



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 9th October, 2019
The House met at 10:38a.m.

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

PRAYERS

The Speaker (Hon. Khatri): Hon. Members you may be seated. Yes, Clerk?

STATEMENT

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS HON. PRISCHILLA MUMBA ON THE QUALITY OF LIGHT BULBS SUPPLIED TO THE WARDS

Yes Hon. Prischilla Mumba, please respond to the Statement.

Hon. Mumba: Ahsante Mheshimiwa Spika. Kulingana na swali lililoulizwa, nilizungumza na Engineer na akaniambia kuwa anataka afafanuliwe zaidi na mwenye aliuliza hili swali kwa sababu kama ni mambo ya mataa imekuwa mara kwa mara nikileta majibu yake, sasa haelewi haswa alinukuu ataka aelezwe kivipi kiurefu ili aweze kumueleza kwa ufasaha. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you. Yes Clerk? Yes, Hon. Faith?

Hon. Mwende: Thank you Mr. Speaker. I am the one who brought the Statement and it was well stated, it was about matter of substandard lights which were installed in all Wards. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Yes, Clerk, you have the copy of the Statement, right?

(Low consultations)

Hon. Prischilla I do not know maybe did you have the copy of the Statement from the Clerks?

Hon. Mumba: Kuletewa mimi Mheshimiwa Spika?

The Speaker (Hon. Khatri): Yes, like the copy of the Statement which the Honourable gave to this House, there was a Statement which she wrote and she signed and gave to the House.

Hon. Mumba: Alipeana lakini haikuja kwangu mikononi kwa sababu Makarani *ruling* huwa ikitoka hapa wao huandika barua alafu inaenda kwa Wizara, sasa Wizara itapokuwa inajibu ndio huwa mimi napata yale majibu niweze kuipeana katika Nyumba hii.

The Speaker (Hon. Khatri): Hiyo barua ulioandikia Wizara uko nayo?

Hon. Mumba: Barua iko na Makarani bado sikuja nayo hapa, lakini mimi niliweza kuzungumza na Engineer mwenyewe kwenye simu, ili nikitaka majibu sasa hivyo ndio alinifafanunulia nikaweza kumuelewa kwa ufasaha.

The Speaker (Hon. Khatri): Ndio nasema Mheshimiwa labda ungekuwa uko na hio barua uliandikia hiyo Wizara ndio tujue yale anayoyasema Mheshimiwa ni yale mliyoyaandika ama Makarani waliandika mambo yao?

Hon. Mumba: Mheshimiwa Spika itabidi sasa nifuatilishe kwa Makarani wa Kamati nijue kama ni haya haya aliyoyasema, ama yaliandikwa mengine ili aweze kufafanua niweze kujibu katika Nyumba hii tukufu kuwa, haya haya Mheshimiwa Faith aliyoyataka yajibiwe ndio yale yale yaliandikwa kule ama yaliandikwa tu hii kulingana na vile Taarifa saa hii inavyosema, yasema tu *status* na kulingana na Mheshimiwa Faith vile ameeleza, ameeleza kuwa anataka afafanunuliwe vile mataa yalivyo na uboreshaji wa mataa vile yalivyo ili aweze kuelezwa, kwa sababu nikiangalia hapa kulingana na vile imeulizwa na vile alivyo simama Mheshimiwa Faith kuuliza ninaona ni vitu viwili tofauti.

The Speaker (Hon. Khatri): But this is just a topic *hapa haiwezi kusema hii imewekwa katika Order paper si lile swali*, it's just a topic.

Hon. Mumba: Sasa yeye amesema ni *sub-standard*.

The Speaker (Hon. Khatri): Ama mko nayo katika *Vote book*? Kwa hio Engineers wamejibu kukuandikia kuwa wanataka kuulizwa maswali zaidi, yaani hawajui ama ni simu?

Hon. Mumba: Nilizungumza naye kwa simu.

The Speaker (Hon. Khatri): Lakini simu haisaidii Mheshimiwa, mawasiliano lazima yafanywe, nyinyi mumewaandikia na wao wajibu; wasema kuwa wanataka kufafanunuliwa zaidi tukianza mambo za simu, mambo ya urafiki, mambo ya hii si kazi, kazi ifanywe, barua munaandika wanajibu na ndio inakuja kwa Kamati na inaingia kwa hii Nyumba. Mambo ya sijui kupigiana simu hio tuacheni, sisi tuko hapa kuhudumia watu wa Mombasa, hatuko hapa leo kuja kufurahishana, ati sijui tunaanza kubembelezana, kazi ifanywe ifanywe. Mheshimiwa ameuliza swali iende huko ijibiwe kwa mawasiliano.

Kama Karani ameandika barua na wale wajibu waandike, mambo ya simu itakuwa si mzuri Mheshimiwa. Kwa hiyo tafadhali na hili swala naona limekaa pia sana, nafikiri Taarifa ilikuja kitambo labda tukupatie mda kama...

Hon. Mumba: Ningeomba Mheshimiwa Spika wasi wasi wangu hata ilipokuwa ndio nipige hio simu ni kwa sababu nilipoingia asubuhi huwa nategemea nipewe nakala ya kuwa kuna majibu umeletewa, sasa nilipoona hakuna nakala ninayopewa na Makarani ndio mimi nikachukua ule wasi wasi wa kusema hebu nipige pengine kuna nakala kule tayari ishawekwa lakini haijakuwa *delivered* huku.

Kwa hiyo wasi wasi wangu ile kupiga ili nisikose jibu katika Nyumba hii sasa ndio nikatumia wakati wangu kupiga kutaka kujua, ndio akanieleza hivyo sasa nikasema ni bora nje nijieleze, kwa sababu imebidi pia mimi mara nyingi Mheshimiwa Spika nimekuwa nikitumia mda wangu sana nikikimbia mimi mwenyewe kwenda mpaka kwenye Wizara, ambapo sielewi utekelezvu yaani shida inatokea wapi katika kutoka barua hapa kwenda kule na katika kujibiwa kutoka kule kuja hapa. Kuna shida fulani hapa katikati ambayo mimi siwezi kueleza, kwa sababu barua huwa haziji kwa wakati, hata saa nyengine Mheshimiwa Spika utakuta barua yaingia sasa hivi na sheria inasema mpaka kwanza nikae na Kamati barua ikija.

Sasa unakuta *Order paper* inaniambia nijibu hili swali na barua ndio imeingia sasa hivi sijakaa hata na Kamati yangu, ambapo nikija hapa kwenye Nyumba ninakuwa nina jawabu ambalo hata Kamati sijakaa nalo. Sasa pia ningeomba Mheshimiwa Spika kulingana na hali ninavyoiona inavyoendelea, ninataka onyo kali itoke hapa, kupitia kwa Makarani wetu waweze kufuatilizia haya mambo, sio tu kwa mimi kama Mwenyekiti wa Uchukuzi, kwa Wizara zote maanake saa zengine tunapewa majibu kwa wakati mfupi sana, kwa mda wa kuwa hatuwezi kaa na Kamati zetu kuwaeleza na hatuwezi kuleta majibu katika Nyumba hii.

The Speaker (Hon. Khatri): Ahsante Mheshimiwa. Mheshimiwa nafikiri labda nitawapatia zile nguvu zenu ambazo mko nazo, labda nyinyi wenyewe hamtaki kuzitumia ama mwataka kujidharaulisha. Katiba iko wazi katima *Article 195*, "*County Assemblies power to summon witnesses. A County Assembly or any of its cCommittees has power to summon any person to appear before it for the purpose of giving evidence or providing information*"! Nguvu mko nayo, lakini sasa Mheshimiwa si kwa ubaya, najua saa zengine unapiga simu unataka kuharakisha lakini tumieni hizi nguvu zenu mko nazo na nyinyi leo mko hapa kushughulikia watu wa Mombasa na pia Mwenyezi Mungu anawaangalia, *either* mwataka kufanya hili jambo ki haki ama mwataka kufanya jambo *kukaviana*.

Sasa hayo ni majukumu nyinyi wenyewe lakini angalieni leo mko kesho hamko, kwa hio ni majukumu mmepatiwa fanyeni kazi yenu na mko na nguvu ziko wazi Katiba hii inasema 195. Sasa sijui ni kitu gani ambacho kinawazungusha huku na huku, hili jambo limekaa sana zaidi ya mwezi mmoja nafikiri na ni jambo *very sensitive*, *Members have been complaining*, *Members have been coming to my office to complain* kuhusu hii mambo ya taa za barabarani, taa zinaenda zinawashwa sijui siku mbili zinazima, kwa hio tafadhalini Mheshimiwa angalieni hili jambo muone vile mtaleta hio Taarifa, *so please two weeks?* Okay. Yes Clerk, next order?

MOTION

REVIEW OF COUNTY ASSEMBLY STANDING ORDERS

Yes Hon. Athman Mwamwiri?

Hon. Athman Mwamwiri: Thank you Mr. Speaker. Mr. Speaker I seek your guidance whether we should introduce the Motion or we proceed from where we left yesterday?

(Low consultations)

The Speaker (Hon. Khatri): Yes Hon. Mwamwiri. I have been advised that it is the resumption of the interrupted business from yesterday, so Members may contribute or maybe because other Members were not here, I do not see any harm if you can read the Motion again.

(Resumption of business interrupted on 8th October, 2019)

Hon. Athman Mwamwiri: Most obliged Mr. Speaker.

