

**MOMBASA COUNTY ASSEMBLY
HANSARD REPORT**

Tuesday, 21st February, 2017

The House met at 2:35pm.

(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)

PRAYERS

Deputy Speaker (Hon. Mswabah Rashid): Members you can sit down. Yes Clerk.

NOTICE OF MOTION

Hon Jimmy Odari, yes Hon Mary Akinyi?

Hon. (Ms) Akinyi: Thank you Mr. Speaker sir. Hon Jimmy Odari is called somewhere so he told me on his behalf to present this Motion.

Thank you Mr. Speaker Sir, on behalf of Hon Jimmy Odari I wish to table this Motion on Environmental Impact of Changamwe Highway.

Mr. Speaker sir, I beg to give Notice of the Motion;

(Hon (Ms) Akinyi read)

THAT AWARE that;

The County Government is charged with the responsibility of controlling air pollution and other public nuisance under the Fourth Schedule Part 2 (3) in the Constitution of Kenya 2010;

FURTHER AWARE that,

The ongoing Changamwe Highway Construction Project is vital for the development of Mombasa County and Kenya at large;

CONCERNED that;

The ongoing road works at Changamwe are destroying the drainage system, affecting the water supply and above all, posing health risks due to the noxious dust;

I therefore urge this County Assembly to RESOLVE that:

The County Government in conjunction with the National government to come up with proper mitigation measures to curb this menace in order to safe guard the health, safety and well being of the residents and passers-by.

(End of Notice of Motion)

Thank you Mr. Speaker Sir.

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

STATEMENT

Yes Hon Fadhili.

Hon. Mwalimu: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi nimesimama ningependa kujuzwa kwa nini kutoka wodi yangu ya Port Ritz watu wangu wanahangaika, usiku na mchana kutafuta maji, cha kunishangaza watu wanatoka wodi ya Port Ritz, wakielekea wodi jirani ama wodi ya Airport ama wodi ya Kipevu kwenda kuchota maji ilhali...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): What is it Hon Kondo.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika hili ni Jumba la sheria kupitia kwa Kiti chako iko hoja ya nidhamu kuna mtu ameingia hapa hawako katika mavazi rasmi, Mheshimiwa naona amejelewa ametoka, ahsante Mheshimiwa Spika.

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

Hon. Mwalimu: Ahsante Mheshimiwa Spika cha kunishangaza ni kuwa Wodi ambazo zimenizunguka watu wangu wanaotoka maeneo yangu ya Wodi ya Port Ritz wakielekea wodi ya

Airport ambayo ni Wodi jirani na nafikiri Wodi ambayo naiwakilisha watu wangu wanakwenda kutafuta maji ni wa kutoka Wodi yako.

Mimi nataka kujua kwa nini shida hii inapitia watu wangu, na Mheshimiwa Spika ikiwa ni usawa basi na maji pia kwangu yaweze kufika, na kuna Wodi zengine wanachezea maji kama Wodi ya Mikindani, wanaenda hata kupasua *pipes* za maji huko, wanachezea maji, mimi naomba.

(Interruption)

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

Hon. Onyango: Mheshimiwa Spika naomba Mheshimiwa anayezungumza aondoe taarifa yake...

(Laughter)

Nashangaa mtu kama Fadhili, Mohamed Hatimy...

(Laughter)

Wengine wetu tutasema nini sasa yeye ikiwa mtoto wa Hatimy anakuuliza wewe Mheshimiwa Spika sisi tutamsaidia na nini sasa?

(Laughter)

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

Hon. Mwalimu: Mheshimiwa Spika mimi ningeomba Mwenyekiti anayesimamia kitengo hichi cha maji ama vilevile waziri aweze kuelezea ni kwa nini maji hayaingii ndani ya Wodi yangu na vilevile kama serikali ya Kaunti na hili swala ikiwa pia imepelekwa kwa Kaunti; ikiwa Kiongozi wa Walio Wengi anaweza kuniambia ni mipango gani wameweza kufanya ikiwa Mwenyekiti anayesimamia kitengo hicho hatajibu ningeomba umwambie Kiongozi wa Walio wengi ili waweze kusaidia kule kwangu.

