



COUNTY ASSEMBLY OF MOMBASA
THE HANSARD

Wednesday, 4th December, 2024

Third Assembly – Third Session
NINETY SECOND SITTING

*[The County Assembly met at 2:50p.m at the County Assembly Buildings]
[The Temporary Speaker (Honourable Hamisi Nyota) in the Chair]*

PRAYERS

The Temporary Speaker (Hon. Hamisi Nyota): Members you may be seated. Yes Clerk?

MOTION

LEAVE TO TAKE A BILL THROUGH MORE THAN ONE STAGE IN ONE SITTING

Yes, Honourable Kibwana Baya, Chairperson Committee on Finance, Budget and Appropriation, please move the Motion.

The Leader of Minority (Hon. Matsaki): Thank you, Mr. Speaker. Mr. Speaker, I beg to move the following Motion;

That, Pursuant to Standing Order 117(1), I seek leave to take the Mombasa County Ward Equitable Development Bill, Mombasa County Bill No. 5 of 2024, through more than one stage in this sitting.

Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): Who is your seconder?

The Leader of Minority (Hon. Matsaki): This Motion will be seconded by Honourable Mbelle.

Hon. Mbelle: I second.

The Temporary Speaker (Hon. Hamisi Nyota): I now stand and propose the question that the Motion by Honourable Kibwana Baya on leave to take the Bill through more than one Stage in one Sitting be adopted by this House.

[Question proposed and agreed to]

I now put the question that the Motion by Honourable Kibwana Baya on leave to take the Bill through more than one stage on one sitting be adopted by this House.

[Question put and agreed to]

The Bill goes for the second reading. Yes Clerk?

BILLS

THE MOMBASA COUNTY EQUITABLE DEVELOPMENT BILL (MOMBASA BILL NO.5 OF 2024)

The Temporary Speaker (Hon. Hamisi Nyota): Yes, Honourable Kibwana Baya, Chairperson Committee on Finance, Budget Appropriation, please move the Motion for the Bill to be read a second time. Thank you, Mr. Speaker.

The Leader of Minority (Hon. Matsaki): Mr. Speaker Sir, I beg to move the following Motion;

That, the Mombasa County Ward Equitable Development Bill (Mombasa County Bill No.5 of 2024) be read a second time.

Thank you.

The Temporary Speaker (Hon. Hamisi Nyota): Seconder?

The Leader of Minority (Hon. Matsaki): I beg Honorable Mwinyi Mtoto to second.

The Temporary Speaker (Hon. Hamisi Nyota): Yes, Honourable Mwinyi Mtoto?

Hon. Mwinyi Mtoto: Mr. Chair. I stand to second.

The Temporary Speaker (Hon. Hamisi Nyota): I now propose the question, the Motion by Honourable Kibwana Baya on the Mombasa County Ward Equitable Development Bill, County Bill No.5 of 2024 be read a second time.

[Question proposed and agreed to]

Yes, Honourable Morgan Matsaki?

The Leader of the Minority (Hon. Matsaki): I stand once again to say thank you to all Honourable Members, and I would like each and every member to support this Bill because this Bill is good, especially with Members elected and as I stand, I really support it. First and foremost, we have been elected by the Members from the ground and they are expecting lots of development from us. So, when we opt not to pass this Bill automatically all the developments will be brought back to the ground. So, I stand once again to pledge our fellow Members to support it. Thank you so much.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you so much, Honourable Morgan Matsaki. Yes, Honourable Abdulrahman Abdulkadir, MCA Old Town?

Hon. Abdulrahman Abdulkadir: Thank you Mr. Speaker for giving me an opportunity to contribute to this Motion, that indeed it has been a long process of public participation and a lot of consultation even with the fellow Members on this Bill. Mr. Speaker, I cannot overemphasize the importance and the relevance of this Bill especially to a House as honorable as this House. Mine is just also to encourage my colleagues to support it without any reservations. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you Honourable Abdulrahman Abdulkadir. Yes, Honourable Samuel Mwaura?

Hon. Mwaura: Thank you Mr. Speaker. I also stand in support of the Motion and also join my colleagues in urging the rest of the House of the Members to really support this Motion or to support this Bill because it is really needed in the ground because everybody, everyone is looking upon us to do some development and when the Bill is approved by the House and when this Motion goes through Mr. Speaker we will all be remembered for having done something that will bring development in the Wards. Thank you.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you Honourable Samuel Mwaura. Yes, Honourable Sylvester Kai?

Hon. Kai: I stand to support the Motion because the Motion is very, very good. Thank you.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you Honourable Sylvester Kai. Yes, Honourable Frankline Makanga, MCA, Chaani Ward?

Hon. Makanga: Thank you, Mr. Speaker. I stand to support the Motion and in relation to the Bill Mr. Speaker I really want to recommend and commend the sponsor of the Bill Honourable Patrick Mbelle for the efforts made, for the work done, for the reference, for the research conducted, and further to appreciate the Committee on Finance and Budget and Appropriations for the extensive work they have done. Honourable Speaker, noting that all that is entailed in the Bill is in line with the Constitution of Kenya, 2010 and to be specific, follows the functions set out in Schedule 4 of the Constitution Part B therefore this is a moment, this is a period, this is a season that we as an Assembly shall be walking with our chest high by fulfilling the spirit of devolution and the vision that the Constitution right has had in bringing forth the issues of County governments at such a time as this. Therefore, Honourable Speaker, may I join the other Honourable Members that at such a time we need to pass this Bill, have it assented to and having the same implemented even as it had been outlined in the very many clauses in the said Bill. Therefore, Mr. Speaker, I stand to support. Thank you.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you so much Honourable Frankline Makanga for your contribution. I now stand to put the question that the Motion by Honourable Kibwana Baya on Mombasa County Ward Equitable Development Bill, Mombasa County Bill No.5 of 2024 be read a second time.

