



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 24th October, 2018

The House met at 2:50p.m.

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

PRAYERS

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

(Silence)

Yes Clerk?

COMMUNICATION FROM THE CHAIR

Hon. Members I wish to bring to the attention of this Honourable House that we have visitors from Lamu County Assembly which I recognise the presence of the delegations which consists of;

1. Hon. Amina Kale - Chairperson, Committee Delegated Legislation,

(Applause)

2. Hon. Azhal Ali - Leader of Minority,

(Applause)

3. Hon. Jonathan Baya Mketta - Chairperson, Committee on Education and Culture,

(Applause)

4. Hon. Festus Kihuha - Vice Chair Committee on Trade,

(Applause)

5. Hon. Barisa Deko Bana - Chairperson, Inter-governmental Committee,

(Applause)

6. Hon. Fahad Dini Adnan - Chairperson, Committee on Fisheries and Agriculture,

(Applause)

7. Hon. Fatma Shebwana Bwana - Vice Chair, Committee on Education and Culture,

(Applause)

8. Hon. Zulekha Mohammed Mjahid - Vice Chair Committee on Delegated Legislation,

(Applause)

9. Hon. Seita Rimoiné - Vice Chair, Committee on Transport,

(Applause)

10. Mr. Omar Ahmed - Senior Deputy Clerk,

(Applause)

11. Hon. Paul Kimani Njuguna - Trade, Tourism Committee,

(Applause)

12. Hon. Jane Wanjiku Ndungu,

(Applause)

On behalf of the Assembly I welcome you to Mombasa County Assembly.

(Hon. Members and staff from County Assembly of Lamu rose and bowed)

Hon. Members I take also this opportunity to welcome the students from Tudor Day Secondary School...

(Applause)

And in recognition I'll just like them to stand up and bow before the Assembly, the Tudor Day Secondary students please stand and bow?

(Students from Tudor Day Secondary rose and bowed)

Thank you...

(Applause)

And welcome to Mombasa County Assembly. Yes Clerk?

MOTION

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Charles Juma Kitula, MCA Frere Town?

Chief Whip (Hon. Kitula): Mr. Speaker sir I beg to move the following Motion;

MOMBASA COUNTY PUBLIC BARAZA

THAT AWARE that part xv, 137 (1) of the County Government Act mandates the County government to conduct civic education to County residents especially about the operations of various County government departments;

FURTHER AWARE that most County residents are not familiar with the operations of different County departments;

CONCERNED THAT many County residents have not been given enough opportunity to give their input and ask questions about various County departments;

NOTING THAT by involving County residents regularly in various decision making and also allowing residents to make inquiries about departments and get immediate feedback will improve sense of belonging and ownership.

I therefore urge this Assembly to RESOLVE that the County government of Mombasa through the department of Devolution and Public Service Administration to:

1. Arrange for *public barazas* whereby the County Secretary, County Executive Members, County Chief Officers, Director of Inspectorate engages with the residents at grassroot levels to enable them get the true picture on the ground.
2. Share with Members of County Assembly the arrangements of these *barazas* (time, day and venue).

Mr. Speaker may I request Hon. Faith Mwende to second my Motion.

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

(Hon. (Ms.) Mwende seconded by bowing)

Members I now propose the Motion on Mombasa County Public Baraza be debated in this House. Yes Hon. Charles?

Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Spika. Mheshimiwa Spika nachukua fursa hii kuweza kufahamisha Nyumba hii kwamba sisi kama Wabunge ambao tuliweza kuchaguliwa na vile vile ambao waliweza kuteuliwa ili kuweza kuwakilisha sekta mbali mbali katika Kaunti yetu ya Mombasa ni wakati wa kuangalia utendakazi wa kila idara.

Mheshimiwa Spika hivi sasa utendakazi huu hatuufanyii kazi baadhi ya watu fulani ila tunahudumia wananchi lakini wananchi hawa wengi wao hawafahamu endapo wana malalamishi yao mbali ya kunipelekea mimi kama Mwakilishi wao na kuna *Ward Administrator* lakini wengi wao hawafahamu *Ward Administrator* wao ni kina nani? Wengine katika masuala ya idara hawafahamu waziri wao ni nani wakati sisi tulipatiwa jukumu la kuwapitisha Mawaziri katika Bunge hili. Nafikiri ni wakati fasaha umefika ndani ya mwaka mmoja na nusu hivi sasa Mheshimiwa Spika kwamba ni wakati wa kitengo cha Ugatuzi na huduma kwa jamii waweze kuandaa vikao mashinani ili wananchi wetu tuweze kuwafahamisha kwamba kiongozi fulani anahudumu katika idara fulani na ikiwa kuna masuala ya kule mashinani ni mtu gani wa karibu anaweza kufikiwa ili changamoto zile ziweze kufika Bungeni Mheshimiwa Spika. Sasa sisi kama wawakilishi Mheshimiwa Spika tunapatiwa shida za taa za barabarani moja kwa moja ambapo shida hizi nafikiri zinastahili kuwafikia *Ward Administrators* ndio ziweze kuja kwetu.

