

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Wednesday, 5th October, 2016

The House met at 2.41pm.

*(The Deputy Speaker (Hon. Mswabah Rashid) in the Chair)***PRAYERS**

The Deputy Speaker (Hon. Mswabah Rashid): Hon. Members have your seats. Yes Clerk.

PAPER

Hon. Amir Thoya.

Hon. Thoya: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika kwa ruhusa ya Bunge hili tukufu ningependa kuwasilisha kwa meza yako Ripoti ambao ilitokamana na suala lililoulizwa na Mwakilishi wa Wodi ya Mkomani Mheshimiwa Kizito Opeya kuhusiana na mitaro katika eneo lile.

Naomba kuwasilisha Ripoti hii. Ahsante.

(Hon. Thoya tabled the Report)

The Deputy Speaker (Hon. Mswabah Rashid): Thank you Hon. Amir Thoya I expect Members to read the Report on their own to enable it to come back to the House as a Notice of Motion and Motion. Yes Clerk.

NOTICE OF MOTION

Yes Hon. Saad Faraj.

Hon. Faraj: Thank you very much Mr. Speaker. Mr. Speaker I seek to give a Notice of the following Motion;

(Hon. Faraj gave Notice of Motion on compensation for conservation of heritage sites)

THAT AWARE that the United Nations Educational, Scientific and Cultural Organization (UNESCO) seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity.

This is embodied in an international treaty called the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by UNESCO in 1972;

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

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

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

I therefore urge the County Assembly to RESOLVE that:

1. The National and County governments to come up with mechanisms to compensate property owners in old town to ensure that the heritage sites are well preserved.

2. The compensation be between 5 to 10 per cent of the value of the property to be paid on annual basis.

3. *The County government to provide discount for land rates of the heritage sites with a view to ensure conservation of their cultural and natural heritage in line with the UNESCO goals".*

(Hon. Faraj moved the Notice of Motion)

Mr. Speaker Sir I wish to seek leave of this House this matter to be deliberated in this session. Thank you.

The Deputy Speaker (Hon. Mswabah Rashid): Members as you've heard from the Member to allow him that this Notice of Motion to be deliberated in this House.

(Question put and agreed to)

So wait for the Motion time Hon. Saad Faraj, yes Clerk.

STATEMENT

(Interruption)

Hon. Faraj: I have a Statement.

The Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa leo si siku ya *statement*.

MOTION

Yes Hon. Saad Faraj.

Hon. Faraj: Thank you again Mr. Speaker, I wish to move the following Motion;

(Hon. Faraj moved Motion on compensation for conservation of heritage sites within Mombasa County)

"THAT AWARE that the United Nations Educational, Scientific and Cultural Organization (UNESCO) seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity.

This is embodied in an international treaty called the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by UNESCO in 1972;

FURTHER AWARE that the Kenyan government through the National Museums of Kenya has ratified to the above convention;

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

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

I urge this House to RESOLVE that:

1. *The national and county government to come up with mechanisms to compensate to property owners in old town to ensure that the heritage sites are well preserved.*
2. *The compensation be 5-10per cent of the value of the property to be paid on an annual basis.*

3. *The county government to provide discount for land rates of the heritage sites with a view to ensure conservation of their cultural and natural heritage in line with the UNESCO goals.*

(Hon. Faraj moved the Motion)

I wish to move this Motion and I call upon Hon. Murfad Amur to second the Motion, thank you.

Hon. Amur: Thank you Mr. Speaker, I second the Motion, this is the (??) that Hon. Saad brought this Motion, it should have come two years before.

These people are subjected to new Houses, Mombasa is being developed into new Houses but my people in my area subjected to (??) that they can't build their Houses they can't rent their Houses so that they can get income out of it, but this has been an obstacle today because of the heritage issue.

Mr. Speaker, am very happy that my brother has decided to bring this issue and if they are not compensated they will be given free will to do new buildings so that they can hire their Houses, or shops so that they can get income out of it.

We have no use of having houses that cannot empower our people Mr Speaker, people are poor in my area, what they depend on is their houses and yet they are subjected to (??) and they don't get anything out of it.

Mr Speaker I wish and request my fellow Members to support this issue so that people can get their rights in this town, thank you.

The Deputy Speaker (Hon. Mswabah Rashid): Members I put a question before the debate, it has been proposed that compensation for conservation of heritage sites within Mombasa County, as many as of the opinion that this House discuss this Motion.

(Question put and agreed to)

Yes Hon. Saad Faraj?

