



COUNTY ASSEMBLY OF MOMBASA

THE HANSARD

Tuesday, 13th August, 2024**Third Assembly – Third Session**

SIXTY FOURTH SITTING

*[The County Assembly met at 10:05a.m at the County Assembly Buildings]
[The Speaker (Honourable Aharub Ebrahim Khatri) in the Chair]*

PRAYERS

The Speaker (Hon. Khatri): Honourable Members, we may be seated.

[Silence]

[Consultations]

Yes, Clerk next order please?

PAPER

COUNTY GOVERNMENT OF MOMBASA QUARTERLY REPORT AND FINANCIAL STATEMENTS FOR
THE PERIOD ENDED JUNE 30TH JUNE, 2024

Yes, Honourable Athman Mwamwiri Leader of the Majority Party please lay down the
Paper?

The Leader of the Majority (Hon. Mwamwiri): Thank you, Mr. Speaker. Mr. Speaker, I wish to lay Paper, quarterly report, and financial statement for the period ended June, 30th 2024, for the County government of Mombasa.

[Paper laid]

The Speaker (Hon. Khatri): Thank you, Honourable Athman Mwamwiri. Honourable Members, the Paper stands committed to the Committee on Finance, Budget, and Appropriation for consideration. Yes, Clerk next order please?

RECEIVER OF REVENUE COUNTY GOVERNMENT OF MOMBASA QUARTERLY REPORTS AND FINANCIAL
STATEMENT FOR THE PERIOD ENDED JUNE 30TH, 2024

Yes, Honourable Athman Mwamwiri, Leader of the Majority Party.

The Leader of Majority (Hon. Mwamwiri): Thank you, Mr. Speaker. Mr. Speaker, I wish to lay Paper, Receiver of Revenue County government of Mombasa quarterly reports and financial statement for the period ended June, 30th 2024. Thank you, Mr. Speaker.

[Paper laid]

The Speaker (Hon. Khatri): Thank you, Honourable Athman Mwamwiri. Honourable Members, the Paper stands committed to the Committee on Finance, Budget, and Appropriation for consideration. Yes, Clerk next order please?

NOTICE OF MOTION

ENCROACHMENT/TRESPASS OF CONSTITUENCY DEVELOPMENT FUND CDF NYALI OF COMMUNITY LAND OWNED BY FRERE TOWN DESCENDANTS' ASSOCIATION

Yes, Honourable Mariam Baimu MCA Frere Town please give the Notice of Motion?

Hon. Baimu: Thank you very much, Mr. Speaker Sir. Mr. Speaker Sir, I beg to give notice to the following Motion;

THAT AWARE THAT Article 40 of the Constitution provides that every person has the right either individually or in association with others to acquire and own property;

FURTHER, Article 63 (d) recognizes Community land that is lawfully held as trust land by the County government;

FURTHER AWARE THAT Freretown Descendants Association are rightful owners of a community land, plot number 175/1/MIN, located in Freretown Ward, which is held in trust by the County government of Mombasa and that in 2007 Freretown Descendants Association requested Constituency Development Fund in Nairobi to approve funding for construction of a multipurpose social hall;

Mr. Speaker Sir,

Sorry, and that in 2007, Freretown Descendants Association requested Constituency Development Fund in Nairobi to approve funding for construction of a multipurpose social hall in plot 1 and 2, which are part of plot number 175/1/MN and after ascertaining that the land belongs to the Freretown Descendants Association, the then Constituency Development Fund set aside Ksh 2.1 million for the construction of the Nyali Multi purpose Hall;

Mr. Speaker Sir,

NOTING THAT the Nyali Multipurpose Hall was constructed in plot number 1 and 2, which are part and parcel of plot number 175/1/MN, located in Freretown, and there remained an open space and a parking lot and in July, 2023, the County government constructed a Greenhouse in the open space, which was of great benefit to the community;

CONCERNED THAT, on or about 23rd July, 2024, CDF Nyali representatives, who are well aware that the land belongs to Freretown Descendants Association, entered into plot 1 and 2 and demolished the aforementioned Greenhouse and proceeded to construct a superstructure whose construction is still underway despite the community's objection to the illegal construction. Yet, regrettably, the construction commenced and is ongoing despite lack of necessary County and other agencies' approvals;

FURTHER CONCERNED that, the community being the bonafide owners of the land stands to lose its parcel of land should the construction of the superstructure continue, and hence may suffer loss of property rights which are guaranteed by the constitution and loss of the heritage as the people of Freretown;

I, therefore urge the County government Sir, to resolve that;

- 1. THAT the County government, who are the trustees of plot number 175/1/MN, located in Freretown, which includes plot 1 and 2, to direct the Constituency Development Fund, Nyali, to stop any further construction of the superstructure and vacate the premises forthwith,*
- 2. THAT the Greenhouse and parking space to be restored at the cost of the Constituency Development Fund in Nyali,*
- 3. THAT the County government and other government agencies to take action against Constituency Development Fund, Nyali, for erecting buildings without obtaining the necessary approvals from the County government,*
- 4. THAT the County government, who are the trustees of Freretown Descendants Association, to notify the general public that plot number 175/1/MN, belongs to Frere Town Descendants Association.*

Thank you, Mr. Speaker.

The Speaker (Hon. Khatri): Thank you very much Honourable Maryam Baimu Freretown MCA. Yes, Clerk next order please?

NOTICE OF MOTION

ADDRESSING YOUTH UNEMPLOYMENT IN MOMBASA COUNTY

Yes, Honourable Allan Katana, MCA Shanzu Ward, please, give the Notice of Motion?

Hon. Katana: Thank you, Mr. Speaker, Sir. Also accept my apologies for coming abit late. Mr. Speaker Sir, I beg to give Notice of the following Motion; Mr. Speaker,

AWARE THAT youth's unemployment in Mombasa County is significantly higher than the National average, posing a serious socio-economic challenge;

Mr. Speaker,

FURTHER AWARE that the lack of relevant skills and limited job opportunities contribute to this issue resulting in increased poverty, crime, and social unrest among the youths;

ACKNOWLEDGING the Mombasa Yangu Programme and Skills Mitaani Programme initiated by His Excellency the Governor which aim to address youth unemployment through skills development and job creation;

RECOGNIZING the importance of entrepreneurship in driving the economic growth and job creation and the necessary skills and the necessity of providing financial and technical support to young entrepreneurs;

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Mr. Speaker,

CONCERNED THAT the current effort and resource allocation to address youth unemployment are insufficient to tackle the magnitude of the problem;

FURTHER RECOGNIZING the need to call upon His Excellency the Governor to implement the Airlift Programme and engage the National Government to include youth from Mombasa in its foreign jobs abroad programme;

REALIZING that there is a need to come up with enhanced and substantial solution to address the problem of youth unemployment in Mombasa County;

Mr. Speaker,

DEEPLY CONCERNED by the long-time socio-economic impacts of continued high youth unemployment rates, including the loss of potential economic growth and innovation;

Mr. Speaker, I therefore ask this Honourable Assembly to RESOLVE;

1. *THAT the County government of Mombasa in collaboration with relevant stakeholders' implements comprehensive vocational training programmes aligned with market needs...*

[Interruption]

Mr. Speaker, may I kindly be heard in silence? These Honourable Members are really interfering!

[Interruption]

The Speaker (Hon. Khatri): Members, order please! Let the Honourable Member give his Notice of Motion.

Hon. Katana: Thank you, Mr. Speaker.

2. *THAT a County Youth Entrepreneurship Fund be established to provide grants and interest free loans to young entrepreneurs in Mombasa County,*
3. *THAT Business Incubation Centre be set up through training, mentorship and access to resources;*
4. *THAT the County government develops and implement a comprehensive youth employment policy to guide and coordinate efforts in addressing youth unemployment.*

Lastly Mr. Speaker,

5. *THAT His Excellency the Governor implement the employment airlift programme and engage in the national government to include youth from Mombasa in its employment foreign jobs abroad programme.*

I thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you very much Honourable Allen Katana for the Notice of Motion. Yes, Clerk next order please?

NOTICE OF MOTION

PROVISION OF MOBILE CLINIC AT SISI KWA SISI AREA IN KIPEVU WARD

Yes, Honourable Leila Nyache, MCA Kipevu Ward. Please give the Notice of Motion?

Hon. Nyache: Thank you Mr. Speaker. Mr. Speaker Sir, I beg to give the Notice of following Motion;

THAT AWARE that access to health care is a fundamental right enshrined in the Constitution of Kenya under Article 43 (1) (a) which mandates the state to provide the highest attainable standard of health to all citizens;

Mr. Speaker, FURTHER AWARE that Magongo Health Care, a level three facility, currently overburdened serving nearly three Wards, which leads to congestion and inefficient service delivery;

Mr. Speaker, CONCERNED THAT the current state of congestion at Magongo Health Care results in long waiting times, inadequate patient care and increased risk of communicable diseases;

Mr. Speaker, DEEPLY CONCERNED that without immediate intervention the health care crisis in Kipevu Ward will deteriorate adversely affecting the health and well-being of residents, especially vulnerable groups such as children and elderly and those with chronic illness;

Mr. Speaker, RECOGNIZING THAT a mobile clinic at Sisi Kwa sisi Area will significantly alleviate the pressure of Magongo Health Care by providing accessible health care services closer to the residents;

NOTING THAT mobile clinics have been successfully implemented in other wards offering flexible, efficient and immediate health care solutions in underserved areas;

Mr. Speaker, APPRECIATING THAT the establishment of a mobile clinic aligns with the fourth schedule of the Constitution of Kenya which outlines the function and powers of County Government in the delivery of health services;

Mr. Speaker, AFFIRMING THAT proactive measures to decongest existing health facilities will improve the overall health care system, enhance service delivery and ensure the health rights of the residents of Kipevu Ward are upheld.

