



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 11th September, 2019
The House met at 11:22a.m.

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

PRAYERS

The Speaker (Hon. Khatri): Hon. Member you may be seated. Yes Clerk next Order?

MOTION

ADOPTION OF REPORT ON PUBLIC PARTICIPATION ON MOMBASA COUNTY INVESTMENTS
AUTHORITY BILL, 2019

Yes Hon. Kizito Opeya.

Hon. Opeya: Thank you Mr. Speaker. Motion that this House adopts the Report on Public Participation on Mombasa County Investments Authority Bill 2019, Bill Number 4 laid on the Table on 10th September, 2019. I call upon Leader of Majority Hon. Hamisi Mwidani to second.

The Leader of Majority (Hon. Mwidani): Mr. Speaker I arise to second the Motion.

The Speaker (Hon. Khatri): Thank you Hon. Hamisi Musa Mwidani. Hon. Members I now propose the question that the Report on Public Participation on the Mombasa County Investment Authority Bill, 2019 be adopted.

(Question proposed and agreed to)

Yes Hon. Kizito Opeya.

Hon. Opeya: Thank you Mr. Speaker. I think before this House everyone has a copy of the Report, I would urge all the Members to support this Report so that it can enable us go through the process of passing this Mombasa County Investments Authority Bill. If you read through the Bill and am sure you have read through it, there are a lot of benefits which will benefit the County.

The benefits of this Bill will trickle right down to our Wards, therefore I would urge all the Members to support the Report. Thank you.

The Speaker (Hon. Khatri): Thank you Hon Kizito Opeya, Yes Hon. Hamisi Musa.

The Leader of Majority (Hon. Mwidani): Ahsante Bwana Spika. Mimi nimeunga mkono hii *Bill* kwa sababu ni kitu tulikuwa tumekosa katika Kaunti yetu kuwa na *Public Participation* ya The Mombasa County Investments Authority Bill, ambayo hii *Bill* itaelekeza sana kwa watu wa biashara na wanaweza kuelekeza mambo ya biashara Mombasa hii.

Kwa hivyo mimi ningeomba kwa sauti moja tuweze kupitisha *Bill* tuweze kunufaika, ni moja katika jukumu ambalo pia ilikuwa hatujalitekeleza kama Kaunti ya Mombasa hivyo basi Bwana Spika nawasihi na kuwaomba Wabunge wenzangu kwamba tuipitishe hii *Bill* kwa manufaa ya Kaunti yetu ya Mombasa. Ahsante Bwana Spika.

The Speaker (Hon. Khatri): Thank you Hon. Hamisi Musa. Yes Hon. Rose Mary Mukavi.

Hon. Mukavi: Thank you Mr. Speaker for giving me the opportunity. I support the Bill accordingly, Thank you.

The Speaker (Hon. Khatri): Thank you, Yes Hon. Kitula.

The Chief Whip (Hon. Kitula): Ahsante Bwana Spika. Kwanza nikupatie pongezi kwa jinsi hatua yako ulichukua katika kikao cha jana Mheshimiwa Mwenyekiti kwa kuwa Ripoti iliandikwa ndivyo sivyo lakini kongole kwa kuwa Spika shujaa kuweza kuhakikisha Ripoti imerudi kwa Kamati iandikwe ipasavyo, vile vile ningependa kuipa kongole Kamati kwa sababu leo hii Ripoti imeingia kwa Bunge Ripoti inastahili kabisa kulingana na sheria japokuwa kuna makosa kadhaa ambayo yanaweza kurekebisha.

Ningependa Kamati iweze kuwa na marekebisho yafuatayo Mheshimiwa Mwenyekiti kwamba Ripoti kama hii inapokuja katika Bunge ni lazima kila Ripoti iweze kuwekwa sahihi na kila Mwanachama katika Kamati hiyo. Hiyo ni kwa sababu gani Mheshimiwa Mwenyekiti, ikiletwa Ripoti hapa tutajuaje kama ni Karani wa Bunge na Mwenyekiti wameenda mahali wakaandika Ripoti wakaleta katika Bunge hili bila Wanachama kujua. Kwa hivyo wakitia sahihi kwamba Wanachama wote wameweza kukubaliana na Ripoti ile Mheshimiwa Mwenyekiti...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Hatimy you are standing on point of...?

Hon. Mohammed Hatimy: Nataka kumwambia kwamba asome 180 *sub section* 2 inasema nini ya Kanuni za Bunge.

The Speaker (Hon. Khatri): 180 Sub section 2, Reports of Select Committees;

The report of a Select Committee having been adopted by the majority of the Members shall be signed by the Chairperson on behalf of the Committee.

Thank you Hon. Hatimy. Yes Hon. Charles, please continue.

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti ni muhimu kuweza kufahamika hicho ni kizungu Mheshimiwa Mwenyekiti katika Kanuni za Bunge, lakini tuna uhakika gani kwamba hii imekubalika na Wanakamati?

Ni wao kuweza kuweka sahihi na kama hii inaleta mjadala katika Bunge hili tuweze kuleta mtu mwenye ufahamu zaidi lazima kila Ripoti iweze kuwekwa sahihi ili Wanachama waweze kuwa wameridhika na yaliyopo katika Ripoti, hiyo ndio nilikuwa narekebisha...

