

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Wednesday, 6th December, 2017

The House met at 2:39p.m.

*(Mr. Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)***PRAYERS****Mr. Speaker** (Hon. Khatri): Hon. Members we be seated please. Yes Clerk?**PAPERS**

Yes Hon. Hamisi Musa Mwidani?

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker Sir for giving me this moment, although Mr. Speaker because today I have a flu you will excuse me but I had no otherwise but to present my papers, so thank you Mr. Speaker. Mr. Speaker Sir, I have to give a Report on vetting of Mr. Seth Odongo – Nominee for the position of CEC Member, Devolution and Public Service Administration by the Committee on Appointment/Rules and Procedures. Thank you, Mr. Speaker.**Mr. Speaker** (Hon. Khatri): Thank you. Yes Clerk?**PAPERS**

Yes Hon. Hamisi Musa Mwidani, again?

Leader of Majority (Hon. Mwidani): Mr. Speaker I want to table the Report on vetting of Mr. Hassan Bakari Mwamtoa - Nominee for the position of CEC Member, Agriculture, Fisheries, Livestock and Cooperatives by the Committee on Appointment/Rules and Procedures.**Mr. Speaker** (Hon. Khatri): Yes Clerk?**PAPERS****Leader of Majority** (Hon. Mwidani): Mr. Speaker may I take this opportunity to table the Report on vetting of Mr. Fawz Rashid Ali - Nominee for the position of CEC Member for Trade, Tourism and Investment by the Committee on Appointment/Rules and Procedures.**Mr. Speaker** (Hon. Khatri): Yes Clerk?**NOTICE OF MOTION**

Yes Hon. Hamisi Musa Mwidani, again?

Leader of Majority (Hon. Mwidani): Mr. Speaker let me give a Notice of Motion on adoption of the Report on Vetting of Mr. Seth Odhiambo Odongo - Nominee for the position of CEC Member, Devolution and Public Service Administration. Mr. Speaker Sir I beg to give notice of the following Motion; that this Assembly adopts the Report on vetting of Mr. Seth Odhiambo Odongo - Nominee for the position of CEC Member, Devolution and Public Service Administration laid on the Table on 6th December, 2017 which it is today. Thank you, Mr. Speaker.**Mr. Speaker** (Hon. Khatri): Yes Clerk?**NOTICE OF MOTION**

Hon. Hamisi Musa Mwidani, again?

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker. Let me give a Notice of Motion - Adoption of the Report on Vetting of Mr. Hassan Bakari Mwamtoa - Nominee for the position of CEC Member Agriculture, Livestock, Fisheries and Cooperative; That this Assembly adopts the Report on vetting of Mr. Hassan Bakari Mwamtoa - Nominee for the position of CEC Member Agriculture, Livestock, Fisheries and Cooperatives laid today on the 6th December, 2017. Thank you, Mr. Speaker.**Mr. Speaker** (Hon. Khatri): Yes Clerk?

NOTICE OF MOTION

Yes Hon. Hamisi Musa Mwidani? Move the Motion.

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker. Let me table the Notice of Motion - Adoption of the Report on vetting of Mr. Fauz Rashid Ali (OGW) - Nominee for the position of CEC Member Trade, Tourism and Investments. That this Assembly adopts the Report on vetting of Mr. Fauz Rashid Ali (OGW) - Nominee for the position of CEC Member Trade, Tourism and Investments laid today 6th December, 2017.

Mr. Speaker (Hon. Khatri): Yes Clerk?

MOTION

Yes Hon. Hamisi Musa Mwidani, please move the Motion.

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker. May i take this opportunity now to move the Motion - Establishment of People's Assembly.

(Applause)

Mr. Speaker (Hon. Khatri): No. Hon. Hamisi Musa Mwidani, i think you are out of order.

Leader of Majority (Hon. Mwidani): Number 12?! Sorry Mr. Speaker, you know today I think even the country are really waiting for this Motion, that is why i did not see item 12. Iam sorry for that, let me move the Motion - Adoption of the Report on vetting of Mr. Seth Odhiambo Odongo, Nominee for the position of CEC Member, Devolution and Public Service Administration; that this Assembly adopts the Report on vetting of Mr. Seth Odhiambo Odongo nominee for the position of CEC Member, Devolution and Public Service Administration laid on today 6th December. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Khatri): Thank you. Hon. Members i now propose the question....who is the seconder?

Hon. Murfad Amur: Mr. Speaker, i second.

Mr. Speaker (Hon. Khatri): Thank you. Hon. Members i now propose the question that the Motion on adoption of the Report on vetting of CEC Member, Devolution and Public Service Administration Mr. Seth Odhiambo Odongo be debated.

(Question proposed and agreed to)

Yes Hon. Hamisi Musa Mwidani?

Leader of Majority (Hon. Mwidani): Mr. Speaker as you know we have a very big information or exercise of this Assembly today, i would like to tell the House that so long as every Member here has the copies so i would like to give time so that we waive, instead of debating we just come across and i think all the Members have the vetted report. So Mr. Speaker i will seek leave so that Members they should accept to pass all these Motions for the executive Members so that we have a good time to deliberate on the issue of the long awaited Motion. Thank you, Mr. Speaker sir.

Mr. Speaker (Hon. Khatri): Yes Hon. Amur.

Hon. Murfad Amur: Mr. Speaker I rise to second what Hon. Hamisi has just said Members have been given copies the vetting reports, they all have the copies and it will good for us to adopt so that we can go to another issue that is being awaited Mr. Speaker since all Members have copies of the vetted nominees, it will be good for us to adopt so that we can continue with other issues in this House Mr. Speaker. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Khatri): Thank you. Yes, Hon. Members, i now call upon the mover Hon. Hamisi Musa Mwidani to reply.

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker i now take this opportunity to thank the Members for accepting my request for the issue of saving time so that we can deal with a very important matter. So I would now thank all the Members for accepting our request and I think Mr. Speaker I hereby say that we now can move to adopt the Report. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Khatri): Hon. Members i now put the question that this House adopts the Report on the vetting of CEC Member Devolution and Public Service Administration Mr. Seth Odhiambo Odongo.

(Question put and agreed to)

(Applause)

Yes Clerk?

MOTION

Yes, Hon. Hamisi Musa Mwidani please move the Motion.

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker let me take this opportunity to move the Motion - Establishment of People's Assembly...

(Interruption)

Mr. Speaker (Hon. Khatri): ...Again Hon. Hamisi Musa Mwidani you are out of order, Motion number 13.

Leader of Majority (Hon. Mwidani): Sorry number 13 Bakari Mwamtoa, in fact Mr. Speaker being a NASA team Member so all my mind are there for the People's Assembly...

(Applause)

Sorry for today it indicates that my blood is direct as a NASA MCA, so am sorry for that and i think all the Members they will bear with me. Thank you

Mr. Speaker (Hon. Khatri): Thank you, so move the Motion on number 13.

Leader of Majority (Hon. Mwidani): Number 13, i move the Motion that this Assembly adopts the Report on vetting of Mr. Hassan Bakari Mwamtoa - Nominee for the position of CEC Member Agriculture, Livestock, Fisheries and Cooperatives laid on the Table today. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Khatri): Yes Amur?

Hon. Murfad Amur: I stand again to second the Motion on the nominee.

Mr. Speaker (Hon. Khatri): Thank you. Hon. Members...

(Question proposed and agreed to)

Yes Hon. Hamisi Musa Mwidani?

Leader of Majority (Hon. Mwidani): Mr Speaker, let me take this opportunity to adopt the Report; that this Assembly adopts the Report...

(Interruption)

(Loud consultations)

Mr. Speaker (Hon. Khatri): Yes Hon. Hamisi Musa Mwidani?

Leader of Majority (Hon. Mwidani): You know my Deputy Speaker was alerting me on some issues which are very correct. That Mr. Speaker...

(Interruption)

Mr. Speaker (Hon. Khatri): You need to make a contribution on that Hon. Hamisi Musa Mwidani.

Leader of Majority (Hon. Mwidani): Yes, in fact Members on my contributions Mr. Mwamtoa Bakari Mwamtoa is a very learned guy, a competent person. In fact he is a very capable farmer.

He stays in Likoni and has even tried to do some fish ponds so with that experience we as the Committee we stand to say that he is the correct person to be in that docket. So Mr. Speaker i do not have much to say because he is a person with a very good background of which we have really seen in him, so Mr. Speaker i say thank you and Members let us adopt this Motion. Thank you, Mr. Speaker.

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

Hon. Mwamwiri: Ahsante Mheshimiwa Spika...kuhusu hoja ya Mheshimiwa Mwamtoa kwa nyadhfa hii nikizingatia ya kwamba mimi binafsi ni mkulima na ni Mwanachama Kamati ya ukulima na ufugaji, nina matarajio makubwa kwake na tangia tuletewe barua na Gavana amekusudia kumpa nafasi hii nimekuwa nikimfuatilia...nyanzo zake, majukumu yake mashinani na kwa uhakika iwapo ripoti hii ingesema kinyume na jinsi alivyo basi naona tungepingana lakini kwa sababu imemtambua alivyo na kumpa nafasi hii, binafsi namuunga mkono na naomba Bunge hili likubaliane tumpe nafasi na tutarajie mabadiliko katika Kaunti yetu ya Mombasa hususan tukizingatia kilimo kiko chini lakini tunaweza tukakuza kilimo cha baharini, kilimo cha ufugaji wa samaki na uvuvi kwa ujumla. Kwa hio niko pamoja na Ripoti hii na naunga mkono kuteuliwa kwa Mheshimiwa Mwamtoa. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Khatri): Ahsante, naam Mheshimiwa Amur.

Hon. Murfad Amur: Thank you Mr. Speaker Sir. Mr. Speaker Sir for me also I want not to be left behind with my Members. Mr. Speaker Sir first I want to say to this Assembly and the members of the public that His Excellency the Governor was a very wise man to elect a person who was against him during the election. This is one thing showing that the Governor has nothing to do with issues of parties, but to bring all stakeholders together to serve the people of Mombasa; this is congratulations to His Excellency the Governor...

(Applause)

...Mr. Speaker, it is not easy in our systems of government for a person who was in the opposition side to be accorded a position in any government in this Country of ours, it is not that easy, for that I want to congratulate His Excellency the Governor for choosing Mr. Mwamtoa Bakari Mwamtoa to be part of Mombasa people who will deliver services. The idea of Mwamtoa why he went to be a gubernatorial Deputy Governor with Mr. Hon. Awiti is that he wanted to serve the people of Mombasa. The mindset of Hassan Mwamtoa was to serve the people of Mombasa so he has been given that opportunity to serve the people of Mombasa by His Excellency the Governor. So it is upon Mr. Mwamtoa to prove to the public and the County for the faith that the Governor has on him Mr. Speaker, there are so many people who supported the Governor but who did not get this position. So for him, Mr. Speaker it is upon him now to prove to the people of Mombasa that, the Governor has proved so it is upon him to prove to the people of Mombasa that he will deliver to the mandate that he was given. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Khatri): Thank you Hon. Amur, yes Hon. Mwalimu.

Hon. Mwalimu Mgwisho: Ahsante sana Bwana Spika, natoa shukrani zangu za dhati kwa Mheshimiwa Bwana Gavana kwa kuweza kumteua Bwana Mwamtoa katika nafasi hii ya Waziri aliompatia...

