



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 10th September, 2019
The House met at 2:45p.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?

PAPER

REPORT OF THE PUBLIC PARTICIPATION OF THE MOMBASA COUNTY INVESTMENTS
AUTHORITY BILL, 2019 (BILL NO. 4)

Yes Hon. Kizito Opeya, the Chair for Committee on Trade, Tourism and Investments please lay down the report.

(Paper laid)

Yes Clerk next Order?

MOTION

ADOPTION OF THE PUBLIC PARTICIPATION REPORT OF THE MOMBASA COUNTY INVESTMENTS
AUTHORITY BILL, 2019 (BILL NO. 4)

Yes again Hon. Kizito Opeya, Chairperson Committee on Trade, Tourism and Investments?

Hon. Opeya: Thank you Mr. Speaker. Motion that this County Assembly adopts the Report on Public Participation of the Mombasa County Investments Authority Bill, 2019 (Bill No. 4) laid on the table on 10th September, 2019 by Hon. Kizito Okoth Opeya Chairperson Committee on Trade, Tourism and Investments.

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I now call upon the Majority Leader and also a Member of the Committee of Trade Hon. Hamisi Mwidani to second the Motion.

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

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

(Question proposed and agreed to)

Yes Hon. Opeya?

Hon. Opeya: Thank you Mr. Speaker. Mr. Speaker I would urge the Members here to adopt this report which will also enable us to pass the Bill; this report came about after we did ask the members of the public on advert on 16th August, 2019 page 4 for the recommendations to submit to us as memorandums and they submitted, which the Committee passed through them on Wednesday September 4th and we have prepared the report.

We therefore urge the Members to adopt this report so that we can be able to pass the Bill to enable the County to be able to get further investments because as you see the investments that we get the internal collections and the ones that we are getting from Nairobi are not enough and this Bill will enable us through the authority to be able to source funds to do more development in Mombasa and also to attract the investors to come to Mombasa. Thank you.

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

The Majority Leader (Hon. Mwidani): Thank you Mr. Speaker, as a Member of the Committee, the public were required to submit memorandum which they did and actually this will be the most important Bill to our Department because it will give chances to the investors to come to our County. So Mr. Speaker I really support this Motion because of a lot of what we can get from the Department, so I arise to support.

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

Hon. Nzai: Thank you Mr. Speaker Sir. First let me say thanks to Allah for having given me the chance to...

(Silence)

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

Hon. Nzai: Yes thank you Mr. Speaker to have given me this opportunity to also air my views. I stand to support the Motion with the following reasons; Mr. Speaker Sir history has shown itself and indeed it is true that Mombasa County has grown compared to other Counties. Mombasa County has now so many hubs whereby a lot of adverts and other...

(Silence)

(Interruption)

The Speaker (Hon. Khatri): Sorry Hon. Nzai you may just continue I was just clarifying something.

Hon. Nzai: This Bill is as good as anything else Mr. Speaker because Mombasa has become a centre of businesses and tourism...

(Silence)

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

Hon. Nzai: No I wanted to get the attention from the Speaker.

(Interruption)

The Speaker (Hon. Khatri): Sorry! Sorry! Yes now you are getting the full attention, continue.

Hon. Nzai: Thank you Mr. Speaker.

(Interruption)

The Speaker (Hon. Khatri): I was just clarifying some procedures here with my Clerks, yes?

Hon. Nzai: Thank you Mr. Speaker to have given me this opportunity to air my views on this Bill. The Bill has come at the right time and it is good that it needs to be completed and be part of our documents; the Participation Bill for Mombasa County Investment Authority has come at the right time and it will enable the public to actually venture into business in our Counties, also it will change through the public participation people will get the awareness to know that Mombasa is no longer the County for *Wakali Kwanza*...

(Interruption)

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

Hon. Athman Mwamwiri: Mheshimiwa Spika naomba kumtaarifu Mheshimiwa ya kwamba tunajadili hoja ya ripoti ya Kamati kuhusiana na Mswada hatujafikia kutathmini na kuchangia na Mswada wenyewe isipokuwa ni ripoti ya Kamati kuhusiana na Mswada wa uwekezaji wa Mwaka wa 2019. Ahsante.

