



## COUNTY ASSEMBLY OF MOMBASA

### OFFICIAL REPORT

Wednesday, 3<sup>rd</sup> October, 2018

The House met at 2:41p.m.

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

### PRAYERS

**The Speaker** (Hon. Khatri): Hon. Members and students we may be seated. Yes Clerk?

### COMMUNICATION FROM THE CHAIR

Hon. Members I wish to bring to the attention of this Honorable Assembly we have class five pupils from Qubaa Muslim School. I recognize the presence of the delegation which consists of:

1. Abdallah Yunus Abdallah
2. Abdallah Anwar
3. Abdilhakim Abdullah
4. Abdulhamid Nahid
5. Abdulrahman Abdulwahid Abdul
6. Abdulrahman Mohamed
7. Abud Mohamed Ali
8. Adam Abdulrahman Hajj
9. Ahmed Abdallah Ahmed
10. Ahmed Mohamed Ahmed
11. Ahmed Nassir Subeya
12. Ahmed Said Ahmed
13. Ajmal Karama
14. Ali Abubakar Kadhey
15. Ayub Abdulkadir
16. Fawaz Ali Abdallah
17. Fawaz Fahad Farid
18. Hamud Gadaf Mohamed
19. Hamza Khalid
20. Ibrahim Yassir Said
21. Ilyas Abdulhakim
22. Ilyas Awil
23. Issah Gure Mohamed

24. Jabir Mehboob
25. Kamal Aweso
26. Mohamed Abdulkarim Yusuf
27. Omar Faiz
28. Ridhwan Abdinasib Shirre
29. Said Abdikadir Said
30. Salim Amer Salim
31. Suheib Mohamed
32. Suheyb Mahmud
33. Torah Mohamed Shee
34. Yaseen Abdul Jaffer
35. Zubeir Sadiq Sugai
36. Aisha Muhidin
37. Amina Omar
38. Amne Mohamed
39. Bushra Mohamed Noor
40. Fatma Omar Mahmood
41. Faiza Khalid Hadi
42. Haifa Mohamed Swaleh
43. Ilham Mbarak
44. Kauthar Mohamed Awadh
45. Kawakib Ali Mohamed
46. Laraib Ahmad Mohamed
47. Maliha Mohamed Swaleh
48. Maryam Faruk
49. Maryam Gure Harun
50. Maryam Omer Abdi
51. Marwa Abdulrahim
52. Marwa Abdulrahim
53. Marwa Adan Jelle
54. Moza Naim
55. Nabriya Hemed
56. Nasra Abdulswamad
57. Nura Jamal
58. Rabbab Ibrahim
59. Rania Fahad
60. Rayyan Ibrahim
61. Rayyan Mohamed Ali
62. Rawi Bishar Guha
63. Sofia Mohamed Ahmed
64. Swalha Ali Shahib
65. Shayma Mohamed
66. Warda Ali Mohamed
67. Zainab Ishaq
68. Aisha Mbarak

**TEACHERS**

1. Mr. Hesborn
2. Mr. Fedrick

3. MD. Thuweiba
4. Mr. Kimeu

*(Applause)*

On behalf of the Honorable House I welcome you to the County Assembly. *Karibuni.*

*(Applause)*

Yes Hon. Fadhili Mwalimu Makarani?

**The Deputy Speaker** (Hon. Mwalimu): Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimesimama pia mimi kuchukua fursa kuwakaribisha watoto wa shule ya Qubaa na vile vile ningependa kujulisha Nyumba hii kuwa Mwakilishi wa eneo la Majengo/Mwembe Tayari pia yuko katika Bunge hili tungeomba kupitia kiti chako naye pia apate fursa ya kuwakaribisha watoto wale ndani ya Bunge hili. Ahsante sana.

**The Speaker** (Hon. Khatri): Thank you Hon. Fadhili, Deputy Speaker. Yes Hon. Ahmed Khamisi you can welcome the pupils of Qubaa who happen to come from your area.

**Hon. Ahmed Khamisi:** Ahsante Mheshimiwa Spika, karibuni sana Qubaa Muslim School hapa ndio sisi Wabunge twawawakilisha kwa hivyo mwakaribishwa na sio leo pekee yake, mwakaribishwa siku yeyote nyinyi ndio mtakuwa viongozi wa kesho Mungu akipenda kwa hivyo karibuni sana na baada ya hapa tutapata nafasi ya kuwazungusha, karibuni.

*(Applause)*

Yes Clerk?

