



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT
Tuesday, 31st July, 2018
The House met at 2:58p.m.

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

PRAYERS

The Deputy Speaker (Hon. Mwalimu): You may have your seats, Yes Clerk?

COMMUNICATION FROM THE CHAIR

Hon. Members I wish to bring to the attention of this Honourable House that today we have got visitors from University Link day care and academy, a delegation of almost 85 pupils and I would request all those with the delegation plus the pupils to stand up and bow in front of this Assembly because they are 85 in number I will not name as per the list but I will ask all of you to stand up and bow before this Honourable House.

(Students bowed)

(Applause)

The Deputy Speaker (Hon. Mwalimu): Thank you and on behalf of this Assembly I welcome you all to the County Assembly of Mombasa. Members, the school if am not wrong is from Kisauni Sub County or Constituency and Magogoni Ward so I will let two or three Members from the Sub County or the Assembly to atleast say a word to the pupils in the House. Yes Hon. Shomari.

Hon. Mohamed Shomari: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii, ningependa kukaribisha shule ya University Link kutoka Junda karibuni sana Bungeni. Ahsante sana.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Bwire.

Hon. Bwire: Thank you Mr. Speaker for this opportunity I would also join my fellow Hon. Members in appreciating and saying a good thank to the House for accommodating the pupils from Junda Ward, they are very bright and I appreciate for they have come to learn how we conduct our businesses.

So I will just call upon my fellow Hon. Members that we really give the true picture of this House, we let them know what we normally do as we play our role of representation, thank you Mr. Speaker.

(Applause)

The Deputy Speaker (Hon. Mwalimu): At least a lady to say a word yes Hon Rosemary.

Hon. (Ms.) Mukavi: Thank you Mr. Speaker for giving me this opportunity to welcome the pupils from Junda let them feel welcomed I think I do not have much to tell them but to them they are welcomed to this Assembly.

The Deputy Speaker (Hon. Mwalimu): Thank you Honourable, they are from Magogoni Ward.

MOTION

APPEARANCE OF COUNTY EXECUTIVE COMMITTEE MEMBERS (CECMS) AND CHIEF OFFICER IN COMMITTEES

Hon. Charles Kitula, the Chief Whip.

(Chief Whip (Hon. Kitula) Moved the Motion)

THAT AWARE that pursuant to Standing Order 41(c) Members may request for a statement from the Committee Chairperson relating to matters under the mandate of the Committee;

FURTHER AWARE that the request for statement directly relates to our constitutional mandate of representation and oversight; the Committees must seek statements from the County Executive Committee Members and Chief Officers.

NOTING THAT often times; statements as requested, are not issued in time by the County Executive Committee Members and Chief Officers concerned and at times the statements are not satisfactory hence need for clarification from the relevant County Executive Committees or Chief Officers;

CONCERNED that when County Executive Committee Members and/or Chief Officers are invited to appear before Committees to clarify on statements or any other issue, they opt to send junior staff who have not been invited by the Committee;

I therefore urge this Assembly to RESOLVE that;

- i. THAT whenever a statement is requested from County Executive Committee Member and/or Chief Officers, it ought to be availed to the Committee in good time for presentation before this Honorable Assembly;
- ii. THAT when a County Executive Committee Member and/or Chief Officer is invited to appear before a Committee to clarify on any issue, they ought to appear in person and not to instruct their juniors to represent them;

Mr. Speaker sir may I request Hon. Aran to second my Motion.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Aran.

(Hon. Aran seconded by bowing)

Thank you, Members I now propose a question that the Motion by Hon. Charles Kitula be debated as moved?

(Question proposed and not agreed to)

(Applause)

Yes what is it Hon Kitula, are you up on division?

Chief Whip (Hon. Kitula): Yes.

(Members stood up for Division)

The Deputy Speaker (Hon. Mwalimu): The division bell to be rung. Members as the Serjeant is going to ring the division bell, the nays should stay on one side and the ayes to stay on the other side, so ayes on my left and nays on my right side.

(Hon. Members moved to the respective sides as directed)

Hon. Fahad Kassim: Mwamwiri njoo hapa Mswada wako ujao tutapitisha.

The Deputy Speaker (Hon. Mwalimu): Hon. Fahad you are out of order, we are in the Assembly.

(Silence)

The Deputy Speaker (Hon. Mwalimu): Serjeant please close the door.