Hata kama ni kuleta magari Mheshimiwa Spika yenye ma tanki ya maji watu wangu waweze kunufaika; mimi naomba kwa sababu jambo ama ni janga ambalo ni kubwa watu wangu kwa muda mrefu na Mwenyekiti...

(Interruption)

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

Hon. Mwalimu: ...Aweze kuchukulia jambo hili kwa umuhimu na alipatie mamlaka Mheshimiwa Spika ili aweze kulifuatilia kwa haraka sana. Ahsante Mheshimiwa Spika.

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

Hon. Onje: Ahsante Mheshimiwa Spika kwa kunipa nafasi. Mheshimiwa ambae ameendelea kukaa chini saa hizi alikua anataka kujua kwa nini maji hayafiki kwake na kulingana vile ameongea kwa taarifa yake tayari anajua kwa nini watu wake wa Port Ritz hawapati maji.

Mheshimiwa Spika anadai ya kwamba watu kutoka Mikindani wametoboa *pipe* kubwa, sasa ikiwa ashajua watu wametoboa *pipe* maji hayawezi yakafika kwake si anajua njia ya kufuatilia hivi sasa ndipo sasa hata kama ni hio *pipe* izibwe aende kwa Chifu, aende kwa Waziri ili maji yafikie watu wake. Si haki kuleta hapa Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes, what I hope, Hon I hope you are not contributing to this statement. Statement is not debated, don't debate a statement. we are not debating statement, Chairman of water, is there Chairman of water?

Hon. Kibwana Swaleh: Am a Member Hon Speaker...

Deputy Speaker (Hon. Mswabah Rashid): Chair of water.

Hon. Kibwana Swaleh: Point of information Mr. Speaker, am a Member.

Deputy Speaker (Hon. Mswabah Rashid): Do you want to answer or what do you want to do?

Hon. Kibwana Swaleh: Honourable Speaker as a Member since the Chair is not around I will be ready to have that statement before the Committee to discuss this before, immediately this week.

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

Hon. Odari: Point of information, thank you Honourable Speaker I have a point of information. Honourable Speaker as much as the Member from the water Committee has requested that the matter be referred to the Committee level to discuss for further deliberation, I wish to insist or I wish to point out that the problem of water shortage is not unique to our people.

It is a very critical problem and needs to be treated with the seriousness it deserves; the people of the entire County of Mombasa are suffering and they are going through a serious, serious water problem.

We need to take this matter seriously, this Assembly should regard this matter seriously and let us take drastic steps to ensure that Mombasa receives water, it is something that has been there for quite a long time and people have been suffering and we as an Assembly we are charged as representatives of the people of Mombasa, and seriously we need to take this matter with the seriousness it deserves and we need to concur, to take firm positions to see that water is restored in this County, otherwise our people will be suffering and it's an outcry everywhere in the County.

This, Honourable Speaker when the Committee is going to discuss this matter, they should not confine themselves to issue of Port Ritz but should take it as a matter that is very dear to the entire residents of this County, thank you Hon Speaker.

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

STATEMENTS

Yes Hon Fadhili Makarani...

Hon. Mwalimu: Ahsante, Mheshimiwa Spika mimi naomba Mwenyekiti wa Kamati ya Elimu aweze kuelezea Nyumba hii ni mfumo gani wanachukua katika kupeana fomu za basari na vilevile ni lini wataanza kutoa fomu hizi za basari ili tupate ufahamu tuweze kueleza watu wetu kwa sababu kuanzia wiki mbili za nyuma watu wetu wamekuwa wakizunguka huku na huku wakipata maelezo ambayo si maelezo ya sawa kwamba basari zinatoka siku ya Jumatatu wakienda pale wanaambiwa warudi tena siku ya Alhamisi.

Mpaka leo pia walikuwa wameambiwa waelekee katika masehemu yale kwa hiyo naomba Mheshimiwa Spika Mwenyekiti aweze kutuelezea ni mfumo gani wanachukua, ni mfumo gani watatoa, ni pahali gani ambapo watatolea ili tuweze kupata ufahamu tukajulishe wananchi wetu, ahsante.