## NOTICE OF MOTIONS

YOUTH, WOMEN AND PEOPLE WITH DISABILITIES (PWDs) EMPOWERMENT AND WEALTH  
CREATION

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

**Hon. Bwire:** Thank you Mr. Speaker. Mr. Speaker I stand in for Hon. Athman Mwamwiri and here with me is a letter requesting for the same and signed by the said Member of this House. Mr. Speaker I beg to give a notice of Motion of the following Motion;

*(Hon. Bwire moved the Notice of Motion)*

**THAT AWARE THAT** Mombasa County has been grappling with high rate of unemployment rate among the youths, women and PWDs due to few job opportunities and opaque tendering process hence minimum wealth expansion;

**FURTHER AWARE THAT** unemployment and lack of wealth creation mechanisms increases the level of poverty among youths, women, and PWDs;

**CONCERNED** the youths, women and PWDs within the County are not fully empowered;

I therefore urge this assembly to **RESOLVE** that:

1. The County government to adhere to the Public Procurement Oversight Authority Act ensure that 30 per cent of tenders are awarded to special interest;
2. The County government to provide grants to agro business and the blue economy to youth, women and PWDs initiatives e.g. supporting fishermen and construction of open and closed markets Mr. Speaker.

Mr. Speaker I seek leave of this House to debate this notice of Motion as a Motion and I stand to be guided though that is my prayer, thank you.

**The Speaker** (Hon. Khatri): Thank you Hon. Bwire I think you are granted to move it as a Motion so you can go ahead and move it as a Motion.

**THAT AWARE** that Mombasa County has been grappling with high rate of unemployment rate among the youths, women and PWDs due to few job opportunities and opaque tendering process hence minimum wealth expansion;

**FURTHER AWARE** Mr. Speaker that unemployment and lack of wealth creation mechanisms increases the level of poverty among youths, women, and PWDs;

**CONCERNED** that Youths, Women and PWDs within the County are not fully empowered;

Mr. Speaker I therefore urge this Assembly to **RESOLVE** that:

1. The County government to adhere to the Public Procurement Oversight Authority Act ensure that 30 per cent of tenders are awarded to special interest;
2. The County government to provide grants to agro business and the blue economy to youth, women and PWDs initiatives e.g. supporting fishermen and construction of open and closed markets Mr. Speaker. Mr. Speaker;

**The Speaker** (Hon. Khatri): Thank you, who is to second you.

**Hon. Bwire:** I call upon Hon. Ramla to second.

**The Speaker** (Hon. Khatri): Yes Hon. Ramla can you second the Motion.

*(Hon. (Ms.) Ramla bowed to second the Motion)*

**The Speaker** (Hon. Khatri): Thank you, Hon. Members I now propose the question that the Motion on youths, women and people with disability empowerment and wealth creation by Hon. Athuman Mwamwiri be considered by this House in the same terms as moved?

*(Question proposed and agreed to)*

*(Applause)*

Yes Hon. Bwire you can...

**Hon. Bwire:** Thank you Mr. Speaker. Mr. Speaker the issue raised here is an issue of heavy weight. Mr. Speaker we all understand the challenges faced by youths, women and PWDs but these people as stated are not empowered effectively by the County government.

We have seen so many troubles and problems that these people undergo and that is why Mr. Speaker through this House I pray that as the representatives of the said groups we resolved as I have clearly put it so that we can create an avenue where the women, youths and PWDs can be fully empowered so that we avoid these unnecessary problems and troubles that face our brothers and sisters out there. Mr. Speaker I would wish this House to debate this Motion with a lot of soberness minding that we represent these people, the special groups that have been mentioned here they look after this Honorable House and it is only this Honorable House that will help them through passing such like Motions and also getting proper implementation of the same. Thank you.

**The Speaker** (Hon. Khatri): Thank you Hon. Bwire. Hon. Members we can debate the Motion and contribute anything on the Motion. Hon. Fadhili the Deputy Speaker you can contribute on the Motion.

**The Deputy Speaker** (Hon. Mwalimu): Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi nimesimama nitasema niko kati sipingi na siungi ila tu Mheshimiwa Spika ni kweli serikali ya Kaunti...

*(Interruption)*

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

**Hon. Thoya:** Mr. Speaker you will guide me but I think we need clear people here; either somebody is opposing or proposing we have never had somebody who is between so we want the Standing order to guide us, those people who are watermelons what are they called according to the Standing orders? Thank you.

**The Speaker** (Hon. Khatri): I think the Standing order is not clear, so you can either oppose or propose the question so the issue of watermelon I have not seen it in the Standing Order.

**The Deputy Speaker** (Hon. Mwalimu): Thank you Mr. Speaker for protecting me, because Mr. Speaker...

*(Interruption)*

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

**Hon. Thoya:** Mr. Speaker I think the speaker who is on air is enjoying something that you have not said; it is very clear he is saying thank you for protecting, I have said this House needs clarity either you are supporting the Motion or you are opposing the Motion but he is saying you have protected him. He is in between he is not supporting or opposing, *huyu ni mtu wa aina gani Bwana Spika*, I want you to guide us.

**The Speaker** (Hon. Khatri): Thank you Hon. Thoya. Hon. Fadhili can you make it clear to the House are you opposing this Motion or you are supporting the Motion?