Hon. Faraj: Ahsante sana Mheshimiwa Spika kwa fursa hii, kwa hakika swala ambalo liko mbele ya Nyumba hii ni swala ambalo kwamba lina umuhimu hususan ukiangalia kuwa tuko mfumo ambao kwamba tunaufwata wakati wa kimaendeleo katika Kaunti hii ambayo kwa kimombo ni vision 2035.

Ni muhimu sana Mheshimiwa Bwana Spika kuweza pia kando ya pia tunataka kubadilisha jiji na kuleta mabadiliko ya kifedha na kimaisha ni lazima tuangalie hali na rasilmali za watu wetu na turathi ambazo kwamba tuko nazo sisi kama watu wa Mombasa.

Mheshimiwa Bwana Spika haya majumba ambayo kwamba yamewekwa chini ya uthamini wa ufadhili wa UNESCO ni majumba ambayo kwamba watu binafsi wanayamiliki, wengi wao wamerithi kutoka kwa mababu zao na imewafikia mpaka hadi ya kufikia vizazi vile ambavyo viko hivi sasa.

Mheshimiwa Spika walakin shida kubwa ambayo kwamba wanakumbana nayo ni ukosefu wa kimaendeleo wa kimaisha yao, ukiangalia kutokana na uamuzi uliofanyika kupitia kwa shirika la National Museums of Kenya ambapo walifanya walifikisha maombi yao kwa UNESCO tarehe 26 mwezi was 6 1997.

Mpaka hii leo wamekuwa hawana maendeleo ya kimaisha ya aina yoyote kwa sababu wengi wao wanategemea zile nyumba zao ili kuwakimu haja zao za kimaisha.

Mheshimiwa Bwana Spika watu hawa wamekatazwa kujenga, wamekatazwa kuleta maendeleo ya aina yoyote hapa, hawawezi hata kutoa mlango kufanya duka pale nje kwa sababu zile ni sehemu ambazo kwamba zimehifadhiwa katika hifadhi chini ya UNESCO.

Mheshimiwa Bwana Spika ni haki yetu sisi hapa kama Wawakilishi na kama viongozi wa kutetea haki za watu wetu kule mashinani na ndio maana hili jambo sikulifanya peke yake nimelifanya kwa uiano mimi na ndugu yangu ambae ni Mwakilishi wa eneo la Mji wa Kale ama Old Town Mheshimiwa Murfad Amur ili kuhakikisha watu wake yeye ambao ni watu wangu mimi watapata haki wanazostahili.

Mheshimiwa Spika ni lazima ikiwa wameekewa ni sehemu ya turathi wale wanaokuja hapa watalii wanaopitia katika sehemu zile wanafurahikia majumba yao, lakini ikiwa wao watafurahikia katika maandhari ya jiji lile au sehemu ile wanaoishi katika majumba yale au sehemu zile hawana faida yoyote wanayopata na hawafurahikii.

Nafikiri itakuwa hatufanyi haki kwa watu wetu Mheshimiwa Spika na ni wajibu wetu sisi kuhakikisha ikiwa ni furaha ipatikane pande zote.

Ikiwa Kaunti itapata faida kutokana na jambo lile ama nchi itapata faida kutokana na jambo lile na wale wakaazi wa pale ni lazima nao pia wapate na ndio maana tumependekeza asilimia 5 mpaka 10 ya thamani ya nyumba zile ambazo zimehifadhiwa wale watalipwa kila mwaka ili na wao waweze kujikomboa na kujinasua kutokana na umaskini. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Amur.

Hon. Amur: Ahsante Bwana Spika, nimesimama kwa masikitiko kwani hayo yanayotendeka ni kama dhulma, saa hii tukizungumzia hapa kuna mfano watu ambao ni wa hususan pale ndani ya macho ukishika barabara inayoitwa Njia kuu ... mpaka kule mwisho kuna jumba ambalo lilikuwa liko ... kama hili, mwenyewe akataka kurekebisha ili ajenge kisasa akakatazwa.

Hivi ninavyozungumza jumba lile limeanguka limekuwa ni uwanja kwa miaka zaidi ya kumi hawezi kujenga, wao hawawezi kumjengea na vikwazo vikiwa ati ikiwa atajenga lazima ajenge lilivyokuwa vile vile lilivyokuwa ramani ya zamani.

Sasa ikiwa wewe huwezi kunjengea na mimi benki nitalipa loni nijenge kisasa ili nipate kukodisha ili nipate kulipa kodi za benki unaniekea vikwazo.

Leo kiwanja kile kimekuwa jaa la taka si haki ni kuwadhulumu wale wenye kiwanja kile na kuwanyanyasa kwa sababu benki watakupa loni leo Mheshimiwa Spika ujenge mfumo wa zamani ambayo unakaa wewe utalipa na nini ikiwa hupati kodi.

