



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 30th October, 2018

The House met at 2:56p.m.

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

PRAYERS

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

PROCEDURAL MOTION

ALTERATION OF COUNTY ASSEMBLY CALENDAR, 2018

Yes Hon. Hamisi Musa Mwidani, the Leader of Majority party please move the Motion.

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker sir. Let me take this opportunity to move a Procedural Motion, alteration of County Assembly Calendar for 2018.

THAT pursuant to Standing orders 25(4) of the County Assembly Standing orders; this House RESOLVES to alter the County Assembly calendar for 2018 to adjourn on Tuesday 30th October, 2018 and resume sittings on Tuesdays 13th November, 2018.

Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Hamisi Musa Mwidani, anyone seconding your Motion?

Leader of Majority (Hon. Mwidani): I wish Hon. Kitula to second the Motion.

Chief Whip (Hon. Kitula): I second the Motion.

(Question proposed)

The Speaker (Hon. Khatri): Thank you Hon. Kitula. Hon Members I now propose a question that the Motion on the alteration of County Assembly calendar for 2018 be considered by this House in the same terms as moved. Yes Hon. Hamisi Musa Mwidani.

Leader of Majority (Hon. Mwidani): Mr. Speaker I would like to inform the House that we are doing the alteration because as standing to our calendar we are supposed to have a short recess on 26th of this month but actually we didn't have the time so we are now trying to make some alteration so that we are seen we are in law, and that's why we have moved this Procedural Motion today so that it can be recorded to be seen that we are in the right channel. So Mr. Speaker I would like Members to support this so that we can have that short recess for the future, thank you Mr. Speaker.

The Speaker (Hon. Khatri): Yes thank you Hon. Hamisi Musa Mwidani. Yes Hon. Ibrahim any contribution.

Hon. Omondi: Mr. Speaker sir I would like to support the Motion with reason; as the mover of the Motion has explained that it is in order with the law that we are supposed to have a short recess on 26th and we didn't have it so this one can work well as a replacement towards that particular time. Mr. Speaker sir, number two is it also very important for us to have time with our electorate on the ground so that we can have time with them and we can deliberate on some issues. Thank you as I beg to support.

The Speaker (Hon. Khatri): Thank you Hon. Ibrahim. Yes Hon. Fatma.

Hon. (Ms.) Fatuma Swaleh: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii. Mimi nimesimama kuunga mkono hoja ilioletwa na Mheshimiwa Hamisi Musa Mwidani; kama ilivyo mila na desturi lazima Waheshimiwa waweze kwenda mashinani ili waweze kuonana na wananchi waweze kuwatumikia wananchi wao vilivyo. Vilevile Mheshimiwa Spika itakuwa pia watoto wetu wa darasa la nane wamemaliza mitihani wasikae tu nyumbani na kuweza kuranda randa mtaani, viongozi waliochaguliwa waweze kutafuta kitu kama *computer classes*...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Fadhili Mwalimu.

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker I am wondering if the dress by the Hon. Member on the floor whether it is a rightful dress to enter this Honourable House, it's a wedding dress Mr. Speaker.

The Speaker (Hon. Khatri): Yes Hon Fatma, am blind here I can't see I think Hon. Fadhili is concerned about the dress code you have, I mean the dress which you are wearing.

Hon. (Ms.) Fatuma Swaleh: Mheshimiwa Spika kwa heshima yako nakuomba nisongee pale kwa Mheshimiwa aweze kuniangalia kama nimevaa nguo ya harusi ama ya stara.

(Laughter)

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

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker with due respect this is not a parliamentary dress because it shows...

(Interruption)

The Speaker (Hon. Khatri): What is the Standing order saying Hon. Fadhili? What does the Standing order say about the dress code, Hon. Fatma you go back to your chamber. Yes Hon. Fadhili.

The Deputy Speaker (Hon. Mwalimu): Mr. Speaker Members should be properly dressed but the dress by the Hon. Member is transparent. Mr. Speaker...

(Applause)

The Deputy Speaker (Hon. Mwalimu): Mr. Speaker When the Hon. Member is talking we lose concentration Mr. Speaker...

(Applause)

The Speaker (Hon. Khatri): Hon. Fatma I think you have heard the concern from the male Members so please next time at least try to... yes Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Mheshimiwa Spika nafikiri sheria ya kina mama kuvaa ndani ya Nyumba hii nguo iwe imestiri mikono na iwe imeshuka chini ya magoti...

(Applause)

Kwa hivyo nafikiri hivyo Mheshimiwa Fatma yuko sawa kabisa...

(Applause)

The Speaker (Hon. Khatri): Yes Hon. Fadhili Makarani, the Deputy Speaker.

