



COUNTY ASSEMBLY OF MOMBASA THE HANSARD

Wednesday, 17th May, 2023
Third Assembly – Thirty Seventh Sitting

*[The County Assembly met at 2:54p.m. at the County Assembly Buildings]
[The Deputy Speaker (Hon. Fadhili Mwalimu Makarani) in the Chair]*

PRAYERS

The Deputy Speaker (Hon. Fadhili Makarani): Take your seat Members. Yes Clerk?

STATEMENTS

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON TRANSPORT AND
INFRASTRUCTURE HONOURABLE HASSAN AHMED TO FIRE OUTBREAK IN KONGOWEA MARKET

Honourable Hassan Ahmed, Chairperson Committee on Transport and Infrastructure?

[Silence]

Any Member from the Transport Committee?

[Silence]

Yes, Honourable Bernard Ogutu?

Hon. Ogutu: Tuliweza kukaa kama Kamati na bado kuna uchunguzi ambao ukitupatia kama wiki moja tutakuwa tumemaliza. Ahsante.

The Deputy Speaker (Hon. Fadhili Makarani): Okay well noted though the matter has taken quite a long time, so please the Committee of Transport as you have asked for one week make sure you have the response in a week's time. Yes, Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON EDUCATION AND DIGITAL
TRANSFORMATION HONOURABLE ALLEN KATANA ON THE STATUS OF PARTNERSHIP BETWEEN THE
COUNTY GOVERNMENT OF MOMBASA AND THE UNIVERSITY OF SUDAN ON THE SCHOLARSHIP AS
PORTRAYED IN THE COUNTY GOVERNMENT SOCIAL MEDIA PLATFORMS

Honourable Allen Katana, Chairperson Committee on Education and Digital Transformation

Hon. Katana: Thank you for this opportunity. Mr. Speaker, you know I was checking on the Standing Order, I wanted to see whether it is a must for us to have a quorum for the Clerks, I wish to continue.

Honourable Speaker, I wish to respond to a statement in this Honourable House by Honourable Kibwana Baya Swaleh the Member of County Assembly from Miritini Ward on Wednesday 5th April, 2023 at 2:30 p.m. during the 29th sitting. The Honourable Member inquired about the status of partnership of scholarship program between the County government of Mombasa and the University of Sudan. Honourable Speaker, the County Chief Officer for the Department of Education and Digital Transformation in his letter Ref. DoE/G.8/22B/VOL.I/122 dated 16th May 2023 responded as follows; that it is unfortunate that the political tension in Sudan has brought the scholarship program to a temporary halt for the wellbeing of the beneficiaries. However, the Department plans to resume the moment stability is reassured. Thank you, Honourable Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Yes Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON EDUCATION AND DIGITAL TRANSFORMATION, HONOURABLE ALLEN KATANA ON DIGIRIKANI ECDE IN MWAKIRUNGE WARD

Yes, Honourable Allen Katana?

Hon. Katana: Thank you Mr. Speaker once again for this very honoured opportunity. I wish to respond to a statement requested in this House by Honourable Khamis Mwinyi Mtoto, the Member of the County Assembly for Mwakirunge Ward on Wednesday, 10th May, 2023 at 2:30p.m during the 33rd sitting. The Honourable Member sought a statement on the status of Digirikani ECD and the plans the County government has in place to address the situation. Honourable Speaker, the County Chief Officer for the Department of Education and Digital Transformation in his letter Ref. DoE/G.8/22B/VOL.I/121 dated 16th May 2023 responded as follows: that the department of Education has processed the pending certificate of Kshs 1.7 million. The process has reached the last stage and is awaiting payment very soon. Once the payment is made, the contractor will return to the site in order to finish the pending works. Thank you, Honourable Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes Clerk?

HARASSMENT OF BOAT OPERATORS AND BEACH TRADERS AT BAMBURI PUBLIC BEACH

Honourable Allen Katana please make your statement.

Hon. Katana: Thank you Mr. Speaker Pursuant to Standing Order 41 (2) (c), I request a Statement from the Chairperson, Committee on Tourism, Culture and Trade as follows:

1. *Is the Chairperson aware that the boat operators at Jomo Kenyatta Public Beach in Bamburi, Shanzu Ward are constantly harassed and arrested by Kenya Wildlife Service personnel for allegedly encroaching the Mombasa Marine Park while plying around the public beach and what measures will the County government take to protect our innocent beach operators from such harassments?*

2. *Mr. Speaker, what measures will the County government take to resolve the issue of multiple fees, charges and taxes levied by National government agencies to beach traders at Jomo Kenyatta Public Beach in Bamburi, Shanzu Ward while the County government of Mombasa is not collecting anything. The National government tourism agencies involved are the Kenya Wildlife Service, the Tourism Regulatory Authority and Kenya Maritime Authority.*

Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Allen Katana. Yes, any Member from Trade Committee? Yes, Vice Chair Honourable Joshua Ong 'au, do you have a response to this Statement?

