



**COUNTY ASSEMBLY OF MOMBASA
THE HANSARD**

Wednesday, 28th November, 2023
Third Assembly – Second Session
EIGHTY EIGHTH SITTING

*[The County Assembly met at 11:22a.m. at the County Assembly Buildings]
[The Temporary Speaker (Honourable Hamisi Nyota) in the Chair]*

PRAYERS

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Members, you may sit. Yes, Clerk?

PAPER

REPORT ON PUBLIC PARTICIPATION OF THE MOMBASA COUNTY SOLID WASTE MANAGEMENT
(AMENDMENT) ACT (BILL NO. 2 OF 2023)

Yes, Honourable Juma Mwalimu Chairperson Committee on Environment and Solid Waste Management please lay the Paper.

Hon. Juma Mwalimu: Thank you, Mr. Speaker Sir.

[Paper laid]

The Temporary Speaker (Hon. Hamisi Nyota): Yes Clerk?

NOTICE OF MOTION

ADOPTION OF THE REPORT ON PUBLIC PARTICIPATION OF THE MOMBASA COUNTY SOLID
WASTE MANAGEMENT (AMENDMENT) ACT (BILL NO.2 OF 2023)

Yes, Honourable Juma Mwalimu Chairperson Committee on Environment and Solid Waste Management please give the Notice of Motion.

Hon. Juma Mwalimu: Thank you Mr. Speaker Sir. Mr. Speaker Sir, I beg to give Notice of the following Motion;

THAT this House adopts the Report on Public Participation of the Mombasa County Solid Waste Management (Amendment) Act (Bill No. 2 of 2023) as laid on Wednesday, 8th November, 2023.

Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you Honourable Juma Mwalimu yes, Clerk?

MOTIONS

ADOPTION OF THE REPORT ON PUBLIC PARTICIPATION OF THE MOMBASA COUNTY SOLID WASTE MANAGEMENT (AMENDMENT) ACT (BILL NO.2 OF 2023)

Yes, Honourable Juma Mwalimu Chairperson Committee on Environment and Solid Waste Management please move the Motion.

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

THAT this House adopts the Report on Public Participation of the Mombasa County Solid Waste Management (Amendment) Act (Bill No.2 of 2023) as laid on Wednesday, 8th November, 2023.

May I, ask Honourable Hossana to second the Motion?

Hon. Makanga: Thank you Mr. Speaker. I rise to second the Motion.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you. Honourable Hosanna, I was wondering which Motion! Again, thank you for seconding the Motion, I now rise to propose a question that the Motion by Honourable Juma Mwalimu on adoption of Report on Public Participation of the Mombasa County Solid Waste Management (Amendment) Act (Bill No. 2 of 2023) be considered by this House in the same terms as moved.

[Question proposed and agreed to]

Yes, Honourable Juma Mwalimu Chairperson Committee on Environment and Solid Waste Management please make your contribution.

Hon. Juma Mwalimu: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nimesimama kuomba Bunge hili liweze kupitisha Ripoti hii ya *public participation* ya Mombasa; the Mombasa County Solid Waste Management (Amendment) Act ambayo ni (Bill No. 2 of 2023) na tukipitisha Ripoti hii na *Bill* hii itakuwa na faida kwetu, kwa sababu italeta ajira kwa wakaazi wetu wa Mombasa na pia vile vile italeta manufaa mengi kwa Kaunti yetu ya Mombasa. Kwa hivyo ningeomba Waheshimiwa tuweze kupitisha Ripoti hii, ili tuweze kunufaika kama wakaazi wa Mombasa. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you Honourable Juma Mwalimu for your contribution.

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Yes, Honourable Hamisi Mbaya MCA Timbwani Ward, please make your contribution.

Hon. Hamisi Mbaya: Ahsante sana Mheshimiwa Spika kwa kunipatia fursa hii nisimame kwa dhati. Nimesimama kuunga mkono hoja hii kwa asilimia tisaini na tisa kwa mia kwa sababu nikiangalia malengo yetu ya huduma vile vile kuangalia maswala ya ajira, naona tutakuwa tumeipatia kipao mbele, nimesimama kuunga mkono hoja hii ahsante sana.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you so much Honourable Hamisi Mbaya MCA from Timbwani Ward. Yes, Honourable Abdirahman Hussein MCA Old Town please make your contribution.

Hon. Abdirahman Abdikadir: Thank you Mr. Speaker. Mine before I contribute to this Motion is just an enquiry on a few things; Mr. Speaker, there is something suspicious about the way this thing has been introduced in the House. I am looking at where we have just proposed a Notice of Motion and subsequently, we are going to the Motion itself is something I have not seen in this House, since I joined and the other thing, I am just questioning whether this particular agenda was also in the House Business Mr. Speaker. So those are the two concerns I have and could you shed some light before we proceed with this Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): Yes, thank you Honourable Abdirahman Hussein, I believe the Motion has gone through the House Business before it was tabled in the House. So, I think Honourable Abdirahman the Motion should have gone through House Business before it was brought to the House. I cannot sit here and say maybe it has by pass a stage which is not the package of this House. This is an Honourable House and it is a House of records.

Hon. Abdirahman Abdikadir: Yes Mr. Speaker. I do agree with you but I am just seeking whether you have that confirmation with you Mr. Speaker?

The Temporary Speaker (Hon. Hamisi Nyota): Yes, Honourable *Hossana* kindly take your seat. Honourable *Hossana* what is your point of order?

Hon. Abdirahman Abdikadir: Is it a point of order Mr. Speaker?

The Temporary Speaker (Hon. Hamisi Nyota): Are you on a point of order?

Hon. Makanga: I am up on a point of information Mr. Speaker!

The Temporary Speaker (Hon. Hamisi Nyota): Point of Information?

Hon. Makanga: Yes, I want to inform the House Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Abdirahman, please take a seat. Yes, please proceed.

Hon. Makanga: Procedurally Mr. Speaker for anything to be tabled in the House, it always goes through the House Business Committee Chaired by the Speaker.

Therefore, it is not in order for the Honourable Member to say that we are handling suspicious business. This is not a suspicious House but a legal House, a House of records and orders with procedures and rules. Therefore, Mr. Speaker it will be prudent that the Honourable Member representing the people of Old Town first withdraws that statement that we are handling suspicious business in this House.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you Honourable Frankline Makanga. Yes, Honourable Abdirahman?

Hon. Abdirahman Abdikadir: Mr. Speaker, I am actually surprised by his sentiments. I did not say we are handling suspicious matter; I said the process in which this particular Motion has been introduced looks suspicious. Mr. Speaker, perhaps being a Member of Business Committee is it in order for you to request whether this particular business has been slotted for this session?

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Abdirahman, maybe you did not attend the business of the meeting, the Motion must have passed through the Committee of the House. So, I think maybe you were absent when the...

Hon. Makanga: He must withdraw the statement that we are handling suspicious business in this House.

Hon. Abdirahman Abdikadir: Mr. Speaker, just defend me from this floor.

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Frankline Makanga. Let me make a ruling.

Hon. Abdirahman Abdikadir: Mr. Speaker, I am the one on the floor.

Hon. Makanga: Mr. Speaker, you can not purport.

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Frankline Makanga, please take your seat yes, Honourable Abdirahman?

Hon. Abdirahman Abdikadir: Do I need to take my seat as well Mr. Speaker?

The Temporary Speaker (Hon. Hamisi Nyota): I have protected you. Yes, make your comment.

Hon. Abdirahman Abdikadir: Thank you, the point I was making Mr. Speaker is whether you have any confirmation whether it has gone through the House Business? You are entitled to that Report, do you have it Mr. Speaker? We should not be assuming things here but I will take your word for it if you tell me that it was indeed sloted in the House Business.