The Speaker (Hon. Khatri): Ripoti inahusu nini? Tunazungumza kuhusu ripoti unataka kumueleza Mheshimiwa Nzai kuwa ripoti haihusu mambo ya *Bill* ama hiyo ripoti inazungumzia kuhusu nini?

Hon. Athman Mwamwiri: Ripoti inazungumzia maoni na mapendekezo ambayo Kamati ilichukua...

(Interruption)

The Speaker (Hon. Khatri): No Just read the report, what is the title of the report?

Hon. Athman Mwamwiri: Report on Public Participation of the Mombasa County Investments Authority Bill, 2019; report on Public Participation...

(Interruption)

The Speaker (Hon. Khatri): Which is touching the Bill as well?

Hon. Athman Mwamwiri: Yes.

The Speaker (Hon. Khatri): So he has the right to talk about the Bill.

Hon. Athman Mwamwiri: Not the report.

The Speaker (Hon. Khatri): It is the report but at the end of the day we are talking about the Bill; the report on the Bill so I think that is what the Hon. Member was contributing on or maybe *mimi ndio nimesikia makosa* or he was addressing as the Bill. He was not addressing the report, is that what you are saying? So Hon. Member I think you got what the Hon. Mwamwiri is saying, instead of addressing the Bill you should address the Report on Public Participation of the Mombasa County Investment Authority Bill.

Hon. Nzai: Thank you Mr. Speaker. But I would like to inform my fellow Hon. Member that I do not have the Report itself at hand, so if maybe he has a copy of it this is an answer from the Chair for Tourism and it does not have the contents of the Report. So if he has it, please I can know the details of that Report. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Yes Clerks, do you have copies of the Report?

(The Table Clerks nodded)

Have you issued the Members the copies? Can you give Hon. Nzai a copy of the Report. Yes Hon. Thoya?

Hon. Thoya: Thank you Mr. Speaker. I appreciate the fact that we have learned that the Report is not with us here, but I wonder why the Hon. Member from Kadzandani was going on air and he did not have the Report. If it was not for Hon. Mwamwiri I was saying Mr. Speaker I think the Hon. Member from Kadzandani is trying to be smart but if he did not have the Report what was he supporting? Thank you.

The Speaker (Hon. Khatri): Yes Hon. Nzai? I think you have the Report with you now.

Hon. Nzai: Thank you Mr. Speaker. But I do not know whether I am reading the same line with my colleague or not. What I have at hand here I think it is an answer from the Chair for Trade but the heading states Report on Public Participation. Now the Report of Public Participation containing the details for Mombasa County Investment Authority Bill is not these few lines Mr. Speaker Sir and if this is enough that the Chairman has collected from the public now the answers are here he has brought them then I do not think we are sailing in the same boat.

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

Hon. Murfad Amur: Mr. Speaker this is the Report of the Committee in telling the House that we received the Memorandums, they were subjected to and the action for amendment has been accepted. And that is why it has been brought into this House for Members to know that the amendments that were proposed are going to be incorporated in that Bill. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): So and those amendments will come in the second reading, is that what you are saying?

Hon. Murfad Amur: Yes Mr. Speaker.

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

Hon. Nzai: Then with that Mr. Speaker I can say thank you for the...

(Laughter and Applause)

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

The Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Spika. Mheshimiwa Spika hadi tuweze kufahamu jinsi Ripoti hii imeweza kuandikwa na tuweze kuongea ukweli jinsi Ripoti hii imeweza kuandikwa *it is unprofessional* kabisa na tuweze kuambiana ukweli. Kwa sababu haijaweza kuweka mahali *observation and findings* wakati wa kufanya *Public Participation*, haijaweza kuweka vile vile *recommendations* za Kamati ambazo ziwe na *headline* kabisa tuweze kuangalia. Lakini leo hii hata ukiangalia Ripoti hii haijawekwa sahihi na Wanakamati kuhakikisha kwamba Ripoti hii ni sahihi, ni Mheshimiwa Mwenyekiti ni Mwenyekiti tu peke yake.