**The Deputy Speaker** (Hon. Mwalimu): Bwana Spika kama nilivyotangulia awali na kusema kuwa niko katikati lakini naenda na kauli yako ulipofungua hoja hii na kusema kuwa Waheshimiwa wako wazi kuendelea kujadili na mimi naendelea kujadili ni Mheshimiwa angekuwa na subra asikize yale ambayo nitakayo yasema mbele ya Nyumba hii.

Alafu yeye mwenyewe awe ni mwenye kutafakari na aamue mimi nimepinga ama nimeunga mkono. Mheshimiwa Spika nimeanza na kusema kuwa serikali ya Kaunti ya Mombasa...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Fadhili I think there is a point of order again or point of correction. Yes Hon. Samba.

**Hon. Samba:** Thank you Mr. Speaker I think it is in order for the Hon. Member who is contributing to state his position where he stands; if he is in between he better not discuss anything because we have to know whether he is opposing or proposing! Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): And Hon. Samba if I can ask you are giving your point of information under which Standing order?

**Hon. Samba:** I was not giving under any...i was informing the House that this House is a House of rules and procedures...

*(Interruption)*

**The Speaker** (Hon. Khatri): But whenever a Member is allowed to debate...

*(Interruption)*

**Hon. Samba:** No Hon. Speaker.

**The Speaker** (Hon. Khatri): We are debating the Motion here!

**Hon. Samba:** Hon. Speaker allow me to state this House you have to either to be in opposing side or proposing side; you can never be in between whether we have Standing orders supporting that or not that is the procedure of this House. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): Hon. Samba may be I stand to be corrected can you show me where in the Standing orders is saying that you have to be opposing the Motion or proposing the Motion.

**Hon. Samba:** Hon. Speaker in fact whenever we have issues that Members do not agree through your wisdom you need to come in.

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

**Hon. Samba:** This is the time where we need your wisdom, you are in that seat because you are wise and when it comes to decision that is contradictory Hon. Speaker you need to come in between. Our concern is not even bigger issue, our issue is he either should be opposing or proposing thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): But you see that will come when I put the question; he may either say yes or no or he can go to vote. So for now he does not have to state for now he does not have to state whether he is either opposing or proposing he can just give his point and his views and we continue. I think that one will come when we are putting the question again. Yes, Hon. Thoya, let us listen to Hon. Thoya.

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Mheshimiwa Spika wanatumia wakati wangu ambao ni haki yangu...

*(Interruption)*

**The Speaker** (Hon. Khatri): Let us listen to Hon. Thoya.

**Hon. Thoya:** Mheshimiwa Spika ninajua ni haki na ana haki lakini haki yake iangalie iko upande gani, kitu ambacho tunasema na ni vizuri kwamba mbali na kuwa tuko na Waheshimiwa hapa leo ni siku kubwa tuko na wanafunzi na ni lazima wakitoka hapa wawe wametoka na masomo ya kuweza kuenda kujiendeleza kule na hata kule kwao leo wanatoka na Katiba mpya kwamba inawezekana kwamba mtu kwamba anapinga na mwengine anaunga mkono na mwengine yuko kati kati. Kwa hivyo ikiwa leo Jumba hili linaleta mila na desturi mpya tuambiwe hapa kwa sababu mtu akisimama anasema ninapinga ama ninaunga mkono na Bwana Spika kama utalikubali hilo leo, tuanze leo na wale wanafunzi wakienda kule wajue kwamba kuna ku *propose* na kuna ku *oppose* na kuwa katikati inajitokeza wazi Bwana Spika. Thank you.

**The Speaker** (Hon. Khatri): Yes Hon. Hatimy can you contribute on this matter?

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker I think it is a practice of the Parliament it is not written anywhere that you have to say yes or no, but is the practice of the Parliament that when you come up with a Motion you either say yes or no. Thank you.

**The Speaker** (Hon. Khatri): But for now we are not practising for that it will come later after debating the Motion. For now everyone is putting his input whether you are opposing, you do not have even to say I am opposing you can just say whatever...

*(Interruption)*

**Hon. Mohamed Hatimy:** I think Mr. Speaker there is one thing that if you are not supporting or opposing then you substantiate...

*(Interruption)*

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

**Hon. Mohamed Hatimy:** You abstain Mr. Speaker, it is the practice from you read Erskine May you see that it is the practice of the Parliament that when you want to debate or you want anything, you have to come out clear whether you are supporting or you are not supporting.

**The Speaker** (Hon. Khatri): Yes, Hon. Fahad Kassim.

**Hon. Fahad Kassim:** Ahsante sana ningependa kukaribisha wanafunzi wa Qubaa Primary School akiweko mtoto wangu wa kwanza Rania Fahad...

