

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Wednesday, 30th November, 2016

The House met at 2:55pm.

*(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)***PRAYERS****Deputy Speaker** (Hon. Mswabah Rashid): Members you may sit down. Yes Clerk.**MOTION**

Yes Hon Mary Akinyi.

Hon (Ms) Akinyi: Thank you Mr Speaker sir. Mr Speaker sir I urge to table a Motion on replacement of asbestos roofing in public primary schools;*(Hon. (Ms) Akinyi moved Motion on replacement of asbestos roofing in public primary schools)***THAT AWARE** that that asbestos is hazardous material causing several incurable diseases including cancer and was banned by the World Health Organization (WHO).**FURTHER AWARE** that the National Environment Management Authority (NEMA) through legal notice no. 121 of the environmental management and coordination (Waste Management) regulations 2006 waste containing asbestos was classified as hazardous waste whose disposal was subject to regulated mode by NEMA.**CONCERNED** that many public primary schools have asbestos roofing which could harm students, teachers and the general public using school premises for various activities.Mr. Speaker Sir I therefore urge the County Assembly to **RESOLVE** that:

The County government to replace asbestos roofing in public primary schools to forestall its potentially harmful effects to students, teachers and the general public. Mr Speaker sir I urge Hon Saad Faraj to second the Motion.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Saad?**Hon Faraj:** Thank you Mr Speaker. Mr Speaker I raise to second the Motion.**Deputy Speaker** (Hon. Mswabah Rashid): Members this Motion has been seconded then I think I will propose the question; replacement of asbestos roofing in public primary school. Yes Hon Mary Akinyi.**Hon (Ms) Akinyi:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimeleta mjadala hapa ya kuwa tuweze kutoa paa za *asbestos* kwa sababu zinaleta matatizo mengi.Mheshimiwa Spika wahenga walisema afadhali kuinga kuliko kutibu. Mheshimiwa Spika majuzi tu nilikuwa katika shule moja katika eneo Bunge la Jomvu shule ya msingi ya Amani huko Mikindani ambapo wale watoto wadogo wanao simamia haki zao walikuwa wakiniuliza maswali kuwa ni nini tunachukulia kama serikali ya Kaunti kutoa hizo *asbestos* ambazo ziko katika madarasa ambazo zinawaletea matatizo.Mheshimiwa Spika najua kuwa *World Health Organization* ilifanya utafiti ikapata kuwa zile paa ambazo zimewekwa na *asbestos* zinaleta magonjwa ya saratani na hata magonjwa mengine pia na hususan watoto ambao wako shuleni mvua ikinyesha wale watoto wadogo wadogo wanaenda kuinga yale maji wanakunywa ambao inawaletea madhara ambayo si mazuri sana katika afya ya jamii.Mheshimiwa Spika hivyo ningehimiza serikali ya Kaunti yetu iweze kusaidiana ama iweze kutoa hizo paa za *asbestos* katika hizo shule kwa sababu inaduru afya na afya iko katika

serikali ya Kaunti na wakati watu watakuwa wamedhurika na magonjwa mengi ni Kaunti nzima itakuwa imeathirika.

Kwa hivyo Mheshimiwa Spika naomba Jumba hili tusaaidiane, mniunge mkono kwenye huu mjadala ambao nimeleta hapa ili hizi *asbestos* ziweze kutolewa waweze kuwekewa *roofing* ambazo zinahitajika ili afya ya watu iweze kuwa ni afya ambayo inahitajika. Ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Mohamed Hatimy.

Hon Mohamed Hatimy: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nimeweza kusikiza kwa makini hii *motion* ambayo imeletwa hapa.

Kwa kweli hii *motion* ni nzuri sana lakini Mheshimiwa Spika kama tujuavyo katiba imegawanya *jurisdiction* ya kila mtu baina ya Bunge la Kaunti na Bunge kuu.

Kusema hivyo Mheshimiwa Spika ni kwamba shule za msingi ni *function* ya serikali kuu, hatuwezi kushika kitu ambacho si chetu, kwa hivyo Mheshimiwa Spika ningependa kama sisi ni kufanya...

(Interruption)

Hon (Ms) Akinyi: Point of information!

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Mary.

Hon (Ms) Akinyi: Ahsante sana Mheshimiwa Spika ningependa kueleza tu Jumba hili kwamba hizi *asbestos* ziko katika mazingira na mambo ya afya pia na mambo ya mazingira ni mambo ya ambayo yamegataliwa.

Kwa hivyo Mheshimiwa Spika ninapo leta hii *motion* hapa ni kwa sababu nimegusia mambo ya mazingira na pia nimegusia mambo ya afya ndiposa nikaileta hapa.

Deputy Speaker (Hon. Mswabah Rashid): Okay. Yes Hon Hatimy.

Hon Mohamed Hatimy: Mheshimiwa Spika hebu tuangalie hii *motion title* yake inasema nini, inazungumzia habari ya shule za msingi haizungumzii habari ya mazingira.

Kwa hivyo sisi tunasema kiini cha hii *motion* ni kubadilisha paa la shule za msingi hatuzungumzi habari ya kubadilisha mazingira, kwa hivyo Mheshimiwa Spika jambo hili latakikana ile *motion* serikali ya Kaunti kuhimiza serikali kuu.

Kwa hivyo wabadilishe hii *motion* lakini sio sisi kuingilia shughuli ambayo si yetu, ukiangalia katiba *schedule 4 part 2* iko wazi; inaonyesha nani anafanya nini na ukiangalia kwenye katiba Mheshimiwa Spika iko wazi kwamba shule za msingi ziko chini ya serikali kuu.

Kwa hivyo itabidi sisi kama twataka kufanya jambo hili tuombe hio shughuli ije kwetu halafu tukishapewa nafasi ndio tufanye ile kazi iliyo ombwa hapa, kwa hivyo nafikiria Mheshimiwa Spika hii *motion* imekuja kwa njia ambayo si ya sawasawa, hii *motion* yatakikana itengenezwe kwa njia ya sawasawa hili ni jambo zuri, watu wetu watakuwa wanaumia lakini si kwa njia hii *motion* ilivyokuja. Ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Mheshimiwa Amur Mohamed, Amur Murfad.

Hon Amur: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi nimesimama kupinga hii *motion* vikali sana kwa sababu *motion* yenyewe haijatwambia ni shule ngapi, maji wanayo kunywa hatujaambiwa kwa nini wanakunywa maji ya kukinga wakati mvua hakuna watoto huwa wanakunywa maji gani kwa sababu tunaambiwa wanakunywa maji ya mvua kutoka kwa *asbestos* na wakati hakuna mvua inamaanisha pale hakuna maji wakati sisi kama serikali ya Kaunti tumewekeza katika shule mambo ya kuosha mkono watoto kupata usafi wa choo; kuna maji kwa sababu hatuwezi kujua maji haya yana hatari.

Kwanza tuambiwe katika *motion* hii ni shule ngapi wamefanya utafiti ni shule ngapi zinahusika; pili kama alivyosema Mheshimiwa Babady inawezekana hii ni serikali kuu, kama

Mheshimiwa anataka labda aombe kwa CDF na yale maeneo yaisaidie, wana uwezo manake wale wako na *kitty* basi ipelekwe kwa kamati ya CDF iwe pendekezo kama kila eneo Bunge itasaidia basi isaidie lakini Mheshimiwa ikiwa ni kusema sisi tutoe kitu ambacho si jukumu letu italetu utatanishi kwa sababu sisi katika katiba tunaruhusiwa kwa zile shule za chekechea peke yake *ECDs* ndio ziko katika mamlaka yetu lakini chengine chochote ambacho katika mamlaka kimegawanywa kikatiba sisi hatuhusiki na leo sisi wenyewe hatuwezi kupanda farasi twaenda kutafuta kupanda ngamia farasi bado hatujaweza kumpanda twaenda kutafuta majukumu mengine tujitweke

(Laughter)

Mheshimiwa wewe washindwa kupanda farasi ambaye ako karibu na wewe wataka kupanda ngamia, hayo yatakuwa ni majukumu ya serikali kuu twayachukua sisi ambapo ni vizuri turudishe mswada huu kurai serikali kuu kufanya yale ambaye Mheshimiwa ameomba. Ahsante Mheshimiwa Spika.

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Patrick Siminyu.

Hon Siminyu: Thank you Mr Speaker. Mr Speaker I want to say that it's a good motion but the prayers are a very dangerous...

(Laughter)

The prayers are committing the County government to do a function that is not hers Mr Speaker it's dangerous for us; as we know the national government as the constitution says you devolve function plus the monies and we know the money for primary schools is not devolved and the national government still hold the monies and to tell the County government to use the little money that is allocated for development you know that its shorten itself.