(Interruption)

The Speaker (Hon. Khatri): Hon. Charles I think in this House we are guided by the Standing Orders not unless we amend the Standing Orders, if that is your suggestion, Yes Hon. Samba.

Hon. Samba: I would like to tell the House that provided we have the minutes it has ascertained that the Members unanimously agreed, that is the main purpose of us having the minutes written. Thank you Hon. Speaker.

The Speaker (Hon. Khatri): So Hon. Charles maybe we can think of amending the Standing Orders and make sure that Members sign, if that is what you are saying.

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti naomba niwe wazi...

(Interruption)

The Speaker (Hon. Khatri): Yes.

Hon. Mohamed Hatimy: Mheshimiwa Spika nataka kukuambia juu ya watu kutia sahihi; angalia Kanuni za Bunge 177 *sub section* 4 inasemaje, ikiwa Wanachama wamekubaliana na Ripoti hakuna haja ya kuleta hiyo...

(Interruption)

The Speaker (Hon. Khatri): Procedure in Select Committees 177 (4);

A vote on a question is not unanimous; the names of the Members voting for and against the question and those abstaining from voting respectively shall be recorded in the minutes.

Yes Hon. Charles.

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti naomba niwe wazi kwa hili; nimeanza kusema kwanza naunga Ripoti lakini baadhi ya mwenendo kwanza vile vile natetea Kiti chako Mheshimiwa Mwenyekiti swala kama hili la Wanachama kutia sahihi kwanza itakuja baadae kwamba Ripoti inayotoka kwa Kamati fulani lakini Ripoti ile Wanachama hawajaridhia itatumiwa sababu kama hiyo ya leo kwamba Ripoti iko sawa kwa sababu Wanachama wote hawajaridhia. Majina yalioko pale ni Mwenyekiti anayetoa sahihi, itakuwa ni ni sawa vile vile leo hii Karani wa Kamati na Mwenyekiti wakienda mahali wajadiliane waelewane Mwenyekiti atie sahihi, hiyo itakuwa ni sawa kuingia katika Bunge. Mheshimiwa Mwenyekiti nalinda Kiti chako kwamba ni heri kila Mwanachama anapoletewa Ripoti aweze kuweka sahihi kwamba ameridhika na hiyo ripoti.

Sijapinga Ripoti lakini kulinda Kiti chako na hadhi ya Bunge hili kwamba ni vizuri kila Mwanachama katika Kamati aweze kutia sahihi ili kwamba ameridhia na Kamati hiyo, hiyo ndio wazo langu Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Charles Kitula. Yes Hon. Renson Thoya.

Hon. Thoya: Ahsante sana Mwenyekiti. Nafikiri kwa sababu Kanuni za Bunge zimetufunga lakini inakuwa ni vyema kwamba tuangalie siku za usoni kile anachotaribu kuzungumza Mheshimiwa Kitula tusikichukulie hivi hivi kwamba kuna uwezekano siku zengine unakuta Mwenyekiti anaamua kufanya kazi bila kuhusisha Wanachama japokuwa Kanuni za Bunge zinasema hivyo lakini pia tuko na nafasi ya kuhakikisha kwamba tunarekebisha.

Kwa hivyo ni mambo ambayo pengine siku za usoni yaangaliwe hapo ndio anajaribu kutetea Mwenyekiti ama Karani wake wanaweza kwenda kaa wakaandika *cooked report* wakaleta hapa Bungeni lakini hayo ni mambo ya usoni sio ya saa hii kwa saa hii tutaenda vile Kanuni za Bunge zinasema.

The Speaker (Hon. Khatri): Thank you Hon. Renson Thoya, Yes Hon. Leila.

Hon. Nyache: Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii. Pia mimi naunga mkono hii *Bill* kwa sababu Mheshimiwa Spika tukipata wawekezaji wa kutosha na kufanya biashara hapa kwetu Kaunti ya Mombasa italeta natija na Kaunti yetu itaweza kusonga mbele.

(*Interruption*)

The Speaker (Hon. Khatri): Yes Hon. Charles.

The Chief Whip (Hon. Kitula): Mheshimiwa ningependa *confirmation* ya Mheshimiwa aliyesimama kwamba saa hizi tunajadili Ripoti ya *Public Participation* bado hatujaenda *Second Reading* tuko kwa Ripoti ya *Public Participation*. Ahsante.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Leila.

Hon. Nyache: Ahsante Mheshimiwa Kitula kwa kunitoa taka masikio mimi pia naunga mkono Ripoti hii Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes Hon. Ali Shariff.

Hon. Ali Omar Shariff: Ahsante Mheshimiwa Spika. Nimesimama pia kumuunga mkono Mheshimiwa mwenzangu Leila Nyache.

(*Laughter*)

The Speaker (Hon. Khatri): Sorry? Hon. Ali Sheriff unamuunga mkono Mheshimiwa Leila kuhusu nini?

Hon. Ali Omar Shariff: Kuhusu kuunga mkono Ripoti hii.

The Speaker (Hon. Khatri): Okay thank you Hon. Shariff. Yes Hon. Mwamwiri.

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Niungane na Waheshimiwa wenzangu kumpa kongole Mwenyekiti wa Kamati husika na Wanachama wake japo tukiendelea mbele ni bora na ni muhimu Kamati zetu kutekeleza majukumu parwanja ama wazi wazi, tukiangalia katika kifungu cha tatu katika *observations and findings* tunapata ya kwamba baada ya tangazo lao kwa gazeti walipokea kumbukumbu nne pekee.

