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**MOMBASA COUNTY ASSEMBLY****HANSARD REPORT**

Wednesday, 21st December, 2016

The House met at 2:30pm.

*(The Speaker (Hon. Thadius Rajwayi) in the Chair)***PRAYERS**

**The Speaker** (Hon. Rajwayi): Yes Clerk there is no quorum, Sergeant- At- Arms can you ring the quorum bell?

*(Sergeant At Arms rung quorum bell)**(Silence)**(Some Members entered the chamber)*

Clerk, can you ascertain if there's quorum?

*(Clerk confirmed there is quorum)*

Yes Clerk can you start the business of the House.

**PETITIONS**

Thank you, Members good afternoon. There is a petition today memorandum of MOSAT on the challenges and recommendations facing Mwakirunge community in Mombasa County.

*(The Speaker (Hon. Rajwayi) read)*

*Memorandum of Mwakirunge residents on challenges and recommendations facing Communities of dump site.*

**Background**

Mwakirunge is one of the official dump sites for Mombasa waste. There are around 500 people living on the dump site, many of whom are women and children. They live off the food they scavenge from the dump site, food which is moldy, rotten and stinking. They also eat the paper food that has been wrapped in or used during the cooking process!

As the dump site is in a very rural area, drugs tend not to be as big problem as the people here do not have access to them. The dump is also a very hazardous place for the children. Acid is commonly dumped along with other industrial waste. Children often tread in the acid and receive severe burns to their feet, legs and hands. Medical treatment is not available to those without money so these injuries are often left untreated.

During the rainy season the residents, who live on the edge of the dump try to earn a living from scouring through rotting rubbish, plastic bags and raw sewage for discarded things they can sell. As well as the daily grind for survival, people living on dumps often face discrimination. When you live and work on a rubbish dump everything about you is permeated by the overpowering smell. It identifies you before you even open your mouth as someone who lives outside of normal society. Dumpsite life also means women and girls are vulnerable to violence and sexual abuse, even rape but because people are so poor and on the fringes of society there is nowhere for them to go for healthcare or support.

**Recommendations**

The recommendations and demands that we the people of Mwakirunge are proposing for your immediate action include the following:

**Health Services Demands**

- Equipped health centers near the dump site.
- Cost of treatment from diseases relating to the dumpsite should be scrapped off.

- Community health workers should be increased and investigations be done on health issues.
- Emergency and referral services to be availed for emergencies living near the dumpsite due to the distance and road to the hospitals.
- Rabies vaccine to be availed.
- Specialized respiratory drugs and rabies vaccine to be availed.
- Regulations of the companies that dump at the method used to dump.
- Rescue for girls raped at the dumpsite and counseling services to be availed.

**Education Services Demands**

- More qualified teachers are needed to the schools in Mwakirunge location.
- The schools should equip with basic and necessary education resources.
- Environmental program should be included to the school learning curriculum.
- Intensive civic education to the targeted community on the importance of education.
- Tough penalty and punishment should be applied to those parents who discourage learning to their children.

**Solid Waste Management Services Demands**

- Improved methods of collection of the waste products.
- Sorting to be done at the point of collection and different days be used for different refuse.
- Increased awareness creation on the health conditions that result from the presence of the dump site.
- Establish a recycling plant at the dump site.
- NEMA regulations must be adhered to and they should take active role in advising the various stakeholders and the government on the reality of the hazards around the dumpsite.
- Environmental ministry and institutions should take keen management of the dumpsite so that does not affect the lives of those living near the dumpsite
- Disaster management and response team unit should be put at the dumpsite.
- Proper waste management services has recommended in the environmental impact assessment report
- Ban on scavengers at the dump site
- Encourage community responsiveness and awareness
- Anti-rabies vaccine to be readily available in case of dog bites

This report was signed by Mwakirunge residents:

1. Elizabeth Mkongo
2. Charo M Tangai
3. Aisha Ibrahim
4. Edith Katana
5. Angela Akayo
6. James Boma
7. Kingi Mohamed
8. Harry Malau
9. Raymond Saha
10. Juma Gwede
11. Vincent Chula

12. Claris Masha
13. Zawadi Japhet
14. Salome K Jefwa
15. Priscilla Chizi
16. Chale Kuza
17. Bonface Menza
18. Neema Kahindi
19. Amina Kache Karisa
20. Leonard M Faris
21. Maurine K Kahindi
22. Veronica Mbingu
23. Modieta Dume
24. Duncan Wesa
25. Hamisi Kingi
26. Allen Chenjema
27. Chikwangu Katana
28. Salim Ibrahim
29. Miriam Kisavo
30. Halima Mohamed

Members in view of the above petition, I commit it to an Ad hoc Committee which should be formed by the Environment Committee should give three people and the Health Committee three people to form an Ad hoc committee which shall look immediately into this matter and the report should be brought back to the House within three weeks. Thank you.

