

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Wednesday, 22nd June, 2016

The House met at 9:10a.m.

*(Mr. Speaker (Hon. Thadius Rajwayi) in the Chair)***PRAYERS****Mr. Speaker** (Hon. Rajwayi): Kindly have your seats Hon. Members.**STATEMENT**

Hon. Khamis Mwabashiri. Hon. Mwabashiri maybe we can move to Hon. Murfad.

Hon. Amur: Thank you Mr. Speaker. Mr. Speaker Sir I want to believe my friend Hon. Mwabashiri is stuck in a traffic jam; there's a big jam in Nyali that's why he is held up because I took more than one and a half hour to cross via Wild Waters, there is a big jam so there's a possibility he is stuck in the jam Mr. Speaker, so defer it to the afternoon. Thank you Mr. Speaker.**Mr. Speaker** (Hon. Rajwayi): Yes Hon. Mohamed Chiro Ndanda.**Hon. Mohamed Ndanda:** Mr. Speaker there is no quorum.**Mr. Speaker** (Hon. Rajwayi): Yes Clerk can you confirm if there's quorum, now which Standing order is that Hon. Ndanda can you direct us, was it a statement, point of information or a point of order?**Hon. Mohamed Ndanda:** Hon. Speaker I was consulting with Hon. Nasser and Hon. Nasser was telling me that it's as if there is no quorum but I think the quorum is there but the Clerk can confirm.**Mr. Speaker** (Hon. Rajwayi): Yes Hon. Mary.**Hon. (Ms.) Akinyi:** Thank you Mr. Speaker Sir. I just want to remind him that it is the Standing order number 27.**Hon. Mohamed Ndanda:** 27, 37...**Mr. Speaker** (Hon. Rajwayi): What is it Hon. Mohamed Ndanda?**Hon. Mohamed Ndanda:** Mr. Speaker I think it's the right time that we can now look at some issues at least affecting our people in the areas we are representing Mr. Speaker.

Mr. Speaker if you give me time and chance that I can air a little bit about what is going around within the villages we are representing Mr. Speaker I shall appreciate...

Mr. Speaker (Hon. Rajwayi): Hon. Mohamed Ndanda you know you are behaving in a very cheeky manner because you are supposed to direct us from the Standing Order in which you are starting and remember Hon. Mary Akinyi is also trying to mislead this Hon. House because i agree that she's standing on Standing Order Number 27, yes that is a totally different thing all together...*(Laughter and Applause)*

Because unless you are trying to say that this is not the best hour that this particular House should be sitting because order 27 is about the hour we are meeting...

(Laughter)

In terms of the quorum that Hon. Members is a different order but now that you have confirmed that there is quorum we can continue. Hon. Ndanda.

Hon. Mohamed Ndanda: Mr. Speaker I'm talking regarding insecurity and at the same time Mr. Speaker we have had a lot of problems especially the place I'm....*(Interruption)*

Mr. Speaker (Hon. Rajwayi): Yes can you allow intervention from Hon. Zeinab Omar Mumba.

Hon. (Ms.) Zeinab Omar: Mr. Speaker there is no quorum in the House under Standing order number 31.

Mr. Speaker (Hon. Rajwayi): Yes Clerk can you help me confirm if there's quorum?

(Clerk confirmed lack of quorum)

Yes Sergeant at Arms can you ring the quorum bell.

(Quorum bell rung)

Hon. (Ms.) Akinyi: Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes Hon.

Hon. (Ms.) Akinyi: May I act as the Chief Whip so that I can whip the Hon. Members.

Mr. Speaker (Hon. Rajwayi): It is not within the mandate of the Speaker to choose the Chief Whip it is about the party and the party has to decide on the Chief Whip, they can control your various factors in the House then what I just need is to be informed.

(Consultations)

(Quorum bell rung)

Hon. Mohamed Ndanda: Mr. Speaker I have an issue sir.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ndanda.

Hon. Mohamed Ndanda: Mr. Speaker I stand to give an issue but if I'm wrong I may be corrected; four Hon. Members were suspended, two God loved them so much that they left us, so 45 when we less 6, so I'll take 45 with less 7 we get 38. A third of 38 its 12 and we are already 12 in the House, I know you are blind but you are not deaf you can hear.

(Applause)

Mr. Speaker Sir but I have said I stand to be corrected.

Mr. Speaker (Hon. Rajwayi): Hon. Ndanda how did the Speaker see you if he's blind, yes I gave you the opportunity to talk.

(Interruption)

Hon. Mohamed Ndanda: It is the Standing Order.

Mr. Speaker (Hon. Rajwayi): Yes the consequences or the interpretation of your statements has pros and cons and if you raised the number that you have purported that this particular Hon. House should be using is 38 then automatically false that this Assembly needs to go home because we have not met the threshold that is required by the Constitution, it means we are illegally..., remember there's issue of gender when it comes to a County, the constitution of the County Assembly or any other parliament in this country. So the quorum is not based on the reduced number, but is based on the original intended figure within the Hon. House.

(Applause)

So the quorum always stands at that; the only time you consider those who are not in to form part of the quorum is when we have apologies, but not because they are away they are not forming quorum no, those who sent their apologies are the ones that can be considered part of the quorum, unfortunately in this incident there are no such apologies, such apologies are not accepted because it is no ordinary meeting. This is a plenary and it stands as that, so we just have to wait for five more minutes, for the bell to be rung again and for this particular same order...

Hon. Mwidani: Mr. Speaker sir...

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mwidani.

Hon. Mwidani: Thank you for giving me this opportunity, I think now we have a quorum, thank you.

Mr. Speaker (Hon. Rajwayi): Yes Clerk can you confirm if there's a quorum.

(Clerk confirmed quorum)

So we continue from where we left Hon. Mohamed Ndanda.

Hon. Mohamed Ndanda: Mr. Speaker, I was initially addressing matters of insecurity, especially the area i present Mr. Speaker and this is not the first time that I have called for assistance from this House so that insecurity can be improved. Mr. Speaker sir the areas we are living especially the areas of Kadzandani, and most when i may also enlighten you more, you have heard sometimes bodies are found in the morning, people have been killed, the other time it was within Frere Town where Personal Assistant of our Hon. Member was also killed in a mysterious manner, the other time Kadzandani within this month there were about three incidents. Mr. Speaker the security lies in the hands of the National government but as elected Members we cannot look at the National government friendly and we are there we have to question the problem of insecurity.

Mr. Speaker i have a place or a village called Soweto where most of those people living in that area sell a lot of local brew, these people in a day or a night we have a lot of insecurity within those lines, i beg that this House to make possible means that the security team for this County be informed of this and if possible i beg through your Chair Hon. Speaker through the able Committee we have that we summon them so that they can also be addressed at a personal level to make sure the lives of our people in Mombasa County are secured. Hon. Speaker this should not be taken as a light case because our people are losing lives and the other time i came here and complained of a place called Bombolulu just opposite Sheikh Khalifa where there are some ladies there doing their businesses, these ladies always get harrassed because of the insecurity sometimes after doing their businesses they are killed Hon. Speaker i told you the other time...

(Interruption)

Hon. Amur: Mr. Speaker Sir Point of information.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Amur Murfad.

Hon. Amur: Mr. Speaker Sir with all due respect my brother should tell us which kind of business; there are other businesses which are allowed by the law and there are businesses which are not allowed by the law so be specific which kind of business because other businesses are not allowed by the law Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mohamed Ndanda.

