



COUNTY ASSEMBLY OF MOMBASA
THE HANSARD

Tuesday, 24th December, 2024

Third Assembly – Third Session
NINETY FOURTH SITTING

*[The County Assembly met at 12:05p.m at the County Assembly Buildings]
[The Deputy Speaker (Honourable Fadhili Mwalimu Makarani) in the Chair]*

PRAYERS

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

COMMUNICATION FROM THE CHAIR
CONVOCATION OF SPECIAL SITTING

Good evening, Honourable Members. I take this opportunity once again to welcome you to this Special sitting of the County Assembly. Honourable Members, in accordance with Standing order 26 (3) of the Mombasa County Assembly Standing Orders, today's special sitting is duly convened and it was published in the Kenya Gazette dated 16th, December, 2024, vide Gazette Notice Number 16931, which we read it during yesterday's sitting. I also take this early opportunity to wish my Christian brothers and sisters a Merry Christmas and a Happy New Year to all Members and residents of Mombasa. Have happy holidays, Members. Yes, Clerk?

PAPERS

REPORT ON THE PUBLIC PARTICIPATION FOR THE MOMBASA COUNTY VILLAGE
ADMINISTRATION BILL, 2024

Yes, Honourable Jackton Madialo, Chairperson Committee on Labour and Public Administration.

Hon. Madialo: Thank you, Mr. Speaker, Sir. I wish to...

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): Just a minute. What is it, Honourable?

Hon. Abdirahman Abdulkadir: Point of information, Chair. I am noticing a few Members clad in traditional clothing of which I admire. Mr. Speaker, I have to say that I'm also seeking your interpretation and your guidance as well as you are ruling on whether some of us will also be allowed to clad in our traditional regalia going forward because I have checked at the..., I have keenly scrutinized the Standing Order and it is very silent on that.

So perhaps Mr. Speaker, you could guide us on whether we are also allowed to dress in any manner that we feel like, Mr. Speaker. Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you well noted Honourable Abdulrahman, and during our next sitting after recess, we will communicate to the House. Yes, Honourable Jackton Madialo.

Hon. Madialo: Thank you, Mr. Speaker, Sir. I wish to lay the Report on the public participation for the Mombasa County Village Administration Bill, 2024.

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

REPORT ON PUBLIC FINANCE MANAGEMENT (MOMBASA COUNTY ARDHI FUND)
REGULATIONS, 2024

Yes, Honourable Mariam Baimu, Chairperson Committee on Delegated Legislation.

Hon. Baimu: Thank you, Mr. Speaker Sir. I wish to lay Paper on the Report of the Public Finance Management, Mombasa County Ardhi Fund Regulations, 2024.

[Paper laid]

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

NOTICES OF MOTION

ADOPTION OF REPORT OF THE ADOPTION OF THE REPORT ON THE PUBLIC PARTICIPATION
FOR THE MOMBASA COUNTY VILLAGE ADMINISTRATION BILL, 2024

Honourable Jacktone Madialo.

Hon. Madialo: Mr. Speaker Sir, I beg to give notice of the following Motion;

That this County Assembly adopts the Report of the public participation on the Mombasa County Village Administration Bill, 2024 as laid on the Table on Tuesday, 24th December, 2024.

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

ADOPTION OF THE REPORT ON THE PUBLIC FINANCE MANAGEMENT (MOMBASA COUNTY
ARDHI FUND, REGULATIONS, 2024

Honourable Mariam Baimu.

Hon. Baimu: Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion;

That this County Assembly adopts the Report on the Public Finance Management, Mombasa County Ardhi Fund, Regulations, 2024 as laid on the Table on Tuesday, 24th December, 2024.

Thank you, Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you, Honourable Mariam Baimu. Yes, Clerk.

MOTIONS**ADOPTION OF THE REPORT ON THE PUBLIC PARTICIPATION FOR THE MOMBASA COUNTY
VILLAGE ADMINISTRATION BILL, 2024**

Honourable Jacktone Madialo, please move your Motion.

Hon. Madialo: Thank you, Mr. Speaker. Mr. Speaker Sir, I beg to move the following Motion;

That this House do agree with the Report of the Committee of the Whole House on its consideration of the Mombasa County Village Administration Bill, 2024

[The Motion was moved]

The Deputy Speaker (Hon. Fadhili Makarani): Who is your seconder?

[Low consultations]

Hon. Madialo: Okay. Yes, I would.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Madialo, I'm advised that you move the actual Motion. You have moved a Motion that it is not in the Order paper.

Hon. Madialo: Number, number what, if I may be guided..., number six?

[Consultations]

Okay. Thank you, well guided Sir. Mr. Speaker Sir, I beg to move the following Motion;

That this County Assembly adopts the Report on the Public participation of the Mombasa County Village Administration Bill, 2024 as laid on the Table on Tuesday, 24th December, 2024.

I would like to ask the Majority Leader to second.

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

The Leader of Majority (Hon. Mwamwiri): Thank you, Mr. Speaker. Mr. Speaker Sir, I rise to second the Motion.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Honourable Members, I now propose a question that;

The Motion on adoption of the public participation Report for the Mombasa County Village Administration Bill, 2024 be debated in this House.

[Question proposed and agreed to]

[Question put and agreed to]

Yes, Honourable Jacktone, please build your Motion.

Hon. Madialo: Mr. Speaker Sir, I beg to move the following Motion;

That this County Assembly adopts the Report.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Madialo, explain to the floor of the House why you brought this Report.

Hon. Madialo: Okay Mr. Speaker Sir, thank you for the opportunity. For the sake of time, I will not say much because it goes without saying that every Member, of course, should be supportive of this Motion. My sister is asking why it is a rhetorical question because, of course according to the County Government Act, 2012 and also the Constitution 2010 it established the administrative unit from the County level to the village level to enhance the smooth running of County operations. So, it is an opportunity; it is a momentous opportunity and we will go in record as the House that established those kinds of units, and that is why I would like to urge everybody to support this Motion. Thank you, Mr. Speaker Sir.

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

Hon. Ngare: Thank you, Mr. Speaker, for noticing me so fast. I am in support of the Motion brought forward by the Chairperson for Labour Committee, and I support the County Village Administration Bill because it will be bringing services closest to the people as we will be having the lowest unit at the village level. So, our citizens will be able to access them easily, and they will be able to get the services that they so much require. Having been participated in the report as a Committee Member of Labour, I understand exactly what the Administration Bill is talking about, and I encourage the House at large to support the Bill so that we bring services close to our people. Thank you, Mr. Speaker Sir.

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

Hon. Nyache: Ahsante sana Mheshimiwa Spika na mimi kunipa ruhusa ya kuweza kuchangia. Kwanza nachukua fursa hii kumpongeza Mheshimiwa mwenza ambao ni Madialo kwa kuweza kuleta hoja hii ambayo ni ya Mombasa County village Administration Bill. Nimesimama kuunga mkono hoja hii Mheshimiwa Spika mia fil mia kwa sababu hoja hii ni ya maana sana na itaweza kuturahisishia kazi pale mashinani manake tukipata hawa wasaidizi, hawa *Village Administrators* tukiwapata pale kwa mashinani watakua wanatusaidia kazi vizuri sana na pia maendeleo yatashuka mpaka mashinani kwa njia ya haraka sana. Na pia itakua inaweza kuleta natija katika Kaunti ya Mombasa na hasa sisi Waheshimiwa itaweza kutusaidia kwa upande wa maendeleo. Ahsante Mheshimiwa Spika na mimi nasimama kuunga mkono.

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

Hon. Hamisi Mbaya: Ahsante sana Mheshimiwa Spika kwa kuweza kunipatia fursa hii niweze kuchangia. Kwanza kabisa nimpongeze Mheshimiwa mwenza mchungaji ambao anachunga vingi katika Wadi yake na katika Bunge letu la Kaunti pia yeye anatuchunga pia. Mheshimiwa Spika, nimesimama kuunga hoja hii kwa asilimia 99 katika Wakilishi Wadi ambao wako hapa yule ambao anastahili kuunga mkono hoja hii kwa kiwango kikubwa si mwengine zaidi bali ni mimi kwa sababu mimi ndio ambao nawakilisha kata ambao ni kata ndogo ya Timbwani ambao iko na idadi kubwa. Jamii vilevile ni kubwa kwa mipaka na kwa sababu hiyo kutokana na uajiri ambao utaweza kufanyika baada ya hapa uwakilishaji utaweza kua bora zaidi. Mheshimiwa Spika na ambapo kwa saa hii tunapeana huduma ni kwa sababu ya ukubwa wa Wadi ambao niko; huduma zingine zinakua iko chini na kwa sababu hiyo ndio nikasema katika wakilishi Wadi wote ambao wako hapa yule ambao anastahili kuunga mkono hoja hii kwa kiwango kikubwa.

Hata ningeruhusika ningeweza kuchangia mara ya kwanza alafu labda kama ilikua Kanuni zetu za Bunge zinaruhusu ningesimama tena mara ya pili. Kwa sababu kuchangia ile hali ya huduma kwa kule chini na inastahili upate huduma ya karibu zaidi. Ahsante sana Mheshimiwa Spika nimesimama kuunga mkono hoja hii kwa asilimia 99 kwa 100.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Mbaya. Yes, Honourable Sylvester Kai.

Hon. Kai: Ahsante Mheshimiwa Spika kwa kunipatia fursa vile vile nikaweze kuchangia katika hoja hii ambayo ni ya kuwezesha serikali yetu ya Kaunti ikaweze kua na *Village Administrators*. Ki ukweli mimi binafsi kama Mwakilishi wa Junda nina sababu za kutosha kuunga mkono hoja hii Mheshimiwa Spika kwa sababu inakuja namba ya pili baada ya Mwakirunge kwa upana. Nimesikia ndugu yetu kwa siku nyingi sana akituambia kwamba Wadi yake ndio ndefu kwa upana lakini nataka nikufahamishe Mheshimiwa Mbaya ya kwamba *in square km* Wadi yako ni 6.7km sq Mheshimiwa Mbaya na mimi kama Sylvester Kai yangu ni pana zaidi kwa 7.4 lakini pia nina wakaazi (??) kuishi ndani ya Junda Mheshimiwa Spika.

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): What is it Honourable Madialo and Honourable Ogutu I see two people standing.

Hon. Kai: Ahsante Mheshimiwa Spika nazungumza maneno ya maana niwe nasikizwa...

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Ogutu, you are up on a point of order or information.

Hon. Ogutu: Mheshimiwa Spika, ningependa Mheshimiwa wa Junda atuambie upana wa Timbwani alijua vipi, na ni kubwa aje na imepanuka kiasi gani!

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Ogutu you are out of order! Honourable Sylvester Kai, proceed.