Mombasa ina Gatuzi ndogo sita na kata ndogo 30 kwa kupokea kumbukumbu hii unaweza kadiria kila kumbukumbu ilikuwa ina Wanachama wangapi walioweka saa hii ipe takriban kumi ama ishirini, kwa nne hawajafika hata wananchi mia moja katika Gatuzi letu ni mwafaka na ni bora zoezi hili la kuchukua maoni kwa wananchi liwe linatekelezeka mashinani ili wananchi waweze kupata fursa ya kuchangia moja kwa moja kulikoni njama hizi za kuchukua kumbukumbu mara nyingi zina hujumu haki na makusudio ya ugatuzi katika utende kazi wetu. Tukiendelea mbele ni jukumu letu kama Bunge tuhakikishe tunachukua maoni kule mashinani moja kwa moja. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. Yes, Hon. Nzai?

Hon. Nzai: Thank you Mr. Speaker for giving me this opportunity to also air my views. Mr. Speaker Sir, as far as I would like to support this Report, I have at hand of the Report with me and I would wish or rather suggest on the amendment that few issues be looked upon. If you go to clause ten and eleven...

(Low consultation)

The Speaker (Hon. Khatri): Yes Hon. Fadhihi, I think maybe you wanted to say something to the Hon. Member as a point of information?

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker. I just wanted to inform the Hon. Member that we are still discussing the Report from the Committee on Trade, Tourism and Investment and in the Report Mr. Speaker there are no clauses in this Report.

So it is as if he is introducing other businesses that are not in this Report, thank you Mr. Speaker.

The Speaker (Hon. Khatri): But I think the question which I put on this to adopt, so he has the right to decide whether to agree or disagree, so maybe he is not agreeing with those amendments, is that what you are saying? You are not agreeing with the report?

Hon. Nzai: Thank you Mr. Speaker. Okay I want first to accept the correction from my colleagues, actually I do appreciate the Report which came from the Committee, I thought...

(Interruption)

The Speaker (Hon. Khatri): So the Hon. Member is telling that just touch on the Report so you do not go to the Bill.

Hon. Nzai: I thought we had reached that stage, but well I have seen the Report and I really welcome it am waiting for the time to discuss it, thank you.

The Speaker (Hon. Khatri): Thank you Hon. Yes, Hon. Mohamed Mohamed?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimeisoma hii Ripoti na nataka kuwaambia Nyumba hii kuwa safari imeanza na inaonekana kuwa safari ni ndefu kwa sababu hiki kitabu twaona ni kikubwa sana.

Mheshimiwa Spika ukiangalia Kanuni za Bunge 126(2)(3)(4) utakuta kuwa hakuna marekebisho yeyote ambayo yanafanywa; kwa hivyo kwa sababu hii itachukua mda mrefu kwenda through hii *Bill*. Mheshimiwa Spika naomba tupitische kwa sauti moja sote hii karatasi iliyowekwa juu ya Meza leo, ili tuweze kuendelea na hii kazi ahsante.

The Speaker (Hon. Khatri): Thank you Hon. Hatimy but that comes on the Second Reading?

Hon. Mohamed Hatimy: Tunazungumza neno Ripoti, yaani *Motion* iwe fupi ili tupate wakati kwenda kwenye *Bill* Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes, but even if you read the title of... under Standing Order 126, it is very clear, it is in Procedures in Committee of the Whole County Assembly on a Bill, so we are not there. Thank you. Yes Hon. Murfad Amur?

Hon. Murfad Amur: Mr. Speaker mine is to inform the Members and the House, that once it was committed to the Gazette and the Memorandum, even if it is only one person who wrote, it is representing the Mombasa County we should be very clear when we are doing such things even if only one person appears on behalf of Mombasa County, it is taken as representing as Mombasa County. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Yes, but Hon. Amur, the Hon. Member, he was just suggesting that it is good we go to the grassroot and there is no harm on that, maybe what we can do is make sure that in our budget or in our next budget..., because the problem we have is the issue of funds so we make sure we keep a lot of money for Public Participation in the grass root that was his suggestion and even yourself you agree. People from your area am sure they are not aware of this issue, so it is good that we go to the grassroot, that was the suggestion from the Hon. Member.

Hon. Murfad Amur: Mr. Speaker with all due respect I accept what you are saying but again when we are doing this Public Participation, it is demoralising we are doing participation we hire places, everything and the turn out sometimes is not acceptable. So why should we be doing something we had agreed on Sub-Counties Mr. Speaker, the same people who are coming from the Sub-Counties can represent, when we go down am not denying them the right to participate but again those people who will intend to come and participate they do not appear, I have seen it personally when we have been doing it in Tononoka several times only low turn outs that comes Mr. Speaker thank you.

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

Hon. Omondi: Thank you Mr. Speaker. I just wanted to inform the Member who was on the floor trying to purport that the process of Public Participation on the grass root level that has not been done well. I would like to inform him that what has made this process not to take place well Mr. Speaker is because of the preparation and that availability of funds and there is no way you can prepare such a process when we have not been given enough information and how you prepare it Mr. Speaker.

