

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**

Wednesday, 2nd November, 2016

The House met at 2.40pm.

(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)

PRAYERS

Deputy Speaker (Hon. Mswabah Rashid): Yes Clerk.

COMMUNICATION FROM THE CHAIR

Yes waheshimiwa hapa kuna malalamishi. Malalamishi yamekuja ni *petition* iko kwa lugha ya Kiswahili. Imeandikwa;

(Deputy Speaker (Hon. Mswabah Rashid) read the petition on noise pollution)

MALALAMIKO KUHUSU LIVE BAND/CDS USIKU/MCHANA

Madhara yanayosababishwa na kelele; kuwanyima wanafunzi nafasi ya kurudia (*revision*), wanafunzi wa shule na madrasa huwa ni vigumu (mateso) kuhudhuria masomo kuanzia siku ya ijumaa kwa kuwa baadhi ya makanisa hukesha usiku kucha kwa kutumia vipaza sauti hadi saa kumi na moja alfajiri.

Mateso haya yanawafikia wakubwa kwa wadogo, wenye afya na wagonjwa walio kitandani hata wengine hushindwa kufika kazini kwa shida ya ukosefu wa usingizi kuanzia alhamisi, ijumaa, jumamosi huwa ni siku tatu za kesha.

Naiomba ofisi yako ichunguze na kuzuia mateso haya tunayo yapata (raia), hapa mtaa wa Bengala na eneo zima la Mshomoroni kwa jumla, kabla ya mkutano (ukosefu wa amani) kuanza, baada ya ofisi husika kulipuuza jambo hili (wizara ya mazingira, watoto na elimu) kwa kutumia ubaguzi (udini) na hata naibu Kamishna Kisauni *sub county* amelipuuza kulishughulikia tatizo hili ambao ni hatari kiusalama.

1. Ear drums infection.
2. Stress
3. Brain infections
4. Heart problem
5. Headache
6. Body pain
7. Sleepless
8. Lazy
9. Body weakness
10. Sexually less
11. Causing divorce
12. Loss of behavior
13. Sightless
14. Loss of control
15. Loss of appetite
16. Failure student
17. Absent student.

MADHARA YA KELELE KWA KUPITIA MWILI WA MWANADAMU

Na hii itasababisha wahalifu mitaani kwa sababu ya ukosefu wa kutohudhuria kazini kutokana na kukoseshwa usingizi wa kutosha, matokeo atafutwa kazi na hivi karibuni kupitia

ofisi ya kamishna wa Kaunti ya Mombasa County ulipitisha *order* mikesha na harusi au sherehe zozote ni marufuku haziruhusiki kisheria zaidi ya saa nne usiku.

Mbona haya makanisa yanaruhusiwa? Kumbuka matokeo yake ni ukosefu wa amani kwani nchi yetu inahitaji amani na amani haitopatikana iwapo kuna kikundi kidogo (Kanisa) cha watu fulani wanao wanyanyasa raia na dini nyinginezo na ndio walipa kodi katika nchi hii.

Tusitegemee kupatikana utulivu kwa kuwa kuna upendeleo wa kidini unao wadhoofisha wanafunzi wa shule na madrasa kuwakosesha utulivu katika masomo yao kinyume cha sheria.

Kwa hiyo Waheshimiwa iyo ni *petition* ambayo imetoka Bengala kwa hiyo swali hili litapelekwa katika wizara ya mazingira ili waweze kulishughulikia swala hili. *Yes Clerk?*

MOTION

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Saad Faraj.

Hon Faraj: Thank you very much Mr. Speaker. Mr. Speaker I would like to take this opportunity to move this Motion in adoption of report on draft Mombasa County land policy.

(Hon. Faraj moved the Motion)

Mr. Speaker sir I beg to move the following Motion;

THAT this House adopts the report on draft Mombasa County Land Policy that was laid on the Table on Thursday 27th October 2016.

(End of Motion)

Mr. Speaker I beg to move and I want to call upon Mohamed Hatimy to second this Motion. Thank you.

(Hon. Hatimy bowed)

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Hatimy has seconded it. Members on behalf of..., Members it has been proposed that we put the question that this House adopts the report on draft Mombasa County land policy. Yes Hon Saad Faraj?

