

**MOMBASA COUNTY ASSEMBLY****HANSARD REPORT**Thursday, 16<sup>th</sup> February, 2017

The House met at 2:38pm.

*(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**

Members I have a communication.

Good afternoon.

In today's sitting, I would like to take this opportunity to present to you, two very important documents for purposes of adoption by the County Assembly.

**1. STRATEGIC PLAN 2015/2020 FOR MOMBASA COUNTY ASSEMBLY**

The Strategic Plan is an information tool aimed at guiding the internal stake holders, that is County Assembly Service Board, Members of County Assembly and Staff to achieve its mandate.

It also forms a basis through which performance indicators are developed, monitored and evaluated.

Needless to over-emphasize, the Strategic Plan also ensured that the ambitions of the citizens of Mombasa County are realized by providing directions in performance of key roles as provided under Article 185 of the constitution of Kenya which includes but not limited to:-

- Legislation
- Representation
- Oversight

The Strategic Plan further charts out a course for the future, by outlining the Assembly's; Vision, Mission and Core Values.

During the life of the plan, the Assembly aims to pursue strategies that will provide sustainable local governance.

In our endeavor to achieve a Strategic Plan for the County Assembly of Mombasa, we ensured that all major internal stakeholders were involved from the Speaker, County

Assembly Service Board, all Members of County Assembly and the entire staff were engaged and actively participated in the development and validation of the plan.

Also a Strategic Plan Consultant was engaged in order to provide professional guidance in achieving the documents.

**2. HUMAN RESOURCE POLICIES AND PROCEDURE MANUAL**

The Human Resource Manual has been formulated with the aim of guiding the County Assembly Service Board, Management and employees in making decision on daily operation in a systematic and standardized manner.

The Manual defines the term and conditions of employment for County Assembly Staff.

Further, it also describes benefits and the rights due to and the obligation and responsibilities required of employees of the Assembly.

Indeed it forms a basis upon which the working culture will develop.

As we release these superbly completed publications for this Assembly, please allow me to convey our profound gratitude and heartfelt appreciation to all the Members of the County Assembly, Staff and USAID-AHADI for the tireless effort made towards achieving this dream.

Over and above we wish to note with happiness that the partnership borne between the County Assembly and USAID and AHADI beared some fruits with the publication of these useful documents.

Every Member will be issued with a copy of Strategic Plan and the Human Resource Manuals will be issued to the departments of the Assembly.

*(End of communication from the Chair)*

Thank You!

Yes Clerk.

### STATEMENT

Yes Hon Fadhili.

**Hon. Mwalimu:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika tukijua kuwa mpaka leo hii mgomo wa madaktari unaendelea, kusema kweli wananchi wanapata dhiki.

Mheshimiwa Spika mimi nimesimama mbele ya Nyumba hii kutaka kujua kutoka kwa Kiongozi wa Walio wengi ama Kiongozi wa Walio wachache ili waweze kutuambia ni mikakati gani serikali ya Kaunti inafanya ili kuweza kusaidia wananchi wetu.

Mheshimiwa Spika imechukua sasa takriban siku zaidi ya 75 madaktari wakiwa wako katika mgomo na mpaka sasa hivi hatujaona tamaa yoyote ya madaktari kurudi kando na mazungumzo yanayoendelea na kesi zilizoko kortini.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Mwadziwe, What is it.

**Hon. Mwinga:** Thank you Mr. Speaker. Mr. Speaker the speaker who is talking right now is confusing; according to the Order paper statement which is given is really different from what we can see from the Order paper.

So I don't know whether he has two statements or it is the same statement Mr. Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Fadhili, what is it Hon Amur?

**Hon. Amur:** Thank you Mr. Speaker. Mr. Speaker Hon Fadhili deferred the first statement because he is in consultation with department of transport that's why he did not report the statement until further notice, so the question that Hon Fadhili is talking about is an issue that is of very important at the moment. Thank you.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Fadhili there is a concern here that what is in the Order paper is not what you are talking about, so it has been asked do you have two statements.

