

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Tuesday, 10th May, 2016

The House met at 2:30p.m.

*(Mr. Speaker (Hon. Thadius Rajwayi) in the Chair)***PRAYERS****COMMUNICATION FROM THE CHAIR****Mr. Speaker** (Hon. Rajwayi): Kindly Members have your seats, yes Hon. Ndanda?**Hon. Mohamed Ndanda:** Ahsante Mheshimiwa Spika, nimesimama kwa kifungu cha sheria za Bunge yaani '*Standing order*' nambari 49; huu ni mswada ambao hauhitaji notisi Mheshimiwa Spika, leo ikiwa ni siku ya kufungua Bunge nataka nieleze...*(Interruption)***Mr. Speaker** (Hon. Rajwayi): Yes Hon. Ndanda allow Hon. Mswabah?**Deputy Speaker** (Hon. Mswabah Rashid): Ahsante Bwana Spika, kama tunavyojua siku ya kwanza kazi ni kufungua Bunge na kusikiza hotuba yako, sidhani kama kuna kazi ingine itafanyika siku ya leo ni siku yako pekee yako hivyo ndio tunajua...*(Applause)**(Interruption)***Mr. Speaker** (Hon. Rajwayi): Yes Hon. Mwidani?**Hon. Mwidani:** Thank you Mr. Speaker, I think the Member has mentioned the Standing order so it is the Chair to rule according to what the Member has requested...*(Applause)*

...No member can rule over a decision when you are there, so Mr. Speaker I request we proceed on what has been mentioned by Hon. Ndanda and even if he has not mentioned the Motion but I really second it...

*(Applause)**(Interruption)***Mr. Speaker** (Hon. Rajwayi): Yes Hon. Mswabah.**Deputy Speaker** (Hon. Mswabah Rashid): Mheshimiwa tunajua kuna jambo linaloitwa sheria na katika sheria za Bunge ambazo tunafuata tunaanza na maombi, kisha tunaenda kwa kuapishwa yaani '*Administration of oaths*', tena tunaenda kwa taarifa kutoka kwa Mwenyekiti wa Bunge yaani, '*Communication from the Chair*' na karatasi ya utaratibu huu umewekwa uko mbele yetu lazima uheshimiwe; huu ndio utaratibu wa Bunge. Mheshimiwa Spika mpaka sasa Bunge halijaanza kwa nini mtu anasema ana mswada wakati Bunge halijaanza?! Tunategemea taratibu ya kila siku yaani '*order paper*' ifuatwe na sheria za Bunge zifuatwe...*(Applause)**(Interruption)***Mr. Speaker** (Hon. Rajwayi): Yes Hon. Mohamed.**Hon. Mohamed Ndanda:** Mr. Speaker I would also like to inform this House we have made a lot of benchmarking. I remember one day we were in the Senate House and before the Speaker went to the business of the day, a Senator stood up and cleared the air where there was a crucial matter...*(Applause)**(Loud consultations)*

Mr. Speaker (Hon. Rajwayi): Order! Order! Order! Order Members! Let me just remind you of one thing; Order! Order Members! Hon. Member's, ladies and gentlemen you know very well you are really exercising your democratic rights...

(Applause)

(Loud consultations)

That particular democratic right must not make you to invite the wrath of the Speaker and more so when the Speaker is on his feet you know the consequences you must not rise when the Speaker is on his feet. So it is important for us ladies and gentlemen we know we are all mature, you know why we are here so let us debate this matter with decorum that it deserves. Hon. Ndanda is still on the floor but remember Hon. Amur had requested to inform the House, so Hon. Amur is given an opportunity to inform this House.

Hon. Amur: Thank you Mr. Speaker sir, today being an opening day there are only two businesses that are supposed to take place in this chamber; one, the address by the Speaker himself, two if the Governor is in the House he will address the House and those are the only two issues which are allowed in this Assembly other than that any issue should be brought the day after tomorrow.

(Applause)

(Interruption)

Mr. Speaker (Hon. Rajwayi): Thank you Hon. Amur Murfad. Yes Hon. Ndanda.

Hon. Mohamed Ndanda: Hon. Speaker during the holidays, there are some activities which were done and today we cannot know if it's an Assembly, Members of this House went on to remove the portrait of the Speaker...

(Interruption)

(Loud consultations)

Mr. Speaker (Hon. Rajwayi): Now allow me to give this direction, have your seats. Hon. Ndanda you have put it very well that you borrowed that practice and it is not anywhere in law that is a practice but it is important that if you wanted to bring that as a matter of concern and as a Motion we have the Standing order and I think the issue that you want to raise is of very much concern in this House...

(Applause)

But remember whether you want to raise it as a message, a communication, paper, Notice of Motion or a Statement wait until then you will have your chance, I think that is the best way to handle this matter...

