

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Thursday, 7th December, 2017

The House met at 2:50p.m.

*(Deputy Speaker (Hon. Fadhili Mwalimu) in the Chair)***PRAYERS****Deputy Speaker (Hon. Fadhili Mwalimu):** May you have your seats. Yes, Clerk?**MESSAGE**

Hon. Members we have received a letter from His Excellency the Governor on nomination of Chief Officers. The letter goes out.

(Deputy Speaker (Hon. Fadhili Mwalimu) read out the Message)

According to the powers conferred to me by the County Government Act, 2012 Sec. 45, I hereby forward the names of the nominated Chief Officers for vetting and approval before appointment to the position of Chief Officers as follows:-

1. Department of Finance & Economic Planning, Ms. Asha Abdi, and I delegate it to the Committee on Finance.
2. Department of Education Ms. Tuni Mwakulumbi and I delegate it to the Committee on Education.
3. Department of Youth & Gender Mr. AbdiRahim Farah, I delegate it to the Committee on Youth & Gender.
4. Department of Trade & Investments Mr. AbdulWahab Mbarak, this is delegated to the Committee on Trade & Investments.
5. The Department of Energy, Environment & Solid Waste Management, Dr. Jeophita June Mwajuma, I delegate it to the Committee on Environment.
6. The Department of Water, Sanitation and Natural Resources Mr. Francis Katana Kombe, and I delegate it to the Committee on Water.
7. The Department of Transport Eng. Albert T. Keno, I delegate it to the Committee on Transport.
8. The Department of Infrastructure Mr. Thomas Chula Moyo, I also delegate it to the Committee on Transport.
9. The Department of Fisheries Mr. Uzel Mzera, I delegate it to the Committee on Fisheries.
10. The Department of Devolution & Public Service Administration Ms. Justina Mwikya, I delegate it to the Committee on Justice and Legal Affairs.
11. Governor's Office Ms. Juliana Cherera, I delegate it to the Committee on Labour.

And Hon. Members as you have seen from the National Government they have extended their calendar to give them time to vet the EALA Nominees, am sure we will also extend our calendar to make sure that the Committees have time to vet the said Chief Officers and i would like all the Committees that we have delegated the Chief Officers to work upon and make it as quick as possible because things are not running, the Departments are not running well so it is upon you to vet and bring back the Reports to this Hon. House. Thank you. Yes, Clerk?

PROCEDURAL MOTION

Yes Hon. Mwidani, Majority Leader?

Leader of Majority (Hon. Mwidani): Ahsante sana Bwana Spika ningependa kuwasilisha *Procedural Motion* kufanya *alteration ya calendar*. Bwana Spika kama unavyojua kwamba kuna kalenda ambayo tuliipitisha kwamba leo ilikuwa tukishamaliza tunafunga Bunge mpaka mwezi wa Februari, 2018. Bwana Spika ningependa ku *move* hii Hoja kwa sababu, nafikiri kwa ujumbe wako imeonyesha wazi...

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(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Well Hon. Khamis Musa move the Motion first.

Leader of Majority (Hon. Mwidani): Ahsante Bwana Spika, ningependa kusoma hii Hoja chini ya Kanuni za Bunge nambari 25 (4), tuweze kuendeleza hili Bunge mpaka tarehe 21, alahamisi Disemba, 2017...

(Interruption)

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

Chief Whip (Hon. Kitula): Thank you Mr. Speaker, I rise to second the Motion.

Deputy Speaker (Hon. Fadhili Mwalimu): I now do propose a question that the House debate the Motion as moved.

(Question proposed and agreed to)

(Applause)

...Yes Clerk, Hon. Members it is upon you to debate the said Motion. Yes, Hon. Mwidani.

Leader of Majority (Hon. Mwidani): Ahsante Bwana Spika, ningependa Bunge hili tukubaliane kwamba tunaendelea mpaka tarehe 21 kwa sababu ujumbe ulioletwa na Mheshimiwa Gavana ni ujumbe muhimu kwa sababu mpaka saa hii hizo vitengo zinashindwa kutekeleza kazi yake kwa sababu tayari tushaweka Mawaziri lakini bila *Chief Officers* Mawaziri hawawezi kufanya kazi. Ni kweli najua Waheshimiwa walikuwa wanajisikia kwenda mapema kidogo kwa likizo lakini pia tukumbuke kwamba kuna umuhimu wa Jumba hili kama Wajumbe kwamba bila sisi hakuna kitu kinachofanyika. Kwa hio ningewaomba Wajumbe tukubali tuombe huu muda kwa sababu ya kutengeza Kaunti yetu hata tukienda kwa mapumziko tunajua sasa kazi haitakwama kwa sababu *Chief Officer* asipokuweco, Waziri unajua hawezi kufanya kazi yake.