For example if you are told today, you are given information today that tomorrow, you are supposed to be doing Public Participation and then maybe you go on hiring all those things which are supposed to enable the process Mr. Speaker definitely the turn up will be very low, but if it is putting the law and we will be having enough funds and people are informed in advance am very sure that mobilization will take place at good time and people will come and definitely the process will be successful, thank you.

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

Hon. Athman Mwamwiri: Mheshimiwa Spika naomba kumtaarifu Mheshimiwa wa Mji wa Kale, labda kwa sababu anatoka Mji wa Kale pia mwenyewe anakaa ni wa kale. Ibara 174 ya Katiba inazungumzia *objective of devolution*, makusudio ya kuumbwa wa serikali Gatuzi, kwa umri alio nao na namuona ana miwani bado ana fursa ya kupitia Katiba na kusoma asome, asipotoshe Bunge hili kusema ya kwamba hakuna sababu ya kufanya elimu nasaha ama *Public Participation* mashinani.

Hali kadhalika Mheshimiwa Spika Bunge hili awamu ya kwanza, walitumia pesa nyingi kupitisha sheria inayoitwa '*Mombasa County Public Participation Bill*' ambayo ndani yake ibara ya 9 inasema ni lazima *Public Participation* ifanyike, tena kwa usimamizi wa *Sub-County Administrators* na *Ward Administrators* kwa maeneo yao, sio kwa *memorandum*, sio kwa chumba cha Mikutano, sio kwa Tononoka Hall.

Mheshimiwa Spika imefikia wakati kuwa sisi tuwache historia katika nyumba hili ya kwamba tumetekeleza na ustahiki kwa mujibu wa kanuni na sharia. Public Participation ni lazima yeye atake asitake tumewaridhia kwa hili ya *Memorandum* lakini hii haijafikia makusudio ya serikali Gatuzi na kwenda wako, Mheshimiwa Spika kwa kauli hizi tutaanza kupingana na ripoti ambazo hazikutekeleza majukumu sahihi na kupeana fursa kwa wananchi kuwachangia wanayoyataka kwa utekelezaji wa serikali. Lengo la *Devolution* ni wananchi kufanya maamuzi ni nini wanakitaka, kwa *Memorandum* wametuambia tumekubali...

(*Interruption*)

The Speaker (Hon. Khatri): Ahsante Mheshimiwa labda hamuelewani, huyu Mheshimiwa Amur anasema ya kwamba tukifanya *Public Participation* kule mashinani, wananchi hawatokei ndio nasema sasa nafikiri jambo la muhimu ni wananchi waelimishwe wajue *civic education* wajue ni manufaa gani watapata kwa *Public Participation*, *I think that is the most issue* kwa hivyo haina haja muanze kurushiana. Yes Hon. Renson Thoya?

Hon. Thoya: Nafikiri Mheshimiwa Mwenyekiti najivunia umri wa Mheshimiwa Amur na naona hio ndio inafanya kidogo ujaribu kuingia kwa mawazo yake, lakini ukweli hakumaanisha hivyo sisi tulivyosema hii ni sawa lakini siku za usoni tungependa mambo fulani yafuatwe na tuna *analyse* tunataka hii kitu, hata kama haitaenda kwa kila Wodi, ifanywe katika hizi Sub-County sita, watu waitwe pale watu kujitokeza kutojitokeza ni vile sisi tunavyo panga, lakini kama tuna hio kasumba ya jadi ni lazima tutoke hapa Treasury Square, kama tunaheshimu Gatuzi *everything must go to the Ward level* hio ndio tunalilia. Lakini kulingana na Ripoti tumesema kuna hapa na pale lakini tunaridhia lakini siku za usoni tungependa kuona hivi na naona hilo si wazo baya tusirudi tena pale pale kuhakikisha kwamba tunateseka hapa Treasury Square, watu wangu wanataka kujua hii kitu na nafikiri hawana habari nayo ni wangapi wanasoma magazeti jamani? Ni wangapi wanasoma magazeti na umaskini huo? Munayasoma nyinyi hapa hapa Treasury Square.

The Speaker (Hon. Khatri): Thank you Hon. Renson Thoya. Again I think all of you Members are reading in the same line, it is because you do not want to understand each other or what, because the main issue is the civic education, *wananchi waelimishwe na wajue ya kwamba watu wakienda mashinani pia kukaa katika Public Participation hayo matakwa yao pia nayo yatachukuliwa, isiwe ni kukaa tu watu wakae wapige gumzo matazio yasichukuliwe*, so I think it's high time Hon. Members for *wananchi waelimishwe wajue faida ya Public Participation*. Yes Hon. Nyiro?

Hon. Nyiro: Ahsante Mheshimiwa Spika. Mimi nimeridhia na mawazo ya wenzangu na sitaki nizue bugdha kwa sababu ni jambo ambalo linaleta natija katika Kaunti ya kwamba mambo haya yaendele. Japo kwa walakini yangu ni kwamba nina wasiwasi kama wananchi wangu wa Bamburi wanajua lakini kwa sababu kuna wachache vile Mheshimiwa Amur alisema walisha *participate* wakawakilisha watu wangu wa Bamburi na Bill hii italeta natija. Mimi naunga mkono Ripoti hii na kwenda mbele kama wenzangu walivyosema Kamati tusikae katika vyumba vya Bunge hili na kuita wananchi waje hapa kwa sababu tuna maofisi na wananchi wako kule mashinani ni vizuri tuwafikie watakuwa pia nao wanaona kwamba wanahusishwa na serikali ya ugatuzi, kwa hivyo naunga mkono na marekebisho yafanywe kule mbele na twende mashinani ahsante.

