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**REPUBLIC OF KENYA**  
**THE COUNTY ASSEMBLY OF MOMBASA**

**OFFICIAL REPORT**

Tuesday, 20<sup>th</sup> March, 2018

The House met at 3:15p.m.

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

**PRAYERS**

**The Speaker:** Hon. Members you may you be seated. Yes Clerk?

**NOTICE OF MOTION**

TRANSFERENCE OF WASTE MANAGEMENT TO WARD LEVEL

Yes Hon. Tobias, give the Notice of Motion.

**Hon. Samba:** Thank you so much Mr. Speaker for giving me this time, first of all let me welcome you back officially we have missed you and I almost introduced a Statement to seek your whereabouts, it is a pleasure having you back Mr. Speaker feel free and feel at home.

**The Speaker:** Thank you.

**Hon. Samba:** We love you so much.

**The Speaker:** Me too, thank you.

**Hon. Samba:** Okay I hereby give Notice of Motion of the following Transference of Waste Management to Ward level.

*(Hon. Samba moved the Notice of Motion)*

Mr. Speaker Sir I beg to give notice to the following Motion;

**THAT AWARE** that the County Government is mandated with the responsibility of County health services, including, in particular refuse removal, refuse dumps and solid waste disposal under Part 2 (g) of the Fourth Schedule of the Constitution of Kenya, 2010;

**FURTHER AWARE** that there have been challenges with waste management in the County for instance garbage collection;

**NOTING THAT** waste management, that is garbage collection and general sanitation has always been coordinated from the County level;

**CONCERNED THAT** the current state of waste management in the County may pose a threat to both the residents and the environment in the County;

I therefore urge this Assembly to **RESOLVE** that:

1. County Government transfer waste management to Ward level
2. County Government to establish Ward waste management committee to organize and plan on how to manage waste at the Ward level.

Mr. Speaker I beg to move the Motion, I request Hon. Faith to second.

**Hon. (Ms.) Boniface:** Thank you Mr. Speaker I beg to second.

**The Speaker:** Thank you, yes Clerk?

### STATEMENT

#### OBJECTION OF DEMOLITION OF BUSINESS STRUCTURES IN AIRPORT WARD

Yes Hon. Ibrahim Omondi.

**Hon. Omondi:** Mr. Speaker sir thank you for this golden opportunity I want to read a statement on Objection of Demolition of Business structures in Airport Ward. Mr. Speaker Sir, I seek to object a demolition that is scheduled to take place tomorrow 21<sup>st</sup> March, 2018 following communication from Inspectorate department on the following plots no. 2325 and plot no. 812 in Airport Ward. Mr. Speaker Sir, these two groups *Magongo Mwisho* and *Maji Mengi* are to be evicted from their business premises where they have been earning a living for more than 30 years. Mr. Speaker Sir, I humbly seek that the relevant Committee to carry out an investigation and come up with a comprehensive report concerning this sensitive matter. Thank you Mr. Speaker sir.

**The Speaker:** Thank you Hon. Omondi, yes Hon. Mwalimu.

**Deputy Speaker** (Hon. Fadhili Mwalimu): Thank you Mr. Speaker. Mr. Speaker I stand to support the personal Statement from my colleague Hon. Ibrahim Omondi, but I would just like to add from his prayers that through your office to stop the demolition until the investigations are over thank you.

(Applause)

Thank you yes Hon. Fatma, do you have anything to say?

**Hon. (Ms.) Fatuma Swaleh:** Kila siku naunga tu ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii. Wameongea viongozi wawili; mmoja wa Airport na mmoja *Bomoa*, kwanza Mheshimiwa Spika ningependa kumueleza rafiki yangu ambaye ni kipenzi changu saa zengine wajua majina mengine yanaleta nuksi na shida yeye mwenyewe anaitwa *Bomoa* alafu kwake kwataka kubomolewa kwanza aweze kubadilisha jina na mambo yatakwenda sawasawa kwa sababu huwezi kujua kama *Inspectorate* twataka kwenda...

