

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**

Thursday, 6th October, 2016

The House met at 2.44pm.

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

PRAYERS

Temporary Speaker (Hon. Mwalimu): Have your seats. Clerk?

COMMUNICATION FROM THE CHAIR

Hon. Members I take this opportunity to inform the House that indeed let's all have respect to the proceedings of the House and during prayer time Members when I say let's pray let's all pray.

It is not good that when we are praying others are talking, others are walking here and there so please Members let's all have respect to God and respect to the Honorable Assembly. Clerk?

MESSAGES

Yes Clerk, Members this is a message from the Finance department, the Mombasa County Integrated Development Plan (CIDP) provides the frameworks and development anchorage for the preparation of the Annual Development Plan (ADP) and this plan is the first in a series of development plans that will implement the County Integrated Development Plan (2018-2022).

This will be done through the comprehensive interventions in partnership with our supportive development partners in the Private Public Partnership (PPP) engagements.

It is our firm belief that this will ultimately lead to the realization of creating a commercial hub and a high standard of living for residents of Mombasa County.

This ADP set out the strategic priorities for the medium term that reflects the County government's priorities and plans for the 2017/18 financial year, it contains the programmes /projects to be delivered with their objectives, expected outputs, performance indicators, time frame and the amount allocated for each project as in line with the budget estimates for the fiscal year 2017/2018.

Planning remains a key principle in the County as more resources and responsibilities are devolved to the County government, these resources and responsibilities will be cascaded to the Sub County and Ward levels to ensure a bottom up public service delivery system.

It's a message from the Executive County Finance and Economic Planning Member and the Annual Development Plan is hereby submitted to the Finance Committee to work on it, furthermore the Budget Review Outlook Paper Policy document is prepared in line to provisions of Public Finance Management (PFM) Act 2012, Article 118 (a).

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The preparations of this County Outlook Paper continues to be a collaborative effort from an array of expertise of professionals in the County Treasury; we are grateful for their input, immense appreciation goes to the Executive Member for Finance and Economic Planning for the goodwill and guidance provided during the entire period of preparation of this document.

Core team in the Accounting and Budget and Economic Planning units spent significant amounts of time consolidating this policy document, we are particularly grateful to Ms. Jane Githui (Director Budget and Economic Planning), Mr. Evans Kametu (UN Volunteer) and Mr. Affan Mohamed (Head of External Economic affairs) for working tirelessly in development of this document.

That is the message from the Chief Finance and Economic Planning and this document the Budget Review and Outlook Paper is also committed to the Committee on Finance, any Member from the Finance Committee? Yes Clerk.

PAPER

Yes Hon. Siminyu.

Hon. Siminyu: Thank you Mr. Speaker, i just want to take this opportunity to thank the Deputy Speaker, we had challenges visiting these sites but towards the contribution for our Deputy Speaker, he gave us his vehicle and the Committee was able to visit the fire station.

Mr. Speaker, we found out a lot of things which....

(Interruption)

Temporary Speaker (Hon. Mwalimu): Hon. Siminyu do you have the Paper because you were supposed to lay the Paper .

Hon. Siminyu: That's why I want to explain as a Committee, the status of the report i was emphasizing because the Report is not yet ready.

Mr. Speaker I wanted to explain why it is not ready, because we cannot take this House for granted, the House has to be informed as to why the Report is not ready up to date, and there were logistical problems.

Mr. Speaker, the Deputy Speaker contributed his car, and we found out so many issues at the fire station and we want to bring a well elaborated Report as a Committee so that our workers can have a fairness that is required so that they can give good service to *wananchi*.

I beg for more time until next week Mr. Speaker I think I will bring a very elaborated Report so that we can move forward as Mombasa County, thank you Mr. Speaker Sir.

Temporary Speaker (Hon. Mwalimu): So the issue will be taken back to the House Business Committee and in less than two weeks the Report will be back in this Assembly, yes Clerk.

STATEMENTS

Hon. Oswago Onje.

