



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 18th July, 2018
The House met at 9:54a.m.

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

PRAYERS

The Speaker (Hon. Khatri): Hon. Members you may be seated. Yes Clerk?

NOTICE OF MOTIONS

INCLUSION OF INFORMATION COMMUNICATION AND TECHNOLOGY (ICT) HUBS IN COUNTY POLYTECHNICS

Yes Hon. Charles Kitula please give the notice of Motion.

Chief Whip (Hon. Kitula): Thank you Mr. Speaker I am standing on behalf of Hon. Moses Aran Oindo to give Notice of the following Motion:

THAT AWARE that the County Government is charged with the responsibility of overseeing polytechnics, pre primary education, home crafts centres and children facilities under Part 2 (9) of the Fourth Schedule of the Constitution of Kenya, 2010;

FURTHER AWARE that polytechnics within the County are yet to incorporate ICT Hubs which are vital to any learning institution;

CONCERNED that the lack of ICT within the polytechnics in the County may impede not only students but also the wider public in this digital age;

I therefore urge this Assembly to RESOLVE that;

1. The County Government should ensure that all the polytechnics within the County are equipped with ICT Hubs.

2. The County Government should consider partnering with the private sector in order to ensure that polytechnics are equipped with ICT Hubs. Thank you Mr. Speaker.

PERMISSION TO ALLOCATE AND APPROPRIATE FUNDS IN THE
SUPPLEMENTARY APPROPRIATION BILL 2018/2019 FOR THE DESIGN AND
CONSTRUCTION OF COUNTY HEADQUARTERS WITHIN MOMBASA COUNTY

The Speaker (Hon. Khatri): Yes Hon. Mohamed Hatimy please give the notice.

Hon. Mohamed Hatimy: Thank you Mr. Speaker, I beg to give notice of the following Motion.

AWARE THAT the County government is charged with the responsibility of the administration of County affairs under the Constitution of Kenya, 2010;

FURTHER AWARE that the government of the County of Mombasa is in acute need of accommodation of its officials and staff and its currently housing the said officers in various leased, borrowed and other offices within Mombasa;

CONCERNED this deficiency of space and the dysfunction associated with poor infrastructure facilities and inter connectedness is affecting the performance of the government and its ability to tangible result;

NOTING THAT this issue hinders the proper conduct, administration and function of the County government of the County of Mombasa;

I therefore urge this Assembly to RESOLVE that;

The County government of Mombasa through the Mombasa Project facilitation Fund, be allowed to source and borrow externally funds in the sum of Kenyan shillings one billion six hundred million (1,600,000,000/=) only for the purchase of land, design and construction of the Mombasa County Headquarters.

Thank you Mr. Speaker

Yes Clerk?

LIFESTYLE AUDIT OF COUNTY OFFICERS

The Speaker (Hon. Khatri): Yes Hon. Athman Mwamwiri please give the notice.

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Mwenyekiti, nasimama kwa kupeana ilani ya hoja ya ukaguzi wa maisha ya wafanyikazi wa umma katika Kaunti ya Mombasa.

(Hon. Athman Mwamwiri moved the notice of Motion)

TWAFAHAMU YA KWAMBA kipengele cha sita cha Katiba ya Jamhuri ya Kenya kinazungumzia kuhusu maadili na uongozi wa wafanyi kazi wa serikali na wafanyi kazi wa umma;

Mheshimiwa Spika TWAFAHAMU ZAIDI ya kwamba kipengele cha 323 cha Katiba hii ya jamhuri ya Kenya vile vile kinazungumzia thamani na nidhamu na mikakati ya wafanyi kazi wa umma na maadili katika hali ya uwazi na uwajibikaji na utandawazi katika majukumu yao;

TUKIZINGATIA Mheshimiwa Spika, Mheshimiwa wa Jamhuri Kenya Mstahiki Rais Uhuri Muigai wa Kenyatta alitoa amri ya kirais ya kwamba wafanyi kazi wote wa umma wapitie ukaguzi wa maisha yao katika majukumu yao ya kikazi na umiliki wa maisha yao na mali walizo nazo;

YAWEZEKANA Mheshimiwa Spika ya kwamba amri hii ya Rais ilikuwa imekusudia ukaguzi wa wafanyi kazi pekee katika ngazi ya kitaifa na na sio katika ngazi za chini ama ngazi za Kaunti;

KWA HALI HIYO Mheshimiwa Spika naomba Bunge hili tuafiki ya kwamba tuweze kuanzisha ukaguzi wa wafanyi kazi wa ngazi za juu wa Kaunti yetu ya Mombasa ikiwemo Mstahiki Mheshimiwa Gavana, Mstahiki Naibu wa Gavana, Katibu Mkuu, Mawaziri wa Kaunti, maafisaa wa ngazi za juu, Wakurugenzi, Baraza la uwajiri la Kaunti ya Mombasa, Mheshimiwa Spika, katibu wa Bunge la Mombasa, Baraza la usimamizi wa shughuli za Bunge la Mombasa chini ya tume ya ushuru, tume ya ujasusi, tume ya maadili na kupambana na ufisadi ndani ya siku 60 na kutuletea ripoti katika Bunge hili ili kuweza kuafiki mwenendo ama njia ambayo Bunge tutakubaliana nalo;

Ahsante Mheshimiwa Mwenyekiti.

