



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 20th June, 2018

The House met at 9:10a.m.

(The Deputy (Hon. Fadhili Mwalimu) in the Chair)

PRAYERS

The Deputy Speaker (Hon. Mwalimu): Have your seats, yes Clerk.

MESSAGE

Hon. Members, I have a message from His Excellency the Governor through the County Attorney, that the Governor has brought a memorandum for the Public Health Law with the instruction for revision and incorporating new changes to the said above law so I commit the memorandum to the Health Committee for further actions. Yes Clerk?

PETITION

Hon. Members there's a petition and I direct the Leader of Majority to read the petition in front of the Honorable Assembly. Yes Leader of Majority?

Leader of Majority (Hon. Mwidani): Okay Mr. Speaker thank you, let me take this opportunity to read the petition of the County Assembly of Mombasa as urgent matters, on the date of 30th 4, 2018.

(Leader of Majority (Hon. Mwidani) read the Petition)

We the Director, Chairperson and management of Wumeri Travel Company Ltd, Tatama Sacco, 2TS Sacco, Kaloleni Association, Mariakani Association and Double T Sacco do hereby lodge our complaint and seek for your indulgence concerning the above referenced subject.

We have been operating from Kobil Kenol Mwembe Tayari for more than 40 years and we have been very peaceful with all the authorities in the past.

1. We have been receiving threats from the Inspectorate department to vacate from the petrol station without a written notice from the County. We have been receiving intimidation from the Director of Inspectorate who have a fixed mind and does not entertain any public participation in decision making. He keeps on threatening us with County *Askaris* to enforce his orders.
2. We were allocated a parking slot within Coast bus and Singh restaurant. These parking were designed for normal cars parking and not intended for matatu or bus terminus.
3. No Zebra crossing.
4. No toilets and shades for the passenger and safety of our passengers were not considered by the Authority. We have been paying revenue as per the County finances act.i.e.2000/= for 14 seaters and 3500/= for minibuses.

We find the decision made by the Inspectorate Department as discriminative as other petrol stations are operating as bus stations within the environs; Modern Coast operating from petrol station, buses and *Matatus* operate from the petrol station next to Coast Bus Total petrol station. We feel cheated when we are allocated a place behind the main road and not a strategic place and others are still operating in the highway i.e. upcountry buses hence making our business in loses. We are law abiding Kenyan Citizens. However, we are rendered out of our legitimate business through intimidation and threats from the authority, we are appealing to you to accord us attention and offer an appropriate assistance to end this menace.

We urge the County government of Mombasa through the County Assembly to stop this Executive order of transferring the above matter till we get a proper solution through public participation between County government and all stakeholders operating in the Kobil petrol station.

Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Thank you. Hon. Members under Standing order 201 you are permitted to comment on the petition before the Assembly, any comments or observations? Yes Hon. Samba Tobias?

Hon. Samba: Thank you Mr. Speaker for according me this opportunity. It's a genuine concern by the Petitioner, Petitioner as I have read there, they are Sacco and these people have also been contributing immensely to the growth of the economy of the Mombasa County but of late there are some observations I don't know where these Inspectorate got their directives or rather powers, because they've been misusing their powers infact it was yesterday I got a concern call by a group of business people that they were given some time limit that they had to demolish their structures or the County Inspectorate will do that on their behalf but of late if you can be observant enough, there are erection of containers with the logo of the County, County government logos.

Mr. Speaker as per the investigations that I have done, those containers are not for the County government, they are for individual who are purporting to operate under the County Government of Mombasa. Mr. Speaker when it reaches a point where by these County Inspectorate take orders from an individual I think it is now risky because I fail to understand how somebody can just wake up in the morning and then decide the whole of this row will be demolished without giving them notices, without giving them anything. So I just compare it with these ones, there are so many *Matatus* I have gone to intercede on their behalf at the County Inspectorate there, the reason as to why maybe they are being intimidated they are not even genuine that they've packed at the wrong lane, actually if you go there you will find out that the accusation is mischievous.

