



## COUNTY ASSEMBLY OF MOMBASA THE HANSARD

Monday, 29<sup>th</sup> May, 2023

### Third Assembly – Special Sitting

*[The County Assembly met at 11:47a.m. at the County Assembly Buildings]  
[The Deputy Speaker (Hon. Fadhili Mwalimu Makarani) in the Chair]*

### PRAYERS

**The Deputy Speaker** (Hon. Fadhili Makarani): Honourable Members, you may have your seats. Yes Clerk?

### COMMUNICATION FROM THE CHAIR SPECIAL SITTING

Honourable Members, I take this opportunity to welcome you to this Special Sitting of the County Assembly. Honourable Members, in accordance to Standing Order 26(3) of the Mombasa County Assembly Standing order today's special sitting is duly convened as it was published in Kenya Gazette notice number 6962 dated 26<sup>th</sup> May, 2023, I hereby proceed to read the Gazette notice. Honourable Members, Standing order 26(4) specifies that on the day of the special sitting the business specified on the notice shall be the only business before the County Assembly. We will therefore transact the business in accordance to the notice. Honourable Members, as early as I said I will read the notice as published pursuant to Standing order 26(3) of the County Assembly of Mombasa;

*It is notified for the information of Members of the County Assembly and the general public that there will be a special sitting in County Assembly which shall be held at the County Assembly chambers on Monday 29<sup>th</sup> May, 2023 at 11:00a.m. for the purposes of consideration and adoption of the Mombasa County Education Fund Bill, 2023.*

Honourable Aharub Khatri Speaker of the Mombasa County.

Thank you. Yes Clerk?

### PAPER

REPORT OF THE MOMBASA COUNTY EDUCATION FUND BILL, 2023

Yes, Honourable Allen Katana, Chairperson Committee on Education, please lay the Paper.

*[Paper Laid]*

Yes Clerk?

### NOTICE OF MOTION

ADOPTION OF THE REPORT ON THE MOMBASA COUNTY EDUCATION FUND BILL, 2023

Yes, Honourable Allen Katana, Chairperson Committee on Education and Digital Transformation please give the Notice of Motion.

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

*THAT, this County Assembly adopts the Report on the Mombasa County Education Fund Bill, 2023 as laid on the Table on Monday, 29<sup>th</sup> May, 2023.*

Thank you, Mr. Speaker Sir.

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

### MOTION

ADOPTION OF THE REPORT ON THE MOMBASA COUNTY EDUCATION FUND  
BILL, 2023

**The Deputy Speaker** (Hon. Fadhili Makarani): Yes, Honourable Allen Katana, please move the Motion.

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

*THAT, this County Assembly adopts the Report on the Mombasa County Education Fund Bill, 2023 as laid on the Table on Monday 29<sup>th</sup> May, 2023.*

Thank you, Mr. Speaker Sir.

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

**Hon. Katana:** I would kindly wish to ask the Honourable Vice Honourable Ibrahim Omondi to second. I thank you.

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

**Hon. Omondi:** Yes Mr. Speaker Sir, I do second.

**The Deputy Speaker** (Hon. Fadhili Makarani): Thank you. Honourable Members, I now propose a question that the Motion by Honourable Allen Katana Chairperson Committee on Education and Digital Transformation be debated in this House as moved.

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*[Question proposed and agreed to]*

Yes, Honourable Allen Katana?

**Hon. Katana:** Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii, sitaita adimu maana mara nyingi hii nafasi huipatatapa na nafikiri kama kuna sheria yenye itachukua muda mfupi sana ni hii, kwa sababu ni sheria ya maana...

*[Interruption]*

**The Deputy Speaker** (Hon. Fadhili Makarani): It is a Motion.

**Hon. Katana:** Suala hili Mheshimiwa, kwa sababu ni suala la maana sana na ningependa kuwarai Waheshimiwa wenzangu baada ya mchakato wa Wanakamati ya Elimu wakiongozwa pia na Wizara ya Elimu tuling'ang'ana na tukafanya yale mabadiliko yalikuwa ni muhimu yafanywe katika Mswada huu ili ukaweze kufanya kazi. Kama tujuavyo Mheshimiwa Spika ni kwamba tuligawa tayari fomu za watu kupata basari, lakini ikawa haiwezekani kwa sababu kulikuwa na marekebisho fulani ambayo tulikua tuyafanye na kwa kuwa kuna baadhi ya stakabadhi ambazo zinaonyesha dhahiri ya mabadiliko tuliyo yafanya ambapo wakiendea hoja baada ya nyengine wataona ni kweli. Kuna umuhimu baada ya kufanya mabadiliko yale na nataka kuliweka wazi kwa Jumba hili si kwamba tu ni Nyumba hii ya 13 tu ndio ilipewa kikwazo hichi cha kufanya mabadiliko haya mabadiliko na matangazo yake yalipeanwa. Hapo nyuma awali lakini imekua haitekelezwi lakini *Controller of Budget* walipoona kwamba mchezo huo unaendelea ndipo tukapewa nafasi kufanya mabadiliko haya na nashukuru Mheshimiwa Spika kwa mda tuliokaa tulirekebisha na vipengele ambavyo vimeorodheshwa hapo vitakua ni dhahiri ya kwamba mchakato huu wote ulikamilika. Hivyo basi niwarai Waheshimiwa wote wa Nyumba hii wakaweze kuliunga mkono ili mara moja tukaweze kupeana basari na hawa watoto wetu wote walio majumbani na hili kero la wazazi kupiga simu ya kwamba watoto wao wako nyumbani liweze kuisha. Mheshimiwa Spika sitaki kuongea mengi maana iliyo tele haichukuliwi. Mheshimiwa Spika Ahsante.

**The Deputy Speaker** (Hon. Fadhili Makarani): Yes, Honourable Milka Moraa.

**Hon. Ngare:** Thank you Mr. Speaker. I stand on a point on support to this Motion; needless to emulate the importance of education in our society because this has been long overdue, our children needed to go back to school fully equipped with bursaries so that they carry on with their education. We know that an educated child or an educated society is a better society we will be able to differentiate good from bad and also contribute in the development of our society, I think this is a Motion that is fully supported by everybody because of the importance it carries within our society and I want to thank the Chairman of Education for bringing such a Motion which we have been waiting for with bated breath. Thank you so much Mr. Speaker, I support.

**The Deputy Speaker** (Hon. Fadhili Makarani): Thank you. Yes, Honourable Ibrahim Omondi.

**Hon. Omondi:** Mr. Speaker Sir, thank you for the opportunity that you have given me.

Mr. Speaker, I would regard this as a precious opportunity because being one of the Members and the Assistant Chair of the Education Committee in this Honourable House, we have been through a lot of questions from Members of this Honourable House and even the public who are questioning about the whereabouts of the funds that we gave out this year around February; what happened, why has it taken too long that we have not released the funds to the parents. Mr. Speaker, where we all know the economy at this particular time is really not good for our people. Today's the day that we want to define and we want, be able to communicate strongly to the public that we want to provide this fund for them. As the Chair has said that we had a query from the Controller of Budgets about the County Education Development Act Mr. Speaker which was then by 2014 which came to the House by 2014 and it was passed but at the same time there was an amendment that took place to the same Act in 2017. That is the Act we have always been using when we borrow money from the exchequer when we want this bursary Mr. Speaker, but unfortunately this particular time we were relying on this Act, when we were only caught unawares after we had actually given out the forms to the parents that we need to again amend this particular Act further and that is why we're here today.

Mr. Speaker, I just want to highlight briefly that Members can understand some of the things that have made us stay too long before we release or some of the things, we want to amend from the original principal Act that we had on 2014, one of them is we are actually amending to increase the mandate of the funds to include scholarships. Mr. Speaker, when you look at the previous Acts, 2014 you find that the scholarships were indicated but again there was no regulations how we are going to provide that scholarship and that is the reason why even this House we have been having problems on providing this particular scholarship to our people. We are one of them who have stood firm asking for this scholarship and they have never been provided, we are happy after amending this particular Act Mr. Speaker now this will become an eye opener and we shall be able now to provide the scholarships to our children.

Mr. Speaker another thing is about separation of the administration; that is another thing that brought issues from the Auditor General which stopped us from getting the funds. In this Act that we are having or amending its going to be clear that it is going to provide for the separation of the Administration of management and finance of the corporation from the funds and also this Act will remove the Chief Executives Officer of Education Development Cooperation as a Board Member of the fund so the CEO will not become..., I want Members to hear me very clear, the CEO Education Development Cooperation will no longer be a Board Member of the fund. Now the CEO will become the overall manager of the whole system Mr. Speaker that is why we need to name him from the Board.

Another issue here is that in 2014 the principal Act we are talking about which we are amending today, the Education Development Corporation was the mother entity, the Board of Trustees will now manage the fund unlike the way it used to be and that is why we will give a clear mandate of the Elimu Development Corporation operation whereby they will have the CEO who will now become the fund Manager. Those are some of the issues that have really made this not to be clear Mr. Speaker. Today I'm happy that we are making it clear; also, we amend this particular Act that we can now source for funds outside.

**The Deputy Speaker** (Hon. Fadhili Makarani): Honourable Ibrahim Omondi, I think we are going to talk about the amendments when we reach to the Committee of the whole House and...

**Hon. Omondi:** Yes, and I was just trying to give reasons Mr. Speaker and as I finish briefly...

**The Deputy Speaker** (Hon. Fadhili Makarani): Just a reminder that your time is up?

**Hon. Omondi:** Thank you Mr. Speaker, I am finishing up. Let us just wind up because this is very important to the Members. Here Mr. Speaker a let me wind up by saying in the previous principle Act we did not have the Sub-County administration and you will find that Sub-County Administrators mandate was not clear how the Sub-County mandatory could be included in the Committee and even the MCAs in the other Act, which we are amending today did not give the MCA the power to nominate a Member to that particular Board but now as your amending today it will give the Member of County Assembly power to nominate a Member to that particular Board. Therefore, Mr. Speaker because you have cautioned me on the time, I respect Mr. Speaker but I still had more to inform the Members, otherwise today it is going to be historic and a turning stone towards the people of Mombasa. Thank you, Mr. Speaker.

**The Deputy Speaker** (Hon. Fadhili Makarani): Thank you Honourable Ibrahim. Yes, Honourable Allen Katana please to your Motion.

**Hon. Katana:** Ahsante sana Mheshimiwa Spika.

**The Deputy Speaker** (Hon. Fadhili Makarani): And Honourable Members before Honourable Katana continues, I would like to caution the House that the reason as to why you are sitting here today it is because of this Bill and the Bill will need a quorum for it to be passed so put in mind that voting will not go on if there is no quorum in this House. Yes proceed?