(Applause)

Nina hakika na nina imani kwamba Bwana Mwamtoa atafanya kazi hii kwa njia nzuri, Mwamtoa ni kijana ambaye amezaliwa katika Wodi yangu na ninaamini kwamba atafanya kazi nzuri, kwa hio natoa shukrani zangu za dhati kwa Mheshimiwa Gavana na pia nawaomba Wabunge wenzangu tuungane pamoja ili tuweze kumuunga mkono Bwana Mwamtoa na pia tumpatie njia na nguvu ya kufanya kazi yake kama Waziri. Ahsante sana Bwana Spika.

Mr. Speaker (Hon. Khatri): Thank you, yes Hon. Mwaka Zahoro.

Hon. (Ms.) Mwaka Zahoro: Thank you Mr. Speaker I would really like to support the appointment of Mr. Mwamtoa as the CEC Member for Agriculture...I believe his credentials, experience, capacity and integrity really suit him. So I support Mr. Speaker. Thank you.

Mr. Speaker (Hon. Khatri): Thank you yes Hon. Milka Moraa.

Hon. (Ms.) Ngare: Thank you Mr. Speaker I am in support of the appointment of Mr. Bakari Mwamtoa as the CEC for Agriculture, Livestock and Fisheries and according to the papers and what has been presented I think he does have what it takes to lead that department, so I do support that appointment. Thank you.

Mr. Speaker (Hon. Khatri): Thank you, yes Hon. Maimuna Salim.

Hon. (Ms.) Maimuna Salim: Ahsante sana Mheshimiwa Spika. Mimi naunga mkono kuteuliwa kwa Hassan Bakari Mwamtoa kwa sababu kulingana na ile tajriba ambayo yuko nayo ya masomo inastahili mtu kama yule kwa sababu tunajua upande wa uvuvi tulikuwa kidogo tuna shida na yeye ni mtu wa Pwani anaweza kuangalia, alafu pia ningependa kumshukuru Gavana Hassan Joho kwa sababu yeye baada ya siasa huungana na watu wote hata wale waliompinga kuhakikisha ya kwamba yule mwenye mawazo ya kuweza kuendesha Mombasa vizuri awe karibu na tuongoze watu wa Mombasa vizuri. Kwa hio mimi nashukuru kwa kuteuliwa kwake na namshukuru Gavana Joho kwa hekima yake na ujasiri ule ambae anatuonyesha ya kwamba yeye ni mtumishi wa watu wa Mombasa kwa hio anaamua kufanya kazi na mtu yeyote. Ahsante sana Mheshimiwa Spika.

Mr. Speaker (Hon. Khatri): Thank you Hon. Maimuna. Hon. Members I now call upon the mover Hon. Hamisi Musa Mwidani to reply.

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker let me thank the Members for their contribution on the adoption of this Report. I think Mr. Speaker you've heard from all the Members the way they have contributed on this matter of Mr. Hassan. He's a very credible man he will really serve us with that docket very properly, so I will thank all the Members for what they have contributed and so that we can move on, thank you Mr. Speaker.

Mr. Speaker (Hon. Khatri): Thank you. Hon. Members I now put the question that this House adopts the Report on the vetting of CEC Member of Agriculture, Livestock, Fisheries and Cooperative Mr. Hassan Bakari Mwamtoa.

(Question put and agreed to)

(Applause)

Yes Clerk.

MOTION

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

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker let me move a Motion on Adoption of the report on vetting of Mr. Fauz Rashid Ali (OGW) - Nominee for the position of CEC Member Trade, Tourism and Investments. That this House adopts the Report on vetting of Mr. Fauz Rashid Ali (OGW) - Nominee for the position of CEC Member Trade, Tourism and Investments laid today 6th afternoon, thank you Mr. Speaker.

Mr. Speaker (Hon. Khatri): Secunder?

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

Mr. Speaker (Hon. Khatri): Thank you Hon. Members. I now propose the question that the Motion on adoption of the Report on the vetting of CEC Member Trade, Tourism and Investments Mr. Fauz Rashid Ali be debated.

(Question put and agreed to)

Yes Hon. Hamisi Musa Mwidani.

Leader of Majority (Hon. Mwidani): Ahsante sana Bwana Spika kwa kunipa nafasi hii nichangie. Bwana Fauz Rashid Ali kwa ukweli ni kijana tulimuona tulivyo mchunguza, ni kijana anaweza kushikilia Wizara hii ya Utalii na Biashara kwa sababu hata ashawahi kuwa katika shirika la *Chamber of commerce* na pia ashakuwa katika *industry* nyingi na pia ashakuwa *Director* wa hospitali ya Coast general. Kwa hio kwa matumaini yangu ningeomba Bunge hili tuweze kumpitisha Bwana Fauz Ali Rashid kwa hicho kitengo cha Utalii, Biashara na Uwekezaji. Ni kijana ambaye yuko sawa na ni kijana ambaye yuko na mawazo ya kuweza kuinua mji wetu wa Mombasa kwa upande wa sekta hii ya Utalii, Biashara na Uwekezaji. Kwa hio Bwana Spika ningeomba Wanachama ya kwamba ingekuwa vizuri sote tuzungumze kwa lugha moja ili tuweze kumpitisha huyu Waziri wetu wa Utalii, Biashara na Uwekezaji kwa manufaa ya Kaunti ya Mombasa. Ahsante sana Bwana Spika.

Mr. Speaker (Hon. Khatri): Thank you, yes Hon. Amur.

Hon. Murfad Amur: Thank you Mr. Speaker. Mr. Speaker even me I want to congratulate on the appointment of Hon. Fauz. Mr. Speaker sir just to say a little from his background he was appointed Chairman of Board of Directors of Coast General Hospital and within a short time he performed miracles in that Hospital. Mr. Speaker as we speak Mombasa today is having the best ICU in Mombasa than any other district; we have the best ICU and you cannot compare with any other County, we have the best ICU in Mombasa as County 001. Again Mr. Speaker It was during his tenure that we had an open heart surgery in Coast General Hospital, an open heart surgery. Mr. Speaker he has changed the entire hospital; the wards, the maternity, so from this experience I can see he has the ability to change even our trade, tourism and investment department. Mr. Speaker Mr. Fauz has a Masters in Commerce from the university and he is a learned person; he holds several dockets as Director, National Chamber of Commerce, as Managing Director of an insurance company, he has got vast experience in management of anything. Mr. Speaker it is upon us as a House to accept and adopt this Report so that he can take up the position so that by early January Mombasa will be seen in prospering in other issues like bringing investors and tourists in our town, Mr. Speaker thank you.

Mr. Speaker (Hon. Khatri): Thank you Hon. Amur, yes Hon. Fatma.

Hon. (Ms.) Fatuma Swaleh: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii. Mheshimiwa Spika mimi pia nimesimama kidete kuunga mkono kwa kuweza kuchaguliwa kwa Bwana Fauz Rashid Ali. Mheshimiwa Spika kwanza kabisa tuweze kumuangalia Fauz Rashid Ali ni mtu wa aina gani; bila kigegezi, bila kuogopa, bila kutishika Fauz kwanza ni mkaazi wa Mombasa na vile vile kama sijakosea alipiga kura katika Kaunti ya Mombasa na kwa kusema la ukweli hii *docket* aliochaguliwa nayo inamfaa. Kwanza kabisa yeye ni kijana ambaye ni mkakamavu na sina shaka wala kigegezi ya kwamba atafanya na ataweza kufanya wanabiashara waweze kufanya biashara zao kwa umakinifu, na vile vile nina hakika, mia asili mia Bwana Spika kwamba watalii ama wageni wataweza kuja kwa wingi katika jimbo letu la Mombasa. Mheshimiwa Spika kwa hio mimi bila shaka, ama wasiwasi nampongeza Bwana Fauz na vile vile nampongeza Bwana Gavana kumpatia fursa Bwana Fauz kuweza kuongoza katika hii Mombasa, ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Khatri): Thank you, yes Hon. Bernard Ogutu.

Hon. Ogutu: Thank you Mr. Speaker for giving me this opportunity. Mr. Speaker tourism remains the largest income earning in the coast, and we need somebody who is committed and based on the academic credentials of Mr. Fauz, and if you look at the past appointments, that proves very well that he can perform that duty, based on that I support.

Mr. Speaker (Hon. Khatri): Thank you, yes Hon. Mary Osongo.

Hon. (Ms.) Osongo: Thank you Mr. Speaker sir for giving me this opportunity to support the Motion. I support it because as we have read about the education background I can see that the way he was chosen he has the capability of making tourism and trade to change in Mombasa because tourism has been very low but since he has a Masters of Commerce I think he will check all the weaknesses that has been there to make tourism to improve so that we as Mombasa County we can get some income to support our County. Thank you, Mr. Speaker I support the Motion.

Mr. Speaker (Hon. Khatri): Thank you I now call upon the mover Hon. Musa Hamisi Mwidani to reply.

Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker let me take this opportunity again to thank the Members for supporting this Motion; as we have said he's a very dedicated person and I think he will make a lot of changes in our department of Trade. So Mr. Speaker am very thankful to the Members the way they have supported this Motion. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Khatri): Hon. Members I now put the question that this House adopts the Report on the vetting of CEC Member Trade, Tourism and Investments, Mr. Fauz Rashid Ali.

(Question put and agreed to)

Yes Clerk?

MOTION

Yes Hon. Moses Aran.

Hon. Oindo: Mr. Speaker sir the Majority Leader will move the Motion.

Mr. Speaker (Hon. Khatri): Yes Hon. Hamisi Musa Mwidani can you please move the Motion, the one you were waiting for long.

Leader of Majority (Hon. Mwidani): In fact this is what actually we were waiting for, so Mr. Speaker let me take this opportunity to move a Motion, establishment of People's Assembly.

(Leader of Majority (Hon. Mwidani) moved the Motion)

ESTABLISHMENT OF PEOPLE'S ASSEMBLY

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

AWARE that on 8th August, 2017 and 26th October, 2017 IEBC conducted illegal, unconstitutional and undemocratic presidential elections;

RECOGNIZING the fact that the turnout of the presidential elections was 30 per cent or thereabouts of the total number of all registered voters in Kenya and therefore the President cannot by delegation or otherwise, be properly vested with the people's sovereign powers and authority;

OBSERVING that the exercise of the executive authority by the President has in the past few years reintroduced the trappings of the imperial presidency and despotic tendencies in the conduct of public affairs;

KNOWING that Parliament has been legislating unconstitutional, illegal, undemocratic and draconian laws, and in particular laws that contravene the Bill of Rights and the principles for the electoral system; and,

ACKNOWLEDGING the sovereign powers of the people of Kenya, the supremacy of the Constitution of Kenya, 2010 and the sovereign right, or authority of the people to determine the form of governance in Kenya.

