



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 26th February, 2019

The House met at 2:50p.m.

(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)

PRAYERS

The Speaker (Hon. Khatri): Hon. Members we may be seated. Yes Clerk?

STATEMENTS

BLOCKED ACCESS ROAD

Yes Hon. Lucy Chireri? Please give the Statement.

Hon. Chireri: Thank you Mr. Speaker Sir. My Statement is about blocked access road by a private developer.

BLOCKED ACCESS ROAD BY A PRIVATE DEVELOPER

Mr. Speaker Sir, I seek to know from the Chairperson Committee on Lands, Planning and Housing if he is aware that the road from Milango Saba Mshomoroni to Manoni Vikwatani has been made inaccessible by a private developer and what plans does the County government have made to reopen the road.

The Speaker (Hon. Khatri): Thank you Hon. Lucy Chizi Chireri. Yes Clerk? Sorry Hon. Members I refer the matter to be referred to the...

(Consultations with Clerks at the Table)

Thank you Hon. Lucy Chizi Chireri, again I refer this matter to the Chairman of Lands it is Hon. Ahmed Salama. Hon. Salama do you have the answer for the Statement from the Hon. Member?

Hon. Ahmed Salama: Ahsante Bwana Spika hili swali nimelisikia la Mheshimiwa Chireri na kama Kamati ya Ardhi tutaketi ili tulijadili wiki ijayo Alhamisi tutaleta majibu Mheshimiwa Spika. Ahsante.

The Speaker (Hon. Khatri): Yes Hon. Kitula?

The Majority Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti kumpa Mwakilishi wa Mtopanga wiki moja Mheshimiwa Mwenyekiti sisi ni wanasiasa itampatia nguvu yule mmiliki ni jambo la kukaa leo au kesho halafu walete majibu lakini wakisema muda wa wiki moja itampatia nguvu yule mmiliki wa ardhi...

(Applause)

The Speaker (Hon. Khatri): Thank you. Yes Hon. Lucy Chireri?

Hon. Chireri: Ahsante sana Mheshimiwa Spika pia mimi nitaunga mkono kinara wetu kwa sababu hili jambo leo ametengeneza vile kesho yuajenga mpaka wiki ijayo mimi nasema kama Kiongozi wa Mtopanga haiwezekani hili jambo ni la dharura ndio nikalileta saa hii na mimi nataka kazi ifanyike sasa hivi. Ahsante.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Member. Yes Hon. Ahmed Salama?

Hon. Ahmed Salama: Bwana Spika hilo suala ni la kweli la Mheshimiwa Chireri lakini kusema ule ukweli leo na kesho ni ngumu kwanza kule kwake angalia ile Wodi vile ilivyo angalia yale masaa saa hizi ni saa ngapi? Kesho utajikukuta saa ngapi? Saa ngapi ufike kule ili upate kuleta jibu ambalo lina uhakika? Lakini itabidi sisi kesho tulete maswali ambayo ni ya urongo hatuna uhakika halafu yataleta shida. Kwa hivyo mimi nilikuwa naomba kwamba tena twende kwa *site visit* tukaangalie ili tukileta majibu tutajua twaleta majibu namna gani.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Maimuna?

Hon. Maimuna Salim: Mheshimiwa Spika hili jambo ni dharura kwa hiyo kuna idara ambayo inahusika na *Inspectorate* ambayo iko katika kitengo cha Ardhi. Kwa hiyo si lazima kwanza kikao; kwanza tunaenda tusimamisha pale tuchukue makaratasi ndipo tuje sasa tumshambue ikiwa tumeisimamisha ile kazi. Lakini tukisema mpaka tuchukue ripoti kwetu litakuwa hilo jambo ni kinyume na ule ukuta utaisha. Kwa hiyo ni dharura Mwenyekiti anatakikaniwa leo ahakikishe ameenda kwa idara atoe hiyo ripoti na asubuhi watu waende wasimamisha hilo jambo linaloendelea hapo Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Bwire?