*(Applause)*

Yes Clerk.

### PAPER

Hon Saad.

**Hon Faraj:** Thank you Mr. Speaker. Mr. Speaker I wish to report to this House concerning the public participation exercise that was conducted by the department of physical planning, lands and housing and the Committee of physical planning lands and housing.

Mr. Speaker the constitution of Kenya, 2010 chapter on devolved government part two states that..., 'The authority is vested in and exercised by the County Assembly'.

Mr. Speaker I wish to table this report so that it can reach your office, thank you.

*(Paper laid)*

**The Speaker** (Hon. Rajwayi): Clerk.

### NOTICE OF MOTION

Yes Hon. Saad Faraj.

**Hon. Faraj:** Mr. Speaker I beg to give the Notice of Motion; that this House adopts the report on the public participation for the Mombasa County Land Policy 2016 laid on the table on Wednesday December 21<sup>st</sup>, 2016.

**The Speaker** (Hon. Rajwayi): Yes Clerk.

### STATEMENT

Mary Akinyi?

**Hon. Onyango:** Mr. Speaker I beg your permission to request for a statement on behalf of may Mary Akinyi who unwell.

**The Speaker** (Hon. Rajwayi): Yes go on.

**Hon. Onyango:** Thank you, request for statement. Mr. Speaker I seek to know from the Chairman of the Committee on Administration and County security on what measures are in place to ensure that children using fire sticks for fireworks do not endanger themselves and the security of other persons and that said fire sticks are sold to responsible adults with permits to ensure safety measures are followed by those handling the same.

Thank you.

**The Speaker** (Hon. Rajwayi): Yes Chairman of the Committee on Administration.

**Hon. Mwalimu:** Thank you Mr. Speaker, I am a Member of the same Committee and Mr. Speaker at the moment we don't have answers to this issue because we have to consult the legal department for us to have a very good response to this matter.

So Mr. Speaker we are asking for a day; one day being tomorrow so that we can be able to get the response to this issue thank you.

**The Speaker** (Hon. Rajwayi): It's okay then tomorrow in the afternoon the House will get an answer from you tomorrow afternoon. Clerk.

### MOTION

Hon Saad Faraj.

**Hon. Faraj:** Mr. Speaker sir I take this opportunity to lay adoption of the report on the public participation for the Mombasa County land policy, 2016.

Mr. Speaker, the Constitution of Kenya 2010, Chapter Eleven – Devolved Government in Part 2: County Government states that the legislative authority of a County is vested in, and exercised by, its County Assembly:

(2) A County Assembly may make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the County government under the Fourth Schedule;

(3) A County Assembly, while respecting the principle of the separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs;

(4) A County Assembly may receive and approve plans and policies for;

(a) The management and exploitation of the County's resources; and

(b) The development and management of its infrastructure and institutions.

The County Assembly of Mombasa with support from Coast Education Centre (COEC) and funding from Civil Society Urban Development Platform (CSUDP)/ SIDA organized Public Participation on Draft Mombasa County Land Policy in 30 Wards from 13<sup>th</sup> – 19<sup>th</sup> December 2016.

The Mombasa Land Policy aims to address Mombasa's unique and complicated land problems that spring from the colonial period to present and which affect a big number of the residents.

The prevailing land situation in the County has to do with the following;- Injustices related to historical land ownership and tenure systems; poor land administration and management; unsustainable land use; lack of effective development control and facilitation; and Inadequate infrastructure.

The document had gone for First reading after being handed over to the MCA Committee of Land, Planning and Housing (LP&H) by Coast Education Centre (COEC) in partnership with Mombasa Local Urban Forum (MLUF) supported by Civil Society Urban Development Platform (CSUDP) and Action Aid International Kenya (AAIK) in 2015.

This report has consolidated all findings from the 15 wards (Wards were merged into two giving a total of 15 activities conducted in different wards) and recommendations during the

public participation forums which targeted different sectors as follows: women, youths, PWD's, residence association, landlords, tenants, Jua kali groups, boda boda operators, Sacco's, CBO's and NGO's respectively.

