



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday 24th July, 2018

The House met at 2:31p.m

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

PRAYERS

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

COMMUNICATION FROM THE CHAIR

Hon. Members my office has received the Mombasa County Public Service Board annual report for the year 2017/2018, this report stand committed to the committee on Labour and welfare Association for consideration. Yes Clerk.

PETITION

Hon. Members pursuant to Standing Order 200 2(b), I report to this House the petition on the clinker environment pollution in Kikaangoni. The petition reads,

We the residents of Kikaangoni humbly request you to help us cut the air pollution caused by the clinkers deposited at Motrex yard which borders the settlement. The relocation of the same will help avert a health crisis that has engaged full residents residing within its environment. The hazard caused by the clinkers is as follow;

1. Respiratory infection in infants and adult.
2. Eye problems in infants and adults
3. Skin problems in children
4. Contamination of vegetation thus affecting digestive system of the livestock.
5. The effects are clearly seen out and inside houses where clinker dust is spread reducing durability of iron sheet and unnecessary dust in the rooms. Attached is a list of persons affected.

Hon. Members you may comment on this petition. Yes Hon. Amur.

Hon. Murfad Amur: Thank you Mr. Speaker. Mr. Speaker the petition has arrived in the Committee concerned about environment should do a site visit and before that this Assembly should write to NEMA because if there is anything that license was given then NEMA must be the one who authorized that clinker. So we need to get the information whether they were given a licence or not, but it is important for the Committee to go and do site visit and gather proper information so that the families of the people who are living there cannot go through that kind of problem Mr. Speaker. Thank you.

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

Hon. Thoya: Thank you Mr. Speaker, Kikaangoni is in Mikindani and am happy that the petition has come through the plenary; it is my plea that the concerned Committee of Environment and Health do visit that place, I really do not need to give much more information but the concerned Committee, at the moment those residents of Kikaangoni Cambodia are using a lot of money taking their infants and other people who were infected to hospital and it is over two months now. Thank you.

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

Hon. Nyiro: Thank you Mr. Speaker. I think I sit in the Environmental Committee and Hon. Amur has requested may be we have a site visit so may be if that request is going to be granted through my Chair maybe we can have a consultation may be after this so that we can see how we can do the site visit as we also gather information from the NEMA people so that we can make sure we bring a good feedback to this House. Otherwise it is very worrying that our people are still going through such an era where people put businesses without considering the health effect of the business they are doing; they are only after making money while killing the population around their businesses so it is something we are going to have a very serious look at and then will bring recommendations through our able Chair Mr. Mukono who has new energy from Tanzania.

The Speaker (Hon. Khatri): Yes Hon. Mary Osongo.

Hon. (Ms.) Osongo: Thank you Mr. Speaker, concerning the petition I think the Committees concerned, the Environment and Health should be combined together and then they go and see what is happening there, I think that one will give us something what to do.

The Speaker (Hon. Khatri): Sorry.

Hon. (Ms.) Osongo: Am saying if the Health and Environment Committees have gone they will tell us what to do about the area.

The Speaker (Hon. Khatri): Yes Hon. Salim Kalume.

Hon. Kalume: Ahsante Mheshimiwa Spika. Mimi ikiwa ni Mwanachama wa Kamati ya mazingira ningemuomba Mwenyekiti wangu na Wanachama wote tufanye *site visit* katika hii sehemu kwa sababu hili tatizo hili liko sana haswa katika Mombasa nzima kuna kampuni nyingi ambazo wamejiachilia sana inakuwa *air pollution*, kwa hivyo Mheshimiwa Spika ikiwezekana tufanye hii *site visit* haraka iwezekanavyo. Ahsante.

The Speaker (Hon. Khatri): Yes Members, yes Honorable?

Hon. (Mrs.) Amriya Juma: Okay thank you Mr. Speaker. I also have a request that the Justice and Legal affairs Committee to join in because when you look at the second schedule of the Standing orders is in the Bill of rights are our mandates and we are keen to protect the social and economic rights of our citizens as regards to Article 34. So my Committee will be pleased to be part and parcel of the probing Committee. Thank you.