I therefore urge this Assembly to **RESOLVE** that;

- a) The presidential elections held on 8th August, 2017 and 26th October, 2017 were each and all invalid, null and void; and no government formed and/or president declared as a consequence thereof, and considering the negligible turnout in the presidential elections held on the latter date, can have constitutional authority or legitimacy to govern;
- b) A Peoples Assembly be formed to discuss and determine the affairs of the country and recommend a pathway towards and for the achievement of the promise, aspirations, objectives and rights and freedoms provided by the Constitution of Kenya, 2010;
- c) The House and its Membership will participate in the proceedings of the People's Assembly and will constitute a special college for the appointment or election of Members, delegations and observers to the People's Assembly;
- d) A truly independent electoral and boundaries Commission be established with a view of holding a fresh presidential election on or before 9th February, 2018;
- e) The action and performance of constitutional Commissions; including the Independent Electoral and Boundaries Commission, the National Police Service, the National Intelligence Service, the Public Service Commission, the Ethics and Anti-Corruption Commission and the National Cohesion and Integration Commission be reviewed with the purpose of said Commissions are independent to enable them protect the sovereignty of the people and to promote constitutionalism;
- f) Appropriate measures be undertaken to safeguard and promote devolution and the organs and instruments of devolution including County Assemblies and County Governments and secure their financial viability and security with the ultimate objective of the creation of larger and autonomous devolved units within one indivisible sovereign nation; and,
- g) A review of the Constitution of Kenya, 2010 be undertaken to reform the structure of the Executive and Parliament and devolution and to reinforce concrete measures for the promotion of inclusivity, the welfare of the marginalized, the advancement of women and youth, the eradication of corruption and poverty and to secure social justice, equality and fairness.

Thank you Mr. Speaker I now may I take this opportunity to request Hon. Moses Aran to second.

Hon. Oindo: Thank you, I second the Motion.

Mr. Speaker (Hon. Khatri): Thank you Hon. Members I now propose a question that the Motion on Establishment of people's Assembly be debated.

(Question put and agreed to)

(Applause)

Yes Hon. Hamisi Musa.

Leader of Majority (Hon. Mwidani): Mheshimiwa Spika huu ndio wakati umefika Wa Kenya kuikomboa; Bwana Spika umeona dhulma ambazo zimejaribu kufanywa kwa mambo ya *computer* hizi, kuna wanao piga kura na kuna wale wanaopiga kwa *computer*. Sasa tumeona ni vyema tuweze sasa kuweka majukumu kwa wananchi ambayo itakuwa *People's Assembly* itakayoweza kushirikiana na Mabunge yetu ya Kaunti, yale ambayo yako upande wa upinzani kuwezesha kupeleka mfumo wa serikali mpaka ukubaliane na vile tutavyotaka kama chama cha upinzani. Mheshimiwa Spika inatia uchungu sana kwamba dhulma zinaonekana lakini zinanyamazwa kwa sababu watu wanatumia fursa hio kwa sababu wako kwenye uongozi. Kwa hio hata hii silaha tunayoitumia saa hii tunaitumia kisheria, hatusemi tunatumia nguvu, hatusemi tutapiga mtu lakini tutatumia sheria itakayotuwezesha mpaka tuone kwamba serikali imekubaliana na matakwa ya upinzani inavyotakikana kuweze kuwa na uchaguzi wa kisawa sawa na wa huru.

Kwa hio Bwana Spika leo kama Bunge la Mombasa, Kaunti 001 nafikiri tumetoa uamuzi wa kauli moja ya kwamba tumekubaliana na Hoja hii na mimi naomba Wanachama tuweze kuipitisha hii kwa haraka iwezekanavyo kabla hio tarehe 12 haijafika kwa sababu hatutakikani tarehe 12 imefika na sisi bado hatujatoa uamuzi. Kwa hio leo nimewashukuru Wanachama kwa kuja kwa wingi tutoe uamuzi ili tupitische hii *People's Assembly*. Ahsante, Bwana Spika.

Mr. Speaker (Hon. Khatri): Thank you, yes Hon. Fahad Kassim I think I heard something from your side, I heard some nay from you can you kindly give us your contribution on this.

Hon. Fahad Abdallah: Actually it's not a nay but it was an ayes, I mean yes.

(Laughter and Applause)

Mr. Speaker (Hon. Khatri): Yes.

Hon. Fahad Abdallah: Ahsante Mheshimiwa Spika na Wajumbe wenzangu, ni fursa tumepata na mimi ningependa kuunga mkono Mswada huo kwa sababu nafikiri mimi ni katika wa kwanza ambaye nakataa ule unyanyasaji unaotendeka saa hii, kwetu sisi hususan kwa vyama vya upinzani na tukiwa kwenye upinzani na sisi tunataka haki na nina imani kubwa ya kuwa leo tutapitisha Mswada huo bila kupata 'la' hata moja na ya pili ni masikitiko kidogo japo tulikuwa tuna mambo mengi katika Kaunti ya Mombasa lakini ningekuwa ni furaha kubwa tungeweza kuwa sisi ndio wa kwanza kuipitisha katika Kaunti 47 za Kenya lakini afadhali kuchelewa kuliko kukosa kabisa. Kwa hio naomba na naunga mkono Mswada huo Mheshimiwa Spika na nina imani kubwa sisi kama wana ODM na watu wa Mombasa tutapitisha huo Mswada moja kwa moja bila pingamizi, ahsanteni sana.

Mr. Speaker (Hon. Khatri): Thank you; yes Hon. Robert Nyiro. I can see you are having a constitution there so kindly give us your opinions.

Hon. Mwaega: Thank you Mr. Speaker your eyes are not playing you any trick, and yes I have the constitution in my hand and it is the guiding light to the discussion we are having today and I want to refer to Chapter one and read through. Chapter one of this Constitution talks about the sovereignty of the people, that all the sovereign power belongs to the people and it can only be exercised in accordance with this Constitution. This same Constitution also says that the people can also exercise its power directly or can elect to lease this power either to the elected leaders, independent institutions like the IEBC and many other institutions but they are just acting on borrowed authority. I therefore find it very prudent and very essential that whenever there is a trick that somebody wants to play with this constitution it is always good and best that we take back the powers to the people and maybe to make it more clearer by taking the powers and authority to the people does not mean that we dissolve this Assembly because this Assembly is legally constituted but by taking the power back to the people it is a way of fighting the illegalities that are being exercised by those people who think they are going to ascend to power through the back door. So I want to urge the people of Mombasa to join the rest of the country in embracing the People's Assembly and therefore rejecting the computer generated leadership that we have in this country by having our own voice and because we have a Government down here, it is good that the people of Mombasa are going to be in consultation with their Government and the Assembly of Mombasa and the People's Assembly outside there so that we can together deliberate on our issues and refuse the kingdom that people are making on us.

So I stand to support and remind the people of Kenya and Mombasa that whoever is saying that he is the President today can never be the President if the people want their power back. So today we are telling the people of Mombasa that you have the authority to exercise your rights and put a voice and we the Assembly of Mombasa is there to make sure that whatever the people of Mombasa tell us is whatever we shall follow but not otherwise.

So I stand to support and I also offer myself to all the legalities that are going to be channeled so that we have the People's Assembly realized in Mombasa County, with these few remarks I beg to support.

Mr. Speaker (Hon. Khatri): Thank you, yes Hon. Lucy Chizi.

Hon. (Ms.) Chireri: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Mheshimiwa Spika mimi nauunga mkono hoja hii mia fil mia hata nashangaa ni kwa nini tunaizungumzia hoja hii. Hoja hii Mheshimiwa Spika ilikuwako tuipitishe moja kwa moja. Mheshimiwa Spika wakati umefika wa sisi Wakenya tujikomboa katika hawa mabeberu, wametunyanyasa kwa muda mrefu; ni hali ya kuhuzunisha sana katika serikali yetu ya Kenya kuwe tunapata uongozi wa lazima, ni lazima mtu awe kiongozi hata kama mwananchi hakumkubali. Mheshimiwa Spika tunasema haiwezekani hata kidogo, hata viweje...

(Applause)

...Sisi kama Bunge letu la Kaunti ya Mombasa Mheshimiwa Spika tunasema *enough is enough*, ni lazima tukomboa watu wetu katika jarida lile ambalo linatupotosha. Mheshimiwa Spika nitaenda kwa uamuzi ambao tumeweka kama sisi Bunge la Kaunti katika kitengo cha (d) ambayo inasema...

(Hon. (Ms.) Chireri) read)

A truly Independent Electoral and Boundaries Commission be established with a view of holding a fresh Presidential election on or before 9th February, 2018;

(Applause)

Mheshimiwa Spika nataka haya matakwa yetu yaheshimiwe na ikiwezekana ni lazima uchaguzi wa Uraisu uregelewe haraka iwezekanavyo...

(Applause)

...Mheshimiwa Spika tumechaguliwa na wananchi, na wananchi wanatutegemea sisi kama wakombozi wao, leo hii tusipopitisha hii Hoja hakuna lolote ambalo mwananchi atasema nimemtuma Mheshimiwa Lucy kutoka Wodi ya Mtopanga ameenda ametuwakilisha ama anatubwaga? Hatutabwaga wananchi wetu, tuko pamoja na wananchi wetu liwalo na liwe, jua litoke huku, liende huku lakini ni lazima turegelee uchaguzi wa Uraisu. Mheshimiwa Spika tunapenda watu wetu na ni lazima tuwaonyeshe yale mapenzi ambayo tuko nayo kwa watu wetu, tumeteseka kwa muda mrefu hata hayasemeku mengine lakini itabidi tuyazungumze hivyo hivyo. Kuna mfumo Mheshimiwa Spika mara unasikia kuna watu wana vyama hivi, watu wengine kuna vyama hivi ni sababu ukombozi haujafika, lakini ukombozi ukifika Mheshimiwa Spika hatutaona watu sijui kuna MRC, sijui kuna vyama gani. Vile vyama kama kutakuwa na jambo ambalo mwananchi amelikubali kama mwananchi na yale matatizo yake yamekubalika na yametatuliwa hatutakuwa na mvurugano katika serikali yetu ya Kenya. Serikali yetu ya Kenya inaingia mahali pabaya kwa sababu haki haijatendeka, kwa hio Mheshimiwa Spika ninaunga mkono hoja hii nikitarajia haki itatendeka. Ahsante sana.

Mr. Speaker (Hon. Khatri): Ahsante Mheshimiwa Lucy Chizi. Naam Hon. Leila Nyache.

Hon. (Ms.) Nyache: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii ya kuweza kuchangia. Mimi pia kwa upande wangu naunga mkono hili Bunge la Wananchi, sababu yangu ya kwanza ya kuunga mkono hili Bunge la Wananchi ama tuwe kama Wapwani ni kwamba kuanzia tuanze kupiga kura mwaka 2007, 2013 mpaka 2017 kura zetu zinaibiwa kama wana NASA...

(Applause)

Na kuanzia hio mihula yote ni sisi ndio tulikuwa tunapita Mheshimiwa Spika, tunapita na tunaibiwa tukiona.

Kama hii ya juzi tuliibiwa kweupe tukiona hii ya tarehe 26/10/2017 maana yake vituo vilikuwa havina watu Mheshimiwa Spika, vituo vilikuwa vitupu kabisa hata hizo kura zengine walifanya kujiongezea tuu, sisi tuna uhakika kuwa watu wetu tuliwakanya na hawakuenda kupiga kura kama vile Baba alivyosema, kwa hio sisi tuna uchungu sana...