Hon Faraj: Thank you once again Mr. Speaker. Mr. Speaker the Mombasa County land policy, the document was actually tabled last week on 27th October and am sure Mr. Speaker that all the Members went through this document and it covers a wide area on matters of land.

Mr. Speaker the guiding principles of this document have been derived from several documents including the constitution of Kenya and other relevant documents and legislations that have been passed with regard to land issues if I may mention just a few of them.

Mr. Speaker this policy has also been derived from the vision 2030, the national land policy, the County Government Act of 2012, Administration of Public Land Act, Land Administration Act of 2012, The National Land Commission Act, The Environment and Land Act, Urban Areas and Cities Act, Community Land Bill, without forgetting.

Mr. Speaker the fact that this document went to the public and it has the public's input in it, I therefore ask Members to support this very crucial report and document to this County so that we can be able to address issues on land injustices that have befallen the people of Mombasa.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Members the Motion is on the floor for debating it. Yes Hon Fadhili.

Hon Mwalimu: Thank you Mr. Speaker. Mr. Speaker I stand to support the land policy as this is a policy that we are seeing how it is emphasizing how our people of Mombasa County are going to benefit on land issue.

Mr. Speaker ever since land issues have been a problem in Kenya and in Mombasa we must acknowledge, issues are being discussed but there are some critical, very critical issues that

arose in the Mombasa land policy that were never mentioned before or were never taken care of.

Mr. Speaker it is in the land policy that we are seeing that annual report we submitted to the County Assembly the progress of implementation of this land policy of which before we had seen no reports on this issue and we are also going to involve the public in implementing this policy and it is also through this Assembly that we are going to allocate the resources to implement the land policy.

Mr. Speaker to me I beg Hon Members to support this policy because every single step will pass through this Assembly.

The land policy has stopped a lot of benefitting issues to our local people Mr. Speaker, it is in this policy that we are seeing, we are somehow protecting our people; for example there are Houses of places that are gazetted and our people are not benefitting from there House being gazetted.

Mr. Speaker it is in this policy that we have talked on how our people are going to benefit thank you and I beg Hon Members to support this policy, thank you.

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Hon. Nassir.

Hon. Nasser Rashid: Ahsante Alhaj Spika kwa kunipatia hii nafasi. Mheshimiwa Spika naunga mkono kwa ukamilifu hii ripoti kama *former chairman* wa ardhi.

Mheshimiwa Spika mbali la kutatua mambo ambayo yako katika Mombasa hii *department* ita kusanya ushuru kushinda *department* zote, yale ambayo yako katika *land policy* yamefanyiwa uchunguzi kule chini wanainchi wenyewe ndio walichangia pakubwa haya mambo.

Mheshimiwa Spika hii *land policy* ilikuwa tokea tuingie sisi lakini Mheshimiwa alikuwa hajawapanga, kwa hivyo mimi naomba Jumba hili liweze kuunga mkono kabisa kwa sababu mwenye shamba atakuwa na haki yake mwenye kujenga pale atakuwa na haki yake na sisi pia tutakuwa na haki yetu asante sana Mheshimiwa Spika.

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Wangudi Stephen.

Hon. Wangudi: Ahsante Mheshimiwa Spika kwa fursa hii nami niweze kuchangia. Mswada huu umewasilishwa ndani ya Bunge hili na Mwenyekiti wa Kamati ya ardhi.

Mheshimiwa Spika mimi sitaki kusita bali ni moja kwa moja nitaunga ripoti hii mkono, kama vile wenzangu walivyotangulia kusema ripoti hii ingelikuwa imekuja kama juzi ikichelewa zaidi kama jana lakini haikuharibika jambo kama wahenga wanavyosema palipo na wazee hapa haribiki jambo.

Sijasema kuwa waheshimiwa hawa ni wazee lakini kwa hekima yangu jambo hili limepata wakati mwafaka ni kuungwa mkono na Bunge la Mombasa kwa sababu wote ambao ni wawakilishi wa Mombasa wamependa jambo hili na hakuna namna maendeleo yanaweza kupatikana katika nyinyi Kaunti ama nchi bila kutatua matatizo ya mashamba bila kuwa na mpangilio mzuri.