(Silence)

(The Serjeant –At –Arms closed the door of the chambers)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Members under the Standing Order 69 the Clerk will call you one by one and you will say either yes or no for the roll call voting, yes Clerk proceed.

(Honourable Members Voted)

The Deputy Speaker (Hon. Mwalimu): Hon. Members now that the roll call voting is over, it's upon the Chair to announce the result, the ayes 22 votes and the nays 7 votes so the debate will proceed. Yes Hon. Kitula.

Chief Whip (Hon. Kitula): Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika kwa mara ya kwanza ningependa kutoa shukrani kwa Wabunge wenzangu kuweza kuniunga mkono ili kutoa ruhusa kwa mjadala huu uweze kujadiliwa katika Bunge hili. Mheshimiwa Spika kinachonishangaza mimi kama muwakilishi ni hasa Mwenyekiti wa *Delegation* Mheshimiwa Lucy Chizi akiweza kupinga Mswada huu. Mheshimiwa Spika ni kwamba ninapatia nguvu hasa wale Wenyekiti katika...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): There is a point of order, yes Hon. Lucy.

Hon. (Ms.) Chireri: Mheshimiwa Spika ningependa kumfahamisha Mheshimiwa Mwenzangu kila mtu yuko na haki yake kwa hivyo yale aliyoyaongea mwanzo aniombe msamaha kwa sababu pia mimi nina haki yangu yuanikosea.

(Interruption)

The Deputy Speaker (Hon. Mwalimu): What is it Hon. Thoya?

Hon. Thoya: Bwana Spika ningependa kuchukua nafasi hii, nafikiri kuna sheria ambayo inasema ni vizuri kama tunatumia lugha ya Kiswahili tujue tunatumia lugha ya Kiswahili lakini kuchanganya changanya rights na nini, umfahamishe ambaye ametoka hapa kwamba sisawa atumie lugha ya moja kwa moja ili atakae mjibu ajue anajibu nini Bwana Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Kitula proceed.

Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Spika. Mheshimiwa Spika sisi kama Wabunge wa Bunge hili tuliweza kula kiapo kama Wabunge na kuweza kuhudumia wananchi wetu, baada ya kula kiapo katika Bunge hili Gavana aliweza kuteuwa Mawaziri na vile vile *Chief officer* kuweza kuwahudumia katika idara mbali mbali, baada ya kuweza kuwateuwa Mawaziri na *Chief officers* ni sisi Wabunge tuliweza kuwapitisha katika Bunge hili. Mheshimiwa Spika ni wakati hasa sisi kama Bunge kuweza kuangalia utenda kazi wa *Chief officers* hawa na Mawaziri katika idara tofauti tofauti ikiwa mojawapo ya majukumu matatu tuliyoweza kupewa na katiba yetu.

Mheshimiwa Spika leo hii nimesimama mahala hapa kuweza kuwa na mshangao ya baadhi ya Kamati ikiwa Mwenyekiti ameweza kupendekeza *Chief officer* aweze kujibu taarifa yake, la kushangaza yale majibu yanaletwa katika Bunge ikiwa haina hata sahihi inakuja inaleta mjadala mrefu katika Bunge hili Mheshimiwa Spika. Kwa hivyo mimi kama kiongozi nikaona kwamba ni muhimu zaidi wakati Mwenyekiti na kupitia uamuzi wako katika Bunge hili kwamba taarifa iweze kuletwa kwa mda unaofaa au kulingana na uamuzi wako, ni bora yule Mwenyekiti kama anamuhitaji yule Waziri au *Chief officer* aweze kuja kutokezea yeye mwenyewe binafsi, sio aweze kutuma ili yule Mwenyekiti aweze kutuletea hapa maneno yanayostahili kuwa katika Bunge hili.

Mheshimiwa Spika hatusemi kwamba sisi tunawapinga hawa ma *Chief Officer* au Mawaziri lakini ni wakati nasaha sisi sasa kuangalia je wanastahili kuhudumu katika idara hizi au la maana sisi tunatunga sheria lakini wanaotimiza ni wale ma *Chief Officers*. Kwa hivyo ni jukumu letu sisi kama Wabunge kuweza kuangalia utendaji kazi wao kuanzia leo maana bajeti tushaipitisha, hasa ikiwa hatuwaiti hawa ma *Chief Officers* tutakuwa hatujui utenda kazi wao ni vipi kupitia Wenyekiti wa idara tofauti tofauti. Kwa hivyo mimi leo hii

hoja yangu kuu ni kuwapatia wale Wenyekiti nguvu ya endapo atahitaji hawa *Chief officers* waweze kuwa wanatokezea wenyewe sio kuwa wanatuma watu ambao hawajaalikwa katika Kamati hizi Mheshimiwa Spika. Vile vile ningependa kuhimiza Bunge hili wazidi kuniunga mkono ili kuhakikisha hoja hii inapita na tuweze kuona utenda kazi kwa watu ambao wameweza kutumwa katika Bunge hili, ahsante sana.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Ibrahim.

