

**MOMBASA COUNTY ASSEMBLY
HANSARD REPORT**

Wednesday, 6th September, 2017

The House met at 10:44a.m.

*(County Assembly Clerk (Mr. Salim Juma) entered the Chamber in a procession
accompanied by three Table Clerks)*

PRAYERS

(Clerk of County Assembly (Mr. Juma) presided)

COMMUNICATION FROM THE CHAIR

Clerk of County Assembly (Mr. Juma): You may be seated.

Hon. Members, It is with utmost pleasure that I welcome you to the first sitting of the Second Assembly of the County Assembly of Mombasa. This Second Assembly term will be for a five years period. I take this opportunity to congratulate you on your election and nomination to be Members of this County Assembly. As we all are aware, the process that you have undergone for you to be able to sit in this August House is an intricate one and hence congratulations, for making it to this Second Assembly are in order.

Hon. Members, pursuant to Standing order 3 and I quote, ‘Whenever a new County Assembly is elected, the Governor by notice in the Gazette shall appoint the place and date of the first sitting of the new Assembly, which shall be not later than 14 days after the elections’. In line with this Standing order, His Excellency the Governor vide Gazette Notice No. 1 dated 29th August, 2017, convened the Second Assembly to held be on Wednesday, 6th September, 2017. I hereby read the contents of the Gazette notice as required by Standing order No. 3 (2); ‘Pursuant to Standing Order 3(1) of the Mombasa County Assembly Standing Orders, It is notified for the information of the Members of County Assembly and the general public that, I Hassan Ali Joho, the Governor of Mombasa County, appoint that the first sitting of the Second Assembly shall be held at Mombasa County Assembly Building on Wednesday, 6th September, 2017 at 9:00a.m, dated, 29th August, 2017’.

Hon. Members, our Standing orders in 3(2) b requires that I lay the names of persons elected and nominated as Members on the Table of the County Assembly, and I hereby proceed to read the names and lay the lists for both elected and nominated MCAs as published in the Kenya Gazette by IEBC vide gazette notices no.8240 dated 22nd August, 2017 and gazette notice no 8380 dated 28th August, 2017 respectively. The elected MCAs are;

1. Fadhili Mwalimu Makarani - Port Reitz
2. Faith Mwendu Boniface - Kipevu
3. Ibrahim Oyugi Omondi - Airport
4. Benard Ochieng Ogutu - Changamwe
5. Junior Wambua Kyaka - Chaani
6. Shebe Athuman Salim - Jomvu Kuu
7. Kibwana Swaleh Baya - Miritini
8. Juma Renson Thoya - Mikindani
9. Fahad Kassim Abdallah - Mjambere
10. Musumba Raphael Bwire - Junda
11. Robert Nyiro Mwaega - Bamburi
12. Feddis Salame Mbura - Mwakirunge
13. Lucy Chizi Chireri - Mtopanga
14. Ali Mohamed Shomari - Magogoni

15. Maimuna Salim Mwawasi - Shanzu
 16. Charles Juma Kitula – Frere Town
 17. Salim David Kalume - Ziwa la Ng'ombe
 18. Kizito Okoth Opeya - Mkomani
 19. Abrari Mohamed Omar - Kongowea
 20. Francis Kombe Nzai - Kadzandani
 21. Hamisi Musa Mwidani - Mtongwe
 22. Mwalimu Hamadi Mgwisho - Shika adabu
 23. Ahmed Salama Omar - Bofu
 24. Athman Rama Mwamwiri - Likoni
 25. Mwaka Bakari Mulundonda - Timbwani
 26. Murfad Abdallah Amur - Mji wa Kale/Makadara
 27. Tobias Otieno Samba -Tudor
 28. Ali Omar Shariff - Tononoka
 29. Prischillah Mema Mumba – Shimanzi/Ganjoni
 30. Ahmed Khamis Salim Hamisi - Majengo
- The nominated Members of County Assembly are;
31. Ramla Said Omar
 32. Mohamed Mohamed Hatimy
 33. Mary Evelyn Osongo
 34. Moses Aran Oindo
 35. Ambriya Boy Juma Boy
 36. Leila Mughazo Nyache
 37. Milka Muraa Ngare
 38. Rosemary Mueni Mukavi
 39. Mary Naliaka Wafula
 40. Hamida Noor Sheikh Ali
 41. Fatuma Swaleh Mote
 42. Mwaka Zahora Juma

We shall now proceed with the next order. Clerk?