(Applause)

(Loud consultations)

I want you to calm down ladies and gentlemen, just relax! This County is ours and this government is also ours and the people of Mombasa are one as you are one, so let us not get divided by small issues that we know we can be guided with all relevant legislations that we have to make us come to a timely conclusion.

(Interruption)

Yes Hon. Kibwana?

Hon. Kibwana Swaleh: Thank you Hon. Speaker for your guidance on this issue but the motive of Hon. Ndanda who has been away all the way telling us that we have been going to Senate and learning something that we have never...

(Loud consultations)

Mr. Speaker (Hon. Rajwayi): Hon. Kibwana you are out of order! Can you resume your seat! Once the directive has been given you do not comment on it, let's proceed. Now ladies and gentlemen I have the following communication to make, I'm confirming that the Bill that was passed by this Hon. House already we have an Act of the County Assembly of Mombasa to provide for the legal and institutional framework of provision of water and sewerage system and for the connected purposes, his Excellency the Governor of Mombasa actually has assented to the Bill...

(Applause)

That is an Act and we have to abide by that; in the next communication that is before me ladies and gentlemen is an invitation, partnership for transformational devolution and the subject is capacity building of representatives of County government on key areas relevant to their roles and functions with specific focus on mechanisms of citizen participation and it reads;

"Thank you for your continued partnership and support to our work. The European Union (EU) co-funded project, "Strengthening the capacities of state and non-state actors for effective devolved governance" seeks to enhance the capacity of citizens as well as County governance institutions to effectively execute their democratic mandates in the Rift Valley, Eastern and Coast Regions. In Mombasa County, the project is implemented by Konrad Adenauer Stiftung and its local partners Catholic Justice and Peace Commission (CJPC). We hereby write to invite Members of the Budget and Appropriation Committee, the Implementation Committee and the Justice, Labor and Legal Affairs Committee for a one day training workshop scheduled to take place on Friday 13th May, 2016 at the Sunrise Resort, Nyali, behind Nakumatt Nyali. The main objective of the training is to strengthen the capacity of representatives of County government on key areas relevant to their roles and functions with a specific focus on mechanisms for citizen participation in County Governance".

Ladies and gentlemen, allow me to go to the speech by the Hon. Speaker.

OFFICIAL OPENING OF ASSEMBLY PROCEEDINGS

(Mr. Speaker (Hon. Rajwayi) read his opening remarks)

Hon. Members,

Good afternoon ladies and gentlemen,

It gives me great honor and pleasure to be with you on the resumption of the County Assembly from recess on this Tuesday, the 10th of May 2016. It is yet another auspicious occasion in the life of this great Assembly as we are gathered here for the opening of the second round in the annual calendar of the First Assembly of the Mombasa County Assembly. Our hands; ladies and gentlemen are burdened by the great responsibility bestowed upon us by the constitution of our country and the mandate of the people to deliver on the promises and fruits of devolution by legislating, overseeing over the affairs of the county government and representation of the people. Nevertheless, we agreed to bear this burden solemnly, graciously and with gusto and we shall ably serve the citizens and people of this great County successfully. We look in hindsight to the many achievements by the County Assembly in previous sessions and particularly to the previous round of this session. We note with a sense of pride the passage of numerous Motions and Bills particularly the passage and assent of the following Bills into Acts of the Assembly:

1. The Mombasa County Advertising Bill, 2014.
2. The Mombasa County Corporations Bill, 2014.
3. The Mombasa Child Care Bill, 2014.
4. The Mombasa Port Health Bill, 2014.

5. The Mombasa County Roads Bill, 2014.
6. The Mombasa County Consolidated Revolving Fund Bill, 2014.

At the same time, our County Assembly achieved a great milestone when it received its first installment of funds directly from the National Treasury in recognition of its autonomous status as an arm of the County government, yet the disbursements come in bits and very late hence slowing down our operations and it is our hope that the National Treasury would make tremendous improvements in the pace of disbursements. The County Assembly was also well represented together with the County executive arm at the third devolution conference in Meru County. Hon Members, ladies and gentlemen, despite these and many other achievements, the County Assembly is set to do more as we are nearing the end of our five year term as the First County Assembly of Mombasa and pioneer members of the same. Let me reiterate our solemn desire and commitment to the ideals of our constitution and aspiration of the people towards devolution. We and our partners in the County executive will work together under the stewardship of our beloved Governor, His Excellency Hon. Hassan Ali Joho. Indeed since the election of the County government under our beloved Governor, the County has achieved tremendous growth and development and undergone great transformation which we are all proud of. Let us congratulate ourselves and the administration of His Excellency the Governor for all achievements to date.