Hon. Kai: Unajua Mheshimiwa Ogutu bado yuko katika *mood* ya harusi hivyo itakua ni vyema tukimuelewa, basi Mheshimiwa Spika ni kwamba ninaunga mkono hoja hii kwa sababu Junda kama Wadi ni kati ya vile Wadi ambazo ni kubwa mno kimipaka. Hivyo tunapoweza kupata hawa *Administrators* katika vijiji vyetu itatusaidia kuhakikisha kwamba hoja tofauti tofauti zinaweza kufikia serikali kwa uwepesi. Hivyo niulize Bunge hili tukaweze kuunga mkono hoja hii ili tukaweze kufaidika kwa sababu Mheshimiwa Spika ni kwamba katiba yetu ya 2010 imeweza kusema ya kwamba uwakilishi lazima uweze kufikishwa pale jijini. Kwa hivyo ni furaha yangu kubwa sana kuungana na Waheshimiwa wenza kuhakikisha ya kwamba kwa mara ya kwanza inaenda kuandikishwa katika Bunge hili imeweza Katiba ya 2010 imeweza kuzingatiwa katika hali ya wawakilishi ya mashinani. Ahsante sana Mheshimiwa Spika.

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

Hon. Makanga: Ahsante Mheshimiwa Spika na mimi nasimama kuunga mkono hoja hii ama ripoti hii ambayo imeletwa na Mwenyekiti askofu Mtumishi wa Mungu Jacktone Oluoch Madialo wa Mikindani. Na niunge mkono Ripoti hii kwa sababu Mheshimiwa Spika nimeona imeweza kuzingatia kwa umakini suala la *population* ama kiwango cha wananchi wanaoishi katika Wadi zetu.

Na pia mimi kwa niaba ya wana Chaani japo nilikua natamani sana ziwe sita ila zile ambazo zimeweza kupatikana naamini itaweza kuhakikisha kwamba katiba ya mwaka 2010 imeweza kuzingatiwa kuhakikisha kwamba huduma zimefika mashinani. Mheshimiwa Spika, sheria hii ambayo tunafanya ni sheria ambayo imekuja wakati mwafaka, kwa sababu Kaunti zingine ikiwemo jirani zetu Kwale waliweza kulishughulikia suala hili miaka mengi iliopita. Kwa hivyo sisi kama Mombasa tumepiga hatua na naamini hii Ripoti inavyozungumziwa basi tutaweza kuhakikisha kwamba tumetimiza majukumu yetu na ile ahadi ambayo tumeahidi wananchi wa Mombasa kupeleka Mashinani. Mheshimiwa Spika nasimama kuunga mkono ripoti hii. Ahsante sana.

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

The Leader of Majority (Hon. Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika niungane na Waheshimiwa wenza kuunga mkono Ripoti ya Kamati chini ya Mwenyekiti Mheshimiwa Askofu Jacktone Madialo ambae kwa jitihada zake na mapenzi ya Kaunti yake amewasili Mombasa asubuhi akitumia lori ili ahakikishe ameweza kufika katika Bunge na kuhudumia wananchi wa Mombasa. Nimpongeze kwa mahaba hayo na Mwenyezi Mungu amzidishie kwa alipopungua. Mheshimiwa Spika nimwambie Mheshimiwa mwenza kwamba Ripoti hii imefika viwango vinavyostahiki na kwa mujibu wa Katiba yetu Waheshimiwa ibara 174, imezungumzia shaba ama maudhui ya kuwepo kwa ugatuzi na miongoni mwa sababu kuu za kuwepo kwa Ugatuzi ni kukuza, ni kukuza demokrasia ya eneo, kupeana wajibikaaji wa mamlaka, lakini pia kuwekeza katika umoja wa Taifa, kutambua tamaduni za maeneo, pia kupeana fursa kwa wananchi kuweza kuhusika kuchangia katika uongozi na maendeleo ya sehemu ile.

Mheshimiwa Spika, Kamati hii ilifika nyanjani kuweza kusikia wananchi, wana yapi ya kusema kuhusiana na Mswada huu na kwa kauli moja wananchi wote waliweza kuafiki hoja hii na pia wakawa na duku duku ya kwamba kwetu sisi imechelewa kwa sababu baadhi ya Gatuzi zimepiga hatua wakiwa na Village Admin ama utawala wa Kijidini. Mheshimiwa Spika, vile vile serikali Gatuzi imewajibishwa katika ibara 176, ya kwamba inapasa kushusha huduma zake hadi nyanjani ambayo ni kiwango cha kijiji. Kwa hivyo nimpongeze Mwenyekiti na Kamati yake ya kwamba suala hili wamelivalia njuga, wameweza kushurutisha hili kutendeka na sasa hivi tunajadili Ripoti ambayo ikipita, tutakua tunaangazia Mswada huo, ambao utapeana fursa ya vijiji vyetu kutambulika na kuwa na watawala katika ngazi ile. Kama ilivyo Mheshimiwa Spika katika serikali ya kitaifa wao wamejipanga, wameshuka mpaka kwa mzee wa mtaa; ni wajibu wetu sisi katika ngazi ya pili ya Serikali Gatuzi kuiga mfumo huo na sisi kushuka ili huduma ziweze kupatikana chini zaidi.

Vile vile Mheshimiwa Spika, katika mfumo aliotumia kupanga hizi vijiji mimi ni katika wale ambao kwa bahati mbaya tumepata vijiji kidogo lakini kosa hili ni kosa letu sisi kama jamii kwa kuendekeza kupanga uzazi na wenzetu kama wa Timbwani tumeona wakijiachia na wakizaana bara bara, na leo hii wameweza kufaidika na vijiji 14, sisi ikiwa tuna vijiji vitatu. Nichukue ahadi ya kwamba nitakua balozi kwa watu wangu ya kwamba upangaji uzazi umepitwa na wakati, kazi tuifanye sawa sawa Mheshimiwa Spika ili sheria hii nina imani na kipengele cha kuja kutathmini mipaka mbeleni itakapokua imetathminiwa mipaka hii na sisi tuweze kuwa katika wale videdea kwa idadi ya watu japo mipaka yetu ni kidogo lakini tutajenga tukienda hewani sote tutakua na vijiji mpaka gorofa ya saba. Ahsante Mheshimiwa Spika niunge mkono na Mheshimiwa Kai pia ambia jamaa wapunguze kupanga uzazi uongeze idadi maeneo yako ya Chaani, ahsante Mheshimiwa Spika.

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

[Interruption]

Honourable Makanga, have your seat first. Yes, Katana, proceed.

Hon. Katana: Honourable Speaker, I want to thank you for giving me this opportunity and as well to thank the Chair to the Committee who has brought us this very important Bill. Honourable Members, I have only one comment to give on this particular Bill. The good part of this Bill, Honourable Speaker is that this Honourable House it is also creating job opportunities to some Members who have been jobless, so this is a plus to this Honourable House. And also, Mr. Speaker, judging the mood of the House, it is evidently that Members support this Bill and because of that Honourable Speaker I do not want to guide you, but I would suggest you pose the question then we move on. Thank you, Mr. Speaker.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Ibrahim Omondi Oyugi?

Hon. Omondi: Thank you Mr. Speaker. Mr. Speaker, this is one of Motion of its kind in this particular House. Mr. Speaker, I would have not done justice if I had not congratulated the Chair of this particular Committee and the crew, the team that worked with him to ensure that this public participation is well done and this Bill is in this particular House. Mr. Speaker, it is long overdue; to me Mr. Speaker this was a Bill which was supposed to be in this House as early as the devolution started in this particular Country. But an Englishman says better late than never, Mr. Speaker the structure of Administration in our County is very important, most of us Members of the County Assembly have suffered a great deal. We have been blamed for various things that we are not supposed to be blamed for just because of gaps in these administrative structures in the County government. As having these Village Administrators at the low level, Mr. Speaker, of the Devolution this is going to better the information, is going to better the development, and this is going to be a relief to Members of County Assembly. Mr. Speaker, this will also provide an opportunity for our people to be employed and therefore it is a plus. Mr. Speaker as I finish, Airport Ward in Chagamwe Sub-County has got 5km sq which is one of the largest Wards in Chagamwe Sub-County. I am proud although I have been given only three villages Mr. Speaker, but better something than never. I support the Bill. Thank you.

[Applause]

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

Hon. Abdurahman Abdulkadir: Thank you Mr. Speaker for giving me an opportunity to contribute to this Motion. The Motion before us Mr. Speaker I want to believe is the report on the public participation and I will limit myself to just the report and not get into the contents of the Bill. Mr. Speaker indeed, this is a Bill that is aimed at introducing measures that enhance local governance, measures that enhance service delivery, and community participation. Mr. Speaker, this is a Bill that is timely, this is a Bill that is very crucial, this is a Bill that perhaps all of us were looking forward to. However, Mr. Speaker allow me to draw your attention to some of the key observations and findings of this report that I will hope the Chairperson in his response will tell us how he has addressed it in form of amendments or any other processes. Mr. Speaker, one of the issues that have really caught my eye, include they a vast of the issues that have been mentioned.

I would like to congratulate the Secretariat and the Committee for this in-depth analysis and these very informative findings. They are talking about insufficient financial provision Mr. Speaker; while the Bill outlines the establishment of Village Units and Councils, it does not specify the financial allocations required for the operations. Perhaps in his response the Chairperson should also tell us how they have addressed that issue. Mr. Speaker, I have seen that most of the participants in the public participation that was there have deemed it inadequate that we have been given 150 Village Units. And as per this report, they suggested that we increase the number of units to ensure that we have equitable representation and effective service delivery. Mr. Speaker, I am yet to find out whether we have listened to their views, whether we have increased this number from 150, or whether we have just ignored them. Mr. Speaker, there is a talk of limited public awareness and the lack of logistical preparedness that were raised by the public. These are very pertinent issues that we do not wish to sweep under the rug. Mr. Speaker, apart from that judging by the mood of the House and also the brilliance of the Chairperson of this Committee, I would like to say that it is easier to argue against gravity than to argue against this Motion before us today. And therefore, Mr. Speaker I fully support it expecting the Chairperson will respond to these concerns. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, I have decided that Honourable Abdulrahman was the last person to debate on this Motion so let the mover of the Motion, Honourable Jacktone Madialo to respond.