(Applause)

Tuko na uchungu sana Mheshimiwa Spika, kama kina mama tunatoa watu kwa wingi kwenda kupiga kura halafu mwisho wa kwisha sisi tunakua na imani sisi ndio washindi tunaambiwa sisi ndio tumeshindwa! Kwa hio hilo jambo pia ni sababu kubwa ya kuweza kuamua kuunga mkono hili Bunge la Wananchi. Pia kwa upande mwingine Mheshimiwa Spika ningependa kuongezea pia rasilmali zetu za huku Pwani Mheshimiwa hatuna faida nazo, hasa Bandari yetu ya hapa Pwani hatufaidiki nayo, sisi kama Wapwani ama kama wa Kenya wa hapa Pwani tunasema asilimia 80 ya watu wanaoandikwa kazi pale Bandarini ni watu kutoka sehemu za huko juu na sisi tunasema tungependa ikiwa hiyo asilimia 80 itabadilika iwe ni watoto wa Pwani waweze kufaidika na hii rasilmali yao ambayo ni Bandari ya hapa kwetu Mombasa ingekuwa vizuri sana lakini hatuna sauti Mheshimiwa Spika...

(Applause)

...tumekanyagiwa vibaya sana. Gavana wetu amekanyagiwa vibaya sana kila mtu anajua, hana sauti kama kiongozi na sisi tunamheshimu tunajua yeye ndio kiongozi wetu ambae anaweza kusaidia hii Mombasa lakini amekanyagiwa hana sauti hata ya kumiliki rasilmali zilizoko Pwani na yeye ni Gavana Mombasa County 001. Kwa hio pia mamlaka yamepungua upande huo pia, tunahitaji pia mamlaka yetu na sisi tupewe na Gavana wetu pia apewe mamlaka aweze kuandika watu kule Bandarini, apewe nafasi za kutosha hizo asilimia 80 apatiwe. Mheshimiwa Spika nikimalizia ningeomba Bunge hili Waheshimiwa wenzangu wote hili Bunge letu la Kaunti ya Mombasa tuweze kuunga mkono huu Mswada wa Bunge la Wananchi kupitia Katiba kipengele cha kwanza, tuunge mkono na itatuwezesha kuweza kujivunia kama Wapwani na pia kumiliki rasilmali zetu wenyewe. Ahsante sana Mheshimiwa Spika.

(Applause)

Mr. Speaker (Hon. Khatri): Thank you. Yes Hon. Ibrahim Omondi Bomoa.

Hon. Omondi: Thank you Mr. Speaker Sir for having caught my eyes this particular time, also to make my contribution towards this beautiful and wonderful Motion today. I stand firm before this House to say that I am one of the most NASA crusaders in this country...

(Applause)

And you cannot expect me to oppose this Motion for the first place.

(Laughter and Applause)

...So before I even make my contribution, I have already supported the Motion, but I want also to support this Motion with reasons so that it may not be taken otherwise.

1. Article 1 of our Constitution states very clearly that the sovereignty power belongs to the people of Kenya and this power that they have, I want those people who are opposing this Motion to clearly listen to me, and this power belongs to these people and they can give it out willingly, meaning that the people of Kenya can still refuse to give out this power, they can remain with it. So, when we are passing this Motion we are simply giving back the power where it belongs...

(Applause)

...And nobody, not anybody in this country who has the power to criticize this because it is clearly entrenched in our Constitution.

2. The Constitution states very clearly that the turn out, the unconstitutionally reconstituted Government cannot be able to take over the power, and when I say unconstitutionally reconstituted Government what I mean is this Mr. Speaker Sir, we had elections just a month ago and everybody in this country saw what happened; only 30 per cent of the people of Kenya turned out to elect a President, 70 per cent did not even turn up, they did not even make an attempt to go and vote....

(Applause)

And today we are saying that we have the President who is going to be our President, that means it has been unconstitutionally reconstituted so it unlawful itself...

(Applause)

I want also to state this categorically, as I support this Motion that such a constitution, such organ or body of the Presidency cannot be delegated, you cannot delegate the people's sovereignty, power and authority, we cannot give that particular President that power because he lacks the threshold of the Constitution when you look at the turn out. Mr. Speaker Sir, I want also to say this, the People's Assembly is very superior to anybody in this country, it is the superior, People's Assembly it is not an organ, it is not just an organ which can be criticized by anybody, it cannot be criticized, it is not National Assembly, it is not Senate, it is not County Assembly...

(Laughter)

...it is not an organ Mr. Speaker Sir, I do not see why people are not getting this point; it is the people power who are now expressing their own power, the power that they have Mr. Speaker Sir. Mr. Speaker Sir I want also to say this, this very People's Assembly that some people are now trying to mud sling it, this very People's Assembly the one that we are talking about it today, look at its agenda, look at what it is going to do to our country before we criticize it, it is going to give the opportunity to the people of Kenya to express themselves willingly, engage their problems willingly without...

(Applause)

...going to a certain organ or a certain Constitution or a certain person and that is the best of them all. Somebody somewhere is saying this one is unconstitutional. Mr. Speaker Sir, briefly allow me just to state some of agendas of this People's Assembly. One of them is to look at the people institutions of the state, the state institutions, the institutions that have been formed by the people, look at the IEBC itself, if this People's Assembly is going to be constituted look at the IEBC the way it is playing with the minds of Kenyans. Today the Chairman of the IEBC says the election will not be free and fair, tomorrow the Chairman of the IEBC tells us that this election will be free and fair. Who is being played with in this case? That is very serious Mr. Speaker Sir and that is why when we enact this People's Assembly it is going to correct all those and that is one of the agenda's; the security organ in our country, that is one of the agenda of this People's Assembly, look at the security organ, look at the way our people are beaten, they are tear-gassed dying everywhere...

(Applause)

...Simply because the security organ is in the hands of an individual, who can say go and deal with him and they go directly without looking at even the disadvantages and advantages. We are all human beings and we are all entitled to life Mr. Speaker Sir, so if our security organs are being misused like this and the People's Assembly is going to look into that so that we can devolve our own security organs, so we have Governor Joho, our Governor Joho saying that he is the one to control the security in Mombasa County.

That is the best for us Mr. Speaker Sir; I do not know why somebody somewhere should say that this Motion..., it should be the first Motion to pass in this country before any other Motion. I want to wind up Mr. Speaker Sir, this very People's Assembly... this Motion that we are discussing today is going also to look at the Governance issues whereby today Hon. Maimuna your vote does not count, you will go and vote, after voting somebody else has been done (??) But one of the agenda of the People's Assembly is to ensure that your votes counts. I do not know who is opposing this Constitution maybe he has a problem, everyone's vote counts so it is going to look at the governance of this.

So as I wind up Mr. Speaker Sir, I just want to say the following; just some three months ago I fell a victim of this Constitution; as I speak, I am speaking from experience, I was ousted from my house as a fly, more than 30 security officers Mr. Speaker Sir, look at my weight...

(Laughter)

Less than 15kgs being ousted by more than 30 police officers with 20 trucks, Mr. Speaker Sir, and armed with eeh ...

(Laughter)

...Mr. Speaker Sir surely, finally, you know there is a saying that says as I wind up that, *a mourner cannot pretend to move into the homestead where people are mourning and pretend to yell out loudly more than the bereaved*, they do not know that it is us who are being hit because they do not. Thank you Mr. Speaker Sir. I support 100 per cent this Motion.

(Applause)

Mr. Speaker (Hon. Khatri): Thank you very much Hon. Ibrahim Oyugi Omondi, thank you. Yes, Hon. Mwaka.

Hon. (Ms.) Mwaka Mulundonda: Ahsante sana Bwana Spika nashukuru sana kwa kunipa fursa hii ingawaje Hon. Bomoa ametu bomoa kabisa, amemaliza mambo yote. Mimi kama Mheshimiwa Mwaka ninaunga Mswada huu mkono mia fil mia kwa sababu kule nilikotoka Wodi ambayo nilikotoka Timbwani Likoni, wafuasi walionipa kura 7,800 wote ni wana ODM na asubuhi sana kabla sijatoka nyumbani wamenifuata wakaniambia sisi tunataka Bunge la Mwananchi na mimi bila shaka naunga mkono Mswada huu na hata pia nikiangalia katika Bunge la Mombasa Kaunti sura zote ni za ODM NASA.

Kwa hio kwa niaba ya wananchi wa Wodi ya Timbwani nimewasikia na nimekubaliana na kuunga mkono Mswada huu na pia nataka kisisitiza kwamba wale wenzangu ambao wako kwenye Bunge hili najua wote tunaunga mkono Mswada huu pia ninaona muda unaenda ni kubomoa na kumaliza, au sio Mheshimiwa Bomoa? Ni kuunga mkono mara moja na kumaliza hoja hii. Ahsante Bwana Spika.

Mr. Speaker (Hon. Khatri): Thank you. Yes, Hon. Fadhili Mwalimu Makarani, Deputy Speaker.

Deputy Speaker (Hon. Fadhili Mwalimu): Ahsante sana Mheshimiwa Spika, mimi pia nachukua fursa hii kuunga mkono hoja hii iliyo mbele yetu siku ya leo. Mheshimiwa Spika kama waliotangulia wenzangu kuchangia, *Article 1* ya Katiba yetu inaonyesha nguvu za mwananchi ziko wapi na inaonyesha wazi kwamba mwananchi ana uwezo wa kuchagua aje awakilishwe katika Mabunge kama haya na vile vile mwananchi ana uwezo wa kuchukua jukumu la kujiwakilisha mwenyewe. Mheshimiwa Spika ndio maana sisi kama Wabunge wa Bunge la Kaunti ya Mombasa tunaunga mkono hoja hii ilioko mbele yetu tukielewa ya kwamba ni hoja ambayo itasaidia nchi yetu na ni hoja ambayo itasaidia wananchi wetu vilivyo. Mheshimiwa Spika tunaewa Bunge la Mwananchi litaweza kurekebisha mambo mengi ambayo kwa sasa hivi yameharibika.

Naunga mkono kuwa kura ambazo zilipigwa tarehe 8 kwanza kukawa na wale ambao walikuja kuangalia kura zile kutoka bara Ulaya walipitia njia ya nyuma kujaribu kuonyesha kuwa zilikuwa ni kura za haki, lakini twashukuru kwa msema kweli korti yetu ikaonyesha kuwa hazikuwa kura za haki. Mheshimiwa Spika kura za juzi zilizofanywa Mwezi wa Oktoba pia vile vile ni dhihirisho wazi kuwa zilikuwa ni kura ambazo zimeibiwa, kura ambazo hazikuwa matakwa ya wananchi walivyotaka maana ilionyesha wazi waliojitokeza walikuwa ni wachache na tuliobaki nyuma tulikuwa ni wengi, ni haki sauti yetu sisi wengi ambao twafanywa ndio wanyonge imefika wakati kuwa sauti yetu sisi wanyonge pia iweze kusikika Mheshimiwa Spika.

(Applause)

Mheshimiwa Spika wana historia watakwambia hata nchi ambayo ina nguvu, *super power*, nchi kama Marekani wale weusi wa pale walianza kuruhusiwa kupiga kura mwaka ambao sisi Kenya ilikuwa tushapata uhuru lakini hawakuanza hivi hivi tu mpaka kuruhusiwa wao kupiga kura walisimama kama sisi tunavyotaka kusimama; walienda na Mabunge haya ya wananchi, walisusia vile walivyosusia, kususia kisiasa na kususia kiuchumi na ndivyo ambavyo Bunge letu la Mwananchi twataka tulipeleke na iko kabisa katika Katiba yetu ikituelezea nguvu za mwananchi zitaendeshwa ki namna gani? Mheshimiwa Spika nguvu za mwananchi zitaendeshwa katika upeo wa serikali kuu na upeo wa serikali hizi za mashinani. Kwa kweli Mheshimiwa Spika Kenya ilipata uhuru tukitumia Katiba ambayo ilikuwa na majimbo lakini hivi sasa tunakoelekea hizi serikali za ugatuzi ziko katika hali ya kukata roho na lau tutaruhusu serikali ya ubepari, serikali ambayo imeingia mamlakani kinyume cha sheria iweze kuendelea itafanya yale ambayo yalifanywa miaka ya nyuma, miaka ya 60 kuweza kuondoa serikali hizi lazima tusimame sisi pamoja na wananchi wetu, pamoja na Mabunge yetu ambayo itakuwa tumeweza kuyapitisha kuhakikisha kuwa tumetetea Katiba yetu.

