



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT SPECIAL SITTING

Tuesday, 26th January, 2021
The House met at 3:15 p.m.

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

PRAYERS

The Speaker (Hon. Khatri): Honourable Members you may be seated. Yes Clerk?

COMMUNICATION FROM THE CHAIR

MOMBASA COUNTY FINANCE BILL, 2020

Thank you Honourable Members. Honourable Members, I take this opportunity to welcome you to this Special Sitting of the County Assembly, as you are all aware we have convened our first Special Sitting on Friday 22nd January, 2021 to consider the Mombasa County Finance Bill, 2020. But, due to unforeseen circumstances we were unable to proceed with the aforementioned Sitting. Hon. Members, I communicated that should there be a Special Sitting before we resume from the long recess, communication of the Special Sitting will be made to you and I trust you all received the communication hence your attendance. Hon. Members, in accordance with Standing Order 26 of the County Assembly of Mombasa, today's Special Sitting is duly convened as it was published in the Kenya Gazette Special issue dated 26th January, 2021 vide Gazette Notice Number 519. I hereby proceed to read the Gazette Notice;

"The Kenya Gazette published by the Authority of the Republic of Kenya registered as a Newspaper at the General Post Office (GPO) Nairobi, 26th January, 2021; Gazette Notice 519, the Constitution of Kenya, the County Government Act, No.17 of 2012, the Mombasa County Assembly Standing Orders Special Sitting of the County Assembly, pursuant to Standing Order 26 (1-4) of the Mombasa County Assembly Standing Orders, it is notified for the information of the Members of the County Assembly of Mombasa and the general public that there shall be a Special Sitting on Tuesday, 26th January, 2021 at the County Assembly Chambers, Mombasa County Assembly Buildings at 2:00p.m. for the purpose of consideration and approval of the Mombasa County Finance Bill, 2020".

Honourable Members, Standing Order 26(4) specifies that on the day of the Special Sitting, the business specified in the notice shall be the only business before the County Assembly. We will therefore only transact business in relation to processing of the Mombasa County Finance Bill, 2020. Honourable Members, thank you for availing yourself today to transact this important and urgent business that will see the County effectively deliver services to its residents. Thank you.

[Applause]

PAPER

REPORT ON PUBLIC PARTICIPATION OF THE MOMBASA COUNTY FINANCE BILL, 2020

Yes Hon. Hamisi Musa, Chairperson Committee on Finance, Budget and Appropriations?

The Leader of Majority (Hon. Mwidani): Thank you Hon. Speaker. Let me take this opportunity to lay the paper, *Report on Public Participation of the Mombasa County Finance Bill, 2020*. Thank you Sir.

(Paper Laid)

The Speaker (Hon. Khatri): Thank you Hon. Hamisi Musa Mwidani. Clerk, next Order?

MOTION

ADOPTION OF THE REPORT ON PUBLIC PARTICIPATION OF THE MOMBASA COUNTY BILL, 2020

Yes Hon. Hamisi Musa Mwidani, please move the Motion.

The Chairperson, Committee on Finance, Budget and Appropriations (Hon. Mwidani): Mr. Speaker Sir, let me move a Motion;

THAT, this County Assembly adopts the Report on Public participation of the Mombasa County Finance Bill, 2020 as laid on the Table today afternoon.

Thank you Mr. Speaker. Mr. Speaker let me take this opportunity to now to call Hon. Samba to second my Motion.

Hon. Samba: Hon. Speaker, I second.

The Speaker (Hon. Khatri): Thank you very much Honourable Members. Honourable Members, I now propose a question that the Motion by Hon. Hamisi Musa Mwidani on, *Adoption of the Report on Public Participation of the Mombasa County Finance Bill, 2020* be considered by this Honourable House in the same terms as moved.

[Question proposed and agreed to]

Yes Hon. Hamisi Musa Mwidani, Chairperson, Committee on Finance, Budget and Appropriations, please make your contribution.

The Chairperson Committee of Finance, Budget and Appropriations (Hon. Mwidani): Mr. Speaker, first of all I hope all the Members have the copies, mine instead of going to all the items it is rather I just move to the observations and findings first.

[The Chairperson Committee of Finance, Budget and Appropriations Hon. Mwidani read the Report]

OBSERVATION AND FINDINGS

Mr. Speaker, the Finance Bill is an Annual piece of legislation provided for by Sections 132 and 133 of the Public Finance Management Act, 2012 whereby the County Executive Committee Member for Finance is annually required to submit to the County Assembly the Finance Bill which set out the County Government's revenue raising measures together with a policy statement expounding on those measures. A point to note is that the County Executive Member did not make the required pronouncement on the revenue raising measures and did not submit a policy statement expounding on the same pursuant to Sections 132(1) and 132(2) of the Public Finance Management Act, 2012.

Mr. Speaker, Section 120 of the County Government Act, 2012 requires a County Government providing public services to set tariffs and pricing policy and outlines certain parameters or guidelines in setting the tariffs and includes equity, proportionality, access, reasonableness and sustainability. These needs to be considered while making the revenue raising measures and approving the annual Finance Bill.

Further, Section 120(5) of the County Governments Act, 2012 provides that, "A County government may make laws and regulations to give effect to the implementation and enforcement of tariff policies". This points to the need for making specific legislation addressing issues of concern especially at Departmental level.

Public participation in policy-making and legislation particularly the Finance Bill is provided for vide Article 196(1)(b) of the Constitution of Kenya and Section 87 to 92 of the County Government Act, 2012. There are also National County Public Participation guidelines and a local Act of the Assembly on Public Participation.

General

Mr. Speaker, the public participation was advertised vide the Standard Newspaper of 8th January, 2021 and also through radio and other means for citizens to submit memoranda on the Mombasa County Finance Bill, 2020 for consideration. However, only two memoranda were submitted; one from Coast Business Coalition dated 8th September, 2020 and the other from Cereal Millers Association dated 12th January, 2021. Due to the limited input of the public, Members of the County Assembly were given an opportunity at a consultative meeting on 23rd January, 2020 to make representations on their behalf since they were also conversant with issues on the ground concerning their constituents. The views and proposals submitted by Members were taken up by the Committee and are contained in this Report.

Mr. Speaker, the National government through the Ministry of Health had also imposed too many restrictions on movement of persons and gatherings due to the COVID -19 pandemic. The County Assembly had also been adjourned indefinitely and closed for business since March, 2020 except for some brief periods. All these affected the ability of the County Assembly to process the Finance Bill, including conducting public participation within the required timelines.

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Mr. Speaker, Members were concerned that instead of the annual Finance Bill being amended, legislation containing revenue raising measures of the County government had been turned into the principal piece of revenue raising legislation. Pursuant to Section 120(5) of the County Governments Act, 2012, the County Assembly working with the County Executive should come up with Departmental specific legislation whereby Schedules to them contain fees and charges thus leaving the annual Finance Bill with only changes to those schedules.