The Speaker (Hon. Khatri): Thank you yes Hon. Ramla?

Hon. Ramla Said: Ahsante Mheshimiwa Spika mimi naunga mkono ripoti ya *Public Participation*.

The Speaker (Hon. Khatri): Thank you Hon. Ramla. Yes Hon. Mwaka Zahoro?

Hon. Mwaka Zahoro: Ahsante Mheshimiwa Mwenyekiti naunga mkono Ripoti iliyoletwa mbele yetu na Kamati ya Biashara.

The Speaker (Hon. Khatri): Thank you Hon. Mwaka. Yes, Hon. Junior Wambua?

Hon. Wambua: Ahsante sana Mheshimiwa Spika. Naunga mkono hii Hoja nasema kuwa ni muhimu kwamba kuelimisha ili watu wangu wa chaani waweze pia kuijua kabla ya kuipitisha ahsante sana Mheshimiwa.

The Speaker (Hon. Khatri): Thank you. Yes, Hon. Feddis?

Hon. Mbura: Ahsante sana Mheshimiwa Spika. Hata mimi naunga mkono Ripoti hii ya Kamati ya Biashara asilimia 99. Ahsante.

The Speaker (Hon. Khatri): Yes Hon. Salim Kalume?

Hon. Kalume: Ahsante sana Mheshimiwa Spika. Mimi nikiwa Mwanachama wa Kamati ya Biashara nimesimama kuunga mkono na naomba Jumba hili pia Waheshimiwa wenzangu wauunge mkono Mswada huu uweze kupita na yale mapendekezo yenu pia tumeyasikia tutaweza kuyarekebisha baadae. Ahsante.

The Speaker (Hon. Khatri): Thank you Hon. Salim Kalume. Hon. Kizito Opeya please reply.

Hon. Opeya: Thank you Mr. Speaker. First of all I would like to thank my colleagues for their contributions during this debate. As the Chairman I have picked up one or two issues from my colleagues and I would want to tell you that the other three Bills that we are working on that we are going to bring to this House and I promise you that the issues here would not come about when those three Bills come up. So thank you very much.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Kizito Opeya. Hon. Members I now put the question that the report on the Public Participation of the Mombasa County Investment Authority Bill be adopted.

(Question put and agreed to)

Yes Clerk?

BILL

FIRST READING

THE MOMBASA COUNTY INVESTMENTS AUTHORITY BILL, 2019 (BILLS NO.4)

(The Bill was read for the First Time)

Yes Hon. Kizito Opeya please move the Bill?

Hon. Opeya: Thank you Mr. Speaker. Bill – That the Mombasa Investments Authority Bill, 2019 (Bills No.4) be now read a second time. I would like to kindly ask my Vice Chairman, Hon. Khamis Khamis Salim to second.

Hon. Ahmed Salim: I second.

The Speaker (Hon. Khatri): Thank you Hon. Ahmed Khamis. Hon. Members I now propose a question that the Mombasa County Investments Authority Bill, 2019 (Bill No.4) be now read a second time.

(Question proposed and agreed to)

Yes Hon. Kizito Opeya?

Hon. Opeya: Thank you Mr. Speaker. I think before us we have the Mombasa County Investments Authority Bill, everyone has gone through it and I think this is the Bill which if you read it, a lot of the things that are inside the Bill will have to pass through the authority of the Assembly from the Members to what to how the authority is going to run.

So we are going to be big stakeholders in this because everything they do has to pass through here, if you read it here from the Members who are going to be put as the Chairman and how they are going to work if they have to borrow money or to do anything.

Therefore the Assembly will be a big partner in this, a big stakeholder. So do not think that you will be left out that we are passing something and then it is going to be run somewhere else. So what I will urge is that to look at it carefully and pass it for the interest of the residents of Mombasa. Thank you.

The Speaker (Hon. Khatri): Yes Hon. Murfad Amur?

Hon. Murfad Amur: Thank you Mr. Speaker. Mr. Speaker I think we are now heading for a Second Reading and then I think we will go to the Committee of the Whole House. I will contribute later Mr. Speaker.

The Speaker (Hon. Khatri): You can still contribute. Yes Hon. Nzai I think now you can contribute on the Bill.

Hon. Nzai: Thank you Mr. Speaker. But I am not very sure whether it is the stage to discuss. Mr. Speaker Sir I thought according to Order No. 9 the Chairman just read the topic, the head and then we go to the next item then we debate. And that was why I was hesitating to start and then...

(Interruption)

The Speaker (Hon. Khatri): Thank you Hon. Nzai. Clerk, Hon. Members I think if you have anything now we can now debate on the Bill. Yes Hon. Murfad Amur?

Hon. Murfad Amur: Mr. Speaker since the amendments were captured I have nothing to put in Mr. Speaker. Thank you.

The Speaker (Hon. Khatri): Yes Hon. Charles Kitula?

The Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti nimeweza kusimama kuweza kuunga mkono Hoja hii na mimi nilitumai labda mtu wa kwanza kusimama kuunga mkono Hoja hii angekua Mheshimiwa Feddis kwa sababu anatoka katika Gatuzi la Mwakirunge ambalo lina ardhi kubwa kabisa ambayo kwa miaka mingi imeweza kuwa bila hata kufanywa maendeleo yeyote katika eneo lake Mheshimiwa Mwenyekiti. Lakini kupitia *Bill* hii siku ya leo, endapo tutapitisha katika Bunge letu itakuwa mara ya kwanza kuweza kupatia fursa ya wawekezaji kuja katika Kaunti yetu kuweza kuangalia sehemu ambayo wanaweza kufanya biashara kadha wa kadha Mheshimiwa Mwenyekiti.

Tukiangalia Section 4 ya hii *Bill* Mheshimiwa Mwenyekiti imeweza kupatia nguvu kwamba, *the Authority shall be a body corporate with perpetual succession, which can sue and be sued and with a common seal and shall, in its corporate name, be capable of:*

- (a) Taking, purchasing or otherwise acquiring, holding charging or disposing of property;*
- (b) Borrowing money;*
- (c) Making investments;*
- (d) Entering into contracts;*

(e) Doing or performing all other acts or things for the proper performance of its functions. and this act which may lawfully be done or performed by a body corporate.

Kwa hivyo ni fursa sisi wananchi wa Mombasa Kaunti Mheshimiwa Mwenyekiti kwa sababu sana pesa tunazopata kwa Serikali ya Kitaifa hazitutoshi. Lakini kuna wawekezaji ambao wako tayari, lakini wawekezaji hawa bila sheria ni vigumu wao kuwaleta katika Kaunti yetu, kupitia siku hii, endapo tutaunda sheria hii itakuwa wao wana amani na wana haki kwamba pesa zao zitakuwa ziko salama. Lakini vile vile mapendekezo yangu katika *Bill* hii, kipengele hiki Mheshimiwa kwa sababu sisi tutapitisha sheria hii, lakini sheria hii itakua maishani Mheshimiwa Mwenyekiti, itakua maishani katika Kaunti yetu ya Mombasa.

Kwa hivyo ningependekeza *Section 4* hiki kipengele *a,b,c,d* viweze kupitishwa na Bunge la Kaunti la Mombasa kuhakikisha kwamba *approval* imeweza kufanyiwa na Bunge la Kaunti ya Mombasa Mheshimiwa Mwenyekiti. Ahsante sana.

The Speaker (Hon. Khatri): Thank you Hon. Charles Kitula. Yes Hon. Ibrahim Omondi?

Hon. Omondi: Thank you Mr. Speaker Sir for the opportunity awarded. Mr. Speaker I would like to applaud this particular Bill and I am in full support of it. And I would like to say that we just recently experienced some stalemate which really affected our Counties, issues of the bulk that should be disbursed to the County governments whereby the two top Houses, the Senate and the National Assembly were fighting over on the cake that should come to the County government Mr. Speaker, and you see that one has really affected the running and the activities of the County government.

Now today, we look at this Bill it also makes some connections on that, that Mr. Speaker the investment laws are now clear in our County and people will be empowered now to invest, people also will be empowered to borrow some funds which can also help. Because even what we get Mr. Speaker is not enough actually to run our County, and by we providing this one to me I think that is a very good improvement to us. Thank you, I support the Bill.

The Speaker (Hon. Khatri): Thank you Hon. Ibrahim Omondi. Yes Hon. Juma Boy?

Hon. Amriya Juma: Thank you very much Mr. Speaker. I had a few observations, I am looking at the amendments Mr. Speaker; it has about 42 Clauses and the Mother Bill also has around the same, 43 Clauses if I am not wrong. So in my little experience I am of the opinion that an amendment should be a correction, or a small alteration to a Bill so that to improve it, but where there are major corrections, I think the best way is probably you..., Mr. Speaker I am hearing some consultations...

(Background consultations)

But what I was trying to put across is where there are minor corrections it is when we opt for an amendment, but where there are corrections that are major and they affect the substance and the whole intention of the Bill, I think the best procedure was to repeal the Mother Bill and then now bring about this new Investments and Corporation Act. Because essentially I think all the Clauses have touched on amendment and I think an amendment should be brief correction or an alteration of the Mother Bill so that to put in a better form, It should not been an alteration of a substantial part of a Bill. So that is one observation....

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(Interruption)

The Speaker (Hon. Khatri): But on the same note, are we guided by the Standing Orders? Because I think this House is guided by the Standing Orders. Is there anything from the Standing Orders saying that if they will be amendments more than whatever you are thinking you should go back and, you see we are in this House guided by the Standing Orders and when the Standing Orders is saying amendment, I do not think when you say amendment we are given a certain portion to amend? So...

(Interruption)

Hon. Amriya Juma: Mr. Speaker I stand guided, but when you are looking at the legal drafting principles and rules of legal drafting. It is not about the rules it says, it is about procedure in drafting. Yes those are the...

(Interruption)

The Speaker (Hon. Khatri): But have you gone through the amendments? What if maybe the amendments have something to small to be amended but they are still in the same Clauses which they are here? Maybe they are some words which were missing there?

Hon. Amriya Juma: Yes...

(Interruption)

The Speaker (Hon. Khatri): So all these amendments are they new amendments? Or they are things which are already in this Bill that has to be maybe amendments with some small letters? Have you gone through the amendment?