Hon. Ong 'au: Thank you Mr. Speaker. You give us time, like a weeks' time then we will report back to the House.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you permission granted. Honourable Patrick Mbelle, are you up on a point of order or? Then if it is not a point of order, please have a seat...

[Interruption]

Hon. Mbelle: Mr. Speaker Sir...!

[Interruption]

The Deputy Speaker (Hon. Fadhili Makarani): Just have your seat Honourable Patrick Mbelle. Yes Clerk?

DEPLORABLE STATE OF ROADS AND DRAINAGE IN BAMBURI WARD

Yes, Honourable Patrick Mbelle, MCA Bamburi Ward?

Hon. Mbelle: Thank you Mr. Speaker Sir. Honourable Speaker, I stand Pursuant to Standing Order 41 (2) (c) to request for a Statement from the Chairperson Committee on Transport and Infrastructure of the deplorable state of roads and drainage in Bamburi Ward. Honourable Speaker, the County government is responsible for the repair and maintenance of County designated roads to facilitate its residents with ease of safe accessibility and access. The County government, after the just experienced rains most of the roads have now been rendered impassible while others are completely cut off thus hindering the core mandate of facilitating accessibility, they include the following roads; St. Anne's Road that connects Kiembeni to Utange, Kashani Mdengerekeni Road, Kashani Mpesa Road, Kashani Matangini Road, Majaoni Migumini Road, Majaoni Ziwarani Road, Loma Roads that connects Kiembeni to Wema Center, Loma that connects to Abdallah Harus, Maji Machafu Road that connects Kidarajani to Green Estate, Ugatuzi Road that connects Kiembeni to Kimbunga, Barawa Road that passes through Shamba London and Kiembeni Road. Mr. Speaker Sir, Bamburi Ward also hosts Karisa Maitha Road which is under the mandate of Kenya Urban Roads Authority (KURA), in as much as we thank the agency for constructing a very good road, the residents of Gorofani, Barawa and Kidarajani villages have suffered an imaginable loss due to the floods occasioned by poor drainage system designed along the road. Honourable Speaker, I request the department to look into rehabilitating the aforementioned roads especially Kiembeni Utange road that has a broken culvert within Kashani quarry areas as well as engage KURA to find a long-lasting solution to Karisa Maitha Road to avoid future loses. I thank you Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Any Member from the Transport Committee. Yes, Honourable Benard Ogutu?

Hon. Ogutu: Mheshimiwa Spika. Tumesikia ombi la Mheshimiwa Mbelle lakini sisi pia kama Kamati ya Uchukuzi tulikuwa mbele tukampatia barabara moja kuanzia na natumai hizo barabara ambazo ametaja hapo, ameweza kuziweka katika ADP na ziko pia katika CIDP ili tuweze kuziungalia wakati tutakuwa tunaangalia hayo mambo ya ADP.

Kwa hio tunaomba tupewe wiki mbili tuende tutembee tuangalie, lakini la msingi ni lazima awe ameziweka katika ADP. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Patrick Mbelle are you satisfied?

Hon. Mbelle: Mr. Speaker Sir, I thank Honourable Member Ogutu for giving me that response but the reason as to why I raised that particular issue is I fully understand that we are on the budget making process but these roads are in a very terrible state and that is why in my statement I asked for rehabilitation and not full construction because they are impassable. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Benard Ogutu?

Hon. Ogutu: Mr. Speaker, even rehabilitation has a budgetary implication, so if there is no budget for that we must put a budget and we are in that process.

The Deputy Speaker (Hon. Fadhili Makarani): So, you mean Honourable there was no budget for rehabilitating our roads in Mombasa?

Hon. Ogutu: Maybe Mr. Speaker, there was but it was not that maybe not specific to those roads so we request for two weeks to complete.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Ogutu, just go back to your department and come back with a very good report Honourable Ogutu.

Hon. Ogutu: We will respond back in the next two weeks.

The Deputy Speaker (Hon. Fadhili Makarani): In two weeks' time?

Hon. Ogutu: Yes.

The Deputy Speaker (Hon. Fadhili Makarani): Okay granted in two weeks' time, Committee on Transport please, in two weeks' time bring back the report on rehabilitation of the said roads. You should reply on the statement from Honourable Patrick Mbelle on the rehabilitation of the said road because in matters of budget am sure the County government had budgeted for rehabilitation of its roads and maintenance of its roads. Yes Clerk?