Hon. Mohamed Ndanda: Hon. Speaker it does not mean that if i do unlawful business i should be killed; i swear i took oath in this House that i will serve my people, this Nation and Mombasa County diligently the word was diligently and i was sworn on that day. Hon. Speaker I'm representing all people living with disabilities, people also who are physically...

(Interruption)

...Is interfering Hon. Speaker protect me Mr. Speaker around that Bombolulu and this is a very serious matter when you go around there ladies do pack there and Hon. Speaker we cannot... especially me, I cannot sit down looking at Kenyans losing their lives while doing their businesses I'm not entitled to discriminating what type of business my people are doing but my people should be secured, other things will follow later but lives of people are very important. Hon. Speaker this area called Bombolulu there are some people walking with guns....

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Serah Nyamvula.

Hon. (Mrs.) Nyamvula: Mr. Speaker thank you very much for giving me this opportunity. Mr. Speaker i have a lot of respect for my brother Hon. Ndanda for his work and passion for

women, youth and disabled. Mr. Speaker seriously what he is saying is very serious and it will be more serious if it can be justified by figures; we do understand where it is coming and the place he is talking about, there's a place but we need figures of what he is talking about, we need tangible things because you see the County government of Mombasa has done a lot of work, yes allow me to say in Kiswahili '*vile vikoroboi vya kuuzia samaki vimepungua*' because the County Government has put streetlights and not only street lights anywhere but it is also important for an action to be taken if it can be justified this with tangible information. For instance when we talk about Kisauni Constituency with *Wakali Kwanza* it is something that is well known and it is tangible and it can be true but this one yes our brothers, the youth, women and disabled are around there and they have difficulties and there are more than difficulties, they are challenges and i would be glad to hear Hon. Ndanda talking about a walk way like what is being done in Buxton and in Links Road where pedestrians can walk, disabled can push their wheelchairs and so on and so on, that for me will be quite important because with the lights and the walk way will improve the lifestyles of women, youths and disabled.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ndanda.

Hon. Mohamed Ndanda: Thank you Hon. Speaker for allowing me again because i was on the floor. Hon. Speaker i concur with her statement she is very right that's why i have brought this matter into this House so that it can do the findings Hon. Speaker...

(Applause)

Hon. Speaker i may remind her because she is knowledgeable about this; she is a very active Member outside there and by coming here she has also assisted me in one of my polling stations thank you very much and that's why when i bring a certain issue she must clarify it and make sure that it becomes a good thing, thank you very much Hon. Serah Nyamvula. Mr. Speaker we have an estate called Bandari Villa just next to Bombolulu; two useful youths were killed a week ago so if this House can give me time so that i can do those research through the relevant committee i think in that committee..., i don't know whether it is an Ad hoc or what but Hon. Serah Nyamvula must be there and then we will talk together because i have just mentioned a week ago Hon. Speaker two useful youths from Mbungoni in my area, so useful youths died because of insecurity. One was killed in a video hall so I say security is very much important to the lives of our people and honestly i may not go so far but if you allow us at least my main concern to this House are the findings, okay it has emerged but my main concern was to at least bring this Security committee team of Mombasa we address this is one because it is not the first but the second time. Thank you very much Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Well Hon. Ndanda we may not...before me I'm perusing the various documents that are here but i have just failed to identify such stated sentiments Hon. Ndanda in regards to your submissions and remember that does not mean that whatever you have raised is not the actual position on the ground. We would want to know if it is the exact thing happening on the ground and this House needs to have the same facts and remember when I take you to the Standing Order 76 (1) it is clear on how you are supposed to bring that particular matter. You are saying that it is expected that particular information comes as the extract of the main statement that you have placed before this Hon. House because you cannot take the recorder audio to the relevant institutions, that is something you need to do as soon as possible and say this is what have been said in the House and also remember i also sometimes back gave directives that the Committee in charge within the House needs to frequently meet with relevant departments to make sure you become protective and if you do not become protective there's no use of you becoming a leader. This is because one of the primary role as an MCA is representation of people and those people must be alive you cannot represent those people who

are not with us because we don't know where they are but Hon. Mohamed Ndanda we may not allow any submission on the floor in regard to that matter but i give you an opportunity to put but not to redraft whatever it is in a pen and paper and bring it back in the afternoon and we can see how best we can direct this so better be addressed.

MOTION

(Interruption)

Mr. Speaker (Hon. Rajwayi): What is it Hon. Duncan?

Hon. Onyango: Thank you Mr. Speaker for this opportunity I stand to move a privilege Motion under Standing Order 41, a privilege Motion on the Leader of Minority.

PRIVILEGE MOTION

Mr. Speaker Sir, I rise on the same Motion and would wish to state a vote of No Confidence on the current Leader of Minority Hon. Maimuna Salim, over allegations of corruption case in the High Court. As for the precedence set over the same position by the predecessor Hon. Karisa Nzai who had corruption allegations he was forced to resign based on public Officers and Integrity Act Chapter 6. I hereby therefore wish to move a Motion to move her out as the Minority Leader office holder. I therefore beg to move the Motion and Hon. Riziki Fundi to second the Motion. Thank you very much.

Hon. Fundi: Mr. Speaker Sir i second.

(Applause)

Mr. Speaker (Hon. Rajwayi): You know Hon. Duncan and Hon. Riziki Fundi have you just listened to the content of that particular Motion; one you need to place that with the Hon. Speaker himself and two i have considered this now i know that you trying to use Standing Order 49 which is Motion, which should be moved without a notice. If you look at part (e) on that particular Standing Order it is talking about suspension of a Member but the one that has been read by Hon. Duncan Onyango is talking about removal, this is about the suspension and the removal and then Hon. Duncan has raised a concern and has given out a case study that is one Hon. Karisa Muniyika Nzai who had the same case but remember in your speech Hon. Duncan you have made clear in the House that Hon. Karisa Nzai was made to resign therefore he has the best opportunity and the best way if the same person can also be asked to resign the better because you will take to that particular individual. It means that we may also not give the same person what Article 50 of the Constitution as it states the fair hearing but i want to believe we are not in a hurry to determine that matter right now right here but i would urge that you consider those particular aspects; in fact even at the Committee level you can raise that because anyway out rightly we do not have Minority party in the House and I have said it many times that we don't have minority party in the House. These are all applications because the others have...*(Inaudible)* we were to do something and move, you know we can never be captives of a situation that was forced to us or on us by the people. The power of the people dictated that you become one party in the House, infact even having the Leader of Majority was created by the fact that we moved that Motion to have a Leader of Minority because if you do not have left we cannot have right, if we don't have front there's no backward, if we do not have top we cannot have bottom so those are the issues that we consider as a Hon. House, so you can try to handle that within the Committee and if the Committee fails we can try the same person, individual, if that individual doesn't see the sense then you can bring that forth unless we have different opinion. Yes Hon. Duncan.