**Hon. Katana:** Ahsante sana Mheshimiwa Spika kwa hekma yako nyingi na nafikiri Waheshimiwa wamelielewa hilo, kwa sababu naona mmoja mmoja akija kuomba ruhusa. Mheshimiwa Spika kataa na ruhusa na Mpambe wa Bunge ikiwa ni uwezo unaweza kumpa akafunga mlango sasa. Mheshimiwa Spika nataka niwashukuru Waheshimiwa kwa changizo zao za maana walizo toa na imetokea kama nilivyo tarajia kwa sababu madhila yote kuhusiana na swala hili wanalipata moja kwa moja. Kwa hivyo sikutarajia hata mmoja atalipinga ijapokua Mheshimiwa Spika tutakapo ingia katika Kamati ya Nyumba nzima kunavyo vipengele fulani fulani ambavyo tutazidi kuviweka sawa kulingana na mwelekezo tuliopata kwa *Controller of Budget* ili mwisho wa kwisha hili suala tuwe tumelizika katika kaburi la sahau ndio watu wetu waendeleo kusaaidika sana. Nawashukuru sana Waheshimiwa wenza kwa changizo zenu za maana kwa hiyo mimi sitaki kuwa na la ziada, labda nikushukuru pia Bwana Spika kwa nafasi hii. Ahsante.

**The Deputy Speaker** (Hon. Fadhili Makarani): Thank you Honourable Katana. Honourable Members, I now stand to put a question that the Motion by Honourable Allen Katana on Adoption of the Report be considered in this Honourable House.

*[Question put and agreed to]*

The Motion by Honourable Allen Katana on Report of the Mombasa Education Bill, 2023 has been adopted by the House. Yes Clerk?

**THE MOMBASA COUNTY EDUCATIONAL FUND BILL, 2023**  
**SECOND READING**

Yes, Clerk please read the Bill for the second time. Sorry, Honourable Allen Katana please move the Motion before the Clerk reads the Bill.

**Hon. Katana:** Mr. Speaker,

*THAT, the Mombasa County Educational Fund Bill, 2023 be now read for the second time.*

Thank you, Mr. Speaker.

**The Deputy Speaker** (Hon. Fadhili Makarani): Yes, Clerk please read the Bill for the second time.

*[The Bill was read for the Second Reading]*

Thank you, Clerk. Honourable Members, the Bill having been read a second time stands committed to the committee, please stand Honorable members and convert to committee of the whole House.

#### COMMITTEE OF THE WHOLE HOUSE

*[The Mace was lowered]*

ORDER OF COMMITTEE IS READ

*[The House dissolved into Committee of the Whole House]*

IN THE COMMITTEE

*[The Chairperson (Hon. Abdulrahman Abdulkadir) in the Chair]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Members, there are several amendments to this Bill so I demand your utmost attention, it will be very thorough so let us be patient please. Yes Clerk?

*[Clause 3]*

Yes Chairman?

**Hon. Katana:** **THAT** clause 3(b) of the Bill be deleted and the following words be inserted to read - 3(b) *provide for the establishment, administration and Management of the Mombasa County Elimu Scheme.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Members, is that clear? Yes, please explain.

**Hon. Katana:** Okay maybe an explanation to it, it used to be Elimu Fund but there are some guidelines that we were given by the Controller of Budget (COB) that we should not use the word 'Fund' but instead we use the word 'Scheme'. So, the amendment is to remove the word 'fund' and replace it with 'scheme'. Thank you so much.



**The Chairperson** (Hon. Abdulrahman Abdulkadir): So, we are deleting clause 3(b) of the Bill and we are inserting the words;

*Provide for the establishment, administration and management of the Mombasa County Elimu Scheme.*

Okay Members, that said I propose that the clause 3 (b) as amended be part of the Bill.

**Hon. Katana:** I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You cannot second yourself. Any other Member?

**Hon. Omondi:** I second.

*[Question proposed and agreed to]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Now I put the question that the clause 3 (b) as amended be part of the Bill?

*[Question put and agreed to]*

Next amendment?

**Hon. Katana:** Clause 3 (c) I do not want to give guidance to you Mr. Speaker but I would suggest at least because we have a number of amendments here if we do not want to stay here the whole day at least we speed up.

**THAT** a new clause 3(c) be inserted to read-

*3(c) provide for the granting of bursaries, scholarship, revolving loan scheme, vocational training support and grant disbursement to students from the County.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you Members that is a new addition. now I propose the question that clause 3(c) as proposed be part of the Bill?

**Hon. Omondi:** I second.

*[Question proposed and agreed to]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I put the question that clause 3(c) be part of the Bill.

*[Question put and agreed to]*

It has been proposed. Yes Clerk.

Clause 4.

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**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes Chairman.

**Hon. Katana:** THAT the word, “FUND” be deleted in PART II of the Bill and the word “SCHEME” be inserted to read - PART II-THE SCHEME.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay Members, here we are deleting the word, ‘Fund’ and replacing it with the word, ‘Scheme’. I now propose that amendment?

**Hon. Omondi:** I second.

*[Question proposed and agreed to]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I now put the question?

*[Question put and agreed to]*

Yes Clerk.

Clause 5.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Chairman.

**Hon. Katana:** THAT clause 5 of the Bill be amended by deleting the word “Fund” in the marginal note to read—**The Scheme**.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay Members, here we are expunging the word, ‘Fund’ and replacing it with the word, ‘Scheme’.

**Hon. Omondi:** I second.

*[Question proposed and agreed to]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay. How comes am having only one person to second this. Now I put the question that the word, ‘Fund’ be replaced by the word ‘Scheme’.

*[Question put and agreed to]*

Yes Clerk.

**Clerk:** Clause 6(1)(b)?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes Chairman?

**Hon. Katana:** THAT clause 6(1)(b) of the Bill be deleted and the following new clause be inserted to read-

*6(1) (b) monies from the repayments of loans granted to a student through the partnership between the Higher Education Loans Board and the County;*



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I would like Honourable Mbaya to second.

**Hon. Salim Mbaya:** I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Honourable Mbaya, what exactly are you seconding?

**Hon. Salim Mbaya:** *[Off microphone] ...[Inaudible].*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay, we are introducing a new clause here. Right? You are proposing that we introduce a new clause and deleting the previous one for the Bill. That is 6(1) (b), please read the clause that you want us to introduce?

**Hon. Katana:** That is 6(1)b *monies from the repayments of loans granted to a student through the partnership between the Higher Education Loans Board and the County*; Maybe if you need some more explanation to this, I can do Mr. Speaker.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think that is self-explanatory Members, anyone who needs explanation to that? Yes?

**Hon. Makanga:** Maybe can we get clarity because this is part of the sources of funds, how is the partnership or at what point will the County government come with partnership with HELB because it is a source of the funds here. So, at what point does the County government come in partnership with the HELB so that we are able to have it enshrined with this act.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, Vice Chair would you like to respond to that? Yes Chair.

**Hon. Katana:** Because my vice has not gotten the question, I beg to answer. What we learnt is that the County government has no mandate to give out loans to students simply because that is a function of the national government and for us to have this you asked about the source of funds, these will be monies from the County government in this scheme. Now the staff from the HELB will be the ones helping us in disbursing these what we call educational loans to members since it is a function of the national government, I do not know whether I have answered your question but these are monies that are coming from the same scheme...

*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Take your seat you will be given time.

**Hon. Katana:** It is only the process of giving out that will be done by the HELB staff. Thank you, Speaker.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, Honourable Frankline Makanga.

**Hon. Makanga:** I am sorry I am yet to understand exactly if these ones belong to the County government and we are giving out these funds to our residents of Mombasa County and again we come. I wish the Chair will give attention because he has to respond to this question.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Please Honourable Mbelle, if you have any question, you will be given the chance to ask here. You are a Member of the Committee? Okay please respond.

**Hon. Makanga:** Mr. Speaker, from the explanation of the Chair is that these funds are from the County government which we as the County Assembly has appropriated to be given out to the needy students from within our County. But again, here comes a scenario that we are told we are unable to administer the loans and therefore HELB officers come and administer on our behalf so am not yet clear because these are some of the questions that we will be asked by our people; how will HELB come in here to administer funds of the County government and if these funds are from the HELB, then what is the point of indulgence from the County government and what is the working relationship between us and HELB in administering these funds?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think I get you very clear Honourable Frankline; other Members just for the sake of this argument I just want to clarify one thing we are talking about the sources of fund for this scheme. The first source we said is money appropriated by the County Assembly, the other one as suggested by the Chair is saying another source is monies from the repayment of loans granted to students by the County in partnership with HELB. So, I understand where he is coming from because at what point we made any arrangement with HELB where does it come, do we have an existing arrangement with them? Please clarify on that. Yes, Honourable Mbelle you want to clarify on that?

**Hon. Mbelle:** Mr. Speaker Sir, I rise with the permission of the Chair, I am a Member of the Education Committee and the Higher Education Loans Board (HELB) for some time since independence are the first people to start offering loans and administering the loans. So, what we are doing with HELB is for them to come in to help us in administration issues of the funds. They are not giving us any monies; it is just because they are experienced and they know how to administer those funds but the sources are from the County we are the ones who will be giving the money and be held accountable for them. Now when it comes with how we are in collaboration with them is through an MOU that according to the department when we met, they said they had the MOU already. At some point we have the MOU, and according to the COB they are telling us that HELB has the experience so it will not be right for us without experience to continue or start administering the funds. So, it is a matter of intergovernmental relations to help us on issue that they are already ahead of us when it comes to administration but they are not taking any funds from us neither are we giving them any funds in their coffers. They come from our coffers and will be given from coffers return to our coffers and again be taken back to the people as revolving fund. I hope you have been answered.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Honourable Makanga, are you satisfied?

**Hon. Makanga:** *[Inaudible]*.

**Hon. Omondi:** Just to add on what Members has said is that also the revolving it is called a revolving loan scheme, that is how we call it, it is revolving meaning that you know in 2014 Act there was no regulation. It existed there was this particular provision but there was no regulation meaning that one that is the reason why we could not have done we were not able to provide the loans. We have never done that actually so we want to start doing it that is why we are amending this clause. That is why whatever of the Auditor General actually questioned on it, it is there but it is silent. We are not giving loans so how are we going to give loans without regulations. Now when you look at this new Act, we are provided regulations; regulations are who qualifies for it; is number one, two and how much needs to be given, how the management is going to be managed. That is now what we are providing in this particular Act so that it is clear to them. Thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, Minority Leader.

**The Leader of Minority** (Hon. Matsaki): *[Inaudible]* ...Meaning you need the education loans board to come in so that they can show you the method; in short because the County does not know how to give loans? So, you want the loans board to chip in so that you can be able to method. Isn't it? That is what is meant, right?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): They will respond to it.

**The Leader of Minority** (Hon. Matsaki): Ndio naelewa hivyo, wacha nizungumze kwa Kiswahili sanifu, kwa ufupi HELB wanakuja kwa ajili ya kuonyesha njia mwafaka kutoa hizo mikopo. Ndivyo nimeelewa.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): It is okay, he will respond to that.

**The Leader of Minority** (Hon. Matsaki): Kwa sababu Kaunti haina usaidizi ndio ikawa ije HELB. Hivyo ndio nimeelewa. Ahsante.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Minority Leader you are asking rhetorical questions. I want you to ask direct questions. Are you seeking engagement of that question?

