



THE COUNTY ASSEMBLY OF LAMU

THE HANSARD

Wednesday, 15th April, 2026

*The Assembly met at the
Main Chambers, at 10:30 a.m.*

[Deputy Speaker (Hon. Paul Kimani Njuguna) in the Chair]

PRAYERS

Deputy Speaker (Hon. Paul Kimani Njuguna): Next Order.

Clerk-at-the-Table:

Clerk-at-the-Table: Motion.

MOTION

Establishment and Operationalization of the County Attorney Office in Lamu County

Hon. Beatrice Wamaitha Mange(Nominated): Thank you Mr. Speaker.

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

AWARE THAT, Article 178 of the Constitution of Kenya 2010 government
consisting of a county assembly and a county executive:

FURTHER AWARE THAT, Article 179 of the Constitution vests executive County Executive Committee, which requires sound and Independent effectively discharge its mandates

COGNIZANT THAT. Section 4 of the Office of the County Attorney Ad. 2020 provides for the establishment of the Office of the County Attorney in each county,

NOTING THAT, the Office of the County Attorney is mandated to act as the principal legal advisor to the County Government, represent the County in court and other legal proceedings, negotiate, draft and vet contracts, and ensure compliance with the Constitution and other laws

FURTHER NOTING THAT, Lamu County continues to engage in major development projects, land matters, and contractual agreements that require robust legal oversight to safeguard public resources:

CONCERNED THAT, the absence or inadequate operationalization of a fully functional County Attorney's Office in Lamu County exposes the County Government to avoidable litigation, weak contract enforcement, and potential loss of public funds

ALSO CONCERNED THAT, over-reliance on external legal counsel is unsustainable, and undermines Institutional memory and efficiency in service delivery, NOW THEREFORE, this County Assembly resolves that:

1. The County Executive Committee Member responsible for Legal Affairs in Lamu County takes Immediate steps to fully establish and operationalize the Office of the County Attorney in strict compliance with the laws
2. A qualified and experienced County Attorney be competitively recruited and appointed in accordance with the relevant statutory provisions;

3. Adequate budgetary allocation be made in the County budget to support staffing, Infrastructure, and operational needs of the Offices

4. The Office of the County Attorney develops and implements a comprehensive legal services framework for Lamu County, Including contract management systems, dispute resolution mechanisms, and legal compliance protocols:

5. All County Departments and Agencies be required to seek legal clearance from the Office of the County Attorney before entering into contracts or agreements

6. The County Attorney submits periodic reports to the County Assembly on legal matters affecting the County, including pending cases, financial exposure, and compliance status:

AND FURTHER, that the County Public Service Board expedites the recruitment of competent legal personnel to support the effective functioning of the Office

Secunder

Hon. Francis Gakure Gakonga(Bahari): Mheshimiwa Spika, ninaunga mkono hoja iliyowasilishwa na Mheshimiwa Mbunge kuhusu umuhimu wa kuanzishwa kwa Ofisi ya Mwanasheria wa Kaunti (County Attorney) katika serikali ya kaunti. Ni ukweli usiopingika kwamba kila kaunti inahitaji kuwa na mwanasheria wa kaunti ambaye atakuwa sehemu muhimu katika kushauri serikali kuhusu masuala yote ya kisheria.

Mheshimiwa Spika, ofisi hii itasaidia kwa kiasi kikubwa kuhakikisha kuwa maamuzi yote ya serikali ya kaunti yanazingatia sheria, kupunguza migogoro ya kisheria, na kuongeza uwajibikaji katika utawala. Aidha, itasaidia pia katika

kushughulikia masuala ya mikataba, ardhi, na migogoro mbalimbali inayojitokeza kati ya wananchi na serikali au hata kati ya wananchi wenyewe.

Mheshimiwa Spika, katika baadhi ya matukio tumeshuhudia changamoto katika masuala ya ardhi na utekelezaji wa maamuzi ya serikali ambapo ukosefu wa ushauri wa kisheria wa kutosha umesababisha migogoro au kuchelewesha suluhu. Hivyo basi, kuanzishwa kwa ofisi hii kutaleta utulivu na ufanisi katika utendaji wa serikali ya kaunti.