I, therefore urge this Assembly to RESOLVE;

- 1. THAT the County government of Mombasa establishes a mobile clinic at Sisi Kwa Sisi Area in Kipevu Ward to provide immediate accessible and effective health care services to the residents,*
- 2. THAT the County government of Mombasa allocates necessary resources and funding for the operationalization and maintenance of the mobile clinic to ensure its sustainability and efficiency;*

3. *Mr. Speaker, THAT the County government of Mombasa conduct regular assessment of health care needs in Kipevu to continually improve and expand health care services ensuring that meet the involving needs of the community.*

Thank you, Mr. Speaker.

The Speaker (Hon. Khatri): Thank you very much Honourable Leila Nyache for the Notice of Motion. Yes, Clerk next order please?

NOTICE OF MOTION

DEVELOPMENT AND IMPLEMENTATION OF COMPREHENSIVE STRATEGIES AND MEASURES TO ADDRESS THE GROWING TREND OF ONLINE CHILD EXPLOITATION IN MOMBASA COUNTY

Thank you very much. Yes, Honourable Milka Moraa please give the Notice of Motion?

Hon. Ngare: Thank you Mr. Speaker, I rise to give the following notice of Motion on development and implementation of comprehensive strategies and measures to address the growing trend of online child exploitation in Mombasa County.

Mr. Speaker Sir,

THAT AWARE THAT, the Constitution of Kenya, 2010 Article 260, guarantees every child the right, “to be protected from abuse, neglect, harmful natural practice, all forms of violence, inhuman treatment and punishment and hazardous or exploitative labor.

“Accordingly, the Kenyan government has enacted laws to protect children from sexual abuse including Online Child Sexual Exploitation and Abuse (OCSE);

FURTHER AWARE THAT, the National Plan of Action Against Sexual Exploitation of Children in Kenya 2018-2022 outlines strategies to address child sexual exploitation, including identification, prevention, protection, rescue, reintegration and child participation;

ACKNOWLEDGING THAT the rise in online child exploitation cases poses significant risks to the well-being and safety of children in Mombasa County;

RECOGNIZING THAT increased internet accessibility and lack of awareness among children, parents and educators contribute to this growing problem;

NOTING THAT socio-economic disparities and limited digital literacy further exacerbate the vulnerability of children to online exploitation;

UNDERSTANDING THAT the negative impact of online exploitation includes psychological trauma, risk of trafficking and long- term adverse effects on children development and well-being;

CONCERNED THAT decisive steps to combat online child exploitation in Mombasa County thereby, safeguarding the well-being of and future of our children;

I, therefore urge this Assembly to RESOLVE:

1. *THAT, the County government to establish a multi-sectoral task force dedicated to addressing online child exploitation. The task force should include representative from Government agencies, law enforcement, educational institutions, NGOs, and technology companies.*

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The task force will be responsible for developing and implementing strategies, monitoring progress and coordinating efforts across sectors,

2. *THAT, the County government to partner with relevant stakeholders to implement mandatory digital literacy and online safety education programs in schools to equip children with the knowledge and skills to protect themselves from online exploitation. Develop and distribute educational materials and resources for parents, guardians and educators to raise awareness about online risks and protective measures within the community,*

3. *THAT, the County government to collaborate with technology companies to enhance online monitoring tools and reporting mechanisms for detecting and addressing cases of online exploitation. Use the Mombasa County established helpline for reporting suspected cases of online child exploitation,*

4. *THAT, the County government to partner with relevant stakeholders to review and update existing laws and regulations related to online child exploitation to ensure they are robust and effective. Provide specialized training for law enforcement officers and legal professionals to handle online child exploitation cases effectively.*

Thank you.

The Speaker (Hon. Khatri): Thank you very much, Honourable Moraa. Yes, Clerk next order please?

MOTION

ENCROACHMENT/ TRESSPASS OF CONSTITUENCY DEVELOPMENT FUND (CDF), NYALI OF COMMUNITY LAND OWNED BY FRERE TOWN DESCENDANTS' ASSOCIATION

Yes, again Honourable Mariam Baimu MCA Frere Town Ward please move the Motion.

Hon. Baimu: Ahsante sana Mheshimiwa Spika. Kwanza naomba ruhusa yako kuwatambulisha; naona pale juu kwa *gallery* kuna wawakilishi na waanzilishi wa hio Frere Town wakiongozwa na Mwenyekiti wao Bwana Mwambila. Wamekuja pia kuweza kusikia Jumba hili tunajadiliana vipi juu ya huu Mswada, karibuni sana watu wangu wa Frere muweze kujihisi mko nyumbani. *Mr. Speaker Sir, I beg to move the following Motion;*

THAT AWARE THAT, Article 40 of the Constitution provides that every person has the right, either individually or in association with others to acquire and own property; further Article 63(d) III recognizes community land that is lawfully held as trust, as trust land by the County Government;

FURTHER AWARE THAT, Frere Town Descendants Association are rightful owners of a community land, Plot Number 175/1MN located in Frere Town Ward, which is held in trust by the County Government of Mombasa and that in 2007, Frere Town Descendants Association requested Constituency Development Fund in Nairobi to approve funding for construction of a multipurpose social hall in Plot 1 and 2 which are part of Plot Number 175/1/MN and after ascertaining that the land belonged to the Frere Town Descendants Association, the then Constituency Development Fund set aside Ksh.2.1 Million for the construction of the Nyali Multi purpose hall;

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NOTING THAT, the Nyali Multipurpose Hall was constructed in plot number 1 and 2 which are part and parcel of Plot Number 175/1/MN located in Frere Town and there remained an open space and a parking lot and in July, 2023, the County government constructed a green house in the open space which was of great benefit to the community;

CONCERNED THAT, on or about 23rd July 2024, CDF Nyali representatives who are well aware that the land belongs to Frere Town Descendants Association entered into plot 1 and 2 and demolished the aforementioned green house and proceeded to construct a super structure whose construction is still underway, despite the community's objection to the illegal construction; regrettably, the construction commenced and is going on, despite lack of necessary County and other agencies approvals;

FURTHER CONCERNED THAT, the community being the bonafide owners of the land stands to lose its parcel of land should the construction of the superstructure continue and hence may suffer loss of proprietary rights which are guaranteed by the Constitution and loss of the heritage as the people of Freer Town;

Mr. Speaker Sir, I therefore urge this County Assembly TO RESOLVE that;

- 1. THAT, the County government who are the trustees of Plot number 175/1/MN, located in Frere Town, which includes plot 1 and 2 to direct the Constituency Development Fund - Nyali, to stop any further construction of the superstructure and vacate the premises forthwith;*
- 2. THAT, the greenhouse and parking space be restored at the cost of the Constituency Development Fund - Nyali,*
- 3. THAT, the County government and other government agencies to take action against Constituency Development Fund - Nyali for erecting buildings without obtaining the necessary approvals from the County government;*
- 4. THAT, the County government who are the trustees of Frere Town Descendant Association to notify the general public that the plot number 175/1/MN belongs to Frere Town Descendant Association.*

I would like your Honour if I can propose Honourable Priscilla to second my Motion. Thank you, Mr. Speaker.

The Speaker (Hon. Khatri): Thank you, Honorable Mariam Baimu. Yes, Honourable Priscillah Mumba?

Hon. Mumba: Thank you. Mr. Speaker, I rise to second the Motion.

The Speaker (Hon. Khatri): Thank you very much. Honourable Members, I now propose the question that the Motion by Honourable Maryam Baimu on encroachment/ trespass by Constituency Development Fund (CDF) Nyali of community land owned by Frere Town Descendant Association be considered by this Honourable House in the same terms as moved.

[Question proposed and agreed to]

Yes, Honourable Maryam Baimu, MCA Frere Town Ward, please make your contributions?

Hon. Baimu: Ahsante Mheshimiwa Spika kwa kunipatia nafasi hii tena. Kidogo tu ningependa muniruhusu Mheshimiwa Spika nipeane historia ndogo kuhusu hii ardhi ambayo tunaongelea hapa nitaisoma kiingereza.

A SHORT HISTORY OF THE MULTIPURPOSE COMPLEX ALL FRERE TOWN SETTLEMENT

The multipurpose complex all of Frere Town settlement was built through a request made by Frere Town Descendants Community after conducting a public participation headed by Honourable John Mcharo, the then Deputy Mayor and Member of County Assembly of Frere Town Ward. This was done during his second term in office, the year was 2007, the Member of Parliament for Kisauni constituency was Honourable Anania M. Mwaboza. After the request went through to Nairobi CDF office and the letters was accompanied, the request was from the Town Clerk of the Municipal Council of Mombasa by the name of Roba Duba.

Kidogo sasa nirejeele Kiswahili Mheshimiwa Spika; kusema ukweli hili jambo la hii ardhi limekuwa ni donda sugu sana kwetu pale Frere maana yake kuna wengine wanaona hii ardhi ni ardhi ya umma. Lakini kusema ukweli Mheshimiwa, hii ardhi ni *Community Land* na hata serikali Gatuzi ya Mombasa ndio *Trustee* wao. Kusema ule ukweli Mheshimiwa Spika na Waheshimiwa wenza wenzangu hapa, kuna stakabadhi tumebeba ama nimebeba hapa kama *Certificate of Registration* ambayo ilifanyiwa *search* tena tu juzi mwaka huu kwa *office of registrar* in Mombasa Uhuru na Kazi na ikaonekana bado hii ardhi iko chini ya *Frere Town Descendants Association*. Kando ya hivyo pia Mheshimiwa Spika nikiongea, ni kwamba kusema ule ukweli haya maneno ya hii ardhi imekuwa donda sugu sana kule, hata mimi mwenyewe kuna mikutano kama miwili ama mitatu nilifanya na watu wa *Frere Town Descendants* pamoja na *Deputy County Commissioners* (DCC) wetu wa kule Nyali Bwana Githinji. Tukaenda tukakaa haswa ilikuwa mwanzo ni kuhusu ile holi, kuna holi ambayo ilijengwa kabla hata hii iliojengwa sasa hivi ambayo wanataka kujengwa. Ile holi kusema kweli Mheshimiwa Spika imeleta mvutano mkubwa maana yake DCC ama serikali kuu sasa wanasema ile si mali tena ya hawa *descendants*, ile imekuwa mali ya serikali.