Hon. Omondi: Hon. Speaker Sir thank you for this opportunity and I rise here to oppose this Motion firmly and I have the reason and remarkable reasons why am opposing this particular Motion on the following grounds. Mr. Speaker sir it is our constitutional mandate as Members of the County Assembly to call or sermon under the Article 195 of the Constitution, it is the mandate of the particular Committee to sermon the County Executive Committee Member (CEC) and even the Chief Officers to that particular respective Committee and therefore if the Committee themselves are not able, do not have wings to fly to call or to sermon the Chief Officer and the CEC they should come to this House and resign so that we should again appoint other Chairmen and other Committees and as far as am concerned the Chairman of Education I have a mandate under the constitution to call out and to sermon, I cannot bring it to this House so that it can be constitutional, this one is already constitutional. Mr. Speaker sir, under the Article 195 therefore it is a waste of time for us to come here and pretend that now we want power to call the Chief Officers and the secretaries...

(Applause)

When Mr. Speaker sir it is in the book, it is in the Constitution, read Article 195 under the Constitution of Kenya, we have been given the powers already...

(Applause)

And that one is the best ground I stand to oppose this particular Motion Mr. Speaker sir, and any Member to challenge me on that...

(Interruption)

(Loud consultations)

The Deputy Speaker (Hon. Mwalimu): Yes Members are you up on the point of order or?

(Loud consultations)

Yes Hon. Nyiro?

Hon. Nyiro: Bwire it is me I am on the floor!

The Deputy Speaker (Hon. Mwalimu): Hon. Nyiro!

Hon. Nyiro: I am Nyiro it is not Bwire it is Nyiro. Thank you Mr. Speaker, first I beg to support like I have supported before and I also want to give the following argument for my support of this that the mover of this Motion is very much aware that we have constitutional

backing to the calling of these CECs but there is attendance of these Chief officers and it is clear in this Motion that they usually send junior officers as we execute our mandate of calling them they don't come in person they send junior officers. So we are petitioning this Assembly to make sure that whenever the CECs or Chief Officers are summoned they appear in person, they do not send junior officer. The bone of contention here is the appearing of junior officers to bring responses which sometimes are not conclusive, so Hon. Bomoa should be informed, Hon. Omondi should be informed that we are very much aware of the Constitutional mandate that we are empowered to call them but the problem is the sending of junior officers to bring responses to the Committees. So we are saying we need them to appear in person so that they can give conclusive information but not sending junior officers with unsigned documents. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Ahsante sana Mheshimiwa Mwenyekiti. Mheshimiwa nasimama kupinga Hoja iliioletwa na Kiraja wa Bunge hili....

(Applause)

Hoja hii Mheshimiwa Mwenyekiti kama sio hii sitanukuliwa vibaya nitasema ni Hoja ambayo haijaenda shule. ..

(Applause)

Kwa sababu kipengele cha 195 na Mheshimiwa amekinukuu kiko sahihi na kwa ruhsa yako nitakisoma ili Mheshimiwa akifahamu na akirudi kwao akafanye mazoezi ya kukipitia katika Katiba yake. Kipengele cha 195 sehemu ndogo ya kwanza inasema, 'A County Assembly or any of its Committees has powers to summon any person to appear before it for the purpose of giving evidence or providing information'. Sehemu ya pili inasema, 'for the purpose of clause (1), an Assembly has the same powers as the High court...'. Kwa hivyo tunaona nguvu ambazo sheria imetukabidhi katika Bunge hili na Kamati zetu za Bunge tuna uwezo wa kumuita yeyote sio tu Waziri hata asiyekuwa mfanyi kazi wetu katika serikali hii bado tuna nguvu na uwezo wa kumuita yeyote na tunapopeana habari hii ama *summon* hii hana sababu mtu ya kupinga na iwapo kuna mtu ama Waziri aliyekataa kuja kwa Kamati basi ingepasa Kamati ile ilete mjadala katika Bunge hili ya kwamba sisi kama Kamati na nguvu zetu tulizo nazo tulimuita Waziri fulani akatupuuza tukamuita afisa mkuu fulani akatupuuza, hapo tungejua kwamba kuna utepetevu katika Wizara fulani na hata kama ni Hoja ya kumg'oa mhusika yule tungekuwa tumeshadili hiyo....