The Speaker (Hon. Khatri): Yes Clerk?

MOTION

PERMISSION TO BORROW FUNDS EXTERNALLY TO PROVIDE FOR THE SETTLEMENT, RESETTLEMENT AND SQUATTER SETTLEMENT WITHIN MOMBASA COUNTY

The Speaker (Hon. Khatri): I now call upon Hon. Mohamed Hatimy to move the Motion.

Hon. Mohamed Hatimy: Mr. Speaker I beg to move the Motion;

(Hon. Mohamed Hatimy moved the Motion)

THAT the Government of the County of Mombasa is charged with the responsibility of the project policy formulation, implementation, administration, operation and maintenance under part two of the Fourth schedule of the Constitution of Kenya;

AWARE THAT the issue of land tenure in the Coast region has historically been a contentious issue and those huge tracts of land are owned by absentees' landlords and many households in areas such as Mshomoroni, Vikwatani, Mwakirunge and many other areas in Mombasa County are living as squatters on the land;

FURTHER AWARE THAT the issue hinder sustainable development, since the poor are likely to engage in unsustainable resource use practices in an effort to meet immediate survival needs;

AND FURTHER AWARE THAT this matter can be properly visited and handled through the County project facilitation Fund to its conclusion;

CONCERNED THAT the general populace mostly affected by the land problem are those in the lower income bracket with no means to purchase land at current market prices;

I therefore urge this County Assembly to RESOLVE that;

The County government of Mombasa through the Mombasa County Project Facilitation Fund, be allowed to source and borrow externally funds in the sum of Kenya Shillings Four Hundred and thirty seven million (Ksh. 437,000,000/=) only in order to enable it purchase such land from its landlords to facilitate squatter resettlement.

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

Hon. (Ms.) Mwende: I second Mr. Speaker.

(Question proposed)

The Speaker (Hon.Khatri): Hon. Members I now propose the question that this House consider the Motion on permission to borrow funds externally to provide for land settlement, resettlement and squatters settlement within Mombasa County as tabled by Hon. Mohamed Hatimy in the same terms as moved?

(Question proposed and agreed to)

The Speaker (Hon. Khatri): Yes Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mbele yetu hoja hino tuliweza kupitisha siku za nyuma kuweza kulipia *Squatters* na kama tunavyojua kuwa hii ni lazima iende mpaka kwa National Government ipate idhini ya National Government. Kwa hivyo Mheshimiwa Spika National Government imetuumuru tutumie kifungu cha 142 cha Public Finance Act ya kusema ni kuregea kwa County Assembly kupata ruhusa kuomba au kuweza kukopa hizi pesa ndio tuweze kuendelea na huu mpango wetu Mheshimiwa Spika na kwa hivyo Mheshimiwa Spika naomba members tuweze kupitisha jambo hili ili tupate kulifuatilia tupate kulimaliza na jambo hili litakuwa limefaidisha watu wetu wengi sana ambao watafaidika ikiwa tutapitisha jambo hili. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes Hon. Fadhihi, are you contributing on anything?

Deputy Speaker (Hon. Mwalimu): Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi nimesimama kuunga mkono hoja hii na ningeomba kama kuna uwezekano wa pesa hizi kuweza kuongezwa maana tukiangalia kuanzia Mwakirunge mpaka mwisho Shika Adabu kutokea Ziwa la Ng'ombe mpaka mwisho Miritini mpaka hata kutokea Bamburi mpaka Port Reitz ni watu wengi ambao wanaishi katika hali tatanishi kama hii.

