshimiwa Spika na mimi nisimame kuunga mkono hoja hii...

[Applause]

...Kwa sababu hata wale ambao wanaongea mwisho wanasema wanaunga mkono. Pili Mheshimiwa Spika mimi sitaki kujua mwenye atakuwa kwa hiyo *panel* kuchagua, mimi nataka kujua yule ambae ataletwa kama *County Secretary*...

[Applause]

Huyu wa *Panel* atakuja kunifanyia kazi gani kule mashinani? Huyu wa *Panel* atakuja kunisaidia vipi wakati mimi nataka watu wangu wasaidike kule chini? Mimi nataka huyu *County Secretary* ndio nijue na kama sitojua hapo *kutadhoka* Mheshimiwa Spika lakini kwa hii *Panel*...

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Ogutu, please use parliamentary language!

[Laughter]

Hon. Ogutu: Ooh! Samahani Mheshimiwa Spika...

[Applause]

Mimi nimeunga mkono na tupitishie hili jambo kazi ianze mara moja. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Ibrahim Omondi.

Hon. Omondi: Thank you Mr. Speaker for the opportunity. Mr. Speaker, this is a House of rules and procedures and... *[Off microphone]*...and I have actually... it is a very healthy discussion taking place. According to me, the Panel that has been brought in this House so that we can approve it make sense Mr. Speaker, to me this panel is toothless...

[Applause]

...It is toothless because it has no...

[Loud consultations]

Mr. Speaker, protect me from...

The Deputy Speaker (Hon. Fadhili Makarani): Order! Order! Honourable Members!

Hon. Omondi: Mr. Speaker, I was saying it is toothless by meaning that it is not going to do any harm...

[Applause]

It has no harm to the operations of the whole County Mr. Speaker. The work of this Panel is very clear, it has been stated in the Motion very clearly their work is just to receive the document and then listen to the people who are being vetted; one of them being the County Secretary. Mr. Speaker, after that I want to repeat this then those ones will now be brought to this Honourable House so that we can have a lengthy discussion concerning the character, concerning the education, integrity and other issues but for another hope I do not see any harm. Let the names come to this House then we shall discuss the people who have been passed. Mr. Speaker, again I want just to assume that today this Honourable House rejects or does not approve this Panel, who is going to approve... I just want to..., what now are we up to or what do we want Mr. Speaker, if we do not pass this thing because obviously the same thing it will repeat...

[Applause]

Obviously the same will repeat Mr. Speaker because again it is the Governor who will bring the... what the other people, they will not be these ones, but still there will be another team of people who will come to this House. We shall still reject because there is no provision in the law that you are supposed to meet the Panel, discussing them there is no that provision Mr. Speaker, so we shall be doing nothing in this House. Let us allow this Panel to go through, let the ones to be vetted now Mr. Speaker, but if we come in this House, then we are going to open our eyes wider and discuss issues. Mr. Speaker, I support.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, the Honourable Member from Jomvu Kuu Ward.

Hon. Ong'ao: Ahsante sana Mheshimiwa Spika. The MCA wa Jomvu anaitwa Joshua Mose, lakini najua kwa nini unatatizika kidogo yaruhusiwa. Nasimama kuunga hoja hii...

[Applause]

Cha kwanza, tumesomewa sheria ni kwamba lazima awe si mfanyi kazi wa serikali, awe kutoka *private sector* na mimi nikiangalia hizi *titles* hapa naona, *they are right*, mtu wa ICPAK, LSK, *workers union*. Sisi ni tuunge haya majina mkono yaende wafanye uteuzi, wale wataleta sasa ikiwa si wa sawa tupinge! Si ni kweli? Lakini sasa hii sioni haja ya kuchukua mda mwingi kujadiliana kulingana na vile Mheshimiwa Omondi amesema watu wako *toothless let us ...*

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): There is an Honourable Member who is up. Yes, Honourable Allen?

Hon. Ong'ao: I do not want to be informed! I know he wants to inform me.

[Applause]

Mheshimiwa Spika naomba unichunge na huyu jamaa wa Shanzu.

The Deputy Speaker (Hon. Fadhili Makarani): Just give him a minute. Yes, Honourable Allen?