**The Leader of Minority** (Hon. Matsaki): *[Off microphone]*.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): And the rules are very relaxed by the way so let us not be very rigid in our engagements, proceed please?

**Hon. Katana:** Mr. Speaker, I can see Members are lining up outside I do not know why, but okay let me start by answering him the HELB is not coming in to show us how to do it, they are coming to do it because of two reasons; one there is already a scheme, there is already a way on which the national government is giving out loans to students and that structure is meant to work to all students who want loans and let us not forget our mandate as County government, because mostly we were meant constitutionally to be dealing with what we can ECDEs. So, these HELB staff are coming to do it because staff have the know-how and the experience. Second, if we are to do it then at the first place, we will be increasing the wage bill at Mombasa County and yet it has been fighting this menace of wage bill.

The HELB is coming for free; we are not even paying a single cent for their service. Another thing Chair, I want it to be understood that these amendments are direct recommendations from the COB and these are the very people who stopped us from misusing our bursaries, for us to amend this thing now we are still working on amendments that were given to us by the very body that denied us the process to continue with the process of issuing our bursaries. Thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Chair I want to caution you something here you are telling these amendments are imposed on us, you are saying its either this way or we will be denied scholarships. So please I am cautioning you to stop misleading the Members they have the right to make amendments, they have the right to engage each amendment you are talking about.

**Hon. Katana:** But Speaker in whatever we do as an Assembly we have to go exactly according to the laws that are put by the national Assembly, so if we do not base our argument on the laws that were set by the national assembly definitely and that is the reason as to why everything was stopped but I stand guided Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Chair, we shall use the format proposed, however we can tailor make it here in this House and Members have the liberty to make their amendments and to question each amendment. Yes Frankline.

**Hon. Makanga:** Mr. Speaker, I would request that for record purposes the statement that these amendments have been made to this House by the COB, it must be withdrawn. We are not an extension of the COB; we are here to pass laws that when we stand before the people in Mombasa County, we can remain accountable of whatever law we passed. So, whatever we are doing here including all the amendments there is no single amendment here from the COB these are amendments proposed by the people of Mombasa and stakeholders in education so let it not be in record that this House was helped by COB to make this Bill. Thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you before you respond let me give Honourable Mwaura. Yes, Honourable Mwaura.

**Hon. Katana:** I do not understand what the problem is.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You will be given a chance to respond. Honourable Mwaura?

**Hon. Mwaura:** Thank you Chair for protecting me. I think the problem is just the terminology that has been imposed on us but the COB has the mandate to give advisory on any legal matter concerning this particular matter. But Mr. Speaker, I rise to just ask because we are now doing it in conjunction with HELB then do we have regulations on how the money gets into the HELB and how the money is given back to the County! Where are the regulations on how they are managing the money on behalf of the County? That is the question I wanted to ask.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay I think the point made by Honourable Franklyn was well understood if you want to respond to it let me give you the opportunity to respond.

**Hon. Katana:** Chair, I do not know what is the problem with the Honourable Member not unless he comes out clear! Yes, because I do not know what his problem is and why should HELB come in, or I do not understand it let him explain. Does he have a problem with HELB coming in to do that process without payments and all that.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): He does not have a problem surely; he is just questioning it and he has the right to question it and you cannot take that away from him, Yes Honourable Florence.

**Hon. Kachumbo:** Thank you Mr. Speaker. I think my colleague was very clear because I also do not understand based on what Chairman..., your response was not clear based on what Honourable Frankline Makanga said, because am a beneficiary of HELB and I do not understand how it connects with the County Assembly on giving of bursaries, so please explain thoroughly be specific, clarify on that.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Question well understood. Chairman I would like you to respond to these questions without getting personal, without unnecessary agitation, just respond to the questions.

**Hon. Katana:** Okay Chair. I think when am up you will understand me, and I will speak things as they are; whether you will feel things are imposed or not, we all gave out bursary forms, then ask yourself why have we not given out the cheques yet we gave out the bursary forms. With the previous Act why have we not! To mean there is a body that stopped the whole process, whether you will call it being imposed or what I cannot give a best explanation to that, but all what am saying is these are guidelines that the County government through this very Honourable House was given by a number of bodies, even some individuals gave out ideas on how they feel things should be conducted towards whatever things we are doing pertaining these funds and some of these advices, like changing the name from a fund to a scheme...

*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes? Honourable Chair just take your Chair please?

**Hon. Makanga:** Mheshimiwa Spika hii ieleweke kwamba katika Bunge hili hakuna mtu anapinga sheria hii, hii ni vizuri ieleweke kwa sababu naona Mwenyekiti badala atueleze sisi tunachotaka kujua hatuna shida HELB kusaidia serikali kupeana fedha hizi ili watu wetu wasaidike na ifanyike kwa njia ya sawa, kusiwe na misukosuko mpaka hapo tunakubaliana, lakini tunachotaka kuelewa ni kwamba hii HELB ambayo inafanya kazi ikishirikiana ama ikiwa chini ya serikali kuu ndio ijiipate pia inashirikiana na serikali ya Mombasa katika kuweza kusaidia pesa hizi zipeanwe kwa njia ya sawa, yaingia vipi twataka kuelewa inaingia kwa mpangilio upi? Na wanapoingia katika huu mpangilio majukumu yao yatakuwa ni yapi? Na je serikali ya Mombasa nao majukumu yao yatakuwa yapi ili lile kusudi ama lengo kuu liweze kuafikiwa?! Hiyo tu ndiyo Mheshimiwa Spika ndiyo tunataka kuelewa. Kwa hivyo mtu asituambie kwamba tulipeana fomu za basari hilo tunalijua na waliopewa ni watu wetu lakini twataka tujue wanapokuja katika huu mpangilio kisheria wameingia vipi ili baadae tusije tukajipata kama Bunge tulipitisha kitu ambacho hatukukielewa Mheshimiwa Spika.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, well understood Chairman. I think ?? this House that you explain to us without a necessary detail we are talking about Mombasa County Elimu Scheme that will provide bursaries, that will provide scholarships, we are talking about the revolving loans, subsidize tuition students of the County, right? At what point are we going to engage HELB and to what extent? Are we going to engage them at the disbursement level or when are we going to collect this revolving fund, just be clear please!

**Hon. Katana:** Ahsante Mheshimiwa Spika. Pale ulipokuwa unapakataa Mheshimiwa Spika amepaleta sasa anauliza swali la maana, la kueleweka! Sitaki kusema yale alisema yalikuwa hayana maana lakini hili linaeleweka hapa jambo si basari, si vitu vyengine jambo ni ule mkopo kwa ajili ya karo za shule na mahusiano ya ule mkopo na hichi kitengo cha HELB hilo ndilo swali. Sasa hilo swali kukujibu kwa urahisi kwa sababu hiyo *function* ni ya serikali ama hiyo shughuli hiyo ni serikali ya kitaifa na kuna kitengo kizima cha kushughulikia hayo na kukaandikwa mkataba ya kwamba endapo serikali ya Kaunti ya Mombasa itataka kupeana mikopo kwa wanafunzi basi itapata mwongozo wa kutoka hicho kitengo cha HELB. Hiyo *process yote application and all that* zikiletwa kuanzia hapo kuendelea watakuwa wana muongozo muafaka utakaotoka kwa hili shirika la HELB na hii inafanyika bila malipo yoyote na nilikuwa naona tashwishi kubwa sana Mheshimiwa Mwenyekiti najua ukikaa hapo hatufai kukuita Spika lakini tashwishi kubwa niliokuwa naona pengine ilikuwa inajitokeza kwamba hawa watu wa HELB pengine sisi kama serikali ya Kaunti tunataka tuwalipe hawa watu kwa sababu ni kazi yao tayari wanaotoa hapa ni muelekezo ili serikali ya Kaunti ya Mombasa kwanza isiingie kwa gharama ya kuandika watu zaidi kazi kwa sababu tuna uzito wa wafanya kazi. Pili kuwe kuna mueleweko wa kueleweka kutokana na watu ambao wana desturi ya kuifanya hii shughuli. Ahsante.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think we have exhausted that point.

*[Interruption]*

**Hon. Omondi:** I would like to add something.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think before you add something Honourable from Junda has a concern?

**Hon. Kai:** Ahsante Mheshimiwa Spika kwa kunipa fursa japo niseme machache kuhusiana na Mswada ama nini Bwana Mwenyekiti. Ni Mswada nimesikia ukiitwa sheria kitambo lakini ni marekebisho, mimi kidogo mtanisamehe najua nimetoka Junda mambo ni mengi si kuwa niko maakini sana lakini nimesikia kukitajwa maneno ya mkopo, mkopo bila shaka ni mkopo hii imenilazimisha nisimame...

*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Revolving loan, okay proceed?

**Hon. Kai:** *Revolving loan* na *loan* ni vitu viwili tofauti? Ukisimama Mwenyekiti utanifahamisha tofauti ya hilo, lakini swali langu kuu ambalo limenifanaya nisimame ni kwamba kidogo nimeshtuka kwamba hizi fomu tulipeana ni basari ama?



Sasa pengine ni wanafunzi tunawapatia mikopo kisha iwe baadae mpangilio wa kulipa. Naomba kufahamishwa tu kwa kifupi. Ahsante.

*[Applause]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes Chair, just respond to this matter once and for all so that we can proceed as we have a long way to go.

**Hon. Katana:** Ahsante. Nataka nimshukuru Mheshimiwa wa Junda ameuliza swali la maana. Tulichopeana ni *bursary* na jina la fomu za basari na Kiswahili jina la basari nimesahau kamusi nyumbani lakini ile ni pesa inatolewa kusaaidia mwanafunzi kulipa karo na hairudi lakini huu mkopo ambao imebeba jina la *revolving* ni kwamba wewe kama mwanafunzi ni lazima urudishe ili mwenzako nae iweze kumsaidia na kuendelea hivyo hivyo. Si ni sawa sawa na mara nyingi watu wa kuanzia kidato cha kwanza mpaka kidato cha nne sijawahi kusikia mahali popote wakipewa huu mkopo. Kwa sababu ya wakati niruhusu niseme maneno hayo machache tu. Ahsante Mwenyekiti.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You are not satisfied?

*[Honourable Kai off microphone]*

Proceed?

**Hon. Kai:** Kulingana na Mheshimiwa Katana kama nimemuelewa vizuri ni kwamba hii ni marekebisho ya Elimu Fund na imebeba mambo mengi kwa hivyo kando na basari ambazo tunapeana ni kwamba pia mbeleni tutakuwa na mipangilio ya kupeana *revolving fund*. Kwa hivyo tunaweka ile mikakati yake kwa ajili ya mikakati ya mbele, sio? Lakini yenye tulipeana ni *bursary*, sio? Basi mimi nimeridhika.

*[Applause]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): *Sawa*. Just to put this matter at rest, there is bursaries, there is scholarships and revolving loans *sanasana* revolving loans will go to students and tertiary level universities and TVETS...