The Temporary Speaker (Hon. Hamisi Nyota): Honourable *Anza Freshi* I am assuring you...

[Interruption]

Hon. Abdirahman Abdikadir: Honourable Abdirahman.

The Temporary Speaker (Hon. Hamisi Nyota): That the document went through the process for it to be tabled in the House; it cannot come before the floor of the House if it has not undergone the process, so kindly proceed with your contribution.

Hon. Abdirahman Abdikadir: Mr. Speaker I am satisfied with your assurance however my name is Honourable Abdirahman please just have that in mind next time. Mr. Speaker, the other issue was whether we can have a Motion right minute after we have had the Notice of Motion, what is the procedural ruling on that Mr. Speaker? Is it in order for us to have a Motion a minute after we have had the notice of Motion? It has not been a practice that we have seen in this House Mr. Speaker. Could you confirm whether that is procedural, right Mr. Speaker?

The Temporary Speaker (Hon. Hamisi Nyota): I think the procedure is right.

Hon. Abdirahman Abdikadir: As per Standing order? I want to refer to any Standing order Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): No, you cannot say you are referring to a Standing order because of the way the order paper has been designed for today's business. If there is no much business in the House, a notice can be followed by a Motion, if there is not much business in the House, if there are a lot of businesses in the House, yes it can wait for another day or another sitting.

Hon. Abdirahman Abdikadir: Okay Mr. Speaker, I respect your wisdom and ruling as well... Thirdly, Mr. Speaker do we have a quorum in the House please? Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Abdirahman?

Hon. Abdirahman Abdikadir: Yes?

The Temporary Speaker (Hon. Hamisi Nyota): The House is already in session.

Hon. Abdirahman Abdikadir: Yes Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): I think it has already been confirmed that the quorum is in the House and is in progress.

Hon. Abdirahman Abdikadir: Mr. Speaker, so you are satisfied with the quorum as well? A quorum of one, two, three, four, five, six, seven, eight - and nine - Members Mr. Speaker? Is that the quorum?

The Temporary Speaker (Hon. Hamisi Nyota): No! Honourable Abdirahman please take a seat. You cannot stand and start arguing with me.

Hon. Abdirahman Abdikadir: I will not argue with you Mr. Speaker, thank you.

The Temporary Speaker (Hon. Hamisi Nyota): Take your seat, let us proceed kindly take your seat please. Yes, Honourable Allen Katana MCA Shanzu Ward, you are making contribution or you are up on a point of order?

Hon. Katana: Usiwe na wasi wasi Mheshimiwa Spika. Niko hapa kutoa changizo yangu katika hoja hii ya leo na pia nikutoe wasi wasi; Waheshimiwa wasikuzoze sana, ukikalia Kiti hicho ni Kiti kikubwa na kinastahili nidhamu. Mheshimiwa Spika, aliyeleta hoja hii Mheshimiwa Juma amesherehesha hoja yake kwa kusema kwamba swala hili litaongeza mapato ya kazi kwa watu wetu; nikawa najiuliza kivipi sijaelewa, lakini mimi nimesimama kupinga kwa sababu naona ni kama sijakuwa na makosa, ni kwamba ada zitaongezwa kutoka mia mbili mpaka mia tano. Mheshimiwa Spika, uchumi umekuwa mgumu sana na sasa itakuwa wale wananchi wetu wanyonge kule mashinani tunawapa mzigo ambao kwa hakika itakuwa kivyangu naona si sawa na pendekezo langu ikiwa kwa sababu hii ongezeko limekuwa hata zaidi ya asilimia mia. Pendekezo langu pengine Mheshimiwa Spika ingekuwa afadhali imeongezwa hata mia moja kutoka mia mbili mpaka mia tano; labda aliyeleta hoja hii anaishi Uganda na sisi tuko Kenya hapa mambo yako tofauti na pia niseme ya kwamba Kamati hii ili kurahisisha mambo siku ingine walete hoja zao kwa ujumla. Wiki lililopita tumekuwa na hoja hii hii lakini ni kama kuna maswala mengine yalibakishwa nyuma na maswala yalioletwa hapa Mheshimiwa Spika ni maswala ya kuendelea kumkandamiza mwananchi na hivyo mimi nimesimama kupinga, ahsante.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you Honourable Allen Katana for your contribution. Yes, Honourable Abdirahman you have already made your contribution.

Hon. Abdirahman Abdikadir: Mr. Speaker, the initial part was that I was making enquiries; I did not make any contribution to this Motion. Do not deny me this opportunity Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): No.

Hon. Abdirahman Abdikadir: I made an enquiry, that was a statement of enquiry Mr. Speaker! I want to give my submission on this Motion, you cannot deny me that Mr. Speaker. You have denied me three of my requests please, do not gag me.

The Temporary Speaker (Hon. Hamisi Nyota): Okay Honourable Abdirahman make your contribution.

Hon. Abdirahman Abdikadir: Thank you so much. Mr. Speaker despite the fact that I have raised many issues and you have ignored I will get directly into this Motion, I am looking at this public participation report on the Mombasa Solid Waste Management. The amendment today we are doing is just simple and plain. We are not going to sugar coat anything, the Members of this Committee have proposed that they want to raise the monthly charges of waste collection from 200 to 500, which is what we are debating today. Some of us feel like this is not going to be well appreciated by the Members of the public and I am looking at the public feedback and discussion on this report that is on page...

[Interruption]

The Leader of Majority (Hon. Athman Mwamwiri): Point of Order Mr. Speaker.

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The Temporary Speaker (Hon. Hamisi Nyota): Yes, Honourable Abdirahman please take your seat. Yes, Honourable Athman Mwamwiri Leader of Majority?

The Leader of Majority (Hon. Athman Mwamwiri): Thank you Mr. Speaker. Mr. Speaker the Member before the floor of the House despite the fact you have granted him permission to speak, he had already made his contribution because, when he stood he was not up on a point of order. So, to Standing Order (78) that means he was doing a contribution in that manner Mr. Speaker.

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Abdirahman please take your seat.

The Leader of Majority (Hon. Athman Mwamwiri): The Member is not in order to do another submission after he had already spoken until or unless, it is a matter before the Committee of the Whole House thank you Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you Honourable Athman Mwamwiri, Honourable Allen Katana please take your seat, Honourable Abdirahman is already on the floor of the House. Yes, Honourable Abdirahman?

Hon. Abdirahman Abdikadir: Mr. Speaker just to respond to what my colleague, my Senior Majority Leader has just eluded, I will refer you to Standing Order (1) *“the Speaker in all cases where matters are not provided for by the Standing orders the Speaker has the decision to make”* and you made your decision and you allowed me, you allowed me Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): Order! Order! Members.

Hon. Abdirahman Abdikadir: Mr. Speaker, protect me from this heckling and if you will allow me let me just go to this report what are they protecting? What are they hiding? I am going to the Report Mr. Speaker. This is a Report.

The Temporary Speaker (Hon. Hamisi Nyota): Order! Order! Honourable Allen Katana please take your seat. Honourable Frankline Makanga?

Hon. Makanga: Yes Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): What is your point of Order?

Hon. Makanga: Mr. Speaker the point of order in reference by Honourable Abdirahman is misleading the House because the Standing order that he is mentioning, refers to matter that have not been provided for in the Standing orders. The matter before us is a matter that is already captured in the Standing orders with clear directions that you cannot speak twice unless it is in the Committee of the Whole House. Mr. Speaker, that one cannot be over ruled because there is a Standing order to that effect and when he stood up, he was not on a point of Standing order, he was just standing to make contribution and when he was not able to move his agenda, then he sat down then later he wants to stand.

Mr. Speaker, this is a House of Order and let us follow what the law says.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you Honourable Frankline Makanga. Yes, Honourable Allen Katana, are you up on a point of Order?

Hon. Katana: I want to inform the House.