(Interruption)

Hon. Amriya Juma: Yes I have gone through the Mother Bill just briefly plus the amendments and I have seen that the amendments touch on almost all Clauses because we have 43 Clauses as the Mother Bill and also 43 amendments on the Amendment Bill. So...

(Interruption)

The Speaker (Hon. Khatri): So you are saying in short in the New Bill we will have 86 Clauses, is that what you are saying?

Hon. Amriya Juma: No, I am not saying that Mr. Speaker. I am saying that we have 43 Clauses for the proposed amendments and also in the Mother Bill we have the same. So essentially it means that all the Clauses in the Mother Bill need alteration. So in my experience I have seen that where there is a substantial alteration in a Bill the proposed or the better procedure is normally you repeal the Act and then now you form the new Act.

Rather than having amendments of all the clauses you can do another Act because it is almost that all these clauses have a defect that was first my observation. And the second observation...

(Interruption)

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

Hon. Omondi: Mr. Speaker Sir I would like to inform the Member she is talking about the amendments and is trying to purport that these amendments are affecting the mother Bill. Mr. Speaker Sir but to me as I observed as much as these clauses are very many I do not think it entirely affects the Bill, the only thing I have seen here is that most of these amendments are touching; that is like words for example you look like clause number 9, am just giving an example that clause 9 of the Bill be amended deleting the word *authority* and inserting the word *corporation* so you find that this amendment does not actually affect the mother Bill...

(Interruption)

The Speaker (Hon. Khatri): Thank you Hon...

(Interruption)

Hon. Omondi: ...and then number two Mr. Speaker as you said this House is guided by the rules and the Standing Order. Mr. Speaker Sir, now maybe the Member should tell us if there is a Standing Order that does not allow us to take these any further...

(Interruption)

The Speaker (Hon. Khatri): Thank you Hon. Ibrahim. Hon. Amriya I think that is why I asked you have you gone through the Bill and the amendments? It seems like you have not gone through it because according to my small knowledge that I have gone through the Bill, I can see most of the amendments are on the word *authority* to *corporation* every where the word *authority* appears to be replaced by the word *corporation*, so that is why I asked you are you saying that amendments will have 86 instead of 43...

Hon. Amriya Juma: Yes.

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

Hon. Mohamed Hatimy: Nimezungumza na mwenzangu Mheshimiwa Amriya na tumekubaliana kuwa hapa hakuna marekebisho yeyote kwa sababu hii ni ripoti ya *public participation*, hii *Bill* imekuja ukisoma soma hii na usome na hii zimeoana pamoja vile vile zimeandikwa hapa zita *replace* zile zilizoko hapa ndio iende ikawe sheria Mheshimiwa Spika. Kwa hivyo nataka tukubaliane kuwa hii *Bill* ni moja hakuna marekebisho yeyote hayo ni maoni kutoka kwa *public participation* ambayo sisi tumetumwa na hili Bunge kwenda kuona wananchi watupatie maoni yao. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes Hon. Member are you on a point of information? Hon. Amriya is still on the floor, I hope you are in a point of information Hon. Renson.

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Are you on a point of information? So let the Hon. Member because she is still on the floor, so Hon. Amriya Boy please continue.

Hon. Amriya Juma: Mr. Speaker I stand guided but from the information that has been vanished on my end it appears that the Bill has gone through pre public participation; it has not yet gone through the House for it to have an amendments so that has come to my knowledge. But on my second point Mr. Speaker the first one was alive to the fact that if all the clauses had an amendment then it is better if the Act has passed we repealed it but am told that the Act was not passed which it still is at the pre publication stage which is well noted Mr. Speaker.

My second observation was with the regard to public participation report on their comment of replacing *authority* with the *corporation*, are we at that stage? Can I talk about it or we are not yet there? Because in my opinion an authority is a governing body that has administrative power to look after a certain administrative function but when we are talking about a corporation it is a form of company that has legal capacity and can be sued, can sue, can hire, can fire and it can attract shareholding and it can borrow. So am a bit reserved to go that direction of corporation because again it has its merits and demerits; it might end up in court being sued because if we go the way of corporation it means it is type of a company because an authority is an administrative body that oversight over administrative power but corporation is a form of company in my opinion. So that was my observation again, but I stand guided.

The Speaker (Hon. Khatri): Thank you Hon. Amriya. Yes Hon. Renson Juma?

Hon. Thoya: Ahsante sana Bwana Spika. Mimi naunga mkono na kile kitu ningependa kusema ni kuwa makini zaidi manake wengi wa wawekezaji wameweza kuja na tunawaona tunasikitika kwamba Jumba hili linatajikana kuweka sheria ya kuweza watu wetu kupata manufaa. Naomba ikiwa wawekezaji watakuja hususan ni sehemu zile ambazo ziko wazi vile nimetajiwa Mwakirunge ni lazima tujue kuna ardhi na kuna watu ambao wanakalia hizo ardhi, ni lazima mambo yote yawe wazi jinsi gani wale watu watakuwa *compensated*, watapata manufaa gani ama ajira, mambo yote hayo yawe wazi na ni faida gani Kaunti hii ya Mombasa itaweza kupata kwa sababu nilikuwa nikijadiliana na mwenzangu hapa kutoka Likoni nikisema ile madini ya Titanium inatoka Kwale lakini inakuja kupakiwa hapa Likoni Kaunti yetu ya Mombasa inapata nini mbali na leseni ama kile kibali cha kufanya ile biashara.

