

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**

Tuesday, 23rd August 2016

The House met at 2.35pm.

(Hon. Temporary Speaker (Mr. Fadhili Mwalimu) in the Chair)

PRAYERS

Hon. Temporary Speaker: Yes Clerk.

COMMUNICATION FROM THE CHAIR

Hon. Members, today we are privileged as the Mombasa County Assembly; we have visitors from Mvita Sub-county.

This is an Assembly, the Children's Assembly from the Sub-county Mvita constituency, and I take this opportunity as it is an Assembly of Hon. Members and acknowledge the presence and Hon. Members in the public gallery, when you hear your name just stand and bow. We have;

1. Emmanuel Ndambi	Governor
2. Salma Fadhil	Deputy Governor
3. Sofia Mohamed	Speaker
4. Judge Makusanya	Deputy Speaker
5. Salma Salim	Clerk
6. Issa Ibrahim	Deputy Clerk
7. Silvia Awour	Sergeant At Arms
8. Felix Muhatia	Member
9. Derrick Mungai	Member
10. Cosmas Mwaka	Member
11. David Habib Hamton	Member
12. Zulekha Juma Bakari	Member
13. Felicity Muthoni Ngatia	Member
14. Esther Robina Kwamboka	Member
15. Purity Kavutha	Member
16. Zedrick Ali	Member

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17. Dennis Ilondaga	Member
18. Victor Akoyo	Member
19. Erick Muthoka	Member
20. Michael Kiprono	Member
21. Faith Mwikali	Member
22. Gladys Mwikali	Member
23. Margaret Mbinya	Member
24. Elizabeth Njeri	Member
25. Catherine Atieno	Member
26. Tersa Onsare	Member
27. Erick Kuria	Member
28. Nahason Andoo	Member
29. Yvonne Akembi	Member
30. Nelly	"
31. Jane	
32. Lilian	
33. Gilbert Mwakio	
34. Elijah Mbarouk	
35. Mitchell Bahati	
36. Assumpta Njeri	
37. Sofia Ondolo	
38. Zamzam Ibrahim	
39. Sumeiya Abdulkadir	
40. Shekha Abubakar	
41. Maryam Jillo	
42. Firdaus Ahmed	
43. Aisha Fuad	
44. Nuru Hassan	
45. Hadija Athman	"

Those are Members from the Children's Assembly from Mvita Sub-county; before we proceed I will allow any member from Mvita constituency to at least acknowledge those Hon. Members from your constituency, yes Hon. Saad.

Hon. Faraj: Thank you very much Mr. Speaker. Mr. Speaker it's always a pleasure to have our young upcoming leaders visit this Hon. Assembly and being part of the Mvita fraternity, I would like to take this wonderful opportunity to welcome you all to Mombasa County Assembly, feel at home make sure that this is a learning process that will eventually give you the opportunity to serve this country in the near future. Thank you God bless you all.

Hon. Temporary Speaker: Thank you Hon. Saad. Hon. Siminyu.

(Applause)

Hon. Siminyu: Mr. Speaker I am very happy to have these Members and they know they are Member representatives of the wards. Hon. members Mr. Speaker I would like to welcome the Governor, plus the Deputy Governor and his Hon. Members...

(Applause)

Because Mr. Speaker the future lies on their hands, as they study, it is going to help them be better leaders in the future. I take this opportunity to welcome them all thank you Mr. Speaker sir.

(Applause)

Hon. Temporary Speaker: I also take this opportunity to the Leader of Majority, to at least have a word to the Hon. Members.

Leader of Majority (Hon. Hamisi Mwidani): Thank you Mr. Speaker for giving me this opportunity. I am very happy to see that we have the full House of the Assembly of Mvita constituency, mine Mr. Speaker I would like to know, in fact you have mentioned the Deputy Governor, it is Salma Fadhili, and Mr. Speaker I know you are Hon. Fadhili, so we don't know whether she is your daughter or....

(Laughter and applause)

Am very happy Mr. Speaker even if she is your daughter then let her keep up...

Hon. Temporary Speaker: Thank you Leader of Majority, our Hon. Members I have used Standing order number one, to give you that opportunity to at least say something to the Hon. Members in the public gallery.

So Hon. Members you are welcomed to the Mombasa County Assembly, and I wish you well in whatever, what is it Hon. Saad, Hon. Saad in fact you are out of order, yes Clerk let's proceed.