So I think I would appeal in this Honorable House we should come up with regulations and laws that these County Inspectorate are going to operate on, for now it's as if they are operating in a vacuum even if you feel or wish you want to subject somebody or torture by the County Inspectorate you just go there, you give them something small or you tell them do act upon these and they will act, and citizen out there they are well conversant with these laws and that is why it has taken this Honorable group to take this initiative to do it in a written petition so that at least we may act. Mr. Speaker it is in order through your permission if you allow the House should come up with a Committee or rather a task force that is going to ensure that we have structures that are going to govern the County Inspectorate so that at least they may be operating on a certain genuine and lawful premises of the law. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Thank you, yes Hon. Thoya?

Hon. Thoya: Ahsante Bwana Spika ni malalamishi ambayo yameweza kufika na ukweli hatutaki kuyaacha tu hivi hivi, ni malalamishi ambayo yanahitaji kuchunguzwa na Jumba hili la sheria. Nafikiri kama sijakosea *Inspectorate* iko katika upande wa idra ya ugatuzi ambao mimi ni Mwenyekiti, na kuna wale ambao tunawavulia kofia kwa utenda kazi wao, na kuna wale ambao wanahitaji kuchunguzwa kwa makini kwa sababu wanatumia zile kofia zetu za Kaunti yale magwanda ya kijani kibichi ki makosa na hatungependa kikosi hiki ambacho wengi wanajitolea katika hali na mali ukweli wako vijana katika *Inspectorate* ambao wanafanya kazi kwa bidii tena sana lakini hatungependa kwamba wawili watatu ambao wanatumia sheria ambazo wanajua wanakozitoa waweze kuharibu kikosi kizima cha askari wetu wa Kaunti.

Kwa hivyo ipo haja Kamati yetu ya Leba na kuna ile Kamati ya barabara kwa sababu ni lazima tujue wamepewa vipi ama wanaendelea vipi? Kwa hivyo ipo haja tuweze kutembea tuwaite walalamishi tuwahoji na ikiwa kuna askari ambaye anatumia nguvu kupita kiasi cha sheria ambazo tumeweza kuzitunga hapa aweze kuchukuliwa hatua. Zaidi ya yote tunapendekeza baadhi ya hawa askari ambao tuko nao huenda tukawaregeshe katika mafundisho, tuwaregeshe katika mafundisho kwa sababu wakati mwengine Waheshimiwa uko ndani ya gari hawakujui unaona yale maneno ambayo wanatupia wapita njia si maneno ya sawa. Pengine siwezi kujua kwa Kiswahili utanisamehe lakini *courtesy* ile lugha ambayo ni ya sawa ipo haja *customer care* ama ile jinsi ya kuzungumza na mtu hawa watu ambao wanajaribu kuwa *harass* ama kuwasukuma ndio wateja na hao unaambiwa wanalipa, wanalipa tumeambiwa zile pesa wanalipa si hawa nafikiri ndio matajiri wa Kaunti lakini ikiwa hatuwezi kuheshimu yule mtu anatulipa na mimi naambiwa mteja ni mfalme lakini hawa hawa ndio watu wanatulipa ni lazima tuwachukulie na heshima ya hali ya juu. Ikiwa vijana wetu wanaanza kutepetea tutamuita Bwana Changawa na *Director* waje ili tuwaambie tafadhalini sana mjaribu kuzungumza na hawa vijana askari wale ambao wanahitaji kurudi kwa mafunzo warudi kabla hatujachukua hatua za kisheria. Ahsante.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Faith Mwende?

Hon. (Ms.) Faith Boniface: Ahsante sana Mheshimiwa Naibu Spika kwa kunipatia fursa hii pia mimi niweze kutia mchango wangu, mwanzo nishukuru kwa watu ambao wameleta sijui tutaitaje kwa sababu pia Kiswahili sio mdomo wetu. Kwa kweli watu wengi walikuwa wakinyanyasika na askari wetu wa *Inspectorate* pasipo kujua ni njia gani ambayo wanaweza tumia wakapata suluhu, lakini nashukuru siku hii ya leo tumepata hawa wana Matatu ambao wananyanyasika na askari wetu wa *Inspectorate* kwa kuhangaishwa pale Kenol gari za kwenda huku Mazeras.

