

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Wednesday, 10th February, 2016

The House met at 9:05a.m.

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

Mr. Speaker (Hon. Rajwayi): Yes, you may have your seats Hon. Members. Clerk, can you confirm if there is quorum in the House?

(Clerk confirmed lack of quorum)

Sergeant At Arms ring the quorum bell.

*(Sergeant At Arms rung quorum Bell)**(A few Members streamed into the Chambers)*

Yes Clerk can you confirm, I want to believe that there is quorum, Clerk can you confirm if there is quorum in the House?

(Clerk confirmed quorum after counting)

Yes, you may proceed.

PAPER

Hon. Tom Ogalo.

(Silence)

...Hon. Tom Ogalo Okay, there is this other Committee that was supposed to table its report in this House; Hon. Members that are supposed to be in this particular Committee, yes Hon. Suleiman Omar Boma.

Hon. Boma: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii. Ningependelea utupatie muda kidogo tumpatie Mwenyekiti ambaye yuko njiani, gari lake limepata ajali. Ahsante sana.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mary.

Hon. (Ms.) Akinyi: Thank you Mr. Speaker Sir. Mr. Speaker Sir, I would like to ask why we should wait for the Chairman and yet they were there? And we have the paper with us here.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Suleiman once again.

Hon. Boma: Ahsante sana tena Mheshimiwa Spika kwa kunipa nafasi hii kulingana na mimi nikiwa mmoja katika Kamati hii ya *Ad hoc* sisi tulikubaliana kwamba ripoti isifike hapa na cha kushangaza ripoti imefika hapa na sisi wengine sote hatujasahihisha tulisema ripoti isifike hapa mpaka tutakapo sahihisha. Ahsante sana Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika naona kuwa mwanzo Mwanachama wa Kamati ameomba ruhusa kwani mwenzetu Tom Ogalo nasikia ameweza kupata ajali, kwa hivyo kama itakuwa ni kuendelea na ripoti naona kuwa kuna barua ilikuwa *attached* kwenye hii ripoti. Kwa hivyo naona imechukuliwa *attached* kwa sababu *you cannot discuss somebody* ambaye amejiuzulu yeye sio Mwanachama tena, kwa hivyo nafikiri hiyo ripoti itakuwa haina kazi yoyote Mheshimiwa Spika. Ahsante.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mohamed Madundo.

Hon. Mohamed Madundo: Ahsante Bwana Spika kwa kunipatia nafasi. Mimi pia ni Mwanachama wa hii Kamati ambayo tulikuweco ya *Ad hoc* lakini kama vile mwenzangu alivyozungumza na kusema kwamba Mwenyekiti ambaye alikuwa *concerned* kwa Kamati hii amepata ajali, ya pili Mheshimiwa Hatimy amezungumzia kwa sababu swala lenyewe ilikuwa ni kuhusikana na yule afisa ambaye tulikuwa tumetengeza hiyo ripoti manake alikuwa ameandika

barua ya kujiuzulu. Kwa hivyo Bwana Spika katika hili Bunge pengine hata kama Mwenyekiti atakuja pia tuwe, kwa maombi yangu, tuwe ni kama tumemaliza hii ripoti. Ahsante sana.

Mr. Speaker (Hon. Rajwayi): Hon. Ahmed Saad Faraj.

Hon. Faraj: Thank you very much Mr. Speaker for this opportunity. Mr. Speaker I would like to support what my colleague, the two colleagues who have just contributed; the two who have just contributed to this report with regards to the implementation of the County Public Service Board. Mr. Speaker sir, it is important to note that we were meeting with the County Public Service Board and the report is ready but it has been overtaken by events and we can actually see very clearly that the person who was actually being deliberated upon or being discussed has actually handed his resignation from the position and I feel we'll be wasting our energy and time if we want to deliberate upon this document and we want to wholeheartedly thank the Committee which took time to prepare this report and its not in vain, we really appreciate as Members of the County Assembly and we feel you have done an Hon. job, a fantastic job...

(Applause)

...And for that reason I feel Mr. Speaker that through your leadership, we go on to the next subject that is there so that we can also save time and move on. Thank you so much Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Abdallah Kasangamba.

Hon. Kasangamba: Ahsante sana Mheshimiwa Spika. Mimi langu ni kuunga wenzangu mkono kwamba suala hili limepitwa na wakati kulingana na Kamati husika iliweza kuenda kule lakini baadae kukatokea barua ya kujiuzulu ila kabla hatujaamua jambo lolote ama kabla haujatoa uamuzi wowote ningependa thibitisho wa barua hii iwapo itakuwa iko sawa na imefika katika zile sehemu zinazotakikana zifike ilmradi tukipata uthibitisho kwamba ametoka rasmi na barua ishakubalika na ishapita basi itakuwa hatuna budi tena ila kuiachilia au kutupilia mbali maswala haya.

Mr. Speaker (Hon. Rajwayi): Well, let me just highlight a few issues with regard to this particular report; that one it is not very much in order for the Member to refer to this document before it is tabled, that is against our rules and procedures and in fact one of the Hon. Members who is actually a Member of this particular Committee has said it here without fear of anything that they had agreed that this particular report was not to have been brought before this Hon. House this morning so the House is confused whether that is the true position of this particular committee. That one what we are seeing here that you are referring to as a letter of resignation; let me remind this House that you must know and understand who actually appoints the County Public Service Board and to be precise you can refer to the County Government Act section 58 who is supposed to appoint the County Public Service Board then who approves? It is only clear that His Excellency the Governor that does that particular delegation subject to approval by the House. In this sense, nobody can write a letter addressed to this Hon. House that you have resigned, the only person who is mandated by law to communicate to the House that he has resigned is His Excellency The Governor who is the appointing authority in this particular business and for that reason therefore ladies and gentlemen this is the point that we as a House cannot verify its authenticity and we are going to leave it like that until such a time, we are not going to refer to the content of this report, no subject at all should be referred to as it is and the directive of the Chair is that until such a time the appointing authority will communicate to the House that the person that is being referred to have resigned is still in office.

The Ad hoc Committee that was formed must be informed to also finalize on this report and make sure that the blanks that I have seen are filled; you must append your signatures if indeed this is your report, we cannot discuss a report which actually has no confirmation that yes

you worked on this particular report. Remember this is a House of rules and procedures so that is what we must maintain and understand that it must be maintained at all costs.

So as it is let this Committee be directed that you take this particular report back and submit it when the House Business Committee will direct you to do so, whoever will come first because whatever will be brought before this Hon. House; whether the letter from the Office of The Governor or the report of the committee that is the one that will be considered otherwise it stands as has been ruled by the Chair. Next, Clerk?

NOTICE OF MOTION

Next?

MOTION

Yes, what is it Hon. Mwalimu?

Hon. Mwalimu: Thank you Mr. Speaker. Mr. Speaker, *nimesimama na Priviledge Motion. Mr. Speaker mbele ya Nyumba hii, naomba wenzangu wa Nyumba hii tuelewe ya kwamba Gavana wetu ako na uwezo kupitia nguvu za Nyumba hii na kuungwa mkono kwa Nyumba hii ya kuweza kubadilisha majina ya barabara katika Kaunti yetu ya Mombasa.*

Mheshimiwa Spika mimi nimesimama na nawaomba wenzangu tukubaliane Mheshimiwa Spika ya kwamba tutampa Gavana mamlaka kamilifu, ikiwezekana kubadilisha hata majina yote katika Kaunti yetu ya Mombasa na aweze kuyaweka vile anavyotaka Bwana Gavana na ipitishwe ndani ya Bunge letu hili.

Mheshimiwa Spika mimi naomba wenzangu na namuomba Mheshimiwa Saad aweze kuniunga mkono katika hoja yetu hii. Ahsante.

Mr. Speaker (Hon. Rajwayi): Well, just a minute Hon. Ahmed I understand that these Motions that can be brought without notice but it is important Hon. Fadhili Mwalimu that even if you do not need a notice it is important to have it in form of a draft form for the verification purposes, so I think before Hon. Ahmed actually gets an opportunity to second that he can be given an opportunity in the afternoon and make sure that you bring because I understand that is also one of the...(??) and I think that it has taken too long and it had been started sometimes back, exactly in 2014 and in fact it has just been delayed maybe the author then I want to believe it was Hon. Mohamed Hatimy must have decided to develop a certain interest not to bring the same but Hon. Fadhili Mwalimu can you find time and bring that in the afternoon? Let's have a draft of that make sure you bring that in the afternoon.

Hon. Mwalimu: Okay Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Is that another Priviledge Motion Hon. Hatimy?

Hon. Mohamed Hatimy: I want to ask whether it is the Motion or the statement time (Inaudible).