Mr. Speaker, a perennial issue of concern which should be immediately addressed by the County Treasury is the limited revenue collected due to weak enforcement measures, under-assessment, under collection and collusion between some revenue collectors, enforcement officers and tax payers. Due to the high fees charged, some tax-payers prefer to pay the low unofficial figures which are not collected thus denying the County government much needed revenue.

Mr. Speaker, Members noted that there were several increments in the tariff contained in the schedule, some of which touched on basic commodities and services which would hurt traders and consumers. It was also overwhelming feeling that frequent raising of fees, charges and levies was counter-productive and resulted in high rates of evasion and default which ultimately reduced revenue collected. Further, high taxation would make cost of doing business unmanageable and would make the County an unfavourable investment and business destination.

Views from Memoranda

The Coast Business Coalition had sent their memorandum on 8th September, 2020 containing a schedule of views. The Committee perused the same and gave views which generally clarified some of the concerns raised which mostly were advisory in nature and were not seeking any increments or reductions. However, there were two issues which moved the Committee to make recommendations in their favour. On their request to review charges for items 810 to 813 of the Bill for Single Business Permits (SBP) for transportation companies amounting to (No.810) Kshs. 90,000/=, (No.811) Kshs. 45,000/=, (No.812) Kshs. 15,000/= and (No.813) Kshs.7,500/= respectively, the request was acceded to. The Committee therefore recommends that the fees and charges for item Nos.810 to 813 be revised down to (No.810) Kshs. 70,000/=, (No, 811) Kshs.35 ,000/=, (No.812) Kshs. 10,000/= and (No.813) Kshs.5 ,000/= respectively. The request for adjustment was granted due to the adverse macro-economic environment occasioned by the COVID-19 pandemic and the negative impact on transportation of goods through the Standard Gauge Railway (SGR) which had negatively impacted the sector.

With regard to a request from the Cereal Millers Association vide their memorandum dated 12th January, 2021 for a reduction of fixed cess charges to 1 per cent of the value of the products, the Committee instead recommends that fees and charges be revised down to (No.611) Kshs.32/=, (No.612) Kshs.20/=, (No.613) Kshs.16/= respectively. Due regard was put on the fact that setting cess fees too high for cereals would have negative multiplier effect which ultimately would be passed on to consumers making the cost of essential food to be very high.

Proposals from Members of the County Assembly

Members proposed and the Committee acceded to recommend the deletion of item No.94 in the Schedule to the Bill because it was a repetition of item No.105 in the same schedule labeled, "Public Service Vehicle Waste Control".

Members noted that Section 11 of the Schedule of the Bill titled, "Towing charges" Item numbers 120 to 122 contained increments which would adversely affect motorists and therefore proposed and the Committee acceded to the same and recommended that they be amended to reflect reduced amounts as contained in the Mombasa County Finance Act, 2018.

Members noted that Section 12 of the Schedule of the Bill titled, "Parking fees (Designated vehicles)" Item numbers 128 to 137 contained increments which would adversely affect motorists and therefore proposed and the Committee acceded to the same and recommended that they be amended to reflect reduced amounts as contained in the Mombasa County Finance Act, 2018

Mr. Speaker Sir, Section 35 of the Schedule of the Bill titled, "Tuk Tuk and Boda Boda" Item number 299 labelled, "Tuk Tuk Sticker per month for Tuk Tuks over four years old since registration", was identified for reduction from Kshs. 1500/= to Kshs. 1200/=. Members were also of the view that Section 62 of the Schedule of the Bill titled, "Branded sales outlets" Item numbers 427 and 430 contained increments which would adversely affect concerned small-scale traders and therefore, proposed and the Committee acceded to the same and recommended that, they be amended to reflect reduced amounts as contained in the Mombasa County Finance Act, 2018.

Mr. Speaker, Members proposed that Section 84 of the Schedule of the Bill titled "Transport/Storage and Communication" at Kisauni Retail Market proposed, that two items following immediately thereafter not numbered, be numbered accordingly and to reduce amounts to set for, "Large parking yard - Kshs. 100,000/= to Kshs. 80,000/= and for "Small parking yard - Kshs. 60,000/= to Kshs. 50,000/= was acceded to by the Committee.

Mr. Speaker Sir, Section 86 of the Schedule of the Bill titled, "Professional and Technical services" Item numbers 862 and 863 labeled, "Large M-Pesa Agent outlets" and "Small M-Pesa Agent outlets" - the Committee acceded to a proposal that they be reduced from Kshs. 20,000/- to Kshs. 15,000/= and from Kshs. 10,500/= to Kshs. 5,000/= respectively.

Mr. Speaker, Section 87 of the Schedule of the Bill titled, "Private Education, Health and Entertainment Services" Item numbers 886 labeled, "Video Shows" - the Committee acceded to a proposal, that they be reduced from Kshs. 100,000/- to Kshs. 67,000/- and from Kshs. 20,000/= to Kshs. 15,000/= respectively. Yes, there is a correction for the video shows from Ksh. 20,000/= to Ksh. 15,000/= respectively.

Mr. Speaker, Section 95 of the Schedule of the Bill titled, "Hire of open grounds", Item numbers 972 labeled, "For the religious gathering" – be reduced was accepted and the Committee recommended that, Kshs.25, 000/- to Kshs. 10,000/=.

A proposal that Section 97 of the Schedule of the Bill titled, "Hire of open grounds" Item number 977 labeled, "Hire of other social hall..." be reduced was accepted and the Committee recommended that, it be reduced from Kshs. 10,000/- to Kshs. 5,000/=. The Committee noted that, there was a proposed increment of land rates based on the new 2011 Valuation Roll in the Schedule, to the Bill under Item Nos. 1089 to 1092 which was a matter still under litigation at the High Court and it would be inappropriate to allow the increments to proceed.

Further, Members noted the adverse macro-economic environment occasioned by the COVID-19 pandemic was not conducive for an increase in land rates based on the new valuation roll. The consequent ripple effects of such an increase would lead to a spike in rent, goods and services and lead to investors avoiding the County. This matter needs sufficient consultations, public participation and study once the High Court has rendered its decision. The Committee therefore acceded to a request to reverse the amounts charged for the respective to those contained in the Mombasa County Finance Act, 2018.

Mr. Speaker the Committee agreed to grant a proposal that Section 107 of the Schedule of the Bill titled "Submission of development plan fees" Item numbers, 1118 to 1122 & 1130 under the sub-heading, "Residential Developments" be amended to reflect reduced amounts as contained in the Mombasa County Finance Act, 2018.

Mr. Speaker, the Committee accepted a proposal that Section 127 of the Schedule of the Bill titled, "Estate Rental to the public" Item numbers 1258 to 1295 each and every Item amounts to revert back to those contained in the Mombasa County Finance Act, 2017. The Committee granted on the basis of the difficult macro-economic environment, the dilapidated and state of disrepair of the houses, pending litigation on the same and the fact that some of the estates are due for demolition to pave way for new apartment blocks.

Last but not least, the Committee urges the County Treasury to use a variety of tools and methods to collect more revenue including tax discounts, waivers, amnesties and sensitization of the public on importance of tax compliance.

