



## COUNTY ASSEMBLY OF MOMBASA

### OFFICIAL REPORT

Wednesday, 10<sup>th</sup> July, 2019  
The House met at 9:36a.m.

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

### PRAYERS

**The Speaker** (Hon. Khatri): Hon. Members you may be seated, yes Clerk.

### COMMUNICATION FROM THE CHAIR

Hon. Members I wish to bring to the attention of this Honourable Assembly that we have visitors from Tudor Day Secondary School. I recognize the presence of the delegation which consists of;

Students:

1. Fedel Omondi
2. Omar Baya
3. Hisham Mohamed
4. Ian Mwangi
5. Hatib Said
6. Jaffar Salim
7. Mohamed Abdulrahman
8. Michael Mwasangu
9. Ahmed Anwar
10. Asif Abdulaziz
11. Said Nassor
12. Shee Abubakar
13. Samia Peter
14. Kisavo Moses
15. Githinji Ngari
16. Ali Hussein
17. Shaban Abbas
18. Abongo Mahmud
19. Omar Mbarak
20. Ngao Juma

21. Francis Kazungu
22. Khalid Zulfikar
23. Nassir Abdalla
24. Salim Omar
25. Mohamed Salah
26. Ivo Rai
27. Hassan Mohamed
28. Henry Oduor
29. Gawawa Salim
30. Mohamed Salad
31. James Joshua
32. Awadh Swabry
33. Matano Omar
34. Dzombo Hassan
35. Abdulfatah Said
36. Suleiman Nyaga
37. Vita Hamisi
38. Mohamed Hussein
39. Bwanahamadi Fadhili
40. Shary Abdulrahman
41. Ali Osman
42. Mutengo Benson
43. Peter Thoya
44. Hamisi Buna
45. Julius Mwalimu
46. Dickson Mwalenga
47. Abdulmajid Mohamed

*(Applause)*

*(The students bowed before the House)*

Thank you very much, on behalf of the Assembly; I welcome you all to the County Assembly of Mombasa. *Karibuni sana.*

*(Applause)*

Yes Clerk, next order?

### **STATEMENT**

#### **FIRE DISASTER AT MIKINDANI WARD**

Yes Hon. Renson Thoya?

**Hon. Thoya:** Ahsante Mheshimiwa Spika. Nasimama kwamba nina hoja ya dharura kwa Kamati ya Uchukuzi na naomba uweze kuniruhusu niweze kuulizia.

**The Speaker** (Hon. Khatri): Yes Hon. Renson Thoya you may proceed.

**Hon. Thoya:** Ahsante Mheshimiwa Spika. Nimesimama kuweza kuulizia mkasa wa moto ambao uliweza kutokea kule Wodi ya Mikindani ambayo nawakilisha na ningependa kujua kutoka katika Kamati hiyo ni vipi kikosi chetu cha wazima moto kimejitayarisha kupambana na mikasa kama hii katika hali ya kimafunzo, katika hali ya kuitikia mwito ama jinsi ya kufika pale mahali kwa mikasa kwa wakati unaofaa katika hali ya vifaa vya kuzima moto.

Namba mbili waweze kufanya uchunguzi wa kina, sababu ya moto ule ulisababishwa na nini, na ni vipi ambavyo tunajipanga kwamba janga lile lililopata watu wa Mikindani halitaweza kutokea katika sehemu nyengine kwa sababu kwa sasa hivi familia nzima imeweza kupoteza watu watatu; akiwa mama na watoto wake wawili. Ni janga ambalo limewacha familia hiyo na huzuni na gharama nyingi, kwa hivyo ningependa Kamati husika iweze kuleta ripoti mahsusi kwa wakati unaofaa. Ahsante.

**The Speaker** (Hon. Khatri): Thank you Hon. Renson Thoya. Chair for Transport? I think she is not there, we have the Deputy Chair for Transport Hon. Mwaka please if you have a response, can you give the response?

**Hon. Mwaka Bakari:** Ahsante Bwana Spika. Nashukuru kuchukua wakati huu wa kuweza kumregesha Hon. Thoya. Kulingana na Kamati yetu ya Uchukuzi ilichukua jukumu hili kuchunguza kwa hali ambayo ilitokea lakini kwa upande mwingine pia tusilaumu majukumu ya kitengo cha wazima moto kwa sababu zengine za kwamba njia pia huwa zinasababisha gari kutofika pale na kuweza kuzima moto kwa haraka lakini Wizara ya Uchukuzi inawajibika kwa wakati kwa sababu vifaa vipo, maji yapo, wafanyi kazi wapo.

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

**Hon. Athman Mwamwiri:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika naomba kumtaarifu Naibu Mwenyekiti ya kwamba Mheshimiwa amesimama kwa huzuni kwa mkasa uliotokea na hajalaumu wala kushutumu...

*(Applause)*

Idara ya wazima moto, isipokuwa ameomba kujua na kufahamu hali kama hii idara inachukua hatua gani ili isitendeke sehemu nyengine na hali kadhalika kama ni swala la barabara bado ni uzembe wao kwa kutoweka misingi kabambe...

*(Applause)*

Na kuhifadhi upana wa barabara na hali kadhalika kuzuilia kujengwa kusikokuwa kwa kuidhinishwa katika sehemu za barabara...

*(Applause)*

Kwa hivyo makosa yote bado ni yao, japo Mheshimiwa hakulaumu lakini Bi Naibu Mwenyekiti asilazimishe Waheshimiwa kulaumu idara husika. Ahsante Mheshimiwa Spika.

**The Speaker** (Hon. Khatri): Thank you Hon. Mwamwiri. Yes Hon. Thoya, are you standing on point of information or?

**Hon. Thoya:** Mimi nazidi nimfahamishe, nafikiri la msingi ni kwamba hoja hiyo nimeileta kwa Kamati husika na Jumba hili lijue na nasikitika kwamba hata huyu anayezungumza hajui kwamba kuna mkasa uliotokea Mikindani na wazima moto. Kwa hivyo wakati mimi mwenyewe nimekesha kwa hayo matanga ya hao watu wangu asinichubue zaidi Mheshimiwa Spika.

**The Speaker** (Hon. Khatri): Thank you Hon. Thoya. Yes Hon. Mwaka? Yes Hon. Mwaka Mwalundonda?

**Hon. Mwaka Bakari:** Mimi nataka kutoa pole kwa Mheshimiwa Thoya kwa uchungu wa kupoteza ama kuathirika kwa watu wake wa Mikindani. Pole sana, mimi kama Naibu Mwenyekiti tutakaa na Kamati yangu kuweza kujadili suala hili. Ahsante.

**The Speaker** (Hon. Khatri): Thank you Hon. Mwalundonda, how long do you need to give back the response?

**Hon. Mwaka Bakari:** Two weeks.

**The Speaker** (Hon. Khatri): Two weeks yes, yes Hon. Amur?

**Hon. Murfad Amur:** Mr. Speaker, with all due respect two weeks is a lot of days because this is a thing of emergency, the bodies are lying in the mortuary, there are burial issues so we want at least seven days so that these people can be buried. Mr. Speaker, two weeks is a lot of time. Thank you.

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

**Hon. Mwaka Bakari:** Musinilazimishe kesho, nataka wiki moja, *seven days*.

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

**Hon. Mohamed Hatimy:** Ahsante Mheshimiwa Spika kwa kunipatia nafasi. Mimi mwanzo nataka kupeana pole kwa familia ya wale waliofariki Mheshimiwa Spika na jambo la pili, jambo kama hili ni kuwa ikiwa kuna watu wamefariki na kama Mheshimiwa Thoya asema kuwa gharama ni nyingi, naona itakuwa vyema kuwa ikiwa sisi tutaweza kuwasiliana na wale wanaohusika, hii familia kama imekwenda Coast General wapewe *exemption* ya kulipa pesa ili wapate kusaidika. Ahsante Mheshimiwa Spika.

