



## COUNTY ASSEMBLY OF MOMBASA

### OFFICIAL REPORT

Wednesday, 31<sup>st</sup> July, 2019  
The House met at 10:32 a.m.

*(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)*

### PRAYERS

**The Speaker** (Hon. Khatri): Hon. Members you may be seated. Yes Clerk?

### COMMUNICATION FROM THE CHAIR

Hon. Members good morning again. Hon. Members on Wednesday, 24<sup>th</sup> of July, 2019 during the morning Sitting, I delivered a Message from the IEBC on the Transmission of the draft Punguza Mizigo (Constitutional Amendment) Bill, 2019 to County Assemblies vide a letter dated 18<sup>th</sup> July, 2019.

Hon. Members, I commit the draft *Punguza Mizigo* (Constitutional Amendment) Bill, 2019 to the Committee on Justice and Legal Affairs. The Committee will be required to subject the Bill for public participation as Article 196 (1) of the Constitution of Kenya, 2010 requires that the County Assembly involves the public in its legislative functions and other businesses. The Committee on Justice and Legal Affairs will thereafter be required to table a comprehensive report before this and for adoption within the timelines set by Article 257 of the Constitution of Kenya, 2010. Yes Clerk, next order?

### STATEMENTS

RESPONSE TO STATEMENT BY A MEMBER OF THE COUNTY ASSEMBLY SERVICE BOARD (CASB) HON. MURFAD AMUR ON INSTALLATION OF RAMPS AT THE ENTRANCE OF THE COUNTY ASSEMBLY BUILDING

Yes Hon. Murfad, please give the response to the Statement.

**Hon. Murfad Amur:** Thank you Mr. Speaker Sir. Mr. Speaker Sir I rise to respond on behalf of the Board. Mr. Speaker Sir I rise to respond to the question request of Statement raised by Hon. Ramla during the 66<sup>th</sup> Sitting on the County Assembly and the matter was directed to the County Assembly Service Board.

Mr. Speaker Sir the County Assembly Service Board is mandated to look into the welfare of the MCAs, the staff and the extension or any visitors who is in the County Assembly presence. Mr. Speaker Sir, the Board is discharging its various mandate that is required by the County Assembly Act to ensure that it upholds the human rights of all and observed equality. Mr. Speaker Sir the County Assembly Service Board has foreseen the need to have ramps installed so that the County Assembly of Mombasa building can be accessible to both Members of the County Assembly, staff and the residents of Mombasa who are physically challenged.

Mr. Speaker Sir, the County Assembly Service Board through the Clerk wrote a letter dated 27<sup>th</sup> March, 2019 to the Chief Officer in the Department of Infrastructure and Public works, requesting for a Bill of Quantity for the two ramps. Mr. Speaker Sir no reply has been received and hence the Clerk wrote a reminder dated 29<sup>th</sup> July, 2019. Once the Bill of Quantity is received the process of installing the ramps will be fast tracked Mr. Speaker Sir. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): Thank you Hon. Murfad. Yes Clerk, next order?

RESPONSE TO STATEMENT BY A MEMBER OF THE COUNTY ASSEMBLY SERVICE BOARD  
(CASB) HON. MURFAD AMUR ON STATUS OF WORKING TOOLS AND EQUIPMENT IN THE PUBLIC  
RELATIONS DEPARTMENT

**Hon Murfad Amur:** Thank you Mr. Speaker. Mr. Speaker Sir the response on behalf of the Board again I wish to respond on the status of working tools and equipment in the Public Relations Department. Mr. Speaker Sir I rise to respond with the above mentioned request for the Statement; in the County Assembly budget for the year 2018/2019 there was an allocation of Kenya shillings one million allocated for the purchase of the equipment in the Public Relations Department, however the value of the equipment which the Department required exceeded the amount which had been budgeted for.

Mr. Speaker Sir during the re-allocation of votes through the supplementary budget, the money was re-allocated for foreign travel which remain unutilized; towards the end of the financial year and it was not sufficient to buy the required equipment. In this financial year, an allocation has been made to purchase the equipment and the process will commence as soon as it is practicable. Mr. Speaker Sir I would like to inform the County Assembly that its prudent to forward any matter within the mandate of the County Assembly Service Board through the Secretary of the Board for reaction. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): Thank you very much Hon. Murfad Amur. Yes Hon. Kitula?

**The Chief Whip** (Hon. Kitula): Mheshimiwa Mwenyekiti nimesimama kwa ajili ya kutoa taarifa katika Bunge hili. Idara hii ni idara muhimu zaidi na ningependa kuarifu Mheshimiwa anayetuwakilisha sisi katika Bodi yetu ya Bunge la Kaunti kwamba shilingi milioni moja kwanza tungeweza kuangalia kama bajeti yao ni kubwa lakini *priority* ilikuwa ni gani katika Idara hiyo. Mheshimiwa Mwenyekiti kama saa hizi hakuna picha katika Bunge hili, kama saa hizi hakuna *video*, tukitoka hapa inastahili kulingana na Teknolojia tuitishe *video* zetu tuonyeshe wananchi wetu tumeweza kuongea nini na hiyo tayari milioni moja ni pesa nyingi kwa *camera*, *video* na kipakatalishi cha kuweza kuhakikisha ya kwamba kila Mheshimiwa anapotoka hapa anapata.

Mheshimiwa Mwenyekiti, ndio bajeti ilikuwa kubwa lakini tuweze kuangazia *priority* hiyo ni taarifa tu nampatia Mwakilishi wetu. Ahsante.

(Applause)

**The Speaker** (Hon. Khatri): Thank you Hon. Members. Yes Hon. Renson?

**Hon. Thoya:** Ahsante sana Mheshimiwa Spika. Mimi ndio niliweza kuitisha na kutafuta majibu ya hiyo Taarifa, ninashukuru kwa jibu ambalo limeweza kujitokeza, hata hivyo tukiwa tunazungumzia kuhusu milioni moja tungependa tuzungumzie kuhusu hata kama ni elfu hamsini inaweza kununua kitu gani kwa dharura ambayo iko pale, vile vile amesema hawa wafanyi kazi wa idara ya Public Relation huja hapa na simu, wakati mwingine hata hawako kabisa, kwa hivyo mbali na makadirio makubwa ya milioni moja ikiwa hata kuna laki moja ambayo inaweza nunuliwa hata ile picha halafu tuendelee kulingana na vile pesa zinapatikana, itakuwa ni vyema kabisa ili tuondokee hii aibu hii ambayo kwa saa hii iko. Ahsante.

**The Speaker** (Hon. Khatri): Thank you Hon. Renson Thoya. Hon. Members I think we need to understand the rules and procedures of this House and we need to know what are the things that need to be brought in this House and the things not to be brought in this House. First of all I wish to echo the Hon. Amur Murfad who has said in regard to issues which can best be addressed by the County Assembly Service Board as a body corporate. There are matters Hon. Members which can be raised in the County Assembly; those matters should be directly beneficial to the residents of Mombasa County, then again there are matters which are internal and the best avenue of addressing such is through the County Assembly Service Board and not in the House.

Hon. Members, if we look at Section 12 (a) of the Government Act, 2012 and together with the County Assembly Service Act, 2017 provides; *‘That the County Assembly Service Board is responsible for providing services and facilities to ensure efficiency, effective and functioning of the County Assembly.’* So Hon. Members as the Chairperson of the County Assembly Service Board of Mombasa, I assure you that our doors are always open and to listen to any issues that you may have in regard to our mandate and we are ready to provide appropriate solutions and I also encourage that we continue raising issues of concern for our residents in this Honourable House.

Hon. Members, another issue that we need to understand is that the same staff who we are talking about if they have issues they should write a letter to the Clerk and complain about the issues that they are facing not to come and talk to the Hon. Members, let us know what is our duty please. Hon. Members even you as an MCA you can write to the Board directly instead of bringing these issues in the House I do not think it is the right channel to bring this issue, not unless maybe if you think that the Members we do not perform as the Board and we have failed you then that is another issue you can bring in this House.

So please Hon. Members it is okay to involve ourselves with the staff but we do not go that deeply because if you ask the staff they have written the reminders to the Clerk and what the Clerk has answered, am sure the Clerk has given the same answer to them and the Department. So Hon. Member please let us make use of this House to the resident of Mombasa and the Board.

Thank you Hon. Members. Yes, Hon. Mwamwiri I can see there is something burning you want to say.

**Hon. Athman Mwamwiri:** Thank you Mr. Speaker. Mr. Speaker It is just a point of information that we never get involved with the staff, but it is an observation when a session is on the PR Department we do not see them here and during our first sitting or earlier when we were being sworn in they were always in sessions. So it was just an observation so the staff kindly Mr. Speaker they did not give any information to us it was just an observation because the Hon. Member raised the question so kindly the staff should not be compromised or taken for granted or understood somehow they gave information to us to raise the issue, it was just an observation by the Members. Thank you.

**The Speaker (Hon. Khatri):** I think maybe Hon. Mwamwiri you did not understand what I was trying to say; I was trying to say that there is no issue for Members to have observation we have no problem at all but what we are saying is the staff should channel those issues through the Board instead of us Hon. Members we are sitting and discussing issues of cameras, we need to bring important matter affecting our people in Mombasa in this House.