Mr Speaker you know we have struggled with the huge wage bill as a County and you know we have a lot of development to do and yet the national government is holding billions of shillings of which sometimes people steal...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Continue...

Hon Siminyu: Through several scandals like the NYS; another scandal of billions of shillings like the standard gauge Mr Speaker and yet we want to commit the little to do a function that is not ours and we pass a Motion like this of which people will hold us accountable that the motion compelled the county government.

Mr Speaker it will be injustice to the County government; I ask my colleague to return this Motion so that it can be redrafted and directed to the national government to do the function that it is required to do. Mr Speaker direct when the prayer comes it should be the national government since our children are suffering due to their negligence.

Mr Speaker if it would be the nursery schools that are under our care I have no objection to that let the Hon Member have a prayer for the nursery schools that are under our care then I would have no problem with that but the function that belongs to the national government let it be directed to the national government. Thank you Mr Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Jimmy Odari.

Hon Odari: Ahsante sana msitahiki Spika....

(Laughter)

Kwa kunipa fursa hii na mimi kutoa maoni yangu kulingana na hoja iliyoletwa na Mheshimiwa Mary Akinyi ambayo ni hoja nzuri sana. Mheshimiwa Spika nataka kubaliana na Mheshimiwa Hatimy kwamba hii hoja ni muhimu sana na ni hoja ambayo ina manufaa; hasa ukizingatia maswala ya afya kama alivyosema Mheshimiwa Mary *asbestos* si nzuri kwa afya.

Sehemu nyingi na hata wataalamu kuthibitisha kuwa *asbestos* inasababisha saratani kwa hio si vizuri shule zetu ziendele kuwa na paa za *asbestos*.

Kwa ajili hio Mheshimiwa Spika mimi nasema huu mswada ni mzuri hata kama utataka turekebishe ili pengine ulingane lakini si mswada wa kuweka kando ni mswada muhimu na lazima tutafute namna ya kuendelea hata kama ni baada ya marekebisho usisahau kwamba shule za msingi zamani zilikuwa chini ya Manispaa, zilikuwa ni za Manispaa lakini katiba ya sasa inasema kuwa serikali za Kaunti zimebakishiwa masomo ya chekechea na mambo ya vyuo vya ufundi mitaani yaani *village polytechnic, handcraft* na mambo ya *childcare*.

Lakini Mheshimiwa Spika tuisahau kwamba hata hivi sasa tunavyosema kuwa katiba imesema hivi kuwa shule za msingi ziko sasa kwenye mkono wa serikali ya kitaifa.

Ukienda kwenye idara ya elimu ya Kaunti ambayo inaongozwa na Mheshimiwa Tendai utakuta kuwa hii idara imechangai sana kwa kutengeza miundo msingi katika shule zetu za Mombasa...

(Applause)

Na sehemu nyingi hizi shule za msingi zimerekebishwa, zimekarabatiwa na hii idara yetu ya elimu ikiwepo shule za kwangu Changamwe kuna mahali zimefanywa marekebisho, hata madarasa yamefanywa marekebisho na sehemu zengine zengine zimetengezwa kama paa na hii hii idara yetu ya Kaunti ya elimu.

Kwa hivyo katiba inasema kuwa serikali ya kitaifa na serikali ya ugatuvu zitashirikiana japo ziko *distinct and interdependent* yatafanya mambo yao kupitia mashauriano na kushirikiana.

Kwa hivyo hii hoja labda tuifanyie au tuongeze kitu kidogo ile *title* yake tubadilishe tuongeze pengine supu ndani yake ili hili jambo la *asbestos* liweze kutatuliwa maana tunajua *asbestos* ni hatari kwa afya za watoto wetu na jamii yetu. Ahsante sana Mstahiki Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Wangudi Stephen.

Hon Wangudi: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mara kwanza ilikuwa nimeandaa marekebisho katika mswada huu lakini kutokana na taratibu za Bunge nimehisi ya kuwa marekebisho hayo yamepitwa na wakati na kwa sasa nitatoa mchango wangu wa huu mswada namna ilivyo na ufahamu.

Mheshimiwa Spika tangu zama za kale ilipoanzishwa elimu katika taifa hili na wamishenari shule nyingi zilianzishwa na wamishenari na baadhi ya shule zilianzishwa na jamii katika maeneo tofauti tofauti, baada ya shughuli hizo zote shule hizi zilichukuliwa na serikali kuu na majukumu yalikuwepo ya serikali kuu na majukumu yalikuwepo ya serikali zile za manispaa hasa jukumu kubwa la serikali kuu ilikuwa kulipa walimu na kufanya mambo mengine madogo madogo, swala la ujenzi liliwachiwa jamii na uongozi uliokuwepo katika eneo lile.

Mheshimiwa Spika kutokana na ufahamu wa kihistoria tunavyoifuatilia inavyotueleza na baada ya katiba mpya mwaka 2010 ilibainika wazi ya kuwa serikali Kaunti na serikali ya kitaifa imegawa majukumu katika swala la elimu, na serikali ya Mombasa ilivyo na uerevu ilitambua swala hili mapema ndiposa tukaja na sheria ile tunayoiita Elimu Development Act 2014.

Mheshimiwa Spika madhumuni makubwa ya sheria hii ilikuwa kutupa sisi kama serikali ya Mombasa mwanya wa kupenyeza katika yale majukumu ambayo tumepangiwa na sheria, kwa sababu hiyo hatuna sababu ya kupinga mswada huu ya kuwa hatuna mamlaka, mamlaka tunajitengezea wenyewe sheria ikihakikisha tuko na kipengee katika sheria ile ambayo inaturuhusu ndio maana harakati zote za serikali ya Mombasa hazina mpaka hizi sasa tunatoa maziwa mpaka darasa la nane, darasa la kwanza, la pili na la tatu ni kiwango cha msingi.

Mheshimiwa Spika kwa taarifa yako kuna mikakati ya kuhakikisha kwamba tunapeana mpaka darasa la nane; ikiwa katiba hiyo hiyo moja majukumu hayo tutayatekeleza ndani ya

Kaunti hii kuna maswala mengi yalifanyika baada ya uchaguzi wa 2013 katika shule za upili na shule za msingi.

Mheshimiwa Spika hivi sasa tunavyozungumza tuko na bajeti ya kupeana basari katika mashule zetu bila ile sheria hatungeweza kupeana basari kupitia kwa sheria hiyo hiyo.

Mheshimiwa Spika tuko na uwezo wa kubadilisha paa zetu za shule zetu kwa vituo vya afya kuweka mabamba yanayostahili ki sheria za kiafya na mambo mengine serikali hii ya Kaunti ya Mombasa imechimba visima vingi sasa katika shule zetu, tumetengeza mpaka vyumba vya kujisaidia katika shule zetu.

Mheshimiwa Spika kwa sababu ya hiyo tuunge mswada huu mkono iwapo kutafanywa marekebisho yarekebishwe lakini tusipuuze mswada huu na zungumza nikiwa Mwenyekiti wa kamati ya elimu na watoto katika Bunge letu la Kaunti ya Mombasa na langu kuu nikupeana mwelekeo na muongozo kutokana na mswada aliouleta Mheshimiwa Mary Akinyi ambaye ni mbunge mteule wa Bunge hili. Ahsante sana Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Saad Faraj.

Hon Faraj: Thank you very much Mr. Speaker. Mr. Speaker being the seconder of this Motion I think it is vital for me to contribute bearing in mind the concerns of the Members of this Assembly have already contributed to this beautiful Motion.

Mr. Speaker human life and sanctity of life is an embodiment which is entrenched in the constitution and I feel that Article 26 has clearly stated that the right of every human being's life is very sacred and has to be preserved...

(Applause)

Mr. Speaker bearing in mind also the fact that there are financial implications if we are to pass this Motion and considering the views of the other Members who have clearly stated that this function is a function of the national government. I think for us as Members....

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Amur.

Hon Amur: Is the Hon Member supporting or not supporting the Motion? He should tell us whether he is supporting or not he seconded it but he has not told us now whether he is supporting or not supporting the Motion.

Deputy Speaker (Hon. Mswabah Rashid): The seconder normally supports.

Hon Faraj: Mr. Speaker we are almost four years old in this House and automatically whoever seconds supports ;automatically so the views of the Members must be taken into consideration and there are very crucial issues that have been raised by the Members and I feel that for this Motion to prosper and to go to the next level it is for us to sit down with the mover of the Motion and agree on the changes and amendments that have been brought forth to this House by the Members.

