



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

SECOND ASSEMBLY – FOURTH SESSION

THE HANSARD

Wednesday, 27th May 2020

*The House met at the County Assembly Chamber,
Malindi Town, at 11:00 a.m.*

[The Speaker (Hon. Kahindi) in the Chair]

PRAYERS

STATEMENTS

**RENOVATION OF THE SOCIAL HALL, TOILETS AND STAFF
QUARTERS AT ATC IN MTWAPA**

Hon. Ndago: Thank you Mr. Speaker. I would like to read a Statement through the Chairperson; Agriculture, Livestock and Fisheries Committee:-

Whether the CECM (County Executive Committee Member) in charge of the Department of Agriculture, Livestock and Fisheries is aware that the renovation of the social hall, toilets and staff quarters in ATC (Agricultural Training College) in Mtwapa are yet to be completed?

Whether the projects were tendered and if yes, what is the name of the contractor who won the tender and how much is paid so far in renovation to the projects? If yes, what measures is the CECM taking to ensure the projects are completed and handed over to the institute for immediate use? Thank you.

The Speaker (Hon. Kahindi): Next.

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ABANDONED ENVIRONMENTAL PROJECTS IN MTWAPA

Hon. Ndago: Thank you. I would also like to read a Statement through the Chairperson; Water, Environment and Natural Resources Committee:-

Whether the CECM in charge of the Department of Water, Environment, Natural Resources and Solid Waste Management is aware that the above projects which entailed the planting of flowers had started but maintenance of the same was abandoned.

What is the name of the contractor awarded the contract and whether the contract agreement did not include the maintenance of the said flowers? How much has been paid so far to the contractor? If yes, what measures is the CECM taking to ensure the projects are properly maintained to ensure the dignity of Mtwapa town is sorted as per the initial plan? Thank you.

MOTION

APPROVAL OF REVIEWED LIST OF COMMITTEES MEMBERSHIP

THAT, Pursuant to the provisions of Standing Order Nos. 163 and 165, this honourable Assembly approves the attached list of reviewed Committee membership to the Select Committees on Implementation and Delegated County Legislation; and the Sectoral Committees by the Select Committee on Selection.

(Hon. Chiriba on 20.5.2020)

(Resumption of Debate interrupted on 20.5.2020)

The Speaker (Hon. Kahindi): The Motion was for the approval of new list of committee Members to the Select Committee on Implementation and Delegated County Legislation and the Sectoral Committees. The reason for the deferment of that Motion was that it had not complied with the provisions of the Standing Orders in the sense that the Report was not laid in the House.

I am reliably informed that the Report has now been tabled and each Member has been able to receive a copy and we will resume the debate. I am also informed that hon. Chiriba was on the Floor before the debate was suspended. Hon. Chiriba, I give you priority you proceed from where you stopped.

Hon. Chiriba: Thank you Mr. Speaker. Yes I was on the Floor and I can remember that I had started by applauding the Committee for the work they did and especially by giving an opportunity to hon. Kiraga to join the Committee on Education.

As I stand today Mr. Speaker, I have also learnt the importance of the Assembly being served with the copy of the Report even before a debate is brought to the House. So having gone through the rest of the Committees, I have found that the Membership of the Committees is intact and as I know, we have an awaiting by-election in Dabaso Ward so I am starting to wonder where or how or when that Member comes to this hon. House which Committee will this hon. Member serve? I am seeing some weakness in the same and I withdraw my sentiments on support to the Motion and thus disapprove this Report. I stand to oppose. Thank you.

Hon. Ziro: Thank you Mr. Speaker, for giving me this chance to contribute to this very important Motion. I stand to oppose this Report. If you look at the composition of the

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Committees and I want to be very specific on the Committee on Water, Environment and Natural Resources that is Committee number two; the composition and the names here are 13, and in Kilifi County we have seven Sub-Counties. I expected to at least have a Member in every Sub-County for representation purposes. For instance, Magarini is not represented here. It is very important that at least in every Committee since we have a composition of 13 Members we get at least one Member from every Sub-County so that we can have all of them fully represented.

(Hon. Mwarandu stood on Point of Order)

Hon. Mwarandu: Thank you Mr. Speaker for giving me this opportunity. It is not a Point of Order as such; it is a Point of Information to hon. Peter Ziro.

The Speaker (Hon. Kahindi): Hon. Ziro do you wish to be informed?

Hon. Ziro: No Mr. Speaker.

Hon. Mwarandu: I will proceed to a Point of Order No. 161 Sub-Order (1) (a);

“The membership of each committee reflects the reflective majority of the seats held by each of the Assembly parties or coalition of the parties in the County Assembly”.

Mr. Speaker, when it comes to composition of membership in Committees, we are not here to say we should select Members from these Sub-Counties. It is purely on strength of parties. So coming here saying a Member should come from Magarini or Rabai is...

The Speaker (Hon. Kahindi): Hon. Peter Ziro is only trying to give his reasons why he doesn't support the Report ...

(Loud consultations)

You can say maybe he is misleading the House but you cannot say his debate is improper. He is only trying to convince you; it is up to you to decide. However your Point of Order is noted.

Hon. Ziro: Thank you, Mr. Speaker, for informing him. The Committee on Selection is guided by the provisions of the law however; the Member is entitled to make his contribution whichever way he feels like.

Mr. Speaker, why I am saying this is because water is a very important commodity. It is required everywhere. Water is life! More than 70 percent of the body composition of a human being is water. Therefore, Magarini Sub-County Membership in this Committee is lacking. So I stand to oppose this Report. Thank you.

The Speaker (Hon. Kahindi): Water is important but the law is also provided for.

Hon. (Ms.) Maneno: Thank you Mr. Speaker, Sir for this chance. I stand to support the Motion of approval of the reviewed list of Committees. The Committee did a very good job; they considered Standing Order No. 152 (b), the parliamentary parties and also considered the independent party Members. Therefore I support the Report. Thank you.

Hon. Kadenge: Asante mheshimiwa Spika kwa nafasi hii. Naungana na waheshimiwa wenzangu wa Jilore na Garashi kupinga mjadala huu. Nikiangalia hivi katika Idara ya *Trade, Tourism and Cooperatives* naona kuna mheshimiwa Christopher Mwambire. Huyu amebobea sana katika sheria ya administration maanake amekuwa naibu wa chifu. Sasa ukimueka katika Idara ya *Trade and Tourism* hapa tutakuwa tumekosea na tukienda pia kwa Idara ya Afya kuna mheshimiwa jirani yangu Edward Kazungu Dele...

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(Laughter)

The Speaker (Hon. Kahindi): Hon. Kadenge, I know you are entitled to your argument but are you implying that a Member of this House is incompetent to serve in the Committee? The criteria for Membership into Committees are clearly stipulated. Why I am saying so is that it is not fair to argue that a Member has been a Sub-Chief because there is no criteria for joining the County Assembly. I do not want it to go on record that the hon. Member was belittled and especially when he is not present.

As Members of the County Assembly, there is no minimum academic requirement so you cannot say because he was a Sub-Chief. You can make your argument without mentioning names.

Hon. Kadenge: *Point* yangu ilikuwa ...

The Speaker (Hon. Kahindi): Kindly make your point clear so that we understand you. Were you implying that he is incompetent?

Hon. Kadenge: No!

The Speaker (Hon. Kahindi): Then proceed.

Hon. Kadenge: Nilikuwa napeana mfano ya kuwa kila Kamati iwekwe watu ambao wameisomea. Kwa mfano, kama mheshimiwa Kadenge ni *retired tourism officer* na nafikiri akiwekwa hapa itakuwa si vibaya kwa sababu miaka yote ambayo nimekuwa kwa *hotel industry* nimekuwa kwa hii *tourism*. Lakini kumueka naibu wa chifu nafiki tumtafutie mahali pake...

(Hon. Kenga stood on a Point of Information)

Hon. Kenga: Mr. Speaker, it is a point of information to the Member, he is my Chair Devolution ...

Hon. Kadenge: No! I don't want to be informed.

The Speaker (Hon. Kahindi): Hon. Kadenge, do you wish to be informed?

Hon. Kadenge: Okay because he is my Deputy Speaker, you can inform me.

Hon. Kenga: Mr. Speaker, I just wanted to inform my Chair Devolution that for this Assembly to have a Member who was initially a Sub-Chief, to me this is a great honour and an achievement. So let us not waste it; I mean the wealth of experience that he has garnered in the field of administration as a Sub-Chief can be applied in most of the Committees.

I know the kind of work Sub-Chiefs are dealing with on the ground. Therefore, I want to believe that he is in a position to serve in any Committee in this Assembly for having been a Sub-Chief.

Hon. Mwathethe: Kwa sababu mheshimiwa Kadenge Dadu alikuwa akiongea Kiswahili, wacha na mimi nijaribu kuongea Kiswahili. Bw. Spika, ni jukumu lako kuelekeza changizo katika hili Bunge na kama ulivyokuwa ushasema tayari kwamba uchaguzi wa Kamati haulinganishwi na elimu ambayo mtu yuko nayo bali akiwa yeye ni mheshimiwa anaweza kuingia katika Kamati yoyote.

Hata hivyo, nataka nimueleze mheshimiwa Kadenge kwamba tuko na Kamati ya *Justice and Legal Affairs*; labda hii ingetaka wasomi ambao wamesomea sheria. Atuambie ni kina nani na nani hapa ambao wangeingia pale kwa sababu wako na elimu hiyo ndio sasa tutakaporudi tujue tunatakiwa kuweka hapo nani na nani. Nitasisitiza kwamba si lazima uwe umesomea kitu ndio uweze kwenda pale. Ikiwa ni hivyo, basi hata kwa Kamati ya *Health* hatutaweza kuweka

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madaktari maana hatunao isipokuwa mheshimiwa Kiraga tu. Ikiwa huo ndio muelekeo, basi itakuwa mheshimiwa Kadenge anatudanganya na anatuongoza katika barabara ambayo siyo. Asante.

The Speaker (Hon. Kahindi): Members, before you make any contribution you need to be aware of Standing Order No. 161. It is purely a political party issue and you don't need credentials. That is why I sometimes say if things were taken literally then we would also not fit anywhere. When we talk of the Justice and Legal Affairs Committee, it is only in the Senate where the bigger percentages are lawyers.

I want to take that hon. Kadenge was saying that on a light note and to also concur with the Deputy Speaker on what he has said. Chiefs are administrators. If we go by our academic qualifications then some of the Committees will be left un-attended to. We just have to be Members then learn in those Committees. So our arguments should not strictly be on academics because when we talk about academics, there was no degree required for you to be a Member of the County Assembly. It is just secondary education. So I want to take it that and the reason that hon. Member for Bamba is silent but you know the implication that that has on the record is something and that is why I have taken it up to guide you so that we argue it on the right path. Conclude hon. Kadenge.

Hon. Kadenge: Waheshimiwa wenzangu, *point* yangu ni kuwa kama Chair mnafanya huu uchaguzi wa Kamati, najua si rahisi kupata watu kulingana na kiwango cha elimu lakini tuanze pia kuangalia kila mmoja pale ambapo anastahili tukikosa kabisa ndio tunaenda huko kwengine; *that was my point of argument*.

The Speaker (Hon. Kahindi): No...no...no... You are mixing your language hon. Dadu (Kadenge).

