

**COUNTY ASSEMBLY OF MOMBASA****OFFICIAL REPORT**

Wednesday, 30<sup>th</sup> September, 2020.  
The House met at 2:42p.m

*[The Deputy Speaker (Hon. Fadhili Mwalimu) in the Chair]*

**PRAYERS**

**The Deputy Speaker** (Hon. Fadhili Mwalimu): Hon. Members you may be seated. Yes, Clerk?

**STATEMENTS**

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON TRADE, TOURISM AND INVESTMENTS HON. KIZITO OPEYA ON RELOCATION OF HAWKERS IN THE CENTRAL BUSINESS DISTRICT (CBD)

Yes Hon. Kizito Opeya? Statement on relocation of Hawkers in CBD.

**Hon. Opeya:** Thank you very much Mr. Speaker. This statement was requested by the Member for Makadara Hon. Murfad Amur, about the relocation of Hawkers in CBD and it was directed to the Department of Trade. I followed up with the County Executive of Trade Hon. Fauz and he told me that the Governor had formed a task force which was being headed by Deputy Governor Dr. Kingi and he was the one who was in charge of the said issue. So I managed to have an audience with the Deputy Governor and he explained that it was true that they are in charge of the task force and in charge of the relocation, that they have looked at the various routes in town, on how they can resettle, but they have requested for more time so that he can give me a comprehensive time so that I can bring to the House on where they are going to appoint them to streets and the hours they are going to be allowed to do their business. So we ask for more time Mr. Speaker, thank you.

**The Deputy Speaker** (Hon. Fadhili Mwalimu): Thank you Hon. Kizito, before you request for more time, the Hon. Member's concerns... for the benefit of Hansard, please he is not Hon. Member from Makadara, we do not have a Ward named Makadara. Yes Hon. Amur Murfad?

**Hon. Murfad Amur:** Thank you Mr. Speaker. Mr. Speaker I have no objection to what the Hon. Member has just said because I know hawkers are so many, i need to be guided with proper laws and determination of where they will be doing it.

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I just want to emphasize that it should be speeded because some of the hawkers are widows who are looking after orphans and whatever and soon the schools will be reopening Mr. Speaker and they will be needing money to pay for school fees, uniform and other things. So I would like to ask my colleague to expedite this issue, at least we should know the timeframe for that exercise to take place but I have no objection. Thank you Mr. Speaker.

**The Deputy Speaker** (Hon. Fadhili Mwalimu): Thank you Hon. Murfad Amur. Hon. Opeya when are you going to expedite on this Statement.

**Hon. Opeya:** Mr. Speaker Sir I will follow up with the Deputy Governor and by next week Wednesday I will get a comprehensive answer. Thank you.

**The Deputy Speaker** (Hon. Fadhili Mwalimu): Thank you. So next week Wednesday afternoon. Yes Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON HEALTH HON. KIBWANA SWALEH ON  
INSTALLATION OF MOBILE CONTAINER MOBILE CLINICS IN MAGOGONI WARD

Yes, Hon Kibwana Swaleh Baya on installation of container mobile clinic in Magogoni Ward.

**Hon. Kibwana Baya:** Thank you Mr. Speaker. The issue of relocation of the container; Mr. Speaker before that we had anticipated that we are going to get this container which we are planning to give to almost six Wards but as time goes by we only got two containers. These two containers were allocated to Likoni and Mwakirunge, and during the exercise the Member who raised this issue had not secured a place to put this container so I advise him to look for a space so that in case we got another container we can put it there. Hon. Speaker so I think I can confirm to this Honourable House that we only got two containers which we gave to two Wards and we expect if we get any because this area has got no facility I think he deserves to get one at Magogoni. Thank you Mr. Speaker.

**The Deputy Speaker** (Hon. Fadhili Mwalimu): Thank you. Yes Clerk.

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON WATER, SANITATION AND NATURAL  
RESOURCES HON. HAMIDA NOOR ON ACUTE WATER SHORTAGE IN MWAGOSI AREA

Yes, Chairperson Committee on Water, Sanitation and Natural Resources, Hon. Hamida.