Hali ya kuwa tunaishi ndani ya Kaunti yetu wazaliwa tumeishi miaka tuliyoishi lakini hatuna stakabadhi za kuonyesha kuwa tunaweza kumiliki ardhi ilhali ya kuwa wenye stakabadhi hizi kama ilivyozungumza katika hoja hii ni watu ambao hawaonekani Mheshimiwa Spika, wamepotea miaka nenda miaka rudi. Mheshimiwa Spika sehemu ni kubwa sana na pesa ambazo zimewekwa hapa kimaoni yangu mimi naona ni kidogo ama ikiwa zitakuwa ni zenye kupitishwa ningeomba sana tuanzie katika maeneo ya Port Reitz kwa sababu naelewa watu wangu walivyo. Mheshimiwa Spika watu wangu wanateseka sana, wanadhulumika sana unaona hata saa zingine inatokea mtu amejenga nyumba mwenye kiwanja anamdhalilisha na wengine wanaendelea pia kulipa wenye viwanja lakini inatokea kuwa wanaolipwa hawaleti pesa zile kwa Serikali ya Kaunti na nina imani Mheshimiwa Spika watu wa kwangu wa Port Reitz ni wenye kupenda kufuata sheria na lau wataweza kuweza kununuliwa wapewe kipao mbele wawe ndio watakuwa ni kwanza katika kupewa ama kununuliwa viwanja hivi nina imani watakuwa ni wenye kulipa Serikali ya Kaunti na serikali ya Kaunti itakuwa ni wenye kupata pesa kuendeleza shughuli zake muhimu za Kaunti hii. Kwa hivyo naomba Mheshimiwa Spika hoja hii itakapo kuwa imepita na wazo langu liwekwe mbele isiwe tu ni hizi zilizoandikwa Mshomoroni, Vikwathani na Mwakirunge. Naomba ya kwanza kabisa iwe itakuwa ni Port Reitz. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Ahsante sana Mheshimiwa Naibu Spika. Yes Hon. Nyiro.

Hon. Nyiro: Nakushukuru Mheshimiwa Spika kwa nafasi hii. Nafikiri kuna pawashapo maana yake kila unaemtaja ni mtu ambae amedhurika sana na mambo haya ya uskwota, ninavyo ongea mimi tumepata afueni kwa sababu Mheshimiwa Naibu Rais alitembea kwangu juzi na akawa katika hali zake tunazozifahamu amelivalia njuga suala hili na nikawa nashtuka kwamba pengine sisi Serikali ya Mombasa tumelisahau jambo hili ndio maana wadau wanachukulia kama kwamba ni kigezo cha kufanya pengine siasa na nashukuru zaidi ikiwa tumefahamu majukumu yetu ya kwamba tunafaa tuwashughulikia watu kwa sababu majukumu ya kuhakikisha kwamba wananchi wa Mombasa wanapata vibali ni jukumu la Mombasa Kaunti hivyo nitakuwa ni mtu wa kushukuru kwa sababu mbali na kwamba hivi sasa ninavyo ongea masavea wako mashinani kule kwangu kwa sababu waliletwa na Mheshimiwa Naibu wa Rais, lakini kuna kipande pale cha ekari 35 ambacho mimi mwenyewe nilisomea katika shule ambayo iko katika kipande hicho Majaoni Primary School ni kwamba hio sehemu haipimwi na wakaazi wengi wa maeneo yale wamebaki wakitutazama sisi ambao twapimiwa kule kwengine kwa sababu shamba la Majaoni ilikuwa ni ekari 444 lakini twapimiwa ekari 409 kuonyesha kwamba kuna ekari 35 ziko nje kwa sababu kuna Bwenyenye mmoja Mheshimiwa Njenga Karume Marehemu ambaye anasema anacheti cha kumiliki shamba ile ambalo liko na shule ambayo nilisoma mimi.

Kwa hivyo kutilia pondo ni kwamba suala hili likiwa litakuwa limefaulu na pia niongeze pale Mheshimiwa Spika Naibu Spika alivyosema kwamba pesa hii huenda ikawa kidogo kwa sababu Mombasa hati miliki za mashamba ni chache mno, kwa hiyo wale wataalamu wanapoangalia waangalie kwamba pesa hii pengine iongezwe itufae kwa sababu katika kila kipande cha ekari 35 pale kwetu Njenga Karume anahitaji zaidi ya milioni 90 ndio akiwachilie kwa maskwota ambao tayari wamejenga. Shule yangu mwenyewe iko pale nilisomea kwa hio itakuwa ni vizuri kama tutaona ni bora fedha hio iongezwe kidogo ili na mimi nipate zile milioni 90 za kukomboa kile kipande changu cha ekari 35 ndio shule yangu iweze kuwa tunaimiliki vizuri na wale wananchi ambao wako maeneo yale waweze kuwa wamekaa wamegawanyiwa kama vile sisi tunaendelea kufaidika na ile nusura ya yule Mheshimiwa Bwana Kutangatanga.