Hon. Madialo: Thank you Mr. Speaker. Mr. Speaker, I would like to take this opportunity to thank the Honourable Members, because from their contribution you can see that all of us are positive and supportive. So, I will not want to say much; i would like to respond to the Honourable Member on financial implications. Before, we invited both the Deputy Governor, who is the Minister-in-Charge of Serikali Mtaani, and also the Public Service Board. He came together with his team and those are some of the issues that were raised. And my Committee Members will agree with me that when we raised that issue, they said that it was already budgeted for, so it is already in the budget. In fact, they are just waiting for us to pass the Bill so that all systems may be activated to go. We were also concerned correctly so because we asked them if the Ward Administrators currently some of them have pathetic offices, some do not even have offices, how will the Village Administrator survive? And we agreed, and I think even the Majority Leader was present he can attest to this, in fact, he is the one who raised this issue; they said that this time round, they are well prepared and even these Village Administrators will have offices in their villages. They will...quote and quote, *kodisha milango*, in their villages. Majority Leader, and I want Majority Leader to listen to this because it is important; Majority Leader also said, when he consulted the Governor, he said that some of these Village Administrators will not be picked afresh, but there will be redeployment. I think that is what you said the Governor said. So, it means that..., pardon? No, I am just trying to answer some of the questions raised. So, I think, let me not go that route, let me remain with the answer that was given by the Deputy Governor that it was already budgeted for. Thank you.

[Applause]

About the units, they are inadequate, correct, because there are more villages in our Wards. This is just the starting point. So maybe after some time, they will be reviewed. Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Honourable Members, I now stand to put a question that the Motion by Honourable Jactone Madialo on the Report of the Public Participation of the Mombasa County Village Administration Bill be approved by this Honourable House.

[Question put and agreed to]

[Applause]

Honourable Members, the report has been Adopted by the House. Yes, Clerk.

ADOPTION OF THE REPORT ON THE PUBLIC FINANCE MANAGEMENT, MOMBASA COUNTY, ARDHI
FUND REGULATIONS, 2024

Honourable Maryam Baimu, move your Motion.

Hon. Baimu: Thank Mr. Speaker Sir, I beg to move the following Motion:

That this County Assembly Adopts the Report of the Public Finance Management, (Mombasa County Ardhi Fund) Regulations, 2024 as laid on the Table on Tuesday 24th December, 2024.

The Deputy Speaker (Hon. Fadhili Makarani): Who is your seconder?

Hon. Baimu: Mheshimiwa Maimuna Salim be my seconder, please.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Maimuna Salim?

Hon. Maimuna Salim: I stand to second.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, I now propose a question that the Motion as moved by Honourable Maryam Baimu on the Report on Public Finance Management, Mombasa County Ardhi Fund Regulations, 2024 be debated in this House.

[Question proposed and agreed to]

Yes, Members the Motion is on the floor. Honourable Maryam Baimu?

Hon. Baimu: Thank you once again Honourable Speaker for giving me this opportunity. First and foremost, I would like to give an overall overview of this Bill.

The Public Finance Management, Mombasa County Ardhi Fund Regulations, 2024 provides a legal framework for establishing and operationalizing the Ardhi Fund. This Fund aims to address key issues of land ownership, settlement and housing for marginalized and vulnerable residents of Mombasa County. What are the key areas of legislation? Number 1, its key areas first of all, it is Purpose and Objectives.

- 1. The first one is to promote equitable access to land and adequate housing as per Articles 43B, 174E, and F, and 61 of the Constitution,*
- 2. Is to address historical land injustices and foster social economic development, The second area of legislation is on funding sources for this fund. The funding sources for this fund will be gotten from the land rates that we usually collect; from*

the County budget allocations, loan repayments, affordable housing proceeds, and donations from well-wishers,

3. *On governance and oversight of this Fund, it will be managed by a professionally constituted Board and Fund Administrator. There will be also an oversight by the County Assembly with regular audits and financial reporting,*
4. *On the disbursement of the criteria that will be used on this Fund, we shall be targeting vulnerable and marginalized communities through transparent eligibility processes,*
5. *On oversight and monitoring, this will be done by the County Assembly and also by audit reporting, which will be done by financial and non-financial reports, which will be handed over to the Auditor General and also to be handed over to the County Executive Committee for their perusal.*

What is the importance and significance of this Fund?

1. *It addresses land injustices, which is a critical tool for resolving historical disputes and promoting land equity,*
2. *It will be supporting vulnerable communities by facilitating access to land and housing for low-income residents,*
3. *It will be promoting development, which enhances social economic stability and growth within Mombasa County.*

I believe we have an amendment which will be done, and the Committee recommends a single amendment to Clause number 9, 6, amendment to read, *the County Assembly immediately after the award procedures*. In conclusion, my fellow Members, the Ardhi Fund Regulation represents a vital legislative initiative to improve land ownership and housing access in Mombasa County. The proposed amendment further strengthens the accountability framework, ensuring the Fund's alignment with its objectives. In addition, I believe Honourable Speaker; every Member here has got his copy, which also I believe they are going through it as I was speaking. Thank you, Mr. Speaker.

[Applause]

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

The Leader of Minority (Hon. Matsaki): Ahsante Mheshimiwa Spika. Mimi pia nasimama kuunga mkono hii sheria, kwa sababu hii Bili kwa ujumla tumeingojea kwa hamu na kwa ushauri wangu nina uliza Waheshimiwa wenza tuunge mkono hii Bili kwa sababu ukiangalia haswa Kaunti ya Mombasa jambo la ardhi limekuwa ni donda sugu na kupitia hii Sheria tunapoipitisha hivi leo itakuwa pia ni moja wao ya mambo ambayo ya ardhi itakuwa yameanza kuleta upungufu hapa kwetu Kaunti ya Mombasa.

Kwa hivyo mimi nimesimama kuunga mkono na nazidi kusesitiza sana Waheshimiwa wenza wauunge mkono hii Bili iweze kufanya kazi mashinani na zaidi ya yote hati miliki zinazoanza kupatikana kwenye hizi ardhi itakuwa pia ukusanyaji ushuru katika Kaunti ya Mombasa hii itazidi kuongezeka na mambo mazuri yataonekana. Ahsante sana Mheshimiwa Spika nasimama kuunga mkono.

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

Hon. Juma Manuari: Ahsante Mheshimiwa Spika. Kwanza nichukue nafasi hii kumshukuru Mwenyezi Mungu kwa siku ya leo *Alhamdulillah*, pili nichukue nafasi kumuunga mkono Mwenyekiti wetu wa Kamati hii ya Delegated Legislation kwa kukaa chini na kupitisha swala ambalo litaleta manufaa na natija katika ardhi zetu za Mombasa. Kwa ukweli Mheshimiwa Spika kama tunavyojua maswala ya ardhi ni donda sugu na hivyo basi sisi kama Serikali ya Kaunti ya Mombasa kuna umuhimu sana wa kutafuta mbinu zote za kuhakikisha tunaleta usawa katika jamii zetu kuhusiana na maswala ya ardhi. Isiwe kuwa ndio mwanzo wa bwenyenye kutaka kumdhulumu yule mnyonge ama kutaka kuchukua senti nyingi kutoka kwa mnyonge kwa kuwa Serikali kuna maswala fulani itakuwa inasimamia maswala ya ardhi basi isiwe nafasi kuwa Serikali yetu ya Kaunti ya Mombasa iwe itafuja pesa kumpa mtu ambaye hastahili ni lazima muelekeo muafaka ufuatwe ili mambo yetu yawe sawa. Vile vile Serikali iwe ya kwanza; mimi ningesema ya kwamba iwe ni kwanza itaangalia yale maeneo msingi ambayo tutahakikisha maeneo hayo yatanunuliwa kwa niaba ya mwananchi kwanza. Kwa hayo mengi machache Mheshimiwa Spika naona bado tuna njia nyingi za kwenda mimi nimeuunga mkono swala hili. Ahsante sana.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Maimuna Salim?

Hon. Maimuna Salim: Ahsante Mheshimiwa Spika. Kwanza namshukuru Mwenyezi Mungu kutujaalia kuwa hapa kwa siku hii ya leo. Nimesimama kuunga mkono hoja hii kwa sababu sisi kama wakaazi wa Mombasa tunajua donda sugu haswa ni mambo ya ardhi na wanao nyanyasika ni wale ambao hawajatafuta stakabadhi wanamiliki ardhi bila stakabadhi; kwa hivyo, na si kwa kupenda kwao ni kwa sababu ya mifuko yao kwa hivyo mimi nimesimama kuunga mkono hoja hii kwa sababu ninajua watu watakao faidikia bado ni watu wetu na ni wale watu ambao ni wachochole ambao Mungu akimjaalia Mheshimiwa Gavana wetu na pamoja na watu wake wa *Executive* wakiweza kuifanya hii kazi vizuri mashinani itaweza kuweka kumbukumbu ya kwamba Bunge la tatu la Mombasa liliweza kukuomboa wananchi wa Mombasa. Kwa hivyo nimesimama kuunga mkono na ninamshukuru Mwenyekiti wa Kamati ya *Delegated* kwa kuweza kuleta kitu kizuri kama hiki kwa hivyo tunawaomba Wabunge tushirikiane tukomboe wapendwa wetu ama tukomboe wapigaji kura wetu. Ahsante sana Mheshimiwa Spika.

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

Hon. Kai: Ahsante Mheshimiwa Spika kwa kunipa fursa niweze kuchangia katika swala hili muhimu zaidi kwa niaba ya watu wangu wa Junda. Ki ukweli Mheshimiwa Spika mimi kama Mwakilishi wa Junda naweza nikasema Mswada ama swala hili tunapoenda kupata mwelekeo wake leo watu wangu wa Junda watakuwa wameweza kusaidika pa kubwa kwa sababu nataka nifahamishe Nyumba hii ya kwamba tuko na kesi zaidi kama tatu hivi katika Wadi ya Junda ambapo watu wamepata barua hata za kortini ili waweze kutolewa katika sehemu ambazo wamejenga na wanaishi. Mheshimiwa Spika, ni hivyo kwa sababu wenye mashamba wanajulikana japo pia ni muhimu; nikitaja zingine ni dhulma za kihistoria lakini hatuwezi kuishi tukirudishana nyuma na kukumbushana ni jinsi gani tulidhulumiwa.

Lakini ni muhimu tukitafuta mwafaka na Mheshimiwa Spika nina furaha kubwa sana kwamba leo nasimama hapa kupeana mwelekeo wangu ya kwamba jambo hili tuweze kulipitisha ili mashamba yaweze kununuliwa na Serikali yetu ya County na watu waweze kupewa hati miliki japo wataweza kwenda kujikomboa pole pole katika malipo ambayo wataweza kuyamudu hivyo niseme ya kwamba ninauungana na Bunge zima leo hii kukiwa mchana nikifurahi kwamba nauunga mkono ili tuweze kukomboa wapendwa wetu ambao tumekuja hapa kuwawakilisha. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Honourable Members, I will let Honourable Pamela and Honourable Katana and then the mover of the Motion will reply.