[Question put and agreed to]

Yes, Clerk?

[The Clerk reads the Bill for a second time]

Honourable Members, the Bill has been read a second time and stands committed to the Committee of the Whole House.

COMMITTEE OF THE WHOLE HOUSE

ORDER OF COMMITTEE READ

[The Mace was lowered to the lower deck]

IN THE COMMITTEE

[The Temporary Speaker (Hon. Hamisi Nyota) exited the Chair]

[The Temporary Speaker (Hon. Abdulrahman Abdulkadir) in the Chair]

The Chairperson (Hon. Abdulrahman Abdulkadir): Members, we are in the Committee of the Whole House. The rules are a bit relaxed, but nonetheless we have an important transaction before us. We'll try to exhaustively go through everything together, so please let us be patient as we conduct this important task. We do not want to see more members walking outside. So, we will start. I think there is a Notice of Amendments that have been shared with each and every Member in the House for your own reference and I also want to confirm whether all the members have a copy of the Bill, the yellow copy, so *hapa pia twaweza kuchanganya lugha Kiswahili, Kiingereza...*

[Consultations]

It is all allowed. Members *tutaanza na*, we will start with page 2, which is on, there is a title objects of the Act it should be No.3 but it is written No.2, Honourable Patrick Mbelle, just concentrate I want us to move together. Objects of the Act it should be No.3, but it is written No.2. So, yes...

[Interruption]

Hon. Kai: I do not have a copy.

The Chairperson (Hon. Abdulrahman Abdulkadir): I asked whether everyone has a copy and say everyone said yes. You will be given one, okay we are together. Yes, Clerk?

[The Clerk read Clause 3]

I, now propose the question that clause three be part of the Bill.

[Question proposed and agreed to]

Chairperson of the Committee, any input? Sorry, mover of the Bill, any input? Honourable Morgan, you are the one doing it on behalf of the Committee or Honourable Hamisi Mwinyi Mtoto.

The Leader of Minority (Hon. Matsaki): Yes.

The Chairperson (Hon. Abdulrahman Abdulkadir): Do we have an amendment to that Clause?

The Leader of Minority (Hon. Matsaki): Yes. Clause No. 3.

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes.

The Leader of Minority (Hon. Matsaki): Clause No.3. That Clause No. 3 be amended by re-numbering the Clause to read Clause No.3.

The Chairperson (Hon. Abdulrahman Abdulkadir): Okay. Members, I think you have taken note of that, it has been indicated as No. 2, so we are proposing, he is proposing be renumbered the Clause to read Clause No. 3 Any seconder?

Hon. Mwinyi Mtoto: Thank you, I second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Okay. I now I now put the question that Clause No.3 as amended be part of the Bill.

[Question put and agreed to]

Yes Clerk.

[The Clerk read Clause 4]

Clause 4, clause 4 that is the title is guiding principles. I now propose the question that clause 4 be part of the Bill.

[Question proposed and agreed to]

Any input Members?

[Silence]

Chair?

[Silence]

Any input?

Hon. Mwinyi Mtoto: No input.

The Chairperson (Hon. Abdulrahman Abdulkadir): No input. Any input from the Members? None. I now put the question that clause 4 be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read Clause 5]

Members, clause 5. I now propose the question that clause 5 be part of the Bill.

[Question proposed and agreed to]

Any input?

Hon. Mwinyi Mtoto: Yes.

The Chairperson (Hon. Abdulrahman Abdulkadir): Do you have an amendment? Please share with us.

Hon. Mwinyi Mtoto: Clause 5, (4). that clause 5, 2B be amended by deleting the clause.

The Chairperson (Hon. Abdulkadir Abdulrahman): So, Members, we are deleting the clause 5, 2Billion. That is the amendment you are proposing?

Hon. Mwinyi Mtoto: Yes. Okay.

The Chairperson (Hon. Abdulrahman Abdulkadir): Could you just go take us through all the amendments you are making under clause 5? Just read all the amendments.

Hon. Mwinyi Mtoto: Okay. So, clause 5.

4. That clause 5, 2B be amended by deleting the clause,
5. That clause 5, 3 be amended by deleting the words under sub section 2B the County Executive Committee and substituting therefore with the words the County Assembly shall,
6. That clause 5, 3 be amended by inserting the words incorporates. Proportion of equal share, population density and land area at 98%, 1% and 1% receptively of each ward immediately after the word allocation,
7. That clause 5, 3A be amended by deleting the words not less than 50 and substituting thereof with the words a minimum of 30,
8. That clause 5, 3A be amended by inserting the words excluding conditional grants immediately after the word act.

Thank you.

The Chairperson (Hon. Abdulrahman Abdulkadir): Honourable Members, those are about 1, 2, 3, 4, 5 amendments proposed. Do you have any seconder?

Hon. Bhaloo: Thank you, Sir. I do second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Okay. Honourable Members, any input from the Members?

[Silence]

No input. I now put the question that clause 5 as amended be part of the Bill.

[Question put and agreed to]

Members, clause 6, that is under the County Assembly approval of the criteria. I now propose the question that clause 6 be part of the Bill.

[Question proposed and agreed to]

The mover of the Bill, do you have any amendments?