Hon. Onyango: Ahsante Mheshimiwa Spika. Mheshimiwa Spika natumaini wewe ni kama refa ambaye anafaa kusimama kati kati na kutetea haki za kila mchezaji. Mheshimiwa Spika nikirudi hapo awali kama vile alivyotaja mwenzangu ambaye anawakilisha Wodi ya Jomvu Kuu nafikiri ni wewe ulikuwa umekaa kwenye kiti hichi wakati akiondolewa hakuwa kwenye Bunge hili. Tena ile mbaya zaidi barua yake alifuatwa nayo kule kule korokoroni wakati alikuwa ameshikwa, wenzangu walitengeneza barua na kumpeleka kule kortini, hawakungoja aje ajitete wala hakupewa muda kamili wa kujitetea. Sasa leo Mheshimiwa Spika nashangaa ya kwamba tukio kama hili la Kenya nzima linajua lipo magazetini zaidi ya kumi na ninalo hapa moja Mheshimiwa Spika kama utanipatia ruhusa nikimbie nikuletee mahali mwenzangu ninayemtaja ameshikwa na maafisa wa kupigana na ufisadi nchini. Mheshimiwa Spika ni jambo hata ambalo tulilionna hata kwenye runinga na kila mmoja katika Kaunti yetu ya Mombasa anajua ya kwamba Mheshimiwa niliyemtaja hapo yuko na kesi ya kujibu kortini. Mheshimiwa hili ni Jumba la sheria na tunataka kuwekwe mfano mzuri wa kizazi cha leo na hata kizazi cha kesho. Kwa hivyo mimi ningekuomba kupitia kiti chako kama vile mwenzangu alivyoondolewa akiwa yuko kule ameshikwa, Mheshimiwa Spika nakuomba usiwe na nafasi ya kumpatia Mheshimiwa aje ajitete maanake kama ni kujitetea atajitetea kule kortini na iwapo atashinda kesi basi akirudi tutaangalia ni namna gani tutaweza kumregeshea kiti chake. Ahsante.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Riziki Fundi.

Hon. Fundi: Ahsante sana Mheshimiwa Spika, kama nilivyotangulia kumuunga mkono hoja hii ambayo imeletwa katika Nyumba hii. Mheshimiwa Spika lazima tuwe wa kweli, sheria ni msumeno; ikienda mbele ikate, ikirudi nyuma pia ikate, isiwe kama ambaye kwenye Nyumba hii kuna wengine ni bora zaidi kuliko wengine. Mheshimiwa Spika, wakati nilipokuwa nimepatikana na yale majanga Mheshimiwa wa Jomvu Kuu Karisa Nzai siku ile ile ilipotangazwa kwamba yupo kwenye matatizo, siku hiyo hiyo iliandikwa barua kwamba yeye atoke mamlakani, na kweli ilifanyika hivyo na hata ndani ya Nyumba tukaikubali bila kumpatia nafasi Mheshimiwa Nzai kujitetea kwa njia ya aina yoyote iwe kwa mdomo ama kwa maandishi. Mheshimiwa Spika isionekane kwamba Bunge hili linawapendelea wengine lakini wengine linawafinyilia, sisi wote ni wabunge wa chama cha ODM ambao tuko katika Nyumba hii, na hii Mheshimiwa Spika ni Nyumba ya sheria, ikiwa kila mtu amepatikana na majanga kama haya hatupendelei kwamba ama hatuwezi kumuhukumu moja kwa moja kwa vile ni mfisadi lakini korti ndio yenye mamlaka ya kuweza kujua kwamba yeye ametenda swala lile ama hakutenda. Sisi kama Nyumba ya sheria tungefuata katiba basi lazima tutekeleze kama katiba vile inavyosema na ikiwezekana leo tupige kura hapa tuchague mwengine.

(Applause)

...Kwa sababu hatuwezi kuwa tunaendelea kukaa katika Jumba hili kila siku tunavunja sheria na sheria zipo wazi tunaweza kuzifuata lakini tunapendeleana. Mheshimiwa Spika hata kama Riziki Fundi kesho akipelekwa kortini mimi hata sitangoja kutolewa nitajitoa mwenyewe; Nyumba hii iwe itaweka mfano na katika sheria za Bunge ikiwa kuna jambo ambalo limetokea na linatajikana litumiwe kama mfano kwa kitendo kama kile ambacho kitaweza kuregelewa ikiwa Mheshimiwa Spika katika Bunge la kitaifa inatumika sheria ambayo ilitumika miaka 20, kama jambo fulani lilitokea miaka 20 Spika anaweza kutumia sheria zile ambazo zilitumika wakati ule kutumiwa ule wakati ambapo inatajikana. Kwa hio Mheshimiwa Spika mimi nasema Nyumba hii watu wote ni sawa na ninaregelea tena kwa mara nyengine, mimi singependelea Nyumba hii iwe kama lile shamba la wanyama wengine ni bora wengine si bora, sisi sote ni

sawa, tuna majukumu sawa, sheria inayotulinda ni sawa. Kwa hivyo sheria ifuatwe Mheshimiwa Spika, ahsante sana.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Nzai.

Hon. Nzai: Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi. Mheshimiwa Spika nataka kwanza nichukue nafasi kushukuru Bunge hili kwa sababu ni Bunge ambalo linapenda kufuata sheria. Bunge hili la Mombasa lilionyesha mfano mzuri wakati tulipokuwa kuna tetesi juu yangu sheria ikafuatwa na nikapata nafasi ya kuachilia nafasi ingine, uchunguzi ufanyike na mambo yaendeleo sawa sawa. Mheshimiwa Spika lakini mimi kama Karisa Nzai ningependa kama sheria inavyo kata mbele na nyuma, sheria ifuatwe.

(Applause)

Lakini Mheshimiwa Spika nataka kutoa neno lakini, lakini yangu Mheshimiwa Spika naitoa asubuhi ya leo ni kwamba maisha ya mtu ni muhimu, ni juzi Mheshimiwa Spika tulipokuwa hapa tulikuwa tunafarakana, tulikuwa tunataka kuweka mambo yetu katika Nyumba yetu sawa sawa na tukaona Mheshimiwa niliyemtaja hali ambavyo ilikuwa...

(Applause)

Mheshimiwa alizirai na kiasi cha kwamba tunayapenda maisha ya mtu kuliko vyeo na Mheshimiwa Spika langu ambalo shauri ambalo ulikuwa umelitoa nimeliona ni shauri la dhati, ni shauri la kulipatia muda na liweze kuzungumziwa. Mheshimiwa Spika hivi tunavyozungumza asubuhi ya leo, Mheshimiwa tunayemtaja ameweza kupoteza ndugu yake, sasa amepoteza ndugu yake ndio ana mipango ya kumtoa pale Coast general alikuwa chumba cha wagonjwa mahututi yaani *Intensive Care Unit (ICU)*. Mheshimiwa Spika ni ukweli kabisa sheria ifuatwe, lakini ningependa Mheshimiwa Spika kupitia kiti chako ambacho kina nguvu umpatie muda, mumpatie muda, iende kwa Kamati hata kama kuna wakati inaweza kuzungumzwa ni lazima lakini Mheshimiwa Spika kupitia kiti chako ambacho kina nguvu uweze kumpatia muda.

Mr. Speaker (Hon. Rajwayi): Can you allow intervention from Hon. Duncan...

Hon. Onyango: Mheshimiwa Spika ningependa ufafanuzi zaidi kutoka kwa Mheshimiwa wa Jomvu kama siku hizi anaishi na Mheshimiwa Maimuna maanake swala hili hata wakaazi wa Kisauni wengi wake hawana habari yoyote kama Mheshimiwa Maimuna alifiliwa sijui hizi habari alizitoa wapi. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes are you on the same Point of order. Ndanda, okay then after you have finished the submissions.