Kwa hiyo, Mheshimiwa Spika, naomba kuunga mkono hoja hii kwa dhati ili kuhakikisha Kaunti yetu inapata mfumo imara wa kisheria utakaosaidia wananchi wetu kwa ufanisi zaidi.

Asante Mheshimiwa Spika.

Members' Contribution

Hon. Hope Wanjiku Mwaura(Nominated): Mheshimiwa Spika, nimesimama ili kuchangia na pia kuunga mkono hoja hii muhimu iliyowasilishwa na Mheshimiwa Beatrice katika kikao cha leo.

Kwanza kabisa, napenda kumpongeza Mheshimiwa Beatrice kwa kuona umuhimu wa kuanzishwa kwa Ofisi ya Mwanasheria wa Kaunti ya Lamu. Hili ni jambo la msingi sana katika kuhakikisha kuwa serikali ya kaunti inaendeshwa kwa mujibu wa sheria.

Mheshimiwa Spika, kwa mujibu wa Katiba ya Kenya ya mwaka 2010, kila Mkenya ana haki ya kupata haki. Hivyo basi, ni wajibu wa taasisi za serikali kuhakikisha kuwa kuna mfumo imara ya kisheria inayowawezesha wananchi kupata haki hiyo kwa urahisi na kwa wakati.

Mheshimiwa Spika, Kaunti yetu ya Lamu si kaunti ya kawaida. Ni kaunti ambayo imebarikiwa kwa rasilimali na miradi mikubwa ya maendeleo. Tuna Bandari ya

Lamu na pia mradi mkubwa wa LAPSET pamoja na miradi mingine inayovutia wawekezaji wengi. Hali hii inapelekea kuongezeka kwa shughuli za kiuchumi, lakini pia huleta uwezekano wa kuongezeka kwa migogoro, hususan ya ardhi na mikataba.

Mheshimiwa Spika, kama ilivyoielezwa na mchangiaji wa awali, Mheshimiwa Gakonga, kaunti yetu imekumbwa na migogoro mingi ya ardhi, ikiwemo katika maeneo kama Witu na Kiongwe/Kiongonjini. Migogoro hii mara nyingi imekuwa changamoto kubwa kutokana na ukosefu wa ushauri wa kisheria wa kudumu ndani ya kaunti.

Iwapo tutakuwa na Mwanasheria wa Kaunti au Ofisi rasmi ya kisheria, itasaidia kupunguza gharama kubwa ambazo kaunti inatumia kuajiri mawakili kutoka nje. Aidha, itasaidia kutoa ushauri wa kisheria kwa idara zote za kaunti, ikiwa ni pamoja na mawaziri ambao mara nyingi hutunga sera bila kuwa na msingi wa kutosha wa kisheria.

Mheshimiwa Spika, ni muhimu kila idara iwe inapata ushauri wa kisheria kabla ya kufanya maamuzi au kutekeleza sera. Hii itasaidia kuzuia makosa ya kisheria na kulinda maslahi ya kaunti pamoja na wananchi wake.

Pia, Mheshimiwa Spika, Gavana na uongozi wa kaunti wanahitaji ushauri wa karibu wa kisheria ili waweze kutekeleza majukumu yao kwa ufanisi na kwa mujibu wa sheria.

Kwa hivyo, naunga mkono hoja hii kikamilifu na naomba Waheshimiwa Wajumbe wote waunge mkono ili ipite.

Aidha, Mheshimiwa Spika, ombi langu ni kwamba mara baada ya hoja hii kupitishwa, utekelezaji wake usiwe wa maneno tu bali ufanyike kwa vitendo. Napendekeza kwamba kaunti itoe ripoti ya utekelezaji ili kuhakikisha kuwa Ofisi ya Mwanasheria wa Kaunti imeanzishwa na inafanya kazi ipasavyo.