Hon. Kadenge: Kwa hivyo, mimi nikiangalia hii orodha ambayo iko katika hii *list* ninapinga na ninaomba ile *Committee ya Selection* ikakae na izingatie vile ambavyo ninasema mimi. Asante.

The Speaker (Hon. Kahindi): Yes, hon. Saumu (Sidi)

Hon. (Ms.) Sidi: Thank you Mr. Speaker for this opportunity to also air my sentiments. First, I start by applauding the Committee on Implementation and Delegated Legislation under the Leadership of our very able Majority Leader for having seen it wise first to adhere to Standing Order No. 231. Mr. Speaker, this is one of the Committees which I would say in this whole Assembly has set a very good precedence ...

(Hon. Kenga stood on a Point of Order)

The Speaker (Hon. Kahindi): Hon. Stanely, you have a Point of Order?

Hon. Kenga: Mr. Speaker, the Leader of Majority has been referred to as a Chairperson of a Committee that I do not think he chairs. I do not think he is a Chairperson of the Implementation and Delegated Legislation.

The Speaker (Hon. Kahindi): Yes, I have also noted that...

(The hon. Speaker spoke off record)

Hon. (Ms.) Sidi: Thank you also my very able Deputy Speaker for that correction. I wish to proceed. As I was saying Mr. Speaker, this is one of the Committees that have set a very good precedence for this Assembly.

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Mr. Speaker, you understand that Standing Order No.231 allows this Committee to do reviews and we have seen that in their wisdom they have seen it very wise to increase the number of membership from the previous of nine to thirteen. This is a good precedence not only for us but even for the people to come because now we will see committee membership will be made of thirteen people and that is a very good thing to congratulate the committee for. Also if you check at the committee findings Mr. Speaker, you will ...

The Speaker (Hon. Kahindi): Hon. Saumu (Sidi), you need to quote the right Standing Orders with what you say. Standing Order No. 231 is the review of...

(The hon. Speaker spoke off record)

...that will be the Committee on Procedure and Rules and not the Committee on Selection.

Hon. (Ms.) Sidi: Thank you for that clarification. So, I was saying if you also check at their findings you will see that Committee finding number one says that they have retained the membership and only added four for the purposes of meeting especially Standing Order No. 161 (2) and some of the Sub-Orders one and two but specifically I am touching on Standing Order No. 161 (2). If you go into each and every Committee, you will see that the point of 2/3 gender rule has really been upheld and that is a good thing for the Committee. With those few remarks, I strongly support this Motion. Thank you.

Hon. Shaban: Asante mheshimiwa Spika. Mimi pia nimesimama kuunga mkono serikali ya mheshimiwa Gavana kupitia kwa *Leader of Majority*. Mheshimiwa Spika, huu ni Mswada wa Serikali na ni lazima tuunge mkono vilivyo na pia nataka pia tufahamu kwamba tuko na mheshimiwa mgeni mheshimiwa Christine John ambaye ni mjumbe maalum ambaye tokea aingie katika Bunge hili mheshimiwa Spika hana Kamati; sisi wajumbe wote tuko katika Kamati. Tunakuja Bunge na mbali na Bunge, tuko na vikao vyengine vya Kamati na mheshimiwa Spika unaelewa ukikaa katika kikao cha Kamati mambo ambayo yanajiri. Kwa hivyo, mheshimiwa Spika, mimi naona tusipopitisha Mswada huu tutakuwa yule mheshimiwa mjumbe maalum tunamtenga na tunafanya anakuwa yatima katika hili Bunge.

Wakati mwingine ananipigia simu namwambia mheshimiwa mimi niko katika Kamati nitakupigia baadaye na anasema mbona mimi sijakuwa katika Kamati. Kwa hivyo, mimi naona mheshimiwa Spika, hii ni fursa ya yeye pia awe katika Kamati ili aweze pia kuchangia katika Kamati yake ili aweze kuwakilisha vizuri watu wa ile sehemu ambayo amechaguliwa kuwakilisha Bunge hili. Kwa hivyo mheshimiwa Spika naungana na *Leader of Majority* kisha nimshukuru mzee wetu wa busara, hana maneno; anachapa kazi ndio maana hata akishindwa kesi kule wadi anarudishwa hivyo hivyo.

Mheshimiwa Spika, sitaki kuongea mengi lakini wakati wajumbe wanachangia Mswada huu tumuangalie mheshimiwa Christine John *a.k.a* Riziki kwamba amekuja Bunge na tokea aapishwe hajakuwa katika Kamati yoyote na naona mheshimiwa Spika Mswada huu ukianguka basi mheshimiwa Christine John atakaa muda mrefu sana kwa sababu nimesoma hizi *minutes* na nimeona kwamba kulikuwa na vikao vingi tangu waheshimiwa wawekwe katika hii *list*. Naona muda utakuwa unaenda na mheshimiwa tutakuwa tunamuacha gizani na atakuwa hana Kamati. Kwa hayo machache, asante mheshimiwa Spika.

Hon. Mwarandu: Asante sana mheshimiwa Spika kwa kunipa fursa hii ili pia nami niweze kuchangia mjadala ambao uko mbele yetu. Mheshimiwa Spika, nataka niseme kwanza kabisa nauga mkono Mswada huu na nataka nishukuru Kamati hii kwa jumla na pia nataka nishukuru Kiongozi wa Walio Wengi ambaye ni Mwenyekiti wa Kamati hii na vile vile Kiongozi

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wa Wachache Bungeni ambaye ni Naibu Mwenyekiti wa Kamati hii na wanakamati wote walioketi na kwa ushauri wao wakaona ni bora waelekeze wanakamati katika Kamati zile. Mheshimiwa Spika, viegezo ambavyo vyastahili tviangalie hapa ni, je sheria ililindwa kati ya ...

(Hon. Dele consulted loudly)

The Speaker (Hon. Kahindi): Hon. Dele, consult in a low tone. Yes proceed hon. Mwaranadu.

Hon. Mwarandu: Je, sheria ilifwatwa katika kugawanya wanakamati katika Kamati hizi? Na kwa mtazamo wangu mimi mheshimiwa Spika ni kwamba ndio, sheria ilifwatwa. Tukiangalia kwanza ile Kanuni ya Bunge, Kanuni ya 161 kwanza (a) na pia ile Kanuni ya pili ilifuatwa. Mheshimiwa Spika, haya mengine yote ni mambo ya chama na hivyo basi sitaki kusema kwamba nataka nimfundishe Kiranja wa Walio Wengi Bungeni kazi lakini nataka pengine awaite hawa wana ODM (*Orange Democratic Movement*) ili wachague wenyewe zile Kamati ambazo wao wenyewe wanataka kwa sababu kazi hii ni kazi ambayo imeelekezwa kwa Kamati ile ya uteuzi peke yake; hakuna yule mjumbe ambaye anastahili kujiweka mwenyewe katika Kamati. Ni Kamati hii ya uteuzi ambayo imepewa jukumu la kuteua wanakamati katika zile Kamati. Sasa tukija hapa tukianza kusema Kamati hii ilikuwa hivi Kamati ilikuwa hivi lakini kama ulivyoelekeza pale mwanzo mheshimiwa Spika, je sheria ilifuatwa? Je Kanuni za Bunge zilifuatwa? Hivyo vyote mheshimiwa Spika vilifuatwa. Asante mheshimiwa Spika.

Hon. Ndago: Asante sana mheshimiwa Spika kwa nafasi hii. Kwanza kabisa, nasimama kupinga Hoja hii kwa sababu ninavyoziangalia hizi Kamati zilivyo, naona nikitoneshwa vidonda. Mheshimiwa Spika, mimi nataka kukumbusha baadhi ya waheshimiwa waliozungumza ya kwamba ni ndani ya Bunge hili walileta Hoja tofauti, wengine wakaleta *statements* tofauti wakikosoa *department* hii na *department* ile.

Wengine ukiwaangalia bado wako katika zile *departments*. Kwa mfano, tukiangalia Wizara ya Afya, vile hali ya afya imekuwa katika Jimbo la Kilifi tukizugumza kando kando ya kwamba Kamati hazifanyi kazi na ukiangalia katika hiyo Kamati ya Afya, wale walioko hapo mimi ningeomba kupitia Bunge hili kufanywe marekebisho yarudishwe kwa Kamati. Nafikiri hata Kiongozi wa Walio wengi alipokuwa akizungumza tumemsikia kwa umakini waliosikiza semi za watu ya kwamba hata ikirudishwa nitaenda kurekebisha. Kwa hivyo, ana imani yeye mwenyewe ya kwamba haiko sawa. Nataka kuwaambia wale ambao wako upande wa Serikali, tuangalie vizuri tusipakwe mafuta kwa mgongo wa chupa...

(Hon. Mwathethe stood on a Point of Order)

The Speaker (Hon. Kahindi): Hon. Mwathethe, you have a Point of Order?

Hon. Mwathethe: Mheshimiwa Spika, mimi sijasema ya kwamba Ripoti ikikataliwa nitaenda kurekebisha; mimi naamini Ripoti iko sawa ndio maana nimetia sahihi na kuileta mbele ya Bunge ikubali ama ikatae. Ikikataliwa itakuwa ni mambo ya kwamba imekataliwa lakini kwamba ina kasoro, nitaenda kurekebisha, mheshimiwa Spika hilo sijalisema na kama nimelisema lakini nimesehau basi nikumbushwe lakini sijasema hivyo.

The Speaker (Hon. Kahindi): The office of the Leader of Majority is really looking at...

(The hon. Speaker spoke off record)

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Let us proceed. Hon. Ndago the Floor is yours...

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

(Hon. (Ms.) Maneno stood in her place)

The Speaker (Hon. Kahindi): Yes, hon. (Ms.) Maneno, what is your Point of Order?

Hon. (Ms.) Maneno: Sijui kama utaniruhusu nimjuze mheshiwa Ndago. Kulingana na hizi ...

The Speaker (Hon. Kahindi): Yes, Hon. Ndago, do you wish to be informed?

Hon. Ndago: Singependa kujuzwa kwa sababu nimekaa kwa umakini na nikajua ni nini ninachokizungumza. Nilikuwa nasema kwamba tuwe na umakini wakati tunapitisha Hoja ama tunapopitisha maswala ya Bunge hili. Nataka tuangalie mkaazi wa Kilifi jinsi anavyoteseka upande wa afya. Wewe mwenyewe hapo ulipokaa kama mheshimiwa una ufahamu ni jinsi gani watu wanavyoteseka halafu tuangalie hii Kamati ya Afya vile imekuwa kwa kipindi hicho chote cha miaka mitatu; mtu wa Kilifi ameteseka na tena uangalie Kamati ya *Impementation*. Ni mambo mengi sana tumepitishwa hapa lakini havijawahi kufwatiliziwa na hizi Kamati ziko hapa. Na sisi tumekuwa tukisema tunaona watu wakifanya kazi. Wakati mwingine tunalia hapa ya kwamba kazi haifanyiki na wale wenye kufanya hizi kazi ni sisi wanakamati tuweke ile *Executive on toes*.

Hii Kamati mimi siiungi mkono ya kwamba warudi watu wale wale. Tukiangalia ile Kamati ya *Delegated*, angalau tuone Ripoti moja imekuja; moja tu kwa kipindi cha miaka miwili ama mitatu. Sasa hapa tunang'ang'ania tu tupitische. Sijui ni serikali, sijui nini; haya ni mambo ya kupotoshana. Swala muhimu ni kwamba hii irudiwe ikakaliwe kwa umakini na wale ambao walikuwa wavivu katika zile Kamati zao wabadilishwe wawekwe katika Kamati nyingine kwa sababu maswala ya Afya kama vile mheshimiwa Peter Ziro alivyozungumza ya kwamba inaoana na maswala ya maji.