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker I also happen to agree with the Hon. Members. Mr. Speaker what is the Committee going to sit and discuss and yet you have no clue over the issue. The first thing the Committee should have done is to plan on how to have a site visit then you come discuss what you have already known, so as a House Mr. Speaker I think it will be of more help for the Committee to have a site visit tomorrow then come back on Thursday with the responses. Thank you.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Renson Thoya.

Hon. Thoya: Ahsante Bwana Spika mimi nikiwa Mwanachama wa Kamati hiyo nataka kuchukua nafasi hii kusema mazishi huwa ni mazishi na ukisema utaenda siku nyengine sisi jamii wa Kiislamu utakuta mtu amezikwa. Kwa hivyo jambo kama hili linatajikana lichukue mwelekeo huo; kuna yale maswala ambayo utayaekea siku na tarehe na kuna yale ambayo saa hii Bwana Spika kungekuwa hata kuna gari saa hii hii unasema Kamati hiyo tokeni ingieni kwa hiyo gari nendeni kiwanjani...

(Applause)

Kwa hivyo nafikiri kuna mipango mizuri ambayo nasikia kuna gari inanunuliwa wakati huu Jumba hili lionekane linachapa kazi na ukweli tumeanza kuonekana kuna (??) tunaenda na kama kuna shida mimi ni mmoja wa hiyo Kamati lakini maoni yangu ni kwamba kama kuna unguwa twendeni tukazime ndio turudi tuanze kujipanga tusingoje, tutakuwa tunaenda kufanya nini?

(Applause)

The Speaker (Hon. Khatri): Thank you. Yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika iko bayana ya kwamba kunazo Kanuni katika serikali yetu Gatuzi ya ujenzi na umiliki wa rasilmali. Katika hili linalojadiliwa ama ambalo Mheshimiwa limemkabili haina sababu ya Kamati kukaa muda mrefu; jambo la kwanza ni kutaka kufahamu kutoka kwa idara husika kama wao ndio walio muidhinisha mhusika yule ama mukezaji yule kujenga kuta lile na kufunga njia! Na tunavyojua Mheshimiwa maswala ya ardhi hairuhusiwi kujenga au kuigawanya ardhi pasi kuweka njia kwa wananchi, yeye asingefika pale alipofika kuweka ukuta na kuziba njia. Amapata njia kutoka kwa ardhi za wengine. Kwa hivyo tujue shida iko wapi kwa yule mukezaji ama idara yenyewe ya ardhi ndio ilioidhinisha utepetevu huu na dhulma hii kwa wananchi wa Mtopanga kufungiwa njia na kujengwa kuta lile. Kwa hivyo pa kuanzia ni kwa idara wapate kujua kama wameidhinisha na kama hawajaidhinisha haiwezekani kwamba kuta lijengwe siku nzima na wasiwe na taarifa. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. Yes Hon. Bernard Ogutu?

Hon. Ogutu: Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii. Mheshimiwa Spika jambo hili lisipochukuliwa na uzito nafikiri wale watu wa Mtopanga watapata tabu sana na itaenda kwa kumbukumbu ya kwamba Waheshimiwa wa Mombasa hawafanyi kazi. Leo tukiongea iko katika vyombo vya habari ya kwamba sisi Waheshimiwa wa Mombasa hatufanyi kazi, hivyo tunataka leo ikiwezekana baada ya Bunge timu iende kule ifanye ile kazi yao ili na sisi pia ijulikane kwamba tunafanya kazi yetu ya *oversight*. Ahsante Mheshimiwa.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Ibrahim Omondi?

Hon. Omondi: Ahsante sana Mheshimiwa Spika. Nami pia nikiongezea sauti yangu ningependa kusema hivi; kusema ukweli jambo hili linafaa lichukuliwe kwa uzito sana, sana, sana! Nikinukuliwa Mheshimiwa Spika na ningelipenda utoe idhini kwa ile Kamati husika leo, mimi mwenyewe nimejitolea. Mimi siko katika hiyo Kamati Mheshimiwa Spika lakini nitaongoza kwenda kule kusimamisha...!