Mr. Speaker Sir, I beg to move the following Motion as amended.

WHEREAS, Section 14(1)(a) of the County Government Act, 2012 provides that a County Assembly may make Standing Orders consistent with the Constitution and the Acts regulating procedures of the County Assembly;

WHEREAS, the current Standing Orders now in use at the County Assembly were formerly in use at the National Assembly and were to be used pursuant to Section 14(7) of the County Government Act, 2012 as interim Standing Orders until the County Assembly makes its own Standing Orders;

WHEREAS, after the County Assembly adopted the interim Standing Order in 2013, gaps, deficiencies and omissions have been observed in the current Standing Orders which require fixing;

WHEREAS, with the passage of time and usage there is need to review and fill the gaps, omissions and inadequacies in the current Standing Orders;

NOW THEREFORE, the County Assembly of Mombasa hereby resolve as follows;

1. THAT, the Committee of Rules and Procedures to undertake a review of the Standing Orders to update them to incorporate best practices from the National Assembly and other jurisdictions;
2. THAT, the Committee of Rules and Procedures shall within 90 days of approval of this resolution table necessary amendments to the Standing Orders in this County Assembly for consideration and approval;
3. THAT, once amendment are approved by the County Assembly the complete Standing Orders to be published and circulated within 90 days thereof.

Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. Hon. Members those who did not contribute to the Motion can now make their contribution. Yes, Hon. Mohamed Mohamed?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika ukifanya maombi yako kotini na lile ombi likionekana lina makosa, lile ombi hutupiliwa mbali. Kwa hivyo Mheshimiwa Spika mimi nasimama hapa kupinga hii *Motion* kwa njia vile imeletwa, ni kweli County Government Act inazungumza haya maneno lakini ukiangalia hii *Motion* imezungumza juu ya County Government Act pekee yake, haikufuatilia Kanuni za Bunge zasema nini ukitaka ku *amend* hii Kanuni ya Bunge. Mheshimiwa Spika angalia kifungu 235 inasema nini.

The Speaker (Hon. Khatri): Tusomee labda Mheshimiwa.

Hon. Mohamed Hatimy: Mheshimiwa Spika 235, *Amendment on the initiative of a Member*, not a Committee but a Member. A Member may with the support of...

(Interruption)

The Speaker (Hon. Khatri): Maybe Hon. Hatimy... maybe if you can start from the topic or from the amendment of Standing orders.

Hon. Mohamed Hatimy: Yes, Amendments of Standing orders. Mimi Mheshimiwa Spika mwanzo kusema 234 mimi nimetegemea 235 lakini 234 pia nitasema, '*County Assembly Procedure and Rules Committee may at any time propose amendments to these Standing orders*'. Hii Kamati inamaanisha... hii Kamati wakati wowote inaweza kuleta mapendekezo kurekebisha hizo Kanuni za Bunge lakini tukienda kwenye Kanuni za Bunge nambari 235 (1) inasema, '*A Member may with the support of at least two other Members request the Procedure and County Assembly rules Committee to consider an amendment to the Standing orders*'. Mheshimiwa Spika hii alikuwa asilete huu Mswada ndani ya hii Nyumba lakini aandike barua kuwaomba hii Kamati iliyotajwa hapa kutaka kufanya haya marekebisho. Kwa hivyo Mheshimiwa Spika kama wanasheria wanasema kuwa huu Mswada ni *bend in law* na nafikiri itakuwa ni kupoteza wakati tukizungumza huu Mswada kwa njia ilivyoletwa Mheshimiwa Spika, ahsante.

The Speaker (Hon. Khatri): Thank you Hon. Hatimy. Yes Hon. Charles Kitula?

The Chief Whip (Hon. Kitula): Mheshimiwa Spika nikiweza kumuarifu Mheshimiwa Hatimy kwamba, Kanuni za Bunge amezisoma ni kuhusu marekebisho ya Kanuni za Bunge lakini Mswada unaongelelea kuhusu *review of the whole Standing orders* sio marekebisho. Ahsante sana.

The Speaker (Hon. Khatri): Lakini Mheshimiwa ilikuwa *review*. Yes Hon. Hatimy?

Hon. Mohamed Hatimy: Mheshimiwa Spika kichwa nakubali imeandikwa, "*Review of County Assemblies Standing Orders*", lakini ukiangalia mwanzo wa huu Mswada unasema, "*I beg to move the following Motion as amended*", alafu ukienda kwenye ombi la pili linasema kuwa, "*THAT, the Committee of Rules and Procedures shall within 90 days of approval of this resolution table necessary amendments*".

Kwa hivyo Mheshimiwa Spika imezungumza mara mbili juu ya marekebisho; ya kwanza ni kuwa, *"I beg to move the following Motion as amended"*. Hii ni kuonyesha kuwa hii inazungumzia juu ya marekebisho, ingekuwa ni *review* ingekuwa yeye kutoa maoni yake tungekubaliana na kusema kuwa tunataka ku *review* lakini imeongezwa na ku *amend*. Mheshimiwa Spika nafikiri hii ni makosa na hili jambo nafikiri tuliangalie kisheria pahali imefika si kisiasa ama jambo lolote, ahsante.

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

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika naomba kumtaarifu Mheshimiwa ya kwamba uandishi wangu wa kwanza ama maombi yangu ya kwanza yalikuwa nimesema tu *adopt National Assembly with Standing orders* na nikakosolewa nikafanya marekebisho ndio maana nikanukuu ya kwamba, *I beg to move the following Motion as amended* kwa kuondoa nukuu ya *adopt* na kuweka ya *review*.

Mheshimiwa Spika pili nimtaarifu Mheshimiwa ya kwamba yeye anazungumza 235 ya ku *amend Standing Orders*, Mheshimiwa Spika Bunge la Mombasa halina *Standing Orders* tulio nayo ni ya kuazima na sheria ya County Government Act ambayo ina nguvu zaidi ya *Standing Orders* yetu ya kuazima ilitupa hili suala tulishikikilie kwa muda na kufikia sasa ikiwa ni tamu. Ya pili Mheshimiwa Spika hatuna *Standing Orders*; ni aibu kwa Bunge hili na kwa Mheshimiwa wasi wasi wake wa kutaka kubakia na hii pengine atuelezee kama kuna *interest* ama kuna kitu ambacho ananufaika nacho katika hili hali ya kwamba ni suala la kuazima na serikali Gatuze zote au mabunge Gatuze yote yametengeneza *Standing Orders* zao ambazo ni *legacy* kwao.

Sisi kama wawakilishi Mheshimiwa Spika tuko hapa si tu kwa minaaajili ya kuwakilisha na nini hali kadhalika tunataka tuache taswira ambao Bunge litakalokuja kwa wale ambao watakojaaliwa kuwa hapa wawe katika muelekezo wa Kanuni ambazo ziko kisawa sawa na ziko kwa wakati unaostahiki na sikuendelea na miaka saba saa hizi na Kanuni ambazo tumepewa tushikililie *Interim...*

(Interruption)

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. I think maybe you are not understanding the Hon. Member what he is saying. The Hon. Member is saying that he is not opposing the amendment but he is saying the procedure which you took they are not in line with the Standing Orders, I think that is what he is trying to say. Yes Hon. Juma?

Hon. Amriya Juma: Thank you very much Mr. Speaker for according me this opportunity. Mr. Speaker I wanted to enlighten the House on this, because I overheard one of the Members differentiating between review and amendment and in my opinion and according to the dictionary, *a review is a formal assessment of something with the intention of instituting changes* and an *amendment also is a change in order to improve a text or something*. So review and amendment all have a core function which is change, so the argument of amendment is neither here nor there. I would also wish to state that the Standing Orders that we are now using were adopted by the previous House and even effected an amendment then by the Justice and Legal Affairs Committee so saying that this is still an interim Standing Order I think is a misinformation because from where am standing these Standing Orders were adopted then by the First House Mr. Speaker Sir.

I also want to add that the Hon. Member spoke of 235 (1) and 235 (2) is clear on the procedures, and it is that you need written reasons and written clauses where you want them amended with the justifications. One will then hand over with a list of Members who are supporting you and that is when you hand them to the Committee of Rules and Procedures. So this is a House of order Mr. Speaker that is what you have always been saying and its time that we follow the law to the latter. Thank you.

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

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker I just want to remind the Hon. Members who are opposing this Motion that we once had an amendment to our Standing Orders that was written by Hon. Mohamed Hatimy and given to Hon. Mwaka Zahoro in form of a Motion it was brought to this House no letters were written to the Committee, there were no signatures of Members but it was brought here in form of a Motion...

(Applause)

And we discussed it and approved as a House. So Mr. Speaker if we start giving the references so many things have been done and we should just continue as it were done just like the other one which was brought by Hon. Hatimy through Hon. Zahoro Mwaka and we will not buy an idea of opposing Motions that were brought by some Members perceived to be opposition. Thank you and those are my views.

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

Hon. Mohamed Hatimy: Mheshimiwa Spika mimi hata siku moja nikileta ishuhadi ndani ya Nyumba hii siichukui *personal* mimi hufuata vitabu vile vimeandikwa, namba *one* Mheshimiwa Spika nataka Zahoro aseme ni siku gani yuko hapa ndani ya Nyumba nimempatia kitu chochote kutoka kwa ofisi yangu, namba *two*...

(Loud consultations)

The Speaker (Hon. Khatri): Order! Order Hon. Members! Yes?

