

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Thursday, 17th November, 2016

The House met at 2.48pm.

*(Temporary Speaker (Hon. Fadhili Mwalimu) in the Chair)***PRAYERS****Temporary Speaker** (Hon. Mwalimu): Have your seats.*(Silence)*

Yes Clerk.

COMMUNICATION FROM THE CHAIR

Hon. Members I acknowledge the presence of two schools from two different sub-counties; Jeddys Academy from Nyali Constituency and Amani Primary from Jomvu Constituency.

Visitors when you hear your name stand up and bow for the benefit of record of this County Assembly.

We will start with Jeddys Academy: The Speaker Nelson Kalama...

(Applause)

Deputy Speaker Zania Angel...

(Applause)

Leader of Majority Sammy Panga...

(Applause)

Leader of Minority Felicia Nelima...

(Applause)

Sergeant at Arms Robert Masha...

(Applause)

Victoria Akinyi...

(Applause)

Keziah Tabitha...

(Applause)

Maryanne Adhiambo...

(Applause)

Joanina Wamaitha...

(Applause)

Theo Kaombwe...

(Applause)

Rahma Maganga...

(Applause)

Memusi Lenguro...

(Applause)

Katrina Echoka...

(Applause)

Lenny Njuguna...

(Applause)

Dave Mwaluma...

(Applause)

Amy-Claire Sebor...

(Applause)

Kristen Okello...

(Applause)

Abigael Watetu...

(Applause)

Levi Gitau...

(Applause)

Malaika Ngozi...

(Applause)

Sandra Mwendwa...

(Applause)

Tiffany Manyala...

(Applause)

Stacey Joy...

(Applause)

Rasoa Saha...

(Applause)

They are accompanied by their teachers: Teacher Charles Anyal...

(Applause)

Teacher Michael...

(Applause)

Teacher Stella...

(Applause)

Teacher Christopher...

(Applause)

And Mr. Mwit...

(Applause)

And from Amani Primary we have: Pauline Wambua...

(Applause)

Deborah Katana...

(Applause)

Capwell Murimi...

(Applause)

Amina Philicia...

(Applause)
Stanley Zai...

(Applause)
Joy Sammy...

(Applause)
Daniel Ngumbau...

(Applause)
Irene Mwendwa...

(Applause)
Nixon Mwendwa...

(Applause)
Ashley Wanjohi...

(Applause)
Thomas Charo...

(Applause)
Mwanahawa Ramadhan...

(Applause)
Joshua Mule...

(Applause)
Julie Atieno...

(Applause)
They are accompanied by the teachers and adults;
Tatu Mjaka...

(Applause)
Alvin Amakobo...

(Applause)
Mary Magdalene...

(Applause)
Stephen Okumu...

(Applause)
Norman Osodo...

(Applause)
Oscar Waswa...

(Applause)
Peggy Masika...

(Applause)
Francis Wanjohi...

(Applause)

And I will allow the Chief Whip to give a welcoming remarks, yes Chief Whip.

Chief Whip (Hon. Ahmed Ebrahim): Afternoon, I would like to welcome you, you as students I know you have come to learn something about the Assembly and how we run and handle business; be keen and listen to what we do and what we have to say maybe after the Assembly we will try to show you the Order Paper and we will tell you how the business is done so you are most welcomed. Thank you.

(Applause)

Temporary Speaker (Hon. Mwalimu): Yes thank you, so Members feel welcomed and you are very welcomed to this session of Mombasa County Assembly. Yes Clerk.

Hon. Mohamed Hatimy: Thank you Mr. Speaker I wish to give a notice Mr. Speaker; there's a confusion, there's a document which is being distributed. I have a Supplementary Bill....

(Interruption)

(Mace is lowered)

(Temporary Speaker (Hon. Mwalimu) exited Chair)

COMMITTEE OF THE WHOLE HOUSE

(ORDER OF COMMITTEE READ)

(Temporary Speaker (Hon. Mwalimu) in the Chair)

Chairperson: Yes Hon. Hatimy you have the amendments of the Mombasa County Finance Bill of 2016.

Hon. Mohamed Hatimy: Thank you Mr. Speaker I wish to table the amendments of the Finance Bill, Bill no. 4 as follows that the County Executive Committee Members of Finance may waive a County tax, fee or charge imposed by the County government...