Mheshimiwa Spika iwapo twahitaji maendeleo katika jiji letu la Mombasa lazima tutumie sheria, iwapo tunataka skuli ni lazima kuwa na mipango ya shamba, iwapo tunahitaji mpango wowote mradi wa barabara tukihitaji maji ni lazima kuwe na mpangilio ni lazima kuwe na ardhi ni lazima kuwe na sheria au msawa ama swala nzima la mashamba ili tuweze kuendelea mbele kushindana ama kwenda sawasawa na Kaunti zingine.

Kwa sababu hio naunga mkono msawa huu mia asili mia, ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Patrick Siminyu.

Hon. Siminyu: Thank you Mr. Speaker for giving me this opportunity, first of all I would like to congratulate the Chairman of land and even the former lands chairman for work well done. Mr. Speaker the land policy will lie under the County government and the National Land Commission.

Mr. Speaker as a County and as an Assembly we are heading in a correct path, these policies and guidelines are going to guide our people and our department so that we can help revenue collection for this County.

No. 2 Mr. Speaker it has highlighted dispute resolution on matters pertaining land, as we understand there is historical injustice that Mombasa County people have undergone; forceful evictions have been done without proper guidelines.

Mr. Speaker we need to move as a House to bring more policies and laws that are going to protect our people and I take this opportunity to congratulate once again the Committee of lands for a job well done and I hope they'll bring laws so that we can take care of issues affecting our people especially land, each and every day our people are being evicted, and we need to come out with laws that are going to protect them.

I fully support this policy and to urge Hon Members of this House to support so that we can have proper policies to run the Mombasa County government, thank you Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Hon. Mary Akinyi.

Hon. (Ms) Akinyi: Thank you Mr. Speaker sir, am here to support this policy but before I support I would like to congratulate the former Member of land plus the current Members of the land for working tirelessly to bring up this report,

(Applause)

Mr. Speaker sir what has touched me most is this policy direction, *policy directions the county government shall develop a capital investment plan providing a detailed understanding of anticipated investments into capital assets such as bridges, roads and water and waste water systems.....* ;

Mr. Speaker sir, this is what will bring our County to another level. Mr. Speaker sir this paper, the policy which we are looking into here, you'll find that though it has taken a very long time but now it has brought a very good report because if you can look at the first page of this report you'll find that they have references 25, and where they have 25 references it means that a lot of work has been done to bring this good policy, so I support this report.

(Applause)

Thank you Mr. Speaker Sir.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Kizito Opeya.

Hon. Opeya: Thank you Mr. Speaker, I also join my colleagues in supporting the report...there is also the one on informal settlements we have a lot of informal settlements coming up in Mombasa.

This will help because it will separate areas which are schools, supermarkets it will help and make things easy. Thank you very much.

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Caroline.

Hon. (Ms) Auma: Ahsante sana Bwana Spika kwa kunipa nafasi na mimi kutoa ya moyoni.

Bwana Spika kabla sijaanza nashukuru Kamati ya Ardhi kwa kuweza kuja na *policy* kama hii kwa sababu Kamati ya Ardhi imejua ni shida gani ambayo Mombasa yetu tunakumbwa nayo.

Mheshimiwa Spika ukiangalia kabisa hii *policy* kuna haya majumba ambayo yanapewa *lease* kuna hata yale watu mashamba wanayavamia ya wengine na hii *policy* imeongea vizuri sana vile tunaenda kutoka kwa zile shida pale tutakapopitisha *policy* ile.

Mheshimiwa Spika tukiangalia vizuri wamepanga vizuri kila wodi tutapata soko, kutakuwa na mahali pa duka, majumba na mahali pa kutupa takataka ni mipango mizuri sana.

Kwa hivyo naipongeza sana hii Kamati ya Ardhi...

(*Applause*)

Kwa kujikaza vile inavyowezekana na kuleta *policy* hii. Ahsante sana.

Deputy Speaker (Hon. Mswabah Rashid): Thank you Members of this Hon Assembly, yes what is it Hon Nasser?

Hon. Nasser Rashid: Mheshimiwa Spika najua tumefanya kazi kubwa sana na *amendments* ziko tayari kwa hivyo tunataka kuwa na uhakika kuwa zimepita pia na hizo *amendments*. Nafikiri Bwana Mwenyekiti atatuambia kwa kirefu zaidi.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Riziki Fundi.

Hon. Fundi: Ahsante sana Mheshimiwa Spika kwa kunipa hii nafasi mimi pia niweze kutoa mchango wangu kwa ripoti ambayo imeletwa.