(Applause)

Lakini Mheshimiwa kupurupuka kwa sababu hana shughuli, hana hoja, hana mjadala ambayo inaweza peleka mbele Kaunti ya Mombasa Kaunti na wananchi wetu wa Mombasa atuletee Hoja ya kumuita Waziri kwani si iko kikatiba....

(Applause)

Hili si geni...na alete Hoja kwamba kwake hakuna maji Waziri ametepetea na alete Hoja ya kwamba barabara hazipitiki Waziri ametepetea lakini kusema kumuita Waziri hili lipo kikatiba nguvu tunazo, uwezo tunao na kama kuna Mwenyekiti ambaye amelalia

majukumu yake anaandika barua kuita mtu kana kwamba anaandikia msichana wake ama sijui ni rafiki wa kiume. Yeye ndiye atakuwa hajui majukumu lakini naandike barua kwa uzito wake kama Mheshimiwa, kama Kamati halafu tupate ripoti kama Bunge ya kwamba kuna Waziri amepinga lakini kutupotezea muda Mheshimiwa Spika kwa Hoja ambazo hazijaenda shule...Mheshimiwa Spika namheshimu ndugu yangu Kiranja wa Bunge hili ni Kiranja wa Bunge hili lakini hizi si Hoja; angalia Hoja zilizo kwenda shule kuweza kusaidia, kadhalika Mheshimiwa Mwenyekiti kila kiongozi ana uwezo wa kupeana fursa ama ya kutuma msaidizi wake kumuwakilisha kwa sababu hatakuwa yeye kila siku na ndio maana nafasi hizi ziko na manaibu, ziko na wasaidizi kama tumemuhitaji Waziri na amesafiri ama ana jukumu jengine la kutumikia wakaaji wa Mombasa lenye dharura zaidi awaache wakaazi wa Mombasa anatuma msaidizi wake kumuwakilisha na kama tutasema hatujaridhika na msaidizi wake lazima Waziri tumuambie rudi tupeane muda kwa Waziri atakapatikana aje. lakini kusema anatuma afisaa mdogo wake ana haki ya kutuma awezae...

(Applause)

Ni haki yake ya kiofisi kama mkurugenzi, kama mkuu wa idara ile kuwa aweze na kama hatujaridhika na utumwa ule tumuambie arudi tutafute muda ambao muhusika atapatikana aje akae na sisi. Lakini Mheshimiwa Kiranja kama hizi ni lalama kutoka kwa Wenyekiti wa baadhi ya Kamati katika Bunge hili basi Wenyekiti wamezembea na kazi zao. Ahsante Mheshimiwa Spika.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Raphael Bwire.

Hon. Bwire: Shukran Mheshimiwa Spika kwa wakati huu kwanza nataka nimfahamishe Mheshimiwa Mwenzangu kwamba juzi alileta Mswada uliotoka Chuo kikuu juzi ulioenda shule na ukarambishwa sakafu....

(Applause)

Huo ni Mswada uliokuwa umeenda shule, wacha tuzungumzie huu wa leo. Mheshimiwa Mwenyekiti nadhani hili swala likiletwa na mmoja wetu limeathiri Kamati nyingi sana.

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Are you on a Point of Order, or information?

Hon. Athman Mwamwiri: I am on a point of information Mr. Speaker.

Hon. Bwire: I don't want to be informed Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Okay.

Hon. Bwire: Kindly!

The Deputy Speaker (Hon. Mwalimu): He doesn't want to be informed.

Hon. Bwire: Yes Kindly.

The Deputy Speaker (Hon. Mwalimu): So proceed Hon. Raphael Bwire.