Hon. Mohamed Hatimy: *I need to tell this House* kuwa Mheshimiwa Spika kuna nakala za *Hansard* ambazo ziko ndani ya Nyumba hii ziletwe zile nakala za *Hansard* halafu tuangalie maneno yanayozungumzwa Mheshimiwa kutoka Junda kuwa maneno anayosema ni ya uwongo si ya ukweli na mimi niko tayari Mheshimiwa Spika kuleta ushahidi wa kuonyesha Nyumba hii ilikaa Kamati ya *Justice through the Procedure Committee* ilikaa na ikazungumza na ikaleta ndani ya Nyumba hii na ikaendelea kupitisha hizi *Standing Orders*. Mheshimiwa Spika kwa hivyo kupitia Kiti chako naomba Mheshimiwa Zahoro aeleze Nyumba hii ni siku gani, wapi na wakati nimempatia hizo karatasi.

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

Hon. Samba: Mr. Speaker I was going through the Standing Order... thank you for giving me this opportunity.

I was going through these Standing Orders and Standing Order Number 44 on Notices of Motion, the Procedures and processes. Hon. Speaker we claim that maybe the procedure...

(Silence)

Yes Hon. Speaker the issue is not even about the Motion should not be tabled on the floor of the House, the issue is about the process and Hon. Speaker when I was going through the procedures, notices of Motion Standing Order Number 44 (2) states that, *before giving Notice of Motion the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by the Member; and the Clerk shall submit the proposed Motion to the Speaker and (3) if the Speaker is of the opinion that any proposed Motion...*

(Consultations)

The Speaker (Hon. Khatri): Yes continue Hon. Samba.

Hon. Samba: Yes Hon. Speaker the issue is all about the process and the procedure and I was going through Standing Order 44 (2) which states that, *'Before giving Notice of Motion the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by the Member; and the Clerk shall submit the proposed Motion to the Speaker and then it goes on (3) states if the Speaker is of the opinion any of the Motion - (a) is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders; (b) is contrary to the Constitution or the Act of Parliament or the County Assembly without expressly proposing the appropriate amendment...*

Hon. Speaker I just want to leave it there. Hon. Speaker the Member who has just raised this concern is a Member of House Business Committee and when it was adopted he was there and you are also a Member of the House Business Committee and the Clerk also is a Member of the House Business how did it that they allowed this Motion to come to in the floor of the House if the process is not good. Thank you Hon. Speaker.

(Applause)

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

Hon. Mwende: Ahsante Mheshimiwa Spika. Saa zote msema kweli ni kipenzi cha Mwenyezi Mungu na nakumbuka tulikuwa *House Business* katika *Committee room* na tuliweza kupendekeza hizo *Motions* na *Motion* ilipokuja katika hili Bunge hatujui ilifika vipi? Kwa hivyo ni vizuri Mheshimiwa mwenye alikuwa anaongea Bwana Hatimy awe muwazi kwa sababu *Hansard* ilikuwa, rekodi zilikuwepo aape kwa jina la Mwenyezi Mungu kama hatukupendekeza kama *House Business* na vyenye iliingia katika hili Jumba kama Mswada hatujui ilifikaje. Ahsante sana Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes Hon. Juma Boy, do you want contribute?

Hon. Amriya Juma: Thank you Mr. Speaker. I was looking at the function of the House Business Committee and in my view the House Business Committee does not deliberate or discuss the contents of the Motions, that is the work of the Assembly.

Mr. Speaker, what indeed the House Business does is to plan and allocate the timings of the businesses of the House, that is a clarification the House needs to note. Thank you very much.

The Speaker (Hon. Khatri): Yes Hon. Sorry yes Hon. Samba?

Hon. Samba: Hon. Speaker the Hon. Member who has just spoken should not read the law selectively or Standing Order selectively it states very well I did not finish I thought she should finish being a law student Mr. Speaker at the end of it...

(Interruption)

The Speaker (Hon. Khatri): So Hon. Juma were you reading those things from your mind or it was a Standing Order...

(Interruption)

Hon. Samba: At the end of it Hon. Speaker...

(Interruption)

The Speaker (Hon. Khatri): Which Standing Order? Standing Order, wait...

(Interruption)

Hon. Samba: She is still looking for it Hon. Speaker, let me take her through the little knowledge...

(Interruption)

The Speaker (Hon. Khatri): 152 what does it state? Yes 152 what?

Hon. Amriya Juma: For the purpose of time I will just go straight to 152 (5) (f), *That the County Assembly Business Committee shall consider such matters as may from time to time arise in connection with the business of the County Assembly and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the County Assembly.* So the main business is in connection to business of the County Assembly they do not discuss the contents of the Motion, that is what I was driving at Mr. Speaker 152 (5) (f).

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

Hon. Samba: Yes I would just advice my friend Hon. Amriya Boy to at least read Standing Order Number 44...

(Interruption)

The Speaker (Hon. Khatri): But Hon. Amriya I think Standing 152 (5) (b) before you jump to (f) did you read (b) sorry did you read (b)...

(Interruption)

Hon. Amriya Juma: Number (5) (b) *The County Assembly Business Committee shall monitor and oversee the Implementation of the County Assembly Business and programs.* There are no discussions (b) is monitor and oversee the Implementation of the County Assembly Business, that is what I was talking about. The function...

(Interruption)

I am on the floor Mr. Speaker, protect me...

The Speaker (Hon. Khatri): Yes Continue. Order Hon. Members please. Yes Hon. Juma?

Hon. Amriya Juma: Thank you Mr. Speaker for that protection. You see when interpreting the law there is a golden rule you look at the law it is speaking for itself you do not need to interpret anything further. *The County Assembly Business Committee shall monitor and oversee the Implementation of the County Assembly Business and programs*, there is nothing that talks about here discussions of the content of any Motion in the County Assembly Business Committee. So it is very important when you are doing an interpretation of the law, the law is speaking we should just read as it is. I think my fellow colleague, my neighbour here is trying to interpret it the way it fits...

(Interruption)

The Speaker (Hon. Khatri): Thank you Hon. Juma. Yes Hon. Samba?

Hon. Samba: Yes Hon. Speaker in the same...

(Interruption)

The Speaker (Hon. Khatri): So Hon. Samba...

(Interruption)

Hon. Samba: I just want to inform Hon. Amriya that 44 (3) at the end of it, 44 (3) *states that the Speaker may direct either that, if the Motion is inadmissible, or that notice of it cannot be given without such alteration that the Speaker may approve all the Motion should be referred to the relevant Committee of the County Assembly Pursuant to Article 114 (2) of the Constitution.*

Which means that Hon. Speaker maybe the process was floated and it will just go back to you because anything which comes here it has your approval and I do not think whether you errored, you were right and this Motion is in order. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Yes Hon. Hamisi Musa?

The Leader of Majority (Hon. Mwidani): Ahsante sana Bwana Spika. Bwana Spika hili Bunge lilifanya *review* ya hizi *Standing Orders* bahati mbaya ni *printing* ndio haijafanywa. Lakini pia Bwana Spika hakuna ubaya kama bado twaweza rekebisha *Standing Orders* zetu za kututosheleza sisi wenyewe...

(Applause)

Kwa hivyo ningeomba Bwana Spika aliyeandika huu Mswada angalau angeelekeza zile sehemu ambazo anasikia ndio sasa hata tukienda kufanya zile *review* iwe inaeleweka ni sehemu gani kwa sababu Bwana Spika nakumbuka Bunge hili tulifanya hiyo *review* ni vile haijachapishwa na kuletwa lakini hakuna ubaya kama bado kuna *reviews* ambazo twaweza zifanya ku *fit our formation* ya Bunge letu. Kwa hivyo Bwana Spika mimi ningependelea ya kwamba hii Hoja haijakuwa na ubaya wowote...

(Applause)

...*still* inatengeneza Jumba letu liwe sawa. Kwa hivyo Bwana Spika mimi ningeomba ya kwamba hii *review* ni muhimu sana maanake mwisho tutaona litatusaidia sisi na wale watakaokuja. Kwa hivyo Bwana Spika sioni kwamba hapa kwaweza kuwa na utesi kwamba pengine mtu ana *hidden agenda* kwa sheria hauwezi weka *hidden agenda* hata ukafanya nini, sheria ni msumeno huwa wakata mbele na nyuma. Hivyo basi Bwana Spika mimi ningeomba aliyewakilisha hii Hoja ni kwamba aitengeneze alete mpaka zile *parts* ambazo ameona zinafaa, Kamati ya Rules and Procedures ikienda iweze ku *fit* kuziweka katika zile sheria. Ahsante Bwana Spika.

(Applause)

The Speaker (Hon. Khatri): Nafikiri Waheshimiwa labda nijaribu kufafanua kwa yale maoni ambayo ninayoyasikia kwa watu sioni kama kuna mtu anapinga vile ninavyoona; inasemekana kuwa sheria haikufuata lakini sasa sijui kama kuna wengine wanapinga, wengine wanapitisha *according to the Standing Order* nafikiri ndio vile Waheshimiwa walikuwa wanasema lakini hayo maoni ya kupinga sijui, *anyway yes Hon. Nyiro?*

Hon. Nyiro: Ahsante sana Mheshimiwa Spika. Kwanza naomba nitangulize kusema kwamba naunga mkono Hoja hii kwa sababu ni kweli Standing Order iko na mapungufu kadhaa. Pili naomba ninukuliwe vizuri na hii nitairudia hata siku ya kiamama kama kuna watu katika hii dunia huwezi kuwategemea ni Mwakili kwa sababu ukiua na umwambie umeua na umwambie akutetee atasimama mbele ya korti na athibitishe kwamba hukuu na uko msafi. Kwa hio katika muktadha huo ingekuwa Mheshimiwa Amriya anaunga mkono angetafuta vipengele vyote akaunga na kwa sababu anapinga anatafuta vipengele vyote apinge *lawyers are never reliable, they are not truthful that is my opinion. Third, ya tatu...*

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Nyiro I think you need to withdraw that...