The Temporary Speaker (Hon. Hamisi Nyota): Is there a provision in the Standing order that you are informing the House?

Hon. Katana: Yes.

The Temporary Speaker (Hon. Hamisi Nyota): Which provision? On what burden am carrying, am the Speaker of the day.

Hon. Abdirahman Abdikadir: Yes Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): So please withdraw that statement.

Hon. Abdirahman Abdikadir: Am withdrawing the statement that you are not that, okay let us say you followed all the rules of this House, let us assume for once you followed all the rules but we have not followed all the rules Mr. Speaker, I cannot lie to you, we were nine Members, nine Members Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Abdirahman take your seat.

Hon. Abdirahman Abdikadir: Okay, have I finished or ill...

The Temporary Speaker (Hon. Hamisi Nyota): Take your seat because you are out of order.

Hon. Abdirahman Abdikadir: Thank you Mr. Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): Yes, Honourable Athman Mwamwiri. Honourable Patrick Mbelle please take your seat.

The Leader of Majority (Hon. Athman Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimesimama kuunga mkono Ripoti ya Kamati ya maswala ya mazingira na usimamizi wa taka, iliyoko mbele yetu...

[Applause]

Mheshimiwa Spika, katiba katika sura ya kwanza, idara yake ya kwanza inapeana mamlaka na nguvu ya kwamba ni za mwananchi. Lakini vile vile ukisonga katika idara ya pili, inasema nguvu hizi zinaweza kuazimwa kwa wawakilishi katika kutekeleza majukumu, lakini pia ukija katika idara ya 174, inakuja katika maudhui ya ugatuzi ambapo bado inaonyesha kwamba mamlaka ya kupanga na kutekeleza majukumu ya serikali ni ya mwananchi wa lile Gatuzi analotoka.

Mheshimiwa Spika, sisi kama Bunge kuongozwa na katiba hii ililazimu Kamati pamoja na kuletewa pendekezo hili la marekebisho ya ada ya usimamizi wa taka katika majumba yetu, vile vile kurudi mashinani kuhakiki hili kwa wananchi, kama ilivyo ya kwamba mamlaka tuliyo nayo sisi ni ya kuazimwa. Mheshimiwa Spika...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Athman Mwamwiri, order Members! The Majority Leader is on the floor, he needs to be heard in silence. Yes, proceed Honourable Athman Mwamwiri.

The Leader of Majority (Hon. Athman Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika kwa kuhakiki hili na kuonyesha kwamba Bunge lako ni Bunge tukufu lenye kufuata sharia, tarehe 28 mwezi wa 9, zoezi hili lilifanyika katika ukumbi wa tononoka ambapo wananchi walipata ualishi wa kujachangia katika hoja hii kama njia ya kuonyesha uwezo na mamlaka yao ya kupitisha wanachikotaka ili ile nguvu chache waliyotuzima tuje kuweza kumaliza kisheria katika Bunge hili. Mheshimiwa Spika, ni masikitiko kama wale wenye mamlaka juu yetu katika ukumbi huu iliweza kuchangia na Ripoti inaonyesha kama ilivyonukuliwa ya kwamba walifiki wakaungama na pendekezo hili ya kwamba wameridhia kutozwa ada hizi ili huduma na mazingira yetu yaweze kuboreshwa. Alafu Mheshimiwa Spika kwa heshima na utukufu wa Bunge hili muwakilishi mwenye mamlaka ya kuazimwa aje hapa hataki kukinzana na mamlaka ya kikatiba ya yule mwananchi aliyechangia katika ukumbi ule katika swala hili. Mheshimiwa Spika, hii ni masikitiko na yajuzu kupata wataalamu wakati mara moja moja angalau baadhi ya Waheshimiwa kuweza kupata ushauri nasaha na kuangaliwa uwezo wa kufikiria kwao kwa sababu naona wanalewa na mamlaka ambayo ni mamlaka ya kuazima Mheshimiwa Spika.

[Applause]

Mheshimiwa Spika, hapa tunajadili Ripoti ambayo wananchi walichangia wakatoa mapendekezo na wakaafikia na Ripoti hii kama ilivyowakilishwa katika Bunge hili. Kwetu sisi Mheshimiwa Spika vyenginevyo, Mheshimiwa angekuwa amekuwa na *petition* ya wananchi wake anaowakilisha; kwamba wao walipotoa mapendekezo pinzana na haya yaliyoko hapa na kwamba yeye kwa niaba ya wale anaowakilisha anapinga hoja hii kwa sababu Bunge linaruhusu mtu kupinga lakini ya kwamba amebeba dhima ya wale waliompa fursa hii. Lakini leo Mheshimiwa Spika wale waliokuja ambao ni wenye mamlaka juu yake, waliungama lakini wewe mtu mmoja ulewe mamlaka ya kuazimawa uje upinge katika Bunge hili, inadhalilisha na inaonyesha ya kwamba sijui...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Yes, Honourable Athman Mwamwiri please take your seat. Yes, Honourable Patrick Mbelle?

Hon. Mbele: Mheshimiwa Spika.

The Temporary Speaker (Hon. Hamisi Nyota): Are you on a point of order?

Hon. Mbelle: Mheshimiwa Spika.

The Temporary Speaker (Hon. Hamisi Nyota): Are you on a point of order?

Hon. Mbelle: Yes, am on a Point of order.

The Temporary Speaker (Hon. Hamisi Nyota): Please cite the order number.

Hon. Mbelle: I do not know which number exactly but I know it is there.

The Temporary Speaker (Hon. Hamisi Nyota): Just cite for me because I made a ruling about this already so just say the order before you proceed.

Hon. Mbelle: Am standing on Standing order number 83.

The Temporary Speaker (Hon. Hamisi Nyota): 83?

Hon. Mbelle: Yes. So, Mr. Speaker Sir am saddened by the fact that the Honourable Majority Leader is saying and I quote; that *kuna watu ambao wamelewa na mamlaka! Sidhani kama ni lugha sahihi ya kutumia, kuna lugha nyengize waweza tumia lakini kama hiyo hapana, sidhani kama anaweza tumia. Kwa hivyo naomba a withdraw.*

The Temporary Speaker (Hon. Hamisi Nyota): Just hold on.

Hon. Mbelle: Nishamaliza Mheshimiwa Spika. Ahsante.

[Applause]

The Temporary Speaker (Hon. Hamisi Nyota): No. Honourable Patrick Mbelle, you said you are on a Point of order 83 and when I look for that Point of order you were standing for is not what you were talking on the floor of the House. Standing order 83 (4); *No Member shall impute improper motive to any other Member or to a Senator except upon a specific substantive Motion of which at least three days' notice has given, calling in question the conduct of that Member or Senator.* So, I believe Members we should go by the rules of the House because these dramas I do not entertain now, if you cannot quote a proper Standing order.

[Interruption]

No! Honourable Allen Katana take your seat, you cannot say am being biased! Honourable Allen Katana, if you continue misbehaving, I will throw you out of the chambers, if you continue misbehaving, I will throw you out of the chambers! What are you saying Honourable Jacktone Madialo; please take your seat! Honourable Sylvester Kai, take your seat! I have made a ruling...I have said no Member should stand on the floor of the House without quoting a proper Standing order and am saying this, before you proceed to make any sentiment or any comment you have to read that Standing order. So, I do not want to see any Members standing in this House without quoting any Standing order and no room for informing the House, that I have made a ruling for this session...

[Applause]

So, Honourable Athman Mwamwiri please take your seat. Honourable Jacktone Madialo...! Honourable Allen Katana please take your seat! Yes, Honourable Jacktone Madialo?

Hon. Madialo: Thank you Mr. Speaker Sir for this opportunity. I am standing on point of order number 200. That says the Speaker may allow comments.