**Hon. Noor:** Thank you Mr. Speaker. We have not got any response from the Department of Water but we are still waiting for the response from them; anyhow we have given them a reminder so we are waiting for the response that is where the situation we are in.

**The Deputy Speaker** (Hon. Fadhili Mwalimu): So how long will we wait for the response?

**Hon. Noor:** For a week.

**The Deputy Speaker** (Hon. Fadhili Mwalimu): Okay. Yes, Clerk?

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RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON EDUCATION, INFORMATION  
TECHNOLOGY AND MV 2035 HON. IBRAHIM OMONDI ON CONSTRUCTION OF EARLY CHILDHOOD  
DEVELOPMENT (ECDE) CENTRE IN MAGOGONI WARD

Yes, Chairperson Committee on Education, Information Technology and MV 2035. Yes Hon Ibrahim?

**Hon. Omondi:** Yes thank you Mr. Speaker. This issue was raised by Hon. Shomari MCA Magogoni and Mr. Speaker I did meet the CEC for the department concerned for the issue of ECDE in Magogoni and he did tell me that the issue concerning land these are very sensitive issues. That they are issues of waiting and therefore they cannot make a rushed decision and they told me that they need time because they are now working on research that is to ascertain the authenticity of the said documents of the land. Mr. Speaker, once they are through then they will be able to communicate fully to this House the direction they are going to take and therefore I do request that I be given one more week so that I can be able to bring a comprehensive response on this. Thank you.

**The Deputy Speaker (Hon. Fadhili Mwalimu):** Yes, Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON TRANSPORT, INFRASTRUCTURE AND  
PUBLIC WORKS HON. SHEILA MUMBA ON POOR STATE OF BOMU CATHOLIC ROAD, MWIDANI BOKOLE  
NURSERY ROAD NEAR BROOK FIELD AND BOKOLE CDF DISPENSARY ROADS

Yes, Chairperson Committee on Transport, Infrastructure and Public Works or the Vice Chair or any Member from the Transport Committee? Yes Hon. Kibwana.

**Hon. Kibwana Baya:** Thank you Mr. Speaker. Since the Chair is absent and the Vice, I am a Member of the Committee Hon. Speaker. Hon. Speaker just give us two weeks' time so that as a Committee we can get a concrete answer to this statement.

**The Deputy Speaker (Hon. Fadhili Mwalimu):** Yes Hon. Ibrahim.

**Hon. Omondi:** Mr. Speaker, okay am satisfied with what the Member has said but only my prayers are let this be fast tracked because surely the situation is very pathetic. Mr. Speaker I confirmed this... even our Deputy Governor when he was doing the normal rounds trying to oversee the development of the County he got a lot of problems with the same road. Therefore I just pray that this matter will be solved. Thank you.

**The Deputy Speaker (Hon. Fadhili Mwalimu):** Yes Hon. Kibwana?

**Hon. Kibwana Swaleh:** Thank you Hon. Speaker. I got more information on the issue from the Clerk that he has just informed me that we were supposed to have a meeting with the Minister today but we have postponed up to tomorrow. So I think I just request my colleague to be a bit patient may be by tomorrow we can get a very comprehensive statement on this issue. Thank you.

**The Deputy Speaker** (Hon. Fadhili Mwalimu): So now that you are meeting the Executive Member tomorrow and you had earlier asked for two weeks when are you going to respond back to this Honourable House?

**Hon. Kibwana Swaleh:** Hon. Speaker I think I was just giving an additional information on the issue but i stand with the two weeks' time because immediately we get the report from the Executive Member we have to discuss as a Committee before we present it to this Honourable House.

**The Deputy Speaker** (Hon. Fadhili Mwalimu): Thank you. What is it Hon. Ibrahim?

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

**The Deputy Speaker** (Hon. Fadhili Mwalimu): Yes, Clerk?

RESPONSE TO STATEMENT BY MEMBER OF THE COUNTY ASSEMBLY SERVICE BOARD (CASB) HON. MURFAD AMUR ON REMITTANCE OF GRATUITY FOR MEMBERS OF THE COUNTY ASSEMBLY AND CONTRACT STAFF

Yes Hon. Amur?