Hon. Members, ladies and gentlemen, during the second round we are set to conduct a number of useful businesses in this Assembly key of which is the passage of the annual budget and the launch of the five years County Assembly Strategic Plan soon. The first five years strategic plan once implemented fully will completely transform our County Assembly to be among the front runners and forbearers of devolution and legislation in the country. Hon. Members, ladies and gentlemen, finally, I wish to thank all Members for the great efforts you have put towards making the work of the County Assembly successful and to our able staff for their diligence in supporting Members in their work. And that brings me to the event which occurred and I want to believe that this was what Hon. Ndanda was raising a concern. It is indeed unethical for any Hon. Member to feel above the law and start harassing staff

(Applause)

...and by locking up offices of various Hon. Members.

(Applause)

It is uncalled for Hon. Members, unbelievable and unthinkable that in this century one can think of such acts that are out of the constitutional guidelines. It is important that I stop at that particular point to emphasize that if you do not want yourself to be called Hon. Members do not bring it here, if you want to go home yourself do not go with others, and if you fail to perform at your Ward levels do not bring it here, you go and fail alone there are others who want to come back here...

(Applause)

And on that note the Hon. Speaker is not going to take very kindly; we have Hon. Members who have been adversely mentioned in that and the Hansard is very clear the Members mentioned themselves yesterday in the House Business Committee and I want to say that matter is raised immediately and the Speaker is going to take action and the Members are going to be expelled forthwith from the Assembly...

(Applause)

Ladies and gentlemen, we also appreciate the assistance given by our development partners towards County Assembly activities including USAID AHADI Kenya, the World Vision, Kenya

Alliance for the Advancement of Children (KAARC), Mombasa Urban Forum and various departments of the county executive. Ladies and gentlemen allow the Chair to welcome you back to the Mombasa County Assembly!

Thank you very much and God bless you all...!

(Applause)

(Interruption)

Yes Clerk? Yes Hon. Amur Murfad?

Hon. Amur: Mr. Speaker sir I think so far the Assembly is in order you have addressed the Assembly and we have heard the speech and I believe after the speech the House is adjourned until tomorrow...

(Loud consultations)

Mr. Speaker (Hon. Rajwayi): Order Hon. Members! Yes Hon. Jabess?

(Loud consultations)

Hon. Oduor: Mr. Speaker I wanted to say the same thing he has said but its ok, thank you Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): You know first of all ladies and gentlemen I know we are learning this; nobody is perfect, the Clerk has to read all the businesses that's the procedure so do not come up with other procedures.

(Interruption)

Yes, what is it Leader of Majority?

Leader of Majority (Hon. Kasangamba): Ahsante sana Mheshimiwa Spika, nafikiri umepeana nafasi kwa Mheshimiwa Ndanda kwamba ile mada anataka kuleta ama mswada aulete wakati ukifika ambapo ni wakati wa mswada namba nane, kwa hivyo twaomba kusesitiza uamuzi wako kama vile vile Mheshimiwa Spika...

(Applause)

(Loud consultations)

MOTION

Mr. Speaker (Hon. Rajwayi): Order number eight, Motion...

(Interruption)

Yes Hon. Mohamed?

Hon. Mohamed Ndanda: Mheshimiwa Spika kama nilivyotangulia kusema ya kwamba nimesimama kwa sheria za Bunge yaani 'Standing order' nambari 49, kwamba wakati...

(Interruption)

(Loud consultations)

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

Hon. Mohamed Hatimy: Mheshimiwa Spika naona twenda ndivyo sivyo, leo kwa mara ya kwanza kwenye historia ya Bunge twaona watu wachangia katika hotuba ya kufungua vikao vya Bunge...

(Interruption)

(Scuffle between Hon. Mohamed Hatimy and Hon. Oduor)

(Loud consultations)

Mr. Speaker (Hon. Rajwayi): Hon. Hatimy can you resume your seat! Hon. Jabess can you resume your seat! Hon. Hatimy and Hon. Jabess can you resume your seats! Can you both resume your seats..! I have given out my speech and first of all it is important that is his freedom of expression, express yourself and the Speaker will rule appropriately and it is as simple as that...Order...! Order Honorables! Can you allow Hon...

(Interruption)

(Loud consultations)

Order! Order! Order! Now Hon. Amur! Hon. Saad! Both Hon. Hatimy and Hon. Jabess Oduor you are forthwith expelled from this Assembly until you will be communicated otherwise....!

(Applause)

(Loud consultations)

Sergeant At Arms take them out...!

(Sergeant At Arms and Commissionaires approached the Members to execute Hon. Speaker's order)

How do you fight in the Assembly! What are you showing me...!

(Loud consultations)

(Hon. Faraj grabbed the Mace)

(Loud consultations)

(The Mace is taken out of the House)

ADJOURNMENT

Ladies and gentlemen! Hon. Amur! Order! Ladies and gentlemen! Hon. Members!

(Interruption)

(Loud consultations)

Now that the Mace is not before us, this House stands adjourned until such a time that the Speaker will communicate.

(Applause)

The House rose at 3:00p.m.