The Temporary Speaker (Hon. Hamisi Nyota): Point of order?

Hon. Madialo: 200. Can I go ahead and read?

The Temporary Speaker (Hon. Hamisi Nyota): Yes proceed.

Hon. Madialo: The Speaker may allow comments, observations or clarifications in relation to petition presented or reported at such total time that shall not exceed 30 minutes. Yes. You are out of order...

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Jacktone Madialo.

Hon. Madialo: Yes Sir.

The Temporary Speaker (Hon. Hamisi Nyota): No. I know Honourable Allen Katana, I will throw you out of the House because you are misbehaving, if you continue with this behavior, this is the last chance am giving you, if you continue with this behavior I will through you out of this House.

[Applause]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Jacktone Madialo?

Hon: Madialo: Yes Sir.

The Temporary Speaker (Hon. Hamisi Nyota): I have read the Standing order you stood for it is clearly saying comment on petitions. Are we on...

Hon. Madialo: Sawa.

The Temporary Speaker (Hon. Hamisi Nyota): It is clearly on petitions so I can not give you room to continue just take your seat so that... Honourable Athman Mwamwiri, Honourable Allen Katana are you up on a point of order? Please do not make a mistake this time round or else I will through you out of the House or give me the Point of order we read it first before you make your comment.

Hon. Katana: Okay, if I can cite Standing order number 83, Clause three.

The Temporary Speaker (Hon. Hamisi Nyota): 83 Clause three, hold on.

Hon. Katana: I do not have anything to hold on Speaker.

The Temporary Speaker (Hon. Hamisi Nyota): 83 (3). Okay proceed.

Hon. Katana: I think it is not in order when the Leader of Majority whom I respect so much to cite that we are, I do not know *tumelewa mamlaka!* I think is not in order in fact if we can compare whatever we have said and whatever we have cited, we are here to defend poor *mwananchi* who cannot afford to pay 500 but he is saying we are drunk with power. I think he should withdraw that, thank you Speaker and I also if I can cite Standing order, you wanted Standing order, we will give you Standing orders today Mr. Speaker. Standing order 31 is about the quorum.

The Temporary Speaker (Hon. Hamisi Nyota): No, you can not stand on two Standing orders.

Hon. Katana: Thank you. Thank you, I stand guided.

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Athman Mwamwiri, kindly proceed on your contribution.

The Leader of Majority (Hon. Athman Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): And I want to make a rulling that as the Honourable Members is making a contribution, let him be heard in silence, continue Honourable Athman Mwamwiri.

The Leader of Majority (Hon. Athman Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika miongoni mwa sifa ambazo Mwenyezi Mungu amenijaalia nazo ni weledi na ufasaha wa lugha.

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Allen Katana! Honourable Athman Mwamwiri! Yes, Honourable Allen Katana what is your Point of order? Point of order number? Start with that Point of order number.

Hon. Katana: No Speaker, you will not force me to go your way; you gave direction that whenever we stand, we cite Standing order, I gave you Standing order 83 (3), now it was high time for the Honourable Member to withdraw that particular statement.

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Allen Katana?

Hon. Katana: Yes Speaker?

The Temporary Speaker (Hon. Hamisi Nyota): I can quote you well; you said..., you told me here that am biased, did I tell you to withdraw that Statement?

Hon. Katana: I do not remember.

The Temporary Speaker (Hon. Hamisi Nyota): Please take your seat.

Hon. Athman Mwamwiri: Mheshimiwa Spika, ahsante kwa fursa nyengine.

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Sylvester Kai, are you on a Point of order? Okay take your seat. Already, a Member is on the floor on making a contribution.

The Leader of Majority (Hon. Athman Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimwa Spika, lugha ni fasihi na lugha vile vile lugha ina uhai, inakuwa na miongoni na weledi ni kuweza kucheza na wanafasihi ya lugha na Mheshimiwa Spika, lile ambalo ndugu zangu linawapa duku duku ya kusema wanalewa mamlaka ni lugha fasihi, haina matusi popote, haijabeza yeyote, haija kejeli yeyote Mheshimiwa Spika. Kulewa katika utendaji...

Hon. Katana: I want to inform the House.

The Temporary Speaker (Hon. Hamisi Nyota): Is there a provision in the Standing Orders that you are informing the House?

Hon. Katana: Yes?

The Temporary Speaker (Hon. Hamisi Nyota): Which provision?

Hon. Katana: Mheshimiwa Spika, nafikiri ni mmoja na ni wewe; mimi naomba niseme hivi nikikusomea hicho kipengele kilichoko katika Sheria za Kudumu...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Ok cite the provision so that I can read along with you....

[Interruption]

Hon. Katana: Mheshimiwa Spika naomba unisikize.

The Temporary Speaker (Hon. Hamisi Nyota): Before...

[Interruption]

Hon. Katana: Uongozi wako Mheshimiwa Spika na unaongoza vizuri ratiba zetu hapa lakini wengine wetu tumechoma mafuta kutoka kwetu mpaka hapa Mheshimiwa Spika kuja kufanya biashara...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): You...

[Interruption]

Hon. Katana: Mheshimiwa Spika naomba unisikize....

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): No Honourable Allen Katana, you cannot stand and start lecturing; you either cite a provision...

[Interruption]

Hon. Katana: I want to inform, let me build up my whatever I want to deliver Mheshimiwa Spika I have the right to do that...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): You cannot lecture you can only stand and....

[Interruption]

Hon. Katana: Honourable Frankline Makanga (Hosana) under which Standing Order? It was just a point of information; you never asked him to cite any point in the Standing Orders. Why are being biased Honourable Speaker?

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): No actually...

[Interruption]

Hon. Katana: Mheshimiwa Spika, kwa heshima na taadhima mimi naomba hivi, uongozi wako ni mzuri lakini usiwache watu wakuongoze, Kiti ulichokalia kama hukiwezi shuka nije nikae hapo....

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Now...

[Interruption]

Hon. Katana: You have all the right to give guidelines to this House...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Allen Katana, you are out of Order! Please take your seat. Honourable Allen Katana, you are out of Order! Please take your seat.

[Interruption]

Hon. Abdirahman Abdikadir: Ok, I was on the floor Honourable Speaker...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Abdirahman, I cannot continue giving your opportunity or wherever....

[Interruption]

Hon. Abdirahman Abdikadir: But I was not given the opportunity, they interrupted when I was making my contribution, they interrupted it Mr. Speaker! Are you denying me the opportunity to contribute to this debate?!

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Order! Order! ...

[Interruption]

Hon. Abdirahman Abdikadir: Mr. Speaker, you are being biased now...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Order! Order Members! Honourable Abdirahman...

[Interruption]

Hon. Abdirahman Abdikadir: Yes...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Abdirahman, make your contribution first so that the House can continue...

[Interruption]

Hon. Abdirahman Abdikadir: Mr. Speaker let me say this straightforward...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable...

[Interruption]

Hon. Abdirahman Abdikadir: Ask him to sit down please...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): No, you cannot direct me. This House has rules...

[Interruption]

Hon. Abdirahman Abdikadir: Should I sit down Mr. Speaker...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): No, a Member is up already on the floor and he has the right to be heard so these are our rules; you cannot change our rules Honourable Abdirahman! You cannot change our rules! Yes, Honourable Frankline Makanga?

Hon. Makanga: Mr. Speaker, this is not a heckling centre and this is not a market. This is a House or order and I want to take you to Standing Order No. 103 so that you make a ruling to this effect you cannot have two Members interfere with such a serious Business of the House and the government Mr. Speaker. Am a Member of the Environment Committee and we cannot allow anybody to come here to interfere with an agenda that was meant to benefit the people of Mombasa. Standing Order No.103 Mr. Speaker it about Grossly disorderly conduct which is a behavior of the 2 Members in this House. Standing Order 103 (1) Conduct is grossly disorderly if the Member concerned: -

- (a) *Creates actual disorder, like it is happening;*
- (b) *Knowingly raises a false point of order;*
- (c) *Uses or threatens violence against a Member or other person;*
- (d) *Persists in making serious allegations without, in the Speaker's opinion, adequate substantiation;*

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Allen Katana, the Member is already on a point of order and he is on proceedings so we cannot have two Members...