(Loud Consultations)

Please just withdraw that...

Hon. Nyiro: Mheshimiwa Mwenyekiti sijataja mtu manake *lawyers* si mtu, waku...

(Interruption)

The Speaker (Hon. Khatri): You said Hon. Amriya...

(Interruption)

Hon. Nyiro: Nilisema angekuwa Mheshimiwa Amriya anaunga angetafuta vipengele akaunga, angekuwa anapinga angetafuta vipengelee akapinga kwa sababu ana ujuzi...

(Interruption)

The Speaker (Hon. Khatri): Order Hon. Nyiro. just withdraw the name...

(Interruption)

Hon. Nyiro: Okay I withdraw the name, the name Amriya is withdrawn.

The Speaker (Hon. Khatri): Yes you may continue.

Hon. Nyiro: Na nasema hivi Mheshimiwa Spika ni vizuri sana tuelimishane ikiwa umekuja kwa Bunge hili na tajriba tafadhali itumie kwa manufaa yale ambayo wengine wetu hatukufika kwa upeo huo wa ufahamu. Kwa mfano nikiwa mimi hapa ni Mwalimu itanibidi sana nitumie tajriba yangu ya ualimu kupotosha hili Jumba na linafaa lijue mimi ni mwalimu na nimesomea ualimu ni vizuri tuelimishane kwa nia ya kujengana na hii Standing Order sio mali ya mtu yeyote, wala hili Bunge si mali ya mtu. Hakuna kitu cha mtu cha kibinafsi ambacho kinaharibika ndani ya hili Bunge, ikiwa kuna kitu kitaharibika ni kitu cha wananchi wa Mombasa wote. Yale mambo tunayoyaongea hapa ndani hatuongeti mambo ya Mheshimiwa tunaongea mambo ya wananchi ambao walituumini wakatuchagua wakatupa majukumu tufanye. Kwa hivyo turekebishe na ninaomba kukurudisha nyuma; Mheshimiwa Amriya naomba nikutaje tunakaa sote katika Kamati ya House Business naomba nikutaje kwa sababu tunakaa sote katika House Business...

(Interruption)

Hon. Amriya Juma: Point of Order!

The Speaker (Hon. Khatri): Yes point of Order!

Hon. Amriya Juma: Yes, the Clerks are here Members should address the Speaker! Mr. Speaker and also responsibility for the Statement of fact, so I can read that Mr. Speaker; every Member is responsible for their Statement and it is a principle that 104 of the Evidence Act; *one who alleges must prove*. So if you are talking about lawyers being liars you should be able to bring proof to this House and all allegations that are levelled at any other Member should have proof and should be brought before this House and all Members. I think the Clerks will assist me, there is a Standing Order says Members should address the Speaker and not other Members. Thank you so much.

The Speaker (Hon. Khatri): Yes thank you. Hon. Nyiro please?

Hon. Nyiro: Ahsante!

The Speaker (Hon. Khatri): Continue and address me do not address Members.

Hon. Nyiro: Ahsante, *I am addressing you Chair*, naomba nirudishe pale nyuma na kwa sababu naona nikitaja mtu inakuwa ni shida sisi kama Kamati ya House Business juma lililopita kuna Mswada ambao ulikuja mbele yetu na ninakumbuka Karani wa Bunge akituelekeza kwamba huu Mswada haujafikia tajriba ya kuingizwa katika Bunge na tukaiachilia pale. Pili katika ofisi yako kuna wakati tulipiga kura, tulipiga kura...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Moses Aran?

Hon. Aran: Mheshimiwa Spika ningependa kutoa taarifa kumjulisha ndugu yangu, rafiki yangu Mheshimiwa Nyiro kwamba amesema Juma lililopita na hatukuwa hapa na mimi pia ni Mwanachama wa Kamati sasa sijui Kamati gani ilikaa chini! Angetuarifu kwamba ni Kamati gani ilikaa chini juma lililopita na hatukuwa hapa!

Hon. Nyiro: Ahsante. Ninaposema juma lililopita ni kwamba kile kikao cha mwisho nafikiri uswahili ni lugha; lugha lazima uielewe kwa upana, eeh nikisema juma lililopita ni kwamba kikao cha mwisho na nimemaanisha hivyo. Kwa hivyo kwa sababu wewe si Mswahili basi juma lililopita namaanisha kwamba kikao cha mwisho tulichokaa kabla twende kwa michezo tulikuwa na Mswada ambao uliletwa na Mheshimiwa na Karani wa Bunge akatuelekeza kwamba haijatimia na tukaiacha.

Pili aliyekuwa nafikiri ataniunga mkono ya kwamba kuna wakati tulikaa katika ofisi yako kama Kamati ya House Business na tukajadili Mswada ambao ulikuwa umeletwa na Mheshimiwa Mwamwiri na tukawa tunasema..., wa mambo ya kwenda *public participation* na tukajadili mpaka tukapiga kura wengine wakasema usije wengine wakasema uje inakuwaje tunasema hapa hatujadili kama aidha uje ama usije? Tuseme ukweli na tuwe wakweli ni siku hiyo mimi na Mheshimiwa Faith tulipiga kura tukiunga kwamba Mswada wa Mwamwiri uje na wengine wakapinga, inakuaje Mheshimiwa anasimama mbele ya Bunge hili aseme kwamba sisi hatusemi uje ama usije twapanga tu wakati. Tuseme ukweli kuna wakati katika House Business tunapingana tunasukumana ili Mswada aidha uje ama usije na tulipiga kura siku hiyo na zikapatikana kura mbili ambazo waliunga mkono.

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Ilikuaje tupige kura kama sisi si kazi yetu kupanga aidha uje ama usije? Mheshimiwa Spika tuongee ukweli ndani ya Nyumba hii, ahsante.

Hon. Amriya Juma: Mr. Speaker point of information.

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

Hon. Amriya Juma: Mr. Speaker I think the House should and through your Chair and may be when you return to your Chambers you can think about writing a ruling on this. Mr. Speaker the fact that we do something that is not in accordance with the law does not justify that it is lawful; if for instance through our customs and usage we have been fond of bending the law it does not qualify that Act or that omission is lawful. Mr. Speaker I think you need to write a ruling on that because the laws are clear; order number one is clear, the Standing orders, we have the Constitution, we have the Acts of Parliament. The laws are very clear on that, thank you very much.

The Speaker (Hon. Khatri): Thank you yes Hon. Shebe?

Hon. Shebe Athman: Thank you Mr. Speaker Sir. I do not want to take this because it has been a battle of Standing Orders and laws but I will dwell much on the philosophy, much about wisdom, weight and intelligence Mr. Speaker Sir.

(Applause)

Mr. Speaker Sir, I just want to quote one of my favourite Author by the name (??) once said, "the most important thing in life, Hon. Speaker is not to capitalise on our gains even a fool can do that, even a mad man can take advantage of the situation but really most important thing in life is to profit from our loses", Mr. Speaker that requires intelligence and wisdom and they also say that, " it is only a difference between a man of sense and a fool". Mr. Speaker, the issue concerning the Motion which was brought forward by Hon. Mwamwiri sometimes I fail to understand this Honourable House; we all say that we concur with the Motion there is no one who is opposing the Motion but in the process the voices still emerge that they want to make sure this Motion has to be returned back and do some adjustment.

Mr. Speaker Sir I once did a research of the First Assembly and the Second Assembly of this County Assembly of Mombasa; I was really perturbed and disturbed with the results because we came to realise that the Second Assembly is one of the worst performed in terms of legislation and representation Hon. Speaker. Why is that so? Why are we not doing differently?

The First Assembly I have compared in terms of legislation; the Motions, the Bills Hon. Speaker they are far away ahead of us and we are talking about two and a half years down the line. We have absolutely done a lot of nothing despite the issue of the common Bills, of the money Bills which of course Hon. Chairman of Finance has an upper hand with the Leader of Majority.

Hon. Speaker I have come to realise that one of the most predicament and obstacle is the issue of the amending the Standing orders. You are the one..., you also remember that I came up with the Motion of reorganising the Committees of the Assembly because I came to realise that the Committees Hon. Speaker are not working.

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I really thank and you concur with me you said we need to look at that matter but of course Hon. Speaker time has not yet come to such a Motion to succeed, but what about this one? Really?! I just want to ask this Honourable House please we are here to represent our people to make this County better. If there is any law... these laws are here to be made and also to be improved so give us a chance and give us a break please Hon. Speaker with your indulgence and your wisdom, because I know you have come up with many Solomonic decisions and wisdom to make sure that this Honourable House performs to its expectation. With those few remarks Hon. Speaker I just want to say this is a Honourable House please let wisdom prevail.

