

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**

Tuesday, 20th September, 2016

The House met at 2.41pm.

(Temporary Speaker (Hon. Fadhili Mwalimu) in the Chair)

PRAYERS

Temporary Speaker (Hon. Mwalimu): Yes Clerk?

MOTION

Hon. Hatimy?

Hon. Mohamed Hatimy: Thank you Mr. Speaker I would like to move a Motion under the title; Application and Membership to the Commonwealth Parliamentary Association.

(Hon. Mohamed Hatimy read the Motion)

That AWARE THAT, there exists a Commonwealth Parliamentary Association (CPA) which is an Association of Parliaments of Commonwealth Countries worldwide;

FURTHER AWARE that the CPA recruits new Assemblies which are competent to enact state, provincial or territorial legislations;

NOTING, that the Association provides its Members opportunity to participate in a wide and expanding range of activities and programmes, and that Members are also entitled to exchange of knowledge and information on practices and procedures in other Parliaments and Legislatures, as well as other benefits including sending delegates to annual conferences upon payment of the membership subscription;

This Assembly RESOLVES to apply for membership in the Commonwealth Parliamentary Association as follows;

THAT;-

(a) The membership be effective immediately upon the approval of the application by the General Assembly of the Commonwealth Parliamentary Association;

(b) This Honorable Assembly agrees to abide by the provisions of the Constitution of the Commonwealth Parliamentary Association;

(c) The required membership fee be paid to the Commonwealth Parliamentary Association; and

(d) This resolution be communicated to the Secretariat of the Commonwealth Parliamentary Association, immediately following its passage.

(Hon. Mohamed Hatimy ended reading the Motion and moved)

Mr. Speaker Sir I beg to move, and I ask Hon. Saad to second the Motion.

Hon. Faraj: Mr. Speaker I rise to second this Motion.

Temporary Speaker (Hon. Mwalimu): I do now propose a question that the Assembly debates this Motion application and membership to the Commonwealth Parliamentary Association.

(Question proposed and agreed to)

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika, nachukua fursa hii kuomba Waheshimiwa wenzangu wakubaliane na mimi kuwa Commonwealth Parliamentary Association iko kwenye nchi za *Commonwealth* na kuwa sisi tumeweza kuomba kujiunga kwa kuchelewa, tungekuwa tumeomba kujiunga kitambo tungekuwa tumepata mambo mengi sana kutokamana na *membership* ya muungano huu.

Mheshimiwa Spika kwa hivyo naomba Wanachama wakubaliane kwamba sisi Kaunti ya Mombasa iwe ni mwanachama ipate kutambulika na sisi tupate kupata mazuri kutoka kwa muungano hu. Mheshimiwa Spika naomba kuunga mkono.

Temporary Speaker (Hon. Mwalimu): Yes Hon. Saad?

Hon. Faraj: Thank you very much Mr. Speaker, the Motion that has been brought by Hon. Hatimy should have come like yesterday.

Although it has come a little bit late we still have time to decide and even though it may not be practicable for us to benefit from this association and membership I am sure those who will come after us and if possible for those who will be re-elected or nominated again in the House will be able to benefit being in this particular association.

It will give this House time to learn and the best practices that are applicable to this particular setup Mr. Speaker and it is crucial that all the Members support this Motion for the purposes of being able to accommodate the exchange program that also is a part of this kind of association.

I therefore Mr. Speaker support this Motion and urge all the Members to support this Motion. Thank you.

Temporary Speaker (Hon. Mwalimu): Yes Hon. Ndanda?

Hon. Ndanda: Ahsante Mheshimiwa Spika, mimi nasimama kuunga mkono mswada huu ambao umeletwa na Mheshimiwa Mwenyekiti wa Fedha.

Sisi tuko katika hali ya maendeleo na maendeleo ni kwamba ni lazima pia tujifunze mengi na sisi kuweza kuandikisha Bunge hili letu katika Mabunge yale mengine ya ulimwengu.