**Hon. Mwalimu:** Mheshimiwa Spika, mimi ningependa Mheshimiwa aangazie yale ambayo ninayazungumza kwa sababu labda kulikuwa na *typing error*.

Mheshimiwa Spika mimi nimezungumza yale ambayo yana umuhimu na yanaathiri watu wetu ndio maana hii nyengine ilioko hapa nimeona ni afadhali ikae kando lakini nizungumzie

haya ambayo yanajiri ndani ya Kaunti yetu na Kenya nzima kwa ujumla ambayo mpaka sasa hivi Rais wa Taifa, Rais wa Jamhuri hii ya Kenya bado amenyamaza hajasema hata neno moja na wananchi wanazidi kuumia.

Mheshimiwa Spika hili ni janga ambalo watu wetu, wakenya wetu wanaumia na mimi naomba kupitia kwa wale viongozi ambao nimewataja watupe habari kwanza ya serikali ya Kaunti inafanya mikakati gani? Maana kila mtu anajipanga kivyake kando na kuwa huko Kenya nzima.

Na vile vile Mheshimiwa Spika ikiwa kutakua na msukumo maana hivi sasa tumeona korti imewacha wazi watu waende kwa mazungumzo ikiwa pia kuna vile serikali ya Mombasa Kaunti pia itaingia katika mazungumzo yale.

Ningependa Kiongozi wa Walio wachache pia atueleze ikiwa Kaunti itaingia katika mazungumzo yale ili kuweza kurahisisha janga hili ambalo limetukumba maana Mheshimiwa Spika watu wanaumia, watu wengi wameaga dunia, watu hawana uwezo wanakwenda katika hospitali za kibinafsi.

Mheshimiwa Spika mimi naomba na naomba wenzangu walichukulie jambo hili kwa umuhimu zaidi walipatie umuhimu zaidi na Kiongozi wa Walio wengi apewe ama Kiongozi wa Walio wachache akiwa najua ni mama, ambaye pia mama ni mlezi, uchungu wa mwana aujua. aujua mama.

Naomba tupate muelekeo Mheshimiwa Spika ili nini tuweze kusaidia watu wetu kule mashinani; kwa kusema kweli ni dhiki ambayo imeingia na mimi nashangaa nikiona kwamba sasa hivi Rais wa Jamhuri amenyamaza.

Ahsante Mheshimiwa Spika na naomba tupate taarifa kutoka kwa hawa viongozi iwe ni taarifa ambayo itakuwa pia wameipea kipao mbele. Ahsante Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Thank you Hon Fadhili but I think this question since we have the Chairman of Health in this House; I think it will be better to the Chairman of Health to respond to the question...

*(Interruption)*

**Hon. Mwalimu:** Mheshimiwa Spika, naheshimu uamuzi wako najua tunae Mwenyekiti wa Kamati ya Afya lakini twaomba tukiipatia kipao cha juu zaidi ili serikali ya Kaunti...

*(Interruption)*

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

**Hon. (Ms) Akinyi:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika nashangaa na Mheshimiwa anayeongea na wewe ambaye ndio Spika ushatoa *directive* sasa nashangaa tena kama anajibizana afuate sheria za Bunge. Ahsante.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Fadhili.

**Hon. Mwalimu:** Mheshimiwa Spika mimi nimesimama na nikasema naheshimu uamuzi wako. Mheshimiwa Spika sijapinga uamuzi wako na naomba Mheshimiwa awe msikilivu kwa hali ya juu akiwa ndani ya Bunge halafu siwezi kukosa nidhamu nikaenda kinyume na vile umeamua isipokuwa tu nimesema naomba Mwenyekiti akiunganishwa na vinara wetu wa Bunge wahusishwe pamoja watupatie mwelekeo ambao utakuwa ni mwelekeo wenye kusaidia watu wetu. Ahsante Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Thank you all the same but we have the Chairman for the Health Committee he might be having an immediate answer, Leader of Majority and Leader of Minority this is not their immediate duty but Hon Kibwana is here and that it is his immediate duty so Hon Kibwana do you have an answer on that please?

Yes Hon Saad Faraj.

