



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 11th September, 2019
The House met at 2:52p.m.

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

PRAYERS

The Speaker (Hon. Khatri): Hon. Members you may be seated. Yes Clerk?

COMMITTEE OF THE WHOLE

THE MOMBASA COUNTY INVESTMENT AUTHORITY BILL (BILL NO.4)

Hon. Members let us rise and dissolve into Committee of the Whole House to consider the Clauses of the Bill.

ORDER OF COMMITTEE READ

(The Mace was lowered)
(The Speaker (Hon. Khatri) left the Chair)

IN THE COMMITTEE

(The Deputy Speaker (Hon. Mwalimu) took the Chair)

The Chairperson (Hon. Mwalimu): Have your seats.

(Background consultations)

Hon. Members welcome to the Whole House Committee and I am sure each one of you has the proposed amendments to the *Mombasa County Investment Authority Bill 2019, Bill No.4* and I will let the Clerk to start reading the Clauses as we proceed with the Bill. Yes Clerk?

Hon. Murfad Amur: CLAUSE 3

THAT, Clause 3 of the Bill be amended by deleting, “for the establishment of” to read-
The purpose of this Act is to provide a legal and institutional framework for County investment in order to –

THAT, Clause 3 of the Bill be amended by inserting the following new sub clauses immediately after the word “County” in Sub Clause (j) as follows;

3. (k) Facilitate the industrial and commercial development of the County; and
(l) Enhance the expansion of industrial, commercial and other undertakings in the County.

The Chairperson (Hon. Mwalimu): I propose that Clause 3 as amended be part of the Bill,

(Silence)

I now put a question that Clause 3 as amended be part of the Bill.

(Question put and agreed to)

The Chairperson (Hon. Mwalimu): Yes Clerk.

Hon. Murfad Amur: CLAUSE 4:

THAT, Clause 4 (1) of the Bill be amended by deleting the word, “Authority” and inserting the word “Corporation” to read —

- (1) There is established a Corporation to be known as the Mombasa County Investment Corporation.

THAT, Clause 4 (2) of the Bill be amended by deleting the word, “Authority” and inserting the word “Corporation” to read —

- (2) The Corporation 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-

THAT, Clause 4 (3) of the Bill be amended by deleting the word, “Authority” and inserting the following new words, “entire shareholding of the Corporation” to read -

- (3) The entire shareholding of the Corporation shall be owned by the County government.

THAT, Clause 4 of the Bill be amended by inserting a new Sub Clause immediately after the word, “Government” in Sub Clause (3) as follows;

(4) In the exercise of its functions under this Act, the Corporation shall operate within the following principles:

- (a) It shall act as an auxiliary finance organization and not as the primary source of finance for any undertaking or enterprise;
(b) In the exercise of its powers of providing capital, whether movable or immovable, so far as possible, to third parties, it shall do so by way of guarantee, loan or

investment and not by way of grant or subsidy;

- (c) Requiring early liquidation or repayment of any guarantee, loan or investment made by the Corporation, in order to ensure that the liquid capital of the Corporation be available for other purposes within the scope of the powers of the Corporation listed under Section 5 and, in particular, to the desirability of ensuring that any such undertaking or enterprise will be of long-term value in relation to the development of County, whether or not it is likely to prove self-supporting or to furnish direct profits either immediately or in the future.”

The Chairperson (Hon. Mwalimu): Who is your seconder?

Hon. Murfad Amur: Hon. Hamisi Musa.

The Leader of Majority (Hon. Mwidani): I second.

The Chairperson (Hon. Mwalimu): Thank you, I now propose that clause 4 as amended be part of the Bill...

(Silence)

I now put a question that clause 4 as amended be part of the Bill,

(Question put and agreed to)

Yes Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Mr. Chairman am a Member of this Committee; I wish to propose clause 5,6,7,8,9,10,12,13,14,15,16 to be part of the Bill as amended.

The Chairperson (Hon. Mwalimu): With due respect Hon. Mohamed Hatimy what we are dealing with today these are amendments and they are supposed to be moved and seconded.

Hon. Thoya: I second Hon. Hatimy.