**The Speaker** (Hon. Khatri): Thank you. Yes Hon. Kibwana Swaleh, the Chair for Health?

**Hon. Kibwana Swaleh:** Thank you Hon. Speaker. I was just enjoying the debate but when it comes to the issue of waiver then as the Chair of Health Committee I was worried a bit. Hon. Speaker although it is a procedure and you should know waiver also has some limitations so I think my colleague from Finance should also know they should put more money on the hospital on issue of waiver so that certain issues that may arise such as a disaster, the Department of Health could have more money to allocate in terms of waivers. But at the moment the Department has got no enough money for the waiver but at the same time I would say *pole sana, pole* my colleague from Mikindani for losing his voters and this is challenge from all the Wards we are having Hon. Speaker, they have a lot of challenges when it comes to fire disaster so I think it is high time...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Members please sit down, let the Hon. Member finish. Yes Hon. Bwire?

**Hon. Bwire:** Thank you Mr. Speaker. Mr. Speaker I never intended to speak on the same issue but the concern from the Chairman on Health has just forced me to do. Mr. Speaker we are talking of losing lives of the citizens of this County and I echo the sentiments from the Hon. Chairperson on Finance.

Mr. Speaker let us consider how much we have lost in that Department of Health and how much are we talking of waiving to help that family; we should not politicize things even if we are meant to defend our Departments there are some other issues that should be taken with a lot of consideration. Thank you, let us help this family as Chairman on Finance has stated, let us waive the entire Bill of these people and allow the family to bury their people. Thank you.

**The Speaker** (Hon. Khatri): Thank you, yes Hon. Samba?

**Hon. Samba:** Yes, thank you Hon. Speaker. I have got two issues; number one, I will just go stress upon the issue raised by the Hon. Member for Mikindani and prevention is always better than cure.

The case for Mikindani is just an example on whatever thing that is maybe awaiting in the process like if you come to my place Tudor, Moroto maybe in case there is a break out I do not think whether we can save anything there so I think it is upon the Department to take precaution and to do whatever thing that is necessary to be done.

I will also react to the Chairman for Health because it is the Chairman for Finance who has raised the issue and so that atleast the victims might be considered for waiver but I fail to understand the Chairman for Health.

The finance has given a nod even if the procedure is followed still the Department that will have a say is the Finance Committee. Now I think he should just help the process to facilitate how fast the process can be so that atleast the victim can be helped. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): Thank you Hon. Samba. Hon. Amur you have said you are on the point of order?

**Hon. Murfad Amur:** We did not say for every waiver or each waiver but for the specific issues such as this one we should consider and give a waiver on such issues in these particular issues Mr. Speaker. Thank you.

**The Speaker** (Hon. Khatri): Thank you. Hon. Renson Thoya. I think if I can recall you mentioned to me that the Governor has pledged to clear all the bills, I think there is something you mentioned to me before? Yes?

**Hon. Thoya:** I think Mr. Speaker that was between me and you but as far as the House is concerned it has rules and regulations and I want to say this...

*(Interruption)*

**The Speaker** (Hon. Khatri): No! But Hon. Renson Thoya you need to know that the Governor is the Boss of the Executive so if you have that instruction from the Governor that is going to pay for those bills you may even tell this Honourable House. There is no problem with that.

**Hon. Thoya:** Mr. Speaker.

**The Speaker** (Hon. Khatri): Yes.

**Hon. Thoya:** I think my statement was very clear that I have indicated that a lot needs to be done by the Committee of Transport in relation to disaster preparedness and how we can mitigate, *mimi ninataka kuwaambia hivi mbali na kusema hayo yote...*

*(Interruption)*

*Wangoje kwanza; unajua Mheshimiwa nataka...*

*(Interruption)*

Protect me from all this! *Mimi nimekesha pale kwa matanga kwa hivyo nataka* you treat this with utmost... *Nimekorogeka...*

**Hon. Mwende:** Point of Order!

**The Speaker** (Hon. Khatri): Yes Hon. Member?

**Hon. Faith Mwende:** I am standing on a Point of Order 73 (2); *A Member should proceed with the language which he started the statement with*, if it is English stick with English and if it is Kiswahili you stick with Kiswahili. Thank you.

**The Speaker** (Hon. Khatri): Thank you Hon. Member. Yes Hon. Renson?

**Hon. Thoya:** Mheshimiwa Spika ni kukorogeka kwa hili tatizo la matanga lakini nimekubaliana na Mheshimiwa kutoka Kipevu acha niendeleze na Kiswahili. Nimesema nataka uchunguzi wa kina ufanywe jinsi kikosi cha wazima moto watakavyopambana na tatizo hili. Zaidi ya yote ya Gavana niliweza kumfikia lakini habari hizi pia ni vyema iingie hapa Bungeni na ninawashukuru Waheshimiwa vile walivyokuwa wanachangia hata wengine naangalia Mheshimiwa Kibwana Mbunge mtarajiwa wa Jomvu huenda hizi kura akazikosa za Mikindani kwa sababu mimi nina wasiwasi nao lakini zaidi ya yote pia ningependa kuiambia Kamati husika na Mheshimiwa Spika kwamba mazishi yatafanyika Mbaraki siku ya Jumatatu.

Kwa hivyo kama yako mambo mengine yataendelea tuweze kuwa na mawasiliano kwa muda unaofaa. Mwisho nitakuwa ninawaalika Mheshimiwa Spika na Bunge zima kwa mazishi hayo. Ahsante.

**The Speaker (Hon. Khatri):** Hon. Renson Thoya but you have not made it clear in this House the issue of the bills that..., can you just make it clear if you still have issues with the bills concerning the...

**Hon. Thoya:** Yes I have said we want to mitigate *yaani tuone tunaweza wasaidia kwa namna gani? Bili mukiondoa mutaondoa lakini kuna masanduku, kuna nini hata Mheshimiwa Spika ukienda pale na mchango wa elfu hamsini si tutahakikisha mambo yote tunafanya., si ndio? Ahsante Mheshimiwa Spika.*

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

**Hon. Mohamed Hatimy:** Ahsante Mheshimiwa Spika kunipatia fursa tena kuongea. Mheshimiwa Spika nataka kuambia Bunge hili kuwa hili ni Bunge la sheria au ni pahala pa sheria nataka tuangalie kusema Nyumba hii tulipitisha sheria ambayo ni Disaster and Emergency ambapo vitu kama hivi vikitokea nafikiri wananchi kidogo wanapatiwa haki, kuna haki ambayo inatakikana ambayo wamepatiwa.

Kwa hivyo twajua Gavana huwa ni mtu mwenye kusaidia akisikia; jambo kama hili huwa ni mtu mwenye imani huwa anajitolea hata zake wacha za kwa Kaunti lakini nataka tujue Mheshimiwa kuwa hii sheria ni lazima watu waisome wapate kuijua vizuri ili tuweze jambo kama hili likitokea tujue twafanya nini Mheshimiwa Spika. Ahsante sana.

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

**Hon. Nyiro:** Thank you Mr. Speaker. Mr. Speaker I also rise to condole and say sorry to Hon. Thoya but again I would wish him to appreciate the fact that when this thing happened the said Department that he is criticizing now responded quickly...

*(Interruption)*

I remember...

*(Interruption)*

Let me finish, I remember the same week we had a disaster...