Kwa hio Bwana Spika ningewaomba Waheshimiwa wanielewe ni kwamba najua tumefanya kazi nyingi sana kwa huu muda ambapo ilikuwa inafaa tuende mapumziko, lakini kwa dharura hii ni muhimu sana, hivyo basi ningewaomba Waheshimiwa tuongeze huu muda wa wiki mbili na zile Kamati ambazo ziko husika kwa haya mambo iwezekane zifanyike kwa haraka kwa sababu ni muhimu na lazima tutekeleze wajibu wetu kama tulivyochaguliwa na kwamba vile tumepewa fursa ya kwamba hakuna linaloweza kufanyika bila kupita kwa hili Bunge. Kwa hio Bwana Spika ningewaomba Waheshimiwa wanikubalie ni kwamba tuongezwe huu muda kwa sababu ya hili zoezi tu, *otherwise* tungekuwa tumesimama pale pale kwenye kalenda yetu, hivyo basi ningewaomba Waheshimiwa tuweze kuchukua huu muda kumaliza hii kazi, tuweze kupeleka mapendekezo yetu kwa *Executive* ndio kazi iweze kuendelea. Ahsante sana Bwana Spika.

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Mwamwiri.

Hon. Mwamwiri: Ahsante Mheshimiwa, nimesimama kutofautiana na Kiongozi wa Walio Wengi katika Bunge hili kuhusu Mswada huu wa kuongeza idadi ya siku za Waheshimiwa kuwa hapa. Inataka ibainike ya kwamba sisi ni Waheshimiwa tuko na majukumu si hapa tu Bungeni bali pia mashinani na kalenda yetu ilipotengenezwa ina muda sasa hivi na ilijulikana kila mahali kwamba tarehe fulani Waheshimiwa wanaenda mapumziko kutekeleza majukumu mengine.

Kwa hio kwa mujibu wa barua iliokuja leo na kuambiwa ni dharura inaonyesha kwamba tulisahauliwa sisi kama Waheshimiwa, tulipaswa tupate taarifa mapema, tuzipangilie ratiba hizo mapema si siku ambayo tuko na mafikira ya kwenda kwenye mapumziko tunalazimishiwa vikao kujadili suala kama hili, na pia bado sheria inaruhusu ya kwamba sisi kama Waheshimiwa kuitiwa vikao maalum kuja kujadili suala lolote la kidharura na tuko tayari kwa hilo lakini kukatiziwa katikati ya kwamba leo wengine tumekata nauli za kwenda, Mheshimiwa Spika naona, wengine tushakata nauli na sijui ni nani ataregesha nauli zetu zile za kwamba tubakie ili tuendelee na vikao tushajipanga.

Kwa hio kwa mtazamo wangu sawa sawa tunatambua hili lakini tungepewa nafasi japo ni wiki moja halafu mutuwekee vikao maalum turudi kujadili barua na mapendekezo ya hawa walioteuliwa. Shukran Mheshimiwa Spika.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Maimuna.

Hon. (Ms.) Maimuna Salim: Ahsante sana Mheshimiwa Spika. Mimi kwanza ninashukuru Mwenyezi Mungu halafu pia ninamshukuru Gavana kwa kuweza kuhakikisha kwamba ameweza kutuletea *Chief Officers* katika Nyumba hii na sisi kuweza kuwapitisha na tuweze kukaa katika Kamati zetu tuweze kuwakagua. Mimi naunga mkono kutoenda mapumzikoni na sababu ya kuunga mkono kutenda mapumzikoni kwa hizi wiki mbili sisi tunajua tumeletwa hapa na watu tukawatumikie, tayari kulikuwa kuna masuala mengi ambayo hayawezi kujibika kwa sababu hakuna *Chief Officer* yeyote ambaye anaweza kujibu masuala hayo. Kwa hio mimi nimesema naunga mkono kwa sababu sisi ni watumishi wa watu, tukifika kule mashinani unaulizwa barabara, unaulizwa mambo ya masoko, unaulizwa maswali mengi, unaulizwa mambo na bajeti na nini? Na kulikuwa jambo lolote haliwezi kwenda isipokuwa mpaka hawa ma *Chief Officers* tuwakague na tuwapitishe na tuwaweke katika viti ili sisi tukienda mapumzikoni tayari tunawaacha wao wakifanya kazi, tukitoka mapumzikoni tunaingia nao mashinani tunaanza kuchambua kazi huko mashinani.

Kwa hio mimi ninaunga mkono kwa sababu ninajua ya kwamba sisi tuko hapa kwa ajili ya wananchi wale wametuchagua na hata saa hizi tukaenda mapumzikoni hakuna kitu ambacho utamzungumzia mwananchi kwa sababu hakuna kazi yeyote ambayo tunaweza kuifanya bila ma *Chief Officer*. Kwa hio mimi naunga mkono hizi wiki mbili ambazo zimewekwa za kuweza kuwakagua na kuhakikisha ya kuwa tumewaacha wakifanya kazi tukienda mapumzikoni tunajua tushakaa na *Chief Officer* wa mabarabara ametuambia katika bajeti ataweka pesa ngapi? Na kuna bajeti ambao wao pia wakae na waipange. Kwa hio mimi sina haraka ya kwenda isipokuwa haraka yangu ni kuja katika Bunge hili na kuhakikisha kile ambacho kinastahili kukifanya wananchi wetu wapate huduma bora, mimi nitaweza kukifanya kwa hiyo mimi naunga mkono watu kwenda mapumzikoni.

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Chief Whip.