Hon. Ojala: Thank you Mr. Speaker for giving me this opportunity once again. I want to thank the Almighty God for giving us this golden day today, again I stand to support the motion Adoption of the Report of the Public Finance Mombasa County Ardhi Fund Regulations 2024. Mr. Speaker as you are aware we have outcries of land settlement, historical injustice, intimidation the big elephants are coming with fake court orders. This is a very important Motion Mr. Speaker for us Honourable Members Mr. Speaker and this Motion it will be a win win situation for every Member in this House. Mr. Speaker, I urge Honourable Members to support this Motion. Mr. Speaker I also want to thank my able Chair, the competent Chair for bringing this input and Motion before us Mr. Speaker this Motion is well elaborated, this report is a credible one and if you scrutinize this report, you will be able to notice that it entails what the common mwananchi living in Mombasa is requires Mr. Speaker. I stand to support the Motion. Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Before Honourable Katana, I am seeing the seat of Honourable Ibrahim is very hot so let Honourable Ibrahim then Honourable Katana and the mover of the Motion to reply. Honourable Ibrahim please 1 minute.

Hon. Omondi: Thank you Mr. Speaker. Mr. Speaker I just want to thank you in a special way to have given me the opportunity. Mr. Speaker this Motion or rather this report that concerns this particular Motion it is very important and crucial especially to the Ward that I represent, Airport Ward. Mr. Speaker as we all know in our first session, I was the Chairperson, Committee on Education and I really tried to push so that we have a public ECDE, Early Child Development School in my Ward but it could not be possible because of the problem utility land which is not in Airport Ward Mr. Speaker. Now, Mr. Speaker having this Bill in place this one clears the way that Airport Ward is going to get a special gift that I can term it a Christmas gift, whereby now that the County government will be in position now to purchase the land, being supported by this particular Bill legally on the land on Airport Ward and obviously we are going to have a public ECD school in Airport Ward Mr. Speaker. Mr. Speaker also I would like to talk of the issue of historical injustice just to finish, this one has been, especially in Mombasa it has an elephant in the House Mr. Speaker. In Mombasa County we have had a lot of absentee's land that have been laying Mr. Speaker, laying around not being utilized, not being used and this is going to be an opportunity whereby this land can be acquired by the County Government and they can be made into use. Thank you for opportunity, God bless you Mr. Speaker.

[Applause]

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

Hon. Katana: Mheshimiwa Spika wetu Mheshimiwa Fadhili Makarani nikushukuru sana kwa kunipa nafasi hii, tena vile vile niishukuru Kamati ya Delegated ikiongozwa na Mheshimiwa Maryam Baimu ambayo mimi pia ni mmoja wa wana Kamati na vile vile kwa kuwa kazi hii ilifanywa katika uiano wa Kamati mbili pamoja na kamati ya Ardhi ambayo pia vilevile mimi ni Mwanakamati hapo, nipongeze kazi nzuri ilivyofanywa. Vilevile Mheshimiwa Spika nikueleze furaha yangu ya kadri ninavyoona Waheshimiwa wenza tunavyolichangia swala hili ni ibilisi tu na mtu ambaye hana akili anaweza kupinga Mswada kama huu Mheshimiwa Spika. Kwa sababu hii Mombasa Kaunti ndio jiji namba mbili baada ya Nairobi nchini Kenya Mheshimiwa Spika. Kuna vijiji vyengine kama Nakuru na Kisumu vimeinukia Mheshimiwa Spika lakini hakuna mahali ambapo watu ambao wanaishi pale mahali wanaishi kama maskwota zaidi ya Mombasa. Kwa hivyo nishukuru Kamati hii kwa kung'ang'ana na kuhakikisha kuwa Hoja hii inakuja na ripoti ambayo imeonyesha mazao mazuri ya kwamba watu na wananchi wa Mombasa wako tayari kupitia kwa serikali yao na fedha zilizowekwa katika serikali yao ya kaunti tayari wakaweze kupata hati miliki katika mashamba yao na hivi ile desturi ya watu kutuambia wakaazi wa Pwani hawaendelei kibiashara, hawaendelei kimasomo nataka kuamini kupitia Mswada huu Mheshimiwa Spika itakoma. Maana endapo watu watakuwa wana hati miliki za mashamba yao Mheshimiwa Spika, wataweza kuchukua mikopo katika sehemu zinazotokea fedha kwa ajili ya kama loan Mheshimiwa Spika wakaweze kuendeleza mashamba yao na vilevile wakaweze kulipia karo watoto wao waendeleo kusoma Mheshimiwa Spika.

[Applause]

Ili nisiongee kuzidi Mheshimiwa Spika niendeleo kuwapongeza waheshimiwa wenza na nina hakika tutaingia katika kumbukumbu ya viongozi walioleta Miswada ya maana tokea historia ya ulimwengu. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, the mover of the Motion Honourable Mariam Baimu, please reply?

Hon. Baimu: Ahsante sana Mheshimiwa Spika kwa kunipatia tena nafasi hii. Kwanza ningependa kutoa shukran zangu za dhati kwa waheshimiwa wenza wote kwa kuweza kuniunga mkono katika huu Mswada, maanake kama vile nyote mlivyozungumza hakuna kitu cha maana ambacho kitasaidia wananchi wetu kama huu Mswada ukipita ili wale ambao wako katika ardhi; ambao hawana hati miliki zao za kisheria watapata nafuu kubwa waweze kumiliki ardhi zile. Pili, ningependa kutoa shukran zangu za dhati kwa kamati yangu ya *Delegated* kwa kazi nzuri tulioifanya kuweza kuweka vichwa pamoja, kushauriana tukaweza kupata hii njia muafaka ya kuweza kuleta hoja hii hapa Bunge. Ningependa kumshukuru sana kwa dhati Mheshimiwa Spika wetu Aharub Khatri na pia Karani wetu mkuu Bwana Salim Juma na pia Kamati yetu pamoja na *Secretariat* kwa kazi nzuri ya kutuunga mkono wakati wowote tukiwa na shida muko tayari kusimama na sisi na kutuelekeza. Kwa hivyo ninashukuru sana kwa kuweza kuniunga mkono. Ahsante sana Mheshimiwa Spika.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Honourable Members, I now stand to put the question that the Motion; on adoption of the report on Public Management Finance Mombasa County Ardhi Fund regulations, 2024 as laid by Honourable Mariam Baimu be approved by this Honourable House.

*[Question put and agreed to]
[Applause]*

Yes Clerk?

THE MOMBASA COUNTY VILLAGE ADMINISTRATION BILL, 2024
SECOND READING

Yes, Honourable Jacktone Madialo?

Hon. Madialo: Thank you Mr Speaker. Mr Speaker Sir, I beg to move the following Motion that the Mombasa County Village Administration Bill, 2024, be now read a second *time*.

The Deputy Speaker (Hon. Fadhili Makarani): Who is your seconder?

Hon. Madialo: Honourable Juma Manuari.

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

Hon. Juma Manuari: Thank you Mr. Speaker. I arise to second.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Members, I now propose a question that the Motion of the Mombasa County Village Administration Bill, 2024 to be read for the second time be debated in this Honourable House.

[Question proposed and agreed to]

Honourable Madialo, and the rest of the Members the floor is open.

Hon. Madialo: Ahsante sana Mheshimiwa Spika kwa fursa hii na waheshimiwa wenzangu nina amini ya kwamba hata kuanzia mwanzo na awali na tukiangalia kwa mabano *mood* ya nyumba hii ni kwamba kila Mheshimiwa ametambua na anakubaliana kwamba yatakikana hizi *unit* ziwekwe ili kazi ya serikali ya kaunti iendelezwe mpaka mashinani. Kwa hivyo sina mengi ila kusema kwamba na kuwauliza wenzangu wakapate kuunga Mswada huu mkono. Ahsante Mheshimiwa Spika.

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

Hon. Kimari: Thank you, Mr. Speaker. Mr Speaker, I have gone through the Bill and I have listened to the mover of the Motion and I am convinced to support. Thank you.

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

Hon. Hamisi Mbaya: Ahsante sana Mheshimiwa Spika kwa kunipatia fursa hii niweze kuchangia. Mheshimiwa Spika itabidi ulimi wangu uwe mwepesi zaidi kuweza kuunga mkono Hoja hii, kwa hiyo nimeunga mkono hoja hii kwa asilimia tisini na tisa kwa mia. Ahsante sana Mheshimiwa Spika.

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

Hon. Hawaa Abdulrahman: Thank you, Mr. Speaker, for giving me this opportunity...

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): Leader of Majority please, you are out of order! Converse on low tone?

Hon. Hawaa Abdulrahman: Thank you, Mr. Speaker for giving me this opportunity to contribute to the Mombasa County Village Administration Bill. I stand to support. Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, the mover of the Motion please respond to your Motion?

Hon. Madialo: Mheshimiwa Spika ningependa kuchukua fursa hii kuwashukuru Waheshimiwa wenzangu kuunga mkono hii hoja. Ahsante.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, I now stand to put a question that the Motion as laid by Honourable Jacktone Madialo on reading the Mombasa County Village Administration Bill, 2024, for the second time, be approved in this Honourable House...

[Question put and agreed to]

Yes Clerk?

Honourable Members, the Bill having been read for the second time, will now move to the Committee of the Whole House.

COMMITTEE OF THE WHOLE HOUSE

ORDER OF COMMITTEE READ

[The Mace was lowered]

IN THE COMMITTEE

[The Chairperson (Hon. Fadhili Mwalimu Makarani) in the Chair]

The Chairperson (Hon. Fadhili Makarani): Take your seats Members?

*[The Deputy Speaker (Hon. Fadhili Makarani) exited the Chair]
[The Temporary Chair (Hon. Abdulrahman Abdulkadir) in the Chair]*

The Chairperson (Hon. Abdirahman Abdulkadir): Members...

[Loud consultations]

Members, everyone has a copy of the Bill? I want us to proceed together. Yes, Clerk?

[The Clerk read Clauses 3, 4 and 5]

I now propose the question that Clause 3, Clause 4, and 5 be part of the Bill.

[Question proposed and agreed to]

Any input?

[Loud consultations]

Let us be serious, Members! Any input?

[Silence]

Okay, there being no input, I now put the question that Clause 3, 4, and 5 be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Clause 6]

Members, I now propose the question that Clause 6 be part of the Bill.

[Question proposed and agreed to]

Any input? Yes, Honourable Madialo?

[Consultations]

I mean Clause six.

Hon. Madialo: Yes, Clause Six!

The Chairperson (Hon. Abdirahman Abdulkadir): Do you have amendment?

Hon. Madialo: Yes, there is an amendment.

The Chairperson (Hon. Abdirahman Abdulkadir): Okay.