Kwa hivyo majukumu kama haya wengi hawafahamu kule mashinani shida nyingi masuala ya basari pia bado sisi ndio tunaletewa lawama zote Mheshimiwa Spika sababu gani wale waliotupigia sisi kura lakini pia hawafahamu kuna watu sisi tumeweza kuwateua na kuweza kuhakikisha kwamba wanatoa huduma hii kule mashinani pasi ya wao kuweza kuwafahamu. Hivyo basi ningependa kulihimiza Bunge hili pamoja na wawakilishi wenzangu kwamba leo hii tuweze kuipitisha hoja hii kwa manufaa ya watu wetu kwamba endapo tutapitisha hoja hii tayari Kamati ya Utekelezaji Mheshimiwa Spika waweze kutilia mkazo Idara ya Ugatuzi na huduma kwa jamii ili kuweza kuhakikisha kwamba hafla hizi zinaandaliwa kwa mapema na siku na wakati ambao wananchi wetu wataweza kuhusika wasiweze kuweka siku ambayo wananchi wanaenda kazi maana itakuwa hakuna *quorum* kule mashinani. Mheshimiwa Spika unavyojua kwamba asilimia kubwa ya wananchi wetu ni watu ambao wasioweza kuajiriwa kwa hivyo tunapopata siku ambayo kila mmoja ataweza kuhusika hata wale ambao wana haki zao kwa masuala ya usomi watatoa mawazo katika idara zetu Mheshimiwa Spika. Kwa hivyo tunalihimiza Bunge hili kupitia waheshimiwa wenzangu na Kamati ya Utekelezaji nawasihi waweze kutilia mkazo hatua iweze kuandaliwa haraka upesi. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Ibrahim Omondi?

Hon. Omondi: Thank you Mr. Speaker sir for giving me this particular special opportunity so that I may air my views as far as this very particular important Motion is concerned. Mr. Speaker sir before I support this Motion I just want to emphasize the reason why i have used the word, *important Motion*. Mr. Speaker sir I am saying it is an important Motion because this is an area which is very sensitive as far as the functions of the Member of County Assemblies are concerned at the grassroots level. Most of the locals at the very low levels do not understand the functions of the MCA's and therefore we have been drawn into various functions and activities that are not concerned with out function. And I believe that this Member having brought this particular Motion, I think it is going to give the cut line and even the people at the grassroots will understand our roles and they will understand our responsibilities and our function. Mr. Speaker I just want to give examples; for example you will find that the locals will always get into the MCA's house from morning to evening one asking for bursaries, is that the function of an MCA? Two the roads, if there is any problem with the roads they will always come to the MCA's, is that the function of the MCA's? Number 3 storm water issues Mr. Speaker and so many others which affect the locals, then civic education is a very important thing that has to be taken seriously.

The reason why I said this has to be taken seriously because one week ago I had a problem particularly back in my Ward whereby the Inspectorate officers from the County could come and hold responsible the *fundis*, the innocent *fundis* who are have just been given some small dues to repair somebody's house. Mr. Speaker they were held responsible and were taken and they were charged and wthey you try to inquire about this they tell you that there is a law which is backing this that when somebody wants to repair his or her own house he has or she has to go and take a permit from the County government...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Your time is up Hon. Ibrahim.

(Interruption)

Hon. Omondi: One more Mr. Speaker sir, I want to say this and most of these electorate are not aware of that particular legislation...

(Applause)

This is very serious and that is why I am saying this civic education maybe Mr. Speaker will help us and it will help the residents to understand on this. Thank you Mr. Speaker for giving me this opportunity.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Murfad Amur?

Hon. Amur: Thank you Mr. Speaker sir...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Use your microphone.

Hon. Amur: Mr. Speaker sir I rise to oppose this Motion because the Constitution of Kenya, 2010 clearly stipulates the mandates of the MCA. Their three major core responsibilities are legislation, oversight and representation; two, Mr. Speaker this Motion should have been brought yesterday not today the budget has been done for us to do the participation the *barazas* we need money we have 30 Wards in Mombasa County if we go to each Ward and have a *baraza* it will cost this County a lot money and we have not budgeted for that. Two, Mr. Speaker sir access to information has been granted by the Constitution of Kenya, the information is there at your fingertips it is just a matter of you deciding to want that information we cannot say ignorance is not a crime, it is a crime if you ignore getting information then it is upon you. We have the website for Mombasa County where each and everything is posted, we have the website of the Mombasa County government here and the Assembly also whereby we post each and everything. In addition, we have the Sub-County Administrators who have been appointed, the locals should know they should not put blame on the MCA's saying that they do not know what the MCA's are doing. Mr. Speaker sir, the Constitution is very clear we have the Ward Administrators, the Sub-County Administrators, and the Department of Devolution, for me this Motion should have been brought yesterday but not today. Thank you.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Yes the Honourable from Mwakirunge, Hon. Feddis Mbura.

Hon. (Ms.) Mbura: Ahsante sana Mheshimiwa Spika. Kwanza mimi nauunga mkono asilimia 99...