Hon. Katana: Honourable Speaker, I just want to inform the House.... *[Inaudible][Off microphone]*

The Deputy Speaker (Hon. Fadhili Makarani): Use your microphone.

Hon. Katana: Honourable Speaker, in fact you are the best Speaker in Kenya for giving me this chance a number of times. I want to inform the House, that whatever has been written here to be the titles of these people, there is no way that we can confirm today, that these titles are real titles. They might be just fake titles that we cannot even substantiate, so be informed that this can be just fake writing about them. Thank you, Honourable Speaker.

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

Hon. Ong'ao: Ahsante sana Mheshimiwa Spika kwa kunipa ruhusa hii; kwa hivyo mimi naunga hii hoja mkono na tusonge mbele, ahsanteni.

[Applause]

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

Hon. Amriya Juma: Thank you Mr. Speaker for acknowledging that am a senior ranking Member in this House and when am standing, you should be one of the priorities ranking! Anyway, having said that I know there would be qualms here by my neighbour! Mr. Speaker, first and foremost, I wish to state as follows; that the intention might be good, that first of all we are out of time, the intention might be good but again I am concerned that if we do not bring a benchmark from the onset then there will be problems. Because our Majority Leader has brought in names and I can see some names are familiar like Ms. Jacqueline Waihenya and she is an advocate she is a ranking Member of LSK, but she has been quoted from private sector...

[Applause]

Mr. Mwinyi Bwika, I also know him; he is also an advocate from LSK, but you see in future we wish when we have been given names, please Honourable Majority Leader please let us have attachment on the qualification because these ICPAK there is identification for you to be a Member of Institute of Certified Public Accountancy Kenya (ICPAK) and I as I speak here, I am a Member of LSK and I can produce my identity card.

[Interruption]

Mr. Speaker, protect me I have not even made my point...

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): Yes, what is it Honourable Ibrahim?

Hon. Omondi: *[Off microphone] [Inaudible].*

The Deputy Speaker (Hon. Fadhili Makarani): Use your microphone.

Hon. Omondi: I am informing the House, not an individual Mr. Speaker the Member who is on the floor, I think she is trying to mislead us...

The Deputy Speaker (Hon. Fadhili Makarani): Just inform the House.

Hon. Omondi: Yes Mr. Speaker, she cannot stand up and tell us that when one is a lawyer, cannot do business in this country. Mr. Speaker, one can be a lawyer at the same time he can be a very successful business person.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Ibrahim. Yes, Honourable Amriya, proceed.

Hon. Amriya Juma: That was not even my point Mr. Speaker; my point was on the credentials of these Members. In future we would wish that if such nomination come on board, we want supporting documents. For instance, myself Mr. Speaker I am a ranking member of any scale with my identification card with me; we need these supporting documents for this qualification in future. Mr. Speaker, another issue is that when we are appointing *Ad Hoc* Committees and the laws are clear that their needs to be term of reference, they need to be a term limit, is this Panel going to be here for how long? Because I think from the Motion, am not reading that it has been stated, unless I have not gone through all of it, but I have not seen their term limit and I have not seen their terms of reference Mr. Speaker. So, we cannot assume an emergency issue that this Panel cannot skip out and do what is not in their power or *ultra vires* Mr. Speaker. So having said that I know when you are looking at Article 169 of the judicial authority Mr. Speaker, we are saying that justice shall be done without undue regard to procedural technicalities so for me this might be mere procedural technicalities. But I also want to come on record that in the future this type of scanty information will not be entertained by persons like myself, because we understand the nature of this task and because the County Secretary if we want to bring out the best material in town we must make sure that the judges that are sitting to produce for us the best are also the best in town. So having said that I rest my case there. Thank you very much.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Amriya. I can see you have exhausted the Motion. Yes, Honourable Nyota?

