

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Thursday, 23rd June, 2016

The House met at 2:35p.m.

*(Mr. Speaker (Hon. Thadius Rajwayi) in the Chair)***PRAYERS****Mr. Speaker** (Hon. Rajwayi): Kindly have your seats Hon. Members. Yes Clerk.**COMMUNICATION FROM THE CHAIR**

This is the letter from Commission Revenue Allocation dated 21st June of 2016 and it has been addressed to the office of the Speaker, Mombasa County Assembly and the subject is commission of revenue allocation on County basis 2016;

(Mr. Speaker (Hon. Rajwayi) read communication)

The Commission of Revenue Allocation is mandated to make recommendations concerning the basis for the equitable sharing of revenue ways nationally to the national governments and among County governments. In addition, the Commission makes recommendations on matters concerning the financial management of both the national and the County governments. It is in this context that the Commission has organized basis to all Counties to holding meetings with the County executives and the County Assemblies. Mombasa County government is scheduled for 29th and 30th June 2016 at your convenient designated County premises. The objective of the visit is to hold discussions on the following key matters;

1. The basis of revenue sharing among County governments,
2. Financial management in the County government as direct to;
 - a. County budget ceilings
 - b. Revenue enhancement in Counties
3. Implementation on review of County Integrated Development Plan
4. Feedback from Counties and implementation of CRA mandate

The executive meeting is provisionally scheduled for 29th June of 2016 from 8:30am to 12:30pm; the Commission also wishes to visit one County project in the afternoon from 2:00pm to 4:00pm and we do hereby to seek your support in this to arrange for the tour, especially for water or tourism projects, the participation of other senior stuff is encouraged. On the other hand the County Assembly meeting is provisioned and scheduled for 30th June 2016 as from 8:30am to 12:00pm. The Commission will make presentation on revenue sharing and financial management, the Commission requests that the County makes presentations and implementations of CIPDs and feedback on implementations on CRA mandates, the Commission further requests that your office arranges and meets the costs of one appropriate meeting venue and project site visits. I confidently trust that this request will meet your provisions positively and immediate attentions and please find attached proposal of the impending activities for your review and further action, yours sincerely.

(End of first communication)

Ladies and gentlemen, those dates it is important you better save the two most important dates and whatever is being required of us is very important remember the budget ceiling is one of those particular important matters we have been trying to sort out with the CRA himself, and now that they have agreed to calm down it is important we participate in that process. The second communication ladies and gentlemen is from Hon. Ahmed Omar Ibrahim Majority Chief Whip, it is addressed to the office of the Speaker of the County Assembly, titled removal of the Majority leader;

(Mr. Speaker (Hon. Rajwayi) read communication)

Attached please find minutes of ODM Members of the County Assembly of Mombasa replacing the Leader of Majority Hon. Abdallah Kasangamba of Likoni Ward and his replacement of the position with the new occupant Hon. Khamisi Musa Mwidani of Mtongwe Ward with immediate effect. Kindly take note and bring this matter to the attention of all Hon. Members and all concerned persons and take all other measures to effect to the affirmation changes expeditiously.

Yours faithfully, Hon. Ahmed Omar. Chief Whip and it has been copied.

(End of Communication)

So I want to believe it has got so many details and those who actually voted and participated in that is also attached, so Hon. House get informed of the two important parts. Clerk?

PAPERS

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mary.

Hon. (Ms.) Akinyi: Thank you Mr. Speaker Sir. Mr. Speaker Sir due to unavoidable circumstances the Committee on Powers and Privileges did not meet, so I hereby on behalf of the Committee which am also a Member ask for permission so that you may grant us the permission of one week we bring the report. Mr. Speaker Sir we beg as a Committee, which am a Member of that Committee that the stay orders should remain. Thank you Mr. Speaker Sir.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Murfad.

Hon. Amur: Thank you Mr. Speaker Sir. Mr. Speaker Sir the issue that is on the Order paper about the Committee of Powers and Privilege is a concern to this Assembly. It is a burning issue, we cannot be taking extra ways every week because the matter was directed by you to be investigated and quickly brought back. There are Members who have been suspended from the Assembly it is a matter of life and death to these Members, so asking for more time we are creating situations whereby it is not wanted by the Assembly. Mr. Speaker, I kindly request for your personal attention in this issue because there will come another week then they will tell us next week, they have not made reason for them not to be meeting, we should be given first...we should be told what is the reason for them not to meet. They should not come and tell us we did not meet, why didn't they meet Mr. Speaker, there must be a reason for them not meeting. Thank you Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes I want to believe that is a direct concern Hon. Mary can you explain that to us unless those who are standing are having answers to that particular concern by Hon. Murfad. Yes Hon. Mary.

Hon. (Ms.) Akinyi: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nimesema kwa sababu ambazo hatungeweza kuepuka, wiki hii hatungeweza kukutana kwa sababu ya zile pilka pilka ambazo zilikuwa katika Bunge hili ambayo tulikuwa na tukakuja kuweka Mbunge wa Walio wengi katika Bunge hili na pilka pilka zengine nyingi ambazo zilikuwa katika Bunge hili ndiposa hatungeweza kukutana na tuweze kujadiliana haya mambo. Na leo umezungumza vizuri kabisa sana kwa sababu haya mambo yanataka watu wajadiliane kinagaga ubaga, ambayo inatakikana watu wakae kwa umakini wanapo jadiliana haya mambo ndiposa hatukuweza kujadiliana, na ninahakikishia Jumba hili, kuwa baada ya hio wiki moja tutapata ripoti.

Mr. Speaker (Hon. Rajwayi): I want to say this is a matter that you must debate and to me the concern by Hon. Amur, can you have your seats Hon. Members the concern by Hon. Amur Murfad is very genuine and valid and you cannot take more than one week after this and because what you also raised is something that we going to do as a House, and get the directive from the Chair that not later than next week on Thursday, that report must appear before this Hon. House and the communication must be done if its not done then the Speaker will find the best way on that, so get informed next.

PAPER

Yes this is specifically about the caucus yes Hon. Priscillah Mumba?

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika mimi nimesimama hapa kwa sababu Mwenyekiti wetu wa *Women Caucus* ambaye tulikuwa naye kwa kikao jana na kwa bahati mbaya akasema hakuweza kuwa leo kwa sababu alikuwa na *booking* ya *operation* na saa hii hivi ametoka *operation* yuko spitali ya Mombasa na alinituma na barua jana...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Hon. Caroline can you have seat first of all for Hon. Prischillah to wind up, I doubt whether the statement is even complete can you allow her to finish up that then you give us the statement.

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika, alinituma barua ambayo sisi wanachama tulipokaa, tuliokubaliana na jina ambalo tulisema kuwa kama *Women Caucus* imepitisha na nikaleta barua hii leo katika ofisi yako kitu kama saa nne ama saa tano na nikakuta ofisi yako sekretari na nikampatia pia akaniambia Mheshimiwa Spika hajafika lakini Kevin akapokea na akasema itafika kwa Spika ili apate kutoa uamuzi wa hio barua. Kwa hivyo nimefanya hivyo kwa heshima ya kuwa nimetumwa na Mwenyekiti wa *Caucus* ambaye ni Asha Mohamed. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Caroline?

Hon. (Ms.) Auma: Mheshimiwa Spika mimi nimesimama kama Mwandishi wa *Caucus* na tukifwata vile inavyotakikana sisi wenyewe hatujaipata hio barua ambayo imeandikwa. Mheshimiwa Spika la pili kuna Naibu wa Mwenyekiti wa *Caucus* katika hii Bunge ambaye ingekuwa vizuri Mwenyekiti kupitia ili aweze kupeana uamuzi ule, lakini kupitia jana sisi wenyewe wa mama tulikaa chini hatukuelewana ni nani ambaye anaweza kuwa Kiongozi wa Walio Wachache katika Bunge hili.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Lucy Chireri Chizi.

Hon. (Ms.) Chireri: Ahsante sana Mheshimiwa Spika ningependa kumfahamisha Mbunge mwenzangu ya kwamba...

(Interruption)

Mr. Speaker (Hon. Rajwayi): You are only allowed to inform the House Hon. Lucy.

Hon. (Ms.) Chireri: Jana tulikuwa tuna kikao, baada ya kile kikao wale walio kataa na kutoka sisi tulio kuwa pale tuliandika barua tukatia sahihi ndio maana akapeana....

(Applause)

.....nyinyi mlitoka na wale walio baki tukakubaliana. Ahsante.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ndanda.

Hon. Mohamed Ndanda: Thank you Mr. Speaker. Mr. Speaker what is going on now is clearly that these Hon. Members whom we gave the privilege to go and at least give us one name did not agree...

(Applause)

...Hon. Speaker yesterday it was said that there is a right and a privilege and Hon. Members from the women caucus....

(Interruption)

Hon. (Mrs.) Prischillah Mumba: Mr. Speaker point of information.

Mr. Speaker (Hon. Rajwayi): Yes allowed Hon. Prischillah.

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika, nafikiri mimi nimezungumza na mwenzangu Mheshimiwa Lucy amezungumza; ni kuwa tulikuwa katika kikao na mtafaruku katika kikao lazima ulikuwako, lakini kikao hakikuinukwa, wale walibakia kwenye kikao na wakaendelea na kikao na tukatia sahihi na kikaleta kama vile Mwenyekiti alivyo ahidi kuleta. Kwa hivyo kwenye kikao wako kidemokrasia lakini sisi tulijipanga na tukapeana majina yetu na tukatia sahihi na barua ikaja Mheshimiwa Spika...

(Loud consultation)

Mr. Speaker (Hon. Rajwayi): Order! I've said order! Didn't you hear what I said; I know very well where Kongowea is, I know this is not Kongowea and we need not to remind ourselves how they do business there and first of all maybe do I call the interim Chair of this caucus? Actually before whatever she has explained am seeing a report before me so if we are really trying to handle the contents on this particular letter even before this report is tabled I want to believe that we are not doing anything right now so first of all we need to hear what they have then now we can agree just as a family whether to help our Hon. sisters or otherwise it is within your mandate as a House. You need not be in a hurry, that time is coming so Hon. Prischillah Mumba can you move on and table that particular information or report that you have, it is as simple as that.

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika, nafikiri barua ambayo nimeleta katika heshima ya ofisi yako nimeona vizuri sana uko nayo hapo kwa sababu nimeiona...

(Laughter)

Na ninajua umeipitia na nashukuru Mheshimiwa Spika kwa sababu..

(Interruption)

Mr. Speaker (Hon. Rajwayi): Order Hon. Prischillah!

(Loud Consultation)

...Order! Order Hon. Prischillah, this is a copy of what I have been persuing, is this the report?

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika, nafikiri barua ambayo wewe uko nayo hapo sisi tulichaguwa sote.....

(Interruption)

Mr. Speaker (Hon. Rajwayi): What is it Hon. Duncan?

Hon. Onyango: Ahsante sana Mheshimiwa Spika, nafikiri Mheshimiwa anayezungumza ni mtu ambaye anaelewa sheria, katika ofisi yeyote wakati unapeana barua moja inabaki katika hio ofisi na moja inakuwa *received* na moja na anapewa sasa nashangaa leo yeye aliyekuwa na barua moja anasema ameleta hana uhakika kama umepokea na anasema uko nayo, ningependa ufafanue zaidi hapo.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Prischillah continue.

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika, jina ambalo tulilipeleka mbele sisi kwa Mheshimiwa Spika ni jina la Maimuna Salim...

(Applause)

...ndio tuliloteuwa tukiwa kina mama tisa na tukaiweka sahihi na tukaipeleka mbele kwa Mheshimiwa Spika kwa ofisi yake. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Riziki Fundi. Hon. Ndanda you were to contribute I will come back to you, what do you have; is it a point of order or point of information.

Hon. Fundi: Yes I have a point of information Mr. Speaker; from the ruling that you made yesterday you declared the seat of the Minority leader to be vacant, you proposed that they bring a new name between two sittings yesterday afternoon and today afternoon. So they cannot purport to bring the same name to this House while the name...

(Applause)

...The name was removed on grounds of integrity. You cannot bring the same name to this House claiming that you have again nominated the same person. Thank you Mr. Speaker.

Hon. Ibrahim Kondo: Point of information Hon. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ibrahim?

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nina imani ndugu yangu Mheshimiwa wa Bamburi alikuwa mwalimu na kingereza kisimpite, hakuna mahali Spika alisema Mheshimiwa Maimuna asirudishwe wala ameondolewa kisheria...

(Applause)

...Mheshimiwa Spika ningelipenda Nyumba hii ifahamu kwamba kuna sheria; na sheria ipo na ifuatwe. Mheshimiwa Spika ningeliomba kuwe na uwazi hapa kutokana na swala hili na hili swala lilikuwako la kina mama.

Mr. Speaker (Hon. Rajwayi): Thank you Hon. Ibrahim, and you have to be very brief while giving a point of information.

Hon. Kasangamba: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika labda ningependa kuijulisha Nyumba hii kwamba jana kuliletwa Mswada na Mheshimiwa Dancun, na ule Mswada ulipita kulingana na mahojiano na wakapeana vikao viwili ilMr.adi majibu yaletwe kutoka kwa Wawakilishi wa kina mama na ikiwa majibu yamewashinda naona sisi Waheshimiwa kina baba tutawasaidia.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Amur.

Hon. Amur: Thank you Mr. Speaker sir. Mr. Speaker sir each and every person is innocent until proven guilty...

(Applause)

...until proven guilty or not guilty Mr. Speaker, thank you.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mwabashiri.

Hon. Mwabashiri: Ahsante Mheshimiwa Spika kwa kunipa fursa hii, nilikuwa nataka kumkumbusha ndugu yangu mtumishi wa Mji wa Kale haya maneno; jana tulizungumza ningeomba tu kumkumbusha kuwa swala hili la Mheshimiwa Nzai alipatikana na kashfa ya ufisadi na katika Bunge hili tukamuondoa kwa sababu alipatikana na hio kashfa tukasema mpaka atakapo kuwa *cleared* ndio tuje tumrudishe. Kwa hio Mheshimiwa Spika haya mambo tuliyazungumza na tukasema kama Mheshimiwa Nzai ilikua hivyo pia huyu afanye hivyo kwa kutii, hivi sasa ni ajiweke kando, korti ikimuwezesha kuwa yeye hana hatia, basi Bunge hili litaamua vingine. Hivyo basi Mheshimiwa Spika nilikuwa nataka kumjulisha mwenzangu kuwa haya maneno tuliyazungumza jana mpaka tukaafikiana kuwa yeye akae kando kama ni Kiongozi wa Walio Wachache, ahsante.

Mr. Speaker (Hon. Rajwayi): Well Hon. Madundo.