Those issues of camera etc we know their challenges and even me am aware of that sometimes I receive visitors and we don't even have that coverage, I know I can see other Counties Assemblies whereby the Speaker post those things, we have our own website I don't see those things functioning you know I agree there is a problem but what am trying to say let's channel these things through the Board because the Board is the one in charge of day to day business. Yes, Clerk next order please?

### **MOTION** CONTROL OF PUBLIC BEACHES

Yes Hon. Amriya Juma please move the Motion.

**Hon. Amriya Juma:** Thank you Mr. Speaker, I beg to move of the following Motion;

THAT AWARE that, the Kenya Constitution 2010, vide part 4 of the Fourth Schedule provides that County parks, beaches and recreational facilities are a function of County government;

FURTHER AWARE that, the County government is committed to improve both its local and international tourism and the beaches are the key tourist attraction in Mombasa;

CONCERNED THAT, there has been recent rise of cases of harassment of beach goers and children by beach touts or beach boys along our County beaches;

FURTHER AWARE that there are rampant and rise of cases of alcohol and drug abuse among children visiting the beach;

CONCERNED that, the beach has become a no man's land that has facilitated a breeding ground for crime in the County;

I therefore urge this County Assembly to RESOLVE that:

1. The County government of Mombasa to conduct an audit of genuine beach traders;

2. Enforcement unit to ensure that alcohol is not sold to underage persons;
3. The County government to ensure that all public beaches are free from harassment of beach goers and children by the beach touts.

And I call upon Hon. Leila to second Mr. Speaker.

**Hon. Nyache:** I second.

**The Speaker** (Hon. Khatri): Thank you Hon. Members. I now propose a question that the Motion by Hon. Amriya Boy Juma on Control of Public Beaches be considered by this House as the same terms as moved.

*(Question put and agreed to)*  
*(Applause)*

Yes Hon. Juma Boy please contribute on the Motion.

**Hon. Amriya Juma:** Thank you very much Mr. Speaker once again and thank you Hon. Members for giving me a go ahead for us to proceed with this Motion. Mr. Speaker this Motion is informed by the fact that our public beaches are our source of public entertainment in Mombasa and Mombasa being a tourist hub whose main source of tourist attraction is the museum and the public beaches, it is important that we give weight to our public beaches.

It is a concern Mr. Speaker, both to our international and local tourists that when they visit the beaches there is a lot of disturbance on the ground, we have so much unregulated beach touts, there are people selling everything; people selling beads, drinks, what a view and there are even people selling love in the name of beach boys. I am concerned that this could inhibit or refrain our tourist from visiting our beaches Mr. Speaker, that is on the point of our visitors, they have become a nuisance for them to take leisurely walks.

You know when I was growing up we used to see the tourists walking around the beaches, but now it has become very difficult to see them because there is a lot of harassment by the beach touts, because one; the County has been unable to regulate. What am saying is that we need to regulate the beach touts; they should be identified, the genuine beach traders should be identified like they should have like, maybe reflectors with a number so that you are able when you go to the beaches there is a sort of organization to see that this is a trader that he has an identification number so when there is a problem with (??) so you can be able to report. So those are the issues that this Motion is all about and secondly Mr. Speaker even our beach touts or the beach boys, the people selling love we are not saying that they should not do it but they should do it in a proper form, they should not go around and surrounding ladies as if you know... it is becoming a nuisance...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Amriya can you make that point clear so that..., you are saying there is no problem for people to sell love?

**Hon. Amriya Juma:** I am not saying there is no problem people selling love.

**The Speaker** (Hon. Khatri): I thought... can you just come out clear?

**Hon. Amriya Juma:** No! No! Let me come out clearly, am saying the beach touts or beach boys should be identified, should be earmarked that here...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Kitula?

**The Chief Whip** (Hon. Kitula): Ningependa Mheshimiwa Mwenyekiti Mheshimiwa ambaye anazungumzia Hoja yake afafanue zaidi penzi linauzwa vipi? Tuweze kufahamu, penzi linauzwa vipi au mapenzi yanauzwa vipi?

**The Speaker** (Hon. Khatri): Yes Hon. Amriya, maybe you may explain to this House that selling of love.

**Hon. Amriya Juma:** What usually happens Mr. Speaker those people who have been visiting the beaches will tell you our fellow residents are at the beaches in the name of beach boys so when am saying that they are selling love is just a connotations because we have beach boys and beach touts...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Moses?

**Hon. Aran:** Hon. Member...the Hon. Member who is in the floor is misleading this House, we also have beach girls not only beach boys so stop being biased Hon. Member please.

*(Applause)*

**The Speaker** (Hon. Khatri): Yes so you may continue, so are you withdrawing that word of selling love I thought love is for free.

*(Laughter)*

**Hon. Amriya Juma:** True Mr. Speaker love is free of charge.

*(Interruption)*

**The Speaker** (Hon. Khatri): I have never heard of someone paying for love.

**Hon. Amriya Juma:** True to it Mr. Speaker.

*(Interruption)*

**The Speaker** (Hon. Khatri): Maybe not unless Hon. Kizito Opeya will tell us.



*(Laughter)*

He is not around. Yes Hon. Raphael?

**Hon. Bwire:** Thank you Mr. Speaker. Mr. Speaker I appreciate your directive but I would wish to tell my fellow Hon. Member instead of just withdrawing look for some good terms to replace the word.

*(Laughter)*

Otherwise we need to know more about what you are stating Mr. Speaker thank you, do not just withdraw, replace it.

**The Speaker** (Hon. Khatri): Yes Hon. Renson Thoya?

**Hon. Thoya:** I think I need to echo whatever Hon. Bwire has articulated, let if the Member means prostitution come out very clear to mean prostitution because prostitution is the only activity which engages money whatsoever but love is something bigger because love may mean what we mean filial love, parenting love and so ever, so let her come out clear to speak about corruption or whatsoever.

**The Speaker** (Hon. Khatri): Yes Hon. Milka?

**Hon. Ngare:** Thank you Mr. Speaker. I have just stood to put a query to the male in the House that at this rate if they keep criticising the Motion mover and whatever she is putting across they might scare her.

*(Interruption)*

**The Chief Whip** (Hon. Kitula): Point of information.

**Hon. Ngare:** Mr. Speaker protect me.

**The Speaker** (Hon. Khatri): Let the Hon. Member finish.

**Hon. Ngare:** Thank you Mr. Speaker, at this rate of interfering with the Motion that Hon. Juma Boy is putting across I fear that you are trying to intimidate her, unless you have certain interests that you are digging for more information for your own treasure could you please give the Hon. Member time to put across...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Milka I think it is very clear, it is not the Hon. Members, am the one who raised that issue, it is not even the Hon. Member who said...

*(Interruption)*

**Hon. Ngare:** It is the Hon. Member, he said later Mr. Speaker Sir...

*(Interruption)*

**The Speaker** (Hon. Khatri): Am the one who raised that issue about selling love so I wanted to know the issue of selling love...

*(Interruption)*

**Hon. Ngare:** And Mr. Speaker Sir there is selling of love, yes yes and the men know it best and you are the clients, they are the clients. Thank you Hon. Speaker.

*(Loud consultations)*

**The Speaker** (Hon. Khatri): Thank you Hon. Milka. Hon. Moses please, yes Hon. Renson?

**Hon. Thoya:** What we are saying here I should believe that in this House we are equal, there is no woman, there is no man, we are Hon. Members here as much as we are male and female so that issue of fear, of intimidation must not be here. I want to applaud the women who are here they are Hon. Members and just feel free like Thoya or so ever, so what is very important even if we decide to go to the grammar or whatsoever love is bigger so let us talk about sex or prostitution. We want the Mover to come clear and we will support but do not say that. I know Hon. Milka you might be playing your role as the Chair of Women Caucus but sometimes please spare us. Thank you.

**The Speaker** (Hon. Khatri): Yes Hon. Milka on the same note when you are saying that men do buy love, have (??) even seen women buying love...

*(Laughter)*

So please I think we need to make that clear and you know that very well...

*(Interruption)*

**Hon. Ngare:** Mr. Speaker Sir...

*(Interruption)*

**The Speaker** (Hon. Khatri): Not unless you are confirming to this House that women are the most people who sell love, is that what you are trying to say?

**Hon. Ngare:** Mr. Speaker Sir my sentiment was that a lady or a woman cannot sell love to herself it has to be the opposite sex therefore if we are protesting on the same what are we protecting? Because if you are selling love, you are selling to the opposite sex unless it is that practice that is not constitutionally allowed. Thank you Mr. Speaker.



**The Speaker** (Hon. Khatri): Yes Hon. Members I think let us continue, yes Hon. Bwire?

**Hon. Bwire:** Thank you Mr. Speaker. Mr. Speaker actually I would just ask my Hon. Member to withdraw the word that we are the clients, that means we the Hon. Members here. Let her find another term to use but referring to Hon. Members as the clients Mr. Speaker it should be withdrawn from the Hansard. Thank you.

**The Speaker** (Hon. Khatri): Yes Hon. Milka unless maybe you explain to this House what...

*(Loud consultations)*

Just relax Hon. Members.