That is my position and as I sit I fully support this Motion with the amendments that have been proposed by the Hon Members.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy what is it?

Hon Mohamed Hatimy: Mheshimiwa Spika lugha aliyotumia Mheshimwa aliyetoka kuongea hapa ni kama kusema ukinipiga wanionea na ukiniwacha waniogopa...

(Laughter)

Kwa sababu Mheshimiwa Spika, ame *second* hii *Motion* na anataka hii iwe *amended* sijui ipi ni ipi? Ame *second* hii *motion* vile ilivyokuja na huku anasema anataka hii *amendment* atuambie kama ame *second* hii *motion* hivi ilivyo ama amelea anataka kurekebisha hii *motion* kwa sababu atakuwa yeye sio *seconder* tena, atuambie ni nini?

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Meti.

Hon Ahmed Ebrahim Omar: Shukran sana Mheshimiwa Spika kwa kunipa nafasi ya kuchangia katika hii mada. Mheshimiwa Spika mbele yetu leo tunaona mada muhimu sana ya kujaliwa afya za watoto na wanafunzi wetu walio katika mashule mbalimbali katika Kaunti yetu ya Mombasa.

Mheshimiwa Spika kama tunavyojua hii *asbestos* si uwongo ni kitu hatari sana ambayo inaweza sababisha hata saratani ambayo ni ugonjwa unaokosa tiba na ambalo litakuwa ni jambo baya kupata wanafunzi wetu ama watoto wetu wanaosoma katika mashule haya kwa sababu kulingana na mazingira tunayoyaishi shule zetu nyingi zilijengwa wakati wa zamani na mapaa yake wametengezwa kupitia na *asbestos*.

Mheshimiwa Spika mada kama hii ni lazima tuiangalie sana sisi Waheshimiwa kwa sababu kila mmoja wetu jambo kama hili linamuhusu sababu sote tuko hapa kuwakilisha kwa niaba ya wananchi wetu kule mashinani.

Lakini ni lazima tuiangalie sisi kama Kaunti, je hili ni jukumu letu ama ni jukumu la serikali kuu ambao watakuwa si sawa sisi kama Kaunti kujiumiza mbavu kutaka kufanya jambo kama hili kwa sababu tuko na majukumu mengi sana zile pesa ambazo tunazipata sisi wenyewe hazitutoshi na tukisema leo hii tunajiingiza katika kutengeneza hizi shule za msingi tutoe hizi *asbestos* maana hili jambo ni zuri kwa wananchi na afya za watu wetu lakini sisi kama Kaunti bado hatujakuwa na uwezo huu sababu pesa tunayopata sisi wenyewe ni kidogo.

Mheshimiwa Spika tukiangalie katika bajeti zetu hili jambo pia hatuja liangalia, lazima mada kama hii tuikebishe tuangalie ni njia gani tunaweza kuileta ili kama vile jukumu la serikali kuu tuungane nao mkono tuangalie...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy.

Hon Mohamed Hatimy: Point of information Mr. Speaker. *Mheshimiwa Spika hata sisi kwenye Nyumba hii tungeanza na Nyumba hii kwanza kuibadilisha alafu ndio tuende tufanye nje, nyumba yenyewe hii hizo asbestos ukiangalia ziko kwa hivyo tuanze na Nyumba hii kwanza.*

Hon Ahmed Ebrahim Omar: Umemskia Bwana Mwenyekiti hapo akisema sisi wenyewe waheshimiwa tuko katika athari ya *asbestos* ambayo iko juu ya mapaa yetu kwa sababu Mheshimiwa Spika Jumba hili lenyewe ni zee na twajua kulitokea jambo la ubadilishaji wa paa lakini sijui umefika wapi.

Mheshimiwa Spika naona pia sisi Waheshimiwa wengine tutaogopa kuja kazini kwa sababu *asbestos* ukimuangukia ikimpiga kichwa basi Mheshimiwa huyo atapata saratani hata kampeni hataweza kufanya.

Mheshimiwa Spika kwa hiyo mimi nimesimama kusema napinga naomba tu mswada huu urekebishwe vizuri ili tupate kuangalia jambo kama hili ni vipi laweza kusaidia wananchi wetu.

Kwa sababu mimi hata shule niliyosoma Mheshimiwa Spika, mimi nilisoma shule ya msingi ya Kikowani na ile shule yetu nafikiri haikuwa na *asbestos* ilikuwa na zile nafikiri ni *tiles*.

Kwa hivyo ni lazima tuangalie ni shule ngapi ambazo zina hizo *asbestos* na zinafaa kurekebishwa ili pia tutakaporegia na mswada huu tukitaka kushirikiana na serikali kuu tujue ni shule ngapi Mombasa hii zilizo na *asbestos* na labda ni kiima tunaweza shirikiana na serikali kuu tupate kusaidia wananchi wetu katika janga kama hili Mheshimiwa Spika sababu lazima sisi Waheshimiwa tujali maslahi ya afya ya wananchi wetu sababu tunavyojua *asbestos* zinaweza kuleta saratani. Ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Nasser.

Hon Nasser Rashid: Ahsante sana Mheshimiwa Spika kwa kunipa hii nafasi, mimi nimesimama hapa kuunga mkono, tunajua *foundation* ya kila kitu ni elimu...

(Interruption)

(Laughter)

Mheshimiwa Spika *foundation*...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Amur Murfad what is it?

Hon Amur: Mr. Speaker foundation is only when we are building we are not doing a building; it is asbestos removal of roofing so he should tell us about the roof and not the foundation. We are not building any house Mr. Speaker.

Hon Nasser Rashid: Mheshimiwa Spika msingi wa kila kitu na vitu vyote vinatokana na elimu...

(Applause and laughter)

Mheshimiwa Spika watoto wetu wengi sana wanasoma katika shule ambazo ni za serikali wengi sana tumetembelea kwa shule mbalimbali, bado kuna viongozi wengine watoto wao wako kwa shule za serikali kuna Waheshimiwa wengine kama Mheshimiwa Amur amejaliwa kupeleka watoto wake nje sana sana....

(Laughter)

Hizi shida ambazo tunazizungumza hapa nafikiri anazona kwenye KTN peke yake, Mheshimiwa Spika kama mtoto atakuwa ananyeshewa na mvua badala ya kuwa ma *professor* ama *scientist* unapata kuwa anakuwa mgonjwa wa saratani za matiti ama za mahali pengine utapata kuwa ni shida kubwa sana badala ya kuziba ufa tutajenga ukuta.

Mheshimiwa Spika tukifikiria zile pesa ambazo tutatengeneza ile mabati mwisho tutafuta pesa ya kutibu magonjwa mengi katika Kaunti yetu. Mheshimiwa Spika ningependa hili Bunge lipeleke mswada huu katika Kamati husika ifanye uchunguzi zaidi na kama itakuwa inawezekana mswada wa kutengeneza haya mabati naomba tutengeneze. Ahsante sana.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Mary Akinyi can you reply to the Motion.

Hon (Ms) Akinyi: Ahsante Mheshimiwa Spika. Mheshimiwa Spika kwanza ningependa kuwafahamisha kuwa paa hii ya hili Nyumba letu haina *asbestos* iko na ile *clay*, hata ukitoka pale utaona *clay* na sio *asbestos*.

Kwa hivyo watafautishe *asbestos* na zile paa za *clay*; pili Mheshimiwa Spika kutokana na ruhusa yako ningekuomba...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): When somebody stands they must be given an opportunity, you will be given time but when somebody stands they have to be given time and a chance to speak. Yes Hon Hatimy what is it?

Hon Mohamed Hatimy: Mheshimiwa Spika ningependa Nyumba hii i *adjourn* kwa dakika tano tutoke tuende tuangalie maneno ninayozungumza mimi na maneno anayozungumza yeye kama dakika kumi tu ahirishe alafu turudi katika Nyumba hii tuwe na uhakika. Ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Members there is a request here, one minute, Hon Mary you cannot stand two people at the same time so when someone asks for permission to speak others must... are supposed to sit.

Okay Members there is a request here from Hon Hatimy; now I put the question if the House wants to go outside.

(Question put and negatived)

Yes Hon Mary Akinyi can you please respond?

Hon. (Ms) Akinyi: Ahsante Mheshimiwa Spika. Mheshimiwa Spika kutokana na mjadala ambao uko hapa na kutaokana na vile watu wamejadiliana hapa ningekuomba kutokana kwa ruhusa yako usiweke swali ili niweze kuenda kufanya yale marekebisho kidogo alafu nije nirudishe kesho saa nane ndio iweze kupitishwa. Ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Okay permission is granted yes Clerk, yes Hon. Hatimy?