Kwa mfano, swala la afya sio swala la kuchezea. Swala la afya ni maisha ya mtu na ikiwa ni maisha ya mtu ni lazima tuipatie kipaumbele. Hapa ndani ya Bunge saa hizi tukianza kuulizana ni Kamati gani imefanya kazi, mheshimiwa Spika nakuhakikishia ya kwamba Kamati ya Bajeti itasifiwa, Kamati ya Elimu itasifiwa ikichanganywa na zile za *Scholarship*. Kuna nyingine hazitasifiwa kwa sababu utendakazi wao uko chini. Ingekuwa ni kupeanwa *marks* na kupeanwa vithibitisho na Ripoti zinavyokwenda, Kamati ya Afya ingekuwa ndio zero kabisa na ndio maana nasema...

The Speaker (Hon. Kahindi): Hon. Thaura, if you want to say something please rise up. If you want to rise on a Point of Order we have the intervention button.

Hon. Thaura: Mheshimiwa Spika, nafikiri hapa juu tunapata matatizo kidogo kwa sababu inakua vigumu kusema ni *Point of Order* ama tunataka kuchangia kwa sababu najua wao...

The Speaker (Hon. Kahindi): Let us operate like this. If you have a Point of Order, just stand up and shout Point of Order...

Hon. Thaura: Na kama unataka kuchangia? Kwa sababu...

The Speaker (Hon. Kahindi): Stand up as well and say that...

Hon. Thaura: Nilikua nahitaji kuchangia.

(Hon. Mwayaa stood on a Point of Order)

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The Speaker (Hon. Kahindi): Okay fine, I will write your name down. Yes, hon. Mwayaa, you have a Point of Order?

Hon. Mwayaa: Asante Mheshimiwa Spika. Nilikuwa nimesikia Mheshimiwa Ndago akisema kwamba kuna waheshimiwa wengine ni wavivu na waondolewe kutoka kamati hii hadi kamati nyengine na nikaona anapotosha hili Bunge kwa sababu ni kama ambaye hiyo Kamati ambayo atapekwa huyo *Member* ambaye ni mvivu hatafanya kazi na Bunge hili tunataka tufanye kazi. Alikuwa anafanya haki akisema hivyo ama anapotosha hili Bunge na wote walichaguliwa katika Bunge hili?

The Speaker (Hon. Kahindi): Hon. Ndago.

Hon. Ndago: Mheshimiwa Spika, nataka kumfahamisha mheshimiwa Mwayaa kwamba saa nyengine wakati unapika chakula unachagua; kwa mfano, unapika mahindi na maharagwe unachagua. Kuna tembe ambazo zinakufaa na zingine hazikufai. Ikiwa unaona leo siwezi kula maharagwe peke yake unaweza kuchanganya mahindi na maharagwe ikawa *githeri*.

Kwa hivyo, wale ambao hawawezi kufanya kazi kule kama Mwenyekiti aletwe huku awe mwanakamati. Ndio maana nasema akija huku akiwa Mwanakamati ataona yule mwenzake anafanya kazi kisawasawa.

Mheshimiwa Spika, ni jambo la kusikitisha ikiwa Kamati hizi zitapitishwa kwa kuwa ni maswala ya serikali. Mimi sipingi serikali lakini ikiwa ni swala tu la kuwa tupitishwe kwa kuwa ni Mswada wa serikali nataka nimuambie ndugu yangu mheshimiwa Dickson Shaban ya kwamba serikali wakati mwengine inakula watu wake. Utatafunwa! Usikubali kupakwa mafuta kwa mgongo wa chupa. Asante.

Hon. Kenga: Mheshimiwa Spika, rafiki yangu na jirani yangu mheshimiwa Ndago ni maneno mazito anayotamka kulingana na utendakazi wa Kamati ya Afya. Nilidhani Mwenyekiti wa Kamati aliposimama alikuwa na nia ya kujitetea lakini akasema kwamba atachangia baadaye kama ulivyomuelekeza. Nasema hivyo kwa sababu nimeangalia wanakamati wa Afya mbali na wale wengine ambao walijalizwa wakati kulipofanywa marekebisho na Kamati husika na wa kwanza kabisa ambaye ni Mwenyekiti ni mheshimiwa Thaura Mweni, wa pili ni mheshimiwa Mary Anzazi Maneno na wa tatu ni mheshimiwa Martha Koki Musyoki, Edward Kazungu Dele, Albert Kiraga ambaye kwa sauti nimesikia kwamba yeye ni daktari ndani ya Bunge hili, Caroline Kalume, Thomas Mumba Chengo, Alphonse Mwayaa ambaye ni *Majority Whip*, na Sabrina Tumaini. Mimi nataka niamini kwamba hiki kikosi ni kikosi cha nguvu na kazi bila shaka wanaifanya nikiamini kwamba wakati fulani tulimuita Waziri wa Afya mbele ya Kamati hii na kuhojiwa kwa maswala fulani ambayo yalikuwa yamefanyika. Labda tu sijui ni kwa misingi gani pengine itaonekana hawa ni walegevu lakini kama ni walegevu nafikiri wana haki ya kuji...

(Hon. Chiriba stood on a Point of Information)

Hon. Chiriba: I want to inform the current Member on the Floor...

The Speaker (Hon. Kahindi): Hon. Kenga, do you to be informed?

Hon. Kenga: Ni Mwenyekiti wangu wa Kamati ya Elimu na tunafanya kazi kwa ushirikiano na nadhani anayoyazungumza ni kwa ajili ya kunijenga.

Hon. Chiriba: Asante. Nilikuwa nataka tu niweke mwanga kwa wakati aliposema kwamba ni kikosi cha nguvu. Nataka kumjulisha kwamba nguvu hazidhihirishwi na ile misuli ambayo tungeiona kwa mtu; zinadhihirishwa na utendaji kazi. Kwa hivyo, mheshimiwa Ndago naona bado yuko kwa njia ya sawa.

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Hon. Kenga: Asante kwa ufahamu huo lakini nilikuwa sijakamilisha. Naomba sasa nikamilishe. Amepeana mifano ya baadhi ya Kamati ambazo zimeonekana zikifanya kazi kwa hali ya umakini na moja ya ile mifano ile imepeanwa ni Kamati ya Bajeti ambayo Mwenyekiti wa Bajeti pia ni mwanakamati katika Kamati hii lakini sasa swala ambalo linajotokeza ni katika hali ya kuelewa kwamba saa hii tunaenda kwa rekodi; tunasema kwamba Kamati ya Afya ni legevu ndani ya Bunge letu. Labda hapo mheshimiwa Spika utufafanulie.

Hon. Ndago: Mheshimiwa Spika, nafikiri mheshimiwa Naibu wa Spika akiwa atasimama na kuunga mkono huo ni uamuzi wake. Amesoma hayo majina vizuri na akawapongeza lakini nataka nikumbuke ndani ya Bunge hili kwamba mheshimiwa Stanley (Kenga) alikuja akalalamika na akalia kuhusu zahanati ya Adu kwamba utendajikazi wa Kamati haukuwa mzuri na hata alipojibiwa Ripoti yake pia haikumfurahisha. Sasa leo hii amesimama kidete anasema hawa ni wachapa kazi. Mimi hili si swala la kwamba tuwe tutalichukulia kwa wepesi. Ni swala la kuchukuliwa kwa uzito na umakini. Vile anavyozungumza mimi nimemuamini kwamba semi zake huwa za umakini.

(Hon. Thaura stood on a Point of Order)

Hon. Thaura: Mheshimiwa Spika, ndugu yangu ambaye ni Naibu katika upande wetu wa walio wengi Bungeni mheshimiwa Ndago nafikiri amepotoka kwa kutoa taarifa ambazo sio sahihi. Tutakubaliana kwamba kipindi sio kirefu tulikuja tukakagua katika uteuzi wa kumpatia mmoja wetu ambaye alikuwa anachukua kazi ya Katibu mtendakazi katika Kaunti yetu ya Kilifi. Mheshimiwa Ndago ni mmoja katika wale waheshimiwa ambao hawana misimamo na hiyo siku nilikuwa nimeketi kiti ambacho kiko kati ya mheshimiwa Mchungaji na mheshimiwa kiongozi wa walio wachache Bungeni na siku hiyo nilisema itakuja siku ambapo tutakumbuka yale maneno mazito ambayo nilikuwa nayazungumza pale na ni kwa sababu sisi Kamati tulikuwa na mda wa kuangalia tajriba ya yule bwana na tukaona kwamba kulikuwa kuna ati ati katika tajriba yake.

Tunavyozungumza jana hapa tulikuwa na waziri na timu yake na tulizungumza faraghani lakini acha niwaambie kwamba ipo kasoro kubwa katika kile kitu ambacho mlikifanya ile siku na hatujasahau kwamba kuna wengine walipata kitu kidogo katika sehemu ambazo sio sahihi za mtu kama mheshimiwa kufanya kitu kama hicho.

The Speaker (Hon. Kahindi): Hon. Thaura, you know you stood up on a Point of Order. I want you to address yourself on the Point of Order.

(Hon. Ndago stood on a Point of Order)

Hon. Ndago: Mr. Speaker, I just want to get a clarification whether the Committee brought one Report or they brought two? I am aware that the first Report was supposed to be the first Report but later on the Chairman misled the Committee that is why he is crying that some of us, me included were not straight forward. I want to inform him that this is politics and he is in the House of politics and he must be smart or people will outsmart him.

He is the one who led the Committee in making the Report. Infact he is the one who is not straightforward; he brought two Reports. Today we are not discussing the Report that was brought by the Committee. We are discussing about the Report on approval of the Selection Committee that was brought before this House.

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Mr. Speaker, I think I am not misleading the House if I quote what the hon. Member has just said. I am just giving information on what is supposed to be done not unless he is the one misleading the House yet he is the Chair of that Committee. Thank you.

The Speaker (Hon. Kahindi): Let me clarify on something so that we don't have so many Points of Order. Let us be guided by what is before us so that we give room to people who want to contribute to the Motion. We have hon. Kiraga. Hon. Chengo (Mumba) do you want to contribute or is it a Point of Order? Your button is on the intervention.

Hon. Mumba: It is a Point of Order and I want to make something very straight here because I have been mentioned as a Member of the Committee on Health so I want to clear my name on...

The Speaker (Hon. Kahindi): You have been mentioned by virtue of being a Member...

Hon. Mumba: Yes, that is why I am standing on a Point of Order as per the Standing Orders that are here.

The Speaker (Hon. Kahindi): You are raising a Point of Order to whom?

Hon. Mumba: The Member who was on the Floor. I dialed this thing a long time ago; it is only now that I have dialed the intervention button.

(Loud consultations)

The Speaker (Hon. Kahindi): No I did not see it. I am sorry. So now you want to make a Point of Information to whom?

Hon. Mumba: It is not a Point of Information because I know you will deny it. It is a Point of Order.

The Speaker (Hon. Kahindi): It is procedure...

Hon. Mumba: It was there before you ruled on the Point of Orders. My button was already on unless you want to deny me this opportunity but there is very important information I want to pass across here.

The Speaker (Hon. Kahindi): Okay, what is your Point of Order?