*(Interruption)*

Mr. Speaker protect me, I speak as a Member of Committee on Transport...

*(Interruption)*

I am speaking as a Member of the Committee. Protect me Mr. Speaker!

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

**Hon. Murfad Amur:** Hon. Thoya did not condemn any department Mr. Speaker, he said investigation should be instituted to avoid such incidents; he is not blaming any department. Mr. Speaker let it be clear, he is not blaming any Department he wants the investigation to be carried and to avoid such scenario in future. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): Yes Hon. Nyiro you may proceed. I think the Hon. Member has clarified that he did not condemn anything so you may proceed.

**Hon. Nyiro:** Mr. Speaker I think I am very much conversant with the language of Kiswahili and as well as English; he said *kuzembea*, If the Department *imezembea* it means it is not active...

*(Interruption)*

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

**Hon. Thoya:** Mr. Speaker I think now we are going over board and the Hon. Member should not put words in my mouth; I have said there is this problem but I want the Committee in-charge to investigate the disaster preparedness of that fire brigade that we have it terms of training, equipment and tend to empower this team of theirs Mr. Speaker.

**The Speaker** (Hon. Khatri): I think Hon. Thoya..., I think Hon. Mwamwiri you are the one who said that thing? It is not Hon. Thoya. So Hon. Nyiro apologize please...

*(Applause)*

Hon. Nyiro you have to apologize to the Hon. Member for putting words in his mouth.

**Hon. Nyiro:** I withdraw Mr. Speaker! I withdraw Mr. Speaker but again...

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

**Hon. Nyiro:** It is good if the Member had started by appreciating the little effort that this Department did because I remember in the same week that Hon. Thoya had a disaster I also had a disaster in my Ward. I had demolitions and I called the Department and they said the little resources that they had were taken to Mikindani.



So there was something done however little there was something that was done and it was only good for the member to say that there was something done so that to appreciate the work that was done by the Department.

Secondly Mr. Speaker I do not think whether as a County or as a Department we have the resources to do investigations so investigations must be done by the police, the Department does not do investigations so we will engage the police they do investigation as to the cause of fire but again you must understand that disasters are meant to come any other time, disasters will always be there...

*(Interruption)*

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

**Hon. Athman Mwamwiri:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika naomba kumtaarifu Mheshimiwa Mwenza kama akili yake razini...

*(Applause)*

Afahamu ya kwamba Mheshimiwa Spika katika Bunge hili...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Nyiro?

**Hon. Nyiro:** Mr. Speaker i said am good and conversant with the language of Kiswahili and English *akili razini* means that I am *mwenda wazimu* so the people of Bamburi did not elect a *mwenda wazimu* into this Assembly...

*(Applause)*

The people of Bamburi did not elect a *mwenda wazimu* into this Assembly. Kindly! Kindly!

**The Speaker** (Hon. Khatri): Hon. Mwamwiri please can you repeat the word, what did you say?

**Hon. Athman Mwamwiri:** Mheshimiwa Spika naomba kumfunza Mwalimu Nyiro ambaye ni Mheshimiwa sasa hivi ya kwamba akili razini ni akili timamu na kinyume chake ni ndio wenda wazimu. Kwa hivyo yeye kama ni kinyume cha akili razini...

*(Laughter)*

Kama yeye ni kinyume cha akili razini afahamishe Bunge hili tuweze kumfahamu lakini kimimi nimemtukuza nimempa hadhi ya kwamba ana akili zake timamu.

**The Speaker** (Hon. Khatri): Yes Hon. Nyiro?

**Hon. Nyiro:** Naomba niongee kwa Kiswahili Mheshimiwa Mwamwiri kamwe huwezi kunifunza Kiswahili mimi ni gwiji wa Kiswahili...

*(Laughter)*

Umesema kama mimi nina akili razini kumaanisha kwamba sina, naomba uombe msamaha la sivyo patachimbika hapa...

*(Laughter and applause)*

**The Speaker (Hon. Khatri):** Hon. Mwamwiri please can you withdraw that statement?

**Hon. Athman Mwamwiri:** Namtaka radhi Mheshimiwa Spika. Namtaka radhi Mheshimiwa jinsi alivyonifahamu. Mheshimiwa Spika nimkumbushe tu ya kwamba katika Bunge hili sisi hatuna Kamati ya polisi isipokuwa tunafahamu *Inspectorate* na bado iko chini ya idara ya uchukuzi ambapo kama ni uchunguzi na ripoti katika Bunge hili sisi jukumu letu ni Kamati husika watumie kitengo walicho nacho hawajatosheka waandikie DCI wamuandike kama wanamtaka DPP wamuongeze katika uchunguzi wao lakini haja yetu kama Bunge watuletee taarifa baada ya kukamilisha uchunguzi wao.

Mengineyo Mheshimiwa Spika sisi si jukumu letu kujibiwa juu juu na isitoshe jukumu la kujibu kauli ni jukumu la Mwenyekiti na Naibu wake na Naibu Mwenyekiti ameshajibu, kwa hivyo Mheshimiwa Nyiro kuregelelea kujibu kauli iliyotangulia ni kuhujumu nyadhifa na cheo cha Naibu Mwenyekiti wake ambaye ameshatangulia kusema katika Bunge hili. Ahsante Mheshimiwa Spika.

**The Speaker (Hon. Khatri):** Thank you Hon. Mwamwiri. Yes Hon. Ahmed Salama from Bofu Ward?

**Hon. Ahmed Salama:** Ahsante Mheshimiwa Spika. Mimi langu lilikuwa ni kutaka kusema pole kwa Mheshimiwa wa Mikindani lakini swala kubwa la Mheshimiwa wa Mikindani anatapatapa lakini kuna ajenda moja anahitaji msaada wa Bunge hili apate kusaidika. Ikiwa wewe umezungumza na Spika mambo ya Gavana mambo ya michango lakini kwa njia moja ama mbili Mheshimiwa alikuwa anataka Bunge hili na Waheshimiwa wafanye michango wamsaidie ili kusudi kumudu yale yalioitokea. Ahsante sana Mheshimiwa Spika.

*(The Speaker (Hon. Khatri) exited the Chair)*

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

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

**Hon. Athman Mwamwiri:** Mheshimiwa Spika, Mheshimiwa wa Bofu aliyetoka kwa mazungumzo haya kabla akae angepaswa kujenga hoja ili ikipita kama hoja iwe ni amri na jukumu letu sote lakini yeye ametoa kama pendekezo, haiwezi letwa amri ikubaliwe isipokuwa mpaka ajenge hoja. Kwa Mheshimiwa kwa ruhsa yako umruhusu asimame ajenge hoja kwa hilo.

**The Deputy Speaker (Hon. Mwalimu):** Yes Hon. Renson Thoya?

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**Hon. Thoya:** Ahsante Mheshimiwa Spika. Nafikiri Mheshimiwa Nyiro amejua kuna kitu nataka kuongea ndio anatoka lakini kabla niingie hapa kuwa Mwakilishi Wodi wa Mikindani nilikuwa afisa mzima moto katika kitengo cha Station officer. Kwa hivyo sioni haja ya yeye aweze kudanganya Bunge hili; katika upande wa wazima moto kuna kitengo cha *operation, training fire prevention* na *investigation* ambayo ni uchunguzi kwa hivyo mimi najua Mheshimiwa Nyiro alikuwa mwanajeshi, ukawa mwalimu kama kazi si yako zungumzia kuhusu mabunduki, mambo ya kuzima moto uwaachie wazima moto. Ahsante.