Chief Whip (Hon. Kitula): Ahsante sana Mheshimiwa Spika. Kusema kweli Mheshimiwa Spika ningependa kuweka hili wazi; kama Kiranja wa Bunge katika Bunge hili, hakuna mtu anapinga kuwachunguza hawa ma *Chief Officers*...

(Applause)

Lakini wengi wanapinga muda ambao umeweza kuwekwa wa kwenda likizo Mheshimiwa Spika...

(Applause)

Mheshimiwa Spika twafahamu kabambe kwamba hawa ndio wanaofanya kazi kuu katika Serikali ya Kaunti ya Mombasa, tuko tayari kama Wabunge wa Kaunti hii kuweza kuwachunguza lakini muda huu kusema kweli wote ni muhimu *Chief Officers* na vile vile wananchi pia wanatuhitaji kuweza kupata majibu yao kule mashinani kwamba hawa *Chief Officers* tumewapitisha tuweze kuwapatia muda unaofaa kuweza kuwaelezea majukumu yao Mheshimiwa Spika, lakini muda mrefu wa kukaa katika Bunge hili ni muda mrefu tungependa kupendekeza angalau wiki moja tuweze kuleta Ripoti katika Bunge hili. Ahsante.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Fahad.

Hon. Fahad Kassim: Ahsante sana Mheshimiwa Spika tuliposema la hatukuwa tunamaanisha hatuko tayari kufanya kazi, ningependa kuomba ya kwamba kama alivyosema Kiongozi Mama Maimuna tuko hapa kuhudumia wananchi kwa hiyo sisi kama viongozi kama tuko hapa kufanya kazi basi hii kazi inafaa ifanywe na masaa 72 ambayo tukianza uchunguzi Jumatatu watu kumi pekee yake ifikiapo Jumatano inafaa iwe imemalizwa.

Kwa hio Mheshimiwa Spika nakuomba utoe mwelekeo wewe kama Spika ya kuwa ifikiapo Alhamisi kila mmoja awasilishe Ripoti, mimi kama Mwenyekiti wa Uchukuzi na kuhakikishia Ripoti yangu itakuwa tayari ifikiapo Jumanne. Hivyo basi kitu tunaomba Mheshimiwa Spika huu muda wa siku 14 ni mwingi sana na sisi tunataka tukahudumie hawa wananchi waliotutuma kwa hiyo naomba muda uongeze wa wiki moja ili Alhamisi tuweze kuwasilisha Ripoti na watu waweze kwenda mashinani kufanya kazi. Ni hayo tu ahsante sana.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Samba.

Hon. Samba: Thank you Mr. Speaker Sir, when we say nay it didn't mean necessarily that we are opposing the vetting of the Chief Officers, we need your attention please...

(Applause)

...am addressing him.

(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Continue.

Hon. Samba: Thank you Mr. Speaker. Mr. Speaker Sir even the National Assembly extended their sittings with only one week and so many people here had prepared mentally, psychologically prepared that we were going for recess today; actually this has just caught us unawares so I would request through your Chair that we extend this in case we need to extend we adjust it with only one week. Mr. Speaker Sir I was requesting if we can extend this with only one week that is seven days and we will vet the nominees and relevant Committees can work over the day and night provided that we be within the limited time. Thank you Mr. Speaker Sir.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Amur.

Hon. Murfad Amur: Thank you Mr. Speaker Sir. Mr. Speaker Sir let me put it the way it is supposed to be; for these Chief Officers to be vetted first the requirement is a must there be an advert for seven days before the vetting takes place, so that one week would have elapsed by seeing that advertisement in the paper and then after the advertisement of seven days it is when now the Committees are mandated to sit and vet these Chief Officers.

Mr. Speaker let us be very careful with the law, we are the lawmakers here and we must be very careful, we can be taken to court if we go out of the law because the law requires seven days for them to be published, if there's any issue then it be raised and then after seven days the vetting should start. Mr. Speaker so I would wish my colleageaus to be very careful with the law because the law says the Chief Officers are supposed to be advertised positions and then be vetted and then Report be tabled in this same House for adoption, that is what I want to put to my colleagues. Thank you Mr. Speaker Sir.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Nyiro.

Hon. Nyiro: Thank you Mr. Speaker if I may begin from where Hon. Amur has stopped you are old and wise and whatever you are telling us it is true then what will (??) us be doing here the following week because we can't come here and just wait for the seven days to elapse then we begin the other week for vetting! So if whatever Hon. Amur is telling us is true then we should go home then we will be called for a special sitting...

(Applause)

Then we would be able to come and sit.

(Applause)

And do the vetting after the lapse of the seven days, so we are going home today for seven days then we will come here for one week vet them, and then go back home. Thank you.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Ali.

Hon. Ali Shariff: Ahsante Bwana Spika. Bwana Spika sisi tunafanya makosa makubwa sana, hapa tumesahau kuwa jana tulipitisha Mswada wa Bunge la Wananchi, kwa hio sisi tuwape wananchi nafasi waje wapitishe Mswada kama huu...

(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Ali you are out of order.

Hon. Ali Shariff: Bwana Spika...

(Laughter and Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Ali you are misleading the House.