**Hon. Faraj:** Thank you Mr. Speaker I also respect your decision and the direction but all the same we have a person who speaks for the government in this House and this particular individual is the Majority Leader and if at all whatever happens in the National Assembly is something for us to be proud of what to follow then we should follow the precedents that has been set by the national government.

When issues are raised by Members that concern the government directly then the Majority Leader is given that opportunity to be able to bring that report to this House on behalf of the government and I think with all due respect Mr. Speaker we should follow that route.

Thank you.

**Deputy Speaker** (Hon. Mswabah Rashid): But this is fully represented we have the Chairman on Health, the Health Ministry is represented in this House so I still think it is fair for Hon Kibwana to give us an immediate answer. Hon Kibwana, will you please respond to that?

**Hon. Kibwana Swaleh:** Thank you Hon Speaker as the Chair of the Health Committee I would like us to share some few events on this strike of our doctors.

Hon Speaker we are aware that this is a national strike that is also involving the County government; currently the Council of Governors who are also in these negotiations they are still also consulting in this issue and you are aware that there was a time the County governments, the 47 Counties were about to sack the doctors but this decision was of sacking the doctors.

Hon Speaker we are very much aware that there was also a case in the illegality of this strike; up to now the stand of the County government is that the strike is illegal, the strike is illegal and also the court has also declared that this strike is illegal. Mr. Speaker...

*(Interruption)*

**Hon. Amur:** Mr. Speaker, Point of information.

**Deputy Speaker** (Hon. Mswabah Rashid): Hon Amur Murfad whom do you want to inform?

**Hon. Amur:** Hon Kibwana Mr. Speaker. Mr. Speaker the matter is before the court he cannot tell us about the Court, the issues that are before the court cannot be discussed here, he should just tell us the matter is before the Court and sit because the matter is before the court so let him tell us that the matter is before the court and that is end of it. Thank you.

**Hon. Kibwana Swaleh:** Hon Speaker with all due respect with the *Mzee* Hon Amur I think if you read the newspaper, the newspapers.... I realize he is analogue but if you are digital you will find that the court declared that the negotiation continue and there was no ruling that it was given saying that they should be no debate on this issue.

Hon Speaker this is very important because our Members are suffering; now that the doctors have been released then also as you are aware that this issue was also discussed before the Senate with the Committee on Health.

Hon Speaker there was a fight between the Ps and the Cabinet Secretary which is very sad for us; it shows that the national government which is led by Hon Uhuru Kenyatta is incapable of finding the solution to this doctors striking.

Hon Speaker kindly we are hoping that the CBA...

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Fadhili what is it? He is responding to your statement.

**Hon. Mwalimu:** Mheshimiwa Spika naheshimu maoni ya Mheshimiwa lakini Mheshimiwa mimi pendekezo langu ilikuwa ni je twafanya mikakati gani huku chini kwetu?

Tusaidie watu wetu Mheshimiwa Spika kando na hayo masuala ya Waziri ama vita

vilivyoko vya Waziri atupatie ni mikakati gani? Ndio maana ilikuwa nimeomba aidha Mwenyekiti ama wale viongozi wa humu ndani watuambie twafanya nini hapa chini maana watu wetu waumia, watu wetu wa Kaunti yetu wazidi kuumia wengine wazidi kufariki.

Kuna masuala mengine ni hatari hatujui Mheshimiwa Spika kama Kaunti inafanya nini? Ahsante Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Kibwana can you respond?

**Hon. Kibwana:** Hon Speaker when you were giving the way forward you will also share the background of this issue.

I want to inform my colleague that this is the first time that I have seen this question in this Honorable House Mr. Speaker, so what I was saying is that there's what is happening currently and also when the negotiation is on.

Hon Speaker the issue of what we are doing as a government, the County government has no any other plans on this issue; am speaking on the information as the Chair of the Health Committee, the idea that was brought was of hiring doctors instead.

Hon Speaker this issue (??) because it is very important and you find that the union has refused all the doctors to be taken on contract basis, I hope that the negotiations are going on and very soon the doctors will resume their duties. Thank you, Hon Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Wangudi.