The Chairperson (Hon. Mwalimu): In as much as you are seconding Hon. Thoya but the actual amendments have not yet been moved so we let Hon. Murfad Amur to move the amendments, if you wish him to move six or seven amendments as Hon. Hatimy has proposed we will let Hon. Amur to read the amendments and somebody to second for the purpose of recording and following proper procedures of this Hon. House. Yes Hon Amur?

Hon. Murfad Amur: CLAUSE 5:

THAT, Clause 5 be amended by deleting the whole of it and substituting therefore the following new Clause –

5. Powers of the Corporation

- (1) Without prejudice to the generality of the provisions of Section 4, the Corporation shall, subject to the approval, generally or specially, of the Executive Committee Member, and subject to such terms and conditions she may impose in giving such approval, have the powers to—
 - (a) Provide credit, finance, capital by means other subscription of loans or share capital or otherwise for industrial, commercial or other undertakings in Mombasa county;
 - (b) Undertake any investment for the purpose of generating revenue by entering into partnership, joint venture or any other arrangement for participating in undertakings, enterprises, sharing profits, reciprocal concession or co-operation with any person, partnership or company, and to take or otherwise acquire and hold shares or stocks in or obligations or securities of and to subsidize any partnership or company, and to sell, hold, reissue, with or without guarantee (excluding trading in shares and stocks), any such shares, stocks, obligations or securities, and to promote and aid in promoting, constitute, form or organize companies, syndicates, or partnerships of all kinds and to exercise and enforce all rights and powers conferred by or incident to its ownership of any shares, stocks, obligations or securities for the time being held or owned by the Corporation.
 - (c) Act as a think tank in highlighting policy issues, and concurrently with that, in ensuring a feedback loop of business information, to act as the Manager, agent or secretary of any undertaking and/or enterprise and to nominate or appoint any person to act as Director of, or in any other capacity in relation to any undertaking, and to act as the agent or representative of any undertaking, whether carrying on business in Kenya or elsewhere;
 - (d) Be the focal point for all investment-related activities in the County and consider and register investment proposals from investors and provide necessary assistance for implementation of projects including the provision of support services to investors including assistance to procure authorizations, permits and licenses required for establishment and operation of activities promoted by the Corporation with additional powers to act as the single interface with all the investors and liaise with relevant authorities in the National government for the granting of occupation permits, resident permits and other relevant permits required by an investor to operate in the County;
 - (e) To purchase, take on lease, hire or otherwise acquire, and to sell, exchange, surrender, lease, mortgage, charge, convert, turn to account, dispose of and deal with, any movable or immovable property and rights of all kinds;
 - (f) To purchase or otherwise acquire and carry on the whole or any part of the business, property, goodwill and assets of any person, partnership or company carrying on, or proposing to carry on, any business which the Corporation is authorized to carry on, or which can be conveniently carried on in connection with that business or may seem calculated, directly or indirectly, to benefit the Corporation, or possessed of property suitable for the purposes of the Corporation, and, as part of the consideration for any of those acts or things or property acquired, to undertake all or any of the liabilities of that person, partnership or company, or to acquire an interest in, amalgamate with or enter into any arrangement for sharing profits or for co-operation or for limiting competition or for mutual assistance with any such person, partnership or company, and to give, issue or accept cash or any shares, stocks, obligations or securities that may be agreed upon, and to hold and retain or sell, mortgage and deal with any shares, stocks, obligations or securities so received;

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- (g) To sell, exchange, mortgage (with or without power of sale), assign, lease, sublet, improve, manage, develop, dispose of, turn to account, grant rights and privileges in respect of and generally otherwise deal with the whole or any part of the business, estates, immovable and movable property, rights or undertakings of the Corporation, upon any terms, either together or in portions, and as a going concern or otherwise, for such consideration, whether of cash, shares, stocks, obligations or securities, as the corporation may think fit.
- (h) Subject to the provisions of Section 32(2), to raise or borrow money, with or without security, and also to secure the payment of money by the issue of or upon debentures or debenture stock, perpetual, terminable or otherwise, or bonds, or other obligations charged or not charged upon, or by mortgage, charge, hypothecation, lien or pledge of the whole or any part of the undertaking, property, assets and rights of the Corporation, both present and future, and generally in such other manner and on such terms as may seem expedient, and to issue any of the Corporation's obligations or securities for such consideration and on such terms as may be thought fit; and also, by a similar mortgage, charge, hypothecation, lien or ledge, to secure and guarantee the performance by the Corporation of any obligation or liability it may undertake, and to redeem or pay off any such securities;
- (i) Initiate, organize and participate in all activities such as exhibitions, conferences and seminars for stimulation of investments;
- (j) Provide and disseminate up-to-date information on incentives available to investors;
- (k) Advise the Executive Committee Member and the County Executive Committee on necessary policies, programs and plans to be adopted in order to attract investments in the county; and
- (l) Facilitate the County government of Mombasa on investment in strategic areas.
- (2) Any exercise by the Corporation of its powers of investment described in section 5(1) are not to be termed as "disposals" or "procurements" within the meaning and tenure of these two terms as defined and applied within the provisions of the Public Procurement and Asset Disposal Act, No. 33 of 2015.