**The Deputy Speaker** (Hon. Mwalimu): Thank you Hon. Thoya for raising this concern. Hon. Members, I think the Vice Chair Committee on Transport clearly saying she will bring the response on issues raised by Hon. Renson Thoya from Mikindani Ward in a weeks' time so as an Assembly we shall wait for that report and deliberate further. I want the Committee to bring to this House, so next order please?

### MOTION

#### AMENDMENT OF SITTING DAYS AND HOURS FOR ASSEMBLY PLENARY SITTINGS

Yes the Leader of Majority?

**The Leader of Majority** (Hon. Mwidani): Thank you Mr. Speaker Sir. Let me move a Motion on amendment of sitting days and hours for Assembly plenary sittings. Thank you Mr. Speaker.

*(The Leader of Majority (Hon. Mwidani) moved the Motion)*

Standing Order 24 (1) provides for the sitting days for plenary sittings of the County Assembly to be from Tuesday to Thursday of every week from second week of February to first week of December of every year;

Mr. Speaker, Standing Order 27 (1) further provides for the hours of meeting to be from 9:00a.m on Wednesday's and from 2:30p.m on Tuesday, Wednesday and Thursday afternoons when the Assembly is not on recess;

Mr. Speaker, Standing Order 234 provides for amendment of the Standing Orders at any time by the County Assembly Procedure and Rules Committee;

Mr. Speaker, now therefore this Assembly do hereby resolve as follows:

**THAT** pursuant to Standing Order 234 the Committee on Appointments/Rules and Procedures recommend to the Assembly that Standing Orders 24 (1) and 27 (1) be amended to provide for the County Assembly Plenary Sittings to be held henceforth every Tuesdays and Wednesdays in the mornings from 10:00a.m and in the afternoons from 2:30p.m and that the annual Assembly calendar for the year, 2019 be deemed to be altered accordingly.

And as we resolve this and even put it in order that we will sit on Tuesday 16<sup>th</sup> July, 2019 because tomorrow we have another sitting on Thursday so I was requesting this House

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also to make some amendments that it take effect from 16<sup>th</sup> July Tuesday, 2019 next week.

Thank you Mr. Speaker and now I request Hon. Kibwana to second my Motion.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Kibwana?

*(Hon. Kibwana Swaleh seconded the Motion by bowing)*

And now I propose the question that the Motion by the Leader of Majority as read be discussed in this House.

*(Question proposed)*

Yes the Leader of Majority?

**The Leader of Majority** (Hon. Mwidani): Mr. Speaker, amendment of sitting days and hours for Assembly plenary sittings.

Whereas Standing Order 24 (1) provides for the sitting days for plenary sittings of the County Assembly to be from Tuesday to Thursday of every week from second week of February to first week of December of every year.

Mr. Speaker, Standing Order 27 (1) further provides for the hours of meeting to be from 9:00a.m on Wednesday's and from 2:30p.m on Tuesday, Wednesday and Thursday afternoons when the Assembly is not on recess;

Mr. Speaker, Standing Order 234 provides for amendment of the Standing orders at any time by the County Assembly Procedure and Rules Committee;

Mr. Speaker now therefore this Assembly do hereby resolve as follows:

**THAT** pursuant to Standing Order 234, the Committee on Appointments/Rules and Procedures recommend to the Assembly that Standing Orders 24 (1) and 27 (1) be amended to provide for the County Assembly plenary Sittings to be held henceforth every Tuesdays and Wednesdays in the mornings from 10:00a.m and in the afternoons from 2:30p.m and that the annual Assembly calendar for the year 2019 be deemed to be altered accordingly.

And when it is passed Mr. Speaker Sir I will request also to make another amendment that it starts from 16<sup>th</sup> July Tuesday, 2019 next week. Thank you Mr. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Thank you Leader of Majority I think you have convinced the House as to why you have brought the Motion. Yes Hon. Murfad Amur?

**Hon. Murfad Amur:** Thank you Mr. Speaker. Mr. Speaker I stand to oppose the amendment with one fact...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Are you opposing the Motion or the amendment?

**Hon. Murfad Amur:** The Motion requesting the amendment of the sitting Mr. Speaker; with facts. We are the County Assembly of Mombasa Mr. Speaker but we are also learning from our National Assembly which is the main player of the politics in this country. Mr. Speaker since independence we have been having this National Assembly and the timings and dates of the meetings has been that, Tuesday afternoon, Wednesday morning, afternoon and Thursdays afternoon. Today Mr. Speaker if we keep on changing what precedence are we keeping, tomorrow someone else will come and say let us have it on Friday! We are giving room for changes but yes how soon are we changing this thing Mr. Speaker, tomorrow someone will come with his own ideas...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): There is someone who is up on a point of information. Yes Hon. Renson Thoya?

**Hon. Thoya:** Mr. Speaker I wanted to inform that the County government is not a small government, it is a government on its own and in the near future we want for other Counties to come and learn from Mombasa County so he should not tell us we are learning from the National Assembly. It is an independent government according to the Constitution of Kenya so very soon the Parliament of the national government might be coming to Mombasa to learn the same.

**The Deputy Speaker** (Hon. Mwalimu): Thank you, proceed.

**Hon. Murfad Amur:** Mr. Speaker the sittings that are being attended by the Hon. Members in the National Assembly are the same sittings that the Senate meet on the same calendar. For us we do not say no Mr. Speaker, my fear is tomorrow somebody else will come and bring other changes shall we be doing changes every time, every now and then? It will be too costly for this Assembly to publish Mr. Speaker. Thank you Mr. Speaker...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Hamida?

**Hon. Noor:** Thank you Mr. Speaker. I think we are an independent County Mr. Speaker...

*(Applause)*

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And we can have changes on our own, we should be an example to the other Counties that we are becoming independent, devolution is here my brother Hon. Amur you should wake up and embrace devolution...

*(Applause)*

And think since independence as you said it is a long time; it is 50 something plus years, let us get out of the cocoons that we are in and embrace ourselves. Thank you Mr. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Hon. Tobias Samba?

**Hon. Samba:** Thank you Mr. Speaker. I stand to support the Motion. I would like to inform Hon. Amur that we do not act on his fear or what he likes but we have to look at things that are best for the House and Members have unanimously resolved that, majority...

*(Consultations)*

**Hon. Murfad Amur:** Let the Hon. Member not be clear because the question has not been put nor the Motion been adopted...

**The Deputy Speaker** (Hon. Mwalimu): Okay thank you. Yes Hon. Samba we are yet to put a question so it has not been unanimously decided, let Hon. Samba proceed.

**Hon. Samba:** Hon. Speaker from the look of the things you can see I do not know whatever Hon. Amur took for breakfast...

*(Laughter)*

But as you can see Mr. Speaker he is the person who is anxious about this but you can see the mood of this House we are in support of this Motion at least provided we have four sittings in a week we can choose to do whatever thing we would wish to do provided we are serving the electorate well. We make laws, we represent them well Mr. Speaker I do not see the reason as to why we should be confined to do our business within Tuesday, Wednesday, Thursday and Friday and Hon. Speaker as per that it is going to give us more allowances, more time at least for us to participate fully. I think you can see of late the House has been full and that is what we want and I stand to support my colleagues and the Motion Mover that amendment is as good today as of yesterday. Thank you Hon. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Mohamed Hatimy?