Hii ni dhulma za kibinadamu ambazo wanafanyiwa na pesa zinatoka zinaenda kwa *Museum*, hapa barabara kubwa watu wetu wanateseka Mheshimiwa Spika...

(Applause)

Mheshimiwa Spika hii ni dhulma na imefika wakati dhulma hii itafutiwe ngao kwa sababu ikiwa ardhi iko na tunaambiwa hatuwezi kujenga na ikiwa ni kujijenga tujenge mfumo huo huo.

Pengine ilikuwa nyumba ya vyumba viwili ijengwe nyumba ya gorofa ya rumu mbili nifwate *design* ile ile ambayo wanayo taka wao alafu pesa ni zangu deni ninayo chukua benki ni mimi alafu wewe uni *control* na pahali pangu.

Mheshimiwa huu ni ukoloni mambo leo ambao unanyanyasa wananchi wetu na si pahali pamoja Mheshimiwa hata Lamu hata Pate, hata Siyu shida ni hizi hizi Bwana Spika.

Kwa hivyo naomba Jumba hili likae lizingatie kwamba aliyedhulumiwa si Amur si Mheshimiwa Saad bali ni watu wetu, tukiamua jambo hili tupitishie hapa leo kwamba tuwalazimishe *Museum of Kenya* wakishirikiana na UNESCO kwamba zile nyumba wana hesabu nazo wanazijua wana *data* zake tukubaliane kwamba lazima watu hao watakae wafaidike kutokana na majumba haya. Ahsante Mheshimiwa.

The Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Nassir.

Hon. Nassir Rashid: Ahsante Mheshimiwa Spika, mimi naunga mkono kikamilifu. Mheshimiwa Spika majumba mengi yamejengwa kwa udongo na udongo tunajua ukipata maji utabubujika mpaka itamalizika.

Mheshimiwa Spika hawa *Museum* wanapewa pesa nyingi sana na pesa zile haziwafikii wale wakaaji wa pale.

Mheshimiwa Spika hawa watu wameteseka kwa mda mrefu sana na nafikiria haya mambo ilikuwa yaanze kitambo sana hawa *Museum* ni kama *care takers* wetu sisi ndio wenye ardhi kama Kaunti ya Mombasa.

Mheshimiwa Spika zile pesa ambazo zinakuja hapa Kaunti pia hatufaidiki nazo zinaingia katika mikono ya watu.

Mheshimiwa Spika ni lazima jambo hili tuliangalie kwa urefu zaidi kwa sababu wao saa hii pale kujenga nyumba unaweza kukodisha hata elfu 30 na saa hii watu wanaanza kuhama kuweza kurekebisha na nyumba zikaanguka na nyingi ni za urithi.

Mheshimiwa Spika Bunge hili haya mambo ingekuwa imefanya miaka mitatu miaka ya nyuma lakini tunafurahi ikiwa sasa tuungane tuweze kuwasaidia watu wetu wa Mombasa. Ahsante sana.

The Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Amir Thoya.

Hon. Thoya: Ahsante sana Mheshimiwa Spika, nimesimama kuunga mkono hoja iliyo wasilishwa na Mwakilishi wa Tononoka Mheshimiwa Saad Faraj Ahmed.

Mheshimiwa Spika ni muhimu kama Bunge kama serikali kuweza kutoa muelekeo haswa kwa maswala ambayo yanaumiza watu wetu wa Mombasa kule chini nyanjani.

Mheshimiwa Spika Bunge nataka ileweke ya kwamba Bunge hili halina tofauti wala halina vita na wizara lakini cha msingi iwapo wakaazi wa eneo hili la Kibokoni kama yale makaazi yao ni ya kale yamewekwa chini ya uhifadhi wa UNESCO zile familia ambazo zinaathirika kutokamana na uamuzi wa UNESCO na uamuzi wa ... lazima ziweze kusaidiwa.

Mheshimiwa Spika cha msingi ni kwamba hatuna tatizo hata kwa mfano waweze kujengewa majumba sehemu za Nyali ama sehemu zengine ambazo ni bora waweze kuondolewa katika majumba yale yaweze kuwekwa katika uhifadhi lakini wawe wameweza kufanyiwa *compensation* ya kiwango ambacho kitafanya maisha yao kiuchumi kijamii na maswala mengine ambayo wameweza kufanyiwa haki ile ambayo inastahili.

Lakini Mheshimiwa Spika kwa sasa wananchi wale, familia zile, zile ni urithi wao wamerithi kutoka kwa mababu zao kutoka kwa mababa zao lakini hawapati kitu chochote kweli hifadhi wanaopita wanafurahia kupitia katika miji kama ile lakini wenyeji wakaazi.