The Chairperson (Hon. Mwalimu): Yes Hon. Opeya.

Hon. Opeya: I second.

The Chairperson (Hon. Mwalimu): I now propose that Clause 5 as amended be part of the Bill, any input?

(Silence)

I now put a question that Clause 5 as amended be part of the Bill.

(Question put and agreed to)

Yes Hon. Amur?

Hon. Murfad Amur: Clause 6 to be amended as provided for in the notice to amend, propose that those amendments that have been proposed and been done so that the Clause 6 to be part of it.

The Chairperson (Hon. Mwalimu): Who is your seconder?

Hon. Murfad Amur: Hon. Hamisi Musa Mwidani.

The leader of Majority (Hon. Mwidani): I second Mr. Chairman.

The Chairperson (Hon. Mwalimu): I now propose that Clause 6 as in the notice to amend be part of the Bill, any input?

(Question proposed and agreed to)

I now put a question that Clause 6 as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 7

Yes Hon. Opeya?

Hon. Opeya: I propose that Clause 7 to be amended as provided for in the notice to amend, seconder Ahmed Khamis.

Hon. Ahmed Khamis: I second.

The Chairperson (Hon. Mwalimu): I now propose that Clause 7 as amended be part of the Bill, any input?

(Silence)

I now put a question that Clause 7 as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk.

CLAUSE 8

I now propose a question that Clause 8 be part of the Bill, any input Members as this Clause had no amendments.

(Silence)

I now put a question that Clause 8 be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 9

Yes Hon. Murfad Amur.

Hon. Murfad Amur: That Clause 9 to be amended as provided for in the notice to amend. I request Hon. Opeya to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Opeya.

Hon. Opeya: I second.

The Chairperson (Hon. Mwalimu): I now propose that Clause 9 as amended to be part of the Bill, any input? Since the House is satisfied, I now put a question that Clause 9 as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk.

CLAUSE 10

Yes Hon. Murfad Amur?

Hon. Murfad Amur: That Clause 10 to be amended as provided for in the notice to amend, I request Hon. Mwamwiri to second.

Hon. Athman Mwamwiri: Thank you Mr. Chairman I second.

The Chairperson (Hon. Mwalimu): I now propose that Clause 10 as amended to be part of the Bill, any input? Seems you are satisfied, I now put a question that Clause 10 as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk.

CLAUSE 11

Yes Chair.

Hon. Opeya: I propose that Clause 11 be amended as provided for in the notice to amend; I ask the Leader of Majority Hon Hamisi Mwidani to second.

The Leader of Majority (Hon. Mwidani): Thank you Mr. Chairman I arise to second the mover.

The Chairperson (Hon. Mwalimu): I now propose that Clause 11 as amended to be part of the Bill, no input? I now put a question that Clause 11 as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 12

Yes Chairman Hon. Opeya.

Hon. Opeya: I propose that Clause 12 to be amended as provided for in the notice to amend. I ask Hon. Renson Thoya to second.

Hon. Thoya: Mr. Speaker Sir, I second.

The Chairperson (Hon. Mwalimu): I now propose that Clause 12 as amended in the notice to amend be part of the Bill. Hon Members I now put a question that Clause 12 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk?

CLAUSE 13.

Hon. Opeya.

Hon. Opeya: Article Clause 13 be amended as provided for in the notice to amend, I kindly ask upon Hon. Hamida to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Hamida?

Hon. Noor: I second.