Mr. Speaker (Hon. Rajwayi): Yes continue, what's next?

MOTION

EMPLOYMENT OF YOUTH ON COMMISSION BASIS FOR THE ENFORCEMENT OF THE RULE ON LITTERING THE COUNTY

Yes, Hon. Rashid.

Deputy Speaker (Hon. Mswabah Rashid): Thank you very much Hon. Speaker for this opportunity. Hon. Speaker I have an amendment in this Motion under Standing order 45, I wish to move this Motion with an amendment. Hon. Speaker the amendment is, instead of 25 per cent to 30 per cent so let me read the Motion.

(Deputy Speaker (Hon.Mswabah Rashid) moved the Motion)

Mr. Speaker AWARE THAT the County under the Fourth Schedule part 2(3) has devolved to the County the function of control of public nuisance;

FURTHER AWARE that the process of enacting County legislation on littering has not been concluded;

COGNIZANT THAT there are national laws and by-laws that prohibit littering the environment;

CONCERNED THAT residents continue to litter the environment; not because of lack of legislation but because of this enforcement is part of the County and one of the major reasons being lack of adequate personnel in the department of environment to enforce this rule;

Mr. Speaker, this Assembly RESOLVES THAT the County to deploy youth that assist in enforcement of cases concerning littering of the environment and a 30 per cent for fine paid by the wrong-doer to be paid to the youth information desk upon apprehending the wrong-doer to the court and payment of the aforesaid amount;

Mr. Speaker, I beg to move.

Mr. Speaker I'm asking Hon. Wangudi here to second the Motion.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Stephen Wangudi.

(Hon. Wangudi bowed)

Well, I want to propose the question that the Motion, *Employment of youth on commission basis for enforcement of the rule on littering the County* be passed in the same terms as amended.

(Question proposed and agreed to)

Yes Hon. Rashid Mswabah.

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Spika mimi nitaanza na kijihadithi kidogo ili kuijenga hii hoja yangu nishasoma Mswada sasa nataka kuijenga kidogo.

Mr. Speaker (Hon. Rajwayi): Hon. Mswabah can you start?

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Spika, wakati wa mapumziko niliweza kutembelea mji mzuri unaoitwa Moshi. Sasa Mheshimiwa Spika nikaingia katika duka nikanunua kadi ya salio ambayo pia inaitwa *voucher* nikanunua nikatoka nje nikakwaruza nikaongeza salio katika simu yangu. Mheshimiwa Spika kutoka pale nje kile kikaratasi kidogo nikakiangusha chini basi hata dakika mbili hazikupita nikashikwa na vijana wawili, wakaniambia mzee kwa heshima yako tunakuheshimu sana lakini umevunja sheria yetu, kwa hivyo tunakuomba tuandamane sisi na wewe mpaka kwenye kituo nikawauliza kwani kuna shida gani? Wakaniambia, "Mzee wangu umetupa taka taka barabarani nikaandamana nao mpaka kituoni nikafika kituoni nikaambiwa wewe mzee umevunja sheria, nikapigwa faini elfu ishirini za Tanzania na pale pale kituoni mbele ya macho yangu wale vijana wawili wakapewa shilingi elfu tano kama zawadi yao ya kunipeleka mimi kule kortini.

Sasa nikawachiliwa nilipoachiliwa nikasema hii ndio maana ule mji umeng'ara sana kumbe kuna siri, vishushushu wale vijana wanaitwa vishushushu kule wanalinda mazingira ya ule mji Mheshimiwa ile sheria niliipenda sana, niliipenda sana ndio nikaomba hiyo sheria tuitumie katika mji wetu. Mheshimiwa Spika, sheria zipo lakini sisi Wakenya ama watu wa Mombasa ama watu wa Pwani hatuna utamaduni wa usafi kwa hivyo ni lazima, ni lazima sisi tufundishwe utamaduni wa usafi, na ikiwa sheria zipo...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes Hon. Ahmed.

Hon. Faraj: Ahsante sana Mheshimiwa Spika. Nimesimama kwa Ms. hangao mkuu kwa Mheshimiwa Naibu wa Spika akisema sisi, nafikiri akimaanisha Wapwani hatuna tamaduni za usafi.

Nafikiri kama ni katika masuala ya ustaarabu ambapo mojawapo katika yale masuala ya kustaarabika kwa jiji hili ama watu wa maeneo haya jambo moja kabisa kubwa zaidi ni usafi ambao kwamba umekuwa ukiingizwa na tamaduni zetu za kipwani; vilevile dini zetu na masomo

yetu ambayo kwamba tumeyapata kama mfano sisi ambao ni Waislamu, tamaduni ya kwanza ambayo tunafundishwa ni tamaduni ya usafi wa mwili na tamaduni ya usafi wa roho. Sasa kusema kuwa sisi tamaduni hiyo hatuna Mheshimiwa Spika nafikiri ni tusi kubwa kwa jamii ya Wapwani. Mheshimiwa Spika, kabla hajaendelea Mheshimiwa Naibu wa Spika twamuomba mwanzo aombe Msamaha kwa niaba ya jamii ya Wapwani wote waliomo humu nchini na walio nje kwa sababu ni hatari kubwa ambayo tunaiona kule mbele ambayo anajaribu kutuletea Naibu wa Spika. Ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika, Mheshimiwa Saad amesema usafi wa dini na usafi wa roho, mimi nazungumzia usafi wa mazingira. Mheshimiwa Spika, dini si mazingira wala roho si mazingira nazungumzia usafi wa mazingira. Mheshimiwa Spika, sisi sote twajua kwamba sisi sote ni watu wazima hapa, kuwa dini yasema...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Can we have interruption?

Hon. Faraj: Mheshimiwa Spika, dini ni shule ya mafunzo yenye yatufunza sisi kuishi kwetu, kula kwetu, usafi wetu, wema wetu na utendaji wetu na tabia zetu. Kwa hivyo bado naendelea kushangaa nikisikia kiongozi maradufu kutoka eneo la Changamwe akizungumzia suala hili kwa kuwa sisi ati dini, usafi wa dini ni mafunzo ambayo kwamba tunayapata kwenye vyuo vya ya dini lakini matekelezi yake yako katika mazingira yetu, matekelezo yake yako katika maisha yetu, matekelezo yake yako katika roho zetu katika kufanya usafi na katika kutubadilisha sisi kiwiliwili na katika mazingira na mavazi yetu vilevile. Ahsante.

Mr. Speaker (Hon. Rajwayi): Yes what is it Hon. Suleiman?

Hon. Boma: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii. Kabla Mheshimiwa ambaye ni Naibu wa Spika kwa yale anayozungumza ningetaka kujua yeye kama *State officer* alienda nchi jirani, je, Bunge hili linajua kwamba alienda?

(Laughter)

Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Mswabah.

Deputy Speaker (Hon. Mswabah Rashid): Hizo sheria nazijua na kabla sijaenda nilizungumza na Spika wangu na kumuelezea kuwa nasafiri na akanipatia nafasi ya kusafiri. Mheshimiwa Spika hayo yote wamezungumza lakini ukweli ni kwamba hakuna utamaduni wa usafi ama utamaduni wetu wa usafi ni mchache kwani lazima tuongeze utamaduni wetu wa usafi. Mheshimiwa Spika sitaki kuzungumza sana mambo ya dini lakini sheria ni sheria. Sheria ni kitu kingine na utekelezaji ni kitu kingine utakuwa na sheria nzuri lakini nimezungumza hata na nimesema Mswada wangu kuwa sheria zipo lakini hatuzifuati. Pia vilevile dini iko na sheria lakini hatuzifuati. Hatutaki kuenda sana manake kuna mambo mengi twachokora Mheshimiwa Spika, mimi nasema mji wetu una matatizo ya usafi na usafi unatokana na sisi wenyewe. Sisi wenyewe tunatakiwa tuwekewe sheria za usafi Mheshimiwa Spika na lazima tuweke watu wa kulinda hizi sheria. Mheshimiwa Spika usafi ni jambo ambalo linazuia mambo mengi, linazuia maradhi na pia vilevile huu ni mji wa utalii, watalii wanapenda kuenda sehemu ambaye ni safi. Inatupatia jina letu, jina la Mombasa lipate kuwa zuri kwa sababu ya usafi na watalii waeze kuja. Kweli Mheshimiwa Spika huu Mswada, hili Jumba naomba wenzangu tuipitishie ili tuweze kusafisha mitaa yetu na jiji letu maradhi yaweze kupungua katika mitaa yetu waheshimiwa.

Kwa hio waheshimiwa nawaomba kwa heshima na taadhima Mswada huu tuipitishie kama ulivyo. Ahsanteni sana.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Karisa Nzai.

