

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Thursday, 10th March, 2016

The House met at 2:31p.m.

*(Temporary Speaker (Hon. (Mrs.) Sera Nyamvula) in the Chair)***PRAYERS**

Temporary Speaker (Hon. (Mrs.) Nyamvula): You may have your seat Hon. Members, yes Clerk?

PAPER

Hon. Zainab Mumba?

Hon. (Ms.) Zainab Mumba: Ahsante sana Bi Spika. Bi Spika nimesimama hapa kusema ya kwamba Ripoti ya sehemu za kutengewa kuvuta sigara yaani *smoking zones* haijakuwa tayari kwa sababu Karani alikuwa hayuko na naomba unipatie muda wa wiki mbili.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Hon. Zainab I appreciate that this issue has been up and down, I am not going to give you 14 days because of the urgency of the matter, I am going to give you seven working days and we are also going to discuss the matter in the House Business Committee. Clerk?

STATEMENT

Hon. Patrick Muriuki?

(Silence)

Temporary Speaker (Hon. (Mrs.) Nyamvula): What is it Hon. Saad?

Hon. Faraj: Ahsante sana Mheshimiwa Spika. Nasimama kwa niaba ya Mheshimiwa Patrick Muriuki Siminyu amepata jambo la dharura ameenda mazishini amesafiri leo asubuhi....

(Technical hitch)

...Na akaomba nimtolee salam zake ya kuwa anaomba taarifa hii iletwe katika wiki inayofuata kwa hivyo naomba samahani kwa wote na ilikuwa ni safari ya dharura ilibidi asafiri kwa sababu ya mazishi. Ahsante Bi Spika.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Ok thank you Hon. Saad that is noted, I think what we will do is we return this business to the House Business Committee then we will be able to fix the time and date for it...

(Business deferred)

Clerk?

STATEMENT

Hon. Tom Ogalo?

(Silence)

Any information, from any Member of the Committee of Labor and Social Welfare?

(Prolonged silence)

Ok this goes back to the House Business Committee again.

(Business deferred)

Clerk?

STATEMENT

Hon. Amur what is it?

Hon. Amur: Madam Speaker I have been authorized by Hon. Mary, she had an accident and is in hospital so she cannot give us the Report and she asked me to say that this should be

deferred to another time when she will be discharged when she will be in the Assembly. Thank you.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Thank you very much Hon. Amur. I think these will be discussed, this is a very important meeting and I do appreciate and sympathize with Hon. Mary for the accident issue, I pray that she gets well soon on behalf of this House but I think we can also see the urgency. What we will do is that we will relegate this matter back to the House Business Committee for further discussion and see a way forward.

(Interruption)

What is it Hon. Amur?

Hon. Amur: Madam Speaker if allowed by your Chair I want to give out a small statement; some time back I raised a statement on road closure but we want to thank this Assembly today and we happily want to say the Minister did hear the voice of this Assembly and the roads are back to their normal routes...

(Applause)

...I want to congratulate the Minister for respecting the Assembly for what it had passed as a resolution for those roads to be reopened Madam Speaker. Thank you Madam.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Any more interjection? Hon. Saad any addition to that?

Hon. Faraj: Hon. Speaker I want to commend the good job that this House is doing and in particular the issue that has been raised by Hon. Amur Murfad and at the same time to commend the good relations that we have with the government, with the executive that is and I feel a very proud man today standing Madam Speaker as am standing here to commend that we have been able to pass something and it has been done. Thank you everybody and thank you Hon. Amur for bringing it. Thank you.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Hon. Priscilla Mumba, you know that road?

Hon. (Mrs.) Priscilla Mumba: Ahsante Bi Spika hata mimi nasimama na nashukuru Waziri kwa uongozi na kwa hatua aliochukua ...*(Inaudible)*

(Interruption)

Temporary Speaker (Hon. (Mrs.) Nyamvula): Your microphone is off.

Hon. (Mrs.) Priscilla Mumba: ...kwa kuchukua hatua kwa sababu hii kulikuwa na msongamano wa magari wakati wa saa za jioni, kwa hio tunashukuru kwa kazi yake nzuri kwa kuheshimu Bunge na tutaendelea kushirikiana mpaka tushirikiane na Waziri pia kwa mambo tofauti tofauti ili wananchi waweze kuona kazi zetu za Kaunti. Ahsante Bi Spika.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Hon. Onje.