NOTICE OF MOTION

Yes Leader of Majority.

Leader of Majority (Hon. Hamisi Mwidani): Thank you Mr. Speaker, for giving me this opportunity, I would like to move the Notice of Motion;

That, this Assembly adopts the report on benefit of Kenya Ports Authority to Mombasa County. Thank you Mr. Speaker sir.

Hon. Temporary Speaker: Yes clerk.

NOTICE OF MOTION

REHABILITATION AND EMPOWERMENT OF COMMERCIAL SEX WORKERS WITHIN THE COUNTY

Hon. Temporary Speaker: Hon. Saad Faraj.

Hon. Faraj: Thank you very much once again Mr. Speaker. The Notice of Motion that I am presenting to this House is on Rehabilitation and empowerment of commercial sex workers within the County. Mr. Speaker I beg to give a Notice of Motion;

That aware that Mombasa County is a tourist hub and a metropolitan city hence it attracts many investors and people.

Further aware that Mombasa is a religious town with majority of its residents professing the Islamic and Christian faiths;

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Concerned that the metropolitan nature of Mombasa has attracted vices such as prostitution which are against both the culture of the indigenous Mombasa residents, religion and form of public nuisance;

Noting that most of the youth engage in prostitution for lack of employability skills and/ or employment;

I urge this Assembly to resolve that;

- The County government through the department of Youth, Gender and Sports in conjunction with the department of Inspectorate to put up measures to remove the commercial sex workers from the streets of Mombasa and to provide them with counseling;
- The department of Youth Gender and Sports to then rehabilitate the commercial sex workers by providing them with technical skills where they have none and assist them in securing gainful employment;
- The department of Youth, Gender and Sports to also facilitate the rehabilitated commercial sex workers with start-up capital to start small legitimate business in order to rid Mombasa of prostitution

Mr. Speaker I would also like to take this opportunity to seek leave of this House so that we can liberate on this very crucial motion, thank you

Hon. Temporary Speaker: Yes Clerk.

MOTION

Hon. Khamisi Musa Mwidani.

Leader of Majority (Hon. Hamisi Mwidani): Thank you Mr. Speaker, now let me move for the motion that this Assembly adopts the report on benefit of Kenya Ports Authority to Mombasa County under the Ad hoc committee.

Mr. Speaker before I move to the report, I would like Hon. Saad to second my motion.

Hon. Faraj: Mr. Speaker sir I raise to second the Motion of the report presented by Hon. Khamisi Mwidani.

(Question proposed)

Hon. Temporary Speaker: The Motion has got a seconder. I'll propose a question that a motion by Hon. Khamisi Mwidani under Benefits of Kenya Ports Authority to Mombasa County be debated in this House.

(Question put and agreed to)

Yes?

Leader of Majority (Hon. Hamisi Mwidani): Thank you Mr. Speaker.

Mr. Speaker, report on benefit of Kenya Ports to Mombasa County.

(Leader of Majority (Hon. Hamisi Mwidani) read Report)

Report on Benefits of KPA to Mombasa County

1. Executive summary

This is a report of the findings of the committee of Ad hoc following a statement raised by a Member of the County Assembly and ruling by Hon. Speaker on 27th July 2016 at 2.30 pm that a site visit to the Kenya Port Authority be undertaken and a report of the same be tabled.

The mandate of the site visit was to among others seek an audience with the KPA Management with a view to determine the following main issues;

- i. Benefit of Kenya Port Authority (KPA) to Mombasa County.
- ii. Awareness of ongoing Kenya Port Authority Projects

2. Introduction

The Committee on Ad Hoc was created pursuant to the ruling of the Hon. Speaker in regard to the statement raised by a Member of the County Assembly on benefit of Kenya Ports Authority (KPA) to Mombasa County, specifically from the financial year 2013/2014.

It is mandated to provide clear guidance on which way Mombasa County benefited from KPA since the new political dispensation.

It is pursuant to these provisions that Members of the Committee on Ad Hoc undertook the site visit on 28th July 2016 with a view to make findings, observations and make necessary recommendations to the House as directed.

3. Findings

The committees embarked on the site visit on 28th July, 2016 from 9.00am and met with the Kenya Port Authority officials at their Boardroom.