The Speaker (Hon. Khatri): Thank you Hon. Member but I think Kikaangoni is in Mombasa not outside Mombasa. So you should know that, I think you know where Kikaangoni is, I think the Committee will consider that. Yes Hon. Khamis Nyundo.

Hon. Ahmed Khamis: Thank you Mr. Speaker. I think my fellow Members have said so, so Committee on Environment should go site visit and bring us the way forward. Thank you.

The Speaker (Hon. Khatri): Yes Hon. Shebe Athman.

Hon. Shebe Athman Salim: Ahsante sana Mheshimiwa Spika, kwanza ningependa Waheshimiwa wenza na wenyekiti wenza waniwie radhi kwa sababu sauti yangu kidogo imebakia asilimia fulani kule nchi jirani...

(Applause)

Pili Mheshimiwa Spika kuhusu *petition* hii ni aula ni busara kwa Bunge hili kuweza kuzingatia kwa sababu tuko hapa kwa sababu ya vilio vya wananchi kwa hivyo ningependa Kamati yangu nikiwa Mwenyekiti muweza vilevile pia ningepomba kuna maswala ya Kamati zengine zinahusika katika mpango huu kwa swala hili kwa hivyo kama vile Kamati ya afya pia ningependa tuweze kushirikiana nayo na vilevile pia ombi langu kutia nguvu sio peke yake Kikaangoni changamoto hii iko pia pale Shireji nafikiri kidogo nimechelewa lakini kulikuwa na lalama ije rasmi Bungeni. Kwa hivyo ningepomba ikiwa ni Kikaangoni kisiwe kikaango peke yake cha Mikindani ijumuishwe Shireji pia kuna changamoto za kimazingira pamoja na afya, hivyo basi ningepomba Bunge hili litupatie nafasi tuweze kutembelea kuzuru na tutakuja na ripoti kabambe na nina imani kuwa tutaweza kufaulisha kazi hiyo Bunge hili litakalotupatia. Ahsante sana na vilevile Mheshimiwa Spika utaniwia radhi niko na ripoti kabambe vilevile pia Wenyekiti wenza Waheshimiwa wenza nitaita kwa Bunge hili letu la pili nina imani itapitia kwanza kwa mikono yako alafu Bunge vilevile tutapata shughuli ya kuweza kulijadili ambayo italeta natija kubwa katika Kaunti yetu ya Mombasa, ahsante.

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

Hon. (Ms.) Maimuna Salim: Ahsante sana Mheshimiwa Spika. Mimi ningependa kuchangia kuhusu hiyo *petition* iliyofika hapa tusingalie sehemu moja tunajua ya kwamba kuna kampuni nyingi ambazo zina madhara zinadhuru watoto wetu zadhuru afya zetu kwa hivyo ningepomba zile Kamati husika zikiweza kufuatilizia ziangalie na sehemu zengine ambazo ziko ndani ya Mombasa najua kama Jomvu ziko, huko mahali zimetajwa Mikindani ziko, kuna nyengine ziko huku Shimanzi na nyengine zote tuziweke kwa pamoja hii *petition* imekuja ni kama kufungua muongozo ya kwamba tusingalie sehemu moja alafu zikawa zinafuatilia. Kwa hivyo huu ni mwanzo na ningepomba Kamati zikienda zikirudi kutuletea ripoti zikifika kwa *executive* waweze kutimiza kazi kwa sababu kuna mambo mengi, sisi tunayazungumza hapa tunayapitisha lakini utenda kazi wa upande wa *executive* ndio umelema...

(Applause)

Kwa hivyo ningependa kusema ya kwamba sisi Kamati zitafuatilizia na ripoti ikija hapa na iwe ya kwamba hii ni jambo ambalo ni sugu tuliangalie na tuhakikishe vile vitengo ambavyo ni husika vimeweza kufuatilizia hii kwa sababu hii ni ya dharura kabla watu wengi hawajaweza kuathiriwa na hizi sumu na hizi kampuni ambazo zina madhara kwa watu wetu. Kwa hivyo mimi ningesema hayo na namshukuru sana alioleta hoja hii na namshukuru Mheshimiwa Spika, ahsante sana.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Kizito Opeya please give us some comments on this petition.