Hon. Mumba: Mr. Speaker, I am a very keen listener and a man of few words and I always watch what I say after what I have gathered. With all due respect, if I might quote the Standing Orders on the contents of speeches, I think it is a direction that we should be guided under Standing Order No. 83(4), if you allow me to read;

“No Member shall impute improper motive to any other Member except upon a specific substantive Motion of which at least three days' notice has been given, calling in question the conduct of that Member or Senator’.

It is very unwise if you can rise and say that a certain Committee is not working while you cannot substantiate whatever you are saying. So, being a Member of that Committee I feel insulted. I feel that at least to a point; my dignity has been damaged because I believe I offer my best when it comes to Committee work.

So being a Member of that Committee to generalize that the Committee Members are not working I think as per this Standing Orders, I feel that my dignity is ruined. I believe I always offer my best when it comes to Committee work. I thought it was very wise now to make it clear that whenever we are pointing out any allegations they might be correct or wrong but let them be

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directed to the right Member of a Committee or whoever deserves that information. That is the information that I wanted to pass across, Mr. Speaker.

The Speaker (Hon. Kahindi): Thank you. For that same reason is why I ended the debate on hon. Ndago and hon. Thaura. For any avoidance of doubt, if you have pressed the button and I am not responding just raise your hand because I did not see your intervention here. Hon. Kiraga, yes proceed.

Hon. Kiraga: Thank you Mr. Speaker. First of all, I want to say I am against this Motion. If the law has to be followed then it should be followed wholly, not partially. If you go the County Governments Act Section 14 (1), the Committee has obeyed that Section but when you come to the Standing Order No. 161, the Committee obeyed some Sections and left out some of them. Standing Order No. 161 (1) (a), the Membership of each Committee reflects the relative majorities of the seats held by each of the Assembly parties or coalition of parties in the county Assembly, that has been obeyed. But if you go to (b), no two Members of the House Business Committee serve in the same Sectoral Committee. That section alone has compelled me to go against this Report.

I want to give examples of this list. If you go to Water, Environment and Natural Resources, can we confirm that hon. Valentine Matsaki sits in the HBC (House Business Committee)? Can we also confirm that hon. Alphonse Mwayaa sits in the HBC? Hon. Sabrina Tumaini sits in the HBC too. That is one Committee; there are several Committees that have not obeyed the Standing Orders.

The Speaker (Hon. Kahindi): Can we confirm that because you are raising a very pertinent issue. Hon. Matsaki, are you a Member of the HBC? Hon. Mwayaa, are you also a Member of the HBC? Hon. Sabrina Tumaini, are you a Member of the HBC?

Hon. (Ms.) Tumaini: No!

Hon. Kiraga: Although she's not a Member but what does this note say? Not two Members, that means only one Member. If you go to the other lists, you will also find more than three Members. Let us go to Trade, Tourism and cooperatives; we have hon. Peter Ziro...

The Speaker (Hon. Kahindi): Ho. Peter Ziro, are you a Member of the HBC?

Hon. Ziro: Yes.

Hon. Kiraga: We have hon. Christopher Mwambire.

The Speaker (Hon. Kahindi): Hon. Christopher Mwambire, are you a Member of the HBC?

Hon. Mwambire: Yes.

Hon. Kiraga: Yes, these are two Members sitting in the same Committee. These Standing Orders say no two Members of the HBC serve in the same Sectoral Committees.

(Loud consultations)

So hon. Speaker, let us get the Members of the HBC we countercheck with this list. The Standing Orders must be obeyed.

Hon. Mbura: Asante Bw. Spika. Nasimama kupinga Ripoti hii. Kwanza kuna Kamati ya *Delegated County Legislation*; hii ilikuja kama Hoja ya mwanzo kabla ya mabadiliko ya hizi Kamati nyengine na iliregeshwa kwa ajili mheshimiwa Emmanuel Changawa alikuwa katika hii orodha. Iliporudi, marekebisho zaidi yalikuwa yametendeka kwa mfano jina langu lilikuwa katika hii Kamati lakini ilirudi ikiwa jina langu haliko na tuliiregesha kwa ajili ya marekebisho ya Emmanuel Changawa lakini nimeona kuwa Ronald Mbura ndiye aliyeenda akatolewa.

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Lengine ni juu ya kuunga mkono mheshimiwa mwenzangu Peter Ziro wa Garashi. Amezungumza jambo muhimu sana juu ya Kamati ya Maji kwamba kwa vile ni Kamati muhimu hasa kwa afya yetu, ingekuwa vizuri kila *Sub-County* iweze kupata mwakilishi.

Hali hii hii inanikumbusha nyakati za nyuma na hali hii ndio imefanya Kilifi South haipati wawakilishi wa kutosha katika Kamati ya Bajeti maanake tunaona waheshimiwa hawaonekani katika vikao ilhali tulisimama tukasema kwa nini huyu ndiye aliyeungwa mkono lakini najua ni siasa iliyoweza kugeuza matakwa yetu. Lakini hali hii ndio inaathiri Kilifi *South* maanake mheshimiwa mmoja kutoka Kilifi *South* ambaye anatuwakilisha sisi katika Bajeti katika vikao na ikiwa anaonekana lakini si wakati ule muhimu wa kujadili na kututetea sehemu ya Bajeti katika Kilifi *South*. Kwa hivyo ninaomba ...

(Hon. Mwathethe stood on a Point of Order)

The Speaker (Hon. Kahindi): Hon. Mwathethe, you have a Point of Order?

Hon. Mwathethe: Bwana Spika, nikiwa Mwenyekiti wa Kamati hii sitaki kutetea hii Ripoti bali nataka waheshimiwa wawe huru kutoa maoni yao lakini jinsi wanavyotoa malalamishi pia nataka nipate mafundisho na maelekezo. Mtu akisema Kamati ya Maji ni Kamati muhimu sana ningetaka pia niambiwe zile ambazo si muhimu sana ni zipi? Ndio wakati tunakaa sasa kulingana na ufahamu ambao nitakuwa nimepata hapa nijue hii ni muhimu naweza weka huyu na hii si muhimu naweza weka huyu. Kwa hivyo mheshimiwa anielezee, Kamati ya Maji imetajwa hapa mara mbili kwamba ni muhimu, zile ambazo si muhimu hapa ni zipi? Ambazo tunaweza weka tu ...

The Speaker (Hon. Kahindi): And who is supposed to sit in which one...

Hon. Mwathethe: Naam, anielezee na ni nani na nani awekwe wapi. Tunajua wengine ni walegevu sasa wawe walegevu tuwapeleke wapi? Mheshimiwa Spika, ili kwamba wakati tutakapokaa tena tuwe na ufahamu mkubwa na mzito wa kujua mlegevu ni fulani na anatakiwa kwenda katika Kamati fulani ndio tusiende kukaa na tukarudi. Mambo kama hayo mheshimiwa Spika. Asante.

The Speaker (Hon. Kahindi): Okay, hon. Mbura, you have heard the Leader of Majority. He wants to know which are these Committees that are not important? Kindly press your microphone.

Hon. Mbura: Asante Bwana Spika. Kusema kweli, haimaanishi kwamba Kamati nyengine si muhimu lakini kwa shughuli zinazohusika lazima tutaziweka kwa kundi ambalo ni muhimu zaidi ya nyengine. Ninasema hivyo kwa sababu, kwa mfano Kamati ya Bajeti. Kamati zote hizi zinaangazia hasa Kamati ya Bajeti kwa *resource allocation*. Hii naiona pia ni muhimu kushinda nyengine kwa sababu bila hii, zile Kamati nyengine pia utendakazi wake utakuwa mgumu. Kwa hivyo tunapozungumzia Kamati ya Maji pia tunasema hivyo kwa sababu ina *cut across* Kamati nyingi ambazo...

(Hon. Kadenge stood on Point of Order)

The Speaker (Hon. Kahindi): Hon. Kadenge, you have a Point of Order?

Hon. Kadenge: Mheshimiwa Spika, nataka utupatie mwelekeo. Kulingana na ile Standing Order ambayo mheshimiwa wa Gongoni ambaye pia ni Mwenyekiti wa Bajeti ametupa ameingea vizuri sana lakini bado wewe hujatupatia mwelekeo kama...

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The Speaker (Hon. Kahindi): He has not requested me to do anything; he made his contribution in relation to that Standing Order.

Hon. Kadenge: Lakini imefuatwa hiyo sheria?

The Speaker (Hon. Kahindi): I don't know. If he requested me to do anything, I would do so by a way of a Motion.

Hon. Kadenge: That is why we need your guidance also...

The Speaker (Hon. Kahindi): My guidance is, make contributions then I will ask if you have anything else.

Hon. Kadenge: I think we need a way forward from the Chairperson.

The Speaker (Hon. Kahindi): Hon. Kadenge, hon. Kiraga has noticed something; if he wants to proceed there is a way to proceed under the Standing Orders otherwise to me that is his contribution.

Hon. Kadenge: Okay, nikiileta hivi kuwa utupatie mwelekeo kulingana na hii *Standing Order* utatuambia nini Spika?

The Speaker (Hon. Kahindi): The Standing Order says "no two Members"...

(The hon. Speaker spoke off record)

Hon. Kadenge: Hapana, si hiyo *Standing Order* inasema "no two members" ndio hiyo twataka kujua kama imefuatwa maanake ukiangalia haikufuatwa.

The Speaker (Hon. Kahindi): Then that should be deliberated in a different way; you cannot say I give direction on things that have not been requested to give direction.

Hon. Kadenge: Okay, hiyo haikufanyika, wewe unatupatia mwelekeo gani?

The Speaker (Hon. Kahindi): What does the Standing Order say?

Hon. Kadenge: "No two Members"...

The Speaker (Hon. Kahindi): Yes, Meaning?

Hon. Kadenge: Ya kuwa isiwe zaidi ya mtu mmoja...

The Speaker (Hon. Kahindi): How many Members are there?

Hon. Kadenge: Wawili wawili...

The Speaker (Hon. Kahindi): So, I put that question as deliberation. It is upon you now to decide. That is why there is a question at the end of the debate. Because you see if a ruling is passed out of this that is a separate thing...

(The hon. Speaker spoke off record)

Now, the issue is whether two Members or more have been put in each and every Committee. The issue is what has the House resolved? That is why I put the question at the end of the debate. However your question is you cannot have two Members from the House business Committee.

Hon. Kadenge: Exactly.

The Speaker (Hon. Kahindi): Now that is what you...

(The hon. Speaker spoke off record)

... and I have heard people saying more; there is no word more unless we have different Standing Orders. 'No two' means you cannot have two, but you see I cannot take your seat.

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Hon. Kadenge: Mheshimiwa Spika pole, pole lakini ikiwa tuna *discuss* orodha ambayo haikufata sheria za *Standing Order* zetu kuna umuhimu kweli kuendelea na hii?

The Speaker (Hon. Kahindi): It doesn't mean that the debate has to be removed.

Hon. Kadenge: Okay, thank you.

The Speaker (Hon. Kahindi): Okay, let me just explain. When I sit here, I am not supposed to change what is what is in the debate. You are supposed to see things and then you move. Last time there was an issue. I am a referee you cannot tell me pass the ball to number nine to score; so, you grab it. However, that does not mean more because the word 'more' is on the list, it simply means 'no two' the same way it was said 'no three Members'; if you have three Members that means you have gone wrong. Are we together, hon. Kadenge?