(Applause)

Kusimamisha sasa hivi tukitoka kwenye Bunge hili Mheshimiwa Spika twataka idhini kutoka kwako peke yake. Ahsante sana.

The Speaker (Hon. Khatri): Yes Hon. Fatma Kushe or Fatma Swaleh Mote?

(Loud consultation)

Hon. Fatuma Swaleh: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii. Mheshimiwa Spika mimi pia nimesimama kidete mimi pia ni mmoja wa wale ambao niko katika Kamati ya Wizara ya Ardhi. Mheshimiwa Spika nakuhakikishia sisi tukitoka hapa pamoja na Mwenyekiti tutakwenda moja kwa moja...

(Applause)

Mpaka katika Wizara ya Ardhi tukitoka hapo Mheshimiwa Spika maana yake tulichaguliwa na wananchi kwa hivyo lazima kazi tuifanye hatulali leo mpaka tuende Mtopanga tukahakikishe kuna shida gani. Kwa hivyo nawaomba Wabunge wenzangu mtuwie radhi jibu muafaka litapatikana kesho saa nane, ahsante sana Mheshimiwa Spika.

(Applause)

The Speaker (Hon. Khatri): Thank you. Yes Hon. Leila you wanted to say something?

Hon. Nyache: Ahsante sana Mheshimiwa Spika, yaani Mheshimiwa Fatma Swaleh (Kushe) ni kama alijua nataka kuongea jambo kama hilo. Mimi pia naunga mkono nasema tupewe nafasi leo tuende tukaonane na Wizara ya Ardhi halafu tutaleta majibu *In Shaa Allah*.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Kombe Nzai?

Hon. Nzai: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika ninasimama hapa nikisikitika na Mheshimiwa mwenzangu wa Mtopanga kwa kuzibiwa hiyo njia lakini nataka niseme hivi; ule unaitwa Mto wa panga! Kule ninakotoka kunaitwa Kadzandani, hivyo ni kusema kwamba mambo yake hayalali hata nashindwa kwa nini Mheshimiwa mwenzangu amechelea kuubwaga huo ukuta ndio akaja sema yangukuwa mambo hayo ni Kadzandani tungekuwa twaongea mengine. Mheshimiwa Spika hivyo mimi sioni haja ya ukuta huo uendelee kukaa hapo ningekua mimi hapa hapa ningepiga simu na kazi ikafanywa huo wakati wa kuchezeana ushapita, mwaka huu ni kazi tu...

(Applause)

The Speaker (Hon. Khatri): Ahsante Mheshimiwa Kombe Nzai kutoka Kadzandani. Yes Hon. Milka?

Hon. Ngare: Thank you Mr. Speaker for giving me this opportunity to also contribute. I am in agreement with my fellow Honourable Members that this is a matter that it should be given priority.

As our Hon. Speaker you give an order or you give us permission we match there just as the other Honourable Members have said to go and ensure that the wall building has stopped because denying *wananchi* a road or passage to their residences is wrong and it is against the Constitution. Desperate measures, the Englishmen say call for desperate measures, this is a desperate situation and it needs a desperate measure like the one of going, we do not want to continue being called rubber stamp MCA's, we are tired of such kind. Thank you so much.

(Applause)

The Speaker (Hon. Khatri): Yes Hon. Abrari Mohamed?

Hon. Abrari: Ahsante sana Mheshimiwa Spika. Mimi kama Naibu Mwenyekiti wa Kamati ya Ardhi nasema ninamuunga mkono sana Mheshimiwa Lucy nikisema kuwa sisi tutaenda kufanya matembezi eneo hilo na tukipata kuwa kuna mhusika yeyote upande wa *Executive* alipitisha lile jengo likajengwa...