Nikiongezea, jambo hili nafikiri Gavana alilizungumzia muda fulani uliopita ya kwamba tunahitaji tuwakomboa wananchi wetu kwa sababu kuna wakati Raisi alikuja Likoni na akasema amewakomboa ardhi ya Waitiki watu wa Likoni. Lakini watu wa Likoni walihitajika walipe kiasi fulani cha fedha ili baada ya wao kupewa vyeti kwamba walikuwa wanafaa pia walipe kiasi fulani cha kama kujinusuru katika hali ile, yaani kusaidiana ile nguvu iliyowekwa pale. Ikiwa tutapata pesa za kuweza kunusuru watu kama wale itakuwa ni afueni kwao kwa sababu wengi wa wale ambao walipewa vyeti pale ni watu masikini kama tunavyojua na hata wakapewa miaka mingapi hawangeweza kutafuta ile pesa ambayo inayohitajika. Kwa hivyo tutakuwa tunawakumbuka watu kama wale tuweze kuwalipia madeni yale ambayo wako nayo ili vile vyeti walivyo navyo viwe ni vyao asilani na tuwe tumeweza kuwapatia nafasi watu wa Mombasa kutumia vyeti vile kufanya biashara kwa sababu tunaambiwa cheti cha ardhi ni mali kwa sababu ukikiweka Benki unapata pesa na unaweza ukajiendeleza na mambo mengine. Kwa hivyo jambo hili ni nusura na tulitilie pondo Wabunge wa Mombasa ili pesa zipatikane kwa wepesi na pasiachwe Mombasa hata mmoja ambaye atabaki kwenye uskwota. Ahsante sana Mheshimiwa Spika.

The Speaker (Hon. Khatri): Ahsante sana Mheshimiwa Nyiro. Yes Hon. Lucy Chizi.

Hon. (Ms.) Chireri: Ahsante sana Mheshimiwa Spika kwa kuniona. Mheshimiwa Spika ningependa kwanza nampongeza mwenye kuleta hoja hii, pongezi sana Mheshimiwa Hatimy. Hoja hii ninaiunga mkono mia fil mia na sababu zake Mheshimiwa Spika. Kwanza, ningependa kumpongeza Gavana wangu 001 Mheshimiwa Ali Hassan Joho kwa juhudi zake kwa kulia na wanyonge ambao wanahitaji msaada. Mheshimiwa Spika naona katika hoja yetu ya leo ukisikiwa Vikwathani, Vikwathani iko ndani ya Wodi ya Mtopanga na suala la mashamba Mheshimiwa Gavana alianza kutetea wananchi wake akiwa ni Mbunge huko enzi za hizo nyuma. Mheshimiwa Spika Gavana aliweza kuzungumza na bwenyenye mmoja ambaye yuko na ploti 5 ndani ya Wodi ya Mtopanga ambaye ni Bwana Doshi. Mheshimiwa Gavana alizunguza nae na akaanza pesa zake mwenyewe wacha za ubunge ile pesa ilitoka mkononi mwake akachanganya zile ploti akampatia Bwana Doshi pesa alizoanza kununua ile ploti na pesa yake mwenyewe ndio utapata Vikwathani kuna Manooni Settlement Scheme ambayo ilianzishwa na Gavana wetu Ali Hassan Joho, nampa pongezi sana. Suala la mashamba Mheshimiwa Spika si suala la mchezo Gavana tumekuwa nae tukasaidiana nae lakini sisi kama Wabunge wa Kaunti ni lazima tumpe nguvu Gavana Mswada huu ukipita Mheshimiwa Spika nguvu ya Gavana na nguvu na mwengine mashamba yetu yataweza kukombolewa, Manooni Settlement Scheme Mheshimiwa Spika kufikia sasa tunangojea hati miliki za mashamba Doshi yule anangojewa alipwe amaliziwe ile pesa yake ambayo anahitaji na tuko na Gavana ni lazima tumuunge mkono hii hoja naongezea tukiipitisha Gavana wetu atakuwa na nguvu, tutampa nguvu ya kwenda kila mahali na kutafuta wadhamini na kwenda kila mahali kutafuta pesa ili tuweze kukomboa wananchi wetu wa Mombasa Kaunti Mheshimiwa Spika. Kwa hivyo Mheshimiwa Spika mimi hili suala ninaliunga mkono moja kwa moja, yako mashamba mengine ambayo yako na wenyeji hati miliki za mashamba ziko na mwenyewe lakini shamba lile limejaa wananchi na hatuwezi kuwafukuza wale wananchi ni lazima tuwatafutie mali, pesa ili waweze kumiliki zile sehemu walizo nazo. Ahsante sana Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes Hon. Faith Mwende?