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

Hon. Mwaka Zahoro: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimesikia jina langu likitajwa na ningependa kujua kutoka kwa Mheshimiwa Bwire aliniona nikipewa ama ni vitu tu anabobokwa akisema maanake sitaki kutiwa mdomoni na jambo ambalo hana ushahidi nalo na wala hakuliona. Ningependa afafanue na aambie Jumba hili kwamba kama aliniona mimi nikipewa na Mheshimiwa Hatimy kitu kuleta hapa kwa niaba ya hili Bunge. Kwa sababu asiropokwe kwa sababu ya kutaka kusema, aseme aliniona wapi? Ushahidi anao uko wapi? Asiropokwe tu hapa kwa sababu anataka tu kusema...

(Applause)

Kwa hivyo nataka ushahidi anifafanulie na aonyeshe Bunge hili ushahidi uko wapi ya kuwa mimi nilipewa na Mheshimiwa Hatimy?

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

Hon. Bwire: Shukran Mheshimiwa Spika. Mimi nita *address* Mheshimiwa Spika I am *in the Speaker's panel and I know how procedure is done*. Shukran Mheshimiwa Spika itakumbukwa kwamba ile ndio ilikuwa sehemu yangu ya kukaa na kila kitu chenye kilikuwa kinaendelea upande ule! Mheshimiwa Spika naomba waniruhusu nizungumze ninajua fika ya kwamba hio Hoja iliandikwa na nani niliomtaja na Mheshimiwa Spika endapo kuna mtu, endapo kuna mtu...!

(Interruption)

Mheshimiwa Spika naomba unilinde! Naomba unilinde!

Hon. Amriya Juma: Point of order Mr. Speaker!

The Speaker (Hon. Khatri): You are on a Point of order?

Hon. Amriya Juma: Yes.

The Speaker (Hon. Khatri): Yes?

Hon. Amriya Juma: I am on Point of order 87.

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The Speaker (Hon. Khatri): Read for us?

Hon. Amriya Juma: *"A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts..."*

(Interruption)

(Applause)

Members just a minute! "...And may be required to substantiate any such facts instantly.

2. if a Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegations instantly, the Speaker shall require that such Member substantiate the allegations not later than the next sitting day, failure to which the Member shall be deemed to be disorderly within the meaning of Standing order 109 that is grave disorder unless the Member...I am not done Members! "unless the Member withdraws the allegations and gives a suitable apology, if the Speaker so requires..."

(Interruption)

The Speaker (Hon. Khatri): Thank you but I think that is what he is trying to do so let him...

(Interruption)

Hon. Bwire: Mr. Speaker!

Hon. Amriya Juma: Hon. Speaker I want also invoke your Chair to also invoke Evidence Act, Section 104 that one who alleges must prove and the standard of proof is beyond reasonable doubt because this is...

(Interruption)

The Chief Whip (Hon. Kitula): Mheshimiwa Spika!

The Speaker (Hon. Khatri): Let him talk first.

The Chief Whip (Hon. Kitula): Mheshimiwa Spika!

The Speaker (Hon. Khatri): Yes?

The Chief Whip (Hon. Kitula): Mheshimiwa Spika!

The Speaker (Hon. Khatri): Order Hon. Nyiro please! Yes?

The Chief Whip (Hon. Kitula): Mheshimiwa kikao cha asubuhi leo umeweza kuongea jambo muhimu zaidi kwamba tumuogopeni Mwenyezi Mungu na tuweze kusema jambo kwa kweli na haki.

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Mimi ni Mwanachama wa House Business Mheshimiwa Mwenyekiti, hio siku ya kikao cha House Business nakumbuka anataka ushahidi Mheshimiwa Amriya apatiwe ushahidi kupitia *Hansard*. Hizo *amendments* ambazo Mheshimiwa Zahoro aliziongelea Mheshimiwa Hatimy aliongea katika House Business lakini kwa maandishi akaja nazo Mheshimiwa Zahoro kwa hivyo tuingeeni ukweli na haki na *Hansard* iko hapa na naweza shika Biblia na nikasema kweli na Zahoro ashike Quran aonyeshe kwamba hiyo Taarifa yeye hakutoa kwake. Tuingeeni ukweli na huo ni ushahidi ulioko Mheshimiwa Mwenyekiti.

The Speaker (Hon. Khatri): Order! Order Hon. Kitula please.

Hon. Mohamed Hatimy: Mheshimiwa Spika.

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

Hon. Mohamed Hatimy: Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes?

Hon. Mohamed Hatimy: Madamu Mheshimiwa Amriya amesema ametumia *Evidence Act* na mimi nitaongezea kusema kuwa *evidence ya burden of proof* sasa yeye alete ushahidi wa kusema mimi nimeandika ama mimi nimempatia Zahoro. Mheshimiwa Spika hapa nafikiri ilikuwa inatajikana mimi pia kuongeza baada ya Mheshimiwa Amriya kusoma Standing Order 87 naongeza 104 Mheshimiwa Spika mtu yeyote anayefanya udanganyifu ndani ya hii Nyumba ni *gross misconduct* Mheshimiwa Spika. Angalia 104 (e); pole angalia 104 (b) Mheshimiwa anajua wazi kuwa anazungumza uongo lakini anasimama anazungumza. Mheshimiwa Spika mimi nimesimama kusema kuwa namuunga mkono Mheshimiwa Athuman Shebe kwa dhiti ya roho yangu. Mimi *I always* sichukui mambo *personal*; mimi nachukua mambo kisheria ambayo mimi sikuipinga hino Hoja lakini nasema ije kwa njia ya sawa sawa, lakini Mheshimiwa Spika kuwa watu watajaribu kuanza kuchafua majina ya watu na kuzungumza maneno yasiokuwa na maana nafikiri itakuwa sio jambo la sawa.

(Applause)

Mheshimiwa Spika, Mheshimiwa wa Junda alisimama akaongea maneno ambayo sio ya ukweli niko na *file* ya 2015 ambayo nataka kukupatia *file* hii iko na ripoti za watu wote walio *participate* kurekebisha na kuleta kuanzia mwanzo mpaka mwisho na nakala ya *Hansard* ya tarehe 18 Feb, 2018. Kabla hapo Mheshimiwa Spika Mheshimiwa Mungatana alikuja ndani ya Nyumba hii akatuchukua through hino Standing Order na tukapitisha. Mheshimiwa Spika naomba Nyumba hii isimamishe *debate* hii mpaka uende *through* hii *file* alafu upate ule ukweli uliomo ndani ndio tuweze kuja kuzungumza tena. Ahsante.

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

Hon. Bwire: Shukran. Kwanza naomba tu kutaarifu hili Jumba Mheshimiwa Spika kwamba mimi nimeingia hapa mwaka 2017 na hadi leo sijawahi muona Mheshimiwa Mungatana ndani ya hili Bunge ama akija hapa nikiwa nimechaguliwa kama Mheshimiwa.

Sasa 2018 sijui Mungatana alikuja kama Wanachamas hatuko? Hiyo ni kutaarifu tu Bunge. Mheshimiwa Spika tunajaribu sasa kutumia wakati wa Bunge vibaya na kitu kilichoko cha muhimu ni kwamba hii biashara ya leo tuimalize na tumezungumza na mimi nikazungumza ukweli na Mheshimiwa Kiranja wa Bunge amezungumza ukweli. Zaidi akasema Hoja hiyo katika House Business ililetwa na nani na alioileta katika Bunge ni nani na mimi kule sikai lakini nilijua kwa sababu mimi nilikuwa nikikaa pale na Mheshimiwa kwa sababu sote twamuogopa Mwenyezi Mungu mimi niko tayari kushika Biblia kuapa ya kwamba aliyeandika Hoja ni nani, alioileta, na ni nani wanaopinga. Mheshimiwa Spika nao pia naomba wamuogope Mwenyezi Mungu na washike Quran waseme sikuandika na sikuleta. Hivyo tu. Sawa?! Hata mimi niko tayari.

Hon. Mohamed Hatimy: Niko tayari Mheshimiwa Spika.

The Speaker (Hon. Khatri): Mheshimiwa Bwire nafikiri sasa tunatoka kwenye mada ile ambayo tuko nayo hapa na Waheshimiwa wenzangu pia tafadhali sisi ile mada ambayo tuko nayo hapa tuangaliene hapa na nyinyi nyote ni Waheshimiwa. Hayo mambo au madhambi yakifanyika nyote mulikuwa hapa na mulikuwa mwanamaza kwa hio ni uzuri saa hii nimeona. Waheshimiwa wameamka kila mmoja anajua haki zake kwa hio tukiendelea mbele muangalie haki zenu ni zipi na pia mjue kuinuka mukiona kitu kinaenda sisawa. Ndio kila siku mimi huwaambia Waheshimiwa hizi Kanuni za Bunge someni, someni hizi sheria kwa hio mujijue wapi mwasimama sio mkija mwapelekeshwa tu halafu sasa mwisho mnakuja mnalalamikia Spika. Kwa hio naomba jamanini tafadhalini someni sheria, Katiba mko nayo kila mtu ajue haki zake na mimi Kiti changu hapa juu sikuja ati *contribute* upande huu ama ule mimi yangu ni *judge* na ni kuamua nikisikiliza pande zote mbili.