Hon. Mohamed Madundo: Ahsante Mheshimiwa Spika, nafikiri katika Bunge letu sisi tunaenda na sheria, na zile sheria ambazo zilitoka Bunge vijijini huko zililetwa hapa, sheria za vijijini ziko tofauti na hapa Bungeni. Sasa kama jana tulizungumza kama Waheshimiwa na tukakubaliana na tukapatiwa nafasi Waheshimiwa muende mkakae mjipange. Sasa kile kidonda ambacho kinaumiza mtu roho wewe tena umekirudisha na damu....

(Laughter)

...kwa hivyo Mheshimiwa Spika, waheshimiwa wenzangu ningewaomba kwa heshima na taadhima tufuate sheria kwa sababu ukiona mwenzako kina nyolewa nawe chako kitie maji, wakati...

Mr. Speaker (Hon. Rajwayi): Order! Order Hon. Madundo! I can see that you are debating and allow me first of all this particular Paper has not even been laid properly before this House and as it is I can confirm that from the third paragraph of the same letter it is only the Speaker who has a copy, and even whoever wanted to read that serious matter whether as a Paper or a Motion has no paper as the one that am having and that must be a very serious offence Hon. Prischillah.

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika nafikiri *copy* yangu imefika na ndio hii...

(Laughter)

Mr. Speaker (Hon. Rajwayi): Order! Hon. Members can you all have your seats; now that Hon. Priscillah Mumba has tabled this Paper I want to direct that she reads to us what is contained in this letter.

Hon. (Mrs.) Prischillah Mumba: Mheshimiwa Spika...

(Laughter)

...Madhumuni yangu nilipokupatia hii barua hapa ni uthibitishe kwanza kwa sababu nimeambiwa kwamba sina *copy*, kwa hivyo Mheshimiwa Spika nina taka uthibitishe kwanza, ndio *copy* yangu sasa niisome....

(Laughter)

...ikiwa tofauti na hiyo uko nayo kwa sababu kiti chako ndio kinaweza kuamua hivyo peke yake je ni hiyo ama ni ingine...

(Laughter)

Mr. Speaker (Hon. Rajwayi): Hon. Kasangamba.

Hon. Kasangamba: Bwana Spika kwanza hili Jumba la sheria Mheshimiwa Spika kwanza hatuwezi kujadili swala lolote ama karatasi yoyote ambayo haijafika ndani ya Bunge.

Mheshimiwa Spika, kama karatasi imefika ndani ya Bunge rasmi Mheshimiwa amei *table* twahitaji aisome ilMr.adi tuhakikishe kwamba hiyo ndio hiyo uliyokuwa nayo wewe. K

Kwa hivyo Mheshimiwa Spika ningependa kupitia kiti chako sheria za Bunge zifuatwe kwamba Mheshimiwa atusomee mambo sahihi yaliyoko katika barua hiyo hiyo ambayo amei *table*.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ibrahim.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika hili swala limekuwa moto kwa Waheshimiwa wetu kwa upande wa kina mama na kwa sababu ni wanadamu, na mwanadamu ameumbwa kusahau. Ningelipenda Mheshimiwa Spika na masaa ya mchana sehemu ya upande mmoja haikuwa na moto ndio haikuwezekana...

(Applause)

Mheshimiwa Spika ni kama moto umerudi na nakala zimanza kutengezwa...

(Laughter)

Ahsante Mheshimiwa Spika...

Mr. Speaker (Hon. Rajwayi): Yes Hon. Duncan?

Hon. Onyango: Ahsante sana Mheshimiwa Spika, nafikiri hoja hiyo inajadiliwa, tulijadili jana katika hili Jumba; kilichobakia baada ya kuijadili ilikuwa ni jina moja tuletewe lakini naona Mheshimiwa ni kama tumeanza kuijadili upya. Mheshimiwa Spika ningependa Nyumba hii iwe mfano wa Nyumba zote za sheria hapa Kenya ama Kaunti zengine na pia ningependa sana sifa za Gavana wetu Hassan Joho ziweze kuenea katika maeneo mbali mbali. Maana ya kusema hivyo Mheshimiwa Spika baada ya kushauriana na watu mbali mbali tumekuja kugundua ya kwamba ndani ya Mombasa Kaunti wanaotambulika kisheria ama kikatiba kama jamii walio wachache ni wale wanaishi na ulemavu....

(Applause)

...sasa basi Mheshimiwa...

Hon. Ibrahim Kondo: Point of information Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Can you allow clarification?

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nafikiri katiba ya Kenya iko wazi, na nafasi iliyopatiwa walemavu tusidanganayne hapa....

(Applause)

...Hio ni katika katiba ya Kenya na katika *Standing order* zetu hakuna kabisa, ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes continue Hon. Duncan?

Hon. Onyango: Mheshimiwa Spika ahsante sana kwa nafasi hii, nafikiri sote katika Nyumba hii Mheshimiwa Spika...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Why are you standing? Hon. Nyamvula, what are you upto?

Hon. (Mrs.) Nyamvula: Mr. Speaker I want to thank you for giving me this opportunity to speak. Mr. Speaker I have spent my years serving, enhancing, protecting the

female gender, to see the female gender has a place in the decision at the County level. I served as a national commissioner of gender in this country; I and other women of this country delivered part of the new constitution to see that women have a say...

Mr. Speaker (Hon. Rajwayi): Hon. Nyamvula that sounds like a full submission that's not any point of order!

Hon. (Mrs.) Nyamvula: Mr. Speaker I am making one and then I will ask you directly now, we have a little problem which I believe it can be sorted out that I have all the respect for my friend and colleague Karume and he deserves a seat....

(Applause)

As much as every one of us because we have a little something, I believe it is...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Hon. Nyamvula that is a submission, you will have your own time, I'll give you an opportunity later.

Hon. Onyango: Ahsante sana Mheshimiwa Spika nafikiri kama awali nimesema ya kwamba tunataka kuzidi kujenga Gavana wetu wa Mombasa Ali Hassan Joho. Vile vile Mheshimiwa Spika katika Kaunti zote 47 hakuna Kiongozi wa Walio Wachache ambaye ameweza kuteuliwa kutoka kwa walio wachache...

(Applause)

Mheshimiwa Spika, baada ya ushauriano mbalimbali...

(Interruption)

Hon. (Mrs.) Prischillah Mumba: Mheshimiwa Spika, point of information.

Mr. Speaker (Hon. Rajwayi): Yesterday the ruling was very simple and clear the ruling that was made that one, that position of the leader of minority is vacant; the next ruling that was made is that we give authority to the Hon. ladies of this Hon. House to find a way on how to carry out a replacement, just as simple as that. And that's why I was still expecting that this particular Paper be laid, if necessary seconded then we start debating about this, but if you want to tell me that you want to start causing your own things, don't make me to make that decision for you because you may start saying that you were never given an opportunity. You have this opportunity to make substantive submissions so Hon. Prischillah please.

Hon. Onyango: Mr. Speaker I was on the floor.

Mr. Speaker (Hon. Rajwayi): Hon. Duncan can you allow Hon. Prischillah to finally read this so that we can...

Hon. (Mrs.) Prischillah Mumba: Thank you Mr. Speaker I think I will submit my letter;

(Hon. (Mrs.) Prischillah Mumba read)

To Hon. Mr. Speaker,

The direction of the Leader of Minority, the above title as refer. As per your directive during the morning plenary sitting of the County Assembly of Mombasa, the women Members of the County Assembly consulted among themselves on the choice on the Leader of Minority. The women Members of the County Assembly have resolved hereby retain Hon. Maimuna Salim Mwawasi as the Leader of Minority of the County Assembly of Mombasa. Kindly annexed hereby find the names and signatures of those foregoing mentioned in the favour of this resolution. Thank you. I beg to move, the sign is from our Chairlady of the caucus and the Members who committed themselves are;

1. Lucy Chizi Chireri
2. Maimuna Mwawasa
3. Zainab Said Ali
4. Zainab Kithinzi
5. Zainab Omar Mumba
6. Priscillah Mumba

7. Fatuma Swaleh Mote
8. Maimuna Salim

(End of communication)

The Chairlady of the caucus signed too. Thank you Mr. Speaker sir, and I need Lucy Chizi to second.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Lucy Chireri.

Hon. (Ms.) Chireri: Ahsante sana Mheshimiwa Spika nimesimama hapa kuunga mkono yale yaliozungumzwa na Mheshimiwa Prischillah Mumba, ahsante.

(Question proposed)

Mr. Speaker (Hon. Rajwayi): Ladies and gentlemen I want to propose a question that this Hon. House do deliberate the paper laid on the election of Leader of Minority as has been laid by Hon. Prischillah.

(Question put and agreed to)

....Hon. Duncan allow Hon. Prischillah to continue.

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika kwa kunipa fursa hii tena kuweza kutetea kwa nini sisi tumeona Maimuna Salim anafaa kuendelea na wadhfa wake wa Kiongozi wa Walio Wachache Bungeni. Kwanza niki nukuu katika Jumba hili, sisi ni watu wa chama kimoja, chama hichi kimoja...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes....

Hon. Kasangamba: Mheshimiwa Spika ni jambo la kusikitisha sana ikiwa bado twarudisha mswada uliopita jana ambapo mimi sijaelewa; kwa sababu mswada ni uliopita, sasa tumekuwa twaenda mbele tukirudi nyuma. Ningependa kupitia kiti chako Mheshimiwa Spika utuelekeze zaidi kwa sababu huu ni mswada uliopitishwa jana.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Prischillah.

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika kwa kunilinda na kuwezesha ili niendeleo kuunga mkono kwa nini tumeweza kumtambua mama Mwawasi kama Kiongozi wa Walio Wachache wetu. Sisi katika Jumba hili ni ilikuwa kama ninavyozungumza nikaweza kutofautishwa kidogo ni Jumba la chama kimoja na Kiongozi wa Walio Wachache wetu ni kiongozi wa kitu kinachoitwa *PIC* na ndiposa akaweza kupata hio kiti cha Kiongozi walio Wachache. Lakini tunavyojua kisheria mtu hawezi kuhukumiwa kabla kesi yake haija hukumu, na tunajua sisi kuwa kama kina mama ambao tumepewa kipao mbele tuweze kuitetea hiki kiti chetu na tukapewa fursa ili siku ya leo Mheshimiwa Spika tuweze kuleta hili jina ambalo sisi tumelileta hapa tukiwa tumeamua kina mama tisa na tunajua kina mama huwa tuko kumi na tatu. Kwa hivyo tumemuunga mkono na tumesema kuwa mama Maimuna aendeleo na kiti chake, hatuoni pingamizi hata kama ametolewa jana na leo ameregeshwa; kina mama tumemregesha tukiwa na sauti moja sioni haja ya kuwa mama Maimuna akose kuregea kwa kiti chake leo na ilhali tumeweza kumregesha sote kwa ujumla na tukionyesha alama za vidole vyetu sisi wenyewe. Hatujaona kosa la mama Maimuna ametuongoza vizuri kama mama ambaye ni Kiongozi wa Walio Wachache Bungeni na kiti chake cha *PIC* kina Kamati yake pia kama sheria ingekuwa imefuatwa..

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mwabashiri.

Hon. Mwabashiri: Ahsante Mheshimiwa Spika kwa kunipa fursa hii. Mheshimiwa Spika hili Bunge ni Bunge la sheria na sheria zipo, mswada wowote unapopitishwa na Bunge hili ni baada ya miezi sita ndio mtu mwingine ama inawezwa badilishwa na Bunge hili. Kwa hivyo Mheshimiwa Spika maswala haya ya kuwa jana tulipitisha alafu leo siku ya pili tayari mmebadilisha mengine mwanzo Mheshimiwa hapo sasa naona sijui ni sawa ama ni vipi lakini mimi naona si sawa kwa sababu jana katika Bunge hili Bunge lako tukufu walipitisha katika Bunge hili kwa sauti moja, kuwa Kiongozi wa Walio Wachache aondoke.

Mr. Speaker (Hon. Rajwayi): Why are you up Hon. Lucy? Yes Hon. Lucy?

Hon. (Ms.) Chireri: Mheshimiwa Spika siwezi kuelewa kwa sababu kama ilipita hio jana tusingetumwa *women caucus* kuleta huo ujumbe ukisema kwamba tulipitisha jana, huo ni urongo na unafiki mkubwa.

Mr. Speaker (Hon. Rajwayi): Allow the Chair to direct this way; that before you continue Hon. Mwabashiri if you have a Point of information let me remind the House that you must give us that information; don't tell us what you don't think, we need that because you are on Point of information or a Point of order and you must state that particular rules are there in your Standing orders in the House. If you are on a Point of order please remind us on that point of order; if you are on Point of information please inform the House, otherwise if you don't tell us what you want that's not the way to go. Let's continue with the Motion, Hon. Mwabashiri.

Hon. Mwabashiri: Ahsante Mheshimiwa Spika kwa kunipa fursa hii tena. Mheshimiwa Spika nafikiri jana tulipitisha katika Bunge hili kuwa Mheshimiwa Maimuna akae kando; nafikiri Mheshimiwa kiti kile ukakieka wazi na Bunge hii ikapitisha na jana ukasema umepeana vikao viwili, jana saa nane na leo saa nane, tukawapa kina mama ruhusa wakachague mtu mwingine atakae kalia kwenye kiti hicho. Lakini leo naona tumerudi pale pale Mheshimiwa Spika, na hii inaonyesha kina mama wameshindwa kutupa mtu mwingine hapa katika Bunge hili hakuna mama mwingine ambaye anaweza kukalia kiti hicho. Kwa hivyo jana Mheshimiwa Spika, Mheshimiwa Riziki Fundi alipendekeza hapa kuwa Mheshimiwa Hudson Karume achukue kiti hicho na sisi waume hatuna mjadala na hilo kama wao hawako tayari kuchagua mama mwingine kuchukua hichi kiti Mheshimiwa Hudson Karume apewe hicho kiti. Ahsante Mheshimiwa Spika.

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mary?

Hon. (Ms.) Akinyi: Ahsante Mheshimiwa Spika. Mheshimiwa Spika, *caucus* ya wakina mama ambayo ni wabunge wa Kaunti ya Mombasa Mwenyekiti wao ni Asha Mohamed, naibu wa Mwenyekiti ni Mary Akinyi, Mwandishi ni Caroline Auma, muweka hazina ni Zainab Mumba, mwenye aliweka kidole pia ni Sarah Nyamvula ambapo nikaenda ikasainiwa mpaka tuko na cheti na *caucus* ya wamama waheshimiwa wa Kaunti ya Mombasa. Mheshimiwa Spika jana asubuhi tulikuwa tumekaa na mwenyekiti, tulipokaa naye asubuhi hatukuelewana, tukaahirisha kikao chetu mpaka saa nane na tulipokuja hapa katika Bunge jana saa nane tukaomba ruhusa tupewe tena muda. Mheshimiwa Spika tulipokutana kama *caucus* ya wanawake waheshimiwa wa Kaunti ya Mombasa, tuko na Mwenyekiti na tuko na naibu wake ambapo inatafikana wakati tumekutana anakili vile vitu ambavyo tumezungumzia. Mheshimiwa wakati tulikuwa tumekaa ambapo mimi ndio nilikuwa naongoza hicho kikao ambapo Mwenyekiti wetu alikuwa hayupo, hatukuelewana Mheshimiwa Spika, na pale jambo lilitokezea tukajaribu kujadili kabisa kabisa wakasema tuondoke twende kwa Mheshimiwa Gavana tulipo ondoka kwenda kwa Mheshimiwa Gavana tukasema...

