



COUNTY ASSEMBLY OF MOMBASA
THE HANSARD

Wednesday, 4th December, 2024

Third Assembly – Third Session
NINETY FIRST SITTING

*[The County Assembly met at 10:35a.m at the County Assembly Buildings]
[The Temporary Speaker (Honourable Abdirahman Abdikadir) in the Chair]*

PRAYERS

The Temporary Speaker (Hon. Abdirahman Abdikadir): You may take your seats. Let us wait for about a minute as Members usher in. Yes Clerk?

MOTIONS

NAMING A ROAD ALONG BAJUN STREET IN MWEMBE TAYARI WARD IN HONOUR OF THE LATE MR.
HASMUKH PATEL KANJI

As per the order Paper, I can see there is a Motion by Honourable Samir Bhaloo. Is there any Member who has been instructed to move this Motion on his behalf?

Let us proceed.

ALLOCATION OF COUNTY STALLS TO PERSONS WITH DISABILITIES

Yes, Honourable Solomon Ngugi nominated MCA, please move the Motion.

Hon. Ngugi: Thank you Mr. Speaker. Mr. Speaker Sir, I beg to move the following Motion.

THAT, aware that Article 27 of the Constitution of Kenya, 2010 provides the citizen of this republic comprehensive equality and freedom from discrimination, where every person is equal before the law and has the right to equal protection and benefit of the law

FURTHER AWARE, that Article 56 of the Constitution provides that the state shall put in place affirmative action program designed to ensure that minorities and marginalized groups are provided special opportunities in economic fields and are provided special opportunity for access to employment

CONCERNED THAT, people living with disability have not been given priority in allocation of County stores within the County;

NOTING THAT, there are many people with disability with potential to do business effectively without depending on well-wishers across the country

ACKNOWLEDGING THAT, Article 27 (6) of the Constitution requires that state to take legislative and other measures, including affirmative action programs and policies designed to redress any disadvantage suffered by individuals of groups because of past discrimination

I, therefore urge this assembly to RESOLVE THAT;

The County government of Mombasa to set aside at least 5 per cent of all County stores yet to be allocated and or constructed in a specific point in the city streets and county market for interested person living disability and ensure adherence to the provision of the Constitution, the Person with Disability Acts on the rights of person with disability.

I, would like to ask my colleague Hawa Abdrahman to second the Motion.

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Seconder, who is your seconder?

Hon. Ngugi: Yes, I would like to ask my colleague Honourable Hawa Abdulrahman to second the Motion.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Honourable Hawa?

Hon. Hawa Abdulrahman: Thank you. I do second.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Honourable Members, I now propose the question that the Motion by Honourable Solomon Ngugi on *Allocation of County Stalls to Persons with Disabilities* be considered by this Honourable House in the same terms as moved.

[Question proposed and agreed to]

Yes, Honourable Solomon Ngugi please make your contributions.

Hon. Ngugi: Ahsante sana Mheshimiwa Spika kwa mara nyengine nachukua fursa hii ya kipekee nimshukuru Mwenyezi Mungu, Mwingi wa Rehema aliyeturuzuku hii hidaya ya uzima. Nitangulie Mheshimiwa Spika niwaombe Waheshimiwa wenzangu sehemu ninayotoka nyinyi ndio yenye walemavu wenye kuishi na munajua zile changamoto wanazopitia na munavyojua huku kwetu watu wengi sio wale walio ajiriwa kazi. Ni watu wenye kujitegemea na mojawapo ya kujitegemea ni hizi biashara na iwapo watapelewa nafasi hizi watengewe sehemu zao wafanye biashara zao.

Hii itakuwa kidogo tumewasaidia na wao wajimudu katika maisha yao kulingana na hizi changamoto wanazopitia. Niongeze kwa haya niliyoyasema vinapojengwa angalau kwa sasa watengewe vyoo vyao, kuwe na vyoo ambavyo vinaenda kulingana na ulemavu wao vipate kuwasaidia na kuna hizi zinaitwa *ramp* mahali pa kupandia hususan hawa watu wenye kutumia vigari vya magurudumu munajua huwa kuna changamoto kupanda ngazi na ukiangalia mijengo mingi huku kwetu huwa si sana kuwekwa, lakini hapa kwetu Bunge tunashukuru, tuna mfano ambao wengi ikiwa hawaujui watakuja kuiga hapa waone vile inavyotakiwa. Sasa mimi sitaki kuchukua muda mwingi ni waombe waheshimiwa wenzangu wauungane na mimi tuiptishe hii hoja ili manufaa yapate kuja kwa watu wenye mahitaji maalumu, ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Honourable Hawa, please make your contribution.