(Applause)

Kwanza kabisa ni vizuri kama kutakuwa na mikakati ya mabaraza mashinani ili kila mmoja aeleze ni kazi gani ama majukumu gani amepewa kwa sababu mashinani wanajua mimi nimechaguliwa kila kitu ni mimi na kama Mheshimiwa anasema kwamba kuna magazeti, kuna vyombo vya habari watu wajue. Je mahali kama Wodi ya Mwakirunge ni gazeti gani linaenda? Isipokuwa ni Mawaziri, ma *Chief Officers*, *Ward Administrators* waende mashinani na kuweza kuelimisha jamii waelewe kwamba MCA ana kazi hizi na *Ward Administrator* ana kazi hizi ili mwenye kufuatiliza mambo ya miradi kila mradi aweze kuelezwa ili mwananchi mashinani aweze kupata ufahamu na miradi iingie mashinani. Kwa hivyo mimi nauunga mkono asilimia 99 kwamba hizo baraza ziwekwe na wakati wa baraza sote *Chief Officers*, Mawaziri, ma MCA's tuwe pamoja ili kila mmoja ajue jukumu lake. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Prischilla Mumba.

Hon. (Mrs.) Mumba: Ahsante Mheshimiwa Spika kwa kunipa fursa hii na mimi niweze kuchangia katika hoja hii iliyoletwa katika Jumba hili tukufu. Kwanza ninasimama kuunga mkono vizuri kabisa...

(Applause)

Mia hata kuongeza zaidi kwa sababu mimi ni mmoja Mheshimiwa Spika muathiriwa ambaye hata nyumbani kwangu naona nimepahama kwa sababu huyu mwananchi toka aliponipa hiki kiti mimi napokea wageni mpaka saa sita, saa saba za usiku sasa inabidi hata saa nyengine niombe nafasi ya kwenda kutafuta kwengine nikapumzike hichi kichwa changu. Hii ni kwa sababu huyu mwananchi anapokufuata mpaka saa sita za usiku yeye anasema alikupa kura ndio maana anakufuata, majukumu yetu sisi kama MCA's kusema ule ukweli mwananchi wa kawaida bado hayaelewi asilimia kubwa sana hawajaelewa wao saa hizi wanapiga kura sita lakini kura inayoumia ni kura ya MCA...

(Applause)

Na majukumu ambayo sisi tunayafanya, tunayafanya majukumu mengine ambayo hata ni ya Wabunge, ni ya ma Seneta, ni ya Magavana, ni wa *Women Rep.* maana yake hawaonekani watu hawa lakini sisi tuko pale pale mitaani inabidi mtu aje akupe majukumu ambayo hata si yako. Kwa hivyo ni wajibu kuwe na mabaraza haya ya kuweza kuleta hawa watu wote Waziri awe pale, ma Seneta pia wawe pale kama itawezekana, Wabunge wawe pale kama pia itawezekana kila mtu aambiwe ukweli wake wa majukumu yake kwa sababu mtu anaweza kukuuliza wewe ni MCA mpaka dakika hii hatujaona kazi yako wala hajafika pahali kama pale ambapo palipokaliwa na wale wageni akajua kazi yangu mimi ni nini.

Yeye anataka kujua tu kazi yangu wakati ameona nimetengeneza barabara na mimi hakuna siku atanikuta natengeneza barabara...

(Applause)

Hakuna siku saa hizi atanikuta mimi ndio naweka mataa maana yake hapa saa hizi sisi hatutoi mataa kwenye Yadi tukapewa kwa sababu anayepewa ni mtu anayeitwa *Ward Administrator* na huyo mtu ambae ndio anapewa majukumu haya yote hakupigiwa kura sijui kama pia nitasema ni hujuma upande mwingine maana hata mimi nashindwa huyu *Ward Administrator* mimi hata saa zingine hata hutamani nimtie kofi maana yake huwa yuwanichanganya...

(Applause)

Kufanya majukumu yangu mpaka ananifanya mimi sionekani kwenye Wodi nafanya kazi gani, kwa sababu tumekuwa tukipeana majukumu ambayo yatakikana huyu MCA awe ameyafanya sisi saa hizi hatuna mfuko hata wa Wodi mimi nategemea tu ule mshahara wangu kuhudumia watu wangu na ule mshahara wangu wenyewe mimi mwenyewe haunitoshi kwa sababu hilo jukumu lililoko ni kubwa zaidi ya lile ambalo liliokuwako lakini leo utaletewa Mheshimiwa Spika mpaka utaambiwa mtu ati kuwa leo Mheshimiwa nimekuja bibi yangu amekwenda zaa. Sasa niambie Mheshimiwa Spika sasa miezi tisa mtu amebeba mimba na ajua MCA ndio aenda mzalisha? Hayo ndio madhila tunayoyapata katika majumba yetu...