*(Applause)*

Mheshimiwa Spika nasimama kumjulisha mwenzangu ya kuwa *why debating* wakati tunajadili ni ima uunge ama upinge, haiwezekani kuwa wewe utasimama useme hauungi ama haupingi, *that is you are nowhere to be seen*. Kwa hiyo tafadhali...



*(Interruption)*

**The Speaker** (Hon. Khatri): I think you are out of order by saying that, can you read Standing order No. 50? Do you have Standing Order?

**Hon. Fahad Kassim:** Yes.

**The Speaker** (Hon. Khatri): Show me that statement that you are bringing in this House, show me where it is written. You know we are guided by the Standing Orders here.

**Hon. Fahad Kassim:** I accept Mr. Speaker but...

**The Speaker** (Hon. Khatri): You can read, read it very clearly.

**Hon. Fahad Kassim:** 'Manner of debating Motions. When a Motion has been moved and if necessary seconded the Speaker shall propose the question thereon in the same terms as the Motion and debate may take place upon that question'.

**The Speaker** (Hon. Khatri): Sub section 2?

**Hon. Fahad Kassim:** Sub section 2 states that, 'The conclusion of the debate the Speaker shall put the question despite paragraph 2 the Speaker on the request of a Member defer the putting of the question to the following day in which case the Speaker shall bear or nominate at which the question shall be put'.

**The Speaker** (Hon. Khatri): But it is stating very clearly unless we do not understand what the meaning of debate is.

**Hon. Fahad Kassim:** *Debating* Mheshimiwa Spika ni aidha uunge ama upinge, huwezi kusimama ukasema mimi siko huku wala huku sasa tuna *debate* nini?

**The Speaker** (Hon. Khatri): Yes, but let him conclude whatever he wants to say, he doesn't have to say he is opposing or proposing he can start his debate only.

**Hon. Fahad Kassim:** Naam anaweza kuongea Mheshimiwa Spika but asiseme mimi siungi wala sipingi yeye aseme yale maoni yake alio nayo lakini asiseme siko huku wala huku atakuwa anatatiza hili Bunge....

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Fadhili you may just remove that statement of yours...

*(Applause)*

...and just debate so that Members will understand why you stand either opposing or proposing the question.

**The Deputy Speaker** (Hon. Mwalimu): Mheshimiwa Spika kwa sababu tuna wageni wetu na watoto wetu katika Nyumba yetu tena tunafurahi sana watoto wetu wa kwanza. Mimi nasimama kwa kupata nguvu kwa kutoka kwa watoto wetu kuwa nasimama kupinga hoja hii Mheshimiwa Spika na ningeomba Waheshimiwa wanipatie wakati wangu wasikize pia kwa nini napinga hoja hii maana naona wamelazimisha wataka wasikie niko upande gani.



Mheshimiwa Spika nina imani tena nina imani kubwa tumefanya *lobbying* ya kisawa sawa hapa ndani tuko wengi ambao twapinga hoja hii. Mheshimiwa Spika mimi napinga kwa sababu maombi ya pili ambayo yalikuwa yanaombwa katika hoja hii; kwanza kabisa ilikua tungeomba aliyeleta hoja hii atangaze msimamo wake na mapenzi yake kwa sababu aliyeleta hoja hii ni kijana amesimama akiomba tutele vijana na kusahau kuwa ndani ya Bunge hili hata wazee pia tupo ambao pia twastahiki haya mengi na mazuri ambayo ameyaweka katika hoja yake hii. Mheshimiwa Spika tunaelewa ndani ya Katiba yetu unapopitisha miaka 35 wewe huhesabiki tena kama kijana; hapa katika hoja hii imetaja kina mama, kina mama ambao hasa wamepita miaka 35 lakini wamebebwa ndani ya hoja hii lakini sisi ambao tumepita miaka 35 hatuingii mahali popote katika hoja hii itakuwa nawakosea wale wengi watu wa Port Reitz ambao walinichagua na ambao wamepita miaka hii ambayo iko ndani ya hoja hii. Mheshimiwa Spika ndio maana na mimi nimesimama ili niombe wenzangu wale ambao kina baba ambao tumepita miaka hii tuweze kupinga hii hoja ili irudi iende ikatengezwe inapokuja hata mimi ama wale ambao tuko na miaka kama mimi tuweze kuangaliwa na Serikali ya Kaunti maana hatuna uhakika kama hata sisi...

*(Interruption)*

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

**Hon. Thoya:** Bwana Spika leo naona niko na huyu Bwana vizuri kwa sababu napendelea sana amae ameweza kuleta hoja hii anazungumzia mambo ya vijana na yeye anapinga akileta hoja juu ya hoja ni vizuri kwa sababu yeye ni mzee na umri umepita akaandike hoja yake ailete hapa ya wazee peke yake hii hoja imeletwa ni ya vijana...