Hon. Kadenge: Yeah, it is okay.

The Speaker Hon. Kahindi: Yeah...Hon. Deputy Speaker (Kenga) you have a Point of Order?

Hon. Kenga: Contribution.

The Speaker (Hon. Kahindi): Okay... Hon. Mbura Proceed. Hon. Mwayaa, you have a Point of Order?

Hon. Mwayaa: Yes.

The Speaker (Hon. Kahindi): Okay, hon. Mbura take your seat.

Hon. Mwayaa: Mheshimiwa Spika, hii ni Nyumba ya siasa ndiyo lakini naona kidogo mheshimiwa Mbura ni kama amekosa mwelekeo wakati amesema kwamba anaunga mkono mheshimiwa wa Garashi ambaye amesema kwamba Magarini hakuna mwakilishi upande wa maji. Kisha yeye akarudi tena mheshimiwa Mbura akasema yeye yuko na mwakilishi ambaye hawajibiki upande wa Kamati ya Bajeti. Mheshimiwa ukiangalia hapo kidogo kuna mvutano ambao ...

The Speaker (Hon. Kahindi): Let me make something very clear. When it comes to Membership of Committees it is not about regions unless you change the Standing Orders like we did in the last term where we included that Members of the Budget Committee should come from each and every Sub-County. However, it is a political party issue. So if you continue with the argument based on where you come from it is misleading. I did not want to say that but you see now, I am not supposed to but you are supposed to know. You are supposed to read the Standing Orders and know that you cannot stand here and argue that this Sub-County does not have people. In the year 2013/2017 we amended the Standing Orders and we included that in the Budget Committee, Membership shall be derived from each Sub-County.

At that particular time one would stand up and say there is no representation from Magarini because the Standing Orders say that Membership of this Committee must be derived from each and every Sub-County. In this case, I know you are trying to persuade your Members but you know it proves your ignorance when you say that we do not have representation from this Sub-County whereas under Standing Order No. 161 it is very clear; membership is on the strength of parties. So that is why the Leader of Majority is getting concerned because your line of argument does not help him to do a better job.

Can you kindly make your contributions based on the Standing Orders and when the standing Orders say 'no two' it means you cannot have two and if you have it is not my business to tell you what to do, you are supposed to know; that is why you are here. The issue is, if that makes it defective the question comes to you, would you say *Aye* or would you say *Nay* or alternatively you can still move a Motion and say let these people go back because they have not complied. You know I do not want to turn this into a lecture room but I presume you should

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know these things. Are we together hon. Members? So, your continued argument that my area is not represented that is a fallacy because the law on membership to parties is not about where you come from, it is not about where there is no water, it is not about where there is no electricity, it is about which party and the strength of the parties. Now I think we are clear on that. I will still give you a minute hon. Mbura to finish.

Hon. Mbura: Asante. Kwa jumla hilo ndio lilikuwa wazo langu na pia mchango wangu juu ya Ripoti hii lakini mwisho nitasema, Kiongozi wa Wengi Bungeni anaonekana kuonyesha uongozi kuanzia kwa Bunge hili ili kuonyesha kwamba hapa pia tunawakilishwa na viongozi. Nasema hivyo ni kwamba ni sheria ndio inatungoza, lakini sasa ni vizuri kwamba uongozi wetu uanze kuonekana kutoka hapo kwamba ninapofanya hili nitaleta mabadiliko katika sehemu hii na ninapofanya hivi nitaleta tofauti katika sehemu hii ingawaje sheria haituruhusu lakini ni vizuri yeye aweke katika nia hiyo kwamba ange *consult* hata kama mheshimiwa si mwanakamati katika hiyo Kamati.

The Speaker (Hon. Kahindi): Thank you very much, that is it. Hon. Masha.

Hon. Maitha: Maitha.

The Speaker (Hon. Kahindi): Yes, you need to mention your name so that the HANSARD can capture you. Just mention your name for the record.

Hon. Maitha: Asante mheshimiwa Spika kwa kunipa hii nafasi. Huyu ni mheshimiwa Maitha kutoka Wadi ya Jaribuni. Mheshimiwa Spika, mimi nasimama kuunga mkono Ripoti hii kwa sababu kile wanachodai ama mheshimiwa wa Garashi alichosema kuwa Kamati ya Maji haina mwanakamati wa Magarini, sisi wa Ganze Sub-County hatuna mwanakamati kwa Kamati ya Ardhi. Kile wanachokisikia wao ndio kile kile tunachokisikia sisi watu wa Ganze. Kwa hivyo, tutumie sheria kwamba tunajiamini tukiwa tuko hapa kama wawakilishi wa zile wadi zetu na viongozi wa Kilifi County. Mheshimiwa Spika...

(Hon. Ziro stood on a Point of Information)

The Speaker (Hon. Kahindi): There is a Point of Order from hon. Peter Ziro.

Hon. Ziro: Mheshimiwa Spika, si *Point of Order* lakini nilikuwa nataka kumjuza kitu fulani mheshimiwa...

The Speaker (Hon. Kahindi): Do you wish to be informed hon. Maitha?

Hon. Maitha: Kiwango changu hakiniruhusu nijulishwe na yeye.

(Laughter)

The Speaker (Hon. Kahindi): Proceed.

Hon. Maitha: Naomba anisamehe kwa sababu mheshimiwa Spika hili Bunge kuna wengine wanajiona ni bora kushinda waheshimiwa wengine. Si mambo yote ambayo yatakuridhisha kama wewe binafsi; mengine lazima tuyakubali. Nimesikia hapa mheshimiwa Ndago akisema Kamati ya *Implementation* haifanyi kazi mheshimiwa Spika; akasifu Kamati ya Bajeti. Kamati ya Bajeti ilitoa pesa za kuajiri walimu wa chekechea. Ilikuwa kama ni *implemtation* tuta *implement* vipi bila Bajeti? Mheshimiwa Spika, Kamati hiyo hiyo ya Bajeti ambayo imesifiwa hapa, Kamati hiyo ya Elimu ambayo imesifiwa hapa, Kamati ile ya Barabara ambayo mheshimiwa Ndago yuko ndani; bara bara ngapi hapa Kilifi Kaunti ni mbaya?

Kwa nini isemekane Kamati ya *Implementation* ndio haifanyi kazi? Naomba kumjuza mheshimiwa Ndago ya kwamba ajue kazi ya Kamati za *Implementation*, zaidi ya yote ni *follow*

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up, na tumefanya hiyo *follow up*; tumefuatiliza. Tukisimama hapa, wale vibarua ambao hawakulipwa toka Bunge la kwanza kwa kitengo cha Afya tulifuatilia juzi na tukaletwa *list* kuwa wamelipwa. Ni kitu gani wanataka tufanye ama ni tutoke hapa Bunge tukafunge ofisi ndio wajue Kamati ya *Impementation* inafanya kazi? Mheshimiwa Spika, shida hii yote inaletwa na kwamba wale wanaopinga hawako kwenye ile Kamati mpya ya *Finance*.

(Applause)

Hiyo ndiyo shida ambayo tunaona watu wanapinga hapa. Nitakomea hapo mheshimiwa Spika. Asante.

(Hon. Kiraga stood on a Point of Order)

The Speaker (Hon. Kahindi): Yes, hon. Kiraga, what is your Point of Order?

Hon. Kiraga: Thank you so much Mr. Speaker. The Member is misleading this House that those who are against this Motion are willing to be in the Finance Committee. Mr. Speaker, I have a very valid reason that the Committee did not follow the regulations stipulated in the relevant law and I have cited Standing Order No. 161(1) (b); that is my reason and I do not have any other reason.

(Hon. Mwathethe stood on a Point of Order)

The Speaker (Hon. Kahindi): Hon. Mwathethe, what is your Point of Order?

Hon. Mwathethe: I am glad my colleague hon. Kiraga is back on the Floor on the same issue of not having followed the laws to the letter. Mr. Speaker, one of the rules in Standing Order No. 162 (2) says that the allocation to Committees shall be as merely as practical...

The Speaker (Hon. Kahindi): Standing Order?

Hon. Mwathethe: Standing Order No. 162(2) shall be as merely as practical. Therefore, the composition of Members from the parties depending on the parties merit; Majority, Minority, Independent in the allocation to Committees, may compel some other things to be not very practical. So, they should know that another law of the same Standing Orders says the allocation to Committees has to be as merely as practical. So, if something was left aside is because something else was not captured.

(Applause)

It was within the limits of following the same laws. Thank you, Mr. Speaker.

Hon. Kiraga: Mr. Speaker

The Speaker (Hon. Kahindi): Okay, hon. Kiraga, you had stood on a Point of Order?

Hon. Kiraga: Yes and I had not wound up when the Leader of Majority intervened.

The Speaker (Hon. Kahindi): You were raising a Point of Order for whom?

Hon. Kiraga: No, I was on the Floor Mr. Speaker.

The Speaker (Hon. Kahindi): Okay, proceed.

Hon. Kiraga: Mr. Speaker, the Leader of Majority who is the Chairperson of the Committee is also misleading this House. He is trying to evade a situation whereby the Committee failed to honour Standing Order No. 161 (1) (b) and there is no short cut for that.

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That Standing Order is very clear and I think that is one of the major reasons Members should come up and defend our own regulations Mr. Speaker...

(Hon. Baya stood on a Point of Order)

The Speaker (Hon. Kahindi): Hon. Kiraga, there is a Point of Order.

Hon. Baya: Mr. Speaker, Sir, thank you very much for this opportunity. I am rising on a Point of Order. What the hon. Member here is arguing Mr. Speaker, Sir, is something that happened three years ago. He is referring to hon. Matsaki and hon. Mwayaa; they have been in this Committee since the beginning. I do not know why he is raising the point now and it is an issue I stand to be guided Mr. Speaker, Sir. This Committee has been there for more than three years and these things we are just seeing them now; I am so surprised.

Hon. Kiraga: Mr. Speaker, I think the Member should understand the full meaning of reviewing something; that is one of the reasons as to why we wanted this membership to be reviewed. I do not know whether you know what you are talking about hon...

The Speaker (Hon. Kahindi): Hon. Kiraga...

(The Speaker spoke off record)

Hon. Kiraga: Mr. Speaker, let us not run away from these laws. This is a House of laws and we should respect the same and Mr. Speaker, I wish you could instruct the Clerk to give us the names of the House Business Committee Members and try to counter-check with these Sectoral Committees which have been placed here so that we can rest this matter. By passing this, we are violating these regulations which I do not want to be part and parcel of that and I do not think there are some Members here who have the will of obeying regulations. So, Mr. Speaker, let us have the Clerk to verify these lists so that we can put this issue to rest. Thank you.

The Speaker (Hon. Kahindi): Which lists do you want the Clerk to verify?

Hon. Kiraga: We want to have the House Business Committee and then we see because it is serious if some Members do not agree or the language used there is so technical or it is a registered legal language in that they do not understand. This one is more specific, it says 'no two members.' So, let us have the list of the House Business Committee Members so that we counter-check from the first Committee to the last Committee and if that Standing Order has not been obeyed, then there is no need for us to debate something which is outside.

Mr. Speaker, we cannot be here for all those good hours debating something which is illegal. If it does not obey the law, it is in itself illegal.