Hivyo basi nimeshika mimi mwenyewe tangu niingie kwa hichi kiti mikutano kama mitatu na *descendants* na DCC; kule kwa DCC kusema ukweli yule Bwana alikuwa bado anasisitiza hii ardhi sio ya hawa. Kwa hivyo akaniambia atafanya uchunguzi kivyake, pamoja nao tukiwa pamoja akipata jibu atautita ili atueleze; lakini ni jambo la kusikitisha kwamba hatukupata jibu lolote. Mara hiyo ghafla wiki mbili au tatu wakaleta nasikia mafundi wao wakapima, kuna *greenhouse* pale Mheshimiwa Spika ambapo serikali ya Kaunti ndio waliweza kui *erect* na hata ushahidi wake ndio hii hapa ni jambo la kusikitisha *greenhouse* iliweza kuvunjwa ili hili jengo ambalo sasa hivi CDF ya Nyali inaendelea kujenga ambayo wanasema itakuwa ofisi ya DO na nafikiri itakuwa pia ofisi ya vitambulisho. Lakini mimi kama Mwakilishi Wadi sikuizingizwa katika mashauri yoyote, ni jengo linaendelea kujengwa na pia kando ya hivyo ni maneno tu nasikia mtaani, hii itakuwa hivi, itakuwa ofisi hii. Kusema ule ukweli Mheshimiwa stakabadhi zile tuko nazo; ile ukweli hii ardhi sio ya umma, hii ardhi ni ya *Community* na hawa *Community* ambao wako hapa juu wanawawakilisha wenzao na ni wamiliki halisi wa ile ardhi. Bwana Spika, kitu nitaongea kidogo ni kwamba juzi tu kulitokea fujo maandamano nilipopigiwa simu hii wiki tu ilipotokea hili fujo sikufichi nikamuita Mheshimiwa maanake Mheshimiwa mama Prischillah pia ni *descendant* yuko katika hiyo kizazi chake ni pale Frere.

Nikamuita Mheshimiwa Prischilla alipokuja pale kusema kweli ilikuwa ni fujo, ni fujo mbaya sana mpaka yule mwanakandarasi aliweza kutoa bunduki kusema kwamba watu wasivunje lile jengo, ilikuwa ni heka heka pale. Niliweza watuliza, nilipowatuliza tukatoka pale pamoja na Chifu tukaenda na mama Mheshimiwa Prischilla na viongozi kadhaa, tukaenda kwa DCC Nyali. Lengo letu kubwa tulitaka kujua, kwa nini lile jengo mwanzo limejengwa bila stakabadhi za Kaunti?! Hakuna stakabadhi ya *County approval* na kabla mimi kuzungumza hivyo nyuma hawa Frere Town Descendants walikuja kwangu tukaelekezwa kwa wizara ya Ardhi, wakaenda hapo mimi nikawatuma kwa *Chief Officer* wa Ardhi wakaenda kwa Bi Mapenzi, wakaonyesha stakabadhi zao, wakasema watafuatilia. Haya maneno yakaendelea mpaka Mheshimiwa pia Waziri wa Ardhi akahusishwa kuhusu huu ujenzi ili upate kusimama ili watu waweze kuzungumza ijulikane kweli kama hii ardhi ni ya hawa ama hii ni ya umma, lakini kitu cha kusikitisha ni kwamba mpaka sasa hivi, ujenzi unaendelea, hawa watu wangu wanasikitiko ya kwamba sisi ardhi yetu tunanyang'anywa. Mheshimiwa wewe uko na kwa nini hili jambo hututetei? Kusema ule ukweli Mheshimiwa Spika, mimi naomba Bunge hili tuweze kushikana mikono maana yake kusema ukweli si haki mtu angie kwenye ardhi yako kwa lazima bila kukuomba ruhusa ama bila kukaa na nyinyi muweze kuelewana waanzekujenga.

Mimi kama Mheshimiwa wa Frere Town sikatai maendeleo, maana yake inapojengwa ile na CDF, kwangu mimi ni maendeleo yameletwa Frere Town, lakini je maendeleo yale ile ardhi kabla hawajaweka ile maendeleo waliwashauri wenye ardhi? Watu wa CDF Nyali walishauri hawa wenye ardhi kwamba wanataka kujenga pale? Sidhani! Hivyo basi kusema ukweli mvutano uko mkubwa, ninavyo zungumza hivi ni masikitiko Bwana Spika; ujenzi unaendelea ni kama ambaye tunaonyeshwa kwamba kuna wenye nguvu na hii Mombasa. Mimi ni jambo la kusikitisha na naomba kwa unyenyekevu Waheshimiwa, tuonekane kweli tulitumwa na watu wetu tuje kuwakilisha katika hili Bunge. Naomba tafadhalini muniunge mkono ili huu ujenzi mara moja usimame na ile Greenhouse Mheshimiwa Spika, maadamu ina *accountability* yake naomba pia hawa watu wa CDF waweze kuweza ku *compensate* ama wajue ile *greenhouse* wataiweka wapi, maana yake waliivunja vunja pale na zaidi Mheshimiwa Spika, mimi naomba tafadhali mimi naomba zile document maana yake nilipigiwa simu nikaambiwa hizo stakabadhi *document* zao za approval hazikutoka serikali Gatuzi. Zimetoka kwa ofisi ya *Physical planning so how true it is*, siwezi kujua. Mheshimiwa Spika lakini kwa Gatuzi la Kaunti ya Mombasa, tulikuwako na *Director* pale wa Ardhi na pia yeye alithibitisha kwamba hakuna *approvals* zimetoka kwa Gatuzi la Kaunti ya Mombasa. Kwa hivyo kwa unyenyekevu naomba tafadhali Mheshimiwa Spika Waheshimiwa wenza wale mko nyote hapa muniunge mkono ili tusaaidiane hawa watu wangu wa Frere Town Descendants wapate haki zao. Kwa hayo mengi nashukuru sana. Ahsante sana Mheshimiwa Spika.

[Applause]

The Speaker (Hon. Khatri): Thank you very much Honourable Maryam Baimu. Yes, Honourable Ibrahim Oyugi, please make your contribution.

Hon. Omondi: Honourable Speaker, thank you. Mr. Speaker, I wonder how your eye caught my eye so fast when I just got in but I think sometimes I might have dressed differently from other Members here and that one might have attracted your eyes...

[Laughter]

The Speaker (Hon. Khatri): It is fine. Honourable Ibrahim if you are still going through the Motion; maybe I can give you some more time!

Hon. Omondi: Thank you.

The Speaker (Hon. Khatri): Honourable Prischillah Mumba, Chief Whip.

The Chief Whip Majority (Hon. Mumba): Ahsante Mheshimiwa Spika kwa kuniona na kunipatia fursa hii katika Jumba letu hili tukufu. Ninamshukuru Mungu kwa sababu ya leo kutuamsha vyema na kuweza kukutana katika Jumba hili tena. Ya tatu, nataka kutangaza msimamo, kwa sababu hoja ilioko hapa nina mgongano wa kimaslahi nao kwa sababu mimi ni M Frere, chimbuko langu ni M Frere. Na nikiwa ni mtu wa Frere, ni lazima kwanza nijitambulisha kikamilifu ili nisije nikanukuliwa kuwa kwa nini sikujitambulisha kwa upande wa msimamo. Nikirudi kwa mada Mheshimiwa Spika, ninasimama kumuunga mkono Mheshimiwa Mariam Baimu katika Mswada huu. Kwa sababu Mheshimiwa Baimu yeye ni Mwakilishi wa Frere Town na mimi ni mzaliwa wa Frere Town hivyo basi kama kuna mtu anajua mambo yalioko katika Frere, wamisheni walioko pale basi mimi ni muhimu zaidi kuweza kueleza Nyumba hii. Wamisheni ni watu ambao walikuja pale wakiwa na asili ya utumwa; na walikuja wakapata *free land* ambayo ndio sisi kwa Kiswahili tuliweza kulegeza ule mdomo na tukaitwa Frere. Lakini kisawa, ilikuwa *a free land* ambayo ilipeanwa na marehemu malikia Queen Elizabeth. Na wakati walipopeana vile viwanja, wenyewe ambao ni mababu zetu ambao ni mababu wa kiasili waliweza kuchukua sehemu kadha wa kawa wameziweka zile sehemu kwa ajili ya maendeleo yoyote yatakayo tokea katika jamii, waweze kupanua miradi kama itatokea ya kuweza kuleta maendeleo katika jamii yao ya wa Frere.

Kwa hivyo kipande hichi cha ardhi kinachozungumziwa hakina jina la kua ati hii ni sehemu ya serikali, hii ni sehemu ya wa Frere wenyewe walioitenga kwa mambo yao, kwa mafaifa yao. Walakini, kwa masikitiko ni kua, sikuwa ati hawa wa Frere wanapinga maendeleo ambayo yanaendelea mahali pale. Shida ni kua, hata ukiwa kiongozi ni wajibu wako kuenda kufuata mwenye ardhi ukae nae chini, umpe heshima yake, umtongoze, umuulize jee hapa kuna mambo gani ambayo tunaweza kufanya yaisaidie hii jamii? Wale viongozi ambao tumechagua katika jamii hii yetu ya Frere Town wana wajibu wa kusema tunahitaji jambo hili, tukishirikiana na nyinyi, serikali, tutaweza kufaidika kwa jambo hili. Na katika ploti hii, si ploti moja peke ziko pale, kuna baadhi ya ploti ziko pale karibu nne ama tano ambazo kila sehemu, imenukuliwa kulingana na viongozi na wenyeji wakimisheni. Ambao walinukuu kusema kama ni hapa tukijengewa hospitali, hapa tujengewe *greenhouse*, hapa tujengewe kitu fulani, hapa tujengewe kitu fulani, kwa makubaliano! Na sio ati haijafanyika, imefanyika holi pale ilijengwa. Wamisheni wakakalishwa, na wakakubaliana, na holi lilipomalizwa kujengwa kukaja kufanywa sherehe kubwa sana ikawa *handed over* kwa watu wa Frere Town.