Hon. Nzai: Mheshimiwa Spika mimi kama kiongozi shupavu na kiongozi wa Jomvu eneo lote la mji wa Mombasa, ni jukumu langu Mheshimiwa Spika kujua maisha ya kila mmoja na ameamka vipi? Husika Mheshimiwa Spika na katika hali husika asubuhi ya leo, nikiuliza Mheshimiwa Maimuna ameweza kuniambia maneno haya. Kwa hivyo si maneno ya kusingizia kifo Mheshimiwa Spika huwezi kusingizia na hakuna sababu yoyote isipokuwa nikuuliza kama yuko na nafasi apewe nafasi wakati mwengine.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mohamed Ndanda.

Hon. Mohamed Ndanda: Thank you Mr. Speaker. Mr. Speaker some of us were leaders in this Assembly and as it has been said that *sheria ni msumeno*, then I have no objection about that. Hon. Speaker when you lead we expect not only smooth but sometimes rough, so the conditions of both are there to be maintained and have this or any other masses will go as per the constitution we'll still stand. Hon. Speaker we are asking humbly through your Chair that the cases mentioned are of great concern, in fact we don't discuss something outside that's why you might say you took so long, but if an issue has been raised in this Hon. House, it has to be tackled accordingly. Mr. Speaker if you give chance Hon. Speaker and already this House has been informed by Hon. Riziki Fundi that there are cases whereby we can defer even when we go

to the petitions sometimes we are given petitions judged in 1972 that there was such a case and this case was concluded this way, then the judge now stands and says this one will also follow the way. Hon. Speaker I think this House should not lose its way; yesterday I told you that when this House loses its way, it's not as per the first person to be blamed by the Mombasa people, and the people of Kenya shall be the Hon. Speaker of Mombasa County Assembly. Hon. Speaker if this matter was here of the same nature Hon. Speaker let us follow the procedure. Thank you very much.

Mr. Speaker (Hon. Rajwayi): Hon. Patrick.

Hon. Wangudi: Thank you Mr. Speaker two wrongs don't make a right unfortunately what happened to Hon. Nzai was a wrong,

(Laughter)

...and what am saying is that we are innocent until proven guilty, we don't say that Hon. Nzai.

(Laughter)

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Kasangamba.

Hon. Kasangamba: Mr. Speaker according to my fellow Hon. Member he said what happened to Nzai was wrong, does it mean that the current Leader of Minority is on the seat illegally Mr. Speaker, is he justifying that?

Hon. Wangudi: Am not justifying anything but am talking about matters of law, everybody is innocent until proven guilty...

(Interruption)

Hon. (Ms.) Akinyi: Point of information.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mary.

Hon. (Ms.) Akinyi: Thank you Mr. Speaker sir. Mr. Speaker sir there is something that we call precedence law so let's just go down to the precedence law, we have been following...

(Applause)

Mr. Speaker (Hon. Rajwayi): You have point of information?

Hon. Mohamed Ndanda: Yeah I am on point of information. Hon. Speaker, the NYS saga, that Hon. Lady CS Waiguru, it was just suspecting, she was sent, investigated and other things to follow outside the office, Hon. Speaker when you are now guilt you will go to Shimo la Tewa but you have to vacate that office thank you.

(Applause)

Mr. Speaker (Hon. Rajwayi): Hon. Patrick.

Hon. Wangudi: Mr. Speaker, what am trying to say is that a matter that is in court, that ...*(Inaudible)* everybody to hold accountable should leave the office even if you want to stand as a member of...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Riziki on a point of information.

Hon. Fundi: Ahsante Mheshimiwa Spika ningependa kumfahamisha kwamba hata leo hivi tunavyokaa hapa ile kesi ya Mheshimiwa Karisa Nzai haijakwisha, lakini yuko nje ya kiti.

Kwa hivyo tunasema sheria ifuatwe na vile alivyosema Mheshimiwa Mary, *there are precedence to be followed in this House Mr. Speaker.*

(Applause)

Mr. Speaker (Hon. Rajwayi): Hon. Siminyu.

Hon. Siminyu: Mr. Speaker what am trying to say is what is communicated by our House; a notice required to be followed, we need to give this House a proper direction according to the

constitution of Kenya, that it says someone is innocent until proven guilty. We should not judge and Mr. Speaker secondly matters of majority, minority, any leadership because it is said majority of certain party, minority of certain party, these are issues of party and as you have given early the direction that these issues can be handled in the committee room, both the House...

(Interruption)

Hon. Fundi: Point of information.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Riziki.

Hon. Fundi: Mheshimiwa Spika, Mheshimiwa ambaye yuko katika ukumbi namshangaa sana, ni kweli *matters of leadership of this Assembly lies with a party within the Assembly which is called the PG and here we don't have a single Member from an opposition party, so we formulated that post and we are the ones to control who to sit on that post or not Mr. Speaker.*

Mr. Speaker (Hon. Rajwayi): Hon. Siminyu.

Hon. Siminyu: Mr. Speaker even the Leader of Majority can testify to that; when it happened there were some consultations within the party and he voluntarily resigned Mr. Speaker if we sit as a party...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Hon. Caro.

Hon. (Ms.) Auma: Mr. Speaker the Hon. Member who is talking right now is confusing the House; he is misleading the House, let him give us the correct words or the correct information that he has because the way he is trying to put these words, it's as if he's misleading, misleading...

(Laughter)

Please can you sit and think twice whatever you are giving out to the Hon. Members.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Paul Onje.

Hon. Onje: Thank you Mr. Speaker sir, mine is just a Point information, I just wanted to ask my Hon. Members to tell me today I just wanted to know who is the party, because every day we keep on talking about party, to me I know the party itself is the Hon. Members in this County Assembly.

(Applause)

We are the party because we are the same ODM, we are members of ODM party. So I want to urge this members do not try to divert our attention in this House we are all ODM members. thank you.

(Question proposed)

Mr. Speaker (Hon. Rajwayi): Now before we continue with this I can see the level of interest in this matter is very high, it is important that I now propose this question and see what the Hon. House has and that you see whether you can make those submissions you have been making out of context of this particular motion that has been tabled by Hon. Duncan and now may I see the concern of the House by proposing that this particular Privilege Motion of the position of the Minority leader be considered by this Hon. House.

(Question proposed and agreed to)

Yes Hon. Patrick Siminyu.

Hon. Siminyu: Mr. Speaker I think you have to allow me, this intervention of Members at least I can put out as to why because the intervention I don't think if they are adding waters. Mr. Speaker what am trying to say majority and minority are party issues and any person that is representing a party has to have a mandate from the required party that is representing in the House, as we understand the party...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mwabashiri.