(Applause)

Twapata mambo ambayo hayatustahili sisi na huku tunasema ati watu wanajua kitu gani cha MCA, MCA ndio alipe karo ya shule, MCA ndio alipe kodi za majumba, MCA ndio alipe bili za hospitali, MCA ndio ajue nyumbani leo hakujaamka watu hawajaamka hata hivi sasa hizi tukitoka ndani ya hili Jumba Mheshimiwa Spika tumegonjewa hapa nje maana yake watu hawajaamka kwa sababu ya ile dhiki tunayoipata. Je angekuwa amefundishwa huyu mtu akajua kuwa huyu MCA kazi yake ni moja, mbili, tatu lakini leo sisi twadhalilika kwa sababu wananchi wengi hawajui majukumu ya MCA ni gani...

(Applause)

Na Mheshimiwa Spika...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Honourable your time is up Hon. Prischilla.

Hon. (Mrs.) Mumba: Nashukuru lakini wakati huu hata ungekuwa umetuongeza nukta maana yake hapa twaguswa mpaka ndani ya roho...maanake mimi leo nilikuwa nafikiria pengine yakipita haya mambo angalau nitaweza kulala kwangu saa kumi na mbili mume wangu anione.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Kombe Nzai.

Hon. Nzai: Ahsante sana Mheshimiwa Spika kwa kuniona japo kwa maumbile yangu yalivyo mwanzo wageni mulioko karibuni mujisikie hapa muko Bunge la Mombasa. Mimi nasimama Mheshimiwa Spika kupinga vikali, naupinga kwa sababu zinazoeleweka ikiwa Katiba yetu ya 2010 imeonyesha vipengee vyote vya uwakilishi wa kila mahali leo hii waheshimiwa wenzangu wanalalamikia juu ya kitengo kimoja cha *Ward Administrator* kwamba anachukua kazi yake, jee leo hii Waziri nae akiingia mashinani...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): You are on a point of order!

Chief Whip (Hon. Kitula): Ningependa kufahamisha Nyumba Mheshimiwa Mwenyekiti, Mheshimiwa ameweza kutaja kipengee ningependa aweke wazi kipengele gani katika Katiba Mheshimiwa Mwenyekiti.

The Deputy Speaker (Hon. Mwalimu): Okay proceed Hon Nzai.

Hon. Nzai: Mheshimiwa Spika ningependa unitetee katika Jumba hili kwa sababu mimi sheria sikuisomea na vipengee hivyo siwezi kuvitaja kwa majina lakini ninachojua ni kwamba tayari mashinani tuna mdudu anaitwa *Ward Administrator* ni waheshimiwa wengi wanamuogopa kwamba kazi zao zinaenda na huyo bwana. Je leo hii Waziri akiingia mashinani na hali yetu hali ya jamvi hali ya mkeka mtasema kazi yenu ni gani? Hivyo mimi nasema hivi Mheshimiwa Spika hoja hii haina wakati na nafasi katika Bunge hili kwa sababu kazi yangu ya kwanza mashinani ni kuwakilisha.

The Deputy Speaker (Hon. Mwalimu): You are up on a point of order?

(Interruption)

Hon. (Ms.) Mwende: Mr. Speaker I would like to inform the House we are talking about the department but not particularly the Ward Administrators. Thank you.

The Deputy Speaker (Hon. Mwalimu): Okay thank you, proceed Hon Nzai.

Hon. Nzai: Mheshimiwa Spika naona maneno yangu kidogo yanakuwa mazito kwa waheshimiwa wenzangu lakini ukweli wa mambo ni kwamba hoja hii mimi naipinga kwa sababu kule kwangu sitaki kuingizwa mtu mwingine wa kuwakilisha nataka niyabebe mwenyewe hapa nikiyapeleka mashinani nikawaambie leo Waziri wetu wa Kaunti ya Mombasa amepitisha swala hili kwa wananchi nyinyi kwa hivyo tufurahikieni matunda ya Kaunti tukisherehekea kazi za 001 na wafanyi kazi wake, ahsanteni.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Thank you, I will give this opportunity to the Tudor MCA also I will give you time to acknowledge the presence of the students from Tudor Ward. Yes Hon. Samba?

Hon. Samba: Yes thank you Mr. Speaker for according me this opportunity first of all let me take this opportunity to welcome students from my Ward.

Tudor day is a school that has been performing well and it is good for them at least they have come to at least see how their representatives are representing, welcome all of you and we hope that maybe in future we also have leaders...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Address the Speaker!

Hon. Samba: Yes Mr. Speaker maybe in future we have future leaders as amongst them who will be in our position and maybe position above us. Back to the Motion, Mr. Speaker I stand to oppose on one ground that before any government activities we always conduct public participation and that is where the concerned bodies do create awareness and give the platform for the public to participate and Hon. Speaker I don't find it fair when Hon. Members are complaining that *wananchi* do not know the roles of the MCAs or the roles of their representatives and I can assure you Hon. Speaker if you make yourself available to *wananchi* there is no *mwananchi* who will come knock on your door that is number one; if you pick their phone calls there is no *mwananchi* who will come knock on your door, if you are found in your office there is no *mwananchi* who will come and knock your door. Mr. Speaker as my colleagues had stated before the budget we don't have the allocation for that as at now but we cannot mix issues, we cannot create laws that befits a certain group or for a certain period of time. Hon. speaker I stand to oppose the Motion.