Vile vile kuna baadhi ya miradi tofauti tofauti katika hata hizo ploti zengine. Nikinukuu mpaka uwanja wa mpira ambao *former* Governor Ali Hassan Joho aliwahi kuweka *fence*, ya ni kuingia ule uwanja ili kusiwe na utovu wanidhamu wakati watoto wanapocheza pale, ama pengine wapigwe na wahuni. Wakaiwekea usalama na akatengeneza ule uwanja na akaja aka *hand over* kwa wamisheni kama rasilmali yenu nimeitengeza na nimewaregeshea wenyewe. Kwa nini hayo yote na nikunisema? Ni kwa sababu wale viongozi waliokuwa nyuma walikuwa wanakaa na wenyeji na wanaonyeshwa ni wapi watafanya mradi gani. Maendeleo ni mazuri kila mahali, lakini nataka tunukuu kuelewa kuwa hii sehemu tunayo ipigania haikuwa ule mradi uwe pale, ni kutumia mabavu ya kiongozi ambao ni Mbunge bila kushirikisha wamisheni nawamiliki halisi wakipande kile cha ardhi. Sasa sisi tumekua tukitofautiana na yeye kwa sababu hataki kukaa na Wamisheni. Hataki kuelewana na wamisheni na anataka kuchukua kile kipande sasa kukiregesha kiende serikali kuu bila idhini ya wamisheni wenyewe. Ambapo tunaona ni hujma Mheshimiwa Spika. Sisi tunaposimama hapa tukizungumza kuhusu hoja hii tunazungumza tukiwa tunajielewa tunazungumza nini!

Maana mimi kando na kuwa ni asilia nimepata nafasi ya kukaa na wazee wa jamii yangu na wakanieleza umuhimu wa hivi viwanja kutokuchukuliwa na serikali kuu, vinatajikana viwe katika nini hiyo *community* ya Frere Town. Kuna zile ambazo zinatoa faida wakipata pengine kuregesha katika michakato yao ya kila siku; Greenhouse iliojengwa pale Mheshimiwa Spika ilikuwa inasaidia muundo msingi ambayo yasaaidia kuboresha lishe bora katika jamii. Maanake kama tunavyojua, watu siku hizi wanaonyeshwa jinsi ya kulima. Nina jamii yangu, pale ndiyo tunaita nafikiri wengine ni kitumia hiyo lugha mutaelewa; ndiyo bara kwetu sisi hatuna bara kwengine. Yaani hao wakiwa wao wakipanda mboga kule kwenu, Kisumu, Kisii, Baluyani sisi tunapanda mboga pale Frere. Hatuna ardhi nyengine na ikiwa pahali ambako panatajikana papande lishe bora kwa ajili kuboresha maisha ya watoto, maisha ya wazee na wakaaji. Wewe unakuja, unabomoa bila kuhusisha wenyeji na unaanza kujenga mambo ambayo hata kama ni ya faida. Siyo kwa pale tuna ploti tungekuonyesha, tukuambie, hii ndiyo inastahili huo mradi. Na hapo ndio mvutano unaingia katika Free Town Descendants nammiliki anaejenga ule mradi.

Kwa masikitiko ni kua juzi tulikuwa hapo na Mheshimiwa Baimu na tukafanya maandamano hapo ili tujieleze, tupate kueleweka, na tukaenda na tukawa na kikao kwa DCC. Kauli yake aliotoa alisema mradi utasimama mpaka Frere Town Descendants waweze kuelewanana hawa wajenzi ama huyu Mbunge anaejenga pale bila idhini ya wa Frere Town wenyewe lakini kwa masikitiko ni kua tulipotoka pale Mheshimiwa Spika tulirudi jioni usiku tu tukaona tena, kontrakta anaendelea kujenga. Kwa sababu wanajua wanafanya kinyume cha sheria, mradi ule unajengwa usiku na mchana bila kusimama. Kwa sababu wanajua, muda ukiendelea, tutakuwa tumekwama na hatutaweza kumaliza huu mradi. Jambo hili, imepelekwa hata kotini na wamisheni wenyewe na kesi yake ilikuwa isikike tarehe 29 nikinukuu lakini hata hiyo kesi pia ikawa imeregeshwa kwa watu wa Frere ili watu waelewane kabla ya hiyo siku.

Kwa hivyo ikiwa sisi tulikuwa tunataka tuwelewane, ikiwa sisi tulikuwa tunataka tuelewane na turudi pale tuweze kuelewana kwa utaratibu kama vile walivyonukuu. Sasa kwanini mradi uendelee kabla kikao hakijakaliwa? Sisi tunaomba kikao kikaliwe, watu waelewane, watu wasikizane maana hata hiyo korti ikitupilia itakua sisi huku chini tushaelewana. Kwa hivyo, Mheshimiwa Spika, ninaomba kwa unyenyekevu tuweze kuangalia jinsi vile tutakavyo weza kusaaidia hawa wamisheni wa Frere waweze kupata haki yao na kusikizwa na kuregeshewa mali yao mikononi mwao kwa sababu sisi ndiyo custodian. Sisi ni *custodian* wa Frere Town. Na tukiwa *custodian*, Jumba hili ni Jumba la sheria. Na kinachoamulika hapa basi nafikiri itakua tumewasaidia watu wangu wa kimisheni. Ahsante, Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you very much. Honourable Prischillah Mumba. Yes, Honourable Allen Katana, MCA Shanzu Ward, please make your contributions.

Hon. Katana: Mheshimiwa Spika nikushukuru kunipa nafasi nyengine pia mimi ya kuchangia kuhusu swala hili. Lakini kwanza pia niwakaribishe wakazi wa Frere Town katika Jumba hili, tena vile vile nimpongeze Mheshimiwa aliyekuwa Chifu mama Mariam Baimu kwa kuleta swala hili katika Jumba hili. Mheshimiwa Spika kuna kitu ambacho itakua lazima leo ukijue Mheshimiwa Spika. Mheshimiwa Kiranja wa Bunge amesema yeye kizazi chake ni cha Frere na vile vile nataka nikujuze pia mimi, kizazi changu kinatoka huko Freretown. Kwa sababu mama mkwe, yaani *my mother-in-law* ni mtoto alikuwa anaitwa Mercy Johnny Mpwapiro mtoto wa Freretown pale Mheshimiwa. Na Mheshimiwa Spika leo nitakupa umbea mwingi maana mbali na kumtaja mkwe wangu ya kwamba anatoka Frere Town. Mheshimiwa Spika miaka ishirini na mbili, tarehe kama ya leo mwezi kama wa leo, milio wa mtoto wa mama huyo kutoka Frere Town.

[Applause]

Mheshimiwa Spika, kuna umbea mwingine nikujuze leo; hii tarehe ya leo, kumi na tatu mwezi wanane miaka ishirini na mbili iliopita nilifanya harusi yangu Frere Town, Bombolulu Cultural Center. Kwa hivyo leo leo, leo ni lazima mimi Mheshimiwa wa Shanzu nisimame, nitetee ilio haki ya watu wa Frere Town. Hii Mombasa Mheshimiwa Spika, ziko jamii nyingi lakini kusema ule ukweli kumuogopa Mungu na Jumba hili kulingana na kipengele 87 ya kitabu chetu kinachotoka miongozo ya mienendo katika Bunge hili kinasema useme ya leo hakina ukweli, na mimi nasema ukweli. Mbali na kwamba tuna jamii nyingi ndani ya Mombasa County, lakini nakwambia rasmi Mheshimiwa Spika Jamii ya wafriya ni watu wakujipanga. Freretown Frere Town ukienda ina mpangilio. Kuna mahali pa maziara, kuna mahali pa watoto kucheza viwanja, kuna mahali ya makanisa, kuna mahali yaani kila kitu Mheshimiwa Spika. Hawa ni watu wanaoishi kwa mpangilio. Inahuzunisha Mheshimiwa Spika kwa lugha ya kimombo wanasema kumekuwa na *gross misconduct* ya ofisi ya NGCDF ya Nyali Mheshimiwa Spika.

[Applause]

Kunao viongozi ndani ya Kaunti ya Mombasa wanapenda kujipiga kifua na nafasi walizopewa na wananchi; na baadhi ya hizi ofisi mojawapo ni ofisi ya NGCDF Nyali na Jumba hili endapo halitapata nafasi Mheshimiwa Spika ya kusimama na wananchi hawa wanaolilia haki yao ya kwamba kiwanja chao kinachukuliwa kinyume na matakwa yao. Mheshimiwa Spika, itakuwa ni vibaya sisi kama Jumba hili hatutasimama nao inahuzunisha kuonyesha kwamba mradi ambao wao wanao uenzi mradi wa Green House. Sisi tunaenda kubomoa kitu kilichowekwa pale kwa kutumia fedha hiyo kwa kimombo wanasema ni *misuse of public funds*. Kwa sababu Mheshimiwa Spika Jumba hili chini wa uongozi wako endapo Waheshimiwa hawa wataona hii ya kwamba ni jambo la maana maombi haya manne ambayo Mheshimiwa Mariam Baimu ameyaleta ya kwamba serikali ya Gavana Abdulswamad kupitia kitengo chake ikaweze kusimamisha mradi huo mara moja tena si kusimamisha tu kuwe na fidia ya hasara iliowekwa pale.