*[Interruption]*

**Hon. Omondi:** Chair!

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

**Hon. Omondi:** Through you please! I just wanted to add more soup on it so as to be well understood. The Honourable Member wanted to know the relation between the County government and HELB; what happens the HELB has got experts of running the HELB and other loans and it is the only Board that has got experts to run that and there is no other board again from the government which has got experts and the County government now will have an arrangement with the HELB on how they are going to run this revolving loan.



All the conditions will come from the County government, will instruct the HELB what they want, how much they need, who to give, the period and everything. All the regulations, everything will come from County government and their work is just to manage because again it will take long time for County training those people who are going actually to run this particular loan scheme, it is costly and that is why we seen better just the way the Auditor General has advised to use the HELB to run this particular scheme, okay the loan was there but there was no regulation, now we are putting up regulations so that we can be able to actually give out that particular loan. I think that is well understood.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think now you are leaving the House not really understood now I want to put or before I put the question...

*[Interruption]*

**Hon. Makanga:** ...*[Inaudible]* The funds will be administered by HELB; he has brought that again and what we had understood from the Chair is *pesa tunapeana sisi wenyewe wale watakuja kupeana muelekeo. Sasa kama hii pesa inaenda kwa HELB, HELB wa administer hiyo fund then hakuna kitu hapa ambayo iko wazi kwa hivyo kama ni pesa yetu tuwape HELB wa-administer on our behalf, that will come up clear.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): *Sawa Daktari*, I think at this point you will be given the chance to whether say yes or nay at this point. So Honourable Members, I put the question that clause 6 (1)(b) be amended as proposed and be part of the Bill.

I have not heard you.

*[Question put and agreed to]*  
*[Off microphone]*

Abstaining is part of saying nay so the ayes have it!

*[Applause]*

We will move to the next. Yes Clerk?

*[Clause 6 (1) (c)]*

**Hon. Katana:** Clause 6 (1)c of the Bill be amended by deleting the word, 'Fund' and inserting the word, 'Scheme' to read *a gift, donations, grants and endowments from legal sources made to the Scheme* and...

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, I propose that we made that amendment, okay Members that is a straight forward amendment so I now put the question that clause 6 (1)c be amended as suggested and be part of that Bill.

*[Interruption]*  
*[Off microphone]*

I have already done that, just take your seat! Because what exactly are you going to raise now, we are just changing the word, ‘fund’ to ‘scheme’, that all what we are doing.

**Hon. Kai:** *[Off Microphone]*.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): We were past that already!

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

Yes Clerk?

*[Clause 6 (1)(d)]*

**Hon. Katana:** Clause 6 (1) d).

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes Chair?

**Hon. Katana:** Thank you Chair. That Clause 6 (1)d) of the Bill be amended by deleting the word, ‘fund’ and insert the word, ‘scheme’ to read, *such funds as may vest in or accrue to the Scheme in the performance of its functions under this Act or any other written law.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, again we are deleting the word, ‘fund’ and replacing with the word, ‘scheme’. I now propose that amendment.

*[Question proposed and agreed to]*

Okay, now I put the question that the Clause 6(1)d as amended be part of that Bill.

*[Question put and agreed to]*

Yes Clerk?

*[Clause 6(2)]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes Chair?

**Hon. Katana:** The scheme shall be in separate bank account which shall be open and maintained in consultation with Executive Committee Member.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Chair, read the entire sentence please?

**Hon. Katana:** 6(2), I will read, *the scheme shall...*

*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): No! No! Before that.

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**Hon. Katana:** Pardon!

**The Chairperson** (Hon. Abdulrahman Abdulkadir): There is above that sentence?

**Hon. Katana:** Okay above that. Okay! That clause 6 (2) be deleted and a new clause be inserted to read, *the scheme shall have a separate bank account of which shall be open and maintained in consultation with Executive Committee Member.* Thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Initially it was the Board and now it is the scheme, I hope that is clear so now I propose...

*[Interruption]*

**Hon. Katana:** I kindly ask Honourable Shuhudia to second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I am yet to propose. I am proposing that Clause 6 (2) be amended as suggested by the Chair.

*[Question proposed and Agreed To]*

You second?

**Hon. Shuhudia Abdallah:** Yes.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Honourable Members, I put the question that Clause 6(2) be amended as part of the Bill.

*[Question put and agreed to]*

Yes Clerk?

Clause 7

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes Chair?

**Hon. Katana:** That Clause 7, be deleted.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): What is clause 7 saying? Please read for the Members?

**Hon. Katana:** Whom to read, Clerk or the Chair?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Your Vice Chair?

**Hon. Omondi:** Administration cost, expenses incurred in the administration of the Fund which amount shall be not more than 3 per cent of the total monies in the Fund as provided for in the Public Finance Management Act.

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*[Loud consultations]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Members, just have a look at it, I am encouraging you by the way before you make any contribution. I am encouraging you to use your microphones for purposes of Hansard. Just look at that clause talking about clause 7, that is under administration cost suggested that we removed it. Yes, please have a look at it.

*[Silence]*

*[Consultations]*

Members, any contributions? Yes, Honourable Mwaura?

**Hon. Mwaura:** Just asking. Thank you for giving me this opportunity. How we are deleting that Clause of Administration cost, you know there are administration costs, where are the cost now being taken to or how will the scheme run without administration cost! Now that one maybe we need to get answers. How are we running it without the cost?

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

**Hon. Makanga:** Ahsante Mwenyekiti. Wajua maybe we need to understand the spirit of that deletion it is either to save cost or opening a window for misappropriation so can the chair education committee tell us the reason behind or the spirit behind its deletion and the Chair is moving out.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Proceed? It is okay, the Chair.

**Hon. Kai:** So, my question that I feel pressed we cannot administer that Fund without the administration cost *na ikiwa hapa ilikuwa imewekwa kisheria pia ilikuwa inamaanisha kwa kiasi kikubwa itaweza kukabiliana na matumizi mabaya japo Mombasa huwa hawatumi vibaya, huwa wanatumia vizuri. Sasa kwa hili ikiondolewa tutaweza vipi kuweka mikakati ya kuhakikisha kwamba pesa hizi hazifujwi na zinaenda kulingana na vile zimepangiliwa.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, as we wait for the Chair. Yes, I am informed that he is out to consult. Yes, Honourable Milka I am sure you want to make your contribution, yes?

**Hon. Ngare:** Thank you Honourable Speaker. Sorry Chair...

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Speaker, fine.

**Hon. Ngare:** Chair, Speaker cum Chair I was just clarifying something to Honourable Leila but I think it is good we get clarity from the Chair if he has gone to consult probably, they want to delete this because the officers working in that Fund are salaried and they will be doing their daily jobs so they may not need any other monies to run the Fund but let the Chair seek clarity and come and give us clear information. Thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Are you a Member of the Education Committee?

**Hon. Ngare:** No, I am not.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): ooh but you are privileged with some information?

**Hon. Ngare:** Yes.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay.

**Hon. Ngare:** And probably being a professional teacher, I will understand one or two things, thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): We are talking about the scheme and here.

**Hon. Ngare:** Yes, the scheme is run under education which docket...

*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Not run by teachers.

**Hon. Ngare:** Which docket do I happen to fall?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay well understood. I think the existing clause was meant to curb, it was meant to give a ceiling on the level of expenditure incurred in the course of administering this Fund, so when we delete the entire clause are we going to give an open cheque that is the question Chair. Proceed?

**Hon. Katana:** I proceed with what Chair? I was out a little bit.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): So, the question was why are we deleting that clause?

**Hon. Katana:** Okay, now the Honourable Member *ameuliza hili swali, lina maana na* sometimes it is always good if he asks something we get to know behind it. Scheme *haina hizi* limitations but any fund anywhere in Kenya *wamekewa hii ya 3 per cent na hii* scheme *hakuna vile itatumia pesa yoyote bila approval zetu hapa. Sasa* this House becomes the controls of the much that *watakuwa wakitumia kwa sababu kisheria* scheme *hii ni sheria yenye daktari hapendi kuisikia lakini ni sheria* but Fund *ndio inawekewa hii asilimia tatu lakini* scheme *ilivyoingia neno* scheme automatically *imeuwa* this 3 per cent. *Sasa sisi ndio wakileta bajeti zao* and all that *wakileta tutaamua tutapitisha ama tukatae na mimi hii naipenda zaidi hata kuliko ile ya asilimia tatu ambayo haiko* visible in the House. *Hii lazima walete tupitishie sisi, tunawapitishia na hii* amount *ama tunawakatalia lakini hakuna mahali popote ndani ya Kenya yetu kwa mujibu wa sheria kwamba inapewa hii ceiling 3 per cent hakuna.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you Chair. I think that has come out very clear. Yes, Honourable Makanga and Mwaura, that is very clear?

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*[The Honourable Members nodded in approval]*

Yes, you have an opinion? Please proceed.

**The Minority Leader** (Hon. Matsaki): Through this I think the Chair of Education has explained it ... Executive Member be fully mandated to conduct this. Isn't it? According to what you have said in short *kutakuwa na uamuzi wa mwaka, si ndio?! Ndio sababu hiki kipengee chatoka kwa sababu ya Scheme, si ndio hivyo?* Halafu pili kulingana na vile umezungumza pia hapa kulingana na uelewa wangu mimi ni kwamba pia *the bank account under scheme* mtakuwa pia nyinyi *mnai-control*.

**Hon. Katana:** *[Off microphone]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think that is well understood, the County Assembly has the right to all the mandates to appropriate the budget so let us proceed, we are going to as we suggested, we have to delete clause seven so I am proposing we delete that clause seven?

*[Question proposed and agreed to]*

Now, I put the question that clause seven be deleted?

*[Question put and agreed to]*

Yes Clerk?

*[Clause eight]*

Yes Chair?

**Hon. Katana:** Mr. Speaker, Clause 8 of the Bill be amended by deleting the word, 'Fund' to read, '*a board of the scheme*'.

*[Silence]*

Are you there Chair?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Just read the entire sentence. Yes, *soma yote mpaka hapo*.

**Hon. Katana:** *Nimesoma yote*. Chair, are you there?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Clause?

**Hon. Katana:** Clause eight of the Bill be amended by deleting the word, 'Fund of the marginal note to read, 'Scheme'. That clause 8(1)?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): 8 (1).

**Hon. Katana:** I go to 8(1).

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

**Hon. Katana:** Okay, the Bill be amended by deleting the word, 'Education fund' and inserting the word, 'Elimu Scheme' to read *there hereby establish a board be known as the Elimu Scheme board comprised of...*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think I have understood that. Members have also seen that, so should I propose?

**Hon. Katana:** Do I still proceed because 8(e) also speaks about...

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, please do that.

**Hon. Katana:** That clause 8 (1)(e) of the Bill be amended by deleting the word, 'fund' and inserting the word, 'scheme' to read *the Chief Executive who shall be the Administrator of the Scheme and the Secretary to the Board*. Thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think here we are not interfering with the content of the Bill we are just replacing the word, 'fund' to 'scheme'. That is well understood. Yes, Chair do you want to react?