Hon. Ali Shariff: Kwa nini Bwana Spika? Bwana Spika nataka kumwambia Mzee wangu Mheshimiwa Hamisi Musa Mwidani kwa kutuletea hoja hii hata wale wananchi pia tunaweza tukachagua Kiongozi wa walio Wengi miongoni mwao atuletee hoja kutoka kwao na pasipo na budi hawa *Chief Officers* tukawakague Kwale au Kilifi Mheshimiwa Spika. Ahsante sana.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Fatuma.

Hon. (Ms.) Fatuma Swaleh: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii. Mheshimiwa Spika mimi nimesimama kidete kuunga mkono hoja ilioletwa na Kiongozi wa Walio Wengi. Mheshimiwa Spika nataka kuelezea Waheshimiwa wenzangu kwanza waweze kufahamu ukichaguliwa kuwa kiongozi ujue kwanza ni kama ambaye umeingia katika kambi ya jeshi, ukiwa katika kambi ya jeshi ukiambiwa leo watafikana uende Mogadishu huwezi kusema kwamba mimi nilikata tiketi ya ndege nafaa kusafiri kesho kwa sababu naelekea kwenda kwenye likizo ya krismasi Mheshimiwa Spika.

(Laughter)

...Na Mheshimiwa Spika sisi ni viongozi na tuko hapa kufanya kazi hatukuchaguliwa bure bure, mimi kama Kushe sikuchaguliwa bure bure kuja hapa ikifika Disemba siku ya mapumziko au siku yeyote tukiambiwa tunaenda mapumziko hoja ikija ndani ya Bunge niseme ni haki yangu kwenda kupumzika; mimi nilichaguliwa, mimi ni mfanyi kazi, ni mtumishi wa umma Mheshimiwa Spika...

(Applause)

Kwa hio mimi Mheshimiwa Spika niko hapa kuweza kufanya kazi na nawaomba Wabunge wenzangu tuweze kushirikiana tuweze kupitisha hii hoja kwa sababu kuna mambo mengi ambayo hayawezi kuendelea mpaka hawa ma *Chief Officers* tuweze kuwapitisha. Ahsante sana Mheshimiwa Spika.

(Applause)

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

Hon. Oindo: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi nasimama kuunga mkono hoja ilioletwa...

(Applause)

...na Kiongozi wa Walio Wengi. Mheshimiwa Spika nakumbuka mpenzi wetu, Gavana wetu Hassan Ali Joho alikuja hapa ndani akasoma hotuba yake tukaanza kuichangia na tukasema tutaiunga mkono, tutasimama nayo. Mheshimiwa Spika twajua bila ma *Chief Officers* hakuna kazi zafanyika na twajua Mawaziri wamechaguliwa na wameingia ndani ya maofisi lakini hakuna jambo lolote wanaweza kufanya. Mheshimiwa Spika mimi ni Mwakilishi wa Vijana saa hii ni likizo ya Disemba tunafaa tuwe na *tournaments* lakini ukienda kwa maofisi waambiwa kwamba bado *Chief Officers* hawajaingia kwa maofisi kwa hivyo hakuna kitu chasonga, haja gani niende nikae mtaani lakini vijana ninao wawakilisha hakuna kazi watakuwa wanafanya? Kwa hio mimi naomba Mheshimiwa Spika twajua ni wiki mbili iliotolewa na Bunge hili tunajua sisi tunalipeleka kikatiba na twakupenda sana Mheshimiwa Kiongozi wa Walio Wengi Bungeni imesemekana ni wiki mbili na lazima tufuate sheria.

Kwa hio sisi hii wiki Bunge liangaliwe nini litafanya ndio Waheshimiwa hawa wasione watakuwa wako *idle* wakingoja wiki ile nyengine lakini naomba Mheshimiwa Spika tukae tupitishie *Chief Officers* tukirudi Januari ni kazi, ni kazi ianze na tuanze kutimiza ile ndoto ya Gavana 001. Ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Fadhili Mwalimu): Leader of Majority wait for your time when you will be responding, I will give you time unless you are up on a point of information.

Leader of Majority (Hon. Mwidani): Ndio maana nimesimama, Mheshimiwa Spika nina taarifa ambayo ni vizuri nikielezea Bunge wakiwa wanachangia waelewe. Mheshimiwa Spika leo ni tarehe 7 ni Alhamisi, kuanzia wiki ijayo ndio itakuwa kunafanywa hizo *vetting* na wiki ifuatayo ndio wiki tutakayoenda mapumziko. Nataka kuwaambia Waheshimiwa si *Chief Officer* mmoja ama wawili wangelikuwa mmoja au wawili ningekubali yale wanasema lakini *Chief Officer* kumi na moja hao wanatajikana wawe *vetted* na Kamati tofauti kisha Ripoti ziadikwe kwa kila Kamati alafu ndio ziletwe Bunge tupitishie. Wanachama si kwa sababu nyie wenyewe mwajua mimi mwenyewe mgonjwa hata nilikua nimefurahi leo namaliza niende pengine naweza kulazwa hospitali, lakini nimesema kwa vile ninavyojua *the nature* ya hii kazi nimekubali hata mimi nivumilie wiki mbili alafu niangalie matibabu. Kwa hio fikiria leo ni Alhamisi, kesho Ijumaa sidhani kama mtu kwa Kamati atafanya lazima tuanze Jumatatu, wale wale Makarani ndio wale mtakuwa nao, wale wale Makarani wanatakiwa wapate muda wa kuandika hiyo Ripoti kisha iletwe hapa. Kwa hio ukiangalia kusema ukweli Wanachama hata haitoshi lakini najua tutajikakamua hata hao Makarani, kwa sababu *Chief Officers* kumi na moja sio idadi ndogo.