The Committee members had fruitful discussions with the officials, and presented a list of projects under their Corporate Social Responsibility (CSR) projects in Mombasa County as listed;

CSR PROJECTS IN MOMBASA BY KPA

	INSTITUTION	PROJECT DONE	LOCATION	AMOUNT/Kshs
1	Uhuru gardens along Moi avenue	Rehabilitation and maintenance of Uhuru gardens	Mombasa CBD	Spent 7 million on initial rehabilitation and annual maintenance expenses of Kshs 300,000 for the past 10 years
2	Fish market	Carried out Civil works and purchase of cooling machines	Old port , mji wa kale	21,000,000
3	Coast general hospital	Donation of ICU machines	Makadara	2,431,360
4	Pwani school for	Classroom	Bombolulu	

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	Physical handicapped			
5	Kadzandani primary school	Four classrooms	Bamburi	5,782,908.88
6	Salvation army, Likoni school for the blind	Purchase and installation of solar backup system	Likoni	2,723,490
7	Changamwe constituency	Donation of 30 computers	Changamwe	
8	Mama Ngina Girls, Mbaraki Girls, Liwatoni Primary School, Mbheni School, Tudor Secondary, Shimo La Tewa Secondary, SOS Hermaine School, Sheikh Zayed orphanage	Donation of 80 computers	Mombasa county	
9	Jomvu High School, Mwijabu Secondary, Changamwe Secondary	Enlisted for upcoming Donation of 21 computers	Changamwe	
10	Majaoni primary school	4 Classroom	Majaoni	
11	Port Ritz school for the handicapped	Poultry House	Port Ritz	Over 4,000,000
12	APDK	Rehabilitation	Port Ritzy	5,704,569

		of therapeutic swimming pool		
13	Tom Mboya School for children with cerebral palsy	Donation 43 normal and special wheel chairs	Tononoka	500,000
14	Operation ear drop Kenya	Medical camp	Mombasa County	530,000
15	Fishing community	Four boats for the fishing community after the dredging	Mombasa county	70,000,000
16	The Light House for Christ Eye Centre	Eye camp	Bamburi	150,000
17	Swahili cultural center in partnership with national museums of Kenya	Ongoing talks to take up landscaping works at the IT hub	Pandya	Approx. 30,000,000

- The KPA officials led by Mr. Bernard Osero - Head of Corporate Affairs informed the members that their CSR programme is not politically driven and only responds to urgent societal needs, in all parts of the region.
- He also informed members that consideration for sponsorship is acted upon after they receive requests from leaders from Mombasa and other Counties in the coast region or directly from the institutions.
- Mr Osero said they usually receive very few sponsorship requests, especially from leaders of Mombasa County despite having the institution domiciled in Mombasa.

- He said that although KPA has no clear CSR policy, it currently has an open door policy and would accommodate engagements with the County leadership in areas of opportunities for CSR support.
- That the institution spends about shs 30 million annually towards their CSR programme, specifically towards education and health projects.
- That the KPA will henceforth work with County leaders in identification of opportunity areas for CSR interventions.

4. Committee observations

- The KPA list of projects did not give a breakdown of the financial year in which they were undertaken, hence not giving a clear picture of the impact the organization has had since devolution.
- The KPA management has been working directly with some of the institutions benefitting from CSR projects and by passing grassroots' leaders such as the Member of County Assembly (MCA).

5. Conclusion

- The Clerk should therefore urgently write to the KPA management to request that the list of projects should clearly indicate which financial years they were undertaken.
- That the Committee should visit some of the identified projects on the ground with a view to ascertain their existence and impact, if any to the beneficiary communities.

1. Recommendations

- The Committee should request the House for more time to await the official response from KPA on the timelines for the CSR projects.
- The Committee should seek to find out from other corporate institutions domiciled in Mombasa on their CSR presence in the County.

I think Mr. Speaker thank you for giving me time to bring this report on board and the issue of the motion, thank you.

Hon. Temporary Speaker: Thank you Leader of Majority, I had given you an opportunity to bring the report and the motion in this House but it seems the report is incomplete

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because we heard from you that the process that we are going to take you are asking yourselves very many questions i heard you raising an issue of the Kenya Ports Authority not indicating the financial year's and the Ad hoc committee to visit the sites so that to identify if what is on the paper is actual on the ground.

So for today i will not allow any other member to debate on this report but in the House Business Committee we shall accord another day but what we want is a complete report Hon. Leader of Majority for the benefit of the House and Mombasa residents at large.

So Clerk take note that the report cannot be debated today.

Hon. Leader of Majority (Mr. Mwidani): Thank you Mr. Speaker sir.