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker. Mr. Speaker I think the Hon. Members behind the Hon. Member who is on the floor may be are happy to see the Hon. Member on the floor. Mr. Speaker truly speaking and with the support with male Hon. Members the dress is transparent we cannot concentrate in this Honourable House.

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

Hon. (Ms.) Milka: Thank you Mr. Speaker, I stand to....

(Member shouting)

No, no don't put words into my mouth, I stand as the Chair of the Women Caucus to protect...

(Applause)

A Member of mine who is being intimidated in the House, I think Hon. Fatuma Mote Kushe is dressed in accordance with the Islamic law...

(Applause)

...and we are within an Islamic area.

The Speaker (Hon. Khatri): But Hon. Milka we are guided by the Standing order, it's not about religion here,

Hon. (Ms.) Milka: Okay let me put it this way that she is respectfully dressed, her arms are covered and the dress is long enough and I think according to the climate we are living in we are supposed to put on such light clothing because of the weather. I am also...

(Interruption)

The Speaker (Hon. Khatri): Thank you. Hon. Member sit down let the Hon. Member finish...

Hon. (Ms.) Milka: Am still talking.

The Speaker (Hon. Khatri): Yes.

Hon. (Ms.) Milka: I am also getting into the culture as you can see Mr. Speaker, am also in *dera* similar to what Hon. Fatuma is putting on because the area is hot and I think the dress is very decent. So Hon. Deputy Speaker Bwana Fadhili...

The Speaker (Hon. Khatri): You are addressing me Hon. Milka.

Hon. (Ms.) Milka: I want to correct him.

The Speaker (Hon. Khatri): Yes.

Hon. (Ms.) Milka: Mr. Speaker I think you need to ask Hon. Fadhili to withdraw his sentiment of him not concentrating, I think his concentration is not our problem let him try to concentrate because he is digging into information which is not right.

The Speaker (Hon. Khatri): Thank you. Hon. Members let us hear from the Leader of Majority since he is more mature and he has been here for...yes Leader of Majority guide us on this please.

Leader of Majority (Hon. Mwidani): Bwana Spika ukweli ni kwamba...

(Loud consultations)

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

Leader of Majority (Hon. Mwidani): Bwana Spika kwa kusema tu ukweli hajavaa makosa...

(Applause)

Kwa sababu kila pahali pamefinikwa vizuri, mpaka kwenye kichwa pia amefinika. Sasa ukienda ki Bunge yuko sawa na pia kidini yuko sawa, kwa hivyo Bwana Spika najua Wanachama saa nyingine kidogo tunaleta hoja za kuvutana lakini kwa ukweli Mheshimiwa yuko kiheshima, na sijaona kuwa angalau ingekuwa ile nguo ni fupi tunaona mapaja tungenesema hiyo ni makosa. Kwa kweli yuko kisawa na hakuna pahali ambapo panaonyesha aibu yake.

The Speaker (Hon. Khatri): Thank you Hon. Hamisi Musa Mwidani. Let us hear from the Hon. Mwamwiri since he is sitting just behind the Hon. Member. Yes Hon. Mwamwiri.

Hon. Athman Mwamwiri: Mheshimiwa Spika ahsante kwa fursa hii, ki halisia Mheshimiwa Spika jinsi alivyo vaa dadangu ni hujuma kwetu sisi Waheshimiwa wa kiume tena vijana, mashababi, marijali ambao twashukuru Mungu kwa jinsi alivyo vaa hatuwezi kuwa na usikivu katika Jumba hili, akinyanyuka utatazama...

(Loud noises)

The Speaker (Hon. Khatri): Hon. Members let the Hon. Member finish.

Hon. Athman Mwamwiri: Mheshimiwa Spika, Mheshimiwa Hamisi Musa kuchangia kwamba haoni shida siwezi mlaumu kulingana na umri, lakini umri tulionao...

(Loud noise)

Umri wetu sisi hayuko sahihi.

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

Hon. Thoya: Mr. Speaker it is turning to be a laughing matter but you need to understand that a bigger percentage of this House are youthful, energetic young men and we were seeking your protection and especially those Members who are seated from behind the Honourable said Member. We are seeking your protection Hon. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Thoya. Hon. Members I think now we need to move on and the ruling which I will give in this matter is Hon. Members when Hon. Fatma Kushe is speaking, you do not have to look at whatever she is dressing...

(Applause)

You can just put your head down and listen what she is saying, so Hon. Fatma you may continue.

Hon. (Ms.) Fatuma Swaleh: Ahsante sana Mheshimiwa Spika kwa kuweza kunilinda. Mheshimiwa Spika kama ilivyo mila na desturi lazima Waheshimiwa turudi chini nyanjani tuweze kuwahudumia wananchi walioweza kutuchagua na tuangalie kama hivi juzi kulikuwako na mafuriko kiasi ya mvua na pia vilevile kuna takataka ndani ya miji lazima turudi tuweze kushirikiana na wananchi tuweze kurekebisha mazingira yetu na vile vile karibu nao. Ahsante sana Mheshimiwa Spika, ningezungumza sana lakini naketi nisije nikaleta hujuma Mheshimiwa Spika. Ahsante.

