



COUNTY ASSEMBLY OF MOMBASA
THE HANSARD

Tuesday, 3rd December, 2024

Third Assembly – Third Session
NINETIETH SITTING

*[The County Assembly met at 2:38p.m at the County Assembly Buildings]
[The Temporary Speaker (Honourable Frankline Makanga) in the Chair]*

PRAYERS

The Temporary Speaker (Hon. Makanga): Let us take our seats Honourable Members.
Yes, Clerk?

PAPER

REPORT ON THE PUBLIC PARTICIPATION OF THE MOMBASA COUNTY WARD EQUITABLE
DEVELOPMENT BILL, 2024

Yes, Honourable Abdirahman, please lay the Paper.

Hon. Abdirahman Abdikadir: Thank you, Mr. Speaker. I wish to lay the Report on the public participation of the Mombasa County Ward Equitable Development Bill, 2024. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Makanga): Yes, Clerk.

NOTICE OF MOTION

Yes, Honourable Abdirahman, please issue the Notice of Motion.

ADOPTION OF THE REPORT ON THE PUBLIC PARTICIPATION OF THE MOMBASA COUNTY WARD
EQUITABLE DEVELOPMENT BILL, 2024

Hon. Abdirahman Abdikadir: Mr. Speaker, I beg to give notice of the following Motion.

THAT, this House adopts the Report on the public participation of the Mombasa County Ward Equitable Development Bill, 2024. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Makanga): Yes, Clerk?

MOTION**ADOPTION OF THE REPORT ON THE PUBLIC PARTICIPATION OF THE MOMBASA COUNTY WARD
EQUITABLE DEVELOPMENT BILL, 2024 (BILLS NO. 24)**

Yes, Honourable Abdirahman, Committee on Finance, Budget and Appropriations, please move the Motion.

Hon. Abdirahman Abdikadir: Thank you Mr. Speaker, once again. I beg to move the following Motion on behalf of the Chairperson of Committee on Finance, Budget and Appropriation, Honourable Swaleh Kibwana,

THAT, this House adopts the Report that has been circulated....

And I believe each Member has a copy;

That this House adopts the Report on the public participation of the Mombasa County Ward Equitable Development Bill, 2024.

May I ask my Committee Member, Morgan Matsaki, to second the Motion.

Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Makanga): Yes, Honourable Morgan.

Hon. Matsaki: Thank you, Honourable Speaker. I stand to second the Motion.

The Temporary Speaker (Hon. Makanga): Thank you. Honourable Members, I now propose a question that the Motion by Honourable Abdirahman Hussein, on behalf of the Chair Finance, Budget and Appropriations, propose on the public participation of the Mombasa County Ward Equitable Development Bill, 2024 be considered by this Honourable House in the same terms as moved.

[Question proposed and agreed to]

Yes, Honourable Abdirahman, please make your contributions to the Motion.

Hon. Abdirahman Abdikadir: Thank you, Mr. Speaker, for giving me an opportunity to contribute, or rather to make my opening remarks on this critical document that is before us. Mr. Speaker, the report on the public participation of the Mombasa County Ward Equitable Development Bill captures the critical feedback and perspectives of Mombasa residents regarding equitable resource distribution within the County. The Bill serves as a pivotal legislative measure designed to address disparities in development across the Wards, by directing funds to the areas where they are most needed. This report is a culmination of the public participation forums that were conducted across the six sub-Counties between October 7th to 9th October, 2024. These forums provided an inclusive platform for residents, civil society organizations, and community leaders to express their views on this Bill, and this particular report aims to present the views and recommendations gathered from these public forums. It ensures that the community's perspectives are integrated into the final legislation. It also seeks the County Assembly's approval of the Mombasa County Ward Equitable Development Bill.