### **Findings**

It was evident that the land policy was a noble idea and a great need for the people of Mombasa, many of them said that the land problem in Mombasa County has become chronic and the need of resolving the land matters will be addressed by the policy.

The people who have acquired land without proper papers and documents fear that they might lose their land if the County will get back the land and without considering them as first priority.

For many years Mr. Speaker the residents of Mombasa County have lived like squatters, without their land being mapped or identified (In some of the wards e.g. Junda Ward) in the land registry.

This has caused the community a lot of confusion since strangers claim to own the same said land than the indigenous owners, It has resulted to chaos and killings in other parts of the County.

The issue of PWD's on the current buildings being constructed have not been championed to equip their buildings with elevators or backup generator since it has denied many the opportunity to assess these office/ facilities for assistance.

This was addressed; the county government passed a law where all houses being constructed in Mombasa County should cater for the people living with disability so that they can easily access the Houses or buildings in the County.

On constructing of roads, the County government should cater for people living with disabilities especially the ones on the cycling wheelchairs e.g. Biashara Street, Mombasa it is almost impossible for them to cross with the cycling wheel chairs.

The issue of absentee landlords was raised during the forums where several people claim either forced evictions from a third party (Not initially owner), the landlord is said not to have paid land rates in years which have accumulated to millions of shillings.

This issue has been well addressed in the policy and will give opportunity for current occupants to purchase the said land.

Mr. Speaker whenever residents get an opportunity to discuss policies or bills, mostly they don't raise concerns about the document being debated rather they are concerned about their current state problems in relation to land matters and prefer direct solutions/answers to their problems be provided during the forums.

### **Mr. Speaker the recommendations are as below;**

1. The residents of Mombasa County requested the County Assembly Members to adopt the policy and pass it to law during the forums because they have faith in the document (policy) which is for pro-poor and will address historical injustices especially on absentee's landlords giving an opportunity to the community members to own land in Mombasa County.
2. Mr. Speaker the County Assembly should give this policy a priority especially after the adoption and formation of the law to address historical injustices;
3. The County Government should ensure all grabbed lands within Mombasa County are reclaimed;
4. The County Government of Mombasa should issue a three (3) months notice of evictions to and avoid forced evictions;
5. All informal settlements should be identified by the County government;

6. The document (policy) is good, the zoning part and issues should be implemented as soon as possible for sustainability of our county;
7. The County Assembly should make sure the process isn't driven politically to safe guard the interest of poor.
8. The County Assembly should ensure a full policy awareness program and avail the documents in both English and Kiswahili. Also the County Government should consider the policy booklet be produced in brail for visual impaired citizens.
9. More focus should be on lands on the beach and harbors in the policy. The policy has focused more on railways, roads and other kinds of land and neglected the beach lands and harbors.
10. The land policy should put up penalties for those who dump solid wasted in lands reserved for other uses other than the dumping point of the wastes.
11. The lands in frère town area could be made freehold because some of the leases are about to expire.
12. The community recommended that for those who want to build or renovate shouldn't seek permission from the County government since the property belongs to them and not the county government.
13. A person can be allowed for up to 5 years without building any structure of his/her land and not two years as stated in the policy.

Mr. Speaker our conclusion was that all forums were successfully conducted and popular version of the policy shared to the residents of Mombasa County. The Policy will solve land related matters in Mombasa County once and for all and this will be a Christmas gift for the residents in 2016.

Mr. Speaker I wish to move this Motion I call upon Hon. Hatimy to second this motion thank you.

*(Hon. Hatimy bowed)*

**The Speaker** (Hon. Rajwayi): Thank you Hon. Saad and Hon. Hatimy for seconding, Members I now propose a question that this House adopts the report on public participation for Mombasa County Land Policy 2016 laid on the table on Wednesday December 21<sup>st</sup> 2016, yes Saad Faraj, you can now support the Motion you should give us a reason why the Motion should be passed, support your Motion, I have proposed a question.

**Hon. Faraj:** Thank you again Mr. Speaker, I think this is a milestone for this County, it is a very historic document for this County and it has been able to cover almost all areas that have been causing a lot of problems for the people and residents of Mombasa and Coast at large.

Mr. Speaker if you look at the document you'll see that it has been able to prioritize historical injustices, the committee also came up with few recommendations that to call us people of all houses that have been conserved by UNICEF.