**Hon. Wangudi:** Mheshimiwa Spika.....

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Can you use your microphone please.

**Hon. Wangudi:** Taarifa ya Mheshimiwa Fadhili ilikuwa imelenga pahala pamoja, msimamo wa serikali ya Mombasa kuhusiana na jambo hili ni gani? Mheshimiwa Spika Mwenyekiti anatoa maoni yake binafsi...

*(Laughter)*

...yale ambayo anazungumza sio msimamo wa serikali ni mawazo yake Mheshimiwa Spika na ni suala baya ambalo tunafaa tulizuie katika Jumba hili ni naomba Mheshimiwa Spika atoe msimamo wa serikali na sio msimamo wake ni suala la aibu.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Saad Faraj.

**Hon. Faraj:** Naam ahsante sana Mheshimiwa Spika. Mheshimiwa Spika kwa ushahidi ambao tuko nao kutokamana na wenzetu ambao wako kwa Bunge hili ambao ni wanakamati wa Kamati ya Afya wanatoa ushahidi kikamilifu kuwa tangu matatizo haya yalipoanza hawajawahi kukaa hata kikao kimoja kuzungumzia masuala haya.

Mheshimiwa Spika ni masikitiko makubwa kuona tuna hospitali kubwa ambao inaangalia masuala ya usalama na masuala ya kiafya kwa wakaazi wetu na wakaazi waliomo pembezoni mwa Kaunti wote hii leo hajachukua hatua Bwana Mwenyekiti hata kusema waweze kutoka na kwenda sehemu kama ile kuangalia zile hali za wale wagonjwa wanavyo angaliwa.

Mheshimiwa Spika haya si masuala ya kucheza haya ni masuala ambayo kwamba yanaathiri wananchi moja kwa moja na ni lazima ikiwa suluhisho halijapatikana kitaifa ni wajibu wetu tupate suluhisho ambalo kuwa ni la kikaunti ili kuweza kuwasaidia watu wetu kwa sababu hiyo ni sababu ya kuwa tumechaguliwa nayo kwenye Nyumba hili na sio kukaa kuchekeshana hapa na kuzungumza masuala ambayo hayana msingi. Ahsante sana.

**Deputy Speaker** (Hon. Mswabah Rashid): Hon Kibwana but I have a suggestion maybe I can see Hon Fadhili and Hon Saad are not satisfied with your answer; may be I give you three days, is just an option so that you can bring back the report on Tuesday and if you fail to get an information you can use the Leader of Majority or Leader of Minority to help you to retrieve the



information but if you think you have a comprehensive answer which Members will be satisfied with I can give you some few minutes to communicate.

**Hon. Kibwana Swaleh:** Hon Speaker just to respond to my Hon Member who is not the Committee Hon Saad Faraj Ahmed is the Chairman of Lands and wherever he goes nothing is happening...

*(Laughter and applause)*

Hon Speaker....

*(Interruption)*

**Hon. Wangudi:** Hon Speaker....

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Honorable Members order let us give Hon Kibwana time to respond.

**Hon. Kibwana Swaleh:** Thank you for your protection Mr. Speaker. Mr. Speaker...

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Let us give him some time.

**Hon. Faraj:** But he has mentioned my name Mr. Speaker....

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): You will be given time, let us hear what he wants to say.

**Hon. Kibwana Swaleh:** Can you protect me Hon Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes go ahead please.

**Hon. Kibwana Swaleh:** Hon Speaker....

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Hon Saad have your seat please I will give you time to talk.

**Hon. Kibwana Swaleh:** Hon Speaker...

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Let it flow.

*(Laughter)*

**Hon. Kibwana Swaleh:** Hon Speaker let us go to record that my Committee sat and discussed the issue of the doctor's strike and I have evidence through my Clerk that we wrote a letter to the Chief Officer on the issue asking status on both the facilities in Mombasa.

Hon Speaker my Committee is working 24 hours, it is working hard on this issue and also going to make sure we give our report as you give us your direction so that all the Members will be able now to see what we have done on our part.