The Chairperson (Hon. Mwalimu): I propose that Clause 13 as amended be part of the Bill, any input Hon. Members? There be no input I now put a question that clause 13 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 14

Yes, Chair?

Hon. Opeya: I propose that Clause 14 to be amended as provided for in the notice to amend, I kindly ask upon Hon. Robert Nyiro to second.

Hon. Nyiro: I rise to second Mr. Speaker.

The Chairperson (Hon. Mwalimu): Thank you Hon. Nyiro but am the Chairman of the meeting and not the Speaker, I propose that clause 14 as amended in the notice to amend be part of the Bill, any input Hon. Members? I do now put a question that clause 14 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 15

The Chairperson (Hon. Mwalimu): Yes Hon. Opeya.

Hon. Opeya: That Clause 15 to be amended as provided for in the notice to amend, I kindly ask upon Hon. Rosemary to second.

Hon. Rosemary Mueni: Chairman I second.

The Chairperson (Hon. Mwalimu): I now propose a question that Clause 15 as amended be part of the Bill, I can see the Honourable House is satisfied with amendments I now proceed to put a question that Clause 15 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 16.

Yes, Chair?

Hon. Opeya: That Clause 16 to be amended as provided for in the notice to amend, I kindly ask Hon. Amriya to second.

Hon. Amriya Juma: Mr. Speaker I had reservations I had raised earlier in morning, about the word corporation and I think...

(Interruption)

The Chairperson (Hon. Mwalimu): Are you seconding?

Hon. Amriya Juma: Am seconding Mr. Speaker.

The Chairperson (Hon. Mwalimu): If you are seconding, it is okay. Hon. Members I now propose a question that Clause 16 as amended be part of the Bill, any input?

Hon. Amriya Juma: Mr. Speaker, am cautious because I do not know if Members have internalised the effect of substituting the word *corporation* with *authority*. Am afraid Mr. Speaker we will be faced with litigation once we approve this Bill because as much as we are not late to amend we can amend that Clause from onwards to read as *authority* moving forward from Clause 6 to otherwise. Because my fear is Mr. Chairman when we introduce the word *corporation* we are going to open up a Pandora box Mr. Speaker of litigation, because am being corrected by the Leader of Majority that it's Chairman.... You understand that the illegal implication is that a corporation is a form of a company and the company is under the Company Act, there are certain regulations that the new Company Act, 2015 on how companies are supposed to be conducted and their capacity and their legal implications of operating companies.

So my reservation is with alive to that, I hope all Members are alive to the fact that now it is a company, it is no longer the intention of the executive to put it as an authority, you see an authority is an administrative body that has powers to oversee the administrative function, but when you are talking about a company a corporation is a type of a company so that is the...

(Interruption)

The Chairperson (Hon. Mwalimu): Okay so Hon. Amriya.

Hon. Amriya Juma: Yes.

The Chairperson (Hon. Mwalimu): Thank you for your input but we are already passed as from Clause 3, the House has authorised the word *authority* to change into *corporation*, not unless you have a written amendment as you said that from Clause 16. If you have a written amendment that has reached the office of the Clerk in the last 24hours, we are going to consider, but if you do not have any written amendments Hon. Amriya that has reached the office of Clerk in the last 24hours, it is not going to be considered by this Committee. So we value your input but we shall proceed as you are late when we started debating the Bill, therefore I now proceed to put a question that Clause 16 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 17

Yes Hon. Kizito Opeya.

Hon. Opeya: That Clause 17 to be amended as provided for in the notice to amend. I kindly call upon Hon. Mwaka Zahoro to second.

The Chairperson (Hon. Mwalimu): Yes, Mwaka Zahoro?

Hon. Mwaka Zahoro: I second Mr. Chairman.

The Chairperson (Hon. Mwalimu): With due respect to the Standing Orders of this Honourable House, you are required to stand.

(Hon. Mwaka Zahoro obliged)

Thank you Hon. Can you proceed Hon. Mwaka Zahoro?

Hon. Mwaka Zahoro: Thank you Mr. Chairman I second.

The Chairperson (Hon. Mwalimu): Thank you. I propose that Clause 17 as amended be part of the Bill, any input?

(Silence)

There being no input Hon. Members I now put a question that Clause 17 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 18

Yes, Chair?

Hon. Opeya: That Clause 18 to be amended as provided for in the notice to amend. I kindly ask Hon. Faith Mwende to second.