I also take this opportunity to thank all the Members of the Finance Committee who went around the County doing the sensitization programs for this particular Bill. Mr. Speaker, the Motion that is before us today is not only beneficial to this particular Assembly, however, it is a Motion that will serve as a beacon of hope to the entire residents of Mombasa, and it is a Bill that has been designed to cater for prosperity. Mr. Speaker, let me just say that if indeed common sense was a currency, this Motion will make us all millionaires Honourable Members. Let me take this opportunity to also take the views of my fellow colleagues regarding this Motion, and I hereby urge them to wholly support it. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Makanga): Thank you so much, Honourable Abdirahman. Yes, Honourable Patrick Mbelle, MCA Bamburi, and the sponsor of the said Bill, please make your contribution to the Motion.

Hon. Mbelle: Thank you, Mr. Speaker Sir. I strongly believe that a time has come in this Ward of Bamburi, where I come from and in this County of Mombasa that development has to be given priority. I am not saying that it is not given priority right now but the development that the people would wish to get in terms of their own personal reasoning and want. I do not dispute in any way the development they are getting right now is not to their priority but again, it gives them the self-reasoning and ability to be able to be proud about what they are giving us taxes is their views what they are getting at the development. And this Bill that a report has been made about from Public Participation actually speaks about and I am happy that the people came out in large numbers, to come and witness the rebirth of development in Mombasa County. Mr Speaker Sir, I am satisfied in this moment that the people of Mombasa and the people who were elected to represent the people of Mombasa, have come face to face with the challenge that they used to face for a long time. It is a show of might, a show of wisdom that we have decided to let the People of Mombasa to decide on what kind of development they want, with the amount of money we have allocated from this great Assembly. So, mine is to thank every public member that gave their opinion and this report captured in depth their thoughts and reasoning as to what this Bill should be like for the sake of them being part of this Bill. So, I thank them and the many amendments they have proposed and I am sure that, this House will be able carry them and will be able to adopt them and be able to pass the Bill as it is. So, thank you Mr. Speaker Sir and I appreciate and wish that all other Members will be able to reason with the people probably the same line or even better as per what has been brought. Thank you Mr. Speaker Sir and I rise to support.

The Temporary Speaker (Hon. Makanga): Thank you Honourable Patrick Mbelle. Yes, Honourable Leila Mughazo Nyache, Member for Kipevu Ward, please make your contribution.

Hon. Nyache: Ahsante sana Mheshimiwa Spika na mimi kuweza kunipatia nafasi hii ya kuweza kuchangia hoja iliyokuja na Mheshimiwa mwenza Abdirahman kutoka Mji wa Kale. Mheshimiwa Spika, mimi nimesimama na miguu yangu miwili, kuweza kuunga mkono hoja hii mia fil mia kwa sababu kwa kweli kama hizi vigezo vyote tulivyovisoma tulizopitia kwa huu Mswada ama hii sheria, kwa kweli itaweza kutusaidia sana kama sisi Waheshimiwa na itaweza kutuinaa uso pale mashinani kama sisi Waheshimiwa. Kwa hivyo mimi sitaki kusema sana na sitaki kupoteza mda, nataka wenzangu pia waweze kuchangia hoja hii kwa sababu ni ya maana sana hasa sisi Waheshimiwa.

Inatufaa sana kupitia zile kazi zetu tunazopitia mashinani ama yale madhila tunayopata mashinani kupitia maendeleo. Hoja hii itaweza kutuina kimaendeleo pale mashinani na watu wetu pia wataweza kunufaika, kwa hivyo mimi nimesimama kuunga mkono na ningeomba wenzangu pia tusipoteze mda, manake hii hoja ni ya maana sana tuiunge mkono moja kwa moja na tuweze kusonga mbele na iweze kutuletea natija katika Mombasa yetu, ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Makanga): Thank you. Yes, Honourable Sylvester Kai Tsuma MCA Junda Ward and Chairman of the Public Accounts of Committee and other departments.