*(Applause)*

Na mimi nasema mila na desturi ya hapa kama hoja imeletwa huwezi jenga hoja ndani ya hoja, kwa hivyo kama ni kizungu nasema *he is out order* Bwana Spika nisaide.

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

**Hon. Bwire:** Thank you Mr. Speaker. You see Mr. Speaker in our current Constitution the only special groups we have are three; one is that talks of youths, women and people living with disabilities so I cannot create another group that is out of the Constitution and bring it here to please whoever is above that age. Thank you.

**The Speaker** (Hon. Khatri): Thank you. Yes, Hon. Fadhili you may continue.

**The Deputy Speaker** (Hon. Mwalimu): Mheshimiwa Spika haijasema ni lazima iwe *group* iko ndani ya Katiba yetu ile tunazungumzia ni hii hoja ambayo iko hapa mbele yetu na vile vile usawa wa watu wetu tunaona kuwa kama upande wa kina mama hakuna kitengo ambacho kimewagonga upande wa miaka lakini upande wetu kuna upande ambao unatuzuia na unatunyima majukumu ama mazuri kama haya yako mbele yetu ndio maana naomba alietengeza hoja hii arudi jikoni aende aitengeze vizuri ili na sisi tuwe ni wenye kufaidika katika hoja hii. Wananchi wetu wa Mombasa, wananchi wangu wa Port Reitz Mheshimiwa Spika nao pia wafurahie matunda ya Serikali yetu ya Kaunti ya Mombasa. Ahsante Mheshimiwa Spika.

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

**Hon. Mohamed Hatimy:** Mheshimiwa kama namsaidia rafiki yangu Mheshimiwa Fadhili wa kutoka Port Reitz nafikiri twakujua Port Reitz ni kina nani walioko huko...

*(Applause and Laughter)*

Mheshimiwa...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Hatimy I think you are out of order, I did not understand that statement, can you come out clearly.

**The Deputy Speaker** (Hon. Mwalimu): Mr. Speaker with due respect please protect me and let the Hon. Member withdraw the statement because...

*(Interruption)*

**The Speaker** (Hon. Khatri): Just make it clear first of all you can start and tell us Port Reitz which kind of people are there that you are referring to Hon. Fadhili the Deputy Speaker.

**Hon. Mohamed Hatimy:** Mheshimiwa Spika twajua Port Reitz kuna watu wenye akili nyingi ni watu mahodari, ni watu wenye kujua kila kitu. Mheshimiwa Spika nataka kumsaidia Mheshimiwa Fadhili anasema hii hoja iregeshwe na mimi pia namsaidia kusema kweli hii hoja iregeshwe kwa sababu hii tayari ni sheria iko kwenye *Act*. Sheria inazungumza vizuri sana kuwa wakati hawa watu wa *procurement* wanatoa hata ukiangalia wakifanya matangazo utaona vitu tayari huwa vimewekwa hivi ni vya vijana, hivi ni vya walemavu na hivi ni vya kina mama. Kwa hivyo tayari hii sheria iko imeundwa na serikali kuu, hivyo basi na mimi namsaidia kwa kusema kweli sheria ni bora aende akaitengeneze vizuri ya kusema kuwa wale watu waangaliwe ili haki ifanyike kuwa ile asilimia 30 inatumika kisawa sawa, ahsante Mheshimiwa Spika.

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

**Hon. Nzai:** Ahsante sana Mheshimiwa Spika. Mwanzo nachukua nafasi hii kuwakaribisha watoto wetu wa shule ya mwenzangu ya Qubaa, karibuni sana. Mimi ndio Mheshimiwa wa Kadzandani sehemu ya Bamburi huko eneo Bunge la Nyali. Mheshimiwa Spika mimi nimesimama kuunga mkono hii hoja naiunga mkono sio kwamba sijui serikali kuu ilipitisha hii asilimia 30 lakini kwa Kaunti hususan hapa kwetu ilikuwa haijabainika wazi hivyo basi ikiwa Mheshimiwa Spika naomba....

*(Interruption)*

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

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

**The Deputy Speaker** (Hon. Mwalimu): Just continue remember that your time is limited Hon. Nzai.

**Hon. Nzai:** Mheshimiwa Spika vituo vya ndugu zetu walio jaa na ulemavu vimejaa kule kwangu na Kaunti yetu haijabainisha vizuri usaidizi wao utakuwa namna gani; ikiwa ni hivi juzi tu walifanya kuzolewa zolewa katika barabara zetu na wakaenda pelekwa mahali ambapo hata hapajulikani.

Ina maana kama sheria hii imepitishwa vizuri ndugu zetu hawa wangekuwa wametengewa mahali pazuri na kungekuwa hakuna hii patashika ya hapa na pale, hivyo basi mimi aliyeleta hoja hii namuunga mkono mia kwa mia ili ilete nafasi nzuri ya kuweza kuwaweka hawa wenzetu vizuri wanaoishi na ulemavu. Ahsante sana Bwana Spika.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Nyiro.