(Interruption)

Hon. (Mrs.) Prischillah Mumba: Point of information Mr. Speaker.

Hon. (Ms.) Akinyi: Hon. Speaker I do not want to be informed. I don't want to be informed Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes you are allowed, but you are up, the information has been cancelled Hon. Maimuna, we want to know whether she is informing you or a point of order.

Hon. (Mrs.) Maimuna Mwamassa: Point of information Mr. Speaker!

Mr. Speaker (Hon. Rajwayi): She has refused.

Hon. (Ms.) Akinyi: I have said it clearly that I don't want to be informed.

Mr. Speaker (Hon. Rajwayi): You continue.

Hon. (Ms.) Akinyi: Ahsante Mheshimiwa Spika. Mheshimiwa Spika jambo lililotoka pale ni kuwa sisi tuondoke twende kwa Mheshimiwa Gavana, nikawaambia kwa uzuri kabisa tulikuwa na Mheshimiwa Sarah Nyamvula tukawaambia tumetoka pale ndani ya Jumba la sheria, na Jumba la sheria limekata kauli kuwa kile kiti kiko wazi twende tukachaguane, kwa hivyo mimi mambo ya tena tunaenda kwa Gavana jamani msiende tusipoteze, hii si sheria...

(Loud consultation)

...ndiposa Mheshimiwa Spika, mkutano haukuendelea, na mimi ndio naibu wa Mwenyekiti kama huo mkutano waliuweka mahali pengine waseme lakini mahali pale tulipokuwa sisi mkutano haukuendelea.

Mr. Speaker (Hon. Rajwayi): Hon. Members now let me just remind you on some few rules of the debate in the House; first of all I have said this, that you cannot inform an individual, you inform the House and that's why Hon. Mary is making good use of that you cannot inform me I don't want to be informed, you have to take that point of information to the House so it is important. Another thing I want to point out if you know you have any business with the name, the title Governor, I want you to leave it out now because...

(Applause)

...These particular proceedings are basically within the House, and you must not say that Governor supports, Governor does not support, there is nothing like that because infact in this House we recognise His Excellency The Governor not as the Governor alone but as the deputy party leader. So we are expecting if we have information from the party we inform the House based on the party position or the Committee position...

(Applause)

...Now I want to (??) because this is something that I have before me and third paragraph is very clear and I read,

(Mr. Speaker (Hon. Rajwayi) read)

"The women Members of the County Assembly have resolved hereby to retain Hon. Maimuna Salim Mwawasi as Leader of Minority of the County Assembly of Mombasa". I want to inform you and I want to remind us this Hon. House yesterday; this is the second time am repeating this, yesterday we passed a Motion that that seat is vacant, and when that seat is vacant we don't have any powers whatsoever to bring the same same person that was removed yesterday and you Hon. ladies of this Hon. House you have the opportunity to decide the way you want to go. I told you yesterday If you don't move with speed and do it you can even ask for three months to do whatever you want to do, or even a single minute if you fail to do it, then there was a statement that was made by Hon. Riziki Fundi which I wouldn't want to go that direction but if you are defeated to do it, someone somewhere else will do it for you. So it is within yourselves and the mover of this particular Motion, now that you have heard what the Hon. Speaker has said, can you inform this House, on another alternative or a better way on how to this...Hon. Nyamvula are you trying to contradict the position that I have said? Because i have...(??) those Hon. Members that are on their feet please, now that you are to reply can you allow Hon. Nyamvula, Hon. Nyamvula was actually cut short.

Hon. (Mrs.) Nyamvula: Thank you Mr. Speaker, today is, quite personally for me a very sad day, I feel very emotional because we will go to the history that we were almost losing this, a very good opportunity, we lobbied to get this seat of Minority. When we came here we did not even have a Chair Mr. Speaker, but through your guidance and co operation from our male colleagues Hon. Members we managed to get chairmanship for Committee, we managed to be on the bench with you as a Speaker's panel sir, we managed to get a vice deputy to the Chief Whip Hon. Priscilah Mumba, we even managed to get deputy Majority Hon. Maimuna. And for that matter, it would be very sad if we can somehow loose this, Mr. Speaker I stand with a lot of humility to you, I stand with a lot of embarrassment as a female Member but I kindly ask my colleagues, the male colleagues in this House, the female

colleagues in this House and I ask you to give us just this session we will be back, we will give you a name. Mr. Speaker, it has happened but it can be corrected, I stand with no interest and I want to make it very clear to you even to the nine female gender colleagues, I have no interest in this seat, my only interest is to see that this seat amongst those nine women Members of this Hon. Assembly, get to have that seat. Mr. Speaker kindly I beg you thank you.

Mr. Speaker (Hon. Rajwayi): I want to listen to Hon. Amur.

Hon. Amur: Thank you Mr. Speaker Sir, you are a wise Speaker, you gave a whole directive saying that if they fail we sort it out, let's give them a last chance am supporting madam Serah to give them a last chance, if they fail to give a name by Tuesday afternoon Mr. Speaker sir then some of us will volunteer to be the Minority leader Mr. Speaker.

(Laughter)

Mr. Speaker (Hon. Rajwayi): I want to believe Hon. Murfad has only one gender...

(Laughter)

Hon. Amur: It is not in the Constitution or Standing order, it is only a favour we are giving our sisters.

Mr. Speaker (Hon. Rajwayi): Its ok Hon. Amur, yes Hon. Zainab.

Hon. (Mrs.) Zainab Said: Ahsante Mheshimiwa Spika kwa kunipa hii fursa. Mheshimiwa Spika wahenga wanasema palipo na wazee hapaharibiki jambo na ningependa kumshukuru Mheshimiwa wa kutoka Mji wa Kale kwa yale matamshi aliyatoa na kusema kuwa tupewe muda. Mheshimiwa Spika kama tunavyoelewa kina mama kidogo ni wazito, ningeomba tupewe muda mpaka wiki ijayo tuweze kuleta jina, ahsante.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Jabess Oduor.

Hon. Oduor: Thank you Mr. Speaker, mine it's just that I would want to go back to our Standing orders, even in the constitution there is no a clear reserve on gender position as far as the seat of the Majority and Minority is concerned. Mr. Speaker I heard a contribution from one of the Hon. Members saying that the Members that was removed has not been proved guilty by the court of law. Mr. Speaker just behind me is a Member who has just been mentioned before his papers went to court, my brother Karisa Nzai was kicked out by the same Member who is now caught in the same predicament. Mr. Speaker I have observed this House with the time that we have had to see that we have had to see the proposal of Hon. Hudson Karume comment, in his silence this is a clear sign that he is the Minority...

(Applause)

Mr. Speaker by this House giving a chance to my brother Hudson Karume with a precedence that Mombasa County will be setting in this nation i am praying in this House is a House that time to time there's business that the Minority position is supposed to do. We cannot wait..., this Assembly cannot move without the Service Board let us make this decision and save time and give a chance to the real Minority Leader Mr. Speaker. Thank you.

Mr. Speaker (Hon. Rajwayi): Hon. Hudson Karume.

Hon. Karume: Mheshimiwa Spika ningependa kuchukua nafasi hii kushukuru kwa kunipa wakati, nashukuru pia waheshimiwa wenzangu na kawaida huwa wanasema, *muamba ngoma huvutia kwake* lakini hii leo sivutii kwangu na pia ni kwamba nafikiri jana tulipomaliza mjadala nilitoka hapa nikawaambia kwamba naenda kwa mganga wangu nihakikishe kwamba hawataelewana...

(Laughter and applause)

Mheshimiwa Spika ninaamini kwamba hata muda ukiongezwa bado hawataelewana, lakini ninawaomba mema mambo yapate kwenda vile yanastahili na angalau Mombasa Kaunti iweze kuweka historia nzuri sana kwa hii Kenya yetu. Kwa hiyo waheshimiwa kina mama nawaomba mufaulu na pia msipofaulu vita vya panzi viko hapa...

(Laughter and applause)

Mr. Speaker (Hon. Rajwayi): Yes can we hear from Hon. Patrick Siminyu.

Hon. Siminyu: Thank you Mr. Speaker as i said yesterday this matter if it was in a Committee room by our women caucus it is very clear and because it is a party issue then they need to be given more time. Mr. Speaker according to the Constitution of Kenya the two third gender rule is emphasized...

(Interruption)

Hon. Oduor: Point of correction.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Jabess.

Hon. Oduor: I stand on a point of correction; this House is a Majority ODM, which is this Minority that is talking about...

(Loud consultations)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Patrick.

Hon. Siminyu: Mr. Speaker yes we are one party but some of us behave like they belong to other parties here but matters of party are supposed to be dealt with in a separate place. Mr. Speaker i was talking of the two third gender rule that the Committee of appointing the Minority Leader is supposed to be sitting in the County Assembly Service Board of which we as Kenyans under Constitution of Kenya which state that it should be complying and we were complying with it while we had Hon. Maimuna as the Minority Leader and it will be Hon. to continue to save the place. Mr. Speaker if our ladies according to the direction that you had given yesterday the position was said to be vacant, but they were not told whether the candidate was not supposed to vie again...

(Applause)

There was no specific direction banning Hon. Maimuna Salim to be re-elected...

(Applause)

According and we have the Hansard recording here and we can go back and check on that...

Hon. (Ms.) Auma: Point of correction Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Well allow me to make this comment you have to...., just there are certain comments when you make may not be actually working for you; actually those comments may work against the same person you want to defend. So i want to believe i have discussed and i have made that clear because if you open that box, i call it a box of trying to know what is in the nitty gritty of whatever that transpired that smell you may not like and i may not accept that before this Hon. House. So let us just carry forward; how we move forward from where we are otherwise if you want to bend low and start counting the waters that is under the bridge you may find yourself in the wrong place of.. *(Inaudible)* so Hon. can you allow just Hon. Patrick to wind up then i will give you the opportunity Hon. Members...

Hon. Siminyu: Thank you Mr. Speaker for your direction, what i was trying to say our women didn't have a correct direction of which they are going to choose their leader...

(Loud Consultations)

(Laughter)

Mr. Speaker now they have gotten...

(Interruption)

Mr. Speaker (Hon. Rajwayi): What is it Hon. Ndanda.

Hon. Mohamed Ndanda: Thank you Mr. Speaker i have a point of information. I want to inform the House that yesterday when we debated the Hon. Member who is speaking was here and yesterday we talked on a number of issues that we are removing her simply because of the cases pending in the court; in fact i gave an example of Waiguru that she went aside as the investigation was on and again we talked on...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Hon. Mwabashiri is up and he needs to inform, yes Hon. Mwabashiri.

Hon. Mwabashiri: Mheshimiwa Spika Mwakilishi wa Kadzandani ni kama anaturegesha nyuma. Mheshimiwa Spika katika hili Bunge tunaheshimu uamuzi wako umeshatoa uamuzi masuala ya jana ni masuala ya kiongozi aliyekuwepo yalikuwisha sasa ni watu waende mbele mambo ya kutuelezea mambo ya jana yalikuaje? Hayo mambo Mheshimiwa Spika anaturegesha nyuma na sasa hivi umetoa hiyo agizo kwamba kina mama hawatatoa jina lengine mambo ya jana yalizungumza na Mheshimiwa Riziki kuwa ni *privilege*, jina la Mheshimiwa Hudson Karume lishatajwa ikiwa wao hawatatupa jina moja leo kwa sababu jamaa walipewa vikao viwili jana saa nane na leo saa nane ikiwa hawatatupa jina Mheshimiwa Spika Mheshimiwa Hudson yuko pale na tumpitishe kama Kiongozi wa walio Wachache. Ahsante.

(Applause)

Mr. Speaker (Hon. Rajwayi): Hon. Mohamed Madundo

Hon. Mohamed Madundo: Ahsante Mheshimiwa Spika nataka kuzungumza suala moja hapa kila mmoja anielewe nazungumza nini. Waheshimiwa wenzangu kuna mtu hata siku moja ametapika matapiko halafu akayarudia akayala...

(Loud consultations)

Sasa sisi ni kama tunayarudia matapishi...

(Applause)

Hii ngoma ishamalizika sasa Waheshimiwa wenzangu tafadhali nataka muniielewe mumeapatiwa nafasi mujichague leo mbona tena mwaleta mambo ya tenge taanani hapa ya kwenda huku na kurudi huku tena Mheshimiwa Spika nakuomba hii ngoma...

(Loud consultations)

Wapatiwe nafasi wakajipange ama sisi tuwapange. Ahsante...

(Laughter and applause)

Mr. Speaker (Hon. Rajwayi): Now Hon. Members we have two things; one can you resume your seat...?! One is that there's a prayer by one Hon. Serah Nyamvula that this Hon. House to grant the Hon. ladies one more chance to come out with a name, two...

(Applause)

...We haven't confirmed yet on the way how we determine issues; is it by putting that to question? The second is that because time has elapsed the only option that we have is now that Hon. Hudson Karume is proposed to take over as the new Leader of Minority...

(Applause)

I want us to debate on those two lines; anything contrary to that will be out of order so either you decide on the extension or you allow the second proposal. Now am going to give the first priority to the mover of this Motion...

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika kwa kunipa fursa hii tena na nimerudi kwako kuongea...

(Interruption)

Mr. Speaker (Hon. Rajwayi): What is it Hon. Duncan?

Hon. Onyango: Mheshimiwa Spika hoja hii ililetwa na mimi leo hakukuwa na hoja yeyote kwa hivyo mswada ndio mimi niliileta jana kwa hivyo ukipeana nafasi kwa mwenye mswada moja kwa moja ni mimi...

(Applause)

Mr. Speaker (Hon. Rajwayi): It is okay Hon. Duncan you know immediately...

(Laughter)

Immediately you've been factored that you are now a chick you can no longer be called an egg...

(Laughter)

Yesterday your Motion died so the one today is the one confirming the new person to occupy that particular position. Yes Hon. Prischillah.

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika kwa kunipa fursa hii tena, tunakuomba kwa kiti chako kinyenyekevu manake tulikuwako tumeenda na msimamo wa sauti ya kina mama lakini tumeona bado tuna mtafaruku katika Bunge. Ningeomba unipe muda kwa niaba ya wenzetu ambao tuko katika *Women caucus* ikiwa tutapewa muda wa hapa mpaka Jumanne tutakuwa tuna jibu mwafaka ya kuweza kuweka katika meza ya Nyumba hii. Tunaomba kwa unyenyekevu katika Nyumba hii muweze kutupa mpaka Jumanne wiki ijayo na tuweze kuleta malalamishi yetu ama ripoti ambayo itakuwa tumepata. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Caroline.