Hon. (Ms.) Mwende: Ahsante sana Mheshimiwa Spika mwanzo nimesikia raha sana kuona hii hoja ya siku ya leo kwa sababu ilikuwa miongoni mwa *manifesto* yangu wakati wa kampeini. Mheshimiwa Spika ukiangalia sehemu ya Kipevu ukisikia mafuriko yako pale na si ati nikupenda kwa wananchi yale mafuriko yawe pale lakini wale mabwenyenye waliuza mpaka wakauza miundo misingi ya maji taka ikawa hakuna miundo misingi ya maji taka tena. Mheshimiwa Spika hivi tunaongea robo tatu za Wodi ya Kipevu wanaishi kwa mashamba yenye sijui ni ya kina nani, na hawaonekani na wale wananchi wanalipa kodi kila mwezi na swali langu ni je hii pesa inafika Kaunti? Kwa hivyo Mheshimiwa Spika hii pesa yenye imewekwa kwenye mradi wa kuokoa wakaazi wa Mombasa, kwangu mimi naona ni kidogo ijapokuwa wana ule muda ambao wamepatiwa ya mwaka mmoja kuzirudisha kama wataziomba kama watakubaliwa lakini Mombasa kuna kitu ambacho kinaitwa *historical injustices in terms of land* na si wakati wetu kushinda kusema *historical* ni wakati wa kufanya kazi ndio maana wananchi walituumini ndio wakatuleta hapa. Wananchi wetu wa Mombasa wanaishi maisha ya holela holela hawana thamani ya mali zao zenye wanaishi lakini kama tutawakomboa wapate ardhi wataweza hata kwenda kwa benki wapate mikopo wajiendeleze kwa njia moja ama nyengine. Mheshimiwa Hatimy jana nimekufuata na ningeomba hii hoja ikipita Wodi ya Kipevu iwe namba moja kwa vile ule ni mtaa wa masokwota kabisa...

(Applause)

Sasa Mheshimiwa Spika hivi juzi nilikuwa na mkutano na machifu na wazee wa mtaa kuna uwanja pale unaitwa Mcheleni ambapo ni *dumping site* wale wenye ile ardhi wakifuata angalau wapatie wananchi waweke vibanda vya mboga inakuwa ni shida wanasema hawawezi patiana hiyo nafasi na ilhali wao hawakai pale. Mheshimiwa Spika hii ni hoja ambayo imenigusa na itatujenga na tutasaidia watu wetu ambao wametutuma hapa hatujakuja hapa tupate marupurupu lakini tumekuwa hapa kwa hicho kilio cha wananchi. Kwa hivyo naomba iweze kuchukuliwa maanani haraka iwezekanavyo, ahsante sana Mheshimiwa Spika.

(Applause)

The Speaker (Hon. Khatri): Yes Hon. Juma Renson?

Hon. Thoya: Ahsante sana Bwana Spika mimi nachukua muda huu kumuunga mkono ambaye amelea hoja hii, hata hivyo ni hoja mwafaka ambayo si vizuri ije kama *supplementary* inatajikana siku za usoni ije katika ile bajeti kuu kwa sababu suala zima la ardhi limetumiwa na mabwenyenye wanasiasa katika ngazi za juu kuweza kunadi watu wa Pwani kwa sababu tunangojea kipindi cha siasa. Sera ni kwamba mkinipa mtapata hati miliki za mashamba hivyo basi sisi kama viongozi wa hapa Mombasa hususan Pwani ni vizuri tuwe na mpangilio kuweza kuwa na pesa ama mfuko maalum wa kuhakikisha kuwa tatizo hili linatatuliwa vilivyo. Nikitia pondo hapo ninasema kila Mheshimiwa atakayesimama na mimi pia nasema ni vizuri Mswada huu ukipita Mikindani iwe ya kwanza lakini itakuwa ni vyema kwamba Mswada huu ufanyiwe kama utakuwa na marekebisha ionyeshe vile vipande ambavyo vinaangaziwa kwa sababu ikawa ni mwaka huu na mwaka ujao pia tunaomba zengine tuangalie kama ni kipande cha Birikani kinaonyeshwa wazi kiko katika bajeti kwa sababu tumeona Vikwatani, Mwakirunge lakini tunataka kuwe na orodha imeorodheshwa pale ni vipande gani ambavyo vinalengwa kwa sababu mimi nasema nataka niwe wa kwanza pale Bahati, Sportsman sasa kila mmoja akishika kipaza sauti atasema nataka niwe wa kwanza.

Kwa hivyo Mswada huu uonyeshe wazi kabisa ni vipande gani ambavyo vinalengwa kunufaika na hizi pesa Milioni 437 vionyeshwe wazi. Zaidi ya yote mimi ninasema kuna hizo sehemu ziko na maskwota, kuna sehemu ziko wazi na nataka kulisema hili kwa uzito ile timu yetu ya kitengo cha ardhi zile sehemu ambazo wanatakikana kwenda kupima ambazo hazina utata wajaribu kutiliwa shime waende wakapime kwa sababu kuna sehemu ambazo ziko wazi zinataka kupimwa...

(Applause)

Na kazi hiyo haifanyiki mpaka tusukumane, za kusukumana tutasukumana, zisizosukumana pia nazo tusukumane hivyo hivyo Bwana Spika nataka hiyo iingie katika kumbukumbu kwamba ile idara ya ardhi ya zile sehemu ambazo hazina utata na zatakikana kufanya kazi yao waende wakafanye kazi yao. Ahsante.