(Interruption)

Hon. Faraj: Mr. Speaker sir.

Hon. Temporary Speaker: Yes Hon. Saad.

Hon. Faraj: Mr. Speaker earlier on when i was reading my Notice of Motion I had requested for leave so that this Motion can be deliberated, so I don't know whether or not I have been allowed to move the motion so that it can be deliberated in this House, thank you.

Hon. Temporary Speaker: Hon Saad, proceed.

Hon. Faraj: Thank you very much Mr. Speaker, i would like to move the following motion for the rehabilitation and empowerment of commercial sex workers within the County and i would call upon Hon. Patrick Siminyu to second me on this motion.

Hon. (Ms.) Akinyi: Thank you Mr. Speaker sir, the Hon. Member has not taken us through the Motion so we don't know what Hon. Siminyu is going to second.

Hon. Temporary Speaker: The Notice of Motion has been already tabled so first we propose a question then Hon. Members will give their input on this Motion so the Motion having got a seconder I will propose a question that the motion be deliberated in this House.

(Question put and agreed)

Yes Hon Saad.

Hon. Faraj: Thank you Mr. Speaker, the issue at hand might sound a little bit controversial; it is for the good of this County and our people.

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Mr. Speaker Mombasa has its heritage and culture and the fact that these people of Mombasa are spiritually inclined to their religious Islamic and Christianity faith, what is happening on our roads at night is a matter that needs to get our attention as a House.

It is very crucial and a few of those people that we have been able to interact with have been complaining that it is because of lack of proper jobs, employment which causes them to go to the streets and sell their bodies, and i feel Mr. Speaker if we come up with a proper mechanism plan we will be able to address this issue in a manner that is applicable.

I want to reiterate the fact that Mr. Speaker those who are working outside there are not there out of their own volition but they are there because of the problems that they are facing day to day; they have decided to take that route which is not applicable in any arrangement.

Mr. Speaker i therefore insist the process we are going to take for this particular exercise should be done in a manner that is applicable to the law and we don't want these people to be arrested that should be very clear we want them to be taken away from the roads and be rehabilitated to be given an opportunity to start a new life Mr Speaker. I rest my case, thank you.

Hon. Temporary Speaker: Yes Hon Kibwana.

Hon. Kibwana Swaleh: Thank you Mr. Speaker, this Motion that has been brought by my brother Hon. Saad is lacking some measures...

(Applause)

That would have helped the people on the streets.

Hon. Speaker if I can just point out that, to be clear on record as opposing this motion...

(Applause)

If you look at the Motion that is telling us that the prostitutes should be removed I believe there are mechanisms for rehabilitation and giving them money...

(Interruption)

Hon. Faraj: Point of information.

Hon. Temporary Speaker: Who do you want to inform?

Hon. Faraj: The House.

Hon. Temporary Speaker: Proceed.

Hon. Faraj: Mr Speaker I think the fact is very clear that the Member is introducing a new meaning to what I have requested in my prayers.

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This is not a matter that can create differences between us but my aim is to turn around the livelihood of the people who are wasting their lives on the streets Mr Speaker and this should be very clear to everybody, we want to rehabilitate their livelihoods, we want to take them from where they are right now to be a better person, a better personality Mr. Speaker, thank you.

Hon. Kibwana Swaleh: Thank you Mr Speaker, when we look at the Motion when we look at number one from analysis, the removal, so actually the number three should be number one then number two provide them with technical skills rather than saying we remove them then provide them with skills and capital.

I think the first thing that is going to happen we will remove prostitutes and provide them with skills of which they will be against, mine is to say these are people they are human beings that are earning a living we should accept it is happening, even in developed countries.

Hon. Speaker even when you go to Britain which is a developed country you will find a prostitute there, if you go to USA they are there if we want to remove these prostitutes let's provide them with jobs first before thinking of removing them, thank you Mr. Speaker.

(Applause)

Hon. Temporary Speaker: Hon. Mary.

Hon. (Ms.) Akinyi: Ahsante Mheshimiwa Spika, na nimesimama hapa kupinga mjadala huu, napinga kwa sababu zinazofaa.

Mheshimiwa Spika hatuwezi kuambiwa kuwa utaenda barabarani kule watu wamesimama uende ukatole wale ambao ni wafanyi biashara ama jina ambalo halifai wale ambao ni Malaya.