Hon. (Ms.) Auma: Mheshimiwa Spika pia mimi naungana na waheshimiwa wa mama wenzangu lakini mimi ilikuwa nasema tungepeana jina hapa hapa Mheshimiwa Nyamvula achukue na Mheshimiwa Karume tupige kura hapa Mheshimiwa Spika atakayechukua achukue...

(Consultations)

Mr. Speaker (Hon. Rajwayi): Hon. Fatuma Swaleh.

Hon. (Ms.) Fatuma Swaleh: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Mheshimiwa Spika mimi najua wewe ni Spika wa Bunge hili letu la Kaunti ya Mombasa na vile vile naamini na nina hakika umezaliwa na mama na ukalelewa na mama...

(Applause)

Mheshimiwa Spika tunakuomba kwa heshima na taadhima uweze kutupatia muda kidogo mpaka Jumanne ili tuweze kuja na jibu mwafaka. Ahsante sana Mheshimiwa Spika.

(Applause)

Mr. Speaker (Hon. Rajwayi): Now can i address the Hon. Ladies...

(Laughter)

Now ladies and gentlemen you know the prayer has been done already and moved well; the House is waiting for secondment to actually see that we can debate about it, you must not continue and you know this is a practise of the House but i had a proposal that you do it right away and come back and now is a debating affair up to Tuesday so which is which? Are you doing right now or you are doing next week as proposed by Hon. Prischillah but in the meantime are we in agreement, Hon. Nyamvula i want to believe you seconded it.

Yes Hon. Kasangamba?!

Hon. Kasangamba: Mheshimiwa Spika labda kurudi kwako maoni yaliyoletwa nafikiri yalikuwa maoni mawili kwamba kina mama wapewe muda wa kuchagua ama Mheshimiwa Karume ateuliwe iwapo kina mama wameshindwa. Mheshimiwa Spika kwa sababu ya jana tulipeana muda wa vikao viwili na ikiwa wamepewa muda huo wote wa kutosha haiwezi kuwa huu muda mchache wataweza kumchagua mtu. Mimi wazo langu Mheshimiwa Spika ningependa Waheshimiwa wa kina mama wapewe muda wa kujichagua ila sio kikao chengine tuwaruhusu watoke nje na walete majina sasa hivi...

(Applause)

Na Mheshimiwa Spika ningependa nieleweke jina halifai kuwa moja kwa sababu jana nilisema Kiongozi wa Walio Wachache ni *privilege* tuliwapa wa kina mama lakini hatooongoza wa kina mama pekee yake atatuongoza hata sisi kina baba. Kwa hiyo ni ombi langu wasilete jina moja pekee walete majina mawili kwa sababu sisi sote tunahusika katika kupiga kura na kuchagua yule Kiongozi wa Walio Wachache Mheshimiwa Spika. Mheshimiwa Spika ni lazima kieleweke wazi kwamba majina watakayo yaleta basi Bunge nzima ndio liwe litachagua nani ndio kiongozi atakaye tuongoza. Ahsante sana.

(Applause)

(Question proposed)

Mr. Speaker (Hon. Rajwayi): Now i will therefore separate two issues; one can you resume your seat, one is that the Hon. Ladies be given more time, the second one is the time frame itself, now i put to question that Hon. ladies of this House be given more time to come up with a new name to replace or occupy the vacant of the position of the Leader of the Minority.

(Question put and agreed to)

Now the second proposal that we must have is the time frame, proposal well are you going to be given one minute to come up with the name? Yes Hon. Duncan.

Hon. Onyango: Mheshimiwa Spika nataka kukubaliana na Jumba hili tukufu ya kwamba tumebakisha vikao vitatu tumalizane na mwaka wa fedha wa 2015/2016, kikao cha kwanza ni cha Jumanne ijayo, Jumatano na Alhamisi. Mheshimiwa Spika sote tunaelewa biashara zote za Nyumba hii inaendeshwa na Bodi ya *County Assembly Service Board*, ikiwa tutafika wiki ijayo bado *Service Board* haiwezi kufanya vikao kwa ajili ya Kiongozi wa Walio Wachache hayuko tunahatarisha maisha ya Jumba hili pamoja na wakaaji wa Mombasa kwa jumla manake ikiwa hatutapata muda wa kutosha wa kujadili masuala ya bajeti ambayo itawafanyia wananchi kwa jumla ndani ya Mombasa Kaunti itakuwa tumeyahatarisha maisha ya kila mkaaji wa Mombasa. Mheshimiwa Spika jana tumewapa nafasi nzuri na nafasi ikiwa vikao viwili hawakuweza kuelewana sidhani hata kama kikao kimoja ya wiki ijayo itawatosheleza kina mama kuzungumza. Mheshimiwa Spika tunaomba kwa heshima na taadhima kuchagua mwakilishi mmoja haiwezi chukua zaidi ya dakika kumi sisi tumeshaamua kama viongozi kina baba ya kwamba tunataka Mheshimiwa Karume achukue hicho kiti na ikiwa wenyewe watakuja na jina moja basi hilo jina moja itabidi tulisimamishe na Mheshimiwa Karume na tupige kura atakayeshinda ndiye atakaye kuwa Kiongozi wa Walio wachache na ikiwa hawataki kiti hichi tung'ang'anie sisi wanaume basi waje na majina mawili tupige kura atakayekuja ndiye atakayekuwa Kiongozi wa Walio Wachache manake hata sasa yule kiongozi ambaye tunayemuondoa kwa sasa hakuchaguliwa na kina mama alipigiwa kura na Jumba hili lote...

(Consultations)

Mheshimiwa Spika naomba unilinde na kama vile unavyoelewa Kiongozi wa Walio Wachache ama atakaye tuwakilisha kwa *County Assembly Service Board* hatakuwa akiwakilisha kina mama pekee yake wao katika *caucus* yao wanachaguana Mwenyekiti, Mwandishi, hatuweki waheshimiwa wanaume lakini jambo hili nataka tuhusishwe kwa sababu ya sheria ya Jumba hili ni lazima tupige kura Waheshimiwa wote ndani ya Jumba hili...

Mr. Speaker (Hon. Rajwayi): Hon. Murfad.

Hon. Amur: Mheshimiwa Spika umekuwa wazi mjadala ulioletwa hapa ulikuwa na mambo mawili tukubaliane kama Mheshimiwa Serah Nyamvula alivyosema Jumatatu sio mbali kutokea leo na Jumanne kama hawatatoa jina ama majina basi kiti hicho chaweza kuwa hata cha Mheshimiwa Amur Bwana Spika...

(Laughter and applause)

Kama watashindwa Mheshimiwa Spika kiti hiki kitakuwa wazi kwa mtu yeyote kuja kukiulizia. Ahsante Bwana Spika.

Mr. Speaker (Hon. Rajwayi): On making your submissions you have to have at the back of your mind that there's an element that has been raised by Hon. Duncan which is very important to us and remember that particular business of considering the budget estimates i think that is something we cannot do away with it. In fact Hon. Duncan thank you for bringing that in your submissions; remember it is a matter that we are guided to these specific matters and it is stated not later than 30th June that must be done and surely you as Hon. House you don't get tired re-electing and electing yourself this is not right. Actually it is not a business for us, actually i wish we get the difference or approach but now that we are next week and now am not going to give you the opportunity to postpone this because budget is

very important and i now direct the Hon. ladies you are given time to get out and bring one name here...

(Applause)

So you are exempted and have so much time as possible, not more than 30 minutes i think that is okay Hon. ladies be informed. Hon. Kasangamba resume your seat, Hon. Caroline you can either leave or not say anything...

(Hon. Female MCAs exited the Chamber)

Hon. Kondo you don't have a long dress...

(Laughter)

Yes Hon. Kondo in the meantime, Clerk...

(Interruption)

Yes Hon. Kondo.

Hon. Ibrahim Kondo: Ahsante sana Mheshimiwa Spika kwa heshima yako kama kiongozi wa Bunge hili vile vile nampongeza ndugu yangu Mheshimiwa Duncan kwa kuleta suala la bajeti kwa sababu lilikuwa limemkalia rohoni isitoshe nimemuangalilia mafuta hapo kwa sababu gari pia halina mafuta na nimeona litaleta changa moto mpaka wiki ijayo ndio ikabidi asimame aongee masuala hayo Mheshimiwa Spika. Kwa hivyo naliunga mkono suala la bajeti na niko nyuma ya Mheshimiwa Duncan ili tuweze kuhakikisha bajeti tumeipitisha. Ahsante sana Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mwabashiri.

Hon. Mwabashiri: Mheshimiwa Spika mimi nataka kujua je Mheshimiwa wa Kipevu yuko sawa kusema kuwa amempa Mheshimiwa Duncan pesa yangu kwa kuwa ameichukua kwangu...

(Laughter)

Mr. Speaker (Hon. Rajwayi): I may not know the truth.

(Laughter)

Even the business that was being transacted we may not tell otherwise we allow the Clerk to proceed.

PAPER

Hon. Ahmed Ebrahim Omar.

Chief Whip (Hon. Ahmed Ebrahim): Mheshimiwa Spika nimesimama kulingana na ile ripoti mwelekeo wa chama kuhusu Kiongozi wa Walio Wengi kwenye Bunge hili. Bwana Spika nikinukuu katika *Standing Order* namba 15 na natumai barua ile uliipata kwa ofisi yako na pia vile vile nilipokupa mwelekeo wa ile Kamati ya *Ad hoc* uliotengeneza na ukapewa kwa pamoja. Kwa hiyo Mheshimiwa Spika mimi sitosema mengi bali kukupa pongezi kwa kufanya taarifa yako juu ya jambo la Kiongozi wa Walio Bungeni na ningependa kumpa pongezi kiongozi wetu wa walio wengi Mheshimiwa Hamisi Mwidani na natumai katika kazi yake atawajibika ipasavyo...

(Applause)

Mr. Speaker (Hon. Rajwayi): Hon. Duncan.

Hon. Onyango: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika ningeomba ufafanuzi kidogo tu kutokana na ripoti ya *Ad hoc* ambayo uliisoma hapo awali kama sijasahau na ningeomba niweze kuielewa zaidi hii iliongelelea mambo ya *replacement* na mwenzangu aliyezungumza sasa hivi Kiranja wa Bunge ametaja *Standing Order 15* ambayo inaongelelea mambo ya kura. Katika kanuni za Bunge namba 15 aliyoitaja inasema, *parliamentary group shall elect*, kama sijakosea nafikiri ukisoma utaipata lakini barua ulioletewa ulioisoma hapo awali imesema *Ad hoc* iliokaa chini na barua ikaletwa na Bwana Kiranja wa Bunge wamefanya mabadiliko na twaomba kwa heshima na taadhima kwenye kiti chako utupe ufafanuzi. Ahsante.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ibrahim Kondo.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika kizungu kilikuja na wenyewe na kuna mambo ambayo yanaingililiana katika matamshi fulani japokuwa neno lile linasimamia kitu kimoja. Kwa hivyo kupitia kwa kiti chako ningelipenda ndugu yangu Mheshimiwa wa Mikindani nitakaa naye baada ya hiki kikao nimuelezee vizuri na tutafakari haya maneno mawili. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Riziki.

Hon. Fundi: Ahsante sana Mheshimiwa Spika kama alivyotangulia kusema Mheshimiwa mwenzangu Duncan kwamba Mheshimiwa Omar Meti ambaye ndiye Kiranja wa Bunge hili ametugusia kuhusu kanuni za Bunge namba 15; Kanuni za Bunge namba 15 inazungumzia kuhusu kura ya Kiongozi wa Walio Wengi Bungeni na Kiongozi wa Walio Wachache Bungeni na mimi nina uhakika kabisa katika kura yeyote katika demokrasia kuna yule anapiga kura kukubali ama yule ambaye anapiga kura kutokubali na maoni ya hawa watu wawili huwa yote yanawekwa katika ripoti ili aweze kuweka ripoti yake ndani ya Bunge au mahali popote. Mheshimiwa Spika ikiwa kweli uchaguzi ulifanyika na akapatiwa ruhusa Mheshimiwa Meti kutuletea uchaguzi katika Bunge hili ningependa ripoti hiyo itueleze wale ambao walipiga kura kwa huyo na wale ambao walipiga kura kumpinga na kama hiyo haikuweko basi huo utakuwa sio uchaguzi ni uteuzi na uteuzi haukubaliki kabisa katika kanuni za Bunge namba 15. Mheshimiwa Spika ukiangalia vizuri kanuni za Bunge nambari 15 inazungumza kwamba wanachama wa Chama cha kisiasa ama muungano wa vyama yaani *coalition party* katika Bunge itamchagua Kiongozi wa Walio Wengi na Kiongozi wa Walio Wachache na inaendelea kusema kuwa wakati mmoja wao anatolewa pia anatolewa kupitia upigaji wa kura, na baada ya upigaji wa kura anapatiwa taarifa yule ambaye ni Kiranja wa Bunge ambaye analetewa ndani ya Bunge.

Kwa hiyo Mheshimiwa Spika langu ni swali kwa sababu ripoti hiyo mimi sina na haiko mikononi mwangu ningependa kupitia kwako, wangapi walimpigia aliyechaguliwa kama Kiongozi wa Walio Wengi na wangapi hawakumpigia? Kwa sababu nina imani hakuna majina 43 karatasi hiyo ya wanachama wa chama cha ODM ambao ni Wawakilishi wa Bunge la Kaunti kwa sababu mimi binafsi sikuitwa katika mkutano huo, sikupewa nafasi ya kuweza kuchagua na pia baada ya uchaguzi kufanyika kama ulifanyika hatukupawa ripoti na ripoti hiyo leo inaletwa Bunge. Mheshimiwa Spika hili ni Jumba la sheria na ikiwa tunataka tufuate sheria lazima tukubali pale inapo tupendelea tuikubali na inapokwenda kinyume nasi pia tuikubali. Hivyo basi katika demokrasia wale walio wengi wanapata haki yao na walio wachache wanapewa haki zao na ndio maana katika Bunge hili tunarekodi ya *Hansard* ya kuonyesha kwamba ikiwa kuna hoja yeyote kunao watu ambao wanakubali hoja na kunao ambao hawakubali hoja.