(Interruption)

**The Speaker:** Yes Hon. Nyiro.

**Hon. Nyiro:** Thank you Mr. Speaker I think the Hon. Member is misleading this House we do not have a Hon. Member by the name *Bomoa* in this House so please.

(Applause)

**The Speaker:** Thank you Hon. Nyiro, yes Hon. Fatma can you withdraw that name *Bomoa* we don't have anyone by that name in this House.

**Hon. (Ms.) Fatuma Swaleh:** Mheshimiwa Spika sawa sawa lakini mimi najua hilo ndio jina lake maarufu hivi ukienda kwa Wodi yake ukisema wamtaka Ibrahim itajulikana ni Ibrahim Kondo lakini ukisema Ibrahim Bomoa ndio itajulikana ni yeye kama leo jina hilo halitaki aweze kutuambia hapa kama jina hilo halitaki. Mimi Mheshimiwa Spika alivyosema Waheshimiwa walipozungumza Waheshimiwa wangu wawili mimi napingana nao kwa sababu huwezi jua pale mahali panapotaka kubomolewa pengine ni mahali ambapo wananchi wanaweza kufanya njia yao ya kupita. Kwa hivyo huo uchunguzi ukifanywa pia mimi naomba niwe hapo Mheshimiwa Spika ikiwa ni njia ya watu ni wanyonge kupitia hivyo vibanda viweze kuvunjwa haraka sana iwezekanavyo. Ahsante

**The Speaker:** Thank you, yes Hon. Fahad?

**Hon. Fahad Kassim:** Ahsante sana Mheshimiwa Spika kwa siku ya leo na fursa hii na kukukaribisha tena Mombasa kama alivyotangulia kusema Mheshimiwa Samba tunakupenda sana kama kiongozi wetu. Ningependa kuunga mkono hiyo taarifa ya ndugu Bomoa na ikaungwa mkono na Mheshimiwa Fadhili. Mheshimiwa Spika nataka tukubaliane kitu kimoja sisi tuliletwa hapa kutetea wananchi wetu na sio kuwaumiza wala kunyanyasa na tufanye haki. Kweli tunataka maendeleo lakini sio kwa kuumiza wananchi ambao ni wanyonge, hapo mahali kunataka kubomolewa Mheshimiwa Spika kuna wafanyi biashara wengi ambao wao familia zao watoto wao wanakulia hapo mahali.

Kwa hio kabla Serikali ya Kaunti kuchukua hatua yeyote yoyote dhidi ya hayo mambo ni lazima kukaliwe chini na viongozi waweze kushauriana na kupatikane suluhu hata kama nikugurishwa kwa amani la sivyo basi waweze kama nikurudi nyuma lakini sio tutabomolea watu kwa sababu hapo ndio wanapo kulia. Kwa hivyo tusifanye kitu Mheshimiwa Spika kwa kufurahishana ama kwa kutumia mabavu wakati sisi viongozi tulio ndani ya hili Bunge tumetumwa hapa kutetea watu wetu.

Kwa hiyo narudia tena Mheshimiwa Spika naomba ofisi yako iweze kusimamisha hiyo kubomolewa mara moja watu wakae chini tuweze kutafuta suluhu, kwa sababu Mheshimiwa Bomoa umefanya kazi nzuri sana Mheshimiwa Ibrahim kuleta taarifa hiyo. Kwa sababu kuna wenzetu tayari wamebomolewa na hawakuwa na habari hizo kwa hiyo nashukuru na naomba Mheshimiwa Spika uingilie kati kwa sababu kuna unyanyasaji unatokea upande wa *Executive* kwa wananchi wetu. Nashukuru kwangu hawajafika lakini naahidi Bunge hili siku watafika hawatobomoa, ahsanteni sana.

**The Speaker:** Thank you yes Hon. Milka.

**Hon. (Ms.) Ngare:** (*Technical hitch*)

**The Speaker:** Fahad!

**Hon. (Ms.) Ngare:** Now it is working. Thank you Mr. Speaker and just as some of my colleagues have already stated we are happy to have you back and while you are away your deputy did a commendable job, probably you need to take him out for lunch or dinner...