[Interruption]

Hon. Makanga: Yes, that is the disorder we are talking about...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): So, let him...

[Interruption]

Hon. Makanga: That is the actual disorder...

The Temporary Speaker (Hon. Hamisi Nyota): He is on a point of order and he is still reading the point of order. So, you cannot stand, he is not talking to himself he is referring to me...

[Interruption]

Hon. Makanga: Are you in reference in what you are reading?

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): So, you proceed...

Hon. Makanga: Yes,

(e) Otherwise abuses his or her privileges;

Mr. Speaker, the fact that we have privileges that we can say anything in this House does not warrant the Honourable Members to talk carelessly and lecturing the Honourable Speaker. Mr. Speaker, as I come to the end of it, when all these happens the Honourable Speaker will give directions whether to throw out those said Members or ask them to sit and watch the Motion as it proceeds. Thank you, Mr. Speaker, so the issue of actual disorder caused by these two Members you need to make a ruling.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you Honourable Frankline Makanga. I think I will make a ruling which will guide this session. Please if you are not up on a point of order, do not stand. That is the ruling am making; if you are not up on a Point of order, do not stand because I will not allow you to utter any word before you quote for me the Standing Order you are standing for. That is the rule am making now and that is the rule which will guide this session...

[Applause]

Yes, Honourable Allen Katana? Honourable Abdirahman (*Anza Fresh*) is just about to wind his contribution. If you will kindly, Honourable Allen Katana! I said Honourable Allen Katana! Yes, Honourable Abdirahman? Honourable Abdirahman please make it..., because for the purpose of time please make it fast, am giving you...

[Interruption]

Hon. Abdirahman Abdikadir: Mr. Speaker we are not in any rush! Mr. Speaker, just allow me to contribute to this Motion without any interruptions from any one including yourself.

The Temporary Speaker (Hon. Hamisi Nyota): I have given you the opportunity, please proceed.

Hon. Abdirahman Abdikadir: Thank you Mr. Speaker. Now, Mr. Speaker and I hope it is it on Hansard as well.

Mr. Speaker, I am looking at this Report today that is before us; the Committee is proposing that we raise the figures from Kshs.200 per household to Kshs.500 per household. That is an increment of 180 per cent Mr. Speaker, with the current economy where people are complaining...

[Applause]

We have not been able to raise Mr. Speaker. Mr. Speaker, as per the current Act we have we were charging Kshs.200 per household, did we actually, did we implement any of it? We did not; and Mr. Speaker now we are coming back to the House and saying no let us increase this figure to Kshs.500! This is not attainable Mr. Speaker; let us start with that Kshs. 200 before we make an increment to Kshs.500, 180 per cent increment. Mr. Speaker, the public will be on your neck and we will not allow it and I will stand here and remind them that I stood on the floor and I defended against this exorbitant rise Mr. Speaker Sir...

[Applause]

And when Mr. Speaker am looking at the Report and the public feedback, the first part; the financial sustainability it says most participants acknowledge the need for additional funding. They accepted it; in short, and then am going the affordability aspect of it, while the increase charges were general accepted, what are some participants saying, they express concern about the potential burden. So, this is very contradictory Mr. Speaker; on one part they are saying it is affordable and on one part the people are expressing no it is not affordable. Which is which Mr. Speaker? Mr. Speaker, this is something that will indeed put us in great trouble; let us not look at how we can milk dry these people just like it is the national government itself is burdening the residents and we are here coming to them and telling them no we want an extra Kshs.500 per household...

[Applause]

Mr. Speaker, this is not a matter of the government, we are the representatives of the people and our voices must be heard; we want taxes, we want to be independent, we want to create all these revenues so that we support our youth and all that; but at what expense? There is no nation that will be rich by taxing its people! There is no County that will create a lot of revenue by taxing our people; our people are tired; the residents are frustrated and now we go back to them and tell them the Assembly in their wisdom have decided to tax you an extra Kshs.500 every month every household? Mr. Speaker, mind you we even do not know the formular they will use to collect these funds, we have not been told how they are going to implement it. We used to hear they will involve KPLC but now it is not there anymore; we used to hear; I do not know how they will collect this much, Mr. Speaker let us be reasonable. Mr. Speaker, and am urging my fellow colleagues especially the Committee Members, please consider your people this amount is not bearable, the economy is not bearable let us not burden them further, I do not know what the end goal of this is. We want revenues, the Finance Bill will be here and we look for other ways of generating revenues but for this one Mr. Speaker, it is unacceptable. And Mr. Speaker I am frustrated because my colleagues are not seeing it from that angle, it is very frustrating and I have made my point and I hope the Hansard has captured that I, Honourable Abdirahman Hussein I stood here today and my two colleagues...

[Applause]

That I stood here today and I told them let us not tax our ...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Abdirahman...

[Interruption]

Hon. Abdirahman Abdikadir: No let us not tax our people! Mr. Speaker, am winding up, am winding up, allow me...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Abdirahman, you are making contribution as a Member; you do not speak, you do not have to cite...

[Interruption]

Hon. Abdurahman Abdulkadir: Mr. Speaker he is agreeing with me...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): No, you do not, that is why am saying...

[Interruption]

Hon. Abdirahman Abdikadir: Yes, he is saying a Member shall be responsible for the accuracy of any fact. It is a fact that I have alleged and you will agree with me...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): I know, that is why am saying you are making a contribution...

[Interruption]

Hon. Abdirahman Abdikadir: Mr. Speaker, am I debating you today? Am not debating you Mr. Speaker...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): And I am giving you rules ...

[Interruption]

Hon. Abdirahman Abdikadir: You have to be impartial Mr. Speaker...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): You know you do not say Honourable so and so, no you do not mention names...

[Interruption]

Hon. Abdirahman Abdikadir: Yes, I stood here, he has allowed me to mention his name...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): That is why am saying you made a contribution; you either support or oppose the Motion then you move on you save time...

[Interruption]

Hon. Abdirahman Abdikadir: Mr. Speaker, I have made my points and you know clearly that am opposing this...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Ok, one minute to wind up please!

Hon. Abdirahman Abdikadir: Actually, I do not need a minute Mr. Speaker am almost there. So, Mr. Speaker I have made my points and I have said that the Hansard has captured that I have raised many objections regarding the manner in which we are having this debate today, I have raised the quorum issue, I have raised the Notice of Motion; all this was contravention and you have allowed it, and you are the one who is going to sign the proceedings of this House. Mr. Speaker...

[Applause]

Mr. Speaker, I have made my...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Abdirahman...

[Interruption]

Hon. Abdirahman Abdikadir: Am winding up...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Again, you are...

[Interruption]

Hon. Abdirahman Abdikadir: Am I debating you...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): No, no am giving the rules of this House, you know you should know this House is a House of rules so you do not stand you say you are pointing fingers on me on this on that. Honourable Abdirahman you are out of Order! So please withdraw, no withdraw that statement...

[Interruption]

Hon. Abdirahman Abdikadir: Which statement, Mr. Speaker?

The Temporary Speaker (Hon. Hamisi Nyota): You say you are going to carry the burden for this and this, you are here to lecture me on what burden am carrying...