Kwa hio mimi nitatoa uamuzi wangu kuhusu huu Mswada kwa sheria ninavyoangalia Kanuni za Bunge nambari ya kwanza inaniambia wazi *in cases not provided for the Speaker to decide but* hili jambo nikiangalia siwezi sema *two wrongs make a right*, kama makosa yamefanyika kupitia kwa Karani wa Bunge ama kupitia kwa ofisi yangu ni makosa na kuna sheria ya kufatwa. Hivyo basi sheria iko kwenye hizi Kanuni za Bunge nikiangalia hiyo 235 sioni kwa nini sisi tunaona marekebisho yako hapa 235 na twajua hii ni sheria ya kufuata. Tufuateni hii sheria si jambo la kuanza kushindana; kama Mheshimiwa amesema ameleta yeye alikuwa kwenye House Business pale ungeipinga palepale, pia Mheshimiwa pale katika House Business ungeleta pia hili swala lakini ni sawa vile umeleta hapa binadamu hupitikiwa...

(*Interruption*)

The Chief Whip (Hon. Kitula): Mheshimiwa Spika!

The Speaker (Hon. Khatri): Yes.

The Chief Whip (Hon. Kitula): Mheshimiwa Spika kidogo kulingana na Kanuni za Bunge nambari 235; mimi sio Wakili lakini Mwenyezi Mungu kidogo amenijalia na elimu niliyoko nayo, *Amendment on the initiative of a Member*. Hii Mheshimiwa Spika ni *amendment of a single Standing Order* kama kipengele fulani, kama *Sub-Section* fulani unataka kurekebisha ndio unawezaleta kupitia Kanuni ya Bunge nambari 235.

Lakini Mswada ni *review* ya *the whole Standing Orders*, lakini Mheshimiwa Mwenyekiti ikiwa *Standing Order* iko sawa, baada ya siku 90 itaweza kuregea vile vile ilivyo hatusemi kwamba ni mbaya ama ni nzuri...

(Interruption)

The Speaker (Hon. Khatri): Mheshimiwa Kitula nafikiri nilikua ninatoa uamuzi wangu na sijamaliza, kwa hio labda uniwachie nimalize halafu utakuja na hio *opinion* yako. Kwa hivyo Waheshimiwa hapa sijaona kuwa kuna *issue* maana yake sioni mimi ni kwa nini Waheshimiwa wapinge kubadilishwa hii Kanuni ya Bunge ama kufanyia *amendment*. Jambo ambalo limeweza kuletwa na mimi nikiwa hapa kwenye Kiti changu sitasema ati kulifanyika makosa mwaka uliopita, ama jana ama juzi na leo niwachilie iendele. Kwa hivyo mimi nasema nikiwa akili timamu na hata nyinyi pia musifanye hivi vitu vikawa *personal* jamaa, *there is nothing personal* hapa hata nyinyi pia....

(Applause)

Tuko nazo hapa sheria, *Amendments of Standing Orders* tufuatani tu hii *I am sure at least two Members* na nikiangalia hapa *the whole House wants amendments* ya hiki kitu kwa sababu kuna vitu vyengine tunaambiwa vimerekebisha na hatuvioni hapa kwenye hizi Kanuni za Bunge. Kwa hio kuna mambo mengi ambayo tuliambiwa yamerekebisha, tukiangalia hata katika Kamati zingine..., ukiangalia Kamati ya *House Business Standing Order* inasema karibu 29, hivi sasa tunakaa karibu 11 sijui kama ni 12 lakini katika hii Kanuni ya Bunge inasema 29. Kwa hio kuna mambo mengi zinasemekana zimerekebisha na bado hazijarekebisha.

Hivyo basi Mheshimiwa Mwamwiri tufuatani ile sheria ambayo tumeambiwa hapa iko kwenye *Standing Order* na sioni kuwa kuna makosa yeyote, kwa hio uamuzi wangu kwa hili jambo ni kuwa sina pingamizi na huu Mswada lakini Kanuni ya Bunge nambari moja iko wazi, kama kitu hakiko kwenye hizi Kanuni za Bunge *that is where I can give my guidance* lakini nimeona hili jambo liko kwenye hizi Kanuni za Bunge. Kwa hio Waheshimiwa tufuatani Kanuni ya Bunge nambari 235 alafu tufanye marekebisho ya hii Kanuni ya Bunge. Ahsante. *Yes Clerk, next Order?*

MOTION

MEASURES ON TRAVELLING BY AIR TRANSPORT

Yes Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Thank you Mr. Speaker. Mr. Speaker I seek to move the following Motion;

THAT AWARE, that the County has limited financial resources, given the new governance structures that have occasioned devolution of funds;

NOTING THAT, Public and state officers constitute a significant part of the government;

COGNIZANT, of the fact that the government has to cater for their official duties, including transport and other facilitation within and outside the County;

CONSCIOUS, of the need to reduce the burden on the taxpayer;

Therefore, the County Assembly of Mombasa hereby RESOLVES as follows:

1. That, all state and public officers, and departments, with the exception of the Governor, Deputy Governor and the Speaker using air transport during official trips within the County should travel in economy class including international flights, unless they meet their own costs for an upgrade;
2. That, the decision takes effect immediately and all respective accounting officers take necessary action to implement, without exception.

I beg to move Mr. Speaker. Thank you.

The Speaker (Hon. Khatri): Seconder, Hon. Hatimy?

Hon. Mohamed Hatimy: I request the Leader of Majority, Hon. Hamisi Mwidani to second.

The Leader of Majority (Hon. Mwidani): Mr. Speaker I arise to second the Motion. Thank you.

The Speaker (Hon. Khatri): Hon. Members I now propose a question that the Motion by Hon. Mohamed Hatimy on *Measures on Travelling by Air Transport* be considered by this Honourable House in the same terms as moved.

(Question proposed and agreed to)

Yes Hon. Hatimy?

Hon. Mohamed Hatimy: Mheshimiwa Spika nitakua mfupi wa maneno. Ahsante Spika kwa kunipatia hii nafasi. Mheshimiwa Spika nafikiri sote tuna barua ambayo ilikuwa inazunguka kuzungumza juu ya mambo vile yanavyokwenda na kuna *orders* ambazo zimetoka kuambiwa karibia asilimia 50 ya bajeti zetu tuziangalie. Mheshimiwa Spika nikitoa kisa kidogo juzi Waheshimiwa walipokuwa wanasafiri kuenda Dubai Waheshimiwa wengine walikutana na wenzao wa kutoka Executive. Jambo la kusikitisha Mheshimiwa Spika Waheshimiwa kutoka kwa Bunge la Kaunti walikuwa wamekaa nyuma kwenye *Economy Class* lakini wale wa Executive walikuwa kwa *Club Class*. Hili ni jambo la kusikitisha sana Mheshimiwa Spika na kwa sababu ya kutaka kutengeneza kupitisha Mswada huu naomba Waheshimiwa wote tukubaliane kuipitisha huu Mswada ili tuweze kuangalia kisawasawa hawa watu wetu wa *Executive* wanapotumia hizi pesa zetu..

Kwa hivyo Mheshimiwa Spika naomba Waheshimiwa Kamati zote zifanye ile *oversight* ya kikweli ili tuweze kuweka jambo hili litumike kila Kamati iangalie Idara yake na hili jambo liweze kufanyika. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Hatimy. Yes Hon. Charles Kitula?

The Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Spika. Mheshimiwa Spika kwa kweli Mswada huu ni nzuri kutokana na utumizi wa fedha katika Kaunti yetu lakini vile vile katika suala la uandishi ningependa Mwenyekiti wa Kamati ya Fedha aweze kuenda ku *re draft* huu Mswada kwa sababu ukiangalia *the County Assembly of Mombasa hereby resolves as follows*;

1. *That, all state and public officers, and departments, with the exception of the Governor, Deputy Governor and the Speaker using air transport during official trips within the County, tuna airport moja peke yake kwa hivyo huwezi kupanda ndege kutoka Kaunti ya Mombasa hadi Kisauni, hadi Changamwe, hadi Mvita Mheshimiwa Spika...*

(Applause)

Kwa hivyo tuweze kurekebisha Mswada uweze kuja jinsi inavyopaswa Mheshimiwa Spika. Lakini leo hii tukipitisha kama hivi tutaonekana sisi Wabunge ni mazuzu hatukusoma vipi utatumia ndege ndani ya Kaunti. Ahsante sana Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Charles. Yes Hon. Faith?

Hon. Mwende: Ahsante Mheshimiwa Spika. Nilikua na maoni hayo kwa sababu nilikua natazama Kisauni ama Mvita ni wapi kuna uwanja wa ndege nikakosa. Kwa hivyo hoja ni nzuri lakini ifanywe marekebisha kwa sababu imeingia katika kinasa sauti. Ahsante.

The Speaker (Hon. Khatri): Yes Hon. Hamisi Musa, the Majority Leader and the seconder of this Motion please give us your contribution.

The Majority Leader (Hon. Mwidani): Mheshimiwa Spika unajua *it is a human error*, binadamu kukosea ni kitu cha kawaida aliyekamili ni Mwenyezi Mungu. Kulingana na Waheshimiwa walivyosimama wakainuka hata mimi nimeona nafikiri ni marekebisha tu hapo ni kweli kwa sababu huwezi kuenda Kisauni na Mtongwe ukitumia tikiti ya ndege. *So it is just human error that Mr. Speaker*, ni vizuri kwamba tupitishe huu Mswada kwa sababu unakuta kweli baadhi ya Maofisa wa Idara wanaenda na *First Class* wewe Mheshimiwa waenda na *Economy*. Sasa unaona hii shida iko wapi, nani bosi sasa! Ikiwa sisi ndio watunga sheria twaenda kwa nyuma ya mkia wa ndege yule ambaye anatusikiza sisi yuko mbele na dereva! Kwa hivyo Mheshimiwa Spika ni Hoja nzuri sana kwa sababu pia tutapunguza ile gharama ya kipesa ya watu kusafiri. Hivyo basi nawashukuru sana Mheshimiwa Spika na pia namshukuru Mheshimiwa kwa kuleta hii Hoja kwa kuweza kuangalia maslahi ya Kaunti na pesa zake. Ahsante sana.