(Question put)

The Speaker (Hon. Khatri): Thank you Hon. Fatma. Hon. Members I now put the question that this House adopt the Motion on alteration of the Assembly calendar for 2018 in the same terms as moved?

(Question put and agreed to)

Yes Clerk.

MOTION

ADJOURNMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE CALENDAR, 2018

Yes Hon. Hamisi Musa Mwidani please move the Motion?

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker. May I move the Motion; adjournment of the Assembly in accordance with the calendar for 2018.

THAT, pursuant to the provisions of Standing order 25(3), this Assembly adjourns and will resume its normal sittings on Tuesday, 13th November, 2018, and I would like Hon. Kitula to second.

Thank you.

The Speaker (Hon. Khatri): Yes Hon. Charles Kitula please second the Motion?

Chief Whip (Hon. Kitula): I second Mr. Speaker.

(Question proposed)

The Speaker (Hon. Khatri): Thank you Hon. Kitula. Hon. Members I now propose the question that the Motion of the adjournment of the Assembly be debated. Yes Hon. Hamisi Musa.

Leader of Majority (Hon. Mwidani): Ahsante sana Bwana Spika, nimeleta huu Mswada kuenda mapumziko kwa Waheshimiwa ya wiki mbili na Wanachama ni kama tunavyojua kwamba pia tuna shughuli za kiserikali ambazo ziko mbele yetu kwa hizo wiki mbili ndio nilikuwa naomba Bunge tuweze kufanya mapumziko tuweze kukamilisha zile shughuli ambazo tuko nazo na serekali yetu ya Kaunti ya Mombasa. Kwa hivyo Wanachama ningewashukuru sana tukiweza kupata hii nafasi ya mapumziko na kutekeleza hayo mengine. Ahsante Bwana Spika.

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

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Hon. Mohamed Hatimy: Mimi nimesimama sio kuwa napinga hii lakini yaonekana sheria itapinga kwa sababu ilikuwa haya mapumziko yawe kwenye gazeti rasmi, kwenye gazeti na kwenye magazeti mawili na hatujaiona kwenye magazeti, kwa hivyo itakuwa makosa sisi tukisema leo twaenda mapumzikoni.

The Speaker (Hon. Khatri): Thank you Hon. Hatimy, yes Hon. Samba.

Hon. Samba: Thank you so much Hon. Speaker. Let me first of all take the whole House to Standing order 41(2) a and that has been always my concern Hon. Speaker; we are always short of and this one I'll take it upon to Majority leader, Majority leader ought to have brought this Motion, he ought to have been laying the business of the coming week every Thursday. Hon. Speaker that is not happening and that is why I concur with my senior colleague Hon. Hatimy that all these procedures could have been followed and not that I am opposing the Motion Hon. Speaker but we have so much relaxed.

I have never seen our Majority leader laying the business of the coming week in this House, I have never seen that and Majority leader I would request to stop maybe misleading the House. He is the senior Honorable Member and we would request him as at now the last message that we got we were supposed to resume here on 6th, the last message that we got and I am very sure that all those who have been assigned duties to send us texts those texts are very reliable. So when I come here I sit down that is when I am getting my Order paper and even if you go to the Standing order it states very well that we are supposed to get these Order papers if latest one hour to, even the business of the day should be in our website.

Hon. Speaker that is not happening and that is why when you see us raising issues not that we are opposing but we are trying to learn law; when we were supposed to adjourn until 6th what happens in between and incase there are some business of the County government we are not even aware we are treating them as rumours and that is why we have House Business Committee. This House Business Committee should be responsible for the business of the House and business of the week; how we are treated in this House is very unfair and I would request that has been my cry every now and then that let us try and follow the law; let us try and learn as we are in this House we should be learning so that it is my sincere prayer and request that let our Majority leader assume his full role and full position as we want to feel him, we want to hear him, we want to see him giving us directions so that we will be breaking and then since majority are for the recess we are going to break and we will come back after 13th the business will just be normal as usual.

We are losing track and we would request since we have so many issues we do see our constituents every day, every day they come to visit us we have to visit them, they pay us a visit in our offices so the issue of adjourning longer, long recess or two weeks recess so that we may meet our electorates...we do meet them even immediately I am from this place I am going to meet some. So I would request through Majority leader even if we are breaking let's try and follow the legal procedures and then it was my prayer also we can resume back on 6th. Thank you Mr. Speaker sir.

The Speaker (Hon. Khatri): Thank you Hon. Samba but Hon. Samba I do not know if you were here when we were passing the earlier Motion. I think we should have raised those issues when we were passing that earlier Motion. I never saw you standing so anyway...Yes Hon. Hamisi Musa Mwidani, Majority Leader?