Hon. Mwabashiri: Ahsante Mheshimiwa Spika. Mimi nimesimama kwa *Point of information*. Jambo alilolizungumza ni kweli kwa masuala ya Kiongozi wa Walio Wengi na Walio Wachache; ni masuala ya chama lakini Mheshimiwa Spika kuna vitu fulani, kwanza katika Kaunti ya Mombasa hakuna Walio Wachache hapa ni wengi tu hakuna Walio Wachache hamna. Tuelewane, tumezungumza hapa chama cha Walio Wengi na Chama cha Walio Wachache; hivi ni vyama Mheshimiwa Spika na hapa chama kilicho na wengi ni chama kimoja ni chama cha ODM na cha wachache hakuna mchache hata mmoja. Kwa hio Mheshimiwa Spika masuala ya chama katika Bunge hili ni maswala ya Walio Wengi pekee yake, Walio Wachache nafikiri katika Bunge hili tuisahau, tulipitisha sheria hapa kuwa yule atakayekuwa Mwenyekiti wa Kamati ya PIC yeye ndiyo atakuwa kama Kiongozi wa Walio Wachache Bungeni, atakuwa kama Kiongozi wa Walio Wachache Bungeni sio Kiongozi wa Walio Wachache Bungeni hakuna kiongozi huyu. Hivyo basi Mheshimiwa Spika masuala ya chama ni masuala ya upande mmoja Mombasa upande mwingine, ni masuala ya Bunge kwa sababu sheria hutengezwa hapa Bungeni na ni sisi wabunge ndio tutakao amua nani atakuwa kama Kiongozi wa Walio Wachache Bungeni katika Bunge hili kwa sababu hatuna Kiongozi wa Walio Wachache hapa. Kwa hivyo Mheshimiwa Spika nashangaa na wanaosema eti ni maswala ya chama sijui Kiongozi wa Walio Wengi na Kiongozi wa Walio Wachache hapa hakuna Kiongozi wa Walio Wachache kwanza. Pili Mheshimiwa Spika sisi wa walio wengi tumekubali lakini ni makosa kwa upande mwingine samahani hata kule Bunge kuu Nairobi walipokuwa wanataka kumtupa Mheshimiwa Mng'aro kuwa kinara wa Bunge, kiongozi wa chama hawakuandika barua kwa Bunge kuu kusema kuwa huyu Mheshimiwa Mng'aro simtaki tunamuweka mtu mwingine alikuwa na uwezo huo lakini hakufanya hivyo, aliita kikao cha *parliamentary group* Wabunge wote wa Bunge kuu na Seneti na Seneti wakakutana pamoja akiwa yeye kama Mwenyekiti wao wakafanya mkutano wakaamua kwa sauti moja wambadilishe Mheshimiwa Mng'aro kuwa kiranja wa Bunge wakamueka Mheshimiwa Mwalegu.

Kwa hio Mheshimiwa Spika masuala haya tusiambiwe eti sijui ati ni chama hivi; vyama kama vile Mheshimiwa Onje Mwakilishi wa Bunge eneo la Junda kwani chama ni nani? Wajua hapa sasa watu wanaongea chama kwani chama ni nani? Huyu chama ni mnyama gani? ODM ndio nani? Sisi ndio chama cha ODM Mheshimiwa Spika hakuna mwingine hapa Mheshimiwa Spika. Hivyo basi masuala ya Bunge hapa Mheshimiwa Spika ya kusema ODM ni kama watu wengine watuamulie sisi viongozi wa shughuli za hapa ndani ya Bunge Mheshimiwa Spika hiyo sio sawa. Mheshimiwa Spika...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes allow an intervention from Hon. Ndanda.

Hon. Mohamed Ndanda: Is he informing the House or contributing, i'm seeing he's also misleading the House, what is the point Hon. Speaker but I think he wants to confuse the House...

(Laughter)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Patrick.

Hon. Wangudi: Mr. Speaker everyone was given a chance to contribute. Mr. Speaker why don't they give me the opportunity to submit what I have then when someone is trying to contribute they interrupt! With all these interruption it is eating my time Mr. Speaker Sir, I beg you sir to protect them from unnecessary intervention, what i'm trying to say and they argue all the time about...

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Mr. Speaker (Hon. Rajwayi): What is it Hon. Ndanda.

Hon. Mohamed Ndanda: Thank you Mr. Speaker but I just want to inquire from your chair if we have unnecessary interventions In this House, according to me, all the contributions are valid and very important, but the Hon. Members is saying that unnecessary intervention. Thank you.

Mr. Speaker (Hon. Rajwayi): Hon. Patrick Siminyu can you have the last opportunity, now make sure that you don't step on others so much so that they don't interject or interrupt your session.

Hon. Wangudi: Mr. Speaker i'm not stepping on anybody's toes. Mr. Speaker some people here have a fixed mind today we want to do something here in this House, so I cannot stop them from feeling like that; what i'm trying to say is that we are Members of a party which we represent whether you like it or not but we have places where we can talk party matters in a Committee room and i'm not saying that somebody should be brought out of that chair, removing issues are of the party in this House but in the committee we have more time to contribute and to discuss issue to do with party, Mr. Speaker Sir i beg because it's not the House which determines who will be the Majority or Minority it is the party. Let us have a party meeting to discuss and whether to vote as a party Mr. Speaker Sir yours is to give direction and from the communication from the party so that we can have the majority or minority. Thank you Mr. Speaker sir.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Nyamvula.

Hon. (Mrs.) Nyamvula: Thank you very much Mr. Speaker for giving me this opportunity, Mr. Speaker since we opened this session we have all sorts of issues coming out, this is not a bad thing it also shows that we are Hon. Members but that we can debate but we can have differences. Mr. Speaker in a Kamukunji I recently said quite Hon. things Mr. Speaker to ensure that we have harmony. The harmony is here...

(Applause)

But Hon. Members what we did we opened what the Wazungu call '*pandora box*', we opened a can of worms as they say. We have opened, allow me sir, *mkebe wa mabuu, mabuu ya kipesa; yakitoka nje hayaezi rudi*, and this is where we are at a crossroad. As a Chair for Youth Gender and Sports I hear sir through Hon. Mwabashiri, I hear him say what he says about the minority seat, i'm here standing to find that position please Hon. Members hear me clearly am defending that position because we fought for it and we were not even ashamed when we fought for it. Hon. Karisa Nzai a good brother of mine when the vacancy came in I did not see that it was good that we met, for me it was a position that we had created all of us and it was given to a man, a Hon. Man, a senior man in this Hon. House coming the second time but we went and said that now that we have an opportunity we will take this position and make it a Hon. Representative of the Hon. House. My wish whatever the case and am repeating myself not defending anything because we have gone, I wish this had happened two years ago because now we have not removing the minority no, being Hon. and going by law...

(Applause)

...Because now we have started deciding to follow the law for one reason or another, I once said *msumeno utatukata sote huku mbele na nyuma*, because we opened a can of worms but my plea at this position is to ensure that which we are now being told is acting positions to remain a seat on Hon. Members of this House...

(Applause)

We cannot afford to do that we must maintain and we must never go backward. That is my submission Mr. Speaker. Thank you very much.

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Mr. Speaker (Hon. Rajwayi): Yes Hon. Ahmed Ebrahim.

Hon. Ahmed Ebrahim: Ahsante sana Mheshimiwa Spika nashukuru kwa kunipa wakati huu mimi pia nichangie mawili matatu. Mheshimiwa Spika mwanzo ningependa kuwakumbusha ndugu zangu kwamba huu ni mwezi mtukufu wa Ramadhan.

(Laughter)

Na pia vile vile Mheshimiwa Spika tunajua sheria ya katiba yetu ni kwamba mtu huwa hana hatia mpaka korti itakapoamua ako na hatia...

(Applause)

Mheshimiwa Spika ningependa kutoa mfano si wa MCA lakini ni wa Raisi wetu na wa Naibu wa Raisi walipokuwa na kesi yao ICC Mheshimiwa Spika sikuona na jambo la kwamba wametoka kwa ofisi zao za Uraisi na Unaibu wa Raisi...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ndanda.

Hon. Mohamed Ndanda: I just want to inform the House as the Hon. Chief Whip is saying that when Hon. His Excellency the President of this Nation Uhuru Kenyatta when he was going to the Hague i think you heard and saw on the Television...

(Applause)

He called his Deputy and said this country is on you until i come because he knew anything can happen you cannot have those hours when you are going as a President you cannot hold those powers when you go to the Mombasa High Court as the Minority Leader of this House...

