

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Tuesday, 5th December, 2017

The House met at 2:37p.m.

*(Deputy Speaker (Hon. Fadhili Mwalimu) in the Chair)***PRAYERS**

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Members have your seats. Yes Clerk?

NOTICE OF MOTION

Yes Hon. Moses Aran.

Hon. Oindo: Thank you Mr. Speaker Sir, Mr. Speaker I beg to move the following Notice of Motion;

(Hon. Oindo moved the Notice of Motion)

FORMATION OF PEOPLE'S ASSEMBLY

AWARE THAT on 8th August, 2017 and 26th October, 2017 the Independent Electoral Boundary Commission (IEBC) conducted illegal, unconstitutional and undemocratic presidential elections;

RECOGNIZING the fact that the turnout for the presidential elections was 30 per cent or thereabouts of the total number of all the registered voters in Kenya and therefore the President cannot by delegation or otherwise, be properly vested with the people's sovereign power and authority;

OBSERVING that the exercise of the executive authority by the President has in the past few years reintroduced the trappings of the imperial presidency and despotic tendencies in the conduct of public affairs;

Mr. Speaker KNOWING that Parliament has been legislating unconstitutional, illegal, undemocratic and draconian laws, and in particular laws that contravene the Bill of Rights and the principles for the electoral system; and,

ACKNOWLEDGING, the sovereign power of the people of Kenya, the supremacy of the Constitution of Kenya, 2010 and the sovereign right or authority of the people, to determine the form of governance in Kenya.

I therefore urge this Assembly to RESOLVE that;

- a) The presidential elections held on 8th August, 2017 and 26th October, 2017 were each and all invalid, null and void; and no government formed and/or \president declared as a consequence thereof, and considering the negligible turnout in the presidential elections held on the latter date, can have constitutional authority or legitimacy to govern;
- b) A Peoples Assembly be formed to discuss and determine the affairs of the country and recommend a pathway towards and for the achievement of the promise, aspirations, objectives and rights and freedoms provided by the Constitution of Kenya, 2010;
- c) The House and its membership will participate in the proceedings of the People's Assembly and will constitute a special college for the appointment or election of members, delegations and observers to the People's Assembly;
- d) A truly Independent Electoral and Boundaries Commission be established with a view of holding a fresh presidential election on or before 9th February, 2018;

- e) The action and performance of constitutional commissions including the Independent Electoral and Boundaries Commission, the National Police Service, the National Intelligence Service, the Public Service Commission, the Ethics and Anti-Corruption Commission and the National Cohesion and Integration Commission be reviewed with the purpose of ensuring that the said Commissions are independent to enable them protect the sovereignty of the people and to promote constitutionalism;
- f) Appropriate measures be undertaken to safeguard and promote devolution and the organs and instruments of devolution including; County Assemblies and County Governments and secure their financial viability and security with the ultimate objective of the creation of larger and autonomous devolved units within one indivisible sovereign nation; and,
- g) A review of the Constitution of Kenya, 2010 be undertaken to reform the structure of the Executive and Parliament and devolution and to reinforce concrete measures for the promotion of inclusivity, the welfare of the marginalized, the advancement of women and youth, the eradication of corruption and poverty and to secure social justice, equality and fairness.

Thank you Mr. Speaker, yes Clerk.

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Clerk?

STATEMENT

Hon. Fahad Kassim Chairperson Committee on Transport, Infrastructure and Public Works. Any Member from that Committee? Yes Hon. Mwaka Bakari?

Hon. (Ms.) Mwaka Bakari: Statement on Involvement of local leaders on Ward development i.e. road repairs for Hon. Fahad Chairperson Committee on Transport, Infrastructure and Public Works...

(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Do you have the response with you?

Hon. (Ms.) Mwaka Bakari: No but he is my Chairman and am the Vice Chairperson.

Deputy Speaker (Hon. Fadhili Mwalimu): You are the Vice Chair and you understand that the House was waiting for this response today, you are supposed as a Committee to respond back to this House.

Hon. (Ms.) Mwaka Bakari: No am not aware of that.

Deputy Speaker (Hon. Fadhili Mwalimu): So it means that the Committee has failed to respond to this issue.

Hon. (Ms.) Mwaka Bakari: Maybe Hon. Fahad is not aware because we have not had a Committee meeting.

Deputy Speaker (Hon. Fadhili Mwalimu): Clerk you will...

(Silence)

...the Table Clerks will communicate to the Committee. Yes Hon. Thoya? Are you up on the same issue?

Hon. Juma Thoya: I want to strike the nail on the head, thank you Mr. Speaker I think it is going to be prudent if we seek statements from the relevant House Committees, and we get them in the said time, so we are going to be very happy as Members of this Hon. House that the said Committee retreats and bring the information in this House. Hon. Speaker this is because especially we see some development in our Wards, it was put across by Hon. Member from Mwakirunge that there are some development projects that they are pending in that Ward but the area Member of the County Assembly is not aware. And the same will happen even to my Ward, so seven days were given out I don't know if the Hon. Vice Chair will give us how many days? Thank you.