Hon. Kai: Hizo other *departments* sasa! Ahsante sana Mheshimiwa Spika ambaye vile vile pia ni SG katika *other departments* nataka nichukue fursa hii vile vile kushukuru haswa ndugu yangu Mheshimiwa Patrick Mbelle kwa kuweza kuja na Mswada huu muhimu ambao ni kwa malengo yetu sisi wote kuhakikisha ya kwamba tunaweza kupeleka maendeleo pale mashinani. Lakini zaidi ambacho kinanifurahisha ni kwamba inatupatia fursa ya kuweza kushughulikia maswala kadri vile yanatofautiana kutokana na Wadi moja hadi nyingine. Mheshimiwa Spika, nimekua nikifurahikia sana Waheshimiwa wenza wakipewa tuzo mbali mbali katika Bunge hili kwa ajili ya utendaji kazi ulio mzuri lakini pia nimekuwa nikitilia shaka ni jinsi gani, ama ni fedha gani, ama ni *resources* gani wamekuwa wakitumia, maana nami nimetamani siku moja niweze kuleta ushindani, angalau siku moja nituzwe tuzo hizi, lakini nikawa natatizika kama nitatumia mbinu gani ama *resources* gani. Kwa hivyo nina utazamia sana kwamba tutaweza kufanya yale marekebisho ambayo tumependekeza na tukaweze kupitisha ili pia mimi nikaweze kuanza mchakato wa kujitahidi, pengine siku moja na mimi niweze kupatikana kama mtenda kazi bora katika Mombasa kama Mwakilishi wa Wadi wa Junda. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Makanga): Thank you so much.

[Interruption]

What is it?

Hon. Kai: Ninakumbushwa! Nahisi nimetaja kwamba hoja ni ya Mheshimiwa Abdirahman, lakini naambiwa kwamba ni ya Mheshimiwa Abdirahman kwani nilikuwa nimesema nani Mheshimiwa Spika?

[Low consultations]

Okay, samahani tunajua kwamba hii hoja imeletwa na Mheshimiwa Abdirahman ahsante.

The Temporary Speaker (Hon. Makanga): Thank you so much and maybe because your sugar levels are high because you are from lunch but we understand you. Thank you, yes, Honourable Samuel Mwaura Member from Kongowea Ward.

Hon. Mwaura: Ahsante sana Mheshimiwa Spika kwa kunipatia fursa niweze kuchangia hoja ama Mswada wa maana sana kuhusiana na maisha ya wakaazi wa Mji wa Mombasa. Niseme ya kwamba hoja iliyo mbele zetu ninashukuru sana Mheshimiwa Abdirahman pamoja na Kamati iliyohusika na mipangilio yote.

Zaidi wahusika wote katika kutuletea Mswada mzuri kama huu. Mheshimiwa Spika tunasema hongera sana kwao, na sisi kazi yetu ni kuungana na wao kuhakikisha kwamba Mswada huu tumeupitisha ili maendeleo yanayo hitajika kule mashinani tuweze kuyafikisha. Mheshimiwa Spika, Wabunge hawa wa Kaunti wamechaguliwa kwa minajili ya kuwakilisha hawa wananchi na pia kuhakikisha maendeleo yanafika katika maeneo yale ambao tumetoka, na Mswada huu utahakikisha ya kwamba kuna fedha kwa ajili ya kufikisha yale maendeleo. Kukikosekana jambo kule maeneo yale ambao tumechaguliwa, wananchi hawajui kwamba walichagua Mbunge, hawafahamu kama walichagua Gavana, hawafahamu kwamba kuna mtu mwingine walichagua, bali hao wanafahamu ya kwamba walichagua mtu anaitwa MCA na huyo ndio anayestahili kupeleka maendeleo. Na bila Mswada kama huu, Mheshimiwa Spika ni ngumu sana kwa Mheshimiwa yoyote alie katika kitengo cha MCA kufikisha maendeleo pale chini. Hivyo Mheshimiwa Spika, nauliza wenzangu tusimame pamoja, tuungane pamoja, kuhakikisha ya kwamba Mswada huu tumeupitisha, ili yale ambayo kila siku sisi ndio tunaulizwa na wananchi kule chini, tuweze kuyatekeleza. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Makanga): Thank you so much, Honourable Mwaura. Yes, Honourable Morgan Ndatani Matsaki, Leader of Minority Party. Please make your contribution.