**Hon. Mohamed Hatimy:** Mheshimiwa Spika nafikiri kidogo nimechanganyikiwa kwa sababu Mswada umesomwa na akaweka marekebisho. Sipingi mimi Mswada lakini nataka sheria ifuatiliwe marekebisho imesoma na hakuna mtu ameunga mkono hayo marekebisho Mheshimiwa Spika. *Can we second first?*

**The Deputy Speaker** (Hon. Mwalimu): It was seconded by Hon. Kibwana.

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**Hon. Mohamed Hatimy:** Nafikiri Mheshimiwa Kibwana ameunga mkono Mswada kwa sababu Mswada ukiangalia Kanuni za Bunge nambari 52 inasema, *it must be in writing; any amendment must be in writing*. Haya marekebisho sisi tuna *own* huu Mswada sasa kwa sababu swali ushaweka kwa hivyo kisheria Mheshimiwa Spika hata kama ule Mswada umeunga mkono lakini marekebisho hayakuwa *seconded* Mheshimiwa Spika.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Renson Thoya? I think you have already talked on this issue.

**Hon. Thoya:** No it is a point of information and am giving out another point of information Mr. Speaker. I think the seat you are sitting on is so supreme you are the top person in this House and I want to bring to your attention that Hon. Amur is robbing the independence of some speakers here; before he goes on air you must have given him a green light he cannot stand and go ahead neck to neck with the Honourable from Tudor, it is a House of order, it is an observation that we noted and I want to bring it to your attention Mr. Speaker. Mr. Speaker *nataka uisikie hii...*

*(Consultations)*

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. I would just like to answer to...

*(Interruption)*

**Hon. Thoya:** There is something I need your Chair to be respected...

**The Deputy Speaker** (Hon. Mwalimu): Thank you.

**Hon. Thoya:** And it is a House of order and law, nobody can just stand while somebody is on air, so Mr. Amur, in fact you should make him apologise for the same. Thank you.

**The Deputy Speaker** (Hon. Mwalimu): Thank you Hon. Renson Thoya. Hon. Members it is in our Standing Orders that when an Hon. Member is up, let him proceed with whatever he is deliberating on not unless you are up on a point of order or point of information.

Yes Hon. Bwire? And before Hon. Bwire proceeds, Hon. Hatimy what I was clarifying from the Clerk is that it was not an amendment but the Hon. Member said that he wants the Motion to start from next week on Tuesday, the Motion is at it is but he wants the Motion to start by next week on Tuesday.

**Hon. Mohamed Hatimy:** Kwa hivyo wiki ijayo itakuwa imeanza kazi? Kwa hivyo *we do not have to come up with amendment* Mheshimiwa Spika? Leo tukipitisha Mswada saa hii itaanza kazi saa hii *unless* yeye aseme huu Mswada anataka uje baada ya miezi sita.

**The Deputy Speaker** (Hon. Mwalimu): It is as per the Hon. Member who has brought the Motion, he has requested that he wants his Motion to take effect from next week Tuesday, so Hon. Members I think we are in order. Yes Hon. Bwire?



**Hon. Bwire:** Thank you Mr. Speaker. Mr. Speaker we were consulting with Hon. Hatimy and I do not know which ruling you had already given because I saw some signals from Hon. Mwamwiri otherwise I would also first wish to inform Hon. Amur that the County Assemblies are as a result of the product of devolution and all County Assemblies have powers to do amendments on anything that deal or touches the people of any County within the Counties of the representation and therefore since we are legislatures here, we are entitled to do any amendment because we have done so many amendments on our Standing orders and I have never heard anybody objecting it. So Mr. Speaker I think the Motion brought by Hon. Majority Leader will give us a room to have some other engagements on different days like on Monday, Thursday and Fridays; so with us having sessions on these two consecutive days, Wednesday and Thursday is actually a very nice move and I wish to second that.

Two Mr. Speaker so many Counties do have sittings on Tuesdays and Wednesdays so we are not going to be the first County to be having sitting on Tuesdays and Wednesdays, so I wish to second and I also had the mind that the issue that has already been raised by Hon. Hatimy that there is no need of the amendment of course when we pass the Motion automatically it starts to operate, so maybe the Hon. Member just went out of his way already we passed the Motion here today automatically either today or next week it will be effective, otherwise I second the Motion. Thank you.

**The Deputy Speaker (Hon. Mwalimu):** Thank you Hon. Bwire. Hon. Bwire if we could have passed the Motion today on a Wednesday then it will mean that tomorrow we are not having our sitting, that is why I think the Vice Chair of Rules and Procedure Committee requested that he wants the Motion to take effect from next week Tuesday.

**Hon. Bwire:** Noted Sir.

**The Deputy Speaker (Hon. Mwalimu):** Yes Hon. Milka Moraa?

**Hon. Ngare:** Thank you Mr. Speaker Sir for giving me this chance to also put in my sentiments. I stand to support the Motion brought in by the Majority Leader because Standing Orders are rules used to manage the work of the County Assembly and we have a mandate to amend them in order to suit the way we carry out our business.

Standing Orders are not cast on stone; it is our mandate and we have the powers to amend in order for us to run our businesses the way we deem best and I think having sittings on Tuesdays and Wednesdays according to the time that the Majority Leader has brought to the House would give these hardworking Hon. Members time to mingle with the electorate and carry out their duties as per their representation and other duties that they best know.

So I stand to support so that we agree with the Motion that has been brought, I support it fully and ask my colleagues to also support it so that we start the business and timing as per what the Leader of Majority has introduced in the House. Thank you Mr. Speaker.

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

**Hon. Athman Mwamwiri:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika nasimama kwa heshima na taadhima kuipinga hoja hii.

Mheshimiwa Spika naipinga hoja hii kwanza Kiongozi wa Wengi aliyeleta hoja hii hajibashiria Bunge hili dharura ya yeye kutaka kuleta mabadiliko haya; ni kipi kinachosibu ama kinacho tusibu kama Bunge ambacho ni lazima kitekelezeke ndani ya siku mbili za wiki? Hapo Mheshimiwa Spika aliyeleta hoja hii hajibaini kuonyesha dharura ya yeye kutaka kuleta mabadiliko.

Pili Mheshimiwa Spika katika nukuu alizoweka kwenye ibara ya Kanuni za Bunge alisahau kuweka maanani ibara ya 41 (1). Mheshimiwa Spika, kwa ruhusa yako nitaisoma angalau itamfaidi siku nyingine; *‘Notwithstanding Standing Order 37 (Sequence of Proceedings), there shall be time to be a designated Statement hour every Thursday’*. Mheshimiwa Spika atakuwa amehujumu ibara hii ama kipengele hiki kwa kuzingatia tu vipengele viwili alivyoviweka hapa na kile cha wasaa wa maswali katika kila siku ya alhamisi tutakipata wapi? Vyenginevyo hizi siku mbili zitakuwa na hali kadhalika itatulazimu kila Alhamisi tuje hapa kupata wasaa wetu wa kuuliza maswali.

Mheshimiwa Spika si tu kuchelea gharama ya nauli ya kuvuka ama kuja katika shughuli za Bunge siku tatu kwa wiki, kama wanachelea hilo awe bayana aliseme lakini kama ni uwakilishi na kuwatendea kazi wananchi wa Mombasa yapo yanayojiri ndani ya siku ya Jumanne na ya kuulizwa maswali ya kidharura na kutarajia majibu angalau kufikia Alhamisi iwe tumeweza kupata majibu kuregesha kule tunapowakilisha lakini tukilikwepa hili na siku ya Alhamisi itatulazimu kila linalokuja tusiweze kupata jibu la kidharura mpaka livuke juma linalokuja hali ya kwamba itakuwa si uwakilishi sahihi, sio haki kwa wale tunaowakilisha.