ADMINISTRATION OF OATHS

We shall now proceed with the second order which is Administration of Oath.

Hon. Members, pursuant to Article 74 of the constitution, before assuming a State office, or performing any function of a State office, a person shall take and subscribe the prescribed oath or affirmation. The procedure for swearing in will be conducted in accordance with the Standing Order 3 (3) which provides for order of precedence as follows;

- a) Members with the longest cumulative period of service in the County Assembly, including local authority existing prior to establishment of County Assemblies; then,
- b) All other Hon. Members in alphabetical order.

For purposes of this swearing in, the alphabetical order to be considered shall be the surname of the Members. During the administration of the oath your name will be called out by a Table Clerk as per the order of precedence which is attached to the order paper, you will then be required to move to the podium escorted by one Member, hold a religious book by your right hand and raise it (As per your belief) and take the oath of office as I will direct.

After taking the oath, you will be required to leave the podium and you will be directed to sign the Oath Book and Certificate of Oath after which you will resume your seat to give way for the next Hon. Member to be sworn in. The list that will be used to administer the Oath is attached to the Order paper. I now proceed to administer the Oath, Table Clerk?

(The Table Clerk called out the names of each Member to proceed to the podium to take the Oath of office)

1. Hon. Hamisi Musa Mwidani
2. Hon. Amur Murfad Amur
3. Hon. Mohamed Mohamed
4. Hon. Mwawasi Maimuna Salim
5. Hon. Baya Kibwana Swaleh
6. Hon. Chireri Lucy Chizi
7. Hon. Kalume Salim David
8. Hon. Makarani Fadhili Mwalimu
9. Hon. Mote Fatma Swaleh
10. Hon. Mumba Priscilla Mema
11. Hon. Opeya Kizito Okoth
12. Hon. Kyaka Junior Wambua
13. Hon. Omar Ahmed Salama
14. Hon. Abdalla Fahad Kassim
15. Hon. Ali Hamida Noor Sheikh
16. Hon. Boniface Faith Mwendu
17. Hon. Bwire Musumba Raphael
18. Hon. Juma Ambriya Boy
19. Hon. Juma Mwaka Zahora
20. Hon. Khamis Ahmed Khamis Salim
21. Hon. Kitula Charles Juma
22. Hon. Mbura Feddis Salama
23. Hon. Mgwisho Mwalimu Hamadi
24. Hon. Mukavi Rosemary Mueni
25. Hon. Mulundonda Mwaka Bakari
26. Hon. Mwaega Robert Nyiro
27. Hon. Mwamwiri Athman Rama
28. Hon. Ngare Moraa Milka
29. Hon. Nyache Leila Mughazo
30. Hon. Nzai Francis Kombe
31. Hon. Ogutu Benard Ochieng
32. Hon. Oindo Moses Aran
33. Hon. Omar Abrari Mohamed
34. Hon. Omar Ramla Said
35. Hon. Omondi Ibrahim Oyugi
36. Hon. Osongo Mary Evelyn
37. Hon. Salim Shebe Athman
38. Hon. Samba Tobias Otieno
39. Hon. Shariff Ali Omar
40. Hon. Shomari Ali Mohammed
41. Hon. Thoya Juma Renson
42. Hon. Wafula Mary Naliaka

(Clerk of County Assembly (Mr. Juma) then administered the Oath of Office to each of the Members of County Assembly)

I _____, do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of County Assembly Member of Mombasa County;

that I shall diligently discharge my duties and perform my functions in the said office, to the best of my judgment; that I shall at all times, respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya; and that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of Parliament, that I shall do justice to all. So help me God.

(All the 42 Members of County Assembly took the Oath of Office as prescribed)

County Assembly Clerk (Mr. Juma): Congratulations all. Hon. Members is there any Member who has been left out?

(Silence)

So everybody has been sworn in. Table Clerk, next order?

ELECTION OF HONORABLE SPEAKER

You will now proceed to elect the Speaker.

Hon. Members you have taken the Oath of office and hence the law now permits you to transact business of the Assembly. The first business that you are required to transact is the election of the Speaker.