**Hon. Murfad Amur:** Thank you Mr. Speaker Sir. On behalf of the Board to respond to the statement which was brought in by Hon. Shebe Athmani. Mr. Speaker, we did write to the Department of Human Resource to tabulate all the money which has not been remitted and we have done so, we have also submitted the letter including the tabulation to the Executive Member so that he can respond to it clearly and squarely.

Again Mr. Speaker i want to inform the House we have also invited as a Board and let the Member appear before the Board next week so that she can give us specific date on how she is going to remit the money. Mr. Speaker so we have invited the Executive Member next week as a Board so that we get a comprehensive report once we meet her.

**The Deputy Speaker** (Hon. Fadhili Mwalimu): Yes, what is it Hon. Shebe?

**Hon. Athmani Shebe:** Thank you Hon. Chair, indeed they say patience is virtue and I must bear with my fellow Hon. Member. I think we are going to wait for that conclusion and I hope it is going to be a very detailed report and we are looking forward if he has already done the work of even to an extent of summoning the Department in charge. Hon. Speaker, I think the Chair is up to the task so am looking forward together with the Hon. Members for this detailed report so am going to wait *InshaAllah*. Thank you.

*[The Deputy Speaker (Hon. Fadhili Mwalimu) left the Chair]*

*[The Temporary Speaker (Hon. Raphael Bwire) in the Chair]*

**The Temporary Speaker** (Hon. Bwire): Yes, what is it Hon. Kibwana?

**Hon. Kibwana Swaleh:** Hon. Speaker, I think when it comes to the issue of services at the same time the issue touching on the welfare of the Assembly I think we need to exhaust.

I am not the one who brought this statement Hon. Speaker but I think as Members these are very important issues to us, the Board Member has given his Statement on this issue although I thought that such a weighty matter he should have given us a letter to confirm that the letter was written by the Executive Member because this is not only a money issue touching on the welfare of the Members only but even the staff in general.

Hon. Speaker I want to add an issue which we have already talked to the Board Member, we have workers at Ward level who do not know where their money is being remitted; their money for gratuity because they do not have even pay slips. Hon. Speaker, the issue of National Health Insurance Fund (NHIF) and there are a lot of issues that our offices, our teams at the Ward level are really getting it rough.

Mr. Speaker, so I thought it is very important just to put my comment on this issue, I think the Statement should carry more; should be having a lot of issues including our staff, if somebody is at the office he or she does not even get her pay slip showing that he is deducted, even anything to show that he is a worker at the Ward level it is very serious. So I ask my colleague, a senior that I think next time let him come with evidence when it comes to issue of welfare of our staff and also the Hon. Members. Thank you.

**The Temporary Speaker** (Hon. Bwire): Yes, thank you Hon. Kibwana. I think the Board Member you have taken the concerns raised by the honourable Member and you kindly consider those prayers, so next time when you report. Yes?

*[Interruption]*

**Hon. Murfad Amur:** *[Inaudible]*

**The Temporary Speaker** (Hon. Bwire): Yes Hon. Members, before we go to the next business kindly there is a very serious business ahead of us and the massive walkout of Hon. Members is scaring me! It is something that touches on your welfare so just persevere with the time and let us deal with it once and for all, so I urge you not to walk out of this plenary. Let us just handle the next business together...

*[Silence]*

Yes for the interest of records Hon. Murfad, maybe you give the specific date when you will be reporting back, when do you intend to report back?

**Hon. Murfad Amur:** Thank you Mr. Speaker Sir. The first letter was dispatched and as per the tabulation and again as Board Members we sat and thought it was fair to call her on board so that she can give us exactly remittances. So hopefully Mr. Speaker Sir if we meet with the Executive Member, Finance I will be able to give you the exact day because if I say so Wednesday and if we are meeting her the same Tuesday or Wednesday so two weeks will be more convenient.

**The Temporary Speaker** (Hon. Bwire): So you will report back Wednesday, a week after next week?

**Hon. Murfad Amur:** Yes Mr. Speaker Sir.

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**The Temporary Speaker** (Hon. Bwire): Thank you. Yes, Clerk?