That is my report Mr. Speaker, I wish...

[Consultations]

Now Mr. Speaker let me now move to the conclusion. The Committee having considered the macro-economic environment, the approved fiscal framework and other factors;

THAT pursuant to Section 132(3) of the Public Finance Management Act, 2012 and the memoranda submitted on the Mombasa County Finance Bill, 2020 and the views of Members of the County Assembly, the Committee at their meeting on Monday, 25th January, 2020 resolved to recommend the same to the report for adoption.

Recommendations

THAT, pursuant to Sections 132(3) and 133 of the Public Finance Management Act, 2012, the County Executive Committee Member for Finance should annually, in a timely manner make pronouncements on revenue raising measures and submit to the County Assembly the Finance Bill and the accompanying policy statement expounding on the revenue raising measures in a timely manner.

Mr. Speaker Sir;

THAT, pursuant to sections 132(3) and 133 of the Public Finance Management Act, 2012, the County Assembly **APPROVES** the recommendations of the Committee on the proposed amendments to the Mombasa County Finance Bill, 2020 as contained in this report.

THAT, pursuant Standing Orders 121(3) and 180 this County Assembly **RESOLVES** to adopt this Report and the annexed minutes of the proceedings of the Committee recommending the adoption of the Report. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Hamisi Musa Mwidani. Yes, Hon. Members you can make your contribution; yes, Hon. Athman Mwamwiri? Please make your contribution.

Hon. Athman Mwamwiri: Thank you Mr. Speaker. Mr. Speaker I arise to support the Report but the two observations that I have made which were not captured and in my persona I raised them during the meetings; one, is a concern on part four on Section 12 of the Finance Bill. Maybe, the Chair will elaborate further after this which reads, *“General offences and penalties. Any person who commits an offence under this Act, for which no penalty is provided, shall be liable of conviction to a fine not exceeding Ksh.200, 000 or to imprison for a term not exceeding one year on board”*.

So my concern, maybe the Chair will elaborate for a person who is not enlightened, in a position or such an offence has not been provided to this Finance Bill and if that person commits such an offence, the fine which has been stated, is it worthy for such a person? Who is not entitled to the mistakes take the final not provided, that is one. Two, Mr. Speaker there were issues which were raised on Section 79 but on the Report are not, number 678 and 3682, the cess charges for coral blocks per block, the charges for five block. Mr. Speaker doing a simple mathematics of the same, the blocks are retailed at Kshs. 17, and they are being bought at Kshs. 12 at the quarries, so there is a Ksh.5 on top of it. That Ksh.5 Mr. Speaker entails one; to pay the driver of that lorry, two, the turn boy of that lorry, three, the owner of that lorry four, the County charges of the cess charges. So charging Ksh.5 per block, Mr. Speaker is unworthy and the same issue has raised a lot of issues on the ground as we speak, the quarry operators from Likoni Sub-County did some negotiations during last year Finance Bill and we had a meeting with the former Chair, the Sub-County Administrator, the Sub-County Revenue officer and the same was confirmed from the office of the Governor and they were agreeing to pay a fixed charge of Ksh. 300 per seven tonnes lorry...

[Interruption]

The Speaker (Hon. Khatri): Yes Hon. Hamisi, are you on a point of information?

The Chairperson Committee of Finance, Budget and Appropriations (Hon. Mwidani): Mheshimiwa Spika lazima tuangalie pia taratibu za hali ya mikutano na nini, nafikiri nilikuwa katika Ripoti ya Kamati na yale anayo *raise* Mheshimiwa sio vibaya kuya *raise*, lakini yana wakati wake ikifika nafikiri ataweza ku *raise*, kwa sababu hatujafika kwa *Bill*, mpaka saa hii tuko kwa Ripoti Mheshimiwa. Kwa hivyo Mheshimiwa, tukijadili hii Ripoti hayo unayosema ya mawe, ya ma lori, ya nini, yatafika yatakuja hapa tutayazungumzia kama zile *charges* ziko juu, Waheshimiwa wakikubali kuteremsha, lakini saa hii tuko kwenye Ripoti ya hii ambayo nimeisoma. Hivyo basi Bwana Spika ningemuomba Mheshimiwa kwanza angoje wakati utafika na ana haki ya kuuliza hayo yote. Ahsante sana.

The Speaker (Hon. Khatri): Yes Hon. Athman?

Hon. Athman Mwamwiri: Mr. Speaker when we go to page five, there were proposals from Members of the County Assembly; to my understanding I am one of those Members of this County Assembly so of course I did my proposal in the same and I can see the fee of designated parking of the parking area, fees for tuktuk and boda boda, fees for branded sales and outlets, the same thing was supposed to be captured under proposal for the fees charged for those people who are operating on lorries. So I do not know if am not among the Members of County Assembly who made these proposals, for my proposal to be omitted, and then I will understand the Chair that am not in the light.

But, if the same was captured, the proposal for Members and I, am one of the Members, why was it not captured to wait for it during the reading of the Bill, Mr. Speaker?

The Speaker (Hon. Khatri): Thank you Hon. Athman Mwamwiri for your contribution. Yes, Hon. Charles?

Hon. Kitula: Ahsante Mheshimiwa Spika. Mimi nimesimama kumfahamisha Mheshimiwa Mwamwiri kwamba; Kiongozi wa Walio Wengi Bungeni yuko sawa kabisa, kwa sababu hii ni Ripoti ya Kamati lakini, hii Ripoti ya Kamati kisheria inakuja Bunge, lakini sisi ndio tuna nguvu zaidi mapendekezi yake kati ya Kamati ya *The Whole House* ikifika atapendekeza tutayazingatia kama Bunge zima tuweze kupitisha lakini saa hii ni bora zaidi tuzingatia Ripoti yake, ikiwa mapendekezo yake hayakuwekwa katika kikao kilichopita, basi ana nguvu wakati wa Kamati ya *The Whole House* akipendekeza, kama ana heri tutamuunga mkono Mheshimiwa Spika. Ahsante.

The Speaker (Hon. Khatri): Yes Hon. Samba?

Hon. Samba: Yes Hon. Speaker, on the same note, I think we were all aware that the issue Hon. Mwamwiri raised we never came to a conclusion as there were some phone calls that were made. So, I think that is why it was not captured in the final report, but the issue brought some issues and there were some phone calls that were made to the Sub-County whatever, but we never came to a conclusion, I think that is why it has not been captured. So, for now as Hon. Kitula has stated, now we have the opportune time, we are going to sit on it, we are going to atleast deliberate on and come up with a tangible conclusion. Thank you Hon. Speaker.

The Speaker (Hon. Khatri): Thank you. Yes, Hon. Member any contribution? Yes, Hon. Nzai?

Hon. Nzai: Thank you very much Mr. Speaker to have given me this opportunity to congratulate the Report read by the Leader of Majority. Mr. Speaker, the report is fantastic, reliable, it is also dependable in our County having deducted some of the effective areas where our trades are being touched on. I stand to support the Report and I think we can continue Mr. Speaker, thank you very much.