Hon. Members, pursuant to Article 178 of the Constitution, Section 7 of the County Government Act, 2012 and Standing order 5, the Office of the Speaker fell vacant when His Excellency the Governor published the first sitting of the Second Assembly vide Gazette notice No.1 dated 29th August, 2017 which I had earlier read out to you.

I thereafter proceeded to gazette the vacancy in the office of the Speaker vide gazette notice no. 8413 dated 30th August, 2017. I also advertised for the position of the Speaker in the Nation Newspaper dated 31st August, 2017 and People's Daily of the same date. Interested persons for the position of speakership were informed to collect nomination papers for election to the position of the Speaker from the office of the Clerk and submit the same after being duly filled by Monday, 4th September, 2017 at 9:00a.m.

The number of persons who picked the nomination papers were twelve (12). The number of persons who returned the nomination papers by 4th September, 2017 at 9:00a.m, which was the deadline was one in number, Aharub Ebrahim Khatri.

(Applause)

Mr. Aharub Ebrahim Khatri of Id No. 239485374 voter no. 5244372028 was thus an unopposed candidate for Speakership. His nomination was proposed by Hon. Hamisi Mwidani, MCA Mtongwe Ward and seconded by Hon. Mohamed Hatimy MCA, Nominated. The nominee as was required availed the following documents; duly filled nomination form, application letter, curriculum vitae, copy of national identity card, copy of clearance from Credit Reference Bureau (CRB), Independent Electoral Boundaries Commission (IEBC) clearance, tax clearance form from Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB) clearance, clearance certificate from Ethics and Anti Corruption Authority (EACC), Certificate of Good Conduct and academic certificates he did avail.

Standing Order 11 provides that if there is only one candidate who has been duly nominated for election as Speaker at the expiry of the nomination period, that candidate shall be declared forthwith to have been elected Speaker without any ballot or vote being required. Hon. Members, pursuant to Standing Order 11, I declare one, Aharub Ebrahim Khatri of Id no. 239485374 as the Speaker - elect of the Second Assembly of County Assembly of Mombasa.

(Applause)

Sergeant-At-Arms and the two MCAs who proposed and seconded the nominee I direct that you usher in the Speaker - elect to the Assembly.

(Sergeant-At-Arms, Hon. Mwidani and Hon. Mohamed Hatimy exited the Chamber)

(Silence)

(Mr. Speaker-elect (Hon. Khatri) was escorted into the Chamber by Hon. Mwidani and Hon. Mohamed Hatimy)

(Mr. Speaker-elect Hon. Khatri) proceeded to the podium and took the Oath of office as prescribed)

Mr. Speaker (Hon. Khatri): I, Aharub Ebrahim Khatri, having been elected as Speaker of the County Assembly of Mombasa do swear/solemnly affirm that I shall always truly and diligently serve the people and the Republic of Kenya in the office of Speaker of the County Assembly in Mombasa County; that I shall respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya; and that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of Parliament without fear or favour, affection or ill health. So help me God.

(Applause)

Clerk of County Assembly (Mr. Juma): Congratulations Hon. Speaker. Hon. Members the Speaker will now take charge.

(Consultations)

(Mr. Speaker (Hon. Khatri) took the Chair)

Mr. Speaker (Hon. Khatri): Hon. Members you may sit. Distinguished guests, Hon. Members of the County Assembly of Mombasa, ladies and gentlemen, I would like to thank the Almighty God for the great favour he has given me. Hon. Members may I thank you for electing me as your Speaker. It is with great humility and a deep sense of duty that I take the Chair as Speaker of the County Assembly of Mombasa. I am grateful to all of you as you have made this possible. Allow me to congratulate the Governor of the County Government of Mombasa, His Excellency, Hon. Hassan Ali Joho for his re- election.

(Applause)

I also wish to congratulate the Deputy Governor of the County Government of Mombasa, His Excellency, Hon. William Kazungu Kingi. As we move forward, I would like to assure the Governor and the Deputy Governor of our support as the County Assembly. I also wish to congratulate the Senator and Women Representative of Mombasa County, Hon. Mohamed Faki and Hon. Asha Mohamed Hussein, and all elected leaders.

(Applause)

I believe that this County will hugely benefit from their leadership both at the Senate and the National Assembly respectively.