Hon. Madialo:

That Clause 6 be amended by inserting a new Sub-Clause to read; six part one. Each Ward shall have at least two villages.

That Clause 6 be amended by deleting the numbers 150 and substituting thereof with 155.

That Clause 6 be amended by deleting the word first appearing before the word schedule.

The Chairperson (Hon. Abdulrahman Abdulkadir): Who is your seconder?

Hon. Madialo: Leader of Majority.

The Leader of Majority (Hon. Mwamwiri): I second.

The Chairperson (Hon. Abdulrahman Abdulkadir): I now propose the question that the amendments by the Chairperson on Clause six be part of the Bill...

[Question proposed and agreed to]

Any input? Yes.

The Leader of Majority (Hon. Mwamwiri): Chair...

The Chairperson (Hon. Abdulrahman Abdulkadir): Please, proceed Leader of majority?

The Leader of Majority (Hon. Mwamwiri): Thank you Mr. Chair. Mr. Chair, I support the amendment on Clause six that at least each Ward shall have two villages. Mr. Speaker, the formula which was used was based on the population and the ratio was at least 8,000 people to represent a village. There are some Wards, Mr. Speaker which have a population of 11,000 so that amounts to only one village but with this formula, at least with that population, there will be having two villages. That can differentiate between a village and a Ward because if you are having a Ward, one Ward Admin and one Village Admin, if they want to be here are different but with the two villages at least the Ward Administration would be at the upper level having the two village units on the ground. So, I support that amendment. Thank you.

The Chairperson (Hon. Abdulrahman Abdulkadir): Thank you. I think that is well understood. Any other input, Members?

[Silence]

There being no other input, I now put the question that the amendments on Clause six as proposed by the Chairperson be part of the Bill.

[Question proposed and agreed to]

I now put the question that Clause six as amended be part of the Bill. You do not have to bow. It is okay.

[Question put and agreed to]

Next?

[The Clerk read Clause seven, 8 and 9]

Members, I now propose the question Clause seven, eight and Clause nine be part of the Bill.

[Question proposed and agreed to]

Any input? Do we have any amendments?

[Silence]

There being no other input and amendments, I now put the question that Clauses seven, eight and nine be part of the Bill.

[Question put and agreed to]

Yes, Clerk.

[The Clerk read Clause ten]

I now propose the question that Clause ten be part of the Bill.

[Question proposed and agreed to]

Any input? Chairperson?

Hon. Madialo: Thank you, Mr. Chairman. I propose that Clause ten be amended by deleting the words; *'In consultation with the County Executive Member'* appearing immediately before the word, *'recruit'*. I also propose that, *Clause 10(2)* be amended by deleting the words, *'Professional qualifications and technical knowledge in administration'* and substituting therefore with the words, *a minimum of all level qualification and a resident of the village'*.

The Chairperson (Hon. Abdulrahman Abdulkadir): Your seconder?

Hon. Madialo: Honourable Manuari.

Hon. Juma Manuari: I second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Now Members, I now propose the question that the amendments as proposed be part of the Bill.

[Question proposed and agreed to]

Any input on that?

[Silence]

I think we are all satisfied with it. Now, Members, I put the question that the amendments on Clause ten as read out be part of the Bill.

[Question put and agreed to]

Finally, Members I now put the question that Clause ten as amended be part of the Bill.
Yes, Clerk?

[The Clerk read Clause 11]

Clause 11. Members, I now propose the question that Clause eleven be part of the Bill.

[Question proposed and agreed to]

Any input?

[Silence]

There being no other further input, I now put the question that Clause 11 be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read Clause twelve]

Members, I now propose the question that Clause 12 be part of the Bill.

[Question proposed]

Honourable Members, your Ayes are not coming out very loud, so please let us be attentive. We are in Clause 12. I now propose the question that Clause twelve be part of the Bill.

[Question proposed and agreed to]

That was very clear! Yes, Chairperson?

Hon. Madialo: Thank you, Mr. Chairman. I would like to propose that Clause twelve be amended by inserting a new sub-Clause to read twelve 'two'. The village Administrator may be removed by the board through a disciplinary process as provided for in the human resource manuals.

The Chairperson (Hon. Abdirahman Abdulkadir): Seconder?

The Leader of Majority (Hon. Mwamwiri): Thank you, Mr. Chair. Mr. Chair, I do second.

The Chairperson (Hon. Abdirahman Abdulkadir): Members, I now propose the question that the amendments as read out be part of the Bill.

[Question proposed and agreed to]

The Chairperson (Hon. Abdirahman Abdulkadir): Chairperson, justification for that amendment please? If you have any?

Hon. Madialo: Yes, the justification is that in adopting this Bill, Mr. Chairman, it must go in tandem with the Constitution, 2010 and also the County Government Act, 2012. Anything contrary will be an annulity, so that is why we felt that it should be properly aligned.

The Chairperson (Hon. Abdulrahman Abdulkadir): I think that is well understood. Members, I now put the question that the amendments on Clause twelve be part of the Bill.

[Question put and agreed to]

Finally, I put the question that the amendment be part of the Bill.

[Question put and agreed to]

Yes Clerk?

*[Loud consultations]
[The Clerk read Clause 13]*

Members, Clause 13. I now propose the question that Clause 13 be part of the Bill.

[Question proposed and agreed to]

Any input?

Hon. Madialo: Thank you. Mr. Chairman I would like to propose that Clause 13 (10)b be amended by deleting the word, 'elders', substituting thereof with the words, 'council Members'. Also, that Clause 13 (1)b be amended by deleting the words, 'Village Administrator' through public participation with approval of the County Executive Member and substituting thereof with the word, 'board'. That Clause 13(2) b, be amended also by deleting the word, 'all has been the owner of property' in appearing immediately after the words, 'the respective village unit'.

The Chairperson (Hon. Abdirahman Abdulkadir): So, the seconder?

[Interruption]

Hon. Madialo: Okay. I would like to ask the Honourable Member from Chaani to second.

Hon. Makanga: I second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Okay, those were three amendments we are talking about. The first one...

[Interruption]

Hon. Madialo: The first one.

The Chairperson (Hon. Abdulrahman Abdulkadir): Okay, just let me propose the question and then we will get into that. Honourable Members, I now propose the question that the amendments as read out be part of the Bill.

[Question proposed and agreed to]

Chairperson?

Hon. Madialo: Yes, for example, Clause 13(1) b. Below the Village Administrator, the Bill proposes that there will be Council Members not exceeding five and not less than three. Now, in the Bill, they are called elders, so it was confusing. It should not be the Village elders to distinguish them from the normal, the ordinary village elders. So, that is why we are calling them Council Members.

The Chairperson (Hon. Abdulrahman Abdulkadir): So, it should read as Village Council Members?

Hon. Madialo: Yes, Village Council Members.

[Interruption]

The Chairperson (Hon. Abdulrahman Abdulkadir): And not village elders. Second one?

Hon. Madialo: Now, the second one is that constitutionally, the power to hire is domiciled at the board. So, in the Bill it was like the Executive Member was usurping the role of the board. So, that is why that correction had to be made. Then the third one is that...

[Interruption]

The Chairperson (Hon. Abdulrahman Abdulkadir): Which part of...?

[Interruption]

Hon. Madialo: That Clause 13(1)b be amended by deleting the words village administrator through public participation with the approval of the County Executive member...

[Interruption]

The Chairperson (Hon. Abdulrahman Abdulkadir): So, we are replacing that County Executive Committee Member with?

Hon. Madialo: With the board.

The Chairperson (Hon. Abdulrahman Abdulkadir): The board.

Hon. Madialo: So, in fact, you see, the Village Administrators would be employees of the County. They may be permanent and pensionable, so, you cannot remove them through public participation.

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes.

Hon. Madialo: Are you seeing? And through the Waziri. That should be done by the board.

The Chairperson (Hon. Abdulrahman Abdulkadir): Okay.

Hon. Madialo: Now, the third one is that deleting the word; you see it also came up during public participation because in the Bill somebody can be employed as village... No, no, somebody can be enrolled as a Council Member if either he or she is a Member is coming from that village, number one, or owns property in that village. So, we are omitting, we are deleting. In this case, we want just the person who is coming from that village, it may be that I have property in Likoni, but I live in Mikindani. This Bill would have asked me to be employed as a Council Member in Likoni, but I do not live there, if I have property there, I can be a Council Member. So, we want that to be removed, to be just the person who is coming from that village. He lives there.

The Chairperson (Hon. Abdulrahman Abdulkadir): And how will we determine whether you are a resident? I mean, I thought this was providing a proof of residence.

Hon. Madialo: No! you see, now...

[Interruption]

The Chairperson (Hon. Abdulrahman Abdulkadir): So, we do not need it.

Hon. Madialo: Now those Council Members are not more than five, or not less than three, those are being selected and placed by *wananchi* through public participation. So, members from that village know the ones that come from the same village.

The Chairperson (Hon. Abdulrahman Abdulkadir): Okay.

Hon. Madialo: Kwa hivyo hapo hakutakua na shida.

The Chairperson (Hon. Abdulrahman Abdulkadir): I think I have understood that and Members have understood it, do we have the same eligibility criteria for the Village Admins? These are the council?

Hon. Madialo: Yes.

The Chairperson (Hon. Abdulrahman Abdulkadir): Right? Do we have the same for the Village Admins?

Hon. Madialo: Must come from that village.

The Chairperson (Hon. Abdulrahman Abdulkadir): It is in the Bill?

Hon. Madialo: Yes, it is in the Bill.

The Chairperson (Hon. Abdulrahman Abdulkadir): Okay. Yes?

Hon. Mbelle: Not less than three, or not more than five, village council, as you said, Village Council, competitively appointed by the Village Administrator, through public participation with approval of the board. When we say appointed by the Administrator through public participation, does appointment come in terms of writing, or how is appointment?

Hon. Madialo: Now, I think what the Village Administrator will do, will simply be like an IEBC of some kind. Are you seeing, he will be in charge...

[Interruption]

Yes, Majority leader?

The Leader of Majority (Hon. Mwamwiri): Ahsante Mwenyekiti. Mwenyekiti kwa kuongeza hilo *Village Admin* atachukua dhamana la kusimamia uteuzi wa Kamati ama baraza la kijiji na moja kwa muongozo wa *board* itambiwa vigezo vya hawa Kamati wawe na vigezo gani. Kwa hivyo yeye kama *Village Administrator* atatangazia vigezo vya mtu kuwa katika baraza la kijiji akishatangazia wananchi wale ambao watakuwa na vigezo hivyo watajitokeza kugombania nafasi hizo. Sasa yeye kwa kuwa washafikia vile vigezo atawaidhinisha kugombea na wananchi watawachagua kwa kuwa wamevitimiza. Kwa hivyo kwanza ni jukumu la mtu kutimiza vigezo na atakae hakiki kwamba vigezo umevitimiza ni huyu mtawala wa kijiji ama *Village Admin* kwamba wewe unafuzu kugombania fursa hii, wewe unafuzu kugombania fursa hii alafu wananchi wachague baada ya hapo.