Deputy Speaker (Hon. Fadhili Mwalimu): Thank you Hon. Leader of Majority for the information, yes Hon. Raphael Bwire.

Hon. Bwire: Thank you Mr. Speaker, we are all supporting Majority Leader's Motion today and that we are willing to vet the people presented to us by the office of Governor, the only way we are not getting each other is the timeline, and let me also remind the Hon Members contributing that no one is against this list, we all supported the Governor's speech and that's why we are saying we will vet the officers brought by the office of the Governor that 1, 2, Mr. Speaker this is a House of procedure not a military barracks where we get orders...

(Applause)

...We debate issues and agree and make resolutions as a Hon. House, therefore I quoted what Hon. my senior Amur said that there is a gazzettelement that should be done in seven days so I just want to remind Hon. Majority Leader that we may not start vetting these officers from Monday as you had said because there is a gazzettelement that should take seven days, so our worry is Mr. Speaker we were to wind up the business of this Hon. House today, now coming the whole of next week Mr. Speaker...

(Interruption)

I am on floor protect me...

Deputy Speaker (Hon. Fadhili Mwalimu): Are you up on a point of order?

Leader of Majority (Hon. Mwidani): Mr. Speaker I agree with what my colleague has mentioned, I want to correct; infact Hon. Amur was right there is no any advertisement so far, the advertisement has already been done they have already applied they are just waiting....

(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Leader of Majority you are misleading the House, yes Hon. Raphael continue...

(Interruption)

Hon. Murfad Amur: Mr. Speaker...

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Amur, Hon. Bwire is still on the floor.

Hon. Bwire: Thank you for your protection Mr. Speaker you see it seems no one among the seniors have a clear picture of what should be done, and that is why we are saying we are ready for a Special Sitting any time we will be called back to pass the list and we are just afraid that some of us had already lined up a series of activities because we knew we were to adjourn today for the long recess. I therefore say am in support of those majority Hon. Members who are in support of having the recess from today then coming back for a Special Sitting to debate this list, but being here for the next two weeks unless you do something, thank you Mr. Speaker.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Hatimy.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika, nia ya Wanachama wa Nyumba hii hawana nia mbaya na hapa ni watu kukubaliana, ni kweli watu wameenda mbio wamechoka wanataka kupumzika...

(Applause)

Lakini Mheshimiwa Spika kama Mheshimiwa alietoka kuzungumza sasa hivi hapa amesema hii Nyumba ni ya sheria tuangalie Kanuni za Bunge nambari 42 yasema nini na nataka nauliza Karani wa Bunge atusomee ili nisije nikaambiwa mimi nimeweka maneno yangu; wakati unapo *commit to Committees* sheria yasema nini ndipo hapo mupate hizi siku zilizowekwa kwenye hii Hoja kusema kuwa ni wiki mbili, twaweza kukubaliana Mheshimiwa Spika sijui kwa rukhsa yako waweza kumwambia Karani wa Bunge atusomee Kanuni ya Bunge nambari 42 yasema nini kwa *committal to Committees* kabla sijaendelea kumaliza.

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Hatimy it is un procedural to tell the Clerk to read, you are supposed to read the Standing Orders.

Hon. Mohamed Hatimy: Nafikiri waweza muomba Karani wa Bunge asome kwa sababu Mheshimiwa Spika sitaki niambiwe nimeweka maneno yangu ndani ya haya maneno kwa sababu naona mjadala umekuwa mzito, kwa hio nafikiri Karani wa Bunge anaweza kusoma mtu akimuomba ama ukitaka nisome mimi nitasema.

Deputy Speaker (Hon. Fadhili Mwalimu): Yes proceed Hon. Hatimy.

Hon. Mohamed Hatimy: Approval of public appointments, committal to Committees;

(Hon. Mohamed Hatimy read)

42(1) Upon receipt of a notification of nomination for appointment to an office as is under the Constitution or under legislation required to be approved by the County Assembly, the nomination shall stand committed to the relevant sectoral Committees of the County Assembly for consideration,

2. Despite paragraph (1), appointments under Article 179(2)(b) of the Constitution shall stand committed to the Committee on Appointments,

3. Before holding an approval hearing, the Committee to which proposed appointments have been referred shall notify the candidate and the public of the time and place for the holding of the approval hearing, atleast seven days prior to the hearing,

4. The Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise provided in law, table its Report in the County Assembly within 14 days of the date on which the notification was received under paragraph (1).

