

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Thursday, 23rd February, 2017

The House met at 2:42pm.

*(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)***PRAYERS****Deputy Speaker** (Hon. Mswabah Rashid): Clerk.**COMMUNICATION FROM THE CHAIR**

Honourable Members I wish to bring to the attention of this Honourable House that we have visitors from Sagher Kings High school from Bakarani, Mombasa.

We therefore recognise the presence of the delegation which consists of:-

Teachers – Mr. Kalama, if you can stand up for the House to see, thank you very much, Mr. Maulana.

Form four students – Rashid Athuman, Saumu Kamadi, Zeinab Yusuf, Lubna Mahadh, Halima Muhamed, Hayaa Abdallah, Maryam Salim, Mary Wamboi, Philip Thoya, Daniel Kimbio, Juma Mgandi, Ali Said, Said Mohamed;

Form 3 students – Pili Mshenga, Yahyah Yusuf, Swaleh Said, Khadija Noor, Idd Juma, Fatma Nassor, Anthar Nassor, Mazima Juma, Mumba Mgandi, Raphael Rama, Baraka....

(All the students bowed after their names were mentioned)

....thank you very much teachers and students; on behalf of the Assembly, I welcome you all and I hope that you will learn more about the Assembly after this sitting. *Karibuni sana!*

Deputy Speaker (Hon. Mswabah Rashid): Yes Clerk.**STATEMENT**

Yes, Hon Murfad Amur.

Hon. Amur: Thank you Mr. Speaker Sir. Mr Speaker Sir I stand to request a statement from the Department of Trade Industry; sometimes back in this Honourable House we had brought this issue, but it's unfortunate that the business is still going on, the roads we had been told that temporary permits had been revoked, yet Mr. Speaker the business of mobile selling at Nkrumah road is still going on.

Mr. Speaker Sir I want to get a proper report on the Committee, if these persons are untouchable or they are above the law because we had been told the licences were revoked and they were planning to open their shops but still people are being mistreated, people are being conned money because of these counterfeit goods and yet we see them on the roads on daily basis.

As I was walking here this afternoon these people are still there and we want to know whether these people are untouchable or are covered by somebody within our County because it is unfair for other phone shop sellers to be subjected to their rights, they pay rates they pay single business permits yet this person doesn't have all these and he is continuing with the business as usual.

Mr. Speaker Sir it's very sad that this House passes a Motion but enforcers are letting us down, when they let us down we as elected Members feel that we have not been respected or this House has not been respected.

Mr. Speaker sir I want to know if possible by next week Tuesday if this person is untouchable, so that we can know who is protecting him or who is defending him. Thank you Mr. Speaker Sir.

Deputy Speaker (Hon. Mswabah Rashid): Chairman Ibrahim Kondo? Deputy Chairman Fatuma Kushe.

Hon. (Ms) Fatma Swaleh: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Mheshimiwa Spika kama tunavyojua ni kwamba hili jambo lilijadiliwa hapa na tuliweza kulifuatilia sisi kama Kaunti hatujatoa ruhusa ya watu kuweza kuuza vitu reja reja katika upande wa barabara lakini nashangaa wenye kufuatilia hili jambo mpaka sasa *hawajalistopisha*, lakini kufikia wiki ijayo tutajua. Ahsante sana Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Next by when?

Hon. (Ms) Fatma Swaleh: By Thursday.

Deputy Speaker (Hon. Mswabah Rashid): By Thursday.

Hon. (Ms) Fatma Swaleh: Yes.

Deputy Speaker (Hon. Mswabah Rashid): Yes Honourable what is it?

Hon. Onje: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nimesikia vizuri vile Mheshimiwa ambaye ameuliza maswali kuhusiana na watu wanaofanya biashara barabarani, kwanza amesimama akasema anashangaa, anashangazwa na yule ameleta hii hoja Bungeni, angetuambia anashangaa ferry ama anashangaa nini....

(Laughter)

...Kwa sababu yenye ameulizwa ni kitu cha maana sana, mimi Mheshimiwa Spika hata vile ninavyomuona amefanya tu *guess work* ya kuwa ataleta hii ripoti lakini hakuwa tayari kwa hivyo tusipite hivi hivi atuambie kwa sababu wale watu ni *conmen* pale hata mimi juzi nilipita pale mmoja alishika koti yangu pale kidogo koti yangu kidogo kuna mahali iliraruka, kwa hivyo inafaa watoke pale.

Deputy Speaker (Hon. Mswabah Rashid): Let's give the Committee sometime to do their work, until Thursday to give the report; if they fail to give the report on a Thursday then we will take the course of action. Yes Clerk.

STATEMENT

Hon Mary Akinyi.

Hon. (Ms) Akinyi: Thank you Mr. Speaker Sir. Mr. Speaker Sir it was last year when we passed a Motion on identification of smoking zones, and up to now nothing has been implemented.

So Mr. Speaker I seek to know from the Chairman Committee on Environment and Natural resources whether there are unidentified smoking zones in this County of Mombasa, thank you.

Deputy Speaker (Hon. Mswabah Rashid): Chairlady of Committee on Environment and Natural Resources?