Hon. Onje: Ahsante sana Bi Spika na mimi pia sitabaki nyuma nitaunga mkono vile wenzangu wamesema. Kusema kweli Bi Spika wakati huu ni wakati mzuri sana na tunaona jinsi upande wa serikali ya *executive* vile wanafanya kazi na vile vitu wanajaribu kufanya wanajaribu kutekeleza vile ambavyo sisi tunasema kule chini mashinani ukiuliza wale ambao walitupigia kura Bi Spika wengi hata hawajui kazi ya MCA ni nini, hawajui kwamba MCA ili upande wa *executive* ipate pesa ili wafanye nayo jambo lolote, hawajui inapitia mikononi mwa Wajumbe wa Kaunti na hivyo basi hata ukitembea saa hii kwa kila wodi ama kila *Sub County* utapata vile *the executive* inafanya kazi kupitia Gavana wetu na ukiangalia vile barabara zinatengenezwa hakika Kaunti ya Mombasa inasonga mbele ijapokuwa wengine wanasema sisi ni *rubber stamp* lakini mimi nasema hivi Bi Spika sisi tukiona kazi nzuri inasaidia tunaweka *rubber stamp* ili kazi isonge mbele...

(Applause)

...wanasema sisi ni *rubber stamp* kwa sababu sisi tunapenda kazi hatutaki mavutano Bi Spika tunataka kazi iendele mbele ili watu wetu wajue kweli hawa watu tuliwachagua ni wa kweli wanawajibika na ni kweli wanafanya kazi na tunaungana na Gavana wetu mpaka dakika ya mwisho. Hivi saa hii Bi Spika wale ambao walikuwa wanajaribu wakisema hii imefanywa wameona kazi na saa hii wameshindwa kuongea wanajificha hata sauti yao haisikiki Bi Spika. Ahsante sana.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Thank you Hon. Members I also take note of what Hon. Amur has said and I really want to congratulate Hon. Amur for actually conveying that appreciation on behalf of the House and it also shows that when we do push we get results so when we push it's not because we want to make noise, we just want to be acknowledged because we want to see work done and now we have seen. It is good to see that things are happening and the people we represent are happy. Clerk...?

(Interruption)

Yes what it Hon. Baya?

Hon. Kibwana Swaleh: Thank you Madam Chair, today I want just to issue a statement that is currently circulating in the media; this is about our Governor, his security being withdrawn by the national government. Madam Chair as you are aware security is very important not only to our leaders even to our local people but when a Governor like Hon. Hassan Joho who is a leader, Deputy party leader of ODM and putting in mind the by-election that was recently done in Malindi was between the Governor and the few leaders from the national government and we have seen in the media the tussle between the business of his family being interfered with and today the Governor has no security detail. Madam Speaker I think this is a very grave issue and as Members this time we are moving towards election I think it a serious matter that the Chair allows this House to speak about it and also that we should put in mind that our Governor has been receiving some threats from other quarters of the government. So my feeling Madam Speaker is that this is very grave and I fear that if we go without discussing it this time it will be us as MCA's and we know that being in ODM is not an offence it is the party we have chosen and I think we should be given the right to support the candidate that we want and we should not be intimidated.

Madam Speaker I think this is very important and I wish this House at least to debate this problem as Members of this Hon. House. Thank you Madam Speaker.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Hon. Amur just let me give direction I think it is right to debate or say something about it, this is very crucial, this is very threatening for our Governor so Hon. Members we can take a few minutes to debate this or to discuss. Yes Hon. Amur.

Hon. Amur: Thank you Madam Chair, I am standing on what Hon. Kibwana has just said. Madam Speaker the fact is for any leader to have security is his democratic right, it is not a favor, for them to withdraw security something fishy is sensed by us. Either they want to (*Inaudible*) his Excellency the Governor or they want to (*Inaudible*).