The Chairperson (Hon. Abdulrahman Abdulkadir): I think we are good. You are seeking further clarification, it's okay. Take your time! Take your time! We are not in a rush.

Hon. Mbelle: This public participation that will be done to the Wananchi, by the Wananchi, when they are doing the selection, is it by voting or public participation? How is the selection done?

The Leader of Majority (Hon. Mwamwiri): Ninapo zungumzia maoni ya wananchi ni kupeana fursa kama vile baraza katika baraza hilo watakubaliana mtindo watakao chagua watu hawa; ima kwa kura ya kupiga ama kura ya maoni ama kwa kunyoosha mkono kwamba tumeafiki huyu atuwakilishe. Kwa hivyo tunaposema kuhusishwa kwa jamii ndio neno linasema *public participation*, kuhusishwa kwa jamii.

Kwa hio mtindo wa kuwachagua ukawa *determined* pale mashinani kama watapiga kura, watanyoosha mikono ama wataweka kura ya mlolongo pia hiyo ni kuhusishwa kwa jamii katika kuchagua kwa baraza hili.

The Chairperson (Hon. Abdulrahman Abdulkadir): Leader of Majority, I think there is something that is not clear here, we are saying that we have done an amendment. That we are not going to be choosing the Council through public participation, it will be through the board. So, the issue of public participation will not be there. Is that the case, Chairperson?

Hon. Madialo: No, I think the Leader of Majority is right; the board will simply ratify because now, in the Bill it is provided for that the Council Members will be elected. There will be public participation in choosing the council Members. So, when the Council Members, for example of a certain village has been chosen, after Village Administrator *kusimamia uchaguzi huo, wananchi wote wakajua kwamba yule amechaguliwa halali kisha majina yao yanapelekwa kwa bodi to just ratify, kuandika tu kwa hio hawatakuwa wameji chagua wenyewe, wakipelekwa kwa bodi sasa ndio itakuwa Bodi imewaajiri.*

The Leader of Majority (Hon. Mwamwiri): Na pia katika vile vigezo ambavyo vitatumika kutathmini ya kwamba hapa wawe watatu ama wanne bado ni muongozo wa bodi, pia vigezo vya kusema ni lazima awe ni darasa la nane au darasa ama ni kidato cha pili. Pia muongozo ule utakuwa umetoka kwa bodi, kwa hivyo si kwamba *Village Admin* ama Waziri wa kitengo husika idara hii. Yeye ndio atapeana muelekeo ya kwamba ili uwe katika baraza la kijiji lazima uwe na miaka sitini bado muongozo huu utatoka kwa bidi, sio kwamba utatoka kwa waziri ama kwa yule muwakilishi wa kitongoji kile, ni bodi ndio itapeana muongozo wote.

The Chairperson (Hon. Abdulrahman Abdulkadir): Okay, Leader of Majority and the Chairperson, I think there is still one thing that is not clear; in this amendment we are deleting Village Administrators through public participation with approval of County Executive Member. We are deleting all that so that there will not be public participation and substituting it with the word, 'board'. Is that the position?

Hon. Madialo: No, I would like to agree with you, Chairman. That it should be, the board should substitute the Executive Member, but public participation should... And also, if you allow me, and I do not think that this will open a pandora's box but I should be guided. Majority leader, according to this Bill it is not the Public Service Board to determine the number, whether it is three or five, but it is us, the Assembly.

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes, it is in the Bill.

Hon. Madialo: To determine.

The Chairperson (Hon. Abdulrahman Abdulkadir): I have seen that in the Bill.

Hon. Madialo: Yes, yes. It is us and it has not been amended. So, we should go ahead to make that determination.

The Chairperson (Hon. Abdulrahman Abdulkadir): In this case, the amendment we are making, we are just deleting the word, 'County Executive Member' and substituting with 'the board'.

Hon. Madialo: With the board, yes.

The Chairperson (Hon. Abdulrahman Abdulkadir): Not the issue of public participation.

Hon. Madialo: Yes, yes.

The Chairperson (Hon. Abdulrahman Abdulkadir): Just let them consult a little bit.

[Consultations]

Yes, Mr. 1GB Katana Honourable, you know we are transacting a very important part of this Bill. It's not a matter of just, we have to scrutinize all the amendments Mr. 1GB. You are pretending you are on the phone, but I know you can hear me.

[Loud consultations]

Yes? Yes, order Members! Yes?

Hon. Madialo: It will just delete the word, *iko* which Clause nisaidieni tena, thirteen! County Executive Member, tunatoa *County Executive Member* and replacing it with *Board*. If you want to address me, use the microphone.

Hon. Katana: Chairperson let me echo the what the Member was saying, we remove the County Executive and replace it totally, we replace it with the board.

The Chairperson (Hon. Abdulrahman Abdulkadir): Members, are we in agreement on that Members? Yes, Honourable Patrick Mbelle you were seeking clarification, are satisfied with it?

Hon. Mbelle: Yes. Mine is just a matter of procedure, literary not, Chair just to get it right.

The Leader of Majority (Hon. Mwamwiri): Mwenyekiti mimi nimeshashuhudia baraza la Chifu la wazee wa mitaa likichaguliwa. Chifu huchukua dhamana ya kusimamia zoezi lile lakini wanaochagua baraza lile ni wananchi. Yeye ni msimamizi kama ilivyo pendekezwa katika sharia hii ya kwamba baraza lile Mheshimiwa Spika lipo kwa ajili ya kijiji. Wale watu wanaofahamu wanaishi wapi, ni wananchi wa kijiji kile, kwa hivyo mamlaka ya kuchagua baraza kwa sababu baraza hili Mheshimiwa Mwenyekiti halina mshahara kwa hivyo ni wale wananchi ndio watawachagua kwa kuwatambua. Mtu ambaye hapa tunakata kumkata mabao Mheshimiwa Spika ama kupunguza mamlaka ni kuweka mamlaka haya kwa waziri na sharia zote zinasema maswala ya kutathmini utenda kazi na ajira ni jukumu la tume Mheshimiwa Spika ama Bodi. Kwa hivyo hapo ndio kuna tashwishi ya kufanya marekebisho kuondoa Mheshimiwa Spika. Mheshimiwa Spika, sisi ndio tunatoka kule nyanjani pili kwa mujibu wa katiba ibara 195 sisi ndio tuna mamlaka ya kutengeza sheria. Hivyo basi upande ule kama wana mapendekezo ambayo hayaendani na dhamira na nia yetu sisi kama Bunge Mheshimiwa Spika, mamlaka ni yetu sisi si yao. Mwenyekiti amekupa pendekezo, sisi tumeungama kwa hivyo Mwenyekiti tunakusihi simama na mapendekezo ya Mwenyekiti na vile ambavyo Waheshimiwa wametaka iwe na tofauti na si kauli ya mtu mwengine.

The Chairperson (Hon. Abdulrahman Abdulkadir): Thank you, leader of majority.

Hon. Mbelle: Nakubaliana na Kiongozi wa Wengi, sina la kupinga. Nilikuwa nauliza tu katika wale watatu, isiwe chini ya watatu na isiwe zaidi ya watano, ile namba umesema sisi ndio tunaamua.

The Chairperson (Hon. Abdulrahman Abdulkadir): These are two different issues. Can we just prosecute the first one?

Let me let me just get done with this and then you will get further clarification on the other one, So the Chairperson. What we are doing here, Honourable Manuari please take a seat. Honourable Chairperson, what you are proposing here is a further amendment to the amendment that you proposed. Is that a position?

Hon. Madialo: Yes?

The Chairperson (Hon. Abdulrahman Abdulkadir): Now, please. You will have to give me a seconder.

Hon. Madialo: Majority Leader.

The Leader of Majority (Hon. Mwamwiri): I second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Now, I'm proposing. I'm proposing the question for the amendments, the further amendments on the amendments. Honourable Members, as per the request of the... as moved by the Chairperson of the Committee. The further amendments read or rather should read, that is close thirteen 1b. Be further amended by deleting the word, *County Executive Member* and substituting it with the word *board*. I am repeating again or I will allow you to say it so that I will propose the question.

Hon. Madialo: Thank you Mr. Chairman. We propose a further amendment to the amendment so, as it should read. That Clause 13 (1) b be amended, that now it should read. It should read like this after the amendment. That the Village Administrator through public participation with the approval of the board. So, in other words....,

The Chairperson (Hon. Abdulrahman Abdulkadir): Taking into account gender balance.

Hon. Madialo: Yes, yes.

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes. Who is your seconder?

Hon. Madialo: Majority Leader.

The Leader of Majority (Hon. Mwamwiri): I second. Members,

The Chairperson (Hon. Abdulrahman Abdulkadir): I now put... I already propose... I am proposing, yes? I am proposing the question that we have a further amendment to the amendment on Clause 13 (1) B as proposed by the Chairperson.

[Question proposed and agreed to]

I now put the question that the further amendment as proposed by the Chairperson be part of the Bill.

[Question put and agreed to]

I now put the question that Clause 13 B as amended be part of the Bill.

[Question put and agreed to]

The Chairperson (Hon. Abdulrahman Abdulkadir): On Clause 13 we also had another amendment, right?

[Loud consultations]

Yes Clerk?

[The Clerk Clause 14,15,16,17, Clause 14 to 17]

Clause 14,15,16 and 17. I now propose the question that Clause 14 to 17 be part of the Bill.

[Question proposed and agreed to]

The Chairperson (Hon. Abdulrahman Abdulkadir): Any input Chair? The reason why you said *nay* perhaps?

Hon. Madialo: Slip of the tongue.

[Laughter]

The Chairperson (Hon. Abdulrahman Abdulkadir): Slip of the tongue! Yes? I now put the question that Clauses 14 to 17 be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read Clause 18]

I now propose the question that Clause 18 be part of the Bill.

[Question proposed and agreed to]

Do we have, any input?

Hon. Madialo: Yes. Thank you, Mr. Chairman. I propose that Clause 18(4) be amended by deleting the words, *The Executive, the County Executive Member* shall replace the *Member* upon receipt of a declaration of vacancy from the Council and substituting thereof with the words, *the Board* shall replace upon notification by the County Executive Member of a vacancy for the position of Member.

The Chairperson (Hon. Abdulrahman Abdulkadir): Seconder?

Hon. Madialo: Leila.

Hon. Nyache: Thank you Chair. I rise to second.

