

**MOMBASA COUNTY ASSEMBLY****HANSARD REPORT**

Tuesday, 13<sup>th</sup> December, 2016

The House met at 2.35pm.

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

**PRAYERS**

**Deputy Speaker** (Hon. Mswabah Rashid): Members you may sit down. Yes Clerk.

**COMMUNICATION FROM THE CHAIR**

Good afternoon Members of the County Assembly, glad to meet you again. Members, I have received a resubmission of Mombasa County Fiscal Strategic Paper. It reads ;

*(Deputy Speaker (Hon. Mswabah Rashid) read.)*

**MOMBASA COUNTY FISCAL PLANNING PAPER**

*Reference is made to the County's previous submission in a letter dated 1<sup>st</sup> December 2016. Please find attached a resubmission of the Fiscal Strategy Paper 2016/17 which is according to the National Treasury which hindered the County from incorporating the statement's inputs.*

*Thank you for your continued support.*

*Hazel Koitaba*

*County Executive Committee Member*

*(End of communication)*

So the thing is this paper is committed to the Committee of Budget and Finance, yes Clerk.

**MOTION**

Hon Kibwana Swaleh Baya.

**Hon Kibwana Swaleh:** Thank You Hon Speaker, mine is to bring a Motion today; report on contaminated Dasani mineral water that was handled by my Committee, Committee of health services.

Hon Speaker my Committee embarked on an investigation on the issue of Dasani water, the report that I am going to read it contains the membership of the Committee Hon Speaker and also the issue of secretariat Hon Speaker and also the content.

Hon Speaker the executive summary,

**1. Executive Summary**

The Committee on Health Services is established under Mombasa County Assembly Standing Orders. The Mandate of the Committee as defined in the second schedule of the Interim Standing Orders, and it is to deal on all matters related to County Health Services, including, licensing and control of undertakings that sell of food to the Public.

Mr Speaker Sir, this is the Committee's report on a fact finding mission occasioned by the ruling on 4<sup>th</sup> October, 2016 on the statement by Hon Maimuna Salim Mwawasi, Leader of Minority, regarding contaminated Dasani mineral water.

**2. Introduction**

Mr Speaker Sir, Hon. Members of the County Assembly, it is my humble pleasure to present to you the report of the Committee on Health Services on contaminated Dasani Mineral Water.

The matter arose when the Honourable House was served with Dasani bottle water which had visible foreign matters on 4<sup>th</sup> October, 2016 during an afternoon plenary session.

Mr. Speaker the Committee thereafter held eight meetings and also made one site visit to Coastal Bottlers Limited who produce and distribute Dasani water.

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Further, the Committee also invited KEBs officials and CEO of Coastal Bottlers as pursuant to Article 195 Sub Section 1 and 2 of the Constitution of Kenya, 2010.

### **3. Observations / Findings**

Mr Speaker Sir, the Committee on Health Services embarked on an investigation with a mission to establish whether the Dasani bottled water and entire water batch which had foreign matters was fit for human consumption.

The following are Committees findings and observations:-

- 3.1 The Committee on Health Services on 5<sup>th</sup> October, 2016 invited officers from Coastal Bottlers Limited to come and witness their contaminated product, i.e four bottles of Dasani Mineral Water. That is (**Annexure I**) Mr. Speaker Sir.
- 3.2 On 13<sup>th</sup> October 2016 the committee invited CEO of Coastal Bottlers Ltd and KEBS officers at the County Assembly, Committee Room. That is (**Annexure II**) Mr. Speaker Sir in the report.
- 3.3 During the meeting, officials from Coastal Bottlers Limited agreed that four bottles of Dasani water were visible with foreign matters in it.
- 3.4 KEBS Officers also confirmed to the above and ruled that they were unfit for human consumption.
- 3.5 KEBS saw a complaint on twitter and immediately shut down the production of Dasani and there were no productions since then.
- 3.6 Mr. Speaker on 17<sup>th</sup> October, 2016 the committee visited Coastal Bottlers Limited at behest of CEO and were taken through step by step on the processing of Dasani mineral water from initial stage till the final stage. That is (**Annexure III**) Hon Speaker.
- 3.7 Hon Speaker Members observed that the process steps for Dasani beverage is fully automated with high state of technology levels and storage facility are of high standards.
- 3.8 Upon receiving a complaint of Dasani having irregular content, CBL took the following action immediately:-

i) Production of Dasani was suspended.

ii) They recalled the affected batch as indicated below:-

<b>Production Date</b>	<b>Released Quantities</b>	<b>Quantities recalled from the Market</b>	<b>Quantities already on the Market</b>
18/8/2016	270	184.54	86

iii) They sent samples to SGS, South Africa and KEBS for analysis.