Kama alivyonena anayeendesha Mswada huu ni kuwa kuna mengi tunaweza kujifunza na si tu Mheshimiwa Spika lakini kama alivyozungumza Mheshimiwa wa Tononoka ya kwamba ingawa Mswada huu utaweza kufaidi Waheshimiwa watakaokuja baadae lakini hata hivyo hali ambayo itakuwa ndani yake itaweza kuwa ya msaada sana.

Kwa sababu sisi tunaangalia ya kwamba tunapotengamana kama taifa yale ambayo taifa lengine yanafanya na hili letu tuchanganye yatakuwa ni maendeleo na kuweza kusaidia watu wetu kwa mengi.

Kuna mambo mengi sana Mheshimiwa Spika ambayo kwa sasa yanahitajika Kaunti ya Mombasa yawe yanafanyika kama vile baadhi ya watu hutumia fursa hii kwenda kwa *benchmark*.

Lakini hili Bunge likiwa linawasiliana na mabunge mengine itakuwa ni urahisi kutumia uanachama ule kuweza kujua ya kwamba kama vile ambavyo ilikuwa tumejua wakati mwingine tunaweza kuwa na ambulensi za kwenye maji tukazipata na tunaweza pia kusafiri itakuwa ni kitambulisho kizuri, chanzo kizuri cha kutuwezesha sisi kuweza kuenda kwa nchi zengine, mabunge mengine bila kuangalia katika hali ya kinidhamu ya kuzungumzia miswada yao, kuenda pia kusoma mengi ya maendeleo ili sisi nasi tufanane kama wale wengine.

Kwa kusema kweli mswada huu ni vile tu kila kitu kina wakati wake lakini huu ni Mswada ambao ungekuwa tumeuleta mapema.

Kwa hivyo pia nampa kongole sana aliyeweza kuleta mswada huu na kufikiria ya kwamba hata sisi tuna usawa kama wale wengine. Ahsante Mheshimiwa Spika.

Temporary Speaker (Hon. Mwalimu): Yes Hon. Serah.

Hon. Nyamvula: Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii, mimi nimesimama kuunga mkono huu mswada sio kuwa nataka kuchukua maneno ya Mheshimiwa Saad yale aliyosema kwamba tunafanya hivi sio kwa sisi.

Sisi tuna miezi kumi iliobaki kisheria lakini nikisema hapo nasikitika inanisikitisha sana mimi kwamba tunapitisha mswada huu lakini mswada wa *Caucus* kitengo chengine ambacho sisi kama kina mama tunajua watu watasema mbona hukuja kitambo tumepoteza wakati mmoja muhimu sana.

Hii hii ya kushirikiana kitu ambacho kinaitwa *network* tumepoteza mahali pamoja pazuri sana sisi kama *Caucus* ya kina mama tumeshindwa kujumuika na kuweza kuwaachia wale ambao watakuja katika Bunge hili 2017 ofisi ambayo itakuwa tayari.

Kama waanzilishi wa hizi tungelikuwa tumefanya kitu hichi lakini kwa nini hatukufanya, ni kwa sababu pesa ile ilitoka upande wa *Public Service Board*.

Jambo la kwanza na leo naiunga mkono hii lakini sasa tunaona kwamba tunakuwa na *double stamp* ya kwamba sisi pia muungano ni kwamba tuna hakika italipiwa ingelikuwa pia sisi tumelipiwa *Caucus* saa hizi tungelikuwa mbali manake kuangalia *caucus* ya Kaunti Kenya zimeenda mbali sana.

Sisi kama Kaunti 001 tumeshindwa kwa sababu kwanza mpaka tuchange, hivi saa hizi inatajikana tutafute pesa zengine za wakili.

Kwa hivyo kama kuna ushirikiano mwingine kama itasaidia wabunge sisi tuliopo na wale ambao watakuja ni muhimu kama tuwe na maofisi tuende kama historia kwamba tumewahi ofisi ama tumewapa maofisi yale ambayo hayatajikana.