*[Honourable Member Spoke out of microphone]*

**Hon. Makanga:** *[Inaudible]* Na unajua kuna viongozi hapa ambao walikuja kuwakilisha vijana japo hawako Bunge kwa sasa lakini nimeangalia hiyo 8(1) Mheshimiwa na ningeomba Mwenyekiti 8(1)a) ...*A Chairperson appointed by the Governor.... who shall have a minimum qualification of a degree and ten (10) years' experience and knowledge and matters relating to financial management, economic, education law or business administration.* Mheshimiwa Mwenyekiti naongea kwa niaba ya vijana mimi nikiwa mmoja wao ya kwamba, hii moja kwa moja imetoa vijana, kwa sababu kufikia muda umemaliza shule, umefanya *degree averagely* uko miaka 25 ukiwa utoke hapa nje u *hustle* miaka miwili, ndio upate kibarua na ujuzi wa miaka 10 *you are no longer a youth*. Kwa hivyo hii naona itakuwa imem *limit* ama imemzuilia Mheshimiwa Gavana kuweka kijana kuwa Mwenyekiti hii *Scheme*, labda Mwenyekiti wa Elimu kwa sababu ni mzuri kwa kujibu maswali, atueleze labda kulingana na yeye kijana hana haki ya kuwa Mwenyekiti wa *scheme* hii, lakini kwa niaba ya vijana nikiwa mmoja wao, mimi naona hii miaka kumi ni mingi kama ujuzi wa ku *manage this Fund and the youths of this Country especially Mombasa, have a right to Chair such a scheme*. Thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, Honourable Milka?

**Hon. Ngare:** Thank you Chair for giving me this to briefly respond to Honourable Makanga. There are some situations where experience is a matter of importance; age is one factor to consider when certain areas call for youth who are below 35 years, definitely those people who are above 35 years cannot fit there. There are areas where above 35 years the people below 35 years cannot fit there, experience is a very important point to consider when giving a job to some people to manage others.



I think this is a clause that we cannot argue about considering age of youth representation and so on and so forth. We have seen many youths I am not saying that a youth cannot Chair...

*[Interruption]*

**Hon. Makanga:** But that is the law. Ten years is a law.

**Hon. Ngare:** Speak through the Chair, let us have order.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, let us maintain order please.

**Hon. Ngare:** So, I think this is a clause that we cannot really argue about or interfere with, because experience has shown, that their areas where certain people do well better than others, Honourable Frankline Makanga please respect age thank you so much.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay thank you without going much into that matter, I think before such...

*[Interruption]*

**Hon.:** ...*[Inaudible]*, *[Off microphone]*.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): No, we are just going to put that matter at rest. I think some of these issues are guided by the Public Service Commission, so what they say things like, ten years' experience and all that, they consider the job description,

**Hon.:** *[Inaudible]*, *[Off microphone]*.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): So, it is not imposing so desist from that, so let us proceed Members. Now I propose that the amendment clause 8 as amended adopted be part of the Bill.

**Hon. Omondi:** I second.

*[Question proposed and agreed to]*  
*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): We cannot be having one Member seconding all the amendments.

**Hon. Omondi:** I will second then Mr. Speaker.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): It is not right.

**Hon. Omondi:** When others are quiet am there to respond.

**Hon. Ngare:** No Mr. Speaker, let other Members second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Let other Members to second please or we will turn off your microphone. So, Members, anyone seconding?

**Hon. Ngare:** I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You second it?

*[Applause]*

So, now I put the question that clause 8 has amended be part of the Bill?

*[Question put and agreed to]*

Yes Clerk?

*[Clause 9]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes Chair?

**Hon. Katana:** Thank you Mr. Speaker.

1. **THAT** clause 9(3)(a) of the Bill be amended by deleting the word “Fund” and inserting the word “Scheme” to read—

*9(3) (a) supervise and control the day-to-day administration of the Scheme;*

2. **THAT** clause 9(3)(c) of the Bill be amended by deleting the word, “Fund” and inserting the word, “Scheme” to read-

*9(3) (c) consult with Executive Committee Member and the Board on matters relating to the administration of the Scheme;*

3. **THAT** clause 9(3)(d) of the Bill be amended by deleting the word, “Fund” and inserting the word, “Scheme” to read—

*9(3)(d) be responsible for keeping proper books and records of account of income, expenditure, assets and liabilities of the Scheme; and,*

4. **THAT** clause 9(4) of the Bill be amended by deleting the word, “Fund” and inserting the word, “Scheme” to read-

*9(4) The Chief Executive Officer shall be appointed by the Executive Committee Member as the Scheme Administrator and will be the Accounting Officer of the Scheme.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, Honourable Members, now I propose that Clauses 9(3) (a), 9(3) (c), 9(3)(d), and 9(4) be amended as read by the Chair. I propose that question?

**Hon. Nyache:** *[Inaudible]*.

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**The Chairperson** (Hon. Abdulrahman Abdulkadir): Please use the microphone.

**Hon. Nyache:** I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you so much Honourable Members. I now put a question that clauses 9(3)(a), 9(3)(c), 9(3)(d), and 9(4) be amended and be part of the Bill as proposed?

*[Question put and agreed to]*

Yes Clerk?

*[Clause 10]*

There is no amendment on clause 10, but I proposed to be part of the Bill?

**Hon. Katana:** I humbly ask Honourable Nusura?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I am proposing it, anyone seconding it? Clauses 10 just have a look at it please, before anyone seconds it.

**Hon. Katana:** May I read it?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think they can read it for themselves. Clauses 10, are we there? You have read it.

*[Applause]*

Honourable Members, now I put the question that clause 10 be part of the Bill?

*[Question put and agreed to]*

Yes Clerk?

*[Clause 11]*

Clause 11 does not have any amendment. So, I propose that it be part of the Bill, we can have 30 seconds to look at it maybe, clause 11 it talks about the powers of the board. Now you second, now I put the question that clause 11 be part of the Bill without any amendment?

*[Question put and agreed to]*

Yes Clerk?

*[Clause 12]*

Yes Chair?

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**Hon. Katana:** Mr. Speaker.

1. **THAT** clause 12(a) of the Bill be amended by deleting the word “fund” and inserting the word “scheme” to read-

*12 (a) to formulate policies for the management of the Scheme;*

2. **THAT** clause 12 (c) of the Bill be deleted and the following new clause be inserted to read-

*12(c) to solicit for funds, donations, scholarships and other financial support for the Scheme;*

3. **THAT** clause 12 (d) of the Bill be amended by deleting the word, “Fund” and inserting the word, “Scheme” to read—

*12(d) to determine the amount payable for the purpose of the Scheme and formulate the conditions for disbursement;*

4. **THAT** a new clause be inserted after clause 12(e) to read—

*12(f) partner with other specialized agencies for purposes of performing its functions under this Act;*

5. **THAT** clause 12(h) be deleted.

6. **THAT** clause 12 (j) of the Bill be amended by deleting the word, “Fund” and inserting the word. “Scheme” to read—

*12 (j) to receive any gifts, donations, grants or endowments made to the Scheme; and*

Thank you Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): And what?

**Hon. Katana:** It is a continuity.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay well understood. Honourable Members, now I propose that clause 12(b) as amended be part... okay before I finish it, Honourable Makanga you want to be given a moment?

**Hon. Makanga:** Yes, Chair I would ask this Honourable House to consider amending Article 12(I) which reads, “to grant loans out of the funds...”

*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Honourable Makanga, it’s clause not article.

**Hon. Makanga:** Okay clause 12(I) to grant loans out of it is now a scheme, that had not been considered, the amended with security. I would suggest that the issue of security maybe the Chair can clarify, because granting a loan to a student who is asking for help and there are many people we are considering to support out of these loans they are low income people at the Ward that we are helping and today we are giving them loans for school with security. So maybe the Chair can clarify what type of security is this? As far as these loans are concerned.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Chair that is very specific, so your answer should be very specific.

**Hon. Katana:** You know me for answers which are not specific Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You are good story teller, that is what I wanted to say.

**Hon. Katana:** Maybe since we have somebody who has HELB maybe Honourable Florence, she is gone? It is a good question Chair that it is not being bright if you do not have answers to some questions but I believe since there are some credentials that somebody is given after completion of his studies, then those credentials turn to be security I suppose.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): If that is the case, anyone who is a beneficiary of HELB here?

**Hon. Ngare:** Chair, I have had my children benefit from HELB and usually what happens is the security is usually pegged on a salary when the student completes. I know one of my employees here at the County who benefited from HELB the minute the name appeared on the employment list and they start deducting the money immediately. So, I think the security is pegged on salary not anything else and that is why they take details as the Chairman has said. Details of a parent and yourself, ID number, pin number and so on. I do not think that you have to give security like a logbook or something like that for you to benefit on HELB that is how I understand it, thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Anyone? Yes Ogutu? You want to have a say on this as a beneficiary of HELB? Please use the microphone.

**Hon. Ogutu:** Thank you Mr. Speaker. I just wanted to echo what Honourable Milka has said. Thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think the element of security is not pegged, usually the certificates are not withheld from those who don't pay and your issue is the certificate. So, when we talk about security what exactly are we talking about here, it's very vague, is it the title deed? We can't be given time we are making amendment.

**The Leader of Minority** (Hon. Matsaki): Through Chair I think first and foremost as per my knowledge, you should be a Kenyan citizen as Honourable Milka has said, I think once you are done with your course after you have managed to get the job automatically, then they are trying to...

**The Chairperson** (Hon. Abdulrahman Abdulkadir): That is what we said voluntary, that one is usually voluntary, it is not pegged on salary again, the issue of salary is voluntary and am a beneficiary of HELB.

**The Leader of Minority** (Hon. Matsaki): It is voluntary?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, it's voluntary, it accrues interest failure to pay.

**Hon. Ngare:** Yes, but if you have not been paid and you get on a payslip it's automatically start deducting it, it is automatic. Oh, my goodness if you have not have been paying and you get on into a payslip and your name happens to shows that you are earning, it is automatically deducted that I will tell you for sure because, I have had three students who have gone through HELB and I know that has happened.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): They have a payslip?

**Hon. Ngare:** Yes.

**Hon. Makanga:** Chair?

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

**Hon. Makanga:** [Off microphone] ... is that it is not automatic, that is why we have so many cases Chair, of lawyers being taken to court because of failing to pay. It's not automatic unless someone declares that I am a beneficiary of HELB and therefore the deductions start from there. On this issue of security Chair, it is my humble submission, because I see a situation where the board has been given mandate as its stated in that article, as the board may deem it fit to any eligible person. When this decision will be made Hon. Members, you as a representative of people you will not be in that sitting or meeting and you really don't know who they will conclude at that point. So let us not pass laws that are vague but let us be specific and a law that is progressive. Thank you Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay in as much I agree with you Hon. Frankline however, when issuing issues to do with revolving it's a loan, we are issuing a loan to a person. Definitely the aspects of security have to be there to avoid misuse of these funds, so to what extent or rather to as in what is going to be, it will be the mandate of this board to determine the type of security; I think I will ask the Chair maybe if he will clarify in a few minutes, yes Honourable Ogutu?

**Hon. Ogutu:** Mheshimiwa Spika hii sio basari ya kwanza ambayo inataka kutoka...

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Si basari tuko kwa loans tafadhali.