Hon. (Zainab) Mumba: Thank you Mr. Speaker sir. Mr. Speaker sir I will respond on statement on next week Wednesday afternoon.

Deputy Speaker (Hon. Mswabah Rashid): Next week Wednesday afternoon, please work on it, thank you. Yes, Clerk.

STATEMENT

Hon Ebrahim Omar.

Chief Whip (Hon. Ebrahim Omar): Thank you Mr. Speaker for giving me this opportunity to present this statement concerning, the lack of proper lighting in Kongowea Market.

Mr. Speaker I seek to know from the Chairman Committee of Energy and Trade whether he's aware there is no proper lightning in Kongowea market; on what measures the department of trade is taking to remedy the situation and remove the inconvenience to traders as members of the public, because I have been there during the early hours in the morning and I saw the hardships the traders are going through.

Mr. Speaker most of them they are using their *mulika mwizi* phones to get the lights to do their business, and by the time it reaches 9:00am the phones are off and you know as these people operate in business most of the transactions nowadays are being done by M-pesa and

the phones are also used to communicate to the customers about the goods or if the orders have arrived.

So I will seek to know the measures that the department has taken to considering the lightning of the Kongowea Market.

Deputy Speaker (Hon. Mswabah Rashid): This question goes to the Committee on Transport and Infrastructure not trade, so Hon Amir Thoya. Hon Amir Thoya can you respond to that question please?

Hon. Thoya: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nataka kumjibu Mheshimiwa aliyeweza kuuliza ambaye ni Mwakilishi maalum ambaye pia ni Mwenyekiti wa vijana na jinsia ameuliza katika taarifa yake kama tatizo hili liko na nalijua jawabu lake ni kwamba ni kweli na ninajua kuwa tatizo hili liko Mheshimiwa Spika...

(Laughter and applause)

Deputy Speaker (Hon. Mswabah Rashid): Hon Amir Thoya can you sit down.

Chief Whip (Hon. Ahmed Omar Ebrahim): Mr. Speaker I think according to my question is what measures has the department taken considering that issue Mr. Speaker, the measures which have been taken by the department concerning this...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Hon Amir Thoya I think the question is very clear.

Hon. Thoya: Ahsante sana Mheshimiwa Spika namjulisha kuwa ni kweli tatizo hili liko na idara ya miundo msingi imeweza kushughulikia na kuhakikisha kwamba huduma hizi zinarudishwa kwa haraka. Ahsante.

Deputy Speaker (Hon. Mswabah Rashid): When will we get the comprehensive answer to this issue?

Hon. Thoya: Nafikiri Mheshimiwa Spika wiki ijayo Jumatano?

(Loud Consultations)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Jimmy Odari what is it?

Hon. Odari: Mheshimiwa Spika hili swala la Mheshimiwa Meti alioleta kwenye Bunge ni swala nyeti na si kwa Kongowea pekee yake. Mheshimiwa Spika mambo ya stima ni tatizo kubwa sana Kaunti nzima...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Hon Jimmy Odari we are not discussing the statement...

(Interruption)

Hon. Odari: Am not discussing the statement...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): This is a statement we are waiting for an answer, we cannot discuss...

(Interruption)

Hon. Odari: Am just informing the House...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): It is not proper, yes Clerk.

STATEMENT

Yes Hon Kibwana.

Hon. Kibwana Swaleh: Thank you Hon Speaker mine is replying to a statement which was raised by Hon Fadhili Mwalimu.

Hon Speaker I would like to give a statement in response to a request for the same by Hon Fadhili Mwalimu at the Twentieth sitting of the House on 16th February, 2017 regarding mitigation measures against the doctor's strike.

(Hon Kibwana Swaleh read statement)

Mr. Speaker Sir, as all are aware, the strike by the doctors is countrywide and affects all Counties; today is the 81st day since the strike started over grievances by doctors seeking among other things, the implementation of a Collective Bargaining Agreement (CBA) purportedly signed between their unions and the national government in the year 2013.

The matter is now in court awaiting resolution and Counties, through the Council of Governors are party to the same Mr. Speaker.

The Committee wrote to the department of Health services room on the subject and received a reply by their letter COH/MSA/FIN/05 dated 22nd February, 2017 and which is circulated to all.

Mr. Speaker in our County the only cadre doctors that are on strike is that of Medical Officers, Dentists and pharmacists; while the rest of the health workers are on duty and providing basic essential health care services.

Hon Speaker, the following mitigations and measures were put in place;

1. Hon Speaker, Mrima health centre through the support of MSF has put up a 1 container temporary maternity unit with an operating theatre (Worth Kshs 17 million) that is already functional. They have employed three Medical officers, Clinical officer, Anesthetist and Nurses to enable continuity of care and services to the pregnant mothers and those in labour Mr. Speaker.
2. Mr. Speaker, some few doctors still go to CPGH to review patients whenever they are called upon to do so.
3. Mitigation; there is a proposal for establishment of a fund to pay private doctors in a locum Mr. Speaker.
4. Mitigation Mr. Speaker; five doctors have been employed to ease in the burden at the coastal hospital but there are yet to report due to threats from other striking doctors.