The Chairperson (Hon. Mwalimu): Yes, Hon. Faith?

Hon. Mwende: Thank you Mr. Chairman, I second.

The Chairperson (Hon. Mwalimu): I propose that Clause 18 as amended be part of the Bill. Hon. Members I now put a question that Clause 18 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 19

Yes, Hon. Kizito Opeya?

Hon. Opeya: That Clause 19 to be amended as provided for in the notice to amend. I kindly ask Hon. Kombe Nzai to second.

The Chairperson (Hon. Mwalimu): Yes, Hon. Kombe Nzai?

Hon. Nzai: I second Mr. Chair.

The Chairperson (Hon. Mwalimu): I propose that Clause 19 as amended be part of the Bill, I now put a question that Clause 19 as amended be part of the Bill.

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(Question put and agreed to)

Yes, Clerk.

CLAUSE 20

The Chairperson (Hon. Mwalimu): Yes, Hon. Kizito Opeya?

Hon. Opeya: That Clause 20 to be amended as provided for in the notice to amend. I kindly ask Hon. Maimuna of Shanzu to second.

The Chairperson (Hon. Mwalimu): Use your microphone?

Hon. Maimuna Salim: Nimesimama kuunga mkono ipite kama *Bill*, Clause 20.

The Chairperson (Hon. Mwalimu): Are you seconding or opposing?

Hon. Maimuna Salim: Nimesimama kuunga mkono *Clause 20*.

The Chairperson (Hon. Mwalimu): I now propose that Clause 20 as amended be part of the Bill, I now put a question that Clause 20 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 21

Yes, Hon. Murfad Amur? Use your microphone?

Hon. Murfad Amur: Mr Chairman, that Clause 21 to be amended as provided for in the notice to amend. I ask Hon. Mwaka Bakari to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Mwaka Bakari?

Hon. Mwaka Bakari: I second Clause 21.

The Chairperson (Hon. Mwalimu): I propose that Clause 21 as amended be part of the Bill; there is no debate on it I now put a question that Clause 21 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 22

Yes, Hon. Murfad Amur?

Hon. Murfad Amur: Mr Chairman Article Clause 22 to be amended as provided for in the notice to amend. I ask Hon. Milka Ngare to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Milka Ngare?

Hon. Ngare: Thank you Chairman, I do second the amendment of Clause 22, thank you.

The Chairperson (Hon. Mwalimu): I now propose that Clause 22 as amended in the notice be part of the Bill, I now put a question that Clause 22 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 23

Yes, Chair?

Hon. Murfad Amur: Mr Chairman, that Clause 23 to be amended as provided for in the notice to amend. I ask Hon. Hamad Mgwisho to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Hamad Mgwisho?

Hon. Hamad Mgwisho: Thank you Mr. Chairman I second the Clause.

The Chairperson (Hon. Mwalimu): I propose that Clause 23 as amended be part of the Bill, any input Hon. Members? I now put a question that Clause 23 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 24

Yes, Hon. Murfad Amur?

Hon. Murfad Amur: Mr Chairman, that Clause 24 to be amended as provided for in the notice to amend. I ask Hon. Salim Kalume to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Salim Kalume?

Hon. Salim Kalume: I second.

The Chairperson (Hon. Mwalimu): I propose that Clause 24 as amended in the notice be part of the Bill, any input Hon. Members? Having there no inputs I proceed to put a question that Clause 24 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 25

Yes, Hon. Murfad Amur? Use your microphone.

Hon. Murfad Amur: Mr Chairman That clause 25 to be amended as provided for in the notice to amend, I call upon Hon. Moses Aran to second Mr. Chair.

The Chairperson (Hon. Mwalimu): Yes Hon. Aran Moses?

Hon. Aran: I second Mr. Chairman.

The Chairperson (Hon. Mwalimu): I propose that Clause 25 as amended in the notice be part of the Bill, I now put a question that Clause 25 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 26

Yes, Hon. Murfad Amur?

Hon. Murfad Amur: Mr. Chairman, that Clause 26 to be amended as provided for in the notice to amend. I ask Hon. Prischilla Mumba to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Prischilla Mumba?

Hon. Mumba: Thank you Mr. Chair, I second.