Hon. Bwire: Shukran. Mheshimiwa tunajua Kamati nyingi ambazo mpaka leo hazijafanya kazi wala hazifanyi kazi kwa sababu ya haya yote ambayo tunayazungumzia; moja wapo ikiwa ni Kamati ambayo ilikuwa ikiongozwa na Mheshimiwa Fahad; Kamati hii imekuwa na changamoto nyingi sana na hata wakati mmoja Mheshimiwa Fahad amekuja hapa akasema ya kwamba Waziri hapatikani akiitwa na Kamati haji wala *Chief Officer* haji. Ipo sheria kweli Mheshimiwa Mwenyekiti lakini sheria haifuatwi na ndiposa Mheshimiwa akaona ni vyema alete apate usaidizi wa Bunge hili kwa sababu sisi ndio twatengeneza sheria kama ipo ama kipo kitu ambacho tunawezafanya kipatie msaada ama kipatie uzito ile sheria ambayo tulioiweka. Hakuna mtu ambaye ametoka mbinguni leo Mheshimiwa Menyekiti, kila mtu tuko hapa naye na najua kwamba kuna mawaziri wengine, machifu, ofisaa wengine ambao hawafanyi kazi sambamba na Kamati zetu. Kwa hivyo mimi naomba Waheshimiwa tuache dhihaka; huu ni mjadala ambao uko wazi na utatusaidia sisi watu kutoka mashinani kwa sababu hata mimi barabara zangu mbaya nikipeleka kwa Kamati naambiwa wizara haifanyi sawa sawa na Kamati. Kwa hivyo ni ulizingatie hili swala tupatie uhai hii Hoja na tupate mwelekeo ambao hawa ndugu zetu ambao walichaguliwa na Mheshimiwa Gavana na tukapitisha hapa wamefanya sawasawa na Wenyekiti wetu tuliowachangua na hivi vitengo vyote na Kamati zote ili utenda kazi kule mashinani Mheshimiwa Spika uweze kuwa wa manufaa lakini tusianze kudharauliana huyu ameleta mjadala usiona shule sijui vipi haitatusaidia Mheshimiwa. Shukran.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Amriya?

Hon. (Mrs.) Amriya Juma: Okay, thank you very much Mr. Speaker. Mr. Speaker this point I am very shocked, mesmerised and I am out of words due to the misinterpretation of this Motion. Mr. Speaker the Motion is quite clear that the Motion mover intends to resolve that in the event the County Executive Member is offered with a query on every matter pertaining to the different Committees they should avail their response in due time and the second resolution is with regards to if in the event they should be required to attend any Committee sittings, they should avail themselves in person and not send proxies that are not... what do we say? That are not in copy of what is going on Mr. Speaker. So I think I am much mesmerised and you will agree with me because alive to the fact that Article 195 requires that the County Assembly has a right to summon witnesses or any other person and has the jurisdiction as the High court. What I want to elaborate is; summoning is to demand the request of a person to appear before any place, a Committee, a joint or in court so the invitation... we are not... the Motion is not about the invitation Mr. Speaker the Motion is about the issues that I have just mentioned before.

So those who are...sorry Mr. Speaker but it is just that I don't believe that there is this level of misinterpretation and misconstruction and secondly, I think onto my contribution...

(Interruption)

Mr. Speaker I am on my feet and I need protection!

The Deputy Speaker (Hon. Mwalimu): Will you need to be informed?

Hon. (Mrs.) Amriya Juma: No I have no intentions to be informed.

The Deputy Speaker (Hon. Mwalimu): Yes proceed Hon. Amriya?

Hon. (Ms.) Amriya Boy: Okay Mr. Speaker. Finally, I wish to state that this has been a burning issue in all the Committees and I think one of the major hindrances are on the process itself. Once there is a statement it goes through the Clerks; the Table Clerks and the process is very tedious it goes through the County Clerk then goes to the County Secretary for it to be delivered to the various departments. I think if that is the process, I agree if that is in law but at the moment I feel that the moment there is a statement that has been posted in the House that requires a response probably we should send a dead copy to the Chief Officer or the Minister in due time because what I feel is that they receive the request for statements a day; a day before the response is supposed to be delivered, so that is why there is that hiccup. So I prefer that if there is request for a statement a dead copy before it goes through all the process a dead copy to be sent straight to those personnel who are in charge to respond. Thank you so much, that is my submission Mr. Speaker.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Hon. Kombe Nzai?

Hon. Nzai: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii niweze kupinga mjadala huu....

(Applause)

Mheshimiwa Spika chambilecho Wahenga Mgala muuwe lakini haki yake umpe...!