Kule barabarani utatafautisha vipi huyu ni malaya huyu si malaya, hapa tukiwa tumekubali mjadala huu upite katika hili Bunge tutakua tunakosea wengine haki zao Mheshimiwa Spika.

Hata utafiti inatutolea vizuri sana kuwa hata wale ambao wanafanya ile biashara ya kuuza miili yao ndio hata hawana waume Mheshimiwa, hata wale ambao wanawaendea hawa tukiwatoa...

(Interruption)

Hon. Temporary Speaker: You are on a point of order or point of information?

Hon. Faraj: *Point of information*, na tukizungumzia utafiti ni lazima atupatie uthibitisho aliepanga huo utafiti ni nani ulifanywa mwaka gani, ulifanyika sehemu gani na wale ambao

walikuwa wamelengwa wametoka sehemu gani na sehemu gani ni kuzungumzia utafiti wa mazungumzo.

Hili ni Jumba na sheria na nidhamu tunaomba kama umezungumza utafiti basi tufahamishe nani amefanya utafiti huo, ahsante sana.

Hon. Temporary Speaker: Hon. Saad as the mover of the Motion just let Hon. Members to contribute on the Motion.

Hon. (Ms.) Akinyi: Ahsante Mheshimiwa Spika. Mheshimiwa Spika utafiti ulifanywa na watu wa KEMRI na hivi tunavyoongea wale wote ambao wanafanya biashara hii ya kuuza miili yao kuna dawa ambayo hata wanapewa kutoka katika idara ya afya kutoka sehemu ya HIV na wanajipima kila mara na wako vizuri.

Mheshimiwa Spika tukisema kuwa hawa ambae ni watu wazima na akili zao tena ni wasomi ambao wanafanya biashara hii tukisema tuwatoe pale barabarani ama zile imesemekana hapa idadi ya watoto wetu itazidi watazidi kulawitiwa kwa sababu wale watu ambae wanapenda kulawiti watoto na kubaka watakua hawana mahali pa kwenda Mheshimiwa wanakuwa wanaharibu watoto.

Naendelea kupinga huu mjadala kuwa ile biashara iendele ndio wale ambao wanaendelea kubaka watoto wasibake watoto na kuwe kuna mahali ambapo wanaweza kwenda kupata watu ambao wanaweza kustarehe nao, ahsante Mheshimiwa Spika.

Hon. Temporary Speaker: Hon Siminyu.

Hon. Siminyu: Thank you Mr. Speaker for giving me this opportunity, this is a sensitive matter that is going to affect our sisters.

The mover of this Motion had two intentions and what I hear from this House there are some amendments that are required to be placed and the Motion was brought in the House so that it can be discussed and amendments be proposed Mr. Speaker.

What I want to tell the House is that some enter into this business because they have no means and each Member of the County Assembly come with a way through department of sports

plus trade which we allocate money so that we assist our sisters to help our sisters to come the right way.

If it means consolation but saying that we don't care it will be another disaster so that we can have a progressing Mombasa and I urge members if there is amendment they should not just go against the Motion; if they have amendment they should put forward so that this Motion can help Mombasa people and our women who find themselves in the streets not because they like because of the difficulties in life challenges who find themselves in the streets because of difficulties and challenges that life brings Mr. Speaker I really support with amendments and the honorable member here agrees. Thank you.

Hon. Temporary Speaker: Hon. Hatimy.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika, hili ni jambo ambalo linaniudhi sana Mheshimiwa Spika.

Nasimama mbele ya Nyumba hii kuunga mkono mjadala huu na sababu zangu ni Kifungu 153 na 154 ya sheria za Kenya code inazuia watu wanaorandaranda kufanya umalaya ndani yakatiba kama mtu anataka kufanya kazi kaa pale unakaa kwenye *bar*, kwenye danguro tafuta mahali ukae.

Mheshimiwa Spika ni kinyume cha sheria kwa hawa wanaoranda randa kufanya kazi hii kwa hivyo jambo hili sisi twasema hawa wafanyi kazi wetu ni lazima wawe wanafanya kazi vile inavyotakikana na sisi hatuwezi kwenda kushika kwa sababu sheria tayari iko inakataza mwanamme na mwanamke.

Hii sheria ambayo nimesema imekataza mwanamme na mwanamke kurandaranda kufanya hiyo kazi ambayo tunazungumza sisi ikiwa tutapitisha mswada huu ni kuhakikisha kuwa wale tuliwapatia kazi ya kufanya iwe tutawalazimisha wafanya kazi vile inavyotakikana kama sheria vile ilivyosema. Ahsante sana.

