

**MOMBASA COUNTY ASSEMBLY****HANSARD REPORT**Wednesday, 15<sup>th</sup> June, 2016

The House met at 9:27a.m.

*(Mr. Speaker (Hon. Thadius Rajwayi) in the Chair)***PRAYERS****Mr. Speaker** (Hon. Rajwayi): Thank you Hon. Members, have your seats.**COMMUNICATION FROM THE CHAIR**

Hon. Members of this Assembly, good morning. I take this opportunity to thank you all for fully embarking on your duties and passing the Supplementary Budget during yesterday's sitting. I urge us to continue with the same spirit and commitment in carrying out the business of the House. Hon. Members, I would once again wish to draw your attention to Chapter Six of the Constitution and the Standing Orders which prescribe the conduct expected of leaders. We must at all times behave honorably and respect the various institutions created by Constitution. It is indeed sad when Hon. Members of your caliber act in a manner which brings disrepute to themselves and the Assembly at large. I take great concern in the manner in which three Hon. Members; that is Hon. Fadhili Makarani, Hon. Kibwana Swaleh and Hon. Saad Faraj conducted themselves between the dates of 28<sup>th</sup> April, 2016 and 29<sup>th</sup> April 2016. The said Hon. Members removed the portrait of the Hon. Speaker from the Speaker's Walk and replaced it with the portrait of former Mayor who currently is not the Speaker of this Assembly. The three Members further went ahead and closed offices of the Leader of Majority party, Leader of Minority party and the Office of the Speaker without any reasons given or served to the aforementioned leaders of the Assembly. The three were also engaged in physical fight in the Assembly on or about 11<sup>th</sup> May, 2016; I being the Speaker, I find that such acts are unbecoming and unethical of leaders. Institutions such as the Ethics and Anti corruption and Integrity also condemn such acts and I am in receipt of a letter dated 17<sup>th</sup> May 2016 to the effect which I now read...The letter is from the Ethics and Anti Corruption Commission which was written to the Speaker of the County Assembly himself Hon. Thadius Rajwayi, the subject is...

*(Mr. Speaker (Hon. Rajwayi) read communication)***CONDUCT OF SOME MEMBERS OF THE COUNTY ASSEMBLY IN CHAMBERS  
DURING THE ASSEMBLY SESSION ON 10<sup>th</sup> AND 11<sup>th</sup> MAY, 2016.**

The Commission's attention has been drawn to the conduct of some Members of the County Assembly during the Assembly session on 10<sup>th</sup> and 11<sup>th</sup> May 2016 respectively. The said Members were engaged in name calling, insults and physical confrontations which actions led to physical injuries and total disruption of the proceedings of the Assembly. The Commission notes that whereas the Members of the Assembly may have differences due to divergent views, the views should be expressed in a courteous manner and the affairs of the Assembly should be conducted with decorum and in a responsible manner. The Commission notes that the conduct by some Members of the Assembly during the Assembly session was inconsistent with the responsibilities of leadership as spelt out under Chapter Six of the Constitution and the Leadership and Integrity Act, 2012. The Commission wishes to bring to your attention the provisions of Article 73 and Article 75 of the Constitution.

Article 73(1)(a) of the Constitution requires State Officers to conduct themselves in a manner that shows respect for the people, promotes public confidence and brings honor to the Nation and dignity to the office. Under Article 75(1)(C), a state officer is required to behave whether in public and official life, in private life or in association with other persons, in a manner that avoids demeaning the office, the officer holds similar provisions is also provided for in section 11(a) and section 32 of The Leadership and Integrity Act, 2012. The Commission notes that the conducts were exhibited within the precincts of the Assembly and is actionable under the Assembly Standing Orders, and the Powers and Privileges Committee. The Commission pursuant to its oversight mandate provided in Section 4(2) and Section 4(4) of the Leadership and Integrity Act advises that the Powers and Privileges Committee being the responsible body for Members of the Assembly should investigate the matter and share with the Commission its findings for necessary action.

*(End of EACC Communication)*

It has been signed by one Michael K. Mubea, Deputy Secretary/CEO-Technical Services for Chief Executive Officer. In light of the above issues and the issues having been raised in this Assembly during the 53<sup>rd</sup> sitting, I direct that Hon. Fadhili Makarani, Hon. Kibwana Swaleh and Hon. Saad Faraj are hereby suspended from this Assembly precincts and should not attend; remember i said they should not attend Plenary and Committee sittings during the suspension. The Committee on Power and Privileges should investigate and avail its report within 14 days from this date to determine and finalize the matter, and I'm reminding the Clerk of the Assembly and Sergeant at Arms please take note of the suspensions and act accordingly. Hon. Members let's continue with the business of the day.

*(Applause)*

### STATEMENT

#### ACUTE WATER SHORTAGE IN THE COUNTY

Yes Hon. Ndanda you are going to stand on behalf of Hon. Caroline.