(The Speaker consulted with the Clerk at -the -Table)

The Speaker (Hon. Kahindi): Okay, hon. Kiraga I think I had made some directions but let me make a ruling on the same. You see, our system here is adversarial and I want to be quoted carefully. We have an adversarial system where you have two parties to an argument that present their facts and then the majority carries the day. It is not within my power to suspend a debate not unless it under very exceptional circumstances. In fact, a debate can either be moved or suspended by a Motion moved by a Member. Hon. Kiraga, you have made an observation but it is not within my power to suspend a debate or to give judgment on any observation because at the end of the day, I will have a responsibility to put a question.

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For the Members of the Committee on Selection, I expect you to be able to either agree or challenge what hon. Kiraga is saying. If the Whole House is convinced that whatever hon. Kiraga is saying is correct then that decision will remain through the *ayes* or the *nays*. There is no provision in the Standing that gives the Speaker to stand in his own volition simply because a Member has felt the need to suspend a debate; it is not there. The debate continues. If the Members are convinced that you are right then they will vote with you; if not they'll vote otherwise. These are simple procedures.

I had said it earlier on that my hands are tied. If I was sitting there I would have lobbied to get numbers to shoot down the debate. I would have lobbied to get numbers to prove out the debate. I cannot do that. So if we were to give you the list of HBC, the debate will still continue because I cannot say let us stop the debate because there is something wrong. So the ball is still in your court. For me, it is just putting the question; if the sound is not clear then we call for a division and that is simple. Even if I give you the list, then what happens? I will not use the list, hon. Kiraga, to say it is clear this Committee did not follow the rule. I expect the Members of the Committee on Selection to be helping the Leader of Majority to explain why that was the position but you see it is not coming out.

Hon. Kiraga, my ruling on your request is that it is not necessary for us to bring the list of HBC Members because even if you bring it and we have already established by hands that they are two it will not change anything. I sit as the Chairperson of the Committee on Procedure and Rules; there are challenges in the Standing Orders and in the provisions on how to effectively meet it 100 percent and that is why for every Committee on Selection, they will always have challenges in getting the right propositions because we don't decide who is elected here. We might not even have the requisite number for minorities. So the numbers cannot be exact. That is why in the Standing Orders they say as practicable as possible. But you see that is not for me to argue but it is for you to argue. Hon. Kiraga, I understand your position. You have debated on a rule that was not followed. It is still within your right to even ask for a suspension or the alternative is to ask the Members to shoot down the Report. It is your call.

Hon. Pascal: I just want to get a clarification from you hon. Speaker. Can this House discuss an illegality and probably pass it? Because there is a breach on what hon. Kiraga has pointed out and my question is probably after you put the question and the *nays* have it, do we say that in this House we have passed or we have breached the same Standing Order that is intend to support?

The Speaker (Hon. Kahindi): If you ask me, it is not a complete illegality because on further reading of the Standing Orders, it says nearly as practical which means the law is not 100 percent.

(Loud consultations)

Hon. Kiraga: Mr. Speaker, I totally agree with you but at the same time I also wish to put my opinion. Standing Order 162 (2) which has also been cited by the Leader of Majority that despite paragraph one; which talks about party issues, a Member belonging to a party other than a County Assembly party or an independent Member may be nominated to serve in a Committee. An allocation of membership of Committees shall be as nearly and practicable proportional to the number of Members belonging to such parties and independent matters.

Mr. Speaker, this Standing Order is highly detached from Standing Order 161 (1) (b). It does not have any relationship.

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The Speaker (Hon. Kahindi): Where are the Members of the Committee on Procedure and Rules because I now feel tired? Hon. Kiraga, you are presenting your case very well but explain...

Hon. Kiraga: That is why Mr. Speaker, I highly urge this House ...

Hon. Mwathethe: Being a Chair of the Selection Committee, maybe a Report was adopted by the Selection Committee and the face of the Committee is the Chair. Therefore, let me be very clear to hon. Kiraga whom I respect a lot and to all other Members that it will never be possible to first meet the interest of all the Members in regard to the Committees they would have wanted to be in. In staying within the limits of the law there were some...

(Hon. Mwathethe spoke off record)

...that some parties have got higher strengths than others therefore in respect of that it is also not going to be possible that we can have only one Member from this party in this one that in that one because maybe if you have 80 percent of all Members from one party like our case here then it is also not going to be possible to follow the law one by one except keeping the strength. It seems that as much as it is not practicable, it is still within the limits of the law. So if you we have only two independent party Members and we want these Members to be in every Committee because...

Hon. Kiraga: Mr. Speaker, the Leader of Majority is misleading this House. We are not talking about party issues here...

(Loud consultations)

Hon. Mwathethe: The reason why the Majority Leader is the Chair of the Committee deputized by the Minority Leader is because they fetch Members from their parties. So you cannot say it is not parties. It is parties that took Members to the Committee and no otherwise! If one party has got more strength than others, it becomes impossible to follow the law. Mr. Speaker, it is not going to be...

Hon. Kiraga: The submission...

(Loud consultations)

The Speaker (Hon. Kahindi): Order! Order, hon. Members!

The Leader of Majority (Hon. Mwathethe): Mr. Speaker, you have to protect me. I am also trying...

The Speaker (Hon. Kahindi): Hon. Kiraga, the microphone is not on and you know you need to sit. I do not have to tell you to sit down; when the microphone is not on then you have to sit. Yes, thank you very much. I know both of you are very senior Members who are really respected. So let us take it slowly so that then we can be able to achieve something. This is not a contest hon. Members; it is a serious issue which has to be determined soberly. So it is not an issue of ...

(The Speaker spoke off record)

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The Leader of Majority (Hon. Mwathethe): Sorry Mr. Speaker for having to make the House go on silence because I was also picking an advice from the Clerk. Mr. Speaker, the formation of the House as it is now is from the powers of the parties which now form the strength of which our Members are sent to Committees. We have to agree that a Member goes to a Committee seconded by his party and no other way. It also says in consideration with being independent because they have already represented the parties, so if I flipped my Members from ODM (Orange Democratic Movement) to join Committees; hon. Matsaki also prompt his Members from the opposition to join parties, then we are looking at the strength of these parties. In so doing, it is not going to be possible to...

(Hon. Mwathethe spoke off record)

...unless then we go back to the Standing Orders or even to the County Governments Act because these laws were framed to guide us but in that guidance ...

The Speaker (Hon. Kahindi): Yes, yes...hon... you are taking too much time. Hon. Kiraga goes first. He was on a Point of Order on what you are saying but can you wind up please.

The Leader of Majority (Hon. Mwathethe): Yes, therefore it will not be possible Mr. Speaker and I am trying to put it ...

The Speaker (Hon. Kahindi): Hon. Members, I want to give Members time so that you want this matter well understood; that is why I am relaxing the rules so that you are able to explain yourself.

The Leader of Majority (Hon. Mwathethe): Yes, only one minute or even less Mr. Speaker. The first time we sat to form the Committees and this is the second time we sat to review the Committees. It has always been impossible Mr. Speaker and I still want to believe that it will always be impossible because the formation of the House Membership according to party strength is also in very big dispute. If we have 80 percent to respect 20 percent then we shall always have one side more than the other unless in between considering gender, independent; our Committees will not be formed 100 per cent as we have been saying within the laws. That is why we relied on the Clause saying as much as is practical. Otherwise Mr. Speaker, we will go back again, come here and there will also be some challenges.

The Speaker (Hon. Kahindi): Okay. Thank you. Hon. Kiraga.

Hon. Kiraga: Mr. Speaker, I think the Leader of Majority is trying to put a bet to the Minority side because he talks of party issues and my Point of Order was not about party issues. I have said about party issues, the Committee evades that as per the Standing Orders. So, with party issues we are just okay but my concern is about the House Business Committee as what the Standing Order says. So, the Leader of Majority is trying to run away from that point; he is bringing some issues concerning party issues which in his view the Minority side feels we are now divided.

We are together as what the Committee did as part of the party issues is concerned but when it comes to the House Business Committee, can the Leader of Majority agree that they made a mistake? Can they agree? You need to obey that Standing Order. That is what I am trying to put forward in this House; that we are not discussing about party issues. The party issues were well taken care of here. So, do not drive a wedge between the Majority side and the Minority side. Thank you so much, Mr. Speaker.

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The Speaker (Hon. Kahindi): Now, can we go back to our contributions unless there is another Point of Order? Hon. Chiriba, yours is a Point of Order or are you rising to contribute?

(Hon. Chiriba spoke off record)

The Speaker (Hon. Kahindi): Do you still want to proceed with it or do you want to make contributions?

(Hon. Chiriba spoke off record)

The Speaker (Hon. Kahindi): On whatever he was submitting?

Hon. Chiriba: Thank you hon. Speaker. Just as hon. Kiraga has cited, Mr. Speaker, I know you stand here guiding the whole House and the submission that the hon. Leader of Majority was submitting was outside the point and that is why I felt like you would take your position and advise him that he was contributing outside the agenda because we have got a very important agenda; a law that has been violated and we know that none of us is above the law. So, I pray that we stick to whatever is on the Floor so that we cannot have any division because I do not think we are arguing on matters of party issues. So, I pray that you guide the House.

The Speaker (Hon. Kahindi): The guidance has already been made that I will put a question at the end of the day so you make your contribution. Yes, hon. Stanley (Kenga) you have a Point of Order? Hon. Carol, you are on the list of people who have requested to speak. We are taking the list of interventions so you are next on line. Hon. Stanely (Kenga), you are appearing on both; you are both on request and intervention. So, now you want to raise a Point of Order or?

Hon. Kenga: Yes.

The Speaker (Hon. Kahindi): On Majority, isn't it?

Hon. Kenga: Yes. Mr. Speaker. I wanted to say this on my Point of Order that the Standing orders have been breached; that we have to agree on Standing Order No. 161(b) because it is very definite. It is talking about 'no two' so it is very definite; it is giving us a figure...

The Speaker (Hon. Kahindi): In fact, while you are at it, it has been confirmed to me that ...can I have that list? Just take a seat hon... it is all the Committees? All the Committees have more than three Members. So, that position is true. We have Transport Committee which has four Members who sit in the House Business Committee; we have Water and Environment with three Members, we have Urban Development with two Members, we have Trade and Tourism with three Members, we have Health with six Members, we have Education with two Members, Gender has three Members, Agriculture has three Members, Devolution has two Members, ICT has two Members, Justice and Legal has two Members, Finance and Economic Planning has four Members. So, if you go by this provision, you know what it means therefore. Hon. Kiraga, that is the position you are seeking, isn't it?

Hon. Kiraga: Yes.

The Speaker (Hon. Kahindi): So the position is clear.

Hon. Kenga: Now, Mr. Speaker, the message is that from the argument that has been raised by Members and nobody has gone ahead to suspend the debate, nobody has moved to adjourn, then it means there are numbers and that is why we request that you put the question so that those that will have it will move it.

The Speaker (Hon. Kahindi): What of those who have not said anything?

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Hon. Kenga: Yeah and those who will wish to contribute to be given an opportunity. That is why I had initially been on the waiting list. I had requested to speak but I see those with Points of Order are so many and I decided maybe this will help...

The Speaker (Hon. Kahindi): Okay. Thank you.

Hon. Kenga: As a House of Order and as a House of laws, Members made me to be much convinced by what has already been given and the numbers are there. So each side is having its numbers ready so whatever position...

The Speaker (Hon. Kahindi): Let us get hon. Kalume (Ms. Carol).