- 3.9 Hon Speaker according to CBL, all the process steps related to the batch were adhered to during the production and the possible cause of irregular content in the few bottles could be due to external factors during the process of handling transportation and storage suspected extreme temperature conditions. That is (**Annexure IV**) Mr. Speaker.
- 3.10 Hon Speaker the committee received a laboratory results for Dasani water from SGS for the production dates 12<sup>th</sup>, 18<sup>th</sup> and 23<sup>rd</sup> September 2016 which states that the products have passed the microbiological test and found to be fit for human consumption. That is (**Annexure V**) Mr. Speaker.
- 3.11 The Committee on its meeting held on 2<sup>nd</sup> November 2016 resolved that the Dasani water that had foreign matter be taken to government chemist for analysis and second opinion besides the laboratory results by SGS. That is (**Annexure VI**) Mr. Speaker.
- 3.12 On 15<sup>th</sup> November 2016 the Committee received analytical report from Ministry of Health (Government Chemist Department, Ref. No BW/VOL.XXI/740/ 2016/ 374 dated 4/11/2016. That is (**Annexure VII**) Mr. Speaker.
- 3.13 The report stated that from physical examination there is presence of foreign matter, hence the sample does not conform with KEBS Standard **KS 459-1:2007**, (It is therefore unfit for human consumption).
- 3.14 From the above, Members observed that CBL did not take the bottles that had foreign particles for analysis to SGS for laboratory examination but rather sent sample from the recalled batch. Otherwise the result would have been same.

#### **4. Recommendations**

- 4.1 The “Clean-in-Place” (CIP) should be done more often and not after every 3 - 6 months as is the practice currently. Since the same machines are used for processing other products such as sodas, it is quite imperative that the production line is cleaned immediately after each session of production. The kind of foreign body found in Dasani Water could be “Biofilms” which could have grown in the production line as a result of this failure to have regular cleaning of the production line.
- 4.2 Mr. Speaker another recommendation is that Coastal Bottlers Limited should make sure that they are always in compliance with local standards for packaged water like Kenya Bureau of Standards.
- 4.3 Mr. Speaker another recommendation is that Coastal Bottlers Limited to make sure that they vetted their distributors and ensure that they comply with storage standards.
- 4.4 Mr. Speaker another recommendation is that Kenya Bureau of Standards and County Public Health Officers to make an impromptu visit not only to Coastal Bottlers Limited but also all other food package products to make sure that they are in conformity with their standards.

4.5 Mr. Speaker another recommendation is that Coastal Bottlers Limited to organize/arrange for periodic refresher courses for their workers and have them medically checked for their medical fitness so that they can work more efficiently.

4.6 Mr. Speaker another recommendation is that Coastal Bottlers Limited to organize a trial run of the plant and KEBS to pick samples for analysis.

4.7 That the County Assembly Health Committee and the Assembly at large shall continue to endeavour to work at any other similar health issues that pertain human consumption as part of our mandate for representation of the public for the betterment and welfare of the residents of Mombasa County.

## **5.0 Conclusion**

5.1 The company has shown efforts in maintaining ideal standards of operations nevertheless, the management is advised to take into consideration of the above recommendations.

5.2 Mr. Speaker last but not least that this report containing findings, recommendations and conclusion be approved and tabled before the Hon Assembly for adoption.

*(End of Dasani health report)*

Thank you Hon Speaker. I ask Hon Kondo to second the motion

*(Applause)*

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon. Ibrahim Kondo

*(Hon. Ibrahim Kondo bowed)*

Yes he has seconded it. Yes Hon. Kibwana can you continue to build up your Motion first in this House

**Hon. Kibwana Swaleh:** Thank you Hon Speaker. First and foremost i would like to thank Hon Members, the Committee Members and all the staff because it was a big challenge on the report because we had to include the legal department of the Assembly and also people from Public Health department for a good report because the issue was very sensitive.