*(Silence)*

**Hon. (Ms.) Auma:** Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nilikuwa na jambo la dharura ambalo ningependa kuzungumzia leo hii. Mheshimiwa Spika kuna shida ya maji ambayo inaonekana kila mahali na shida hii inaleta na kunyang'anywa *meters* za wananchi na hizi *meter* wananchi wamenyang'anywa huwa wanajaribu kujitafutia maji na mpaka saa hii dalili ya maji hatuzioni. Mheshimiwa Spika tayari inatuletea shida kwa sababu wakati *meter* hizo zinachukuliwa wananchi hao hao ikifika usiku wanaiba maji ambayo hii pesa ingekuwa inaingia katika Kaunti. Mheshimiwa Spika ningeweza kusihi Waziri wa maji aweze kurudisha hizi *meter* kwa kila mwananchi anayeza maji ili wananchi waweze kupata maji; kama bado wanashughulikia mipango ya kurudisha hayo maji kwa sababu wananchi wanateseka, imefika mahali wananchi wanaiba maji usiku, ikifika usiku maji yanaibwa, pesa Kaunti hatupati na mchana watu wanateseka hivyo hivyo. Sasa mimi ningependa Waziri wa maji aweze kurudisha zile *meter* na wananchi waendeleo na vile vile walikuwa wanaweza kupata maji mpaka wakati watakuwa wako tayari watakuwa wamefanya mambo yao yamekuwa tayari ndio waweze kufungia watu maji. Ahsante sana Mheshimiwa Spika.

**Mr. Speaker** (Hon. Rajwayi): Yes the relevant Committee in Charge of the matter that has been raised by Hon. Caroline Owino make sure that the particular information is addressed and as you know water is life and therefore we should not take more than one week to respond to

this particular matter; for that reason therefore the Committee on Water, Environment and Natural Resources so ensure that they bring their report on that particular matter addressed next week Thursday 23<sup>rd</sup> June, 2016 at exactly 2:30p.m.

### STATEMENT

#### ENFORCEMENT OF A NO PARKING ZONE IN AND AROUND THE COAST GENERAL HOSPITAL

Enforcement of no parking zone in and around Coast General Hospital, Hon. Nyamvula...  
Yes Hon. Zainab Darwesh.

*(Hon. (Mrs.) Zainab Said moved the Statement on behalf of Hon. (Mrs.) Serah Nyamvula)*

**Hon. (Mrs.) Zainab Said:** Ahsante sana Bwana Spika kwa kunipa hii nafasi; nilikuwa nazungumza kwa niaba ya Mheshimiwa Nyamvula kuhusu hii sehemu ya kuegesha magari ya hospitali ya Mkoa ya Coast General. Pale Coast General kwa upande huu wa pili kuna *Godown* ya malori, sasa yale malori ya park mpaka pale nje na pale nje ni pahali watu wanapita kwenda kwa sehemu ya dharura yaani *emergency*, kwenda sehemu ya kuzalia wanawake yaani *maternity* sasa yale malori yakiwa pale inabidi watu watembe kwa barabara na kuna ma *tuk tuk* na kuna wenye magari pale, kwa hivyo yanaleta hatari. Yule ambaye nafasi yake alikodisha na yale malori yake ayaweke kule ndani na pale pia kulikuwa ni pahali pa kuegesha magari ya teksi. Sasa pale kumekuwa na shida yale malori yake makubwa yanaegeshwa pale na yanakaa kama wiki, wiki mbili alafu ndio yanaondolewa na ni magari ya safari. Ahsante.

**Mr. Speaker** (Hon. Rajwayi): Yes Hon. Ibrahim do you want to say something with regards to that?

**Hon. Ibrahim Kondo:** Ahsante Bwana Spika, mimi pia ningependa kuongezea ya kwamba jana kwa Gavana na ilikuwa Gavana ametuita na aligusia swala hili la malori kuegeshwa katika barabara zetu za mji. Kwa hivyo kuna hatua ambayo hivi karibuni tutachukua kupitia kwa kitengo cha *inspectorate* kuhakikisha magari yote makubwa makubwa ambayo yanaegeshwa katika sehemu zetu za mji yanaondolewa. Ahsante Mheshimiwa Spika.