(Applause)

Hon. Members, I wish to congratulate all of you on your victories. The residents of this great County have accorded you a great responsibility of serving them. Therefore let us maximise our efforts towards that end and I trust that we will all deliver.

Hon. Members, I am aware of the duty that is ahead of me. I promise that I will always do my best to serve this Assembly faithfully, honourably and effectively.

Hon. Members, I do believe that devolution requires a vibrant County Assembly that can effectively perform its functions of representation, legislation and oversight. It is therefore upon us to make sure that this County Assembly promotes devolution while at the same time protecting the gains that have already been made.

Hon. Members, the residents of this County are looking up to the County Assembly and County Government for solutions to the problems that they face on a daily basis.

Our people expect us to help provide jobs for the unemployed, improve access and quality of education, healthcare and generally give them hope. By so doing, this County Assembly will be responsive to the needs and aspiration of its residents.

Hon. Members, this County Assembly which is part of the County Government belongs to the residents of Mombasa. We must at all-time exercise honesty and accountability

to meet the needs of the people. I ask for your cooperation so as to make this County a success.

Hon. Members, you have done me a great honour. The people of this County have done all of us a great honour. Now, let's work to change the lives of the people of Mombasa.

(Applause)

I have faith that with God on our side we will deliver.

(Applause)

Finally, please allow me to assure you that I will perform all my daily duties in accordance with the Constitution, the laws and the Standing Orders.

Thank you and God Bless Mombasa.

(Applause)

Clerk please guide us. Clerk, next order?

Clerk of County Assembly (Mr. Juma): Election of the Deputy Speaker.

Mr. Speaker (Hon. Khatri): Clerk, please continue.

ELECTION OF HONORABLE DEPUTY SPEAKER

Clerk of County Assembly (Mr. Juma): Hon. Members on the 31st August, 2017 a notice was placed by the Clerk on the notice Board, Mombasa County Assembly Building notifying Members of County Assembly who are interested in the position of Deputy Speaker to pick nomination papers from the office of the Clerk and submit the duly filled forms by 4th September, 2017 at 9:00a.m.

Hon. Members, pursuant to Article 178 Sub article 2 b and section 9 sub section 4 and 5 of the County Government Act, 2012 the County Assembly is empowered to elect a Member to act in the absence of the Speaker who is the Deputy Speaker, Members were also informed about this matter via a text message. From the register maintained at the office of the Clerk by the close of the aforesaid deadline, four MCAs had picked the nomination forms and only one submitted the duly filled nomination papers by 4th September, 2017, 9:00a.m. Hon. Fadhili Makarani Mwalimu, MCA Port Reitz Ward was proposed by Hon. Kibwana Swaleh of Miritini Ward and seconded by Hon. Fatma Swaleh Mote, Nominated MCA. Hon. Fadhili Makarani Mwalimu having met all the requirements and unopposed, I hereby declare him the Deputy Speaker - elect.

(Applause)

Hon. Speaker, kindly proceed to the podium to administer the Oath of Office to the Deputy Speaker - elect. Hon. Fadhili Mwalimu Makarani...

(Mr. Speaker (Hon. Khatri) exited his Chair and proceeded to the podium to administer the Oath of office to Deputy Speaker-elect Hon. Fadhili Mwalimu Makarani)

(Deputy Speaker-elect (Hon. Makarani) took the Oath of office as prescribed)

Deputy Speaker (Hon. Makarani): I, Fadhili Mwalimu Makarani, having been elected as Deputy Speaker of the County Assembly of Mombasa do swear/solemnly affirm that I shall always truly and diligently serve the people and the Republic of Kenya in the office of Deputy Speaker of the County Assembly in Mombasa County; that I shall respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya; and that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of Parliament without fear or favour, affection or ill health. So help me God.

Clerk of County Assembly (Mr. Juma): Congratulations.

Deputy Speaker (Hon. Makarani): God Bless.

(Applause)

(Mr. Speaker (Hon. Khatri) resumed his seat)

(Applause)

Mr. Speaker (Hon. Khatri): Clerk?

ADJOURNMENT

Hon. Members, the House stands adjourned until Tuesday 26th September, 2017 at 2:30p.m.

The House rose at 1:35p.m.