(Applause)

Before i sit i propose Hon. Serah Nyamvula to replace the seat...

(Applause)

Mr. Speaker (Hon. Rajwayi): Hon. Ahmed Ebrahim.

Hon. Ahmed Ebrahim: Mheshimiwa Spika twajua Raisi alivyoondoka twajua alimuachia pale...

(Applause)

Lakini aliporudi Mheshimiwa Ruto alirudi kwa Uraisi ama Mheshimiwa Uhuru ndio alirudi kwa Uraisi ndio tusiamue kama korti haijaamua...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Kasangamba.

Hon. Kasangamba: Mheshimiwa Spika Raisi alivyotolewa mashtaka ndio akaregea kwa kiti chake kwa hiyo akiregeshwa ndio tutaona vile tutakavyomregesha.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ahmed Ebrahim.

Hon. Ahmed Ebrahim: Mheshimiwa Spika sidhani kama Raisi alitolewa mashtaka kwa siku moja kwa sababu alienda na akarudi vile vile. Kwa hiyo Mheshimiwa Spika lazima tujue ya kwamba ni jambo la chama na sisi kama waheshimiwa hata kama kumetokea kosa hatuwezi kuja tu Bungeni na jambo fulani kwamba tulilizungumza tu katika Kamati kama chama tujipe mwelekeo halafu tuje katika Bunge ndio tuweke jambo kama hili. Mheshimiwa Spika mimi ningependa kuomba uongozi wako kwamba utafute Kamati pia vile vile ya watu fulani utakaochagua kwa mapenzi yako wakae kando walijadili jambo hili kwa niaba ya chama halafu ndio turegee kwako ndio utupe mwelekeo ama uongozi Mheshimiwa Spika. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Any other comment? Yes Hon. Abdallah Kasangamba.

Hon. Kasangamba: Mheshimiwa Spika mimi kwanza nitasema kwa maneno machache kulingana na korti maana neno *precedence* liko kulingana na sheria. Mheshimiwa Spika maana

ya neno *legal precedence in common law legal systems a precedence for authority is a legal case that establish our principals on a law. The precedence or a rule is then used by the court or other judicial bodies when deciding later case with a similar issue* Mr. Speaker. Mheshimiwa Spika labda isionekane vibaya lakini kwa sababu hatuna budi kwa Mheshimiwa Nzai alivyotoa uwazi wake ama zile hali alizopitia Mheshimiwa Spika. Mheshimiwa Spika, Mheshimiwa Nzai alisema vile alivyoyapitia kwa misingi husisitiza kwa sababu ya misingi ya Jumba hili, kila lile jambo linalotokea basi lazima lifuate mkondo ule ule kwa sababu ya sheria na tufuate nidhamu na tufuate misingi kwamba Jumba hili ni Jumba la kisawa na ni Jumba la kutenda kazi Mheshimiwa Spika. Mheshimiwa Spika waheshimiwa wengi wamesema kwamba wembe ni ule ule na wengine wakasema ni msumeno wakata mbele na nyuma. Mheshimiwa Spika siku moja nitatoa mfano sisi watu wa Likoni tunapenda kusema historia tulizoelezwa na babu zetu kwa sababu kule mababu wako na dondoo lazima tupewe Mheshimiwa Spika. Mheshimiwa Spika babu yangu aliniambia kwamba simba akila mwendazimu huwa anatajikana auliwe kwa sababu ukimuacha atakuja kumla mzima mtoto wa Chifu, Mheshimiwa Spika simba aliyemla Mheshimiwa Nzai ndiye yule atakayemla mtu mwengine...

(Applause)

Na sio kuwa Mheshimiwa Nzai tulimtoa kafara kama mwendawazimu samahani kwa kutumia neno hilo Mheshimiwa Spika lakini leo mtoto wa Chifu kuliwa na simba hatutaki lazima tukubali simba yule yule atakula mtu yeyote hata kama ni kiongozi Kasangamba akipatikana na matatizo basi simba yule yule niko tayari anile Mheshimiwa Spika...

(Applause)

Kuongezea kwamba kulingana na hili Jumba letu hoja ililetwa hapa tukakubaliana kwa pamoja kwamba Kiongozi wa Walio Wachache kwamba atakuwa kama Mwenyekiti wa Kamati ya Public Investments Committee (PIC) ndio atafanya kazi kama Kiongozi wa Walio Wachache Bungeni. Mheshimiwa Spika nikikumbuka tulikuwa na mzozo mkubwa mpaka uamuzi ukaamua hivyo kwa sababu ilikuwa lazima kuwe na Kiongozi wa Walio Wachache Bungeni. Mheshimiwa Spika tumekubaliana nalo hilo na baada ya muda ilivyokuwa Mheshimiwa Nzai akafurushwa katika ofisi vile vile kina mama walikuja na wakasisitiza kwamba kiti cha Walio Wachache Bungeni wapewe wao ndio mjadala tuliopitisha katika Bunge hili, mimi sina upinzani nao kwa hiyo nafasi hii twawapa rasmi kina mama pia napendekeza kutetea hadhi ya kina mama wapate uwakilishi wao katika Bunge hili...

(Applause)

Basi ningependa kuwaachia wao Mheshimiwa Spika wana ile yaitwa *Women caucus* Mheshimiwa Spika wale watatuletea kiongozi atakayekuwa...

(Applause)

Ni kiongozi wa sawa katika Bunge hili Mheshimiwa Spika wachaguane wenyewe Mheshimiwa Spika...

(Applause)

Mheshimiwa Spika watuletea kiongozi wa Walio Wachache Mheshimiwa Spika...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Duncan.

Hon. Onyango: Mheshimiwa Spika naona Kiongozi wa Walio Wengi ananipokonya hoja yangu Mheshimiwa Spika, mimi ombi langu ilikuwa ni kufanya mabadiliko hapa hapa...

(Applause)

Kwa kuwa ya Nzai hakukufanywa *caucus* hapa kwa hivyo twakuomba uamuzi tutaufanya hapa hapa mbele yako na usawa uonekane hapa hapa kama kila mtu anaona. Ahsante.

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Mr. Speaker (Hon. Rajwayi): Yes are you on a Point of order or on a Point of information? Because Hon. Abdallah Kasangamba is still making his submission. Yes continue Hon. Kasangamba.

Hon. (Mrs.) Prischillah Mumba: Point of information Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Hon. Prischillah Mumba yes allowed.

Hon. (Mrs.) Prischillah Mumba: Mheshimiwa Spika ahsante sana kwa kuniona sehemu ambayo niko kwa sababu nimeshukuru kusikia kuwa Mheshimiwa Kasangamba amesema sisi ametupa *privilege* Waheshimiwa kina mama tuweze kukutana sote na tuweze kupeana jina ambalo sisi tumelipendelea ambapo ni wajibu wa hichi kiti tulipewa kwa sababu ndio tunajijua tuko chama kimoja hapa lakini tulisema kina mama kwa sababu ndio tuko wachache tukawa tumepewa hiyo fursa...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Can you allow intervention from Hon. Mary.

(Interruption)

Hon. Kasangamba: I have a point of information.

Mr. Speaker (Hon. Rajwayi): Okay that is allowed but can you allow intervention from Hon. Mary before you continue with your submissions. Yes Hon. Mary.

Hon. (Ms.) Akinyi: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika ningeomba utupatie tu dakika tano...

(Applause)

Waheshimiwa wa mama tutoke pale nje tuje...