Hon. Opeya: Thank you Mr. Speaker. I would also want to support what Hon. Maimuna has said here that we should not just go around and make the report but when it comes to implementation the executive does not implement it thereby we will be doing services to our people, also there are other areas; in fact my Ward there are areas where this issue is happening so the Committee should expand its mandate maybe and go all over Mombasa and that way maybe they should be facilitated more so that they can be faster and bring the report to the House and then to make sure that the implementation Committee led by Hon. Kalume pushes the executive to implement whatever is passed here, thank you.

The Speaker (Hon. Khatri): Yes Hon Kibwana Swaleh give us some comments please in this particular issue.

Hon. Kibwana Swaleh: Thank you. Mr Speaker am not going to say that you ambushed me but am ready to say something on this issue. Mr Speaker the issue that is before us is a very serious issue and I think as a Chair of health Committee I will be happy to see that we condemn and also take drastic measures so that we don't pollute the air so it normally causes a lot of diseases and a lot of sickness so although it may be mentioned in a certain area but I think it's our duty as Hon. Members to see that our environment is not polluted so as to prevent our people who voted for us or our community to be more infected with diseases which will be not easy for us to treat them. So Mr Speaker I think it is a good idea and you are welcomed and I hope that my Committee will be in the forefront to see that we condemn and also take drastic measures to stop this pollution. Thank you.

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

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Mwenyekiti kwa fursa hii. Mimi nasimama kwa masikitiko kutokana na ombi hili la ndugu zetu wa Kikaangoni walilifikisha ya kwamba wamekuwa wakiishi katika mazingira yasio sahihi. Mheshimiwa Mwenyekiti sisi kama Kaunti tunahusika pia katika kupeana leseni kwa baadhi ya biashara kuendeshwa katika Kaunti yetu na kwa mujibu wa kanuni haifai ya biashara kuendeshwa pasi kupeana ripoti yao ya upembuzi ya kinifu. Kwa faida ya wanasa sauti upembuzi wa kinifu inamaanisha *feasibility studies* kwa lugha ya kimombo; Mheshimiwa Mwenyekiti upembuzi wa kinifu inapasa kuashiria na kuonyesha ni madhara gani ambayo kampuni zile zitakuwa zikitekeleza kwa jamii na ni jinsi gani wataweza kukabiliana nazo kuweka maisha ya watu wetu na afya zao katika hali sahihi ikiwemo kama ni mazingira ya kupanda miti, kama ua katika maeneo yale ili kuzuilia vumbi na upepo kupita kuingia kwenye maeneo ya watu.

Mengine ni kama watakuwa wakipeana ridhaa gani kwa wakaazi wa maeneo yale kama ni kuwajengea hospitali kuwawekea matibabu ya bure kila mwezi, kupeana madawa na jinsi gani jamii inayoishi pale inapata athari na madhara ya uchafuzi wa mazingira wanafaidika kutokana na kampuni ile. Mheshimiwa Mwenyekiti ukizingatia inaweza kuwa hakuna hata asilimia moja ama mbili ya wakaazi wa pale waliopata ajira pale tukasema wanaweza kulipia ada za matibabu za watu wao, pengine ni kampuni tu ilioko pale lakini waajiriwa wametoka sehemu zengine wenyeji wa pale wanateseka wanadhoofika na sisi kama...

(Interruption)

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

Hon. Murfad Amur: Mr. Speaker the Hon. Member is addressing you as the Chair he should address you as the Speaker.

The Speaker (Hon. Khatri): Yes continue Hon. Member.

Hon. Athman Mwamwiri: Mheshimiwa Mwenyekiti labda nimfahamishe Spika ni neno ambalo tunaliomba tunapokuja katika maneno ya Kiswahili lakini kiufasaha ni Mheshimiwa Mwenyekiti...

(Applause)

Hili likuingie kwa akili na wakati mwengine usipeleke aibu kwengine kumuita Mheshimiwa Mwenyekiti kwa lugha ya Kiswahili ukamuita Spika utachekwa Mheshimiwa...