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

Hon. Bwire: Thank you. Mr. Speaker the Motion indeed is good and we cannot oppose it only that we cannot assume that it is a common error and that is why we are appealing for the re draft of the said Motion and then we will just have it passed. So we do not want to assume that it is a common error because if you do away with the County, what else? So let the Motion Mover re draft the Motion and bring it. Mr. Speaker and that it is the law whenever there is something that Members do not understand it is always taken back to the Motion Mover and again amend it and brings it back and that is what we have been doing. It is not a special Motion, that what we have been doing is a tradition and the custom of this House. Thank you Mr. Speaker.

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

Hon. Samba: Thank you Hon. Speaker. I want to debate on the Motion and I stand to oppose the Motion. Hon. Speaker the Motion states that *Measures of travelling by air transport* and the issue here is about Business Class. Hon. Speaker I have been a Member of this House since 2017 and I have had two trips outside the Country. I have never even boarded a Business Class and I am comfortable with it. Hon. Speaker there is a circular that has been out and it has been issued by the National government. This is just a circular just as the same as other circulars that we normally receive we have never enacted any law or rather Motion to do with circulars. This circular affects the whole Country, so I do not see the reason why we should adopt it as a Motion.

Secondly Hon. Speaker the directive was issued due to tough economic times and we know very well that the tough times will not last forever, what if we enact a law for now and then after two or three months our economy stabilizes? Three Hon. Speaker we are talking about saving *mwanauchi's* money and I think as Mombasa County we are one of the best Counties that... at least according to Auditor General's Report we did so well, we will save these funds but we always as Members of the County Assembly (??) and I always say this whenever there is no money it is echoed all over and when there is money still there is no money. So I do not know even if we are saving now there will be money but I stand to oppose because there is a government circular, it is in place and we just need it for implementation and at least to be seen working. Thank you Hon. Speaker.

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

Hon. Mohamed Hatimy: Mheshimiwa Spika huwa mimi nafurahi watu wakiweza kushindana kwa mambo namna hii tunazidi kusoma, hatushindani kwa kupoteza wakati lakini tunasomeshana. Mheshimiwa Spika mimi kila siku Mswada yangu huiandika mwenyewe na niko na *copy* yangu, *copy* ya huu Mswada niliyoipeleka kwa *Clerks* inasema *Country*. Itakavyo kuwa vyovyote ni makosa ya kibinadamu mtu yeyote anafanya makosa..., *I seek leave* Mheshimiwa Spika *under Standing Order No. 45 to amend the word Country to read Country...*

(Interruption)

The Speaker (Hon. Khatri): Hon. Hatimy under Standing Order No. 45, it is Notice of Motion...

(*Interruption*)

Hon. Mohamed Hatimy: Yes Notice of Motion.

(*Interruption*)

The Speaker (Hon. Khatri): But this is a Motion! So I think you should...

(*Interruption*)

Hon. Mohamed Hatimy: Yes to amend the Motion Mr. Speaker.

(*Interruption*)

The Speaker (Hon. Khatri): Amendment for Motion. I think it is Standing Order No. 51?

(*Interruption*)

Hon. Mohamed Hatimy: Mheshimiwa Spika hii ikiwa imekuja tayari na *Notice* imesomwa ni kusema *amendment of Motion*. Hata *Standing Order No. 51* naweza kuitumia Mheshimiwa Spika ni uwezo wako sasa kupeana ruhusa...

(*Interruption*)

The Speaker (Hon. Khatri): Maana yake Mheshimiwa Hatimy hivi sasa tuko kwa *Motion* si *Notice of Motion*. So I think it is wise to use Standing Order No.51.

(*Interruption*)

Hon. Mohamed Hatimy: Wajua Mheshimiwa Spika najaribu kuangalia baina ya *Notice* na *Motion* lazima kuna utaratibu wa kufuatwa ambapo *Standing Order No.45* inasema, *The Speaker may permit a Member to move in amended from a Motion of which Notice has been given if in the opinion of the Speaker the amendment does not materially alter any principle embodied in the Motion of which a Notice has been given*. Hivyo basi Mheshimiwa Spika ukiangalia *Notice* ilisoma *Country* sasa inasema *County*, hii ni *typing error* Mheshimiwa Spika na mimi niko na *copy* yangu kuonyesha nimeandika *Country*. Kwa hivyo Mheshimiwa Spika ni vizuri yule aliye *raise* hii *issue* ili tuwe waangalifu na pia naomba kama mtu ameleta Mswada mwanzo yeye mwenyewe apewe aipitie kabla haijaletwa ndani ya hii Nyumba.

Jambo la pili Mheshimiwa Spika ni kweli hii imetoka ni *order* lakini *order* ikitoka lazima iwe si sawa, imetoka *order* na juzi watu wamesafiri, hawa hawa *Executive* wamesafiri na barua imekuja hakuna hatua yeyote imechukuliwa. Kwa hivyo baada ya hawa kusafiri na wengine twajua kuwa wanajiandaa kusafiri ndio twaomba tupitische huu Mswada ya kuonyesha kuwa *we are serious* na sheria ni lazima iwe itatumika. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Hon. Hatimy, but Hon. Hatimy again I think this is a Motion now it is not a Notice of Motion. So maybe you may...

(Interruption)

Hon. Mohamed Hatimy: I seek leave under Standing Order No.51.

(Interruption)

The Speaker (Hon. Khatri): Under Standing Order No.51 and you may read the whole Motion again so that I put the question again.

(Interruption)

Hon. Mohamed Hatimy: Standing Order No.51 (7), *An amendment to leave out words and replace those words with other words shall take precedence before any amendment to leave out words without proposing to replace those words with other words. I seek leave* Mheshimiwa Spika, naomba ruhusa yako haya uyakubali...

(Interruption)

The Speaker (Hon. Khatri): I agree.

(Interruption)

Hon. Mohamed Hatimy: Nibadilishe kutoka *County* isome *Country*.

(Interruption)

The Speaker (Hon. Khatri): So from County to Country?

Hon. Mohamed Hatimy: From County to Country...

(Interruption)

The Speaker (Hon. Khatri): So I am going to put the question again now?

(Interruption)

Hon. Mohamed Hatimy: Yes.

The Speaker (Hon. Khatri): Thank you Hon. Hatimy. Hon. Members I now propose a question that the Motion by Hon. Mohamed Mohamed Hatimy on *Measures of traveling by air transport* be amended with the word *County* to *Country* and be considered by this Honourable House in the same terms as moved by Hon. Hatimy.

(Question proposed)

Yes we may continue debating. Yes Hon. Fadhili Makarani, the Deputy Speaker?

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker. It has been evident that we are not opposing the Motion and personally I do not oppose the Motion. But Mr. Speaker in a situation whereby the three said Members will be travelling and for instance I am also among the three who are travelling, I am sure Mr. Speaker you will be left alone with no one to speak to...

(Applause)

So Mr. Speaker I am looking for a chance whereby I might get an opportunity to at least get the favours and I hereby proposing also if it can be amended that even the Deputy Speaker to travel in the First Class,

(Laughter)

It will be an experience that I have never experienced before Mr. Speaker even though am confident when am traveling in the economy class but the Motion has come in the right time and as i have seen there is an amendment that has been proposed by the mover of this Motion, considering the situation i highlighted before that when we are travelling the four of us may be you will be left alone with no one to speak to. So please Hon. Members just consider to amend so that even the Deputy Speaker can get a chance, thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Fadhili. Yes Hon. Mohamed.

Hon. Mohamed Hatimy: Mheshimiwa Spika hii hatukufanya kuwa Gavana ni mtu mkubwa au Spika ni mtu mkubwa au Naibu wa Spika ni mtu mkubwa lakini tumeangalia tumewekwa kwa makundi sisi. Kwa hivyo ingekuwa Naibu wa Spika yupo kwenye *job group* kama ile ya Spika na yeye pia angekuwa ameingia lakini bahati mbaya hayuko kwenye *job group* ile.

The Speaker (Hon. Khatri): So you are not amending your Motion on that? Yes Hon. Ibrahim.

Hon. Omondi: Thank you Mr. Speaker Sir for the opportunity granted. Mr. Speaker I have read carefully this particular Motion and i think to me it is long overdue, this was a Motion I can say that maybe the circular that has come from the Government of Kenya has ignited this kind of Motion, may be to appear or to come but to me it is long overdue.

This is a Motion that is supposed to have passed before even the government itself raised an alarm on this and I will give my reason why; Mr. Speaker Sir I will be right to say that the Government or rather County have taken an advantage of misusing public funds by travelling through air unnecessarily and it is very true that you will find an official of the County government or even from the Government traveling to Nairobi wanting to utilize or wanting to use air transport unnecessarily.

This is where the funds would have been saved when that official uses may be transport Mr. Speaker Sir, that is not air transport and if he has to travel using air then it should be by economy class. Mr. Speaker Sir as the Motion states and the Members of this Assembly have had a cry and it is very true that most of the executive Members being that they are very much in position of controlling the funds...