Kama vile ofisi ya Kiongozi wa Walio Wachache mimi kama Mwenyekiti wa Vijana, Jinsia na Michezo nimelilia ofisi ya Jinsia lakini sio kwamba ni yangu sitaichukua niipeleke nyumbani kwangu hapana itabaki hapa.

Ni kwamba ile Kamati ikija watu walikuwa tayari kama vile tulivyoshirikiana Mheshimiwa Spika na tukaweka ofisi ya mwenzetu Mheshimiwa Karume, tukiondoka si eti itavunjwa inawekwa pale na tulipitisha ile Kamati na naunga mkono kwa sababu watu watashirikishwa na watu watasoma na watu watasafiri lakini ikiwa kuna *network* yeyote nyengine na ni vile ambavyo imechelewa lakini ingekuwa nimepata nafasi ingekuwa nimeuliza marekebisho lakini ni vile sheria ya marekebisho ni masaa mawili kabla.

Mheshimiwa Spika nasikitika sana na naomba Bunge hili tunapoipitisha hoja hii tuangalie ile ya *caucus*; tumebakia na wakili mutusaidie kama kina mama wa Kaunti ya Mombasa ambao tumekuwa na udhaifu wa kuangalia kujitambulisha mimi na wote kuangalia watakaokuja kuliko kutuangualia sisi na kuona kwamba ile *caucus* imeendelea itakuwa jambo nzuri sana.

Kama sisi tutaacha *caucus* inaendelea na ofisi ya *caucus* iko pale pale Mheshimiwa Spika mambo ya jinsia huwa siyachukulii kwa kifua lakini nitayachukulia kwa moyo. Ahsante Mheshimiwa Spika.

Temporary Speaker (Hon. Mwalimu): Yes Hon. Amur.

Hon. Amur: Ahsante Bwana Spika mimi pia naunga mkono hoja hii ambayo Bwana Spika ukiangalia majukumu ya maserikali yote hata ukitaka kuangalia karibu kabisa kuna ushirika ambao uko Arusha inajumlisha Afrika Mashariki na umoja ule unasaidia nchi zetu.

Kwa hivyo kuungana kwa *Commonwealth* hatutafaidi sisi bali tutaleta muamko wa kiserikali na kisheria kwa mfano chukua suala la ICC, ingekuwa ICC ni umoja wa nchi kadhaa dhulma zile zinazofanyika ughaibuni hauwezi kupatikana haki kama hakuna umoja huu.

Umoja huu si wa kujisajili tu bali ni wa kupata elimu pia katika makundi yale mengine ili kesho tufaidike na faida ile leo unaona umoja wa kimataifa, shirika la ICC, Bunge la Africa Mashariki.

Haya yote ni kwa sababu ya kuleta watu wetu kwa mambo ya ushirikiano na kusaidiana.

Kwa hivyo jambo hili si kwamba lafanywa kwa sababu ya sisi kufaidisha vizazi vijavyo hatusemi Bunge lijalo pekee bali vizazi vijavyo Mheshimiwa Spika. Ahsante Bwana Spika.

Temporary Speaker (Hon. Mwalimu): Hon. Hatimy can you respond just a minute what is it Hon. Riziki Fundi Bekitsao.

Hon. Fundi: Ahsante sana Mheshimiwa Spika kwa kuniona kwamba niko katika hili Bunge.

Mimi ilikuwa nimechelewa kidogo samahani lakini nilikuwa nina mchango kidogo kutokana na hili jambo ambalo limeletwa mbele yetu.

Mheshimiwa Spika hili ni jambo mwafaka ni nzuri lakini nina maswali kidogo ningependa majibu yake ya njia ambazo zinaweza kutuwezesha kujiunga na Bunge hili na *Commonwealth Association*.

Kwa sababu katika kila muungano huwa kuna Katiba, Katiba ambayo inaonyesha yale ambayo tunaweza kufanya Mheshimiwa Spika.