Hon. Onje: Ahsante sana Mheshimiwa Spika kwa kunipa hii nafasi. Mheshimiwa Spika kule eneo ambao mimi nawakilisha, Junda Ward kuna barabara iliundwa juzi lakini nilipokuwa nikitembea kwa hiyo barabara kuna sehemu ambayo naona magari yamekanyaga na imeingia chini kwenye hio barabara ya hapo.

Kwa hiyo sio sehemu moja ni kidogo, kadhaa, nyingi ndio nilikuwa nataka kama ikiwezekana Mheshimiwa Spika yule mwana kandarasi ambaye anahusiana na ile kazi ni vizuri aitwe ama afuatilizwe ndio maana aweze kurekebisha yale makosa ambayo ilitokea.

Si vizuri barabara ambayo ilitengezwa na haijamaliza miezi miwili au mitatu lakini unapopitia katika hiyo barabara sehemu kadhaa wa kadhaa zimebomoka bomoka hata unaona hata mchanga wa chini.

Kwa hiyo kidogo inaonyesha haswa vyenye hii pesa ya mwananchi yafanya kazi, mimi kilio changu ni lazima huyo mwana kandarasi aitwe arekebishe tuone barabara yetu ikiwa imara. Ahsante.

Temporary Speaker (Hon. Mwalimu): The Committee of Transport to report back to this House on the status of the Junda Ward. Clerk in two weeks' time we need the Report. Hon. Amur.

Hon. Amur: Lakini nilipokuwa nikitembea kwa hiyo barabara kuna mahali naona magari imekanyaga na imeingia chini kwenye hio barabara ya...

Kwa hiyo sio sehemu moja ni kidogo kadhaa nyingi ndio nilikuwa nataka angalau ikiwezekana Mheshimiwa Spika yule mwana kandarasi ambae anahusiana na ile kazi ni vizuri aitwe ama afuatilizwe ndio maana aweze kurekebisha yale makosa ambayo yalitokea.

Si vizuri barabara ambayo ilitengezwa na haijamaliza miezi miwili au mitatu lakini unapopitia katika hiyo barabara sehemu kadhaa wakadhaa zimebomoka bomoka hata unaona hata mchanga hadi wa chini.

Kwa hiyo kidogo inaonyesha haswa vyenye hii pesa ya mwananchi yafanya kazi, mimi kilio changu ni lazima huyo mwana kandarasi aitwe arekebishe tuone barabara yetu ikiwa imara. Ahsante.

Temporary Speaker (Hon. Mwalimu): The Committee of Transport to report back to this House on the status of the Junda Ward in two weeks time, we need the Report Hon. Amur.

Hon. Amur: Ahsante sana Bwana Spika. Bwana Spika nimesimama hapa nikitaka Bunge hili liweze kuweka maamuzi wazi.

Sisi tunajua kwamba *hawking* haikubaliwi, lakini ni mshangao mkubwa ambao tumepata tukiambiwa kuwa kuna bwenyenye fulani ambaye ameweza kupata leseni ya *hawking* peke yake, hii si haki kabisa.

Tuliposema hakuna leseni ya *hawkers* ilikuwa kwa watu wote, msumeno unakata pande zote ikienda mbele inakata ikienda nyuma yakata.

Haiwezekani kuwa leseni atapewa mtu fulani yeye aweza kuendelea na biashara na wengine wasikubaliwe kupewa leseni.

Kama ni sheria, sheria inatakikana iwe kwa watu wote, ikiwa ni leseni, leseni ipewe watu wote wafanye *hawking* ikiwa ni kukatazwa basi watu wote wakatazwe, lakini ni kitu cha kushangaza... ambao umekuja katika serikali yetu ya Mombasa ambao bwana fulani amepewa leseni ya kuendesha biashara na watu wengine wakanyimwa.

Hii ni dhulma ya kijinsia Mheshimiwa Spika, pili imekuja jinsi nyengine ambayo sisi tunakataza *hawkers*, lakini sasa *hawkers* wanapewa leseni ya kutumia magari yao.