The Speaker (Hon. Khatri): Yes Hon. Athman Rama?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika sitaki kuwa mnaifiki jumba mbovu kuniangukia kwa sababu hoja hii si geni katika Jumba hili na mara ya kwanza nilipokuja nilikuwa miongoni mwa watu waliosimama kuiunga na leo imerudi tena bado nasimama kuiunga kwa sababu ina maslahi ya watu wetu wa Mombasa Mheshimiwa Spika. Mheshimiwa Spika kipengele kilichotumika japo pesa hizi tunazona kama ni kidogo ni kipengele ndio kimetufunga ibara ya 142 ya utumizi wa pesa za umma zinasema ya kwamba haturuhusiwi kuomba zaidi ya asilimia tano ya ugakuzi wa makablasha ya karibuni kwa hesabu za haraka haraka labda ndio zimetuwezesha kuomba pesa hizi milioni 437 japo shida inayotukabili kama Mombasa pesa hizi ni kidogo ingepaswa iwe marudufu ya kiwango hicho lakini kwa sababu ya sheria inakubaliana na kiwango kile. Kadhalika sheria ya ibara hiyo hiyo 142 (3) inasema lazima tuweze kuzilipa ndani ya mwaka mmoja kwa hivyo Mheshimiwa Spika pesa hizi hazitushindi kulipa ndani ya mwaka mmoja kwa sababu tunajua ardhi zinalipiwa ada katika serikali yetu ya Kaunti kwa hivyo iwapo itakuwa tumeweza kuzikomboa ardhi hizi kuzipimia wananchi wetu na kuwa na hati miliki bado wananchi wale watakuwa bado wakilipa ada kidogo kwa serikali yetu ya Kaunti na itasaidia katika ule uchumi tulionao kuweza kulipa ada hii.

Kwa hivyo kiwango hichi ambacho tunachokiomba Mheshimiwa Spika tuna uwezo wa kukilipa ndani ya mwaka mmoja na hakuna sababu ya kuwataharuki ama hofu kwamba labda serikali ya Kaunti tukizingatia bajeti yetu tunayopata huenda tukawa na changamoto kulipa ada hii. Mheshimiwa Spika naomba wenzangu waafike kwamba uwezo wa kulipa tunao kwa sababu tunachukua ada ya umiliki wa ardhi katika sehemu zetu. Mheshimiwa Spika kama alivyosema Mheshimiwa Thoya namuunga mkono kadhalika ya kwamba ingebainika wazi kwa sababu shida hii ni Wodi zote 30 za Mombasa ziko na shida ya maskwota hatutaweza kuzinasua zote kwa mwaka mmoja kwa pesa hizi kwa sababu ni kidogo lakini tungekuwa na orodha ya kwamba tunaanza na Wodi hii ama ardhi hii namba fulani na kutambua thamani ya ardhi ile ambayo tunazungumzia ndio tujue tutakuwa tumekomboa sehemu ngapi Mheshimiwa Spika.

Mheshimiwa Spika hata kwangu japo ni eneo dogo katika Wodi zote 30 yangu ndio ndogo, Wodi ya Likoni lakini pia tuko na utata wa suala hili la mabwenyenye na umiliki wa ardhi na kadhalika tuko na sehemu ndogo ambayo ni ardhi ya serikali ama GL ambayo Mheshimiwa Spika ile haina shida ya kuikomboa bali ni kupima na kupeana hati miliki kwa wananchi.

Kwa hivyo kwa sababu zoezi la upimaji wa ardhi na usoroveya uko chini ya Kaunti basi ingeamrisha hata idara ile hata kabla tuombe pesa waweze kuanza kupunguza baadhi ya changamoto ambazo zinakabili wananchi wetu wa Mombasa hali kadhalika tukitafuta pesa kunasua sehemu zengine za Mombasa; kwa hayo Mheshimiwa Spika nasimama kuunga mkono hoja hii. Ahsante.

The Speaker (Hon. Khatri): Thank you, yes Hon. Omar Salama?

Hon. Ahmed Salama: Ahsante Bwana Spika mimi napenda kuunga mkono Mswada huu ulioletwa na Mheshimiwa Hatimy na pia napenda kumuomba Mwenyezi Mungu amueke. Mheshimiwa Spika huu Mswada una faida kubwa kwa wakaazi wa Mombasa, sana sana utasaidia maskini na Mswada huu watu wetu hawajielewi ardhi nyingi zimechukuliwa na mabwenyenye wasiojielewa kwetu sisi na hawajui thamani yetu sisi. Kule Shika Adabu kuna shamba ambalo ni hekari 72 limenyakuliwa na mtu anaitwa Adan na shamba letu la Kaunti ya Mombasa la kumwaga takataka pia limenyakuliwa, Mswada huu utatufanya sisi kujikomboa, ahsante Bwana Spika.