Hon. Mbelle: Yes, Chair, I have an amendment.

The Chairperson (Hon. Abdulrahman Abdulkadir): Proceed.

Hon. Mbelle: Chair, I would wish to have an amendment that clause 6, 1A be amended by deleting the word respective.

The Chairperson (Hon. Abdulrahman Abdulkadir): Any seconder?

Hon. Khamisi Nyota: Thank you Chair, I second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Honourable Members, any input from the Members? No input. I now put the question that clause 6 as amended be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read Clause 7]

Yes, Members, I now propose the question that clause 7 be part of the Bill.

[Question proposed and agreed to]

Any input?

Hon. Mbelle: Yes, Chair, I have an amendment.

The Chairperson (Hon. Abdulrahman Abdulkadir): Please proceed. Take us through the amendments under this clause.

Hon. Mbelle: Thank you, Chair. I wish to move the following amendments. That clause 7.5 be amended by deleting the words in nominating Members. That clause 7(5) be amended by inserting a new row immediately after to read the County Assembly shall consider and approve the list of Committee Members submitted by the County Executive Committee Member. That clause 7(10) be amended by deleting the words university degree and substituting therefore with the words diploma.

That clause 7(10) be amended by adding a new row immediately after row C to read D, show proof of residency in the past five years.

Thank you, Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): Seconder?

Hon. Nyache: Thank you, Chair. I second the Bill.

The Chairperson (Hon. Abdulrahman Abdulkadir): Any input, Members? Those are about four amendments that have been made. Any input?

[Silence]

No input. Any clarification?

[Silence]

None. Honourable Members, I now put the question that clause 7 as amended be part of the Bill.

[Question put and agreed to]

Yes, Clerk.

[The Clerk read Clause 8]

Yes. Honourable Members, clause 8 that is under the selection of projects by the County Executive Committee. I now propose that clause 8 be part of the Bill.

[Question proposed and agreed to]

[Question put and agreed to]

Any input?

Hon. Mbelle: Yes Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes.

Hon. Mbelle: I do have amendments, Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): Proceed.

Hon. Mbelle: Thank you. Chair, I would wish to move the following amendments to clause number 8. That clause number 8(2) be amended by deleting the words respective appearing before county assembly. And that clause 8(2) be amended by deleting the words approval and substituting therefore with the words consideration and subsequent approval. Thank you, Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): Seconder to that amendment.

Hon. Nusura Mwinyi: Thank you, Mr. Speaker. I do second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Thank you, Honourable Nusura. I now, any input from Members?

[Silence]

None. Okay. I now put the question that clause 8 as amended be part of the Bill.

[Question put and agreed to]

Yes, Clerk.

[The Clerk read Clause 9]

Clause 9?

[The Clerk read Clauses 9,10,11,12,13,14,15,16,17]

Honourable Members, we want to believe that all of you are familiar with those clauses that have been mentioned and you have gone through it. So, I now put the question that, I now propose the question that clauses 9, 10, 11, 12, 13, 14, 15, 16 and 17 be part of the Bill.

[Question proposed and agreed to]

Any input? Members, you are allowed to have an input. Just an input. Any comments? Because we are talking about how many clauses? 10 clauses. No input? I want to believe that you are satisfied with it. I now put the question that clauses 8, 9 all the way to clause 17 be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read Clause 18]

Honourable Members, clause 18 under the title regulations. I now propose the question that clause 18 be part of the Bill.

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[Question proposed and agreed to]

Any input, Members?

Hon. Mbelle: Chair, I have amendments to the clause.

The Chairperson (Hon. Abdulrahman Abdulkadir): Please take us through the two amendments.

Hon. Mbelle: Thank you, Chair. Chair, I have the following amendments that clause 18(1) be amended by deleting number 1 appearing immediately after number 18. And that clause 18(d) be amended by deleting the words by the entity appearing immediately after the words project proposed. Thank you, Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): Any seconder?

[Silence]

Any seconder? Because we cannot move it without a seconder.

Hon. Mwinyi Mtoto: Thank you, Chair. I do second. I do second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Any input from the Members? Comments? You could ask questions. Why are we removing the number 1 appearing immediately after number 18? It is a valid question. Maybe you can tell us.

Hon. Mbelle: Chair, the reason as to why we are removing the number, numerical number 1 is because that clause number 18 only has subsections A, B, C, D, E, F, G, H, and I. And do not proceed to another subsection and that is why we've removed number 1. If we were to have number 1, then we should have number 2. Thank you, Chair. And as for 18d, Mr. Speaker Sir, as it reads, it says, outlining the format of preparation and submission of the list of and description of projects proposed by the entity for funding Pursuant to this Act. So, we have deleted the word entity. So, it is projects proposed instead of entity.

The Chairperson (Hon. Abdulrahman Abdulkadir): Thank you. I think that is well understood. There being no further clarification of sorts, then I now put the question that clause 18, as amended, be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read the Schedule]

That I want to believe is in page 12, Schedule. Honourable Members, I now propose that the Schedule be part of the Bill.

[Question proposed and agreed to]

[Question put and agreed to]

Do we have an amendment?

Hon. Mbelle: Yes, Mr. Chair, I do have an amendment.

The Chairperson (Hon. Abdulrahman Abdulkadir): Please propose it.

Hon. Mbelle: Thank you, Chair. Mr. Chair, I do have the amendment that says that paragraph 4 be amended by deleting the word 6 and substituting, therefore, with 5 to appear immediately before the word, “Members”. Thank you, Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): Secunder?