Hon. Nzai: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi nasima kupinga...

(Laughter)

...Nasimama kupinga Mswada huu kwa sababu Mheshimiwa Spika ninaona kuwa kutakuwa na mgongano na sheria hii ama mapendekezo haya ambayo Mheshimiwa Naibu wa Spika ameweza kuyaleta; tunayo sheria ambayo tumetunga na kilichokuwa ni kigumu ni kuona kwamba watekelezaji wa sheria hii ya usafi wa mji umetiliwa mkazo kwa sababu katika mji wetu kuna haya mapipa lakini shida ni wafanya kazi ambao tuko nao ambao wanatakiwa kufanya kazi wengi wanakosa uangalifu, ni watu wa kupenda kufuatiliziwa kila dakika mara mtu ataingia asubuhi akiona *Supervisor* amepita naye yuaondoka yuaenda mtu mwingine yuapita yuaja weka ile takataka na zinawekwa mahali ambapo sipo. Sasa badala ya kuenda kupatiana *commission* kwa watu ambao wanafuata watu nyuma nyuma kwa sababu wanaweka takataka mahali ambapo sipo, kwa nini tusiwaimarishe tuwawekee mikataba maalum kwamba kijiji fulani wafanyikazi fulani wapelekwe mahali pale, mji ukipatikaniwa ni mchafu nyinyi ndio mtakuwa mna *responsibility* na hivi Mheshimiwa Spika miji yetu itakuwa misafi kwa sababu wafanyi kazi tuko nao lakini kuna wengine waliomo ambao huzembea kazini na inaletwa kwamba Mheshimiwa Mswabah akasirike aone mji wa eneo lake ama sehemu yake ni chafu mpaka sasa anataka kuajiri vijana ambao watakuwa wakipewa ma-*commission* vile.

Kwa hivyo Mheshimiwa Spika tunasema kwamba watu na vijana wetu ambao tayari tuko nao tuseme kwamba kuanzia sasa kutakuwa kuna mikakati maalum ambayo imewekwa kwamba hata pale mahali ambapo panawekwa takataka basi kuna watu ambao wamepewa usimamizi maalum na huu mji naamini kwamba utakuwa Msafi na utendakazi tulio nao utafanya kazi vizuri hata kama tutaambiwa ya kwamba tutawapatia motisha zawadi fulani maalum baada ya kuona kwamba nyinyi watu wa kijiji cha Jomvu mumekuwa wasafi zaidi kushinda wale wa Mji wa Kale kwa mfano, ama wale wa Mwakirunge. Hivyo basi tutaweza kuona kuwa miji itakuwa vijiji na miji itakuwa inashindana kwa usafi kwa sababu ya ile timu ambayo itakuwa imewekwa ina mpango maalum wa kutembelea na kamati ya mazingira kazi yake ni kuenda kuangalia tulisema wiki jana kwamba eneo fulani ndio linasafishwa na umesafishwa kwa usafi wa hali ya juu na tunahakikisha, naamini Mheshimiwa Spika itakuwa haina haja ya kuweka watu wengine zaidi ya wale ambao tuko nao. Ahsante.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Abdallah Kasangamba.

Hon. Kasangamba: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi pia nasima kuupinga Mswada huu; kwanza nasema, sipingi Mswada huu kwa sababu kupinga kwangu ninakataa usafi na vilevile napenda usafi ila katika huu Mswada kuna vipengele ambavyo ingekuwa muhimu sana kama mletaji wa Mswada huu basi tutakapo rudi ama hata akifaulu basi arekebishe vipengele hivyo. Mheshimiwa Spika tukilinganisha sheria za mji wetu ama sheria za nchi yetu, suala la nitatumia lugha ya kizungu *enforcement* huwezi kumuachia mwananchi ama mtu ambaye hakuweza kupata mafunzo ukamuachia suala la *enforcement* apambane nalo. Ninavyozungumza hivi, kule nchi yetu jirani wale ni wastaarabu, mji ambao kuna askari ambao watakuambia kaka nataka tuandamane, huku kwetu hakuna mtu yuaambiwa kaka nataka tuandamane vita na mangumi...

(Laughter)

...Mheshimiwa Spika tutapata kesi za P3 hapa, tutapata kesi za majeruhi na vita ambavyo sivyo, tuna tamaduni zetu sisi kama Wakenya kidogo watu wa nguvu nguvu. Kwa hivyo, suala la usafi ni muhimu sana ila kitengo cha watu kufanya *enforcement* ikiachiwa askari ambapo amehitimu katika masuala hayo ili Mradi waweze kufanya kazi ya kinidhamu na iwekwe katika kitengo cha sheria.

Mheshimiwa Spika vilevile kuongezea zaidi masuala ya kabla tufike, huku kuajiri watu wapya leo hii tuko na wafanyaji kazi wa mji wetu hii barabara naona kulingana na tamaduni ambazo sizo za sawa lakini zilizozoeleka katika mji wetu wa Mombasa; wafanya kazi wa kufagia

barabara hufanya kazi kama masaa mawili au saa moja hizo ni tamaduni zilizozoeleka japokuwa hizo tamaduni haziko sawa kwa sababu ni nadra sana kumpata mtu amefagia barabara, ukienda hivi na gari ukirudi huwa humpati tena wakishafagia, boshi wao akishatoka nao pia wanaondoka wanamaliza kazi ambapo masuala yao yatakikana yawe barabara baada ya kufagiliwa kwa sababu ya vumbi lajaa kila saa na uchafu pia unajaa. Labda ni mti unaomwaga maji kila baada ya saa watu wale wafaa wafanye kazi masaa manane kama wafanya kazi wengine na vilevile badala ya kuweka watu wale wakiwa pale katika maeneo yao ya kazi, basi itakuwa ni rahisi wale kutoa ishara mwananchi yeyote atakae mwaga taka askari wetu waki wako chonjo wawe watahusishwa kwa habari zozote zitakazotoka mtu atakapokosa nidhamu ama mtu anapobwaga taka kiholela basi wale wafanya kazi wetu wataweza kujulisha wale askari wetu wa serikali ya Mombasa Kaunti ambao wataweza kuwashika wanaovunja sheria zile kuliko kuanza kuajiri watu wengine wapya tutumie walioko ipasavyo na nina imani mji wetu utazidi kuwa msafi na hii tamaduni ya watu kubwaga taka kiholela bila nidhamu basi itatuingia sisi wenyewe katika damu nani itakuwa kila mmoja hawezi kumwaga taka kiholela holela. Ahsante.

Mr. Speaker (Hon. Rajwayi): Hon. Lucy Chizi Chireri.

Hon. (Ms.) Chireri: Ahsante sana Mheshimiwa Spika. Mswada huu ulioletwa mbele yetu Mheshimiwa Spika mimi nitaubwaga kwa sababu sheria tuliziweka za wafanyaji kazi na huu Mswada kuipitisha inamaanisha kuwa tumeshindwa kuthibiti zile sheria ambazo tumeziweka mpaka wale wafanyaji kazi pia tumeshindwa na kuwathibiti; pia tukipitisha Mswada huu tutakuwa tumeweka madalali kwa mji, madalali hawa wataweza kuweka muhuri maanake yeye atajua nisipofanya hivi ikifika jioni itakuwa sina ajira. Kwa hivyo atafanya kila njia hata kama ni kufanya njia ambayo si ya kisawa ili ahakikishe kwamba ameweza kufuata vile inavyotakikana, kwa hivyo Mheshimiwa Spika napinga vikali sana ni aibu tukipitisha huu Mswada itaonekana serikali ya Kaunti hatuna mpango. Ahsante.

Mr. Speaker (Hon. Rajwayi): Hon. Salim Kalume.

Hon. Kalume: Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii. Mheshimiwa Spika mimi nasimama kuunga mkono hii hoja...

(Applause)

...iliyoletwa na ndugu yangu Mswabah Rashid. Mheshimiwa Spika kwanza ningeanza kwa kurekebisha wale wenzangu wamesema kuwa sisi katika Kkaunti tuko na wafanyi kazi wa kutosha, hii nitasema ni uongo kabisa. Mimi natoka maeneo ya Ziwa la Ng'ombe na katika Ziwa la Ng'ombe hakuna hata mfanyi kazi mmoja wa Kaunti ambaye nimempata kule....