This is one important element with regards to the people nearby here and the Old town and also the houses have actually been conserved but they are not earning anything from those houses and this is part of many issues that have been addressed by this document, and therefore Mr. Speaker I call upon all Members as you may have heard from what I read from the report and we were able to give each every Member the version of the Mombasa County Land Policy and am sure all the Members have been able to go through it and will be able to support this document for the benefit of the poor and the benefit of the people on the ground. Thank you so much Mr. Speaker.

**The Speaker** (Hon. Rajwayi): Mheshimiwa Fadhili Makarani.



**Hon. Mwalimu:** Ahsante sana Mheshimiwa Spika, *Land policy* ambayo iko mbele yetu imezungumzia mambo mengi nyeti ambayo yatatunufaisha sisi wakaazi wa Mombasa mambo ambayo hayakuwa yanazungumziwa ama yanagusiwa gusiwa kidogo, mambo kadha wa kadha.

Mheshimiwa Spika tumeona vizazi vilivyopita wengine tukiwa mfano tunaona mila zilikuwa zimechukua hatamu ya uongozi kwa kipande fulani; baba anaweza fariki umiliki ama urithi wa mali ile kwa mama mjane aliyewachwa.

Mheshimiwa Spika ilikuwa kitambo inakuwa shida lakini nina imani ndani ya *Policy* yetu imeweza kuzungumzia jinsi gani kutaweza kuwa na utaratibu wa kiuhakika ili familia zisiwe zinaweza kupata hasara.

Mheshimiwa Spika familia nyingi zimepata hasara kama kwa mfano vile nimetoa mzazi akifariki, mama anashindwa kumiliki, ndugu yake baba anaingia, akiingia yule mzazi aliyefariki na watoto wake wanakuwa ni wenye kupata dhiki yule baba ndugu aliyeingia anakuwa ni mwenye nguvu kuchukua kulingana na mila ambayo kimaana vitu vile vitaweza kupotea kwa wale wahusika vinaenda kwa wale ambao si wahusika lakini tunashukuru kwa kuja kwa *Policy* hii tutaweza kuzungumzia.

Mheshimiwa Spika sisi hasa wakaazi wa Mombasa tumeona jinsi gani tunaishi na wale wamiliki wa ardhi ambao mfumo wake kwa jina maarufu ni *absentee land lords*. *Land policy* hii Mheshimiwa Spika imeweza kuangazia vizuri ni vipi masuala kama haya yataweza kuangaliwa ili suala la uskwota liweze kupungua ndani ya Mombasa.

Mimi nawaomba wenzangu Mheshimiwa Spika tuweze kukubaliana sote kupitisha *Policy* hii ambayo itaweza kutunufaisha sisi na vizazi vyetu vijavyo. Mheshimiwa Spika hii ni historia ambayo iko hapa kwetu yatokea hapa kwetu hakuna serikali ambayo ishazungumzia masuala kama haya.

Mheshimiwa Spika tunaona pia ni jinsi gani serikali inaweza kuzuia masuala haya ndani ya hii *policy* yetu; tunaona kwa ufupi *policy* yetu inazungumzia masuala mengi ambayo mengi yana manufaa kwa wananchi wetu wa chini, mambo ambayo sitasita kusema imepita miaka mingi yalikuwa hayakuweza kuzungumziwa.

Mheshimiwa Spika tunaona ndani ya *policy* yetu jinsi gani tutaweza kukusanya fedha kama serikali ya Kaunti njia ya rahisi ambayo itazifuata na Kaunti iweze kufanya maendeleo kupitia ukusanyaji wa fedha ilivyopitisha ndani ya *policy* yetu.

Mheshimiwa Spika mimi natoa pongezi kwa wananchi wetu wote wa Mombasa pamoja na mashirika ambayo yalijitolea, yalijitolea mhanga kuhakikisha tumeweza kutengeza taratibu hizi ambazo zitasaidia Kaunti yetu ya Mombasa, na mimi naomba waheshimiwa wenzangu tuwe tutasimama pamoja tuweze kupitisha *policy* hii ambayo italeta manufaa mengi ndani ya Mombasa. Ahsante Mheshimiwa Spika.

**The Speaker** (Hon. Rajwayi): Yes Hon Patrick Siminyu.

**Hon. Siminyu:** Thank you Mr. Speaker, first of all I would like to thank the former Chairman of land Hon Nasser for the start of this journey and Hon Saad Faraj...

(Applause)

And Committee of land for a job well done, we appreciate....

(Applause)

..Mr. Speaker am very excited because this document is going to solve so many problems that we have been suffering here in Mombasa and looking at 3.6 section 16, the policy statement that is talking of informal settlements, that the county government will recognize informal settlements of which I have several in Tudor including Tudor Moroto, Burukenge and the rest.