Ripoti ina sheria zake zinapokuja katika Bunge na ni vyema Wanachama katika Kamati hio waweze kufahamu; haiwezekani kwamba kwa njia ilivyoweza kuandikwa hata leo hii unapopeleka Ripoti hii kwa wataalamu Mheshimiwa Mwenyekiti itakua ni aibu zaidi katika Bunge letu la Kaunti ya Mombasa. Kwa hivyo ningependekeza kwanza Makarani wetu waweze kuelekeza Kamati na kuweza kuwashauri vizuri kama wanavyostahili ili tuweze kupata Ripoti ambazo leo au kesho Kamati husika... kwa mfano hivi majuzi tulikua na Seneti hapa, kuhakikisha moja wapo ya Ripoti katika Bunge hili, tukipeleka Ripoti kama hii Mheshimiwa Spika kwanza utaweka kichwa chako wapi? Sisi tutaweka sura zetu wapi?

Kwa hivyo ni sisi haswa Waheshimiwa pamoja na Makarani tafadhalini tuweze kuandika Ripoti kama inavyostahili, lakini kwa njia hii hatuendi sawa na tuweze kurekebisha ili Bunge lizidi kuenda mbele. Ahsante sana.

The Speaker (Hon. Khatri): Yes Hon. Mohamed Hatimy?

Hon. Mohamed Hatimy: Nafikiri Ripoti haiwekwi sahihi na Wanachama wote, bali kumbukumbu ndio huwekwa sahihi na Wanachama wote lakini sio Ripoti, na nafikiri tukiangalia sheria hii ni kutueleza kuwa kwa sababu tuliweka kwenye Magazeti na kusema kuwa wale wananchi wenye mambo yeyote walio nayo juu ya hii stakabadhi waleta maoni yao.

Kwa hivyo mimi sioni ubaya wowote watu kuizungumzia hii kabla hatujavunja kwenda kwa *Whole House* Mheshimiwa Spika. Bado tuko juu huku, tutakuja ijadili ikiwa tuko chini Mheshimiwa Spika. Kwa hivyo leo kuwa imekuja kwa *Second reading* twaweza kama hivi sasa kuambiana na ikija Ripoti kusema ni nini imerekebishwa, ni hapo tena kukubaliana sisi kama tumekubali ama tumekataa Mheshimiwa Spika. Nafikiri kuna sheria ya kufuatwa, kuna *First reading*, *Second reading* na kuna *Third reading*. Nafikiri tuko pahali ambapo tuko sawa sawa Mheshimiwa Spika kwa mujibu wa sheria. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes Hon. Ali Shomari?

Hon. Ali Mohamed Shomari: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Mimi pia nasema kwamba tuko sawa na tungepewa muda kidogo ili tuweze kuichambua chambua vizuri Mheshimiwa Spika. Ahsante sana.

The Speaker (Hon. Khatri): So you are in support of the Motion? Or just because Hon. Mohamed Hatimy has said it is right and also you are saying it is right?

Hon. Ali Mohamed Shomari: Hapana Mheshimiwa Spika sio kwa sababu hio, ni kwamba hii mada ni nzuri kwa hivyo tumeijadili tumeona kwamba inafaa. Ahsante sana.

The Speaker (Hon. Khatri): Thank you very much Hon. Ali Shomari. Yes Hon. Faith Mwende?

Hon. Mwende: Thank you Mr. Speaker. Mr. Speaker as much as I wish to support the Bill but then again I cannot discuss anything because the Report itself it does not have contents. Thank you.

The Speaker (Hon. Khatri): Sorry Hon. Faith what did you say? Sorry I did not hear that.

Hon. Mwende: I have said there is nothing I can share in the House or I can contribute in the House because the Report itself does not have contents. Thank you.

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

Hon. Maimuna Salim: Ahsante sana Mheshimiwa Spika. Mimi nimesimama kuiunga mkono kwa sababu hii ni *First reading* halafu tutaenda katika *Whole House* ndio tuweze kuipitisha kama *Bill*. Kwa hivyo mimi nimesimama kuiunga mkono tukae sote kama Waheshimiwa kwa Jumba hili tuichambue sisi katika *Whole House* halafu ndio tuweze kuijadili tena Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Maimuna. Yes Hon. Kibwana Swaleh?

