



COUNTY ASSEMBLY OF MOMBASA

THE HANSARD

Monday, 24th October, 2022

THIRD ASSEMBLY

[The County Assembly met at 11:15a.m. at the County Assembly Buildings]

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

NATIONAL ANTHEM
EAST AFRICAN COMMUNITY ANTHEM

PRAYERS

[By Muslim and Christian Religious leaders]

The Speaker (Hon. Khatri): Thank you, Your Excellency, Honourable Members, Honourable Members of Parliament we may be seated.

[Consultations]

COMMUNICATION FROM THE CHAIR

OFFICIAL INAUGURATION OF THE THIRD ASSEMBLY

The Speaker (Hon. Khatri): Your Excellency, the Governor of Mombasa County Honourable Abdulswamad Shariff Nassir, Honourable Members of Parliament, Honourable Members of County Assembly, distinguished guests. Standing Order 17 (1) of the County Assembly of Mombasa requires that the Governor to address the opening of each newly elected County Assembly. The Governor notified the Speaker of the County Assembly of his intention to address the newly elected County Assembly on Monday, 24th October, 2022 in this County Assembly Chamber, at 10:30a.m. vide a letter referenced Msa CG/Admin/4/Vol. 4/30 dated 18th October, 2022. Accordingly, I gave Notice of this Sitting vide the Gazette Notice No. 12777 which was published in the Kenya Gazette on Friday, 21st October, 2022. Honourable Members, this Sitting is therefore properly convened. Your Excellency, I wish to recognize the presence of our Deputy Governor, His Excellency Francis Thoya...

[Applause]

...our Senator Honourable Mohamed Faki Mwinyihaji,

[Applause]

Member of Parliament for Changamwe Constituency Honourable Shimbwa Omar Mwinyi,

[Applause]

Member of Parliament for Jomvu Constituency Honourable Badi Twalib,

[Applause]

and His Worship the former Mayor of Mombasa Honourable Ahmed Mohdhar.

[Applause]

Your Excellency I also invited Honourable Bedzimba Rashid Juma Member of Parliament for Kisauni Constituency, Honourable Mboko Mishi Juma Khamisi Member of Parliament for Likoni Constituency, Honourable Masoud Machele Member of Parliament for Mvita, Honourable Mohammed Ali Member of Parliament for Nyali Constituency and Honourable Zamzam Chimba Mohamed our Woman Representative, but they informed me of their unavailability due to prior engagements. You are all welcomed to the County Assembly of Mombasa.

Your Excellency, I feel greatly honoured and privileged to stand before you as the Speaker of County Assembly of Mombasa to welcome you, our Governor and Honourable Members of the County Assembly to this auspicious occasion in which we are holding the inaugural sitting of the County Assembly for purposes of the Governor's Address. It is now my great pleasure and privilege to invite you His Excellency the Governor to address the County Assembly. *Karibu.*

[Applause]

GOVERNOR'S ADDRESS

[His Excellency Honourable Abdulswamad Shariff Nassir]

The Governor (Hon. Nassir): Assalaam Aleikum Warahmatullahi Wabarakattuhu, God is good!

(Power outage]

Power is restored]

The Governor Honourable Nassir resumed his speech]

Assalam Aleikum Warahmatullahi Wabarakattuhu. God is good, all the time! The Speaker, Honourable Aharub Khatri, The Honourable leadership of the County Assembly, Honourable Members of the County Assembly of Mombasa, my brothers Honourable Members of the Parliament, our elder His Worship Mayor Mohdhar...Senator of Mombasa, my brother *wakili* Faki, the Viewers who are watching us from the County of Mombasa and all over Kenya, ladies and gentlemen, distinguished guests, *hamjambo tena!*

Mr. Speaker Sir, I would like to begin my address first and foremost by congratulating the people of Mombasa for electing the leaders of their choice in the just concluded General Elections, and doing so in a peacefully manner. In the last few weeks since the election, I have engaged closely with both the leadership of this Assembly and the Members of this Assembly. I can confidently state here today, without any fear of contradiction, that these leaders are ready to serve the people of Mombasa with commitment and dedication.

The opening of the County Assembly is truly an auspicious occasion with deep meaning for our democracy, and I am delighted to be here today in the company of the frontline of devolution in Kenya - our honorable Members of the County Assembly (MCAs).

Mr. Speaker Sir, Article 176 of the Constitution of Kenya, 2010 establishes the County Assembly as the legislative arm of the County government. Therefore, you - our Honourable Members of the County Assembly (MCAs) play a critical role in the success of our County through the formulation of County by-laws that govern the manner in which devolved functions are offered at the local level. Furthermore, our Honourable Members of the County Assembly (MCAs) are the first line of oversight on the Executive arm of County governments. It can therefore not be emphasized enough; how fundamental your role is in the success of devolution here in our County of Mombasa.