The Speaker (Hon. Khatri): Thank you very much Hon. Nzai. Yes Hon. Naliaka?

Hon. Naliaka: Thank you Mr. Speaker Sir. First and foremost, I congratulate the able Chairman for Finance and the Report is really a good one for some of us especially me who is a CRE student. I am here to advocate for people to change and so when I see the proposal on Section 95 that says, 'There is a reduction in fee payment especially for open grounds, for those people who carry out crusades, am very happy because we are going now to use this time to change many souls and in this I believe in the near future, so many people are going to go to heaven. Thank you Mr. Speaker Sir.

[Applause]

The Speaker (Hon. Khatri): Thank you Hon. Naliaka. Yes Hon. Lucy?

Hon. Chireri: Ahsante sana Mheshimiwa Spika. Mimi ninaunga mkono Ripoti iliyoletwa mbele yetu na Mwenyekiti, na pia Mheshimiwa Spika ninapongeza Kamati iliyokaa na kukagua yale mapendekezo yetu ambayo tuko na dukuduku nayo. Naona yametekelezwa hapa Mheshimiwa Spika na Ripoti hii imeangazia mambo yote ya Kaunti ya Mombasa kila *sector*, kila Wodi yaani imebeba mapendekezo ambayo ni ya kumsaidia mwananchi ambaye yuko ndani ya Kaunti ya Mombasa. Nampongeza Mwenyekiti, nasema Kamati ya fedha imefanya kazi nzuri. Ahsante.

The Speaker (Hon. Khatri): Thank you Hon. Lucy. Yes Hon. Hamisi Musa Mwidani, you may reply to the Motion so that we can move on because the time is moving.

The Chairperson, Finance, Budget and Appropriations (Hon. Mwidani): Thank you Mr. Speaker. Let me take this opportunity again to congratulate the Members for supporting the Report on behalf of the people of Mombasa... because this time we have really set up a precedence that even the Members have seen that we are now serious on the issue of the people. So Mr. Speaker, I would just say that I would like to give my support and the way the Members have supported me for this report and I hope that is... it a very good move of this House, so thank you Mr. Speaker and thank you Members for supporting this Motion. Thank you.

The Speaker (Hon. Khatri): Thank you very much Hon. Hamisi Musa Mwidani for the reply. Hon. Members, I now put the question that the Motion by Hon. Hamisi Musa Mwidani on adoption of the report of public participation on the Mombasa County Finance Bill, 2020 be considered by this Honourable House in the same terms as moved.

[Question put and agreed to]

Yes, Clerk?

BILL

THE MOMBASA COUNTY FINANCE BILL, 2020

Yes Hon. Hamisi Musa Mwidani?

The Chairperson Finance, Budget and Appropriations (Hon. Mwidani): Thank you Hon. Speaker. Let me move the Motion on Second reading of the Mombasa County Finance Bill, 2020 be now read for a second time and this time I would request Hon. Chizi to second the Motion.

Hon. Chireri: Thank you Hon. Speaker. I second the Motion.

The Speaker (Hon. Khatri): Thank you Hon. Members. I now propose the question that Mombasa County Finance Bill, 2020 be now read a second time.

[Question proposed and agreed to]

Yes, Chairperson Committee on Finance and Budget please make your contribution...

[Consultation with Table Clerks]

Hon. Members I now put a question that the Mombasa County Finance Bill, 2020 be read a second time?

[Question put and agreed to]

SECOND READING

Yes Clerk, read the Bill.

[The Clerk read the Mombasa County Finance Bill, 2020 for the Second Time]

Okay let us rise and dissolve into the Committee of the Whole House to consider the clauses of the Bill.

[Plenary dissolved into the committee of the Whole House]

COMMITTEE OF THE WHOLE HOUSE

ORDER OF COMMITTEE READ

*[The Serjeant-At-Arms lowered the Mace]
[The Speaker (Hon. Khatri) exited the Chair]*

IN THE COMMITTEE

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

The Chairperson (Hon. Fadhili Mwalimu): Welcome to the Committee of the Whole House and I will let the Clerk to start by reading the required Article. Yes, Clerk.

[The Clerk read Part 2, the Mombasa County Finance Bill, 2020, Part 2 on Taxes, Fees and charges payable and rates applicable; Clause 3, 4, 5, 6, 7, 8, 9].

Hon. Members I propose that Clause 3, 4, 5, 6, 7, 8, 9 be part of the Bill?

[Question proposed and agreed to]

Any input Hon. Members?

[Silence]

Having no input Hon. Members, I now put a question that Clause 3, 4, 5, 6, 7, 8, and 9 be part of the Bill?

[Question put and agreed to]

[The Clerk read Part 3 payment Clause 10, 11]

I now propose that Clause 10 and 11 be part of the Bill?

[Question proposed and agreed to]

Hon. Members, any input on Part 3, payment?

[Silence]

By the show of the House, it clearly shows that we are in consideration of these Clauses, so I propose that Clause 10 and 11, I put a question that Clause 10 and 11 be part of the Bill.

[Question put and agreed to]

Clause 10 and 11 are part of the Bill.

[The Clerk read Part 4 on offences and penalties in Clause 12, 13, 14 15 and Clause 16]

I now propose a question that Clause 12, 13, 14, 15 and 16 be part of the Bill?

[Question proposed and agreed to]

Yes Hon. Amriya?

Hon. Amriya Juma: *[Inaudible]*.

[Interruption]

The Chairperson (Hon. Fadhili Mwalimu): Hon. Amriya, are you talking on his behalf or you are raising...

Hon. Amriya Juma: *[Inaudible]*.

The Chairperson (Hon. Fadhili Mwalimu): Okay, proceed.

Hon. Amriya Juma: *[Inaudible]*.

The Chairman (Hon. Fadhili Mwalimu): Hon. Amriya, before you proceed further as you know we are guided by our Standing Order, please as per our Standing Order go to Standing Order 126, (2) and share with our Honourable House so that we proceed with the process of making our Bill. Can you read Standing order 126, (2)?

Hon. Amriya Juma: I do not have the Standing Order.

The Chairperson (Hon. Fadhili Mwalimu): Okay, then i will let Gibson to read 126, (2).

[The Clerk read Standing Order 126,(2) that, 'No amendment shall be moved to any part of a Bill by any Member, other than the Member in charge of the Bill, unless written notification of the amendment shall have been given to the Clerk 24 hours before the commencement of the Sitting at which that part of the Bill is considered in Committee']

The Chairperson (Hon. Fadhili Mwalimu): Yes Hon. Amriya, I think you have heard as per our Standing Order it is the mover who is supposed to bring the amendment and the mover of this Bill is Hon. Hamisi Musa Mwidani and as far as am concerned and the House is concerned he has not moved any amendment as up to now. Hon. Amriya you are out of order! Yes Hon. Ogutu?

Hon. Ogutu: What is the essence of us going through this Bill?