Hon. Hamisi Nyota: Thank you Mr. Speaker for giving me this opportunity. Mr. Speaker, I stand to make a comment on this Motion and these names that have been brought in this House. Members have made several statements and their opinions, but I stand to say that I support this Motion from the Governor because one, I am sure Mr. Speaker the Governor being at his status, he cannot just pick names randomly, he must have done thorough investigation of these people in this Panel. He must have consulted with the bodies like ICPAK to produce somebody like Oscar Juma whom I well know, having done CPA Mr. Speaker. Mr. Speaker, this County Secretary and the County Public Service Board be brought before this House, if we see they deemed fit for them to carry out their duties, this House has still the mandate to reject them. For the time being Mr. Speaker, let the Governor proceed with this Panel, let them select these people and finally they will be brought before this House. Mr. Speaker, I think it will be fair enough for this House to do a good job for this County, for them to hasten this operation for we are stalling behind. Mr. Speaker, other Counties are too much far, so I support this Panel by His Excellency the Governor and let them proceed selecting these Secretaries and they be brought before us and if we have any issues with them with their papers and recommendations, with the ability this House still stand a chance to say either yes or no, but I strongly support this Motion Mr. Speaker. Thank you so much.

[Applause]

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

Hon. Ojala: Thank you Mr. Speaker for giving me this opportunity contribute on this Motion brought by Leader of Majority and I rise to support the Motion...

[Applause]

One, if you look among the names of the nominees, they come from different institutions. Second, as we are aware our Governor is a competent man and he cannot just bring the names who are not qualified in this Honourable House. Honourable Speaker, I urge you to give me your eyes, because I am the one ...

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): Address the Chair please.

Hon. Ojala: Now Honourable House you have been crying all over that we have been lagging behind, so we do not want to be lagged behind by the business of the House. Kindly I urge you to support this Motion brought by the Majority Leader, because I can echo on my Member of Honourable Ibrahim Omondi stated that, our concern is the County Secretary as the Honourable Members, so I support this Motion one hundred percent. Thank you, Mr. Speaker.

[Applause]

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

Hon. Nyache: Ahsante Mheshimiwa Spika na mimi kuweza kunipa nafasi hii ya kuweza kuchangia. Kwanza namshukuru Mwenyezi Mungu, pili nimpongeze Kiongozi wa Wengi ambaye amekuja na hii hoja...

[Applause]

Jambo lengine nimesimama kuunga mkono hoja hii. Mheshimiwa Spika mimi kivyangu nasema naunga mkono hoja hii na tukiangalia kazi zetu zimelala, Kaunti zengine Mheshimiwa Spika washanza kazi zao na sisi bado tuko nyuma na huu ndio utaratibu wa Bunge. Hizi ndio sharia tunafuata za Bunge. Kwa hivyo tukitaka kuwajua hawa watu hata sijui itatusaidia nini? Kama vile wenzetu wamesema tuwajue, hawa ni watu watakaa hii Kamati kwa siku nne tu ama tano, kisha ni basi wataondoka. Sisi haja yetu kubwa ni huyu *County Secretary* ndio muhimu kwetu ndio tumwangelie kwa kina tuweze kumchambua na tujue ni mtu wa aina gani mwenye ambaye ataweza kutusaidia ili na sisi tuweze kusaidia watu wetu kule mashinani. Kwa hivyo Mheshimiwa Spika mimi naomba Bunge hili waweze kuunga mkono hoja hii wasipoteze mda kwa sababu mda unakwenda, tumepoteza mda sana, sisi tuko nyuma. Ningeomba waunge mkono na sisi tuungane na wenzetu, tuweze kusaidia watu wetu pale mashinani, ahsante sana Mheshimiwa Spika, nasimama kuunga hoja hii mkono.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Leila. I now call upon the mover of the Motion to respond.