(Applause)

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

Hon. Opeya: Thank you Mr. Speaker I stand to support the Motion by Hon. Kitula.

(Applause)

I think maybe people have not understood what his aim is, I think the aim of this Motion is that to make sure that the people of grassroots know what the County government is doing and public participation itself is not enough. We should have continuous engagements everyday with electorate and that way we will be able to discuss alot of information that is going on the ground; we will be able to be shown if its true or false like right now we are having a problem with the information of Valuation roll, there is alot of propaganda that the rates will be increased by 3000 per cent and that is lies everybody knows that is lies, but if you did those *barazas* we would be able to tell wananchi the true picture of what is going on with such information so me I support this Motion let us support Hon. Kitula. Thank you.

(Applause)

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

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika, nasimama kupinga hoja hii, hoja hii kimtazamo wangu haijitoshelezi kwa sababu aliyewakilisha hoja hii ametaja mambo mawili ambayo hayafanani ama hayaendani sambamba; ametaja swala la *civic education* ametaja swala la *public baraza*.

Mheshimiwa Spika *civic education* ni elimu raia ambayo kusudio lake ni kupeana fursa ama ni masomo kwa jamii ya jinsi serikali inavyofanya kazi na tunapozungumzia baraza ni mkusanyiko wa watu baina ya hamsini hadi elfu moja ya kujadili lolote linalojiri. Sasa hapa tunapozungumzia maswala haya ya *civic education* ambayo haya yanahitaji wataalamu kufahamisha jamii kipi kinajiri ama kipi jinsi serikali inavyotenda majukumu yale na tumetaja wizara moja *devolution* ya kwamba imepelekewa fulani na fulani. Wale waliotajwa hapa ni watu ambao wanafanya kazi kwa serikali; ina maana hawataweza kuifunza jamii ufasaha mengineo watayabania lakini kisahahi ya *civic education* ingepatwa watu huru ama watu kando wataalamu ambao wangepahamisha kuhusu huyo *County Secretary* kama katibu wa serikali wa gatuzi ambaye yuko pale majukumu yake ni yapi, itaje kuhusu huyo Waziri mhusika majukumu yake ni yapi. Lakini mimi kama Waziri niyafahamisha kwa umma majukumu yangu mimi mwenyewe hivyo kutakuwa na usawa katika kutekeleza hilo, kadhalika Mheshimiwa Spika tunapozungumzia kuandaa haya mabaraza na *structure* ya baraza iko wazi swali tunajiuliza ni je katika gatuzi letu ama serikali yetu tunayo mgao ambao tumewekea maswala haya kuandaa mikutano hii? Na kama hakuna mgao hili jukumu hili tunalibebesha nani katika hali halisi ambayo tunapitia kama serikali gatuzi? Mheshimiwa Spika kwa Mheshimiwa kujaribu kukwepa majukumu yake na kusingizia kwamba wananchi wanawaandama ama wanawakera kwa sababu hawajielewi ama hawajui majukumu yao ni hujma. Wananchi walewale wasingetupa haya majukumu yetu basi wasingethubutu kutoka asubuhi kwenda kupiga kura kutupatia majukumu tuliokuwa nayo.

Kwa hivyo Mheshimiwa Spika lugha zengine zinazotumika zinatukana wananchi wetu, zinatukana wale waliotupigia kura kwa kisingizo ya sisi kukwepa tu haya majukumu, majukumu yanayotajwa siku zote ni majukumu matatu lakini yapo ya ziada ambayo yanatulazimisha sisi kuwa sako kwa bako na raia wetu na hakuna shida kuwasaidia jamii yako kama wamekwama na jambo la matibabu na wala hakuna shida kusaidia mtu wako kama amekwama na swala la matanga. Sasa wewe kutafuta *civic education* ndio kosa hilo Mheshimiwa Spika sisi kama serikali tuligharamikia kutolipia ofisi tuko na wafanyi kazi ambalo hizi hoja na madukuduku yanafika ofisini na lazima ofisi zetu ziwajibike kuifahamisha jamii sawasawa ilioko mashinani.

The Deputy Speaker (Hon. Mwalimu): Your time is up Honorable.

Hon. Athman Mwamwiri: Mheshimiwa Spika nilijua utaniambia hivyo kwa sababu...ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Hatimy. Hon. Amur you are out of order.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Tukiangalia huu Mswada ulivyoletwa nilikuwa naomba kama Karani ana sheria ya Gatuzi yaani *County Government Act* akaisomee hii Nyumba, nafikiri akiisoma itakuwa sina haja ya kuzungumza kwa sababu Kifungu 137 inatokamana na Katiba ambayo ni 176 na *public participation* nafikiri imezungumzwa kwenye *Article 10* ya Katiba. Ukienda kwenye *Fourth Schedule* part 2 number 14 utaipata imezungumza juu ya *public participation*. Mheshimiwa Spika nafikiri twajua sana kuwa majukumu yamegawanywa; sisi tunaingia kwenye majukumu ambayo hayatuhusu kwa sababu sheria inasema Wizara zitatoa muelekeo wa kufanya hizi baraza zikishirikiana na Kaunti. Nikisimama hapa mikononi kwangu niko na *memo* kutoka *Commission on Revenue Allocation (CRA)* ambayo inapatiana uwezo wa sisi kama Wabunge wa Kaunti kuweza kupatiwa pesa za kufanya *oversight* na *public participation*.