(Applause)

Ni jambo la kufadhaisha kuona mwenzangu ambaye ni *very senior* katika Bunge hili la Mombasa akiwa wa kwanza kukashifu viongozi wake aliowachagua mwenyewe, ikiwa ni wengine walie basi wangukuwa wao lakini sio yeye akiwa ni mmoja wa hao *Executive*...

(Applause)

Toka niingie Bunge hili Mheshimiwa Spika, toka ma *Chief* hawa kuapishwa sijawahi kusikia hata siku moja wamedhalalisha mtu mwingine, shughuli iliotokezea mpaka tukaipata kwa manung'uno ya kwamba Waziri mmoja ametelea.

Ilikuwa ni mambo tu ya kusikia, *hearsay* lakini uwazi wa kwanza wa kwamba alikataa ama walizungumza nini Bunge hili haikuletwa Hoja hiyo...

(Applause)

Mimi ningependa kusema hivi Mheshimiwa Spika heshima ni kuheshimiana; wenzetu hawa mawaziri na ma *Chief Officers* wanatupa heshima zetu zilivyo, uakilishi ni mahali popote mimi mara zengine huitwa kwa mikutano na nina haki zangu kikatiba kutuma uakilishi wangu kama sina nafasi hiyo ya kwenda.....

(Applause)

Mambo haya Mheshimiwa Spika hayajaanza jana wala juzi ama yakianza saa hii yawe ni mapya tumeona hata siku zengine Rais wa nchi mwenyewe kuitwa mahali fulani na hakakosa kwenda na akatuma ujumbe wake...

(Applause)

Mimi nitasema hivi sio kwamba ninapinga hoja hii kumdhalilisha mkubwa wangu sije akanikosa safari ya kule na hapa lakini...

(Applause)

Ukweli lazima ni useme ya kwamba mjadala huu chambilecho tunaupotezea wakati tu na ilhali kuna kazi nzuri zaidi mitaani kama kazi za hapa Bunge zimeisha tungekuwa saa hizi twazishughulikia. Ahsante sana Mheshimiwa Spika.

(Applause)

The Deputy Speaker (Hon. Mwalimu): I can read the mood of the House, yes Hon. Fatuma Swaleh (Kushe)?

Hon. (Ms.) Fatma Swaleh: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii, nimeona heri nitoke hapa niweze kusimama hapa ili nikizungumza nizungumze nikiwa na nguvu. Mheshimiwa Spika kwanza kabisa mimi nimesimama kupinga vikali hoja ilioletwa na Mheshimiwa Kitula...

(Applause)

Nazungumza kwa machungu sana na masikitiko sana Mheshimiwa Spika. Mheshimiwa Spika inaonekana lile Bunge lililopita na Bunge la sasa ni vitu viwili tofauti....

(Applause)

Mheshimiwa Spika kama sijakosea sasa tunamaliza mwaka mzima na hoja ambazo tushawahi kuzileta ndani ya hili Bunge kulinganisha na Bunge lililopita hili Bunge halijaweza kuleta hoja za kisawa sawa ndani ya hili Bunge. Kwanza kabisa Mheshimiwa Spika ningewaomba wale wenye viti kwa kizungu wanaojiita *Chairman or Chairlady* ikiwa hawana kazi ya kufanya ama niwatepetevu katika kazi zao waweze kuacha hivyo vyeo watupe sisi ambao ni wachapa kazi....

(Applause)

Mheshimiwa Spika inaonekana labda kuna baadhi ya watu wanachuki binafsi na baadhi ya Mawaziri...

(Applause)

Kwanza kabisa nikizungumzia Mheshimiwa aliyetajwa hapa mtu amesema kwamba kuna sijui barabara hazijajengwa, sijui kuna porojo gani? Mheshimiwa Spika hilo ni jambo la uongo, ambaye ana macho haambiwi tazama....

(Applause)

Mheshimiwa Spika Mwenyezi Mungu mwenyewe anasema kwamba, si maneno yangu ni aya ya Kiislamu hiyo *asiyeshukuru kidogo wala kikubwa hatoshukuru*. Mheshimiwa Spika ukiangalia sasa mji unavyong'ara, barabara zinavyong'ara mwataka mupewe nini Waheshimiwa ama mwataka muone vipi Mawaziri wanafanya kazi...

(Interruption)

Chief Whip (Hon. Kitula): Taarifa Mheshimiwa Spika.

Hon. (Ms.) Fatma Swaleh: Sitaki kutaarifiwa Mheshimiwa Spika tafadhali naomba, nakuomba sitaki kutaarifiwa na mtu yeyote...