Mr. Speaker I am happy for it is going to take care of the poor and the most needy, this policy will give direction on development of regulation of eviction as we understand, where we

have been having forceful eviction and if this policy is going to give direction and guidelines for the county government to come up with good laws and regulations to see that our people are not forcefully evicted.

Mr. Speaker this is a step forward as a county to have a policy like this; if you look at Old town for years, as Mombasa we have not benefitted, our people have not benefitted from the heritage that we have inherited from our own grandparents.

Mr. Speaker this policy is talking on joining stakeholders, a way of determining of sharing the benefits that is going to be, the benefits that are derived from these inherited sites at Kibokoni.

Mr. Speaker as we understand for years people from Kibokoni have not been benefiting from the gains that are gotten by the national government from these sites and this policy is giving us guidelines and making sure that our people benefit from any benefit that is gotten from these sites.

Mr. Speaker another thing it is talking of absentees landlords, people who are in Mombasa we know that we have so many and also historical injustices; being that it has been affecting our people, as we understand most of our residents are squatters and these squatters are not supposed to be squatters because we as Mombasa people have a culture of not getting title deeds.

For years, Mr. Speaker sir some people are coming from other areas producing title deeds and evicting our people, It's high time as a House we support this policy so that if the affected we come up with laws that are deriving and giving more meat in this policy so that Mombasa people can have a safe place on where they live.

In most cases there are people who have houses without land and this is a way of curing this Mr. Speaker, I fully support and this policy is going to solve the problems of our people in Mombasa. Thank you.

**The Speaker** (Hon. Rajwayi): Mheshimiwa Amir Thoya.

**Hon. Thoya:** Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nimesimama kuweza kuunga mkono *policy* hii ambayo imetayarishwa na kuletwa kwenye Bunge hili kupitia kwa Mwenyekiti wa Kamati yetu tukufu ya Ardhi katika Bunge letu.

Mheshimiwa Spika tunapojaribu kufuatilia *policy* hii inamaanisha kana kwamba *policy* hii tunafungua ukurasa mpya katika masuala ya kufaulu kwa hali ya juu katika masuala ambayo kulikuwa na matatizo ambayo yalikuwa yamesababishwa na ukosefu wa ardhi.

Mheshimiwa Spika katika *policy* hii ukurasa wa 13 imeeleza vizuri matumizi ya ardhi ambayo yamenukuliwa vizuri katika *policy* hii, kwa hivyo kwa kupitishwa *policy* hii katika Bunge letu itafahamisha kwamba matumizi yote ya ardhi yale ambayo yanakuwa tuko nayo katika Kaunti yetu ya Mombasa yatakuwa yanafuatilia mpangilio huu wetu rasmi ambao utaanza punde tu ikipita *policy* hii.

Mheshimiwa Spika kuna ardhi ambazo ni za makao, zengine ni za kilimo, zengine za misitu, zengine za viwanda na sehemu za kupumzikia ambazo zote zinaangaziwa katika *policy* hii, pia *policy* hii imeweza kwa sababu kuna ardhi kwa mfano kama ardhi za makaburi ambazo na sisi kama waafrika ama wakaazi tuko na uhusiano wa karibu sana ama sehemu ambazo tunazika wale wapendwa wetu.

Mara nyingi Mheshimiwa Spika sehemu kama hizi pale nyuma zimeweza kuvamiwa, sehemu kama hizi zimeweza kuuzwa, sehemu kama hizi zimeweza kugeuzwa na zikaweza kutumika kwa ujenzi wa aina tofauti tofauti lakini katika *policy* hii zimeweza kuangaziwa kuwa mpaka hivi sasa ni rasmi sasa kwanza zinaweza kusajiliwa kwa masuala ya makaburi kwamba



zinaweza kutumika kwa masuala mengine itakuwa ni mambo ambayo yamezikwa kwa kaburi la sahau.

Mheshimiwa Spika cha msingi ni kuweza kushukuru kazi nzuri ambayo imeweza kufanywa na Kamati ya ardhi na kuweza kufungua ukurasa mpya wa matumizi bora ya ardhi katika Kaunti yetu ya Mombasa, tunaingia kwenye historia ya kwamba hata serikali kuu hivi sasa itakuwa haina mamlaka ya kusumbua wakaazi wetu ama wa Kaunti nzima ya Mombasa kwa sababu tayari imeshatoka kwenye kero.