Hon. Hawa Abdulrahman: Thank you Mr. Speaker...

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Honourable Hamisi Mbaya take your seat.

Hon. Hawa Abdulrahman: Thank you Mr. Speaker for the opportunity I stand to support the motion. The Motion is timely and precise considering we just celebrated the International Day of People living with Disabilities just a day ago. And one of the resolutions is that there is need for equal opportunity and inclusion. So, I stand to support the Motion because they are also people and they have that ability to have their own businesses and be part and parcel of the economy of Kenya. Thank you, Mr. Speaker, I stand to support. Thank you.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Honourable Hamisi, you can make your contribution.

Hon. Hamisi Mbaya: Ahsante sana kwa kunipatia fursa hii kwa kuchangia. Mheshimiwa Spika, nimesimama hapa kuunga mkono hoja hii kwa sababu sioni sababu ya kupinga hoja hii na kama kutakua na mmoja wetu labda ana fikra za kupinga hoja hii labda pengine kifikiria tutasema labda akili yake itakua sio timamu...

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Order. Yes, proceed now.

Hon. Hamisi Mbaya: Mheshimiwa Spika kunapozungumziwa swala la walemavu sioni sababu ya mmoja wetu katika sisi ambae atakua anapinga kwa sababu walemavu wana mambo mengi ambayo wanahitaji na ambayo wanahitaji na wanatakikana na wanataka kusaidiwa na sisi ambao afya zetu ziko sawa. Kwa sababu hiyo Mheshimiwa Spika niko na sababu nyingi na nyingi kuona hoja hii kwangu naona itakua ni lazima kuiunga mkono kwa sababu ni miongoni mwa kuonyesha huruma yako pia kwa wale ambao ni walemavu. Kwa hiyo Mheshimiwa Spika, nimesimama kuunga mkono hoja hii kwa asilimia 99 kwa 100. Mheshimiwa Spika na pia niombe Waheshimiwa wenza kwa sababu ya huruma ambayo tuko nayo nikiangalia Bunge hili wengi wetu tuna huruma haswa kina mama wana huruma nyingi sana.

Kwa hivyo naomba Waheshimiwa wenza pia waweze kuunga mkono hoja hii kwa sababu naona ina umuhimu sana kwa sababu itakua ni msaada mkubwa tumewapa ndugu zetu. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you. Yes, Honourable Juma Mwalimu Kambi please make your contribution.

Hon. Juma Mwalimu: Ahsante sana Mheshimiwa Spika kwa kunipatia ruhsa hii. Mheshimiwa Spika kwa ukweli sikua na nia ya kupinga hoja hii lakini kwa sababu ya vitisho vya Mheshimiwa Hamisi Mbaya wa Timbwani alivyo vitoa hapa vimenigeuza moyo wangu pia vilevile sina nia ya kupinga hii hoja.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Unapinga au unaunga sasa?

Hon. Juma Mwalimu: Sina nia ya kuipinga pia vile vile kwa sababu vile vitisho alivyo vitoa vya hoja hii itakua ni uchawi; kwa hivyo Mheshimiwa Spika nimesimama kuunga mkono hoja iliyoletwa na ndugu yangu Mheshimiwa Ngugi kwa sababu sisi sote tunaishi na watu wenye mahitaji maalum. Pia vilevile sisi ambao tuko hapa hatujakufa wala hatujaumbika pengine leo ama hata kesho tunaweza kubadilishwa jina na tukaitwa mwenye mahitaji maalum. Kwa hoja aliyoleta ya kwamba kutengwe *viosk* vya kuweza kutengewa wale wenye mahitaji maalum hilo ni jambo bora zaidi pia, vile vile Mheshimiwa Spika naomba unilinde huyu jamaa wajua mzee wa *gwaradume*.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Umelindwa!