Kwa hivyo haya mambo yetu lazima yawe wazi kwa sababu wawekezaji watakuja lakini isije wakaja tukabaki vile vile ambavyo tuko ama tukarudi nyuma na hawa wawekezaji. Ahsante.

The Speaker (Hon. Khatri): Thank you Hon. Juma Renson. Yes Hon. Mwamwiri? Yes Hon. Mwalimu Mgwisho? I thought you were standing to say something. Yes Hon. Mwamwiri continue

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nilikuwa nikipitia makashablasha niliyo nayo, *the amended version* na *original version*; Mheshimiwa Spika katika *Clause 4* tumeelezewa majukumu ya *corporation* hii ama taasisi hii inayoundwa, sehemu ya 4 ya pili ndogo (a) inasema *borrowing money*.

Mheshimiwa Spika katika masuala ya taasisi ama serikali Gatuza kuomba pesa kuna taratibu na hapa ukifika sehemu ya tatu inasema *the entire shareholding of the corporation shall be owned by the County government* lakini nguvu za taasisi ama serikali Gatuza kuomba pesa lazima ipate *approval* kutoka kwa Bunge na mkopo uwe lazima udhaminiwe na serikali kuu.

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Lakini hapa kiupeo wangu sijalionna hilo likiangaziwa kwa hivyo huenda tukawa nje kwa ufahamu wangu katika zoezi zima la taasisi zetu kuomba pesa na idhini ya Bunge na pasi na serikali kuu kukubali kuwa mdhamini wa zoezi lile. Kadhalika Mheshimiwa Spika katika sehemu ya 6 (d) kwenye *original version* inasema *four professionals appointed through a competitive process by the Mombasa County Public Service Board in consultation with the Executive Committee Member and the Governor* ambalo hii ndilo mwelekezo na mwafaka katika zoezi nzima la kuteua wafanyi kazi katika taasisi zozote zilizoko chini ya serikali Gatuzi lakini katika marekebisho yao Mheshimiwa Spika sehemu hiyo ya sita wameondoa wanne wakasema *six professionals appointed through a competitive process by the Executive Committee Member and the Governor*.

Mheshimiwa Spika kiufahamu wangu hili halipo nguvu za kuajiri zipo kwa *County Government Public Service Board* na haziko kwa Waziri hiyo ni kulimbukizia mamlaka na madaraka ya kuiendesha taasisi hii kama chombo chake binafsi lakini tungebakia kwenye *original version* ambayo ndio mwelekezo wakikanuni ya kwamba *competitive process* lazima ipitie kwa *Kaunti Service Board* ambapo kuna utangazaji wa nafasi zile, kuna watu kupeleka maombi na watu kutahiniwa na kuhakikiwa na mwisho kabisa watu kuajiriwa na kusukumwa ama kutumwa kwa sehemu za kutekeleza majukumu. Kwa hivyo katika hii *amendment* kimimi naona imehujumu kanuni za uajiri. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. Yes Hon. Nzai?

Hon. Nzai: Thank you Mr. Speaker. Now i have got all reasons to smile as far as I had wished to support this Bill, I have two reasons as to why I feel this Bill must go through. When we look on our documents page 16 there is a topic or rather a headline *Investment Management*; when you come to invest management Article 32 you will find out that this Bill will make our County to create their own source of revenue which means the local collection might double itself in the near future.

Also on page 17 part 3 (3) this document contain issues of sources of investment capital in our County; Mr. Speaker we have so many jobless groups and by creating a source of investment capital it means most youths can come up with businesses which will ease the congestion of jobless youth in our Wards, this means by passing this Bill we are going to reduce the idleness for our youth in our areas. Thank you.

The Speaker (Hon. Khatri): Thank you Hon. Nzai. Yes Hon. Moses Aran?

Hon. Aran: Thank you Mr. Speaker Sir for giving me this opportunity (*Inaudible/Technical hitch*)...

The Speaker (Hon. Khatri): Hon. Opeya please reply.

Hon. Opeya: Thank you Mr. Speaker. I wish to congratulate my fellow Members for supporting this Bill, this Bill will provide legal framework on the investments which will be done in the Mombasa County and this will definitely improve the County of Mombasa. Thank you very much.

The Speaker (Hon. Khatri): Thank you Hon. Kizito Opeya. Hon. Members I now put the question that the Mombasa County Investment Authority Bill, 2019 be now read a second time.

(Question put and agreed to)

Yes Clerk?

(The Bill was read for the Second time)

Yes Hon. Fadhili?

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker. Mr. Speaker Pursuant to Standing Order 27 (2) House of Meeting Mr. Speaker the morning sitting ends at 12:30p.m; on that note under Standing Order 27 (6) I move the Motion that I interrupt so that we can resume in the afternoon session and commence to the Committee of the Whole House. Thank you Mr. Speaker and I ask Hon. Amur to second.

(Hon. Murfad Amur seconded)

ADJOURNMENT

Thank you Hon. Members I now put a question that the House be adjourned until 2:30p.m.

(Question put and agreed to)

The House rose at 12:24p.m.