Kwa maoni hayo, naunga mkono hoja.

Hon. Aisha Ali Abdulrahman(Nominated): Asante mheshimiwa Spika. Kwanza kabisa, napenda kumpongeza Mheshimiwa Beatrice kwa kuleta hoja hii muhimu mbele ya jumba hili tukufu leo.

Mheshimiwa Spika, kwa kusema ukweli, katika kaunti yoyote ile, hasa taasisi inayohusika moja kwa moja na maisha ya wananchi na maendeleo ya jamii, uwepo wa mfumo imara wa kisheria ni jambo la msingi sana. Ni jambo la kusikitisha kwamba katika kaunti nyingi, ikiwemo Kaunti yetu ya Lamu, hatuna Ofisi kamili ya Mwanasheria wa Kaunti ambaye anaweza kutoa ushauri wa kisheria kwa Gavana, watendaji wa kaunti, na idara mbalimbali.

Mheshimiwa Spika, tunamshukuru Mheshimiwa Beatrice kwa kuona umuhimu wa hoja hii na kuileta mbele ya Bunge hili. Ni hoja ambayo imekuja kwa wakati muafaka.

Mheshimiwa Spika, tumeshuhudia hata hivi karibuni wakati mmoja wa Mawaziri alipokuja mbele ya Bunge hili na kushindwa kujibu maswali ipasavyo, hali ambayo ingeweza kuepukika kama kungekuwa na ushauri wa kisheria wa kutosha kabla ya kuja mbele ya Bunge.

Kwa hiyo, Mheshimiwa Spika, hoja hii ni muhimu sana. Si kwa Kaunti ya Lamu pekee, bali hata kwa kaunti nyingine nchini Kenya. Hakuna jambo lolote linalopaswa kufanyika nje ya misingi ya sheria.

Kwa sasa, kwa kukosa Mwanasheria wa Kaunti, kuna hatari ya maamuzi kufanywa bila mwongozo sahihi wa kisheria, jambo ambalo si zuri kwa utawala bora na linaweza kuathiri maslahi ya wananchi.

Kwa hivyo, Mheshimiwa Spika, naunga mkono hoja hii kikamilifu na nawahimiza Waheshimiwa Wajumbe tuunge mkono ili ipite na iweze kutekelezwa kwa manufaa ya Kaunti yetu.

Asante sana Mheshimiwa Spika.

Hon. John Mburu Gitonga(Hongwe): Asante sana Mheshimiwa Spika kwa kunipa nami nafasi.

Kwanza kabisa, napenda kumpongeza Mheshimiwa Beatrice kwa kuleta hoja hii muhimu mbele ya jumba hili tukufu leo.

Mheshimiwa Spika, kwa kusema ukweli, katika kaunti yoyote ile inayohusika na maisha ya wananchi na maendeleo ya jamii, uwepo wa mwanasheria wa kaunti ni jambo la msingi sana. Ni jambo la kusikitisha kwamba Kaunti yetu ya Lamu haina ofisi kamili ya mwanasheria wa kaunti ambaye anaweza kutoa ushauri wa kisheria kwa Gavana, watendaji wa kaunti na idara mbalimbali.

Mheshimiwa Spika, tumeshuhudia hata hivi karibuni changamoto ambapo baadhi ya maafisa walishindwa kujibu maswali ipasavyo mbele ya Bunge hili, jambo ambalo lingeweza kuepukika kama kungekuwa na ushauri wa kisheria wa kutosha.

Kwa hivyo, Mheshimiwa Spika, naunga mkono hoja hii kikamilifu kwa kuwa ni ya manufaa kwa kaunti yetu.

Asante sana Mheshimiwa Spika.

Hon. Mathi Riziki Kombo(Nominated): Asante sana Mheshimiwa Spika.

Mheshimiwa Spika, nami nimesimama kuunga mkono hoja hii iliyowasilishwa na Mheshimiwa Beatrice.