The Leader of Minority (Hon. Matsaki): Ahsante Mheshimiwa Spika. Mimi kwanza wacha nisimame na kuunga mkono hoja hii, pia namshukuru Mheshimiwa mwenza kwa hoja hii. Kwanza tumeitamani kwa muda, lakini pia umefika wakati wake. Mimi pia nazidi kuiunga mkono mia kwa mia, kwa sababu tulichaguliwa na wananchi, na wananchi wanangojea maendeleo. Na maendeleo ni fedha. Kwa hivyo, nazidi tu kuwaelezea Waheshimiwa wenza. Sote tulio hapa, tukubaliane, tuiptishe na kazi iwe bado ni kwa *executive*. Ahsante sana, Mheshimiwa Spika, Naunga mkono.

The Temporary Speaker (Hon. Makanga): Thank you so much. Yes, Honourable Nusura Mwinyi Kimuswa, a Member for Mtongwe Ward. Please make your contribution.

Hon. Nusura Mwinyi: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Kwanzo, nataka niwape pongezi, nataka nimpe pongezi Mheshimiwa Abdurahman wa Mji wa Kale. Kwa kuleta hoja hii, ambayo ni nzuri, ambayo itatufaidi sisi kama MCA's. Mheshimiwa Spika pamoja na wananchi wetu wa Kaunti ya Mombasa. Kwa kweli, tumechaguliwa na wananchi ambapo wanajua tumekuja kuwakilisha hapa na tutawapelekea maendeleo yale ambayo tuliwaambia wakati wa kampeni; nichagueni, nitafanya moja, mbili, tatu! Kwa kweli Mheshimiwa Spika hii siku ya leo, ningewaomba Waheshimiwa wenza kwa unyenyekevu hii hoja iliyoletwa ni hoja ambayo itatujenga sisi itawafurahisha wananchi na tutasonga mbele. Sisi tumekuja hapa haja yetu si kuwa tumekuja tu kwa wakati mmoja kisha tuende nyumbani. Tumekuja hapa kuwakilisha na tukitoka hapa, tukirudi, tuwe na sura ama tuwe na maneno ya kuwaambia wale wananchi. Kwa hivyo, Mimi Mheshimiwa Spika, nimesimama kuunga mkono asilimia 99 ile moja ni ya ubinadamu. Nimesimama kuunga mkono. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Makanga): Thank you so much, Honourable Nusura. Yes, Honourable Pamela Ojala. Please make your contribution.

Hon. Ojala: Thank you, Mr. Speaker for giving me this opportunity also to make my contribution. Before I proceed, I would like to thank the Almighty God for having given us this golden chance; again, I want to thank the Committee of Finance for a well-done job, I stand to support the Motion before us; adoption of report on the public participation of County Ward Equitable Development Bill. Mr. Speaker, when you look at this report, this is a very credible report because when you check on the observation and the findings, it's well elaborated. And, Mr. Speaker, I realize that this Motion is a very important Motion because it will enable our electorate to identify the projects that they want at the Ward level. Again, it will also involve them in whatever is taking place on the Ward level; it will also create opportunity to our people at the Ward level, Mr. Speaker. I therefore stand to support the Motion. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Makanga): Thank you so much, Honourable Pamela Ojala. Yes, Honourable Juma Manuari, Member for Bofu Ward and Chair of the Justice and Legal Affairs.