It was also captured in many newspapers also the TV. Hon Speaker when you saw it was stated that the report contains the reports from various institutions; one being the SGS.

Hon Speaker it is a report that is found here from the SGS which is one of the mandate for the SGS, it is about the standard of the goods that are being produced in our country.

Hon Speaker also the Committee also involved because of the sensitivity...

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Hon Amur maintain silence.

**Hon. Kibwana Swaleh:** ...Hon. Speaker because of the sensitivity of the matter also we also involved the government chemist which also we have attached the report here from the government chemist for clearing this issue because it is very sensitive.

Hon Speaker when we invite the KEBS people who combined with us the Kenya Bureau of Standards, it is their mandate to make sure that whatever is produced in this country is up to the standard and we invited them so that at least they could shed light on how they work and they give us their standards how they work and Hon Speaker we also invited the two teams so that we have a fair judgment, also the management co operated with us they also asked a lot of questions one being the health of their product.

It was sad for us that we found the water came into the House and we were scared Hon Speaker because if we could have drunk the water maybe it was contaminated or if there

was something wrong Hon Speaker we could have now mourning for other Members who could have taken the water.

So we conduct a site visit and we went to the company and we attached the report of the site visit and we found what is there. Hon Speaker i can assure you that the environment of the Coastal bottlers company is very nice and the machines are automated.

There is no stage where you can found someone putting a hand in the bottles, everything is automatic Hon Speaker and when we are taken through the company maybe the issue of changes because they take time to change and that is why we recommended there should be changes between three to four weeks.

Hon Speaker also from the government Chemist once you find that a bottle has a foreign matter, according to their standards that is already something that is not for human consumption.

Their physical analysis also pointed that the four bottles Hon Speaker were not good for human consumption, according to the government Chemist who gave us the report.

Hon Speaker the other issue i would like also to point from this report is that when we tried to see the package issue we also discovered that the people who are given the responsibility to store the water should also included in this report.

There must be hygiene for those who are suppliers or dealers of water; be it Dasani or any other mineral water Hon Speaker because this issue is also very critical.

And finally Hon Speaker this is not only Coastal Bottlers Limited, the Committee said that there should be recommendation for the people who are dealing with foods in Mombasa County.

If you recall Hon Speaker, I think about five months back there were some bottles that were condemned by Public Health Committee because there was Hepatitis A and B that was in our County, that's why i say some recommendation should be in general not only the Coastal Bottlers but also the other people who are dealing with foods.

Hon Speaker i think it's our duty as Members to see that our staffs are paying impromptu visits to the companies around Mombasa County to see whether the companies are within the KEBs standards.

I think this is very important because health is very important, health is wealth Hon Speaker and i also urge that the department should be very keen in making sure our foods are in good condition.

So i think Hon Speaker the report is well explained, every report concerned is contained in this report for any person to see. Thank you Hon Speaker.

*(Applause)*

**Deputy Speaker** (Hon. Mswabah Rashid): The Motion is on the floor of the House. It means there's no contribution, yes Hon Onje.

**Hon Onje:** Ahsante sana Mheshimiwa Spika kwa kunipa nafasi. Mheshimiwa Spika mimi naunga mkono ripoti ambayo imeletwa na Mwenyekiti wa Kamati ya Afya.

Ni kweli Mheshimiwa Spika maji ambayo tulipata hapa ndani ya hii *Assembly* hayakufaa kwa matumizi yetu na ni maji ambayo yalikuwa yanatoka kampuni ya Dasani.

Mimi nakumbuka Mheshimiwa Spika nikiwa pale niliwahi kupata maji ambayo hayajafunguliwa na ndani yake kuna kitu inakaa kama sijui ni pamba; kwanza niliweza kupeana hii ripoti japokuwa hayo maji nilipoyapeleka hayakushughulikiwa lakini nashukuru Mwenyekiti aliweza kupata maji mengine zaidi na yakaonekana si mazuri kwa matumizi ya binadamu na waliweza kufuatiliza tena mpaka mahali leo wamefika wameweza kutuletea ripoti na ningependa watu wa maji yale waseme ni kwa nini wanaweza kuleta au kuuzia

wakenya maji ambayo yanaweza kuhatarisha maisha yao hilo ndio jambo ambalo twataka kujua sisi.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Mheshimiwa Ibrahim Kondo.