The Chairperson (Hon. Mwalimu): I propose that Clause 26 as amended in the notice be part of the Bill, I now put a question that Clause 26 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 27

I now propose that Clause 27... it is not in the notice and it does not have any amendment, I now propose that Clause 27 be part of the Bill, I now put a question that Clause 27 be part of the Bill....

(Question put and agreed to)

Yes, Clerk.

CLAUSE 28

Hon. Murfad Amur: Mr Chairman, that Clause 28 to be amended as provided for in the notice to amend. I ask Hon. Mary Naliaka to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Naliaka?

Hon. Naliaka: I second.

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The Chairperson (Hon. Mwalimu): I propose that Clause 28 as amended in the notice be part of the Bill, any input Hon. Members? I now put a question that Clause 28 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 29

I now propose that Clause 29 be part of the Bill. Hon. Members any input? I now put a question that Clause 29 be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 30

Hon. Murfad Amur: Mr Chairman that Clause 30 to be amended as provided for in the notice to amend. I ask Hon. Mohamed Hatimy to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Mohamed Hatimy?

Hon. Mohamed Hatimy: I second.

The Chairperson (Hon. Mwalimu): I propose that Clause 30 as amended in the notice be part of the Bill, I now put a question that Clause 30 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 31

Yes, Hon. Murfad Amur?

Hon. Murfad Amur: Mr Chairman that Clause 31 to be amended as provided for in the notice to amend. I call upon Hon. Feddis Mbura to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Feddis?

Hon. Mbura: I second.

The Chairperson (Hon. Mwalimu): I now propose a question that Clause 31 as amended in the notice be part of the Bill, I now put a question that Clause 31 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 32

Yes, Hon. Murfad Amur?

Hon. Murfad Amur: Mr Chairman that Clause 32 to be amended as provided for in the notice to amend. I call upon Hon. Ramla to second.

Hon. Said: Hon. Chair I second.

The Chairperson (Hon. Mwalimu): I now propose that Clause 32 as amended in the notice be part of the Bill, I now put a question that Clause 32 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 33

Yes, Hon. Murfad Amur?

Hon. Murfad Amur: Mr. Chairman that Clause 33 to be amended as provided for in the notice to amend. I call upon Hon. Leila to second.

Hon. Nyache: Thank you Mr. Chair I second.

The Chairperson (Hon. Mwalimu): I propose that Clause 33 as amended in the notice be part of the Bill, I now proceed to put a question that Clause 33 as amended be part of the Bill.

(Question put and agreed to)

Yes, Clerk.

CLAUSE 34

Yes, Hon. Murfad Amur?

Hon. Murfad Amur: Mr. Chairman Clause 34 to be amended as provided for in the Notice to amend. I call upon Hon. Faith Mwende to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Faith Mwende?

Hon. Mwende: Thank you Mr. Chair, I second.

The Chairperson (Hon. Mwalimu): I now propose that Clause 34 as amended in the Notice be part of the Bill.

(Silence)

I proceed now to put a question there being no debate, I put a question that Clause 34 as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 35

Yes Hon. Amur?

Hon. Murfad Amur: Mr. Chairman Clause 35 to be amended as provided for in the Notice to amend. I call upon Hon. Khamis Ahmed to second.

The Chairperson (Hon. Mwalimu): Yes Hon Ahmed.

Hon. Ahmed Khamis: I second.

The Chairperson (Hon. Mwalimu): I now propose a question that Clause 35 as amended in the Notice be part of the Bill.

(Silence)

I put a question that Clause 35 as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 36

Hon. Murfad Amur: Mr. Chairman Clause 36 to be amended as provided for in the Notice to amend. I call upon Hon. Mary Osongo to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Mary?

Hon. Osongo: I stand to second

The Chairperson (Hon. Mwalimu): I propose that Clause 36 as amended in the notice be part of the Bill.

(Silence)

I now put a question that Clause 36 as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 37

Hon. Murfad Amur: Mr. Chairman Clause 37.

(Interruption)

The Chairperson (Hon. Mwalimu): Be audible.

Hon. Murfad Amur: Mr. Chairman Clause 37 to be amended as provided for in the Notice to amend. I call upon Hon. Athman Mwamwiri to second.

Hon. Athman Mwamwiri: With due respect Mr. Chairman I stand to second.