The Leader of Majority (Hon. Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika nawashukuru Waheshimiwa kwa kuchachawiza Bunge hili, lakini pia inapaswa tunapoleta hoja ya Waheshimiwa wawe ni wenye kuzingatia na kusikia ni yapi tunayowasilisha katika Bunge hili, kinyume na kukupurukuka na kuongea [??] ambazo hazina natija wala hazina mshiko, wala hazijaeenda shule katika kuisaidia jamii. Mheshimiwa Spika, uteuzi wa tume hii ya kufanya mahojiano ya Katibu wa Gatuzi na vilevile Katibu katika Gatuzi letu tumepewa mwelekezo kwa mujibu wa sheria za Ugatuzi. Mheshimiwa Spika, awali nimezinukuu, ya kwamba kinyume na hizi ambazo ziko katika marekebisho ya mwaka 2020 awali katika kanuni za Gatuzi 44, Mheshimiwa Gavana alikuwa amepewa mamlaka moja kwa moja ya kuteua majina na kuyawasilisha Bungeni kisha Bunge hili liko na jukumu kulingana na Kanuni za kudumu 42, ya kwamba tunapopokea majina haya basi yatawakilishwa kwa Kamati husika na kwa hali hii Kamati husika ni Kamati ya Uteuzi Mheshimiwa Spika. Lakini kisha Mheshimiwa Spika kwa kutafuta usawa na uhaki wa uwakilishi Bunge lilifanyia marekebisho Kanuni hii na ikaweka ya kwamba ni lazima Mstahiki Gavana kuteua jopo litakalofanya mahojiano kwa nafasi hizi na katika jopo lile, sheria imemuelekeza ni nini Mstahiki Gavana anapaswa kufanya; si kwamba tu kutekeleza mamlaka yake lakini ameelekezwa ni kipi cha kufanya kambiwa ateuwe Mwenyekiti ambaye si mfanyi kazi wa umma, akaambiwa ateuwe Mwakilishi wa kitengo cha biashara ama biashara binafsi, ateuwe Mwakilishi wa Mawakili vilevile ateuwe Muhasibu na ateuwe Mwakilishi wa shirika la wafanyi kazi katika Gatuzi lile. Mheshimiwa Spika, katika kutekeleza ama kupata wawakilishi hawa, Mstahiki Gavana aliandikia barua kila Tume na Tume zenyewe ndio zilizowakilisha pendekezo lao ya kwamba huyu tunataka atuwakilishe katika kikao hicho cha mahojiano. Kwa hivyo Mheshimiwa Spika hili suala limekuwa zaidi ya uwazi ambavyo watu wanalitarajia...

[Applause]

Mheshimiwa Spika, mamlaka ya Tume hii yanakamilika punde watakapo wakilisha majina mawili katika kila nafasi kwa Mheshimiwa Gavana; ya kwamba katika hawa tuliofanya mahojiano, huyu na huyu tumewaona wanastahiki zaidi, zaidi ya hawa kwa vigezo hivi; kisha Mstahiki Gavana atateuwa mmoja katika majina yale kuja katika Bunge hili. Kamati ya Uteuzi italikalia, itaitisha stakabadhi na vigezo vya wale wastahiki kama ilivyo inavyotakikana katika sehemu ya 15, ambayo inazungumzia uhalisia na vigezo vya mtu kushikilia nafasi hii ya *County Secretary* ama Katibu katika Tume ya Huduma za umma Mheshimiwa Spika ambazo imeelezea vizuri, awe ni nani, awe na kigezo gani, ana uzoefu wa kazi kwa muda gani ambayo hayo yatakuwa ni miongoni mwa yale Bunge hili chini ya Kamati ya Uteuzi yatachunguza kwa kina kwa sababu hawa watachukua nafasi ya ajira kwa muda wa miaka mitano. Lakini kwa Tume hii Mheshimiwa Spika, ipo kisheria na jukumu lake linakamilika watakapomaliza mahojiano, hivyo basi niwaombe Waheshimiwa ya kwamba wakati mwengine kama huna hoja ni bora kufyata kinywa chako...

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Majority Leader, you are out of order! And please withdraw that Statement.

The Leader of Majority (Hon. Mwamwiri): Ahsante Mheshimiwa Spika. Naomba kuitoa kauli hiyo Mheshimiwa Spika. Mheshimiwa Spika, nihimize Waheshimiwa ya kwamba tuna majukumu lakini pia majukumu yetu yana mipaka na haipendezi kwetu sisi kumhoji Mstahiki Gavana anapotekeleza majukumu yake, pale anapokengeuka kama sarahangi wa serikali yake tunapaswa kuleta hoja Mheshimiwa lakini anapokuwa amefwata kanuni inavyostahiki, na kufuata taratibu kwetu sisi Mheshimiwa Spika ni kumuunga mkono na kuumpa nguvu ili aweze kushikililia sheria katika utekelezaji wa majukumu yake. Mheshimiwa Spika, tumeziona baadhi ya serikali Gatuzi na changamoto katika utenda kazi wake kwa sababu ya Gavana kukataa kufuata Katiba na Kanuni zilizopo za kisheria lakini kwetu sisi hata kama ni miezi mitatu tuna kila sababu ya kumshukuru Gavana wetu ya kwamba ameonyesha nia njema kuishikilia Katiba na vipengele vinavyohusiana na Katiba kama ngao yake ya kutekeleza majukumu kwa minajili ya watu wa Mombasa.