The Chairperson (Hon. Fadhili Mwalimu): Hon. Ogutu, the Standing order clearly says that, if there is any amendment and you are not the Mover, the amendment should be, it is supposed to be before the Table of the Clerk 24 hours before the commencement of this Sitting, so if you have any amendment that you have given it to the Clerk 24 hours before today's Sitting Hon. Member, and i know you usually carry your Standing Order whenever you go, I know you are conversant with this Standing Orders. So, if there is any amendment that you gave to the Clerk you can forward the amendment so that we can discuss them. Yes Hon. Amriya, what is it?

Hon. Amriya Juma: *[Inaudible]*.

The Chairperson (Hon. Fadhili Mwalimu): Yes Hon. Bwire?

Hon. Bwire: Thank you Chair. Mine is a concern; I have heard the Clerk reading us the Standing order which we all agreed with but my concern is what happens to an item that was amended in a previous meeting when we were amending this Bill and it was not captured and it has not been read here, what happens to such an item? It was raised, it was amended but it was not captured, what happens to such an item? Thank you.

The Chairperson (Hon Fadhili Mwalimu): Hon. Member, I know you are not new with the procedures of the House. If it comes across that you had your amendments or you made your input in this Report during the time you were debating the Report, you were supposed also to put your input and have your written amendment with you so that when we sit in this Committee of the Whole House you have whatever that you want to be amended in written form so that Members can deliberate on it. And Hon. Members, as far as this Honourable House is concerned whatever discussion that we had before were just consultative meetings and as far as this Hon. House is concerned those consultative meeting were not binding, that is why am insisting Hon. Members with any written amendments we are going to discuss if you have one. Hon. Bwire?

Hon. Bwire: Chair, we will rather spend a night here but do the correct thing. Chair, i do not want to question your ruling but if you say the consultative meeting we had does not hold water here and the Report read by the Motion Mover is from the same consultative meetings we had then does it means also this Report does not hold water here?

Mr. Chair, i am just appealing to you that we do the right thing to the people we represent and let your conscious guide you and not anybody else. So, we are just raising the issue, i am asking the issue raised by the Hon. Member was raised here by Hon. Mwamwiri Athumani, that it was discussed in those consultative meetings of which happened to be a meeting that was well recognized by this institution and we are here today because of that meeting. Mr. Chair, so the issue was raised by the Hon. Member and it was said during now this stage that issue can be raised and discussed. Kindly please, thank you.

The Chairperson (Hon. Fadhili Mwalimu): Hon. Samba.

Hon. Samba: Mine is also not different from the Member who just raised concern; my concern is the same, we share the same concern. Hon. Chair, we had a thorough scrutiny of the document and some of us even spared our time of worshipping, we suspended our going to Church to just go sit for this document, and as far as my memory serves me well maybe we are diverting from the dictates of norm. Hon. Chair, we took our time and we passed through every item one by one and as far as am concerned the Chairman of Finance Committee also had one time with his Committee and they had some recommendations. My worry, Mr. Chairman is that I do not know where we are going to place the recommendation of the Committee and the recommendations of the Hon. Member? Maybe, if you can elaborate for us whether the recommendations that were captured are also going to reflect in the Finance Bill in the final draft or we were just wasting time.

The Chairperson (Hon. Fadhili Mwalimu): Thank you Hon. Samba. Hon. Members, as per the Standing Order that was read in this House I do not know if you have consulted the Mover of this Bill if whatever we are raising the amendments that you made during your consultative meeting of which the Committee of the Whole House is not aware of, you can consult the Mover of this Bill, maybe whatever that you are raising he has the amendments with him, if not then there is no way we are going to bring those amendments from the back door. So, please Hon. Members consult first the Chair maybe he has the amendments so that we proceed with this Sitting. Yes, Hon Amriya?

Hon. Amriya Juma: *[Inaudible]*. But, anyway my issue is when you look at Article 11...

[Interruption]

The Chairperson (Hon. Fadhili Mwalimu): Hon. Amriya use your microphone so that it can be captured.

Hon. Amriya Juma: So, Chairman i am trying to draw your attention to the Report made by the Chairperson on Finance, on Section 11; it acknowledges this consultative meeting that was held on 23rd of January as an extension of the public participation that was limited. So this consultative meeting has *locus Standi* by virtue that it has been captured by the Reports that have been raised by the Finance Chair.

Mr. Chairman, please be well advised that in some points where there are procedural technicalities, what we look at is the grand norm; the Constitution prevails over all standing laws in this Country.

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So, if the Constitution provides that justice should prevail in instances where procedural technicalities are hindrances then I think we should pay much importance to that Clause of the Constitution because any deviation, be it a Standing Order or a law that deviates from that grand norm is invalid to the extent of its inconsistency. So, I think at this time the question is whether the amendments that are proposed are valid or not, and if they are not then we move on but the question that we cannot bring amendments where the law is clear that in Second Reading is when amendments should come, whether in written form or verbatim then I think that is a misdirection as much as we are appreciating our Standing Orders. So, I think the main issue is whether that proposal we are making is valid or not; if it is not then we move on, but if we say we Members are going to go through this Bill and we are not in the room to make amendments what we feel will not accord justice to our people then this process is in vain, which we rather just finish up and move to the next thing. So, that is my submission Mr. Chairman.

The Chairperson (Hon. Fadhili Mwalimu): Thank you Hon. Amriya. I have heard your concern Hon. Amriya but in the meantime or in this Committee of the Whole House we are discussing the Finance Bill and not the Report from the Budget and Finance Committee so Hon. Members... Yes Hon. Samba.

Hon. Samba: Mr. Chairman the issue that was raised by Hon. Amriya I think the amendments that we are proposing or we suggested I think it will be prudent enough if we give the Chairman for Finance time when actually we will be reading item per item so maybe we are taking a lot of time and maybe the chairman for finance captured the amendments, I think we can proceed then as per item we can know where we are heading. That is my contribution.

The Chairperson (Hon. Fadhili Mwalimu): Thank you Hon. Samba for your contribution. Hon. Members, I now proceed to put a question that Clause 14, 15 and 16 be part of the Bill?

[Question put and agreed to]

Yes, Clerk?

[The Clerk read the Schedule to the Mombasa County Finance Bill, 2020, (A) County Assembly]

Hon. Members, I now propose that schedule section A of the Bill be part of the Bill?

[Question proposed and agreed to]

Any input?

[Silence]

I now proceed to put a question that Schedule, Section A be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Schedule B, Department of Devolution and Public Service Administration]

Hon. Members, I now propose that Schedule B, Section B be part of the Bill?

[Question proposed and agreed to]

Any input Hon. Members on this Schedule? Any input?

[Silence]

No input? I now proceed to put a question that Schedule B, be part of the Bill?

[Question put and agreed to]

Yes Clerk?

[The Clerk read Section C, Department of Environment, Waste Management and Energy]

Hon. Members, I now propose that Schedule C, be part of the Bill?

[Question proposed and agreed to]

Any input? Yes, Hon Bwire?