Niko nayo *circular* hapa, kwa hivyo nafikiri huu mfumo ambao umezungumzwa hapa nafikiri ni kuzunguka kama kuzunguka *roundabout*, hautupeleki pahali, hivyo basi Mheshimiwa Spika kama kuna mtu ako na hii *County Government Act* ikisomwa yenye hii 137 imejimaliza yenyewe. Hiki kifungu waliokiweka hapa wenyewe kimekwenda kinyume na huu Mswada ulivyoandikwa Mheshimiwa Spika; ni jambo zuri litatusaidia kwa sababu shida kubwa sana tuliyo nayo ni watu hawajui baina ya *public participation* na hii kuelimisha watu. Kwa hivyo nafikiri mwenye Mswada kama atachukua maoni yangu kabla haujaangushwa huu Mswada aende akaurekebishe alafu aurudishe Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Lucy.

Hon. (Ms.) Chireri: Ahsante Mheshimiwa Spika kwa kuniona. Mheshimiwa Spika mimi kama MCA wa Wodi ya Mtopanga ningependa kuipinga hoja hii moja kwa moja, pia ningependa kumshukuru Mwalimu wetu Mheshimiwa Hatimy kwa kuelimisha Bunge hili, pongezi sana Mheshimiwa Hatimy. Mimi naona hili Bunge letu limeingiliwa na mamluki ambao wana haja ya kutapeli watu pesa zetu za Kaunti ziweze kuisha. Baraza hizi ambazo zime.... Hii hoja hii vile ilivyoletwa Mheshimiwa Spika sisi tunajua Kaunti yetu tunafanya kazi, barabara zinatengenezwa ukiingia Mtopanga ni *cabro* hutaweza kuona hata *murrum*, pesa hii ambayo inatakikana itengezwe baraza mimi nimetumwa kama muwakilishi wa Mtopanga, iko haja gani ya kuweka haya mabaraza tena? Muwakilishi wao yuko, waniamini Mheshimiwa Spika, lolote ambalo nitalipeleka kule hawalipingi wanaelewa lakini njaa imezidi ndani ya Kaunti, hawa watu wanataka tuweke haya mabaraza ili waweze kutumia pesa zetu ovyo ovyo, kiholela holela. Mheshimiwa Spika mimi hoja hii naibwaga, naipinga na sina haja nayo kabisa, ahsante.

(*Interruption*)

The Deputy Speaker (Hon. Mwalimu): Whom do you want to inform?

Hon. Nyiro: I would like Hon. Lucy to inform the House who are the *mamluki*.

The Deputy Speaker (Hon. Mwalimu): Hon. Lucy in spite that your time is up but can you inform the House who are the *mamluki*.

Hon. (Ms.) Chireri: Ahsante sana Mheshimiwa Spika, naona Mheshimiwa ambaye anataka kunijulisha mimi ama kuniuliza mimi huyo ndie wa kwanza...

(*Laughter*)

Hon. Nyiro: Mr. Speaker I would like..., I would request this Honourable House through your guidance Hon. Lucy should withdraw the statement. Mr. Speaker, do I look like *mamluki* or between me and her, who looks like a *mamluki*? Mr. Speaker you need to protect this House, you need to use the right language that suits this House, this is an honourable House and we have visitors. So Hon. Lucy should state well and explain why do I look like a *mamluki*. I don't take it for granted Mr. Speaker, she either withdraw or ill live this....

The Deputy Speaker (Hon. Mwalimu): Thank you. Hon. Lucy please clarify what you mean by *mamluki* and with due respect withdraw that statement if you can not clarify.

Hon. (Ms.) Chireri: Ahsante sana Mheshimiwa Spika, kwa heshima yako nikieleza Bunge hili tulilonaldo hapa, mamluki ni mtu yoyote yule ambaye anaenda kinyume na pesa za wananchi anataka azivuruge. Pili Mheshimiwa Spika kama ni kuomba msamaha naona amerudi ule upande wangu niliko Mheshimiwa mwenzangu, kwa hivyo nimeitoa yeye si mamluki lakini yule ambaye anahujumu pesa za serikali ni mamluki.

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Lucy. Yes Hon. Faith Mwendu.

Hon. (Ms.) Mwendu: Thank you Hon. Speaker. Mr. Speaker sir I stand to.....am not opposing but I would like you to air my input; the Hon. Member has brought a very good Motion, for a long period we have been having challenges of the ministers not going to the grassroots, not interacting with the electorate so I think this will be a good move if Implementation will take action of it for them to go at the grassroots to mingle with the electorate and Mr. Speaker I have the County Government Act 137 if I can state, (a) it states, the Minister is responsible for matters of civic education, devolution and the County government respectively, they shall be responsible for the design and the coordination of overall civic education and devolution provided for so in this Act. Mr. Speaker so the Hon. Member was not wrong not unless we have difficulties in understanding English, so I think it is better if you don't understand well you can use the national language Kiswahili or you use someone. We have Professors here who can interpret it to us very well so I think this is the best thing and I urge the Implementation Committee to take action and make it implemented very fast, we have all been crying that the Ministers are not performing and here we are here just saying there we don't have money, I don't know what, do you know the source of money which come from this County? So Mr. Speaker we have to all agree in one voice the Ministers should go back to the grassroots not just to sit in their offices enjoying the air condition. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Hon. Ramla.