Kwetu sisi Mheshimiwa Spika, katika hili inatupa matumaini ya kwamba tunako kwenda, tunatoka kwenye kiza sawia na zile Kaunti zingine tunakwenda katika nuru ya kudumu ambayo manufaa yake na faida zake kama serikali na kama wawakilishi wa wananchi wetu tutaweza kuyaona. Kwa hayo mengi nawashukuru Waheshimiwa wote walioweza kuchangia na pia Mheshimiwa Spika nimezinukuu nukuu za wale Waheshimiwa waliokuwa na maoni mbadala na nimezichukua kama chanya ya kwamba tutazitendea kazi na tutapeleka mawasilisho kwa serikali yetu ya kwamba mbeleni pengine katika suala hili Mstahiki Gavana, kwa nia njema tu anaweza akaita wawakilishi wawili, watatu akakaa nao katika kuandika barua zile kupeleka kwa Tume zinazostahiki ili wanapowakilisha majina ya wale watu, na wao wajihisi japo sio katika majukumu yetu, lakini ya kwamba wamehusishwa kibarabara katika zoezi lote hili ambalo Mheshimiwa Gavana amelianza; kuwaandikia tume ya wawakilishi wa Mawakili barua, kuwaandikia mahasibu barua ya kwamba angalau zile barua zile Waheshimiwa tuzione kwa wakati kabla ya wale hawajawakilisha majina yao ndio zikija hapa. Mheshimiwa Spika, tusiwe na shauku ya kwamba Mheshimiwa Gavana aliandika barua ama hakuandika na kwa sababu Mheshimiwa Gavana ni mtenda kazi ambaye yuko wazi, kwake hili halina kigezi.

Nina imani atakuwa wazi na sisi, atafunguka na kila hatua atahusisha Bunge hili kama ilivyo nia yake. Na sisi ni wajibu pale ambapo kuna changa moto tumwelekeze Mstahiki Gavana kwamba hapa tuna duku duku na pale pako sawia; pia tuweze kumuunga mkono kwa sababu huo ndio uzalendo Mheshimiwa Spika; kuunga panapostahiki na kupinga pasipo stahiki. Ahsanteni na ahsante Mheshimiwa Spika na nihimize Waheshimiwa wenza kuweza kuunga mkono majina haya ili kazi iweze kuendelea. Ahsante.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you the Leader of Majority for that response to your Motion. Honourable Members, I know put a question that the Motion by the Leader of Majority, Honourable Athuman Mwamwiri on, *Nomination of Recruitment Panel for Mombasa County Secretary and Secretary to the County Public Service Board*, be approved in this Honourable House in same terms as moved. Honourable Chief Whip, you are out of order!

[Question put and agreed to]

[Applause]

Yes, Clerk?

MOTION

RESOLUTION TO PETITION THE NATIONAL ASSEMBLY ON COUNTY WARDS EQUITABLE DEVELOPMENT FUND

Honourable Allen Katana?

Hon. Katana: Thank you Honourable Speaker. I stand to give a Motion on resolution to petition the National Assembly on County Wards Equitable Development Fund. Mr. Speaker Sir, I beg to move the following Motion:

THAT, pursuant to Articles 37 and 119 of the Constitution of Kenya, this County Assembly resolves to petition the National Assembly individually and collectively as Members of County Assemblies and the County Assemblies Forum (CAF) vide the annexed draft petition for the National Assembly to intervene and ensure that:

THAT, the COUNTY WARDS EQUITABLE DEVELOPMENT FUND be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by the Honourable Stephen Mule, MP and the Honourable Gichimu Githinji, MP alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with rules of procedure of Parliament:

THAT, the proposed Constitutional Amendment Bill in amending Article 204 of the Constitution should provide for the following with respect to County Wards Equitable Development Fund: -

1. *THAT, each County government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimates or as shall be advised by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund;*
2. *THAT, all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to Wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament; and*
3. *THAT, Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.*

Mr. Speaker, I therefore ask Honourable Mbaya of Timbwani to second the Motion.