Hon. Speaker, this is a big crisis and needs urgent attention to save the lives of our people, lives of our citizens.

As we know, life is priceless and every effort should be done to protect and preserve life Mr. Speaker.

Mr. Speaker, we would like to come up with solutions, if any are available, and would appreciate if we can learn how other Counties are coping especially those with heavy population with a view to replicating the same in our County.

(End of statement)

Thank you, Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Thank you Hon Kibwana, yes Hon Thoya what is it?

Hon. Thoya: Mheshimiwa Spika mimi nilikuwa niko na taarifa.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Saad Faraj, what is it?

Hon. Faraj: Thank you very much Mr. Speaker. Mr. Speaker we don't know what has being presented by the Honourable Member, is it a report or is it a response what was read in the previous meeting because normally if there is a statement which has been raised then what followed is a report; a comprehensive report which shows us all the details that are needed but unfortunately for us, we don't understand whether it is a response or the report to be that is supposed to be tabled to this House. Thank you.

Deputy Speaker (Hon. Mswabah Rashid): It's a report, he said clearly it's a response. He is responding from the request of Hon Fadhili Makarani.

Hon. Mwalimu: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi nikiwa ndiye niliyeuliza swali hili katika Bunge hili nashukuru ndugu yangu Saad amenieleza

kuwa kuna majibu ya ripoti hii. Mheshimiwa Spika kwa kusema kweli Mheshimiwa Spika...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy what is it?

Hon. Mohamed Hatimy: Mheshimiwa Spika hili ni Jumba ya sheria, Mheshimiwa anayeongea sasa hii aliuliza swali, swali limejibiwa sijui nini sasa anatafuta kama ana jambo lolote nataka sheria ifuatwe kwa *House Business* akuje kwenye *House Business* kama anataka kuleta *Motion* au ataka jambo jengine lakini hili limeshughulikiwa na nafikiri biashara imefungwa. Ahsante Mheshimiwa Spika.

(Applause)

Deputy Speaker (Hon. Mswabah Rashid): Yes, if it is Hon Fadhili he came late and he did not hear the response. Yes please.

Hon. Mwalimu: Ahsante Mheshimiwa Spika. Mheshimiwa Spika...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Just have a sit, just have a sit.

Hon. Amur: Point of Order, this is a respected House and Hon Saad they are changing their ties, it is not a changing room.

Deputy Speaker (Hon. Mswabah Rashid): Sergeant at Arms! Sergeant at Arms can you check if the Honorables... a certain Honorable is not in proper attire.

Hon. Mwalimu: Thank you Mr. Speaker. Mr. Speaker...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): No we are waiting for Sergeant at Arms first please.

Hon. Amur: Mr. Speaker, I raised the issue that Hon Saad is not on proper tie in this Honourable House.

Deputy Speaker (Hon. Mswabah Rashid): Sergeant at Arms I need your answer...

(Loud consultation)

(Sergeant at Arms ejected Hon Faraj from the Chambers for improper attire)

Hon. Amur: Thank you Mr. Speaker.

(Laughter)

Deputy Speaker (Hon. Mswabah Rashid): Yes please.

Hon. Mwalimu: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi ni Mwanakamati wa Kamati ya Afya, lakini swala nililouliza mimi ni mikakati gani ambayo serikali yetu ya Kaunti imeweka kuhakikisha katika huu mgomo ambao unaendelea wa madaktari.

Mheshimiwa Spika ni mikakati gani imewekwa kuangalia wale watu chini wasiojiweza na vilevile twaelewa mpaka sasa wengi sana wameathirika na huu mgomo na katika hiyo ripoti hakuna vile imeandika mikakati ambayo itachukuliwa kufuata kuhakikisha watu wetu wamepatiwa katika hifadhi nzuri ripoti yote imezungumza mambo mengine hatujauliza mambo ya *outpatient* ripoti niko nayo lakini haionyeshi...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Just a minute, let's follow procedure. Mheshimiwa Fadhili have a seat, let's follow procedure, If you are not satisfied with this then you can bring the matter in the House Business Committee and we make a Motion out of it.

(Applause)

Mheshimiwa Fadhili that is the answer, that is the answer that he has at moment...

(Interruption with loud consultations)

Just have a seat, the matter has been put to rest you take the matter back to the House Business Committee.

Hon. (Ms) Zainab Kithinzi: Mheshimiwa Spika tunajua wodi anayotoka Mheshimiwa Fadhili na madaktari wamegoma...

(Laughter)

Hon. Amur: Mr. Speaker he must respect this House...

(Interruption with loud consultations)

Deputy Speaker (Hon. Mswabah Rashid): Members Order! Members Order!

(Hon Speaker stood)

...This is a House of rules and regulations and all we have to follow the same Mheshimiwa Fadhili is not satisfied with the statement there channels to take and those channels cannot take it here.....

(Applause)

...So Members have your seats, keep calm and we continue with the business of today. Yes Clerk.

ADJOURNMENT

Deputy Speaker (Hon. Mswabah Rashid): Thank you very much. Honourable Members there being no other business this House is adjourned until next week Tuesday at 2:30pm.

The House rose at 3:10pm.