**Hon. Ngare:** Mr. Speaker protect me, shouting is not allowed in this Honourable House.

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Milka do you agree that you said that the men are the most clients?

**Hon. Ngare:** No I said men, I did not say the Hon. Members...

*(Interruption)*

**The Speaker** (Hon. Khatri): You said men.

**Hon. Ngare:** Men.

**The Speaker** (Hon. Khatri): And what is the price?

*(Laughter)*

**Hon. Ngare:** The price yes am ready to defend that the price ranges from how you have bargained and also...

*(Interruption)*

**The Speaker** (Hon. Khatri): Honourable...!

*(Interruption)*

**Hon. Ngare:** And also Mr. Speaker am still explaining and it also depends on how well you are endowed so that you can bargain. Thank you Mr. Speaker.

*(Loud consultations)*

**The Speaker** (Hon. Khatri): Yes Hon. Members let us not go deep on this issue I think Hon. Amriya just continue and try and make things transparent so that Members understand what you are talking about.

**Hon. Amriya Juma:** Mr. Speaker I think this Motion has taken a very interesting twist but anyway the second point was with regards to our children. Mr. Speaker, there is a concern that our children find out that our public beaches are a source of entertainment when they go there; there is negative exposure because there is no regulation on the conduct of these beach touts and how these beach traders or even the grown-ups how they are conducting themselves. And also this Motion is built on the concern that the beach traders camouflage themselves; you find that one is appearing to be selling one thing but in the real sense there are selling another which is probably illicit drugs.

So this Motion is a call first on our Members that it is high time that we conduct an audit of all traders at the public beaches and ensure that they are all licensed or they have an identification number and they are selling what is on the face of it what they are selling they should not be purporting to sell other things and also if where others that are licensed under the liquor licensing Act were licensed to sell the alcohol they should not sell it strictly at the public beaches, they should not sell it to our school going and children who are not of that age Mr. Speaker.

Finally the beach touts Mr. Speaker should be designated that this is an area of beach tout and I can see the House is well informed on the nature of the business of the beach touts so I will not go to details but beach touting should be earmarked, identified and even if need be they should be licensed and they should have a modern superior mode of operations so that they do not inhibit our tourists and our children from enjoying the facilities of our public beaches.

**The Speaker** (Hon. Khatri): Thank you very much Hon. Amriya. Yes Hon. Hamisi Mwidani, the senior, the Majority Leader. I think you have more experience on this issue of beach boys?

*(Laughter)*

So please give your contribution.

**The Leader of Majority** (Hon. Mwidani): Ahsante Bwana Spika *infact* hata mimi naiunga mkono hii Hoja...

*(Applause)*

Na naiunga mkono kwa sababu ni kweli ni lazima ieleweke ni nani anafanya kazi gani na shughuli gani, hususan sehemu kama ya ufuoni. Bwana Spika singependa kugusia yale ambayo yamezungumzia kwa urefu lakini ukweli wa mambo na mambo yanafanyika...

*(Applause)*

Hakuna haja eti kuwa wengine waruka huku wakiruka huku na siku hizi kina mama ndio wanawafuata wazee! Kwa hivyo hii ni ishu ambayo...

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*(Interruption)*

**Hon. Ngare:** Point of order!

*(Loud consultations)*

**The Leader of Majority** (Hon. Mwidani): Nimezungumza kina mama sio Waheshimiwa...

*(Interruption)*

**Hon. Ngare:** Point of Order!

**The Leader of Majority** (Hon. Mwidani): Wale kina mama wako nje kule.

**The Speaker** (Hon. Khatri): Hon. Milka yes?

**Hon. Ngare:** Thank you Mr. Speaker. Once again I want to request that our Majority Leader, the senior most in this House, an Hon. Member that we respect so much to withdraw that statement that women are the one's who follow men...

*(Interruption)*

**The Speaker** (Hon. Khatri): But Hon. Milka there is no problem with that, I do not see any problem with that he is talking through experience...

*(Laughter)*

*(Interruption)*

**Hon. Ngare:** No he is demeaning...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Milka, this is a senior; he is a Majority Leader so I do not see any problem with that...

*(Interruption)*

**Hon. Ngare:** Hon. Ibrahim Omondi (*Bomoa*) am still on the floor...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Milka you can give your opinion on the side...

*(Interruption)*

**Hon. Ngare:** Oh he is giving his own experience so...

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*(Interruption)*

**The Speaker** (Hon. Khatri): He is giving his own experience.

**Hon. Ngare:** Probably that calibre of women he meets they approach him. Thank you.

**The Speaker** (Hon. Khatri): You will give your opinion yourself there is no issue. Yes Hon. Mwidani continue?

**The Leader of Majority** (Hon. Mwidani): Thank you Mr. Speaker in fact. *Sasa nitakuwa nikitumia simu na ni hao hao itakuwa nikiwapiga picha halafu niwaonyeshe mwaona vituko hivyo...*

*(Applause and laughter)*

Kwa hivyo Bwana Spika sisemi kwa ubaya ni mambo mazuri kwa sababu haswa kwa umri kama wangu huwa sifwati na fuatwa tu...

*(Laughter)*

Kwa hivyo Bwana Spika kulingana na ujuzi wangu na ninavyojua kule ufuoni kulivyo nawaambia Waheshimiwa nawaomba mkitaka kutimiza haya yangu ni ya ukweli Waheshimiwa tutembeeni kule ufuoni nyinyi msiseme mtaona badala ya kufuata utafuatwa hayo ni mambo ambayo yako ukweli kule ufuoni.

Hayo tunazungumzia mambo ya ufuoni sio mambo ya Bunge lakini Bwana Spika hii imefikia wakati wa kutoa mapicha sasa kuja kuonyesha watu je angalia kama ilikuwa nasema urongo angalia. Kwa hivyo nakuunga Mheshimiwa Amriya kwa hii *Motion* na *in fact* utaona itakapotekelezwa yataonekana hayo tunayoyasema.

*(Applause)*

**The Speaker** (Hon. Khatri): Thank you Hon. Mwidani. Yes Hon. Milka Moraa?

**Hon. Ngare:** Thank you Mr. Speaker once again I stand in support of the Motion in this House brought by Hon. Amriya Boy Juma because I believe that we have total control of our public beaches and parks and those areas we are going to enhance the tourists activities which in turn is going to improve our economy so that we have our County still shining. Now however I am glad that we have the Chairman Youth Gender and Sports (YGS) here, Hon. Samba and 001 Youth Commander this raises a red flag for us because of the many youths that are loitering around those beach hotels...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Milka, who is 001 Youth Commander? I think that name is strange...

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*(Interruption)*

**Hon. Ngare:** Hon. Moses Aran, the youth Leader...

*(Interruption)*

**The Speaker** (Hon. Khatri): I do not think that is the right word, Youth Commander?

**Hon. Ngare:** Yes Hon. Moses Aran, who is the youth leader in Mombasa County.

**The Speaker** (Hon. Khatri): Yes.

**Hon. Ngare:** Thank you. It is a connotation, it is an acronym that we have given him so it has become his real name but I do take note of the same, thank you. This raises a red flag of many youths that are loitering along the beaches in way of getting; a way of living, trying to do things in order to make a living for their daily bread.

As much as we want them to have controlled and removed from those areas we also need to have an alternative of where we shall take them; what shall we do so that these young people do not now get into the villages and start doing mugging, all types of robbery and killing people, to snatch their handbags and what have you, snatching their handbags that our Hon. Members are saying those ladies who are moving along the hotel beaches to approach the men for whatever they want.

So we really need to have plan B, yes we want to remove them from there but what next, where are we taking them? Because it is a ticking bomb waiting to burst. Otherwise the Motion is a wonderful one but that kind of improvement a little bit Hon. Amriya would have really served this House well. Thank you so much I support the Motion.

**The Speaker** (Hon. Khatri): Thank you Hon. Moraa. Yes Hon. Rosemary Mukavi?

**Hon. Mukavi:** Thank you Mr. Speaker for giving me the opportunity to support this Motion. It is a good one and most of the time when am free, when i finish what am doing in my ward I usually go to those beaches and actually you can see a lot of youngsters loitering in Kongowea Ward...

*(Silence)*

**The Speaker** (Hon. Khatri): Yes you may continue it is fine.

**Hon. Mukavi:** Mr. Speaker Sir protect me they are asking which Ward, Kongowea Ward...

*(Interruption)*

*(Laughter)*

**The Speaker** (Hon. Khatri): Maybe, she is not referring as an MCA to that Ward, maybe she is referring to her home there; she stays there in Kongowea Ward.

**Hon. Mukavi:** Thank you Mr. Speaker.

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(Interruption)

**The Speaker** (Hon. Khatri): Yes just tell us the experience at the beach. Yes?

**Hon. Mukavi:** I have seen a lot of those youngsters loitering around and usually they sell funny things Mr. Speaker and as Hon. Milka Moraa has just said if we move them from that area then we should be able to give them something to do because that is where they earn their living.

Mr. Speaker I would also like to support the issue of..., they also mug people, they also ask you for money i have had that experience, they want to sell you funny things. I think it is a good Motion if implemented. With those few remarks I beg to sit down and support it fully.