Nafikiri Mheshimiwa sote twafahamu haya tuliyosoma lakini kuna njia ambayo hata mimi nakubaliana na Waheshimiwa twaweza kusema kama wiki ijayo tupatiane Kamati muda wa Bwana Katibu kuchapisha na kuweka kwa gazeti, twaweza kukubaliana kuwa hii wiki twaweza kuahirisha maanake tukienda mapumzikoni ni maneno mengine tofauti ya watu kwenda mapumzikoni na kuahirisha vikao ni mambo mengine.

Kwa hio sisi twaweza sema wiki ijayo twaweza kuwa huru...

(Applause)

Kusema kuwa tutakuja hapa wiki inayofuata ambayo lazima tutatoa siku saba kwa sababu kuna watu kwenye hawa waliotajwa pengine wana madhambi yao, watu wana mambo yao wanataka kuja kuzungumza mtu amefanya makosa kwa hio ni lazima raia wapewe nafasi ya kuleta yale malalamiko yao alafu tuangalie tutafanya nini. Kwa hio hizi Kamati kumi baada ya wiki hii turegee sasa tuanze kazi...

(Applause)

Siku tukimaliza tukizileta Bunge hizo Ripoti tukipitisha ama tusipitisha siku hiyo mapumziko ndio yataanza ndio tutaweka maana hivi sasa hii haijakuwa *gazetted* na mapumziko lazima iwe *gazetted*, kwa hio twaweza kuchukua wiki moja mapumziko kiasi twangoja hii mambo mengine yanafuatiwa Mheshimiwa, ahsante sana Mheshimiwa Spika.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Ibrahim Omondi.

Hon. Omondi: Thank you Mr. Speaker sir for giving me this opportunity to air out my views, first of all the Motion that is just ahead of us is a very important and significant Motion to this House and even to the whole Mombasa County and even to the people that we represent. We need to give it whatever it deserves so that we may be able to serve our people properly and i have listened to the Members contributing towards this Motion carefully, and first and foremost i actually want to remind the people concerned that it's always very important to whip the Members before some of these Motions are brought. We have the Chief Whip in the House and to me I felt that it could be better if the Chief Whip could have received this information early enough and maybe he would have whipped us before we came in this House.

The reason why am saying that Mr. Speaker sir is that most of the Members when you look at the mood of the Members we were psychologically prepared that we are going for our long recess today, but this one has come and it's a matter of surprise to the Members, and that's why you see most of the Members are on opposing side and i thought maybe if the Whip could have whipped us some three, four hours before maybe we would have done our discussions outside and would come here and we just know what to do. Maybe some of these procedures that our Chairman is suggesting would have maybe been discussed them outside the House before we came in so that we just come and know what we are supposed to do. Okay I am going to say that as far as this Motion is concerned Mr. Speaker sir, as the paper work is being done, communications being done i think we need to rest and once the paper work has been done well as my able Chairman has said we should be back again to finish our part, communication through Gazzettements and other parts as they are being done i think we can have a rest because of the psychological attachment which is actually on the Members, that's what i could request, thank you Mr. Speaker sir.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Thoya Renson.

Hon. Thoya: Thank you Mr. Speaker am rising here to appreciate and congratulate the Hon. Members that for the first time we are realising our independence that a Motion can be brought here and we be able to discuss it at length...

(Applause)

...I thought we are getting out of the crammed word ayes, we are very happy that we will exercise this independence, am happy that your solomonic directive will help this House, we appreciate the message that has been brought from the Office of the Governor but I think we've got books of law as our senior Chairman has a lead and it is what we were enquiring because some of us are new in this maybe we will debate out of the procedures and books of law but as it is very clearly indicated by the Chairman we need seven days.

The great question is, the whole of next week shall we be in charge of all the gazetting of these names or maybe a given officer of the Clerk will be gazetting? So if the role is given to a certain office, one office then we can just decide to go and then we come back after one week because nobody can explain the job that we are about to do next week because it will be the time that the gazetting will be done. So we support the agenda from the Governor's office but it is very healthy for us to discuss at length because this House is independent, again I appreciate Hon. Bwire this is not a military camp it's a Hon. House...

(Applause)

...That you need to give us time to deliberate on the matter and going forward (??) will not come here but a Motion will come here because you know as a word comes here as (??) (??) we will deliberate many things at length so that we give you something of substance, thank you Mr. Speaker.

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Faith.

Hon. (Ms.) Boniface: Ahsante sana Bwana Spika kwa kunipatia nafasi kuchangia hii mada ya leo na kwa (??) mliosema sioni haja ya sisi kuja hapa wiki ijayo ilhali kuna mambo ambayo yanafaa kutekelezwa, tumekaa hapa tumekuwa nadra kule mashinani na tunahitajika kule kwa hio ningeomba wiki ijayo tukae kule mashinani kwetu na tunaomba tuitwe kikao maalum tuje tupitishe hizi teuzi za *Chief Officers*. Hatuendi mbali na hotuba ya Gavana na tunamuunga mkono na hizi kazi zitaenda kwa Kamati husika kwa hio tukishamaliza naomba muitishe kikao maalum ndio tuweze kujadili hili. Kwa hio naunga mkono kulingana na sauti ya wengi kuwa na mapumziko, ahsante sana Bwana Spika.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Nzai.