**MOTION**

RESUMPTION OF BUSINESS

ADOPTION OF GOVERNOR'S ADDRESS

Hon. Members in our morning session we had some miscommunications; we had a Motion and we never put a question on it due to some miscommunications and now allow me to put a question on the Motion we had today in the morning over the Governors' County Address. Members, I know put a question that this House adopts the Motion moved by Hon. Hamisi Mwidani on the County Address made by His Excellency the Governor Ali Hassan Joho?

*(Question put and agreed to)*

Yes Clerk?

ADOPTION OF REPORT ON THE ADMINISTRATIVE PROCEDURES FOR THE DECLARATION OF INCOME, ASSETS AND LIABILITIES OF STATE OFFICERS WITHIN THE COUNTY ASSEMBLY OF MOMBASA

*[Silence]*

Yes Hon. Murfad Amur?

**Hon. Murfad Amur:** Thank you Mr. Speaker Sir I stand on behalf of Hon. Hamisi Musa Mwidani who is the Vice Chair, Committee on Powers and Privileges. Mr. Speaker Sir, I want to move a Motion Adoption of Report on the Administrative Procedures for the Declaration of Income, Assets and Liabilities of State Officers within the County Assembly of Mombasa. Mr. Speaker Sir;

THAT this House adopts the Report by the Committee on Powers and Privileges on the Administrative Procedures for the Declaration of Income, Assets and Liabilities of State Officers within the County Assembly of Mombasa, as laid on the Table on Tuesday, 29<sup>th</sup> September, 2020.

Thank you Mr. Speaker. I request Hon. Hamida to second.

**Hon. Noor:** I stand to second.

**The Temporary Speaker** (Hon. Bwire): Hon. Members allow me to now propose a question that the Report on the administration procedures for the declaration of income, assets and liabilities of State Officers within the County of Mombasa be debated in the same terms as moved?

*[Question proposed and agreed to]*

Yes Hon. Murfad?

**Hon. Murfad Amur:** Thank you Mr. Speaker. Mr. Speaker once again, declaration is one of the mandatory in regards to Chapter 6 and EACC.

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Mr. Speaker, before even we were sworn in as Members of the County Assembly we did declare and the terms expire every two years; it is now due to each and every Member to declare so that to be in line with Schedule Four of the Constitution of Kenya. The declaration of wealth is very important to my colleagues and any other staff because if somebody has not declared Mr. Speaker, and then once the concerned organization finds you have not declared you will be questionable and it will even cost you to be taken to court. So it is a very important all my colleagues to declare their assets and liabilities, even the loans that you have declare them so that the purpose of notification so that tomorrow you will not be held responsible for not declaring your assets and liabilities. It is a very important declaration and I beg my colleagues to be very patient when you are declaring your assets and liabilities, thank you Mr. Speaker.

**The Temporary Speaker (Hon. Bwire):** Thank you Hon. Murfad Amur. Hon. Members the floor is now open for debate. Yes Hon. Mohamed Hatimy?

**Hon. Mohamed Hatimy:** Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nafikiri Mheshimiwa Amur ameeleza vizuri na hii ni *procedure* ambayo inaendelea iko na kama tunavyojua *Chapter 6* ya Katiba iko wazi na mambo ya *ethics* yako wazi. Kwa hivyo hii ni kufuata tu vile inavyotakikana kwa sababu *declaration* nafikiri sote tunafanya *declaration* na tunaifanya *declaration* na kila siku kama tunavyojua sheria zinaenda kubadilika. Kwa hivyo hii sasa imemfunga Bunge kuwa ajenti wa shirika la *Anti-Corruption* kuwa yeye ndio atakae angalia na hii itakuwa chini ya Kamati ya *Powers and Privileges*. Kwa hivyo Mheshimiwa Spika nafikiri jambo hili ni kuhakikisha tumelifanya tuonekane *integrity* yetu haiko kwa wale wanaofuatwa na shirika la *Anti-corruption* kuwa tutaonekana ni watu wasafi na kila mtu ana *declare* vile inavyotakikana. Kwa hayo machache Mheshimiwa Spika naunga mkono hii sheria na tufanyeni haraka ili isije ikasimamisha kazi.