**Mr. Speaker** (Hon. Rajwayi): Yes Hon. Mwidani.

**Hon. Mwidani:** Bwana Spika ahsante, nafikiri pia namuunga mkono Mheshimiwa Mama...

*(Laughter)*

Mama Kaunti ni kweli Bwana Spika hata mimi kuna wakati nimekuja kukuta lori kubwa sana imeegeshwa pale katika hospitali, sasa nafikiri jambo zuri la kuepuka lile ni sisi kutengeneza mjini sehemu za kuegesha zile gari ndogo ndio tuweze kuepuka yale malori yasiweze kuegeshwa. Kusema ukweli unakuta lori moja imechukuwa nafasi moja kubwa sana na ukiangalia pale hospitali, wakati lori linaingia ni kelele wakati linatoka ni kelele, kwa hivyo mimi naunga mkono hii taarifa isichukuliwe tu kirahisi; Bwana Spika ningependa utupatie muongozo na hili jambo lifanyike kwa sababu hata mimi nimeona mwenyewe nishawahi kwenda nikakosa sehemu ya kuegesha kwa sababu ya malori matatu yalikuwa yamepakikiwa ile sehemu ambayo ni ya kuegesha magari. Ahsante.

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

**Hon. (Ms.) Akinyi:** Mheshimiwa Spika, ningeomba jambo hili la hizi lori zinaegeshwa pale karibu na hospitali kuu ya Mombasa lifanyike haraka yaondolewe kwa haraka kwa sababu pale hizi gari zimeegeshwa ndio watu wamepata mahali pa kwenda haja ndogo hata haja kubwa. Kwa hio pale gari zimeegeshwa ndio watapita pale pale kwa sababu kuna pamezibwa na zile lori sasa wawe wanaenda haja ndogo hapo nyuma ya hizo lori hata kulala pia wanalala hapo nyuma ya hizo lori. Hivyo basi ni mambo makubwa sana yanatendeka pale katika eneo ambapo hayo malori yanaegeshwa, kwa hivyo ningeomba ile idara inayohusika ifanye haraka iwezekanavyo juu ya hayo maneno. Ahsante.

**Mr. Speaker** (Hon. Rajwayi): Yes Hon. Mohamed Chiro Ndanda.

**Hon. Mohamed Ndanda:** Ahsante Mheshimiwa Spika hata mimi pia niko katika msururu wa kuunga mkono japo nataka kuongezea jambo lengine; kuna wakati tulizungumzia kuhusu haya mambo yote ya kuwa mji wetu unakuwa mdogo na kuna haja kusema ukweli ya kuwa yale magari pale hospitali, imefanya hata sasa ambulensi wakati mwengine inasimama kando dereva akikutwa kwa sababu ameegesha gari pale ambapo gari nyingine haiwezi kupita. Wakati mwengine nilikuwa niko pale kulikuwa kunaletwa madawa, mnajua madawa yanaletwa na gari kubwa, sasa ilipofika pale kuna lori aina ya trela imesimama huku upande wa dharura na hizo dawa pia huwa zinakuja na upande huo kwa hio wakati mwengine pia zinafanya kazi zetu haziendelei vizuri pale hospitalini. Shida hii naweza iambatanisha pia na ile ya pale Mwembe Tayari Mheshimiwa Spika; hizi basi makampuni ya basi yanaweza kuwa magari yanataka kupita, amefungua ule mlango wa kuwekea mizigo ni mkubwa sasa matatu inabidi wakati mwengine zinagongana, kunakuwa na shida. Kwa hio ni lazima idara hii ya Mheshimiwa Amir Thoya akiwa na yule mama Caro sishurutishi maanake sio kazi yangu lakini kuwatambua tu ya kwamba wao wanaidara kubwa, ninawatambua peke yake....

*(Interruption)*

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

**Hon. (Ms.) Akinyi:** Ahsante sana, ningeomba Mheshimiwa ambaye alikuwa yuko alikuwa anaongea arekebishe maneno yake ya kuwa na huyu mama, hakuna huyu mama hapa kuna Mheshimiwa hata kama ataita mama lakini aseme Mheshimiwa mama, aanze na Mheshimiwa mama si huyu mama.

**Mr. Speaker** (Hon. Rajwayi): I want to believe that seed actually was brought in the House by Hon. Mwidani, can you resume your seat Hon. Ndanda; you know Hon. Mwidani was the one who brought that seed in the House I think we must make sure that it is uprooted and it must not grow so Hon. Mohamed Ndanda make sure that you make that correction as we continue to give your submission.

Yes Hon. Ndanda, Hon. Leader of Majority is on his feet...

**Leader of Majority** (Hon. Kasangamba): Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi nashangaa sana kwamba Waheshimiwa kina mama hawataki kuitwa mama, mimi kwa niaba ya Waheshimiwa kina baba sisi tuiteni baba tumetoa idhini kama ni hatia sisi twakubali kuitwa Waheshimiwa kina baba...

*(Laughter)*

**Mr. Speaker** (Hon. Rajwayi): Leader of Majority you are out of order...

*(Laughter)*

Yes Hon. Mohamed Ndanda.

**Hon. Mohamed Ndanda:** Mheshimiwa Spika, Mheshimiwa Caro wakati mwingi huwa naye na aliniambia wakati namuita nimuite mama na anasema itakuwa ni madharau mimi nikimuita bila kumuita mama na yeye mwenyewe pia anaweza kuthibitisha...