Leader of Majority (Hon. Mwidani): Bwana Spika ni vizuri tujulishane ule uwazi Wanachama; biashara za Bunge sio mimi nazileta kwa Bunge, biashara zinaletwa kwa *House Business*, uliona hata wiki iliyopita tulikosa hata biashara Wanachama hawaleti. Bwana Spika mimi nafuata kulingana na sheria hii kalenda ni sheria ambayo iko lazima niifutilizie na ni *address* na ikiwa zile biashara ni lazima Wanachama wazilete ndio tuzipange. Bwana Spika ningependa tuambiane ukweli Wanachama hatuji na biashara za Bunge! Sasa mimi siwezi kuja hapa nitoe biashara zangu mwenyewe itakuwa pia ni makosa, kwa hio tujitie hima tulete biashara za Bunge, tuje na biashara kwenye *House business* uone kama mimi sitasimama nikizieleza...

(Applause)

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

Leader of Majority (Hon. Mwidani): So Hon. Speaker I agree with him that is the procedure but unless I get the business then I come with the business so it is not me who made...

(Interruption)

The Speaker (Hon. Khatri): Hon. Samba please!

Leader of Majority (Hon. Mwidani): So...

The Speaker (Hon. Khatri): Hon. Samba please!

Leader of Majority (Hon. Mwidani): So Mr. Speaker...

(Interruption)

The Speaker (Hon. Khatri): Just relax let the Hon. Member finish talking then if you want to say something you can say stop murmuring around please.

Leader of Majority (Hon. Mwidani): Kwa hio Bwana Speaker ningependa tujaribu kuelewa taratibu na kila sehemu vile zinavyotakikana mimi niko kwa *House Business* kila siku nikingoja zile biashara ambazo nitaleta. Ikiwa Wanachama hawakuleta siwezi kuja hapa nikazungumza biashara ambazo haziko. Kwa hivyo Wanachama tieni bidii tuje na biashara za Bunge sio tu kila siku ya Alhamisi mimi nije niseme biashara za Bunge sio kazi rahisi. Siwezi kuja kuzungumzia biashara za Bunge ambazo haziko siwezi kufanya hivyo. Kwa hio Bwana Spika I can concur with him but he should know the position also.

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

(Silence)

Yes you may continue Hon. Mwamwiri?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nalitia walakini hoja hii kwa sababu kalenda ilitengenezwa siku za nyuma zilizopita.

Ratiba ilikuwepo ya kwamba tarehe 26 hadi tarehe 6 tutakuwa tuko mapumziko na masikitiko Mheshimiwa Spika baadhi yetu tulipata kumbukumbu ama jumbe tukiwa katika mapumziko siku ya Ijumaa na Jumamosi ya kwamba tayari tumeanza mapumziko rasmi kwa lugha ya Kimombo *recess*. Tena ghafla tumeitishwa tena katika kikao kuja kupitisha ratiba hii ya kwenda *recess*, muhimu *recess* hii hatuja iona katika vyombo vya matangazo kama inavyostahiki sheria. Pili Mheshimiwa Spika katika mipangilio ibara ya 41 ambayo Mheshimiwa Samba ameigusia kuna nukuu pale inasema *statement hour* ambayo ni lazima ni jukumu la Kiongozi wa Wengi kulieleza Bunge hili juma linalokuja kutakuwa na shughuli gani.

Kwa hivyo kama hakuna shughuli katika kikao kilichotangulia kukaa anyanyuke aseme hakuna shughuli lakini kutukosoa na kusema hatuleti biashara, hizi biashara zinazoendeshwa zinatokana na wapi? Yeye pia ni Mheshimiwa, yeye pia anawakilisha eneo, yeye hana biashara na kama hakuna kwa mujibu wa kanuni za Bunge hili anyanyuke tu atuambie juma lijalo hatuna biashara ibainike ijulikane. Lakini kunyanyuka kwa jisaa jimoja na dakika 30 tunapewa biashara ambayo hatujui imetoka wapi zaidi haijafuata kanuni na sheria, hiyo ndio biashara? Hayo ndio majukumu yake? Mheshimiwa Spika swala hili lazima lifike kikomo. Hili ni Bunge, ni Jumba la sheria, wengine ni vijana tunajifunza ni mara yetu ya kwanza kwa hivyo wanaotuongoza ama walio na muda wanapotupotosha na kutuongoza haiwezekani tupurukuke tupatiwe ratiba ya kwenda likizo ambayo haijafuata sheria kwa juma mbili.