(Consultations)

Mr. Speaker (Hon. Rajwayi): Hon. Enock Mwinga i have given directives that i just allow two directions then you will contribute thereafter.

Hon. Mwinga: It is a point of information.

Mr. Speaker (Hon. Rajwayi): Okay if it is a point of information.

Hon. Mwinga: Mimi sikubaliani na Mheshimiwa ambaye amesimama sasa hivi akiongea ya kwamba Waheshimiwa wa mama wakutane sasa hivi ili waweze kupendekeza ni nani? Mheshimiwa Spika mimi kwa maoni yangu naomba kiti hichi ambacho kimekuwa Kisauni na kikaweze kurudi Kisauni. Mheshimiwa Spika maoni yangu mimi ni kwamba...

(Interruption)

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

(Interruption)

Hon. Onyango: Point of information Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): You are out of order; both of you Hon. Prischillah and Hon. Duncan, can you resume your seat. Yes Hon. Kasangamba.

Hon. Kasangamba: Ahsante sana Mheshimiwa Spika ombi langu la kwanza ilikuwa kuwa turuhusu kina mama wachague lakini mpaka ieleweke Kiongozi wa Walio Wachache ataongoza Jumba lote. Mheshimiwa Spika wao walikuwa watoe mtu mmoja na sisi kama wanachama wote tuna haki ya kupiga kura kwa sababu tunaona katika Katiba yetu hata yule Kiongozi wa akina mama anapigiwa kura na wananchi wote na sio kina mama, vijana wala walemavu pekee yake ili kumfanya huyu Kiongozi wa Walio Wachache awe kiongozi wa Bunge letu. Mheshimiwa Spika labda majina yapendekezwe kutokana na waheshimiwa kina mama wenyewe kwa sababu ni nafasi yao halafu sisi waheshimiwa wote tutapiga kura...

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(Applause)

Halafu yule atashinda Mheshimiwa Spika ni kiongozi wetu sote na si wa kuwahudumia jinsia moja pekee yake sisi wengine tutakuwa wanyonge kwa kumchagua kiongozi yule. Ahsante.

Mr. Speaker (Hon. Rajwayi): You have made your submissions Hon. Ahmed Ebrahim, yes Hon. Prischillah...

(Interruption)

Hon. Prischillah is on the floor.

Hon. (Mrs.) Prischillah Mumba: Ahsante Mheshimiwa Spika naona hapa ilikuwa navamiwa na maneno yangu ilikuwa sijayamaliza; ahsante sana Mheshimiwa Spika kwa kunitetea manake pingamizi zilikuwa nyingi sana hapa sasa vile tumezungumza hapa waheshimiwa wenzetu wametupatia mwelekeo mzuri manake kivyovyote kiti hiki ni cha wamama mupende musipende...

(Applause)

Mheshimiwa nampenda sana lakini na aniache kidogo tu nimalize...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Nasser, can you resume your seat Hon. Prischillah.

Hon. Nasser Rashid: Mheshimiwa Spika nafikiria Waheshimiwa ambao wako hapa wengi ni wanaume na wametoa kiti hichi kwa heshima kwa wanawake wa Nyumba hii...

(Applause)

Na ningependa Mheshimiwa aliyeongea hapa asiseme hivyo kwa sababu tunaweza chagua hapa na tukapiga kura hapa...

(Applause)

Hon. (Mrs.) Prischillah Mumba: Hon. Speaker i withdraw Mr. Speaker is it equal now i withdraw...

(Loud consultations)

Mr. Speaker (Hon. Rajwayi): Order! Order! Hon. Prischillah.

Hon. (Mrs.) Prischillah Mumba: I withdraw Mr. Speaker.

(Laughter)

Mr. Speaker (Hon. Rajwayi): Now can you allow both Hon. Ahmed Ebrahim and Hon. Kasangamba to place a point of order or a point of information in that manner then to allow Hon. Prischillah Mumba to proceed thereafter. Yes Hon. Abdallah Kasangamba.

Hon. Kasangamba: Ahsante sana Mheshimiwa Spika kutokana na yale yaliotokea baina yangu na Mheshimiwa Fatuma Kushe kwa kuonyesha upendo zaidi mimi ningependekeza Mheshimiwa Fatuma Kushe awe Kiongozi wa Walio Wachache...

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ahmed Ebrahim.

Hon. Ahmed Ebrahim: Ahsante Mheshimiwa Spika....

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes what is it Hon. Nasser.

Hon. Nasser Rashid: Kwa kuwa pendekezo limetoka na ni lazima iambatane na kuunga mkono basi namuunga mkono Mheshimiwa wangu Kiongozi wa Walio Wengi Bungeni...

(Laughter)

Mr. Speaker (Hon. Rajwayi): You can't bring another motion in a motion. Yes Hon. Ahmed Ebrahim.

Hon. Ahmed Ebrahim: Mheshimiwa Spika nafikiri katika makubaliano ya Bunge hili letu ni kwamba ikiwa yule ambaye atakuwa Mwenyekiti wa Kamati ya PIC ndio atakuwa Kiongozi wa Walio Wachache nafikiria hivyo sasa nashangaa sisi itakuwa tumefuata utaratibu. Kwa hivyo sijui kama ndio tutaamua nani ndio Mwenyekiti wa PIC hapa ndani ama Kamati?

Mr. Speaker (Hon. Rajwayi): Yes can you allow Hon. Prischillah to continue.

Hon. (Mrs.) Prischillah Mumba: Nakupenda Mheshimiwa Spika.

(Laughter)

Samahani ahsante Mheshimiwa Spika wajua ukimpenda mtu roho yapetapeta lakini nakupenda Mheshimiwa Spika kwani ni nini?

(Applause)

Ahsante sana Mheshimiwa Spika kwa kunitetea; anitetea manake ilikuwa mwanipinga nisisimame kuzungumza na amenipa nafasi hii kama mkubwa wangu kwa hivyo nimesimama kusema taarifa yangu kwa sababu ilikuwa mwapinga pinga hamtaki nizungumze yale yangu na nimeitoa nikamuomba Mheshimiwa Nasser msamaha na ikiwa nimemuomba Mheshimiwa Nasser msamaha basi mambo yanatakikana yaende vile inavyotakikana...

(Applause)

Na sasa sisi twaendelea kusema kuwa twashukuru waheshimiwa wenzetu walitupa hiyo *privilege* ya kuwa hichi kiti kikae na waheshimiwa wa kina mama na tunawaomba waheshimiwa wenzetu ambao ni wenzetu wanaume watupe fursa hii kama vile Mheshimiwa Mary alivyosema twende nje kidogo manake jambo hili hatuwezi kulifanya hapa. Mheshimiwa Kasangamba amezungumza vizuri nimewapa nafasi tena yeye amesimama na kusema nampendekeza Mheshimiwa Kushe sasa Mheshimiwa Kasangamba wanikoroga tuwaache wenyewe twende kule nje twende tukafanye mapiku yetu tukirudi hapa turudi na Mheshimiwa wetu tafadhali Mheshimiwa Spika na yuke sisi tutasema kwa sababu itakuwa ni pendekezo letu sisi sote tumependa tungependa hata sisi mutuheshimu muchukue yule ambaye itakuwa tumewapa manake itakuwa tumewapa mtu ambaye tutajua kuwa tunaweza fanya kazi naye sisi hatutaki kuleta fujo wala sitofahamu tena tunataka hii kitu iishe ili hili Bunge lirudi pahali pa usawa na tuendeleo na kazi zetu. Ahsante Mheshimiwa Spika.