Mheshimiwa Naibu wa Spika ni kweli kuna kilio kingi kutoka kwa askari wetu wa *Inspectorate* sio wote lakini baadhi yao, siwezi sema wote ni wabaya lakini wako baadhi ni kama wamelewa na ile kofia nyeupe hawajui kuitumia vizuri. Mheshimiwa Naibu Spika ni hivi majuzi tu nimekuwa katika Radio Salaam nikihojiwa nikapata malalamishi chungu mzima kuhusu hawa *Inspectorate* wengine wanaenda kwa vibanda pale Likoni Ferry wanaenda kuchukua hongo na wanajulikana mpaka majina yao ilinibidi mpaka nimpigie Changawa nikamuunganisha na huyo mzee aweze kufuatilia hilo suala. Mheshimiwa Naibu Spika kama Nyumba ya sheria hatutaruhusu Kaunti yetu nzuri iweze kupakwa tope na watu wachache, ni vizuri kuweze kutengenezwa Kamati haraka iwezekanavyo ifuatilie jambo hili ili waweze kujua ni akina nani ambao wanachafua idara yetu ya *Inspectorate*. Mheshimiwa Naibu Spika tumekuwa sana na *Public Participation*...

(*Interruption*)

The Deputy Speaker (Hon. Mwalimu): Hon. Faith just to inform you that the Deputy Speaker does not sit on this Chair, it is the Speaker who sits in this Chair.

Hon. (Ms.) Faith Boniface: Mheshimiwa Spika samahani kwa hilo. Mheshimiwa Spika hata yameenda na hewa niliokuwa nataka kuongea lakini ipo haja ya kutengeneza Kamati iweze kwenda kuchunguza hali halisi yenye inaendelea mitaani japokuwa mengine tunayajua ili Mombasa yetu iwache kuchafuliwa na watu wachache. Ahsante sana Mheshimiwa Spika.

(*Applause*)

The Deputy Speaker (Hon. Mwalimu): Thank you, yes Hon. Hatimy?

Hon. Mohamed Hatimy: Ahsante sana Mheshimiwa Spika,. Mheshimiwa Spika nasimama hapa nina furaha sana hapa leo kusikia...

(*Laughter*)

Mheshimiwa aliyetoka kuongea hapa kusema kuwa watu wanajaribu kuharibu Kaunti hii nzuri hii yetu hiyo nafikiri ni *statement* moja nzuri sana. Mheshimiwa Spika nikitilia nguvu hata maneno yake aliyosema nafikiri itabidi tuambie *Inspectorate* wafanye *evaluation, monitoring and evaluation* ya wale wafanyi kazi ili tuweze kupata na tupate kujua wanafanya kazi zao namna gani?

(*Applause*)

Nafikiri jambo hili ndilo litakuwa kwa wale ambao ni wazuri wawe watabakia kwa wale ambao si wazuri basi tuangalie tutachukua hatua gani?

(*Applause*)

Kwa sababu watu wengi sana wanataka kupatiwa kazi Mheshimiwa kazi na najua kuwa wengi ambao wako nje ni wazuri kuliko wale walioko ndani Mheshimiwa Spika. Kwa hivyo naunga mkono hii. Ahsante.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Naliaka?

Hon. (Ms.) Mary Wafula: Ahsante sana Bwana Spika kwa kunipa nafasi hii. Kama vile wenzangu wamechangia mimi pia nitaongeza tu sauti yangu.