Ingekuwa ni jambo bora kabla sisi hatujaamua kujiunga tupate ile katiba ya *Commonwealth* ili tuweze kuijadili kama sisi tuiangalie, je katika ile Katiba majukumu ni yepi?

Kama itakuwa inaaifikiana na sisi ama ambayo hayaafikiani na sisi ili tuweze kufanya uamuzi ambao utakuwa ni uamuzi bora kwa ajili yetu na wale watu tunawawakilisha.

Mheshimiwa Spika huwezi kuzungumza jambo lolote kabla hujajua kiini na zile kanuni ambazo inatajikana ufuate ukerebishe Nyumba; itakuwa jambo baya ikiwa sisi tutazungumza mahali ambapo hatuelewi misingi iliotumika katika kuiunda hiyo *Commonwealth*.

Kwa hivyo ningependa Mheshimiwa Spika kabla hatujatoa uamuzi kama Bunge tuletewe hiyo Katiba tuikalie sisi chini kama Bunge la Mombasa tuangalie je ni mambo ambayo yanaweza kuafikiana na shughuli zetu za Bunge?

Na kama kuna masharti ambayo yanatajikana je masharti yale tunaweza kuyatimiza kabla hatujatoa uamuzi?

Mheshimiwa Spika hili ni jambo ambalo tutalifanyia uamuzi leo kama Kaunti ya Mombasa itakuwa tumefanya uamuzi milele; Bunge, yale mabunge yote yatakua yanapita Kaunti ya Mombasa yatakua ni lazima yawajibike katika hili jambo ambalo tutakua tumeamua.

Kwa hivyo ningependa jambo lenyewe ni zuri lakini tupewe Katiba sisi kama Bunge tukae chini tuichambue tuangalie yale ambayo yanatufaa; yale ambayo hayatufai ili tuamue kwamba jee kutakua na haja sisi kujiunga ama kutojiunga.

Hili jambo ni zito na lazima wanachama waliangalie kwa sababu uamuzi ambao twaweza kuufanya leo utaathiri vizazi vijavyo. Ahsante Mheshimiwa Spika.

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Temporary Speaker (Hon. Mwalimu): Thank you Hon Riziki, Hon. Hatimy respond to the Motion.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika, *Commonwealth Parliamentary Association* ni maombi ambayo Kenya wenyewe imo ndani yake, na sidhani kuwa kutakuwa na jambo lolote ambalo litadhuru Kaunti yetu na kuna Kaunti ndani ya Kenya ambazo tayari zimeingia kwenye huu muungano.

Muungano huu hautofaa Waheshimiwa pekee yake bali watakuwepo watakaofaidika sisi ikiwa tutakuwa wanachama wa muungano huu.

Mheshimiwa Spika ukiangalia maombi ambayo nimeleta kwenye Mswada huu imezungumza vizuri sana kusema kuwa Bunge ukiangalia, *"The Assembly (b) This Honorable Assembly agrees to abide by the provisions of the Constitution of the Commonwealth Parliamentary Association;*

Nchi ya Kenya ina ukakamavu kwa huu ushirikiano Mheshimiwa Spika, huu ushirikiano ni kusaidia kama unavyojua ile *title* tulio nayo sisi leo baada ya miaka mitano tukitoka hapa ile *title* twatoka nayo.

Mheshimiwa Spika, wewe kama Mheshimiwa utakuwa una uwezo wa kuwa Mwanachama wa huu muungano hata baada ya kuwa wewe umetoka kwenye kuhudumia wananchi.

Kwa hivyo ndani ya huu muungano ukiusoma sidhani kama kuna jambo lolote litatadhuru sisi kwani Kenya wenyewe tayari iko ndani ya uanachama wa huu muungano na tumesema vizuri sana kuwa Mheshimiwa Spika kuwa sio kuwa ni Kaunti peke yake ambayo zitaweza kuwa wanachama maanake ni nchi ambazo zinakuwa wanachama na ni jambo ambalo litatupeleka mbele.