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

Hon. Salim Mbaya: I second.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, I now propose a question that the Motion by Honourable Allen Katana Motion on, *Resolution to Petition the National Assembly on County Wards Equitable Development Fund* be debated in this House.

[Question proposed and agreed to]

Yes, Honourable Allen from Shanzu Ward?

Hon. Katana: Nakushukuru Mheshimiwa Spika kwa nafasi hii; na sitakuwa na mengi ya kusema kwa sababu nilitarajia wengine wapinge lakini nashukuru kwa kuwa sikusikia mtu yeyote kupinga kwa ajili ya kulijadili suala hili. Mheshimiwa Spika, tumekaa katika vikao vinavyo angalia sana maslahi ya Waheshimiwa wa Bunge la Kaunti na tukaona kunavyo vitu vingi ambavyo kwa hakika Waheshimiwa hawa inakuwa kama ambaye haviwafai, lakini kwa hakika hivi vitu tulipendekeza ya kwamba ni muhimu wawe watavipata na sitaki kutapatapa kuongea kuhusu mambo mengi. Mheshimiwa Spika, nataka kuongea kuhusu hii hapo awali tulikuwa tukiita kama *Ward Development Fund* lakini sasa kama mkao tuliokaa katika Baraza la County Assembly Forum (CAF) tukasema itakuwa ikiitwa, *County Ward Equitable Development Fund*; na Mheshimiwa Spika kama ilivyojitokeza katika hoja yetu ni kwamba tukiwa Bunge la Kaunti moja kwa moja tunaigiza serikali ya kitaifa pamoja na Bunge la kitaifa. Kama nilivyotangulia kusema kwamba kunavyo vitu vingi ambavyo sisi kama Wabunge wa Kaunti vinakuwa kwetu sisi si faida, sasa kumekuwa na Mswada ambao karibuni utakuwa ni sheria kule Bunge Mheshimiwa Spika ya kuidhinisha kwamba ile iliyokuwa ikiitwa NGCDF ikaweze kufanya kuwa sheria na hivyo basi Wabunge na viongozi na akina mama, na Wabunge pia wa Seneti wawe wakipata fedha zitakazokuwa zikiwasaidia kufanya kazi zao. Sasa vilevile ikawa ni pendekezo la MCAs wote Mheshimiwa Spika Kenya nzima, tukiongozwa na baraza la CAF tukaja na sauti moja kusema, itakuwa ni vizuri Mswada huu unapoenda kufanya sheria kuwa, hili swala la mgao wa fedha ambalo litakuwa chini ya MCA kama *County Ward Equitable Development Fund* ikaweze kupitishwa kuwa sheria.

Kwa hivyo mimi sitaki kuongea mengi, maana Mswada huu uko wazi Mheshimiwa Spika na ningeomba ikaweze kuwa wazi hata kwa Waheshimiwa wa Bunge la Nyumba hii wakaweze kuunga mkono, ili tuunganike pamoja na Waheshimiwa wa Kenya nzima, ili tukaweze kuwatendea kazi wananchi waliotuleta hapa, tukizingatia kwamba kule mashinani, kulingana kwa mujibu wa Katiba tuliyoipigia kura, ni kwamba kinacho muunganisha mpiga kura na serikali si mtu mwingine bali ni yule MCA pale na kwa hivyo tunakuta shida nyingi moja kwa moja tunakumbana nazo sisi kama MCAs. Kwa hivyo Mheshimiwa Spika, ni ombi langu kwamba Waheshimiwa wenza katika Nyumba hii wataliunga mkono swala hili, ili hazina hii ikaweza kutengwa kwa ajili ya kufanya kazi kwetu. Mheshimiwa Spika, ahsante.