(Applause)

...Mheshimiwa Spika kuna hizi lori ambazo zimewekwa za kutupa takataka kila mahali; kwangu kuna sehemu mbili na zile sehemu mbili kuna vijana ambao ni machokoraa watafanya hawana ajira yoyote. Wale vijana ndio wanasaidia kuzoazoa takataka zile zilizoangushwa pale chini na kuzieka kwenye lori, nao wafanyikazi wetu wa Kaunti wako wapi? Na mara kwa mara hawa vijana wamekuwa wakifanya hivi ili kusudi angalau wapate chochote, kile cha Kaunti kwa sababu ile kazi wanafanya wamejitoleana ni kazi ya bure ya kuwa wanafanya.

Kwa hivyo Mheshimiwa Spika mimi naunga mkono hii hoja, na tena nasema hii hoja ndugu zangu Waheshimiwa tuna njia mbili; sio ati hiyo moja kwanza itatusaidia katika mazingira yetu. Mkisema upande wa askari kwamba askari watatupatia shughuli kama hivi, askari wenyewe pia ni wachache saa hii basi wako wangapi? Kwa hii hoja itatusaidia ndio namalizia, Kaunti yetu ya Mombasa itakuwa safi, alafu pia vile vile itatuongezea ajira kwa vijana wetu ambao wengi zaidi wamo mitaani hawana kazi. Hivyo basi mimi nasema langu ni kauli hiyo tujue ni vijana gani watakuwa wanahusika na mambo kama yale tuwapatie zile ajira, wafanye hizo kazi na wajipatie pesa zao na wao. Nasema ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Hon. Stephen Wangudi.

Hon. Wangudi: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nimesimama kutetea nafasi yangu katika mjadala huu. Mheshimiwa Spika nilikuwa nimepanga hoja nzito katika Mswada huu lakini nikaona pasi na kupinga na yule ambaye alikuwa na Mswada akaweza kuileta katika Jumba hili kwa kuwa liungwe mkono na nasimama kuunga mkono Mswada huu.....

(Laughter and applause)

...Mheshimiwa Spika ningependa kueleza kitu kifupi tu, ule uoga ambao upo katikati yetu katika kuunga Mswada kama huu ni kwamba nilisikia kabisa tena kwa utaratibu na nimesafiri katika nchi jirani na huu uoga utatufanya sisi tuwe na matatizo kusiwe na maelewano mzuri kwa sababu kule alipokwenda wanaendeleza ujamaa, nilipoulizia historia waliniambia baada ya uhuru Wakenya walienda mfumo wa uchumi wa *capitalism* na Watanzania wakaenda mfumo wa *socialism*.

Kwa kifupi tu alieleza kwamba ile *socialism* ni ujamaa ambapo mtu anaposimama anasema hiki ni chetu Mkenya anaposimama anasema hiki ni chake kwa hiyo ule ubinafsi ambao umekolea katika nyoyo zetu imefika wakati tuondoe ubinafsi tuanze ujamaa. Ujamaa tukiwa nao hii hofu haitakuwa kwa sababu wengi wanahofia kutakuwa na ufisadi mtu itakuwa akishikwa badala apelekwe kule apewe hukumu yake palepale Mheshimiwa Spika kwa sababu ya ule ubinafsi. Lakini tutakapozingatia masuala kama hayo zile nyoyo za ujamaa itatuingia na wale ambao watapewa nafasi kufanya kazi zile watakuwa wanaambiwa hili ni taifa letu, hii ni Kaunti yetu na swala hili laweza kufanya vizuri sana. Unapotembea katika mji wetu utapata pale palipo na gari la taka taka zimejaa vijana wale hawalipwi pesa na mtu lakini wanafanya kazi vizuri sana, wanafanya kazi wale vijana wetu. Ndugu zetu wamama wetu wakifika pale hawana haja ya kupanda ngazi kuenda juu ya gari waweke zile takataka wale huchukua zile takataka na kuziweka ndani ya gari, wanachukua kile kinachofaa, iwe ni mguu chuma, ni chupa ya maji kwa sababu ule ndio Mshahara wao. Basi iwapo wakiambiwa kuwa wakifanya ile kazi wale vijana wengi wamejitolea na wengi wao ni wahalifu lakini waangalie wale ambao ni wazuri wapewe nafasi wako na familia Mheshimiwa Spika, anapoamka asubuhi, anapiga miayo hajui hata ataanzia wapi na hii ni fursa ambayo tutakuwa tumewapa, si lazima turudi kwa ule Mshahara, ile kazi watakayokuwa wameifanya ni kama biashara ambayo tunashirikiana na kile kidogo kinachokuja kwetu na wao pia watapata chao kidogo.

Kwa hivyo naomba wenzangu, tuunge na tuzingatie hoja hii Mheshimiwa Spika ni nzuri sana na sio kuwa eti ni Mswada tuuache tu hivi ni hoja ambayo tunatakiwa tuiendeleze, tutengezee sheria ambayo itakuwa inalinda shughuli hiyo yote kuanzia mwanzo mpaka mwisho itakuwa tumeonyesha ishara nzuri kwa Kaunti ya Mombasa na pia itatoa mfano kwa Kaunti zengine nao pia waige ninaunga mkono kwa dhati. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes Hon. Mary.

Hon. (Ms.) Akinyi: Ahsante Mheshimiwa Spika. Mji wetu wajibu wetu. Mheshimiwa Spika nimesimama kuunga mkono...

(Applause)

...Mswada huu ambao umeletwa na Mheshimiwa Mswabah Rashid. Mheshimiwa Spika, ninaunga mkono nikiwa nasema hivi kuna vijana wetu katika vijiji na kule tunapokaa ambapo hawa vijana wamejisajili na wako na vyeti ambavyo huwa wanafanya kazi kule vijijini wakiwa wanasaidia watu ambao wanaishi kule chini wakiwa wanaokota zile matakataka na wakilipwa.

Hivyo hivyo Mheshimiwa Spika, hawa hawa vijana ambao huwa wamejisajili na wana vikundi vyao hawa vijana ndio tunaweza kuwapatia hii kazi...

(Applause)

...Hii ndio itakuwa wanaangalia kama mtu ametupa takataka wamkamate huyu jamaa ambaye atakuwa ametupa takataka kwa sababu mji wetu wajibu wetu wampeleke waende

wakapewe hiyo *percentage* ambayo Mheshimiwa Spika ameleta hapa Mheshimiwa Naibu wa Spika, ameleta katika kuomba kuwa watakapokuwa wanamkamata huyo mtu anatupa takataka ovyo ovyo atakuwa anapewa kiwango fulani. Hivyo basi hawa hawa vijana wetu ambao wamejisajili wakipelekwa waende wapewe mafunzo watakuwa wanaangalia mtu yeyote akiwa ametupa taka taka wanampeleka kwa hii korti yetu hii ya Manispaa tutakuwa sisi katika Kaunti yetu tutakuwa tunapata mapeni na vijana wenyewe pia kuna sehemu ambayo watakuwa pia kuna sehemu...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes can we hear from Hon. Abdallah Kasagamba. Order! Can you resume your seat Hon. Mary?

Hon. Kasangamba: Mheshimiwa Spika. *Point of order* yangu Mheshimiwa Spika, hakuna ruhusa katika Kenya hii ya mwananchi kushika mwananchi mwengine; ruhusa, sheria hii zinasema kama jambo lina utata katika ripoti ya wahusika waji washike mtu yule lakini sio mwananchi kushika mwananchi.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Salim Kalume.

Hon. Kalume: Mheshimiwa Spika, mimi nasimama kuMr.ekebishwa ndugu yetu, Kiongozi wa Walio Wengi Bungeni kwamba hili ni Jumba la sheria na hii ni sheria ambayo imeweza kuletwa na sheria zote zinatungwa Bungeni. Kwa hivyo hii ni sheria ambayo tunaitunga na ifanye kazi mara moja...

(Applause)

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Mary.

Hon. (Ms.) Akinyi: Ahsante Mheshimiwa Spika ni kama Mheshimiwa Kalume alikuwa katika roho yangu yaani yale ambayo nilikuwa nataka kumuarifu Kiongozi wa Walio Wengi Bungeni kuwa hili Jumba ni Jumba la sheria na sisi ndio tunatengeneza sheria. Kwa hivyo haya ambayo ilikuwa naongea kuwa hawa vijana ambao huwa wamejisajili ndio tutawatengeneza tuwaelimishe vizuri...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes, allow point of information.

Hon. Kasangamba: Mheshimiwa Spika lakini katika sheria zetu kuna mipaka hatuwezi kuhalalisha mwanadamu amchinje mwanadamu mwengine kisa ni Jumba la sheria kwa hivyo ni Jumba la sheria lakini tuna mipaka ya kisheria. Twafanya jambo hili tusikiuke haki za kibinadamu Mheshimiwa Spika na ikiwa masuala yanayokwenda yatakiuka haki za kibinadamu watu wataanza kuvutana, watu wataanza kupigana na itakuwa tumevunja sheria, kwa hivyo ningeomba ni Jumba la sheria lakini sheria zetu zina mipaka. Ahsante.