Mheshimiwa Spika pesa ya mlipa kodi inagharamia shughuli zetu na maisha yetu ya kuwepo sisi hapa, vyenginevyo hata angesema badala ya kufanya kikao kimoja siku ya Jumatano, angevigawanya tukawa na kikao chengine Ijumaa angalau tuwe na siku zaidi za kuweza kuwakilisha watu wetu katika maeneo haya. Mheshimiwa Spika kwa hili bila sababu mwafaka kimimi ni kwamba Mheshimiwa alichelea gharama za kuja katika Bunge hili siku tatu kwa wiki...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Mwamwiri the Motion came from Committee on Appointment, Rules and Procedures, it did not come from Leader of Majority.

**Hon. Athman Mwamwiri:** Mheshimiwa pamoja na hayo yuko aliyelipendekeza ndio likafanywa mjadala na yeye aliyependekeza katika Kamati husika, ndio namwashiria ya kwamba huenda alichelea gharama za kuja katika kikao hichi, kwengineko Mheshimiwa Spika sioni dharura kwa sababu mengine hayajazingatiwa katika swala hilo...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Kibwana?

**Hon. Kibwana Swaleh:** I think Hon. Speaker my colleague from Likoni is diminishing the name of the Leader of Majority. When it comes to the issue of transport coming to the Assembly, Hon. Speaker this is a senior person who was once a Mayor of this County so I think he should give him respect when he talks about transport I think that is a non-issue, so I think he should stick to the issue he intends to raise.

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**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Mwamwiri, you are on the floor?

**Hon. Athman Mwamwiri:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimkumbushe Mheshimiwa aliyesimama ya kwamba nina uhuru wa kujieleza na kama mtu limemsibu anao uhuru wa kujitetea, lakini mtazamo wangu kwa hoja hii ni watu kuchelea gharama ya nauli kuja katika vikao hivi Mheshimiwa Spika, vyenginevyo sioni dharura ya kulazimisha mshombo wa vikao ndani ya juma lililo na siku saba tukashindwa kutekeleza siku tatu tukalazimisha mshombo ndani ya siku mbili.

Mheshimiwa Spika pia kuna ibara nimesoma 41 itakuwa tumehujumu wasaa ule wa maswali na hali kadhalika kuna maswala ya kutekelezeka kidharura hatutapata wasaa wa kupata majibu haya ndani ya Bunge hili kwa sababu itatulazimu kila linalojiri linalokuja livuke jumaa linalokuja.

Kwa mtazamo huu Mheshimiwa Spika na heshima ya Bunge hili na wenye mtazamo na wenye maono na mapenzi kwa wakaazi wa Kaunti ya Mombasa sioni sababu ya mabadiliko haya. Ahsante Mheshimiwa Spika.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Tobias Samba from Tudor Ward and I understand that Tudor Secondary is up on the gallery.

**Hon. Samba:** Thank you so much Hon. Speaker. Hon. Speaker I would wish to comment on what Hon. Mwamwiri has said; Hon. Mwamwiri should not bully the Members in this House. Hon. Mwamwiri is a bully Hon. Speaker, and as much as we have our Standing Orders in fact we are the ones who are supposed to make them because we are the ones who feel the pitch and understand them for they are for our own benefit.

If we can feel that we can do away with our Statements to be scheduled on Thursday yes we can as well do it Hon. Speaker, these Standing Orders are not greater or bigger than the Constitution and we amend Constitution where we feel it deemed good.

So Hon. Speaker provided we will be having four sittings we can even reschedule that Statement hours be on Tuesday morning, the only thing I would advise him to do, we would advise the Majority Leader who brought the issue to at least consider in as much we are amending the sitting hours and sitting days we should also amend...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): He is up on a point of information, yes Hon. Mwamwiri?

**Hon. Athman Mwamwiri:** Mheshimiwa Spika, namtaarifu Mheshimiwa aliyekuweko katika nafasi hii ya kwamba Bunge hili ni Bunge la *sharia* chambilecho Mheshimiwa mwenza Mheshimiwa Hatimy.

Hali kadhalika kila Mheshimiwa ana haki ya kusimama kuchangia na kutoa maoni yake na hata siku moja maoni ya Mheshimiwa katika Bunge hili hayajawa shuruti ama kwa lugha aliyotumia kwamba ni *bully*.

Sina nia wala uwezo wa ku *bully* yeyote kwa sababu sote tuna nafasi sawa katika Bunge hili na mawazo yetu yana haki ya kusikizwa na hiari ya kuunga ama kupinga.

Hali kadhalika Mheshimiwa Spika hatua ambayo anasema ningetoa ushauri kwa Mheshimiwa mimi sikai katika Kamati hiyo na jambo hili nimelipata hapa na kwa uelewa wangu nimelipata na kasoro ya kwamba kuna hujuma ya wasaa wa maswali katika kanuni zetu hautakuwepo kwa hio pendekezo lake washauriane na Kamati husika watoe hoja hii katika Bunge hili siku ya leo wakajadili waweke hayo mapendekezo waregeshe labda nitazingatia hilo. Ahsante.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Samba, proceed.

**Hon. Samba:** Hon. Speaker, Hon. Mwamwiri is taking a lot of time in this House. As I was saying before he interrupted me with very a long statement and have not even tapped any point of why he was up on a Point of order. Hon. Speaker as I was saying earlier in as much as we can amend the Constitution of the Republic of Kenya I do not see any reason as to why we cannot amend this and as I support the Motion...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Yes what do you want to inform the House?

**Hon. Murfad Amur:** Mr. Speaker you cannot amend the Constitution unless there is a referendum, that should be very clear. Thank you Mr. Speaker.

**Hon. Samba:** Hon. Speaker, the issue is amendment; I think the Hon. Member has got a problem with this amendment thing. The whole issue here is amendment whether there is referendum or not, the whole issue is that amendment is possible. Hon. Speaker protect me because the more you give them time to attack me, am loosing so many points! Yes Hon. Speaker so as I was saying before so many points of information I do not want to be informed...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Thoya he has said that he does not want to be informed.

**Hon. Thoya:** Am not talking about the speaker on the air, there are people who you are noting in this House they are always on the neck of the other speakers, we are not talking on the amendment of the Constitution of Kenya but we are talking about the amendment of these Standing Orders of the House so please Hon. Amur you are just confusing the Hon. Member from Tudor. Please with due respect...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Just let Hon. Samba to proceed.

**Hon. Samba:** Yes Hon. Speaker as I was responding to those who were opposing the Motion and as I said before that I do not mean that we can amend the Constitution now but I was just giving an example that there is room for amendment of the Constitution.

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If we can amend the Constitution why can't we do the same here? I think with their right senses Hon. Members who sat in the said Committee had genuine reasons that have been given; maybe the one which Hon. Mwangi has said is part of his own problem, the transport maybe he is encountering problems as far as the transport is concerned but that might be one of the problems.

And also there are some of the issues that we have seen at least if we adjust the participation of all Members we will always be strong, I stand to support and I will support the Motion. Thank you Hon. Speaker.

**The Deputy Speaker (Hon. Mwalimu):** Yes Hon. Athman Shebe?

**Hon. Athman Shebe:** Ahsante sana Mheshimiwa Mwenyekiti. Kwanza kidogo naona maumbile yangu ya twiga kidogo yananihujumu... ningependa Mheshimiwa Mwenyekiti... Naam ahsante sana Mheshimiwa Mwenyekiti kunipatia fursa hii. Kwanza kabisa nitangulie Mheshimiwa Mwenyekiti niko chini ya himaya yako nilinde na alama kiamrishi katika Bunge hili, vile vile pia nilinde na alama kielimishi Mheshimiwa Spika. Ahsante.