Mheshimiwa Spika kwa heshima na taadhima tungependa utusomee katika hiyo karatasi ama katika uamuzi ambao uko nao tuelezewe ni wangapi walimpigia Mheshimiwa Hamisi Mwidani na wangapi ambao hawakumpigia kwa sababu ilikuwa ni haki ya kidemokrasia kila mmoja apewe haki ili kutekeleza haki yake kidemokrasia kwa kupiga kura. Mheshimiwa Spika kura si jambo la mchezo kura ni jambo ambalo sisi kama waheshimiwa tunalipigia kelele mpaka leo; Kenya iko katika *statute* kwa sababu jukumu ambalo tulipewa kwa usimamizi wa upigaji kura liko katika mikono ya watu ambao hawastahili kuwa katika jopo hilo. Ndio maana leo nchi tukawa na maandamano kila mahali na mwisho ikabidi walio kwenye serikali na walio nje wakikubaliana kwamba waweze kukaa chini waweze kuangalia nini kitaweza kurekebishwa ili tuwe na uchaguzi ambao ni wa haki na wa usawa. Mheshimiwa Spika uchaguzi sio kuchagua pekee yake, tunataka uchaguzi ambao unakuwa wazi, unakuwa una uaminifu ili yule ambaye atapewa kile kiti akae katika kile kiti kwa amani sisi sote....

(*Interruption*)

Mr. Speaker (Hon. Rajwayi): You have like 45 seconds.

Hon. Fundi: Mheshimiwa Spika kwa hivyo mimi naomba kwa heshima kubwa sana tusomewe wale ambao walikubaliana na wale ambao hawakukabiliana lakini kama hawako wale ambao hawakukubali basi itakuwa hiyo si uchaguzi bali ilikuwa ni uteuzi na sheria zetu za Bunge nambari 15 haizungumzi mambo ya uteuzi inazungumzia mambo ya uchaguzi. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Patrick Siminyu Muriuki.

Hon. Siminyu: Thank you Mr. Speaker. Mr. Speaker the communication of the party has been made by the Chief Whip and that is the way things are supposed to be done and your Chair is to communicate to the House the desire of the party and the desired of the party is Hon. Hamisi Mwidani to be the New Majority Leader and if you don't avail yourself in the party meeting due to your own reasons that is not the concern of the party and you have a letter from the party on the table expressing the wishes of the party. Mr. Speaker when you are selected as the Majority Leader of a party you should talk towards the party and if the party feels that you are not working for the party it has a right not to call you, these arguments which have been brought here; side shows which have been brought here are not supposed to be entertained. Mr. Speaker what you have is the position of the party and i beg you to control. Thank you Mr. Speaker Sir.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Jabess Oduor.

Hon. Oduor: Thank you Mr. Speaker the precedence that this Assembly; which is the first County Government Assembly in Mombasa is setting will determine a lot of things. Mr. Speaker I'm happy that the Standing Orders that we have has Standing Order number 15 which talks about the Leader of Majority; first of all i want to point out several things raised by my Hon. brother here, wishes of the party, desire of the party, to talk to the party and to change. Mr. Speaker these words do not appear anywhere in Standing Order Number 15; the election, that the Leader of Majority is elected does not get changed by the wishes of the party. Mr. Speaker Sir these are International best practises of all the Assemblies in the world, what is in Standing Order Number 15 the largest party or coalition party in the County Assembly shall elect a Member of County Assembly belonging to the party to be the Leader of the Majority. Mr. Speaker i want to come back to the word elect, the word elect internationally means an election and a practise of every election. Mr. Speaker in this House they are elected Members not Members brought by the wishes. Members when there's an election there's a procedure to be followed, there's a date, there's a time, there's a venue, they are presiding officers for an election Mr. Speaker Sir and they are rules of conveying an election. I am surprised our parliamentarians here Mr. Speaker did an election here without the knowledge of a majority of us in this Assembly! I wish to know where this election was done; what time, when? Was there a notice of an election? even then Mr. Speaker the Committees we have in the market, the *barazas* we have in the market give notice for an election, how can Hon. Members constitutionally mandated do an election without even minutes, even notice and even venue of the election.

Mr. Speaker with me here is a letter of the Mombasa County Assembly Parliamentary Group (the PG); the PG of the Mombasa County Assembly sat on the 9th of June, 2016 and at about 1300hrs, did an election i have minutes done and confirmed Hon. Abdallah Kasangamba as the Leader of the Majority...

(Applause)

Mr. Speaker this letter we forwarded to the Chief Whip the following day and as far as am concerned i hear he refused to bring it before this House and chose to bring a letter from the branch. Mr. Speaker this letter has a stamp received by your office, has signatures and Identity card numbers of all the voters and minutes of the election and time, venue and date and even minutes as required. Mr. Speaker today i would wish to know if the Majority Leader will be elected by a wish or somebody outside....

(Interruption)

Mr. Speaker (Hon. Rajwayi): Hon. Jabess your time is almost up so you need to wind up.

Hon. Oduor: Mr. Speaker it is the parliamentarians according to the Standing Order Number 15 that elects the Leader of Majority. Mr. Speaker as i finalise the name of the wish that has been brought by my brother and my *Mzee* i respect very much Hon. Hamisi Musa is the current Chair of Finance Committee...

(Applause)

According to the same Standing Order Mr. Speaker you cannot become the Leader of Majority while you hold the Chairmanship of the Committee of Finance...

(Applause)

So i am not sure...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Hon. Jabess thank you, yes Hon. Murfad.

Hon. Amur: Mr. Speaker my learned friend is supposed to be a lawyer not an MCA...

(Laughter and applause)

I want him to tell us who organized the meeting at Palm Tree because as a Member of ODM i didn't receive any message nor notification, who sponsored it, was it the party ODM as compared to the one which you read...

(Applause)

...and the signatures that you have obvious these were the ones which were not sponsored by the party, it was sponsored by the individual but not the party Mr. Speaker...

(Applause)

I am a Member of ODM i did not receive any notice nor short message service (sms) so am not part of that election too. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Well if you try to be very straight and precise like Hon. Amur Murfad you will not waste your time because like i promised you, you will all be given time to give out your submissions so you must make sure that you have your facts ready.

The issue of contributing to the Chief Whip that is no more that's way what you contributing because you may not get that opportunity to contribute so Hon. we have Hon. the Deputy Speaker...

Deputy Speaker (Hon. Mswabah Rashid): Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika hapa kuna mambo mawili nataka kuongea; ikiwa kengele ya uchaguzi ikishapigwa basi wale wanachama waliokuweco ndio watapiga kura kama wewe wakati wa kura umeamua hutakuja basi ni wewe mwenyewe umejipa ruhusa ya kutopiga kura. Kwa hiyo Mheshimiwa Spika kura ilipigwa na Mheshimiwa Mwidani ndio aliyechaguliwa. Nikiongelelea Mheshimiwa Spika kuwa Mheshimiwa Jabess amezungumza wao walipiga kura; huwezi kupiga kura kumchagua mtu ambaye yuko tayari basi sijui wao walipiga kura kumchagua nani? Kwa sababu alikuwa Kiongozi tayari huwezi kumpigia kura kumchagua Kiongozi...

(Applause)

Kwa hiyo Mheshimiwa Jabess sijui alikuwa amempigia kura nani?

Mr. Speaker (Hon. Rajwayi): Can you resume your seat, get hold of yourself you will be given an opportunity to say what you want to say, yes allow Hon. Mswabah to continue...

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Kiongozi wa Walio Wengi Bungeni alikuwa yuko, sasa sijui walikuwa wanapiga kura ya kumchagua tena, sasa hii sielewi lakini hii ilikuwa haiwezekani kura ya kupiga ya kumuondoa ndio kura ambayo imepigwa lakini hauwezi kupiga kura ya kumuacha kwa kiti hata sijui sielewi mimi...

(Laughter and applause)

Lakini mimi najua kuna chama na chama kina Kiranja wa Bunge ambaye anahusika na mambo ya chama...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Can you allow...

(Loud consultations)

Hon. Paul Oswago Onje, Hon. Members those are not consultations...

Hon. Onje: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi nashangaa sana hapa na waheshimiwa wenzangu ambao wanaongea kuhusu kura ya yule Mheshimiwa ikiwa tunasema ni lazima Spika au Kiongozi wa Walio Wengi iwe amefanya kosa fulani ama alikuwa hawezi kazi yake ndio maana sisi tunafanya uchakuzi. Mimi nataka kujua Mheshimiwa Spika kama kuna stakabadhi yeyote ambayo umeletewa ya kwamba Mheshimiwa Kiongozi wa Walio Wengi Bungeni ambaye tuko naye sasa; Mheshimiwa Abdallah Kasangamba alishindwa na kazi yake...

(Applause)

Ikiwa tunataka tufuate sheria hatuwezi kudhulumu mwenzetu na ilhali hana makosa ya kutaka kumtoa yeye tunaweka mwengine; huyu ni mwenzetu na sisi ni ODM na hatuwezi tukambagua mwenzetu, nashangaa na waheshimiwa ambao wanasema kwamba chama ilikaa, ikiwa chama ilikaa chini yeye anakaa hapa kama nani? Kwa sababu sisi sote tumeletwa na ODM na wengine wanajisahau wanasema chama ilikaa hiyo chama ilikaa wapi? Na yeye kwanza ni chama, lengine Mheshimiwa Spika itabidi tutengeneze pesa nyingi ya kupeleka waheshimiwa kwa mafunzo...

(Laughter and applause)

Tunasoma kiingereza hapa Bwana Spika uchaguzi wa Kiongozi wa Walio Wengi Bungeni na Kiongozi wa Walio Wachache Bungeni unapata Mheshimiwa anasoma lakini kuelewa maana yake hajui. Kwa hiyo hii Nyumba ya sheria mtu akisimama kuongea aongee ukweli na aseme ukweli Mheshimiwa Spika, uchaguzi ambao wametambia wameifanya hiyo hatujui hichi kitu, Mheshimiwa Jabess ameingia hapa sisi sote tulikuwa hata huyo Mheshimiwa Hamisi Mwidani alikuwa na akapiga kura...

(Applause)

Na ndio yeye tulikaa pia tukakaa tukaelewana atakuwa Mwenyekiti wa Kamati ya Fedha akachukua...

(Laughter and applause)

Baadae Mheshimiwa Spika aliposikia kuna cheo cha Kiongozi wa Walio Wengi Bungeni akaona Kamati ya Fedha ni kidogo kwake...

(Laughter and applause)

Mheshimiwa Spika mimi sitaki kuwe na sintofahamu kwa hii Nyumba mimi namuheshimu sana Mheshimiwa Hamisi Mwidani; yeye ni mzee na anafaa atupatie muongozo amekaa kwenye hii Nyumba hivi sasa miaka 20 yeye anafaa atupatie mfano mzuri juu huyu ni kama kijana wake. Mimi nasema Mheshimiwa Spika bado unaendelea na uchaguzi hakuna, ikiwa hakuna turudi tujue uchaguzi gani uko na watuletee stakabadhi ya kusema kwamba Kiongozi wa Walio Wengi Bungeni ana makosa na kwa saa hii Kiongozi wa Walio Wengi Bungeni wetu Mheshimiwa Spika ni Mheshimiwa Abdallah Kasangamba. Ahsante sana.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ibrahim Kondo.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mwanzo kabisa tuongee katiba inavyosema na sheria za vyama zinavyosema. Mheshimiwa Spika hili swala halijaanza Mombasa Kaunti, hili swlaa limekuwa hata Jumba kuu ambalo ni Bunge kuu kupitia kwa vyama tofauti tofauti. Mheshimiwa Spika tufahamikieni wazi ikiwa Nyumba hii ukiwa Kiongozi wa Walio Wengi Bungeni lazima uende na Mr.engo wa chama unavyosema...

(Applause)

Mheshimiwa Spika tuna bahati kama Mombasa Kaunti kuwa na Naibu Mwenyekiti wa Chama Kenya nzima ambaye si mwengine ila Gavana mwenye Jimbo hili. Mheshimiwa Spika tumekuwa na mtafaruku tofauti tofauti kutokana na kiti hicho na waheshimiwa wote

wako hapa waliitwa mbele ya Naibu Mwenyekiti wa Chama na kuna watu kupitia kwa uongozi huu wa chama ikiwa ni sheria kufuatwa wameenda kinyume na kanuni za chama na chama kina haki ya kuandika barua Mheshimiwa Spika...

(Applause)

Tukienda katika Jimbo la Bonde la Ufa kuna waheshimiwa 12 waliweza kutolewa katika nyadhifa zao kupitia kwa chama chao...

(Applause)

Mheshimiwa Spika juzi katika Jimbo la Kilifi zaidi ya waheshimiwa sita walikwenda kinyume na chama...

(Applause)

...na chama kikasimama kidete na kuwatoa nyadhifa zote katika Bunge.

Kwa hivyo Mheshimiwa Spika mimi nataka hili swala lifahamike...

(Interruption)

Hon. Onyango: Mr. Speaker allow me on a Point of order.

Hon. Ibrahim Kondo: Chama imetoa uamuzi wake...

(Applause)

...ndugu yetu Mheshimiwa Mung'aro ameenda kinyume na Chama Mheshimiwa Spika...

(Interruption)

Hon. Onyango: Mr. Speaker allow me on a Point of order.

Hon. Ibrahim Kondo: ...Na alipotolewa hatukuona Bunge kupiga kura Mheshimiwa Spika...

Hon. Onyango: Mr. Speaker allow me on a Point of order.

Hon. Ibrahim Kondo: Mheshimiwa Spika huyo tu na Machakos Kiongozi wa Walio Wengi Bunge alitolewa na chama Spika hatukuona Wanachama kupiga kura Mheshimiwa Spika...

(Applause)

Mheshimiwa Spika hili swala si geni lisiwe kitendawili hapa; ningelipenda kupitia kwa kiti chako hapo Mheshimiwa wa Kongowea ameanza kufanya hila ambayo chama hakitakubali...

(Applause)

Mheshimiwa Spika barua alizoleta tunataka kuangalia zilipita kwa mkono wa chama cha ODM Mombasa...

(Applause)

Ama ametengeneza zake ambazo hazistahili kupitia katika chama Mheshimiwa Spika, hizo barua alizo nazo ningependa zije mbele yako, zipelekwe kwa chama cha ODM na Naibu wa Mwenyekiti wa Chama hichi aweze kukagua...

(Applause)

Aweze kujua ni nani aliyetuma stakabadhi hizi ikiwa Naibu wa Mwenyekiti kwa Chama mwenyewe hajui. Mheshimiwa Spika mimi naongea kwa machungu kwa sababu kuna baadhi ya wafuasi ambao wanatembea na vyama pinzani ambavyo wanampinga Gavana...

(Applause)

Na ikiwa wanataka kuleta masuala ya chama ni chama chenyewe lazima kisimame kidete na kilete barua ile Mheshimiwa Spika mimi nasema na sitaogopa...

(Applause)

Wale ambao wanasimama kumpinga Gavana wako katika Mr.engo mwengine tofauti...

(Applause)

Na kupitia uongozi wa chama tutatoa barua...

(Applause)

...ya kuhakikisha wote watakaopinga chama watolewe katika chama...