Mheshimiwa Spika mashinani kuna dhiki sasa hivi za mafuriko na kadhalika; haya yanatakikana kuja kuulizwa maswali hapa na kupata majawabu hapa, leo tukikaa nao kule na hakuna kikao tutayauliza wapi? Mheshimiwa Spika sahihi tungekwenda kama ilivyopangiwa kwa muda uliokuwepo tarehe 6 turudi ili yale yanayotusibu kule tuje tuulize kwa Kamati zetu, tuje tuyaletu katika Bunge hili tupate majawabu, tukikaa nao kule tutatatuwa vipi? Mheshimiwa Spika hatuna nguvu za kutatua mashinani nguvu zetu sisi ni Bunge hili hoja zetu zije hapa tupate majibu hapa, tupate mwelekezo hapa. Leo Mheshimiwa Kiongozi wa Wengi anatuletea ratiba ambayo Mheshimiwa Spika haipendezi. Ahsante.

(Applause)

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

Hon. (Ms.) Chireri: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi naunga mkono hoja iliyoletwa mbele yetu moja kwa moja bila kuchelewa. Mheshimiwa Spika ni muhimu kwa sisi twende kwa mapumziko hata kama ni mafupi wananchi wetu wana haja na sisi, kuongezea sisi tunaongozwa na kalenda yetu ya ndani ya Bunge mapumziko haya hayaletwi kesho ni Kiongozi wa Wengi aseme kesho basi naleta hoja, kalenda iko na muongozo uko. Mheshimiwa Spika nikikuregesha nyuma wiki iliyopita kulikuwako na hali ya taharuki hata tunganesea tunaenda hiyo *short recess* mengi tusingeweza kuyatengeneza ndani ya Bunge...

(Applause)

Mheshimiwa Spika kwa hivyo ilikuwa ipo haja tutengeneze yale ambayo yanatakikana halafu baadaye ndio twende kwa hii. Mimi nampongeza sana kiongozi wetu wa walio wengi Bungeni Mheshimiwa Hamisi Musa Mwidani kwa ile hoja ambayo ameileta yeye yuangalia mbele haangalii nyuma, mimi nashangaa waheshimiwa wanasimama hapa na kwenda huku na huku wanajisahau ya kuwa wamechaguliwa na wananchi kule chini mashinani.

Kwa hivyo hili ni Jumba la sheria lazima tufuate zile sheria Mheshimiwa Spika; Kiongozi wa Wengi aliangalia ule umuhimu mvua yanyesha, mafuriko... kuna mambo mengine tuyapitishie hapa tungekuwako tumeenda ingekuwa Mheshimiwa Spika? Kwa hivyo mimi Mheshimiwa Spika naunga mkono na hata sitaki mwengine asimame apinge nataka tupitishie twende zetu nyumbani. Ahsante.

(Applause)

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

Chief Whip (Hon. Kitula): Mheshimiwa Spika nafikiri Waheshimiwa walioweza kusimama wameangazia sana kipengele 41 (2a) lakini ufafanuzi zaidi sio jukumu la Kiongozi wa Walio Wengi Bungeni kuweza kuleta mpangilio wa ratiba ya Bunge siku ya Alhamisi inayofuatia na ni kwamba hii inasema kwamba ni Mwanachama yeyote katika Kamati ya *House Business* kuweza kuleta ratiba Alhamisi inayofuatia. Mheshimiwa Spika kwa hivyo sio jukumu la Kiongozi wa Walio Wengi Bungeni. Jambo lengine Mheshimiwa Spika pia sio jukumu la Kiongozi wa Walio Wengi Bungeni kuleta hoja katika Bunge hili, ni jukumu la kila kiongozi aliyeweza kuchaguliwa na aliyeweza kuteuliwa kuleta hoja zake au matakwa yake katika eneo lake analotokea Mheshimiwa Spika. Jambo lengine mimi naunga mkono suala la leo kwamba tuweze kwenda mapumziko Mheshimiwa Spika kwa sababu imekuwa siku nyingi sisi kama viongozi tumekuwa tukiweza kulalamikia masuala ambayo yanatukumba sisi hapa ndani ya Bunge. Na ni sasa wakati unaofaa kabisa kuwapatia wale wahusika majukumu tuliweza kuwapatia waweze kuangazia yale tunayopitia sisi ndani ya Bunge haina haja niyaseme hapa. Ni wakati fasaha kuwapatia majukumu hayo tuwapatie wakati unaofaa kwa sababu kazi na taarifa zimekuwa ni nyingi lakini wakati huu tutawapatia nafasi ya kutosha ili waweze kushughulikia yale mambo tunayopitia hapa ndani ya Bunge Mheshimiwa Spika. Ahsante sana.

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

Hon. Mohamed Hatimy: Nafikiri Mheshimiwa Spika mimi nimesimama chini ya Kanuni za Bunge 25 (2);

The calendar of the County Assembly once approved shall be published in the County gazette, County Assembly website and at least two newspapers of national circulation.