Mr. Speaker Sir, as a Country we have completed two cycles of devolved government. Pioneer Governors have since retired and there are new entrants across various Counties in the nation including here in Mombasa where I succeed my friend and brother, the first Governor of Mombasa, Hassan Ali Joho. Public expectation is higher than it has ever been. The narrative of teething problems as an excuse for below par performance will not be tolerated by the voter. We must get it right. This third cycle must be the cycle that validates the faith our people have in devolved government. This is why gatherings such as this are so important. Just as iron sharpens iron, the opening of the County Assembly gives us the unique opportunity to come together and share ideas on how to advance the spirit of devolution and preserve the promise of *Maendeleo Mashinani* for our people.

Mr. Speaker Sir, during the campaign period, I laid out my vision for Mombasa in the form of the, “Mwanzo Mpya Manifesto”. In this five-year plan, one of the key pillars is my intention to entrench good governance in the County government of Mombasa. In line with this, everything that we do as a government shall have proper foundation in the law and the Constitution priorities outlined in my manifesto, I shall be presenting to this Honourable Assembly a series of Bills for your kind consideration.

Mr. Speaker Sir, this Honourable House is aware that I put in place a Rapid Results Initiative (RRI) as soon as I took office with the intention of delivering some quick wins for the general public even as we work on our medium term and long-term plans. I am pleased to report to this Honourable House that since taking office, just over a month ago, we have taken critical steps to jumpstart our County finances. I began by reorganizing and revitalizing revenue collection in the County of Mombasa. This process has led to the improvement in the collection of own source revenue by up to 70 per cent. If we continue with this trend, with the support of the residents of Mombasa, we will be able to deliver services more efficiently and effectively. Towards entrenching good governance and the sustainable improvement of the financial performance of the Mombasa County government, I shall be presenting this Honourable House with the Mombasa County Revenue Services Bill. The purpose of this Act, once passed shall be to establish a framework for revenue mobilization, collection and receipt in order to:

- (a) ensure effectiveness and efficiency in revenue mobilization, collection and receipt;
- (b) facilitate transparency in revenue mobilization, collection and receipt;

- (c) enhance County revenue;
- (d) optimizing existing revenue streams; and
- (e) identify new streams of revenue.

Kenyans are already struggling under the burden of heavy taxation. Our intention is to widen the tax base by making it easier and more affordable for more residents to comply than by adding heavier burdens to those already complying.

Mr. Speaker Sir, Mombasa County is choking under the burden of a bloated wage bill that has made it near impossible to facilitate development. We have close to no fiscal space to implement the promises we made to the people. As a County government, we have to find innovative ways out of this quagmire we find ourselves in. The only way out is through improved own source revenue and to achieve this, we must have the Mombasa Revenue Service as a County institution in place.

Mr. Speaker Sir, poverty is our common enemy. We want Mombasa to become a thriving hub for business and innovation. We want to see our young men and women employed and meaningfully engaged. The role of government is not to provide all the answers but we are here to facilitate the private sector to grow and as a result, we shall together develop Mombasa. In pursuit of this goal, I have been working night and day over the past month to sharpen our Finance Bill, 2022/2023 which we shall shortly be presenting to this Honourable House for approval. This Bill will completely revolutionize the business environment and tax regime in Mombasa. We will become the most business friendly County and start-ups will flock to us because of our new proposed policies to zone levies in Mombasa. We will bring down the cost of licensing for tuk-tuks, public service vehicles and start-ups while making the process digital, transparent and devoid of human interaction that may occasion corrupt practices.

Mr. Speaker Sir, this Honourable House has seen the efforts that have gone into cleaning up our environment. We have successfully cleaned and closed illegal dumpsites in Manyimbo, VoK and Kadongo. And we will not stop there. This work, led by my able Deputy, Francis Thoya shall continue until every illegal dumpsite in Mombasa is gone. And the way we are saying, Magufuli is back ...

[Applause]

...and he has my full support to ensure that Mombasa is kept clean. Illegal dumping and littering will be dealt with harshly. It will not matter who you are, who you know or how many phone calls you will make. If we catch you, you will wear a yellow overall and go and clean the city of Mombasa.

[Applause]

Mr. Speaker Sir, it is now common knowledge that property developers in Mombasa shall be able to have their approvals done with minimal human interaction as possible. Old applications have been expedited and we expect a boom as the construction industry resumes operations. Mr. Speaker Sir, our plea and request to these developers is that they employ our local youth in their projects to create employment and spur the growth of Mombasa.

[Applause]

Mr. Speaker Sir, even as we take these initiatives to create a conducive and welcoming environment for property developers, I shall be moving the Mombasa County Sectional Properties Bill to this Honourable House for approval. The purpose of this Act once passed shall be:

- (a) To control, manage, and administer common property and do all things reasonably necessary for the enforcement of the county laws; and
- (b) do all things reasonably necessary for the enforcement of any lease or license under which the land is held.

Mr. Speaker, Sir, as a County government, we are not in the business of making money but we must be able to deliver services to the general public. Our people expect good roads, our people expect water connections to their homes and our people expect a functioning water system, a functioning sewer system, street lighting and other services. In order to meet these expectations, we need everybody to pay their fair share. It is not proper that the obligations of a single dwelling household are the same as those of a skyscraper. This Act, once passed, is not meant to be oppressive but rather is designed to level the playing field.