(Applause)

Mheshimiwa Spika tunataka kujua hizo stakabadhi kama ni za chama kwa sababu hiyo ni kumdhalilisha *Party Leader* kutengeza barua vichochoroni kuzileta katika Jumba hili ambapo hazistahili kabisa Mheshimiwa Spika...

(Applause)

Ningeliomba nakala hiyo ifikishwe kwa mikono yako ikiwa chama chenyewe kina Mwenyekiti Mombasa na hajui lolote kupitia kwa chama, kuna *Secretary* ambaye yuko kwa ofisi hizi na hawajui barua hizi amezitoa wapi? Leo mpaka atuambie barua hizi amezitoa wapi? Huku ni kuleta mgongano....

(Applause)

Ningeomba Mheshimiwa Spika uitishe barua hiyo mara moja iangaliwe imesainiwa na nani? Na imetoka kwa ofisi ya nani? Na ifuatilizwe, hizi ni njama na hujma anazotumia Jabess kupitia kwa serikali ya Jubilee kuvuruga Kaunti hii ya Mombasa...

(Applause)

Mheshimiwa Spika, ahsante.

Mr. Speaker (Hon. Rajwayi): Hon. Karisa Munyika Nzai.

Hon. Nzai: Ahsante sana Mheshimiwa Spika kwa kunipatia fursa hii. Mheshimiwa Spika nataka nichukue fursa hii kidogo sitatumia muda mwingi; nashukuru kwa kazi walioifanya ndani ya miaka mitatu tuna kazi ya kufanya na Mombasa inaona na inaona jinsi tulivyosimama kwa uongozi tuliokuwa nao hata sioni kama kuna mtu yuko kwa chama chengine....

(Applause)

...Sisi ni wanachama wa ODM na Mheshimiwa Spika nataka kuwaambiwa waheshimiwa kwamba hatuna wakati wa kuja kulumbana; kuna wakati wa kujadili mambo ambayo yako mbele yetu ambayo yanawahusu watu wa Mombasa Kaunti....

(Applause)

Vyeo tulivyo navyo, vyeo tulivyopewa ni vya kuwafanyia wananchi...

(Applause)

...Na Mheshimiwa Spika tukiwa katika Mr.engo wa ODM kuna kanuni, kuna mikakati, kuna mipango ambayo imewekwa katika mji huu na Mheshimiwa nataka kuwakumbusha waheshimiwa wenzangu tunangojewa pale nje, tunangojewa kule nje kwenda kuulizwa maswali, kwenda kujibu maswali, tusidanganayane, nataka kila mmoja kila Mheshimiwa ambae yuko hapa moyo wake anajua mwelekeo wa chama ulivyoamua....

(Applause)

Sio kiongozi wa kutoka mahali fulani, lakini nataka kuwakumbusha wenzangu, waswahili wasema, *ukimchokoza mbwa atajua wamtafuta.....*

(Applause)

...Manake sote tunajua hapa kwamba mwelekeo wa chama, hata tukija hapa tunajua, tunaweza kuwa hatuna makaratasi na kwa sababu haijabainika wazi lakini imejulikana kwamba tunajua kwamba Kiongozi wa Walio Wengi ni Hamisi Musa Mwidani....

(Applause)

(Loud consultations)

Hivyo ni kwamba kila mwanachama wa ODM ana haki zake za kuwasilisha maswala anayoyataka, lakini piga mbwa umpige mwenye mbwa...

(Applause)

Ni mda mdogo ambao tuko nao na tunataka tusimame kama kitu kimoja tusimame kama wanachama wa ODM twende tuwakilishe chama hichi kisije kikabadilishwa Mombasa, tunae Mheshimiwa wetu Gavana Hassan Ali Joho anaetaka kuwa Rais 2022...

(Applause)

Tunatakiwa kuweka mifano ambayo kwamba 2022 Ali Hassan Joho anastahili kuwa Gavana wa Mombasa, kwa hivyo chaguo ni lako ni sisi tuweke mifano mizuri...

(Applause)

Waheshimiwa wenzangu si jambo la kwamba tulumbane, tuchukue mda Mr. efu kutoka saa nane , wadada wenzetu waheshimiwa ambao wameambiwa nendeni muchague watumie mda mfupi twende tumalize *agenda* hii tuweze kufanya mengine Bwana Spika, asante kwa mda...

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mwabashiri.

Hon. Mwabashiri: Ahsante Bwana Spika kwa kunipa nafasi hii, hapa hakuna jambo gumu, mimi ukiniuliza katika Hamisi Musa na Kasangamba, Hamisi Musa ni rafiki yangu zaidi lakini hatutaki mume leo alafu kesho mumuandikie barua mumtoe. Ndio maana tunataka uongozi kutoka kwako kwa sababu kanuni za Bunge zinasema kwamba wanachama walioko katika Bunge ambao ni sisi tuchague Kiongozi wa Walio Wengi hakuna shida, ikiwa sisi tutakubalina Hamisi Musa anafaa tunamchagua, lakini Mwanachama mwengine kule nje, mtu wa kule nje wa ODM atuandikie sisi barua kuwa tunataka Mwanachama fulani, hiyo si sawa sababu...

Hon. Ibrahim Kondo: Point of clarification Mr. Speaker!

Hon. Mwabashiri: Katiba imezungumza na *Standing order* zetu zimezungumza kuwa wanachama wa ODM walioko ndnai ya Nyumba watachagua Kiongozi wa Walio Wengi, wanachama walio wachache ndani ya Bunge watachagua kiongozi wa Walio Wachache.

Kwa hivyo Mheshimiwa Spika na hata wakati wengine...

Hon. Ibrahim Kondo: Point of Clarification?

Mr. Speaker (Hon. Rajwayi): Just a minute I reminded the House a few minutes ago that this is the only debate that I am not going to allow any interruptions, if you have any point then transfer it to another person who has not contributed to give it....

Hon. Ibrahim Kondo: Mr. Speaker...

Mr. Speaker (Hon. Rajwayi): Give it to another person Hon. Kondo, you are among the Hon. Members who I have given most time so transfer that, Hon. Mwabashiri continue...

Hon. Mwabashiri: Nilikuwa naendelea Bwana Spika; hatusemi hivi kujenga chuki ati kuwa watu fulani hawamtaki Hamisi Musa ama wanampinga Gavana hakuna anaempinga Gavana hapa, sote ni wanachama wa ODM tulifanya kampeni pamoja tumeingia pamoja na hii kandarasi tumepewa mpaka 2017 ambapo uchaguzi utafanyika. Kwa hio wakati huo ikiwa mtu atakwenda chama chengine basi ni wakati huo lakini kwa sasa Bunge hili Mheshimiwa Spika kati ya watu 45 ambapo sasa tuko 43 wote ni wanachama wa ODM, hakuna mtu ambae ni mwanachama wa chama chengine Bwana Spika na kama yuko basi wewe ungejua na kiti hiki cha walio wachache wala hatungepiga kura kuwapa kina mama.....

(Applause)

...Lakini kwa vile hakuna Mheshimiwa Spika ndio tukasema tuwape kina mama wachague mtu mmoja kwa hivyo hili nataka kuliweka wazi tusifanye jazba tusionekana kuwa twaongea sana ama twampenda Gavana, tusidanganyane huu ndio ukweli kwa sababu hata mimi iutakumbuka mimi ndio nilikua kiongozi wa kwanza wa Walio Wengi katika Bunge hili wala Kasangamba sio wa kwanza, nitakua kwenye historia kuwa Mwabashiri ndie kiongozi wa kwanza wa Wali Wengi katika mji huu, na mimi nilitolewa kwa kupiga kura...

(Applause)

...Kwa hivyo Mheshimiwa Spika sisi tunataka hivyo hivyo hata Kasangamba pia ikiwa kiongozi wa chama mimi hakuniita basi amewaita Walio Wengi, Naibu kiongozi wa chama amesema tumchague Hamisi Musa mimi sina shida hiyo Bwana Spika ni sisi tukae kwenye Bunge tupige kura tumchague Hamisi Musa kama Kiongozi wa Walio Wengi...

(Applause)

...Kwa sababu kanuni za Bunge ndivyo zinavyozungumza ikiwa tutaenda hivi hivi kienyeji enyeji tutakuja kuambiwa kuwa Bunge hili ni Bunge ambalo halifuati kanuni zake kwa sababu kanuni za Bunge imeeleza wazi Wanachama Walio wengi katika Bunge ndio

watakaochagua Kiongozi wa Walio Wengi na *Standing order* inasema; 15(4) inasema kuwa kumuondoa Kiongozi wa Walio Wengi ni lazima mumchague kwanza kama *Standing order* 15(1) inazungumza kuwa Kiongozi wa Walio Wengi atachaguliwa na wale viongozi wale wabunge walio wengi katika Bunge. Kwa hivyo Mheshimiwa Spika mimi sioni shida na hapa mimi nasema sisi wengine tunataka kuleta shida, hapa kuna shida; hili jambo liko wazi ni sisi Wanachama tukae mahali kwa sababu orodha zote mbili wanazodai wengine kuwa hii ilifanyika hii haikufanyika kwa sababu notisi hiyo ilitolewa wapi, tuseme kweli sote tumefunga tusemeni haki ya Mungu, notisi hiyo imetolewa wapi ya kumchagua ama kumuondoa Kiongozi wa Walio Wengi, kama haikufanyika tupewe nafasi sisi sio eti twaomba siku mbili tatu hata sasa hivi ngoma twaipiga sasa hivi kama ni Hamisi Musa akipewa...

(Applause)

...Kama ni yeye basi ataenda kwa ofisi yake akae, hata kesho aapishwe hata mkutano wa bodi aitishwe kesho. Ahsante, Bwana Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Lucy Chizi?

Hon. (Ms.) Chireri: Ahsante Mheshimiwa Spika, mimi ningependa kukupa pongezi tukiangalia maombi, *communication from the Chair* kwa kumtambua Hamisi Musa kama Kiongozi wa Walio Wengi, nakupa pongezi sana. Mheshimiwa Spika sielewi Bunge letu tunaelekea wapi, haya yote ambayo tunayafanya tunajua tulipotoka lakini tunapokwenda hatujui; haya yote sio masarakasi yalioko hapa katika Bunge tunahujumu maendeleo ya wananchi, mwananchi chini mashinani anatarajia maendeleo, leo hii kwa huzuni tumekuja hapa tunalumbana huku na huku bila kupata mwelekeo. Mheshimiwa Spika nina kuamini sana na nina kuheshimu; kitu ambacho nakuomba Nyumba hii ni yako ipatie mwelekeo mwafaka mimi niko kwako, Nyumba hii usipoipa mwelekeo basi tutakuja tukilumbana hapa kisha tukienda tukirudi na hakutakua na suluhisho lolote.

Mheshimiwa Spika nikiongea kama mama mimi nimechaguliwa lakini naona wanaume sasa wanataka wadhalilishe uongozi wa kina mama hapa; hamuwezi kwenda vile munataka munatulazimisha vile ambavyo munataka lakini sisi kina mama tulikua tumewaambia mtupatie mda, tunashukuru tumeenda na mwenye kutoa lile jawabu atatoa lakini mimi nawasihi Waheshimiwa wanaume musitudhalilishe sisi kina mama tuna haki yetu na ni lazima kama ni Kiongozi wa Walio Wachache Bungeni tupewe sisi kina mama pia tusikie, hiyo naomba tupatie mwelekeo. Hii ni aibu sisi tunafanya kama ni ODM mimi naunga mkono chama cha ODM, nimeletwa hapa na ODM na naibu kiongozi wa chama, Raila Odinga ninamheshimu sana lakini vile ambavyo tunaenda tunavunja heshima ya chama, Waheshimiwa kama uko katika ODM ni lazima uheshimu chama cha ODM. Mheshimiwa mmoja hapa anasema hatambui wale wa nje tunatambua Mwenyekiti wetu wa ODM na chama kikileta hoja yake Bungeni ni lazima tuheshimu tusidharau, ukileta dharau ndio sisi tutasema wewe umepata chama chako, mdogo mdogo toka na tunakuruhusu utoke usituvunjie chama chetu cha ODM tunakiheshimu sana usituvunjie, mashinani watu wanakiheshimu sana chama cha ODM. Kwa hio nasema yale ambayo tunayafanya hapa tunabomoa nyumba yetu wenyewe kwa hivyo tuwe na mwelekeo ambao utatusaidia hatutaharibikiwa, ahsante sana.

Mr. Speaker (Hon. Rajwayi): Hon. Nasser.

Hon. Nasser Rashid: Ahsante sana Bwana Spika, mimi naamini sio lazima maoni yafanane, hili ni Jumba kuu, Nyumba ambayo ina heshima lazima maoni yawe tofauti na kama mtu maoni yake yako tofauti sio adui wako...

(Applause)

Mheshimiwa Spika, nimesikia majina watu wanaita Jubilee hapa, nimesikia majina Mheshimiwa mwenzangu ambae anaitwa Ibrahim Kondo Kalulu...

(Laughter)

...lakini hatuwezi kutumia hilo jina kwa sababu yeye najua ni ODM Mheshimiwa Spika, kwa jina kuita wenzako Jubilee ama Wiper nafikiri hiyo itakua Ibrahim Kondo

amekosea Mheshimiwa Spika na Waheshimiwa kina mama wakati tutakua tofauti ya kuelewana kina mama ndio wataingilia lakini kwenye *allowance* twapata sawa sawa, hakuna mahali Mheshimiwa wa kike anasema nipunguzie hapa kidogo....

(Laughter)

(Applause)

...Kwa hivyo sote ni Waheshimiwa na kina mama tujue sote viongozi na hoja twapambana kama viongozi, kina mama hakuna mambo ya kina mama, ahsante.

(Laughter)

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Madundo.

Hon. Mohamed Madundo: Ahsante Mheshimiwa Spika, kuna msembo mmoja unasema, *kitanda ni ndugu* inamaanisha hivi, wakati kama kuna jambo lolote ambalo limekuwa na uzito mtu hupatiwa nafasi akaambiwa aende alale ili afikirie asifanye jambo ambalo tena lingelela madhara. Sisi sote ni ODM, sisi sote ni ndugu na mimi nazungumza kama MCA wa kutoka Likoni, mimi nataka unielewe vizuri vile nazungumza, Abdallah Kasangamba ametoka Likoni, Hamisi Musa ametoka Likoni. Waheshimiwa wenzangu umefika mahali ambapo ni mahali pabaya, mimi ningeomba Bunge hili kama sisi watu wa Likoni pamoja *Kobelo* na Hamisi Musa, Tinga na Mheshimiwa Boma tupatiwe nafasi tukae sisi kama watu wa Likoni ili hii kazi iwe rahisi.....

(Loud consultations)

...Spika ndie atatoa uamuzi, kama ni kura zitapigwa, mimi siwezi kusema lakini nilikua naomba tuachiwe nafasi sisi watu wa Likoni tukae tuzungumze maana sisi Likoni mwatuletea vita, ahsante Mheshimiwa Spika.....