Mheshimiwa Spika ni haki ya Waheshimiwa kupumzika na ni haki ya wananchi kupata huduma kutoka kwa wale watu wao walioweza kuwachagua lakini nataka kukumbusha Karani wa Bunge kuwa inaonekana kuwa wakitoka hapa hawamalizi ile kazi yao na hii itapelekwa majukumu itaambiwa ni Karani na nafikiri makosa si ya Karani lakini ni ya Karani wa Bunge kwa sababu wao sisi tulipitisha kalenda kitambo na sisi baada ya hapa kujadiliana nafikiri kisheria itakuwa wewe si kutia swali la kuuliza ndio ama la, ni kumaliza watu kwenda mapumzikoni ukiangalia 25 (3) vile inavyozungumza. Kwa hivyo Mheshimiwa Spika twaweza kwenda mapumzikoni sisi lakini tujaribu kujirekebisha ikiwa Bunge Waheshimiwa wenyewe wamepitisha kwenda mapumzikoni basi ni kwenda mapumzikoni lakini hivi vitu vyengine tuvirekebisheni ili visije vikatushika tena mbele. Ahsante Mheshimiwa Spika.

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The Speaker (Hon. Khatri): So Hon. Hatimy you are trying to say that the calendar was not published and it is not in the website?

Hon. Mohamed Hatimy: Yes the calendar *na Mheshimiwa Spika ilikuwa sasa hii iwekwe kwa magazeti mawili ambayo ni Nation na Standard na iwe imewekwa mwanzo kwa...*

(Interruption)

The Speaker (Hon. Khatri): Yes let the Hon. Member finish. Yes Hon. Hatimy? So you are proving that this calendar was not published and was not put in any website? Is that what you are trying to say to this House?

Hon. Mohamed Hatimy: It is not put in the website because *Mheshimiwa Spika ilikuwa sisi mwanzo hii kalenda iwe published na hatujaiona...*

(Interruption)

The Speaker (Hon. Khatri): Usiseme hatujaiona sema hujaiona Mheshimiwa Hatimy, you are talking as you, any other Member if they have it is you maybe you have not seen it.

Hon. Mohamed Hatimy: Waheshimiwa kama twaweza kupatiwa hiyo gazeti...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Hatimy, let the Majority Leader.

Majority Leader (Hon. Mwidani): Mheshimiwa Spika ni vizuri tunaenda tukisoma; Wanachama hii Kalenda si ya leo, tukiingia Bunge kipindi cha kwanza tunatengeneza hiyo kalenda yote ya mwaka mzima kwa gazeti alafu ni taratibu ya Bunge nakuja nayo kuieleza kuwa tunaenda mapumzikoni, sio ati kila kipindi unaenda kuorodhesha, kalenda ishaorodheshwa kutoka siku ya kwanza tulipoingia kwa hio Bwana Spika si kwamba hii kalenda haijatangazwa iko kwa gazeti sasa sisi ni ile taratibu ya kuileta kulingana na muda uliowekwa, ikimalizika hii Bunge tukija Bunge lengine tunakuja na utaratibu wa mwaka mzima na tunaufuatilia utaratibu uliowekwa na tulioupitisha hapa hapa. Si kwa sababu hii kalenda naitengeneza mimi ama pengine na Kamati ya *House Business* hii kalenda iko tayari, ni kujulisha tu Bunge ya kuwa sasa ni wakati wa kwenda mapumzikoni kwa muda, hayo ndio marekebisho ningetaka kufanya.

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

Chief Whip (Hon. Kitula): Mheshimiwa Spika kulingana na kile kipengele Mheshimiwa Mohamed Mohamed ameweza kuleta inazungumzia wazi Kiongozi wa Walio Wengi yuko sawa hata kulingana na kipengele kimeweza kuwekwa wazi...

(Applause)

25 (1) Mheshimiwa Spika wacha nisome;

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The County Assembly Business Committee shall, with approval of the County Assembly, determine the calendar of the County Assembly,

(2) The calendar of the County Assembly once approved shall be published in the County gazette, County Assembly website and at least two newspapers of national circulation.

Mheshimiwa Spika hili liko wazi, '*Once approved by the County Assembly...*' ikiwa leo tutapitisha baadaye sasa baada ya kupitisha itaweza kuwekwa kwenye *County gazette at least two newspapers of national circulation*. Kwa hivyo Kanuni za Bunge ziko wazi zinajieleza wazi kabisa kwamba, '*With approval of County Assembly, determine the calendar of the County Assembly...*' inajieleza wazi na hana makosa yeyote, Mheshimiwa Kiongozi wa Walio Wengi Bungeni yuko sawa kulingana na sheria.