Kwa hivyo ni kupitia kwa Bunge hili aidha wapate kuzungumza na wizara rasmi ndio ifanye kazi yake inavyostahili itakuwa sio haki itakuwa sio sawa wakaazi kama wale wanyanyasike kiuchumi kwa sababu ya kwamba UNESCO imehifadhi zile nyumba zao.

Kwa hivyo naunga moja kwa moja kwa sababu kule kwangu pia Frère Town pia kumeathirika kutokana na makubaliano kama haya. Ahsante sana.

The Deputy Speaker (Hon. Mswabah Rashid): Hon. Siminyu.

Hon. Siminyu: Thank you Mr. Speaker for giving me this opportunity to support this Motion that has been brought by my brother Hon. Saad.

Mr. Speaker this Motion is a very good Motion, in fact it was supposed to be brought years ago, our people are suffering inheriting property which is not theirs... (*Inaudible*).

As we know this is a center of tourism, the government gets a lot of money because of these sites yet the people who are supposed to benefit have not, our people are told not to renovate their houses according to the way they want.

Property that has been protected as a historical site when it is modernized it will bring income, it will do wonders to our people, you are told it will change the stature Mr. Speaker and you are not given anything.

It is unfair and I am glad the Hon. Member for Tononoka has brought this so that we can see the way forward but this matter needs better investigation so that we can have a fair hearing so that we can have better compensation for our people.

It is peanuts, our people need to be compensated more because the government is making a lot of money out of this and even the National Museum is making money out of this, this Motion will set precedence Mr. Speaker we start a journey to see our people benefiting. I fully support 100 per cent. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika, hoja hii ni ya muhimu mimi nakumbuka mwanzo nyumba zilivyokuwa ziko *gazetted in the Museum Act* hawa walikuwa wanakuja kiholela hawaambii watu (*Inaudible*).

Jambo la pili mkataba ulioko na *United Nations* ni kusema kuwa wale watakao *renovate* au kujenga nyumba hizi aslimia hamsini ya gharama ya nyumba ilikuwa iletwe kwao, hivyo ndivyo ilivyo lakini Mheshimiwa Spika ukiangalia waliweza kutoa nyumba chache sana ya kujenga kwenye hii barabara ya kwenda kwa forodha njia kuu.

Mheshimiwa Spika watu wanapata shida juu ya jambo hili na huu Mswada ulioletwa na Mheshimiwa Saad ni mswada mzuri sana lakini namuomba Mheshimiwa Saad uongeze ombi la nne ya kuwalazimisha hawa *National Museums* na *UNESCO* waweze kufanya haya mambo yametajwa kwenye Maombi 1, 2 na 3.

Lakini tukiacha hivi hivi inaonekana hii hoja yenyewe haijafunga lakini ikiwa tutawalazimisha wao wafwate hii sheria twataka kuiweka ama wafatwe hii hoja twataka kupitisha hapa ili jambo hili lipate kukubalika.

Kwa sababu Mheshimiwa Spika ilikuwa zamani kwa *local government* hawa watu wenye vinyumba walikuwa pia wanapatiwa *discount* ya asilimia tatu kwenye *rates*...

(Technical Hitch)

Kwa hivyo Mheshimiwa Spika naomba Mheshimiwa Saad kidogo tusitie huu mswada twende tuiongeze alafu tuireshe kama ni kesho ili tuweze kuwafunga hawa watu wafanye haya matakwa ambayo tunayataka.

Ahsante Mheshimiwa Spika. *The Mover of the Motion* ataweza kutambua kama amekubali ama amekataa.....

The Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. Saad Faraj do you agree with Hon. Hatimy?

Hon. Faraj: Mr. Speaker I think that there is a window that allows that to pass this Motion with amendments and I agree with the sentiments that have been raised with regards to the Motion prayers.

I think I am in full support of the amendments and all the Members are with the amendments as well.

The Deputy Speaker (Hon. Mswabah Rashid): That's ok. Bring with amendments.

Hon. Faraj: We are requesting for the Motion to be passed as it is with these amendments that have been proposed.

The Deputy Speaker (Hon. Mswabah Rashid): The procedure is that the Motion should be withdrawn and brought back as amended, that is the procedure.

Hon. Faraj: Mr. Speaker I think that we are in agreement with that as well. Thank you.

The Deputy Speaker (Hon. Mswabah Rashid): This Motion has been withdrawn and it will come back in an amended format. Yes Clerk?

ADJOURNMENT

Members, there being no other business this House stands adjourned until tomorrow afternoon.

The House rose at 3.09pm.