Hon. Nzai: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii na mimi kuweza kuongea mawili matatu, *order Honorable Members!* Tafadhali Mheshimiwa Spika mwanzo nataka kutoa pole yangu maana jana mchana nilikuwa pale Mombasa Hospital nikitibiwa mpaka nikatoka leo lakini saa hii najisikia buheri wa afya. Nafikiri Mheshimiwa Spika tumesema hili ni Jumba la sheria na nimetazama na Waheshimiwa wenzangu kuhusiana na wiki hizi ambazo ziko machoni kwetu lakini kwa sababu Jumba hili lina Kamati ya Utenda kazi wa hapa ikiwa mimi mmoja wao katika Jumba la biashara nitamshauri Mwenyekiti wangu ili aweze kuwapangia kazi hata kama ni mafunzo ya wiki moja waende Kilifi ili wasijione wanaboeka kisha wakirudi hapa Mheshimiwa Spika waweze kupitisha mapendekezo ya Gavana wetu.

Kwa hio hilo ningependa niwaambie wasiwe na wasi wasi maana sisi ni wamoja na hawataboeka tuko pamoja na ma *Chief Officer* ni wetu kwa ajili ya kazi zetu mashinani, kwa hio ikiwa ni mambo ya Jumba la sheria Mwenyekiti wetu atayapangilia na kila Mheshimiwa atapata jawabu ikiwa ni Mheshimiwa Hatimy tuko naye ametoa mwelekeo mzuri kwa hio hio wiki moja isiwe jambo kubwa mtapangiwa kwa sawa sawa. Ahsanteni.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Mheshimiwa Naliaka.

Hon. (Ms.) Wafula: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii kuweza pia kuongezea sauti yangu kwa mjadala wa leo, mimi kibinafsi ningependa kuomba hili Jumba ya kwamba tuweze kuelewana na vile Kiongozi wa Walio Wengi Bungeni amesema tuongeze hizo wiki mbili manake kuna masuala mengi hata mimi wiki iliopita nimeleta taarifa ya kuongezeka kwa taka lakini hata sikupata suluhu ya kuridhisha kwa sababu wale wahusika wa ile Kamati ya kuangalia masuala ya *waste management* hawajielewi kwa vile hawajapata mafundisho ya kutosha kulingana na kutatua swala hilo. Kwa hio ningependa...

(Interruption)

Hon. Shebe Salim: A point of information Mheshimiwa Spika. Mheshimiwa Spika ningependa kujulisha Bunge hili...

(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Under which point of order Hon. Shebe.

Hon. Shebe Salim: A point of information Mr. Speaker.

Deputy Speaker (Hon. Fadhili Mwalimu): Ok then proceed.

Hon. Shebe Salim: Mr. Speaker I would like to inform this Hon. House that it's very disheartening and kind of hard to hear a Hon. Member standing in front of other Hon. Members claiming that the Chairman or rather the Committee of Environment is not carrying its mandate or rather it's not finding itself on the right way Mr. Speaker. Mr. Speaker it's very unfortunate because we have made some effort, we have done as the Chair of the Environment and my Committee we have summoned the CEO Chief Officer of Environment we have raised issues, even the Members themselves know that we have taken great strides and steps to make sure this issue of garbage menace of Mombasa County is well taken care of. Mr. Speaker kindly ask the Hon. Member to withdraw that statement and apologize...

(Applause)

...Because Mr. Speaker sir lend me your ears; I beg, I would like the Hon. Member to apologize to this Hon. House and specifically to the Chair of Environment and its Members because if it's matters concerning the statement I have read the statement here in the House and steps are being taken even as we speak the CEO or Chief of environment is at Kibarani...

(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Thank you.

Hon. Shebe Salim: In fact we have already organized a field tour between myself and the executive with Hon. Feddis here to go to Jomvu and Mwakirunge Mr. Speaker, thank you.

Deputy Speaker (Hon. Fadhili Mwalimu): Thank Hon. Shebe you have well informed the House, yes Hon. Naliaka continue.

Hon. (Ms.) Wafula: Mheshimiwa kabla sijasema lolote hapo ningependa kukushukuru maana wanasema wacha kunyeshe ndio utajua ni wapi kunavuwa, nisingelisema hivyo haungejieleza kwa ufasaha, kwa hio nakushuru umeweza kutueleza pale umeweza kwa hivyo nime *withdraw*.

Deputy Speaker (Hon. Fadhili Mwalimu): Ok thank you, proceed. The Member has withdrawn her statement.

(Laughter and Applause)

Hon. (Ms.) Wafula: Hata hivyo Bwana Spika bado kuna shida hata kama tunajitetea kwa leo kwa kuwa tumejaribu kufanya mawili, matatu lakini bado tuko mbali na kazi kwa hio vile Mheshimiwa Kombe amejaribu kusema kuhusu mambo na mafunzo mimi ningeongezea mkono wangu pale angalau tukapate kwa hili juma moja ambalo itakuwa tumekaa bure tukaweze kujifunza zaidi kulingana na mambo na Kamati zetu, ahsante Mheshimiwa Spika.

(Laughter and Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Milka Moraa.