Hon. (Ms.) Ramla Said: Ahsante sana Mheshimiwa Spika, nimesimama kuunga mkono....

(Applause)

Kama unavyojua Mheshimiwa Spika japokuwa mimi ni *nominated* lakini ni kama Gavana mdogo wa walemavu Mombasa Kaunti...

(Applause)

Hivyo yamaanisha nawakilisha Mombasa nzima, naunga mkono na nataka kila mtu afikirie walemavu na awape kipao mbele. Ahsante.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Hon. Aran Moses?

Hon. Aran: Mheshimiwa Spika mimi pia nasimama na kuungana na Waheshimiwa wenzangu wenye wanaunga mkono Hoja ilioletwa na Mheshimiwa Kitula.

Mheshimiwa Spika ni jambo la kushangaza sana kuona Waheshimiwa wengine wanasimama na hii ni hoja wangeiunga mkono kabisa kwa sababu inawatetea wao kusema kwamba kuna watu hawajui majukumu yao na mambo na kufurahishana Bungeni sijui kwa sababu wageni wako ama ili kufurahisha hili Bunge kwamba watatumia ofisi yao. Tunajua ofisi zao hawawezi tumia sana Mheshimiwa Spika na wakiwa pale wakipata watu wa kuwasaidia kama ni *executive* watafanya jukumu lao itakuwa ni rahisi. Mheshimiwa Spika hoja imeletwa, utapata Waheshimiwa wanakimbilia kusema kwamba hakuna bajeti, hakuna pesa, sasa sijui washapigia *executive*; washa *consult* wakaambiwa hakuna pesa ama *executive* wamesema hawana bajeti ya kufanya hili? Ni jambo la kuhuzunisha kwamba sasa hivi ukienda mashinani Mheshimiwa Spika kuna maswala wanaekewa waheshimiwa na yanafaa yatatuliwe na *executive*; mimi sijaona shida yenye iko hapa ni *executive* pamoja na maofisaa wao waende mashinani waweze kueleza wananchi kuhusu hivi vitu vyote wananchi wanataka kujua. Hao *ma-executive* wetu pamoja na ma afisa wakuu waliuliza kazi si biashara ama wasema waweza weka mtu, wasema acha hii biashara yangu wacha niweke mke wangu ama niweke ndugu yangu ili biashara iende vizuri bali kila mmoja alituma maombi na akakaguliwa kwa hivyo inamaanisha si lazima wakae pale tu ndani kwa ma *air condition* wanaweza enda mashinani wakae chini washiriki na wale wananchi wa chini angalau waweze kutatua ile shida.

Mheshimiwa Spika kila mtu yuko na nia ya kusaidia Kaunti ya Mombasa pamoja na Waheshimiwa na ma *executive* na kama watu hawatafanya kazi pamoja naona hatutasaidia Gavana ile hoja ya kufanya Mombasa iimarike sana. Mimi naomba hii hoja tuiunge mkono Mheshimiwa Spika ipite ndio waweze kwenda pale chini na wakienda mashinani watakuwa wanahusisha Waheshimiwa wetu na pale wajua tukisema kwamba au Waheshimiwa wakisema kwamba ni lazima hao ndio washughulikie haya mambo kuna vitu vyengine hawataweza kutatua vyatoka kwa *Executive*. Saa zile imewekwa baraza pale, baraza hili pia litatoa lile dukuduku lenye liko na wananchi kwamba Kaunti ya Mombasa hawawajibiki. Yule *Executive Member* kwa mfano kama ni wa michezo ameenda Mkomani kuna *Honet Basketball team* wamekaa chini na wale watu hawaulizi shida iko wapi na awaambie bwana vile mwafaa kufanya ni muandike *proposal* vizuri na muangalie ule muda mnaofanya kazi itakuwa rahisi Mheshimiwa Spika; kwetu kama viongozi na pia kama serikali ya Kaunti. Mimi naomba Mheshimiwa Spika tuungane ili hoja ipite. Ahsante.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Hon. Faith you have already contributed. Yes Hon. Mwalimu Mgwisho?