**The Speaker** (Hon. Khatri): Yes Hon. Nyiro?

**Hon. Nyiro:** Thank you Mr. Speaker. First and foremost I would like to support the Motion but I also have a number of issues to inform the mover of this Motion; first maybe in her observation it will be better if she would have indicated, if these observations, observed from which beach because I remember we have several.

Now talking of the major beach which is almost next to my Ward which is Pirates, Jomo Kenyatta Public Beach; I have the following observations, first all the beach boys as she has stated in her statement have identification cards to allow them operate at the beach and all those who are illegal beach boys are normally arrested daily so she should also have observed that all the beach boys most of them in fact now they have cards to allow them operate at the beach, yes they have and if you want evidence I can bring it next week, they have beach operation cards.

Secondly there is an enforcement unit; there is a County enforcement unit at the beach, as we speak I have gone there several times to release my youths who have been arrested by County *Askaris* and it is there until now so enforcement of law and order at the beach especially the Jomo Kenyatta Beach is on and the County is aware of that because ever since Governor Joho went and lifted the face of the beach I think you saw cabro while going to the beach. It is well lit at night so Governor improved the face of the beach, the unit of the enforcement was also put there, it is there up to now, I think Hon. Maimuna can also prove that because it is in her Ward.

Third no drinking of alcohol or chewing of *Miraa* is allowed at the beach and if you have gone there and you can go even today in the evening, if you want to chew *miraa* you chew in your car, you cannot go to the beach and chew or drink alcohol, selling of alcohol is only allowed at the clubs which are along the beach, not anywhere else.

Fourth all those people operating businesses; even those who are selling biscuits, they all are registered business ladies and men, nobody goes there to sell anything from anywhere anyhowly, all those selling *kachiri*, *mihogo* they are registered and they pay rates to the County government of Mombasa, that is another observation.

So Mr. Speaker what happens and what am sure the Member observed is during the festive season or during the holidays where people flock the beach we normally have disruption because of the multitude of people. Also i was there once in this Christmas season and I found boys who were snatching phones; there is normally robbery that happen when people are many, but I want to inform this House that if you go there during the normal days like today, like now in this hour and you go to the beach you will see that all the tourists that (??) are saying, they are there, they are moving around the beach and whoever follows the tourists are registered beach boys who sell those handicraft and they are registered they have Identification cards.

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So it is an observation yes but she should also be informed that the County has taken the beach seriously and operations are very well maintained and the beach too, so I support this Motion in the notion that we not only have Pirate beach, we have other public beaches we do not have enforcement of law. I want to make myself clear, I support this Motion in the notion that it does not talk all about the major beach which people think about because there are Hon. Members who do not know that there are some other beaches apart from Pirates so if this thing it should be operational in other beaches because we have some public beach in Nyali we have one, we have one in Tudor Creek, we have one in Likoni so this House should resolve that, may be resolved that...

*(Interruption)*

**The Speaker** (Hon. Khatri): So Hon. Nyiro you are talking about beaches only not anything to do with the offices as well.

**Hon. Nyiro:** Sorry.

**The Speaker** (Hon. Khatri): You are not talking about this issue to do with offices; it is just the beaches, you are touching about the beaches only, right?

**Hon. Nyiro:** But the Motion is talking about public beaches Mr. Speaker.

**The Speaker** (Hon. Khatri): Okay.

**Hon. Nyiro:** Yes the Motion is talking about public beaches so I am also contributing about the public beaches because the major one is Pirates, the Jomo Kenyatta public beach but we also have some other beaches, in Nyali there is a public beach, in Tudor there is one, Likoni there are others so if this law has not been enforced in the other beaches then it should be extended to the other beaches but there is total order at the Pirate beach as we speak. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): Thank you Hon. Nyiro. Yes Hon. Mwamwiri?

**Hon. Athman Mwamwiri:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika sitaki kuwa mnaifiki kuangukiwa na jumba mbovu, Hoja hii ilioko mbele yetu kwa mujibu wa waliotangulia kuzungumza wameunga pasi na ufahamu kwa sababu Hoja hii imekosa utafiti wa kutosha.

Mheshimiwa Spika ni kweli katika sehemu ya nne, katika ratiba ya nne sehemu ya pili ama *Fourth Schedule Part 2*, Sehemu ndogo ya nne kuna majukumu ambayo yamegatuliwa ikiwemo suala la mbuga, fuo za bahari, bustani na burudani ambazo zipo katika serikali Gatuza lakini Mheshimiwa Mwenyekiti masuala haya yaliyogatuliwa mengi yapo hayajapata kanuni sahihi za kuendeshwa.

Kwa mfano katika sehemu ya nne kuna sehemu ndogo zilizotajwa ambazo ziko chini ya idara mbali mbali; kunazo zipo katika Idara ya Michezo, kunazo zipo katika Idara ya Kilimo, zipo katika Idara ya Biashara, kwa hili swala la fuo Mheshimiwa Mwenyekiti kuna washika dau kadha wa kadha katika fuo zile.

Tunaposema kuwe na usukumaji wa sheria, ni idara gani inachukua dhamana ya kutekeleza yale moja, mbili kwa kanuni ipi ambayo itakuwa imewekwa barabara ya idara zote hizi kuweza kutekeleza majukumu yao pasi kuwahujumu hawa washika dau.

Mheshimiwa Mwenyekiti tangu Babu na Babu sisi tukiwa vizalia vya Pwani tunajua kwamba ndugu zetu na wazee wetu wengi wamepitia katika fuo zile wakiwa wavuvi, wakiwa ma *Beach Boy*, wakiwa watalii, wakiwa kadha wa kadha na katika haya Mheshimiwa wapo walio bahatika kuunga udugu na baadhi ya watalii wa kigeni na kuowana ima ma *Beach Boy* kuoa wazungu wa kike ama wazungu wa kiume kuwaoa dada zetu katika fuo hizi na kuendesha maisha yao pasi na bughdha Mheshimiwa.

Mheshimiwa leo kwa Muendesha Hoja hii akisema kuwekwe kanuni na kutaka kuwekwa sheria kali dhidi ya watumizi wa fuo zile, tutakuwako tunawanyima uhuru wao, tunawanyima haki wengineo wanatafuta maisha yao katika sehemu zile na Mheshimiwa ifahamike katika mbuga ile, si tu kuwa imegatuliwa iko chini ya Gatuzi bali pia kuna shirika la wanyama pori ama KWS wana sehemu wanasimamilia na kumiliki katika sehemu zile.

Kwa hivyo Mheshimiwa ni sambamba ama ingekuwa muafaka ya kuwa na kanuni barabara ambayo ingeweza kuchambua ni tatizo gani ambalo lingeshughulikiwa na idara gani. Mheshimiwa Mwenyekiti kukurupuka kwa sababu labda aliendesha Hoja binafsi ama aliishuhudia ama alipewa malalamishi kuna mmoja alihujumiwa katika watembezi wa fuoni na kurupuka kutaka kuwaadhibu watu wote itakuwa sio muafaka.

Mheshimiwa ifahamike ndugu zetu wachuuzi wanaofanya maeneo yale wamekuwa wakipata taabu, mfano ulioko hai eneo la Mheshimiwa Amur, ameshuhudia wachuuzi wote wakifurushwa na askari wetu pasi na ilani, pasi na taarifa pengine mtu alisikia kuna Hoja hii yaja ya ku *enforce* shughuli fulani wakatangulia kuyatekeleza ambayo inakuwa ni hujuma na dhulma kwa wakaazi wetu ambao ni walala hoi Mheshimiwa.

Mheshimiwa kupitisha baadhi ya Hoja kiholela kama hizi, zinapelekea wananchi wetu wa Mombasa kutaabishwa, kupatishwa dhiki, kupatishwa taabu, kwanza arudi na Hoja yake, akatambue hususan ni kitengo kipi ambacho kwake yeye kina walakin na kipo chini ya idara gani, asilete swala la kijumla kupelekea nafasi ya ndugu zetu kuhujumiwa na kudhulumiwa katika shughuli zao za kila siku. Ahsante Mheshimiwa Mwenyekiti na napinga kwa nguvu zote.

**The Speaker** (Hon. Khatri): Thank you Hon. Mwamwiri. Yes Hon. Mwaka Mwalundonda?

**Hon. Mwaka Bakari:** Ahsante sana Mheshimiwa Spika. Mimi naiunga mkono, naiunga mkono kwa yale ambayo nayaona ambayo yanatendeka ndani ya fuo zetu, mbali na Mheshimiwa Mwamwiri kuzungumzia mambo na vipengele fulani ambavyo amevitaja hapo. Kwa kusema kweli ni jambo la kusikitisha mwanzo kama mimi katika Wodi yangu kuna shule mbili ambazo ni Maji Safi Primary na Mwahima Secondary hawana uwanja, uwanja wanaotumia ni ule wa ufuoni, wakitumia uwanja ule ule ndio uwanja wa starehe, hatuna uwanja wa shule kwa hivyo wanavuka barabara wanaenda kufanya mazoezi katika uwanja ule wa ufuoni, pale pale utapata watu na starehe zao ambao kwamba walaji miraa, wale wengine wamepakatana, wale wengine wanafanya vipi, sasa...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Mwamwiri?