Hon. Mohamed Hatimy: Hajatuambia amezitoa kwa Standing order gani?

Hon. (Ms) Akinyi: Naomba asaidie ile ambayo yuwajua yeye.

Hon. Mohamed Hatimy: Hii ni *Motion* siwezi kukusaidia.

Deputy Speaker (Hon. Mswabah Rashid): He was asking for the permission and I have granted it, yes Clerk.

MOTION

Hon Fadhili Makarani.

Hon. Mwalimu: Ahsante Mheshimiwa Spika kwa kunipa fursa hii, chini ya hoja zetu za nidhamu nambari 25(4) naomba Nyumba hii ikubaliane na mimi kubadilisha taratibu za masiku ya makao ya Nyumba hii ya mwaka 2016-2017 ili Nyumba hii iende mapumziko kuanzia tarehe 9 mwezi wa 12 mwaka 2016 na warudi tarehe 6 mwezi wa pili mwaka wa 2017.

Mheshimiwa Spika naomba Mheshimiwa Mary aweze kuniunga mkono katika hoja hii.

Deputy Speaker (Hon. Mswabah Rashid): Members can you have your seats please, Hon. Hatimy have your seat I don't know which you are reporting Hon. Fadhili, Motion you have I don't see it here.

Hon. Mwalimu: Mheshimiwa Spika aliefanya tarakilishi ya *motion* hii hakueka na yale mawazo yangu ndio maana nazungumza yale yangu. Mheshimiwa Spika mimi nimeomba Nyumba hii kuanzia.

Deputy Speaker (Hon. Mswabah Rashid): Hon. Fadhili I think you should put a Motion as it appears in this Order paper, you must have seen the information.

Hon. Mwalimu: Mheshimiwa Spika mimi ndio *mover* wa hoja hili.

Deputy Speaker (Hon. Mswabah Rashid): You must have seen the paper if it was not written according to what you wanted then you should have rectified it outside but since it has come in here you have to read it as it is.

Hon. Mwalimu: Mheshimiwa Spika mimi nimeingia ndio nikapewa *Order paper*, kama ningepewa *Order paper* kabla Mheshimiwa ni sawa na kuwa mimi ndio *mover* na mimi ndio najua ni siku gani nilikua naomba Nyumba hii iende kwa mapumziko.

Deputy Speaker (Hon. Mswabah Rashid): One minute, yes Hon. Saad what is it?

Hon. Faraj: Ahsante sana Mheshimiwa Spika, mswada alioleta Mheshimiwa Fadhili si mswada wake wa kibinafsi, ni mswada utakao athiri ratiba ya Bunge nzima hili letu. Kwa hivyo Mheshimiwa Spika kusema kuwa ati yeye anazungumzia maoni yake hazungumzii swala la Port Ritz anazungumzia swala la Wabunge wa Kaunti ya Mombasa na ratiba ilioko katika Kaunti hii, ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Ibrahim Kondo.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika, taratibu za Nyumba hii lazima zifuatwe, Mheshimiwa Fadhili ni lazima asome mswada ulivyo na alikuwa na mswada kuanzia asubuhi hadi sasa; ikiwa kuna marekebisho Nyumba hii itasimama akarekebishe. Ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Hon. Patrick Siminyu.

Hon. Siminyu: Hon. Speaker since we entered this House Hon. Fadhili was concerned there was a typing error

(Laughter)

Deputy Speaker (Hon. Mswabah Rashid): Okay Hon. Fadhili I order you to give the Motion as it appears in the Order paper.

Hon. Mwalimu: Ahsante Mheshimiwa Spika, hili ni Jumba la sheria na tuna heshimu kiti chako. Mheshimiwa Spika nimeona Waheshimiwa wengi ni kama wanashangilia niisome kama ilivyo natarajia wataiunga mkono kama ilivyo.

Mheshimiwa Spika chini ya hoja zetu za nidhamu 25(4) ninaomba Nyumba hii ikubaliane kubadilisha taratibu zetu za kukaa katika Nyumba hii ya mwaka 2016-2017 Nyumba hii iende mapumziko kuanzia ijumaa tarehe 9 mwezi wa 12 mwaka 2016 na irudi kukaa kwenye vikao vyake tarehe 9 jumatatu mwaka wa 2017 na namuomba Mheshimiwa Mary Akinyi aweze kuniunga mkono. Ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Hon. Fadhili you have to read it in English as it is written in the Order paper please.

Hon. Mwalimu: Mheshimiwa Spika lugha ya taifa ambayo ni lugha ya Kiswahili.

Deputy Speaker (Hon. Mswabah Rashid): Read as it is written in the Order paper.

Hon. Mwalimu: Mheshimiwa Spika nikiisoma kwa Kiswahili hata kama imeandikwa kwa kiingereza.

Deputy Speaker (Hon. Mswabah Rashid): Read it in English.

(Applause)

Hon. Mwalimu: Mr. Speaker;

Pursuant to Standing order 25(4) of the interim County Assembly Standing orders, I beg this House resolves to alter the County Assembly calendar for years 2016/2017 to adjourn on Friday 9th December 2016 and resume sittings on Monday 9th January 2017 and I would like Hon. Mary Akinyi to second the Motion, thank you.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Mary Akinyi.

Hon. (Ms) Akinyi: Ahsante Mheshimiwa Spika, nimesimama kuunga mkono *motion* hii na nikiwa ninajenga nikisema kuwa hata gari huwa inatajikana iende mapumziko kidogo watu waende wakapumzike warudi mashinani hata wale wafanyi kazi wetu pia kuna zile kazi ambazo tunataka wazifanye vizuri kwa utaratibu.

Mheshimiwa Spika kama ni kupumzika ni kupumzika na watu waende mashinani majumbani hata hakuna mambo ya kuzurura zurura hapa katika eneo la Bunge, ni watu warudi nyumbani nimeunga mkono *motion* hii.

Deputy Speaker (Hon. Mswabah Rashid): Thank you, Members I have to propose a question first before debate.

Hon. Mohamed Hatimy: Mr. Speaker I beg to give a notice for amendments under Standing order 50.

Deputy Speaker (Hon. Mswabah Rashid): But I have... now let me propose a question and then I'll be telling you the dates it has to be proposed the question first when it comes to debate then you can issue your amendment.

Hon. (Ms) Akinyi: Mheshimiwa Spika?

Deputy Speaker (Hon. Mswabah Rashid): Yes what is it?

Hon. (Ms) Akinyi: According to Standing order once you have put it into a question we will not have a room for amendments.

Deputy Speaker (Hon. Mswabah Rashid): No am proposing it's not a question put it's a question proposed. Members it has been proposed that the dates of the House to resolve to alter the County Assembly calendar for years 2016/2017 to adjourn on Friday 9th December 2016 and resume sittings on Monday 9th January 2017. Yes Hon. Fadhili Makarani?

Hon. Mwalimu: Ahsante sana Mheshimiwa Spika, tumekuwa na mwaka mrefu mzito, shughuli nyingi ambazo nikikumbuka hata pia tumekuwa tukivuka tunashindwa kurekebisha vitu tunaendelea kufuata kalenda ya Bunge hii na hio ni moja katika..., inaweza kuja kama *query* kutoka kwa *auditor* kwa maana ni lazima watu wafuate kalenda ilivyo.

Ikiwa imewekwa siku watu wapumzike ni watu wapumzike, ni haki Mheshimiwa Spika urudishie mwili wako shukrani, urudishie wananchi shukrani uende ukakae na wapiga kura wako.

Mheshimiwa Spika ni wakati sasa watu wanajipanga wengine wanataka kuenda kusafiri kwenda majumbani kwao bara kwao wakakae na watu wao Mheshimiwa Spika sisi wengine...

(*Interruption*)

Deputy Speaker (Hon. Mswabah Rashid): Order Members, yes Hon. Saad Faraj what is it?

Hon. Faraj: Mheshimiwa Spika ahsante, Mheshimiwa Fadhili amegusia kuhusiana na masuala ya kikatiba na akazungumzia kuwa kuna hatari...

Deputy Speaker (Hon. Mswabah Rashid): Is it a point of order?

Hon. Faraj: Mheshimiwa Spika ni *point of information* ambayo kila mwanachama anafaa apate si mwambii yeye naifahamisha Nyumba.

Deputy Speaker (Hon. Mswabah Rashid): No Hon. Saad Faraj.

Hon. Faraj: Naifahamisha Nyumba.