Mheshimiwa Spika, tunaelewa Katiba yetu iliopita 2010 haikuwa bure ya kwamba endapo kiongozi yoyote anataka kufanya mradi mahali fulani, ni lazima kuwe na *public participation*. Ingekuwa Mheshimiwa Spika kumekuwa na *public participation*, nina hakika hii hoja haingekuwa maana ofisi ya NGCDF ya Nyali ingekuwa imefanya kinacho stahili na ambayo ni matakwa ya wananchi. Mheshimiwa Spika sitaki kuongeza sana maana kuna msemu wa Kiswahili unasema tele haichunguliwi. Mheshimiwa Spika, naomba nataka kuongezea katika hoja hii ilioletwa na Mheshimiwa Mariam Baimu ni vizuri tushinikize serikali ya Kaunti ya Mombasa tuipe siku chache iwezekanavyo. Maana ripoti tunapata kwamba wanajenga usiku na mchana Mheshimiwa Spika. Tuwape siku mbili serikali ya Kaunti ili waweze kutimiza maombi haya yalioko. Na kwa hayo machache Mheshimiwa Spika naomba kuunga mkono. Ahsante.

[Applause]

The Speaker (Hon. Khatri): Thank you very much. Yes, Honourable Mohammed Hamid. Chairman ODM.

Hon. Mohammed Hamid: Ahsante sana Mheshimiwa Spika. Mimi nimesimama hapa kuunga hoja hii ilioletwa na Mheshimiwa.

[Applause]

Na sababu zangu ni moja ama mbili; ya kwamba Mheshimiwa Spika kwa heshima kuna utaratibu kuna sheria sote ndani ya Jumba hili tunafahamu kuna sheria za serikali kuu na sisi kama Bunge la Mombasa Kaunti pia tuna sheria zetu tunazopitisha kuhusu mji wetu mambo ya kujengana mambo mengine yote. Kwa hivyo hili Jumba pia lina sheria zake kwa hivyo hili Jumba kutambulika ni lazima serikali ya Kaunti ichukue sheria mwafaka kusimamisha mradi huu mara moja. Mimi singelipenda kuchukua mda sana langu la pili Mheshimiwa Spika hii yote ni madhambi ya kujitakia. Kwa sababu huu mji umekua na wenyewe, toka ulipobuniwa huu mji,

[Applause]

Na waliokuwa ndani ya mji huu, wanajua wapi kuna maziara, wanajua wapi kuna makanisa, wapi kuna miskiti, wapi kuna shule, nasehemugani kuna hospitali. Hii balaa yote tunaleta ndani ya Nyali samahani Mheshimiwa Spika lakini hii imeletwa na watu wa Nyali wenyewe kuchagua mtu mgeni ndani ya huu mji.

[Applause]

Mtu ambaye hajui sehemu za choo ziko wapi mtu ambaye hajui sehemu za kula ziko wapi amechaguliwa amepewa kiti sasa yuatukoroga tu sisi Mheshimiwa Spika. Kwa hivyo mimi nawaomba ndugu zangu na hawa walioko juu ndugu zetu kaka zetu madada zetu twawaomba wakati wa uchaguzi unapofika tusichagueni wageni. Tuna watu tele viongozi ndani ya Mombasa.

[Applause]

Ahsante sana Mheshimiwa Spika kwa hiyo nafasi.

The Speaker (Hon. Khatri): Thank you very much. Yes, Honourable Jackton Madialo MCA Mikindani Ward.

Hon. Madialo: Ahsante Mheshimiwa Spika kwa fursa hii. Na ningependa kukuomba kwa unyenyekevu sana ya kwamba ukapate kutumia hekima yako kunilinda. Kwana najua sababu, kwani ningependa kumuunga mkono Mheshimiwa Maryamu Baimu.

[Applause]

Na jambo lolote kuhusu mashamba kwa wanyonge, lazima kama Bunge hili la Mombasa, tusimame na wanyonge, na tuhakikishe kwamba wanyonge wamepata haki yao. Kwa hivyo nimeunga mkono na singependelea kuendelea zaidi...

[Applause]

Hon. Madialo: Jambo lengine ningependa uniprotect and I would like to seek leave later on in the Assembly to discuss a matter of County importance. Mheshimiwa Gavana amesema kwamba watu ambao wanaenda chuo kikuu wajiandikishe watapatiwa elfu hamsini. I am seeking leave, its proper.

The Speaker (Hon. Khatri): Continue.

Hon. Madialo: Na tumepata ripoti ya kwamba wakaazi wa Mombasa ambao watoto wao wanasoma boarding, si makosa ya mtoto wa mtu ambaye anakaa Mombasa na ni mtu wa Mombasa ambaye anasoma boarding anyimwe elfu hamsini, kwa sababu alisoma *boarding* Kwale ama Kilifi. So, I would like to seek leave so that we discuss that matter.

[Applause]

The Speaker (Hon. Khatri): Thank you Honourable Jactone Madialo. Yes, Honourable Ibrahim Oyugi? Chairman of Education, MCA Airport Ward please make your contribution.

Hon. Omondi: Honourable Speaker, I am going to strictly follow the regulations of this particular House. The Motion before us is a very sensitive and we all know that matters involving land is a very sensitive. Mr. Speaker, I fail to understand how the Members of Parliament and the administration under him could do the people of Ziwa la Ng'ombe such a grave, such as people from Frere Town such a grave damage. Mr. Speaker, I understand that if you are you have been elected by people, you have to represent these people, you have to fly their hopes and you have to protect them. I fail to understand how this Member of Parliament has decided to make these people from Frere Town suffer. Mr. Speaker, I want to join and support my brother here who said that he has a very close relationship with the people from Frere Town. Mr. Speaker, I wanted to declare my interest that before I married, I happen to have a very beautiful girlfriend from Frere Town but all in all, I could not succeed to marry her, but I still have a soft landing for the people of Frere Town and therefore I join with them to protect them in any matter coming in this House on matters of Frere Town I will stand with them...

[Applause]

I want to thank the able Members of Frere Town Ward, indeed you a mother you have all it takes to be an MCA in that particular Ward...

[Applause]

Go on we are with you, very few people will come up with such issues, I have never seen such a strong woman like you, you are very courageous...

[Applause]

Mr. Speaker, the County government of Mombasa has got enabling environment proper structure and administration to ensure the people of Mombasa County are protected from such matters and therefore I want to strongly advice immediately this motion has been passed, it should be implemented immediately to salvage the people of Frere town....

[Applause]

Moving forward as I finish; the County government has got a responsibility to ensure that they do enough public participation to create awareness and even sensitise people under them, Frere Town notwithstanding. Such matters cannot come up if the Ward Administrators, the Sub-County Administrator will call a *baraza* to sensitise people about the matter's land around them, the ownership matters and so on. Finally, this one is just a warning it has just started from free Town but I can see it coming to Airport Ward, where I am a Member of County Assembly and I am not going to allow it the County government should start putting up perimeter walls, especially on properties belonging to the County government of Mombasa. I support Mr. Speaker thank you very much.

[Applause]

The Speaker (Hon. Khatri): Thank you very much Honourable Ibrahim Oyugi for your contribution. Yes, Honourable Sylvester Kai from Junda Ward please make your contribution?

Hon. Kai: Ahsante Mheshimiwa Spika kwa kunipatia fursa hii nikaweze kutoa maoni yangu pia kuhusiana na hoja hii muhimu ambayo imeletwa na dadangu Mheshimiwa Baimu. Kwanza, niseme nasimama kuunga mkono hoja hii lakini pia kumpongeza Mheshimiwa Maryam Baimu kwa kuweza kusimama kidete na kuhakikisha ya kwamba watu wake wanaweze kupata uwakilishi wa uhakika. Mimi nimeweza kufuatilia kwa mitandao Mheshimiwa pamoja na wakaazi wako ambao wamekuja hapa kuweza kufuatilia kikao hiki. Nimeona ya kwamba wamelalamika sana wakiongozwa na mwalimu Bwana Matano, ambaye bila shaka atakuwa ameambatana na kikosi hiki...

[Applause]

Mimi singeweza kujua kwamba Bwana Matano ni Mwalimu lakini baada ya kufuatilia zile *comments* nikaona watu wanamimbia sifa sana, kwa kuweza kusimama na jamii yake na pia sisi kama Bunge tuseme Bwana Matano tumetambua juhudi ambazo umeweza kushirikina na Mheshimiwa wetu Maryam Baimu, kuhakikisha ya kwamba watu wa Frere Town wanaweza kupata haki. Mimi sitakuwa mwingi katika hoja hii lakini nataka niseme ya kwamba wakaazi wa pale Frere Town bila shaka hii huduma ambayo inataka kuletwa pale ni ya muhimu sana kwao, lakini hayo yote haiwezekani ya kwamba tukiuke sheria za wakaazi katika haki ya kumiliki ardhi ambayo ni yao kihalali. Hivyo Mheshimiwa Spika ningeweza kusesitiza yale ambayo wenzangu wameweza kusema Mheshimiwa wa pale Wadi ya Airport vile vile Mheshimiwa wa pale Wadi ya Shanzu ameweza kusema ili Jumba hili likaweze kuheshimika kama vile ambavyo Bunge la Kitaifa linaheshimika. Basi yale ambayo yako chini ya uwezo wetu yakaweze kufanyika bila kusita ili pia wale viongozi ambao wamepewa nyadhifa za kule juu, wakati wanafanya maamuzi wakaweze pia kuelewa sheria za Kaunti zinafanya nini? Sheria za Kaunti zina uwezo gani?

Kwa sababu pia mimi ninatambua fikira ya kwamba huwezi kujenga katika ardhi bila kupata kithibitisho ama uthibitisho ama lugha ya kizungu *approval from County government*. Na hii ni wazi ya kwamba Kaunti ya Mombasa haijaweza kupeana idhini. Je, imekuwaje kwamba jengo *permanent* limeweza kujengwa bila idhini ya serikali yetu ya Kaunti? Hivyo ni kwamba ni madharau makubwa, hio ni kwamba ni uongozi wa kibepari, ni ukoloni mambo leo na Nyumba hii haitaweza kukubali maovu hayo yakifanyika. Hivyo nikikaa ninasema ya kwamba ili tuonyeshe mfano ya haya yasifanyike kwa Wadi ya Junda ama Mtopanga ama Wadi nyengine yeyote ile ni lazima Mheshimiwa Spika tukaweze kuchukulia jambo hili na uzito mkubwa ili tukaweze kupeana mfano kwa viongozi wengine ambao labda watakuwa wanafikiria kama hio. Ahsante sana Mheshimiwa Spika na ninaunga mkono kikamilifu.