(*Applause*)

Now I stand to support the statement by Hon. Ibrahim Omondi. If about 30 families are abruptly told to vacate the premises of their business it is going to cause a lot of chaos, it is going to cause depression, it is going to cause a lot of frustrations to them because they do not have any other place where they earn a living for that is a place they have known, that is a place where they take bread home every day. So it will be unfair to just vacate them, demolish their business premises without offering an alternative place where they can be settled.

I ask my colleagues to support this so that we have health discussions; for the concerned parties to have a healthy discussion with the concerned parties so that a proper place can be sort or can be found to settle these business people. Thank you, Mr. Speaker.

**The Speaker:** Thank you, yes Hon. Samba.

**Hon. Samba:** Yes, thank you Mr. Speaker. I stood for many times because I am somehow affected; today I had some complaints within my office and the issue was the same, the department of Inspectorate that they have their own rules and regulations that we do not know. Somebody cannot just wake up in the morning and decide that I am going to demolish such and such structure.

Hon. Speaker as my colleagues have stated before, the Hon. Member from Mjambere Ward, we were elected to defend the rights of all the people whether they are rich or the less privileged and in most cases we find that when such orders arises they mostly affect the less privileged individuals and we are there to protect them. Mr. Speaker I don't see the sense where you would wish or would want to demolish a structure within a *panya* route area where else it is not interfering with anybody or with any structure, I don't see the essence why we should demolish a structure of *Mama Mboga* and the moment you are going to demolish that structure we are going to render that person jobless. We are going to render that person may be homeless because that is the only source of income that he/she depends to pay for her upkeep and this tendency is now unbecoming. My Ward is really affected and I am not, I cannot defend or stand up for only my Ward but I am doing this for the entire County, there are those people who cannot get time or chance with their elected leaders, those are the people we are going to represent. I support that statement that it has to be held off until further notice when (??) will realize, thank you so much Hon. Speaker.

**The Speaker:** Thank you. Yes Hon. Kitula.

**Chief Whip (Hon. Kitula):** Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimesimama kuweza kuchangia kuhusiana ambayo Mheshimiwa Mwakilishi kwa haya ambayo ameweza kuwasilisha katika Bunge hili. Kusema kweli Mheshimiwa Ibrahim aweze...

*(Interruption)*

**The Speaker:** Yes Hon. Hatimy.

**Hon. Mohamed Hatimy:** I raised Standing Order number 80, is it in order to debate a personal statement Mr. Speaker?

**The Speaker:** Under Standing Order?

**Hon. Mohamed Hatimy:** Standing Order number 80.

**The Speaker:** Standing Order number 8?

**Deputy Speaker (Hon. Fadhili Makarani):** Mr. Speaker Sir!

**Hon. Mohamed Hatimy:** Standing Order number 80.

**The Speaker:** Can you read for us Hon. Hatimy, the Standing Order number 8 what..

**Hon. Mohamed Hatimy:** Thamanini.

**The Speaker:** Number 80, okay.

*(Interruption)*

**Deputy Speaker (Hon. Fadhili Makarani):** Mr. Speaker Sir!

**The Speaker:** Yes Hon. Fadhili.

**Deputy Speaker** (Hon. Fadhili Makarani): Under the Standing Order...

*(Interruption)*

**The Speaker:** Sorry, you have said Standing Order number 80.

**Deputy Speaker** (Hon. Fadhili Makarani): Yes Mr. Speaker.

**The Speaker:** Wait, can you read for us Hon. Hatimy, what is the Standing Order number 80 saying?

**Hon. Mohamed Hatimy:** By the indulgence of the County Assembly a Member may explain matters of a personal nature, "A personal nature" although there is no question before the County Assembly but such matter may not be debated.

**The Speaker:** And can you read for me Standing Order Number 1.

**Hon. Mohamed Hatimy:** Hon. Speaker Standing order number 1 it is for things which are not in this...

*(Interruption)*

**The Speaker:** Just read Standing Order Number 1 Hon. Hatimy.

**Hon. Mohamed Hatimy:** Mheshimiwa Speaker there is no...

*(Interruption)*

**The Speaker:** Just read. Hon. Hatimy Just read Standing order number 1 so that we can understand, what is Standing order number 1 saying?