**Hon Ibrahim Kondo:** Ahsante Mheshimiwa Spika kama mmoja wa Mwanachama wa Kamati ya Afya nakubaliana na ripoti iliyotoka kwa Mwenyekiti kuhusiana uliokua kutokana na chembechembe ama uchafu uliopatikana kwenye maji ya Dasani.

Mheshimiwa Spika kazi tulioifanya si kazi rahisi kwa sababu hapo mbeleni kulikuwa na tetesi nyingi ya kwamba Wanakamati hawakwenda kufanya kazi bali walikuwa wameenda kwa maslahi yao lakini kama Kamati tulisimama kidete na kuhakikisha kazi ile imefanywa ili kusaidia wananchi wa Kaunti ya Mombasa na si kwa manufaa binafsi ya Wanachama.

Kwa hivyo Mheshimiwa Spika swala hili tulichukua hoja baada ya nyingine kwenda kulifanyia uchunguzi kama Mwenyekiti alivyoeleza katika nakala yake na kufikia mwisho kila kitu kilikuwa kiko sawa na tungependa Nyumba hii ikubaliane na ripoti ambayo tumeileta ili kuweka hali yetu ya afya pamoja na kutetea ya wananchi wengine ambao hawawezi kuingia katika Jumba hili bali sisi kuwa wawakilishi wao.

Kwa hivyo Mheshimiwa Spika ninaunga mkono na nafikiri wanakamati wengine na waheshimiwa wenzangu wengine wote twakubaliana kwa kauli moja na kupitisha ripoti hii.

Ahsante Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Mheshimiwa Amur.

**Hon Amur:** Ahsante Mheshimiwa Spika hata mimi ningependa kuunga mkono hii ripoti kwa kuwa jina la *Assembly* hii liliharibiwa sana kwa magazeti.

Ningeomba Bunge hili ili liweze kuwasilisha *copy* ya nakala hii kwa wale watu wa kitengo cha kupigana na ufisadi waone kuwa Kamati ilikuwa inafanya kazi yake na iweze kusafisha kutoka ile dhana kwamba waheshimiwa walikuwa hawawajibiki ripoti hii itadhihirisha Mombasa kwamba kweli Kamati ilikuwa inafanya kazi yake na ukweli leo umepatikana na watu waujue ukweli kama ulivyo. Ahsante Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Mheshimiwa Zainab.

**Hon (Mrs) Zainab Said:** Ahsante Mheshimiwa Spika kwa kunipa hii nafasi. Mimi pia naunga mkono Mwenyekiti wetu kwa kazi aliyoifanya na tulichukua muda mwingi ili tulete ripoti ya kisawasawa japo wanasema tulichelewa lakini wao ndio waliochelewa kuleta ripoti kutoka South Africa lakini kuchunguza tulichunguza mpaka tukapata ule ukweli uko wapi? Kwa hivyo tukifanya kazi nzuri twataka kupongezwa...

*(Applause)*

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Mheshimiwa Kibwana can you reply to the Motion.

**Hon Kibwana Swaleh:** Thank you Hon Speaker; once again mine is just to sincerely thank my Committee and I also thank the staff of the County Assembly for the support they gave us.

Hon Speaker mine is just to say that the journey had hiccups but we thank God we made it. As you heard several Members raised the issue of anti corruption that was publicised by the media but we focus ourselves for the job that is ahead of us.

Hon Speaker I think it's very important whenever we are given a duty we should do it with all our commitment it deserves.

I think we are answerable to the people who elected us so we should do our duty without fear or favour and it has shown that as Members we work tirelessly to see that we have a report that catches every part.



So Hon Speaker mine is just to say I am really happy to see that after a long run we have presented the report that was being awaited for long. Thank you Hon Speaker and we continue...

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Thank you Members i think it is now time to put a question. Members i put the question that this House adopt the report on contaminated Dasani water laid on the table on Wednesday 7<sup>th</sup> December 2016.

*(Question put and agreed to)*

*(Applause)*

Yes Clerk.

### **ADJOURNMENT**

Members having no other business this House stands adjourned until tomorrow morning.

The House rose at 3:10pm.