Hon. Bwire: Thank you Chair. I do not know if I am left out or something, my concern is at which point will the amendments which were read in the previous Report be captured in this? I have a right to ask, why am I here?

The Chairperson (Hon. Fadhili Mwalimu): Thank you Hon. Bwire. As it is we are also still learning, next time Hon. Members be well prepared with whatever amendments you will be having so that when we come to the Committee of the Whole House there will be no technicalities but in the meantime I heard that the Chair has got an amendment that was made during your consultative meeting. Yes Hon. Hamisi Musa?

The Chairperson Committee of Finance, Budget and Appropriations (Hon Mwidani): Thank you Mr. Chairman, *'That Schedule C be amended in row 94 by deleting the entire row'*.

The Chairperson (Hon. Fadhili Mwalimu), Okay are you moving that amendment?

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Yes Mr. Chair, am moving that amendment to delete 94 in the entire row.

The Chairperson (Hon. Fadhili Mwalimu): Okay, who is your seconder?

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Hon. Samba.

Hon. Samba: I second, Hon. Chair.

The Chairperson (Hon. Fadhili Mwalimu): I propose a question that Schedule C as amended, that Schedule C be amended in row 94 by deleting the entire row.

[Question proposed and agreed to]

Any input, Hon. Members?

[Silence]

I now proceed to put a question that Schedule Section C as amended be part of the Bill.

[Question put and agreed to]

[The Clerk read Schedule Section D, Department of Transport and Infrastructure]

I now propose a question that Schedule D, be part of the Bill?

[Question proposed and agreed to]

Any input?

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Mr. Chairman, I would like that Schedule D be amended in row 120 by deleting Ksh. 6500 and substitute therefore with Ksh.3000. I would like Honourable...Thank you Mr. Chairman to give me that time because we are now on D, then i move to Schedule D be amended in row 121, by deleting 8750 and substitute it therefore with 4000. Mr. Chair, that Schedule D be amended in row 122 by deleting 15000 and substitute therefore with 8000. That Schedule D be amended in row 128, by deleting 150 and substitute therefore with 100. That Schedule D be amended in row 129 by deleting 3000 and substitute therefore with 2200. Schedule D be amended in row 130, by deleting 9000 and substitute therefore with 6600. That Schedule D be amended in row 131, by deleting 18000 and substitute therefore with 13200.

Mr. Chairman, Schedule D be amended in row 132 by deleting 36000 and substitute therefore with 26400. Mr. Chairman, Schedule D be amended in row 133 by deleting 400 and substitute therefore with 300 That Schedule D be amended in row 134 by deleting 8000, and substitute therefore with 7000. Schedule D be amended in row 135 by deleting 24000, and substitute therefore with 20000...

[Interruption]

The Chairperson (Hon. Fadhili Mwalimu): Hon. Mwidani, what is written here is 20600.

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani):... 20600. Mr. Chairman, that Schedule D be amended in row 136 by deleting 48000 and substitute therefore with 40600, Schedule D be amended in row 137 by deleting 96000, and substitute therefore with 80,400. That Schedule D be amended in row 299 by deleting 1500, and substitute therefore with 1200. Thank you, Mr. Chairman.

The Chairperson (Hon. Fadhili Mwalimu): Who is your seconder?

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Hon. Samba.

The Chairperson (Hon. Fadhili Mwalimu): Hon. Tobias Samba.

Hon. Samba: I second, Hon. Chair.

The Chairperson (Hon. Fadhili Mwalimu): Hon. Members, I now propose a question that Schedule D as amended be part of the Bill.

[Question Proposed and agreed to]

Any input on the amendments? Yes Hon. Samba.

Hon. Samba: Mr. Chairman, we are so much grateful with the Mover of the Bill and since when we sat down as Whole House Committee and as part of the Finance Committee previously had sat down, we considered that due to the pandemic that hit us for the last one and a half years we thought it wise that atleast to reduce some of the costs in the rates so as to enhance the business of Mombasa to pick up, since we know that any Country or County that overtaxes its citizens cannot prosper in terms of economic growth. So, I congratulate the Chairman or Motion Mover for the bold move we have taken, for once in the Assembly. Thank you Hon. Chair, that is my contribution.

The Chairperson (Hon. Fadhili Mwalimu): Hon. Members, I now put a question that Schedule E as amended be part of the Bill.

[Question put and agreed to]
[Consultations]

Hon. Members, we were on Schedule D so I now put a question that Schedule D as amended be part of the Bill.

The Chairperson (Hon. Fadhili Mwalimu): Thank you. Hon. Members I now put a question that Schedule E as amended be part of the Bill.

[Question put and agreed to]

Yes Clerk?

*[The Clerk read Department D]
[Consultations]*

The Chairperson (Hon. Fadhili Mwalimu): Hon. Members we were on Schedule D, so I now put Schedule D as amended be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Department E, Department of Trade, Tourism and Investment]

The Chairperson (Hon. Fadhili Mwalimu): I now propose a question that Schedule E be part of the Bill.

[Question proposed and agreed to]

Any input on Schedule E?

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): The Schedule E Mr. Chairman, Schedule E be amended in the row after row 574 and before row 575, the introduction Section of paragraph 76 by deleting the words, ‘and within’ to read as follows (Payable at Cess Collection Points for all the goods offloaded within Mombasa County including private facilities or depots or warehouse), Hon. Prischillah to second... Oh let me move on before she seconds, Schedule E be amended in row 611 by deleting 64, and substituting therefore with 32. Schedule E be amended in row 612 by deleting 40, and substituting therefore with 20. Schedule E be amended in row 613 by deleting 32, and substituting therefore with Kshs.16. That Schedule E be amended in row 809 by deleting 30,000, and substituting therefore with 15,000. Schedule E be amended in row 810 by deleting 90,000, and substituting therefore with 70,000. Schedule E be amended in row 811 by deleting 45,000, and substituting therefore with 35,000. Schedule E be amended in row 812 by deleting 15,000, and substituting therefore with 10,000. Schedule E be amended in row 813 by deleting 7,500, and substituting therefore with 5,000. That Schedule E be amended in the row after 835 by numbering chronologically and deleting 100,000 and substituting further by 80,000. Schedule E be amended in the row before paragraph 85 by numbering it chronologically and deleting 60,000, and substituting therefore with 50,000. Schedule E be amended in row 862 by deleting 20,000, and substituting therefore with 15,000. Schedule E be amended in row 863 by deleting 10,500, and substituting therefore with 5,000. Schedule E be amended in row 886 by being numbered chronologically and substituting therefore with 15,000.

Thank you Mr. Speaker, may I call Hon. Prischillah to second, she is not in. Okay, yes Hon. Ogotu to second.

Hon. Ogotu: I second, Mr. Chair.

The Chairperson (Hon. Fadhili Mwalimu): Hon. Member, I now propose a question that Schedule E as amended be part of the Bill.

[Question proposed and agreed to]

Any input Hon. Members? Yes Hon. Charles?

Hon. Kitula: Ahsante Mheshimiwa Mwenyekiti, Mwenyekiti niko kwa Schedule D...