**Hon. Athman Mwamwiri:** Mheshimiwa Mwenyekiti naomba kumtaarifu Mheshimiwa ya kwamba kwa mujibu wa kanuni za maswala ya elimu shule haipaswi kuendesha shughuli zake kama haina kiwanja, kwa hivyo ingekuwa muafaka kwa shule zake ambazo hazina kiwanja zifungwe mara moja.

(Applause)

**The Speaker** (Hon. Khatri): Yes Hon. Mwalundonda?

**Hon. Mwaka Bakari:** Ahsante sana kwa kutoa taarifa hiyo lakini ningeomba Idara ya Elimu iniruhusu kwa shida zilizoko ndani ya Wodi ya Timbwani, Idara ya Elimu waliachia na shule hizo zikajengwa. Kwa hivyo huduma hiyo walikuta kwamba wanafunzi ama wananchi wa Timbwani hawana sehemu isipokuwa sehemu ile wakaona pia wanaweza kufanyia michezo, tena vile vile sehemu ile ni kiwanja ambacho kwamba ni kizuri, ina michanga mizuri ambayo kwamba watoto wakifanya mazoezi hawawezi kuumia.

Kwa hivyo naunga mkono Hoja ile kwa sababu kwangu mimi itaniletea natija pindi itakapofuatwa sheria za fuo ili wanafunzi waweze kupata kile kiwanja vizuri na niseme pia zile starehe ziko lakini pindi itakapokuwa tumetoa zile sheria za upande fuo inaweza kwamba kutengewa sehemu za wale walaji miraa kando na kile kiwanja kikapata kuwafaidisha wale wanafunzi wa pale.

Jengine nataka kumwambia Mheshimiwa Nyiro amezungumzia hapa kulingana na wachuuzi wa pale ufuoni waweza kuwa na namba na pia vile vile ku *charge*, mimi nasema upande wa namba ama wa kupata stakabadhi za kuweza kuuza biashara zao ni sawa lakini kwa upande wa kuwa *charge* mimi nasema hilo nalipinga, tena nalipinga sana kwa sababu kuna kina mama ndani ya Wodi yangu ya Timbwani ni wamama walala hoi ambao kwamba wanafanya biashara zao kujikimu ki maisha kwa hivyo hilo nalipinga Mswada huu.

**The Speaker** (Hon. Khatri): Yes Hon. Nyiro?

**Hon. Nyiro:** I like to be understood clearly. I did not say that they are going to be charged, whoever operates a business in Mombasa County must pay for a business permit and those who are doing business at the beach are currently doing that, so it is not a law that is coming up with Hon. Nyiro, whoever is doing business has stalls at the beach, they are paying normal rates as a business person.

**The Speaker** (Hon. Khatri): Thank you Hon. Nyiro. Yes Hon. Mwaka?

**Hon. Mwaka Bakari:** Kusema kulipa ndio ku *charge*, *it is not you but Mombasa County*, kwa hivyo ikiwa watakuwa wanalipa ni kama ku *charge* kwamba wapate huduma ya kufanya zile biashara. Kwa hivyo mimi na hilo na mimi nalipinga.

**The Speaker** (Hon. Khatri): Thank you. Yes Hon. Ibrahim Oyugi?

**Hon. Omondi:** Thank you Mr. Speaker Sir. I honour your Chair and this one has really touched me and I want to say that am going to oppose this particular Motion with facts. First of all before I give my facts, I am going to inform the Member who was just standing that first you need to know the definition of a beach.

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A beach is a place which is set aside specifically for people, people may go there to enjoy themselves, people may go there to relax, people go there to release even stress Mr. Speaker and I being one of them sometimes when home affairs have become so much hard on me I normally take a leave and go and relax around the beach and relaxing around the beach does not mean or does not dictate you need to go with who, you are free to go with anybody who can make you happy and relax your mind and therefore I want to say such a place should not be a place where the school children should even be allowed around that particular place...

*(Applause)*

And this one has really annoyed me when the Hon. Member said that there is a school which is utilizing that particular field, they are using a beach field to play and Mr. Speaker I want to assure you with the power given by this House am going to investigate with my Committee to find out how the school came to find its field in a beach and that school will be unable and in fact will be closing it very soon Mr. Speaker Sir.

*(Applause)*

Mr. Speaker let me go to my point the reason as to why am opposing this Motion, I want to say we did not come to this world to fear the future but we came to shape up the future, I don't know why Hon. Member who has come up with this Motion is fearing what is happening at the beach. Mr. Speaker Sir, what is there is that we have, our able Inspectorate which is being guided by the law which is made by this particular House and those laws are already in place...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Charles?

**The Chief Whip** (Hon. Kitula): Point of order Mr. Speaker, under Standing order 104, (f)...

*(Interruption)*

**The Speaker** (Hon. Khatri): Sorry under Standing Order?

**The Chief Whip** (Hon. Kitula): Chini ya Kanuni za Bunge 104 (f), Mheshimiwa Mwenyekiti, Mheshimiwa anayeongea sasa hivi twaomba kupitia Kiti chako tuangazie *resolution* Amriya alizokuja nazo katika Bunge hili. Tunapoteza muda wa Bunge kuongea nje ya mada Mheshimiwa Mwenyekiti. *Resolution* ;

(1). *The County Government of Mombasa to conduct an audit genuine of Beach Traders*, kama anapingana na hiyo Mheshimiwa Mwenyekiti ni bora aje apinge Hoja namba moja.

(2). *Enforcement unit to ensure that alcohol is not sold to under aged person*, kama anapinga hiyo apinge kwa misingi gani Mheshimiwa Mwenyekiti.

(3). *The County government to ensure that all public beaches are free from harassment of the beach goers and children by the beach touts.*

Mheshimiwa Mwenyekiti hizi ndio Hoja za kupingwa, asiende nje ya mada kupoteza muda wa Bunge, hizi ndio *resolution* za Mheshimiwa Amriya. Ahsante sana.

**The Speaker** (Hon. Khatri): Yes Hon. Oyugi?

**Hon. Omondi:** Mr. Speaker Sir I do not agree with the Hon. Member and remember when you are in this House each and every person is entitled to give his views freely without objection, without fear and freely and therefore...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Renson Thoya?

**Hon. Thoya:** You know Mr. Speaker we are learning everyday and it is good if you are corrected you follow the path, you give views in accordance to the rules and regulations laid here so Mr. *Bomoa* I know you are very good writer or so ever a lot of grammar and English but kindly oppose in accordance to the factor that have been enumerated by the sponsor of the Motion, stop that grammar, drama what so ever it won't help.

**The Speaker** (Hon. Khatri): Yes Hon. Nyiro, I don't think you want to say the same issue again.

**Hon. Nyiro:** No Mr. Speaker as a teacher.

**The Speaker** (Hon. Khatri): Yes but Members you are talking about the same issue and you yourself are repeating the same issue.

**Hon. Nyiro:** No. No Mr. Speaker we cannot sit as the education fraternity is being intimidated; first I want to inform Hon. *Bomoa* being the Chair of Education that he has no powers or so ever to close a school, he has no powers neither does this County government of Mombasa have powers to close a school because a Primary school is a function of the National government.

Secondly the field which is at the beach is the public land, the children of Kenya are citizens of this Country; they can use any land, anywhere as long as it is public. There is no restriction; yes there is no restriction that schools should only use fields along the schools or along in their compound. So this field is vacant and the school has no compound for them to use; it is only good for them to use the field which is nearby. So whatever the Member is saying the mover of the Motion that this place should be secure so that if the children can go to use it it can be safer for them. As a teacher *Bomoa* and a Chair of Education you should be able to see that children using the field because they do not have a field are protected but to say you are going to close the school, we have problem with the Chair of Education.

**The Speaker** (Hon. Khatri): Thank you. Hon. Members, let's get serious now please! Yes Hon. Bwire?

**Hon. Bwire:** Thank you Mr. Speaker. Mr. Speaker I will not go into what the Hon. Members are discussing because we are almost getting out of the business of the day and we have started discussing something else. Mr. Speaker the Motion is good but according to the contributions of the Members and also the experience I have one or two public beaches it is like the Hon. Member who has just...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Bwire, I thought you are on a point of order?

**Hon. Bwire:** No.

**The Speaker** (Hon. Khatri): Can you just let the Hon. Member to finish then so that I can give you the chance, please?

**Hon. Omondi:** Mr. Speaker Sir I am not going to listen to side shows but I am going to go straight to my points because side shows will not prevail me from...

*(Interruption)*

**The Speaker** (Hon. Khatri): Just continue Hon. Member.

**Hon. Omondi:** I am an elected Member presenting Airport Ward and therefore I am speaking on their behalf.

**The Speaker** (Hon. Khatri): Thank you.

**Hon. Omondi:** Okay Mr. Speaker Sir, I am opposing this Motion with reasons: Number one; when the Member talked about the issue of alcohol, the prohibition, we know that alcohol first of all is not prohibited in this Country, alcohol is allowed but it should not be abused. Mr. Speaker Sir it should not be abused because it is allowed in the law and I'm 100 per cent sure that the Inspectorate section is doing its work well therefore the issue of saying that we should increase the Inspectorate at the side of the beach...