(Applause)

Ukiangalia tuna Mawaziri kadha wa kadha ikiwa ni majumba yetu, majumba yanang'ara, taa ziko, barabara ziko Mheshimiwa Spika mimi pia nina hakika wewe mwenyewe nyumbani ikiwa hauko mama anakuwakilisha pale nyumbani...

(Applause)

Mheshimiwa Spika Waheshimiwa wenzetu ambao walichaguliwa bila shaka na kutoogopa nafikiri wamepewa nafasi za kazi kuweza kuajiri watu wao; ikiwa yeye atakuwa Mheshimiwa hayuko kwenye ofisi lazima kuna mwakilishi ambaye anamwakilisha pale ndani ya ofisi, ikiwa wao wanalazima kwamba Mawaziri waweze kuja katika Kamati ama katika Bunge na wao vile vile hizo nafasi walizopewa za kuweza kuajiri watu wanyanganywe hizo nafasi tupewe sisi kwa sababu wamesema kwamba mtu akiitwa aende yeye mwenyewe na yeye basi abaki pale ofisini yeye mwenyewe. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Feddis Mbura?

Hon. (Ms.) Mbura: Ahsante sana Mheshimiwa Spika mimi niko kuunga mkono mjadala huu na hata mimi naona wenzangu wameupinga lakini nataka kuwakumbusha kwamba kuna Mawaziri ambao hatujakutana nao toka tuingie Bunge hili mpaka leo wako, kuna *Chief Officers* wengine ambao hatujakutana nao toka tuingie Bunge hili nawakumbusha Waheshimiwa wenzangu. Pili Mswada huu ni mzuri na ni wa kuunganisha sisi Wanabunge na washika dau, Mawaziri na *Chief Officers* kwa sababu zile shida ambazo ziko mashinani wakati tutakapokaa na Mawaziri wetu na *Chief Officers* wetu mimi nikijieleza kama mama wa Mwakirunge shida zangu atazijua kutoka kwangu mimi sio kutoka kwa Mwenyekiti ama kutoka kwa nani? Hilo tulifahamu na itakuwa si vyema kwamba mnaupinga na wewe mwenyewe hujakaa na Waziri fulani, wewe mwenyewe haujakaa na *Chief Officer* fulani shida zako hujamuelezea hajazijua na hata ukienda ofisini hayuko. Mimi kusema kweli nataka kuwaambia hawa Waheshimiwa wenzangu tukaweze kuzingatia Mswada ulioletwa na mwenzetu tuko hapa kusaidiana, Mombasa yang'ara kweli lakini Mwakirunge imekaaje? Kwa sababu tuko hapa, naomba tafadhali nyamazeni tafadhali, Bwana Spika nawanisikize nimewasikiza...

(Applause)

Kwa hivyo naomba tukaweze kusaidiana kama Wanabunge kama ni Mombasa yang'ara ianze kung'ara kuanzia huku mpaka Mwakirunge, saa hii hivi ninavyozungumza Waziri wa barabara sijakutana naye nimeenda mara kadhaa sijakutana naye Mwakirunge imeoza na barabara ya pale *dumpsite* twatukanwa kila siku Mheshimiwa wetu anatumwa kila siku kwa nini nafasi hii tusiipate tukakaa na Mawaziri wetu tukajadiliana tukaweza kupata njia mwafaka ya kuweza kutatua shida. Mimi naunga mkono mara 99.9. Ahsanteni.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Hon. Faith Mwende?

Hon. (Ms.) Mwende: Thank you Mr. Speaker I stand to oppose the Motion...

(Applause)

Mr. Speaker first of all I would like to inform one Hon. Member who has said the Motion is not talking about summoning; when you call someone to appear before the Committee, what are you doing? That is the question...

(Applause)

So we should not beat around the corners and come straight to what is being brought on the table.

(Applause)

Mr. Speaker I don't want to be informed...

(Interruption)

Hon. (Mrs.) Amriya Juma: Mr. Speaker am up on a point of information. Mr. Speaker I had no intention of saying what she has just said. Mr. Speaker am on my feet.

The Deputy Speaker (Hon. Mwalimu): Just sit, Standing Order 104.

Hon. (Ms.) Amriya Juma: Gross disorderly conduct (1)...! If a conduct is grossly disorderly, if the Member concerned - (f) deliberately gives false information to the County Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): So which false information?