[Interruption]

The Leader of Majority (Hon. Athman Mwamwiri): ...Ni kupitiliza swala lile. Kwa hivyo Mheshimiwa Spika kama wale ambao sisi wametupatia mamlaka kwa kuwakilisha katika kuchangia kwao waliafiki alafu mtu mmoja uliepewa hedhima ya kuwakilisha uje upinzane na wale waliokupatia mamlaka ni kwamba wameenda kinyume na katiba. Umeenda kinyume na nidhamu na maudhui ya ugatuzi na vilevile Mheshimiwa Spika ni kwamba umelewa ile fursa wamekupatia unaitumia kupita kile kiwango alichokupa kwa sababu mwisho wa siku inapokuja katika maswala ya sheria sisi tunatengeneza lakini kabla tupitisha lazima tuwaregelee moja kwa moja kuchangia kuchukua maoni yao na msimamo wao kabla kuwakilisha katika Bunge hili.

Mheshimiwa Spika Ripoti iko wazi ya kwamba hawa mabosi wetu walipata hii fursa ya uwalishi wa kuhudhuria kikao hiki, wakachangia lakini mwisho wa siku wakaafikiana kwamba kuna sababu ya kupeana rukhsa serikali kutoza hii *bill* waweze kuboresha huduma za usimamizi wa taka katika mitaa yetu. Mheshimiwa Spika, kwa hivyo ni jambo ambalo jamii, wananchi watukufu wameafikiana nalo. Kwa hivyo kwetu sisi hapo ni kwamba tumekeleza wajibu huu kuwaendea na tunashukuru ya kwamba walitupa maoni yao ambayo yao yameunga mkono swala hilo ambalo ni swala lenye nia njema Mheshimiwa Spika. Hivyo basi niwaombe tu Waheshimiwa ya kwamba tuafiki kuweza kupitisha hii Ripoti kama ilivyowakilishwa na Mheshimiwa Mwenyekiti, kama ilivyopendekezwa na wale ambao walitupatia haya mamlaka ya kukopeshwa Mheshimiwa Spika ya kuazima ambayo leo tumeweza kukaa hapa tukiitwa Waheshimiwa kwa niaba yao. Ahsante Mheshimiwa Spika naunga mkono Ripoti hii.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you so much Honourable Athman Mwamwiri. Yes, Honourable Patrick Mbelle.

Hon. Mbelle: Thank you Mr. Speaker Sir for giving me the opportunity. First of all, Mr. Speaker Sir I really want us to reason together because we are here brought by the people of Mombasa to come and reason for them in as much as they have given us delegated powers but the reason as to why we are seated here is to help them sometimes make decisions where they cannot make decisions.

Mr. Speaker Sir, first of all I wish to let you know that I want it to go on record that in the event that they are taken to the court of law on matters of legalities when it comes to matters of procedures of this House on this issue, may it be known that the Members who rose up to talk about the matters of quorum and probably out of the wisdom you gave a ruling to that. Number two, Mr. Speaker Sir I have read the public participation report, I have seen that the people who were present during that public participation gave feedback that they were okay with this to happen. But again, when you look at the very last bullet, which talks about affordability, they say and I quote, "While the increase in charges was generally accepted, some participants and I repeat some participants expressed concerns about the potential burden on low-income households. I do not know the number of participants that gave this reasoning but I am happy that they were captured saying that the burden would not go well with the low household incomes and it is infact that in Mombasa majority of the House was that we have a low income households, So if they have seated that this would be a burden to them, I do not see the reason as to why we should go ahead as an Assembly to then pass this Motion that there should be an increase from 200 to 500. Which is exactly in mathematics should be 180 per cent.

So, Mr. Speaker Sir, for that reason and for many other reasons amongst which that can we also be furnished with the knowledge of how this money is going to be collected it might not be the department of environment but can we know how this money will be collected and can we also know the 200 shillings that was assigned at first how well was it utilized? In what capacity did it capacitate the department of environment and in what capacity are they in deficit? So that I can make decision and give my statement of yes while am informed. At this particular moment, I am not informed of how this money is going to be collected, am not informed of how much this 200 shillings made impact in that department and am not informed of how these 500 shillings is going to be used particularly when it comes to matters of collection. Mr. Speaker Sir, at this particular moment our country is in... Yes Mr. Speaker Sir.

The Temporary Speaker (Hon. Hamisi Nyota): No proceed.

Hon. Mbelle: Thank you. In this particular time Mr. Speaker, we are going through very hard economic times and am sure that the mover of this Motion and the drafters of the amendments are also facing the same rather than we are going through. I would wish that Mr. Speaker Sir, that they pull these amendments from the floor of the House let us sit down let us reason together let us find a common ground...

[Applause]

That will be beneficial to both the people of Mombasa and to the government of Mombasa and at the same time find ways of how we are going to make sure that the streets of Mombasa are cleaner. So, Mr. Speaker Sir I rise and I give my...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Honourable Jacktone Madialo, who gave you the permission to talk on the floor of the House.

Hon. Madialo: thank you Mr. Speaker I am glad to answer you. On who gave me the permission to talk. I apologize and withdraw.

The Temporary Speaker (Hon. Hamisi Nyota): Thank you. Yes, Honourable Sylvester Kai take your seat. Honourable Patrick Mbelle you were winding up on your contribution.

Hon. Mbelle: Thank you Mr. Speaker. So again, I want to reiterate my stand on this particular amendment; that may the mover of this Motion my very learned and wise friend that may you kindly withdraw the Motion. Let us sit down let us reason together there is enough time in this world for us to sit down and have some good reasoning, so with the feeling of the House, I do not want to. Mr. Speaker Sir, I am on the floor and another Member is...

The Temporary Speaker (Hon. Hamisi Nyota): Order Members! Honourable Athman Mwamwiri. Order please. Honourable Sylvester Kai, a Member is already up making the contribution Honourable Patrick Mbelle please wind up on your contribution.

Hon. Mbelle: Mr. Speaker, I think I am entitled to my sentiments and am entitled to my thoughts on this Motion so I do not think any other Member should come in between what I was speaking about. So, I am personally... this is a personal opinion, is that am reading the mood of the House, things are not so well about this Motion. It will be useless for us to vote this Motion with a no, and I said this is my personal feeling, not the feeling of the House. My personal feelings... so if we vote it no it will take another six months for this thing to come, it might be beneficial to all of us, can he just withdraw this Motion so that we sit down and have reasoning together. Thank you, Mr. Speaker.

[Applause]

The Temporary Speaker (Hon. Hamisi Nyota): Yes, Honourable Sylvester Kai.

[Applause]

Hon. Kai: Ahsante Mheshimiwa Spika. Uniruhusu niongee Kiswahili kwa sababu nahisi naweza nikafukuza kwa karibu Kongozi wa Wengi kwa uweledi wa lugha yetu hii tukufu. Kwanza nitoe wasiwasi waheshimiwa wa jumba hili kwamba kiongozi wa wengi lugha aliotumia ni sahihi mno na haina mapungufu yoyote wala hajatusi mtu yoyote.

[Applause]

Kisha tukirudi kwa mada yetu ya leo, niseme ya kwamba ninegomba tuondoe uswahiba tuondoe ujirani katika kuchangia swala hili na sote tuchukuwe fikra zetu tuzirudishe kule ambako tumetoka tujione tunawakilisha watu walio namna gani. Kiongozi wa wengi ameweza kusema ya kwamba tumeazimwa nguvu hizi za sisi kuwa wakilishi. Ni kweli tumeazimwa ndiposa kwa wengine zinakuwa ni za msimu. Lakini nataka niulize Nyumba hii kwa mtizamo tu tunafikiria kutoka kwa Wadi yako ni wangapi waliweza kufika na kutoa mapendekezo yao katika hoja hii. Kwa mtizamo wangu nina uhakika ya kwamba haiwezi ikazidi asilimia ishirini wale ambao walifika kutoka Junda na kutoa mapendekezo yao hiyo inamaanisha nimepewa nafasi ya kutoa maamuzi ya asilimia 80 ya watu wa Junda ambao mapendekezo yao hayajaweza kusikika. Mheshimiwa Spika, ni vyema tuelewe *household* inamaanisha nini, *household* sio nyumba *households* ni kwamba kama mimi nina nyumba ina vyumba ishirini ni kwamba katika hiyo nyumba itahitaji kutoa elfu kumi kwa hesabu ya mia tano tano kwa kila mtu...