*(Interruption)*

Wait first I am on the floor speaking. It is just going to bring issues and harassment around our beaches Mr. Speaker Sir. You know very well that these Inspectors or these policemen when they are given an inch of power, they use or utilize too much; more than what they have been given and therefore to me as an elected Member in Airport Ward...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Mohamed?

**Hon. Mohamed Hatimy:** Mheshimiwa Spika nimesimama kwa *point of information*.

**The Speaker** (Hon. Khatri): Yes.

**Hon. Mohamed Hatimy:** Nataka kueleza Nyumba hii kuwa 17<sup>th</sup> July, 2017 Gavana Joho aliidhinisha sheria ya Utalii na ukienda ukiangalia *Part five, Section 24 of our Act* mtakuta maneno haya tunayoyazungumza hivi sasa yamo kwenye ile sheria.



Kwa hivyo Mheshimiwa aliyeileta hino Hoja ni kusema kuwa kutilia nguvu yale maneno ili Kaunti ipate kufanya kazi vile inavyotakikana. Ahsante Mheshimiwa Spika.

**The Speaker** (Hon. Khatri): Yes Hon. Ibrahim please wind up?

**Hon. Omondi:** As I am winding up, I have already talked about the issue of alcohol. Mr. Speaker Sir now I am talking about the issue of local tourism. Mr. Speaker Sir local tourism should also be promoted and I have said that we know the nature of the Kenyans they tend to develop fear towards the policemen or towards the Inspectorate and the moment we officialise this we now say that we should do more enforcement at the beach most of us will not be able even to reach at the beach, that is true.

Mr. Speaker Sir another thing we know our Country and we know our County people look for money and when this is going to be enforced more than the way it is now as the Hon. Member has just said this law is already in place and I am saying that these people are going to take the advantage of the innocent people who are going to the beach and start extorting money from them...

*(Interruption)*

**The Speaker** (Hon. Khatri): Thank you, you are opposing. Thank you.

**Hon. Omondi:** Thank you Mr. Speaker Sir and I oppose it as an elected Member.

**The Speaker** (Hon. Khatri): Thank you Oyugi. Yes Hon. Kitula?

**The Chief Whip** (Hon. Kitula): Ahsante Mheshimiwa Mwenyekiti. Mheshimiwa Mwenyekiti mimi nimesimama kuweza kuunga mkono Hoja ambayo imeletwa na Mheshimiwa Amriya an kusema kweli Mheshimiwa Mwenyekiti kwanza ningependa labda kupitia Kiti chako *Serjeant* aweze kumpatia maji Mheshimiwa *Bomoa* maana naona ni *pressure* imempanda...

*(Applause)*

Ahsante sana Mheshimiwa Mwenyekiti Hoja iliyoletwa katika Bunge letu iko wazi na mimi nitaweza kuzungumzia kipengele baada ya kipengele. Kipengele cha kwanza Mheshimiwa Mwenyekiti kinazungumzia kwamba serikali ya Kaunti waweze kufanya *audit* tayari wanabiashara wako pale tunafahamu lakini je *are they genuine* au je ni wale wanastahili kufanya kazi hizo? Sasa leo hii Mheshimiwa Amriya amesema kwamba Idara yetu ya *Inspectorate* ambayo tayari tunafahamu katika baadhi ya ufuo wako katika bahari hizo. Lakini je kupitia Idara ya Biashara na Utalii waweze kufanya *audit* kwa kuchunguza hawa watu ambao wanamiliki au wanaofanya biashara katika fuo zetu ni wale wanastahili na wale wanaolipa kodi katika Kaunti yetu.

Vile vile Mheshimiwa Mwenyekiti *Enforcement Unit* ningependa vile vile kuweza kufahamisha Mheshimiwa *Bomoa* kwamba hawaongezewi tayari twafahamu wapo; Mheshimiwa Amriya ameweza kuzungumzia vizuri sasa hivi kwa kusema kwamba ile pombe inayouzwa katika ile sehemu iweze kuangaziwa kuhakikisha kwamba haiuzwi kuwa watu chini ya umri wa miaka 18.

Hilo tu Mheshimiwa Amriya ndilo ameweza kuzungumzia na Mheshimiwa Hatimy pia ameweza kuzungumzia kuwa tayari hii ni sheria lakini leo hii tunaipitisha kama Hoja ili iende moja kwa moja kwa Waziri na yeye ataangazia kulingana na vile sisi mapendekezo yetu katika Bunge tumeweza kupitisha kuhakikisha kuwa anatoa huduma kulingana na sisi mapendekezo yetu tukiyapitisha katika Bunge letu katika siku ya leo.

Mheshimiwa Mwenyekiti kusema kweli kipengele ambacho kimenigusa mimi zaidi ni cha tatu ambapo kusema kweli wakati hivi sasa fuo yetu hususan ya Jomo Kenyatta; nashukuru kupitia Serikali ya Kaunti ya Mombasa waliweza kutengeza barabara na kukawekwa kamera za kisasa watu wakiwa katika ofisi ya Shimanzi wanaweza kuona kinachoendelea pale katika shughuli za Jomo Kenyatta. Lakini la kushangaza Mheshimiwa Mwenyekiti ni kwamba katika kiingilio ni mahali ambapo watu wanaingia ovyo hujui anayeingia ni yupi na hujui atokae ni yupi? Na ile ni sehemu ya umma Mheshimiwa Mwenyekiti sasa pendekezo langu ningependa baada ya hapa labda Mheshimiwa Amriya aweze kuhakikisha ya kwamba kupitia Idara hii iweze kuangazia angalau pale katika kiingilio kuweze kuwa na hizi mashine za kisasa za kutambua wanaoingia kama yuko salama na anayetoka pia kama yuko salama.

Vile vile pia ningependa Mheshimiwa Amriya aweze kukutana na Waziri baada ya kupitisha Hoja hii maana nitamuunga mkono kwa sababu sehemu ile ni sehemu ya burudani na sehemu ile ni sehemu ya utalii kuweze kuwekwa mitambo ya *WiFi* ili watu wakiwa pale wananchi waweze kutuma picha ili tuweze kuwahakikishia bure ya wamba utalii wetu unazidi kuendelea kwamba itazidi kusambaza nchi nzima kwamba Mombasa kuna bahari ya kisasa na wananchi wengi wako Mheshimiwa Mwenyekiti.

Kwa hivyo huo ndio mchango wangu Mheshimiwa Mwenyekiti na vile vile ningependa kuhakikisha kwamba Wabunge wenzangu tuweze kuweka nia nzuri kwa Hoja hii nia yake ni safi tusome vipengele tusiende nje ya mada. Tuangalie hivi vipengele moja hadi cha tatu mimi sina shida na Mheshimiwa Bomoa kwa sababu yeye alipoingia tu tayari alisimama nikashindwa tayari hajakata *Order Paper* tayari ahasimama angezungumzia nini? Kwa hivyo singependa kumkosoa lakini ana haki ya kuweza kuongea kwa niaba ya wananchi wake...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Oyugi?

**Hon. Omondi:** Mr. Speaker Sir the Member who has just stood should stand and give his views. Mr. Speaker Sir he is debating this particular Motion he is not here to debate the Hon. Member of Airport for his information. Thank you.

**The Speaker** (Hon. Khatri): Yes I agree with you. Hon. Charles Kitula!

**The Chief Whip** (Hon. Kitula): Ahsante Mheshimiwa Mwenyekiti hili ni Bunge...

*(Interruption)*

**The Speaker** (Hon. Khatri): I think you are here you don't know maybe he was reading the Order Paper outside there. So I know you are the Chief Whip maybe when you were trying to whip the Member he was not around but please!

**The Chief Whip** (Hon. Kitula): Mheshimiwa Mwenyekiti ukitaka kuthibitisha maneno yangu anaangalia tai yake alivyovaa Mheshimiwa Mwenyekiti...

*(Silence)*

Tazama ameingia na presha katika Bunge hili hatujui ametoka mahali gani hadi kuingia mahali hapa. Kwa hivyo Mheshimiwa Mwenyekiti hili ni Jumba la *debate* mimi naunga mkono na nitahakikisha kwamba tutaweza kuunga mkono na kuweza kuhakikisha kuwa pia Hoja hii imeweza kupita. Ahsante sana Mheshimiwa Mwenyekiti.

**The Speaker** (Hon. Khatri): Thank you. Yes Hon. Murfad Amur?

**Hon. Murfad Amur:** Mr. Speaker Sir it is not right for Hon. Members to look at the way the Hon. Member is dressed; he is well dressed, very smart with the way he has dressed. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): So are you contributing on the Motion Hon. Amur?

**Hon. Murfad Amur:** No I was just saying that he should not inter...

*(Interruption)*

**The Speaker** (Hon. Khatri): What is your contribution because since we know that you are also another experienced man in this House?

**Hon. Murfad Amur:** Mr. Speaker!

**The Speaker** (Hon. Khatri): So just give us your contributions please!

**Hon. Murfad Amur:** Mr. Speaker the prayers by the mover... I want to say alcohol is not for sale for people under 18 years and it is a law in this Country; that is nobody should sell alcohol to any person who is under age. Mr. Speaker at the same time we have security teams at every point of luxury entertainment places, the wording should be to enforce or the security enforce their laws but we have laws and maybe to say we put additional booths in those places for security purposes. Thank you Mr. Speaker.