[Applause]

The Speaker (Hon. Khatri): Thank you very much Honourable Silvester Kai. Yes, Honourable Leila Nyache?

Hon. Nyache: Ahsante Mheshimiwa Spika na mimi kuweza kuniona. Mheshimiwa Spika mimi nimesimama kidete kuunga mkono hoja ilikuja na Mheshimiwa mwenza Maryam Baimu na kumpongeza kwa hii hoja ya maana sana...

[Applause]

Pili, Mheshimiwa Spika nataka niseme ya kwamba heshima ni kitu cha bure; sisi kina mama tukiwa viongozi sana kunatokea dharau fulani na kama ingelikuwa ile Wadi ni ya MCA mwanaume, kwa kweli haingefanyika madharau kama hayo, ni masikitiko makubwa sana ya kwamba kwenda kumgandamiza Mheshimiwa Baimu na wananchi wake.

Ni jambo la hujuma sana na sisi kama Waheshimiwa tunalilaani. Jambo lengine Mheshimiwa Spika nataka kusema swala ardhi ni maswala nyeti na inahitaji watu waweke vichwa kwa pamoja na rdhi kama ni ya mtu, yeye pia ana haki yake yule mwenye ardhi na huyu mwenye kutafuta ana haki yake lakini sana, ni sharia ifuatwe aweze kufuata mwenye ama wenye ardhi na akae nao chini aweze kupata suluhisho katika huo mgogoro ambao umeletwa katika hio Frere Town. Na waweze kuona ni njia gani wataweza kusaidiana kuweza kulete maendeleo pale. Mimi nataka niwapongeze wana Frere Town ndugu zangu karibuni na pongezini sana na poleni kwa haya ambao yamewatokea. Kuna mama pale katika maandamano juzi niliona akisema ya kwamba, mgeni akija mahali mpaka abishe na ni kweli Mheshimiwa Spika, huwezi kwenda kwenye boma la wenyewe uingie tu vuu mpaka chumbani hio haiwezekani.

Kwa hivyo yule mama aliongea mambo ya maana sana, huyu kiongozi wetu sisi tunamheshimu ndio ni Mbunge, yeye yuko katika serikali kuu na sisi ni serikali ya Kaunti lazima tupeane heshima hata sisi pia tuna sheria zetu. Wao wana sheria zao na sisi tuna sheria zetu; japokuwa hio ardhi imelalia katika serikali kuu na sisi pia hapa tuna sheria zetu yataka tuelewane ndio tuweze kufanyia watu wetu maendeleo. Kwa hivyo mgeni akija katika boma la mtu ni mpaka abishe hodi na akubaliwe na wale watu waliokuweco pale kufunguliwa ule mlango na kama hajafunguliwa mlango haiwezekani kuingia pale, abakie uko nje mpaka ajibiwe kwa nini amefungiwa mlango. Hivyo basi mimi nasema tu viongozi wenzangu hapa tuweze kushirikiane na tumuunge mkono mwenzetu Mheshimiwa Maryam Baimu; hili jambo sio lake peke yake ni la wananchi wake wa Free Town pamoja na Mombasa nzima. Hii ni kwa sababu laweza likatokea kwa Wadi yako kama vile mwenzangu amesema hapa Mheshimiwa Kai, kwa hivyo tusimameni kidete tusikubali kudharauliwa na tusikubali na nasema katika huo mradi uliojengwa hapo, nawaambia serikali Gatuzi ya Mombasa tafadhali huo mradi uweze kusimamishwa haraka iwezekanavyo...

[Applause]

Hatuwezi kukubali tena mradi kuendelea mpaka kuwe namazungumzo na tuweze kupata suluhu katika hayo mazungumzo. Ahsante sana Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you very much Honourable Leila. Yes, Honourable Samuel Mwaura, MCA Kongowea Ward?

Hon. Mwaura: Ahsante sana Mheshimiwa Spika kwa kunipatia fursa ya kuweza kuchangia Mswada huu ambao umeletwa na Mheshimiwa jirani yangu Frere Town Maryam Baimu. Nataka niseme ya kwamba labda kuna mwengine angefikiria mimi nitapinga huu Mswada kwa sababu ya chama ambacho nimetoka, kwa sababu mbunge huyu anayezungumziwa ni wa chama ambacho na mimi pia ninatoka chama cha UDA chama cha Serikali, lakini nataka kusema naunga mkono hoja hii kikamilifu...

[Applause]

Kwa sababu ni maswala ya kisheria kwamba na ni haki ya kikatiba ya kwamba, hata kama maendeleo yanakuja ni sharti tufanye kitu kinaitwa *public participation*, hata kama inaletwa kwa ardhi ambayo ni ya serkali haswa sio ile ya kibinafsi ni lazima kuwe na *public participation* Mheshimiwa Spika. Na ninashukuru kwa sababu nikinukuu Mheshimiwa kuna mahali amesoma mwaka wa 2007 kulikuwa Mbunge ambaye aliheshimu sheria, akafanya *Public Participation* na watu ili awalettee maendeleo ya *social hall* Mheshimiwa Spika sasa hivi kama Mwenzangu alivyosema ya kwamba anaona ubepari na ukoloni mambo leo ya kwamba, kuna jambo linaweza kuletwa mahali lijengwe kwa ardhi ya mtu binafsi ama ya watu binafsi na hakuna hata kushauri tukijigonga kifua ya kwamba sisi ni serikali Mheshimiwa Spika.

Mheshimiwa Spika nirekebishe dadangu Mheshimiwa ambaye amezungumza akasema kama ingelikuwa ni mwanaume anawakilisha hio Wadi labda angeheshimika nimwambie ya kwamba dharau kwa mmoja wetu ni dharau kwa sisi sote...

[Applause]

Awe ni Mheshimiwa wa kike ama wa kiume, dharau kwa mmoja wetu ni dharau kwa sisi sote na ni lazima sisi sote tuungane mkono kusema ya kwamba watu wa Free Town na Mheshimiwa wa Frere Town wasikizwe, ni lazima wasikizwe na ni lazima kwa sababu mradi ulio ondolewa pale ni mradi ulitengenezwa na pesa na zile pesa ni lazima uwajibikaji wa zile pesa uonekane na kama sikosei, ni lazima ule mradi ulitengenezwa na pesa ya ufadhili. Sasa sijui mfadhili tutakuja kumwambia nini tukisema tuling'oa ule mradi na ulikuwa umefanywa kwa wananchi wakiwa wamehusishwa na wameomba ule mradi ufanyike. Mheshimiwa Spika, kama ombi hili lililofanywa na Mheshimiwa Baimu na sisi pia tunasema ni lazima ule mradi urudi na ni lazima kutafutwe suluhisho kwa watu wa Free Town, wapate haki yao wasidhulumiwe ardhi yao na maendeleo tunayakubali Mheshimiwa Spika na maendeleo ni mazuri afisi ya DCC ni afisi ya serikali ni afisi ya usalama sisi sote tunahitaji usalama lakini hatuwezi kufanya usalama tukihujumu haki za wengine. Tunatengeneza usalama kuhujumu haki za wengine tayari ni kuhujumu usalama. Kwa hivyo Mheshimiwa Spika nasimama kuunga hoja hii mkono na kusema ya kwamba watu wa Frere Town wapate haki yao. Ahsante.

[Applause]

The Speaker (Hon. Khatri): Thank you again very much Honourable Samuel Mwaura for your contribution. Yes, Honourable Hamisi Mbaya?

Hon. Salim Mbaya: Ahsante sana Mheshimiwa Spika kwa kunipatia fursa niweze kuchangia hoja ambayo imeletwa na dadangu kipenzi ambaye anawakilisha watu wa Frere Town. Mheshimiwa Spika kwa sababu za msingi na dalili ya ambazo zimeonekana kwa dadangu Mheshimiwa Maryam Baimu kutokana na mapenzi ambayo amewaonyesha juu ya watu wake na pia kutokana na maonevu ambayo amefanyiwa watu wake; sina sababu za kupinga hoja hii kwa sababu Mheshimiwa Spika watu wa Frere Town uamuzi wao wa kuchaguwa Mheshimiwa Maryam Baimu haukuwa uamuzi wa makosa Mheshimiwa Spika...

[Applause]

Mheshimiwa Spika kwa sababu hiyo kuwa hawakuwa na uamuzi wa makosa watu wa Frere Town mimi nitasimama kuunga mkono hoja hii kwa asilimia tisaini na tisa na Mheshimiwa Spika ingekuwa kuna sababu ya kuzidisha zaidi ya asilimia tisaini na tisa ningeongeza Mheshimiwa lakini kwa sababu sisi ni bibadamu hatukosi kuwa na kasoro mimi ndio nikasema nitauunga kwa asilimia tisaini na tisa Mheshimiwa Spika...

[Applause]

Mheshimiwa Spika bali na huruma ya Mheshimiwa Maryam Baimu ya kuhurumia watu wake, Mheshimiwa Maryam Baimu pia ni miongoni mwa wale kina mama ambao wamechaguliwa ambao wana huruma kwa hivyo sina budi kuunga mkono. Mheshimiwa Spika miongoni mwa sababu ambazo bado zanifanya bado pia nizidi kuunga mkono hoja yake Mheshimiwa Maryam Baimu ana huruma pia...

[Applause]

Mheshimiwa Spika niko na sababu nyingi sana za msingi ambazo zinanifanya niweze kuunga mkono hoja ambayo imeletwa na Mheshimiwa mwenza Mheshimiwa Maryam Baimu kwa sababu ya muda napenda niseme ahsante sana lakini nimeuunga mkono hoja hii...