Hon Hamisi Nyota: Thank you, Chair. I second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Any input, Members? Please provide further clarification as to why we are doing that.

Hon. Mbelle: Thank you, Chair. Chair, the total number of Members are 7, and as you all know, the quorum of any meeting should be an odd number. So, 6 would definitely be, when there are splits, there would never be a point at which we would have a split that has more or less votes. That is why we opted to go to 5 Members, and that is substantive enough to have at least 5 Members to come make decisions for the Committee and the community. Thank you, Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes. Use the microphone, please. Use the microphone. No, you have to be captured.

Hon. Kai: Thank you. My question, Chair, was if the issue is to have an odd number, why should we not make it 7 instead of 5?

The Chairperson (Hon. Abdulrahman Abdulkadir): A very valid question. Please proceed.

The Leader of Minority (Hon. Matsaki): Jibu langu la kwanza ni kwa sababu the *Committee* wale watakao chaguliwa mashinani *they are already seven sometimes* wanaweza kosa kutoka wawili *so we need a quorum* kama watano wanaweza pitisha *Bill* so tukiweka saba *sometimes* kunaweza kuwa na shida. So, *we propose atleast* kuwe na tano badala ya sita ilivyokua *indicated* au saba.

Hon. Kai: If you can come again, I'm sorry.

The Leader of Minority (Hon. Matsaki): Katika hii *Bill* wale watakao chaguliwa kwanzia *Chair* mpaka *Ward Administrator*, is a total number of 7. So katika hii *Bill* ambayo tunafanya *amendment* ya sita we are proposing at least to make it 5. Hata wawili wasipofika tano, ambayo *it's a good quorum* kama watapitisha au waangushe zile *project* ambazo zitakua proposed so tunaomba *atleast instead* of iwe saba ama iwe sita, *it's a proportional number*, we make it 5. Thank you.

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The Chairperson (Hon. Abdulrahman Abdulkadir): Satisfied with that? Yes, Honourable Makanga?

Hon. Makanga: Mr. Chair, maybe for record purposes, there is need for clarification whether the Committee Members, the Ward Development Committee Members have powers to vote out a project that has been selected. Because it is the people who identify the projects in the Ward. So, do they have rights to amend the list of projects identified by the people, for them to vote, as you have alluded?

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes, Honourable Patrick Mbelle? Can I have an answer to that?

Hon. Mbelle: Yes, I would wish to just weigh in on whatever Honourable Franklin Makanga just said. And I wish to state that, first of all, before going into the answer that the Members that are in this Committee are seven. And the seven Members are all from different sectors. You would find that there is somebody representing the people who are doing business, you would find some representing the youth, some representing age or gender, you would find there is a Chairperson, there is a Member of a professional body. So, in the event that all seven are not available, it is rightful enough to at least have 5. That would be representing a certain or a better part of the community. In the event that we would have gone to three, they would have lesser representation within the group. So, Chair, I think it is rightfully important that we have five that would have a bigger spectrum in terms of representation of the community. And two, is that this Committee does not make decisions on behalf of the community. Chair, I wanted to go on record that it does not make decisions on behalf but it helps in bringing the people together and making sure that they are able to air their views. And that the views are taken to the CEC Finance at the time when the views are supposed to be taken. But they do not have any powers to amend anything that has been spoken by the people. Thank you, Chair.

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

Hon. Kai: Thank you. Please, Chair, if I can continue.

The Chairperson (Hon. Abdulrahman Abdulkadir): Proceed, please.

Hon. Kai: I'm sorry, Chair, that I cannot quickly see the list of the members. Because from where Mr. Honorable Mbelle is saying that we have 7 members and they are drawn from maybe different areas. But again, I feel it is also important maybe to have a leader representing religious because it is an important area.

The Chairperson (Hon. Abdulrahman Abdulkadir): Honourable Kai, I understand your concerns. However, right now we are at the amendment under the headline quorum, so we are discussing the quorum issue here, that the Bill has proposed that we have six Members to constitute a quorum...

[Interruption]

Hon. Kai: Yes, and it has been specified that they should come from different stages, just a concern though maybe I am taking you back...

[Interruption]

The Chairperson (Hon. Abdulrahman Abdulkadir): I understand you but we have gone through it, you remember when I was saying that number 7, 8, 9 and 10 maybe perhaps that would have been the ideal place, for your amendment to come, so that we include the religious leaders...

[Interruption]

Hon. Kai: Is it not a concern Mr. Chair?

The Chairperson (Hon. Abdulrahman Abdulkadir): It is a valid concern but it is not.

Hon. Kai: Members, is it not a concern?

The Chairperson (Hon. Abdulrahman Abdulkadir): It could be a concern but right now we are at the quorum. So, they are proposing that we have a quorum of five instead of having six that was proposed in the Bill.

Hon. Kai: Okay I am guided thank you.

The Chairperson (Hon. Abdulrahman Abdulkadir): Honourable Members, I want to believe that we have...any further input before I put a question?

[Silence]

Thank you, I now put the question that the schedule as amendment be part of the Bill...

[Question put and agreed to]

Yes Clerk?

[The Clerk read Clause 2]

Clause 2 let us go back. Are you able to see where clause 2 is?

Hon. Mbelle: Yes Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): All of us?

Hon. Members: Yes Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): That is good. Page number 2, there is Part which is the PRELIMINARY and the Short Title is number 1 and then number 2 is clause 2. I now propose a question that clause 2 be part of the Bill...

[Question proposed and agreed to]

Yes Chairperson?