Mr. Speaker Sir, in addition to this, last week, my government kicked off the process of waiving accrued clamping fees and market license penalties that had prevented our people from engaging in productive economic activities. It is our hope that these measures will work towards encouraging trade and investment in Mombasa. I wish to declare today, to the big manufacturer as well as the small-scale *Mama Mboga*, Mombasa is open for you; Mombasa is open for business!

[Applause]

Mr. Speaker, Sir, in addition to the above, each and every city County is thinking long and hard of additional initiatives that can help give a competitive edge and open up the local micro-economy. For us here in Mombasa, my government shall be presenting to this Honourable House the Mombasa County Transport Bill for your wise consideration. The purpose of this Bill is to:

- (a) Promote more usage of non-motorized transport within Mombasa County
- (b) Reduce air pollution within Mombasa County
- (c) Reduce/control congestion within some parts of Mombasa.

With functional and orderly mass public transport in place, we will facilitate the movement of goods and services into and out of as well as within the county of Mombasa.

Mr. Speaker Sir, it is hoped that through this effort, we will make Mombasa a better place to live for our residents and that tourists will once again flock in numbers because of the pleasant standard of living and environment on offer.

It is my intention to further strengthen programs to improve life in Mombasa through the Mombasa County Climate Change Fund Bill. The purpose of this Act, once passed, will be to:

- (a) finance a climate change program
- (b) initiate and coordinate climate change adaption and mitigation activities at community level.

As a County, Mombasa must ready itself for the challenges of the future. Climate change is a looming threat all over the world and we must do our part, as the leaders of today to safeguard tomorrow for future generations.

Mr. Speaker, Sir, our level-five hospital, the Coast General Teaching and Referral Hospital serves the entire Coast province as well as parts of Ukambani as the only public medical facility in the region offering super specialist services such as open-heart surgery as well as a fully-fledged cancer treatment center; we see hundreds of thousands of patients a year from all Counties of the Coastal Region and some even further. Mombasa bears the unique burden of having to care for the advanced healthcare needs of an entire region without the requisite financial backing. Mr. Speaker Sir, towards mitigating against the growing challenges in the operations of our level five hospital, my government shall put forward the Coast General Teaching and Referral Hospital Corporation Bill for approval by this Honourable House.

The purpose of this Act, once passed, shall be:

- (a) to mobilize resources for smooth operations at the hospital
- (b) to facilitate better access to financial resources
- (c) to make the hospital more responsive to medical and public health emergencies; and,
- (d) delivery of quality health services;

Mr. Speaker Sir, as we march into the future, it is my hope and prayer that we can work on an improved framework for relations between the Executive and this Honourable House with a focus on service delivery. We must safeguard the culture that Mombasa has always enjoyed of mutual respect between the Executive and the Assembly. In this cooperation between us, I, as the leader of the implementing arm of government shall respect the role that you play as duly elected representatives of the people...

[Applause]

...and in turn, you as the voice of the people, shall play a supportive and oversight role to the Executive to ensure that we deliver on development programs. Mr. Speaker Sir, it is in light of this, whatever am going to say will bring some smiles! But it is in light of this importance of this relationship, that I have instructed the Office of the County Attorney to explore a legal framework to set up the Mombasa County Ward Development Fund...

[Applause]

Devolution or *ugatuzi* was meant to bring development to the lowest administrative unit which is the Ward level. However, this noble intention has been scuttled by court action after court action, all the way to the Supreme Court, an action that has equally affected constituencies. However, we will not be deterred and I want to assure this Honourable House that we are working to find a legal and appropriate way of making the Ward Development Fund a reality for our people...

[Applause]

Mr. Speaker Sir, in closing, it is my humble submission that the next five years herald a fresh opportunity. We have opened a new page. It is a new dawn (*Mwanzo Mpya*); full of hope and promise and we must seize the day! Mr. Speaker Sir, at this juncture, in line with the responsibility assigned to me by the Constitution of Kenya and the County Government Act of 2012, it is my distinct honour and pleasure to declare this Honourable House officially opened!

[Applause]

COUNTY ASSEMBLY DEBATES

God bless our Speaker, God bless our Honourable Members of the County Assembly, God bless Mombasa, and God bless Kenya! Ameen! *Ahsanteni sana!*

[Applause]

The Speaker (Hon. Khatri): Your Excellency, thank you for your inaugural address. Honourable Members, pursuant to Standing Order 20 (5) now that your Excellency, you have delivered your Address as soon as practicable, the Address will be laid on the Table of the County Assembly for Members to debate on its contents.

ADJOURNMENT

Your Excellency and Honourable Members, Standing Order 17 (2) provides that at the conclusion of the Governor's Address the Sitting shall stand suspended or adjourned as the Speaker may direct until such time or to such day as may be specified by the Speaker. I therefore wish to convey that; this House stands adjourned until Tuesday, 1st November, 2022 at 10:00a.m. Thank you.

The House rose at 11:58a.m.