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Hon. Kitula.

Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Spika kusema kweli suala hili ama taarifa hii iliweza kuwakilishwa takriban wiki mbili zilizopita na kusema kweli Mwenyekiti mwenyewe akakiri na amri yake ya kwamba ataweza kuleta ripoti kwa takriban ya wiki moja. Mheshimiwa Spika nafikiri jukumu moja kuu la sisi kama Wawakilishi wa Bunge ni kuweza kuleta matakwa ya wananchi katika Bunge hili, sasa ikiwa Mwenyekiti na Naibu wake hadi kufikia sasa hawana jibu mwafaka katika suala hili sijui Mheshimiwa Spika utatoa muongozo gani? Kwa sababu jukumu hili linafaa kuletwa kwa wakati unaofaa na yeye mwenyewe aliweza kukiri kuwa ataleta jibu hili kwa muda wa wiki moja ambapo zimepita wiki mbili. Mheshimiwa Spika twaomba utupatie muongozo manake ikiwa tunaenda hivi itakuwa si nidhamu na Wenyekiti wengine wataweza kuchukua mkondo huo. Kwa hio ningependa Mheshimiwa Spika uweze kutoa amri ambayo itaweza kukiri kabisa na kuweza kuhakikisha ya kwamba Wenyekiti wanatekeleza kadri wanavyotimiza katika Bunge hili Mheshimiwa Spika. Ahsante.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Samba.

Hon. Samba: Thank you Mr. Speaker Sir and the entire House I just want to echo what my colleague has just said...

(Interruption)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes what is it Hon. Aran?

Hon. Oindo: Mr. Speaker I think Hon. Fahad Kassim is not properly dressed as required by this House, please kindly he needs to dress up not in this Hon. House unless this is a bedroom Hon. Speaker let us know. Thank you Mr. Speaker Sir.

Deputy Speaker (Hon. Fadhili Mwalimu): Thank you it was upon the Sergeant-At-Arms, yes Hon. Tobias Samba, continue...

Hon. Samba: Yes Mr. Speaker Sir going by the events that are currently occurring we need the relevant Committees to be responsible, the position that they are holding they were not just given for the sake of it and I think this would have been the first business that we carry in this Honourable House and as my Hon. Member has just stated it is high time now the House has to get the business because the issue raised they are really genuine and affecting the residents of our County and this trend that is now coming up that Chairman maybe skips and sometimes even the Committee is not even aware when it comes to a point when even the Deputy Chair doesn't know how to answer or what to say and we need some clarification from them. Mr. Speaker Sir I think it is high time now you will just have to give some direction because it is seemingly that is the trend, we need to deliver the time is now and let each and every Committee Chair head be responsible for his or her Committee. Thank you Mr. Speaker Sir.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Chairman Transport, the Vice Chair has already stated that as the Committee you do not have a response on this issue, before we take it to the relevant Committee; the Powers and Privilege to take action, do you have anything to say on the same statement?

Hon. Fahad Abdallah: Yes, thank you Mr. Speaker and my colleagues. I agree with Hon. Samba we have a problem Mr. Speaker because we are in no communication from the Executive side, I called personally the Engineer so that we can go on a survey on those sites and unfortunately he was not in the office for more than two weeks, his Deputy, in fact I had to pay a courtesy visit and I went there thrice personally. Unfortunately he was not in the office, nor are they responding to their calls nor to our texts, so it is better that we have come here all together we will know how to go about it.

It is true we do not have an answer but it is because of lack of communication from the Executive side, we are not getting them online, they are not in their offices, nor are they replying to our texts. Thank you, Mr. Speaker.

Deputy Speaker (Hon. Fadhili Mwalimu): Hon. Fahad unless you do not know or you do not understand the powers that your Committee has that is why you are proceeding to say that you were unable to meet or to call the Executive concerned or the offices concerned. You have got all the powers to summon them so the House will give you another two days for you to work on it because it is an issue that was raised by an Hon. Member and as a Committee you have got all the powers unless you tell the House that the Committee is unable and we reconstitute the Committee so we are giving you other two days for you to work and bring back to the House a very good report indeed.

Hon. Fahad Abdallah: Thank you Mr. Speaker, I promise you and the House one thing, that I personally am going to make sure if there is anyone who is going to enjoy the powers and privileges of the Committee I will be one of them, so am very happy and my Clerk's can confirm that I responded to them, I have summoned them and I promise you if they do not respond they will go home, full stop.

(Applause)

Deputy Speaker (Hon. Fadhili Mwalimu): Yes Clerk?

STATEMENT

Hon. Fahad, any response?

Hon. Fahad Abdallah: Mr. Speaker these were both issues that were brought together on the same day and I have been working on them and still that was the same response but I promise you within two days if we are not going to have a concrete report then at least I will make sure that person in charge will be going home because we are not here to joke around and our *wananchi* are looking upon us so am sure, you know how i am active, committed and dedicated to do my duties but it is unfortunate and I promise that this the last time, Clerks can confirm and please do the needful.