La mwisho Mheshimiwa Spika shukrani kubwa kwa sababu hivi sasa punde tu *policy* hii itakapoweza kupita namaanisha kwamba kama Kaunti tutaweza kuwa na mfuko maalum ule ambao umeweza kutumika ku *settle* wale wakaazi wetu ambao wengi walikuwa hawana ardhi.

Kwa hivyo ni kuwashukuru na kuomba wenzangu tuweze kupitisha *policy* hii kwa kauli moja ili tuweze kuwa na mwelekeo mzuri katika matumizi ya ardhi katika Kaunti yetu ya Mombasa, kwa hivyo nashukuru na naomba tuiunge mkono *policy* hii.

**The Speaker** (Hon. Rajwayi): Yes Hon Okoth Opeya.

**Hon. Opeya:** Thank you Mr. Speaker I also rise to support this document because it is touching on some of the things especially the area which I represent Nyali; if you look at 3.6 section 1(6) it talks about informal settlements this will help especially people who live in Mkomani in Maweni, Shauri yako slums it talks about how it is going to do the development and also the planning.

When you go to 3.17 to obtain register of all public utility in Mombasa County I think it is in record that a lot of public land has been grabbed schools, hospitals even cemeteries have been grabbed, a register and for future generations to be able to get land then when you go to 3.24 it has summarized the whole issue about absentee landlords, historical injustices pertinent groups the old and so forth.

This is a document which will bring sanity to our land sector to ensure that the rights of people are protected and also help Mombasa move forward, I would urge Members to support this and make sure it is implemented because it is something which is good. Thank you, Hon Speaker.

**The Speaker** (Hon. Rajwayi): Yes Hon Mwinga Mwadziwe.

**Hon. Mwinga:** Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii, kwanza nachukua nafasi hii kuwashukuru sana haswa Mwenyekiti wa Kamati ya ardhi pamoja na kamati yake yote kwa kuweza kutuletea ripoti nzuri ambayo itasaidia watu wetu.

Mheshimiwa Spika mimi nikiwa mwakilishi wa Mwakirunge nataka kusema ya kwamba labda watu wangu wa Mwakirunge asilimia 70 ni maskwota; ninasema hivyo kwa sababu toka sisi tupate uhuru mashamba yale ambayo tunaambiwa ni ya watu ambao hawajulikani.

Watu wa Mwakirunge wamekuwa wakiishi na wasiwasi sana, hii ni kwa sababu Mheshimiwa Spika tumekuwa na vitisho vingi kule Mwakirunge tukiambiwa kwamba tutakuja tufukuzwe mahali ambapo tunaambiwa si kwetu.

Mheshimiwa Spika mimi nashukuru kwa hii *policy* ambayo tunaenda kuipitisha siku ya leo kwa sababu itafanya watu wangu wa Mwakirunge waishi na kufanya ukulima bila tatizo lolote nikitumainia ya kwamba watashughulikiwa vilivyo.

Mheshimiwa Spika vile vile *policy* hii imezungumzia pia kuhusu mazingira na kama tunavyojua nimekuwa nikipiga kelele juu ya kule Kibarani ambayo iko kule nikiamini ya kwamba kwa sababu *policy* hii imezungumzia kuhusu mambo ya mazingira nina amini ya kwamba Kibarani ile itashughulikiwa aidha itatafutiwa mahali pengine ikaweze kuwekwa ama itatengenezwa iwe katika...

(Applause)

...katika viwango vile zile Kibarani zengine ambazo zinatajikana ziwe, kwa hivyo mimi nashukuru kwa ajili ya *policy* hii nikitumainia watu wangu watafaidika mara mbili; kwanza watalima na wataishi bila wasiwasi na kufanya ukulima kwa nguvu kwa sababu watakuwa na hakikisho ya kwamba mahali pale wanaishi ni mahali kwao na watapewa vibali vile vinatajikana, pili pale Kibarani patatengenezwa kwa sababu watu wangu wamekuwa wakiteseka kwa muda mrefu kwa ajili ya zile takataka ambazo zinamwagwa pale kiholela nikijua ya kwamba zitashughulikiwa vilivyo ili watu wangu wakaweze kuishi kwa afya na wakaweze kuishi kwa amani.

Kwa hayo machache Mheshimiwa Spika nasema ahsante na mimi ninaunga mkono asilimia mia *policy* hii tukaweze kuipitisha. Ahsante, Mheshimiwa Spika.