(Laughter)

Tukiendelea Mheshimiwa inasikitisha na kampuni hii sio moja ziko nyingi kama ilivyoashiriwa kwa hivyo kama Bunge Mheshimiwa Mwenyekiti ni hali muhimu kuziongelea kampuni hizi kupata ufasaha utenda kazi wao na ni jinsi gani wakaazi wa Mombasa wanafaidika pale; wengineo hata wanakwepa kulipa ushuru kwa Kaunti yetu, wako hapo kujitengezea mamilioni lakini sisi kama Kaunti hatupati lolote na watu wetu walio maeneo yale pia hawapati lolote; sio maswala ya kielimu sio ya ajira, sio misaada ya maji sio swala la misaada ya kadhalika. Kwa hivyo Mheshimiwa Spika safari ile itakayo tembelewa kule na ripoti ile kama Bunge tutapeana mapendekezo yetu na kuiomba idara husika kuchukuwa hatua muhimu ambazo zitakuwa funzo na manufaa kwa watu wetu wa Mombasa. Ahsante sana Mheshimiwa Mwenyekiti.

The Speaker (Hon. Khatri): Ahsante sana Mheshimiwa. Mheshimiwa Fahad Kassim.

Hon. Fahad Kassim: Ahsante Mheshimiwa Spika kwa fursa hii. Yangu nitakuwa mchache wa maneno, nafikiri wenzangu viongozi wametangulia kusema na tuna imani na Kamati yetu ya mazingira na afya zihusike pamoja na *Justice* bila kumsahau Mheshimiwa Amriya tuko nae hapa aende awakilishe kama kiongozi wetu wa *justice* na nina imani wakati wataleta hiyo ripoti tutaweza kuifanyia kazi ipasavyo, ila tu ningeomba Mheshimiwa Spika utoe mwongozo hiyo kitu iweze kufanywa baina ya masaa 48 kwa sababu ni watu wetu wanaumia huko, wako na kilio na lazima kitatuliwe haraka iwezekanavyo kwa hivyo tuifanyieni kazi kwa haraka, ahsanteni sana.

(Applause)

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

Hon. Nzai: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii. Mimi nami kama Mwanachama wa Kamati ya Utekelezaji nitahakikisha haya yote kupitia kwa Mwenyekiti wangu, Wenyekiti wahusika wamefanya kazi hiyo kwa dharura inayotakikana na saa hii naona hoja hiyo imekuja kwa wakati mzuri naona ni kazi tu sasa ripoti zozote zitakazoletwa kwako itakuwa sasa ni jukumu lako kutupa nguvu zaidi ili kupambana na haya mambo maana hili basi tumeanza ni gurudumu la kupigana, kuna yule mwenye kutoa leseni na kuna yule ambaye anafaidi katika kampuni zile. Kwa hivyo letu kama Bunge tutazingatia na Kamati husika zifuatilizie hili neno ili tujue ukweli wa mambo ni vipi? Ahsante sana Mheshimiwa Spika.

The Speaker (Hon. Khatri): Ahsante sana, yes Hon. Feddis?

Hon. (Ms.) Mbura: Ahsante sana Mheshimiwa Spika kwanza nawapongeza walioleta *petition* hiyo na kama wenzangu walivyosema lazima hizi Kamati ziweze kwenda kule mahali husika na wakakae na jamii wapate maoni je wamefaidika na kama wamefaidika, wamefaidika na nini? Kama hawajafaidika ni changamoto gani? Baada ya hapo sasa sisi kama Wabunge kama wasaidizi wa jamii tuweze kutia mkazo na pia kushughulika katika hiyo hali ili jamii zetu pia ziweze kupata huduma katika hizo sehemu. Ahsante sana Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you, yes Hon. Faith?

Hon. (Ms.) Mwende: Thank you very much Mr. Speaker I've got nothing much to say because everything is exhausted so the task is in the Committees to bring back the feedback. Thank you, Mr. Speaker.

The Speaker (Hon. Khatri): Thank you very much. Hon. Members the petition is committed to the Committee on Environment and Health Committee and the report to be brought within 60 days in accordance with the Standing Order 202 (2). I can read for you Standing Order 202 Hon. Members if you want;

Committal of petitions Standing Order 202 (2; whenever a petition is committed to a Sectoral Committee, the Committee shall, in not more than 60 calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the petitions for not more than 20 Minutes.