Mtu anaenda kununua gari ya *pickup* akatengeza kama *stall* anaegeza barabarani ukienda ukitaka kumuuliza kwa nini anafanya hivyo anakutolea kikaratasi ambacho ameidhinishwa Mheshimiwa Spika.

Mheshimiwa Spika ikiwa tunataka *hawkers* waondoke basi tuwe na mfumo wa sheria ambao ni kwa wote lakini isiwe *discriminatory* wengine wanapewa wengine wananyimwa.

Mimi ningeomba leseni hii ambayo amepewa mmoja hususan ambaye anauza rununu, twataka leseni ile iwe *revoked* ili wawe kama wale wengine.

Kwa sababu kumekuwa na utapeli kwa mambo ya simu za rununu tumeona magari mengi...watu ilhali hawana leseni.

Lakini ushahidi tuliopata ya kwamba Bwana huyu ako na leseni ambayo anaitumia kuuza rununu barabarani wakati wengine wamenyimwa Mheshimiwa Spika.

Kwa hivyo Mheshimiwa Spika ningeomba Nyumba hii tukubaliane ya kwamba hii leseni ambayo amepewa bwenyenye huyu au bwana huyu iwe *revoked* ili watu wote wawe iwe ni sheria kwa wote watu na sio sheria kwa mtu mmoja. Ahsante sana Mheshimiwa Spika.

Temporary Speaker (Hon. Mwalimu): Hon. Amur, you will sit with the Committee of Trade and Energy to share more information with the Committee because it seems that the owner of that license, you are aware of that person.

So shed more light to that Committee and the Committee will work on that issue and in two weeks time they will bring that Report. Yes Clerk.

STATEMENT

Hon. Ibrahim?

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimesimama mbele ya Nyumba hii kutaka kujua hatma ya Wizara ya Michezo na Jinsia kutokana na utenda kazi wake unavyoendelea.

Mheshimiwa Spika msimu uliopita tumewakilisha katika mawodi tofauti tofauti; kulikuwako na pendekezo ambazo tulizipeleka katika Wizara ya Michezo ili vijana wetu wasaidike na maswala ya michezo ikiwemo mipira, nguo za kuchezea, mipira na mengine mengi.

La kusikitisha Mheshimiwa Spika tunamuona Waziri wa Michezo akienda katika kila Wodi na kutoa vitu hivi au vifaa hivi na kila tunapoenda kwa ofisi yake kuulizia hatma ya vijana wetu tunaambiwa hakuna pesa.

Temporary Speaker (Hon. Mwalimu): Hon. Ibrahim Kondo the matter will be taken to the Committee on Sports and Gender and the Committee to report back to this House in not more than three weeks. Yes Clerk.

MOTION

Hon. Saad Faraj.

Hon. Faraj: Thank you Mr. Speaker. Mr. Speaker I beg to move the following amended Motion;

(Hon. Faraj moved Motion on compensation for conservation of Old Town heritage sites)

THAT AWARE that the United Nations Educational, Scientific and Cultural Organization (UNESCO) seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity. This is embodied in an international treaty called the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by UNESCO in 1972;

FURTHER AWARE that the National Government has ratified the above convention;

NOTING THAT Old Town was officially recognized as a heritage site on the 26th of June, 1997 under the cultural category by UNESCO;

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CONCERNED THAT the owners of the heritage sites in Old Town Mombasa County are not involved in the preservation of their cultural and natural heritage nor do they get any technical or financial support to ensure that the sites are well protected.

I therefore urge the County Assembly to RESOLVE that:

- 1. The National and County governments to come up with mechanisms to compensate property owners in Old Town to ensure that the heritage sites are well preserved.*
- 2. The compensation be between 5 to 10 per cent of the value of the property to be paid on annual basis.*
- 3. The County government to provide discount for land rates of the heritage sites with a view to ensure conservation of their cultural and natural heritage in line with the UNESCO goals.*
- 4. The National Museums of Kenya and UNESCO be compelled to comply with the foregoing resolutions on compensation.*

I beg to move.

(Hon. Faraj moved)

Temporary Speaker (Hon. Mwalimu): The Motion was debated yesterday but I think as it is amended we need to have a secondment.