The Chairperson (Hon. Mwalimu): I propose that Clause 37 as proposed in the Notice to amend be part of the Bill.

(Silence)

I now put a question that Clause 37 as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 38

Yes.

Hon. Murfad Amur: Mr. Chairman Clause 38 to be amended as provided for in the Notice to amend I call upon Hon. Hamida to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Hamida?

Hon. Noor: I stand to second Hon. Chair.

The Chairperson (Hon. Mwalimu): I propose that Clause 38 as amended in the Notice be part of the Bill.

(Silence)

I now put a question that Clause 38 as amended be part of the Bill.

(Question put and agreed to)

I propose that Clause 39 be part of the Bill, I now put a question that Clause 39 be part of the Bill.

(Question put and agreed to)

(Loud consultations)

CLAUSE 40

I propose a question that Clause 40 as amended in the notice be part of the Bill.

(Silence)

I put a question that Clause 40 be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 41

I propose a question that Clause 41 be part of the Bill...

(Silence)

Having there no amendments I put a question that Clause 41 be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 42

Hon. Murfad Amur: Mr. Chairman Clause 42 to be amended as provided for in the Notice to amend. I call upon Hon. Aran to second.

The Chairperson (Hon. Mwalimu): Yes Hon. Aran?

Hon. Aran: I do second Mr. Chair.

The Chairperson (Hon. Mwalimu): I now propose a question that Clause 42 as amended in the Notice be part of the Bill.

(Silence)

I now put a question that Clause 42 as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 43

I propose that Clause 43 be part of the Bill.

(Silence)

I now put a question that Clause 43 be part of the Bill.

(Question put and agreed to)

Yes Clerk?

FIRST SCHEDULE CLAUSE 1

(Loud consultations)

First Schedule

Hon. Murfad Amur: Mr. Chairman the First Schedule to be amended as provided for in the Notice to amend. I call upon Hon. Salim Kalume to second.

Hon. Kalume: Thank you Chairman, I second.

The Chairperson (Hon. Mwalimu): I propose that the First Schedule as amended in the Notice be part of the Bill.

(Silence)

I now put a question that the First Schedule as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 2

Hon. Murfad Amur: Mr. Chairman Clause 2 to be amended as per the Notice to amend. I call upon Hon. Milka Ngare to second.

Hon. Ngare: Thank you Chairman, I do second.

The Chairperson (Hon. Mwalimu): I propose that Clause 2 as amended in the notice be part of the Bill.

(Silence)

I now put a question that Clause 2 as amended be part of the Bill.

(Question put and agreed to)

Yes Clerk?

CLAUSE 1

(Loud consultations)

Hon. Murfad Amur: Mr. Chairman Clause 1 to be amended as per the Notice to amend. I call upon Hon....,

(Consultations)

That the title of the Bill amended by deleting the word *authority* and insert the word corporation to read, The Mombasa County Investment Corporation Bill, 2019. I call upon Hon. Nyiro to second.

Hon. Nyiro: I do second. Nyiro...

The Chairperson (Hon. Mwalimu): I propose that Clause 1 as amended be part of the Bill.

(Silence)

I now proceed; having there no debate put a question that Clause 2 as amended be, I proceed to put a question that Clause 1 be part of the Bill.

(Question put and agreed to)

Yes Clerk?

LONG TITLE

(Loud Consultations)

Hon. Murfad Amur: Mr. Chairman the Long title to be amended as provided in the Notice to amend. I call upon Hon. Mohamed Hatimy

Hon. Mohamed Hatimy: I, Mohamed Mohamed Hatimy do hereby second Mr. Chair. Thank you.

The Chairperson (Hon. Mwalimu): I propose that the Long title of the Bill as amended be part of the Bill.

(Silence)

I proceed to put a question that the Long title as amended be part of the Bill.

(Question put and agreed to)

Yes Chairman of Trade and Investments, I can see that you have returned, do you have anything to say?

Hon. Opeya: I just want to thank the Members for the contributions and also supporting the amendments...

(Interruption)

The Chairperson (Hon. Mwalimu): Move...

Hon. Opeya: Motion that the Mombasa County Investment Authority Bill, 2019 as amended be reported to the County Assembly.

The Chairperson (Hon. Mwalimu): Who will second that?