(Loud consultations)

Mr. Speaker (Hon. Rajwayi): Hon. Nyamvula?

Hon. (Mrs.) Nyamvula: Thank you very much Mr. Speaker. I stand to add my voice on this debate, Mr. Speaker and Hon. Members why do we have structures? Mr. Speaker in every organisation that exists, whether it's politically or otherwise we have structures....

(Loud consultations)

...Mr. Speaker I need your protection.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Members can you allow Hon. Nyamvula to make her submissions...

Hon. (Mrs.) Nyamvula: Thank you Mr. Speaker. Mr. Speaker as I was saying in every organisation; whether politically or otherwise we have structures, we have rules and regulations, we have procedures as well. Mr. Speaker according to the consultations we have been having through *kamukunjis*, though informal, we cannot deny that we were seated down by the party organs and the name of Hon. Hamisi Musa was proposed to replace the current Majority Leader Hon. Abdallah Kasangamba. Mr. Speaker we have heard four consultations with the party organs...

(Loud consultations)

...Mr. Speaker we have heard a similar precedence set here when Hon. and am surprised that Members are actually complaining or are surprised on this particular change, when Hon. Ndanda was replaced as a Minority leader. Mr. Speaker you read that statement here we were all shocked but because it is a party communication you communicated; am really expecting the Chair you read it and you gave us instructions and that was effected immediately...

(Applause)

...this particular one with Hon. Abdallah Kasangamba I want to remind this House that i was actually one of those people who at the time we were replacing Hon. Mwabashiri with Kasanagamba i was involved and most of us were involved because at that time Hon. Mwabashiri had only one vote so we did it all of us as a House belonging to the ODM party,

now this particular one i don't understand what is so different and yet this has taken two weeks. We have heard many consultations over this issue Hon. Speaker, this is a structure of the party which has structures, it has rules and regulations...

(Applause)

...It has procedures, so why are we trying to change again? Mr. Speaker if we are on yes we voted for Mwabashiri we brought in Kasangamba we did not vote for Ndanda we replaced him with Hon. Meti. So this one here we have heard several consultations, and i feel for both the Hon. Members because at the end of the day we are really dividing the House on individual basis but we have been spoken to by the party structures, so i do not understand how we come here and change. There is a party structure and there are rules and regulations and we have come to a conclusion and most of us have sat down and pointed why this one; why that one, why this happened and all that. So Mr. Speaker for us to debate on this particular one i do not understand and so i look upon you as a neutral person my Speaker as a member of the Speakers Panel to give us guidance on this one but this particular one i stand here and defend the party, thank you Mr. Speaker...

(Applause)

Mr. Speaker (Hon. Rajwayi): Hon. Prischillah Mumba.

Hon. (Mrs.) Prischillah Mumba: Ahsante Bwana Spika kwa kunipa fursa hii kuzungunza kuhusu Kiongozi wa Walio Wengi Bungeni; nafikiri sisi tumekua na hili swala zaidi ya miezi miwili na tumekaa tukazungumza tukakaa tukajadiliana mpaka ikafikia kikao cha mwisho tukawa *committe room* kupitia kiti chako ulitushauri kuwa wewe ni *referee* hauhusiani na mambo ya chama na ukatuambia mkiwa munaweza kuwa na Mwenyekiti wenu wa chama kubuniwe jopo la watu sita nikathibitisha mathibitisho kuwa je tumepata Kiongozi mpya wa Walio Wengi Bungeni ama sivyo. Ikifika siku ya alhamisi ambapo ni siku ya leo mimi nitaletewa tu ripoti kama Spika na wajibu wangu ni kuisoma na ambapo leo ume soma taarifa vizuri kwa sababu taarifa yako kutokana na *Order paper* ni kitu cha nambari ya mbili, kwa hivyo ile taarifa yako imetosha kwamba umepata taarifa kutoka kwa chama....

(Applause)

...Kwa hivyo nakuomba Mheshimiwa Spika tusipelekane huku na huku tukijaribu kutafuta kuhujumu chama chetu cha ODM na kuhujumu kiongozi wa chama wetu na kuhujumu naibu kiongozi wa chama wetu na taarifa ishafanywa.

(Applause)

Waheshimiwa wenzangu mara ngapi tumeitwa sisi kwa naibu kiongozi wa chama na tumekaa chini na tukasulushisha hili jambo, kwa nini leo linaletwa Bungeni kuwa sarakasi; kwa nini leo linaletwa Bungeni kudhalilishana, kwa nini leo laletwa Bungeni kuonyeshana ubabe hapa. Lazima tuangalie *structure* ya chama inasemaje na kuna watu ambao wako tayari hawataki kitu chochote cha chama kipite na sisi tunajua tunajuana kuna watu wamevaa ngozi ya *blue, green, purple*, tunajuana.....

(Applause)

Sote hapa ni wanasiasa na kila mtu ana *interest* yake lakini tunajua *structure* ya chama inaongozwa na nani hapa....

(Applause)

...wacheni kudhalilisha *deputy leader* wetu, wacheni kuonyesha kuwa Kenya nzima kuwa Nyumba yetu imeshindwa na kazi, yeye anahujumu katika eneo la pwani *to deliver ODM party*, na ikiwa aliweza Malindi hata leo ata *deliver leader of Majority*...

(Applause)

...wacheni hizi siasa za huku na huku unafika kwa *party leader* unasema uko sawa ukifika hapa unageuka....

(Applause)

...watu wengine hapa wamepitwa na wakati na wacha niwaambie ikiwa mtu anataka kwenda nyumbani mimi nazungumza kama *deputy Whip* hapa kuna watu tutanyorosha viboko..

(Applause)

(Loud cheers)

...2017 mutanyoroshwa hamufuati *structure* za chama, na kama mimi nimesimama hapa kwa sababu ya chama, nahitaji chama kiheshimiwe.

(Applause)

...Sio hapa tuchekeane tuchezeane, makazi muhimu sana inatungojea ya bajeti sisi tunangojewa tarehe 30 hapa tumepitwa na wakati, kitu gani kinatuweka Bungeni kutafutana mabaya, mawasiliano yashafanywa na Spika, kwa nini tusimheshimu? *Can't you respect our boss...*

(Applause)

This is our boss, we must respect our boss, ameshatoa mawasiliano sisi hatuna shida tumekubali uamuzi wa chama, ngojea kura iishe, miezi sita tutakua uwanjani kila mtu atakuwa na nafsi yake...

(Applause)

Usilete ubabe hapa na asilimia tisini itakua haiendi mahali...

(Applause)

(Laughter)

...Thank you Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Hon. Fatma Swaleh Mote?

Hon. (Ms.) Fatuma Swaleh: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii, ni jambo la kusikitisha sana, hii ni Nyumba ya sheria, wala sio *bar*, wala sio hoteli nasikitika sana na ambae amezoea kufanya hii tabia ya ku *forge*, Mheshimiwa huyo huyo amekuja na karatasi amesema imetoka kwa chama cha ODM, aliwahi ku *forge* gari la mzungu....

(Laughter)

(Applause)

...Hivi sasa ametuletea barua ya uwongo ambayo amei *forge* yeye na Mheshimiwa huyo huyo pia aliweza ku *forge sticker* za Bunge la Kaunti ya Mombasa. Kwa hio Mheshimiwa Spika nakuomba kwa heshima na taadhima yule ambaye anaona chama cha ODM hakimfai avue *jersey* aziache aone mlango aende zake...

(Applause)

...Ahsante sana Mheshimiwa Spika.

(Laughter)

Mr. Speaker (Hon. Rajwayi): Hon. Amir?

Hon. Thoya: Ahsante sana Mheshimiwa Spika kwa nafasi hii, nakuheshimu Mheshimiwa Thadius Achieng Rajwayi, Nyali one....

(Laughter)

...Mheshimiwa Spika mimi nitazungumza kwa niaba ya serikali kwa sababu mara kwa mara mimi nikizungumza humshukuru Mwenyezi Mungu ambaye ameweza kukuchagua wewe kama Spika wa Bunge letu tukufu kwa sababu najaribu kufikiria kama sio wewe hii Bunge sijui ingekuwa namna gani, kwa sababu ya ile *pressure* ama lile joto ambalo watumishi hawa wa Kaunti ya Mombasa wako nayo. Kwa hio zaidi mimi naomba Mheshimiwa Spika Mungu aweze kukupa busara kwa sababu naona changamoto hivi sasa ni nyingi lakini natangulia kusema kwamba katika mawasiliano yako ulikua umetangulia kufanya mawasiliano na haya ambayo yamekuja ni kama *side show* tu. Lakini wewe unajua msimamo wa chama, chama kinataka namna gani, mawasiliano ushafanya na kilichobakia ni Mungu aweze kukupa busara uweze kufanya mawazo ambayo utahakikisha kwamba chama chetu hakitayumba kitaweza kusimama mahali ambapo kitaweza kufanya uchaguzi, chama kiweze kupata nguvu Kaunti yetu ya Mombasa na hata Kaunti zengine kwa sababu hilo ndio

lengo letu hilo ndio lengo la naibu kiongozi wa chama na hili ndio lengo la Mheshimiwa Raila Odinga. Ahsante sana Mheshimiwa Spika.

(Applause)

Mr. Speaker (Hon. Rajwayi): Hon. Ebrahim.

Chief Whip (Hon. Ahmed Ebrahim): Mheshimiwa Spika ahsante kwa kunipa fursa hii. Mheshimiwa Spika mimi nasimama kama Kiranja wa Bunge wa ODM katika Kaunti ya Mombasa na ni jukumu langu kulingana na chama changu cha ODM kama kutakuwa na mawasiliano yeyote mimi nikikuandikia wewe barua kukwambia mwelekeo wa chama chetu cha ODM nikijua wewe ndio *referee* wetu katika hili Bunge na katika maamuzi yeyote sisi chama tutakuletea wewe ni kutupa mwelekeo. Mheshimiwa Spika nikiongea hivyo naongea kuhusu hii *issue* yetu ya chama kuhusu Kiongozi wa Walio Wengi Bungeni; hili sio jambo geni na najua wewe unajua kuhusu jambo hili. Tulikaa tukaamua sisi kama chama tunataka kufanya mabadiliko na wewe kupitia cheo chako ulituita chumba cha mikutano pale Wanachama wote walivyosikia kumetoka fujo kidogo na kupitia cheo chako ulichagua Kamati ya *Ad hoc* ambapo Kamati ile ulichagua kwamba kujadili jambo la Kiongozi wa Walio Wengi Bungeni katika chama chetu na kukuletea wewe majibu kuwa chama kimeenda vipi kuhusu uamuzi wao wa cheo cha Kiongozi wa Walio Wengi Bungeni.

Mheshimiwa Spika nikitaja wenzangu ambao wako kwa Kamati ya *Ad hoc* ni kwamba kuna Hamisi Musa Mwidani, kuna Mheshimiwa Nasser Rashid, kuna mimi mwenyewe, kuna Mheshimiwa Zeinab pale, kuna Mheshimiwa Kasangamba ambao ulichagua tukakae kusikiza uamuzi wa chama katika cheo cha Walio Wengi Bungeni. Mheshimiwa Spika kulingana na cheo changu tulifanya bidii kutafuta mawasiliano kwa chama na nikajaliwa pia kukaa na vigogo ama wakuu wa chama yetu kutafuta suluhu ya jambo kama lile. Mheshimiwa Spika jukumu uliotupa kama Kamati ya *Ad hoc* tulete jibu kutokana na sisi uchaguzi wetu wa Kiongozi wa Walio Wengi Bungeni nimekuletea ripoti hiyo kwako kwa sababu hata kanuni za Bunge zinaniruhusu mimi 15, 6 kwamba kukiwa kuna mawasiliano yeyote kutoka kwa chama mimi kama Kiranja wa Bunge ndie mwenye kuleta mawasiliano kama hayo na tumekuelezea kwamba sisi kama chama tumefanya mabadiliko. Mheshimiwa Spika nashukuru kwa mawasiliano yako kwamba umetangaza kwamba chama cha ODM tumefanya mabadiliko kwamba Hamisi Musa Mwidani ndio Kiongozi wa Walio Wengi Bungeni wetu mpya, Kobelo yeye ametolewa kwa cheo kile na wewe ulitangaza kwenye Jumba hili. Mheshimiwa Spika natumai sisi ni watu twafwata mwelekeo wako hapa ndani, sote tunalia na mawasiliano yetu kwako kwamba tumekaa na chama tukaamua kwamba tumefanya mabadiliko na pia ile Kamati ya *Ad hoc* iliotupa twende nje tufanye hiyo *home work* pia tumekuletea matokeo ya kwamba tumekaa mpaka na chama tukashauriana kwamba mkutano wa Kiongozi wa Walio Wengi Bungeni umefanyika na pia vile vile nikatumia cheo changu nikaita Wanachama wote wa hili Bunge nikamtafuta naibu kiongozi wa chama pale yuko tukakaa tukatoa uamuzi.

Kwa hio sioni kwa nini jambo kama hili Mheshimiwa Spika bado tunaendelea kujadili wakati sisi kama chama na mimi kama mwakilishi wa chama ambae natakiwa nifanye mawasiliano nimeshakuletea kwako na umepata. Sisi kama chama tunaomba heshima pia, tumeona Wanachama ambao ni vigeugeu hapa ambao nimekuwa nao katika mkutano tukiji *commit* kwamba tumekubaliana kama chama tumefika uamuzi fulani lakini wakifika hapa wanakuja kubadilisha rangi. Mheshimiwa Spika bado tunaendelea na tutahakikisha kwamba Wanachama wote ambao wanakosea lazima wapewe adhabu. Kwa Bunge wewe ndio kila kitu lakini chama pia tuna nafasi yetu kule nje lazima tutashughulika kama chama lakini kitu nataka kuomba ni kwamba mawasiliano imepita mimi kama Kiranja wa chama kikubwa cha kisiasa Bungeni cha ODM nimekuletea ripoti ya kwamba tunabadilisha Kiongozi wa Walio Wengi Bungeni ya kwamba Hamisi Musa Mwidani ashikilie ofisi, Mheshimiwa Abdallah Kasangamba akae kando...

(Applause)

...Mheshimiwa Spika huo sio uamuzi nimefanya peke yangu bali imepitia Kamati ya *Ad hoc* ambayo imepita kwako, jawabu ni hilo hilo na pia Wanachama nimewaita kuanzia Mwenyekiti, muandishi mpaka naibu kiongozi wa chama tumekaa nao na huo ndio mwelekeo tumepata. Mheshimiwa Spika, tunaomba heshima yetu na tunaomba uheshimu uamuzi wetu wa chama, naamini wewe ndie mpuliza kipenga wetu wewe huwezi kuchukua upande woyote lakini sisi kama chama nimekuletea mwelekeo wetu. Mheshimiwa naomba na nakuomba Mheshimiwa Spika tuheshima kama chama cha ODM na ujumbe tuliuleta mbele yako...