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

Hon. Amriya Juma: Thank you so much Mr. Speaker. I rise to support the Motion on the Ward Equitable Development Fund. Mr. Speaker, the constitution is very clear; Article 1, 2, 4, 6, Article 174 of the constitution, Article 175, Article 184, Article 196 on the importance of citizen participation and devolution, to reach at the citizen level, at the grass root level and the principles also of devolution are very clear; accountability, involvement of the people, equity, equitable distribution of resources and so on forth, and we must acknowledge that, as much as we have the two levels of government, the National of the County Levels, ten years down into devolution, we have not been able to achieve much because some of the resources not accessible at the village level. Mr. Speaker, so having this and am glad, that in the wisdom of the CAF they have changed it to equitable development or distribution, because equity and equality are two different things, so this development fund will be equitable. What do you mean by saying it will be equitably share? It means that there are areas where the semi-developed; there will be need of two percentage and those areas that are not developed in need of ten percent, that is called equity. Equity does not demand that we are treated fairly, but equity demands that we treated reasonably well for us to access equitable distribution of few resources that we have Mr. Speaker.

So, I am in support that these funds should be in the Constitution and it means that we will be now as per Article 220, be having our allocation as the Ward Development Fund as non-ceiling item, right from the Commissioner for Revenue Allocation. We will be receiving directly, our work will just to budget for it and we will be receiving our distribution equitable; just as the National government is going to get and we are going to get as the Ward distribution fund and it will not leave us or even the powers that be, in only option because the law will be very clear right from the revenue allocation Mr. Speaker it will be very clear that Mombasa County will get 60 percent of their development vote in their County Equitable distribution or will get 10 percent or even 40 percent and we are going to plan accordingly. They say that if you fail to plan, you plan to fail. So, we have been having a challenge when we have our development since we have had to pass through the Executive for approval and so on and forth and we do not have a development vote as Members of County Assembly. This will give us an ample opportunity, to have the same and even it will not water-down our role as an oversight body; we are told that our role enshrines in the constitution as oversight, representation and legislation Mr. Speaker, how are you on earth supposed to represent a person if you have no resources? If I am supposed to represent my citizenship in a wedding, in a funeral, in bursary, how am I supposed to do that when we do not have development vote Mr. Speaker? So, I strongly agree that we have this, but even we should not stop us from making as we petition Parliament; this should not stop our local arrangement because we are moving into January, we are going into December, we have needs that our people are expecting, so this should not stop us.

Now that we have this Motion or petition in Parliament, it should not stop us from proceeding with whatever arrangements we are having so as we can enhance devolution at a grass root level. So, I congratulate my brother from Shanzu for this noble Motion and we are in full support of the same and we endeavour that we be equipped with all the necessary resources, so that as a devolution family we can assist also in development. Thank you.

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

Hon. Kai: Ahsante Mheshimiwa Spika kwa kunipatia fursa hii ili nikaweze kutoa mchango wangu, kuhusiana na hoja hii ambayo imeletwa na Mheshimiwa Allen Katana. Kwanza, nichukue fursa ya kipekee, kwa mara ingine tena kumpongeza ndugu yangu Mheshimiwa Allen Katana, kwa kuweza kupata fursa ya kutuwakilisha kama Bunge la Mombasa katika lile baraza la CAF, na niseme ya kwamba amenitia moyo mkubwa sana, ya kwamba nimeweza kupata matumaini, ya kwamba tumeweza kuwakilishwa kikamilifu katika baraza lile, na hususan kwa ule mda na wakati ambao ameweza kuleta hoja hii, kwa sababu ni ule mda ambao Bunge zote tatu ziko katika hali ya kujitayarisha kuona ya kwamba tunapofanya marekebisho kipengele hiki tumeona Seneti imejipanga Mheshimiwa Spika. Tumeweza kuona pia Bunge la kitaifa Mheshimiwa Spika limeweza kujipanga kuona ya kwamba inaenda kuwa na sheria ya wao kupata huu mgao ili wakaweze kuwezesha huduma zao kamilifu. Hivyo basi ni vyema pia sisi kama Bunge ambalo tunatambulika kikatiba na hususan tukiwa na jukumu kubwa sana katika hii serikali ya ugatuzi, kwa sababu sisi ndio tuko pale mashinani Mheshimiwa Spika. Kwa hivyo, basi nisiseme mengi ila niseme ya kwamba, sisi kama Bunge kupitia Mheshimiwa ambaye anatuwakilisha katika baraza hili tukaweze kuwa na umoja na tukaweze kumsaidia na akili zetu na nguvu zetu ili kuhakikisha ya kwamba matakwa ya Bunge hili, ambayo tunaamini pia ni matakwa ya wale tunaowakilisha, basi yakaweze kufikia baraza lile na yakawezwe kutimizwa kwa wakati ambao unaofaa. Kwa hayo mengi na machache Mheshimiwa Spika, nikaweze kusema ya kwamba, ninaunga kikamilifu hoja hii na ikaweze kuendeshwa kwa uwepesi zaidi ili ikaweze kutufaidi sisi sote. Shukran sana Mheshimiwa Spika.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, the Majority Leader is up, so let us give him, the Majority Leader?