Hon. Juma Manuari: Asante Mheshimiwa Spika. Kwanza nichukue nafasi hii kumshukuru Mwenyezi Mungu kwa mchana wa saa hizi japo wengine wetu tumepiga vitu mpaka hatuangalii makaratasi tukaona. Mheshimiwa Spika, kwanza nimesimama kuwapa pongezi Kamati ya maswala ya pesa katika Kaunti yetu hii ya Mombasa. Pili, nimpe pongezi yule bwana Mwenyekiti alietayarisha yale masuala haya na nimpe pongezi ndugu yangu Mheshimiwa almaarufu huko kwao Mji wa Kale wanamuita *Anza Fresh*. Sio kua ni jina lake ni maarufu maana ukimtaja jina lake watampita hawamjui. Mheshimiwa Spika, nimesimama kwanza kuunga mkono suala hili huyu ndugu yetu aliolileta mbele ya Bunge hili, mimi tu cha msingi yale yalio nukuliwa hapa ndani na kulingana na yale maono ya wananchi wetu walioyasema basi mimi ningemba Kaunti yetu ya Mombasa isiwe tu kujaza makaratasi na kuwekwa kwenye kabati bali iwe watu wa kwanza kufuatilia yale wananchi waliyoyaleta. Kwa sababu masuala yalioko humu ni muhimu kwetu sio sisi tu mpaka yule Gavana wetu wa Mombasa kwa sababu katika yale mambo yalio simama mbele ya wananchi na akawaambia kuwa atawafanyia basi yako hapa. Ni jukumu lake kama kiongozi asimame na Bunge hili, na Bunge hili lisimame na yeye ili tuhakikishe yale mambo yalioko yanarudi kule nyanjani ndio leo na kesho tukirudi kusimama na kuwaomba watu wetu watupe nafasi iwe kwetu ni mtelezo bali kusiwe na ugumu ugumu pahali popote. Kwa hayo Mheshimiwa Spika mimi namuunga mkono ndugu yangu Abdulrahman Hussein.

The Temporary Speaker (Hon. Makanga): Thank you Honourable Manuari, just for guidance that this is a Motion and it's in relation to the Bill that I believe will be presented in the next sitting. So please preserve some energy for the same in the next few hours it will be appearing before the same plenary for consideration. Yes, Honourable Mwaka Muludonda please make your contribution.

Hon. Mwaka Bakari: Ahsante sana Mheshimiwa Spika kunipatia fursa hii. Kwanza niweze kumshukuru Mwenyezi Mungu mwingi wa rehema ambaye ametuwezesha kufikia hii siku ya leo, pili niweze kuweza kuumpongeza Mheshimiwa wa Mji wa Kale kwa kuweza kuleta hoja hii. Kwa kusema kweli ni hoja nzuri sana ni yenye kujenga kwa sababu kusema kweli ndani ya Mombasa hii kuna Wadi 30 na kila Wadi inapitia mitihani yake kwa wingi wa watu, kwa upana ama kwa ukubwa wa Wadi.

Kwa hivyo kule ambako mimi natoka hususan Timbwani Wadi ambayo kwamba Timbwani Wadi tuko na changamoto nyingi sana ambapo kuwa ni Wadi ambayo ni kubwa sana katika Mombasa hii na Kenya kwa jumla. Hivyo basi nauunga mkono hoja hii ili iletwe ipitishwe na tuweze kukagua ama kuchambua yale matatizo ambayo yanatupata kwenye Wadi zetu kwa sababu haziwezi kufanana Wadi. Kwa hivyo mimi naunga mkono hoja hii iweze kupita na kutekelezwa ili tuweze kuwafanikisha wananchi wetu wa Mombasa kwa jumla. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Makanga): Thank you so much. Yes, Honourable Maryam Baimu Shariff, former Chief, Chair of Delegated Legislation and Member for Frere Town Ward please make your contribution.

Hon. Baimu: Ahsante sana Mheshimiwa kwa kunipatia nafasi hii. Kwanza ningependa kumuunga mkono ama kumpongeza zaidi Mheshimiwa Abdulrahman kwa kuweza kuleta hoja hii mbele ya Bunge hili. Pili, kwa kusema ule ukweli mimi kama Mwakilishi Wadi ya Frere Town hii hoja imekuja wakati mzuri kwa sababu kwa kusema ule ukweli kule mashinani, wananchi wao kwenye macho yao kiongozi wa kwanza wanaemuona ni MCA. Kwa hivyo nina imani kwamba hoja hii tukisha kupitisha ili kuweze kuletwa maendeleo katika Wadi zetu, nina imani wananchi watazidi kuwa na imani na sisi na kuzidi kutuunga mkono. Kwa hivyo kwa hayo machache nimesimama kuunga mkono, ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Makanga): Thank you so much. Yes, elder Honourable Hamisi Mbaya please make your contribution, Honourable Mbaya Member for Timbwani Ward.