**The Temporary Speaker (Hon. Bwire):** Thank you Hon. Hatimy. Yes Hon. Ibrahim?

**Hon. Oyugi:** Thank you Mr. Speaker. Mr. Speaker first I want to thank the Chairman, the Committee on Powers and Privileges, Hon. Hatimy who has assured that this Constitutional mandate has been adhered to. Mr. Speaker I want to say that I know when it comes to people maybe declaring their wealth or even their liabilities it is a bit tricky as most people try to take it as a private matter but with this we must do it as per the law. First of all we know about the body called Ethics and Anti-Corruption; this is a very dangerous body and when you find that they are following you on other issues as a Member of this House or any other house outside there you cannot be at peace leave alone with your work even with your family and therefore with me I think it is important for Members to be able to adopt this particular report, it is a Constitution mandate. Mr. Speaker also to add on that I have read this report, the Clerk is supposed to take action against the public officer who has not complied with this and now we are brothers and sisters and when it comes to whereby now the Clerk is calling up as an officer to summon part of the County to me or the County Assembly it is not fair at all so it is good that we just follow the law so that things can work well. Finally, our integrity Mr. Speaker will also not be questionable when do comply with this particular very important constitutional mandate. Thank you.

[Interruption]

**The Temporary Speaker (Hon. Bwire):** What is it Hon. Athman?

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**Hon. Athman Mwamwiri:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika nataka kumtaarifu tu Mheshimiwa aliyetoka kuongea Jumba hili ya kwamba aliposema ya kwamba sio muafaka ama sio vyema ya kwamba Katibu wa Bunge hili atakuandama ili kukuchukulia sheria. Lakini katika ripoti akisoma kifungu cha tatu sehemu ndogo ya pili inazungumzia mamlaka hayo ya kwamba Katibu ana mamlaka ya kuchukua uamuzi peke yake pasipokuwa tashwishi lakini yuko chini ya usimamizi wa Kamati na maamuzi bado Kamati itampa mhusika nafasi ya kujieleza kabla ya hatua nyengine kuchukulika. Kwa sababu nimetambua huenda kibinaadamu mtu akawa na sitofahamu kibinafsi yeye na Katibu na kuchukua jukumu lake labda kutaka kumdhuru kwa makusudi. Kwa hivyo mamlaka hayo pasi kwa idhini ya Kamati kwa hivyo asiwe na hofu na Waheshimiwa wasiwe na hofu hakuna Mungu Katibu anayo ya peke yake bali jukumu lote linabakia katika Kamati ya Jumba hili Kamati ya Powers and Privileges. Ahsante Mheshimiwa Spika.

**The Temporary Speaker (Hon. Bwire):** Thank you. Yes Hon. Kombe Nzai?

**Hon. Nzai:** Thank you Mr. Speaker to have also given me a chance to air my views. I have just had a quick glance of the document and actually the clauses, amendments and conclusion and recommendations are very clear to an extent they can never cause a doubt. Mr. Speaker I stand to support the document because it is very clear. Thank you Mr. Speaker.

**The Temporary Speaker (Hon. Bwire):** Thank you I think Members are okay with the document, it seems to be no much debate on it. I will now invite the Motion mover to reply.

**Hon. Murfad Amur:** Thank you Mr. Speaker. I want to thank the Hon. Members for having confidence with the Committee because the Committee Members are also Members of this House and we took care of each and every item. When we looked at the conclusion and recommendations we made sure that some clauses are changed to fit the system of the people of this County Assembly. So Mr. Speaker each and every detail that was captured it was captured with this in mind that we should not fear for tomorrow. Mr. Speaker we are in declaration but I want to assure Members that there is no harm in declaring your wealth and asset/liabilities, it is one way of being transparent in your life. Thank you Mr. Speaker.

**The Temporary Speaker (Hon. Bwire):** Hon. Members, having exhausted with the debate allow me now to put a question. I now put a question that the report on administrative procedures for declaration of income and liabilities of State officers within the County Assembly of Mombasa be adopted in the same terms as been debated.

*[Question put and agreed to]*

Yes Clerk?

## ADJOURNMENT

There having no other business the House stands adjourned until Tuesday next week at 10:00a.m.

The House rose at 3:20p.m.

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