Hon Speaker I think some of the Members who are trying to say the Committee is not working should also look at the houses, their Committees first before pointing a finger to other Committees, as you are aware that he was also the Finance Chairman. Thank you.

*(Laughter)*

**Deputy Speaker** (Hon. Mswabah Rashid): I think that chapter is closed, Yes Hon Saad Faraj can you..., this is a statement you cannot discuss a statement.

**Hon. Faraj:** Thank you very much Mr. Speaker there were some allegations which were directed to me by the Hon Member for Miritini. Mr. Speaker my track record speaks very clearly for itself; at the time when I was the Chairman for Budget and Appropriations that was the time everyone had laptops and Ipads...

*(Applause)*

And that is a record that has been set and everybody understand clearly it's because of the way we were able to do our budgets.

*(Interruption)*

**Hon. Amur:** With all due respect Mr. Speaker, we cannot be mislead I never received a laptop.

**Deputy Speaker** (Hon. Mswabah Rashid): Hon Amur I have not given you time to talk.

**Hon. Amur:** But somebody cannot lie in this House Mr. Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): You stand then I give you time to speak.

**Hon. Amur:** Yes.

**Deputy Speaker** (Hon. Mswabah Rashid): But I have not given you time.

**Hon. Amur:** Yes but somebody is putting things.

**Deputy Speaker** (Hon. Mswabah Rashid): No no no you don't speak before I allow you to speak.

**Hon. Faraj:** Thanks for the protection Mr. Speaker and this is a House of rules and regulations and we need to observe that whenever we decide to...

*(Interruption)*

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

**Hon. Amur:** Whenever any Member is given anything by the County he has to append his signature, I appended my signature when I received the Ipad, not the Laptop Mr. Speaker

*(Applause)*

If there were Laptops which were purchased Mr. Speaker we want to see the LSO as the evidence in this Assembly because I did not receive that, I don't want to be accountable for something I did not receive. Thank you.

**Hon. Faraj:** Hon Amur is very emotional Mr. Speaker, I have come up clearly to say that the laptops were bought and they were given to the staff, the Ipads were bought and they were given to staff and Members of County Assembly during my time and so many other issues that we were able to allocate in our budget which dealt with our welfare and during my time I can speak with my head held very high because during my time nobody went to any trip, travelled out of this County without being paid here but today you understand the current position...

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

**Hon. Faraj:** Mr. Speaker I have made sure in whenever capacity, in whatever position that I was I made sure that I delivered.

During my time as the Chairman for Tourism I did perform and allocated so much money for different areas to enhance tourism in our County Mr. Speaker, I am working I have been working and I will still be working. Thank you so much.

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

### STATEMENT

Hon Kizito Opeya.

**Hon. Opeya:** Thank you Mr. Speaker.

Mr. Speaker Sir I wish to give the following statement on the status of county governments development projects raised in this House by Hon Paul Onje (MCA, Junda Ward) during the Seventh sitting on Wednesday, 25<sup>th</sup> January 2017.

The Committee on Implementation sought a response on the matter and wrote to the County Secretary vide a letter Ref. CAM/CAC/ADM/VOL.V/117 dated 8<sup>th</sup> February 2017.

As we await for the response by the County Secretary, we would like to inform Members that all County development projects are outlined in the County Integrated Development Plan which are cascaded annually in the Annual Development Plan.

The status of all the projects per department is also listed therein.

Mr. Speaker sir, we would like to inform Members to appraise themselves of the contents of the Annual Development Plan, 2016 for further details.

Thank you, sir.

**Deputy Speaker** (Hon. Mswabah Rashid): Thank you Hon Kizito, Hon Onje is not here so we don't know if he is satisfied or not satisfied. Yes Hon Mary Akinyi?

**Hon. (Ms) Akinyi:** Ahsante Mheshimiwa Spika, ameacha ujumbe kwamba yale ambayo yatapitishwa hapa yako sawa.

**Deputy Speaker** (Hon. Mswabah Rashid): Okay, yes Clerk.

#### **ADJOURNMENT**

Members having no other business this House is adjourned until Tuesday in the afternoon.

The House rose at 3:13pm.