**Hon. Ogutu:** Kwa loans?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Tuko kwa mkopo.

**Hon. Ogutu:** Oh, lakini mtu yuko *needy* hana *any form of security*, unataka kumuwekea security hata HELB haiendi namna hio, sisi tuweke na hii kitu ni ya serikali, iwekwe free siku ile mtu anaweza kulipa alipe...

*[Applause]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): So how are we going to safeguard this revolving fund Honourable Members? Let us be logical, how do you want to safeguard this revolving fund? It should not be a revolving fund but a grant. It should be a grant?

*[Loud consultations]*

I think, so yeah, I do not think that will be possible Honourable Members, it is not logical, how are we going to safeguard that revolving fund, we want it to continue for years to come. If we do not put the element of security, yes?

*[Loud consultations]*

I think we are having a very healthy dialogue.

**Hon. Makanga:** Chair, maybe because you can see we are almost hitting a snag in relation to the issue of security, we would suggest you see one of the good practises is before a Bill comes to the House there is a policy that guides us, as it stands there is no policy behind this act. So maybe as the policy is being prepared it needs to take care of the issue of security so that, it becomes very specific, so one of the undoing that we are having right now and the committee will confirm, there is no education policy in relation to this. So, by the time that Committee will be preparing that policy they must check the gaps to identify in this act to be included in the policy for easy implementation and execution of this Act, otherwise we are opening a Pandora box that anybody can wake up any day and decide that this fund is secured with a title deed or a car loan. The people we are representing are poor, I represent the poorest that's why I came here so that I speak for them thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, Honourable Milka.

**Hon. Ngare:** Thank you Chairman. On the issue of policy I really want to support Hon. Makanga that while the policy is being made, let it look into the gaps that we are identifying and let us have time as Hon. Members of this House, to be taken through the policy so that we get through to assist the executive plus us the Hon. Members on the gaps that we have identify, so that we can avoid a scenario whereby we are going to create probably a burden on parents or a gap that creates on whatever reasons, but again I will go back to the issue of security that in every penny that is being spent there has to be a measure on security purposes and I will repeat what I said that, on students once you get on payslip payment you will automatically be identified and those who are skipping payment of HELB, you know we live in a country where there is a lot of corruption and trickiness. There are some people who manage to slip through because, probably they know somebody there and they go and have their names deleted...

*[Interruption]*



**The Chairperson** (Hon. Abdulrahman Abdulkadir): Honourable Makanga just have a seat, it's very important that you sit.

**Hon. Ngare:** So, I do support the policy and the security clause should remain there that is the measure for future thank you.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Maybe to add on that maybe, there is the issue of bursaries, we have scholarships. Scholarships I do not think they require any security, however when it comes to revolving loans that is when the element of security has been introduced. You wanted to answer that, I have already answered it for you or you want to add? Okay so I will ask the Chair maybe to reinforce that.

**Hon. Katana:** *Okay Chair nataka nimshukuru Mheshimiwa Milka kale ka ujuzi ametuchangia nako ni ka ukweli in the sense that and I would like to remind my very, that and this is the reason as to why HELB, COB advisors go the HELB way because of some of these challenges ya kwamba wana mechanism ya kwamba huyu mtu amesomeshwa amemaliza wao wana m track akiajiriwa tu! HELB wana mechanism wanajua na akishaanza kuajiriwa tayari anaanza kukatwa ile pesa that is the report am getting.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think you are misleading the House.

**Hon. Katana:** But that is the report am getting.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You are misleading the House.

**The Leader of Minority** (Hon. Matsaki): Mr. Chair, let me just add something to support Hon. Milka about this matter. First and foremost, the security for the student stands first and foremost we should a pin number. Ebu wacha nieleze Kiswahili sawa? kwa sababu sisi tumesomesha. Pin number huwa inasimama ile ni ya serikali unapokuwa umesaidiwa na HELB umemaliza. First and foremost, wanakupatia mda wa one-year ukitafula kibarua na unapoingia tu kazi automatically they have got your pin number, so all the time wakati ukiajiriwa tayari kitu ya kwanza una *present pin number, it goes to the system of the government*. Kwa hivyo automatically wanaanza kufanya follow up. Kwa hivyo security ya kwanza ya yule student ni pin number unaona? Ya pili *after one-year* huwa wanafanya *follow up* kupitia hizo *system* kuangalia wewe umeajiriwa upande gani na pale pale huwa wanaku *consult* na hawawezi kukulazimisha ni kiwango gani unalipa wakati ukiajiriwa huwa mna *negotiate* ya kwamba mimi mshahara wangu ni huu, payslip yangu ni hii kupitia kwa employer. Kwa hivyo contribution yangu itakuwa ni hii na mna *agree* na unaanza kukatwa. Kwa hivyo security kubwa zaidi ni hapo kwanza before you are given any HELB huwa ni pin number.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Honourable Members, let us come to an agreement that...

**Hon. Katana:** The House because this is information that I have gathered I have taken my time to gather that information yes how am I...

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I am a beneficiary of HELB by the way, so payment of HELB loan on my part was voluntary maybe it's because I didn't have a payslip, but it was voluntary, there was no way they could track the private company that I was working with and deduct my loan.

**Hon. Katana:** So, I need to be employed by the government for them to track?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Maybe that part, maybe unless you are an employ of the government that is the only way they can track.

**Hon. Katana:** So, you want to say Chair that the safest way when you have a HELB is to be employed by a private organisation?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I am not advocating that you don't pay HELB if that what you are eluding. But the point is this; anyways I think we should not...

**Hon. Makanga:** Mwenyekiti niruhusu niseme hivi.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): But be very...

**Hon ??:** Yes, Mwenyekiti naomba niseme hivi kwa heshima na taadhima...

*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You are already up so there is no way I could...

**Hon. Makanga:** ...liche ya kwamba wanasema *security* ni mshahara. Mwenyekiti ni watu wengi ambao wamesomeshwa na HELB ama wamepata mkopo hawana kazi Mwenyekiti na wengine wameamua kwenda kwa biashara zao ambazo hakuna mtu anajua wanapata nini hata kuna watu, kwani ni wangapi wako na *Pin Number* Mheshimiwa na *wanaapply waivers* na wanapata *so* kile tunasema ni kwamba hili suala la *security* japo hatupingi sisi tungeomba tu wakati tunatengeneza ile *policy* tuwe *very specific* ili tusiwafungie nje watu wetu ambao hawana uwezo jamani...

*[Interruption]*

**Chairperson** (Hon. Abdulrahman Abdulkadir): Sawa.

**Hon. Makanga:** ...eeh namna hiyo.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Sawa. Ahsante sana na vile nimesema kuna the aspect of the scholarship, scholarships they are meant for the...

*[Consultations]*

Definitely there is no way, we have to safeguard the Revolving Fund and I think it is better we keep it as it is.

So, Honourable Members now, I propose those amendments on Clause 12 as amended be part of the Bill. So, any Second?

*[Silence]*

You are becoming another Honourable Ibrahim Omondi (Bomoa) now. Is there anyone else? Use the microphone please, we are having professional seconders. Please use the microphone?

**Hon. Mwaka Bakari:** I second.

*[Question proposed and agreed to]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you. So, Honourable Members, I now put the question that Clause 12 as amended be part of the Bill?

*[Question put and agreed to]*

Yes Clerk?

*[Clause 14]*

*[Clause 13]*

Yes Chair?

**Hon. Katana:** Thank you Mr. Chair, Mr. Chair am sorry to say this but looking at the time is close to 2:00p.m...

*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Do not worry about the time, I have all the time.

**Hon. Katana:** Thank you Mr. Speaker, God bless you.

That Clause 13 (1) of the Bill be amended by deleting the words of the County which shall be the Manager of the Bursary Program to read that 13(1) *There is established a Sub-County Financial Aid Committee in every Sub-County of the County.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Are we together Members? Yes? I am proposing that amendment on Clause 13 (1) as amended be part of the Bill...

*[Interruption]*

**Hon. Katana:** I ask Honourable Maryam Baimu to second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Clause 13 (1) as amended be part of the Bill. Yes, anyone to second it, yes Honourable Baimu?

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**Hon. Baimu:** Thank you Chairman I second.

*[Question proposed and agreed to]  
[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Honourable Ibrahim Omondi, (Bomoa) what is the issue?

**Hon. Omondi:** Mr. Chair, we are wasting time with this issue of seconding; we are taking almost 10 minutes for somebody to second we are not going to sit here up to 7: 00p.m! Seconding takes 10 minutes, if there is somebody ready to second let them second and we move on Mr. Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): That is very unnecessary of you Honourable Ibrahim Omondi (Bomoa), this is a Special sitting we will be here until we are done with this okay and if you are hungry you might decide to go out and...

*[Interruption]*

**Hon. Omondi:** Mr. Chairman there is this issue of quorum.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): The more you indulge with me, the more you are wasting time I suggest we move on and let go of that...

**Hon. Omondi:** Let me have my seat.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Pardon? Okay so Honourable Members, I now put the question that Clause 13 (1) as amended be part of the Bill.

*[Question put and agreed to]*

Next?

*[Silence]*

Clerk? Honourable Makanga please take your seat, just take your seat however you have heard relax, it does not mean that you will be walking up and down just take your seats we proceed with this thing I will give you the chance to talk. Okay next?

*[Clause 13 (2, 3 and 4)]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): So, there are no amendments on Clause 13(2, 3 and 4). I propose the question that Clause 13 (2, 3 and 4) be part of the Bill. Yes Hon. Makanga do you have an issue? Yes?

**Hon. Makanga:** Ahsante Mwenyekiti hii *Sub-County Financial Aid Committee* Mheshimiwa Mwenyekiti na Kamati tukufu ya Elimu na Masuala ya...

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*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Wait!

*[Interruption]*

**Hon. Makanga:** Nilikuwa nauliza Mheshimiwa Mwenyekiti labda tungeongezea hili neno *education* katikati ya *Sub-County* na *Financial* so that isionekane kama ni ya matanga Mheshimiwa Mwenyekiti.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Mheshimiwa Makanga tushatoka huko, you walked out in the middle of the nini, we have limitations here as well by the way. So yes, please proceed you second? So now I put the question on Clause 13 (2, 3 and 4) be part of the Bill?

*[Question put and agreed to]*

Yes Clerk?

*[Clause 14]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes Chair?

**Hon. Katana:** Thank you I suggest that whatever is best practice but whatever is not in the amendment list I suggest that we just forget about it because of time;

**THAT** Clause 14 (e) of the Bill be amended by inserting the word, *revolving* after the word and to read as follows-

14 (e) *receive applications for bursary, scholarships and revolving loans and forward to the Board; and...*

I am done Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): So, I now propose the question that I propose a question...

*[Silence]*

*[Applause]*

So, Honourable Members, now I put the question that Clause 14 (e) as amended be part of the Bill?

*[Question put and agreed to]*

*[Applause]*

Clerk?

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*[Clause 15]*

Clause 15 does not have any amendment so am proposing that it be part of the Bill. Do you want to second it? Use the microphone please?