[Interruption]

The Chairperson (Hon. Fadhili Mwalimu): Schedule E.

Hon. Kitula: Tuko E sawasawa, manake niko D ningependa taarifa kutoka kwa Mwenyekiti ni vizuri ili tusiweze kuwa mambo ya kwenda kortini. Schedule D number 226...

[Interruption]

The Chairperson (Hon. Fadhili Mwalimu): Schedule E, we are through with Schedule D.

Hon. Kitula: Naam, nasema ni muhimu sana kabla ichapishwe nataka kupewa taarifa 226 tuiangalie kwa upana, 226, naam *supply of water, industrial and commercial, is it per hour or per year, 10,000 is too much* Mr. Chair. *Supply of water is it supposed to be per hour or per year?* Kama iko sawa twaweza endelea tu Mheshimiwa Mwenyekiti, masuala kama haya yakienda kortini itakuwa sio sawa kwa hio itakuwa ni kwa saa moja ama kwa mwaka ama kwa mwaka, kwa saa moja 10,000? Ahsante.

The Chairperson (Hon. Fadhili Mwalimu): Thank you Hon. Charles for that concern even though we were through with Schedule D, but am sure the Majority Leader will consult further. So, Hon. Members I now put a question that Schedule E as amended be part of the Bill.

[Question put and agreed to]

Yes Clerk?

*[The Clerk read Department F]
[Consultations]*

Department F, Department of Education, ICT and Mombasa County Vision, 2035.

I propose a question that Schedule F be part of the Bill.

[Question proposed and agreed to]

Any input Hon. Members? I now put a question that Schedule F be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read the Department G, Youth, Gender and Sports]

I now propose a question that Schedule G be part of the Bill.

[Question proposed and agreed to]

Any input Hon. Members? Yes Hon. Hamisi Musa?

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Thank you Chairman, that Schedule G be amended in row 972 by deleting 25, 000 and substituting therefore with 5,000.

[Consultations]

The Chairperson (Hon. Fadhili Mwalimu): Leader read as per what you have submitted to this Hon. House?

[Consultations]

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Mr. Chairman, that Schedule G be amended in row 972 by deleting 25, 000, and substituting therefore with 5,000 instead of 10,000, it was a typing error. Mr. Chairman, Schedule G be amended in row 977 by deleting the words, "Hire of other social halls", which is a repetition and 10,000 and substituting therefore with 5,000. I think Mr. Chairman we have completed Schedule G.

The Chairperson (Hon. Fadhili Mwalimu): Who is your seconder?

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Hon Prischillah Mumba will second this.

Hon. Mumba: Thank you Mr. Chairman, I second.

The Chairperson (Hon. Fadhili Mwalimu): I now propose a question that Schedule G as amended be part of the Bill.

[Question proposed and agreed to]

Any input Hon. Members? Yes Hon. Ogutu?

Hon. Ogutu: Thank you Mr. Chair. Mr. Chair, I want to thank the Motion Mover because most churches and religious organizations are non-profit making organizations so reducing the hire of the grounds from Ksh. 25,000.

It would have been even free but reducing to Ksh. 5,000 we have also done something to them. Thank you.

The Chairperson (Hon. Fadhili Mwalimu): Thank you. I now put a question that Schedule G as amended be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Schedule H, Agriculture, Livestock and Fisheries]

The Chairperson (Hon. Fadhili Mwalimu): I now propose that Schedule H be part of the Bill.

[Question proposed and agreed to]

Hon. Members, any input on Schedule H? There's no input, I now put a question that Schedule H be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read the Department I, Planning, Lands and Housing]

The Chairperson (Hon. Fadhili Mwalimu): I now propose a question that Schedule I be part of the Bill.

[Question proposed and agreed to]

Any input Hon. Members?

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Mr. Chairman, that Schedule I be amended in row 1089 by deleting 0.6 per cent of 2011 USV and substituting therefore with 8 per cent of 1991 USV. Mr. Chairman, Schedule I be amended in row 1090 by deleting 0.8 per cent of 2011 USV and substituting therefore with 14 per cent of 1991 USV. Schedule I, be amended in row 1091 by deleting 0.8 per cent of 2011 USV and substituting therefore with 14 per cent of 1991 USV. Schedule I, be amended in row 1092 by deleting 0.6 per cent of 2011 USV and substituting therefore with 8 per cent of 1991 USV. Schedule I, be amended in row 1118 by deleting 0.8 per cent of the total project and substituting therefore with 0.6 per cent of the total project.

Mr. Chairman, that Schedule I be amended in row 1119 by deleting 0.8 per cent of the total project and substituting therefore with 0.6 per cent of the total project. Mr. Chairman, Schedule I be amended in row 1120 by deleting 0.7 per cent of the total project and substituting therefore with 0.5 per cent of the total project. Schedule I, be amended in row 1121 by deleting 0.6 per cent of the total project and substituting therefore with 0.4 per cent of the total project.

Mr. Chairman, Schedule I be amended in row 1122 by deleting 0.5 per cent of the total project and substituting therefore with 0.4 per cent of the total project. Mr. Chairman, that Schedule I be amended in row 1258 by deleting 5,895 and substituting therefore with 3,929. Schedule I be amended in row 1130 by deleting 0.3 per cent of the total project and substituting therefore with 0.2 per cent of the total project. Schedule I, be amended in row 1259 by deleting 4,585 and substituting therefore with 3,055. That Schedule I be amended in row 1260 by deleting 5,895 and substituting therefore with 3,929. Schedule I be amended in row 1261 by deleting 3,960 and substituting therefore with 2,640. That Schedule I, be amended in row 1262 by deleting 5,040 and substituting therefore with 3,360. That Schedule I, be amended in row 1263 by deleting 6,670 and substituting therefore with 4,445. That Schedule I, be amended in row 1264 by deleting 1,200 and substituting therefore with 800. That Schedule I, be amended in row 1265 by deleting 1,350 and substituting therefore with 900. That Schedule I, be amended in row 1,266 by deleting 1,240 and substituting therefore with 825.

Mr. Chairman, that Schedule I be amended in row 1267 by deleting 1,350 and substituting therefore with 895. That Schedule I, be amended in row 1268 by deleting 3,480 and substituting therefore with 2,320. Mr. Chairman, that Schedule I, be amended in row 1269 by deleting 4,600 and substituting therefore with 3,065. That Schedule I, be amended in row 1270 by deleting 13,500 and substituting therefore with 9,000. That Schedule I, be amended in row 1271 by deleting 9,000 and substituting therefore with 6,000. That Schedule I, be amended in row 1272 by deleting 9,000 and substituting therefore with 6,000. That Schedule I, be amended in row 1273 by deleting 1,500 and substituting therefore with 1,000.