(Applause)

Hon. Temporary Speaker: Yes Hon. Fatma?

Hon. Fatuma Swaleh: Ahsante Spika kwa kunipa fursa hii; kwanza kabisa kabla sijazungumza ningependa kuambia Jumba hili kwamba hakuna kitu kizuri kama kuwa na imani ya dini Mheshimiwa Spika.

Sisi leo ni viongozi na kesho tutakwenda mbele za haki na Mungu atatuuliza uongozi wetu tuliutumia namna gani; kama unavyojua ndani ya dini zote nazungumzia dini ya Kiislamu na Kikristo, katika dini hizo hakuna mahali imeandikwa katika Biblia ama katika Quran kwamba uasherati unafaa, ni watu tu wanafanya katika vichwa zao na jambo la kusikitisha kama Mwenyekiti wa Kamati ya Afya mwenzangu Mheshimiwa Kibwana anaweza kuunga mkono mjadala huu Mheshimiwa Spika mimi naunga mkono, ni jambo la kusikitisha..

(Interruption)

Hon. Temporary Speaker: Address the Speaker.

Hon. Fatuma Swaleh: Mheshimiwa Spika ni jambo la kusikitisha sana kama Mwenyekiti wa Afya anaweza kupinga mjadala huu kama Mwenyekiti wa Afya na kama unavyojua ni madhara mengi yanatokea kutokana na uasherati.

Mimi ningeomba Nyumba hii kwa kumuogopa Mwenyezi Mungu iweze kuunga mkono mjadala huu na sheria zichukuliwe mara moja kwa wale watu wanao randa randa na kufanya uasherati Mheshimiwa Spika. Ahsante Mheshimiwa Spika.

Hon. Temporary Speaker: Yes Hon. Wangudi?

Hon. Wangudi: Ahsante Mheshimiwa Spika kwa fursa hii ili niweze kuchangia swala ambalo limefikishwa mbele ya Nyumba hili na Mheshimiwa mtumishi wa Tononoka.

Mheshimiwa Spika naweza sema ni mswada mzuri ambao ni sharti tuwe tunazingatia lakini kidogo mimi natofautiana na ombi ambalo Mheshimiwa alikuwa anaomba yaweze kutekelezwa.

Mheshimiwa Spika kabla sijaendelea ningependa kufahamisha Jumba hili kurekebisha hao makahaba itakuwa ni jambo gumu; ni swala ambalo ni gumu hivi sasa tunapojadili hili jambo huwezi ukajua kahaba isipokuwa kama umepata fursa ya kutembea na yeye...

(Applause)

Mtu hawezi kumtambua itakuwa ni ngumu kwa hivyo tutakapopitisha mswada huu Mheshimiwa Spika watakao umia ni tofauti na namna tulivyonuia mswada huu.

Hilo ni swala sisi sharti tunazingatia tunapojadili mswada huu na Mheshimiwa Spika kutokana na maombi ya Mheshimiwa Saad ya kuwa hawa watu waweze kurekebishwa hawa watu wanapofanya vile si kuwa maskini; wale walio wasomi wanasema *it's a lifestyle*.

Ile ni maisha wameamua wataishi vile lakini baadhi yao hata tutakapoenda mashinani ukitaka kuwatofautisha utapata ya kwamba wengi ni wenye yale magari yameandikwa mia; mtu ana gari zake mbili tatu lakini usiku anatokea pale kwa barabara.

Mtu kama yule hahitaji ule msaada tunapanga hapa kama Bunge Mheshimiwa Spika; ni swala ambalo lazima tuketi chini kama Nyumba tutafute mbinu mwafaka ya kulishughulikia nalo jambo hili, tutakapo fanya hivyo tutapata fursa ya kuiga katika nchi zingine na sheria ambazo zinalinda maswala kama haya tutakapo enda kinyume na sheria tutashtakiwa kortini.

Mheshimiwa Spika si swala la kukimbilia kwa mfano kuna nchi ambazo mambo haya yanaruhusiwa mradi wewe uwe hutegemei zile pesa zilizopatikana katika na swala hilo Mheshimiwa ni mambo ambayo inahitaji kuzingatiwa.