Hon. Hamisi Mbaya: Ahsante sana Mheshimiwa Spika kwa kunipatia fursa hii niweze kuchangia. Mheshimiwa Spika, kusema sana sio kusikika na kulekeza si kufuma. Vile vile Mheshimiwa Spika kaniki itabakia kuwa kaniki na shuka itabakia kuwa shuka. Mheshimiwa Spika nikisema hivyo ninamaanisha hoja iliyoletwa mbele yetu ni nzuri, zaidi kutokuipata hoja hii kutokana na yale maeneo ambayo tumetoka kuhusiana na mazingira ambayo tuko nayo ili nisiseme sana nikachosha wengine kwa sababu ya muda nimesimama kuunga mkono hoja hii kwa asilimia 99. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Makanga): Ahsante sana Mheshimiwa Mbaya japo kujasema ni kulegeza nini? Ila tutauliza baadae! Naam Mheshimiwa Abdirahman Abdikadir Hussein please respond to the Motion.

Hon. Abdirahman Abdikadir: Thank you Mr. Speaker for giving me an opportunity to not only respond, but first of all to appreciate all my colleagues for their unanimous support to this particular Bill, to this particular Motion that is before us today. Mr. Speaker, that is testament to the fact that this Motion is very critical to all our members who are present here today. Mr. Speaker, allow me to put this into perspective; first and foremost, we are talking about a Bill that since the promulgation of the Constitution, since the devolved government came in place, there has not been a Bill that has originated from the County Assembly. This is a first of its kind Mr. Speaker and it is a milestone, not only to the Members but equally to the Secretariat and the staff of the County Assembly that this is one of a kind. This Bill rather provides a nexus between the legislative role that we have and the development that the Executive is mandated to carry out.

Mr. Speaker, more often as leaders we fall into the lamentations of our electorates in that they expect us to come up with developmental projects. However, as per the Constitution and as per the roles assigned to us ours is limited to legislative, and this particular Bill indeed provides a legislative framework, a legislative basis that underpins the development agenda of the Executive. Mr. Speaker let me profusely thank all the Members who are involved in this particular Bill and this particular report on the public participation. In my final remark Mr. Speaker, in a sea of possibilities this Motion stands out as the lighthouse that will guide us all safely to the shore. Thank you, Mr. Speaker, and I look forward to having this Bill in the second reading. Thank you.

[Applause]

The Temporary Speaker (Hon. Makanga): Thank you Honourable Abdirahman Abdikadir. Honourable Members, I now put a question on the Motion by Honourable Kibwana Swaleh Baya, moved on his behalf by Honourable Abdirahman Hussein Abdikadir on the *Adoption of the Report on the Public Participation of the Mombasa County for Equitable Development Bill, 2024* be adopted by this Honourable House in the same terms as moved.

[Question put and agreed to]
[Applause]

Yes, Clerk?

BILL

THE MOMBASA COUNTY VILLAGE ADMINISTRATION BILL, 2024 (BILLS NO.12)
FIRST READING

The Temporary Speaker (Hon. Makanga): Clerk, please read the Bill for the first time.

[The Clerk read the Bill for the first time]

Thank you, Clerk. Honourable Members, Pursuant to Standing Order No. 120, the Bill stands committed to the Committee on Labour and Public Administration for consideration and public participation. Yes Clerk?

ADJOURNMENT

Honourable Members, this House stands adjourned until Wednesday, 4th December 2024 at 10:00 a.m. Thank you.

The House rose at 3:13p.m.