Mheshimiwa Spika tumeona katika hoja ambayo iko mbele imeeleza wazi kuwa inataka kufanywa marekebisho kwa upande wa usalama; kama alivyozungumza mwenzetu mmoja akiwa yeye ni mmoja katika ya wale ambao ni waathiriwa. Tunaona Mheshimiwa Spika Gavana anadhalilishwa; leo hii Gavana anaweza kuja kushikwa asumbuliwa kama ambaye ni mtu duni hana thamani. Mheshimiwa Spika ni lazima tusimame kama Wabunge wa Mabunge ya Kaunti tukishirikiana na Mabunge ya wananchi maana twaelewa ya kwamba mipangilio kabambe itaendelea kupangwa kuonyesha ni jinsi gani Wabunge wa Mabunge waliochaguliwa hapa pamoja na wananchi wenyewe wenye nguvu tutaweza kushirikiana kuhakikisha Mabunge haya yamefanya kazi na katika hoja hii pia imetuonyesha kama alivyozungumza ndugu yangu aliyetangulia ni jinsi gani tutaweza kurekebisha *Commission* kama hii inayosimamia uchaguzi. Amezungumzia kwa kina kabisa na iko haja kweli kufanya marekebisho katika tume ya uchaguzi maana imetudhalilisha miaka mingi, na Mheshimiwa Spika itafika wakati hata zile pesa ambazo tunazochukua huku kwetu chini mashinani tutazisimamisha zibakie huku chini mashinani...

(Applause)

...Tuwaangalie wao huko juu Mheshimiwa Spika watafanya kazi kinamna gani? Maana leo tukiwa twapitisha hoja hii kuna Kaunti zaidi ya 12 zimepitisha ambazo tayari zimepitisha hoja hii. Mheshimiwa Spika tuko na nguvu na tutakaposhirikiana na wananchi wetu nina imani malengo yetu yatafaulu na mwisho wa mwisho ni kwamba tunataka kura yako iweze kuhesabika, tunataka kura yangu iweze kuhesabika. Tumesema tumechoka na Mheshimiwa Spika punda akichoka huwa ni ngumu sana kwa yule mlishaji kujaribu kumlazimisha kunywa maji na hivi sasa sisi tumeamua, sisi tumechoka hatutaki tena ndio maana tumeanza kabisa na hoja ya kwanza kwamba zile kura zilizopigwa tarehe 8 na tarehe 26 sisi hatuzitambui kama ilivyo katika hoja hii, na nikisema hivi ni kwamba haya yule Raisi ambaye yuko mamlakani sisi hatumtambui Mheshimiwa Spika.

(Applause)

...Mheshimiwa Spika mimi nawaomba wenzangu tushirikiane pamoja kutetea Katiba yetu na kutetea hoja hii ambayo iko mbele yetu maana ndani ya Mabunge ya wananchi tutaweza kurekebisha Katiba hii ambayo tuko nayo sasa, tuweze kuiwekelea mipangilio kabambe ambayo kesho na kesho kutwa kama tulivyokuwa watoto kulikuwa na nyimbo ikisema, *Safari ya Bamba ni machero*. Mheshimiwa Spika sisi sasa tumeamka tumesema hiyo kesho hatuingojei ifike kesho, kesho ni leo ni lazima tusimame pamoja tuhakikishe tumerekebisha nchi yetu, tuhakikishe tumewatengenezea watoto wetu Kenya ambayo itakuwa iko shwari. Ahsante sana Mheshimiwa Spika.

Mr. Speaker (Hon. Khatri): Ahsante sana, naam Hon. Tobias Otieno Samba.

Hon. Samba: Yes thank you Mr. Speaker Sir finally you have seen me, I have struggled standing and I was almost giving up thank you for seeing that. First of all let me start by appreciating the fact that the initiator of the Motion Hon. Aran came up with the Motion and number two let me also thank the Motion Mover, our Majority Leader Hon. Mwidani. First of all, Hon. Speaker there are so many reasons why we are now running to form the People's Assembly, we didn't just wake up and came up with the idea. Mr. Speaker Sir the historical injustices that were supposed to be looked into by the Kregler report hasn't been tackled yet and whatever thing that is happening now is getting worse and if things are not checked we might end up not having a country because if it comes to a state where by we are almost having two Presidents I think you can see that we are not heading somewhere that is good.

Mr. Speaker Sir allow me to express myself that outside there to the public what i have read as the resolutions that we have resolved is the same language that *wananchi* are also speaking outside there. What we are advocating we just advocate for reforms Mr. Speaker Sir, when we participate in an election we expect free, fair and credibility of the same. We wonder where it has reached a point where computers are now generating leaders; they have started by presidential levels they will come to gubernatorial level, they will come down to even our level and let me assure Hon. Members here when it comes to our level let me tell you suppose they could have interfered with us this House could have been full of Jubilee but that could have not been the interest of the people of Mombasa so the earlier we tackle that the better for us all.

We support the Motion fully and when I flash back, when the killings occur and it has been confirmed that the police are doing the same and you see whoever is supposed to be responsible will come up on public television to state that those killed are *wakoras*. Mr. Speaker Sir I fail to understand how and when baby Pendo turned to be a *mkora*; when we were just about to go to an election; three days or four days to Mr. Musando was killed and we know the critical position Mr. Musando held by then. Mr. Speaker Sir when we are coming with this People's Assembly it is not that we want to form our own government, it's that we are tired; we have seen on several occasions our Governor and let me tell the House or assure the House if a whole President can state categorically on national television that I will just quote him, Mr. Speaker Sir allow me to quote Mr. President that, *hao wakora nitapambana nao* and then we are heading to another election even Chief Justice had no any otherwise but to uphold the election because he was already promised that he will be dealt with and that is where we are heading to, he will start with the Chief Justice, he will come to the lawyers and all these petitions will go in their favor. Mr. Speaker Sir my request and my appeal to this House is that let us adopt the Motion to avoid so many things; the resolutions are good and we could have passed this Motion as early as before it was initiated before but I am happy and you can see the mood of the country any other day we have never had visitors like the way they are here, they are here because the Motion affects them directly and we are not working out of the Constitution...

(Applause)

...We are in order, Chapter one of the Constitution states that the sovereignty belongs to the people and that is what we are advocating for and Mr. Speaker Sir as we will come out of this Hon. House some of us will start being followed; last time it was Hon. Bomoa and when he was so much emotional he had some reasons because they have the tendency when they come for you they will come with 60 trucks and over 100 men, fully armed and that's why when *Al Shabaab* kills our policemen instead of us sympathizing with them you find out now public are celebrating...

(Applause)

...Where are we heading to? When it comes to a point when one of our own is killed you will hear people saying that this *Al Shabaab* they could have made it 20 or 100 but they only killed one police officer. Mr. Speaker Sir we want to delegate the power to the people, we are going to work closely with the people and I beg to support the Motion. Thank you Mr. Speaker Sir.

(Applause)

Mr. Speaker (Hon. Khatri): Thank you very much. Hon. Members I just want to assure you that all of you will have a chance to contribute to this Motion and pass it so please bear with me everyone will have a chance to contribute. Thank you. Yes Hon. Aran?

Hon. Oindo: Finally, thank you Mr. Speaker Sir, I was quite disturbed because you were not seeing me and I represent the youth of Mombasa County and when I speak, I speak on their behalf and thank you for giving me this chance. Mr. Speaker Sir it is only in Kenya where you will see or hear from just a mere resident of Gatundu appreciating the policemen for the good work while the real president of the people is really complaining. So what we are saying as the residents of Mombasa, as Hon. Members Mr. Speaker Sir we don't recognize the leadership of one Mr. Uhuru Kenyatta, the resident of Gatundu...

(Applause)

And one Mr. Samuel Ruto; the resident of Sarigoi, something like that I don't know where he is coming from...

(Applause and Laughter)

...The only person we recognize as the President of the People, the only person that was elected by more than eight million votes; Mr. Speaker Sir mark my words legitimate Kenyans, not computer generated votes is none other than, let me quote one activist is inside here called Baraka Juma he normally says none other than the worldness, his thundersness, his peckness, his *babaness*, his awesomeness, his worldness, his Kenyaness, *Baba Winnie*, *Baba Fidel*, *Baba Hassan Joho* and *Baba Civilizer*...

(Applause)

...Raila Amolo Odinga! Mr. Speaker Sir you can read the mood of the Nation there's nothing to speculate, it has come a time where we have to take the power to the people and it has come a time where we will have to do it if they don't allow us to do and the youths of this Nation will lead by example, it is the time that we are taking the power that it is well articulated in the constitution to the people and that's the People's Assembly. Mr. Speaker Sir we hereby give notice we know like Hon. Samba said that they will get out here and they will start coming for us one by one and if I might quote one of the Members once said that if they want to come for us I wonder when they you finish 30 million supporters or 40million Kenyans who are in support of Raila Amolo Odinga. They will threaten us, they might even kill some of us but the spirits will live on and we would not relax until we achieve what we want and Mr. Speaker Sir we know that on 12th *Baba* Raila will become the 5th President of this Nation...

(Applause)

And you know now they are scared, they are worried because they keep guessing where *Baba* will be sworn in, my friend if you are guessing keep guessing *Baba* will be sworn in, in all the 47 Counties and we will attend...

(Applause)

And Mr. Speaker Sir the delegation is about to leave we will go and witness the swearing in of the People's President and I urge you Hon. Members this is the time to stand by the Coast people, this is the time to stand by Kenyans, we've been oppressed, we've been winning the election and they are telling us wait for next time. We won the election 2007 we kept quiet, we won the election in 2013 we assumed, we won the election in the just concluded election in August and now they are telling us *ngojeni*, if I can just quote them *ngojeni 2022!* We are not stupid Mr. Speaker Sir and who said that it's only two...and mark my word and let me not be quoted wrongly who said that it's only two tribes that can lead this Nation Mr. Speaker Sir. We have the likes of mighty Sultan Hassan Joho who have vast knowledge and experience and he has a big heart to lead this Nation and you are telling us to wait till 2032 and now if you are keen enough Mr. Speaker now you can seem them they are grooming their sons; one called Jomo who cannot even articulate issues they have to write and then he has to read that and now there's one that is called Nicholas Ruto. My friend we are here and we are really ready for leadership, we are saying if they cannot allow us to lead this Nation, if they keep stealing our elections and keep telling us that we wait for 2022 we won't wait, we are taking the power to the people and the people will lead by example, and we will see the likes of Hon. Hassan Ali Joho and he will be the President and we will follow.

Mr. Speaker I urge this House, as a youth representative you can see they are here, I urge this House please Hon. Members let's pass this Motion and act on it accordingly. I rest my case, thank you Mr. Speaker Sir.