We shall not agree and we shall not take part in this, we shall go out and hold a press conference right now after the Assembly so that we can say please it's his right, it's not a favor this is his right, even an MP has a bodyguard. If Mr. Marwa has a bodyguard and the rest, Hassan Joho deserves to have a bodyguard as a Governor of this County 001. We have no doubt these are plans and most likely because of the campaigns that just ended in Malindi he was the head of that campaign he was fighting against the government, not only the JAP but the government and he stood firm to show that he is popular, he is not a threat to this country, to the presidency. It is known every time a Mombasa politician becomes a threat he is either

assassinated or killed in order not to capture his dream, so it's upon us as leaders to go out and speak loudly that their mandate demands for a bodyguard, it is his right not a favor and if they are withdrawing it they cannot withdraw because it's his right, if they are suspending those they should give us new ones, and if there is an issue with those bodyguards then immediately the bodyguards are suspended they should accord him other bodyguards to the Governor.

Madam Speaker It's not an issue of saying that the Governor should stay not even one minute without his security unless there is something fishy this government wants to do to our Governor. Thank you.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Hon. Saad.

Hon Faraj: Ahsante sana Bi Spika nimesimama kwa masikitiko makubwa leo katika historia ya Mombasa na ya Kenya kuona tumerudishwa tena katika maadili maovu; mbinu ambazo kwamba si za kisawa ni siasa za uovu na ubaya. Bi Spika wenzangu wamezungumza kuhusiana na siasa ambazo zimepita za Malindi na yale mambo yalitokea kuhusiana na ushindi ambao chama chetu cha ODM kimechukua na katika kampeni tuliyaona yale mambo, vituko ambavyo kwamba Mheshimiwa Gavana na familia yake waliweza kufanyiwa.

Mheshimiwa Spika hawakukoma hapo kama serikali na hivi sasa kutaka kuondoa walinzi kwa Mheshimiwa Gavana ambao kwamba ni sheria ya kikatiba kuwa na watu ambao kwamba wanakuhami katika uongozi wake Mheshimiwa Spika ni masikitiko makubwa kuona ya kwamba baada ya vita ambavyo kwamba vimepigwa kuikomboa nchi ya Kenya kutokana na uongozi dhalimu hivi sasa tunaregeshwa tena katika ule uongozi wa kidhalimu, uongozi wa ki imla na kuangalia kuwa namna gani mtu atamalizwa kifika na kimawazo.

Mheshimiwa Spika ni wajibu wetu sisi kama viongozi kusimama kwa sauti moja kuhakikisha ubepari huu unaofanywa na serikali ya *Jubilee* umekoma kwa sababu ikiwa hatutasema wamejaribu mara ya kwanza, wamejaribu mara ya pili na sasa tunaona wameregelea tena na mfumo ambao kwamba ni wa hatari na ni lazima sisi tuingee kwa sababu ikiwa Mheshimiwa Gavana ameondoshewa walinzi wake je malengo ya kuondoa walinzi hawa ni gani? Ama wamepanga kitu gani? Kwa hio mimi nasadiki tu kwa iliyotokea Mheshimiwa Spika na ni lazima tuingee na sisi tunaamini kitu kimoja kufa ni siku moja na kuzaliwa ni siku ile Mwenyezi Mungu amekupangia, ni ile ile wala haitabadilika lakini na ukweli nao ni lazima uzungumzwe hao ambao wako katika hizi shughuli na mipangilio ni lazima wajue haki ya mwananchi yeyote imehifadhiwa kikatiba; awe ni *Jubilee*, ni ODM, ama awe ni chama chochote. Kwa hio wasianze kutukandamiza kwa kuwa sisi watu wa Pwani watu wa Mombasa tumeamua kuunga mkono ODM. Tunajua tumewaunga mkono kwa sababu gani na tunajua kwa sababu gani tumewakataa wao, twajua kwa sababu ya ardhi zetu ambazo kwamba wamezichukua kwa sababu ya ndugu zetu wameuwawa wamemalizwa na wamepotezwa ndio maana hatutaki *Jubilee*, kwa hio twaunga mkono ODM kwa misimamo si kwa kukipenda chama hivi hivi, ndio msimamo wetu Mheshimiwa Spika.

Kwa hio tunaomba serikali ifikirie kwa haraka na iregeshe ulinzi ule kwa Mheshimiwa Gavana ili hii nchi isije ikasambaratishwa kwa bughdha ama kejeli ambazo kwamba hawa wana *Jubilee* wametupeleka nazo. Ahsante Mheshimiwa Spika.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Hon. Boma?