Mr. Speaker (Hon. Rajwayi): Yes, can you continue?

Hon. (Ms.) Akinyi: Ahsante Mbunge wangu, mjukuu wangu ningependa kueleza hili Jumba kuwa, mkae mkijua, sisi katika baadhi ya kazi zetu na narudia tena ni kutunga sheria na nimesema hapa hapa kwa ufasaha na kwa polepole kama inaeleweka kuwa kuna vijana ambao wamejisajili ambao huwa wanatusaidia kuokota takataka kule majumbani, vijijini wakiwa wanaenda kutupa hao vijana ndio tutawatumia. Mtu akitupa takataka zake ovyo ovyo, wataongea naye vizuri kama kule Mheshimiwa Mswabah alipoenda ile lugha nyororo, ya kimapenzi, ya kubembebeza kuwa tafadhali umetupa takataka zako twende mahali fulani akifika pale mahali fulani, anapigwa faini ya shilingi zake elfu moja kisha hawa vijana wetu wanapewa shilingi zao mia mbili wanakuja kujaza kile kitita chao na wataendelea na mji yetu baada tu ya mwezi mmoja mji utakuwa uko Msafi na mji ukishakuwa Msafi watu watajua kuwa ni kubaya alafu tena tutasimamisha tongoje kwanza alafu tena tunaanza na mambo inaendelea. Ahsante sana Mheshimiwa Spika...

(Applause)

Mr. Speaker (Hon. Rajwayi): Hon. Enock Mwinga.

Hon. Mwinga: Ahsante sana Bwana Spika kwa kunipatia nafasi hii niweze kuchangia mchango wangu uliyoletwa na ndugu yangu Naibu wa Spika ambaye ni rafiki yangu wa karibu kabisa...

(Applause)

Mheshimiwa Spika, nimesimama hapa kupinga Mswada huu...

(Laughter)

Mheshimiwa Spika nimesimama hapa kupinga kwa sababu zifuatazo; sababu ya kwanza ni kwamba watu hawa ambao watakuwa wakitupa takataka watakuwa ni watu wetu na watakapokuwa wameshikwa sisi sisi Waheshimiwa ndio tutakuwa tukifuatwa tuende tuwatoe. Kwa hiyo Mheshimiwa Spika...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Tom Ogalo.

Hon. Ogalo: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika ningependa kumuambia rafiki yangu Mheshimiwa Enock kwamba watu ni wetu kweli lakini kwa nini wanatupa uchafu? Kwa nini wanatupa takataka? Si watupe ndio washikwe tupate ushuru....

(Laughter)

Na ningesema Mheshimiwa Enock, hata kama Lucy amepinga lakini unga mkono tafadhali.

Hon. Wangudi: Point of order Hon. Speaker!

Mr. Speaker (Hon. Rajwayi): You know you had your time, yes, Hon. of Mwakirunge.

Hon. Mwinga: Ahsante. Mheshimiwa Spika, mimi ninapinga kwa sababu ninajua jambo likianza lazima lifuate taratibu na taratibu yake jambo hili ni mpaka tuelimishe watu wetu.

Mheshimiwa Spika kuelimisha watu wetu ni jambo ambalo linataka muda na nafikiria huo mji alioutembelea Bwana Mheshimiwa Naibu wa Spika ni mji ambao pia mimi Mheshimiwa Spika nimewahi kutembelea na kabla yeye hajaulizia historia ilivyoanza mpaka imefikia vile lakini mimi niliuliza na nikaambiwa ya kwamba ni kitu ambacho kilikaa kwa sababu hili ni jambo ambalo linataka watu waelimishwe na jambo...

(Interruption)

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Wangudi.

Hon. Wangudi: Mheshimiwa Spika ningependa kumjulisha Mheshimiwa iwapo anajali maslahi ya watu wetu sana hangetoa kauli hiyo kwa sababu Mswada huu ambao unalinda jumuiya yetu unaokoa hata gharama ya kuenda hospitalini kwetu kule Makadara na hospitali nyengine. Mheshimiwa Spika iwapo anajali watu wa Mombasa ili tuepuke maradhi ambayo tunaweza kuyazuia na ingawa hawawezi kushika tu watu kwa sababu wanaweka takataka pasipo stahili. Mheshimiwa Spika ningendelee kumjulisha ya kwamba sisi ni wanadamu na...

(Interruption)

Mr. Speaker (Hon. Rajwayi): You can only inform the House.

Hon. Wangudi: Najulisha Jumba hili kwamba sisi ni wanadamu na hakuna mwanadamu huambiwa pahali pa kwenda haja na mtu inatajikana akae akijua kwamba usafi ni muhimu na iwapo anapinga huu Mswada aanze na kutoa vile vibanda pale Mbaraki wale watu ambao wanahangaika na lile jaa kwa hivyo taka....

(Interruption)

Mr. Speaker (Hon. Rajwayi): Thank you for the comment. Yes, Hon. Enock Mwinga.

Hon. Mwinga: Mheshimiwa Spika kwanza kumjibu ndugu yangu Mheshimiwa Wangudi kuwa nataka kumuambia ya kwamba watu wangu wa Mwakirunge wako safi na hawana takataka

zozote, takataka ambazo zinaletwa Mwakirunge zinatoka Wodi ya Chaani kwa hivyo watu wangu wa Mwakirunge ni wasafi na hakuna takataka.

Mheshimiwa Spika mimi napenda usafi sana na nitafurahia Kaunti yetu ya Mombasa ikiwa safi kwa sababu hii pia itavutia wageni, lakini lile jambo ambalo mimi napinga ni kwamba; Mswada huu umekuja kwa wakati ambapo itakuwa watu wetu wameshikwa ghafla, mimi ninachosema ni kwamba tujipange Kaunti yetu tupate watu au wale watu tuko nao waanze kuelimisha watu wetu na kuelimisha watu wetu mpaka tuanze ndani ya nyumba zetu kwa sababu usafi unaanza ndani ya nyumba. Kwa hio Bwana Spika ile kitu napinga ni kwamba tupitishie huu Mswada watu wetu hawajui, watu wangu wa Mwakirunge wakija mjini hawajui, amenunua barafu ametupa karatasi anashikwa huyo mtu hii ni kwa sababu watu wetu itakuwa hawajajua jambo hili ndio limepitishwa.

Kwa hivyo ile kitu mimi naomba Mheshimiwa Spika ni kwamba tuelimishe watu wetu kwanza na tupatie muda huu Mswada ili jambo hili likija kutekelezwa Mheshimiwa watu wetu wa Kaunti wote wawe wamejua umuhimu wa Mswada huu. Ahsante Bwana Spika.

(Laughter)

Mr. Speaker (Hon. Rajwayi): Hon. Fadhili Mwalimu.

Hon. Mwalimu: Ahsante Mheshimiwa Spika. Mheshimiwa Spika twajua usafi ni muhimu na kila mtu yuapenda usafi, kila mtu yuapenda mazingira masafi na mji wetu wa Mombasa utakapokuwa safi, utakapokuwa katika hadhi ya kimataifa mimi nina imani itakuwa ni kama kisiasa kwanza, kwa Gavana wangu mwaka wa elfu ishirini na ishirini (??) itakuwa tumepata bila kupingwa na mimi napongeza na naipongeza kazi inayofanywa nampongeza sana si mwingine bali ni Mheshimiwa Tendai anavyoendelea na kazi yake ya usafi lakini sio Mheshimiwa Mswabah...

(Laughter)

...Alivyokuwa alivyoleta hoja yake Mheshimiwa Spika kwa sababu ya kumpongeza Mheshimiwa mtendaji ni kuwa ameanza kazi nzuri. Mheshimiwa Spika majaa yanapungua kule kwetu mitaani kwa sababu halali Mheshimiwa Tendai gari zinafanya kazi sawasawa. Mheshimiwa Spika mimi ningemuomba alivyoleta hoja hii aombe katika Bunge hili ili arudi aizingatie, aifanyie marekebisho madogo na ahusiane pia na waziri Tendai kabla ya yeye kuleta hoja kama hii hapa mbele ya Bunge hili. Twaelewa Mheshimiwa Spika hii ni Nyumba ya sheria, sisi ni watengezaji sheria lakini leo hapawezi shikwa mtu pale nje kabla hatujapitisha hiyo sheria. Twakubali kweli twatengeza sheria lakini ikiwa sheria hiyo bado hapawezi kuwa kesho watu waanze kushikwa na vijana wawe wanalipwa kutatokea mambo ambayo hatukuyafikiria, malengo yetu ni mengine tunaweza tukachipuza mambo ambayo yanaenda kinyume na malengo yetu.