Deputy Speaker (Hon. Fadhili Mwalimu): Thank you Hon. Fahad but in the two days that we have given you we would like you to produce to the House the said letters that you have said that you have communicated to the executive and they failed to respond so that you take it to the relevant Committee, Powers and Privileges for action before you take the action that you stated earlier. Clerk?

STATEMENT

Chairperson Health, or a Member from Health Committee, Hon. Nzai?

Hon. Nzai: Thank you Mr. Speaker I wish and beg to respond on the cholera issue on behalf of my Chairman who is away for essential duties. Mr. Speaker Sir, I wish to give the following statement, response on cholera outbreak within Mombasa County.

RESPONSE ON CHOLERA OUTBREAK WITHIN MOMBASA COUNTY

(Hon. Nzai responded on behalf of Chairperson, Committee on Health Hon. Kibwana Swaleh)

Mr. Speaker Sir, the statement was raised by Hon. Moses Aran Oindo on 29th November, 2017. Mr. Speaker Sir, the cholera outbreak started on 15th October, 2017 with two cases from Kibarani Mtaani, Jomvu Sub County. A total of 116 suspected cases have been treated with 34 cases confirmed and seven (7) deaths. Most cases are from Changamwe (24) and Jomvu (42) Sub Counties with the highest confirmed case in Jomvu Sub County, 14 (47%). In Jomvu the worst affected villages are Kibarani Mtaani and Bangladesh with five and three confirmed cases respectively.

As part of preventive strategy, the Department of Health has with immediate effect taken the following measures:-

1. Banned the hawking and selling of food within town and estates and will ensure strict enforcement of the directive in line with the Public Act, Cap 242.
 2. Banned the hawking of bottled water in town and estates in strict compliance to the public Act, Cap 242. To rid the County of unscrupulous water bottlers, all companies in the sector are directed to immediately present themselves and deposit their KEBS certification with the department failure to which punitive action will be taken against them including withdrawal of their products from the market and the risk of a total ban.
 3. Banned all food outsourced from hotels, suppliers and business entities whose premises and businesses are unlicensed and have not received a health certificate from the department. Any party outsourcing food for any public function is required to immediately notify the Public Health Department to allow for the necessary inspections and approvals. Any subsequent individual or organization wishing to outsource should notify the department 14 days prior to their function.
 4. All hotel workers, food and water vendors in the County should immediately present themselves for the registration with the department, for registration medical examination and licensing. Visits to hotels can be arranged for organized groups and establishments.
 5. The County Government is working closely with water sector players to put in place mechanisms for vigorous and random testing of water from all water sources, treatment and quality assurance, and to map and repair all broken overflowing sewer lines that cause water contaminations.
 6. The Department is sensitizing the public through a community focused comprehensive multimedia campaign strategy to raise awareness and empower communities through health messaging on cholera prevention and control, health education, water safety, personal hygiene and sanitation, proper disposal of liquid and solid waste, treatment of domestic water, proper washing of food and other measures to make the County cholera free.
 7. The County Government through appropriate legislation has made provision for the establishment of an emergency fund to cater for rapid response on emerging infections, including cholera and other scourges. Work around development of County, Sub County and community health information system is on course.
 8. The Department is already distributing water treatment, chemicals and other sanitation consumables to all informal settlements.
 9. Officials of the Public Health Department will be making random spot checks to ensure compliance to these directives.
 10. A multi-sectoral task force has been appointed to oversee the implementation of these directives.
 11. The Department of Health Services has set up Cholera Treatment Centers in all four Sub Counties to minimize cross infection at designated sites namely Port Reitz Hospital, Mwembe Tayari Health Centre, Bamburi Health Centre and Likoni Sub County Hospital.
- Mr. Speaker Sir, with the ongoing public health interventions the outbreak has significantly reduced and only few diarrhoea cases are now managed at the Cholera Centres. The last confirmed case was reported on 26th November, 2017.

Thank you Mr. Speaker Sir.

Deputy Speaker (Hon. Fadhili Mwalimu): Thank you the Committee on Health, yes Clerk?

STATEMENT

Yes Hon. Shebe Athman.

Hon. Shebe Salim: Thank you Mr. Speaker. Mr. Speaker Sir I wish to give the following statement in response to overflowing of drainage sewers in Chaani Ward.

Mr. Speaker Sir, it is due to poor maintenance that has caused clogging and overflowing as a result this has triggered environmental crisis leading to communicable diseases such as cholera, malaria, typhoid etc. to the public. We would like to assure Members that the County Government is fully aware of the environmental concerns posed by these overflowing drainage sewers and currently the County Government is undertaking all necessary remedial measures to ensure that this problem is addressed and put to rest completely. Thank you Mr. Speaker Sir.

Deputy Speaker (Hon. Fadhili Mwalimu): Thank you, yes Clerk?

ADJOURNMENT

Hon. Members the House stands adjourned until Wednesday 6th December, 2017 at 9:00a.m.

The House rose at 3:08p.m.