Hon. Juma Mwalimu: Kwa hio hawa watu wenye mahitaji maalum wafaa wapewe kipao mbele sana katika maisha ya kila siku Mheshimiwa Spika. Leo wakati nakuja katika Bunge letu la Kaunti nimeweza kupata mgonjwa barabarani akipelekwa hospitali na kwa sababu mimi ni Mheshimiwa mwenye huruma nimeweza kusimamisha gari yangu na kumchukua mgojwa yule lakini tulivyofika hospitali tumekua na kazi ngumu ya kumshukisha mgonjwa yule kwa sababu alikua hawezi hata kutembea na pale hakukua na *ramp* ambayo tunaweza hata kumuwekea vile vigari vya magurudumu *wheelchair* ya kuweza pia kumpeleka ili aweze kupata huduma. Kwa hivyo nimepiga fujo kama Mheshimiwa na nikasema hiyo hospitali isipoweka hiyo *ramp* kwa sababu ya watu walio na mahitaji maalum basi sisi kama Wabunge la Kaunti tutaenda kuifunga hiyo hospitali. Kwa hivyo Mheshimiwa Spika naomba hawa watu wapewe kipao mbele kwa sababu maisha yao ni magumu sana katika vifaa ambavyo vipo. Hivyo basi Mheshimiwa Spika naunga mkono Mswada huu na naomba upite na aweze kutekeleza pia kwa haraka iwezekanavyo. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Honourable Sylvester Kai, before you make your contribution, make sure you are well dressed, shirt should be tucked in. You can just tuck in your shirt and make the contribution. Yes, Honourable Mwaura, please make your contribution.

Hon. Mwaura: Ahsante Mheshimiwa Spika. Kwanza, namshukuru Mungu kwa sababu ya kutupatia fursa ya kuishi tena siku ya leo na pia kuwa mahali hapa kuwakilisha wale ambao wametupatia majukumu ili tuweze kuwakilisha wakiwemo wale ambao wanaishi na ulemavu Mheshimiwa Spika.

Pili, nimshukuru Mheshimiwa anae wakilisha wanaoishi na ulemavu Mheshimiwa Ngugi kwa sababu ya kuleta Mswada kama huu na kudhihirisha wazi ya kwamba anao wawakilisha anawawakilisha kikamilifu. Ni kweli, wanaoishi na changamoto za ulemavu wanaweza kufanya biashara. Na ombi hili linaomba mahali hapa ama katika Bunge hili ni kwamba Kaunti yetu ya Mombasa iweze kuwapatia nafasi ili waweze kuendeleza maisha yao kibiashara. Kwa kweli wengi wao wako na changamoto za kupata vibarua na kupata kazi. Hawawezi kuenda kufanya mijengo kama wengine wetu tunavyofanya, kuna shughuli nyingi tu hawawezi kufanya lakini wakipata fursa ya kufanya biashara sisi sote tunakubaliana ya kwamba wanaweza kufanya biashara. Hivyo basi hatuna budi ila kuunga huu Mswada mkono ili kwamba nao hawa wenzetu wanaoishi kwa ulemavu waweze kuendeleza maisha yao waweze kukaa kwa maisha ya kujitegemea kwa sababu wanapofanya biashara wanaweza kujitegemea. Hivyo nimesimama kuunga hoja hii mkono na sema ahsante.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you very much. Honourable Sylvester, now you look well dressed and you can make your contribution.

Hon. Kai: Thank you, Mr. Speaker and by the way you should know in Mombasa it is too hot as well as you should also respect the weather. Otherwise, thank you very much for giving me this opportunity to make my contribution. I want to fully support this Motion for reasons well known to all of us. The people living with disabilities are just persons like any other and they have all the rights that have been stipulated by the Constitution of Kenya. Otherwise, the situation, they have just exposed them to limited access of some other resources and opportunities. Therefore, any Bill that will be brought in this Assembly that intends to ease their situation, definitely it is very much in order to all of us to support so that we can make it easier for them to access their rights and the services that are supposed to be provided by their government. Otherwise, I just want to ask everyone to support this Motion so that we can help our sisters and brothers because the ability or the authority of us making the good policies is just with us. So, it is very much good for my brother to bring this Motion for the purpose of helping our brothers. Thank you very much, Mr. Speaker.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Honourable Hamisi Mbaya, you do not have to come all the way here, you can just bow from the entrance. Please be advised. Yes, Honourable Mwaka.