(Applause)

Mr. Speaker (Hon. Khatri): Thank you, yes Hon. Ramla.

Hon. (Ms.) Ramla Said: Ahsante Bwana Spika mimi nasimama kuiunga mkono hii hoja ya *People's Assembly* kwa sababu mimi kama Kiongozi wa walemavu wa ODM na NASA tumepitia mengi...

(Applause)

Na nina uchungu sana kutwaa walemavu majumbani kwenda kupiga kura kwa viongozi ambao wana imani watabadilisha maisha yao kuwa mazuri kisha leo hii uone mambo wanaiba kura huwa yatia uchungu sana kwa sababu wale walemavu wanatoka kwa tabu kuja kupiga kura kwa imani ya kupata viongozi ambao wanawapenda wao...kwa imani wapate viongozi ambao wanataka wao, na huyo kiongozi ni Raila Amolo Odinga...

(Applause)

Na kwa masikitiko mengi tukaona tumeibiwa kwa hatua kubwa sana kwa mambo ya *computer*; pili uchumi, uchumi uko juu sana na walemavu wengi sana hali zao ni duni, sizungumzii kuhusu mlemavu peke yake na familia zao hua ni tabu sana kuendeleza maisha, wachache sana ndio wanapata maisha mazuri. Kwa hio kwa hayo machache mimi naunga huu Mswada na naomba tuupitishe...

(Applause)

Mr. Speaker (Hon. Khatri): Thank you. Yes Hon. Feddis Salame Mbura.

Hon. (Ms.) Mbura: Ahsante Mheshimiwa Spika, mimi kwanza naunga mkono hoja hii kwamba tukaweze kuweka Bunge la wananchi katika Kenya yetu, na mimi nimefaidika na Bunge la wananchi kule mashinani.

Kwa hio mimi ningeomba kama wakaaji wa Mombasa tukaweze kuunga mkono Bunge la Wananchi ili tuweze kupeana nguvu kwa jamii, wakati tutapeana nguvu kwa jamii basi tujue tutakomboa nchi yetu ya Kenya. Mwisho ombi langu ni kwamba tukaweze kuunda makundi kuanzia mashinani kuwe na Bunge la Wananchi na tukajenge uwezo ili wakati wanaposimama wakidai haki zao wawe wana uwezo na nguvu za kuweza kudai haki zao na kutoa hizi mamlaka kutoka kwa mtu mmoja mwenye kutaka kutawala nchi kwa miaka yote. Kwa hio naunga mkono mia kwa mia tukaweze kuunga mkono, ahsanteni.

Mr. Speaker (Hon. Khatri): Thank you. Yes Hon. Prischillah Mumba.

Hon. (Mrs.) Mumba: Ahsante Mheshimiwa Spika, nafikiri niliamua kukaa wakati ulisema kila mtu atachangia hii hoja ndio nikajisikia uhuru nikae mpaka nitakapofikiwa, kwa hio nakuheshimu na ninashukuru kwa kunipa fursa hii. Mimi kama Mheshimiwa kutoka Shimanzi, Ganjoni nimesimama kuunga mkono hoja hii ya Bunge la Wananchi na nikinukuu hili Bunge la wananchi limekuwa likitusaidia sana katika kuangazia mambo mengi wakati tulikuwa tukiangalia haya Mabunge yakichangia hata ukiangalia katika runinga saa nyengine hua yanaletwa yakiangazia mambo mbali mbali ambayo yanayofanyika kwa Bunge kuu, na wamekuwa wakitoa taka Waheshimiwa wengi sana kwa ajili kuna mambo yalikuwa mengine yanafanyika na yanatupita lakini ukiyasikia unaanza kujua kuna kitu ambacho si cha sawa na wewe uweze kuchangia, ikiwa wakati huo tayari walikuwa wanafanya shughuli zao na tunaona vile walivyokuwa wanasaidia na leo ikiwa tumewapitisha katika Bunge lao liwe halali na kuweza kusaidia tuweze kuona matokeo ambayo tumekuwa sisi hatuyaoni karibu miongo mitatu sasa ama miwili kwa sababu mamlaka yamekuwa yakienda katika jamii fulani kwa sababu ya kuwa wanahesabu kuwa wao wana uwingi wa hesabu na hali tunajua Kenya saa hizi kama si makabila 43 pengine ni 44 maana kila kukicha wanaongeza makabila ya kubuni na hali katika uongozi hawayapi. Juzi wametuongezea kabila hapa Makonde ili waongeze katika hesabu na hali hatujajua siku zote hizo toka wakati wa enzi za Raisi wa kwanza Wamakonde walikuwa hawako? Si walikuwako na mbona hawakupewa vitambulisho, mbona wapewe sasa kwa sababu kuna idadi inatajikana?

Hilo ni jambo limekuwa likituona sisi tukidhalilishwa ndio maana Wapwani tunasimama kidete kusema hatukubaliani na huu uongozi ulioko tukaja wengine wakatumia urongo wakutupatia hati miliki za mashamba utakuta umepewa nafasi ya choo na umepewa hati miliki ya shamba mbele za watu na unaambiwa ni hati miliki ya shamba. Tunashangaa na miujiza inayofanyika na hii serikali ambayo sisi hatuitambui, na mimi nikisimama hapa kama Mbunge Mwakilishi wa Wodi yangu nina sababu ya kusimama kidete na kumsifu baba kwa mambo ambayo mimi naweza sema nimesikia kwa sababu ukiunga mkono mtu ni lazima una sababu na ukiunga mkono kiongozi ni lazima una sababu hauungi tu kwa sababu unaunga mkono. Wakati baba alipotuambia kuhusu mambo ya NYS tuliambiwa ni urongo, anaingilia serikali, mimi nikakaa na wenzangu nikauliza haya mambo ya Anne Waiguru ni kweli? Nikaambiwa katika vikao vya mitaani, mama wacha tukuambie ukweli leo baba akikwambia una mimba una mimba...

(Laughter)

Na baba akinyooshea kidole bibi yako Waheshimiwa bibi yako hapa kuwa ana mimba jua bibi yako ana mimba mimi nakwambia...

(Laughter)

Baada ya miezi mitatu utaiona, maana hua ni mtu yuko na hekima atanukuliwa ana uwongo lakini mwisho wa kwisha NYS tuliona magunia yakitolewa benki, haikuaminika! Na yakaonekana hiyo ni kashfa ya serikali, ikaja mambo ya *Eurobond* nikauliza sasa hii *Eurobond* ni nini tena? Mwenyekiti, baba ashalipua mengine, *Eurobond* ni nini?

Akaniambia tulia, si wewe huwa wamuamini baba? Tulia itatoka tu na ikaenda *Eurobond* ilitoka haikutoka? Tukarudi hapo hapo tena, tulipokuwa sisi tunajua baba alipokuwa katika serikali alipokuwa Waziri Mkuu baba huyu alitutengezea barabara ya kutoka Kaloleni, akaianzisha Kaloleni ipasue mpaka Kilifi matapeli walipoingia ikimalizika Kilifi wao ndio wakaenda kuifungua. SGR baba akajua hapa watu wanatakikana wasafirishwe akatengeneza vizuri akiwa na Raisi mstaafu na wakatengeneza hesabu nzuri matapeli walipoingia wakaifutilia mbali wakaweka mambo mengine ikaongezwa mara kumi, ilipokuja kutoka huku chini ikawa ni ukweli imepigwa mara mbili, na mara tatu. Sasa mimi nitamuamini vipi Raisi ambae kila kukicha kwazuka mambo na yakiisha mwezi wa tisa mimba yazaliwa, maanake kila ikitungwa mimba ya urongo ukweli mwisho wadhihirika. Sasa mimi nikiwaambia nina imani na baba haya ndio mambo yametakasa haya macho yangu na masikio ndio sasa niko hapa kusema hili Bunge la Wananchi na nipewe nguvu hivi wanipe Raisi wangu mimi...

(Applause)

Maana nikiwa mimi peke yangu urongo nitakuwa nina kazi ngumu lakini nataka niregeshe nguvu kwa mwananchi na mimi ambae nimechaguliwa tusaيدiane ili tuweze kukomboa hii nchi, na matumaini yangu ikiwa leo tumeweza kufaulu na baba amekalia kiti basi nina imani 001 Joho nae atapeleka bendera...

(Applause)

Kwa sababu ikiwa nimetoka hapa Pwani majivuno yangu ni kesho pia mimi nije nisimamishe Raisi na apite lakini sio kusema ati kwa sababu 001 Ali Hassan Joho anatoka katika jamii ambayo haijakuwa na wingi wa watu ndio kuwe hatachaguliwa kuwa Raisi lakini nikimuangalia mambo yake yote ya uraisi yametimia. Kwa hio ikiwa wao wa huko juu wazaa, hata sisi huku Mombasa pia twazaa viongozi...

(Applause)

Sasa sisi twaomba ikiwa leo tumepitisha hii hoja, tunataka hii hoja ya Mabunge ya wananchi tuende kwa kusaidiana hata kama ni Kilifi, ni Kwale Mabunge yote tuweze kushirikiana na tuhakikishe tumeonyesha nguvu zetu ya kuwa tumekasirika hatutaki kutawaliwa na makabila ambayo yanajikita ni wao peke yao. Hapa Kenya tuna makabila tofauti, sisi tukiwa hapa Mombasa nikikwambia ule mchanganyiko uko hapa utastaajabu, lakini tumechaguliwa kwa sababu tunahudumia watu wa Kaunti ya Mombasa, Mawaziri waliochaguliwa hapa hata leo tuliowapitisha hapa ni Mawaziri ambao ni tofauti tofauti lakini wote wanakaa Kaunti ya Mombasa, tumekaa tukaona pia Gavana amesongeza mkono kwa wale hata waliompinga na akaona hawa wanahitaji kuwa katika serikali ili aweze kuweka nini? Kitu kinaitwa uiano, leo hii sisi tukiwa tunasema tunataka Bunge la wananchi sio kusema hatujiamini kwa kura maana tukisema leo hii kupigwe firimbi na twende tupige kura leo na waambiwe sasa nyinyi kaeni sisi twataka kura leo zipigwe za NASA, waone kivumbi cha vituoni mpaka saa tatu na milango haijafungwa kwa sababu tunajijua tuko na idadi, tuko na uwezo lakini tunanyanyaswa na ubaberi ambao tuliutoa 2010 wakati tulipo pitisha Katiba, lakini unatumika kinyume kwa sababu wanataka kuonekana wao peke yake ndio wana uwezo.

Mheshimiwa Spika tukisimama hapa hatuasimami tukiwa na raha tunasimama ikiwa kudai haki yetu tukiwa na wenzetu ambao ni Bunge la Wananchi, wacha tutapitisha hii hoja leo leo na ikiwa wao ni wa kutubeba leo na waje watubebe sote, sisi hatuogopi kuingia ndani...

(Applause)

Kwa sababu mwanasiasa ni mtu anaekubali yote, mimi siku ya kuamkia kura nililala ndani nikatolewa saa kumi alfajiri na watu wangu wakaniambia mama wewe endelea kukaa ndani lakini huku twapiga kura na twaja kusherekea Shimo la Tewa.