**Hon. Arwa:** I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay now I put a question that Clause 15 be part of the Bill.

*[Question put and agreed to]*

Clerk?

*[Clause 16]*

Chair?

**Hon. Katana:** Thank you Chair.

**THAT** Clause 16 (6a) of the Bill be amended by deleting the word, ‘*fund*’ and inserting the word, ‘*scheme*’ and to read-

*16 (6a) refund/forfeit the money awarded to the scheme and,*

**THAT** Clause 16 (6b) of the Bill by amending by deleting the word, *fund* and insert the word, *scheme* to read,

*16 (6b) not be eligible for any further funding from the scheme.*

Chair?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Now I propose that Clause 16 as amended be part of the Bill?

**Hon. Ngare:** I second.

**Chairperson** (Hon. Abdulrahman Abdulkadir): Now I put a question that Clause 16 as amended be part of the Bill.

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

Yes Clerk?

*[Clause 17]*

Chair?

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**Hon. Katana:** Chair.

**THAT** Clause 17 (2) of the Bill be amended by deleting the word, in the *Second Schedule* to read-

*17(2) all applications for scholarships shall be made to the Board in a prescribed form,*

**THAT** Clause 17 (6) of the Bill be amended by inserting the words *and other designated public places* to read-

*17(6) the list of successful applicants shall be posted on County website and other designated public places.*

Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, now propose a question that Clause 17 as amended be part of the Bill. Who is seconding?

**Hon. Shuhudia Abdallah:** I second.

*[Question proposed and agreed to]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay now Honourable Members I put a question that Clause 17 as amended be part of the Bill?

*[Question put and agreed to]*

Yes Clerk?

*[Clause 18]*

Clause 18 is not up for any amendment so am proposing that it be part of the Bill. Yes Hon. Ibrahim Omondi (Bomoa)?

**Hon. Omondi:** I second.

*[Question Proposed and Agreed To]*

*[Applause]*

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

*[Question put and agreed to]*

Clerk?

*[Clause 19]*



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**The Chairperson** (Hon. Abdulrahman Abdulkadir): Chair?

**Hon. Katana:** Thank you Chairman.

**THAT** Clause 19 to be amended by inserting a new clause 19 (e) to read-

*19(e) the beneficiary changes the course of study or differs his or her studies without clearance from the Board.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Clause what? 19?

**Hon. Katana:** Clause 19.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You are inserting a new clause?

**Hon. Katana:** Yes.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay read it.

**Hon. Katana:** That *the beneficiary changes the course of study or differs his or her studies without clearance from the Board.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Members, please pay attention; we are introducing a new clause here that it is touching on discontinuation from the scholarship programs, these are grounds provided. Honourable Chair Katana is suggesting that *a beneficiary discontinuing from the scholarship program if the beneficiary changes the course of study or differs his or her studies without clearance from the Board* are we clear on that...

**Hon. Makanga:** [Not audible].

**The Chairperson** (Hon. Abdulrahman Abdulkadir): That is why am suggesting you be very attentive...

[Interruption]

**Hon. Makanga:** We are very attentive.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You are not attentive that is why am insisting you be attentive. Okay, Proceed.

**Hon. Makanga:** Am now very attentive.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay.

**Hon. Makanga:** The issue of differing or changing a course; Chair thing does happen because you are out of control and changing a course, let us say you are going to do law and once you report to the university or realize your mind *ama uwezo wako wa kutathmini sheria*

*umekuwa mgumu ubadilishe ufanye* Bachelor of Commerce (BCOMM) that one should not become a disqualification Chair. So, we stand guided and of course this Act will pass...

*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): We? You?

**Hon. Makanga:** Yes, I support it.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): That is the reason why I told you to be attentive is because you fail to look at the word's *clearance from the Board* so the point here is that you need *a clearance from the Board before you change your course or you differ* and I do not think it is harmful so am proposing that the new Clause be part of the Bill, any Secunder? Members let us be organized, who is seconding? You cannot be all seconding.

**Hon. Nyache:** Thank you Chair, I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay I now put the question that Clause 19 (e) be part of the Bill?

*[Question put and agreed to]*

Clerk?

*[Clause 20]*

Yes Chair?

**Hon. Katana:** Thank you Mr. Chair that Clause 20...

*[Interruption]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Members! Members! the House is in session, Hon. Ogutu I can see you from some kamukunji there, so yes Chair?

**Hon. Katana:** Thank you.

THAT Clause 20 of the Bill be amended by inserting the word *establishment of County Revolving in the marginal* not to read *the establishment of County Educational Revolving Loan*;

THAT Clause 20 of the Bill is deleted and a new Clause inserted to read-*there is established a Revolving Loan Scheme to be managed by the Board and the Higher Education Loan Board (HELB) through a service contract agreement jointly signed by the County Government and the Higher Education Loan Board (HELB)*'

THAT Clause 20 (e) *The Fund committed to the Revolving Loan Scheme shall be managed, disbursed and paid back by the beneficiary in accordance with the signed serviced contract and the criteria set by the Board and the Higher Education Loan Board*,

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THAT 20(3) *Applications for the Revolving Scheme shall be submitted and processed in accordance with the service contract.*

Thank you Chair.

*[Silence]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Let me take a second to digest that please...

*[Silence]*

I think here we are talking about there will be a service contract agreement between the County Government and Higher Education Loan Board (HELB), there is established Revolving Loan Scheme to be managed by the Board and Higher Education Loan Board (HELB) this will be done through a service contract I think that is well understood. I now propose that Clause 20 as amended be part of the Bill.

**Hon. Ngare:** I second Chair.

*[Question proposed and agreed to]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you I now put the question that Clause 20 as amended be part of the Bill?

*[Question put and agreed to]*

Yes Clerk?

*[Clause 21]*

Clause 21 talks about the qualification for a Loan it says *an applicant shall qualify for an award of a loan if the applicant is a local resident of the County and meets the criteria set jointly by the Board* there is no amendment on that, that is inversely accepted by the Members so I propose that Clause 21 be part of the Bill?

*[Question proposed and agreed to]*

Who is seconding please?

**The Leader of the Minority** (Hon. Matsaki): I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Oh, Minority Leader. I now put the question that Clause 21 be part of the Bill?

*[Question put and agreed to]*

Clerk?

*[Clause 22]*

Again Clause 22 is going to be retained and there will be no further amendment on that. Now, I propose that Clause 22 be part of the Bill.

*[Question proposed and agreed to]*

**The Leader of Minority** (Hon. Matsaki): I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay now I put the question that Clause 22 be part of the Bill without amendment.

*[Question put and agreed to]*

Clerk?

*[Clause 23]*

Yes Chair?

**Hon. Katana:** Thank you Chair, that Clause 23 of the Bill be deleted.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Clause 23 is on *Early Childhood Development Capitation Program*; the Chair is saying that we delete it from this Bill, he does not want it to be part of this Bill. Chair, why do you want us to delete this Clause on Early Childhood Development Capitation Program?

*[Silence]*

Response?

*[Silence]*

Let us give him time please?

*[Consultations]*

I think this Bill is majorly on bursaries, scholarships and revolving funds and it does not touch anything on Early Childhood Program so it is only fit that we do not have it as part of this Bill and the mandate of this scheme should not extend to Early Childhood Development Educations (ECDEs) I think that is my understanding. Yes?

**Hon. Makanga:** Chair, we get clarity before the Committee on Education because that is your position as the Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): That is my reasoning.

**Hon. Makanga:** And you see by virtue of you sitting on that seat you are shaping opinions in this House, so maybe you allow the Committee to give their position so that we may understand. You see there has been no such a Bill touching on Early Childhood Development Educations (ECDEs) while when you go to Schedule 4 of the Constitution of 2010 the main aspect of Education was devolved to the Counties is primarily on Early Childhood Development Educations and Vocational Training Centers. So, in fact even the words that we are doing for the secondary schools it is because we care for our people but the main aspect of education was devolved is on ECDEs and Vocational Trainings. So, unless the Committee commits that there is another Bill for the Early Childhood Development Educations (ECDEs) then we may need to have that information and be on record. Thank you.

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

**Hon. Katana:** Thank you. Mr. Chair of late am convinced that you are a wise man.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Of late, please withdraw the word of late.

**Hon. Katana:** I will withdraw after this. Now this has nothing to do with this Bill since it is under the Department and the Department has done all the allocations to do with Early Childhood Development Education and all that, so you are right Chair. Thank you for your guidance, we can proceed.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Are you satisfied Honourable Makanga that we are already have policies and plans that touches on Early Childhood Developments Educations (ECDEs) and the Chair does not want this to appear on this or be part of this Bill? So, am proposing that we delete Clause 23.

*[Question proposed and agreed to]*

Use your microphone?

**Hon. Omondi:** I second Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you. Honourable Members, I now put the question that Clause 23 be deleted from this Bill.

*[Question put and agreed to]*

Next Clerk?

*[Clause 24]*

Clause 24, we are not having any amendments the Chair wants it to be part of the Bill as it is before I propose I will give you 10 seconds to have a look at it...

*[Silence]*

Ten Seconds are up.

**Hon. Nyache:** I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I now propose. You cannot second before I propose. Am now proposing that, we have clause 24 as part of the Bill.

**Hon. Nyache:** I second, Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you. Honourable Members.

**Hon. Matsaki:** Through Chair, there is something I wanted to ask.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Yes, please proceed.

**Hon. Matsaki:** I think the Bill has been changed, instead of using the word, 'Fund' is supposed to be 'scheme'.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Which clause?

**Hon. Matsaki:** Clause 24 here as you can read it. *Award of bursary may appeal in writing to the board of the fund or to the board of the scheme through the fund scheme administrators*, is this supposed to change or to remain the way it is?

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you for being so keen. So, Members when I give you ten seconds, am expecting you raise such issues, you should not just take it for granted. *Twende mos mos sio*. Thank you so much Minority Leader so we are proposing that or rather am proposing that the word, 'Fund' be replaced by the word, 'scheme'.

*[Question proposed and agreed to]*

Who is seconding?

**Hon. Moraa:** I second Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you. I now put the question that Clause 24 as amended be part of the Bill?

*[Question put and agreed to]*

Yes Clerk?

Clause 25.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Clause 25 no amendments proposed by the Chair. I think we are all okay with it. Am proposing we have Clause 25 as part of the Bill?

*[Question proposed and agreed to]*



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**Hon:** *[inaudible]* .... I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you I now put the Question that Clause 25 be part of the Bill?

*[Question put and agreed to]*

Yes Clerk?

Clause 26.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Again Clause 26 has I think 5 sub-Clauses so I will give you 5 seconds to just have a look at it before I propose. Okay I think we are all satisfied with it I now proposed that we have Clause 26 as part of the Bill.

*[Question proposed and agreed to]*

**Hon. Arwa:** I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I now put the question that Clause 26 be part of the Bill?

*[Question put and agreed to]*

Next Clerk?

*[Clause 27]*

Again Clause 27 does not have any amendments, it talking about removal of office, I think it is reasonable enough we should have it as part of the Bill, am proposing that we have Clause 27 as part of the Bill?