Mheshimiwa Spika mambo ya ardhi ni uti wa mgongo kwa maisha ya mwanadamu, kwa hivyo wakati wa nyuma ilipokuwa tunasoma kiukweli ilikuwa tumepewa namba 4 sasa naona tumekuwa namba 1. Mheshimiwa Spika zamani kulikuwa na nyimbo ilikuwa tukiimba...

(*Interruption*)

Deputy Speaker (Hon. Mswabah Rashid): Can you sing the song?

(*Hon Fundi sung*)

(*Laughter*)

Mheshimiwa Spika lakini mimi nikisoma hapa katika Kaunti 47 katika nchi yetu ya Kenya, Kaunti ya Mombasa imekuwa ya kwanza kujitolea ya kuhakikisha ya kuwa na *Land Policy* lakini masikitiko tumechelewa kuipitisha...

Hon. Mwalimu: Point of Information!

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Fadhili?

Hon. Mwalimu: Mheshimiwa Spika hii ni Nyumba ya sheria na Mheshimiwa Riziki ana uthibitisho gani kuwa Mombasa Kaunti ndio ya mwisho na Kaunti zote 47 kama zishapitisha hii *Land Policy* yao na ikiwa ana uthibitisho auweke.

Deputy Speaker (Hon. Mswabah Rashid): Yes *Mheshimiwa Riziki una kithibitisho chochote?*

Hon. Fundi: Mheshimiwa Spika naomba unipatie nafasi niendeleo.

Deputy Speaker (Hon. Mswabah Rashid): Una kithibitisho chochote.

Hon. Fundi: Mheshimiwa Spika kama kuna mtu yeyote katika Jumba hili Mheshimiwa yeyote katika Jumba hili ambaye amekaa katika Bunge hili hakuna isipokuwa ni mimi mhusika katika kila kikao wakati ikitengenezwa nikiwa kama Naibu wa Mwenyekiti wa Ardhi.

Nimeenda katika semina nyengine na semina ya mwisho ilifanywa Sai Rock Hotel ilitolewa kabisa orodha ya zile Kaunti zilizopitisha na ambazo hazijapitisha lakini kwa leo Mheshimiwa Spika si hoja. Kwa hiyo Mheshimiwa Spika naunga mkono kwa dhati.

(*Applause*)

...Naunga mkono kwa dhati.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy.

Hon. Mohamed Hatimy: Mheshimiwa Spika masikitiko ni kuwa amesimamia hii Kamati na yeye ndio wa mwisho kuleta hii...

(Laughter and applause)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Saad Faraj.

Hon. Faraj: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nafikiri suala ambalo kwamba Mheshimiwa Fadhili ameliomba na sisi ambalo tunaliomba ni ushahidi pale tunapotoa mazungumzo kwa sababu hili ni Jumba la sheria lazima nidhamu zile zilizoweka lazima zifuatwe aidha atupatie takwimu ama aombe msamaha kwa Nyumba.

Mheshimiwa Spika hayo mambo mawili atupatie takwimu ya kuonyesha kuwa sisi Kaunti ya Mombasa ndio wa mwisho katika kupitisha *policy* hii au aombe msamaha Nyumba katika kutupotosha. Ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Nasser Rashid.

Hon. Rashid Nasser: Mheshimiwa Spika hii *policy* ililetwa hapa na ilikuwa na marekebisho na hivi Kamati ilikuwa lazima ikae chini kwa sababu hili tatizo ni sugu kwa Mombasa Kaunti.

Kamati ya Ardhi ya sasa ikaona bado ikae chini tena kwa kuwa kulikuwa na tundu iweze kuziba Mheshimiwa Spika nafikiria kwamba Mwenyekiti wa Ardhi pia aliisukuma sana. Ahsante sana.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Riziki there are two issues before you; first Hon Fadhili has come with a statement to give us an evidence to what you are saying or you should extract your statement.

Hon. Fundi: Mheshimiwa Spika naahidi ili Jumba kwamba nitaleta hizo stakabadhi baadaye kwa sababu leo sikuibeba na naahidi kwamba nitaleta katika Nyumba hii kuonyesha kwamba sisi tumekuwa wa mwisho kuileta *policy* hii....

(Interruption)

Hon. Mohamed Hatimy: Point of Order!

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy what is your point of order?