**The Speaker** (Hon. Khatri): But Hon. Amur I think that the right word she used 'enforcement'.

**Hon. Murfad Amur:** Yes.

**The Speaker** (Hon. Khatri): So that it is what she said, 'enforcement going to ensure' and to ensure is to enforce.

**Hon. Murfad Amur:** As much as we have the enforcers but the enforcers themselves are not enforcing these laws Mr. Speaker.

**The Speaker** (Hon. Khatri): So that is what she said. She said the enforcement unit to ensure; to ensure is to make...

*(Interruption)*

**Hon. Murfad Amur:** We build some booth in these places whereby offenders can be caught and taken to either police custody or anywhere else Mr. Speaker. So we put a booth Mr. Speaker.

**The Speaker** (Hon. Khatri): Thank you yes Hon. Renson. I think you have already contributed or?

**Hon. Thoya:** No.

**The Speaker** (Hon. Khatri): Not yet, Okay?

**Hon. Thoya:** Thank you Mr. Speaker. I think it is very important to ensure that wherever we have good things like the beaches or a lot of entertainment there must be law and order and I want to support this Motion which again Hon. Hatimy has articulating that already there is an Act and therefore it is just to give energy to the CEC in charge of tourism to ensure all these things do happen. We understand that some of the beaches already are following the rules and regulations of this Act but for those beaches which I think very soon the new found Kibarani beach if at all this thing will be realized very soon will be having surging numbers of people which I expect these points to be addressed there.

So I support it but as much as I support it Hon. Speaker sometimes take an opportunity to protect the Members because there are some Members that need to address their points through the Speaker they do not need to become physical by turning around showing fingers... please Mr. Speaker protect us from this one Hon. Ibrahim Oyugi sometimes he gets physical and I think if at all you do not put your power. Kindly...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Renson the accusation I am sorry I didn't see that and I don't know maybe you can tell this House, what was he doing?

**Hon. Thoya:** Mr. Speaker I think as much as maybe you have not seen the said man was turning around showing fingers from that end to this end and I want to say in the near future if you are allow him he will be jumping to the other end, so please protect this House.

**The Speaker** (Hon. Khatri): I think yes. Hon. Ibrahim is it true that you have been doing those things?

**Hon. Omondi:** Mr. Speaker Sir first it is not true because first of all the Member who just spoke is abusing your Chair. Remember Mr. Speaker Sir you were there and you were facing this side, you are seeing everybody. He is able to see when I am turning around and you are not able to see that he should apologise for that.

Mr. Speaker Sir number two I want also to urge Hon. Members that let us respect one another in this Honourable House...

*(Interruption)*

**The Speaker** (Hon. Khatri): Just hold on Hon. Ibrahim, relax! Yes Hon. Renson?

**Hon. Thoya:** I think maybe the problem is the place he is seated. I think he is just repeating the same thing, kindly address the Speaker do not turn around and show us fingers some of us will run away. He is repeating the same mistake Mr. Speaker, please protect the House and if at all let him be at the last chair so that if he points he points to the wood.

**The Chief Whip** (Hon. Kitula): Mheshimiwa Spika.

**The Speaker** (Hon. Khatri): Yes Hon. Ibrahim?

**Hon. Omondi:** *(Off Microphone)*...that not all the characters Mr. Speaker Sir, all the character traits are the same. Mr. Speaker Sir...

*(Interruption)*

**The Speaker** (Hon. Khatri): Yes Hon. Hatimy?

**Hon. Mohamed Hatimy:** Mheshimiwa Spika nafikiri Kiongozi wa Walio Wengi... nasimama chini ya kifungu namba 94, ya *limitation of debate*. Itabidi Kiongozi wa Walio Wengi aje na Mswada kabla Hoja haijaanza ya kupeana wakati kwa sababu sasa imekuwa Mheshimiwa Spika *it is only Leader of Majority* anapatiwa wakati mwingi kuongea ndani ya Bunge. Wale wengine hupatiwa dakika tano dakika tano *it is not fair* mwengine azungumze dakika 20 mmoja azungumze dakika 10 na bado kuwa mtu anasimama anazidi kuongea tena kuongea. Kwa hivyo Mheshimiwa Spika nafikiri 94 hiyo sasa ifanye kazi, *Standing Order 94* ili tuwe na nidhamu ndani ya hii Nyumba. Ahsante Mheshimiwa Spika.

**The Chief Whip** (Hon. Kitula): Taarifa Mheshimiwa Mwenyekiti.

**The Speaker** (Hon. Khatri): Hon. Hatimy I think no one has spoken more than 20 minutes but the Members keep on rising and saying I have a point of information, point of information! So Hon. Members let us be serious. Yes Hon. Kitula?

**The Chief Whip** (Hon. Kitula): Vile vile Katiba kulingana na kifungu au *Standing Order* yetu inatoa rukhsa Mheshimiwa kuweza kuongea lugha ya Kiingereza, kuongea lugha ya Kiswahili na vile vile pia lugha ya ishara. Sasa ikiwa lugha ya ishara ama ikiwa Mheshimiwa ana uwezo zaidi kutumia mikono anaweza kunyamaza ili aweze kutumia mikono na tutaweza kumuelewa pia. Ahsante.

*(Applause)*

**Hon. Omondi:** Mr. Speaker Sir I am sorry!

**The Speaker** (Hon. Khatri): Yes Hon. Leila, are you on a point of information?

**Hon. Omondi:** I have point of information Mr. Speaker Sir.

**The Speaker** (Hon. Khatri): You want to contribute on the debate and you Hon. Ibrahim?

**Hon. Omondi:** Point of information Mr. Speaker Sir. The Member...

*(Interruption)*

**The Speaker** (Hon. Khatri): Information on what?

**Hon. Omondi:** He is pointing fingers at me Mr. Speaker Sir.

*(Applause)*

He seriously talked about me and I want to inform you Mr. Speaker Sir that let him concentrate on the facts on what has brought us today. Number two Mr. Speaker Sir it is not to be good for Members to start intimidating one another, remember while in this House we are concerned with what is here; personal issues should remain outside. Thank you and protect the Members Mr. Speaker Sir as every Member has a right to speak and again the character traits that are built in him are not the character traits that are built in you...

*(Interruption)*

**The Speaker** (Hon. Khatri): But Hon. Member again just stop pointing fingers on other Members, just relax.

**Hon. Omondi:** Mr. Speaker Sir pointing fingers is feature of enforcement and there is no order...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Oyugi you just complained that you don't like that Hon. Kitula was pointing fingers to you. You have just said that now that you don't like it and again you are doing the same thing to him.

**Hon. Omondi:** Mr. Speaker Sir he was intimidating me and therefore when he come back I need protection.

**The Speaker** (Hon. Khatri): You are protected!

**Hon. Omondi:** I should give my views freely.

**The Speaker** (Hon. Khatri): You have given out your views.



**Hon. Omondi:** As an elected Member Mr. Speaker Sir.

**The Speaker** (Hon. Khatri): Thank you. Yes Hon. Leila?

**Hon. Nyache:** Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii ya kuweza kuchangia. Mimi pia nimesimama kidete kuunga mkono Hoja hii iliyokuja na Mheshimiwa Amriya, ni Hoja nzuri sana kwa sababu hata mimi pia naweza kuelezea kuhusu masuala ya baharini. Mimi mwenyewe nishakwenda ufuoni na wanangu na nikaona mambo yote ambayo yametajwa hapa yakitendeka pale, watu wamekaa vipembeni wakila miraa, wengine wamekaa vipembeni wakinywa, yote hayo ni mambo yanafanyika. Mheshimiwa Spika yanafanyika mtu asibishe aseme hayafanyiki yanafanyika. Sisi hapa kama Wabunge ni tusukume vile imesemekana kuna sheria ya Kaunti na pia...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Leila if you make it clear *kukula miraa na kunywa* is a normal thing, it is not something which is...

**Hon. Nyache:** Naongea hivyo kwa sababu ya watoto wetu ambao wako chini ya umri wa miaka 18...

*(Interruption)*

**The Speaker** (Hon. Khatri): So when you are saying..., just express it so you are talking about *watoto ambao wako chini ya miaka 18*, yeah.

**Hon. Nyache:** Naongea kwa ajili ya watoto walio chini ya miaka 18, ni hatari sana Mheshimiwa Spika kwa sababu wakiona watu wakifanya mambo kama yale wanaweza kuingia katika huo uraibu na pia wanaweza kuharibikia hapo hapo hicho kizazi chao kinaweza kuwa kizazi cha walevi, kizazi cha miraa, ambapo mtoto pia maisha yake yanaweza kuharibika. Kwa hivyo mimi naongelea kupitia hawa watoto na imesemekana pia Kaunti yetu usalama iko huko inawajibika. Ni sisi basi tuisukume Idara ya Usalama yetu iweze kufuatilia hii pombe yaingia vipi pale au huyu mtoto mdogo kwa nini anauziwa kileo? Tufuatilie tusukume waweze kuwajibika zaidi lakini mimi Mheshimiwa Spika nimeunga mkono mia fil mia.