Hon. (Mrs.) Amriya Juma: Mr. Speaker the Hon. Member with due respect has just stood here and said that I have mentioned...wait I finish my dear you've just said that I have mentioned...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): This is a parliament, use parliamentary language.

Hon. (Mrs.) Amriya Juma: Okay Hon. Member sorry before I also become disorderly...The Hon. Member has just said that I have said that the Motion, the resolution is not talking about summoning, it is not talking about summoning, the resolution is not talking about summoning.

(Interruption)

Hon. Omondi: Mr. Speaker Sir. Point of Order!

(Interruption)

The Deputy Speaker (Hon. Mwalimu): You cannot stand on a Point of Order on a Point of Order. She is on a Point of Order, just come clear on your Point of Order.

Hon. (Mrs.) Amriya Juma: My point of order is that information that Hon. Member has just given is false I didn't say that I even gave the meaning of summoning, I said Mr. Speaker summoning is to order somebody to be present.

The Deputy Speaker (Hon. Mwalimu): Okay thank you, okay proceed Hon. Faith?

Hon. (Ms.) Mwende: Thank you Mr. Speaker as I continue as per the Constitution of Kenya, 2010 Article 195 the Committee has the power and I don't want to repeat myself so if the Chairpersons are not competent enough to act or to work on their mandate then they should resign because I believe every Chair and Vice Chair they receive responsibility allowance so that responsibility allowance should be exercised on giving the right information which is required after giving the statement in this Hon. House. Mr. Speaker today I can say you are representing the Hon. Speaker; you are sitting on behalf of the Speaker...

(Applause)

What if the County Executive Committee Member (CEC) is sick do you expect him to come or to appear before the Committee? If am in Labour do you expect me to come in the Committee?

(Applause)

So we should think soberly, I oppose this Motion Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Member, now that you have exhausted on the Motion I will call upon the Mover of the Motion to respond before we put a question. Yes Hon. Chief Whip?

Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Spika. Mheshimiwa Spika ningependa tu kuweza kutoa shukrani kwa Wabunge wenzangu waliopinga na wale pia hawakupinga japo naelewa kwamba hawapingi kwa moyo ila wanapinga kwa mdomo maana wanafahamu ya kwamba hoja hii itasaidia kila mmoja wetu kuweza kuhakikisha kwamba tunatekeleza wajibu wetu kama Wabunge kuweza kupatiwa madaraka matatu kama Katiba. Vile vile niliona kwamba wanaopinga walizingatia kipengele 195 Mheshimiwa Spika lakini hoja yangu imekuwa wazi.

Natumai pia wakati tunapitisha kwa kukubaliana kwa pamoja sijasema kuwa ndio tuna jukumu la kuita mtu yeyote katika Bunge hili lakini leo hii katika hoja yangu nimeweka watu wawili ambao tumewapa kipao mbele ambao sisi kama Bunge tuliweza kuwapitisha katika Bunge hili sio mtu yeyote nao ni *Chief Officer* na Waziri. Kwa hivyo Wabunge ningependa ya kwamba niwabadilisha moyo wao kwamba ni hawa wawili sisi tumeweza kuwapitisha kwa hivyo tunapowaita katika Bunge hili tunatekeleza wajibu wetu kama Wabunge na vile vile kuhakikisha huduma mashinani imeweza kufikiwa. Leo hii ikiwa unataka barabara lakini Waziri yule au *Chief Officer* hajakuja katika Kamati Mheshimiwa Spika itakuwa vigumu wewe kama Mbunge kupata maoni kamili ili kuweza kuelezea wananchi wako Mheshimiwa Spika. Kwa hivyo ningependa mubadilisha mioyo yenu na muweze kuzingatia kwamba sisi tunatekeleza wajibu wetu kwa manufaa ya watu wetu Mheshimiwa Spika. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Thank you the Mover of the Motion. I now stand to put a question that the Motion by Hon. Charles Kitula on appearance of County Executive Committee Members and Chief Officers in Committees be approved in this Honorable House?

(Question put and agreed to)

(Applause)

Yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Am asking for a second ballot.

The Deputy Speaker (Hon. Mwalimu): Hon. Members under Standing Order 68 (1a) I will ask this Honourable House to proceed because am seeing there's no reason as to call for division.

(Applause)

Yes Clerk?

ADJOURNMENT

Having there no other Business the House stands adjourned until tomorrow Wednesday at 9:00a.m.

The House rose at 4:02p.m.