Hon. Mohamed Hatimy: Mheshimiwa Spika tunakubali kuwa yeye ataleta lakini kwa hivi sasa asiendeleo na hayo mazungumzo mpaka alete hizo stakabadhi

Deputy Speaker (Hon. Mswabah Rashid): Okay Hon Riziki you should extract your statement then you continue with your submissions but extract your statement first

Hon. Fundi: Mheshimiwa Spika kama Waheshimiwa wengine walivyosimama kwenye Jumba hili na wakasema kwamba hili ni Jumba la sheria, suala la kuwa mimi nitoe ile taarifa nafikiri nimesema wazi kwamba leo mimi sina huo ushahidi lakini nitaleta wakati mwafaka wakati nimepata ile takwimu ya kuonyesha kwamba tumekuwa wa kwanza lakini tumekuwa wa mwisho lakini mbali na hivyo Mheshimiwa Spika yale ambayo ilikuwa nataka kuyasema nafikiria.....

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Hon Riziki I tell you, you will continue after extracting that statement, so extract that statement then you continue.

(Applause)

If you wish to continue...

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Spika kwa heshima yako ningependa extract lakini sikumaanisha kwamba hakuna hiyo statement

(Interruption)

Hon. Mohamed Hatimy: There should be a condition Mr. Speaker he should either withdraw or give the evidence?

Deputy Speaker (Hon. Mswabah Rashid): Did you say you are withdrawing?

Hon. Fundi: Yes.

Deputy Speaker (Hon. Mswabah Rashid): Okay thank you Hon Riziki.

Hon. Fundi: Mheshimiwa Spika kama nilivyotangulia swala la ardhi ni swala zito, ni swala ambayo limetusumbua sisi kKaunti zote Kenya; Kaunti ya Mombasa katika masuala ya ardhi iko *unique*.

Masuala haya ya kuwa wewe umerithi nyumba, hakuna katika sehemu yoyote kasoro Mombasa, hili ni swala ambalo lau kama hii tungekuwa tumepitisha hapo awali ingekuwa masuala mengi yale ambayo yanatokea sasa tungekuwa tumemaliza.

Leo tumefika wakati tuna pitisha *policy* katika Nyumba hii, basi sisi kama waheshimiwa ambao tumechangia katika kuileta Bunge hili basi tuje tuhakikishe kwamba *policy* hii iwe itaweza kufanya kazi haraka kwa sababu katika yale ambayo yametajwa masuala ya ardhi ni muhimu na pia tunatajikana kulingana na katiba tuweke ile *County Land management board*, mpaka leo sisi hatujaweka, ndio maana nikasema Mheshimiwa Spika sisi ndio mwisho lakini

(*Interruption*)

Hon. Nasser Rashid: Mheshimiwa Spika a *withdraw* mara ya pili manake amesema tena.

Deputy Speaker (Hon. Mswabah Rashid): Hon Riziki you should not use that word, so please.

Hon. Fundi: Mheshimiwa Spika nakuheshimu sitarudia haya maneno lakini mpaka leo hatujapitisha County Land Managment Board.

Kwa hivyo hii inaonyesha tunachelewa kufanya mambo yetu, hata kama sisi sio wa mwisho basi wa katikati lakini mpaka leo hatujafanya, kwa hivyo tunapitisha *land policy* lakini wale watu ambao watahughulika kuhakikisha *land policy* inafanya kazi *County land Management Board* mpaka kufikia leo hakuna na saa hii tunajitayarisha sisi kwenda kwa uchaguzi, kama kuna wodi ambayo ina matatizo kwa mambo ya ardhi Mombasa basi Bamburi inaongoza.

Kwa hivyo mimi ningependela hii *policy* ipite tangu mwaka juzi lakini kwa sababu tumechelewa leo tumeitisha lakini iwe itaweza kufanya kazi mara moja, isiwe tunapitisha mambo lakini tunaenda kukaa chini inakua ni jambo la kusikitisha sana...

(*Applause*)

Mheshimiwa Spika huyu anasimama na *point of order* number ngapi?

(*Laughter*)

Deputy Speaker (Hon. Mswabah Rashid): You dont know if it is a point of order, yes Mheshimiwa?

Hon. Ogalo: Mheshimiwa Spika mimi nataka nijue anasema anatupitisha tutaweka chini, atuambie chini ni wapi?