Hon. Mohamed Hatimy: I second the amendment Hon. Speaker.

Temporary Speaker (Hon. Mwalimu): It is now time to put a question that the House adopts this particular Motion and to adopt the Motion as amended the ruling of this Motion will sit with the Member of this particular amendment to determine or to come up with an Adhoc Committee to look upon this matter.

And the Committee should also put to consideration gender equality and as we said before disability factor should also been considered in that Ad hoc Committee.

So I put a question that the House resolves that an Ad hoc Committee to be formed to look upon this.

(Question put and agreed to)

So the area Member of this area plus the mover will bring to my office the names of the Ad hoc Committee for approval thank you. Yes Hon. Amur.

Hon. Amur: Mr. Speaker will all your respect at least you should guide us on the number because ... the Committee Members will come all of them they want to be in that Committee.

At least you should give us a way forward on how many at least should be in that Committee Mr. Speaker, thank you.

(Interruption)

Temporary Speaker (Hon. Mwalimu): What is it Hon.?

Hon. Mwinga: Mr. Speaker I think it will be wise if Members are mentioned in this House rather than going to your office.

Temporary Speaker (Hon. Mwalimu): I said that the area Member plus the Mover will put into consideration what I have said, the names will be brought to the office and when I say the office it's not me, the Speaker's office and they will be communicated in this Hon. House after approval.

And as it is an Ad hoc Committee will not take more than five Members so it is upon the Mover and the area Member of this Ward to bring the names to the office of that Committee and Members in this Committee please and please work on this issue take this matter seriously because our people are suffering and they have suffered enough so it is upon you Members to take full responsibility of this issue.

Yes Hon. Hatimy, now when the names have been brought to the office we will communicate in the term of reference of that Ad hoc Committee, thank you yes Hon. Mwabashiri.

Hon. Mwabashiri: Ahsante Mheshimiwa Spika, kwa heshima zote sioni sababu ya majina kuja ofisini, katika hili Bunge nafikiri wanaweza kukaa hapa hapa watoe majina hapa hapa mtu mwingine yeyote kwa sababu itakuwa si jambo la busara labda wewe pia wataka kuwekwa katika hii Kamati.

Mheshimiwa Spika pole labda ndio sababu unataka ipelekwe kwa ofisi lakini hata hapa hapa sisi hawa Mheshimiwa yoyote atakaye sema hapa itangazwe hapa hapa kazi ianze mara moja, badala ya kuwa watu wakae wiki ijayo badala ya kesho Kamati ianze kazi inabidi wangojee Bunge mpaka wiki ijayo week Jumanne kwa hivyo mimi naona mda utakuwa umeenda sana.

Kwa hivyo kama itawezekana dakika mbili tatu hapa Waheshimiwa sote tuko ndani hapa ikiwa ni Nzai ikiwa ni nani, tuchague watu watano na sisi tulioko hapa ndani si wengine wako huko kwengine alafu kesho usikie watu wote ni watu ambao hawako katika hili Bunge Mheshimiwa Spika.

Kwa hivyo naomba ikiwezekana uchague hapa watano sote twaheshimiana na twaaminiana kwa hivyo yoyote atakaye tajwa katika hii Kamati tutamuunga mkono Mheshimiwa spika na

kazi ianze hata kesho kwa sababu hili jambo ni swala nyeti kabisa aliwezi kungoja mpaka wiki ijayo ahsante.

Temporary Speaker (Hon. Mwalimu): Hon. Mwabashiri I respect what you have said but I have already ruled and I said the names would be brought in this House next week Tuesday afternoon and then it will be communicated to this House.

Whoever who will be in that Committee; all the Members will get to know the Members in this Ad hoc Committee and Hon. Mwabashiri in a matter of interest, you could have requested us and to the people concerned to at least include you in that Committee but I assume you have requested that they include me I think they have taken that request and... yes Clerk.

ADJOURNMENT

Hon. Members the House stands adjourned till Tuesday 2:30pm in the afternoon.

The House rose at 3.20pm.