Ndipo sasa nikaomba Mheshimiwa alivyoleta hoja hii akae kwanza na waziri aanze kuangalia kwa sababu nina imani kulingana na vile alivyoanza kusafisha majaa nina imani amelenga huko ambapo Mheshimiwa Mswabah amelenga mji uwe Msafi kama ilivyo na kama tunavyosema kuwa mji wetu wajibu wetu tukaanza leo kuambia vijana, “shikeni watu” hiyo miji ambayo twaambiwa hivi sasa watu wanashikwa nina imani wakati ule ambapo ilikuweco bado taka zimekithiri kila kona hawakuanza na desturi hiyo ya kushika watu walianza kwanza kuweka miji safi, ndipo sasa sheria zengine zikafuatia. Lakini lau tukaanza kujenga nyumba kwenye mabamba ama kwenye bati kabla hatujaanza na Msingi nina imani mabamba yale ama paa lile ama madirisha yale ambayo twataka tuyaweke juu pasi na vitu vya kuzuia, vitu vya kuhimili uzito ule ambao uko juu, nina imani nyumba ile itaweza kuanguka. Naomba wenzangu na namuomba haswaa Mheshimiwa alivyoleta hoja hii arudi nyuma, afikirie kwanza ni njia gani tutafanya kuweka Msingi thabiti na ashirikiane na waziri, nina imani Msingi dhabiti utapatikana

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na malengo ambayo ako nayo yataweza kutokeza katika Kaunti yetu ya Mombasa na Mheshimiwa Spika nina imani kwamba Kaunti yetu ya Mombasa ikiwa safi kama vile tunavyoifikiria sisi twataka iwe na nina imani itakuwa tutakuwa mbele kama tulivyo katika katiba tumewekwa 001, nina imani tutazidi kukaa kiwango ambacho kitaweza kufungua mengi kuleta mpaka watalii ambao sasa hivi kidogo idadi yao imepungua wa nchi za ng'ambo pamoja na wetu wa hapa hapa nchini kwetu Kenya. Mheshimiwa Spika naketi na naomba wenzangu tushirikiane pamoja kuhakikisha mji wetu umekuwa Msafi na aliyeleta hoja hii namuomba arudi nyuma atengeze hoja hii yake vizuri maanake ni hoja nzuri lakini kwa jinsi alivyoileta Mheshimiwa Spika ndipo hapo tutaweza kuep...

(Interruption)

Hon. Kalume: Point of order!

Mr. Speaker (Hon. Rajwayi): Yes, what is your point of order Hon.?

Hon. Kalume: Ahsante Mheshimiwa Spika kwa kunipa nafasi hii. Mheshimiwa Spika mimi nataka kusema naona ni kama Mheshimiwa Fadhili anajaribu kutupotosha. Kwa sababu yale yote anayoongea mimi nashindwa kuelewa sisi tulichaguliwa na wananchi tuje katika Bunge hili kutunga sheria anatupatia mfano wa kujenga nyumba juu ya mabamba, sijui tujenge nyumba wapi sasa ikiwa kama sisi Wabunge wa Bunge hili hatuwezi tunga sheria zetu wenyewe, ni wapi tutaenda kutungia sheria zetu? Yeye ndiye ameleta kwa hivyo Mheshimiwa Spika naona Mheshimiwa Fadhili anajaribu kutupotosha si ati napinga lakini hana sababu ya kupinga.

Mr. Speaker (Hon. Rajwayi): On the same point? Yes Hon. Ahmed.

Hon. Faraj: Mheshimiwa Bwana Spika mimi nakubaliana moja kwa moja na maoni ya ndugu yangu Salim Kalume kwa kuwa hii Nyumba ni Nyumba ya kutengeza sheria, nakubaliana naye moja kwa moja maanake sheria zile tusiwe tunazitengeza alafu baadaye zile zitakuwa kule mashinani watu ni makonde na mangumi kwa sababu hii sheria ambayo ndugu yangu Salim Kalume anataka iletwe, moja kwa moja itakuwa mwanzo inaenda kinyume na nidhamu ambazo kwamba ziko za kisheria katika serikali kuu na serikali ya Kaunti. Ukichukua, hususan ndugu zetu ambao wako mashinani na twajuana, kijana umwambie, "wewe majukumu yako ni kumshika yeyote yule ambaye atatupa taka", hicho kizaazaa ambacho kitakuweko itakuwa ni kubwa na hatutakuwa na uwezo wa kuweza kulidhibiti Mheshimiwa Spika sisi tunapigana kuhakikisha kuwa tunaondoa utovu wa nidhamu na utovu wa kulinda usalama katika jiji la Mombasa. Huu Mswada Mheshimiwa Spika ukipita itakuwa imehakikisha kuwa kutakuwa na changamoto za usalama ya hali ya juu katika hili jiji la Mombasa manake hizo ngumi ambazo zitakuweko si za mchezo mzee.

Mr. Speaker (Hon. Rajwayi): Yes, can you allow Hon. Fadhili Mwalimu to wind up he was almost winding up, Hon. Fadhili you have less than a minute.

Hon. Mwalimu: Ahsante Mheshimiwa Spika. Mheshimiwa Spika naona kuna kanuni za Bunge ambazo ziko zimeanza kutumiwa kwa Nyumba hii kwa sababu naona *Point of orders* zimeingia na watu wanachangia zaidi ya dakika mbili sijui tungebadilisha kanuni za Bunge zetu ama vipi. Mheshimiwa Spika mimi nimesema kuwa hii ni Nyumba ya sheria na ni lazima tutengeze mwanzo sheria ambayo itaweza kukubali yale matakwa yetu; kama vile nilivyosema ya kwamba tutakapotuma ama tutakaposhika wale jamaa ambao tunasema wanaletwa kama kortini, watashtakiwa na makosa gani maana ni mahali ambapo hakuna sheria kama hiyo.

Mheshimiwa Spika ni lazima kwamba sheria iwekwe tushikaneni tutengeze sheria. Sheria ni sisi tunatengeza sheria Mheshimiwa Spika na hata mawaziri wanatengeza sheria, tunaleta hapa na tunapitisha ama tunarekebisha zile sheria mtu akisema hajui ama mimi napotosha Nyumba hii nafikiri yeye ndiye atakuwa anapotosha Nyumba hii kwa sababu sisi tuko na majukumu na mawaziri wana majukumu na yote yaja katika Nyumba hii na sheria itakayokuwa imetoka katika

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Nyumba hii itakuwa ina manufaa kwa Kaunti yetu ya Mombasa na wananchi wetu wa Mombasa. Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Ahmed Saad Faraj.

Hon. Faraj: Ahsante sana Mheshimiwa Spika kwa fursa hii. Na mimi nitaanza kama alivyomalizia Mheshimiwa Naibu wa Spika, kwa kutuomba kwa heshima na taadhima tuunge Mswada huu mkono na mimi nitawaomba ndugu zangu walioko hapa kwa heshima na taadhima, tuupinge vikali Mswada huu. Mheshimiwa Spika katika idara ya mazingira na usafi hivi sasa kuna *program* hazifungui kazi hivi sasa kuhusiana na mambo ya utupaji wa takataka tuna mji wetu wajibu wetu ambao kwamba unaendelea na hii ni masuala ya jamii ambayo iko mashinani. Kuna mipango myengine ambayo kwamba ipo inaitwa, “mambo safi” ambayo kwamba inaendelea na hizi mbili ni miradi ambayo kwamba imekuwa *initiated* na wananchi wa Mombasa. Mheshimiwa Spika ya tatu ambayo iko na inaendelea na tayari imeanza ni shirika lisilokuwa la kiserikali kwa jina laitwa KUZA ambayo kwamba inaingia kwenye ushirikiano na idara ya mazingira kuhakikisha kuwa imechukua vijana wa kila sehemu ambao kwamba watapatiwa vifaa vya usafi, watapewa mavazi, watapewa kila aina ya kitu ambacho kwamba watahitajia katika mitaa yao ili waanzishe miradi ambayo kwamba itakuwa ni ya kuendeleza wao kimaisha lakini huku wanatambulika na serika ya Kaunti na wanatambulika na serikali kuu kwa kuwa wao ni vikundi ambavyo kwamba vimeandikishwa rasmi katika wizara ya usajili.