(Interruption)

Chairperson: Hon. Hatimy please be audible.

Hon. Mohamed Hatimy: Thank you Mr. Speaker.

Chairperson: Mr. Chairman, am the chairman.

Hon. Mohamed Hatimy: Mr. Chairman, thank you Chairman. The issue is before any amendment the following amendment has to be inserted after clause 6 and clause 7 to read as follows;

(Hon. Mohamed Hatimy read)

"The County Executive Committee Member for Finance may waive a County tax, fee or charge imposed by the County government and its entities pursuant to Article 210 of the Constitution, Section 159 of the Public Finance Management Act 2012 and Section 19 of the Mombasa County rating act 2013".

(Hon. Mohamed Hatimy moved)

I beg to move Mr. Speaker, thank you.

Chairperson: Will as many as of the opinion that after clause 6 the amendment that to read the County Executive Member for Finance may waive a County tax fee or charge imposed by the County government and its entities pursuant to Article 210 of the constitution Section 159 of the Public Finance Management Act 2012 and Section 19 of the Mombasa County Rating Act 2013.

(Question put and agreed to)

Yes Clerk.

(Members rose)

(Mace was raised)

PLENARY RESUMED

(Temporary Speaker (Hon. Mwalimu) in the Chair)

Temporary Speaker (Hon. Mwalimu): Have your seats, yes Clerk.

BILLS

The clerk to read the First Reading of the Bill.

FIRST READING

MOMBASA COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2016

Clerk: Mr. Speaker sir, the First Reading of the Mombasa County Supplementary Appropriation Bill, 2016;

An Act of County Assembly to authorize the issue of certain sums of money out of the County Revenue Fund and their application towards the service of the year ending on the 30th June 2017, and to appropriate those sums for certain public services and purposes.

Temporary Speaker (Hon. Mwalimu): Chairman Hatimy you'll do the Second Reading before the Bill is committed to the Committee of Whole House.

Hon. Mohamed Hatimy: Thank you Mr. Speaker, Pursuant to the provisions of Standing Order 122 that the Mombasa County Gazette Supplementary No. 17 Mombasa County Assembly Bill No. 6 of 2016, be now read a second time. Thank you Mr. Speaker.

SECOND READING

MOMBASA COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2016

Clerk: Mr. Speaker Sir second reading of the Mombasa County Supplementary Appropriation Bill, 2016;

An Act of County Assembly to authorize the issue of certain sums of money out of the County revenue fund and their application towards the service of the year ending on the 30th June 2017 and to appropriate those sums for certain public services and purposes.

Temporary Speaker (Hon. Mwalimu): Hon. Members the House stands to the Committee of the Whole House to discuss this Bill.

(Members rose)

(Mace is lowered)

(Temporary Speaker (Hon. Mwalimu) exited Chair)

COMMITTEE OF THE WHOLE HOUSE

(ORDER OF COMMITTEE READ)

(Temporary Speaker (Hon. Mwalimu) in the Chair)

Chairperson: Have your seats, Hon. Members this is the stage of scrutinizing the Bill properly and in this stage anyone who has got his or her input he or she is allowed to forward whatever that is and can follow up whatever he or she has, yes Hon. Amur.

Hon. Amur: Yes Mr. Chairman since all the Members have the copies of the Supplementary I think it will be better for us to go through and accept that Bill as it is Mr. Chairman.

Chairperson: Any seconder? yes Hon. Amir Thoya?

Hon. Thoya: Mheshimiwa Mimi nimesimama kuunga mkono...

(Interruption)

Chairperson: Be audible.

Hon. Thoya: Nimesimama kuunga mkono kwa sababu sote tuko na nakala hizi na tumeweza kuzipitia kuona ya kwamba ziko sawa.

Kwa hivyo naunga mkono hoja ya Mheshimiwa Amur.

Chairperson: Yes Hon. Siminyu?

Hon. Siminyu: Mine is to say that if anybody has an issue regarding the Supplementary he or she can point out for it to be in the Supplementary.

Chairperson: Hon. Members having heard from the Members I propose the question.

(Interruption)

Hon. Ibrahim Kondo: Mr. Chairman before you put a question, what I can see here...

(Interruption)

Chairman: Hon. Kondo can you withdraw that statement, I propose the question that we adopt the report as proposed by Hon. Amur?