[Applause]

Kwa maisha tunayoishi nikichukua mfano wangu mimi ambae nimetoka Junda, chumba kimoja ambacho watu wana *share* sehemu ya kujisaidia kinalipwa elfu tatu. Tunapoenda kuweka swala hili kama la lazima ni kwamba tumelazimisha wananchi wawe wanalipa chumba elfu tatu mia tano, jameni sisi tusilewe na madaraka ambayo tumepewa na wananchi...

[Applause]

Kwa mtizamo wangu ninahisi sisi kwa kuweza kuunga mkono hoja hii; itakuwa tumelewa na madaraka bila kukumbuka kule ambako tumetoka. Kwa hivyo mimi niulize hivi, sina tatizo na mwenye kuleta Mswada huu, na sitaki ieleweke kwamba yoyote anaepinga ana tatizo na mwenye ameleta Mswada huu. Lakini sote kwa kukumbuka tumetoka wapi jameni asilimia moja na themanini kuongezwa ni asilimia kubwa mno...

[Applause]

Kwa hivyo kwa heshima na taadhima ya wananchi wa Junda walioniruhusu mimi kusimama hapa ninapinga hoja hii kwa asilimia mia moja. Ahsante.

[Applause]

The Temporary Speaker (Hon. Hamisi Nyota): Thank you so much Honourable Sylvester Kai for your contribution. Yes, Honourable Jacktone Madialo.

Hon. Madialo: Thank you Mr. Speaker Sir. I would like to join my good brother, the MCA for Bamburi, reading the mood of the House I would advise the mover of the Motion to do a tactical retreat. Withdraw the Motion we call for a *kamukunji* because I have some questions; number one, when you went for public participation how many people were in that hall? And two, statistically speaking...

[Interruption]

The Temporary Speaker (Hon. Hamisi Nyota): Order Members! Order! Honourable Athman Mwamwiri, let the murmuring be heard in silent...Let the Member be heard in silence.

Hon. Madialo: And also, number two.

The Temporary Speaker (Hon. Khamisi Nyota): yes proceed.

Hon. Madialo: We want to know statistically speaking their social status because if you report to us here that they agreed that they be taxed 500 shillings I mean is that okay now? Thirdly, we also want to be told because we really are not understanding when you talk about households what do you mean by households in the same manner that the Honourable Member from Junda is also wondering I'm also wondering because for example if he has correctly said people are leaving somewhere 20 of them 20 family is a family the household or the house they are living all of them! Maybe if it is a rented house is that the household that you are talking about? Lastly the 200 that I'm seeing here that was previously being collected; number one was

it being collected if it was not being collected why can't we first of all deal with that issue, the effectiveness of collection let us collect the 200 first and see how effective it is it is at that point that if there still some gaps we can come back here and fill them we don't want to be labeled here that maybe we have our issues that is why we are opposing we have the best interest of our people at heart, thank you so much.

The Temporary Speaker (Hon. Khamisi Nyota): Thank you so much Honourable Jackton Madialo. Yes Hon. Frankline Makanga you are up on appoint of order.

Hon. Makanga: Thank you I have not made any contributions.

The Temporary Speaker (Hon. Khamisi Nyota): You stood up on appoint of order, yes just make your contributions please, please take your seat Honourable Allan Katana you cannot have two members on the floor I have two members on the floor Honourable Allan Katana take your seat let the Honourable Member make his contribution, please proceed.

Hon. Makanga: Asante Mheshimiwa Speaker nashkuru kwa nafasi hii, kwa kunipa nafasi hii niweze kuchangia hoja hii ambayo mimi nikiwa mwana kamati wa kamati hii ya mazingira nasimama kuunga mkono kikamilifu. Mheshimiwa Speaker kwanza nisikitishwe na waheshimiwa ambao either ni kwasababu ya uzembe ama ubinafsi wao unao wafanya kukosa kuelewa wanaokosa kuelewa mheshimiwa Spika yaliojiri and if I say it in English Mr. Speaker...

The Temporary Speaker (Hon. Khamisi Nyota): Honourable...

Hon. Makanga: Mr. Speaker, allow me to proceed because we are having a scenario here, we are having few group of Honourable Members who are just here to cause disruption.

The Temporary Speaker (Hon. Khamisi Nyota): Honourable Frankline Makanga, Honourable Jacktone Madialo you just made your contribution okay Honourable Allan Katana if you know a Member is up on a point of order please take your seat, yes Honourable Jackton Madialo what point of order are you standing for? Point of order number,

Hon. Madialo: Nimesimama Mheshimiwa Spika for a Point of Order ile ambapo inasema ya kwamba kutumia lugha mbaya akisema sisi, akitumia kua sisi ndio tunaeza kua wazembe lakini hiyo ya pili ya kwamba sisi ni wabinafsi ndio mbaya kidogo hiyo wazembe kidogo tunaeza kubali kwamba maana...

The Temporary Speaker (Hon. Khamisi Nyota): You know Honourable Jackton Madialo let us agree on one thing this is a House of rules, it is a House of procedure, it's a House of records now you cannot stand without pointing a point of order and I made this clearly and I said it if you stand without pointing of a point of order, I will not give you time to speak.

Hon. Madialo: 83(2) Mr. Speaker.

The Temporary Speaker (Hon. Khamisi Nyota): Read for me the point of order.

Hon. Madialo: Okay 83(3) it shall be out of order to use offensive or insulting language whether in respect of the Member of the County Assembly or other persons so I would like to

request you vile nilivyosema tunakubali hiyo part ya kwamba sisi ni wazembe hiyo tunakubali maana tusingekua wazembe hii point moja tungekua nayo kwa fingertip lakini ile part nyingine ya kwamba sisi ni wa binafsi hiyo nayo withdraw.

The Temporary Speaker (Hon. Khamisi Nyota): Honourable Frankline Makanga, please withdraw and proceed, please withdraw apologize and proceed.

Hon. Makanga: Mr. Speaker, I will not withdraw because Mr. Speaker this is what I want to say and I'll say it in english Mr. Speaker.

The Temporary Speaker (Hon. Khamisi Nyota): No no...

Hon. Makanga: Mr. Speaker, when you say someone is lazy...

[Interruption]

The Temporary Speaker (Hon. Khamisi Nyota): Order order! Honourable Frankline Makanga hold hold, no Honourable Allan Katana take your seat! Honourable Jacktone Madialo take your seat! Honourable Sylvester Kai please take your seat. Honourable Frankline Makanga the Member for Mikindani Ward has stated a point of order where by your utterances were not well with him according to the Standing order and he requested you withdraw, apologize then proceed! Please do that so we finish up, withdraw apologize then proceed.

Hon. Makanga: I withdraw. Mr. Speaker.

The Temporary Speaker (Hon. Khamisi Nyota): And apologize to them.

Hon. Makanga: To who?

The Temporary Speaker (Hon. Khamisi Nyota): To the Members.

Hon. Makanga: Mr. Speaker, this is not a House for petting someone's ego, we are not here to palpet anyone's ego because...

[Interruption]

The Temporary Speaker (Hon. Khamisi Nyota): No no, Honourable Frankline Makanga.

Hon. Makanga: Because, I have not mentioned anyone Mr. Speaker and we are not here to weep emotions.