Nina bashasha mpitwo mpwito Mheshimiwa Spika kwanza kuona shule yangu ya zamani manake najivunia mimi ni mwana Tudor, leo wamekuja kushuhudia Bunge hili vile linavyoendesha biashara zake kwa hivyo nawapongeza na nina tumai kesho na kesho kutwa watakuwa viongozi kama sisi na bora kama sisi.

Pili Mheshimiwa Spika japo kwa kuchelewa ningependa kutoa rambi rambi zangu kwa jirani yangu Mheshimiwa Thoya (BMW) kwa yale yaliyomkumba sikupata wasaa wa kuweza kutoa rambi rambi zangu Mheshimiwa Spika.

Tatu vile vile Mheshimiwa Spika ningependa kutia uhai hoja hii ilioretwa na Kiongozi wa Wengi katika Bunge hili sioni ni nini kimebadilika Mheshimiwa Mwenyekiti bali mabadiliko aliyoleta Mheshimiwa Kiongozi wa Walio Wengi bali amezingatia vipi Bunge hili litaweza kuboresha utenda kazi wake, ni vipi Bunge hili litapata wasaa kwa waheshimiwa wenza kule mashinani kupata wasaa na wakati wa kuweza kuwahudumia mwananchi.

Kwa hivyo ningependa kuunga mkono kwamba Kiongozi wa Walio Wengi Bungeni amezingatia yale masaa na akaangalia vipi sisi viongozi tutaweza kupata wasaa na kujumuika na wananchi wetu kule mashinani. Hivyo basi suala la tikiti hapo halipo, suala la nini hapo halipo, sote tuna mahaba ya kuwajibika, sote tuna mahaba ya watu wetu mashinani, kwa hivyo ningependa kumwambia Mheshimiwa Mwenza mwanafalsafa mwenza Mheshimiwa Mwangi kuwa kila kitu kinachofanywa katika Bunge hili ni katika harakati ya mpango mzima wa kuboresha huduma Mheshimiwa Mwenyekiti.

Kwa hivyo mimi yangu ni machache nimetia uhai hoja hii, hivyo basi Mungu akijaalia huduma na utenda kazi wa Bunge hili nina imani utazidi kuboreka badala ya kudorora. Ahsante sana Mheshimiwa Mwenyekiti.

**The Deputy Speaker (Hon. Mwalimu):** Yes Hon. Mwalimu Mgwisho?

**Hon. Mwalimu Mgwisho:** Ahsante Mheshimiwa Mwenyekiti. Nimesimama hapa kwa ajili ya kuunga mkono hoja hii; kwanza nataka nimshukuru sana Kiongozi wa Walio Wengi Bungeni kwa kuleta hii hoja kwa sababu sisi Waheshimiwa twaonana hapa lakini hatujui wengine wanaishi wapi? Kuna mwengine mpaka amke saa kumi na mbili awe steji ili aweze kufika hapa Bungeni saa tatu...

*(Applause)*

Kwa hilo naunga mkono hoja hii kwa haya masaa ambayo yamewekwa ili Waheshimiwa sote tutaweza kuhudhuria kwa wakati na pia hakuna mabadiliko mengi ambayo yameletwa kwa Bunge hili tukufu isipokuwa vikao vyetu ni vile vile vinne, isipokuwa imeletwa siku ya Jumatane na Jumatano kwa hivyo sioni haja kwamba sisi tuongee mengi sana.

Nawaomba Wabunge wenza tuweze kuunga mkono Hoja hii kwa moyo wetu msafi ili Waheshimiwa waweze kuhudhuria kwa wakati, wale wavivu ambao hawawezi kurauka waweze kufika hapa saa nne kamili. Ahsante Mheshimiwa Mwenyekiti...

*(Applause)*

**The Deputy Speaker (Hon. Mwalimu):** Yes Hon. Rosemary Mukavi?

**Hon. Mukavi:** Thank you Mr. Speaker for giving me time to contribute to this Motion. To me I think it was long overdue, I want to support it Mr. Speaker as it is going to give me a lot of time to go to my Ward and try to see the projects which have been implemented and having two days am quite happy because my people have not been seeing me on the ground enough and I support...

*(Interruption)*

**The Deputy Speaker (Hon. Mwalimu):** Yes Hon. Rosemary Mukavi for the purpose of the Hansard records we would like to know which Ward to be precise.

**Hon. Mukavi:** My Ward is Kongowea.

*(Laughter)*

**The Deputy Speaker (Hon. Mwalimu):** Thank you.

**Hon. Mukavi:** And having these two days is actually going to give me a boost, I really appreciate and I want to support this Motion Mr. Speaker after all it is not taking away our four days they still remain the three days. I support it fully and we do not really need... and everybody has supported this. Thank you.

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

**Hon. Nzai:** Thank you very much Mr. Speaker for giving me this opportunity to air my views, before...

*(Interruption)*

**The Deputy Speaker (Hon. Mwalimu):** Be audible Hon. Nzai.



**Hon. Nzai:** Before I hacker the *hackeritization* let me first condole with my colleague Hon. BMW for the loss that he has incurred...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): So who is BMW? Is there any Hon. Member by the name BMW?

**Hon. Kombe Nzai:** Hon. Thoya for the loss incurred in his Ward, also let me say hi to the Tudor Students for being with us in this Assembly and also not to forget the Hon. Members who call themselves the Old Tudor Boys...

*(Applause)*

Mr. Speaker Sir I stand to oppose the Motion with the following reasons; nobody hates changes, changes are as good as anything but there must be good reasons for changes. Now I can see here there is a very good Motion written in black and white but the reasons; no reasons which have been depicted in this Motion, there are just suggestions on this date, this time, that that day that hour but no specific reasons why it should be done so...

*(Applause)*

It is true Mr. Speaker that this is a House of Procedures and laws but why do we have to amend these Standing Orders, what can be the really reasons which can make the Members to amend these sittings arrangements? I would urge or rather request the Mover of this Motion to at least state or rather give us one or two reasons as to why we have to amend our Standing Orders. Thank you very much Mr. Speaker.

*(Applause)*

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

**Hon. Mbura:** Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Kwanza ningependa kupeana pole zangu kwa Mheshimiwa Thoya ambaye sasa ni jirani yangu; Mikindani na Mwakirunge ukivuka tu na kivukoni nitakuwa na wewe. Mimi naunga mkono Mswada huu pia kumpongeza Kiongozi wa Walio Wengi kwa sababu ameniona zile shida ninazopata na wale wote wanaopinga kusema kweli hawanihurumii hiyo ndio nimeiona, kwanza kabisa ninapotoka ni mbali na huwa najitahidi kufika mapema na Mswada huu ulioletwa ni ili mimi niweze kupata afueni...

*(Applause)*

Kwa sababu ukilinganisha tikiti mimi napeana tikiti, ukilinganisha wakati mimi huwa najitahidi. Kwa hivyo mimi nauunga mkono huu Mswada kwamba tukutane Jumanne asubuhi, Jumanne jioni na Jumatano asubuhi, Jumatano jioni.



Ile siku ya Alhamisi itakua ni siku ya vikao vya Kamati na kuona jamii mashinani. Kwa hivyo nauunga mkono mia kwa mia huu Mswada. Ahsanteni sana.

*(Applause)*

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

**Hon. Amriya Juma:** Thank you Mr. Speaker for giving me an opportunity. The only disadvantage in speaking last time you can be tempted to repeat but I will try as much as possible to avoid repetition Mr. Speaker. Mr. Speaker I wish to comment on Hon. Nzai's concerns that you need to give reason for the Motion and I think in my respective opinion, Standing Order No. 234 and 235 are quiet clear on the role of the Rules and Procedures Committee on the amendments of the Standing Order and it surphases that following the Standing Orders it is in order for the Motion to come as it is and there is no requirement since the amendments are pursuant to Standing Order No. 24 which outlines the dates and time and it does not give reason why the dates and time are so.