(Applause)

Mr. Speaker (Hon. Rajwayi): Anymore contributions?

(Silence)

Very good, that is how it is done in a free, fair and democratic world...

(Applause)

....and now ladies and gentlemen, it is true that this afternoon the second communication that i made was the position of the party and again it is true that the matter that has been raised has nothing to do whatsoever with the communication from the Chair. The matter that was raised purely it is all about the procedures and the rules that were followed by the same Hon. Members before they forwarded that communication to the Chair, and i would want to make it very clear that what we call the Leader of Majority party, that position actually has nothing to do with the debate in the House as we are doing it...

(Applause)

This is purely a party affair and the question actually i was asking myself after allowing the Hon. House to exercise their democratic right; that is given to us by the constitution, assume we had 2,3,4,6,7,8,9,10 parties could you have heard an opportunity to say that here? Definitely the answer is no, if the answer is no, something about your integrity is being questioned why couldn't you do the right thing when it was needed as at that time. The right thing that was supposed to be done is this Hon. Members, under part four of our Standing orders, the leader of majority party and leader of minority party, the first part of part four is leader of majority party and paragraph one of Standing order 15 reads as follows, '*The largest party or coalition of parties in the County Assembly shall elect a Member of the County Assembly belonging to the party or coalition of parties to be the leader of majority*'. Remember that you who is seated here as a Hon. Member you are the one who has the powers and the mandate to elect the Leader of Majority....

(Applause)

I will skip paragraph two and go to paragraph three; in some Standing orders appears as paragraph four it reads as follows, *a Member elected under paragraph (2) may be removed by majority of votes of all Members of the largest party or coalition* and Hon. Members we must avoid giving the powers that we have to other people elsewhere...

(Applause)

And you must not always drag in the Hon. Speaker to keep translating things for you, i know very clearly that even if i was the party leader or any other official in the party and i realised the leader of majority is not doing well in the party the first thing to do is to suspend the leader of majority because the leader of majority is expected to represent the government in the House. So if the Leader of Majority is not representing the Leader of Majority in the House the only option is the Leader of Majority to be told to step aside but that is not enough, enough is Standing order 15 that am talking about. Ladies and gentlemen this particular dispute that is now before us and i said earlier there is no problem that is too big for us or too difficult for us to solve, we have all the answers with us. First of all remember when the ruling of debate started way back in 1661, don't think that because we are doing it in the 21st century this is the first time we are having rules and procedures in the House, people should decide matters on consensus, something is telling me or reading at the back of my mind that if in 1661 people could agree through consensus and today we cannot agree through

consensus it means that those that were in the year 1661 were more mature than us who are leaving in these years, I wouldn't want to believe that we are below par as compared to those founders of these rules.

Ladies and gentlemen having realised the Speaker made the pronouncement that that is the position of the party, I wouldn't want to go into the issues how party did it, but remember in that particular party we are talking to, you are lucky that the Speaker who is standing and speaking has the latest constitution of that party called ODM and if you look into that particular constitution there is a provision of making an appeal. In fact Leader of Majority can be removed as many times as possible as long as the party is comfortable with that, that has nothing to do with Committees of this Assembly. Having said that ladies and gentlemen I would want to direct this that you as the Hon. Members I found it very much healthy for us to one, continue debating this in this House about the issues of the Leader of Majority, two making the House to vote over this particular matter because it means we will be opening a scope for other parties to start coming in but I would advise this Hon. Assembly to allow the party ODM to finalise all its procedures outside and outside it means even if you communicate to the Speaker tomorrow. Otherwise I would have no any other option but to adhere and abide by the communication from the same party and remember anything that you do must be in line with Standing order number 15...

(Applause)

...Otherwise as it is ladies and gentlemen, I have earlier stated and made my position and the position of the House known on how this is done and therefore the status quo remains...

(Applause)

Next, yes the Hon. ladies and gentlemen we interrupted your session and you were supposed to bring that up, yes Hon. Prischillah Mumba?

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika, ulitutuma tukakae kama kina mama wa chama na tumeenda tukakaa tukashauriana lakini uamuzi wetu tumeona ni vyema kadiriri ya ulivyotoa uamuzi wa Kiongozi Wa Walio Wengi Bungeni na pia tuletewa uamuzi wetu wa Kiongozi wa Wachache Bungeni ili ziandamane zote kwa siku moja kwa sababu leo hakukua na mwelekeo mwafaka. Tumeomba mpaka kesho kama ulivyoamua *the Leader of Majority* na *Leader of Minority* ziandamane...

(Applause)

Mr. Speaker (Hon. Rajwayi): It is like Hon. Prischillah Mumba trying to insinuate that she presented the ruling of the Chair, I want to believe my ruling is very clear it is just a matter of interpretation and you always know that if a ruling is given the Chair is very careful on how to make those particular rulings and it's very clear unless you want to back that because you are supposed to give us exactly what transpired then we can see how to adopt that, yes Hon. Prischillah.

Hon. (Mrs.) Prischillah Mumba: Ahsante Bwana Spika nafikiri mimi niliekuwa '*mover of the motion*' nilikuomba Mheshimiwa Spika utupe mda mpaka Jumanne kwa sababu tulijua hata tukienda kwa dakika kumi, 20 hatutaelewana, na sisi kama *minority* pia sisi tuna sehemu ya kukaa sisi kuzungumza kwa sababu hata sisi tuna *structures* za chama hatuwezi tu kwenda kihola holela...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Order! You know you must know how to differentiate between party matters and committee issues; that was basically about a Committee matter, because in fact the Motion that created that particular Motion said to act as so, we do not have any other party called minority so you better be informed when you are referring to that so can we allow interventions from Hon. Kasangamba, yes.

Hon. Kasangamba: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika kwa upande wangu wa mbele naona Mheshimiwa mtarajiwa wa Kiongozi wa Walio Wachache Mheshimiwa Hudson Karume...

(Applause)

...alisema kwamba vita vya panzi kwake ndio faida Mheshimiwa Spika, ni kweli wameshindwa Waheshimiwa kina mama na hiyo ni ishara wazi kwamba wameshindwa kujichagua na wameshindwa kujipanga. Kwa hivyo Mheshimiwa Spika kwa heshima yako naomba uturuhusu na sisi tuwaonyeshe njia ile ya kufanya na napendekeza tena kwamba mimi kiongozi wangu wa Walio Wachache ni Mheshimiwa Hudson Karume.

Mr. Speaker (Hon. Rajwayi): Before you make proposals first of all let me make it clear that for you to propose the next, another name you have to propose a question whereby i will go into that direction, otherwise i will still give you a direction before you contribute, yes Hon. Ogalo?

Hon. Ogalo: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika waheshimiwa wenzangu wamepatiwa nafasi mda Mr. efu hata ukiwapatia miaka miwili hawataweza kuchagua mtu mmoja kwa sababu unajua kila mtu anataka...

(Applause)

(Laughter)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Riziki.

Hon. Fundi: Ahsante sana Mheshimiwa Spika, mimi leo niko hapa na masikitiko makubwa, hili swala ni rahisi ambalo hata sisi twaweza kulipisha bila kuwahusisha kina mama. Mheshimiwa Spika katika kanuni zetu za Bunge tumefanya marekebisho ukasema yule Mwenyekiti atakayekuwa kwa Kamati ya PIC huyo ndie atakuwa atafanya kushikilia kama Kiongozi wa Walio Wachache. Mheshimiwa Spika juzi tulipitisha Kamati hapa na Kamati ya PIC iko na watu, wale watu wana haki ya kuchagua mtu wao kama Mwenyekiti alafu walete jina lake hapa alafu moja kwa moja ndio ata *act* kama Kiongozi wa Wachache Bungeni, ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Hon. Amir Thoya.

Hon. Thoya: Ahsante sana Mheshimiwa Spika nataka kukupongeza kwa wingi wako wa busara kwa sababu mtihani ambao umekukabili tena ni maswala ya kina mama, maswala ya kina mama ni maswala ya kitaifa kwa sababu hata katika nchi yetu ya kenya swala..

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes what is it?

Hon. (Ms.) Akinyi: Ahsante sana Mheshimiwa Spika ningeomba Nyumba hii kuwa Mheshimiwa yeyote anayesimama kuongea akiwa anataja wamama aseme waheshimiwa kina mama sio wamama.

Mr. Speaker (Hon. Rajwayi): Hon. Amir Thoya.

Hon. Thoya: Mheshimiwa Spika nilipokua nataja maswala ya kina mama nilikuwa bado sijakusudia kutaja waheshimiwa wamama walioko katika Bunge hili nilikua najaribu kuleta taswira ama kuweza kupata picha kamili ya jinsia; hii ya kina mama vile ambavyo iko kwa sababu nungeomba kwa sababu ya uzito umewapatia nafasi ya kwanza umewapatia nafasi ya pili na hii imetupatia picha kwamba wanahitaji muda zaidi kwa sababu wanawake na wanaume hawawezi kuwa sawa kwa wakati wowote ule. Kwa hivyo nitaomba tena Mheshimiwa Spika ndugu zetu wana uzito umejitokeza wazi katika Bunge hili; umewapatia nafasi lakini bado hawajaweza kuafikiana, kwa hivyo langu nitawaomba japo wenyewe pia wameomba utumie busara yako uweze kuwapatia mda wanaohitaji ili waweze kuja hapa na jibu mwafaka. Kwa hivyo yangu ni ombi tu uweze kuwaangalia kwa sababu hawa ni Waheshimiwa kina mama, ahsante sana.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Caroline?

Hon. (Ms.) Auma: Mheshimiwa Spika sio ati sisi tumeshindwa kujichagua lakini ni kua sisi tunaomba tupewe mda kidogo na kama hiyo mda haitawezekana katika Kamati ya

PIC, ya pili tayari kuna Mheshimiwa mama ambae yuko pale ndani ambae ni Mheshimiwa Nyamvula tunaweza kumpa hiyo kiti kwa sababu tayari yuko katika ile Kamati ya PIC na yuko hapa na sisi achukue hiyo kiti ili aweze kuwa Kiongozi wa Walio Wachache Bungeni wetu. Mheshimiwa Spika naomba hii kiti kisichukuliwe na hawa waheshimiwa wanaume maberuberu...

(Laughter)

Hon. Amur: She cannot call us *mabeberu*, *mabeberu* is *mbuzi*...

(Laughter)

Mr. Speaker (Hon. Rajwayi): Hon. Madundo.

Hon. Mohamed Madundo: Mheshimiwa Spika yangu ni kuMr.ekebisha; ametuita sisi mabeberu, mabeberu ni mbuzi. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Hon. Caroline can you continue...

Hon. (Ms.) Auma: Mheshimiwa Spika katika Kiswahili changu cha kamusi nilikua nafundishwa na mwalimu wangu kuwa beberu ni mwanamume aliekomaa...

(Applause)

(Laughter)

Hon. Mohamed Madundo: Mheshimiwa Spika wajua kuna maktaba sasa ningeomba arudi twende na yeye kwa hivyo vitabu vinavyosema beberu kwa sababu mimi hilo swala kusema kuwa beberu ni mwanamume hiyo hakuna, ahsante.

Mr. Speaker (Hon. Rajwayi): Yes deputy Speaker?

Deputy Speaker (Hon. Mswabah Rashid): Hon. Spika under Standing Order number 28 i think the concentration level has dropped alot, i wish to put a Motion to adjourn this House until next week, thank you.

(Applause)

Yes Hon. Patrick Siminyu.

Hon. Siminyu: Mr. Speaker i would like to second my neighbour here because the House is fatigued and our precious ladies some of them they want to go prepare *iftar* for their husbands, i actually second the adjournment.

(Applause)

Mr. Speaker (Hon. Rajwayi): Well on that matter the only person who can know whether the House is fatigue is the Chair and one, two if you look into the second paragraph of Standing order 28, ‘...if the Speaker is of the opinion that such Motion for adjournment of the County Assembly is frivolous, vexatious or an abuse of the proceedings of the County Assembly, the Speaker shall adjourn the County Assembly without question put’.

(Question proposed)

And i would want to believe that there is any ill motive behind such particular Motion but it is important that i hear it from both sides to see whether we continue or we adjourn, so now may i propose a question that we consider the Motion that has been moved by Hon. Rashid Mswabah.

(Question proposed and agreed to)

(Applause)

(Members stood)

There is no room for voting, its only division why are you all up?

(Loud consultations)

Now that we have enough number for division then we take that to vote.

(Question put and Agreed to)

Can we propose mode of doing this, standing, show of hands, secret ballots? Order Members, Hon. Amur has a proposal.

Hon. Amur: By show of hands Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Duncan.

Hon. Onyango: Mr. Speaker i suggest we go by secret ballot.

Hon. Kasangamba: I second.

Mr. Speaker (Hon. Rajwayi): Now secret ballot has been seconded, show of hands?

Hon. Thoya: Show of hands, i second.

Mr. Speaker (Hon. Rajwayi): Now show of hands has been seconded, now this has been determined by the Chair himself, now how many are of the first option that we determine this matter through, and i count...

(Members raised their hands)

Hon. Kasangamba: Mheshimiwa Spika sisi tumependekeza tupige kura kwa 'ballot' na sisi iwapo tutapiga kura na mikono tunahisi itakua vibaya...

(Loud consultations)

Mr. Speaker (Hon. Rajwayi): Order! Order! Members, in fact let me remind you the levels of noise that you have made is enough evidence that you are still strong and you can continue...

(Loud consultations)

...If you continue making noise we will continue, now i want to see those who have accepted we go by show of hands.

(Mr. Speaker(Hon. Rajwayi) counted)

Show of hands 21, secret ballot?

(Mr. Speaker(Hon. Rajwayi) counted)

Nine, so we have agreed that we are going to determine the matter of adjournment through the first option that is show of hands that ayes 21, now do i assume that in itself that is the true position of the House? Now allow me to get confirmation directly from the floor, how many people are supporting that this House stands adjourned as has been proposed by Hon. Mswabah Rashid, by show of hands...

(Laughter)

(Mr. Speaker(Hon. Rajwayi) counted)

Now how many of you are opposing to adjourn? Now before i give the pronouncement to the House can we hear from you?

Hon. Kasangamba: Mheshimiwa Spika as we are seeing the mood of the House, we accept defeat we now agree that we adjourn the House.

(Applause)

ADJOURNMENT

Mr. Speaker (Hon. Rajwayi): Ladies and gentlemen having the results that those who have decided that this particular House do stand adjourned as of that Motion by Hon. Mswabah Rashid is 29 and those who declined are three in number. For that reason therefore ladies and gentlemen i direct that this House stands adjourned until next week Tuesday at 2:30p.m.

The House rose at 5:41p.m.