(Applause)

Basi ni yeye aliyepitisha hilo jengo lijengwe au huo ukuta ujengwe basi yeye ndio tutaanza nae, ahsante sana Mheshimiwa Spika...

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Members. Honourable Members as far as I am concerned the Statement is brought by Hon. Lucy Chireri and the Committee shall sit down and tell us the truth of the matter because up to now it is a hearsay we have not seen any document so there no is way here we can say Hon. Lucy she is right but what she is saying because even her I am sure she does not have the document. So let the Committee do its work, get all the documents and the Committee if you have a problem of a car you can use my car I have no problem....

(Applause)

It is available anytime you are ready you want to go to Mtopanga or you want to go anywhere in Mombasa you can use my car for now and go with it for the site visit and Hon. Ahmed Salama as the Chairman I see you have seen the mood of the Members they want to know the answer at least by tomorrow so please make sure by tomorrow afternoon we have the reply please...

(Applause)

Yes Clerk?

PROCEDURAL MOTION

COUNTY ASSEMBLY CALENDAR REGULAR SESSION, 2019

Yes Hon. Hamisi Musa Mwidani, Leader of Majority?

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker Sir. Mr. Speaker Sir I beg to move the following Motion;

THAT pursuant to Standing Order 24(1) and 25(1) this House RESOLVES to adopt the County Assembly Calendar Regular Session – 2019 as per the schedule below.

Mr. Speaker we have three periods; the First Part Sitting will be Tuesday, 12th February up to Thursday, 28th March then we proceed to the short recess commencing on Friday 29th March up to 8th Monday of April then we will have our sitting days of Tuesday 9th April to 9th May then we proceed on long recess from Friday 10th May to 17th Monday June.

Mr. Speaker Sir, Second Part we shall be having our sitting days Tuesday 18th June to Thursday 8th August, long recess from Friday 9th August to 9th Monday September, the sitting days Tuesday will be 10th September Thursday 17th October, 2019.

The Third Part Mr. Speaker will be a short recess from 18th Friday October to Monday 28th October, 2019 sitting days will be Tuesday 29th October to Thursday 5th December now we proceed to long process we should commence from 6th December, 2019 Monday to 10th February, 2020.

Mr. Speaker I would like to move and also to urge that we pass it with amendments if they will come to arise on the time of the matters of the process.

Thank you Mr. Speaker and I will request Hon. Kitula to second the Motion.

The Speaker (Hon. Khatri): Thank you so much Hon. Musa Mwidani, you were saying we pass it with amendment if we do not have the amendment how do we pass it with amendment.

The Leader of Majority (Hon. Mwidani): Mr. Speaker I think I arise if they may appear on the (??).

The Speaker (Hon. Khatri): Yes Hon. Bwire.

Hon. Bwire: Thank you. Hon. Speaker I understand this is a Procedural Motion that needs no discussion, neither debate but I just have a concern and as per the Majority Leader has said they would have come with that amendment because the initial schedule we had the long recess was to start on 20th December, 2019 to 10th February, 2020 and we have consulted. I understand what made this schedule to come as it is but of course those amendments that the Majority was talking about would have been here in written form so that if we pass the amendment it must be something that has already appeared in the House, thank you.

The Speaker (Hon. Khatri): Thank you. Hon. Bwire as you said yourself this is a Procedural Motion so we cannot start talking about this calendar so all we have to do is going to put a question for now and if you have any amendment it comes with the time the Hon. Member of Majority will bring those amendment and then we will debate the amendment that time. So Honorable Members I now put the question that this House adopt the Motion on the County Assembly Calendar Regular Session, 2019 in the same terms as moved?

(Question put and agreed to)

Yes Clerk?

ADJOURNMENT

Hon. Members this House stands adjourned until Wednesday 27th February, 2019 at 9:00a.m.

The House rose at 3:13p.m.