(Applause)

**The Speaker** (Hon. Rajwayi): Mheshimiwa Mwabashiri?

**Hon. Mwabashiri:** Ahsante Mheshimiwa Spika kwa kunipea fursa hii kwanza niwape pongezi kamati ya ardhi kwa kuileta *policy* hii lakini tusimsahau aliyekuwa Mwenyekiti Mheshimiwa Nasser ndiye alianzisha haya.

Mheshimiwa Spika sitazungumza mengi kwa sababu wenzangu wamezungumza mengi na yote ni mazuri pia na hiyo *policy* ukiangalia kwa undani lakini jambo langu ni moja tu; kuwa katika kila mtaa kutatengenezwa *settlements*.

Ukiangalia *section 2.6 the establishment of a county settlement fund to manage the settlement programs* Mheshimiwa Spika jambo hilo hatukulipangia katika bajeti ya mwaka wa 14/15, nilipendekeza katika kamati ya bajeti iliyokuwa chini ya Mheshimiwa Saad masuala ya ardhi kusaidia wale wenzetu ambao wanaoishi katika *settlement* hawana uwezo wa kulipa yale malimbukizi ya zile pesa kwa sababu mimi natoka katika wodi ya Mjambere na Kisauni na Kaunti ya Mombasa kwa ujumla kuna masuala ya ardhi.

Kwa hivyo Mheshimiwa Spika jambo hili mimi limenifurahisha sana kwa sababu naona watu wangu wa Kisauni sasa kufikia yale malengo tuliyokuwa nayo yamestawi; jambo hili hatutaliwacha hivi hivi na naomba waheshimiwa wenzangu tutunge sheria kwa sababu hii ni *policy* tu sheria lazima itungwe.

Kwa sababu tukiizungumza hii *County settlement fund* lakini lazima sheria ifanywe itakuwa ni asilimia ngapi pesa za kaunti ndani ya hiyo *county settlement fund* kwa mfano ukienda Nairobi kwenye Bunge kuu CDF ni asilimia 50 ya bajeti nzim.

Kwa hivyo hata sisi katika bajeti ya Kaunti ambao tutaweka katika mfuko huu ya bajeti nzima kwa mfano kama bajeti yetu ni Bilioni 12 kwa hivyo tukiweka asilimia 10 tupate milioni tano kwa bilioni moja ili tuweze kuwasaidia wenzetu kule ambao wamekaa kwa ma *settlement* kule nje bado wamekaa katika sehemu ambazo si zao.

Kuna wengine wanashindwa kuuza zile nyumba kwa sababu eti wameshindwa kulipa kodi kwa sababu watu hawa wameishi zaidi ya miaka 40 na wakati huo sehemu ile ilikuwa msitu kabisa sisi wenyewe tukawawekea mataa tumewatengenezea barabara tumewawekea *cabro* sasa yule mwenye hapo anaona kumekuwa mji anaweka mambo yake vile anavyotaka.

Kwa hivyo Mheshimiwa Spika naona *policy* hii itawazuia watu wenye maono kama hayo na ikiwezekana wanaweza kukaa na kuangalia pia tunaweza kuwasaidia vipi. Ahsante.

(Applause)

**The Speaker** (Hon. Rajwayi): Chairman Nasser Rashid.

**Hon. Nasser Rashid:** Mheshimiwa Spika ahsante sana kabla sijaendelea leo ni siku yangu moja muhimu sana na ningependa mpigaji picha apige picha vizuri...

(Applause)

...Mheshimiwa Spika leo tunajiandaa kuwapa watu wa Mombasa zawadi ya krismasi; hii *land policy* haikutoka hapa kwenye Bunge pekee ni *land policy* kuna watu ambao ni raia wako nje walikaa wakafikiria wakaleta kwetu wakasema kuna haja ya kuunda *land policy*, tuna shida zetu za kipekee kwa hivyo lazima tuwe na *policy*, walileta tukakaa chini tukatengeneza...

(Applause)

...hiyo itatatua zile shida ambazo ziko hapa na vile vile pia tutaweza kupunguza shida zetu Mheshimiwa Spika; katika dunia nzima swala la shida la ardhi liko hapa Mombasa tumekaa chini na Mwenyekiti ambaye ni mkakamavu Mwenyekiti...

(Applause)

Ameweza kuwaletea wanachama na namshukuru sana Mwenyekiti mwenzangu pia ningependa kumpongeza Mheshimiwa Enock kila akija hapa hana stori nyingine ni Kibarani na watu wangu. Ahsante sana.