**The Speaker** (Hon. Khatri): Thank you. Yes Hon. Ramla? Yes Hon. Raphael?

**Hon. Bwire:** Thank you Mr. Speaker. I am Raphael not unless you are Ramla Raphael, thank you Mr. Speaker. Mr. Speaker I also beg to support the Motion and all the prayers made by the Motion Mover are genuine and fundamental.

We have as a County, we have much focused on one public beach which is Kenyatta Public Beach but we have ignored other public beaches that is when you find much of these evil things are happening, the Shelly Beach, the likes of Kongowea, the likes of Small Beach I have in my Ward, also Junda Beach, Mavimavi Beach called Mavimavi Beach.

Mr. Speaker I think that it is high time the County government put emphasis in all the public beaches we have around, that these vices do not arise and as the earlier speaker had said we need to emphasize.

This is because it is like there is already a policy but maybe we are slow in implementing the policy, so we need to emphasize on the stakeholders and the authorities in charge to take charge and fully implement the policies that are within. Otherwise Mr. Speaker I would also wish to echo the sentiments raised by Hon. Chief Whip and some other Hon. Members concerning the characters of some of us here. Mr. Speaker we need to know who to sit where, sometimes it is very dangerous if I am here and get personal I can even jump there, so maybe Hon. Ibrahim should be allocated somewhere near the Serjeant-At-Arms so that in case of anything Serjeant-At-Arms takes control of him. Thank you.

**The Speaker** (Hon. Khatri): Thank you Hon. Raphael Bwire. Yes Hon. Said Ramla?

**Hon. Said:** Ahsante Mheshimiwa Spika kwa kunipa hii nafasi. Nataka kuiunga hii Hoja na Hoja zote hapa ni muhimu na nataka kusema kuwa kulikuwa na kesi ya mlemavu auza bidhaa zake ufuoni na kuna Manispaa walikuwa wanamsumbua kwa sababu hana idhibati yoyote akaja ofisi yangu na tukaweza kumsaidia. Kwa ufupi ni kuwa watu wako ambao wanafuatilia vitu ambazo zinauzwa kitu ambacho nataka tufanye ni kuwa wawe na *proper enforcement* au hawa *Beach Boys* wanauza wapewe sare ambayo itawatambulisha kuwa hawa watu wana vitambulisho vyao wametambulika na Mombasa Kaunti na wako kwenye kazi ambayo inatambulika. Vile ile naunga kuwe na *Police Booth* ambayo itasaidia kuleta usalama kwenye mazingira ya ufuoni. Kwa hayo machache naunga huu Mswada. Ahsante sana.

**The Speaker** (Hon. Khatri): Thank you. Yes Hon. Mwaka.

**Hon. Mwaka Zahoro:** Thank you Mr. Speaker for giving me this chance. I stand to support the Motion Mr. Speaker; we all know that Mombasa is known to be a tourist destination and it is also known for its sandy beaches. For this we need to put sanity in our beaches and restore order in these places. Mr. Speaker, most of the Speakers were going out of the order but we want to restore sanity in our beaches; issues of insecurity have been reported in these beaches and it is high time that as a County we take charge of the beaches that are entitled to us as a County.

Mr. Speaker Sir, issues of rape cases have been reported in these beaches, our women and children have been mistreated in these beaches, we need to put things in order by identifying those people operating on the beaches and tagging them at places where these things are not done. As Hon. Speaker has said, an Act is already in place, we need to emphasize in this and enforce the Motion that the Hon. Speaker has just brought to the House, and with this Mr. Speaker I beg to support the Motion. Thank you.

**The Speaker** (Hon. Khatri): Thank you. Yes Hon. Nzai?

**Hon. Nzai:** Thank you Mr. Speaker to have given me this opportunity to also air my views. Mr. Speaker Sir I stand to oppose the Motion...

*(Applause)*

With the following reasons. Mr. Speaker Sir it is very well known in all angles that a repeat of event which is already in measure is a big problem, so bringing such issues in form of Motion I do not think they are well placed.

The mover of this Motion Mr. Speaker I do really respect her because I understand she is in the Legal Committee, what is lacking here is the word control; control has gone out of hands of the Enforcement Department, that means they have relaxed. Now I do not think it is proper for this to be brought as a Motion, I think the labelled Department would have as well written a letter to the same Department to show cause of action as to why already the mandate has been given to them and yet they cannot enforce it...

*(Applause)*

Once a policy has been passed, once another has been also presented in the public by His Excellency the Governor, then the Department in charge, if it will relax then I do not think Mr. Speaker it is right for such to be brought again as a Motion. It is as well as diminishing our effort. I would rather tell my colleague in the Labour to take action; in fact because of this because he has all the tools to follow up.

Mr. Speaker Sir, a beach without touts is not a beach, a beach without Beach Boys and Beach girls can never be a beach. When you see, Mr. Speaker the most international world beaches, nationwide like the one in Singapore and Malaysia, going to the beach means you are going there fully relaxed, that means you can go naked, you can go anyhow, any style depending that you are safe secure and you do not have anybody. Let us call a thief to be as a thief, but not take such activities to be a penalty to the Beach touts and everybody else.

What I want to say is that already both the national government and the County government has already put great measures and rules on our beaches, what remains is the control and enforcement from our Department which we have them here, so I stand to oppose this Motion because it lacks basic and merit to be brought in this House, thank you.

**The Speaker** (Hon. Khatri): Thank you Hon. Nzai. Yes Hon. Tobias.

**Hon. Samba:** Thank you Hon. Speaker. Hon. Speaker I have heard Members contributing and also there are also those who are of opinion that this Motion is not good. Hon. Speaker I have just a few observations; most of the Members who are opposing the Motion I do not know their basis of argument but the prayers...

*(Interruption)*

**The Speaker** (Hon. Khatri): Honorable that is not your business, you give your contributions.

**Hon. Samba:** Hon. Speaker I am building my Motion, I am building...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Samba just do your contribution because there is no need for you to do observation of the Members, we will do that and if it comes to vote and even the Members will vote, there is no issue with that, we will do that part and just give us your contribution if you are either opposing or proposing.

**Hon. Samba:** Hon. Speaker as I have said before I sat down and I observed, whatever I observed I will tell the Members so it is upon them to buy or not. Hon. Speaker, the prayers;

1. The County government of Mombasa to conduct an audit of genuine beach traders, that is a genuine request.
2. Enforcement unit to ensure that alcohol is not sold to underage persons, that is a genuine request.
3. The County government to ensure that all public beaches are free from harassment of beach goers and children by the beach touts.

Those are three genuine requests of which the measures...they are already measures when put in place well, I think the Motion mover had good intentions, so I fail to understand why we debate a lot and the prayers are as good as we would have adopted them as earlier as yesterday. Thank you Hon. Speaker.

*(Applause)*

**The Speaker** (Hon. Khatri): Thank you Hon. Samba. Hon. Members I think that everyone had a chance to contribute. So we are now going to give it to the Motion Mover to give her replies. Yes Hon. Amriya?

**Hon. Amriya Juma:** Thank you very much Mr. Speaker. It is evident that our public beaches is a matter that is very close to our hearts, based on the time we have spent deliberating on the same Mr. Speaker. Whatever the position that Members have taken it is because the public beaches are very dear and we need to bring sanity as well as one of our Members have stated Mr. Speaker.

Mr. Speaker my prayers were quite straight forward that we know in some beaches there are traders who are licensed but what we want to achieve by this Motion is that we want to do an audit, an audit means an inspection or an investigation of those licenses; are they genuine for those who at all have licenses. Are they genuine? Are they operating? Because as earlier stated there are others who appear to be selling A while in essence they are selling B to our kids which is a matter close to all of us, our children are our future Mr. Speaker.

So I urge this House and all Members in good faith to support this Motion on the understanding of the three crowns that have been brought forward... that I have brought forward Mr. Speaker, that one; our enforcement should be at the A game and exercise diligence and high integrity in the enforcement that children should not by any chance be exposed to. I know the law is there but my Motion is about enforcement and if it passes it goes directly to the implementers which is in the various Departments to act on it because this is a matter that is very crucial to us and those Beach Touts that are those that are registered, we make sure that all of them are registered. I hear one of the Members that has just left...Hon. Member from Bamburi has applauded one of the beaches, that is Pirate Beach that is public beach but there are other beaches Hon. Members that also need these laws and even the Pirates Beach is not at the 100 per cent.

So we need to work on it, so I urge Hon. Members to support this Motion in good faith and also the back will stop at Implementation Committee to see that these sentiments have been implemented, otherwise thank you very much.

**The Speaker** (Hon. Khatri): Thank you Hon. Juma. Hon. Members I now put the question that this House adopts the Motion by Hon. Juma Boy on control of public beaches.

*(Question put and agreed to)*  
*(Applause)*

Yes Clerk, next order?

### **ADJOURNMENT**

Thank you Honorable Members, honourable members this house stands adjourned until Wednesday 31<sup>st</sup> July, 2019 at 2:30p.m.

The House rose at 12:09p.m.