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Riziki Fundi you are remaining with 30 seconds.

Hon. Fundi: Mheshimiwa Spika chini ina maana nyingi sana kwa hivyo singependa kuiongelea maana itanichukua dakika nyingi.

Mheshimiwa Spika mimi naunga mkono swala hili *land policy* na sidhani kama kuna mwengine atapinga hili swala tulifanyie bidii ni ipate kufanyiwa kazi haraka iwezekanavyo lakini pia tunasisistiza kupitia kwa Mwenyekiti wa Kamati ya ardhi afanye bidi kuwa ile *Land Management Board* iweze kuundwa kwa sababu ile peke yake ndio inaweza kutumia hiyo *system* kama ile hakuna basi tutakuwa tufanya kazi ya bure, ahsante sana.

Deputy Speaker (Hon. Mswabah Rashid): Thank you Hon Riziki Fundi. Yes Hon.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika mimi niko hapa kukuunga mkono hii ripoti, hii *policy* sio kuwa ndio mwisho hii ni *policy* ni lazima iwe na sheria zake.

Kwa hivyo Kamati ya ardhi inatafikana i *move* na *speed* kuhakikisha kuwa sheria imetengezwa na iweze kabla hatujamaliza muhula wetu iwe itakuwa tumeweka hiyo sheria ipate kusaidia Kaunti hii ya Mombasa kwenye masuala ya mashamba kwani kuna mambo mengi sana ambayo yatafikana yafanywe Kaunti yetu ya Mombasa kwani kuna mengine ukiangalia *Finance Bill* tuliopitisha kama mambo ya watu kujenga nyumba kwa mashamba ya watu ukipatikana unajenga bila ya kibali kutoka kwa ofisi ya ardhi nafikiri pale tumeweka 250k ikiwa utajenga nyumba bila *plan* ama ruhusa ya mwenye ardhi.

Kwa hivyo naona itakuwa jambo la busara na sawa sisi tuweze kutengeza sheria na ile Kamati aliosema Mheshimiwa Riziki itakuwa imewekwa pale na kusema kuwa itakuwa inafanya kazi.

Kwa hayo machache napongeza Kamati hii ya ardhi kwa kuweza kuleta hii *lands policy* na kuweza kusongeza Kaunti ya Mombasa mbele.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Faraj can you reply to the Motion.

Hon. Faraj: Ahsante sana Mheshimiwa Spika yangu ni kutoa shukrani zangu za dhiti kwa wote waliochangia kuhusiana na swala hili ambalo ni swala nyeti limesisitizwa na waheshimiwa waliokuwa hapa na la ziada kuelezea ya kuwa hii ni kazi ambayo imefanyiwa mda mrefu ni lazima tutoe shukrani kwa waliokuwa kwa Kamati hii hapo awali, Mwenyekiti, Naibu na wanakamati waliokuwa....

(Applause)

Na pia kuwashukuru wanakamati wapya walioingiza sasa na bidii na juhudi kuhakikisha hili jambo limeweza kufaulu mpaka kiwango hiki Mheshimiwa Spika.

Kama alivyoeleza Mheshimiwa Mohamed Hatimy kuhusiana na swala zima la sheria ni kuwa hii ama karatasi hizi zipo kutoa mwelekeo peke yake na ni lazima sisi kama Kamati kama alivyosisitiza Mheshimiwa lazima tuje na sheria mwafaka tuje na *Bill* ambayo itapitishwa iwe sheria kuhakikisha haya yote ambayo tumezungumza kuhusiana na maswala ya kuondoa matatizo kuhusiana na maswala ya ardhi kutengeza na maswala mengine yote ni lazima yawe kwa nidhamu na sheria inayotambulika.

Kwa hiyo ni safari ambayo tunaendelea nayo na kuhakikisha tumefikia katika maafikiano yale ambayo yataweza kufanya sheria mwafaka ambayo itaweza kutatua matatizo yetu kiusawa, la ziada ni shukrani kwa waheshimiwa wote kwa kuunga mkono hili jambo na pia Mheshimiwa Spika tutaomba Nyumba hii ipitishwe *policy* hii na *amendment* kwa sababu kuna baadhi ya mambo ambayo kwamba tumeyazungumza tumeyajadili na baadhi yao sijayaona hapo.