The Speaker (Hon. Khatri): Continue Honourable.

Hon. Omondi:...Being in position they are controlling the funds especially the departmental travel, they take advantage of that and I think it is high time we use this Motion to stop them. Mr. Speaker Sir as I am speaking today am a Member of this Assembly and also Chairman of Education Mombasa County but I have never even tested, I even do not know how the First Class looks like but am very sure the Executive Member in the Department of Education they use, in fact it is like a daily thing, they use this particular means of transport almost on daily basis, they are used to it. Mr. Speaker Sir so to me I concur with whoever brought this Motion that it is high time we stop this so that we should be able to save the County or even the Country money which is unnecessarily spent. Thank you Mr. Speaker.

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

Hon. Amriya Juma: Thank you very much Mr. Speaker. I also am up to support the said Motion on travelling for purposes of equity and also uniformity. Mr. Speaker but one thing for sure is that the compliance will be first on the Assembly because we are the one's who have passed it and it has been our way of life using this Economy Class and am sure because you are also the Chair of the Board am sure this implementation will be done but one thing i want to urge the Committee on Implementation that it takes this seriously and also ensure that there is enforcement on the end of the executive so that we achieve the whole intention of this good legislation we make here, because we have a (??) and we also make very good laws but I do not know when it comes to implementation it becomes a bit of a scramble and that also demoralizes us as Hon. Shebe was first earlier on complained about this Assembly but i think also the buck stops at implementation, if we see implementation then I think most of us will be motivated to work harder. So this is a good Motion, I support although the Assembly, this has been the order of the day and so its enforcement now we as the Assembly on our role as enforcement and overseers we make sure this also happens on our counterparts at the executive. Thank you very much.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Nzai.

Hon. Nzai: Thank you Mr. Speaker to have also given me this the chance to contribute. First i stand to support this Motion though it has come late because it is true we have been suffering on travelling and whatever but I also thought it could be a reverse that the executive to go with the economy class and the Hon. Members to go on the first class but because it has come like that at least it will bring uniformity and realization of who also to be recognized on the same. Thank you very much Mr. Speaker i stand to support.

The Speaker (Hon. Khatri): Thank you Hon. Nzai. Yes Hon. Leila.

Hon. Nyache: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii na mimi pia niweze kuchangia. Kwanza nachukua fursa hii kumpongeza Mheshimiwa aliyekuja na Hoja hii Mheshimiwa Hatimy; kusema la kweli Mheshimiwa Spika sisi kulingana na hadhi yetu Waheshimiwa ni Hoja nzuri kulingana na hadhi yetu kutambulika, tumepitia mambo mengi sana Waheshimiwa kudharauliwa na hadhi yetu kama vile tunavyojua sisi tunadharauliwa sana pande zote mikutanoni na hata kwenye safari lakini Hoja hii Mheshimiwa Spika imekuja wakati mzuri sana na sasa ndio tutatambulika na sisi pia tuonje hiyo First Class...

(Applause)

Ahsanteni kwa wale mumenipigia makofi.

(Laughter)

The Speaker (Hon. Khatri): Order Hon. Faith please order! Yes continue Hon. Leila.

Hon. Nyache: Kwa hivyo Mheshimiwa Spika ni hoja nzuri mimi naiunga mkono mia fil mia tuweze kulingana na hadhi yetu na sisi tuweze kustarehe katika safari zetu.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Leila. Yes Hon. Moraa.

Hon. Ngare: Thank you Mr. Speaker for the opportunity to also air my sentiments but before i do may i inform my colleague that the order does not give us the opportunity to travel in Business Class, it only reinstates that we shall continue travelling in Economy class and also some of the executive will do the same. The issue of being demeaned does not arise there, we have been travelling in Economy class and that will continue, its only the executive who have been put in that category too so Hon. Leila please be informed. I stand to support the Motion which obviously there is a circular that has come from the Ministry of Finance and the Chairman of Finance has rightly brought it in this House and being state officers just like executive we need to be at per if the County intends to do some savings on the same.

Hon. Speaker as one of my colleague stated we are quick indeed to pass Motions in this House but implementation is a problem so if we pass this and I think the Chairman of Finance also mentioned that, that yes the circular came from the Ministry but last week or sometime last month they still travelled in the Business Class. So we would want to see that the implementation through the Committee that is concerned so that the order is carried out effectively so I do urge my colleagues to support the Motion which is a good Motion and we move forward in saving some finances, maybe for development or so. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Moraa. Yes Hon. Ogutu.

Hon. Ogutu: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi nimesimama kuunga mkono pia vile vile kupinga.

The Speaker (Hon. Khatri): Yes continue Honourable.

Hon. Ogutu: Mheshimiwa Spika naunga mkono kwa sababu ni Hoja nzuri na imekuja kwa wakati mzuri na pia itafanya sisi sote ambao kama mama Leila alivyosema, Mheshimiwa Leila alivyosema hatujaonja *First Class* hata na sisi tuonje. Pili Mheshimiwa Spika hata wale ambao walikuwa wanatumia *First Class* na tuko juu yao, wao pia waonje hii *Economy* wajue inafanana namna gani. Kwa upande wa kupinga Mheshimiwa Spika ningependa kusema ya kwamba tumepitisha Mswada na ule uchungu tunasikia kwamba utekelezaji ndio shida kwa hio mimi kulingana na hayo ndio napinga, ahsante sana.

The Speaker (Hon. Khatri): Thank you Hon. Benard Ogutu. Yes Hon. Kizito Opeya.

Hon. Opeya: Thank you Mr. Speaker. Mr. Speaker i think the Motion has been brought in good faith by the Member and we should all, i think in spirit we support it but also we should also remind the earlier events. We once passed a Motion about the cars, for some of us who like to walk at night we still see these cars and when you ask the driver he will tell you he is with the Chief Officer, he is waiting he will tell you, the Chief Officer or he will tell you the Director or someone with the Minister. So the Motion of the cars was not implemented now we are bringing another Motion for the air ticket which is good, what are the penalties which are going to be imposed on this accounting officers, the mover of the Motion has not told us what are the penalties if they disregard this Motion. Otherwise i support it, thank you.

The Speaker (Hon. Khatri): Thank you Hon. Kizito. Yes Hon. Mohamed Mohamed please reply.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika kwa kuweza kupeleka chini ya uongozi wako huu Mswada. Mheshimiwa Spika nataka kuchukua fursa hii haujapita huu Mswada lakini najua mtaupitisha na kuwapongeza Waheshimiwa kwa maneno waliyoweza kuzungumza ndani ya Nyumba hii. Mheshimiwa Spika mimi mwenyewe nilikuja *across* kuona Mheshimiwa mmoja amesafiri tikiti amelipa kupitia Kaunti 1.2 Milioni *First Class* tikiti ambapo sisi twatafuta elfu tatu kutangaza Punguza Mzigo na Waheshimiwa wanakaa miezi minne hawajalipwa mishahara yao. Watu wao huku wapanda *First Class* ambapo ingekuwa amepanda *Economy* yule aliyelipa laki tatu vile vile angefika lakini Mheshimiwa Spika Waswahili walisema, shari ije balaa iondoke.

Mheshimiwa Spika juu ya utekelezi nataka Nyumba hii tuelewe leo hii tuanze upya, Wenyeviti wa Kamati wawajibike wafanye kazi ile *oversight* ya kikweli, nawapa changamoto Wenyeviti na Wanachama wao kuwa watu wazungumze na Idara zao kuwaambia kuwa kuna Mswada huu umetoka na kupitia Kiti chako naomba wewe mwenyewe utoe agizo kwa Makarani walioko hapa hii barua iandikwe haraka inavyowezekana na Kamati zote ziangalie kuwa Idara kuwa wamehakikisha wamezipata zile barua na huu Mswada waambie kuwa kwa sababu hivi sasa ni kuwasha zile mulika mwizi. Kuna yale mataa yanaitwa mulika mwizi, uchumi ni mbaya, Kaunti yetu tumenya'nganywa shs1.4 Billioni hatujui tutazivuta kutoka wapi pesa hizo.

Kwa hivyo Mheshimiwa Spika Wenyeviti wawajibike tafadhalini tufanyeni kazi pamoja, tusaaidiane tuhakikishe upuuzi huu umeondoka na kumwambia Mheshimiwa Opeya ni kuwa haya magari (??), tuliileta hapa lakini hatukupitisha, pia imo kwenye ile *circular* maana yake hii imekuja lakini tukaona bado wanasafiri, tukiuliza tukaambiwa hakujatoka *order* yoyote, sasa kwa hivyo sisi twasema *order* twaitoa sisi, sisi ndio wenyeku *oversight* hizi Idara, twaitoa na twawambia kuwa ni lazima ifuatwe vile inavyotakikana.

Kwa hayo machache Mheshimiwa Spika nashukuru Waheshimiwa kwa kuunga mkono hii Hoja na ikiwekwa swali tulikubali na tuanze kazi kutoka leo tuonekane twaifanya hiyo kazi. Ahsante sana Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Hatimy. Yes Hon. Members I now put the Question that the Motion by Hon. Mohamed Hatimy on measures and travelling by air transport be adopted by this Honourable House in the same terms as moved.

(Question put and agreed to)

Yes Clerk next order.

ADJOURNMENT

Hon. Members this House stands adjourned until Wednesday 9th October, 2019 at 2:30p.m.

The House rose at 12:19p.m.