Mr. Chairman, that Schedule I, be amended in row 1274 by deleting 1,500 and substituting therefore with 1000. That Schedule I, be amended in row 1275 by deleting 52,000 and substituting therefore with 35,000. That Schedule I, be amended in row 1276 by deleting 1,300 and substituting therefore with 865. That Schedule I, be amended in row 1277 by deleting 1,245 and substituting therefore with 840. That Schedule I, be amended in row 1278 by deleting 1,260 and substituting therefore with 840. That Schedule I, be amended in row 1279 by deleting 2,520 and substituting therefore with only 1,680. That Schedule I, be amended in row 1280 by deleting 4,680 and substituting therefore with 3120. That Schedule I, be amended in row 1281 by deleting 6,495 and substituting therefore with 4330. That Schedule I, be amended in row 1282 by deleting 6,675 and substituting therefore with 4,450. That Schedule I, be amended in row 1283 by deleting 6,000 and substituting therefore with 4,000.

Mr. Chairman, that Schedule I, be amended in row 1284 by deleting 7,500 and substituting therefore with 5,000. That Schedule I, be amended in row 1285 by deleting 6,000 and substituting therefore with 4,000. That Schedule I, be amended in row 1286 by deleting 3,000 and substituting therefore with 2,000. That Schedule I, be amended in row 1287 by deleting 7,500 and substituting therefore with 5,000. That Schedule I, be amended in row 1288 by deleting 6,000 and substituting therefore with 4,000. That Schedule I, be amended in row 1289 by deleting 1,500 and substituting therefore with 1,000. That Schedule I, be amended in row 1290 by deleting 9,000 and substituting therefore with 6,000. That Schedule I, be amended in row 1291 by deleting 6,750 and substituting therefore with 4,500. That Schedule I, be amended in row 1292 by deleting 3,450 and substituting therefore with 2,300. That Schedule I, be amended in row 1293 by deleting 3,000 and substituting therefore with 2000. That Schedule I, be amended in row 1294 by deleting 3,750 and substituting therefore with 2,500. Lastly, that Schedule I, be amended in row 1295 by deleting 12,750 and substituting therefore with 8,500.

Thank you, Mr. Speaker.

[Applause]

The Chairperson (Hon. Fadhili Mwalimu): Who is your seconder?

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): May I request Hon. Ogutu to second.

Hon. Ogutu: Hon. Chair, I second.

The Chairperson (Hon. Fadhili Mwalimu): Hon. Members, I now propose the question that Schedule I as amended be part of the Bill.

[Question proposed and agreed to]

Any input? Yes Hon. Ogutu?

Hon. Ogutu: Mr. Chairman, I want to congratulate once again the Mover for considering the people living in these houses. Mr. Speaker, these houses are so dilapidated in such a way that the County government would have just given them for free but for the purpose of raising revenue reducing the prices is good for them. Two, Mr. Speaker there is this project of urban renewal so they can be brought down anytime saying it would have been well to allow them to stay for free, thank you.

Hon. Chairperson (Hon. Fadhili Mwalimu): Thank you Members. I now proceed to put a question that Schedule I as amended be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read Clause two, Interpretation]

I propose that Clause two be part of the Bill.

[Question proposed and agreed to]

I now put a question that Clause two be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Clause one - The Short Title and Commencement, that the Act may be cited as Mombasa County Finance Act, 2020 and shall come into operation upon on the publication in the Gazette]

Hon. Members, I now propose that Clause one be part of the Bill.

[Question proposed and agreed to]

Any input? There being no input I now put a question that Clause one be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read the Long title - The Mombasa County Finance Bill, 2020, a Bill for an Act of the County Assembly of Mombasa to impose fees charges levies taxes and penalties enforceable by the County government of Mombasa to amend various County legislations related thereof and for matters incidental thereto]

I now propose that the Long Title be part of the Bill.

[Question proposed and agreed to]

Any input?

[Silence]

I now put a question that the Long Title be part of the Bill.

[Question put and agreed to]

Yes Chairman, Finance Budget and Appropriations Committee, please move the Motion.

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Mr. Chairman, now I will seek to move or seek leave so that we go back to plenary session. Thank you Mr. Chairman.

The Chairperson (Hon. Fadhili Mwalimu): Hon. Hamisi Musa, you were supposed to propose a Motion and not to seek leave. So, propose a Motion for the House to revert back to the plenary.

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Thank you for reminding me. I would like to move a Motion so that we can move to the plenary session and I would like Hon. Kitula to second the Motion.

[Hon. Kitula bowed]

The Chairperson (Hon. Fadhili Mwalimu): Hon. Members, I now put the question that the House return to the reporting time.

[Question put and agreed to]

PLENARY RESUMED

[The Serjeant-At-Arms raised the Mace]

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

The Deputy Speaker (Hon. Fadhili Mwalimu): Have your seats. Yes, Chairman report back to the House.

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Mheshimiwa Spika, nashukuru nachukua hii fursa kwa kushukuru Wanachama tulivyochangia tukiwa kwenye kikao cha Kamati ya Nyumba yote na Mheshimiwa Spika natumai tumeshukuru kwamba Ripoti imeweza kukubalika na pia yale marekebisho yote ambayo yametajwa yamepita na yameandikwa. Kwa hivyo Bwana Spika naweza pia kuwashukuru Wanachama kuchukua muda wote kwa kuweza kuipitisha sheria yetu hii ya fedha. Kwa hivyo ninashukuru na nasema kwamba tuwe na moyo huo na tuzidi kuendelea ili tuweze kufanya mambo yetu ya Kaunti yasonge mbele kwa sababu hii ndio sheria ambayo inaweza kutuwezesha kukusanya pesa kuwezesha kufanya maendeleo yetu katika mitaa. Hivyo basi Bwana Spika ninawashukuru Wanachama wote na *In Shaa Allah* Mwenyezi Mungu atatuwezesha tuweze kutekeleza mambo ya wananchi wetu kwa haki. Ahsante sana.

[Applause]

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Members, Order! Hon. Priscilla Mumba order! You are out of Order!

[Silence]

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Mr. Speaker, let me now move a Motion that I move,

Pursuant to Section of Standing Order 121(1) move a Motion that the County Assembly do agree with the Committee of the Whole House in the said report.

[The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani) moved the Motion]

I would like Hon. Samba to second my Motion.

Hon. Samba: Hon. Speaker, I stand to second.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Members, I stand to put a question that the Motion moved by the Leader of Majority be approved into this Honourable House.

[Question put and agreed to]

Yes Clerk?

THE MOMBASA COUNTY FINANCE BILL, 2020

THIRD READING

[Loud consultations]

The Chairperson Committee on Finance, Budget and Appropriations (Hon. Mwidani): Mr. Speaker I beg to move a Motion;

That the Mombasa County Finance Bill, 2020 be read for the Third Time.

I would like Hon. Ramla to second the Motion.

Hon. Ramla Said: Hon. Speaker, I second.

The Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Members, I now put a question that the Mombasa County Finance Bill, 2020 be read a Third Time.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read The Mombasa County Finance Bill, 2020 for the Third Time]

Yes, Clerk?

ADJOURNMENT

The House stands adjourned until Tuesday the February, 2021 at 10:00a.m.

The House rose at 5:19p.m.