**Hon. Mohamed Hatimy:** It gives a Speaker powers for the things which are not in this document Mr. Speaker.

**The Speaker:** Hon. Hatimy please read number 1! It is saying very clear in all cases. unless you don't understand.

**Hon. Mohamed Hatimy:** May be I don't understand Hon. Speaker.

**Hon. Speaker:** Yes.

**Hon. Mohamed Hatimy:** Hon. Speaker but it says that in all cases where matters are not expressly provided by this Standing Order

**The Speaker:** Or.

**Hon. Mohamed Hatimy:** by the other Orders of the County Assembly any procedural question shall be decided by the Speaker. So things Hon. Speaker he could have ask or apply for the leave then grant him a leave then he can give out the statement.

*(Interruption)*

**Deputy Speaker** (Hon. Fadhili Makarani): Point of Order!

**The Speaker:** Yes Hon. Fadhili.

**The Speaker:** Yes Hon. Fadhili Makarani.

**Deputy Speaker** (Hon. Fadhili Makarani): Mr. Speaker on the same point of order that Hon. Hatimy had raised. Mr. Speaker it is clear, *it says that but such matter may not be debated* Mr. Speaker it did not say that shall not be debated. So Mr. Speaker...

*(Applause)*

...We are in order to debate such personal statement. Thank you.

**The Speaker:** Yes, Hon. Kitula you can continue.

**Chief Whip** (Hon. Kitula): Ahsante Mheshimiwa Spika tuko hapa kuweza kuwakilisha wananchi na jambo hili limekuja la dharura kwa hivyo ni sharti tunaweza kuhudumia wananchi kama walivyotutuma mahali hapa Mheshimiwa Spika. Kwa hiyo nashukuru sana kwa kunipatia fursa hii kuweza kuchangia kuhusiana na taarifa ambayo imeweza kuwakilishwa na Mheshimiwa Mwakilishi wa Airport. Mheshimiwa Spika Mwakilishi ameweza kudokeza kwamba sehemu ile ambayo inaweza kubomolewa siku ya kesho ni sehemu ya kufanyia biashara. Mheshimiwa Spika sisi kama Serikali lengo letu kuu ni kuhakikisha kwamba tunapata hela kupitia biashara hizi ili kwa ushuru bila kuweza kunyanyasa wananchi wetu lakini nina imani kwamba Serikali inapofanya jambo kama hilo au inapochukua hatua kama hiyo basi huwa kuna jambo bora zaidi linakuja kwa wananchi bila kuweza kuwanyanyasa. Kwa hivyo ningependa Mheshimiwa Spika bila kutia wasi wasi kwa Mheshimiwa Ibrahim ya kwamba aweze kupatia fursa Kamati kama vile alivyoweza kudokeza katika kifungu chake na vile vile jambo hili ni la dharura tuweze kulipatia kipao mbele zaidi maana siku ni ya kesho. Kwa hivyo tusiongee mengi hapa maana siku ni ya kesho tupatie muelekeo tuweze kujua twaweza kufuatia mkondo gani Mheshimiwa Spika. Ahsante sana.

**The Speaker:** Yes, Hon. Feddis Mbura

**Hon. (Ms.) Mbura:** Ahsante sana Mheshimiwa Spika pia mimi ningetaka kuunga mkono mjadala ambao umeletwa mbele yetu na Mheshimiwa Ibrahim kwa sababu ukiona mwenzako anyolewa na wewe tia chako maji. Hili jambo ni jambo ambalo lifuatiliziwe kwa hali ya heshima ili wale watu wetu wasije wakapoteza mahali kwao na pia wakati wanapo bomolewa basi huwa ni mwanzo wa umasikini na sisi tuko hapa kutetea jamii yetu, kutetea wanyonge ambao wako mashinani hio ndio kazi yetu. Kwa hivyo mimi ningeomba kuweze kutengenezwa jopo haraka iwezekanavyo wafuatiliziwe na pia hata kama ni kubomoa lakini watafute mahali pa kuweka wananchi ili wasije wakapata shida. Ahsante sana Mheshimiwa.