Kwa hivyo tutapitisha *with amendments* ili yale mambo yote tumeyaona ni ya muhimu na lazima iweko katika stakabadhi hizi itaweza kupatikana, shukran na Mungu awabariki wote.

Deputy Speaker (Hon. Mswabah Rashid): Members it has been proposed that this House adopts the report on Mombasa County Lands Policy laid on the Table on Thursday 27th Oct 2016 with amendments.

(Question put and agreed to)

Yes Clerk?

MOTION

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Fadhili Mwalimu.

Hon. Mwalimu: Ahsante sana Mheshimiwa Spika, nimesimama kuleta Mswada naomba Nyumba hii ikubaliane na ripoti ya uratibu wa fedha matumizi katika mwaka ya Bunge la Mombasa 2014 tarehe 30 mwezi wa June.

DISCLAIMER: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor Page 8

Ripoti yenyewe ililetwa ndani ya Nyumba hii tarehe 1 mwezi wa kumi na moja 2016 namuomba Mheshimiwa Hatimy asimame kuniunga mkono.

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Hatimy.

Hon. Mohamed Hatimy: Ahsante sana Mheshimiwa Spika nasimama kuunga mkono ripoti hii iliyoletwa na Mheshimiwa Fadhili.

Deputy Speaker (Hon. Mswabah Rashid): Members it has been proposed that this House adopts the report on audit of financial operations of the County Assembly of Mombasa for the financial year ended 30th June 2014 laid on the table on Tuesday 1st November 2016, yes Hon Fadhili?

Hon. Mwalimu: Ahsante Mheshimiwa Spika, chini ya hoja zetu za nidhamu number 186 Mheshimiwa Spika inaonyesha ni jinsi gani Kamati hii inatekeleza shughuli zake kuhusiana na mambo ya pesa za umma, jinsi ya kutekeleza pesa za umma ndani ya katiba yetu kifungu 226 pia ianeleza ni vipi Kamati hii inafuatiliza ama inapewa mamlaka ya kufuatililia matumizi ya pesa za umma.

Mheshimiwa Spika katika ripoti hii ambayo tunaizungumzia ya mwaka wa 2014 kuna masuala ambayo yalikua yameangaziwa; tunaelewa na mimi naelewa waheshimiwa ripoti wako nayo na ndani ya *Standing orders* zetu pia 180 inatueleza ni vipi ripoti inaingia ndani ya Bunge na waheshimiwa wanavyoweza kupata ripoti hii.

Mheshimiwa Spika nina imani kila Mheshimiwa ameipata ripoti na chini ya kifungu hicho hakuna anayeweza kuuliza mbona hatujapata umeona kumeangaziwa masuala tofauti tofauti kutoka *sitting allowance* na waheshimiwa.

Mheshimiwa Spika kumekuwa *query* na tumekuja na ati tumekua *training* na *seminar* ambazo Waheshimiwa walikwenda na Kamati imeweza kuangazia na kuelezea vipi fedha ambazo tumepiga hesabu tuliona tulizihesabu na nyingine ambazo tuliona tunataka stakabadhi zaidi tulitoa makataa ya siku kumi na nne tuweze kuletewa stakabadhi zingine ili tuendeleo na uchunguzi.

Mheshimiwa Spika kuna mengine hapa kwetu katika Kaunti zenye tulifuatilia na zilijibiwa kisawasawa na tumeweza kuzi *clear*; naomba Wabunge wenzangu waweze kukubaliana na ripoti hii ambayo imekuja mbele ya Bunge letu ili yale makataa ambayo tulitoa yaweze kutekelezwa. Ahsante sana Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Riziki Fundi BeKitsao.

Hon. Fundi: Ahsante sana Mheshimiwa Spika, mimi kwanza sikuwa jana kwa sababu nilikuwa nimehudhuria mazishi; ripoti yenyewe sijaipata lakini pia haina sababu ya mimi kuipinga.

Ripoti hiyo ambayo pia kwa ukweli sijaiona lakini jambo ambalo ningependa kulizungumzia hii ni ripoti ambayo ilimalizwa mwaka wa 2014 na saa hii tuko mwaka wa 2016 sitalamika kama nilivyotangulia lakini ombi langu ama malalamishi yangu Mheshimiwa Spika naona katika *query* zote lakini swala la *gratuity* halijaangaziwa, hamukuangalia kwa nini halikuweko katika hii, mbona halikuwekwa na mpaka leo hatujapata...