Deputy Speaker (Hon. Mswabah Rashid): Hon. Saad Faraj you'll be given a chance to... so Hon. Fadhili can you continue?

Hon. Mwalimu: Thank you Mr. Speaker for protecting me, *nina imani hata Mheshimiwa Saad hata anataka kuenda Yemen akaone babu zake amewapeza siku nyingi.*

Mheshimiwa Spika kama nilivyoanza kusema ni wakati, wabunge wa Bunge kuu wameenda mapumziko kwa nini sio Bunge la Mombasa.

Mheshimiwa Spika kuna kazi nyingi ndugu zetu wafanyi kazi wetu wana backload ya kazi nyingi ambazo zimekaa kwa sababu sisi Wabunge wa Mombasa hatuendi mapumziko.

Kwa nini hatuendi mapumziko, ni haki wakati huu tuende mapumziko na mimi naomba nimesikia mmoja amesimama kusema na mageuzi kidogo na omba katika mageuzi yake aweke iwe kama miezi miwili watu waende wapumzike vizuri ili tutakapo rudi hapa itakuwa kama ni kampeni watu wamefanya kama ni kujuliana na watu wao watu wamejuliana watu wamejipanga vizuri hata wafanyi kazi wa hapa watakuwa wamejipanga.

Hata labda tukirudi zile ambazo zilikuwa tunaambiwa sijui kuna asbestos labda atapata kama zimebadilishwa na naomba wakati watu watakapokuwa wameenda mapumziko kuekwe order ya kuwa Waheshimiwa wasionekane ndani ya Jumba hili wakae manyumbani na watu wao, wananchi wao, wasitoroke wananchi wao kuja kukaa katika Bunge ilhali Bunge litakuwa limefungwa.

Mheshimiwa Spika mimi nawaomba wabunge wenzangu na nina imani wataniunga mkono kulingana na vile walivyo, nina imani waunge mkono na tupitishe hoja hii iliyopo mbele yetu ili tuonekane na sisi tunatenda kazi na sisi ni watu wanaopenda watu wetu. Mheshimiwa Spika kulingana na mood ya Nyumba hata naomba ulete tu swali ili ipite maana watu wote wameunga mkono hoja hii. Ahsante sana Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Kondo.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika, mimi nimesimama kupinga hoja iliyoletwa mbele ya Nyumba hii. Mheshimiwa Spika Kaunti yetu ya Mombasa ina kazi nyingi za kufanya na kipindi cha nyuma tulipoteza zaidi ya mwezi mzima wakati kulikuwa kuna malumbano hapa na kuna mambo yamechipuka kipindi hiki kifupi kupitia kwa kamati yetu na tunataka yashughulikia vilivyo.

Mheshimiwa Spika tusianze kusema Kaunti zengine zinafanya zengine hazifanyi, sisi tunaangalia maswala ya Kaunti yetu na tunapoongea tukumbuke hii ni kaunti 001; kuna mambo kupitia kwa kiongozi wetu Gavana wetu anataka kuyaleta katika Nyumba hii kwa haraka iwezekanavyo, kuna maswala nyeti ambayo yanatakikana yajadiliwe katika Nyumba hii na Kamati zikae zijadili maswala hayo.

Kipindi ambacho tutakapoenda ni cha mda mrefu na ningeliomba Nyumba hii tuwe na muelekeo ule ambao tutaweza kujenga Kaunti yetu; Mheshimiwa Spika viongozi wengine wamefanya hapa ni kama manyumbani kwao, waliotangulia kusema saa kumi na moja wametoka misikitini utawakuta ndani ya Jumba hili, saa moja usiku wapo ndani ya Jumba hili.

Mheshimiwa Spika hatuelewi ni jambo gani wanayoitafuluta ndani ya Nyumba hii; hii ni likizo ndefu, ni likizo ambayo inahitaji mfuko wako uwe mzito, tuna ndugu zetu, majirani zetu ambao wanaenda kusherehekea sikukuu za Krismasi pamoja na mwaka mpya.

Kwa hivyo mimi naomba kupitia kwa Jumba hili kama zile Kaunti zengine na mabunge mengine yanapoenda mapumzikoni mifuko yao hua imenona na iko katika hali nzuri, la kusikitisha Mheshimiwa Spika sisi tunataka kuenda mapumzikoni wafanyi kazi wetu hawana hata shilingi ya kuenda katika swala la likizo na sisi hapa tunapiga kelele wakati mifuko yetu yenyewe haionekani wala haijulikani iko katika hali gani.

Mimi ningeliomba Nyumba hii tukubaliane mda huo ni mrefu zaidi, tuupunguze Mheshimiwa Spika tukaende kipindi kichache na ndugu zetu tusherehekee wiki mbili za kusherehekea hakuna mchezo, hata kwako nyumbani kukiwa na harusi siku tatu utaona kama ni mwaka mzima.

Kwa hivyo ningeliomba Nyumba hii tubadilishe tarehe zetu ili tuwe na mapumziko kuanzia tarehe 22 turudi hapa tarehe tisa, ahsante sana Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Hon. Ibrahim Kondo I don't understand, you want a long recess or a short recess.

Hon. Ibrahim Kondo: Mheshimiwa Spika naomba mda mfupi kabisa kuenda mapumzikoni.

Deputy Speaker (Hon. Mswabah Rashid): Because the Motion by Hon. Fadhili is doing exactly that and under Standing order no. 24 it says that the County Assembly shall commence on the 2nd Tuesday of February and terminate on the 1st Thursday of December. So according to the calendar we are supposed to go first Thursday of December and come back here on first Tuesday of February; that is very long so Hon Fadhili is reducing that period.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nakala iko hapa na haisomi vile unavyosoma...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): That's why am saying in the Standing Order.

Hon. Ibrahim Kondo: Kwa hivyo mimi Mheshimiwa Spika rai yangu ni kwamba tubadilishe tarehe.

Deputy Speaker (Hon. Mswabah Rashid): So you must have a paper with you...

(Interruption)

Hon. Mwalimu: Mr. Speaker Sir, Point of order.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Fadhili Mwalimu what is it?

Hon. Mwalimu: Mr. Speaker that's why when I started reading the Motion I was following that Standing Order and find correction for extending that recess.

Mr. Speaker my point of order was if anyone has an amendment to my Motion it has to be a written amendment and what am seeing Hon Ibrahim Kondo it's as if he has not practised Assembly proceedings, he is trying to alter my Motion without any written document.

If there's any Member with a written document let him and it is supposed to be on the table Mr. Speaker, the amendment must have reached your table before and not now so if any Member has got any amendment of which you have the amendment with you it should be allowed in the House anytime.

If there's no amendment with you we will move as if you have allowed my Motion to proceed, thank you Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): So Hon Ibrahim Kondo, Hon Fadhili is trying to shorten the recess so you want it as it is appears in the order paper.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika hii ni hoja na hoja imeletwa mbele ya Nyumba hii ikiwa kuna mabadiliko tutayafanya ndani ya Nyumba hii na waheshimiwa wakubaliane ama wakatae hoja hii. Ahsante Mheshimiwa Spika.

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Mary Akinyi.

Hon. (Ms) Akinyi: I just want to...*(Technical hitch)*

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Patrick Siminyu.

Hon. Siminyu: Mheshimiwa Spika vile Mheshimiwa aliyeleta hii hoja alipozungumzia mapema alikuwa amezungumzia *Standing Order* na mimi ningesikia raha nilikuwa nataka kwenda Amerika kidogo watu wengi wamefukuzwa kule...

(Applause)

Na nikipenda niende niwatembelee, kwa hivyo Mheshimiwa Spika ingepelekwa kwamba hiyo Februari waheshimiwa wapumzike na kulingana na *Standing Order* vile umesema ingekuwa vizuri pia wafanyi kazi wamechoka tungewapatia fursa hata wao wapumzike. Ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Amur.

Hon. Amur: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nafikiri Bunge letu lafuata nidhamu; sisi kitu tunachofuata ni *Standing Order* na hakuna *Standing Order* yeyote tunayobadilisha basi sisi tufuate *Standing order* tulio nayo na tuifuata kikamilifu, tusiufuate kibadirifu bali kikamilifu na ikiwa inasema tuanze tarehe tisa basi hiyo *Standing Order* ifuatiwe kulingana na ilivyo, ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Duncan Onyango.