[Applause]

The Speaker (Hon. Khatri): Thank you very much. Yes, Honourable Athman Mwamwiri the Leader of Majority Party please make your contribution?

The Leader of Majority (Hon. Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi pia nisimame kupinga kulazimishwa kwa miradi kwa wananchi wa Frere Town Mheshimiwa...

[Applause]

Mheshimiwa Spika, Katiba yetu ibara 176 inazungumzia kuhusiana na serikali ya ugatuzi Mheshimiwa na inasema ya kwamba kutakuwa na serikali ya ugatuzi ambayo itakuwa na Wabunge na vile vile pia upande wa utawala. Mheshimiwa Spika, sisi tukiwa kama Bunge ibainike ya kwamba moja wapo ya majukumu yetu ni kuwawakilisha wananchi wetu katika Bunge hili, lakini inapokuja maswala ya utekelezaji ni wajibu wa kitengo cha utawala katika ugatuzi kuweza kutekeleza yale yanayojuzu kwa mujibu wa sheria. Moja wapo Mheshimiwa Spika ni kwamba hapa kumekuwa na utepetevu wa upande wa pili wa serikali Gatuzi ambao ni upande wa utawala...

[Applause]

Mheshimiwa Spika, ni bayana ya kwamba inapokuja utekelezaji wa miradi kunazo sheria ambazo ni lazima ziweze kufuatiliwa na kupata idhini kutoka kwa serikali Gatuzi; mojawapo inapokuja swala la ujenzi ni lazima ugatuzi wetu, serikali yetu Gatuzi iweze kuhusishwa katika kitengo cha ardhi na mipango kuweza kutathmini uhalali wa sehemu hii. Pili, kuweza kutathmini mandhari na hali husika wa wakaazi wa pale wataathirika vipi ama kufaidika vipi na mradi ule ndio waweze kuidhinisha kutekelezwa kwa mradi ule. Mheshimiwa Spika, iwapo kuna mradi unaendelea kinyume cha taratibu hizi, serikali Gatuzi katika kitengo chake cha utawala chini ya kitengo cha ardhi na mipango wanapaswa kufika nyanjani kuweza kuuliza vibali husika na vile vile kusimamisha mradi wowote mpaka sheria itakapokuwa imefwatwa. Leo hii Mheshimiwa Spika kwa mradi ule iwapo kuna mfanyikazi ama mwananchi yeyote ataweza kupata ajali ama kuumia katika maswala yale, sisi kama serikali tutakuwa na lipi la kujibu kuhusiana na mradi ambao hatuujui na hatukuidhinisha na tumekubali uweze kuendelea kutekelezwa.

Mheshimiwa Spika, vile vile ni bayana mradi huu unajengwa chini ya usimamizi wa mfuko wa maendeleo ya maeneo Bunge ama National Government Constitutional Development Fund (NGCDF) na unapoaangalia sheria ya NGCDF sehemu ya 3 (d) inazungumzia ya kwamba ni lazima kuwe na kuhusishwa kwa jamii ama *public participation* kwa miradi yeyote itakayotekelezwa na *public participation* iko katika nafasi nne, mojawapo ni kupeana taarifa kwa wananchi ama *information*. Pili, ni kushauriana Mheshimiwa Spika ama *consultation*, tatu ni kuhusisha na nne ni kuweza kushirikiana na kuwezesha watu katika sehemu ile kama hawa wametekeleza mradi pasi na kufwata kanuni hizi za *public participation* ni vipi wananchi wa Frere Town wataweza kuwa wameshirikishwa na kuweza kuwezesha katika lile linalolendelea kwa sababu wanalazimishwa mradi ambao wenyewe hawataki. Moja, hawatushika katika ujenzi ule bi maana hawatapata ajira ya kuweza kujenga kama mafundi ama kuweza kupeleka vifaa vya ujenzi ule katika sehemu ile.

Pili, Mheshimiwa Spika katika umiliki wa mradi ule utakapokamilika, kama wenyewe hawakuhusishwa na hawakuwa radhi na mradi ule ni vipi wataumiliki na kuweza kunufaika katika huduma zitakazopeanwa kwa mradi ambao umeweza kujengwa katika sehemu ile. Mheshimiwa Spika, vile vile tumesisitizwa katika sheria hii inayosimamia maendeleo ya mfuko wa maendeleo ya maeneo Bunge ya kwamba lazima katika kutekeleza miradi yake, watu waweze kuzingatia maadili ya kitaifa kama ilivyo katika *Article No.10* ya Katiba yetu ama *National Values* ni lazima kuwe na maswala ya haki za kibinadamu kuzingatiwa. Vile vile Mheshimiwa Spika kuwe na kulinda uhalisia ama thamani ya mwanadamu katika swala lile na ardhi ikiwa ni haki msingi ya wanadamu haikujuzu ya mfuko huu kupeleka mradi kwa ardhi ya umma ambayo wamiliki halali wapo na wana mipango ya matumizi ya ardhi yao pasi na wao kuhusishwa ama kuweza kuridhia.

Vile vile Mheshimiwa Spika pia nitashutumu Bodi ya NGCDF kuweza kuidhinisha na kupeana mgao kuweza kutekelezwa swala hili kabla ya kuzingatia sheria za *Public Procurement and Disposable Act* ambayo ni lazima kuwe na idhibati na vibali vimeweza kuunganishwa katika pendekezo la mradi wowote wa kutekelezwa. Kwa wao kuidhinisha pesa kuja fanya kinyume na kuwa na vibali hivi kutoka kwa Kaunti, kutoka National Environment Management Authority (NEMA) ni pia kuonyesha ya kwamba Bodi imeweza kuzembea. Hivyo basi Mheshimiwa Spika katika kuunga mkono Mheshimiwa Maryam Baimu katika hoja hii nihimize Bunge hili ya kwamba tushurutishe kitengo chetu cha utawala cha serikali Gatuzi waweze kuwa makini na waangalifu katika kutekeleza majukumu yake. Haiwezekani Mheshimiwa Spika wakiwa na ma *Ward Administrator* nyanjani, wakiwa na maofisa wao wa ujezi nyanjani na mradi hauwezi kuendelea kinyume cha sheria pasi na wao kuidhinisha na wao wanaona wanalitazama ni na ashiria hawajawajibika katika majukumu yao ama pia wao wako na njama ya kuhujumu wananchi wetu wa Mombasa. Kwa hayo niuunge mkono nisisitize ya kwamba serikali yetu ya gatuza la Mombasa kitengo cha utawala chini ya Wizara ya Ardhi, Nyumba na Mipangilio waweze kuvalia njuga swala hili na wananchi wetu wa Frere Town kuweza kupata haki yao, nauunga mkono Mheshimiwa Spika.

[Applause]

The Speaker (Hon. Khatri): Thank you very much Honourable Athman Mwamwiri, Leader of Majority Party. Yes, Honourable Arwa Ojala, Nominated MCA please make your contribution.

Hon. Arwa: Ahsante sana Mheshimiwa Spika na mimi pia kuniona na mimi pia nimesimama kuunga hoja hii inayoletwa na Mwenyekiti wangu wa Delegated, Mheshimiwa Maryam Baimu. Mheshimiwa Spika, vile tumejua katika hili swala la ardhi liko donda sugu hapa Pwani na inasikitisha sana wakati Mheshimiwa Maryam Baimu amekuwa amesimama kujieleza kuhusu haya mambo ya Frere Town. Mheshimiwa Spika sisi kama Waheshimiwa naomba unilinde kuna Waheshimiwa wanaongea wakati mimi nachangia Mswada huu...

[Interruption]

The Speaker (Hon. Khatri): Order! Order Honourable Members! Yes continue.

Hon. Arwa: Mheshimiwa Spika kama kawaida kabla hujaleta mradi nyanjani lazima uite wale viongozi kule nyanjani kwamba kuna mradi na wale wanakijiji kuna mradi unaletwa na hapa kwenu mwangalie ile ardhi inataka kuwekwa miradi iko na malumbano ama hiyo ardhi iko sawa. Mheshimiwa Spika katika haya mambo ya Frere Town unapata wako na stakabadhi kikamilifu Mheshimiwa Spika.

[Interruption]

Mheshimiwa Spika naomba unilinde! Naona Mheshimiwa wa Bofu Mheshimiwa Juma Manuari sijui ni nini kinamsumbua wakati mimi nachangia Mheshimiwa Spika. Mheshimiwa Spika mimi ningependa kuomba Waheshimiwa wa Jumba hili tusimame na Mheshimiwa Maryam Baimu kwa swala muhimu kama hili na nimefurahi kuona Mheshimiwa Amriya Boy Mwenyekiti wa Mashamba katika ugatuzi wa Mombasa yuko ndani...

[Applause]

Ya Nyumba Mheshimiwa Spika. Mheshimiwa Spika mimi nimejua huyo Mheshimiwa ni mchapaji kazi na hili swala ataweza kusimama na watu wa Frere Town kuhakikisha hili jambo limeenda kisawa sawa...

[Applause]

Mheshimiwa Spika, ahsante nasimama kuunga mkono.

The Speaker (Hon. Khatri): Thank you very much. Yes, Honourable Milka Moraa please make your contribution?

Hon. Ngare: Thank you Mr. Speaker. I am up standing to support the Motion brought to this House...

[Applause]

By the Honourable Member Maryam Baimu of Frere Town and I want to agree with my colleagues who said that Honourable Maryam is up to the task...

[Applause]

It clearly shows what a man can do, a woman can do even better! I want to agree with Honourable Allen Katana that the situation at Frere Town is a case of gross misconduct...

[Applause]

A situation of impunity, forceful acquisition of property of the people of Frere Town by people who are moneyed, people who have assumed powers and they can treat the people of Frere Town the way they want to with a lot of impunity and in conclusion, without saying so many things because of all the laws have been quoted by these Honourable Members of this House, the conclusion is that the project should be stopped immediately...