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

Hon. Wangudi: *(Inaudible)*...There was no communication between Committee and the department...*(Inaudible)*.

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

Hon. Kibwana Swaleh: I think Hon Speaker, the issue that has been raised by the MCA of Port Ritz is very serious, by being a Member I wouldn't like...from the Chair...this being an election year I think this thing should be taken serious in the House, and to know the modalities given rather than being informed by the third party.

I think this Committee has a duty to get a written statement or report from executive on how this bursary will be distributed and at the same time what is our role as Members of the County Assembly who are representing the people of Mombasa County.

Hon Speaker I think this is very important I think this House should take this statement very seriously as it deserves, Thank you.

Deputy Speaker (Hon. Mswabah Rashid): Hon Wangudi, I think, I order you to bring a comprehensive report tomorrow, it's a serious matter liaise with the Education department and come back with the report tomorrow.

Hon. Wangudi: Mr. Speaker, I respect your Chair, I respect your decision but tomorrow is so soon to bring the report I request on Thursday or Tuesday next week to bring the report.

(Interruption)

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

Hon. Saad: Mr. Speaker as we speak the arrangement has already been done; from what we hear from the public because the fact of this information, unfortunately Members of County Assembly they don't understand what is happening up to now, there are speculations everywhere.

When you ask everyone has his own personal story about the bursary, bearing in mind that last time we are the ones who were distributing these forms, people are anticipating on the grounds that we are the ones who are going to distribute these forms, those are the expectations that the public is having but it is a pity.

Mr. Speaker, we as overseers, we as people who represent, leaders who represent the people on the ground today we have no information at all in regards to the distribution in our own wards, It is a pity and this is an urgent matter, the Chairman cannot come here and tell us that it cannot happen between now and tomorrow! It can happen and we are asking and requesting Mr. Speaker that by tomorrow we need this information to come in this House so that we can be able to rearrange our programs and know how we are going about these things because the story which is going round is that the forms will be distributed on Thursday but we have no information.

So Mr. Speaker we kindly request the Chair to act within his powers to make sure we get the report by tomorrow. Thank you.

Deputy Speaker (Hon. Mswabah Rashid): I think I have already ruled this matter so Hon Stephen Wangudi work on it and bring that report tomorrow. Yes Clerk.

STATEMENT

Yes Hon Madundo.

Hon Mohamed Madundo: Ahsante Mheshimiwa Spika, nimesimama katika Bunge la Mombasa sasa hivi saa nane. Mheshimiwa Spika kwa hakika...

(Laughter)

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): It's okay *ni saa nane na dakika hamsini na tano.*

Hon. Mohamed Madundo: Mheshimiwa Spika, nimesimama kwa niaba ya kutoa taarifa ya kibinafsi ya madai yasiyo ya ukweli, mimi yangu ya kuchapishwa katika gazeti la Daily Nation la Jumamosi tarehe 18 na vyombo vya habari na vyengine kuwa nimejitoa katika chama cha ODM...

(Laughter)

Na chama cha Wiper nimejiunga na chama cha Wiper...

(Laughter)

Mheshimiwa Spika, madai hayo si ya ukweli, hayana msingi na hayana lengo na maneno hayo ni kuniharibia jina mbele ya umma na kwa waandishi ya kupitisha madai Shika Adabu sijasimama na kusema kwamba....

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Members Order! Excuse me Members can we give Hon Madundo time...

Hon. Mwalimu: Mheshimiwa Spika...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Members Order! Yes what is it Hon Fadhili

Hon. Mwalimu: Mheshimiwa Spika....

(Laughter)

....Mheshimiwa Spika mimi naomba Mheshimiwa kama ni maneno yake azungumze maana kama ni kuandikiwa labda anasoma maneno ambayo ameandikiwa ama ameandika lakini si mapendekezo yake kutoka kwake, ikiwa ni mapendekezo yake atuelezee. Ahsante.