Hon. (Ms). Carol: Thank you very much Mr. Speaker. I have been following the debate all through and as I was walking in, I was almost supporting this Motion but I am strongly opposing this Motion.

Mr. Speaker, you have taken away a piece of meat from my mouth because I was going through the whole list to show the House clearly how the Standing Order No. 161(b) was violated and if you allow, Mr. Speaker, I can go through it again so that the hon. Members of the House can clearly see what is happening. The issue of 'no two Members' was violated in Standing Order No. 161(b) and as per the mood of the House, we can all see that definitely this Motion is going down.

I will not even mention the tools; I will just mention the Committees that have the threes. Like the Health Committee which has hon. Mary Anzazi, hon. Alphonse Mwayaa and hon. Stanley Karisa (Kenga). Another threes in Education; we have hon. Julius Saumu Sidi, hon. Jana Tsuma Jana and hon. Stanley Karisa Kenga. The only Committee that the Standing Order No. 161 is followed is Lands Committee where we have only hon. Peter Ziro but the rest of the Committees have Majority being three plus. With all those few remarks, Mr. Speaker, just put the question. The mood is obvious in the House.

The Speaker (Hon. Kahindi): Let us hear from the Minority because he has been waiting for a very long time.

Hon. Matsaki: Mheshimiwa Spika, kama alivyozungumza *Leader of Majority*, kusema kweli kuna kibarua kwa sababu wale ambao wako katika *House Business* tunawapata ni watatu ama ni wanne sijui kama tukiwatoa katika zile Kamati watapelekwa wapi. Mimi kama *Minority* hata hii ikianguka *for the record* nitahakikisha *Members* wangu wanaingia katika zile Kamati na *percentage* ile ambayo inatakikana. Kwa hivyo, hii kazi nyengine itakuwa ni nyinyi mpigane vita muone vile mtafanya lakini mimi naona hatari kwa sababu *House Business* mimi kama *Leader of Minority* niko pale kwa sababu ni *Leader of Minority*. Kule kwengine nilikuwa niko na Kamati mbili tu; ya Maji na Leba na ndio nikaingia hii ya tatu ya *Finance*. Ile kitu nataka kuambia Bunge hili ni kwamba haitawezekana; wale *Members* ambao wako wanne, watatu katika Kamati nyengine na ni *Members* wa *House Business*, tukishawatoa mahali pale tutawaweka wapi sisi? Hilo ndio swali langu. Kwa hivyo, tuyazungumze haya ...

The Speaker (Hon. Kahindi): I will give direction because I happen to sit as the Chairperson of the Procedure and Rules Committee.

Hon. Matsaki: Mimi Bw. Spika, maoni yangu...

The Speaker (Hon. Kahindi): Hon. Ndago, you have a point of Order?

Hon. Ndago: It was the microphone. I wanted to make it clear that I think once we revoke this list we should make some amendments to Standing Order No. 161.

The Speaker (Hon. Kahindi): That is why I said I will give directions.

Hon. Matsaki: Mimi Bw. Spika, yamezungumzwa mengi hapa hata mheshimiwa Masha (Maitha) kule juu ameongea. Mimi kile kitu nimeona kuna *Members* ambao walikuwa

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disadvantaged kutoka kitambo mbali na hii *list* ambayo tunaipitia sasa na sisi wengine tuko na Kamati tatu hata wengine wamepata nne huko nyuma tunaendelea tu kupata *allowances* kwa zile Kamati. Je, wale wengine ambao hawakuwa katika Kamati tatu tutawafanya nini? Kwa sababu tukiangusha hii Ripoti ijapo siipigii debe ni jukumu la Bunge lakini mjue kwamba wale ambao itakuwa imeanguka itabidi wabaki, watulie pale pale mpaka wakati hii Ripoti itakapokuja tena huku vikao vinaendelea. Wale watapata pesa zipi?

(Hon. Kadenge stood on a Point of Order)

The Speaker (Hon. Kahindi): Yes.

Hon. Kadenge: Mheshimiwa Spika, anayeongea ni mzee ambaye tunamheshimu sana lakini hapa Bunge naomba tuheshimiane kwa sababu saa hizi anatutisha. Hatuongeti kuhusu vyama hapa. Kama mumeenda *against the law* wacha sheria ifwatwe. *Raise the question Mr. Speaker.* Aache kutisha watu.

Hon. Matsaki: Bwana Spika, tutaenda kwa vyama. Hata tukichaguliwa tulikuja kwa vyama na ndio sababu tukampata George Baya kama Mwenyekiti wa PIC PAC; ni chama hicho na Masha (Mheshimiwa Maitha) naye kadhalika. Kwa hivyo, kama tunagawanya viti hapa tutagawanya kulingana na vyama; huo ndio msimamo wa sheria.

(Loud consultations)

The Speaker (Hon. Kahindi): Okay, Order! Order! There is no need to raise the temperatures. Hon. Members, a Motion has been deliberated for the adoption of the Committee on ...

(Hon. Mumba spoke off record)

The Speaker (Hon. Kahindi): But you have not pressed your microphone...

(Hon. Mumba spoke off record)

The Speaker (Hon. Kahindi): I am not biased. I am not seeing your name hon. Member. Can you press your microphone? I do not have your names on my screen. Can you press so that we proceed? Okay, now it is showing. There is a problem where you have sat today by the way. I said if...

(The Speaker spoke off record)

...but that is why I said because I am not seeing all the people on my screen so that is why if I did not give you just stand up and raise your hand. I will see you. Yes, press, okay fine. Now I have you. Do not blame me for technicalities of the machine hon. Thomas (Mumba). Proceed.

Hon. Mumba: Mheshimiwa Spika, leo nafikiri nimeingia na mguu ambao si mzuri kwa sababu nimejaribu kila namna lakini mambo hayaendi lakini kwa sababu mema huwa yanakuja kwangu siku zote huwa naona ufanisi unakuja tu baadaye. Nina haya ya kusema, Bw. Spika. Mimi kwanza ni Mwanakamati wa Kamati iliyoleta Ripoti hii hapa Bungeni na katika Kamati ile tumeweza kuwahusisha wale wote ambao ni Wajumbe wa Bunge hili kuweza kuwasilisha yale

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ambayo kwao wao wanahisi kutoka kwa vilindi vya mioyo yao ndio mapenzi katika utendajikazi wa Kamati. Tumekuwa na ushirikiano wa karibu tangu awali tulivyokuwa tunaunda hizo Kamati na hata hivi juzi kila mmoja alipokuwa amesikia kuwa kuna hili dirisha la kuweza kuzifanya upya Kamati hizi, kila mmoja alisimama akitaka kujihusisha katika Kamati ambayo anahisi kwamba anaweza akatekeleza wajibu vilivyo...

(Hon. Mbura stood on a Point of Order)

The Speaker (Hon. Kahindi): Hon. Mbura, you have a Point of Order?

Hon. Mbura: Bw. Spika, ninashangaa mheshimiwa anasimama akisema kuwa walihusisha wanakamati ama waheshimiwa kwa shughuli hii. Hiyo siungi mkono.

Hon. Mumba: Mheshimiwa Spika, asante maana sio kuelewa. Ni mimi nizungumze kile ambacho nataka kuzungumza na yuko na jukumu la kupokea ujumbe ili aweze kufanya maamuzi wakati utakapouliza swali ...

(Hon. Ziro stood on a Point of Order)

The Speaker (Hon. Kahindi): Yes, Peter Ziro? Hon. Thomas (Mumba) hon. Peter Ziro has raised a Point of Order.

Hon. Ziro: Mheshimiwa Spika, asante kwa hii nafasi. Nataka pia hapo hapo anapozungumza mheshimiwa ambaye anasema kwamba amehusisha watu atoe ufafanuzi zaidi kama alihusisha waheshimiwa ki namna gani ndio wakaja na hii *list* ambayo anaizungumzia yeye mwenyewe akiwa mwanakamati wa hii Kamati?

Hon. Mumba: Mheshimiwa Spika, mimi sihusishi watu. Tuko na Wajumbe katika Bunge hili sasa watu sijui ni wa Sokoni ama ni wa sehemu gani anaizungumzia. Mheshimiwa Spika, ninachozungumza ni kwamba hawatakwambia ya kweli tunapokuwa mbele ya Bunge hili lakini katika utendajikazi kuna maswala ambayo wao wenyewe huwasilisha katika Kamati wakiwa na malengo ya kuweza kutekeleza yale ambayo wanataka kutekeleza. Hilo ni la kwanza.

La pili, katika muongozo wa Kanuni zetu za bunge...

(Hon. Mwathethe stood on a Point of Information)

The Speaker (Hon. Kahindi): Yes hon. Mwathethe wishes to inform hon. Thomas (Mumba). Do you wish to be informed?

Hon. Mumba: Yes.

Hon. Mwathethe: Mheshimiwa Spika, wacha niwakumbushe wale ambao wamesahau kwamba tulipoingia katika Bunge hili, kila mtu aliulizwa kutoa kiwango chake cha elimu ama makaratasi yake ya shuleni. Hii ilikuwa inamuelekeza kuonyesha amesema nini na pengine ataenda katika Kamati gani. Hapo pia kupitia *Party Leaders*, ndio walifanya ushauriano na *Members* wao ili kwamba waende Kamati zipi. Kwa hivyo, mheshimiwa Thomas (Mumba) ni mkweli akisema kwamba watu walihusishwa na walihusishwa kweli kupitia yale masomo waliyosomea na kupitia viongozi wao wa vyama mimi nikiwa mmoja wao na mheshimiwa Matsaki akiwa pale pia.

Hon. Mumba: Asante sana Kiongozi wa walio wengi Bungeni...

(Hon. Ziro stood on a Point of Order)

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Hon. Ziro: Mheshimiwa Spika amesema tulipoingia hapa tuliulizwa makaratasi yetu ili waweze kuyatumia kuona ni Kamati gani ambayo unaweza kuingizwa. Bila kumpa mzigu sana, nilipeana cheti changu cha sheria kutoka *Kenya School of Professional Studies* na sikuizingizwa katika hiyo Kamati ya kisheria anayozungumzia. Sasa ni makaratasi gani aliyoyatumia?

The Speaker (Hon. Kahindi): Let me protect hon. Thomas (Mumba) to complete.

Hon. Mumba: Asasnte mheshimiwa Spika. Ninayoyanena mheshimiwa Spika yako na uzani kwa hivyo naomba tafadhali waweze kuyasikia. Tena baada ya hapo viongozi wetu katika Kamati ile akiwa ni Kiongozi wa walio wengi na walio wachache Bungeni kupitia kwa Kanuni zile zile ambazo tunazitumia hapa Bungeni, kupitia kwa kutizama uzito wa vyama vyetu kama tulivyoelekezwa na Kanuni hizi, wakatuelekeza kuweza kuteua wajumbe katika zile Kamati ambazo tuko nazo.

Kwa hivyo, utaratibu huu umefanywa kuanzia mwanzo hadi leo tukiwa hapa. Nataka niseme kwamba tumeweza kuhudumu katika hizi Kamati katika kipindi chote ambacho tumekuwa hapa. Sio kwamba walikuwa wote wameridhika wakati tukipitisha ile Ripoti kwa mara ya kwanza lakini ilipopitishwa Kamati zimeweza kutekeleza wajibu wake hadi wakati huu ambapo tunaenda kuziunda tena upya Kamati hizi na kuhakikisha kwamba Ripoti hii imefika katika Bunge hili ambayo iko hapa leo. Ninachotaka kusema ni kwamba tunaweza kuwa na matamano mengi sana kama wajumbe na Kamati hizi lakini nataka ninukuu na nishawishi wajumbe kulingana na maneno mazito kiongozi wa walio wengi aliyokuwa anayazungumza pale.