**Hon. Nyiro:** Thank you Mr. Speaker, first of all I need to be guided, I wonder whether the Hon. Speaker is properly dressed, may be you can observe him and then tell the House if he is properly dressed before I continue.

**The Deputy Speaker** (Hon. Mwalimu): Hon. Nyiro, who is not properly dressed?

**Hon. Nyiro:** Hon. Hatimy.

**The Deputy Speaker** (Hon. Mwalimu): Serjeant-At-Arms...

*(Hon. Mohamed Hatimy tried to tuck-in his shirt)*

No you are not supposed to dress in this House, just go out get properly dressed and then come back.

*(Hon. Mohamed Hatimy exited the chamber briefly and re-entered)*

**Hon. Nyiro:** I may continue now?

**The Deputy Speaker** (Hon. Mwalimu): Yes you may continue.

**Hon. Nyiro:** Thank you Mr. Speaker, am happy that the norms of this House are being followed properly. Mr. Speaker...

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon. Ogutu, are you up on a point of order?

**Hon. Ogutu:** Point of Information!

**Hon. Nyiro:** I do not want to be informed Mr. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): He does not want to be informed. Okay proceed Hon. Nyiro.

**Hon. Nyiro:** I just want to proceed and finish quickly because I'll take just a few minutes. Mr. Speaker, I stand to oppose strongly this Motion.

**The Deputy Speaker** (Hon. Mwalimu): There is a point of order. Okay which point of order?

**Hon. Mohamed Hatimy:** *(Off microphone)*... or declare your interest Mr. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Hon. Hatimy the person who had interest was Deputy Speaker but at the moment am the Chair and the Speaker of this Honorable House so you may proceed Hon. Nyiro.

**Hon. Nyiro:** Thank you Mr. Speaker, thank you for staying there, let me start again by saying that I strongly oppose this Motion.

First we cannot be making regulations upon regulations. There is already a regulation in existence of the 30 per cent reservations so if there is a problem may be the bearer....

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Thoya, are you up on a point of order or?

**Hon. Nyiro:** I do not want to be informed, am on the floor.

**The Deputy Speaker** (Hon. Mwalimu): Okay let him proceed, okay inform the House.

**Hon. Thoya:** Mr. Speaker I think the speaker who is on air is so suspicious but I was not targeting him; this is typically for you Mr. Speaker whom you have been on air opposing the same Motion. I understand that you have moved to that seat but already you had showed us from the word go so I just have a feeling...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon. Thoya, you are out of order the Speaker is not voting on this issue, proceed Hon. Nyiro, am not voting.

**Hon. Nyiro:** Thank you Mr. Speaker., Hon. Thoya today looks very troublesome but we will handle him just the same way. Mr. Speaker as I was saying we already have a regulation that 30 per cent of the tenders in every government and private institution must be reserved to the special people that is the youths, women and PWDs so may be if there is a problem with the implementation of this thing maybe the mover could tell this House to may be fast track the implementation of this existing regulation but if we are here again to enforce the County government to implement an already existing regulation then I think it will be what Hon. Naliaka said in the morning...! Secondly...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): There is a point of information?

**Hon. Nyiro:** Are you informing me Hon. Speaker?

**Hon. Bwire:** Mr. Speaker I understand we went to different schools, we've been under the management of different teachers and we also have different capacity of grasping the information. Mr. Speaker I think the Motion is very clear we understand...where is the other microphone?

**The Deputy Speaker** (Hon. Mwalimu): Inform the House, what do you want to inform the House because I understand we already debated on this issue.

**Hon. Bwire:** Thank you Mr. Speaker. Mr. Speaker I just want to inform the House that I understand there is that Act and now there is that laxity of the County government to adhere to the said Act and that is why am here with this Motion to persuade this Honorable House to remind the County government to adhere to the said Act so that the three mentioned special groups can benefit from the said Act, they should understand that. Thank you Hon. Speaker.

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

**Hon. Nyiro:** Okay am also aware that we went to different schools but again we are telling the mover of this Motion you need to change the prayer because whenever advertisements are made the reservations are always there...

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): Hon Thoya why are you up?

**Hon. Thoya:** Mheshimiwa Spika nafikiri asubuhi tulikuwa katika Bunge hili na katika mazungumzo yake ametoa *reference* ya Mheshimiwa Naliaka asubuhi amesimama akasema unless hili Jumba watu hawajielewi; Jumba hili limemsukuma mpaka akaomba msamaha na akaondoa, yeye pia anasimama hiyo hiyo, kutoa *reference* hiyo hiyo ya kutukana Waheshimiwa hapa, ndio maana nimesimama. Mheshimiwa Spika ninaomba umsukume aombe msamaha na aondoe hayo matamshi.