(Applause)

Mr. Speaker (Hon. Rajwayi): Hon. Duncan.

Hon. Onyango: Ahsante sana Mheshimiwa Spika tena narudia kama mwenye Mswada ningekuomba kwa heshima na taadhima jina moja tayari limependekezwwa ningeomba upendekewe jina la pili tuwapatie nafasi kina mama wawili watoke nje ikiwa maelewano yatashinda basi warudi tupige kura hapa hapa. Ahsante sana Mheshimiwa Spika.

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Paul Onje.

Hon. Onje: Thank you Mr. Speaker I also stand here to propose my candidate...

(Laughter)

Hon. Speaker my candidate because i still love Hon. Maimuna and because now Hon. Members have decided that she has to vacate the office and am now proposing Hon. Lucy Chizi Chireri...

(Consultations)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Suleiman Omar Boma.

Hon. Boma: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii mimi napinga moja kwa moja kwa Kiongozi wa Walio Wachache kuondolewa...

(Laughter)

Ukikumbuka wakati tulikuwa na mzozo Mheshimiwa wetu ambaye ni Kiongozi wa Walio Wachache alizirai akiwa hapa hapa...

(Laughter)

Na hivi sasa Mheshimiwa amefiliwa na tukisema twamuondoa huenda akapoteza maisha...

(Laughter and applause)

Na mimi singependa tumpoteze Mheshimiwa kama huyo na ilhali tulipoteza waheshimiwa wa kike wawili nawaomba kwa heshima na taadhima mwezi huu tusipoteze Mheshimiwa mwengine wa kike...

(Laughter and applause)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Amir Thoya.

Hon. Thoya: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Mheshimiwa Spika mimi nimesimama na kati ya wale watu wa mwisho wa kuzungumza kwanza zaidi nikuweza kumshukuru Mwenyezi Mungu ameweza kutupatia wewe kama kiongozi wa Bunge hili na mara kwa mara ninaposimama hua na pongeza zile busara ambazo Mwenyezi Mungu ameweza kutupatia kutuwezesha kufika pale mahali ambapo tumefika leo pale na mawimbi mengi ambayo yalikuwa hapa lakini mara nyingi mawimbi yale umekuwa ukiweza kuyahimili na kuongoza Bunge hili kuhakikisha kwamba amani imeweza kupatikane. Kwa hivyo zaidi ni kuweza kuomba Mwenyezi Mungu aweze kukujaalia busara zaidi ili kuhakikisha kwamba uongozi wa Bunge letu la Mombasa unaweza kutulia na kuwa imara ili kuhakikisha kwamba wakaazi wetu wengi wa Kaunti ya Mombasa wanaweza kupata huduma bora ambazo zinatokana na sheria katika muongozo ambao unatoka kwa kiti chako. Ahsante sana Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Zainab Omar Mumba you were up...

(Silence)

You are okay, right now I call upon the motion mover that is Hon. Duncan Onyango to reply to those particular comments, and I give you a chance to reply to the Motion.

Hon. Onyango: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mapendekezo yangu kama nilivyosema awali kwamba tutoe majina ya waheshimiwa wawili halafu tuamue kwa pamoja atakayekuwa Kiongozi wa Walio Wachache Bungeni na jina moja tayari limeshatajwa la Mheshimiwa Serah Nyamvula tulikuwa tunangoja jina lengine kwa sababu Mheshimiwa Onje amemtaja Mheshimiwa Lucy Chizi na hayuko Bungeni ningeomba tusimpatie mtu ambaye hayuko ndani ya Bunge ina maana hana haja na kazi. Kwa hivyo ningeomba jina la pili wataje halafu tupige kura kumchagua Kiongozi wa Walio Wachache Bungeni. Ahsante.

Mr. Speaker (Hon. Rajwayi): Yes what is it Hon. Riziki Fundi.

Hon. Fundi: Ahsante sana Mheshimiwa Spika mimi nafikiria unipatie nafasi kuweza kupendekeza mtu ambaye anaweza kuwa Kiongozi wa Walio Wachache Bungeni mimi ningependelea Beatrice Kai achukue kile kiti.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Hudson Karume.

Hon. Karume: Mheshimiwa Spika mengi yamesemwa na kwa kweli mumewapa waheshimiwa kina mama ruhsa ya kupendekeza jinsia yao lakini sisi pia kama waheshimiwa wenzao pia tunaweza pia kuwapa ushauri na na kupendekeza Mheshimiwa Beatrice Kai.

(Applause)

Hon. Onyango: Mheshimiwa Spika....

(Interruption)

Mr. Speaker (Hon. Rajwayi): Hon. Duncan you know I have given you the last opportunity and you are violating your own rights by not getting your act together. You need to make your submissions so well and you have made your submissions based on these submissions and i have heard your concerns and those concerns there is the issue that has been addressed and i also agree with you that once issues have been raised that are touching on one's integrity the most Honorable thing to do is to have a peaceful investigation without bringing any chaos. It is also important in informing Members that we had such a similar case before this Honorable House and it was also seen in this House the manner which was not frustrating a Hon. Member, i know as per your feelings it is that this matter is overdue but it is important for us as much as we move to make certain decisions we need to consider so many factors that surrounds the same matter and many issues have been raised, if there is the said Hon. Members need to be informed. This is due to the fact that there are allegations that the said Member had accepted to resign that cannot be approved by any other Member in this House; two, the women caucus would have loved to be given an opportunity by this Hon. House to make their own decisions so that they can later on bring the name in the Hon. Assembly, three the number that has also been raised and touchy on this Hon. House is that the said Member that is being referred to is currently mourning and again we were to receive an official communication to that effect, the fourth factor or point that has been raised is that because the current office holder is from Kisauni there's a support or proposal that this particular decision be given the Hon. Members from Kisauni...

(Applause)

The fifth point ladies and gentlemen is that two names have already been proposed in this Hon. House; now having considered all the five points raised really it is in the common knowledge that those are factors that you may not determine instantly but to give the room for further consultations amongst yourselves and i also agree with the Hon. Members that are raising that in terms of the caucus any parliamentary which in our case is the Assembly then you qualify because this is the only Assembly that all Hon. Members are coming from one party so what you need to do is to focus yourself and i believe right now you should be ready to know that you have infact the Chair of that caucus should be known, the secretary should be known so that when time we are coming to this Hon. House all those factors that you have raised yourselves are already well addressed. For that reason therefore it will better for me to determine and propose or put to question the names that you have given to me that are going now to hold that particular office, that to me would be injustice so as i move towards the conclusion of this matter i would urge the Hon. Members to make sure that all those particular factors that are read out must be considered together also having it in mind that we have also the element of the PIC in the picture that we don't leave anything unattended and that the proposal that have now been made based on this particular motion that now appears as a prayer is that the next Hon. Members to occupy the position of Minority seat position to determine within or not more than two possible sittings; that is today in the afternoon and tomorrow in the afternoon. So as it is the names you can decide that name anyway but not instantly when the Speaker is actually sitting in the Assembly, as it stands in the motion it is in the best interest of this Hon. House that pursuant to Chapter 6 of the Constitution the said Hon. Member to vacate the office.

(Applause)

And now i put the question that this particular Motion be approved by this Hon. House as it is.

(Question put and agreed to)

(Applause)

ADJOURNMENT

Ladies and gentlemen this House stands adjourned until today in the afternoon at exactly 2:30p.m.

The House rose at 10:53a.m.