[Applause]

Using the powers bestowed upon the Governor of Mombasa and the powers from this House. That we must team up and stop the project immediately for people to go back to the drawing board, have dialogue, use all the other avenues but for the people of Frere Town to get justice and be at peace. Thank you, Mr. Speaker.

The Speaker (Hon. Khatri): Thank you very much. Yes, Honourable Juma Manuari from Bofu Ward.

Hon. Juma Manuari: Ahsante Mheshimiwa Spika.

Kwanza nichukue nafasi hii kumshukuru Mwenyezi Mungu kwa siku ya leo. Pili, nichukue nafasi hii kusema ya kwamba Mheshimiwa Spika nadhani masiku ya nyuma hili Bunge letu la Mombasa tulipitisha kunakili nakala zetu kwa lugha ya Kiswahili. Kwa hivyo ingekuwa bora zaidi waheshimiwa wenzetu pia ambao watakuwa na Miswada yao ambayo Kizungu cha watetelesha kidogo wapewe Kiswahili kwasababu nimemuona Mheshimiwa wangu Arwa Ojala amezungumza Kiswahili safi.

[Applause]

Mheshimiwa Spika nichukue nafasi hii kwanza kupinga hili swala la huyu ndugu yetu Mbunge, Mheshimiwa Mohammed Ali kuleta mambo yake katika maeneo yetu. Mheshimiwa Spika, Mheshimiwa Maryam Baimu...

[Interruption]

The Speaker (Hon. Khatri): Yes, Honourable Samuel Mwaura?

Hon. Mwaura: Mheshimiwa Spika namuona ndugu yangu Mheshimiwa Manuari ametaja la mtu ambaye hayuko katika hili Bunge ili kuweza kujitetea. Mheshimiwa Spika inaruhusiwa katika kanuni zetu Bunge kutaja majina ya watu wengine ambao hawako katika hili Bunge Mheshimiwa Spika?

The Speaker (Hon. Khatri): Yes, Honourable Juma Manuari please. Yes, I think Honourable Juma Manuari we are not discussing the conduct of the person here we are discussing about the issue of Nyali Constitutional Development Fund, CDF.

Hon. Juma Manuari: Mheshimiwa kumtaja Mheshimiwa Mbunge Mohamed Ali sidhani kuna kosa kwa sababu yeye ndio *Patron* wa mfuko ule wa hazina ile ya CDF ya Nyali na bila sahihi yake wananchi hawawezi kupitisha jambo lolote bila mkono wake kuwekwa katika ile, na sioni hapo kuna makosa Mheshimiwa Spika kwa sababu yeye ndie *Boss* pale ama sivyo? Pengine Mheshimiwa Spika unionyeshe mwelekeo kama itakuwa nina makosa basi niombe msamaha.

The Speaker (Hon. Khatri): Lakini Mheshimiwa nafikiri unaelewa sidhani kama kuna mahali Mbunge huwa anaweka sahihi katika CDF...

[Interruption]

Hon. Juma Manuari: Hakuna mahali anaweka sahihi lakini kulingana na sheria ya nchi yeye ndio *Patron* wa maswala yote ya maeneo Bunge...

[Interruption]

The Speaker (Hon. Khatri): Labda unaweza kufafanua zaidi ukafafanua zaidi ukasema kuwa Mbunge yeye ndio Mbunge wa Nyali ama kadhalika lakini kwa ufupi tushirikiane kwa hii mada tusitoke nje ya mada kwa sababu tukianza kuzungumzia mtu binafsi na kama vile Mheshimiwa Samuel Mwaura amesema hapa tutafika mahali pengine itakuwa ni makosa nafikiri Mheshimiwa unaweza kuendelea.

Hon. Juma Manuari: Ahsante Mheshimiwa Spika mimi kwanza nichukue nafasi hii kwa kuwa umenipa mwelekeo wa kutotaja wale wahusika wakuu katika mjadala huu...

[Applause]

Mheshimiwa Spika, nichukue nafasi hii kwanza zaidi kuendeleza kuwa kuna umuhimu sisi kama Bunge la Mombasa katika hili swala la dada yetu Mheshimiwa Maryam Baimu, shemeji yangu kuwa ni lazima sisi wenyewe kupitia Kamati ya Ardhi na ile Kamati ya maswala ya ujenzi tushikaneni mikono tutembee mpaka katika lile jumba, hilo jumba ambalo lazungumzwa ili tushirikiane...

[Applause]

Na Kamati husika yenye malalamishi ya sehemu ile ndio tujue kwanza kosa liko wapi, halafu tumuite mwanakandarasi yule tujue zile stakabadhi zake, je kuna, wazungu wasema *authority*, amepewa *authority* kutoka kwa nani kupitia serikali Gatuza ya Mombasa...

[Applause]

Kabla hatujasonga mbele, Mheshimiwa Spika kupitia nguvu zako na uwezo wako hizi Kamati mbili zina umuhimu sana kuweka sawa swala la dada yetu Mheshimiwa Maryam Baimu na ndio hii pia iwe funzo kwa Kaunti yetu nzima ya Mombasa na iwe funzo katika Wadi zote za Mombasa kuwa hakuna nguvu za Mbunge ama Kamati ya CDF ambayo itachukuwa hatua za kufanya jambo lao bila kumshauri Mwakilishi Wadi. Hii ni kwa sababu yeye ndiye mwenye nguvu katika maeneo yale na yeye ndiye anajua dhiki za mchana na usiku kwa sababu Mheshimiwa Spika umesema tusijate Wabunge na tusitaje yule *Patron* wa ile shughuli. Lakini kusema ukweli sisi kama MCA's ndio tunapata dhiki na watu wetu wao yao ni kupiga mahesabu, kupeleka mradi na kupiga mapeni wale sisi twabakia tu kazi yetu ni kutatua shida za watu wetu. Kwa hayo mengi Mheshimiwa Spika namuunga dada mkono, ahsante.

[Applause]

The Speaker (Hon. Khatri): Thank you very much Honourable Juma Manuari. Yes, Honourable Maimuna Salim, nominated MCA please make your contribution.

Hon. Maimuna Salim: Ahsante sana Mheshimiwa Spika. Kwanza namshukuru Mwenyezi Mungu kwa kutujaalia kukutana hapa na pia nimesimama kuunga mkono hoja iliyoletwa na Mheshimiwa Maryam Baimu. Hili ni donda sugu kwa sababu sisi tusiposimama na wananchi wetu basi kesho tutakwenda tuwaambie lugha gani?! Kwa hivyo mimi naona kwamba hizi ni kejeli ambazo zimetumika na afisi ya CDF kwa sababu kulingana na sheria inatajikana kuwe na mazungumzo *ama public participation* baina ya mwananchi na yule anaeleta mradi ili tuweze kukubaliana, na hii ni kumaanisha ya kwamba hawa ambao wanazungumzia kuhusu haya mambo ya hii ardhi ni kwamba wao walipanga kazi zao kulingana na ardhi. Kwa hivyo hii ardhi ilikuwa haistahili kufanyiwa kile kitendo ambacho kinafanywa pale, jambo jingine ningeomba Kamati husika ambayo ni ya Ardhi waweze kuhakikisha ya kwamba wametumiwa nguvu zao kupitia kwa *Executive* waweze kuchukua ni dharura waende na waweze kusimamisha kwa sababu sisi hapa tunavyozungumza ikiwa hatutaweza kuomba Kamati ya Ardhi na Miundo Msingi waweze kwenda na kusimamisha hili jengo basi tutabakia hapa tukizungumza na haitaweza kufanyika. Kwa hivyo Mheshimiwa Spika kupitia Kiti chako ninaomba ya kwamba Kamati husika iweze kuchukua swala hili ni muhimu wajipange kwa leo waweze kufika pale eneo na wahakikishe wameweza kusimamisha huo ujenzi ndio mambo mengine yote yataweza kufwatia. Ahsante sana Mheshimiwa Spika.

[Applause]

The Speaker (Hon. Khatri): Thank very much again Honourable Maimuna. Yes, Honourable Maryam Baimu you may reply to the Motion.

Hon. Baimu: Ahsante sana Mheshimiwa Spika kwa kunipatia tena nafasi. Kwanza, ningependa kukushukuru sana Mheshimiwa Spika kwa kuweza kunikubalia huu Mswada wangu uweze kusikizwa siku ya leo kutokana na ile dharura ambayo iko katika hili swala maana yake ujenzi tunavyozungumza unaendelea. Pili, ningependa kushukuru sana tena sana Waheshimiwa wenza kwa kuweza kusimama na mimi kidete maana yake hili jambo kwa kusema la ukweli ni jambo la kusikitisha na ni jambo ambalo lilikuwa halinipi usingizi nikifikiria, je hawa wananchi wangu wataweza kusaaidika kivipi, kwa sababu wamehangaika vya kutosha wakitafuta haki zao. Tatu, pia ningependa kushukuru hao wenyewe Frere Town descendants hapo juu Mwenyekiti nakuona na timu yenu mimi nawashukuru kwa kuja kwenu hapa maana munazidi kunitia moyo kwamba muko na mimi na mimi nami niko na nyinyi nikitetea haki zenu. Kwa ujumla mimi nasema ahsanteni sana kwa kuniuunga mkono katika huu Mswada na Mungu azidi kuwabariki sana tena sana.

[Applause]

The Speaker (Hon. Khatri): Thank you very much Honourable Members for your contributions. Honourable Members, I now put the question that the Motion by Honourable Maryam Baimu on *Encroachment/trespass by Constituency Development Fund CDF, Nyali of Community land owned by Frere Town Descendants Association* be adopted by this House in the same terms as moved.

[Question put and agreed to]

[Applause]

So, the Motion by Honourable Maryam Baimu on *Encroachment/traspas by Constituency Development Fund CDF, Nyali of Community land owned by Frere Town Descendants Association* is adopted by this Honourable House.

ADJOURNMENT

Honourable Members, this House stands adjourned until Tuesday, 13th August, 2024 at 2:30p.m.

The House rose at 11:53a.m.