Hon. (Ms.) Ngare: Thank you Mr. Speaker for giving me this chance to also contribute to the Motion that was brought by the Majority Leader, am here in support of the Motion that we should not adjourn till 21st...

(Applause)

We do have a lot of pending issues...

(Interruption)

Hon. Fahad, please give me time! Mr. Speaker protect me from Members who are almost mauling me; we have a lot of pending issues if I can support what Hon. Naliaka has just put across but there are statements that came here and we've not had answers yet and we should be dedicated Hon Members. When we come up with statements like we have already booked tickets to go upcountry that should not be brought to this Hon. House they can...

(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Why are you up Hon. Bomoa? Which point of order?

(Loud consultation)

Hon. Omondi: Mr. Speaker sir I stand on a point of information, if you may allow me.

Deputy Speaker (Hon. Fadhili Mwalimu): Ok continue.

Hon. Omondi: Thank you Mr. Speaker sir. Mr. Speaker I have listened, I was here since we started our Motion from the start and I have not heard any Member from any corner uttering or saying that they are requesting for this Motion to be adjourned for us to go for a recess so that people to go upcountry or people who have booked to go upcountry. I wonder where the Hon. Member has got this information on that I just want...

(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Ok thank you Hon. Bomoa.

Hon. (Ms.) Ngare: Thank you Hon. Bomoa I think my ears are not letting me down I have heard two Members saying they have already booked to travel upcountry yes...

(Applause)

Now I...

(Loud consultations)

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Amur, consult in a low tone please.

Hon. (Ms.) Ngare: Thank you Mr. Speaker for protecting me; from the information we have from the Majority and also from Hon. Amur we need enough time for these nominees, the nature of work that is pending to be carried out should not be done in a hurried manner and this coming week most Hon. Members are saying we shall remain idle, I think we have a lot of work to come and do here for example yesterday we were in a meeting 'kamkunji' and we realized that there are some meetings we do which collide and therefore that is why we never get paid. We could come here next week and look at those documents and do some Committee meetings to improve on our miserable pay slips that will also be for our welfare...

(Interruption)

Now Mr. Speaker...

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Members let Hon. Milka to continue.

(Loud consultations)

Hon. (Ms.) Ngare: Do you have something to say, talk through the Speaker. Thank you Mr. Speaker...

(Laughter)

Deputy Speaker (Hon. Fadhili Mwalimu): Continue.

Hon. (Ms.) Ngare: I strongly think that we should not adjourn; we come here until 21st so that we carry out all the pending issues and go home after having accomplished what we are supposed to accomplish as Hon. Members. Thank you Mr. Speaker sir.

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Shebe.

Hon. Shebe Salim: Ahsante sana Mheshimiwa Spika kunipatia fursa hii manake nimesimama nikangoja milele kidogo nife bila kelele. Nashukuru Mheshimiwa Spika nafikiri tukisema tunaendelea hivi tutafika mpaka jioni kwa hio ni bora tukubaliane kupigwe kura hapa ambao wanapendekeza twende wiki moja halafu turudi ni sawa kabisa, ama wale ambao wanapendekeza tuendeleo sawa tutaendelea. Mheshimiwa Spika sasa mimi napendekeza ili kukusaidia na sisi wenyewe pia tujisaidie hebu twendeni kwa debe tukubaliane tusipoteze muda...

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Hatimy and the Leader of Majority will respond.

Hon. Mohamed Hatimy: Mr. Speaker...

(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): On an information...

Hon. Mohamed Hatimy: Under Standing Order 28 (2)...

(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Standing Order 28 (2).

Hon. Mohamed Hatimy: Yes.

Deputy Speaker (Hon. Fadhili Mwalimu): Yes proceed.

Hon. Mohamed Hatimy: Thank you Mr. Speaker. Mr. Speaker under Standing Order 28 I seek leave of this Hon. House that this County Assembly do now adjourn until Tuesday. Mr. Speaker I want to request Hon. Bwire to second this Motion. Thank you.

(Laughter)

Hon. Bwire: Mr. Speaker allow me to consult my Chairman, kindly please.

(Consultations)

Thank you Mr. Speaker I was consulting which Tuesday, I am in support that we adjourn and to come back the other Tuesday and not next week.

(Applause)

(Silence)

Deputy Speaker (Hon. Fadhili Mwalimu): The Mover of the Motion may respond, the Mover of the Motion on amendment.

Leader of Majority (Hon. Mwidani): Mr. Speaker may I take this opportunity first of all to thank all the Members; you know am the Leader of Majority and always you go with the majority so...

(Applause)

...So let us amend our Motion that the House to be adjourned pursuant to Standing Order Number 28 (1) and resume on Tuesday 19th December, 2017 at 2:30p.m. Thank you Mr. Speaker Sir.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Members I now stand to put a question that the House to be adjourned until Tuesday 19th December, 2017 at 2:30p.m.

(Question put and agreed to)

(Applause)

Hon. Members by the adjournment the Committees are still in place you are allowed to have your Committee meetings.

(Applause)

Yes Clerk?

ADJOURNMENT

The House stands adjourned until Tuesday 19th December, 2017 at 2:30p.m.

The House rose at 3:58p.m