Mheshimiwa Spika hili suala ambalo kwamba tumelizungumza hapa ni fikra ambayo kwamba ni nzuri na malengo ya Naibu Spika ni mazuri, lakini hatari ambayo kwamba inatukodolea macho ni kubwa na nikisema hivi; sisi tutawapatia majukumu vijana, kwanza swali la kwanza, je vijana ambao wanaingia katika ile *bracket* ya vijana ni nani? Jambo la pili Mheshimiwa Spika tunajua ile miaka ya vijana ni kuanzia miaka mingapi mpaka miaka mingapi? Kumaanisha kila kijana Mheshimiwa atakayekuwa katika Kaunti hii atakuwa ni askari wa mwenzake aamue tu asubuhi ameamka asema “mimi kazi yangu leo ni askari” kama ni mtu wa Mwakirunge akishika mtu apande naye basi toka huko Mwakirunge aje naye hapa Mombasa kortini kuja kumleta, hayo ni mambo ambayo kwamba hayaeleweki akilini. Mheshimiwa Spika...

(Interruption)

Point of order!

Mr. Speaker (Hon. Rajwayi): Can you continue Hon. Saad Faraj?

Hon. Faraj: Ahsante sana kwa hifadhi yako Bwana Spika. Bwana Spika, malengo ni mazuri lakini mpangilio ambao kwamba Naibu wa Spika anajaribu kuuleta ni kama kwa mfano tungekuwa tuko katika Kaunti ya Kilifi ilivyo kubwa mtu kama ameshikiwa Mariakani apelekwe mpaka Malindi kuenda kortini huko. Kwa hivyo Mheshimiwa Spika nafikiri masuala haya tayari idadi ya idara ya mazingira imetengeneza mikakati yake, ushirikiano wa jamii ya Kimombasa tayari upo kuna mipango ya zaidi ya mbili ambayo yanaendelea na kutupa takataka na kuhakikisha kuwa elimu imeingia wale wananchi na kila mmoja achukue majukumu yake kuhakikisha kuwa yameweza kuwekwa sawa. Kwa hivyo Mheshimiwa Spika mimi napinga na naomba wenzangu wote walioko hapa waupinge Mswada huu kwa sababu ikiwa sisi twapigana kwa sababu ya kuweka usafi katika jiji la Mombasa ama Kaunti ya Mombasa, nakuhakikishia kwamba tutavunja rikodi na huu Mswada ikapita na hii sheria ikawekwa kule mashinani tuangalie ni haki za kikatiba zipi zitapita baada ya Mswada huu kupitishwa. Kwa sababu vijana wetu twawajua, twawafahamu na twajua hisia zao ziko namna gani, hii itakuwa imekuwa fursa ya kuharibu mipangilio ambayo kwamba tayari serikali ya Kaunti ya Mombasa, chini ya uongozi dhabiti wa Mheshimiwa Gavana umewekwa katika idara ya mazingira.

Kwa hivyo Mheshimiwa Spika tusikoroge mipangilio ambayo iko kwa sababu ya hisia kwa sababu ya kuridhisha watu, huku katika kuridhisha kule badala ya kuleta manufaa, tunaleta maafa. Mheshimiwa Spika napinga Mswada huu kwa roho safi na naomba wengine kwa roho safi waupinge ili usalama katika jiji la Mombasa ubakie kama ulivyo. Ahsante.

Mr. Speaker (Hon. Rajwayi): Hon. Kizito.

Hon. Opeya: Thank you Mr. Speaker. Mr. Speaker I also want to, even though we agree that environment is a major challenge to us, I also would like to oppose this Motion. This Motion has been constructed Mr. Speaker is very dangerous when we start paying officials to one department and we have many departments in the County. The other departments will want to be paid commissions, where will the money to pay these commissions come from? Mr. Speaker I think all of us we have got systems, Nairobi has the same system in the town center whereby the Inspectorate are on the look out for those smoking in non designated areas. I think we should try to do something like that but if we are trying to put commissions we are just going to open up avenues for corruption because some of the youths will just be making free money and they are jobless. So as much as we agree that the environment is a big challenge but this Motion the Hon. Member must take it back to the drawing board and bring back away in which we can do it and implement it properly. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Hon. Nyamvula.

Hon. (Mrs.) Nyamvula: Thank you Mr. Speaker. Mr. Speaker as the Chair for Youth, Gender and Sports, I have a lot of interest for the youth, women and the community in general to see that jobs are available and the rights generally are given. Mr. Speaker, I also want to remind this House, and I wish and hope that my colleagues can look back the way this town was, the way this city was when we took over as a County government and the strides we have made upto now in 2016. A lot has been achieved because laws were set out and implementation has been done and I also want to ask this House to look at how much we have done by engaging the youth of this county. Mr. Speaker, bearing that in mind; I come here with a very heavy heart but to oppose this Motion and I oppose this Motion simply because of the figure, 30 per cent commission, I mean the commission and I want to agree with my colleague Hon. Opeya, this Motion is very dangerous it is dangerous because of the commission to be paid. The Motion has very good intentions and the Motion gives an opportunity for employment through the private sector, through companies catered for the youth.

I also want to remind the House that the constitution of Kenya, 2010 recognizes the youth, the women by giving them a 30 per cent wage in every area. So what do I say about this? I say; why don't we engage, do a research on our employment, see how much we have done so far in terms of employing the youth and if we have attained the 30 per cent wage gap. If not then let us see that we attain it through the right procedure, not by paying the youth a commission. Mr. Speaker, apart from that, this Motion also brings about a budget reconstraining and the Motion mover, I wonder if he has considered how we are going to fund for this percentage, how are we going to fund this Motion, because right now, as much as we want to engage the youth, we have a budgetary constraint. So, for me, it's a very good Motion but I oppose it and what I would like to ask my colleague is to go back and engage the department of Youth, the Department of Environment because as Hon. Saad has just said, there is a lot going in the next two months we will see a lot of implementation of different activities, right now the department of youth is training a hundred youth per sub-county on employment, job employment, empowering them, giving them the skills on how to run their own businesses and this I can see is a very good opportunity because a youth group or just youths could have formed a company and started collecting glasses, and this is something Hon. Speaker I have seen abroad that a company can

just set itself to collect a certain type of litter like glasses, different type of glasses or containers for that matter and that company can be funded as I think the House (??) we passed another Motion by the Finance Chair on how we can service, how we service an LPO and so we have a lot which we actually have not taken advantage of but we have passed these Motions here and so for me the wage bill, the 30 per cent employment and how the implementation of different activities within our departments sets the base for me to reject this Motion. Thank you, Mr. Speaker.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Riziki Fundi.

Hon. Fundi: Ahsante sana Bwana Spika kwa kunipatia hii nafasi. Mheshimiwa Spika, Bunge hili ama Bunge lolote ambalo linapatikana katika nchi ya Kenya ni kwamba linatajikana litunge sheria na sheria yoyote inayotungwa inatungwa kwa maslahi ya wananchi lakini sio kuadhibu wananchi. Tukiangalia Mswada huu ambao umeletwa hapa umetegemea zaidi katika kuwatesa wananchi sio kuwafaidisha. Mheshimiwa Spika pia nataka niseme hatuwezi kwa njia ya aina yoyote ikiwa tunataka tusafirisha mzigo alafu tuweke ya rukwama ni mbele alafu tuweke farasi nyuma, haiwezekani, ikiwa tunataka kusafirisha mizigo basi tufunge ile rukwama nyuma ya farasi alafu tumuambie farasi avuke njia kwa hivyo tukiambia Mswada huu ni kama ambaye tunataka tuweke rukwama mbele alafu farasi nyuma. Katika Mswada huu pia unaonyesha wazi kwamba Kaunti yetu iko katika jitihada za kuweka sheria ambazo zitaweza kutumika katika kuweka jiji letu safi alafu hapo hapo Mswada huu unarudi kuomba ya kuwa tupitishie sheria ambayo itakuwa inaleta adhabu kali kabla hata sheria yenyewe haijatungwa.

Mheshimiwa Spika, Mswada huu kama ungekuwa umefikiriwa kwa undani na kuletwa baada ya sheria labda ungekuwa na manufaa kwa sababu mimi sijawahi kusafiri nje lakini nina watu katika familia na watu marafiki ambao wameweza kusafiri nje wametueleza ya kwamba ukifika katika maeneo mengine kuwa huruhusiwi kutupa kitu chochote hata kutema mate.

Kwa hio mambo kama hayo ni mazuri lakini kwanza yanatajikana yatangulizwe na sheria ambayo itaweza kuweka mikakati kamili katika kuweka usafi wa jiji hili, kwa hivyo ikiwa tunataka tuweke sheria kama hiyo basi tuwe na subira, tuangalie ni jinsi gani tutaiunda hiyo sheria ili kuweka mikakati ya kufanya jiji liwe safi alafu baadae ndio tuangalie tutaweza nini ili ikiwa mtu amevunja sheria hizo na hatimaye hapo itakuwa tumefanya jambo la muhimu na itakuwa tumesaidia watu wetu badala ya kuwapa adhabu.