*[Question proposed and agreed to]*

**Hon. Shuhudia Abdalla:** I second Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you Honourable Shuhudia. I now put a question that Clause 27 be part of the Bill.

*[Question put and agreed to]*

Yes Clerk?

*Clause 28*

Chair.

**Hon. Katana:** Thank you Chair. Clause 28 of the Bill be amended by deleting the word fund and inserting the word scheme just like Clause 27.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Straight forward. I now propose that Clause 28 be amended as proposed?

**Hon. Katana:** Chair if you allow me to continue...

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I am looking for a seconder here.

**Hon. Makanga:** I second... *[Off microphone]*.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You second, I now put the question, Makanga seconded this. Honourable Makanga I am advising you to use the microphone, you will have to wait for it the proceeding of these sittings is supposed to be captured by the Hansard, it's very important, proceed.

**Hon. Makanga:** I second Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you for being very loud. I now put the question Members that Clause 28 as amended be part of the Bill.

*[Question put and agreed to]*

Clerk.

Clause 29

No amendment on Clause 29, its repealing the Act of 2014 and 2017 also it's repealing the Mombasa County Education Development Act of 2014, its repealing the Mombasa County Education Development (Amendment) Act of 2017 so am proposing we have it as part of the Bill?

*[Question proposed and agreed to]*

**Hon. Nyache:** I second Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Now I put the Question that Clause 29 be part of the Bill?

*[Question put and agreed to]*

Clerk?

**Hon. Katana:** *[Inaudible]*.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): It is okay but the ayes have it again, it does not matter. Clerk?

*[Clause 30]*

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Clause 30. Chair?

**Hon. Katana:** Chair, am sorry but I demanding the Honourable Member who has said that Ayes to withdraw.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): We are past that clause 30, please proceed. Chairman.

**Hon. Katana:** Thank you Chairman for this dictatorship of ways of doing things.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Chair! Chair!

**Hon. Katana:** Then Clause 30 a, b, c, d, e we have passed that...

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You will not be going away with that.

**Hon. Katana:** We have passed that.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): You will not get away with that.

**Hon. Katana:** We have passed that.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I... withdraw that statement?

**Hon. Katana:** I withdraw Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Apologize.

**Hon. Katana:** I apologize, am sorry.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Fully apologize?

**Hon. Katana:** 100 per cent.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you, proceed.

**Hon. Katana:** Thank you. That Clause 30 a, b, c, d, e, g. of the Bill be amended to read;

*THAT 30 (a) Asset and liabilities – on the appointed day, all the funds, assets and other property, both movable and immovable which immediately before such date were vested in the Elimu Fund shall be virtue of this paragraph, vest in the Elimu scheme and,*

*THAT 30 (b) On the appointed day, all right, powers and liabilities which immediately before such day were vested in, imposed on or enforceable against the Fund shall by virtues of this subsection, be vested in, imposed on or enforceable against the Elimu scheme,*

*THAT 30(c) Any reference in any written law or in any document or instrument to the Fund shall, on and after the appointed day, be construed to be a reference to the Elimu Scheme,*

*THAT 30 (d) The annual estimates of the Elimu Fund for the financial year in which the appointed day occurs shall be deemed to be the annual estimate of the Elimu Scheme for the remainder of that financial year, provided that such estimates may be varied by the Elimu scheme in such a manner as the County Assembly may approve,*

*THAT 30(e) The administrative directions made by the Fund which are in the force immediately before coming in to force of this Act shall have effect as if they were directions made by the Elimu Scheme under this Act,*

*THAT 30 (g) Staff- a person who is an officer of Elimu Fund immediately before the commencement of this Act shall be deemed to be an officer of the Elimu Scheme under this Act, that Clause...*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): I think you are done.

**Hon. Katana:** 30 I wanted to combine them because of time.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): No, you cannot combine, you cannot combine!

**Hon. Katana:** Thank you, thank you, I stand guided, I stand guided.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you. Members are we good, are we okay?

**Hon. Katana:** Yes.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Madam Pamela, are you okay. You have digested the points; you have digested all the amendments basically here we are changing from Funds to Elimu Scheme so am proposing that Clause 30 be amended?

*[Question proposed and agreed to]*

**Hon. Ngare:** I do second Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you. Now I put the question that Clause 30 as amended be part of the Bill.

*[Question put and agreed to]*

Clerk?

*[Clause 31]*

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Chair?

**Hon. Katana:** Thank you Mr. Chair that Clause 31(a) (b) amended by deleting the word Fund and inserting the word scheme to read; -

*THAT 31- The Executive Committee Member may wind up the Elimu Scheme with the approval of the County Assembly and upon winding up;*

*a) The administrator of the Elimu Scheme shall pay any amount remaining in the Elimu Scheme in to the County Exchequer account.*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay, I think this is the last amendment you are making?

**Hon. Katana:** Yes Mr. Chair.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Okay.

**Hon. Katana:** I am glad.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): We are also glad. I am now proposing that Clause 31 be amended.

*[Question proposed and agreed to]*

**Hon. Nyache:** I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Microphone on please, you will be given a microphone.

**Hon. Nyache:** Thank you Chair, I second.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Thank you, now I put the question that Clause 31 as amended be part of the Bill?

*[Question put and agreed to]*

**Hon. Ngare:** Chair I have a concerned. All this time I thought the Honourable Member taking us through was the Chairperson of Education.

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

**Hon. Moraa:** I now see Chairperson Committee on Health.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Chairperson Committee on Health.

**Hon. Ngare:** Yes.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Honourable Allen Katana, are you the Chairperson of Committee on Health?

**Hon. Katana:** Maybe you find that it could have been a very necessary question.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): It is necessary.

**Hon. Ngare:** It is necessary at the end of the Motion.

**Hon. Katana:** *[Inaudible]*.

**Hon. Matsaki:** Through Chair, there are some clarifications about the Bill.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): On what exactly again, on the title?

**Hon. Matsaki:** Yes, there are some errors.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Honourable Members, those are clerical error, clerical error.

**Hon. Ngare:** Thank you.

*[Applause]*

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Honourable Katana! Honourable Katana! Okay Members, I think we are..., Clerk, yes?

*[Long title]*

Long title.

*[Interruption]*  
*[Loud consultation]*

**Hon. Omondi:** Don't go before you see me.

**The Chairperson** (Hon. Abdulrahman Abdulkadir): Members, please the House is in session. Minority Leader, please just take your seat, please all of us have other commitments. Can we give..., let me give Honourable Katana a second to consult on an issue...

*[Silence]*

Yes, I will read it as it is, am guided by the Clerk.

*[The Clerk read the long title]*  
*[Applause]*

The Committee of the full House, resolve to the County Assembly.



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*[Applause]*

PLENARY RESUMED

*[The Mace was raised on the upper deck]*

*[The Temporary Speaker (Honourable Abdulkadir Abdulrahman) in the Chair]*

*[Applause]*

Members, take your seats. Yes, Honourable Allen Katana please report what transpired during the Committee of the Whole House on the Mombasa County Education Fund Bill, 2023 and move a Motion that the House agrees with the Committee in the said report.

**Hon. Katana:** Mheshimiwa Spika nataka niwashukuru Waheshimiwa wenza kwa kazi waliofanya, siwezi kusema ni kazi rahisi, ilikuwa ni kazi ngumu lakini kwa sababu ya uongozi mzuri na hekima mulio nayo na matatizo mulio nayo mashinani, kwa kukosa hizi basari na vitu vingine, sitaki kuwa mwingi wa maneno nataka kuwashukuru na zaidi ya vyote ninaamini kwa wakati utakao fika hivi punde Mheshimiwa Spika, tutakuwa na wakati mzuri wa kulipitisha hili ili Wizara inayohusika ikaweze kufanya mambo kwa haraka ili watu wetu waweze kupata basari na mengi mengineyo kwa hivyo nawarai tuweze kupitisha swala hili ili kwa faida ya watu wetu, nakushukuru Mheshimiwa Spika. Ahsante.

**The Temporary Speaker (Hon. Abdirahman Abdulkadir):** Can we have someone else seconding it? Please I want you to appoint someone else to second your Motion.

**Hon. Katana:** Thank you Speaker, I would humbly ask my good friend Hon. Patrick Mbele to second. Thank you.

**Hon. Mbelle:** Mr. Speaker Sir. I stand to second.

**The Temporary Speaker (Hon. Abdulrahman Abdulkadir):** Were you present during what transpired in the whole House Honourable Patrick?

**Hon. Mbelle:** Mr. Speaker Sir, am fully informed from my Chair and we were following the proceedings based on what was transpiring and the House am sure has made an informed decision to give the people of Mombasa the right to have the bursaries so again I second.

*[Applause]*

**The Temporary Speaker (Hon. Abdulrahman Abdulkadir):** Thank you. Honourable Members, I now put the question that the House adopts the report by the Chairman Honourable Allen Katana on what transpired during the Committee of the whole House of the Mombasa County, on the Mombasa County Education Fund Bill, will as many as of... okay let me repeat again please for the purpose of the clarity. Honourable Shuhudia please concentrates. Honourable Members, I now put the question that the House adopts the report by Honourable Allen Katana on what transpired during the committee of the whole House on the Mombasa County Education Fund Bill, 2023 be adopted?

*[Question put and agreed to]*

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Yes Clerk?

**THE MOMBASA COUNTY EDUCATION FUND BILL 2023**  
**THIRD READING**

Yes, Honourable Allen Katana, please move the Motion for the Bill to be read a third time.

**Hon. Katana:** Thank Honourable Speaker. That the Mombasa County Education Fund Bill 2023, be now read for a third time. Thank you, Speaker.

**The Temporary Speaker** (Hon. Abdulrahman Abdulkadir): Who is going to second you, my friend?

**Hon. Katana:** I humbly ask vice Chair to Education Honourable Ibrahim to second. Thank you.

**Hon Omondi:** I second right away.

*[Laughter]*

**The Temporary Speaker** (Hon. Abdulrahman Abdulkadir): Honourable Ibrahim, there are manners and procedures in this House.

**Hon. Omondi:** I second right away.

**The Temporary Speaker** (Hon. Abdulrahman Abdulkadir): I repeat again that there are manners and procedure in this House, please stand.

**Hon. Omondi:** ok, I second right away thank you.

**The Temporary Speaker** (Hon. Abdulrahman Abdulkadir): Honourable Members, I now propose the question that the Motion by Honourable Allen Katana on the Mombasa County Education Fund, 2023 to be read a third time be considered by this Honourable House in the same term as moved.

*[Question proposed and agreed to]*

I now put the question. Yes Clerk?

*[The Bill was read for the Third time]*

I said yes Clerk, please read the Bill for the third time, you have read it. Okay the Clerk having read the Bill, I now put the question that the Bill as read by the Clerk be adopted by this House.

*[Question put and agreed to]*

Yes Clerk?

### ADJOURNMENT

Honourable Members, it has been my pleasure interacting with you. This House stands adjourned until Tuesday 6<sup>th</sup> June, 2023 at 10:00a.m.

The House rose at 2:45p.m.