So when you amend you cannot give reasons on the same where reasons are not provided for Mr. Speaker. So I think it is a natural justice that now that the law has been followed and we are all in full support that there is no need of any reasons to be provided Mr. Speaker, I support the Motion. Thank you.

**The Deputy Speaker (Hon. Mwalimu):** Thank you Hon. Amriya. I now call upon the Mover of the Motion to respond.

**The Leader of Majority (Hon. Mwidani):** Ahsante sana Bwana Spika. Kwanza ningesema nawashukuru Wabunge wote waliounga mkono na pia wale waliopinga, nawashukuru ijapokua sio wengi...

*(Applause)*

Na tumefanya haya kwa sababu nzuri sana. Kwa sababu tumejaribu kwa muda huu wote tulioko hapa Bunge haswa wakati wa vikao vya saa tatu imekua ngumu kwa sisi Waheshimiwa kuweza kufika mapema...

*(Applause)*

Kwa hivyo nimeona badala ya Waheshimiwa waonekane wanachelewa tuwaweke muda ambao pia wanaweza ingia Bungeni kwa wakati muafaka ambao ni saa nne; na Mheshimiwa Spika kusema kweli ni lazima tukubali tusikimbie kule tulikochaguliwa tukawa twang'ang'ania tu kuwa kwa Bunge, lazima tuwe na siku nyingi za kuona wananchi wetu kule mitaani...

*(Applause)*

Na Mheshimiwa Spika sio kwamba nimebadilisha kwamba vikao vitakua siku tofauti, vikao ni vile vile vinne, ni vizuri ukutane na mwananchi wako Jumatatu, Alhamisi na Ijumaa kwa sababu wao ni zaidi wanakutaka kule mtaani kuliko ati uwe Bunge.

Kwa hivyo Bwana Spika nimefanya haya kwa kuweza kumsaidia Mheshimiwa aweze kuja Bunge kwa wakati muafaka na pia aweze kuwakilisha watu wake kule mashinani kwa wakati muafaka. Kwa hivyo Bwana Spika ningeomba pia ku *seek leave* katika *Standing Order No. 41*, ni kweli ame *raise* lakini hiyo hiyo pia ningeomba kwa ruhusa yako *so that* hiyo *Standing Order No. 41* tuibadilishe badala ya Alhamisi iwe tutakutana Jumatano saa nane kwa mambo ya *Statement*...

*(Applause)*

Kwa hivyo nashukuru sana Waheshimiwa wote walioweza kuiunga mkono hata wale walioipinga ni demokrasia, hivyo basi Mheshimiwa Spika nimeshukuru sana na nataka utoo muongozo wako. Ahsante sana.

**The Deputy Speaker** (Hon. Mwalimu): Hon. Mohamed Hatimy I think the Mover has responded unless you are up on a burning issue and as the Hon. Speaker I will give you half a minute.

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. I think I have a right under Standing Order No. 91. Mr. Speaker through the Chair, even if the Mover has responded I can request to be given a chance to speak, it is under Standing Order No. 91 but I stand to second the amendment because I see there is a Notice of amendment under Standing Order No. 54...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Mohamed Hatimy I think Hon. Amriya was clear enough when she raised Standing Order No. 234 and 235 of which any Member at anytime can propose the amendments and the Rules and Procedure Committee may take from that point. So to me I think we are in order because I have seen the concern, it was about Standing Order No.41, so by this even tomorrow or in the afternoon any Member can raise that issue for the Assembly to adopt the amendments. So it is not an urgent issue that will let this House to be working unprocedurally.

**Hon. Mohamed Hatimy:** Agreed Mr. Speaker, but to say any Member I think it will take time because any Member that application must go to the Committee, then Committee will have to bring a report. But for the Committee itself they can amend directly Mr. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Yes, I understand and from your sentiments on Hon. Hatimy it is upon the Committee to take that issue of amendments and bring back the amendments to this Honourable House. That is why I am saying as the amendments have reached the Table of the House, let the Vice Chairperson of that Committee to go back and sit with his Committee if possible they can bring the report or the amendments today in the afternoon or tomorrow for the House to adopt the amendments and proceed with our sittings.

**Hon. Mohamed Hatimy:** So you are not going to give us... to come up with a question?! Because you cannot make an amendment to another Motion Mr. Speaker.

And Hon. Mwidani has requested to be given a chance, there is a Notice of Amendment already with you Mr. Speaker.

**The Deputy Speaker (Hon. Mwalimu):** Hon. Hatimy we gave the Hon. Member to reply but in his own he did not raise the issues of amendments, so it is who are talking on his behalf but the Hon. Member just gave us the Notice of which I said it is on the Table of this Honourable House but the Hon. Member has not raised to state that he has got the amendments for the Hansard record and for the Hon. Members to know that there is an amendment. Hon. Leader of Majority, did you seek for this amendment for us to proceed?

**The Leader of Majority (Hon. Mwidani):** Yes I said about Standing Order No. 41 which I have already written to be amended now, instead of having Statements on Thursday, let them be taken to Wednesday afternoon. Thank you Mr. Speaker.

**The Deputy Speaker (Hon. Mwalimu):** Hon. Members, and who is your seconder to this amendment?

**Hon. Mohamed Hatimy:** I second the amendment Mr. Speaker.

**The Deputy Speaker (Hon. Mwalimu):** Ok, thank you. Hon. Members I now put a question to amendment on the Motion as earlier read by the Majority Leader and the Notice of Amendment to be included in this Motion to read, the Standing Order No. No.41 (1) to read Wednesday instead of Thursday.

*(Question put and agreed to)*

So Hon. Members the floor is yours you can proceed to debate the Motion with the said amendment. Yes Hon. Athman Mwamwiri?

**Hon. Athman Mwamwiri:** Mheshimiwa Spika ahsante kwa fursa nyengine adhimu labda nisiwe mnafiki jumba bovu likaniangukia, kwa heshima ya Mheshimiwa Kiongozi wa Wengi kuzingatia Kanuni ya 41 (1) ya kwamba katika Hoja yake ya awali aliisahau na kwamba hakua ameitendea haki ibara hiyo na kwa kujumlisha katika Hoja yake inafunga lile pengo la kwamba kungekuwa na walakini. Kwa hivyo nimpongeze kwa ubinadamu huo na fursa hiyo. Hali kadhalika Mheshimiwa Spika wasi wasi wangu uko katika zile sababu zingine za kutaka mapendekezo hayo vinginevyo kwa kujumlisha hili kisheria tuko nae sambamba, lakini ki binafsi yangu sababu zingine sijaridhika nazo. Ahsante Mheshimiwa Spika.

**The Deputy Speaker (Hon. Mwalimu):** I can see the Assembly has fully exhausted on this Motion and the Leader who is the Mover of this Motion has also replied, so I now take this opportunity to stand and put a question that the *Motion on Amendment of Sitting days and hours for Assembly Plenary* by the Leader of Majority Hon. Hamisi Musa with the amended version on *Standing Order No.41 (1)* be passed in this Honourable House.

*(Question put and agreed to)*

*(Applause)*

Yes Clerk?

**ADJOURNMENT**

Having there been no any other business the House stands adjourned until today 10<sup>th</sup> July, 2019 at 2:30p.m.

The House rose at 11:01a.m.