Kwa hio kama kuna mtu huonja ndani sisi tushaonja ndani hivyo basi tukiendela kukaa kule tutakaa lakini twatetea haki zetu. Kwa hio sisi tunaomba na Waheshimiwa wenzangu wa Kaunti ya Mombasa Bunge la Wananchi leo twalipitisha bila shaka lakini ni lazima tusimame kidete na wenzetu sio kwa leo peke yake bado kutakuwa kuna kazi za kusaidiana, bado tutakuwa tuna majukumu, wale ambao watakuwa wana nafasi wakitoka kazini mapema nendeni mkashirikiane na Mabunge ya Kaunti mjue kunaendelea nini cha kuweza kusaidia, panapo pungua tusaidiane mpaka tuone matatizo haya tumeyaondoa mara moja, ikiwa sisi tuna imani ya kutaka kuja kupata Raisi kutoka Pwani basi ni mpaka kwanza baba akalie kiti, ni mpaka tusaidie mzee akalie kiti ili atusaidie ndio tuje tuone na sisi manufaa ya baadae...

(Applause)

Kwa hio Mheshimiwa Spika mimi naunga mkono mia fil mia na nina imani kuwa baada ya leo tutaona mabadiliko makubwa katika Kaunti ya Mombasa...Ahsante Mheshimiwa Spika.

(Applause)

Mr. Speaker (Hon. Khatri): Thank you, Hon. Members I urge you please when you are contributing to this Motion try and make it as short as possible so that other Members can get the chance to contribute and be captured by the media, thank you very much. Yes Hon. Ali Omar Shariff.

Hon. Ali Shariff: Ahsante Bwana Spika kwa kunipa nafasi kuchangia hoja hii ya Bunge la Wananchi, mimi napinga, napinga wale wanaopinga Bunge la wananchi...

(Applause laughter)

Nikisema hivyo Bwana Spika nasema naunga mkono Bunge la Wananchi...

(Laughter)

Na Bwana Spika na nina sababu zangu za kuunga mkono hoja hii; juzi kuna jamaa anajiita Raisi aliechaguliwa na IEBC. Bwana Spika Jamaa huyo asipotaka turegelee kura hizi tarehe tisa mwezi wa pili, 2018 basi Kenya hii tutakuwa na ma Raisi wawili, raisi wa kwanza atakuwa ni wa Mabunge ya Wananchi ambae si mwengine ni Raila Amolo Odinga...

(Applause)

Raisi wa pili atakuwa ni yeye ambae atakuwa amechaguliwa na IEBC. Bwana Spika mengi yameongewa na wewe umesema tufupishe, mimi naunga mkono hoja hii na kulingana na ratiba yetu kesho ni siku ya mwisho ya Bunge hili na tukipitisha hili Bunge la Wananchi naomba kesho tuwape nafasi wananchi walioko pale juu waingie hapa chini kesho wao wapitishe Miswada na sisi tukae pale juu, ahsante sana.

(Applause)

Mr. Speaker (Hon. Khatri): Thank you, yes Hon. Raphael Bwire.

Hon. Bwire: Thank you Mr. Speaker for this opportunity, allow me also to contribute to this Motion of the day; the day's Motion has come at the right time that our country is facing so many challenges, and I also want this nation to understand that the issues outlined in this Motion we are discussing today do not start and end at the Presidency, do not only highlight what happened on August or 8th August. This Motion Mr. Speaker has highlighted so many issues, and critical issues, that when we won't address or failure to address today this country may take a wrong direction. Mr. Speaker the Motion has highlighted issues to do with the National Police Commission, the IEBC, the NIS, Public Service Commission the EACC, National Cohesion and Integration Commission. Since independence we have had so many regimes, or rather governments headed by different people; we had the Kenyatta senior, later we had the retired President Moi, we had the Kibaki, then Kibaki/Raila's government and then this oppressive, the very oppressive regime of the Jubilee.

Mr. Speaker we cannot afford to go through what we have gone through for the last five years, we have seen so many issues happening and it is on record that since independence it's only the Jubilee government that has recorded the highest cases of corruption, just in five years! We had the Moi's regime for 24 years and you cannot compare the numbers registered, the highest cases of corruption with the Jubilee government, and again as Kenyans we cannot afford for the next five years to be under the same regime, the regime that was unconstitutionally selected not even elected. Mr. Speaker, this said government has marginalized so many communities just for the last five years; in fact its four and a half years, it is on record that Mombasa County government is the only government that has received the lowest budget allocation as far as the devolution is concerned, what's happening Mr. Speaker? What might be wrong with Mombasa County government? In fact it only happens because of the affiliations, because of the party affiliations, we cannot have a government that cannot address the issues affecting *mwanaanchi*, and we have no business to do with the government that is so oppressive, the government that is entitled to kill the citizens, the police today kill the citizens tomorrow the so called President stands and congratulates the police for a job well done, then you expect us to be under the same government for the next five years, it cannot happen, it can't Mr. Speaker. The government that selectively distributes the national resources; why should a County in Mount Kenya region receive 12 billion and another County in the same country receive 4 billion, in the same financial year? We have no reasons to be under the same regime again, no reason at all, we cannot afford to be under the same government that it's leaders are entitled to deal with other leaders whose political affiliations is of the opposite side.

It's on record Mr. Speaker that his Excellency the President by then Hon. Muigai Uhuru Kenyatta said that he will *nyorosha* our Governor, for what reason? We cannot be under a one party state; we ran out of that system Mr. Speaker so many years ago, and again the same country, I mean the same leaders cannot take us back to the same regime. So we must have a government, a government that recognizes the Constitution, the government that will respect other elected leaders despite having come from a different political affiliation. Mr. Speaker allow me to invite the Hon. Members of this Hon. House to adopt this Motion since it will help us and the ordinary *mwanaanchi*; we have so many speculations down there that by approving this Motion our powers will be cut off, i have no reason to have more powers and yet the person i represent is suffering down there, we would rather share the powers...

(Applause)

We would rather share the powers, this Hon. House and the People's Assembly; as long as they will advocate for their rights. Mr. Speaker, we the elected and nominated leaders we have tried to outline the issues affecting our people, the former House tried the same but the regime we have today does not appreciate, now the only way is to have the People's Assembly in place so that we help each other to address the issues, maybe they might hear and respect. We have taken much time, in my own opinion this Motion was drafted by well informed minds, the minds of Hon. James Orengo and the group and those are the walking Constitutions and they have never failed us in any case and I believe in this Motion it is there to deliver this country from the oppressive hands of the two Kenyans; Uhuru Kenyatta and William Ruto. I therefore invite this Hon. House to help me approve this Motion and adopt it so that we may have a relief, thank you Mr. Speaker, be blessed.

Mr. Speaker (Hon. Khatri): Thank you Hon. Bwire. Yes Hon. Ogutu and make it short.

Hon. Ogutu: Thank you Mr. Speaker the essence of each election is to ensure that each vote counts; in an event that you go for an election and the people are deprived of their right then election loses its meaning.

Two Mr. Speaker the Constitution is very clear, under Article 1 (1) and Chapter 9 Article 129 it states very clearly that executive authority derives from the people of Kenya and shall be exercised in accordance with this Constitution. Mr. Speaker going by the 26th election minority cannot be given a chance to lead the majority, based on that I beg to support the Motion. Thank you.

Mr. Speaker (Hon. Khatri): Thank you very much. Yes Hon. Mary?

Hon. (Ms.) Wafula: Ahsante sana Bwana Spika kwa kunipa nafasi hii kuweza kuchangia kwa mada ya leo ya Bunge la Mwananchi. Mimi yangu ni kuongeza sauti yangu kwa kuunga mkono hii mada ya leo kwa sababu Bunge la Mwananchi limekuweco lakini halikuwa na nguvu vile, na mimi kwa leo ningeweza kuongezea nguvu kwamba tuweze kuwapatia hata ikiwezekana mafunzo tuwahamasishe ili wapate nguvu ya kuchangia kwa sababu ya maisha yetu hapa Kenya na jambo la pili Mzungu anasema, *necessity is the mother of invention* na wakati huu umewadia sisi kama Wakenya wenyewe tuweze kujinasua kwa kubuni njia ambazo zitaweza kutupatia ule uhuru wa kujiongoza.

Jambo lingine ningependa tu kuwaambia Waheshimiwa wenzangu katika Nyumba hii ya kwamba kuzaa sio kazi bali kazi ni kulea; siku ya leo tunapitisha huu Mswada lakini zaidi ya yote tuzidi kurudi pale chini mashinani kwenye hizi Bunge zetu tukazidi kuwashika mkono wale ndugu na dada zetu ambao wanashiriki katika zile Bunge za mashinani kwa njia yeyote ile hata kama ni kifedha ama ni kuwapa mafunzo ili hii kazi iweze kutekelezwa kwa ufasaha. Kwa hayo machache, naunga mkono.

Mr. Speaker (Hon. Khatri): Thank you, yes Hon. Hamida?

Hon. (Ms.) Hamida Noor: Thank you Mr. Speaker Sir, I support the Motion for this afternoon of the People's Assembly, but I am saddened even our most vulnerable in our society are even crying, for that I support the Motion so that the people even recognize the most vulnerable, even one of them who is in parliament today has shown us that...they don't have anything from the government that is in place, so with those few remarks I support.

(Applause)

Mr. Speaker (Hon. Khatri): Thank you. Yes Hon. David Salim Kalume.

Hon. Salim Kalume: Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii, na mimi nimesimama kuunga mkono Mswada wa Bunge la Wananchi. Kwa hakika sisi kama watu wa NASA, sisi kama Mombasa sote tumesimama kidete na tunaunga mkono kupitisha Mswada wa Bunge la Wananchi na hii ni kwa sababu ya dhulma tulizoziona, haswa tarehe nane mwezi wa nane Wakenya wote walijitokeza kupiga kura na sisi kama NASA tunaamini tulishinda na tunaamini Raisi wetu Raila Amolo Odinga ndio aliechaguliwa siku ya tarehe nane mwezi wa nane...

(Applause)

Lakini kwa ukora mwingi na wizi mwingi uliofanyika siku ile tulidhulumiwa na Rais akatangazwa Uhuru Muigai Kenyatta; sisi tunapinga vikali na tunaamini kwamba Raisi wetu ni Raila Amolo Odinga...

(Applause)

Kwa hio nawaomba Waheshimiwa wenzangu na wananchi wote wa Mombasa tuunge mkono Mswada wa kupitisha Bunge la wananchi maana ndio utakao saidia wananchi wa Kenya kupata maendeleo na kupata ufanisi wote tunaotarajia. Kwa hayo machache, nasema ahsante.

Mr. Speaker (Hon. Khatri): Thank you. Yes Hon. Kitula, Chief Whip?

Chief Whip (Hon. Kitula): Ahsante sana Mheshimiwa Spika, kusema ukweli asemalo baba mimi sina pingamizi, naunga mkono Mswada huu. Ahsante.

Mr. Speaker (Hon. Khatri): Thank you. Yes Hon. Mwamwiri? Make it short please.