Imetuwia vigumu mno kuweza kutekeleza kila matamano ya kila mmoja katika zile Kamati. Na wale wanakamati ambao tulikuwa tuhudurie vikao wanaweza wakayahakiki ninayoyazungumza. Leo hii tukiwa katika Bunge hili, wanakamati wamejitahidi mno kuweza kukimu; vilio vyawalinda wale wale ambao leo hii wanajifanya wanafiki wanataka kusema maswala yao hayakuweza kushughulikiwa na wao ndio wamekuwa mstari wa mbele kuweza kupiga simu na kuweza kufuatilia maswala yao katika utekelezaji wa Kamati ambayo inateua wajumbe katika Kamati zile.

Leo hii tuko na Ripoti mbele yetu. Inaweza kuwa ina dosari lakini itakuwa si hekima kushusha hadhi ya Kamati kwa sababu ya kasoro ile. Sisi sote tumepungukiwa na sisi sote hukosa. Jiulize leo hii Ripoti na matakwa wanayozungumza hapa wajumbe ikiwa yote ni yaweze kutekelezwa katika hizi Kamati, mimi naamini kabisa itakuwa ni vigumu. Hata ukafanya ukarabati wa Kanuni hizi bado kutakuwa na ugumu vile vile kwa sababu hatuko sawa na vyama vyetu haviko sawa...

(Hon. Kiraga stood on a Point of Order)

Hon. Kiraga: Mr. Speaker, the hon. Member whom we really respect is highly misleading this House. It is not about our interests; it is not about anybody's interest in this House. It is about following the law. If we do not follow what the Standing Orders tell us, this House is going to be ungovernable. Most of these things we won't be able to transact here Mr. Speaker. These Members are trying to run away from the truth. We are debating an illegality which the Committee did. It seems they are just trying to run away from what they did. We are saying you did a mistake by not following Standing Order No. 161 (1) (b). We cannot have somebody...

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(Hon. Baya stood on a Point of Order)

Hon. Baya: Mr. Speaker, I am standing on a Point of Order. To the Member on the Floor, what hon. Chengo (Mumba) is trying to explain to you here is what you are arguing is correct but not practicable. That is why we have ...

(Loud consultations)

The Speaker (Hon. Kahindi): I allow hon. Thomas (Mumba) to proceed.

Hon. Mumba: Mheshimiwa Spika, nimeamua kutumia Kiswahili leo na naomba kwa juhudi hizo nilitaka ninayoyazungumza yaingia katika fikra za wajumbe hapa ndani. Katika maongezi yangu kuna mahali nilizungumzia dosari. Labda pengine mheshimiwa Kiraga hajui maana ya dosari ni nini kwa sababu yale anayoyazungumza angekuwa ameelewa maana ya dosari asingesimama tena kuzungumza yale ambayo anayazungumza lakini tumsamehe kwa sababu Kiswahili pengine kilifika baadaye.

Ikiwa kuna jambo ambalo tulifanye la sawa naomba Ripoti hii tuipitishie halafu tukalie chini Kanuni hizi tuweze kuzinyorosha ndio tuweze kuweka mambo yetu sawa. Kulingana na maoni yangu, tutakaponyorosha Kanuni zetu itakuwa vizuri na rahisi kwetu sisi na kazi nyepesi kwa Kamati ile ya kuteua wajumbe hawa katika zile Kamati. Lakini hivi twaongea kwamba tuje na mlango wa nyuma halafu baadaye tuje tena na mlango wa mbele itakuwa hatusemi sawa na tutakuwa tunapatia kazi ngumu ile Kamati pale. Naamini, naomba na nasihi wajumbe wenzangu yale yote ambayo tunayataka yawe, yatawezekana ikiwa tutaanza kwanza kuweka sheria mahali kwake. Sheria ikiwa mahali kwake, yale mengine yatakuwa rahisi kuambatana nayo. Sasa ninachozungumza ni kwamba mheshimiwa Spika kiongozi wa walio wachache ametaja maneno pale nashukuru kwa sababu ameweza kuyaiba katika fikra zangu.

Wengi wetu tunalamika tukisema kwamba tumewekwa katika Kamati chache, na unapotazama Kamati ile ya kupanga shughuli za Bunge na wale wote ambao wako pale ndani utakaposema kwamba wasiweze kuhusishwa katika Kamati nyingine ina maana tutarudi katika kilio kile kile tena na sisi kama Kamati ndio tutakuwa tunabeba ule mzigo na ile lawama. Uzito wa hii kazi wanaoujua ni Kamati na sisi tunashukuru nyinyi kuweza kutambua pale ambapo kuna dosari ili muelekeo zaidi kwa ile Kamati kuweza kutekeleza lile ambalo liko sawa. Kwa hivyo, sisi hatujapinga kwamba tuko wakamilifu, lakini tupate taratibu ambayo iko sahihi ili ndio kesho tunapokuja kurekebisha, tunarekebisha kitu ambacho kitakuwa ni cha kudumu na kiweze kuwa na usawa ili tufanye kazi pamoja kama wajumbe wa Kilifi. Nasema shukrani. Hizo ndio changizo zangu. Ziweze kupenya katika mioyo ya wajumbe tuipitishie Ripoti hii.

Hon. Baya: Thank you Mr. Speaker, Sir. I stand in support of this Motion. The Committee on Selection, this is the best they could have done. If I was there I could have done the same thing...

(Hon. Ndago stood on a Point of Order)

Hon. Ndago: Hon. Speaker, we are very aware that the world is facing a pandemic and the hon. Member on the Floor is just talking and I think his saliva could get to hon. *Sonko* (Kambi). So I am very concerned with *Sonko's* (hon. Kambi) life because I am very aware where hon. Members come from

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Hon. Baya: Thank you. My mask had dropped down because of talking. I am putting it right back on.

The Speaker (Hon. Kahindi): Proceed.

Hon. Baya: Mr. Speaker, if we are to follow the Standing Orders to every bit it is not practical because the composition of this County Assembly, the proportion of the Majority and the Minorities is in question and that is why the Committee on Selection has tried the best they can do to make this possible...

(Hon. Chiriba stood on a Point of Information)

Hon. Chiriba: Mheshimiwa Spika ningeomba kupitisha ujumbe kwa mnenaji wa sasa.

Hon. Baya: I don't need to be informed.

The Speaker (Hon. Kahindi): Okay proceed.

Hon. Baya: An example is me; I was elected as an independent candidate, I was to follow the Standing Orders so that I could represent the independent in every Committee I should have been in more than five committees but I have to join my fellow minorities so that we work as minorities and get an equal share. So there are things which could not be practical according to the Standing Orders and the composition of this Assembly. With those few remarks, I support this Motion.

(Question put and agreed to)

Hon. Members: Division! Division!

The Speaker (Hon. Kahindi): Yes, there are enough members seeking a Division. Ring the Division Bell.

(The Division Bell was rung)

DIVISION

(Question put and the House Divided)

ROLL CALL VOTING

The Speaker (Hon. Kahindi): Serjeant can you confirm there is nobody out there. Don't lock any one out. The bar has been drawn. Voting will be by acclamation the same way it happened in the Senate so names will be called out by the Clerks and then by use of the mic you confirm yes, no or you abstain.

We would have otherwise under very normal circumstances proceeded by electronic voting as provided for under Standing Order No. 66. However, since we do not have the system for electronic voting, Standing Order No. 69 (5) has an alternative provision:-

“When called out, each Member shall, thereupon rise in his or her place and declare assent or dissent to the question in the following manner “I vote yes” or “I vote No” or “I abstain” or use appropriate Kenyan sign language.”

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So, that is the way we are going to proceed. When you are called upon, you go there and then you say “I vote yes” and then that record will be taken as we proceed. The names shall be called in a...yes; they will be called by the Clerk. Okay, the roll call begins now. Yes, yes hon. Kiraga what is the issue?

Hon. Kiraga: Probably let us be told what “yes” entails and what “no” entails.

The Speaker (Hon. Kahindi): Okay, you want clarity?

Hon. Kiraga: Yes.

The Speaker (Hon. Kahindi): You see the Motion was ...

Hon. Kiraga: Before that Mr. Speaker, I would rather if it is possible I use Standing Order 50(b)...

(Laughter)

(Question put and the Assembly proceeded to vote)

The Speaker (Hon. Kahindi): No, no, no hon. Kiraga. Just for the record, this is not a debate. We are voting and unfortunately, the Standing Orders have no provision to suspend voting. So, the bar has been drawn. Okay, let us proceed. Let me make it very clear. You are voting yes because you are supporting the adoption of the Motion and you are voting no because you are against the Motion. So, it is very clear because the *ayes* had it, isn't it? That is why you are voting no if you think they hadn't; let the numbers speak. Okay? Now, Clerk proceed.

Clerk at -the -Table: Hon. Adamson Kadenge Mwathethe.

The Leader of Majority (Hon. Mwathethe): Before I vote, I would want to make it very clear from the ODM side that whichever way a Member votes in this to remove doubt that it can have repercussions thereafter. Whichever way a Member votes, it will be his or her own way; it will have no repercussions thereafter. Everybody is free to vote the way he or she wants to vote so that we can have the free will of Members. Let Members vote freely without intimidation like I have said.

The Speaker Hon. Kahindi: Okay, just go on and if your name is mentioned say “I vote yes or no, or I abstain.”

AYES: Hon. Mwathethe, Hon. Reuben, Hon. (Ms.) Elina, Hon. Kambi, Hon. Kenga, Hon. Ziro, Hon. Baya, Hon. Mumba, Hon. (Ms.) Christine, Hon. Kitsao, Hon. Chengo, Hon. Mwambire, Hon. Thaura, Hon. Maitha, Hon. Mkadi, Hon. Pascal, Hon. Mwayaa, Hon. Kimosho, Hon. Matsaki, Hon. Jana, Hon. (Ms.) Sabrina, Hon. (Ms.) Ataka, Hon. (Ms.) Messo, Hon. (Ms.) Dama, Hon. (Ms.) Loice, Hon. (Ms.) Victoria, Hon. (Ms.) Winfred, Hon. (Ms.) Sidi, Hon. (Ms.) Maneno, Hon. (Ms.) Koki, Hon. Shaban, Hon. (Ms.) Victorine, Hon. Mwarandu.

NOES: Hon. Chiriba, Hon. Kadenge, Hon. Kiraga, Hon. Mbura, Hon. (Ms.) Carol, Hon. (Ms.) Scholastica.

Teller of the Ayes: Hon. Mwathethe.

Teller of the Noes: Hon. Chiriba.

The Speaker (Hon. Kahindi): Order Members! I now have the results of the vote. Let me read them out. Hon. Members, for any avoidance of doubt, the total number of votes cast are 40. That is way beyond the quorum that is required for this House to transact its business:-

AYES: 33

NOES: 6

SPOILT: 1

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ABSENTIONS: 9

(Question carried by 33 votes to 6)

The bar can now be withdrawn.

ADJOURNMENT

The Speaker (Hon. Kahindi): Hon. Members, in the absence of any other business on the Order Paper, the House stands adjourned.

The House rose at 1:58 p.m.