The Chairperson (Hon. Abdulrahman Abdulkadir): I now propose the question that the amendment of Clause 18 (4) be part of the Bill.

[Question proposed and agreed to]

The Chairperson (Hon. Abdulrahman Abdulkadir): I now put the question that Clause 18 (4) as amended be part of the Bill.

[Question put and agreed to]

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes. Next Clerk.

[The Clerk read Clause 19]

Members, I now propose the question that Clause 19 be part of the Bill.

[Question proposed and agreed to]

Any input?

Hon. Madialo: Yes. Mr. Chairman I would like to propose that Clause 19(1) be amended by deleting the words by authorized officer and substituting thereof with the words by the Council.

The Chairperson (Hon. Abdulrahman Abdulkadir): Seconder?

Hon. Madialo: Honourable Katana.

Hon. Katana: I second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Members, as you second this amendment bear in mind the content of the amendment because I will and I'm not suggesting that there are Members who are not aware. I'm not suggesting that in any way, but just do not be caught off guard. I now propose the question that the amendment to Clause 19(1) be part of the Bill.

[Question proposed and agreed to]

Yes, Honourable Katana tell us the justification for that particular amendment.

Hon. Katana: It is my wish to second and I do not think whether the Chair has the authority to force me to explain.

The Chairperson (Hon. Abdulrahman Abdulkadir): As a seconder I want you to just shed light on it.

Hon. Katana: Do you have any interest Chair?

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes. Please do.

Hon. Katana: Then I'm not ready because I am comfortable with it and I support it.

The Chairperson (Hon. Abdulrahman Abdulkadir): Please hand it over to the Chairperson to explain to us. Chairperson, please give us the reason why we are doing that.

Hon. Madialo: It is plain.

The Chairperson (Hon. Abdulrahman Abdulkadir): It is very clear, right?

Hon. Madialo: Yes.

The Chairperson (Hon. Abdulrahman Abdulkadir): I thought so. Yes. Patrick.

Hon. Mbelle: Just for clarity purposes, the village Council; a village Council Member may be removed from office by the Council for now if this Council can remove one of its Members are we giving powers to the same Council to remove one of its own Members?

Hon. Madialo: Pardon?

The Chairperson (Hon. Abdulrahman Abdulkadir): Chair, just proceed.

Hon. Madialo: You see this is some Committee of some sort and we do not want to give it to one individual.

Like for example the Village Administrator to run roughshod on the Council Members, but you see, in any Committee, if you are voted in, the Committee also has the powers to vote you out, if they cannot just vote you out for no reason. There are reasons; there incompetence, misappropriation of funds, gross misconduct, prolonged mental or physical infirmity. So, I think what they will do is to notify the board.

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes. I think that makes sense. It is a good answer. It gives the Council the power to say. The power to have no confidence on particular Members. I now put the question that, the amendment on Clause 19(1). Be part of the Bill.

[Question put and agreed to]

I now put the question.

That Clause 19(1) as amended be part of the Bill. Just be careful with the...before you just shout ayes.

[Question put and agreed to]

[Interruption]

Honourable Mbelle, perhaps you should be raising this issue before I put the question. You know you cannot raise issues and I have put the question.

[Loud consultations]

I will proceed. But I will still listen to him, is that okay? I'm just telling you that but next time it's okay, next time you want to have an opinion you raise it before I put the question and now, we proceed. Yes Clerk?

[The Clerk read Clause 20]

Members. I now propose the question, that Clause 20 be part of the Bill.

[Question proposed and agreed to]

I now put the question. Any input Members, before I put the question. Honourable Mbelle, you have an input? Good! So, I now put the question; that Clause 20 as it is be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Clause 21]

Honourable Members, I now propose the question, that Clause 21 be part of the Bill.

[Question proposed and agreed to]

Any input?

Hon. Madialo: Thank you Mr. Chairman. Yes? I propose that Clause 21(1) be amended by deleting the words.

The County Executive Member shall in consultations with the board and substituting thereof, with the words, the board.

[Interruption]

Honourable Katana?

Hon. Katana: I second, ask me anything Chair.

[Loud consultations]

The Chairperson (Hon. Abdulrahman Abdulkadir): Okay, I now propose the question that the amendment of Clause 21 be part of the Bill.

[Question proposed and agreed to]

Any input?

[Silence]

We are in agreement on that? I now put the question that the amendment on Clause 21 be part of the Bill.

[Question proposed and agreed to]

Honourable Members, I now put the question that Clause 21 as amended be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read Clause 22, Clause 23, Clause 24]

I now propose the question that Clause 22, 23 and 4 be part of the Bill.

[Question proposed and agreed to]

Any input?

[Silence]

No input? I now put the question that Clause 22, Clause 23 and Clause 24 be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read the schedule]

I now propose that the schedule of the Bill be part of the Bill.

[Question proposed and agreed to]

Any input?

[Silence]

No input.?

Hon. Madialo: Thank you, Mr. Chairman. And before I propose the amendments, I would want to quickly tell Members the criteria that was used.

[Interruption]

The Chairperson (Hon. Abdulrahman Abdulkadir): Just, just, it's okay. Just move the amendment and I will give you an opportunity to explain yourself.

Hon. Madialo: Thank you. Well guided, Chair. That the Schedule be amended by deleting the words, 'first schedule' in the title. That the schedule be amended by inserting the words, 'village units' as follows.

1. A new village unit in Mikindani Ward to be known as Mikindani Center
2. A new village unit in Mjambere Ward to be known as Baptist
3. A new village unit in Mtopanga Ward to be known as Vikwatani
4. A new village unit in Changamwe Ward to be known as National Housing
5. A new village unit in Tudor Ward to be known as Kiziwi

The Chairperson (Hon. Abdirahman Abdulkadir): Who is the seconder?

Hon. Madialo: The seconder is Ogutu.

Hon. Ogutu: Chair, I second *lakini hawa wa Kiziwi watakuwa wanasikia kweli?*

The Chairperson (Hon. Abdulrahman Abdulkadir): Honourable Ogutu, just second, are you seconding or you are...?

Hon. Ogutu: I second, Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): Now I propose the question that the amendments be part of the Bill.

[Question proposed and agreed to]

Now, we justify why we are adding them.

Hon. Madialo: Thank you. When we called the Deputy Governor together with his team, we asked them what was the criteria for them allocating the village unit, so they said that they used the census and also from the Kenya National Statistics. Now this is what they were doing, they were taking the population, the number of people in all Wards, dividing by 8000. So, in all Wards they did correctly; for example, if i use Likoni when they divided the number of populations in Likoni by 8000 it came to two point nine something, when the decimal goes beyond five then the next number is given, that is why Likoni got that and all that.

The Chairperson (Hon. Abdirahman Abdulkadir): When the decimal goes beyond five, if it is less than that it will be rounded off to the nearest number.

Hon. Madialo: Yes, so when we were going to Mtopanga, *acha niseme kwa Kiswahili Mtopanga ilidhulumiwa*, Mjambere, Tudor na Mikindani *ilidhulumiwa lakini Old Town haija dhulumiwa*. Now, having amended I want you to listen to me when it comes to Changamwe Ward, it was given one village unit. Now having done an amendment to the Bill that the villages should not be less than two and even the Majority Leader explained;

Ya kwamba kwa mfano ukiwa na village unit moja ambapo ndio Ward unit moja, then hakuna haja ya wewe kumuwekea Village Admin. Kwa sababu it will in essence be that the Village Admin ndio Ward ama Ward Admin ndio Village Admin, so that is how Changamwe came in because Changamwe was only allocated one, so all this ni kwa sababu hao tulivyo waangalia walidhulumiwa and I may be quick to add...

[Interruption]

The Chairperson (Hon. Abdulrahman Abdulkadir): I think we should not say *walidhulumiwa*, let us say the formula was not followed properly! There was no bias, but the formula was not followed properly

Hon. Madialo: True.

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes, Patrick Mbelle you had an input before I put the question.

Hon. Mbelle: Chair in the Schedule I would wish just..., Chair?!

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes, you have my attention.

Hon. Mbelle: In the village unit Bombo we have Kimbunga, Kashani Ugatuzi...

The Chairperson (Hon. Abdulrahman Abdulkadir): Which Ward is that?

Hon. Mbelle: Bamburi.

The Chairperson (Hon. Abdulrahman Abdulkadir): Bamburi Ward?

Hon. Mbelle: Yes.

The Chairperson (Hon. Abdulrahman Abdulkadir): It should be on which page?

Hon. Mbelle: That should be in page 22.

The Chairperson (Hon. Abdulrahman Abdulkadir): 22. Yes.

Hon. Mbelle: I just want to confirm that in the village unit called Bombo there is Kimbunga, Ugatuzi, Utange kwa Cola, Barawa na Bombo. Chair Kasha Ugatuzi these are two different places, so I would wish that it is named Krasha then Ugatuzi be a name of its own. Right now, it is two different names. Then the second one will be that the last village which is Mdengerekeni that has Mdengerekeni and Florida has equally been mixed up in the village of Kashani. So, the same villages appear in Kashani as Florida and Mdengerekeni. So, there are village of their own, they only need to be deleted from Kashani and be left hanging on their own in Mdengerekeni thank you.

The Chairperson (Hon. Abdulrahman Abdulkadir): Okay will that have any impact on the number of village units?

Hon. Madialo: No.

The Chairperson (Hon. Abdulrahman Abdulkadir): So, you just want the re-arrangement of village clusters?

Hon. Madialo: Chairman with your permission.

The Chairperson (Hon. Abdirahman Abdulkadir): Yes.

Hon. Madialo: It is not only in Bamburi where the problem is, we also realise that in different areas; I will give you for example in Mikindani there is a village called Gana Hola and Gana Hola I think is in page 18. In Gana Hola village there is Gana Hola A, B, C and Gana Hola Msikitini Nazarini, so Kachimbeni and Centre they are not in Gana Hola, they should be in Bangladesh. So *tunaomba hivi Waheshimiwa* like even Nyali it also has the same problem, *kwa hiyo tunaomba hivi* Honourable Bamburi from here just go to Dorothy *na umpatie* the correct *vile inatakikana* iwe as we have said, the same applies to any Member. Any Member *tafadhali* be keen *pitia kama imechanganywa kwa mfano vile imesemwa hii* Mikindani *vile imechanganywa, mahali ambapo haitakani kuwa* Gana Hola *ikapelekwa* Gana Hola *na iko* Bangladesh *ni ku rearrange na hizo ni typos ni vitu kama hizo*. So, from here just go to Dorothy, because it is not an amendment, *ni hizo* typing errors. *Pale mahali hio mtaa inatakikana iwekwe kwa* correct village *mahali iko na ni jukumu lako kama Mheshimiwa kufanya hivyo*, so go see Dorothy after here and she is under instruction to make those corrections.