Hon. Mwamwiri: Ahsante Mheshimiwa Spika kwa fursa hii adimu kwa kuchangia katika Mswada wa kihistoria wa kuundwa kwa Bunge la Wananchi. Katiba ni kanuni inaongoza wananchi ama taifa kwa ujumla na walengwa katika Katiba huwa ni wananchi ndio maana hata katika utangulizi wa Katiba huanza na *preamble* ama utangulizi, *we the people*. Kwa hio ni fursa na ni sahihi ya kwamba makusudio haya ni kwa ajili yetu sisi kama wananchi ya kwamba tuna haki ya kupata huduma na utekelezaji kwa mujibu wa Katiba ile. Kwa mujibu wa kipengele cha kwanza kuna sehemu tatu muhimu zimegusiwa pale ikiwemo; nguvu za mwananchi, nguvu za Katiba na nguvu ama ulinzi wa Katiba ile, kila mwananchi ana jukumu la kulinda Katiba ile na sisi kama Wananchi kusema tunaunga mkono ama Waheshimiwa wa Bunge la Mombasa kusema tunaunga mkono ni mojawapo wa kutekeleza nguvu zetu za kulinda Katiba yetu ya Kenya ambayo imewekeza nguvu kwa mwananchi. Nguvu hizi ziliporwa katika uchaguzi uliofanywa tarehe nane na 26 na watu wa IEBC wakaziweka kwa mtoto wa Jomo ambaye hakushinda ki halali na sisi hatuna haja ya kumtambua wala kuunga mkono serikali yake na yeye kama Raisi wa Jamhuri ya Kenya...

(Applause)

Maregeleo ya uchaguzi yalidhihirisha ya kwamba asilimia 70 ya Wakenya wako na imani na Mheshimiwa Raila ambaye hakua katika debe; kwa hio asilimia kubwa haiwezi kutawaliwa na asilimia ndogo, ni sawasawa na akili ndogo kutawala akili kubwa. Kwa hayo naunga mkono Bunge la Wananchi na kuapishwa kwa Mheshimiwa Raila kama Raisi wa Bunge la Wananchi wa Jamhuri ya Kenya. Ahsante sana.

(Applause)

Mr. Speaker (Hon. Khatri): Thank you. Hon. Mwalimu? Make it short please.

Hon. Mwalimu Hamadi: Ahsante sana Mheshimiwa Spika mengi yamezungumzwa na imedhihirika wazi uchaguzi wa tarehe 26 vile ambavyo tuliona wiki nzima tulijua ukweli kwamba uchaguzi huu ulikuwa na matatizo; sehemu kama ile ya Eldoret ambako Bwana William Ruto ametoka pia watu hawakujitokeza kwa wingi, kuonyesha kwamba watu walikuwa wamesinyika kweli na mambo haya. Haya ninayozungumza ni kwa niaba ya watu wa Shika Adabu ambao wamenituma leo ili niweze kuunga mkono hoja hii ya Bunge la Mwananchi, kwa hio Bwana Spika kwa niaba yangu binafsi na watu wa Shika Adabu tunaunga mkono hoja hii ya Bunge la Mwananchi. Ahsante.

Mr. Speaker (Hon. Khatri): Thank you. Yes Hon. Hatimy I have not heard your voice? Are you alive?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika kwa kunipatia fursa hii na mimi sauti yangu ipate kusikika. Mheshimiwa Spika nafikiri mengi yameongewa ndani ya Nyumba hii na kama tunavyojua hii ni Nyumba ya sheria, na Nyumba ya sheria sisi tunaendeshwa na Kanuni za Bunge. Ukiangalia Kanuni za Bunge letu nambari 172 iko wazi ambayo inazungumza kuhusu mambo ya *powers and privileges* ya Nyumba hii. Nimesikia Wanachama fulani wakizungumza kuwa sisi kuna pengine jambo la kuweza kuja kuvamiwa na kushikwa, lakini Kenya hii hii imetengeneza sharia, chini ya sheria ya *powers and privileges* kifungu nambari 11 na kama utaniruhusu nisome ambayo iko wazi inasema Mheshimiwa Spika, *no proceedings or decisions of Parliament or the Committee of Powers and Privilege acting in accordance with this Act shall be questioned in any court*. Nikiendelea Mheshimiwa Spika inasema *section 12* inasema, *no civil or criminal proceedings shall be instituted against any Member for words spoken before or written in a Report to Parliament or a Committee by reason of any matter brought by him or her within by a Report, Petition, Bill, Resolution, Motion or other document written to Parliament*.

Nikiendelea ya mwisho Bwana Spika no civil suit shall be commenced against the Speaker, the Leader of Majority, Leader of Minority party, Chairperson of Committees or Members for any act done or ordered by them in the discharge of their functions of the office.

Mheshimiwa Spika tukiendela na mimi kwa ufupi nataka kusema tuna sababu ya kusema kwa nini tunaipinga hii serikali, na hii serikali wanavyodai wao kuwa wamechaguliwa, wamechaguliwa kikatiba, tukiangalia Katiba hio hio nikisema kwa Kiswahili nimezungumza juu ya *Article 1* lakini mimi nitakwenda kwa *Article 1(2)* ambayo inasema Mheshimiwa Spika kwa lugha ya Kiswahili, ‘Wananchi watatekeleza mamlaka yao kwa njia ya moja kwa moja au kupitia kwa kuwakilisha wao waliochaguliwa kidemokrasia’, inamaanisha nini Mheshimiwa Spika? Kuwa sisi tuko ndani ya Nyumba hii na yule Raisi ambae yuko pale anayejiita Raisi ama na mtu yeyote wataka tujue Katiba hii hii ni *delegated powers*, si mimi mwenye nguvu, kwa sababu leo unaambiwa yule anaekuja kuwakilisha mwananchi kwenye Bunge, kwenye Kaunti ama MP ni kusema, la kwanza ni kuwakilisha, kwa hio jambo hili la kuwakilisha linatokamana na kutoka kwenye *Article 1* ya Katiba.

Kwa hio kwa ufupi tukienda kwenye *Article 3* ndio mimi inanifanya nisitambue hio serikali ninategemea kifungu cha *Article 3* ambacho kinasema, ‘kulinda Katiba’, kila mtu ana jukumu la kuheshimu, kulinda na kutetea Katiba hii, tukienda nambari 2 jaribio lolote la kubuni serikali bila kufuata Katiba hii ni kinyume cha sheria. Kwa hio sisi tumefika hapo kusema kuwa serikali hii imeundwa kinyume cha sheria kwa kufuata Katiba hii hii. Kwa hio Mheshimiwa Spika kwa uchache ama kwa ufupi nataka kusema kuwa nashukuru Wanachama kama Mwenyekiti wa ODM kushukuru Wanachama wangu kwa kuweza kusimama wazi na kuonyesha imani walio nayo juu ya chama na kusema kwa kauli moja watu wote kupitisha Mswada huu, kwa hio mimi Mheshimiwa Spika nasema na mimi pia naunga. Ahsante sana.

Mr. Speaker (Hon. Khatri): Thank you. Yes Hon. Naliaka. No, she has not spoken.

Hon. (Ms.) Mukavi: Thank you Mr. Speaker for giving me this chance to contribute to establishment of People’s Assembly. I stand here in one piece not in pieces to support the establishment of the People’s Assembly of Mombasa. Thank you.

Mr. Speaker (Hon. Khatri): Thank you Hon. Rosemary, sorry I called you Hon. Naliaka. Yes Hon. Moraa?

Hon. (Ms.) Ngare: Thank you Mr. Speaker for finally seeing me around, although everything has been said but let me state that today is a very important day actually, and you will notice that from the crowd that is up there, we have all been yearning for this day and we were almost being branded that we had been bought, we are traitors knowing that Mombasa County is where there is hot politics, they expected us to pass this Motion at the earliest opportunity and here we are and I am sure some of those who have been bashing us that we have been bought are here now listening to us and they must be very happy, just the way we are.

(Applause)

So I stand in solidarity with the Hon. Members who have supported the Motion because we live in a country that is lacking political legitimacy. We live in a country where we have lots and lots of corruption, tribalism and marginalization, like the County where we are we can say that we are actually marginalized because some things happen and you wonder, are we in Mombasa County or which County...

(Interruption)

Are we together? Thank you Hon. Amur, so we need to establish the Peoples Assemblies so that we can deal with our issues in the best way we know, if I can just mention something small just about a month ago a tunnel was dug in KCB Thika, and later when the young boys were taken to court the father was brave enough to ask how do you want our children to learn?

Who are the role models when they see the leaders carrying bags and sack-full's of money from the public coffers. That is where our children are copying such kind of acts from, soon we shall be told our children cannot learn good manners from leaders, who are trigger happy killing people here and there so in which country are we living and which country do we want. We want to establish the People's Assembly according to Article 1 which gives the sovereign power to the people so today we are saying that the people of Mombasa are withdrawing the power that they donated to those people up there and they are bringing it back to them so that they can carry out their activities; elect their President for example, and their vote will matter, when they put a vote for Raila Amolo Odinga the computer should not come out with Uhuru Muigai Kenyatta. So we are giving the power back to the people so that we can carry out our activities in the best way we know how possible, with that because there is no time teachers usually have a lot to say but I will cut short because you decided to give me last but I had a lot to say, and with that I want to urge our Hon. Members that we adopt this Motion and as another Hon. Member said we will not need to stop at that we need to work much more so that we see that this works for the gain of our people. Thank you so much Mr. Speaker.

Mr. Speaker (Hon. Khatri): Thank you Hon. Moraa. Thank you Hon. Members for your contribution and I now call upon the mover who is Hon. Hamisi Musa Mwidani, who is the Leader to reply.

Leader of Majority (Hon. Mwidani): Ahsante sana Bwana Spika. Kwanza nawashukuru Wabunge wenzangu wote kwa nafasi yenu hata kama Serem ametuumiza kwa sababu hatulipwi vikao hivi zamani tulikuwa tunalipwa lakini tunamuonyesha kwamba sisi tumejitolea tumechaguliwa na twaweza tunajitolea kufanya kazi hata kama hatulipwi. Kwa hio nashukuru Wabunge wenzangu kuchukua muda huu kuweza kupitisha hoja hii na pia sitasahau wananchi waliokuja kwa *gallery* leo na tunawaomba wakati tuna vikao muhimu wawe wanakuja kutuunga mkono kwa sababu hili ndio Jumba lao sisi wengine kwanza tayari ni wazee tuko katika msururu wa kutoka ndio waweze kuja kujifundisha ndio nao wataweza kuteremka hapa chini...

(Applause)

Kwa hio Bwana Spika la muhimu ni kwamba nina furaha na Waheshimiwa wenzangu kwa vile jinsi tumepitisha kwa kauli moja na hatutorudi nyuma na pia ningempongeza zaidi Bomoa, wajua Mheshimiwa Bomoa umechapa ile inavyotakikana na hakuna mahali mtu atakupeleka pahali, umesikia sheria ziko, vifungu viko hatujakwenda tukana mtu barabarani tuko katika Jumba la sheria, kwa hio Bwana Spika kwa ufupi nawashukuru Wabunge wote na ningependa tuipitishe hii hoja. Ahsante sana.

Mr. Speaker (Hon. Khatri): Ahsante sana Mheshimiwa Hamisi Musa Mwidani na nataka kutoa shukrani zangu sana kwa wananchi wote wa Mombasa ambao walikuja kuhudhuria kikao hichi cha muhimu sana na natoa tena shukrani kwenu kwa kuacha makazi yenu, wenye shughuli zao kuja kuangalia kikao hiki cha muhimu na ahsante sana, tena mara ya tatu. *Hon. Members I now put the question that this House adopts the Motion on establishment of the People's Assembly.*

(Question put and agreed to)

(Applause)

Thank you. Yes Clerk?

ADJOURNMENT

Hon. Members the Assembly now stands adjourned until Thursday 7th December, 2017 at 2:30p.m. Thank you.

The House rose at 5:03p.m.