The Leader of Majority (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker, I am up on a point of order; Standing order 28; *“I seek leave of this House that we adjourn to allow Members, to attend extended matters of the County Assembly”*. There is a report which has to be approved by a joint Committee, that is House Business Committee, Committee on Appointment and Committee of Selection before it is forwarded to the Business of this House. I seek leave Mr. Speaker that we adjourn at this point so that the Members can attend to the extended and the matter of the House be referred in the afternoon. Mr. Speaker, thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Any seconder? Yes, Honourable Ibrahim?

Hon. Omondi: I second Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, I now propose a question, that the Motion moved by the Majority Leader, on postponement of this section be debated in this House?

[Question proposed and agreed to]

Yes, Honourable Majority Leader?

The Leader of Majority (Hon. Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika ni kuomba tu Waheshimiwa, kwamba waruhusu kikao hichi kikamatike kwa sasa na kiendele saa nane, kwa sababu kuna ripoti muhimu ambayo kamati tatu zinapaswa kwenda kuikalia sahihi na kuiafiki, ili kupeana nguvu na mamlaka ya shughuli zengine kuweza kuendelea Mhe. Spika na ripoti hii ilitarajiwa kabla ya saa sita na robo, na tukitazama chronometer katika lango letu la Bunge Mheshimiwa Spika, ni dakika za kuhesabu zilizosalia. Kwa hivyo niomba Waheshimiwa ya kwamba hoja iliyoko mbele yetu ni hoja muhimu na nyeti, tuipe mda tuimalize lile, ili saa nane turudi na nguvu mpya, ari mpya na uweza wa kudebate ama kuijadili kwa hera zaidi na kuhakikisha sauti yetu imeweza, kufika inapostahiki na sisi miongoni wa zile gatu zengine kuwepo na mfuko huu maalum ya kuweza kutekeleza majukumu. Kwa sasa ni kwamba tu Waheshimiwa tuafiki hii, tuweze kwenda mapumziko kidogo, mpaka masaa ya mchana ahsante Mheshimiwa Spika.

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

Hon. Madialo: Bwana Spika, naomba hivi tukiendelea kujadiliana, *feeling the mood of the House*, naomba kwamba uamue ya kwamba tumekubaliana, ahsante.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Madialo, I am not the one to decide that, the Honourable Members will decide. Yes, Honourable Ibrahim?

Hon. Omondi: Mr. Speaker, I want to support the Motion by the Majority Leader; that we adjourn and we actually catch up with this Motion again when we are fresh. Mr. Speaker, reason why I am saying is that, the Motion that has been brought is very important, we need to come up when we are very fresh and discuss it in this House, thank you Mr. Speaker. I support the adjournment.

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

Hon. Hamisi Nyota: Thank you. I think because of time the Majority Leader has made it clear that we are running out of time, instead of wasting time let us adjourn and come back in the afternoon. Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Yes, I now call upon the Majority Leader to respond.

The Leader of Majority (Hon. Mwamwiri): Ahsante Mheshimiwa Spika na ahsante kwa Waheshimiwa wenza kuafiki hili. Shukran.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, I now stand to put a question that the motion by the Leader of Majority, on adjournment of this sitting until afternoon be approved in this House?

[Question put and agreed to]

MOTION DEFERRED

Yes Clerk?

ADJOURNMENT

Honourable Members, this House stands adjourned until Tuesday 29th November, 2022 in afternoon at 2:30p.m.

The House rose at 11:52 a.m.