Hon. Mwalimu Mgwisho: Ahsante sana Mheshimiwa Spika. Mimi nimesimama hapa kwa kuunga mkono Hoja hii; hii hoja tunaunga mkono nafikiri Waheshimiwa sisi wengi zile lawama ambazo twazipata kule nje zitaweza kupungua kwa sababu kuna umuhimu sana kuonekana kwamba katika sisi viongozi ama Kaunti ya Mombasa tumefanya namna gani kwa muda wa mwaka mmoja ambao tumeingia hapa katika Bunge letu na ni muhimu pia kuona kwamba hawa Mawaziri ambao tuko nao pia waweze kujulikana na wananchi kwamba ni kazi gani kutoka alipochaguliwa amezifanya. Bila ya kuwa na baraza mambo kama haya hayataweza kusikika kule mashinani na pia tukiambiwa kwamba eti hakuna pesa ambazo zimetengewa katika hizi shughuli za hii *public baraza* sisi kama Waheshimiwa ni jukumu letu kutafuta hata misaada lakini tuone kwamba hizi baraza zinaweza kufanyika mashinani. Kazi zetu mpaka zieleweke, tujue hizi kazi zetu ni kazi gani na hawa wananchi nao pia waweze kuelimishwa kujua hasa majukumu yao ni nini juu ya waheshimiwa.

Hii ni kwa sababu wananchi wanaweza kuja na swala ambalo wewe mwenyewe Mheshimiwa kulifanya ni tatizo lakini vile ambavyo haelewi jukumu lake kwa Mheshimiwa ni muhimu kama watu hawa waweze kuelimishwa kupitia hizi *public baraza*. Kwa hivyo nasimama kuunga mkono hoja hata kama hakuna pesa tuombe misaada lakini tuhakikishe kwamba hizi baraza zimefanyika katika Kaunti yetu ya Mombasa. Ahsante sana Bwana Spika.

The Deputy Speaker (Hon. Mwalimu): Hon. Mwaka?

Hon. (Ms.) Mwaka Bakari: Ahsante sana Mheshimiwa Spika kunipa fursa hii. Mimi nasimama miguu yangu miwili nikiwa na afya yangu tele na kuinga mkono hoja hii....

(Applause)

Naiunga mkono hoja hii kwa sababu mengi yamezungumzwa na Waheshimiwa wenzangu ambao wameunga mkono na mimi naregelea kwa uchache kidogo kwa kusema kweli Mheshimiwa Spika wananchi wetu si wote ambao wanajua majukumu ya kiongozi, ndiposa tunaiunga mkono baraza hii ikiwako itawafanya wale ambao hawajajua majukumu ya kiongozi kama MCA na Mbunge hata Gavana, Seneta, Wawakilishi wa kina mama wote viongozi ambao kwamba wanahudumia wananchi. Kama kwangu sana kuna shida zaidi ambayo kwamba hata juzi nilikuwa na baraza nilijaribu kuelimisha wengi wao waliunga mkono wakasema kweli sisi tulikuwa tunakuhujumu kwa kusema kwamba wewe si kiongozi kwa sababu yale matarajio huyafanyi. Lakini nilijaribu kueleza majukumu yangu na nikaeleza majukumu ya *Ward Administrator*; Mheshimiwa wa Kadzandani amezungumza kwamba tuna uoga na ma *Ward Administrator*, sisi si waoga, hapa tumekuja kwa kuchaguliwa na wananchi na *Ward Administrator* yeye ameandikwa kwa ajili ya kazi zake ndiposa tunataka hii baraza iweko ili wajue majukumu yao wao, utenda kazi wao nini na sisi nini. Kwa hayo mimi naunga mkono mia fil mia baraza mitaani.

(Applause)

The Deputy Speaker (Hon. Mwalimu): I now call upon the mover of the Motion to respond.

Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimeweza kuchukua maoni ya Waheshimiwa wenzangu na vilevile ningependa pia katika maswala ya bajeti nikiwa kiranja katika Bunge hili sio kwamba kila jambo lazima tuweke katika bajeti. Katika ofisi na ofisi ya Gavana waheshimiwa wenzangu tuko na hema ziko katika ofisi ya Gavana na kama ni maswala ya viti pia viko katika ofisi ya Gavana, kama ni vyombo cha kutangaza yaani *public address equipment* pia viko katika ofisi ya Gavana. Kwa hivyo hapo hakuna jambo la bajeti yoyote itakayotumika katika Kaunti na vile vile maswala ya usafiri pia magari yako katika serikali yetu ya Kaunti ya Mombasa. Hivyo basi Mheshimiwa Mwenyekiti kwa heshima na taadhima na kuweza kuchukua maoni ya Waheshimiwa wenzangu ni kwamba unipatie muda ili niweze kufanya marekebisho katika hoja kwa wiki moja ili niweze kuleta hoja ikiwa iko sambamba kabisa Mheshimiwa mwenyekiti. Ahsante sana.

(Applause)

(Consultations)

The Deputy Speaker (Hon. Mwalimu): Hon. Members under our own Standing Orders; Standing Order 55 after the question has been proposed on a Motion the Motion shall be deemed to be in possession of the County Assembly and such Motion shall not be withdrawn without the leave of the Assembly. Hon. Members the mover of the Motion has asked for a leave of the Assembly for the Motion to be brought back in this Honourable House in the said days as stated. I now put a question that the House allows the mover of the Motion as stated by himself to come on the days he has asked the Assembly.

(Question put and agreed to)

Yes Clerk.

ADJOURNMENT

Hon. Members the House stands adjourned until the 25th of October, 2018 at 2:30p.m.

The House rose at 3:47p.m.