Hon. Kai: Thank you, Mr. Chair. Just because as much we are checking all the process, it's also a learning process, I do not know whether it's a tradition we going in front then we are getting back again, I don't understand the reason.

The Chairperson (Hon. Abdulrahman Abdulkadir): It's per the Standing order that there is a sequence in which we follow when you are passing the Bill.

Hon. Kai: This is how it is supposed to be done, that we start from the back then we come.

The Chairperson (Hon. Abdulrahman Abdulkadir): Not really, not necessarily but we normally start with, let me just give you a reference of the Standing order we read it and it is a good question that you asked, because I am sure there are many Members who are also having the same concern including Honourable Nyota, so you have spoken for many, so let me just read for you Standing order 123...

“On the order of the day for Committee of a Bill being read, the Speaker shall leave the Chair without question put”.

That one we have done it. So, 123 speaks about the sequence to be observed on a Bill in Committee, in considering a Bill in Committee the various parts therefore shall be considered in the following sequence;

- a. *Clauses as printed, excluding the clauses providing for the citation of the Bill, the commencement if any and the interruption.*

So, we have said we will start with clauses excluding the clauses providing for the citation of the Bill, which is number 1 and interpretation which is clause 2, so we normally start with clause 3 and then after we are done with that new clause, the new Schedule follows interpretation which we are at that stage right, follows and then we have pre-humble and then the long title.

Hon. Kai: Thank you, Mr. Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): Thank you. Yes, the Chair please proceed.

Hon. Mbelle: Chair I beg to move amendment to the same clause 2.

The Chairperson (Hon. Abdulrahman Abdulkadir): Please proceed.

Hon. Mbelle: Chair, I would wish put the following amendment that clause two be amended by deleting the word, 'revenue' has the meaning assigned to it, under the name Commission of Revenue Allocation Act and that clause two be amended by inserting the words, within Mombasa County immediately after the word, Wards'. Thank you Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): Seconder?

Hon. Nusura Mwinyi: Thank you Chair. I do second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Any input Members? Or perhaps you could tell us why we are doing that Honourable Patrick, why are we making that necessary amendment?

Hon. Mbelle: Thank you Chair, so in clause number 2 which reads this Act Commission means the Commission of Revenue Allocation established under article 215 of the constitution. Chair the word commission has many meanings and cannot only be defined by the Commission of Revenue Allocation. So, it is important that we are able to delete it and say, to delete the entire clause and Mr. Speaker Sir number, 2 be amended by inserting the word, 'within Mombasa County' immediately after the word, 'Wards'. So that Mr. Speaker Sir, we are specific enough to know that this Bill is going to be implemented within Mombasa County and Wards are within Mombasa County.

The Chairperson (Hon. Abdulrahman Abdulkadir): I understand the second one but the first one is not very clear why we are expunging the whole sentence, 'revenue' has the meaning assigned to it, under the Commission on Revenue Allocation. Is that what we are deleting? What would be the material effect?

[Members Murmuring]

Hon. Mbelle: Chair, just a minute so I seek clarification.

The Chairperson (Hon. Abdulrahman Abdulkadir): Please do. I think you have consulted and I want to ask you whether your feel is still necessary we proceed with the amendments as you have.

Hon. Mbelle: Chair, one of the reasons that I had thought probably other Members had thought which again I seek to be guided was that this Bill literally is not about allocating revenue to either Wards or any other person. So, it is not necessary for us to have the Commission of Revenue Allocation within this Act. This is purely a Procedural Bill that intends to have Wards have equitable allocation of revenue, so it is not about allocation of revenue that is the whole essence here, Chair but I stand guided.

The Chairperson (Hon. Abdulrahman Abdulkadir): I think that is efficient explanation, thank you. You know Members we should not be just having amendments that we are not convinced. So, Members I now put a question, have I proposed the question?

[The Clerk confirmed]

I have, I now put the question that clause two as amended be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read Clause 1]

Clause 1 which is the citation I am informed.

1. This Act may be cited as the Mombasa County Ward Equitable Development Act, 2024. I now propose a question that clause 1 be part of the Bill.

[Question proposed and agreed to]
[Applause]

Any input?

[Silence]

We do not have any input and now I put a question that clause 1 be part of the Bill.

[Question put and agreed to]

Yes Clerk?

[The Clerk read the Long Title]

Members, I now propose the question that the long title as read be part of the Bill.

[Question proposed and agreed to]

Any input?

[Silence]

You feel like the title is okay? Thank you, Members. I now put the question that the long title as read be part of the Bill.

[Question put and agreed to]

Yes, Honourable Patrick Mbelle please move the Motion that we resort back to plenary.

Hon. Mbelle: Thank you Mr. Speaker. I would like to move the Motion that we resort back to plenary...

[Interruption]

The Chairperson (Hon. Abdulrahman Abdulkadir): A minute!

Hon. Mbelle: Thank you Chair.

[Consultations]

Thank you Chair. Once again, I would wish ask that this Bill which is Mombasa County Equitable Development Bill as amended be reported to the County Assembly and...

[Interruption]

The Chairperson (Hon. Abdulrahman Abdulkadir): Please come back again?

Hon. Mbelle: Sorry Chair somebody just distracted me and he wants to give me water and I do not want to drink! Now, Chair I would wish to ask that the Bill of the Mombasa County Equitable Development Bill as amended be reported back to the County Assembly. Thank you Chair.

The Chairperson (Hon. Abdulrahman Abdulkadir): Any seconder to that Motion? Who is your seconder? Louder please.

Hon. Mbele: I would wish to ask Honourable Mwinyi Mtoto to second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Yes, please second the Motion.