The Speaker (Hon. Khatri): Hon. Members you know this House is guided by the law and everything is put in the Hansard and if we come here and say this thing has not been gazetted so it means all the sittings were illegal. So let us not come here and start talking things; you know let us take facts and take things very serious so I now want the Clerk to clarify to us if this thing was gazetted and if this thing was it published in the website? The Clerk can you please clarify?

(Consultation with Table Clerks)

Hon. Members according to the Clerk they followed all the procedures which were supposed to be followed and Hon. Hatimy you will be given copies of whatever they have done. Yes Hon. Mohamed Abrari?

Hon. Mohamed Abrari: Ahsante Mheshimiwa Spika. Mheshimiwa Spika kusema la kweli sio eti kuwa nakubaliana na hoja hii, hii ni wazi kuwa kalenda ilitoka na tunajua ratiba ya kalenda ilikuwa inatuambia tarehe 26 sisi tunaanza mapumziko yetu mpaka tarehe sita lakini hii leo ni kuwa Mheshimiwa Kiongozi wa Walio Wengi Bungeni amekuja kusema anabadili kumaanisha kuwa amebadilisha ile kalenda sio eti kuwa amekuja kufuata. Kama ingekuwa tunafuata ingekuwa kufikia tarehe 26 sisi ilikuwa tayari tushaenda mapumzikoni mpaka tarehe sita turegee lakini kusema la kweli na ndugu yangu Mheshimiwa Kitula naona ametudanganya katika ile hoja yake aliyoizungumza kwa sababu hakuelewa haswa kuwa ati mpaka tupitishe hapa ndio tuweke kwa gazeti. Ni kuwa inakuwa *gazetted* mwanzo halafu sisi tunafuata zile taratibu mpaka mwisho wa mwaka. Kwa hivyo ki ufupi ni makosa tushafanya tukubaliane ni kuwa baadae tusije tukayarejesha.

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

The Deputy Speaker (Hon. Mwalimu): Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi namuunga mkono Kiongozi wa Walio Wengi, na vile vile hoja ambayo ilikuja ndani ya Bunge hili ikiwa nambari nane katika *Order paper* yetu. Waheshimiwa sote tulishikana Mheshimiwa Spika na tukapitisha hoja ya kumruhusu Kiongozi wa Walio Wengi abadilishe tarehe, lau kungekuwa kuna utatanishi ama kuna marekebisho yeyote ingekuwa ni wakati tunapitisha ile hoja kabla hoja hii ambayo iko mbele yetu.

Mheshimiwa Spika hapo naona ingekuwa tuko sawa na tungekuwa twaweza kubadilisha zile tarehe ambazo Kiongozi wa Walio Wengi alivyoziandika hapa lakini katika hoja hii ambayo tuko nayo sasa ni sisi tukubaliane kwa kuwa tushakubali kama ni makosa ama hatukusoma hii *Order paper* vizuri na tulikuwa twalenga ili tungoje ikifika hoja nambari tisa tukawacha ile hoja nambari nane ambayo ndio ilikuwa iko na tungeweza kufanya marekebisho yoyote. Kwa hivyo Mheshimiwa Spika mimi nawaomba wenzangu kama tulivyounga hoja ya awali na hoja hii ambao iko mbele yetu na kutokana na sababu ambazo tumeweza kuzisikia Kiongozi wa Walio Wengi ametuambia kuna mambo ambayo twataka tuyafanye, mambo ya kiserikali ndipo maana akaongeza wiki moja ili tuweze kuweza kuwafikia.

Mheshimiwa Spika twaelewa tumetoka kwa mvua kumekuwa na mafuriko sehemu nyingi na hatujaweza kufikia sehemu nyengine, hii pia ni fursa ya kuweza kutembea na kufika katika sehemu zile na vile vile katika huu muda ambao tutakua tumepatiwa katika maofisi yetu kuna vitu ambavyo nafikiri itakuwa ni muda muafaka wa sisi kuweza kupokea vitu vyengine ambavyo tunavitarajia katika maofisi yetu ili tuweke ofisi zetu katika hali inayostahili. Kuna wengine Mheshimiwa Spika bado viti vya kupokea wageni hawajapata na tukiwa huko wageni watakuwa wanakuja, naona itakua ni muda muafaka wa sisi pia tuweze kupokea vitu kama vile tuweke kwenye maofisi yetu. Vile vile Mheshimiwa Spika tunajua kuwa tuna shughuli nyingi ambazo ziko mbele yetu na inataka Waheshimiwa tuweze kujitolea vilivyo tufike mashinani....

(Applause)

Tuonane na watu wetu halafu baada ya wiki mbili Mheshimiwa Spika nina imani tukirudi hapa tutakuwa tumepata mengi yale ambayo yanahitajika, hoja nyingi ambazo tutakuwa tumezitoa kule kwa watu wetu tuweze kuzileta ndani ya Bunge hili na tuweze kuzipitisha ndani ya Bunge hili na kupata ufuatilizaji Mheshimiwa Spika. Kwa hayo Mheshimiwa Spika naomba wenzangu tuunge mkono hoja hii kwa sababu hata hoja hii ni hoja ambayo haina swali.