Hichi kitengo cha *Inspectorate* kinahitaji kufanyiwa au kupigwa msasa maana mimi mwenyewe nimewahi kuwa muathiriwa, kuna wakati gari la mzee wangu pale Ralli House liliweza kufungwa pale na hata nilipofuatilizia kumpigia huyo Changawa mwenyewe mara nyingi hata hiyo simu hashiki, hata ukijaribu kuwaongelesha wale wengine wakishafunga hilo gari wamepotea, sasa inakuwa kama biashara wakati hawana pesa wanatafuta njia za kutafuta hizo pesa kwa lazima ni kama wanasukumwa na mtu fulani. Mara nyingi hii Kaunti yetu imekuwa na shida ya kwamba kila mtu ana yule amemleta. Kwa hivyo sasa inakuwa ukionyesha kidole cha lawama inakuwa unamchimba mtu fulani kwa maana hiyo ningependa tafadhali kwa heshima ya hii Nyumba tukaweze kuregesha jina zuri la hii Kaunti. Ahsante Bwana Spika.

(Applause)

The Deputy Speaker (Hon. Mwalimu): I think I will allow the last speaker Hon. Mwaka because under the Standing Order 201; you are just allowed 30 minutes. Yes Hon. Mwaka?

Hon. (Ms.) Mwaka Bakari: Ahsante sana Bwana Spika, mimi pia nina mchango wangu kidogo ambao naweza kuchangia kwa jambo hili ambalo limenitoa hapa kwenye Nyumba hii nadhani Mgala muuweni na haki yake mumpe. Kwa upande ambao mjadala ulioletwa hapa ni upande wa maaskari wetu na hiyo steji. Nyumba hii iko haja kuweka mikakati na sheria ya hizi steji zote za Kaunti ya Mombasa kwa sababu pale Mwembe Tayari ni kitovu cha mji ambayo kwamba ni steji kubwa lakini pale pia kuna uchafu zaidi ambayo kwamba hawana nidhamu kwa kusema kweli kulingana na hao hiyo steji yote haina nidhamu hao watu wa magari hawana nidhamu hawaangalii au hawachukulii wateja wao kwa nidhamu.

Kwa kusema kweli pana uchafu zaidi pale si msasa pekee yake kupigwa kwenye upande wa *Inspectorate* lakini pia hiyo steji wawekewe mikakati na sheria ya kupangiwa hiyo steji, kwa sababu wezi wako pale, wachuuzi wako pale na hata hiyo *kontena* yasemekana pale pia ni ya mtu binafsi na ni *kontena* nyingi ambazo ziko katika steji pia ziondolewe na kama basi ni kunufaika kwa Kaunti yetu basi pia ile *kontena* iwe ni ya Kaunti yetu sio kuwa ya mtu binafsi miaka nenda miaka rudi iko pale na hatujui ni ya nani? Hiyo iko haja pia ichunguzwe pia hiyo *kontena*.

Kwa hiyo mimi nasema askari wetu iko haja kupata msasa lakini Mgala muuweni haki yake muwapatieni kwa sababu hiyo steji ni chafu na hali ya mazingira yetu ya Mombasa ni machafu kulingana na wale wale wenyewe wako pale kusema kweli mimi nishaona watu wakikojoa pale na ni mchana, wale wale makanga ategemea gari anaenda kumpeleka mtoto shule yuko pale pale anakojoa pale, pale pale na hapana choo, hapana lolote na pale pale ndio chooni, pale pale ndio wezi, pale pale kuna uchafu wa kila kitu. Kwa hiyo mimi nataka kusema Jumba hili iko haja ya kupanga mikakati na sheria zote na steji zote sio ile Mwembe Tayari pekee yake. Ahsante Bwana Spika.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Members I now stand to commit a petition brought to this Assembly and the Committee or Committees that I will commit the petition to they must move as per our Standing Orders and our Standing Order 202 clearly says we need a response to this House not more than 60 days. So I commit Transport Committee and Labour Committee to work hand in hand to make sure the Assembly get a response and the petitioner to get what they have intended from their petition. Thank you.

Yes Clerk?

ADJOURNMENT

Hon. Members the House stands adjourn until today afternoon at 2:30p.m.

The House rose at 9:36a.m