Ukitazama Mheshimiwa ombi la kwanza ni ombi ambalo linaweza tekelezwa hata leo lakini haitatusaidia kwa sababu wengi ni watu watakao shikiwa, si watu tulikuwa tumewalenga ikiwezekana wakati hii *department* vijana jinsia na michezo ishirikiane na kitengo chetu cha *Inspectorate* wachukulie swala hili *removal of the sex workers* linaweza kufanyika lakini halिताleta manufaa.

Ukitazama swala hili Mheshimiwa Spika na la tatu ni swala halibadiliki hivi sasa tuko katika awamu ya kwanza ya bajeti hata hatujapata senti katika bajeti hii na kulingana na sheria za Bunge mswada una miezi sita.

Naomba Nyumba hii iwapo tutapitisha mswada huu linazingatiwa katika bajeti inayokuja hivi sasa ni vigumu kutekeleza kutokana na bajeti na vile hali ilivyo naomba kumalizia hapo Mheshimiwa Spika. Ahsante sana.

Hon. Temporary Speaker: Hon. Dharwesh.

Hon. (Mrs.) Zainab Said: Ahsante Mheshimiwa Spika, mimi naunga mkono hoja hii iliyoletwa na Mheshimiwa Saad; sisi hatuwezi kupitisha ukahaba itakuwa ni kinyume cha sheria kwa sababu kuna watoto wa skuli wako hapo juu na hapo kuna skuli wakisikia kama haya mambo ni sawa basi mtu akimaliza skuli akikosa kazi ataona afanye ukahaba.

Kwa hivyo ukahaba umepingwa kila mahali ikiwa nchi za nje zimepitisha basi wana mambo yao ambayo wanaweza kufanya na si chochote kwao, lakini kwa sisi twamcha Mungu sisi Waislamu na ninasema itakuaje mtu kujua kahaba, kahaba anavyovaa inajulikana vile mwendo wake unakaa inajulikana na vitendo vyake pia anavyofanya vyajulikana.

Kwa hivyo hii naipinga kabisa ukahaba usiendele, naunga mkono ukahaba usiendele.

Hon. Temporary Speaker: Hon. Maimuna?

Hon. Leader of Minority (Ms.) Maimuna Salim: Ahsante Mheshimiwa Spika. Mimi naunga mkono mswada huu ulioletwa na Mheshimiwa Saad Faraj kwa sababu tunajua ya kwamba sheria zetu mtoto ambaye ako chini ya miaka kumi na nane hafai kufanya jambo la ukahaba lakini kwa sababu imewachiliwa basi watoto wanaacha skuli wanaingia kwa ufuo wa bahari wanaona hio ndio kazi ya kufaa.

Kwa hivyo hii tukiweza kupitisha hizokwa kukaa mahali panapostahili watuwakaweza kufanya kifahari si kufanya ambaye ni biashara ya kuuza nguo.

Ndani ya mji wetu wa Mombasa watu wana heshima, watu wanaita watu kwa heshima, kutembea kwao ni kwa heshima inashawishi hata watoto wadogo waone ya kwamba ile ni kazi halali, wanawacha shule wanaingia kwa ufuo wa bahari na kufanya.

Kwa hivyo mimi naunga mkono ikiwezekana ipitishwe na iweze kufanyiwa kazi isaidie vizazi vijavyo kwa sababu ya maradhi, kwa sababu ya hali zao kwa sababu sisi kama sisi tukiwa kama wabunge hatutalinda haki zao baadaye watakuja lia na sisi na dini ya Kiislamu na Kikristo.

Sisi kama waumini haijaturuhusu ya kwamba watoto wafanye ukahaba na hawa watoto kama wako na wazee wasemezane ili zisifanywe ndani ya nyumba mimi naunga mkono mjadala huu na naomba ya kwamba ipitishwe na tuweze kufanya kazi isaidie vizazi vyetu.

Hon. Temporary Speaker: Yes Hon. Mwamassa.

Hon. (Mrs.) Maimuna (Mwamassa): Ahsante Mheshimiwa Spika kwa kunipea nafsi hii; mimi pia naunga kikamilifu hoja hii kuwa ukahaba ni lazima tuupige vita na tuhakikishe katika mji wetu tumeukomesha kwa sababu sote twamcha Mungu, na kama tunamcha Mungu kwa kweli Mwenyezi Mungu ndio aliotujalia tukafika hapa Bunge hili na Mwenyezi Mungu akitujalia tuje mahali hapa leo tunapitisha mambo yaliyo wazi kila kukicha dhambi zaongezeka.