Hon. Onyango: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika sina shida na hoja hii lakini niko na *concern* moja iliyoletwa juzi tukiwa kwenye Kamati ya *House Business* na huyo alielea hoja hii kulikuwa na masuala ya bajeti wakati tulivyozungumza twende

mapumzikoni tarehe 15 yeye alisimama akapinga akasema ni lazima twende na taratibu za bajeti na akatueleza kwamba tufunge kwenye tarehe 20 na turudi mwanzo ama wiki ya kwanza ya Januari na sijui tukiipitisha itakuwa imeenda na taratibu na bajeti kama vile alivyosema kwa *House Business* iwe itaingililiana sina pingamizi. Ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Ahmed Omar Ebrahim (Meti)

Hon. Ahmed Ebrahim Omar: Mheshimiwa Spika mimi pia nimesimama kuunga mkono mswada huu ambao sisi kama Bunge na kama tunawahudumia wananchi inafaa tuwe na muda wa kukaa na wananchi wetu mashinani.

Na pia kama tunavyojua kipindi cha kura kinakuja lazima pia tujisaidie kufanya kampeini zetu na pia vile vile tunajua Jumba letu hili tukufu linaendeshwa na *Standing Order* na *Standing order* inasema ya kwamba tuondoke tarehe 9 mpaka tarehe 9 mwezi wa pili na tukiangalia hapa Mheshimiwa Fadhili ametufanyia jambo kubwa sana sababu amesitisha muda ule na kama yeyote atakuwa na marekebisho inasemekana kwamba inafaa iwe ishaandikwa na iko kwenye meza yako.

Wewe kupata ombi kama lile kwa sababu inasikitisha kuona Mheshimiwa kwamba alivyosema *order paper* imepatikana kuanzia asubuhi mtu akiwa na jambo lake ajipange na kuwa yeye asema tubadilishe wakati hajaleta marekebisho yeyote ambayo imeandikwa ili tubadilishe mswada huu.

Kwa hiyo mimi nasimama Mheshimiwa Spika kuunga mswada huu ya kuwa waheshimiwa kapumzikeni bana munahitajika mashinani na wananchi wenu pia wanawataka na mimi pia niko kwa kinyanganyiro nataka milioni tatu, nne.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy, okay Hon Saad Faraj.

Hon. Faraj: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika tunazungumzia sheria na nidhamu katika Jumba hili na ki ukweli ikiwa nikufuata nidhamu na sheria sisi tunapata muongozo wetu kutokana na *Standing Order* kutokana na nidhamu ambazo ziko kwenye Nyumba hii.

Walakin Mheshimiwa Spika tuko na shida ya kuwa kuna sheria fulani huwa ni sheria na sheria fulani huwa si sheria kwa sababu sisi tunazungumzia wakati ambao kwamba umewekwa kulingana na *Standing order* tulizo nazo lakini fikra zile tusahau ya kuwa katiba nchi hii ilipitishwa mwaka wa 2010 na ilipopitishwa ndio nidhamu ambayo kwamba iliyotuingisha sisi katika kura wakati kura zilizopigwa wakati ule hazikulingana na mfumo ambao uko katika katiba kama hii na mfano mwingine ni kuwa sisi sasa hivi tunazungumzia *timelines* ambazo ziko katika *Public Finance Management Act* ambazo zitatupeleka sisi mpaka mwaka ujao tufike katika kura lakini zile bajeti inapitishwa kulingana na shida ambayo sisi tuko nayo ambayo hatuna muda wa kisawa sawa wa kuweza kufuata muda ule.

Mheshimiwa Spika kwa mifano kama hii inaonyesha wazi ikiwa kuna dharura ikiwa kuna matatizo fulani kuna uwezekano wa sisi kuweza kubadilisha na kufanya mambo kulingana na haki na ukweli ili kuweza kutekeleza majukumu yetu ya wananchi kule mashinani

(Applause)

Mheshimiwa Spika sisi hatutaki kufanya mabadiliko kwa sababu ya maslahi yetu tunataka kufanya mabadiliko kama yalivyozungumzwa na wale watangulizi waliotangulia kuongea kuna bajeti ambayo kwamba iko na *timelines* mpya ambazo kwamba zinaenda tarehe 22 Disemba halafu zitaanzia tena upya katika mwanzo mwanzo wa mwaka unaokuja 2017 katika tarehe 6, 7, 8 hapo ndio maana sisi tunataka huo muda kama ulivyofupishwa katika *timelines* hizi za bajeti basi na huu muda pia wakwenda mapumzikoni na upunguzwe kama tulivyokubaliana. Ahsante sana Mheshimiwa Spika.

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy.

Hon. Mohamed Hatimy: Thank you Mr. Speaker I rise under Standing Order 52.

Deputy Speaker (Hon. Mswabah Rashid): 52?

Hon. Mohamed Hatimy: I think you have my notice to amend the motion.

Deputy Speaker (Hon. Mswabah Rashid): Yes I have it here, yes Hon Fadhili.

Hon. Mwalimu: Mr. Speaker I wasn't served the copy and am the mover of this Motion...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Just wait you will be answered by the mover of the amendment let's hear what the mover of the Motion has to say.

Hon. Mohamed Hatimy: I please request the Chair to read Standing Order 52.

Deputy Speaker (Hon. Mswabah Rashid): Okay.

(Deputy Speaker (Hon. Mswabah Rashid) read)

Amendments to be in writing" 52 (1) The proposer of an amendment to a motion shall, before moving it, hand the proposed amendments in writing, signed by the proposer, to the Clerk at least two hours before the order is read.

(Deputy Speaker (Hon. Mswabah Rashid) ended reading)

Hon. Mohamed Hatimy: And I think Mr. Speaker you have received it two hours before...

Deputy Speaker (Hon. Mswabah Rashid): Yes.

Hon. Mohamed Hatimy: And you do have a copy Mr. Speaker and it is signed by the Clerk.

Deputy Speaker (Hon. Mswabah Rashid): Yes it is with me and continue reading the amendment.

Hon. Mohamed Hatimy: Mr. Speaker....

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Members Order! Members Order! You should have order. Yes Hon Hatimy.

Hon. Mohamed Hatimy: Pursuant to Standing Order 25 (4) of the Interim County Assembly Standing Order this House resolve to alter the County Assembly Calendar for years 2016/17 to adjourn on Friday 23rd December, 2016 and resumes their sittings on Monday 16th January, 2017.

(Applause)

Mr. Speaker I request Hon Siminyu to second the amendment.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Patrick Siminyu.

Hon. Siminyu: I second that.

(Laughter and applause)

Deputy Speaker (Hon. Mswabah Rashid): Members I put the question.

(Loud consultations)

Order Members! Order Honorables! I think I will put the question and if the House will agree the Motion should be debated as amended.

(Question put and agreed to)

Members the Motion should be debated as amended. Yes Hon Fadhili.

Hon. Mwalimu: Mheshimiwa Spika mimi nasimama kupinga marekebisho ambayo yameletwa mbele ya Nyumba hii.

Mheshimiwa Spika tukiangalia wakati ni mchache sana ambao umewekwa katika marekebisho haya na kama tulivyosema kuna watu wanataka kusafiri; mimi nikiwa ni mmoja nataka niandamane na familia...

(Loud consultations)

Deputy Speaker (Hon. Mswabah Rashid): Order Members!

Hon. Mwalimu: Mheshimiwa Spika nitembee Kenya hii ikiwa tutafunga tarehe 23 wakati wa Krismasi hii ni njia moja tunahujumu watu wetu, wafanyi kazi wa Bunge wote tunawaweka kama wafungwa, tunawafanya kama watumwa hata hawawezi kupanga....

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Faraj.

Hon. Faraj: Mheshimiwa Spika nafikiri ni makosa kujaribu kuleta lugha kuwa sisi tunawafanya wafanyi kazi kama watumwa ama wafungwa. Mheshimiwa Spika kila mfanyikazi ana siku yake ya kwenda leave

(Applause)

Mheshimiwa Spika sisi tuko hapa kuhakikisha haki za wafanyi kazi wa hapa na Kaunti nzima wanafanya kazi zao vile inavyostahili, kwa hivyo kuleta lugha kuwa kuna masuala eti ya kuwa sisi tunajaribu kuwafanya kama wafungwa Jumba hili halijawahi kuweka mtu yeyote kama mfungwa na ni lazima lifuatwe kwa kila mmoja aweze kufahamu.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Mary what is it?

Hon. (Ms) Akinyi: Ahsante Mheshimiwa Spika, ningependa kuwaambia kuwa wale wafanyi kazi wetu wa hapa hapa Kaunti Assemblies tukiwa tumeenda ndio wao pia wataenda likizo.

(Applause)

Tuko na wale ma Karani, tuko na wale ma askari wa Bunge yaani *Commissionaires* Mheshimiwa Spika hawawezi kwenda...