Hon. Mwinyi Mtoto: Thank you Chair, I do second.

The Chairperson (Hon. Abdulrahman Abdulkadir): Honourable Members, I now put the question that the Motion by Honourable Patrick Mbelle be adopted in this Honourable House.

[Question put and agreed to]

Honourable Members, thank you for your time and your input.

PLENARY RESUMED

[The Mace was raised to upper deck]

[The Temporary Speaker (Hon. Abdulrahman Abdulkadir) in the Chair]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Just remain upstanding. Members now you can take your seat. Yes Clerk?

MOTION

REPORT OF MOMBASA COUNTY WARD EQUITABLE DEVELOPMENT BILL, MOMBASA COUNTY BILL
NO.5 OF 2024

Yes, Honourable Patrick Mbelle please report what transpired during the Committee of the Whole House on the Mombasa County Ward Equitable Development Bill, Mombasa County Bill No.5 of 2024 and move the Motion that the House agrees with the Committee in the said Report.

Hon. Mbelle: Thank you Mr. Speaker Sir. I beg to move the following Motion;

That this House do agree with the Report of Committee of the Whole House on this consideration of Mombasa County Ward Equitable Development Bill of 2024

Thank you, Mr. Speaker. Mr. Speaker Sir, in this date and time I would also wish to report to you that the Committee of the Whole House perfectly came in to not just salvage but also give in input towards Mombasa County Ward Equitable Development Bill to its entirety, to make sure the amendment that the people of Mombasa County whom had reverently come to the defence of this Bill during the Public Participation have all been captured in this Bill today. So, Mr. Speaker Sir mine is to thank all the Members that withstood the test of time in this day and time to be able to come in and be able to just give the view and particular the amendment towards this particular Bill. Mr. Speaker Sir, if there is anyone who have doubted the power of legislation in this County, I think this is the day and time that they will understand that legislation can and will always bring change people in times when they need change the most. So, Mr. Speaker the change has arrived, the time is now and the time to move forward based on what the people would wish to have as development in the Wards is here. We want to congratulate all the people that were involved all the way from the Speaker to the Committees, to the Clerks and Serjeant-At-Arms that are here to help us, maintain peace and order during the session. So, thank you Mr. Speaker and I would wish to rest my case there, thank you.

[Applause]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Thank you Honourable Patrick, thank you for that brief Report, please appoint a seconder for that Motion.

Hon. Mbelle: Thank you Mr. Speaker Sir, I am told there are five Members that want to second but I now choose to look for Gen – Z because Gen Z are tired, so allow me to ask Honourable Nyota to second the Motion.

Hon. Hamisi Nyota: Thank you Honourable Speaker, I do second.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Thank you I am just looking at my records to confirm whether you qualified to be a Gen Z.

Hon. Hamisi Nyota: With no doubt Honourable Speaker.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): It is okay I will leave that debate for another day. Honourable Members, I now propose the question by Honourable Patrick Mbelle Mwavula on the Report of the Committee of the Whole House on the Mombasa County Ward Equitable Development Bill No. 5, 2024 be adopted by this Honourable House.

[Question proposed and agreed to]

[Loud Consultation]

Members do we have an input to that Motion? The Motion on what transpired during the Committee of the Whole House, what transpired any views? Yes, Honourable Nyota?

Hon. Hamisi Nyota: Thank you Mr. Speaker.

Mr. Speaker, my contribution on what transpired during the Committee of Whole House is just spicing up the Bill which the amendments which were put forth; actually, they have made the Bill more effective and efficiently. Thank you so much.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Thank you. Honourable Members, there being no further input, allow me to put the question that the Motion by Honourable Patrick Mbelle on the report of the Committee on the whole House on the Mombasa County Ward Equitable development Bill (Mombasa County Bill No. 5 of 2024) be adopted by this House.

[Question put and agreed to]

Yes Clerk?

BILLS

MOMBASA COUNTY WARD EQUITABLE DEVELOPMENT BILL OF 2024 THIRD READING

Again, yes Honourable Patrick Mbelle, please move the Motion for the Bill to be read a third time.

Hon. Mbelle: Thank you Mr. Speaker. Mr. Speaker Sir, I beg to move the following Motion;

That the Mombasa County Ward Equitable Development Bill of 2024 be read a third time.

Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Honourable Members, I now propose... Do you have a seconder before I do the proposition?

Hon. Mbelle: Yes Mr. Speaker I would wish to ask Honourable Makanga to second the Motion.

Hon. Makanga: I, Honourable Frankline Mbega Makanga Member of County Assembly Chaani Ward, I second the Motion. ID No. 27837758, I second the Motion.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Thank you. Honourable Members, I now propose the question that the Motion by Honourable Patrick Mbelle on the Mombasa County Ward Equitable Development Bill, Mombasa County Bill of No. 5 of 2024 be read a third time.

[Question proposed and agreed to]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Honourable Members, I now put the question that the Motion by Honourable Patrick Mbele on the Mombasa County Ward Equitable Development Bill, Mombasa County Bill No. 5 of 2024 be read a third time.

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Yes, Clerk, please read the Bill. Let me redo this, please, I am sorry for the mix-up. I now put the question that the Motion by Honourable Patrick Mbele on the Mombasa County Ward Equitable Development Bill, Mombasa County Bill No. 5 of 2024 be read a third time.

[Question put and agreed to]

Yes Clerk, please read the Bill for the third time.

[The Bill was read for the third time]

Yes Clerk?