**The Speaker:** Yes, Hon. Faith Boniface Mwende.

**Hon. (Ms.) Boniface:** Thank you very much Mr. Speaker. I am here to support the statement of Hon. Ibrahim from Airport Ward. It is not in order for someone to be vacated from the premises of its work and we know Mombasa we have the scarcity of jobs, so the good measure should be put in place and the people to be notified in good time. Thank you Mr. Speaker.

**The Speaker:** Thank you. Yes, Hon. Francis Nzai.

**Hon. Nzai:** Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii na mimi niweze kuongea mawili. Kwa kweli ninasimama kupongeza hoja hii ambayo imeletwa na Mheshimiwa Ibrahim na mimi kimtazamo wangu ni kwamba *Director* wa *Inspectorate* atakikana mambo haya ameyazidisha sana maana ni juzi tu hapa tulipokuwa na ajenda ya Mheshimiwa Nyundo, ni *Director* huyo huyo ambaye huwa hataki kushirikiana na Waheshimiwa wala kupata maoni yoyote.

Kwa hiyo kwa sababu pengine Mheshimiwa Spika ulikuwa safari hivi majuzi lakini pia tulikuwa tunakuombea urudi haraka, *Director* huyu naona ni sawa Mheshimiwa Spika umuite mbele yetu ili aje atueleze nguvu hizi anazipata wapi mara kwa mara ambao hataki hata uhusiano na sisi. Juzi alibomoa mabanda ya mbuzi kule ikaleta ishuru tukaizungumza hapa hapa, leo ameenda huko aenda bomoa bila kushirikiana na mwenzake ambaye alichaguliwa na wananchi, kesho kutwa yuko kwangu na kwengine hali hiyo hatutaikubali, hatutaki kuvutana na watu lakini twataka tuheshimiane.



Kwa hivyo Mheshimiwa Spika ningekuomba akiwa anataka tushirikiane kwa uzuri basi ni aje ili tuzungumze mambo haya kuchukulia mambo juu juu awe atayawacha maana sisi tumechaguliwa na wananchi na yeye tumefanya kumuweka tu pale. Ahsante sana Mheshimiwa Spika.

**The Speaker:** Thank you Hon. Nzai. Yes, Hon. Ramla.

**Hon. (Ms.) Ramla Said Omar:** Ahsante sana Mheshimiwa Spika, mimi haya mambo pia yamenigusa kwa sababu huwa unamregesha mwananchi nyuma na nauunga mkono kwa hii mambo ya kubomoa yasimamishwe na pia wakae kuzungumza na kuleta suluhu. Haya mambo yamenipata kwa sababu walemavu wameondoshwa kwenye biashara zao na wamepelekwa sehemu ambazo biashara haziendelei na bado napigania kutafuta suluhu. Kwa hivyo naona vilio viko vingi na pia mimi nimeionja changa moto hio na twaomba *Director* wa *Inspectorate* akae chini na sisi tulete suluhu ambao itasaidia sisi na wananchi. Ahsante.

(Applause)

**The Speaker:** Thank you. Yes Hon. Raphael Bwire?

**Hon. Bwire:** Thank you Mr. Speaker and welcome back. Mr. Speaker I would also wish to support the statement made by Hon. Ibrahim Bomoa on the same and that these officials are fond of demolishing the areas which are occupied by the citizens and nothing of importance is done in those areas. Mr. Speaker we must have a fundamental project, a project that will change the lives of Kenyans and the people of Mombasa then all of us will support for the same. We need those fuel, Mr. Speaker we have a lot to be done the garbage are outside there we are told there is no fuel and the fuel is there just to demolish the people areas of business. We are calling upon those people who are concerned to stop it and we also appeal for you good office to intervene until we get to know why such should be done. Thank you.

**The Speaker:** Yes, Hon. Leila.

**Hon. (Ms.) Nyache:** Ahsante Mheshimiwa Spika kwa kuweza kunipa fursa hii ya kuweza kuchangia. Kwanza karibu sana tumekukosa muda mrefu, karibu sana Mheshimiwa Spika.