The Speaker (Hon. Khatri): Ahsante, Mheshimiwa Mwalimu?

Hon. Mwalimu Hamadi: Ahsante sana Mheshimiwa Spika nitakuwa mchache sana kuchangia nachukua nafasi hii kumshukuru Bwana Hatimy kwa kuleta Mswada huu ili tuweze kupata hizi pesa ili tutatue matatizo ya watu wetu ambao wana matatizo ya ardhi; tatizo hili la ardhi jambo lolote la ardhi katika Mombasa ni shida nyeti sana ingawa pesa hizi ni kidogo lakini tunaomba kila mwaka tuweze kupitisha ili tuweze kutatua haya matatizo yetu ya ardhi. Katika kule Shika Adabu tatizo hili limekuwa nyeti sana pia ninaomba pia pesa hizi ambazo tuko nazo hapa nilikuwa naomba zianze Shika Adabu kwa sababu mabwenyenye wamevamia sana kuna sehemu ambazo ziko wazi lakini imechukuliwa sana na mabwenyenye. Kwa hivyo mimi naunga mkono hoja hii naomba Wabunge wenzangu tuweze kupitisha haraka haraka ili tuweze kutatua matatizo ya watu wetu, hivyo basi Bwana Spika nasema ahsante sana nashukuru Bwana Hatimy kwa kuleta Mswada huu na sisi kama Wabunge nina imani kwamba tutaipitisha, ahsante sana.

The Speaker (Hon. Khatri): Ahsante sana Mheshimiwa. Mheshimiwa Charles Kitula.

Chief Whip (Hon. Kitula): Ahsante sana Mheshimiwa Spika, mimi nitakuwa mchache wa maneno na ningependa kuweza kumuhimiza Mwenye Kiti wa Kamati ya Fedha Mheshimiwa Hatimy ya kwamba wakati wa fedha hizi tumeweza kuzitenga, Mheshimiwa Hatimy ningependa wakati anajibu katika hoja yake aweze kutuhakikishia na imekuwa desturi wakati pesa hizi hafla kuweza kupatia mashinani imeweza kuonekana kwamba wanapatiwa kipao mbele na wanaonekana wananchi sana sana hua ni Wabunge wanapatiwa kuweza kuongea katika umma kuweza kuonekana kana kwamba wao wameweza kutetea na kuleta fedha mashinani Mheshimiwa Spika. Kwa hivyo uweze kutuhakikishia wakati pesa hizi twazipeleka mashinani sisi ndio wabunge wa Kaunti hii na tuweze kupatiwa kipao mbele ili wananchi wetu wapate kuelewa kuwa sisi tukishirikiana na Gavana wetu tumeweza kuwatengeza pesa hizi kwa hivyo mimi Mheshimiwa Spika ni hayo tu natumai Mwenyekiti wa Kamati ya Fedha ataweza kuzingatia mambo haya, ahsante sana.

(Applause)

The Speaker (Hon. Khatri): Yes Hon. Mwaka?

Hon. (Ms.) Mwaka Zahoro: Thank you Mr. Speaker Sir, I arise here to support the Motion on the permission to borrow the funds in order to enable resettlement of the squatters. Mr. Speaker Sir we all know land is a vital asset that everyone should possess: Chapter five of the Constitution of Kenya provides for land and environment whereby the Bill of Rights ensures that the people are able to acquire and make the use of land, also further aware that the land policy that provides regulation and use of land is very important that's why we find that we need to settle people in order to access, possess and acquire the land also that Mr. Speaker we find that a sustainable development provides for the use of land under life and land. Hence we see that all these chapters are very important and they all talk about land, that's why we find that it's very important for people to be able to possess land hence I support the idea of borrowing money in order to resettle these people. We all know that when someone has land various developments can be done including farming, building a reasonable house that a person will be able to live and have that good standard, also further aware that our people have been crying for the issue of land since we find that it is a historical injustice; a lot of people pay money monthly because they are living on the land that is not theirs. This has for a period of time brought a lot of problem because some people just come claiming that the land is theirs and they have not been there, and we find that those that have been there have been acquiring the land over a period of time, hence it is about time that people are able to own the land and will enable them to even acquire loans in the banks and hence development will be achieved. I support the Motion to borrow the funds in order to resettle these people. Thank you.

The Speaker (Hon. Khatri): Thank you, yes Hon. Omar Mohamed?