**The Deputy Speaker** (Hon. Mwalimu): Okay Hon. Nyiro withdraw your statement.

**Hon. Nyiro:** I withdraw Hon. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Proceed.

**Hon. Nyiro:** I apologise, happy? So like I was saying if there is anything County government is not implementing we have an implementation Committee in this Assembly; kindly can we approach the Implementation Committee so that it can fast-track the implementation of this regulation. Secondly the bearer of this Motion said the County government should provide for grants, but let me inform this House that we have money reserved for the youths, money for women and money for the PWDs ; now which money do you want for the County government to set aside again? Again we have the youth department, we have the Committee Chaired by Hon. Moses Aran he chairs the youth Committee, we can liaise with the Committee and see whether we have money for the youths from that department. This government has departments and whenever we have such issues can we approach the department first then if we do not get answers from there then we can come back here so that we can push this House to maybe formulate regulations that are going to empower those that are not in existence. From my point of information is that we already have money set aside by the government, the Youth Enterprise Fund it is there, there is money through the Women Enterprise Fund and I also understand that there is money for the PWDs, why can't we go to these agencies and get this money because right now our County as we all know unless we don't come from this County if you come from this County you know that we have a very big burden whereas most of our monies go to pay recurrent expenditure. Where can we get other monies again to set aside for these youths, women and PWDs? Let us go for the money that is provided by the government of Kenya so that we can get this money and use it to empower our people, let us inform our people that there is money so that we don't come here to force the government to set aside money that will be available. I beg to oppose strongly Mr. Speaker.

**The Deputy Speaker** (Hon. Mwalimu): Yes Hon Ramla.

**Hon. (Ms.) Said:** Ahsante Mheshimiwa Spika nashukuru kupewa hii nafasi na naunga mkono hii hoja kwa sababu imekuja kama ukumbusho kwa hili Bunge kuwa kuna sheria kama hii ya vijana, kina mama na walemavu.

Kitu ambacho ningesisitiza ni kuwe na utekelezaji wa hii sheria haifanyi inavyotakikana na kama pesa ziko basi kuzifuatilia ina mambo mengi mpaka hawa vijana na walemavu na wamama wanashindwa kutengeneza na pia kazi ni chache walemavu hawapati kazi, wamama vijana kuna malalamishi sana. Kwa hivyo naunga mkono kwa hii hoja ili itukumbushe kutumia hima, ahsante Mheshimiwa Spika.

**The Deputy Speaker** (Hon. Mwalimu): Yes Chief Whip.

**Chief Whip** (Hon. Kitula): Mheshimiwa Spika ni wazi dhahiri shahiri lazima tuweze kuweka maneno mengine wazi, Mheshimiwa kuna hoja zengine zinapoingia katika Bunge hili inatoa picha mbaya kule mashinani ni kana kwamba hii hoja hii endapo itapita siku ya leo tutakuwa tunatoa picha kule mashinani kuwa jambo hili lilikuwa lifanyike katika Kaunti yetu ya Mombasa. Kwa hivyo Wabunge wenzangu tuweze kuwa na makini haswa na hoja kama hizi; jambo la kwanza kipengele namba moja kama ninavyolihimiza Bunge hili ni kwamba asilimia 30 na ni dhahiri shahiri mambo haya yanafanyika katika serikali yetu ya Mombasa ikiwa tayari lile jengo la *Inspectorate* walipatiwa kina mama kuweza kulikarabati mpaka kwenye imeweza kufikia Mheshimiwa. Vilevile Tononoka hall waliopatiwa zabuni ile Mheshimiwa Spika ilikuwa ni watu wanaishi na ulemavu, vilevile *Inspectorate* vijana wanaweza kukabili trafiki katika jimbo letu, ni vijana ambao ni wa Kaunti yetu ya Mombasa ofisi ya Gavana ni vijana waliweza kupatiwa zabuni hiyo mikutano ya serikali ya Kaunti yetu ya Mombasa wana *supply* hema na maua na kupamba katika mikutano hii ni kina mama. Kwa hivyo hoja kama hizi lazima ziweze kuwa na muangazio mzuri na una mhusika mkuu ambae ameweza kuleta hoja hii katika Bunge hili lazima kwanza aweze kufanya uchunguzi kama jambo hili latendeka au la la sivyo linapokwenda mashinani inaleta picha mbaya kwa Nyumba yetu kana kwamba jambo hili halifanywi katika serikali yetu ya Mombasa.