(Loud Consultations)

Kwa hivyo Mheshimiwa Spika vile Mheshimiwa amesema yuko sawa kabisa kwa sababu tuangalie pia maslahi ya wafanyi kazi wetu ambao tunafanya nao kazi hapa hawawezi kwenda likizo na sisi tuko kazini hapa na wafanyi kazi wetu kama Karani wanatajikana waweke vitu vyao kwa *order* hivyo basi wakipelekwa mpaka tarehe 23.

(Loud Consultations)

Deputy Speaker (Hon. Mswabah Rashid): Order Members! Hon Fadhili have a seat please.

Hon. (Ms) Akinyi: Tarehe 25 ni Krismasi kusema tu ukweli haki za binadamu dhulma ambazo tunaendelea kuzitangaza dhidi ya Jinsia...

(Laughter)

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Hon Members order!

Hon. Ibrahim Kondo: Mheshimiwa Spika ni jambo la kusikitisha Mwakilishi akisimama na kusema kuwa sisi tunahujumu wafanyi kazi kila mfanyi kazi ana tarehe na mwezi wake wa kwenda mapumzikoni.

Hivi sasa Mheshimiwa Spika kuna wafanyi kazi wameenda mapumzikoni na wengine walienda na wengine wataenda hata huu mwezi wa Disemba na mpaka Januari kuna wengine pia wataenda mapumzikoni.

Ningeliomba Mheshimiwa Spika wakati tuko hapa tuwe na nidhamu na tupeane heshima kwa uongozi wa Karani wetu; itakuwa ni jambo la kusikitisha tukiwa mazungumzo haya yatanakiliwa na kuwa katika vyombo vya habari ya kwamba sisi tunahujumu wafanyi kazi kwenda mapumzikoni Mheshimiwa Spika.

Suala letu la kazi Mheshimiwa Spika wale wako mapumzikoni wataenda leave, wale wako kazini wataendelea kufanya kazi kama inavyohitajika. Ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Stephen Wangudi.

Hon. Wangudi: Mheshimiwa Spika kwa hakika ni makosa kwa Mheshimiwa yeyote kupotesha Jumba hili; kupitia kiti chako cha heshima ningeomba kimuamrishe Mheshimiwa ambaye ni Mary Akinyi aombe msamaha...

(Applause)

Mheshimiwa Spika kama unavyofahamu katika kila idara, kila shirika kila mwajiri ako na majukumu yake kusema ya kwamba wafanyi kazi watadhulumika tukienda mapumzikoni, iwapo kuna Mheshimiwa yeyote kwa wakati wowote ana likizo yake anaruhusiwa Mheshimiwa akuandikie barua umpe nafasi aende ashughulike kama inavyotakiwa katika ratibu hizi mtu yeyote ameruhusiwa asiwe na hofu atakwenda atarudi na naomba Bunge iunge mkono ili tumemaliza kujipanga mpaka muhula huu utakapomalizika. Ahsante sana.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Boma?

Hon. Boma: Ahsante sana Mheshimiwa Spika mimi pia naunga mkono mageuzi yaliyoletwa na Mbunge wetu maalum Mheshimiwa Mohamed Hatimy.

Kwa kusema kweli Mheshimiwa Spika hapo nyuma sisi tulipokuwa na vurumai tulikaa mda mrefu bila kuhudhuria vikao vya Bunge; muda ambabo tumepewa sisi kama Bunge letu la Kaunti Kenya nzima mwaka ujao kura zinapigwa agosti itakuwa hatujakamilisha kipindi chetu cha miaka mitano.

Kwa hiyo muda huu mwingine wote tutumie kwa kupitisha miswada na kurekebisha mambo mengine katika Bunge hili, Mheshimiwa Spika wale ambao wanafikiria mambo ya krismasi hawakatazwi wataweza kwenda krismasi zao kama kawaida na krismasi tunaweza kukulia hapa Mombasa yeye ni mkaaji kwa siku nyingi mpaka ana wajukuu hapa...

(Applause and laughter)

Hon. Boma: Sisi yetu ni kuchapa kazi na kuhakikisha mji wetu wa Mombasa uende mbele Mheshimiwa Spika, kama ni ya wananchi kama ni kuanguka hapo mbele utaanguka....

(Applause and laughter)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Dancun.

Hon. Onyango: Ahsante sana Mheshimiwa Spika kama vile nilivyotangulia kusema awali...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Amur!

Hon. Onyango: Mheshimiwa Spika nilitangulia awali kusema Mheshimiwa Fadhili anapoteza hii Nyumba na ninayo sababu ya kusema hivyo juzi tukiwa katika HBC ni yeye alinakiliwa katika vyombo vyetu vya *Hansard* akisema wakati tunapopitisha *amendments* za *recess* ni lazima twende na taratibu za bajeti.

Mheshimiwa Fadhili alisimama akasema tutaenda mpaka tarehe 22 na zitaanza tena tarehe 5, 6 na 7 zikiendelea ilinakiliwa vizuri sasa nashangaa baada ya siku mbili amekuja na ingine na tumeambiwa vizuri na sote tumeelewa ya kwamba Kamati ni *extension* ya Bunge chochote tunachozungumza pale inanakiliwa na ndio inatusaidia katika yale ambayo tunaongea katika Nyumba hii.

Kwa hiyo mimi naomba Mheshimiwa Fadhili aiombe Nyumba hii msamaha kwa kuipoteza ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon.

Hon. Siminyu: Mheshimiwa Spika baada ya kuzungumza na wenzangu nilikuwa nataka kwenda Amerika lakini naona...

(Applause)

Umuhimu wa kazi nakumbushwa mimi ni Mwenyekiti wa Disaster kuna *program* tulikuwa tunafanya na *Red Cross* kuhusu *disaster preparedness*.

Kwa hivyo najiunga na wenzangu nataka kuunga mkono kwa sababu ya umuhimu wa Kamati yangu ya *disaster*.

Kwa hakika mimi naunga mkono kwa sababu tuna kazi kama *disaster as we prepare towards the election* pia kama kaunti yetu kama kamati tunataka tujue tumejiandaa vipi na vilevile pia kwa sababu ya *budget cycle* nimezungumza kwa upana na wenzangu na nikaona itatupeleka mbele, nafikiri naunga mkono. Ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Yes Mheshimiwa Maimuna?

Leader of Minority (Hon. (Ms) Maimuna Salim): Ahsante Mheshimiwa mimi nasema ni masikitiko kila ikifika mwisho wa mapumziko hapa kuna kizungumkuti na sisi tulisahau ya kwamba tulichaguliwa na wananchi, sisi wengine ni wazazi watoto wanataka kupeleka *reserve* wakaangalie nyanya zao na babu zao.

Sasa ikiwa *recess* itakuwa ni za wiki mbili sisi wengine tutaumia kwa sababu tulikuwa tumepangia *recess* ni miezi miwili ama tukikubaliana ni mwezi moja kwa hiyo kila siku nitasema ninasikitika wale wengi wanopinga *recess* ni wale ambao wengi hawaji Bunge Mheshimiwa Spika...

(Applause)

Ikifika wakati wa *recess* wanakuja na kuipinga kwa dhati na nguvu zote kuhakikisha ya kwamba...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy?

Hon. Mohamed Hatimy: Mheshimiwa Spika ni maneno ya kusikitisha sana Mheshimiwa Maimuna anatuambia wale ambao wanakuja Mheshimiwa Spika leo asubuhi tulikuwa watu wawili wengi anayezungumza alikuwa yuko wapi ?

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Maimuna you can continue.

Leader of Minority (Hon.(Ms) Maimuna Salim): Mheshimiwa Spika mimi ndio huwa sikosi Bunge msichana wangu mdogo alikuwa amelazwa hospitali na nilimtoa asubuhi...

(Laughter)

Nazungumza ukweli wa Mwenyezi Mungu siwezi kuzungumza uongo ati mtoto wangu amelazwa.

Kwa hivyo kwa hilo ndio limenifanya asubuhi sikuwako lakini mimi nazungumza ukweli wa Nyumba hii Mheshimiwa Hatimy hakosi kwa Nyumba hii, Mheshimiwa Mary hakosi, Mheshimiwa Fadhili hakosi na wengine wachache wao pia hawakosi lakini wengi wanaopinga *recess* ni wale wasiokuja Bungeni wanakuja waki *sign* wakienda lakini ikifika wakati wa *recess* wanakuja wanapinga na nakuhakikishia asubuhi mlikuwa wawili kuanzia wiki ijayo mtakuwa mtu moja tu Mwenyekiti wa fedha na Spika na hawa wengine wanaounga mkono kwamba watu wasiende likizo utawaona hawatakuja.