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes, I think that makes sense, it is not a significant change that will alter this Bill in any manner, so Members in case you feel like there is a misplaced village cluster, please feel free to make the amendments. I now put the question that the amendments on the Schedule as proposed by Chairperson be part of the Bill.

[Question put and agreed to]

I now put the question that the Schedule as amended be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Clause 2]

I now propose the question that clause 2 be part of the Bill.

[Question proposed and agreed to]

Any input?

Hon. Madialo: Thank you Mr. Chairman. I will propose;

THAT clause 2 be amended by adding a new clause to read; ‘authorised officer’ means, ‘any other public officer appointed by the Board to be an authorised officer’, with the respect specified public body including a city or urban area.

THAT clause 2 be amended by deleting the word, ‘responsible’ appearing immediately after the word ‘Member’.

THAT clause 2 be amended by deleting the words, ‘public administration’ by substituting with the words, ‘decentralised units’.

The Chairperson (Hon. Abdulrahman Abdulkadir): Seconder?

Hon. Madialo: Mheshimiwa wa Chaani.

Hon. Makanga: I second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Say it on the Hansard please.

Hon. Makanga: I second.

The Chairperson (Hon. Abdulrahman Abdulkadir): I now propose the question that the amendment be part of the Bill...

[Question proposed and agreed to]

Any input?

[Silence]

Okay, I now put the question that the amendment on clause 2 be part of the Bill....

[Question put and agreed to]

Finally, Members I now put the question that clause 2 as amended be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Clause 1]

The Chairperson (Hon. Abdulrahman Abdulkadir): I now propose the question that clause 1 be part of the Bill...

[Question proposed and agreed to]

Any input?

[Silence]

No input? I now put the question that clause 1 as amended be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read the Long Title]

The Chairperson (Hon. Abdulrahman Abdulkadir): I now propose that The Long Title as read be part of the Bill.

[Question proposed and agreed to]

Yes Clerk? Honourable Members, I am pleased to tell you that we are done with this particular session, on the Mombasa County Village Administration Bill and with your permission we will move to the next agenda, is that okay? Do you want to take a break or we just continue?

[Members agreed to continue]

Thank you, Members! I love and admire your enthusiasm thank you and let us proceed. Honourable Members, let me put you up to speed; we are at the Public Finance Management, Mombasa County Ardhi Fund Regulation, 2024 by Honourable Baimu who is the Chairperson for the Committee on Delegated Legislation.

I want to believe everyone has a copy of the regulation? If that is the case let us proceed, yes Clerk?

[The Clerk read clause 3, clause 4 clause 5, clause 6, clause 7 and clause 8]

I now propose the question that clause 3, clause 4 clause 5, clause 6, clause 7 and clause 8 be part of the regulations.

[Question proposed and agreed to]

Yes Clerk?

[The Clerk read Clause 9]

Honourable Members, any input before I move to the next on that clause 3 to 8?

[Silence]

I believe we have gone through it and we are satisfied with it, thanks to the Chairperson. I now put the question that clauses 3, 4, 5, 6, 7 and clause 8 be part of the regulations.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Clause 9]

The Chairperson (Hon. Abdulrahman Abdulkadir): Clause 9. Honourable Members, I now propose the question that clause 9 be part of the regulations.

[Question proposed and agreed to]

I had a slip of the tongue but you guys respond to the chorus so let us proceed. Any input Chairperson. Yes, Chairlady?

Hon. Baimu: Yes, thank you there is a clause that we have to amend clause number 9 section 6 be amended by inserting the words approval by the County Assembly to appear immediately after the word procedures.

The Chairperson (Hon. Abdulrahman Abdulkadir): Who is your seconder?

Hon. Baimu: Honourable Hawa?

Hon. Hawa Abdulrahman: Thank you Mr. Speaker I do second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Thank you Honourable Members, I now propose the question that the amendments as read out by the Chairperson on clause 9 be part of the Regulations.

[Question proposed and agreed to]

Any input before I put the question?

[Silence]

Members, you do not say no input? Okay Chairlady, perhaps why are we doing that?

It is the only amendment that we have, its only prudent that we discuss why we are having that amendment.

Hon. Baimu: As per statement that is reading the land purchased under the program shall be in accordance, with approval by the National Land Commission Procedures and the Legal framework, regulating Land disposition in Kenya. I believe it is only prudent that the County Assembly should be involved in this before it is passed thank you.

The Chairperson (Hon. Abdulrahman Abdulkadir): Thank you Chairlady. I think we now understand, I now put the question that the amendments on clause 9 be part of the regulations.

[Question put and agreed to]

[Applause]

I now put the question that clause 9 as amended be part of the regulations.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Clauses 10, 11, 12, 13, 14, 15, 16, 17 and 18]

Honourable Members, I now propose the question that clause 10, clause 11, clause 12, clause 13, clause 14, clause 15, clause 16, clause 17 and finally clause 18 be part of the regulations.

[Question proposed and agreed to]

Any input? No input Honourable Members, I now put question that clauses 10 to 18 be part of the regulations.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Clause 2]

Honourable Members, I now propose the question that clause 2 be part of the regulations.

[Question proposed and agreed to]

Any input?

[Silence]

Honourable Members, I now put question clause 2 be part of the regulations.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Clause 1]

Honourable Members, I now propose the question that clause 1 be part of the regulations.

[Question proposed and agreed to]

Any input?

[Silence]

None. I now put the question that clause 1 be part of the regulations.

[Question put and agreed to]

I think we have come to an end on the Committee of the Whole House, now I will give an opportunity to the Chairperson of the Committee of Labour and Public Administration, Honourable Jacktone Madialo take your time.

Hon. Madialo: Thank you Mr. Chairman. I propose that the Bill as amended be reported to the County Assembly.

The Chairperson (Hon. Abdulrahman Abdulkadir): Secunder?

Hon. Madialo: Secunder Honourable Manuari.

Hon. Juma Manuari: Ahsante Mwenyekiti nimesimama kuunga mkono.

The Chairperson (Hon. Abdulrahman Abdulkadir): Honourable Members, I now propose the question that the Motion as moved by Honourable Madialo be approved by this House.

[Question proposed and agreed to]

Any input? I now put the question that the Motion as moved by Honourable Madialo that the Bill as amended be reported to the County Assembly be approved by this House.

[Question put and agreed to]

Honourable Members, we are now resuming to the plenary.

PLENARY RESUMED

[The Mace was raised to the upper deck]

[The Temporary Speaker (Hon. Abdulrahman Abdulkadir) in the Chair]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Honourable Members, you can take your seat. Yes, Clerk?

MOTION

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE
MOMBASA COUNTY VILLAGE ADMINISTRATION BILL, 2024.

Yes, Honourable Jacktone Madialo?

Hon. Madialo: Okay Mr. Speaker Sir, I beg to move the following Motion.

THAT, this House do agree with the Report of the Committee of the Whole House on its Consideration of the Mombasa County Village Administration Bill, 2024.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Secunder?

Hon. Madialo: Honourable from Chaani.

Hon. Makanga: I second.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Honourable Members, I now propose the question that that the Motion by Honourable Jacktone Madialo be approved by this House.

[Question proposed and agreed to]

Yes, Honourable Jacktone Madialo please, give us a report of what transpired during the Committee of the Whole House.

Hon. Madialo: Thank you Mr. Speaker everything went on well and we thank the Members.

[Applause]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): I was expecting you will also tell us the amendment that we had but none the less that was very brief, any other Member or any other contribution? Thank you, Honourable Members I put the question that that the motion by Honourable Jacktone Madialo on what transpired during the Committee of the Whole House be adopted by this House.

[Question put and agreed to]

Yes Clerk? I cannot hear you; you ask for the microphone and say whatever you want to say.

Hon. Ogutu: Thank you Mr. Speaker kuna proposal kuwa Mwakirunge iwe Kilifi County and I request Honourable Nyundo to second.

Hon. Ahmed Nyundo: Ahsante Mheshimiwa Spika nimepinga hio maneno, ahsante.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): The two Honourable Members you are out of order and allow me to just forgive you this time, but you are totally out of order and Honourable Nyundo thanks for making the contribution. Yes Clerk?

MOTION

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (MOMBASA COUNTY ARDHI FUND) REGULATIONS, 2024 AND APPROVAL OF THE PUBLIC FINANCE MANAGEMENT (MOMBASA COUNTY ARDHI FUND) REGULATION, 2024

Yes, Honourable Mariam Baimu, give us a Report on the Committee of the Whole House.

Hon. Baimu: Thank you Mr. Speaker Sir, I beg to move the following Motion.

THAT this House do agree with the Report of the Committee of the Whole House on its consideration of the Public Finance Management (Mombasa County Ardhi Fund) Regulations, 2024 and approves the Public Finance Management (Mombasa County Ardhi Fund) Regulation, 2024,

Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Seconder.

Hon. Baimu: Kindly Honourable Kimari to second.

Hon. Kimari: Thank you, Mr. Speaker. I stand to support.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Thank you Honourable Members. I now propose the question that the Motion by Honourable Mariam Baimu be adopted by this House.

[Question proposed and agreed to]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Now may I ask Honourable Kimari to give us the report of what transpired?

Hon. Kimari: Thank you, Mr. Speaker. Everything went well and in the interest of time, I support.

[Applause]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Yes, Chair you have something to add?

Hon. Baimu: Thank you Mr. Speaker. I believe everything went well mine is just to wish everybody a Merry Christmas and Happy New Year, thank you.

[Applause]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Let us proceed. I now put the question that the Motion by Honourable Mariam Baimu be adopted by this House.

[Question put and agreed to]

Yes Clerk?

THIRD READING

Yes, Honourable Jacktone Madialo?

Hon. Madialo: Mr. Speaker Sir, I beg to move the following Motion;

THAT the Mombasa County Village Bill, 2024 be now read a third time.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Secunder of that?

Hon. Madialo: Secunder, the man with the largest Ward and the greatest number of village units Honourable Mbaya.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Yes, Honourable Mbaya?

Hon. Hamisi Mbaya: Thank you Mr. Speaker Sir for giving me this opportunity. I stand to second.

[Applause]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): I am proposing the question that the Motion by Honourable Jacktone Madialo be approved by this House.

[Question proposed and agreed to]

Honourable Members, I now put the question that the Bill, Mombasa County Village Administration by Honourable Jacktone Madialo be now read a third time.

[Question put and agreed to]

[The Bill was read for the Third time]

Yes Clerk?

ADJOURNMENT

Honourable Members, we have come to the end of this session of special sittings, allow me to take this opportunity to wish you all happy holidays and happy new year. Thank you and may God bless you.

The House rose at 2:37p.m.