Mheshimiwa Spika nikiongezea kwamba mazingira ni jambo la muhimu sana na mazingira yanaweza kufanya kwamba uonekane wewe ni mtu wa maana ama uonekane wewe si mtu wa maana kwa hivyo sisi kama wabunge wa jiji la Mombasa tuna jukumu la kuhakikisha kwamba mji yetu unakuwa Msafi na pia nataka tutoe pia kama mwenzangu alivyosema tumpatie shukrani za dhati yule ambaye anashikilia ile kitengo sasa cha mazingira kwa kweli anafanya jitihada kubwa katika kuleta usafi katika jiji letu na sisi kama waheshimiwa ama wakaazi wa jiji la Mombasa tunatajikana tuziunge juhudi hizo mkono ili kwanza tuliweke jiji safi alafu baadae tutunge sheria ambayo itatufanya tuweze kuhimili ule usafi ambao utakuwa umewekwa, kwa hivyo mimi pia napinga Mswada huu kwa sababu Mswada huu unaweza kutuletea maafa mengi sana Bwana Spika.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Hatimy.

Hon. Mohamed Hatimy: Mheshimiwa Spika ahsante kwa kunipatia fursa hii kuweza kuchangia kwenye Mswada huu. Mheshimiwa Spika kabla sijaendelea kushika huu Mswada naomba Nyumba hii kumuuliza Kiongozi wa Walio Wengi Bungeni aweze kutuletea Mswada chini ya *Standing order* nambari 94 ambayo hiyo inazungumza juu ya *limitation of debate*. Kwa sababu mimi naona *debate* Mheshimiwa Spika inakwenda mwengine anachukua dakika kumi,

mwengine anachukua tano, mwengine anachukua ishirini na kuendelea, kwa hivyo mimi naomba Kiongozi wa Walio Wengi Bungeni kuanzia leo aweze kutupatia mwelekeo ndani ya Jumba hili.

Mheshimiwa Spika nikishikia juu ya Mswada ni kusema kuwa juzi sisi tumepitisha sheria ambayo tulisema hapa tukipitisha *Bills*, vile vile tulivyopitisha nyengine juu ya leseni imezungumzia, juu ya mambo ya kupiga muziki, mambo ya mijengo, mambo ya wanyama kutembea na kuharibu haribu barabarani, mambo ya kukata miti na kadhalika na vitu vingi ndani yake.

Mheshimiwa Spika nataka kumuomba ndugu yangu Naibu wa Spika atumie kifungu cha 48 katika *Standing order* na kwa nini kumuuliza? Kwa sababu Mheshimiwa Spika mtu anapoleta Mswada yataka sisi tuwe tunasaidiana Mswada ule kwa nini unapinga unampatia yule mtu aliyelea ule Mswada unampatia nguvu na kumuambia sababu gani napinga ule Mswada ama wakati utauunga mkono, ni kwa sababu gani unaunga mkono huo Mswada lakini sio kuwa leo mtu ameleta Mswada alafu ukuwe umesimama kupinga bila ya sababu yoyote ya kuwa tu wewe unapinga ule Mswada itakuwa jambo hili si zuri.

Mheshimiwa Spika nataka kumuambia mwenzangu kwa nini nataka atumie *Standing order* nambari 48; *Standing order* nambari 48 ni kuzungumza kuhusu ku *withdraw a Motion it may be moved again that Motion*, kwa hivyo itakuwa Mswada ule bado una uhai utakuwa bado haujakufa ule Mswada ndani ya Nyumba hii na kumuambia hivyo Mheshimiwa Spika nataka kumuambia ukiangalia *Public Finance Act section 148/151/157/158* iko wazi wakati wa pesa zimekusanywa kuingia kwenye mfuko wa Kaunti basi pesa ile haiwezi kupawa mtu bila ya kuwa na ushahidi, hawezi kulipwa mtu kama vile inavyosema huu Mswada pasipokuwa na sheria lazima patengezwe sheria alafu ndio itakuwa zile pesa zitaweza kulipwa yule mtu aliyeweza kufanya kazi.

Jambo la pili Mheshimiwa Spika; *arresting or to arrest* ni lazima uwe umepatiwa nguvu, kwa hivyo hatuwezi kuchukua vijana tukasema kuwa watakuwa wakiwashika ni lazima mtu awe na atapatiwa *in writing powers* za kuweza ku *arrest*, kwa hivyo namuomba mwenzangu tukubaliane aweze kuenda chini tena kukaa na kusema kutengeneza hii angalia ni njia gani sheria hii twaweza kuitengeza ama kurekebisha huo Mswada ya kuwa atataka Mswada huu uangaliwe na uwe kama utakuwa unaleta sheria ile sheria iwe itatokamana na huo Mswada alafu ndio tuweze kuja kuujadili tena huo Mswada. Mheshimiwa Spika nafikiri itakuwa ni jambo zuri ikiwa kama nilivyosema tutapeana motisha, tutapeana nguvu, tutapeana zawadi watu wakileta Mswada sio kuwa watu kusimama na kupinga tu huo Mswada lakini ukimuuliza kwa nini unapinga hakupi sababu ya kwa nini; kwa hivyo Naibu wa Spika kwa heshima na taadhima naomba ukubaliane na wazo langu hili uangalie *section 48* alafu uende tena baada ya ushatengeneza ule Mswada. Ahsante sana Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): Yes, Hon. Patrick Siminyu.

Hon. Siminyu: Thank you Mr. Speaker for giving me this opportunity to contribute towards a very good Motion that has been brought by the able Hon. Rashid Mswabah. I am saying this because Mswabah is speaking for our youth, just the other day he helped some of the youths in his ward just the other day some of our companies were closed down by the government and over one thousand two hundred youths lost their jobs. Mr. Speaker it is a progressive thought to see that our youth will have a way to earn their living, we said that we don't create the law to punish people but to govern how we live. Mr. Speaker if we didn't have laws in this country then everybody would go to a bank and steal and just walk out freely; man has been known not to follow the law. We know there are laws, good laws that govern us in Mombasa, littering is wrong but people litter and we know there are laws but because we don't have people to enforce or any other County people do it anyhowly. I was just passing near the

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station, I saw our able Minister trying to restore tracks there so that people can throw their garbage. I am impressed by the Minister; he is doing a great job for this County, just for a few months that he has been given this opportunity he delivers but if I walk around I see everywhere people littering and they know it is illegal and if we have people and as you know Mr. Speaker we have a shortage of employees in the enforcement department, that is the Executive.

Mr. Speaker I understand that this Motion needs more time so that we can see the way forward where we can get money so that we can employ youth so that they can gauge in making sure that our laws are being followed. Mr. Speaker I would like to humbly ask my colleague that this is a good Motion but there are more good things that are left behind and people like us, the inspectorate department, the Minister in charge of that docket we need inputs from them so that we can come with a very good Motion so that we can see that the laws that are there are implemented and as a County government we move from Municipal Council to Counties.

Mr. Speaker we need to refurbish our laws; hefty penalties have to be put not to punish our people but to make sure we have a just society which respects the laws that are there. Mr. Speaker I have seen so many people here littering we cannot just go around throwing litter. Mr. Speaker some of them collect litter and throw them anyhowly, as a normal person you must know where to put your litter but you have to be responsible and the next day you are complaining that, “the government is not working”.

We have to stand firm Mr. Speaker Sir as a House so that we can see we have a correct and just society for the laws of this County and this country Mr. Speaker Sir. Thank you.

Mr. Speaker (Hon. Rajwayi): Now I want to call upon the Motion mover who is Hon. Mswabah Rashid to reply. I want to believe all has been said in your presence so I trust you will reply.

Deputy Speaker (Hon. Mswabah Rashid): Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii ili kuweza kutetea Mswada wangu. Mheshimiwa Spika nimewasikiza wenzangu wakizungumza kwa makini na nikaona huu Mswada sasa hivi hauhitaji kupigiwa kura kwa hivyo chini ya kanuni za Bunge nambari 48 ningependa uniruhusu na Jumba hili liniruhusu Mswada ni urudishwe jikoni...

(Applause)

...Ahsante Mheshimiwa Spika.

Mr. Speaker (Hon. Rajwayi): The Chair has no objection to that so now that means that the Motion is still alive and you can do whatever he wants to do with it. Yes carry forward.

ADJOURNMENT

Ladies and gentlemen this House stand adjourned until today Wednesday 10th February 2016, same place at exactly 2:30p.m.

The House rose at 10:50a.m.