**The Speaker** (Hon. Rajwayi): Hon Karume?

(Technical hitch)

**Hon. Karume:** Mr. Speaker thank you so much for giving me this opportunity to also contribute to this very progressive Motion. Mr. Speaker Sir I will start first of all by reminding Honorable Members something that all of us are obliged to the national government, it is formed by the Jubilee party and the county government of Mombasa is formed by the ODM party and...

(Applause)

...Mr. Speaker Sir whatever that we are doing today is part and parcel of the ODM party and now that we are in an election year I am a very happy and humble resident of Mombasa because I know the county government of Mombasa courtesy of the Deputy party leader we have earned ourselves credit as the county government of Mombasa.

Having said that Mr. Speaker at this point in time it is very important for us to recognize that the economic development of Mombasa squarely lies with the policy that we are passing today; investors will always shy away from a County that has serious land challenges and at this point in time whatever that we are doing today we are going to really encourage investors to our esteemed County...

(Applause)

...Mr. Speaker Sir we are talking about again economic empowerment for our residents, our banks refuse to take our titles because of our long term historical challenges whatever that we are doing today we are going to correct this the long term challenges that we have been facing and our poor residents of Mombasa will be able to obtain loans from financial institutions courtesy of the land documents that will be available.

Talking about the historical injustices I think this is a thing of the past I am posing a question I think they have been a stumbling block, corruption issues and even land challenges as Mombasa County government we have already spoken and this is the document and we want to be supported and not support the... that have been churned to frustrate the efforts of our able Governor.

Mr. Speaker Sir having said this that whatever that we are doing; the policies are very nice but the most important thing is the implementation whatever my colleague has said Hon Opeya we need to put in place mechanisms that will ensure that we implement this policy because the sooner we implement this policy the better for us and we are 100 per cent sure not 99 per cent sure that the next government will be formed by his Excellency Ali Hassan Joho. Thank you.

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

**Hon. Mohamed Hatimy:** Ahsante sana Mheshimiwa Spika kwa kunipatia fursa hii niweze kuchangia mjadala huu... ni kuwa mwanzo nataka kutuma kwa niaba ya... wetu wale wote... lakini kusema kuwa mama Halima na wengine wote ile bidii walitia kuhakikisha kuwa hii sera imetimia na hivi leo imetumia. Mheshimiwa Spika kama unavyojua...

*(Interruption)*

**The Speaker** (Hon. Rajwayi): Why are you standing?

**Hon. Mwalimu:** Thank you so much. Mr. Speaker for the benefit of this House we would like to know who is *Mama* Halima, there are many *Mama* Halima's in this County of Mombasa so we need the Honorable to be precise who is this *mama* Halima. Thank you, Mr. Speaker.

**Hon. Mohamed Hatimy:** Nafikiri Mheshimiwa Spika tukianza kuuliza jina hapa hatutamaliza lakini nitamuonyesha mama Halima tukimaliza. Mheshimiwa Spika kama unavyojua sera na sheria kutoka 1895 mpaka leo imekua ni sheria tatu, ya pili ni kutoka 1963 mpaka hivi sasa serikali ya Mombasa imeonelea kuja na sera hii ili kujadili swala la kutatua ardhi na leo hii tunasema kuwa tutaepuka shida nyingi za ardhi tulizokuwa nazo.

Sera hii imeweza ama sera hii imegusia shida tumekuwa nazo kwa muda mrefu na tangu zamani Mheshimiwa Spika ni kusema shida tulizokuwa nazo ni serikali kuweza kutia jambo hili nguvu kutatua shida hizi tulizo nazo.

Mheshimiwa Spika twasema leo hii ni aidha usimamizi uzungumzie juu ya... la pili ni kusema kuwa kutakuwa na msingi wa kutosha na mambo mengine mengi yamezungumziwa katika hii sera hamna jambo ambalo halikushikwa.

Kwa hivyo Mheshimiwa Spika nataka tutie swali sasa tuulize watu wote waunge mkono hii sera ili tuwe Mombasa tumepeana siku kuu ya krismasi watu wetu walio na shida wasaidike wanachama nashukuru kwa kuweza kuniunga mkono na muendeleo hivyo ili tupate kuipitisha. Ahsanteni sana.

**The Speaker** (Hon. Rajwayi): Members there being no other contribution I put the question to the Motion. Members, of the opinion that this House adopts...

*(Question put and agreed to)*

#### ADJOURNMENT

Members there being no other business this House stands adjourned until tomorrow afternoon.

The House rose at 3:39 pm.