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

Chief Whip (Hon. Ahmed Ebrahim Omar): Mheshimiwa Spika nashangaa na Mheshimiwa alivyotuambia kwamba ameona kwenye gazeti imeandikwa kwamba ametoka Wiper yuaingia Wiper sasa sijaelewa amezungumza nini? Nataka azungumze vizuri imeandikwa ametoka ODM ameenda Wiper manake nashangaa ananichanganya Mheshimiwa Spika....

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Members Order! Members Order! It's okay let's give time to Hon Madundo to explain himself, let's give him time to explain himself please. Hon Madundo *onkea*...

Hon. Mohamed Madundo: Mimi nazungumzia nikisema nazungumzia nafsi yangu kulingana na gazeti la Nation la kusema kuwa nimehama chama cha ODM na nimeingia katika Wiper. Kwa hivyo mimi nazungumza binafsi kuwa huo ni unafiki na ni usabasi...

(Laughter)

Na wale ambao walizungumza katika vyombo vya habari la Nation mimi nawaelezea kuwa wewe kama umejipanga kwenda Wiper nenda peke yako, na mimi pia kila mmoja na msimamo wake.

Kwa hivyo haina haja kwenda kuchafuana majina na kusema fulani yuko chama fulani, mimi nasema hivi ni kama kuchukua nyama ya nguruwe kupeleka Arabuni kuuza...

(Laughter)

Naeleza na kila mmoja ajue, kwa sababu mambo unafiki mimi siyataki mimi naunga mkono ODM na pia naunga mkono Raila Odinga na pia Gavana Hassan Ali Joho...

(Applause)

Kwa hivyo taarifa kila mmoja akitoka hapa ajue Madundo bado yuko ODM, ahsante sana Bwana Spika...

(Applause)

(Consultations)

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

Hon. Faraj: Ahsante sana Mheshimiwa Spika kwa fursa hii. Mheshimiwa Spika hili swala ambalo Mheshimiwa Madundo alilozungumzia ni swala ambalo kwamba ni lazima tulipatie kipao mbele, kina uzito kubwa kwa sababu isiwe kuwa waandishi wa habari wataweza kutuamulia sisi viongozi muelekeo wetu na pia isiwe waandishi wa habari watatumiwa na watu wengine ambao ni maadui zetu sisi kwenda kutuharibia jina.

Ni lazima tuwasihie Waheshimiwa walioko hapa walio na mwelekeo wa aina yoyote ule iwe ni kuwa habari zitakazozungumzwa katika magazeti iwe ni habari ambazo kwamba ni za kweli na ambazo zitahakikishwa na ambazo kwamba zinaandikwa kutokamana na kauli za yule ambae kwamba anazungumziwa.

Sisi pia katika gazeti hilo tuliwekwa picha zetu, baadhi yetu tulikuwa katika picha zile Mheshimiwa Patrick Siminyu alikuwa, Mheshimiwa Fadhili Mwalimu alikuwa katika picha hiyo na baadhi ya Waheshimiwa Mheshimiwa Boma alikuwa katika picha hiyo.

Walakin mafikirio ya wale ambao kwamba wanaosoma yale magazeti ni kuwa ambao kwenye picha pia nao walikuwa wamehama chama; kwa taarifa yako Mheshimiwa Spika wapinzani watazunguka mitaani wakitutangazia kuwa tumehama sote, wale tumeandikwa na wale ambao picha zao ziko pale magazetini, ikiwa nataka kwenda kwa chama chochote nitaamua na nitajitangaza...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Honorable I think this is politics and we are not discussing politics in this House, we cannot continue to discuss politics in this House...

(Loud consultation)

And personal statements are not debated, we are not going to allow statements to be debated and party matters are not to be discussed in this House.

Hon. Faraj: Mheshimiwa Spika naomba nimalize kauli yangu nikae chini...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Members we are not going to allow that, no double standards in this House, we had ruled other time that party matters will be discussed outside this House.

Hon. Faraj: Na Mheshimiwa Spika Kamati zote zimeundwa kupitia vyama.

Deputy Speaker (Hon. Mswabah Rashid): We are not discussing party matters here, yes Clerk can you continue, that matter is sealed.

ADJOURNMENT

Members there being no other business this House is adjourned until tomorrow morning.

The House rose at 3:04pm.