Ni majukumu yetu kuhakikisha ndani ya Bunge tumewakilisha wananchi na tutoke tufanye *oversight* mashinani tuangalie zile kazi tumezipitisha zimeweza kufanyika lakini kila ikifika wakati wa *recess* watu watasema pesa hakuna watu watasema hivi hakuna mtu ambaye hadai na hadaiwi ikiwa serikali kuu ina madeni itakuwa sisi serikali ya Kaunti watu wakaenda hata kama ni kwa mwezi mmoja tukafanya kazi tukaweza kuhakikisha ya kwamba zile shida tumezibeba tumeweza kuziwacha katika Bunge lakini hapa kila siku nitasema ni masikitiko kwamba watu wanaepuka majukumu ya wananchi.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy can you reply to your Motion? Yes Fatima Mote?

Hon. (Ms) Fatuma Swaleh: Ahsante sana Mheshimiwa Spika mimi pia nimesimama hapa na nimeshirikiana bega kwa bega kwa Mwenyekiti wetu Mheshimiwa mwenzetu Hatimy.

Kuna msemu unasema, *let us call a spade a spade* yaani kwa ufupi Mheshimiwa Spika nafikiri siku mbili tatu hapa mwenzetu alileta maswala ya mambo ya makahaba wamezidi na hilo jambo kama Nyumba hii hatujalitatu.

Mimi nikiwa mmoja wao kama mzazi na ukumbuke hivi sasa watu wanakwenda kwa likizo na Mombasa itafurika Mheshimiwa Spika mimi mwenyewe niko na mswada muhimu sana nataka kuleta kwa hili Jumba kwamba kila nyumba lazima ikuwe na *fire extinguisher* ili tuweze kupunguza majanga ya moto ndani ya Mombasa.

Nashangaa wale Wabunge wenzangu sijui ni kama...

(Applause)

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Fadhili what is it?

Hon. Mwalimu: Point of Order Mr. Speaker!

Deputy Speaker (Hon. Mswabah Rashid): Yes under which Standing order?

(Laughter)

Hon. Mwalimu: Standing order number...Mr. Speaker, the Hon Member is trying to introduce another Motion and yet we are debating this particular Motion.

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): That is noted Hon Kushe stick to the current Motion do not bring another Motion.

Hon. (Ms) Fatuma Swaleh: Kwa ufupi Mheshimiwa Spika mimi nakubaliana na Mheshimiwa mwenzangu ambaye ni Hatimy wale ambao wanataka kwenda nyumbani hivi sasa hawaonekani mashinani....

(Interruption)

Mheshimiwa Spika naomba nizungumze...

Deputy Speaker (Hon. Mswabah Rashid): Members let us give her a chance to talk, *nitakupatia nafasi uongee wacha azungumze.*

(Loud consultations)

Hon. (Ms) Fatuma Swaleh: Nitakufuata Port Ritz.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Akinyi?

Hon. (Ms) Akinyi: Ahsante Mheshimiwa Spika ningependa tu kuuliza kupitia Nyumba hii Mheshimiwa anazungumzia yale marekebisho ambayo yalikuwa yamerekebishwa na Mheshimiwa Hatimy atuambie hivi sasa.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Dan what is it?

Hon. Onyango: Mheshimiwa Spika hata wewe unaelewa katika *Standing order* zetu uko na haki ya kusema unaunga mkono alafu unaketi, kwa hivyo yeye ameunga marekebisho ya Mheshimiwa Hatimy mkono.

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Yes Mheshimiwa Saad Faraj, Hon Mote is on the floor.

Hon. Amur: Mheshimiwa Spika anaunga mkono hoja ipi, tunataka kujua ni hoja ipi ameunga hajui ni nini inaendelea atuambie anaunga nini?

Deputy Speaker (Hon. Mswabah Rashid): Inaruhusiwa?

(Loud consultations)

Hon. (Ms) Fatuma Swaleh: Mheshimiwa Spika nafikiri mimi kama sijakosea niko ndani ya hili Bunge kwa miaka minne sasa yaenda mitano kwa hivyo naelewa maana ya kuunga mkono na kutuunga, hakuna Mheshimiwa yeyote hapa anaweza kunifundisha hapa ndio mumefika mimi naungana na Mheshimiwa kwa kuleta marekebisho kama hujaelewa elewa.

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy?

(Laughter)

Hon. Mohamed Hatimy: Mheshimiwa Spika mimi nimeshangazwa sana na Mheshimiwa alielea hoja ya mapumziko; kuna mnyama moja mdogo ambaye ni ngiri yule ukimpiga dakika mbili akienda yuasahau arudi tena.

Vilevile Mheshimiwa Fadhili sasa hivi amemuambia Mheshimiwa Ibrahim ikiwa kuna marekebisho kwa maandishi kwa mujibu wa sheria mimi sina shida lakini kusema kuwa yeye amejaa sasa tumeleta Mheshimiwa Spika tumeleza kwa kufuata sheria tumeleta marekebisho kwa maandishi na kwa muda unaotakikana na kuomba Nyumba ikakubali ikapitisha.

Kwa hivyo Mheshimiwa Spika nafikiri tumefuata sheria vile inavyotakikana; jambo la pili amezungumza yeye mwenyewe Mheshimiwa Fadhili juzi Mheshimiwa Dancun ameyazungumza kuwa kuna mambo ya bajeti yeye mwenyewe asahau kuwa ana kibarua cha *Public Accounts committee* ana siku 21 kutoa ripoti je ataiwacha hiyo siku 21 aende zake?

(Applause)

Kwa hivyo Mheshimiwa Spika kwa niaba ya PAC yeye kama Mwenyekiti wangu naomba Nyumba hii impee ruhusa aje hapa afanye ripoti ili tuhakikishe imefanywa kwa sababu katiba nafikiri kwenye *Article 229* iko wazi kabisa umepewa miezi mitatu kujibu ripoti ya *auditor* na kwa hivyo akichelewa Seneti itakuwa iko juu yetu.

Kwa hivyo tunataka yeye akumbuke kuwa ana siku 21 za kutengeneza ripoti na isitoshe Mheshimiwa Spika kama Mheshimiwa Saad alivyozungumza wakati huu kufikia Machi 31 bajeti yatakikana iwe imepita kwa mujibu wa *Article 250* ya... pole 125 ya *PFM* inasema sisi tunapitisha bajeti kufikia tarehe 30th Juni lakini wakati huu itakuwa tumekuja chini kwa sababu itakuwa hakuna Bunge wakati watu wamekwenda kwa kura.

Kwa hivyo haya yote yamaregeshwa nyuma Mheshimiwa Spika twaomba kutoka 23rd Disemba mpaka 16th Januari nafikiri itakuwa ni siku 31 ama 32 ambazo zimetosha watu kwenda kupumzika, kwa hivyo mimi naomba Nyumba hii kama ilivyokubaliana na mimi iendeleo kukubaliana.

Hivi sasa kama tuna kazi za muhimu tuzilete hapa mpaka tarehe 22 tuwe tumezimaliza tuende tupumzike na utukubalie kama Kamati ziweze kufanya kazi kama Kamati yake ina ripoti iweze kufanya hii kazi turudi tarehe 16 Mheshimiwa Spika. Assalam aleikum.

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Fadhili what is it, I want to put the question?

Hon. Mwalimu: Mr. Speaker I am the mover of this Motion, Hon Hatimy brought amendments to my Motion and thank you for giving me this time to respond to this Motion.

Mr. Speaker I am responding to the Motion with amendments, thank you for correcting me, I have no objection as long as you received the amendments on time of which the other Honorable Members are yet to receive....

(Laughter)

Mr. Speaker as it has been said frankly speaking we have a lot of work....

(Applause)

Hon. Mohamed Hatimy: Mr. Speaker!

Deputy Speaker (Hon. Mswabah Rashid): Yes what is it Honorable?

Hon. Mohamed Hatimy: Standing order 52 states that amendments should be referred to the Clerk and not to the Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Fadhili?

Hon. Mwalimu: Thank you Mr. Speaker I have heard the Honorable Members debating and we have also heard about the budget timelines that are in front of us and putting into consideration the three months given in the constitution to the Committee of public accounts to submit the report in three months time we are remaining with a few days and I concur with the Honorable Members

(Applause)

Mr. Speaker I also support the amendment...

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Members I am left with no alternative but to put the Motion to question and its amendments.

(Question put and agreed to)

Yes Clerk?

ADJOURNMENT

Members this House is adjourned till tomorrow in the afternoon.

The House rose at 4:32pm.