Mheshimiwa Spika, uanzishwaji wa Ofisi ya Mwanasheria wa Kaunti una umuhimu mkubwa sana, hasa katika kuhakikisha uendes haji bora wa kaunti yetu kwa kuzingatia sheria.

Pia, Mheshimiwa Spika, ofisi hii itasaidia kupunguza migogoro ya kifedha na mikataba ambayo mara nyingi hujitokeza katika kaunti yetu.

Kwa hivyo, naunga mkono hoja hii na nawahimiza Waheshimiwa Wajumbe wote waunge mkono ili ipite.

Asante sana Mheshimiwa Spika.

Hon. Amina Hassan Bwanamkuu(Nominated): Asante sana Mheshimiwa Spika.

Mheshimiwa Spika, nimesimama kuunga mkono hoja hii. Ni mswada mzuri na umekuja kwa wakati mwafaka.

Mheshimiwa Spika, ni jambo la kusikitisha kwamba Kaunti ya Lamu haina Mwanasheria wa Kaunti. Uwepo wa mwanasheria ni muhimu sana kwani hutoa ushauri wa kisheria kwa serikali ya kaunti na kusaidia katika kufanya maamuzi sahihi.

Aidha, Mheshimiwa Spika, wananchi wengi hukumbana na dhuluma katika masuala mbalimbali, na ofisi ya mwanasheria wa kaunti inaweza kuwa msaada mkubwa katika kulinda haki zao.

Kwa hivyo, naunga mkono hoja hii.

Hon. James Njaaga Kariuki(Hindi): Asante sana Mheshimiwa Spika.

Mheshimiwa Spika, nimesimama kuunga mkono hoja hii. Ni jambo la kusikitisha kwamba Kaunti ya Lamu haina Mwanasheria wa Kaunti ilhali kuna masuala mengi ya kisheria yanayohitaji ushauri wa kitaalamu.

Mheshimiwa Spika, hata kama tutapitisha hoja hii, ni muhimu ichukuliwe hatua ya haraka ili itekelezwe. Naomba kwamba suala hili lipelekwe moja kwa moja katika mchakato wa bajeti ili fedha zitengwe katika mwaka wa fedha wa 2026/2027 kwa ajili ya kuanzisha Ofisi ya Mwanasheria wa Kaunti.

Mheshimiwa Spika, tumeshuhudia pia uwepo wa miradi mingi iliyokwama katika kaunti yetu. Kama kungekuwa na mwanasheria wa kaunti, angeweza kusaidia katika kusimamia mikataba, kufuatilia utekelezaji wa miradi, na kuwawajibisha wakandarasi waliokosa kutekeleza majukumu yao.

Kwa hivyo, Mheshimiwa Spika, ninaomba mover ajibu ili baada ya hapo tuweze kupitisha hoja hii na kuhakikisha inatekelezwa kikamilifu.

Asante sana Mheshimiwa Spika.

Mover's Response

Hon. Beatrice Wamaitha Munge(Nominated): Thank you, Honourable Speaker.

Honourable Speaker, I wish to sincerely thank all Honourable Members for their valuable contributions to this motion. The sentiments expressed clearly show the urgency and importance of establishing the Office of the County Attorney in Lamu County.

I also take this opportunity to appreciate your office, Honourable Speaker, together with the Office of the Clerk, for facilitating this process and ensuring that this important motion is brought before this Honourable House.

Honourable Speaker, it is evident that the absence of a County Attorney has contributed to challenges in legal guidance, contract management, and dispute resolution within the county. Establishing this office will strengthen governance,

enhance accountability, and ensure that the rule of law is upheld in all county operations.

With those remarks, Honourable Speaker, I thank the Members once again and now beg to move that this motion be adopted.

Thank you, Honourable Speaker.

(Questions put and Agreed Upon)

Deputy Speaker (Hon. Paul Njuguna Kimani): Honorable Members, there being no other business, the Assembly stands adjourned until today in Afternoon, 29th April 2026 at 2:30 pm.

The Assembly rose at 12:30p.m.