**The Speaker:** Ahsante.

**Hon. (Ms.) Nyache:** Mheshimiwa Spika ningependa kuunga mkono pia mimi hii taarifa iliokuja na Mheshimiwa Bomoa, mimi naunga mkono kwa sababu wale watu pale wakivunjiwa na hio riziki wanayotafuta pale labda ni ya kusaidia watoto wao, ni ya kusaidia maisha yao, wataanzia wapi wakivunjiwa pale? Itakuwa ni shida tupu na wataanza kurudi kwa viongozi na kuanza kutufuata sisi, kuanza kutupatia ma *stress* pia sisi na hatuna namna ya kuweza kuwasaidia. Kwa hivyo mimi ningependa serikali ya Kaunti iweze kukaa kwa makini na kuangalia watu wetu, wananchi wetu wale ambao wana vibanda vyao vyataka kuvunjwa pale waweze kutafuta suluhisho ikiwa wataweza kuwaweka mahali, wataweza kufanya biashara zao ama ikiwa watazungumza waelewane, waweze kuwaacha pale pale. Ahsante Mheshimiwa Spika.

**The Speaker:** Yes Hon. Amriya?

**Hon. (Mrs.) Amriya Boy Juma:** Thank you so much Mr. Speaker for this opportunity. I presumed the Assembly was about to form an *Ad hoc* Committee to inquire about your where about because we were worried but we are glad that you are here now. What I wish to state is that first of all I support that at least we create an *Ad hoc* Committee to look into this demolition but again I want to insist and I have said in this House before that laws are not made in vain Mr. Speaker and laws do not operate in the vacuum so in our essence we shouldn't be fond of making laws as a County Assembly and then the same Assembly to come and break them.

So in my opinion I would have wished that the Mover of the statement could at least come up with a Notice of eviction because in any eviction there's a process Mr. Speaker, there's a law in this eviction I am sure the Inspectorate did not just wake up and decide that tomorrow they are going to have an eviction at a certain area...

*(Applause)*

...am sure they have a due process and at least we should have that; if it is a letter of the eviction, the reason and the foundation or the basis on which the eviction was made so that if we interrogate into these issues we look at them as a whole and what we are doing now as an Assembly we are merely reacting and that's not good for us Mr. Speaker and that will not keep us in a good place especially with our counterparts who we have devolved functions to them for purposes of enforcement and implementation. This is because we will be giving them a hard time but as much as that has been said we opt to do what we opt to be doing right now if it is in the best interests of the citizens we have this status quo so be it, but in future Mr. Speaker we should encourage that we act in time and we look at the due process before reacting. Thank you so much Mr. Speaker.

**The Speaker:** Thank you, so yes Hon. Benard.

**Hon. Ogotu:** Thank you Mr. Speaker. Mr. Speaker I am also affected by the same and I think the due process was not followed up to this moment we have not seen any notice of eviction. So I would urge the Department concerned; the Inspectorate Department to stop these instant notices, as much as we want to work together and as much as we want them to implement the laws formed by this Honorable House they must also know that there are procedures to be followed. Somebody has stayed in a place for 30 years, you just wake up overnight and send this person away, what are you up to? I support this statement and with immediate effect something should be done. Thank you.

**The Speaker:** Thank you Hon. Members. Hon. Members much has been said about this issue I can see the mood of this House is of supporting this statement..

*(Applause)*

...and now I direct that the Committee on Transport, Infrastructure and Public Works to stop the demolition, look into the matter urgently and give a reply by Thursday this week. Thank you.

*(Applause)*

...Next order?

## MOTION

*(Silence)*

Yes Hon. Mwamwiri.



**Hon. Athman Rama Mwamwiri:** Thank you Mr. Speaker I beg to seek leave of the House to allow me not to move the amendments today because I need to receive some amendments from the Department, especially Committee on Health.

So possibly after receiving those ones I will communicate to the Clerk's for the amendments to be tabled again Mr. Speaker. Thank you.

**The Speaker:** Next order?

### **ADJOURNMENT**

Hon. Members this House stands adjourned until Wednesday 21<sup>st</sup> March, 2018 at 9:00a.m.

The House rose at 4:00p.m.