Hon. Boma: Ahsante sana Bi Spika, mimi pia ningependa kuchangia juu ya swala hili, ni masikitiko makubwa sana kwa serikali yetu kuu ambayo ni serikali inasimamia mambo ya usalama kuondoa walinzi kwa Gavana wetu wa Mombasa na ni aibu kubwa sana kwa sababu ati yeye ameunga mkono ODM. Hii ni nchi ambayo ina demokrasia ambayo mtu anaweza kuunga mkono chama chochote lakini hii ya Gavana inadhihirisha wazi kuwa sisi watu wa Pwani hatutakiwi na kama Wahenga walivyosema Pwani si Kenya ni kweli sisi watu wa Pwani

tunaonewa, madawa ya kulevya yanaletwa huku hayaondolewi, huko kwao pombe haramu zinaondolewa lakini hayo yote tunafanyiwa kwa sababu sisi watu wa Pwani hatutakikani tuondolewe na kabla Kenya haijapata uhuru sisi mwambao wa Pwani tulikuwa tofauti na Kenya. Marehemu...(Inaudible) ulipopatikana uhuru ndipo akaulizwa twende Zanzibar twende Kenya, marehemu ...(Inaudible) ...Mungu amrehemu yeye akakubali twende Kenya tulipokuja Kenya kumbe tulikuja kwa mafisi sasa twanyanyaswa. Marehemu...(Inaudible) hapo ulipo tuombe Mwenyezi Mungu tubadilishwe sisi tujitenge kivyetu. Ahsante sana Mheshimiwa Spika.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Hon. Amir Thoya.

Hon. Thoya: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii na mimi pia niweze kuchangia mada ambayo iko mbele ya Nyumba. Mheshimiwa Spika swala ambalo limeweza kufanyika ni swala ambalo ni la hujuma kwa sababu haiwezekani kiongozi ambaye anatambulika kitaifa, kwa sababu tunajua ya kwamba Mheshimiwa Gavana wa Kaunti ya Mombasa Mheshimiwa Hassan Joho ni Naibu Mwenyekiti wa chama cha ODM katika Kenya. Mheshimiwa Spika chama cha ODM ni chama cha kitaifa na mamlaka Gavana ako nayo ambao unastahili kikatiba na kisheria anaweza kuwa na ulinzi na aweze kuwa na usalama lakini masikitiko ni kwamba yale ambayo yamefanyika ni mambo ambayo hatujui tuko katika karne gani kwa sababu mambo haya ya hujuma yalikuwepo katika zile serikali ambazo zimeweza kupita kwa sababu sisi wakenya kupitisha katiba pale mwaka wa 2010 ilikuwa kuweza kutoa baadhi ya dhulma ama hujuma ambazo zilikuwa zikiturejesha pale nyuma lakini hivi sasa katika karne ambayo tuko nayo karne ambayo mwananchi na hasa kiongozi anapaswa kulindwa na katiba kwa sababu yeye amekula kiapo kwa ajili ya kulinda katiba ile. Hapo hapo tumeweza kugundua katiba hii ambayo kiongozi analinda inatumiwa kumdhulumu kiongozi yule kwa sababu ni leo tu katika vyombo vya habari tumeweza kuona kwamba aliyekuwa kamishna wa Mombasa Bwana Marwa ametoa taarifa ambazo kwamba haziwezi kukubalika katika maadili yoyote yale na katika maswala ya usalama kwamba yeye kama kiongozi wa usalama anaweza kusimama mbele ya vyombo vya habari kusema kwamba serikali ya Mombasa ama Gavana wa Mombasa ameweza kuchukua vijana wa wakali kwanza akawapeleka Malindi kwenda kusababisha vurugu.

Mheshimiwa Spika taarifa kama hiyo ni taarifa iliyo na (??)...haiwezi kualika kwa sababu sisi kama watu wa Mombasa tuliweza kusimamia uchaguzi wa Malindi na hakuna vurugu yoyote iliweza kutokea katika eneo kama hilo. Kwa hio wakati umefika ambao kwamba viongozi waweze kusimama kidete kuhakikisha kwamba hujuma ambazo zinafanywa kwa Gavana wa Mombasa tuweze kusema kwamba zimetosha; ilianzia katika hujuma za kiuchumi wakashindwa wakarudi kwa hujuma za kiusalama ambayo wameweza kuweka Gavana wetu katika hali ambayo ni ya hatari zaidi. Sisi tunasema kama Bunge, kama viongozi hujuma kama hizi tumetosheka hatuwezi kubali Gavana wetu afanyiwe hujuma ambazo zinaweka maisha yake hatarini kama kiongozi. Kwa hio tunalikemea hilo na vyombo vyote ambavyo vimeweka usalama kwa Mheshimiwa Gavana ziweze kuregeshwa kwa sababu ni haki yake ya kikatiba. Ahsante sana Mheshimiwa Spika na mimi ninakemea kwa dhati vitendo ambavyo vimefanyiwa Gavana wetu. Ahsante sana.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Hon. Riziki.