THE MOMBASA COUNTY MULTI-YEAR PROJECT FINANCING BILL, 2024
FIRST READING

Yes, Clerk please read the Bill for the first time.

[The Bill was read for the first time]

Honourable Members, pursuant to Standing order number 120, the Bill stands committed to the Committee on Finance, Budget and Appropriation for consideration and public participation. Yes Clerk?

MOTION

ADJOURNMENT OF THE COUNTY ASSEMBLY FOR RECESS

Honourable Athman Rama Mwamwiri, please move the Motion.

[Consultations]

The Leader of Majority (Hon. Mwamwiri): Mr. Speaker, I beg to move the following Motion;

THAT, pursuant to the provisions of Standing order 25 (3) this Assembly adjourns for recess until Tuesday, 11th February, three days to valentine Mr. Speaker in accordance with the Calendar of the County Assembly regular sessions.

May I ask Honourable Patrick?

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Leader of Majority, please could you get the dates right for purposes of record.

The Leader of Majority (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker, may I repeat the Motion;

THAT, pursuant to the provisions of Standing order 25 (3) this Assembly adjourns for recess until Tuesday, 11th February, 2025 in accordance with the Calendar of the County Assembly regular sessions.

May I ask Honourable Pamela Arwa Ojala to second the Motion.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Please.

Hon. Ojala: Thank you Mr. Speaker I raise to second.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Honourable Members, I now propose the question that the Motion by Honourable Athman Mwamwiri on adjournment of the County Assembly for recess be considered by this Honourable House in the same terms as moved.

[Question proposed and agreed to]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Yes, Honourable Athman Mwamwiri please convince us why we should go for a recess?

The Leader of Majority (Hon. Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika, kwa muujibu wa kanuni tulipitisha ratiba ya mwaka na ratiba hii imefika tamati leo. Kwa hivyo hakuna sababu yoyote ya msingi isipokuwa ni sheria sisi siku ya leo lazima tufunge Bunge kwa sababu muda wetu kihalali kwa mujibu wa sharia kama ulivyo gazetiwa, unatamatika leo hadi mwaka ujao mwezi wa pili na Mheshimiwa Spika tulitaka tuongezee muda kidogo Waheshimiwa kuweza kuwajibika lakini tukawahurumia ya kwamba ikifika tarehe 14 mwezi wa pili, ikiwa bado wako mitaani watakuwa na mzigo wa kununulia watu maua. Hivyo basi tukawapangia warudi kazi mapema tarehe 11 ili kuepukana kununulia maua ya Valentine ya wapendanao ili wawe katika shughuli za Bunge kuchapa kazi kutumikia wananchi. Mheshimiwa Spika, kwa hayo niwatakie kila la kheri Waheshimiwa wenza na wafanyikazi wetu ambao watakuwa wako mpaka wakati wa siku kuu waende katika siku kuu zenye kheri na fanaka, tukutane mwakani na wale kina Mheshimiwa Morgan ambao ni wakulima, mvua za vuli ndio hizi, musisahau kupanda miti kwa ajili ya kuboresha mazingira yetu na kufikia malengo ya ruwaza ya serikali kuu ya kupanda miti bilioni moja na hili ni onyo kwa wale *Gen Z* tunakusudia miti na sio *meet* tunakusudia miti na sio *meet*. Kwa hivyo tupande miti kwa sababu miti ni dawa! Mheshimiwa Spika na vile vile niombe baraka za Waheshimiwa wenza na wafanyikazi wetu ninapo kwenda kwa uchaguzi wa FKF nikinua kuwakilisha ukanda wa Pwani katika *Federation* yetu ya Kenya ambapo kura hizi zinapigwa Jumamosi, dua zenu Waheshimiwa kama kuna mtu nilimkwaza niondolee kinyongo isiwe ni sababu ya kupoteza fursa hii, ahsanteni sana na Mungu awabariki.

[Applause]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Members any contributions? I have heard there are some Members who will have a burden of buying flowers, I am proposing myself to buy each and every one of you a flower on the 14th please do check up on me. So, yes Honourable Makanga?

Hon. Makanga: Thank you Mr. Speaker. While I rise to support the Motion I have some reservations on your remarks on buying flowers because I know your target audience, it is not all of us because you have a preference and we allow you to proceed and do so.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Honourable Members, I have said all Members I did not specify the gender.

Hon. Makanga: I have ability to foresee and to analyze and you can be sure if we are to do some testing then you can confirm the target audience is already convinced that they are the reference point.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): I can confirm that you are right please proceed.

Hon. Makanga: I rise to support the Motion as moved by the Leader of Majority; however Mr. Speaker I would suggest a few amendments because the fact that we would be having a long holiday is coming back on 11th, I would suggest that on behalf of the Gen Z led by Honourable Patrick Mbelle and my Secretary General Honourable Sylvester Tsuma Kai Member for Junda, that may be we extend another week so that the issue of us reporting here before Valentine it will be very fair that we be given enough time to rejuvenate from the very long season and may be spend 14th February with our families and also to give you time Speaker, to do or to give a worth treaty to your target audience. Mr. Speaker, as I earlier said I support this Motion and also allow me Mr. Speaker to take this earliest opportunity to thank the Honourable Members who have been my cheer leaders while I was pursuing my undergraduate course, Bachelor of Law from the University of Nairobi and may be for record purposes Honourable Speaker is to say that I thank God and I thank the Honourable Members who have over the two years in leadership supported me, prayed for me and some of them helped me in paying my school fee to welcome them to my Graduation on the 13th December, that is next Friday at the Graduation Square at the University of Nairobi where I will be graduating. So, thank you Mr. Speaker and welcome all even as we celebrate such a milestone. Thank you so much Mr. Speaker.