Hon. Kibwana Swaleh: Thank you Hon. Speaker although you have ambushed me because I was just going through the Report but when it comes to the Assembly for discussion about the Bill, then we will be able now to say a lot of things because we are talking about Memorandum that we have not seen them here. So how do you expect me to say yes or no when it is only the Committee that has brought this Report. So normally when it comes to a Report as an Assembly we just adopt the Report then it comes to the Bill we do it. Thank you Hon. Speaker.

The Speaker (Hon. Khatri): Yes, Hon. Thoya?

Hon. Thoya: Thank you Mr. Speaker. I think I want to weigh into the same, that there must be an oversight on this report, because we just expected to have the findings, conclusions or recommendation by the Committee. This thing was subjected to the public and what did the public say? Because immediately after number eight we will go to number nine where we will discuss the Bill itself and I think it is the document we were given previously, which means we will have missed the contents of the briefs that we have here. So to me I feel like we need more information about what the public said and the recommendation by the Committee, thank you Mr. Speaker.

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

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker I must confess that am not conversant with what is happening here that is one. Two Mr. Speaker am not conversant simply because as per what the Chairman tabled is that the Mombasa County Investment Bill, 2019 was brought to the House on Tuesday 23rd July, 2019 and it has been a while that we are not conversant with the Bill or whatever was tabled on Tuesday 23rd July, hence it creates confusion on what will you discuss and again on the last paragraph and I can see the Chairman persuading the Honourable House to adopt the Report on Public Participation of Mombasa County.

I also fail to understand how I will adopt the Report on Public Participation and yet I have not read the very report on Public Participation! So how do I adopt a report that I have not seen, the report that I have not read? And get what the report says, it is not even making sense Mr. Speaker. As the initial Member said, can it be professional Mr. Speaker? We should not just get shortcuts for us to approve issues here, we will be held accountable Mr. Speaker for having adopted things that contradict this Honourable House, I will therefore ask the Committee to come up with a clear document, if not today, tomorrow or any day that you will rule. Thank you Mr. Speaker.

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

The Deputy Speaker (Hon. Mwalimu): Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi nimesimama si Mwanakamati kwa hii Kamati, lakini nimesimama kama Mwenyekiti wa Kamati ya *Liaison*. Mheshimiwa Spika mimi naomba ama natoa pendekezo kuwa Bunge hili lingetoa nafasi iwape Wanakamati wa hii Kamati wakati mwafaka ili warudi watengeze Ripoti hii iliyo mbele yetu.

(Applause)

Wafanye marekebisho yanayohitajika Mheshimiwa Spika ili ifike kiwango cha Ripoti ambazo zinastahiki kuingia ndani ya Bunge. Kwa hivyo naomba hoja yangu wenzangu Wabunge wakubaliane na hoja ambayo nimeileta, kupitia kiti chako ili Kamati irudi nyuma, iende ifanye marekebisho katika Ripoti. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Fadhili. Hon. Members I think I will make this ruling under Standing order number one; that I can read the mood of this House that Members are not happy with the Report which has been given and being given that this is a very important issue and it is a Bill. So I will ask the Committee on Trade and Investment to go back and write a proper Report, which I think the Hon. Members will be given a copy for the other Reports which came into this House, you go back and write the Report and write the procedures which you took from the day one for this Bill and am sure there are amendments which the Committee or the Clerk of this County Assembly has received and he should put those amendments in the Report and tell us where the things to be amended and what are the reasons you as the Committee, why are you recommending them to be amended so that the Hon. Members can have and read the Report and know where we stand.

So with those short remarks am going to tell the Chair who is here Hon. Kizito, please go back and make sure you write a proper Report by today evening so that by tomorrow morning the first business will come back and continue back about the Report. So with those few remarks I would like the Clerks to give us the next order of the day.

(Low consultations)

(Silence)

Yes, Clerk next order?

ADJOURNMENT

Hon. Members this House stands adjourned until Wednesday 11th September, 2019 at 10:00a.m.

The House rose at 3:18p.m.