Hon. Abrari Mohamed Omar: Ahsante sana Mheshimiwa Spika mimi nimesimama kuunga mkono hoja hii japo kuwa njia iliokuja kwa Nyumba hii kidogo naitilia shaka. Mheshimiwa Spika ni vizuri sana kuwa tumekuja kupitisha hoja hii kutafutia maskwota ardhi lakini ingekuwa vizuri sana kama tungejua haswa ni mashamba gani ambayo kweli tumeyalenga tukayaorodhesha yote alafu na *valuation* pia ingekuwa ni vizuri sana tujue kila shamba ina *value* ya pesa ngapi alafu baadae tujue pia wale wenye yale mashamba ni kina nani tujue tutaongea nao vipi, ndio maana hii hoja ikiwa hapa wakati tumesema 437 tujue tumelenga ni shamba gani na gani Kaunti ya Mombasa itanunua na wenyewe ni kina nani na watakaofaidika katika lile shamba ni kina na nani.

Kwa hivyo sisemi sio kuwa naipinga, la naiunga lakini nasema ina utata kiasi, tungepaswa kujua sisi kama Waheshimiwa tuliochanguliwa kwenye mashinani yetu ni ardhi gani ambayo serikali ya Kaunti imependekeza katika maeneo yetu mfano mathalan Kongowea ni Matopeni, ni Kisumu Ndogo, ni wapi wapi tujue ni ardhi hii ndio imelengwa na wenye ardhi hiyo ni kina nani na ardhi hii kima cha pesa zake ni ngapi. Kwa hivyo mimi naunga mkono na ningependa iregeshwe tuirekebishe ndio ije kwenye Bunge tena. Ahsante.

The Speaker (Hon. Khatri): Yes Hon. Hatimy please reply?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika, mwanzo nataka kumjulisha Mheshimiwa Alietoka saa hii kuongea kila kitu kina utaratibu wake lau ingekuwa *section* 142 yasema kuwa ni lazima majina yatolewe na kiasi cha fedha kiwekwe basi ingekuwa hilo limefanyika lakini sheria haikusema hivyo ni kuwa sheria inasema kuwa muktaka kukopesha pesa ni lazima upate idhini ya Bunge la Kaunti na wameweka kuwa lazima iwe itakuwa sio zaidi ya asilimia tano ya *audited accounts* za ile Kaunti, hiyo ndio sheria vile inavyozungumza. Kwa hivyo nafikiri haya yatakuja mbeleni tutaweza kuyauliza lakini hivi sasa ni kupata ruhusa ya kuweza kuuliza hizi pesa ambazo ni asilimia tano ya bajeti yetu ambayo itakuwa ni ya 2014/2015 kwa sababu mpaka sasa usiwe na haraka kujibu Mheshimiwa kwani huu ni Mswada na ushaongea sidhani kama una ruhusa ya kuongea tena.

Mheshimiwa nachukua fursa hii kuwaunga mkono wenzangu wote waliounga mkono hoja hii kwani nataka kusema Mheshimiwa ndoto ya Gavana niliweza kuzungumza nae akaniambia mimi nataka jambo moja ambalo nikitoka kwenye uongozi wangu niwe nimelitimiza na jambo hilo ni hili la kuhakikisha kuwa skwota ameimaliza shida hii ndani ya Mombasa, ndipo leo waona tumetoa notisi hii moja na hii nyengine ni kusema kuwa yeye mwenyewe hata siku moja hajaweza kuuliza habari ya Mswada wala nini lakini hii ni yeye mwenyewe anafuatilia kwa hivyo nasema hiyo ndio ndoto yangu nitahakikisha nikitoka kwenye uongozi wangu niwe nitakuwa nimetimiza jambo hili. Kwa hivyo itakuwa ni wajibu wetu sisi kumpatia yeye nguvu ili apate kulifanya hili jambo na jambo la pili Mheshimiwa Spika kama Mheshimiwa Mwamwiri ameweza kueleza ile *section* 142 inazungumzia nini, sisi tulipitisha Mswada lakini serikali kuu ikasema kuwa regeeni mukapitishe Mswada wa kuomba na yeye atatafuta wafadhili kutoka nje wa kuweza kuongezea mfuko ambao sisi tutakwenda kuuliza hizi pesa kwani hizi pesa zitakuwa ni za mwaka peke yake, baada ya mwaka twaweza kuja kwa hii Nyumba tukaomba tena na tena na tena. Kwa hivyo nawashukuru Waheshimiwa kwa kuweza kuunga hii hoja kwani jambo hili ni letu sote sio la mtu mmoja ili tuweze kuishi maisha kama watu wengine vile wanavyoishi watu wetu wapate nafasi za kutosha, ahsante sana Mheshimiwa Spika.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Hatimy. Hon. Members I now put the question that this House adopts the Motion on permission to borrow funds externally to provide for land resettlement and squatters resettlements within Mombasa County as tabled by Hon. Mohamed Hatimy in the same terms as moved.

(Question put and agreed to)

Yes Clerk?

ADJOURNMENT

Hon. Members this House stands adjourned until Wednesday July 18th 2018 at 2:30p.m.

The House rose at 10:40a.m