*(Interruption)*

**Mr. Speaker** (Hon. Rajwayi): Hon. Ndanda those are your private affairs...

*(Laughter)*

This House is guided by Standing Orders so we first appreciate and follow the Standing Orders...

**Hon. Mohamed Ndanda:** Ahsante kwa hivyo Mheshimiwa Spika nilikuwa nazungumzia kuna haja ya hizi idara zetu ziweze kutembea na kuangalia kuna shida na ni vile ambavyo Mheshimiwa Spika gari yako haishikwi na msongamano wa magari, gari yako yapasua mahali popote na inaenda lakini wale watu wengine wa kawaida Mheshimiwa Spika ikifika jioni mtu anatoka kazi pale Fontanella anaenda zake Changamwe anafika saa mbili usiku kwa sababu ya shida nyingi kama hizi. Kwa hivyo isiwe ni pale Makadara ninaomba hata pale Kibarani, pale Kibarani Mheshimiwa Spika wakati magari yanatembea wewe nenda uangalie vizuri kuna kampuni siku hizi zimeletwa pale wamejaza ile bahari mpaka imekuwa nchi kavu maanake wanataka kujenga pale, lakini sasa wameleta magari yao pale. Kwa hivyo huduma zetu kwa jumla Mombasa Kaunti ningemuomba aliyelea taarifa hii iweze kurekebisha na iweze kupitishwa na kurekebisha kuwa iangalie aina sheria yoyote ambayo inapeana huduma ya kuwa magari makubwa yote yaweze kupewa, kushurutishwa yasiwekwe ovyo ovyo mjini. Ahsante.

**Mr. Speaker** (Hon. Rajwayi): Yes Hon. Caroline.

**Hon. (Ms.) Auma:** Mheshimiwa Spika mimi kama Naibu Mwenye Kiti wa Uchukuzi na Mwenyekiti wangu Mheshimiwa Amir Thoya huu Mswada ushawahi kuletwa kwa hii Nyumba si mara ya kwanza, na sisi wenyewe tuliwacha kukaa shida ambayo iko Mheshimiwa Spika ni kuhusu kutekelezwa kwa Miswada. Mheshimiwa Spika kutekelezwa kwa miswada ndio shida katika Bunge letu la Kaunti kwa sababu taarifa hio hio Mheshimiwa Mary anazungumzia ndio hio ilioletwa katika Mswada wetu, ya kuna kuna wanawake ambao hujificha chini ya malori hayo...

*(Laughter)*

Ambao pia hunajisiwa chini ya malori hayo, ni hivyo pia katika taarifa. Kwa hio Mheshimiwa Spika jambo linalobakia ni kutekelezwa kwa uharaka Miswada tunayopitisha kwa sababu kama Kamati ya Uchukuzi tulishafanya wajibu wetu na tunahimiza kutekelezwa kwa maamuzi ya Kamati za Bunge. Ahsante Mheshimiwa Spika.

**Mr. Speaker** (Hon. Rajwayi): Well, your submissions are loud and clear but I would want to remind us what Hon. Ibrahim Kondo has just raised, that is something as similar to that the government is doing something and from that i want to believe that it was triggered by the same motion that we passed as the House, may be the speed may not be fast but at least there's something that is being done in terms of implementation and Hon. Caroline Owino and by next week Wednesday the Leader of Majority should bring a report on the issue of Implementation. Again the Hon. has accused the Speaker for having a car that is never caught in the jam actually Hon. Amir Thoya will tell you that yes that i have a car that is moving swiftly and that car is a

very nice bicycle and i never caught up in that traffic for those who are coming from Nyali will tell you i cross the bridge with my bicycle so if you don't want to be caught up in that traffic jam try my style of crossing the bridge; that was on a light note but the government is working on that in making sure that we decongest the city, both the human and the car traffics. Thank you so much Hon. Zainab Darwesh for standing in for Hon. Serah Nyamvula, thank you so much.

### **BILLS**

**Hon. Mohamed Ndanda:** Yes Mr. Speaker...

*(Interruption)*

**Mr. Speaker** (Hon. Rajwayi): You have Bills?

**Hon. Mohamed Ndanda:** I have a Statement.

**Mr. Speaker** (Hon. Rajwayi): Actually that was supposed to be order 8 and we are on 10 now.

**Hon. Mohamed Ndanda:** Maybe the Clerk has forgotten my Statement.

**Mr. Speaker** (Hon. Rajwayi): Okay now that you have forgotten we will remind ourselves in the next possible sitting, so don't worry.

### **ADJOURNMENT**

Ladies and gentlemen this House stands adjourned till afternoon of today at exactly 2:30 p.m.

The House rose at 9:56a.m.