(Applause)

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

**Hon. Samba:** Thank you Mr. Speaker the prayers of the Motion I beg to oppose and Hon. Speaker if you look at the prayers that the County government to adhere to the public Procurement Oversight Authority Act to ensure the 30 per cent for the special interest groups and number two the County government to provide grants. Yesterday Mr. Speaker I happened to visit the department of youths, gender and sports I was following up about the issue of this money Hon. Speaker and I found out that there were some of the revolving funds that were supposed to be out by now but when I was doing follow up I found that they cannot give out any money as at now because there are so many people who got privilege to get this support cash and they have not paid the back. The laws say that at least 50 per cent should be recovered as at now there are at 14 per cent and so through that Hon. Speaker it shows that there are those people who are aware of the same and there are those people who are applying. Secondly Hon. Speaker about the 30 per cent youths so many youths we need in our County, yes there is laxity because some of the people are using the identification details of these youths to acquire limited companies so that at least when they win these tenders they win them in the name of the youths and actually they are not youths who are benefiting. I wish to request the mover that he should at least change the prayers maybe if we can come up with a task force that is going to oversee whether those benefiting from the tenders are they actually youths or are those who are benefiting behind the youths because when devolution came it came with a lot of goodies and Hon. Speaker most of the youths are crying outside there because there is unemployment.



When the Committee of Experts came up with the issue of devolution they considered about the issue of 30 per cent so that at least if you cannot get employment but at least in business wise you can plan your life well so my request to the mover of the Motion the Motion itself is in good faith and for the best interest of the County but at least he should change the prayer request so that at least we may also pass it because it doesn't affect only the mover of the Motion but it affects us all, thank you Hon. Speaker.

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

**Hon. Thoya:** Ahsante Bwana Spika naona sasa ni wakati wangu wa kuchachawiza Mswada ulioko hapa; hata hivyo nafikiri kifo cha Mswada huu kilikuwa isiingie hapa kwa hii Nyumba ilikuwa ni katika ile Kamati ya House Business kwa sababu huu ni Mswada ambao umeingia lakini ilikuwa uchujwe kutoka mwanzo kwa sababu najua kuna kitu inaitwa *revolving fund* kuna hiyo mambo ambayo imetajwa na Mheshimiwa Kitula pale na tuko na Kamati husika hapa ya vijana ambapo mambo kama haya ni lazima kama hayatendeki tuambiwe kama Jumba tuko na Kamati ya utekelezaji ambayo ni *Implementation Committee* na leo tunabahatika kuwa tuna watoto wanasoma lakini itakuwa sio vizuri tulazimishe Miswada kwa sababu tuonekane kwamba tuko kazini, kama hakuna isemekane hakuna lakini Mswada huu hatutaki ufe hapa hapa ni kuwa ugongelewe misumari katika kaburi lake kutoka kwa Kamati ya House Business. Ahsante.

**The Deputy Speaker** (Hon. Mwalimu): Hon. Ogutu before the mover responds on his Motion.

**Hon. Ogutu:** Ahsante sana Mheshimiwa Spika kwa hii nafasi mimi ningependa kuomba *mover* aweze kutoa huu Mswada maanake ni Mswada mmoja mzuri sana..

*(Interruption)*

**The Deputy Speaker** (Hon. Mwalimu): There is a point of order.

**Hon. Bwire:** Mr. Speaker as we all know the dress code of this House and we know for a member to be here he must be in way that is acceptable by the regulations of this House, Hon. Ogutu is not properly dressed up.

**Deputy Speaker** (Hon. Mwalimu): Hon. Ogutu if you know that you are not properly dressed please just follow the way.

*(Hon. Ogutu exited plenary)*

**The Deputy Speaker** (Hon. Mwalimu): The mover of the Motion you may respond.

**Hon. Bwire:** Mr. Speaker I brought this Motion in good faith and I have heard the concerns from the fellow Hon. Members and I beg to seek leave of this Honorable House to allow me do some amendments on the same and hopefully next week I will be able to bring it back. Thank you.

**The Deputy Speaker** (Hon. Mwalimu): So next week you are bringing amendments or...?

**Hon. Bwire:** Hon. Speaker I will bring a very amended and comprehensive Motion.



**The Deputy Speaker** (Hon. Mwalimu): So Hon. Members when he brings the amendments you will also be allowed to debate on the amendments and now that he has asked that we do not put a question we shall not put a question until next week as he has asked from this Honorable House. Yes Clerk.

### **MOTION**

Yes Hon Mohamed Hatimy.

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker, I wish to give a notice to withdraw the notice under Standing Order 48.

**The Deputy Speaker** (Hon. Mwalimu): Was it a Motion or a notice of Motion?

**Hon. Mohamed Hatimy:** It was a Motion. So I seek leave.

**The Deputy Speaker** (Hon. Mwalimu): So up to when do you want to bring back the Motion?

**Hon. Mohamed Hatimy:** Next week Wednesday.

**The Deputy Speaker** (Hon. Mwalimu): It will be discussed in the next House Business Committee, Yes Clerk.

### **ADJOURNMENT**

Hon. Members there being no other business the House is adjourned until tomorrow Thursday the 4<sup>th</sup> October at 2:30p.m.

The House rose at 3:43p.m.