Hon. Mwaka Bakari: Ahsante Mheshimiwa kwa kunipa fursa hii. Kwanza nimshukuru Mwenyezi Mungu, pili nimshukuru Mheshimiwa Ngugi kwa kuleta Mswada huu. Kwa kusema kweli ni haki ya walemavu kama mtu mwingine, walemavu ni binadamu kama sisi wengine na ni Mwenyezi Mungu tu kule kumleta mlemavu ana sababu zake. Waswahili wanasema, Mungu hukupa kilema na akakupa mwendo wake. Kwa hiyo tuchukulie maanani sana walemavu kupatiwa haki zao kwa lolote lile tunachukua mfano hapa kwetu Bungeni pia tuna *ramp* pale ambapo unaona walemavu wana furahikia sana kwa sababu ilikua kitambo hicho ilikua hakuna *ramp*, *ramp* iko pale nje na wanaweza kujumuika kuingia ndani ya Bunge hili na kadhalika. Ndiposa kila ofisi inatajikana pia kuna *ramp*, tutilie maanani katika sekta zetu za Kaunti ya Mombasa kuweza kuwekwa *ramp* ili walemavu nao kuweza kuingia kila mahali wanapotaka. Pili, Mheshimiwa amesisitiza katika hoja yake kusema kwamba katika biashara vile ambavyo tuna *stalls* zetu pia tunajenga, pia tuweze kuziweka *ramp* ili na wao waweze kufanya biashara zao.

Kwa hivyo naunga mkono hoja hii na vile vile niseme Mheshimiwa mwenza hapa amesema kina mama wana huruma lakini sijui huruma ile ni gani, ambao kwamba tuko nayo, lakini *Alhamdulillah* pia kwenye kitabu cha Mwenyezi Mungu anasema, kila kitu ni mama na mlemavu yule yule pia ametoka hapa kwa mama tumboni. Kwa hivyo tuko na huruma sana tunakubaliana mia fil mia kwa huruma zile ambazo tunazijua, sijui kama mengine yamesemwa huruma gani ambao yeye anayosema yeye, lakini sisi tuko na huruma sana...

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, are you up on a point of order? Okay?

Hon. Juma Mwalimu: Nataka nimrekebishe Mheshimiwa Mwaka alivyosema kwamba mtoto anatoka tumboni kwake kwa kina mama, lakini nataka nimuambie mtoto hatoki tumboni kwa kina mama, anatoka hapa kwa kina baba kiunoni mwetu ndio anakuja huko kwenu. Kwa hivyo akisema anatoka hapo anatoka hapo tumboni itakua anakosea, anatoka hapa kwenye viuno zetu.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you for that clarification. Yes, two Honourable Members standing so seniority dictate that I choose Honourable Leila Nyache, please make your contribution.

Hon. Nyache: Ahsante sana Mheshimiwa Spika na kuweza kuniona na kunipa nafasi hii na kuona pia kati ya mimi na Mheshimiwa Florence mama ni nani! Ahsante kwa hio heshima! Mheshimiwa Spika nimesimama kuunga hoja hii mkono iliyokuja ndugu yetu Mheshimiwa Ngugi ambaye anawakilisha walemavu katika Bunge hili nataka nimpongeze sana kwa hii hoja aliyoleta, kwa sababu wakilishi wake ndio maana ameleta hii hoja hapa. Mheshimiwa Spika ndugu zetu wanaishi na ulemavu ni binadamu kama sisi na ni watoto wetu, ni ndugu zetu, wengine mashemeji zetu na ni familia zetu wengine. Kwa hivyo hata kwa Katiba pia wanatambulika. Kwa hivyo mimi pia sina budi kuunga mkono ya kwamba waweze kufanyiwa zile *ramp* katika maofisi, katika barabara yoyote ambayo inastahili, hata hivyo vyoo pia viweze kurekebisha ama ziwekwe vile vyoo vyao. Kuna baadhi ya sehemu zengine wameweka lakini hawajaweka kote. Kama hapa Kaunti kwetu naona ziko lakini haziko mahali kwote. Kwa hivyo ningeomba zizingatiwe waweze kuwekewa hivyo vifaa vyao na pia upande wa biashara pia waweze kutambulika kwa sababu, biashara zao maskini ya Mungu ndio zile ndogo ndogo tu na ni watu wa kusahaulika saa zengine.