Ni mambo kama haya yanayofanywa kinyume cha sheria; haramu ni haramu na hakuna siku itakuwa halali enzi za Manabii; enzi za Mtume kulikuwa na Sodom na Gomorra na tuliona hata vipi Mwenyezi Mungu aliwateremshia

(Applause)

Na neno lithifadhika kama mzee wetu Mheshimiwa Mohamed Hatimy kila siku husema anavyosema kinachoandikwa huhifadhika na kilichozungumzwa hupotea lakini kile kimeandikwa tangu hatujazaliwa na mpaka sasa....

(Applause)

Kwa hivyo haina haja tuhalalishe kilichohalalishwa angalieni madaktari wote ulimwengu mzima wasomi wote ulimwengu mzima wanashindwa kupata dawa kwa kitu kisichokuwa na dawa; ni kwamba kila siku twahalalisha haramu.

Kwa hivyo mimi naunga mkono jambo hili kwa dhati manake umma unaangamia watoto wanabakia mayatima na twajua mabaya lakini twayahalalisha kuwa mema, mimi naunga mkono na napinga ukahaba kikamilifu.

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(Applause)

(Loud consultations)

Hon. Temporary Speaker: Hon. Members I may be forced to throw you out of this Hon. House, if it is consulting just consult in a honorable manner. Yes Hon. Saad you can reply.

Hon. Faraj: Ahsante sana Mheshimiwa Spika kwa fursa hii ...

(Interruption)

Hon. Temporary Speaker: Hon. Saad under Standing order 73 you started with English you are not supposed to change the language we are using either two languages Hon. Saad.

Hon. Faraj: Mheshimiwa Spika kulingana....

(Interruption)

Hon. Temporary Speaker: You started by using English, finish by the same language, Hon. Hatimy.

Hon. Mohamed Hatimy: Mheshimiwa Spika ameanza kwa Kiswahili na hakuendelea akakaa wengine wakaongea kwa hivyo ana haki ya kuongea kwa lugha anayotaka.

Hon. Temporary Speaker: Hon. Hatimy I have ruled under Standing order 73 he will reply with the language that he started with, proceed Hon. Saad. Yes proceed.

Hon. Faraj: Mr Speaker Thank you once again for this opportunity, I am always delighted to speak in either of the languages, and I want to thank all the Members who have contributed to this Motion.

Mr Speaker some of the Members contributed and they aired their views, which is accepted in any democratic environment.

Mr. Speaker some of the arguments that have come out of this deliberation is that people are referring Kenya and comparing it to other countries, and from what I have gathered is that they are comparing Kenya or Africa with Western countries Mr Speaker and a most recent thing that

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happened in America is that America have passed a law which allows men to marry men and women to marry women and Mr. Speaker if we are to take this as an example where is this country or county headed to?

Mr. Speaker, perhaps we should be looking into our culture, we should look at our heritage, where we have come from as Africans, as Muslims, as Christians, and that should be the basis of our argument in this House.

Mr Speaker by comparing us with all the other countries Mr. Speaker I think it is a very unfortunate fact that this Honorable House is being subjected to, and some of the Members also argue with regards to the budgetary allocation that has been allocated to the Youth, Gender and Sports.

Mr Speaker this money is available, the money has not been allocated to any youth groups, to any gender groups and Mr. Speaker we can ask for that piece of that cake so that it can be allocated to our dear sisters who are out there and our dear brothers who are out there.

Mr Speaker it is crucial and it is very important that this County is guarded by the law but at the same time we should also be guarded by our spirituality, our religion, our religions those diverse religions which are in this country.

Mr. Speaker I want to take this opportunity once again to thank each and every Member who supported and who opposed this Motion but call upon all Members to support this so that we can rehabilitate our people, we can give them a new life, a new lease of life so that they can now make it possible in whatever they do in this world. Thank you very much.

(Applause)

Hon. Temporary Speaker: The matter having been exhausted in this House, I stand to put a question that, the Motion on Rehabilitation and Empowerment of Commercial Sex Workers be adopted in this House and as the mover has put it plus some other Honorable members, we have seen that they are some budgetary implications in this issue.

I advice the Honorable House after putting this question to first sit also with the Budget Committee to fast track on this matter.

(Question put and agreed to.)

ADJOURNMENT

Hon. Members, the House hereby adjourns until the next sitting.

The House rose at 3.42pm.