BILL

THE MOMBASA COUNTY EDUCATION FUND, 2023 FIRST READING

[The Clerk introduced the Bill in the House]

A Bill for an Act to the Mombasa County Assembly to provide for its establishments of a fund to mobilize resources to promote education through provision of bursaries, scholarships and loans for connected purposes.

Yes Clerk?

PROCEDURAL MOTION**ADJOURNMENT OF THE COUNTY ASSEMBLY**

Yes, Deputy Majority Leader, please move the Motion?

The Deputy Majority Leader (Hon. Maimuna Salim): Ahsante sana Mheshimiwa Spika.

THAT Pursuant to the provisions of Standing Order 30, this Assembly adjourns until Wednesday 31st May, 2023 for the purpose of discussing matters of urgent County importance. The House will resume its regular sittings on Tuesday, 6th June, 2023.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Maimuna our Deputy Majority for the purpose of Hansard and this County Assembly am sure that you are not wearing your specs so you can delegate to somebody to read the Motion for you or you can read it again for the benefit of this House.

The Deputy Majority Leader (Hon. Maimuna Salim): Mr. Speaker Sir,

THAT Pursuant to the provisions of Standing Order 30, this Assembly adjourns until Wednesday 31st May, 2023 for the purpose of discussing matters of urgent County importance. The House will resume its regular sittings on Tuesday, 6th June, 2023.

[Silence]

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Maimuna Salim, who is your seconder? Yes, Honourable Shuhudia Abdalla.

Hon. Shuhudia Abdalla: Mr. Speaker, I second the Motion.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, I now propose a question that that the Motion by Honourable Maimuna Salim, the Deputy Majority Leader on adjournment of the County Assembly be considered in this House?

[Question proposed and agreed to]

Yes, Honourable Maimuna please make your contributions.

The Deputy Majority Leader (Hon. Maimuna Salim): Mheshimiwa Spika sisi kama Bunge hapa watumishi wa watu hua tunatakikana tufanye kazi kwa Bunge na twende tukafanye kazi mashinani. Kwa hiyo hizi siku tumepawa kulingana na sheria na sisi wenyewe ili tuweze kuingia mashinani tukae na watu waliotuchagua na tuweze kuangalia ni jinsi gani tutafanya nao kazi pamoja na tuchukue maoni yao ya kuweza kuwafanyia kazi kwa hiyo ni jambo ambalo ni la muhimu. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you our Deputy Majority Leader. Yes, Honourable Khamisi Baya.

Hon. Hamisi Mtoto: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii ambayo ni adimu kwangu. Mheshimiwa Spika, mimi naiunga mkono hoja kwa asilimia 98 kwa sababu hichi kipindi ambacho kimepita tumekuwa na matatizo mengi mashinani ambayo inastahili tuwe na muda wa kwenda kuungana na wale ambao wameweza kutuchagua tuwe viongozi ilikua ni kipindi cha mvua kumekua na mazishi mengi tumekosa muda wa kwenda kuwafariji jamaa zetu. Kwa hiyo kutokana na hali hiyo Mheshimiwa Spika sina budi kuweza kuunga mkono hoja hii kwa sababu wao wanatutarajia wakiweza kuongea kwa saa hii tumeweka nyuma sisi tuko mbele.

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Mheshimiwa Spika ipo haja kubwa na kubwa zaidi kuweza kwenda kuwa nao karibu zaidi kwa hiyo nimeunga mkono hoja hii kwa asilimia 90 na naona hata zile nilizotoa ni kidogo wacha niseme asilimia 99. Ahsante.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Members, as per the mover of the Motion we are going on a matter of County importance and not about the normal recess, so when you debate the Motion, please touch on issues of County importance as to why we are going for this short recess. Because I understand we have got public participations for the very many documents ahead of us, so for the benefit of Hansard please let us debate on that perspective. Yes, Honourable Athuman Rama, the Majority leader.