(Question put and agreed to)

Yes Hon. Ibrahim Kondo what was your concern?

Hon. Ibrahim Kondo: Yeah, number 5.

Chairperson: Recurrent or development.

Hon. Ibrahim Kondo: The first paragraph.

Chairperson: Is it in recurrent or development?

Hon. Ibrahim Kondo: Recurrent the *supply granted for the services of the year ending on the 30th June 2017* not 2015 in respect of the votes.

Chairperson: So what is your concern?

Hon. Ibrahim Kondo: My concern is year 2015 it is not 2015 it's supposed to be 2017.

Chairperson: So Chairman Finance, Budget and Appropriation do you agree with the amendment?

Hon. Mohamed Hatimy: No objection.

Chairperson: It's just a typing error?

(Hon. Hatimy nodded in agreement)

Chairperson: Members I now put a question on the budget expenditure.

(Question put and agreed to)

On the development expenditure any amendments or we put as it is?

Hon. Mohamed Hatimy: Mr Chairman.

Chairperson: Yes Hon. Hatimy?

Hon. Mohamed Hatimy: I request the Members to pass it but with amendments.

Chairperson: Yes Hon. Amur?

Hon. Amur: Mr. Chair I believe that the Chairman of Finance, Budget and Appropriation has said that we pass with amendments?

Chairperson: Is it the development or recurrent?

Hon. Amur: Both?

Chairperson: Hon. Members as the Chairman I now put the question that this Bill on development expenditure plus the recurrent expenditure be passed with amendments, the Supplementary Appropriation Bill 2016, be passed with amendments.

Question put and agreed to)

(Members rose)

(Mace was raised)

PLENARY RESUMED

(Temporary Speaker (Hon. Mwalimu) in the Chair)

Temporary Speaker (Hon. Mwalimu): Have your seats, yes Hon. Hatimy.

Hon. Mohamed Hatimy: Thank you Mr. Speaker Sir pursuant to the provisions of Standing Order 129 that the County Assembly do agree with Committee that the Supplementary Appropriation Bill be passed with amendments, thank you.

Temporary Speaker (Hon. Mwalimu): Hon. Hatimy can you give this House the benefit of this Bill just for the Members to know why we are passing the Supplementary Bill in few words.

Hon. Mohamed Hatimy: Thank you Mr. Speaker as we know the Supplementary budget is the same budget which was passed on the 30th June, 2016.

So we are trying to reallocate the vote, we are trying to get the vote from the vote which were not used so as they can be used so that's why we are here today. Thank you Mr. Speaker.

Temporary Speaker (Hon. Mwalimu): Thank you and you report that from the Second Reading they were amendments and the Bill should be passed by amendments right?

Hon. Mohamed Hatimy: Yes.

Temporary Speaker (Hon. Mwalimu): Hon. Members I put the question that what was proposed by the Chairman Hon. Hatimy that Members to pass this Bill with amendment.

(Question put and agreed to)

(Applause)

Yes Hon. Hatimy.

Hon. Mohamed Hatimy: Mr. Speaker pursuant to Standing Order 122 that the Mombasa County Gazette Supplementary No. 17 Mombasa County Assembly Bill No. 6 of 2016, be now read for the Third Time. Thank you.

Temporary Speaker (Hon. Mwalimu): Yes Clerk.

THIRD READING

MOMBASA COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2016

Clerk: Mr. Speaker Sir.

The Mombasa Supplementary Appropriation Bill, 2016;

A Bill for AN ACT of COUNTY ASSEMBLY to authorize the issue of certain sums of money out of the County Revenue Fund and their application towards the service of the year ending on the 30th June, 2017, and to appropriate those sums for certain public services and purposes.

Temporary Speaker (Hon. Mwalimu): Yes Hon. Chairman what is it?

Hon. Mohamed Hatimy: Thank you Mr. Speaker since we do not have any amendments from the Second round, so I beg to pass the Bill with amendment.

I seek leave to this House to approve the Bill with amendment. Thank you.

Temporary Speaker (Hon. Mwalimu): Hon. Members I now stand to put a question that the Mombasa Supplementary Appropriation Bill, 2016 with amendments.

(Question put and agreed to)

Yes Clerk.

ADJOURNMENT

Hon. Members having no other business the House stands adjourned until Tuesday 2.30pm next week.

The House rose at 3.26pm.