The Temporary Speaker (Hon. Khamisi Nyota): No, no take your seat Honourable Frankline Katana, I do not want to take you out of this House that is why I'm giving you instructions to sit down. Honourable Frankline Katana, please apologize we move on.

Hon. Frankline Makanga: Mr. Speaker I withdraw and apologize to those who feel their ego has been punctured.

The Temporary Speaker (Hon. Khamisi Nyota): Please proceed.

Hon. Makanga: Mheshimiwa Spika Ningeomba kuendelea niseme hivi kwa kizungu ukisema neno laziness Mheshimiwa Spika si matusi ila ni kuonyesha kwamba mtu hakuionyesha nia ya kuwajibikia jambo Mr. Speaker for record purposes because this public participation Mr. Speaker follow the procedure with advert put in the daily newspapers Mr. Speaker.

The Temporary Speaker (Hon. Khamisi Nyota): Honourable Frankline Makanga, you are up on a point of order, please take your seat Honourable Frankline Makanga. Yes, Honourable Allan Katana.

Hon. Katana: Mr. Speaker, thank you for your wisdom you know it's only old women.

The Temporary Speaker (Hon. Khamisi Nyota): We are out of time.

Hon. Katana: Mr. Speaker, I'm up on a point of order and thank you for your wisdom but I want to cite Standing order 27(3). I do not know whether you'll read it or I read it for you Speaker I don't know also as you read that interpretation of Standing order 31(a), but let me read for you 27(3) are you reading it Speaker?

The Temporary Speaker (Hon. Khamisi Nyota): Read read.

Hon. Katana: Let me read it for you for free 27(3). I'm reading Mr. Speaker the County Assembly may resolve and extend its sitting time or to meet at any other time on a sitting day or to meet on any other day in order to transact business so as per these Standing order we are past the time speaker and also as you analyse that I would also ask interpretation of standing order number 31(a) yes 27(2).

The Temporary Speaker (Hon. Khamisi Nyota): Honourable Allan Katana, you have read the Standing order 3, right?

Hon. Katana: 27(2) let me read it for you, you were busy with the leader of majority.

The Temporary Speaker (Hon. Khamisi Nyota): No Honourable Katana you stood up I asked you on which point of order no no Honourable Allan Katana lets be in agreement you know you cannot stand and try to rule the House the way you want No, I am the speaker and I'm going to give directions.

Hon. Katana: You are right Speaker.

The Temporary Speaker (Hon. Khamisi Nyota): I gave you the opportunity because you stood on a Point of Order but you sighted the Point of order... I gave you the opportunity to read it, you read it knowing you are saying it's not that point of order, it's another point of order so you do not be skipping what I'm saying is, just take your seat Honourable Allan Katana.

Hon. Katana: Thank you, Speaker.

The Temporary Speaker (Hon. Khamisi Nyota): Honourable Members, I'm reading Standing order 27(4) a Motion under paragraph 3 shall be moved at least 30 minutes before the

time appointed for adjournment if at the time of appointment or interruption business a division is in progress a question is being put for the Chair and a division result immediately there on such shall differ until after the declaration of the numbers and the results of the division. So, Honourable Sylvester Kai please take your seat, I'm going back to Standing order number 2 unless for the convenience of the County Assembly, the Speaker or the Chairperson as the case may be derived earlier or later interrupt of the business at 6:30 p.m or if it is an allotted day on the occasion of the afternoon sitting at 2:30 p.m. So, Honourable Members, citing this Standing order, I rise to take a leave the report progress and ask to leave to sit again, I rise to take a leave because the Motion is on progress, we are going to proceed and I have taken the leave. We can proceed now. No, I have stood up to take a leave but we are proceeding on...

Hon. Makanga: Yes, thank you. Thank you Mr. Speaker,

The Temporary Speaker (Hamisi Nyota): No, I have stood up to take a leave then you are proceeding with the Motion.

Hon. Makanga: Thank you Mr. Speaker, you are the Chairperson. Mr. Speaker, Standing order 103.

The Temporary Speaker (Hamisi Nyota): No Honourable Frankline Makanga, order Members! Let us agree; Standing order 27/2 says, *'The Speaker may take a leave, and then he can sit again'*. To take a leave I have stood up, if I sit again, we proceed with the...

[Interruption]

I have stood up and taken a leave if I sit, we can progress with the business of the House because...

[Interruption]

It is written, the Chair and...

[Inaudible]

We are progressing on the...Yes?

Hon. Makanga: Ahsante. Katana kaa, kaa wajua hapa si mangweni?! Hapa si mangwe kaa chini!

Hon. Katana: We ni nani?

Hon. Makanga: Kaa chini hapa si mangweni!

[Inaudible]

Hon. Makanga: I was on the floor.

Hon. Katana: Which floor? Am I running or am also with you? *[Inaudible]* not unless we amend these Standing orders Mr. Speaker.

[Inaudible]

Hon. Makanga: Kizungu ndio inakusumbua.

Hon. Katana: Utanielezea kwa Kiswahili kama ku *leave* ni kusimama tu na kukaa *[Inaudible]* ku *leave* ni ku...

[Interruption]

Hon. Makanga: Kaa chini.

Hon. Katana: Aaaaah *[Inaudible]*.

Hon. Members: *[Inaudible]*.

Hon. Katana: Speaker, you need interpretation of Standing order. 31(A) of the Standing Order *[Inaudible]*.

The Temporary Speaker (Hamisi Nyota): Order members! Order members! Order Members! Hon. Silvestre Kai order! Serjeant at Arms! Honourable Juma Mwalimu please take your seat.

Hon. Makanga (Hamisi Nyota): Mheshimuni Spika bana.

The Temporary Speaker (Hamisi Nyota): Honourable Allen Katana just, Honourable Juma Mwalimu please Honourable Sylvester Kai please take your seat. Okay, order Members. I would request the mover of the Motion Honourable Abdirahman! Already we are following this order paper to at least make a ruling on completion of this matter.

Hon. Abdirahman Abdirahman: *[Inaudible]*.

The Temporary Speaker (Hamisi Nyota): No. Just take a seat Honourable Abdirahman.

Hon. Abdirahman Abdikadir: Mr. Speaker we cannot *[Inaudible]*.

The Temporary Speaker (Hamisi Nyota): No am in consultation with the Clerks just take a seat and be humble.

Hon. Abdirahman Abdikadir: *[Inaudible]*.

The Temporary Speaker (Hamisi Nyota): Order! Honourable Patrick Mbele order! Honourable Sylvester Kai Order! Order Members! Order Members! Order Members! Honourable Fatuma Swaleh! No, no we are on, am supposed to make a ruling so please take a seat.

Hon. Fatuma Swaleh: Mheshimiwa Spika [*Inaudible*].

The Temporary Speaker (Hamisi Nyota): Please take your seat Honourable Fatuma.

Hon. Members: Kaa kwanza.

[Inaudible]

The Temporary Speaker (Hamisi Nyota): Honourable Fatuma Mote, this sitting stated at 10:00am...

[Interruption]

Hon. Fatma Swaleh: Haijaisha Mheshimiwa Spika.

The Temporary Speaker (Hamisi Nyota): So, what is the time on your watch?

Hon. Fatma Swaleh: Mheshimiwa Spika hii ni dhuluma kwa watu wangu.

[Inaudible]

The Temporary Speaker (Hamisi Nyota): Okay take your seat Honourable Fatma, okay take your seat.

Hon. Fatuma Swaleh: [*Inaudible*].

The Temporary Speaker (Hamisi Nyota): Okay take your seat Honourable Fatma Swaleh. Citing this Standing order, the Motion could not be concluded by 12:30p.m.

ADJOURNMENT

So, I have to move it to the next sitting this House stands adjourned until 8th, Wednesday 2023 at 2:30p.m.

The House rose at 12:48 p.m.