Hon. Opeya: I would ask my Vice Chairman Hon. Ahmed Khamis to second me.

The Chairperson (Hon. Mwalimu): Yes Hon. Ahmed Nyundo, I can see you have also resurfaced with your Chair.

Hon. Ahmed Khamis: Point of correction Mr. Chairman my name is Ahmed Khamis.

The Chairperson (Hon. Mwalimu): Ahmed Khamis.

Hon. Ahmed Khamis: I second.

The Chairperson (Hon. Mwalimu): Thank you. I now put a question that the Mombasa County Investment Authority Bill, 2019 as amended be reported to the County Assembly.

(Question put and agreed to)

(Applause)

PLENARY RESUMED

(The Mace was raised)

(The Deputy Speaker (Hon. Mwalimu) in the Chair)

The Deputy Speaker (Hon. Mwalimu): Have your seats.

(Consultations)

(Silence)

MOTION

Yes Hon. Kizito Opeya?

Hon. Opeya: Thank you Mr. Speaker, before I move the Motion I just want to thank all the Members for the contribution today and their effort towards the compilation of the Bill today. Thereby I want to move a Motion that the County Assembly do agree with the Committee of the Whole in the said report. I would ask my Vice Chairman Ahmed Khamis to second.

Hon. Ahmed Khamis: I second.

The Deputy Speaker (Hon. Mwalimu): I now put a question that the County Assembly do agree with the Committee of the Whole in the report of the Mombasa Investment Corporation Bill, 2019.

(Question put and agreed to)

Yes Clerk?

STATEMENTS

Yes Hon. Charles Kitula?

(Silence)

Yes Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON WATER, SANITATION AND NATURAL RESOURCES HON. HAMADI MGWISHO ON THE INSTALLATION OF WATER PIPES ON THE MWACHE DAM TO JOMVU KUU WARD

Hon. Fahad?

(Silence)

Yes Hon. Hamadi Mgwisho?

Hon. Hamadi Mgwisho: Mr. Speaker Sir I wish to give a response to a Statement raised by Hon. Shebe Athman on Wednesday 7th August, 2019 during the 74th Sitting regarding the installation of water pipes on the Mwache Dam to Jomvu Kuu Ward.

Mr. Speaker Sir upon the receipt of the above complaint the Department of Water, Sanitation and Natural Resources responded that the County government in partnership with the National government are implementing the pipeline project under the Kenya Water Security and Climate Resilience project funded by the World Bank through the Ministry of Water and Sanitation.

Mr. Speaker Sir the objective of the project is to increase water supply coverage as well as accessibility for the residents of Miritini, Jomvu and Mikindani Wards, the project commenced in April, 2018 and the planned completion date is December, 2019.

Mr. Speaker Sir the Department of Water, Sanitation and Natural Resources further indicated that the project is ongoing but behind schedule, the delays were caused by the safeguard issues which I wanted them to be addressed before proceeding with the project, however all these issues were addressed and the project is now on going. Thank you Mr. Speaker Sir.

The Deputy Speaker (Hon. Mwalimu): Yes next Order?

BILLS

THE MOMBASA COUNTY INVESTMENT CORPORATION BILL, 2019

THIRD READING

Yes Hon. Kizito Opeya?

Hon. Opeya: Thank you Mr. Speaker that the Mombasa County Investment Authority Bill, 2019, be now read a Third Time.

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Hon. Kizito Opeya you have already done an amendment so it is better if you go per the amended version what are you proposing to be read for the Third Reading, come again.

Hon. Opeya: Thank you Mr. Speaker that the Mombasa County Investment Corporation Bill, 2019, be now read a Third Time.

The Deputy Speaker (Hon. Mwalimu): Who is your seconder?

Hon. Opeya: Hon. Murfad Amur.

Hon. Murfad Amur: I second Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): I now propose a question that the Mombasa County Investment Corporation Bill, 2019, be now read a Third Time.

(Question proposed and agreed to)

(Silence)

I now put a question that the Mombasa County Investment Cooperation Bill, 2019 be now read a Third Time.

(Question put and agreed to)

Yes Clerk?

(The Bill was read for the Third Time)

Yes Clerk?

ADJOURNMENT

Hon. Members this House stands adjourned until the 17th of September, 2019 at 10:00a.m.

The House rose at 4:32p.m.