[Applause]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Thank you. Honourable Kai, what are those glasses for I did not ask you to remove them but it is okay you can proceed.

Hon. Kai: Ahsante sana Mheshimiwa Spika. Nataka kusema kwanza ninaunga mkono na vile vile pia hiyo tarehe imenipendeza kwamba ni tarehe 11 ili nikaweze kuletea maua wale ambao nawapenda maana wengi wako hapa hapa Bunge. Hivyo ingekuwa ngumu kama bado ingekuwa tuko mapumziko lakini zaidi pia Mheshimiwa Spika wakati Kiongozi wa Wengi akiongea awe anakua anasikizwa watu wakiwa wako kimya. Nimeweza kuona wakati alipokuwa anaongea Mheshimiwa Hawa alikuwa anamsumbua Mheshimiwa Florence kidogo; nina wasi wasi kama amesikia maagizo ya Kiongozi wa Wengi kwamba ni muhimu tuweze kupanda miti kwa sababu ya kwamba pia serikali inahimiza namna hiyo. Mheshimiwa Spika, niseme ahsante sana kwa ajili ya *Members* wote ambao tumekuwa tukishirikiana, tuna matumaini ya ule muhula unaokuja tutazidi kuwa na ushirikiano lakini zaidi pai nipongeze *staff* wote ambao mumekuwa mikitushika mkono na kutusaidia pale inapaswa ili kuweza kufikia malengo ambayo tuko hapa Bunge. Lakini kwanza nimpongeze sana Mwenyekiti wangu katika chama chetu cha kule nje ambacho tutawajulisha siku zengine kwamba anaweza kufuzu na mimi kama Mheshimiwa Kai nishakata tikiti ya ndege ili kufurahikia yale mema ambayo ndugu yangu ameweza kufikia.

[Applause]

Kwa hayo mengi na machache nasema ahsanteni na kwa wale hawana mbegu za miti, munaweza kuja chukua Junda, niko na za kutosha ili kuhakikisha tunapanda miti ya kutosha, ahsanteni.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Honourable Members, I do not get the inside joke but I will seek clarification from Honourable Leader of Majority because most of you seems excited. Yes, Honourable Leila Nyache?

Hon. Nyache: Ahsante sana Mheshimiwa Spika kuweza kunipa nafasi hii ya kuweza kuchangia hoja iliyokuja na Kiongozi wa wengi katika Bunge hili nataka nimpongeze kwa hilo. Jambo lingine Mheshimiwa Spika tumekuwa hapa muda mrefu tukiwakilisha watu wetu, tukikaa karibu na watu wetu pale mitaani. Kwa hivyo inastahili sasa hivi tuwe karibu na wananchi wetu wale waliotupigia kura, tuangalie ni changamoto gani zinawakumba kwa sababu tumekuwa hatuna nafasi na wao saa zote tunakuja kuwakilisha. Hivyo basi mimi nashukuru kwa nafasi hii nimesikia wenzangu wanapeleka maua, sisi kina kina mama zao tuliletewa maua kitambo hata tushasahau lakini na waomba katika likizo hii muweze kujichunga na hayo maua ma Gen Z maua yetu yalikuwa ni maua ya halali lakini haya yenu ya ma Gen Z yana walakin. Sasa sisi twawaombea watoto wetu ma Gen Z maua yawe ni ya halali na mujichunge na hayo maua yenu lakini tunawaunga mkono muwapelekee maua hao wakaza wana. Jambo lengine nataka kuwashukuru nyote tumekuwa tukishirikiana kwa miaka yote miwili hapa, tunashukuru na pia naomba Mwenyezi Mungu atwezesheshe tuweze kurudi tena mwaka ujao maana yake ni kwa kudura za Mwenyezi Mungu. Kwa hivyo Mwenyezi Mungu atupe uhai na uzima tuweze kukutana tena mwaka ujao tukiwa wazima na tuweze kuwakilisha watu wetu kwa salama. Ahsante sana Mheshimiwa Spika nimesimama kuunga mkono hoja hii.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Yes, Honourable Athman Rama Mwamwiri please respond in less than 30 seconds.

The Leader of Majority (Hon. Mwamwiri): Ahsante sana Mheshimiwa na nishukuru Waheshimiwa ya kwamba wameafiki hoja hii kama inavyostahiki kwa sababu ni kanuni zetu zinavyo tuelekeza na zaidi kama walivyosema Waheshimiwa wengi hapa ya kwamba likizo tunayo kwenda ni ndefu tujitahadhari na baadhi ya mabalaa, tuombeane uzima tuombeane kheri na *Inshallah* Mwenyezi Mungu atukutanishe tena mwakani kwa ajili ya kuitumikia Kaunti yetu ya Mombasa na wale wananchi waliotupatia majukumu. Kwa hayo mengi niwatakie kheri ya siku kuu hizi za mwezi huu wa Disemba pamoja na mwaka mpya wenye mafanikio kwa utangulizi. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Honourable Members, pursuant to Standing order 25(3) no question is put and as such the Motion by Honourable Athman Mwamwiri on adjournment of the County Assembly for recess is adopted by this Honourable House. Yes Clerk?

ADJOURNMENT

Honourable Members, allow me at this juncture to wish you all happy holidays and a happy new year and say this House stands adjourned until Tuesday 11th February, 2025 at 10:00a.m *Insha-Allah*.

The House rose at 4:20p.m.