Tumechelewa sana sisi kujiunga na huu muungano kwa hivyo Mheshimiwa Spika baada ya sisi kuipitisha tumpatie wadhifa huu Karani mkuu wa Bunge na tumesema kuwa awasiliane na huu muungano.

Alafu sisi ikiwa hakuna jambo lolote ambalo litakua liko itakua ina madhara yoyote kwetu sisi tuendeleo sisi na kujiunga na huu muungano kwani sisi tukijiunga na huu muungano ni sisi watu wetu pia watafaidika kutokamana na uanachana wa sisi. Ahsante sana Mheshimiwa Spika.

(Applause)

Na Mheshimiwa Spika nataka kusema kuwa hatutoweza kusema pesa ni ngapi ya kusema kuwa mwanachama lakini sidhani kuwa itakuwa nyingi ambazo zitaweza kutushinda sisi kuwa wanachama wa huu muungano.

(Interruption)

Hon. Fundi: *Point of information...!* Mheshimiwa Spika hii ni kweli, ni uamuzi ambao tunafanya hapa kutokana na matamshi ambayo ameyatoa Mheshimiwa Hatimy ni kwamba....

Hon. Mohamed Hatimy: Hon. Spika that is not point of information, let him inform us what he wants to inform.

Hon. Fundi: Nataka kumfahamisha katika uanachama wowote huwezi kujiunga kabla hujaambiwa uanachama ni ngapi, lakini hata Mwanachama mwenyewe ambae amelea Mswada huu hajui tunatakikana kulipa pesa ngapi.

Ndio pale nikasema lazima tupate Katika, hayo yote ambayo tumezungumza yatakua yapo kwa Katiba tunatakikana kulipa pesa ngapi na itakua ni vipi, ama ni ile tunalipa kila mwaka, tupate Katiba kwanza.

(Interruption)

Temporary Speaker (Hon. Mwalimu): Hon. Ndanda.

Hon. Mohamed Ndanda: Ahsante Mheshimiwa Spika, mimi langu ni kuongezea kwamba naona Mheshimiwa Riziki akiunga mkono huu mswada.

Kwa sababu Mheshimiwa aliyekua anaongoza Mswada amesema katika maombi yetu tutampa Karani wa Bunge aweze kuwasiliana na *Commonwealth* alafu baada ya pale nikimnukuu ya kwamba ikiwa kuna jambo ambalo litakua na madhara litachujwa na yale mengine sisi tuendeleo kufanya kujiandikisha katika wanachama wa *Commonwealth*...

(Applause)

Kwa hivyo hayo mambo yamezungumziwa hapa vipaza sauti vyetu imechukua *Hansard* nafikiria ya kwamba pia akaendelea kusema nchi yetu ya Kneya hata mimi najua kuna wanachama wa *Commonwealth*.

Kwa hivyo Mheshimiwa wa Bamburi najua ametoka Bamburi akawa amechoka kwa hivyo ile munkari yuko nayo aipunguze kidogo atafakari nchi ya Kenya iko na *Commonwealth*.

Temporary Speaker (Hon. Mwalimu): Hon. Members the mover having responded to the Motion, i rise to put a question, as per the prayers of the Motion, as the prayer a),

(a) The membership be effective immediately upon the approval of the application by the General Assembly of the Commonwealth Parliamentary Association;

(b) This Honorable Assembly agrees to abide by the provisions of the Constitution of the Commonwealth Parliamentary Association;

(c) The required membership fee be paid to the Commonwealth Parliamentary Association; and

(d) This resolution be communicated to the Secretariat of the Commonwealth Parliamentary Association, immediately following its passage.

So it clearly shows that still the secretariat of this Assembly will work on issues pending.

So i hereby put a question that the House resolves that the Application and Membership to the Commonwealth Parliamentary Association be approved in this House.

(Question put and agreed to)

(Applause)

Yes Clerk.

ADJOURNMENT

The House stands adjourned until tomorrow Wednesday 21st September at 9.00am.

The House rose at 3.10pm.