(*Interruption*)

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Fadhili what is?

Hon. Mwalimu: Mheshimiwa Spika kama nilivyo zungumza nimesema hio ni Nyumba ya sheria na ndani ya katiba kifungu nambari 226 na 229 inaonyesha wazi kwanzo ofisi ya *auditor* inafanya kazi yake na vyenye Kamati inafaa itekeleze wajibu wake na vile utaratibu unafaa kutekelezwa hatuwezi kuangazia mambo ambayo hayajatajwa na *Auditor General* tuyaingize ndani ya ripoti.

Mheshimiwa twapokea ripoti na kuzungumzia yale ambayo yanazungumziwa ndani ya ripoti hio hatuwezi kutoka nje ya mada na swala la *gratuity* huo mwaka wa fedha wa 2014 swala hili halikuangaziwa ndani ya ripoti yetu. Ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Kitsao, I think you have heard Mheshimiwa Fadhili; you should contribute on what is in the report only, not outside the report. Please continue.

Hon. Fundi: Ahsante Mheshimiwa Spika kama nilivyotangulia kusema ripoti yenyewe nimeipata saa hii lakini na kwa sababu sijaisoma kikamilifu singeweza kutoa maoni yangu kwamba napinga ama naiunga mkono.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Saad Faraj Ahmed.

Hon. Faraj: Naam ahsante sana Mheshimiwa Bwana Spika. Mheshimiwa Spika ripoti ambayo kwamba iliyopo ripoti kuhusiana na matumizi ya kifedha yanayohusisha au yaliyo malizika tarehe 30 June 2014, ripoti ambayo kwamba imekwenda kwa nidhamu ambayo kwamba inastahili kwa sababu Kamati ambayo ilihusika na masuala haya imeweza kukagua jambo moja baada ya lengine kulingana na malalamisha ambayo yaliletwa kutoka kwa ofisi kuu ya *Auditor General*.

Na naamini vile ambavyo ripoti hii imeweza kuwasilisha stakabadhi zake ni kwa njia ambayo kwamba imeweza kuwasilisha stakabadhi zake vile inavyoweza zile stakabadhi nyingi ambazo zinahitajika walihakikisha zimeuliziwa, zimefuatiliwa na zimepatikana ili kuhakikisha kwamba mwaka ule wa kifedha umeweza kuangaliwa vilivyo na yale maswali ambayo yangekuwa yamechipuka yameweza kujibiwa kwa jinsi inavyo stahili.

Kwa hivyo mimi ningependa kutoa shukrani kuu zangu Mheshimiwa Spika kwa Kamati hii inayoongozwa na Mheshimiwa Fadhili Mwalimu Makarani na wanakamati wote kwa kuweza kufanya bidii zaidi na kupoteza wakati wao mwingi kuhakikisha kuwa Kaunti ya Mombasa imeweza kupata jina lake lile lile inayostahili na kuhakikisha kuwa yale matatizo ama maswali ambayo yamechipuka katika ripoti ile yameweza kujibiwa vilivyo, ahsante sana na Mungu aibariki Kamati hii, ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Fadhili can you reply to the Motion.

Hon. Mwalimu: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi naunga mkono na nashukuru wale wote ambao kwanza wameunga mkono ripoti hii na wale wote ambao wamechangia katika ripoti hii, ni kuwa wengi waliozungumza yanaonyesha wazi kuwa wanaunga mkono kazi yetu ambayo tuliifanya.

Mheshimiwa Spika kazi iliyobakia katika haya makataa, haya ambayo tuliweka kwenye hii ripoti yetu mimi na wanakamati wenzangu tutaweza kushikana tuhakikishe mambo haya ambayo tuliyaweka yameweza kufuatiliwa na kutekelezwa vilivyo.

Ahsante sana Mheshimiwa Spika na nashukuru wenzangu kwa kuunga mkono ripoti yetu.

Deputy Speaker (Hon. Mswabah Rashid): Thank you Hon Members, Members I put the question that this House, the report on audit of financial operations of the County Assembly of Mombasa for the financial year ended 30th June 2014 laid on the table 1st November 2016.

(Question put and agreed)

Yes Clerk.

ADJOURNMENT

Members this House is adjourned until tomorrow in the afternoon.

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor Page*

The House rose at 3:42pm.