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

Hon. Kombe: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii na mimi niweze kuongea langu moja. Mheshimiwa Spika nasimama kutia mkono hoja hii, nauunga mkono hoja hii...

(Applause)

...ila tu kama unasoma nyuso za Waheshimiwa sio kwamba wanakataa hii hoja lakini huko tuendako kuna moto wa kuotea mbali; mafuriko kweli kweli yalikuweco, maafa yakapatikana sasa hivi, kuna hizi tunaita...ni nini zile za mashule zile? Walimu wanakuita ukazawadie watoto sio kwamba twakataa kuenda Mheshimiwa Spika lakini pia nasema itakua muafaka mzuri wiki mbili hizo Bodi yetu na yule Mheshimiwa ambae aliongezwa pale wafanye bidii ili tukirudi hapa na yale tutakayokuja nayo iwe na yale mengine nao yatakuwa yameiva ili tuweze kuyatengeneza. Ahsante sana Mheshimiwa Spika.

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

The Deputy Speaker (Hon. Mwalimu): Ahsante Mheshimiwa Spika. Mheshimiwa Spika pia ilikuwa nataka kuwakumbusha Waheshimiwa ya kuwa twaelewa mihani umeanza kwa hio itakuwa ni fursa sisi kupokea ile *breakfast* ambayo tulijulishwa na Mheshimiwa Mwenyekiti wa Elimu ili tuweze kusambaza kwa wananchi.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Hamisi Musa, Leader of Majority Party.

Leader of Majority (Hon. Mwidani): Ahsante sana Bwana Spika pia nawashukuru Wabunge kwa kuweza kuunga mkono hii hoja na pia ni vizuri pia niwaeleze kwa kalenda tungerudi tarehe sita lakini tumefikiria kwamba tarehe sita, tarehe saba pia bado tutakuwa nje kwa semina ya kitengo cha maji. Kwa hiyo nimeifanya badala ya kwamba tukose Bunge na tukose semina itakua kitu kimoja kibaya ndio maana tumeipeleka mpaka tarehe 13. Kwa hivyo tunaenda kwa mkutano wa Gavana tukitoka mkutano wa Gavana tunaunganisha pamoja na ile ya maji na zote hizo itakua manufaa kwa Waheshimiwa sisi sote. Kwa hivyo Wanachama sio kwamba tumekwepa tukaipeleka urefu, ndio maana niliwaambia tuna shughuli za kiserikali ni hizo. Wajua Wanachama saa zengine mwataka muambiwe vitu wazi ambavyo si sawa, nikisema serikali jua kuna jambo la kiserikali haya sasa ishakua ni *record* kuwa twaenda kwa mambo ya siku mbili ya maji...

(Applause)

Sasa mutakabwa koo huko mutajulikana muna hizi sasa, kwa hivyo Wanachama tumefanya hizo wiki mbili kwa sababu ya hio *package*. *Thank you Members.*

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Hamisi Musa Mwidani. I think Members they did not hear about the car loan and grant, that was the most important thing in the two weeks if you are going to discuss about that...

(Interruption)

Leader of Majority (Hon. Mwidani): Bwana Spika nafikiri hio tukiwa na ile nafasi na Mheshimiwa Gavana pia itakua katika ajenda. Kwa hivyo sisi kwanza tutakua na kikao chetu sisi kama Wanachama kuona vile tutaizungumzia ndio tufika kule tujue ndio itakuwa imepitia vipi. Kwa sababu pia twajua iko Kamati ya hio kwa hivyo nafikiri baada ya Bunge tutakutana watupatie muongozo wa hali ya vile ile mikopo itakavyotoka. Kwa hivyo Bwana Spika nafikiri kuna Kamati ya hio na baada ya hiki kikao tutaketi angalau kwa nusu saa watupe muongozo wa hio mikopo. Ahsante Bwana Spika.

The Speaker (Hon. Khatri): Thank you Hon. Hamisi Musa Mwidani, the Majority Leader. Hon. Members no question will be put in this as according to our Standing Order No. 25 Sub-Section 3 it is very clear;

(The Speaker (Hon. Khatri) read Standing Order No. 25 Sub - Section 3)

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25 (3) On a day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly Calendar, the Leader of the Majority Party or the Leader of the Minority Party or another Member of the County Assembly Business Committee shall move a Motion of Adjournment which shall be debated for not more than three hours after which the County Assembly shall adjourn without question put.

Yes Clerk we may continue.

ADJOURNMENT

Hon. Members this House shall stand adjourned until Tuesday, 13th November, 2018 at 2:30p.m.

The House rose at 3:45p.m.