The Leader of Majority (Hon. Athmani Mwamwiri): Ahsante Mheshimiwa Spika. Nishukuru Waheshimiwa kuweza kupeana fursa hoja hii kujadiliwa katika Bunge hili ya kwamba Bunge lichukue likizo kwenda kuzingatia maswala nyeti ya serikali yetu Mheshimiwa Spika; miongoni mwa hayo ni marekebisho ya sheria kuhusu maswala ya elimu ambayo yameweza kukwamisha utoaji wa karo almaarufu *bursary* kwa watoto wetu, kwa sababu ya yale mapendekezo tulio ombwa kuyatekeleza na msimamizi wa fedha. Mheshimiwa Spika, vilevile chini ya Kamati ya maswala ya bajeti wahasibu, maswala ya bajeti fedha na makadirio kuna taratibu mahsusi ambazo zinapaswa kutekelezwa na kupitishwa kwa wakati ili tuweze kupitisha kwa bajeti kufikia tarehe 30 mwezi wa sita. Katika taratibu ya maswala haya ni lazima Mheshimiwa Spika Kamati na Waheshimiwa waweze kurudi nyanjani kwa hakiki ya kwamba maoni yale yalio zingatiwa katika daftari zile ni yale ambayo wananchi walipendekeza na pia katika hayo na ina jukumu Kamati kuweza kukaa na idara husika za serikali yetu ili waweze kubainisha ama kupambanua yale walio yakusudia shabaha yake ni ipi, faida yake ni ipi na matumizi yake itakuwa yapi katika mwaka wa kifedha unaofwata.

Vilevile Mheshimiwa Spika kama Bunge, vilevile Kamati husika zina kibarua za kwenda kamilisha Ripoti za maafisa wakuu walioweza kuhakiki katika kipindi cha nyuma ili waweze kuja shika doria katika utekelezaji majukumu katika idara mbalimbali. Mheshimiwa Spika, hili pia ni swala la kidharura kwa sababu wengi wanao shikilia nafasi hiyo wanakaimu na wengi wanaokaimu nafasi kubwa kama hii ya afisa mkuu kuna maswala ambayo huwezi kuyachukulia adhima moja kwa moja kwa sababu unajua mwisho wa siku sio wewe utakae kuwa katika kiti kile bali uko katika hali ya kushikilia Mheshimiwa Spika. Pia Mheshimiwa Spika ifahamike ya kwamba waheshimiwa majumba ya nyuma walikuwa katika kongamano Nairobi Mheshimiwa na wakajadili maslahi yao kama wawakilishi ambayo hii Mheshimiwa pia inaleta ufanisi wa utendakazi wao iwapo yale yaliokusudiwa yaliweza kujengwa na kuwezesha kwa waheshimiwa hawa. Mheshimiwa Spika waheshimiwa hawa kama sarangi wana mengi wanayopitia ambayo wamekosa kuweza kuyawajibikia inavyostahiki kwa sababu ya jinsi walivyo hujumiwa na usimamizi wa idara mbali mbali katika utenda kazi wao.

Pia ni fursa hii Mheshimiwa Spika wale walio katika nafasi tuliowapa kutuwakilisha waweze kuyafwatilia yale yanayotusibu kama wawakilishi na sisi tukitekeleza mengine ambayo ni ya maslahi kwa wananchi wetu wa Mombasa. Mheshimiwa Spika, kwa hayo niombe tu Waheshimiwa ya kwamba hii fursa ambayo tumeweza kupeleka Bunge likizo tuweze kuitumia barabara katika kukabili idara zinazohusika na kurudi nyanjani kufanya uhakiki wa hizi daftari ama hizi Ripoti ambazo zinakusudiwa kuweza kupita katika Bunge hili na kuwezesha kupita kwa bajeti ya makadirio ya kifedha ya mwaka unaofwata. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Athman Rama. Yes Honourable Maimuna please reply.

The Deputy Majority Leader (Hon. Maimuna Salim): Mheshimiwa Spika, ahsante sana kwa kunipa fursa hii. Nimerudi kuchangia kufunga kwa Bunge kwa mda mfupi, kwa sababu tunajua kuna mambo ambayo yanahitaji *public participation* na tuweze kukaa na idara husika. Kwa hivyo kuna umuhimu wa sisi twende kwa mda mchache wa mapumziko ili tuweze kukamilisha zile Ripoti watu wetu wa Mombasa waweze kupata huduma kwa sababu kuna mambo ambayo yamekwama ni mpaka twende tukae na hao wananchi kama *public participation* ndio tuhakikishe ya kwamba tukija hapa tunapitisha zile sheria na yale ambayo yamekwama. Kwa hivyo mimi nimeunga mkono hii ambayo ni likizo fupi ili tuweze kuwatumikia watu wetu wa Mombasa.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Maimuna. Honourable Members, I now stand to put a question that the Motion by Honourable Maimuna Deputy Leader of Majority be approved by this Honourable House.

[Question put and agreed to]

ADJOURNMENT

Honourable Members, the House stands adjourned until Tuesday 6th June, 2023.

The House rose at 3:32p.m.