Hon. Fundi: Ahsante sana Bi Spika kwa kunipatia nafasi hii; kwanza ningependa kusema hoja ambayo imeletwa katika Bunge hii ni hoja ya mshangao mkubwa sana. Bi Spika hii nchi ambayo inaongozwa na katiba ambayo sisi weyewe kama wananchi wa Kenya tuliipigia kura mwaka wa elfu mbili na kumi na Rais Kenyatta alipokuwa anachukua hatamu ya nchi hii aliweza kusimama na kuapa ya kwamba ataweza kufuata katiba na kuilinda ili nchi hii iweze kupelekwa kwa mujibu wa sheria.

Bi Spika usalama wa mwananchi na mali yake ni jukumu la serikali, itakuwa ni jambo la kushangaza leo serikali hii kwamba inadai inafuata katiba, leo imeweza kuondoa ulinzi wa kiongozi ambaye pia alichaguliwa kulingana na mujibu wa katiba hii. Mheshimiwa Gavana ni kiongozi aliyechaguliwa na watu, tunaambia serikali kuu ni lazima impatie heshima kwa sababu watu wa Mombasa tulimchagua kwa nia, kwa umoja na tulikuwa tumempatia kazi aweze kuendesha shughuli za Kaunti hii kwa njia ya amani, ikiwa leo serikali kuu imechukua hatua ya kuondoa ulinzi ambao umepatiwa Gavana kisheria, hili ni jambo ambalo linahitaji kukemewa kwa sauti ya juu zaidi na ikiwa inawezekana sisi kama wananchi wa Mombasa na kama Bunge tuwe tayari kufanya maandamano ili tuonyeshe serikali kwamba nchi hii yatakiwa iedeshwe kwa mujibu wa sheria na kila mwananchi ana haki ya kulindwa na kwa sababu ni Gavana ana haki zaidi kwa sababu anawakilisha matakwa na nia na uwezo wa watu wa Mombasa. Mheshimiwa Spika jambo hili ikiwa linaweza kufanywa kwa Rais wetu wa Kaunti ya mimosa basi tunataka tuiambie serikali kuu lolote litakalo mtokea Mheshimiwa Gavana *we shall hold the government responsible ...*

(Applause)

...Sababu ikiwa wamechukua hatua hii hatuelewi nia yao ilikuwa ni nini na sisi kama wakaazi wa Mombasa tunasema hatuwezi kukubali kwamba Gavana wetu aweze kudhulumiwa kiasi hicho na kujiunga chama katika nchi hii sio hatia na katika chama na sisi kama upinzani tumekubali kuishi katika nchi hii kuendesha serikali ili kuweza kuikosoa pale mahali inapokwenda kombo. Kwa hio tukiwa katika ODM na CORD tunawaambia sisi pia ni wananchi na tuna haki pia ya kulindwa; ikiwa jambo hili limefanyika leo basi sisi kama viongozi wa Bunge hili lazima tulikemee na ikiwezekana tufanye maandamano makubwa tuonyeshe serikali kwamba kiongozi Hassan Joho amechaguliwa na watu kwa sababu walikuwa nazo kura za kumchagua ili aweze kuwahudumia kazi zao, hili jambo linataka likemewe na likemewe zaidi. Ahsante Bi Spika.

Temporary Speaker (Hon. (Mrs.) Nyamvula): Thank you very much Members for that, if I could say anything it's that this constitution security and everything else the constitution belongs to the Kenyans, the County governments belong to Kenyans and we should protect each and every day without fail. Clerk?

ADJOURNMENT

Hon. Members this House stand adjourned until Tuesday 14th of March at 2:30p.m.

The House rose at 3:03p.m.