Kwa hivyo naomba pia naomba waweze kutengewa *stalls* zao na vile Mheshimiwa Ngugi amesema kwamba kutengwe asilimia 50 ya kuweza kuhudumia hawa walemavu. Ningeomba kitengo husika waweze kuzingatia haya na watenge hawa ndugu zetu wanaoishi na ulemavu, hio asilimia 50 na waweze kupata hivyo vifaa vyao na biashara yao na maisha yao yaweze kuendelea mbele. Tukisema hivi sisi tumechaguliwa kuwakilisha watu wote manake wakati wa kura pia tuliwaomba hao walemavu kura, kwa hivyo sisi tutaunga na tutasimama na wao na waweze kupata hivyo vifaa vyao kwa sababu kuna msemu unasema 'hujafa hujaumbika'! Hapa kwaweza tokea mmoja na sisemi atokee lakini, mipango ya Mwenyezi Mungu. Hujafa hujaumbika kwaweza kutokea mmoja naye akaungana na hilo bogi la walemavu. Kwa hivyo mimi sina budi bali kuunga mkono na ahsante sana Mheshimiwa Spika, nimesimama kuunga mkono hoja hii mia fil mia, ahsante.

[Applause]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Honourable Kachumbo Florence Mkanjala?

Hon. Kachumbo: Ahsante Bwana Spika kwa kunipa fursa hii. Ningependa kumshukuru Mheshimiwa mwenzangu Mheshimiwa Ngugi kwa kuleta hoja...

[Interruption]

Mheshimiwa nilinde huyu Mheshimiwa anani *confuse!* Ningependa kumshukuru Mheshimiwa Ngugi kwa kuleta hoja hii nzuri na nasimama kuunga mkono hoja hii kwani wazungu husema, 'disability is not inability' na tunaona kuwa Mheshimiwa mwenzetu Ngugi hapa ni mchapa kazi, pia biashara tofauti anafanya. Kwa hivyo ningependa kuhimiza Bunge hili tuunge mkono hoja hii, ipite na pia serikali ya Kaunti iweze kushughulikia hizo *stalls*, wawekewe na waweze kufanya biashara kama watu wengine, ahsante.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Pongezi sana kwa kuchangia kwa lugha ya Kiswahili, mwisho nimpatie fursa Mheshimiwa Pamela Ojala aweze kuchangia.

Hon. Ojala: Thank you Mr. Speaker for indulging me. Before I proceed with my contribution, I would like to thank Almighty God for we have been given this wonderful day and the protection that he has accorded us Mr. Speaker. I am back to the Motion Mr. Speaker; I stand to support the allocation of County stalls to Persons with Disability. Mr. Speaker, as you are aware that disability does not mean inability; I want to concur with my Nominated Honourable Member Miss Kachumbo that persons with disability are facing a lot of challenges. Majority of them cannot afford even putting food on the table. There is need to establish the ramps Mr. Speaker, also we need to empower them through giving them the opportunity like employment and empower them with business. Mr. Speaker this is a very important Motion before us as Honourable Members and I urge every one of us to give this Motion an overwhelming support and also, I request my Chair of Implementation Committee Honourable Mwaura to put seriousness to this Motion since we normally pass the Motions in this Honourable House and they are not put into consideration and this is very important. I urge him to do a follow up and ensure that the Persons with Disability get the right that they need and I stand to support the Motion. Mr. Speaker, thank you.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Honourable Solomon Ngugi please wrap it up and respond to the contributions.

Hon. Ngugi: Ahsante Mheshimiwa Spika na niregeshe shukrani zangu za dhati kwa Waheshimiwa wenzangu waliosimama na mimi na kupitisha hii hoja, kuhakikisha wamechangia ya kuchangia na ninashukuru. Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you for the brief response. Honourable Members, before I put the question, allow me to say this with a lot with concern that, this is our 91st Sitting and that we have had over 50 Motions that have been passed in this House and it raises a lot of concerns that, most of these Motions have not been put into action.

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This reduces the quality of this House being a House where Motions are just discussed! As such, I make directive that the Chairperson Committee on Implementation to furnish this House with a comprehensive report of all the Motions...

[Applause]

And the progress and the status of all the Motions that have been passed by this Honourable House. I think we should be able to give him by Wednesday next week before we adjourn, to give us a list in terms of the progress and status of all the Motions that have been passed by this House. And now Honourable Members allow me to put a question, that the Motion by Honourable Solomon Ngugi on Allocation of County Stalls to Persons With Disabilities be approved by this Honourable House in the same terms as moved.

[Question put and agreed to]

[Applause]

The Motion by Honourable Solomon Ngugi on Allocation of County Stalls to Persons with Disability has been adapted by this House. Yes, Clerk?

ADJOURNMENT

This House stands adjourned until Wednesday 4th December 2024 at 2:30 p.m. Thank you.

The House rose at 11:10a.m.