Hon. Members, so we will wait for the report from the Committees, and then we shall take it from there. Yes Clerk?

STATEMENTS

The Speaker (Hon. Khatri): Hon. Member under which Standing Order, you are Standing for a statement?

Hon. Abrari Mohamed Omar: Standing Order 41 (2c)

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The Speaker (Hon. Khatri): Okay can you tell us what 41 2c says? Statement hour, yes 41 2c, do you have the Standing Order with you?

Hon. Abrari Mohamed Omar: No.

The Speaker (Hon. Khatri): No, you will be given one so that you read for yourself, am not here to read for you Hon. Member, you can read for yourself, just read 41 (1) first before you jump to (2c)

Hon. Abrari Mohamed Omar: Am referring to 41 (2c)...

(Interruption)

The Speaker (Hon. Khatri): But before you can start with 41 (1) before you jump to 41 (2c)

Hon. Abrari Mohamed Omar: Standing Order 41 (1) *Notwithstanding Standing Order 37 Sequence of proceedings...*

(Interruption)

Hon. Abrari Mohamed Omar: So should I refer myself to Standing Order 37 or should I proceed?

The Speaker (Hon. Khatri): Just proceed I just want you to understand what 41 (1) is saying.

Hon. Abrari Mohamed Omar: 41 (1) *Notwithstanding Standing Order 37 (Sequence of proceedings), there shall be time, to be designated Statement hour,*

(Interruption)

The Speaker (Hon. Khatri): Which is? Every Thursday, so today is Tuesday if am not wrong.

Hon. Abrari Mohamed Omar: Yeah today is Tuesday but still when you go to 41 (2 c);

A Member may request for a statement from the Committee Chairpersons relating to the matter under the mandate of the Committee and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day...

(Interruption)

The Speaker (Hon. Khatri): But Honourable Member when you start reading Statement Hour do you start jumping to 41 (2 c) or you start with 41 (1). I think first you have to understand very clearly 41 (1) it's very clear *there shall be time designated Statement Hour, every Thursday, commencing not later than 3:00p.m* so Honourable Member you have to understand so you can bring that on Thursday.

Hon. Abrari Mohamed Omar: Mheshimiwa Spika hili ni jambo la dharura sana ukiona nimesimama ni kuwa ni jambo la dharura ambalo ni lazima Bunge la Kaunti ya Mombasa ijue na haraka iwezekanavyo tuwajibike...

(Interruption)

The Speaker (Hon. Khatri): Lakini Mheshimiwa ninakuelewa vile umesema...

(Interruption)

Hon. Abrari Mohamed Omar: Naregelelea tena Mheshimiwa Spika ni jambo la dharura halitangoja mpaka Alhamisi kwa sababu...

(Interruption)

The Speaker (Hon. Khatri): Mheshimiwa litabidi lisubiri mpaka Alhamisi kwa sababu sisi tuko hapa kwa sheria na tunafuata sheria na hili Jumba tunafuata Kanuni za Bunge kwa hio hatuwezi kuja na sheria zetu kwa sababu ina ku *favour* wewe ndio ulete taarifa yako siku ya Jumanne...

(Interruption)

Hon. Abrari Mohamed Omar: What I can say Hon. Speaker sir.

(Interruption)

The Speaker (Hon. Khatri): Honourable Member first when am talking you should sit so please try to understand this Standing Order; you know it is very clear that today if we start amending the Standing Order the way we want then tomorrow we will have the Members bring the own issues in the House without following the Standing Orders. So I agree that you have a very important issue and if it will be wise first before you came to this House you should come and see me in my office and then we discuss with the Clerks' how we can put it in but if you come here and you start bringing the statement at this time Honourable Member I think you are out of order please.

Hon. Abrari Mohamed Omar: Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you very much, yes Clerk?

ADJOURNMENT

Hon. Members this House shall stand adjourned until Wednesday 25th July, 2018 at 9:00a.m.

The House rose at 3:04p.m.