



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 27th 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?

COMMUNICATION FROM THE CHAIR

Hon. Members, I wish to bring to the attention of this Honorable Assembly that we have Grade 8 pupils from the Light Academy with us today in the Gallery and if I may recognize the presence of the delegation which consist of:- Amir Fuad, Amira Yussuf, Ashly Akinyi, Daniel Mwasia, Densil Ngala, Ezra Maina, Faiza Isa, Fakhi Khalid, Hafswa Feiswal, Ismail Ibrahim, Christine Nyokabi, Mariam Ali, Naomi Wanjiru, Raiyan Kitonga, Prisa Pali, Sana Sodha, Shukri Amin, Stacy Hilda, Suheil Abdullahi, Krista Waithera, Twaha Yasin, Ali Asodha and Teachers which is Mr. Baraza and Mr. Josphat Kingola...

(The delegation from Light Academy stood and bowed before the House)

Thank you for coming today, on behalf of the Assembly I welcome you all to the County Assembly of Mombasa. *Karibuni sana na Mungu awabariki!*

(Applause)

Yes Clerk?

PAPERS

(Consultations)

Yes Hon. Priscillah Mumba please table the report?

(Loud Consultations)

Hon. Mumba: Thank you Mr. Speaker. Mr. Speaker Sir I would like to inform the House on behalf of my Committee that we invited the Chief Officer, Department of Transport and Infrastructure for a meeting with the Committee to provide further clarification on his letter of 20th February, 2019 in reply to the request for the statement from Hon. Charles Kitula.

Mr. Speaker Sir the meeting was scheduled for Monday 25th February, 2019 at 2:00p.m and the Committee met but he did not appear. Another invitation has been sent out with the three days notice of the Chief Officer, Department of Transport and Infrastructure that to appear before the Committee tomorrow Thursday, the 28th of February, 2019 at 10:00a.m.

Mr. Speaker Sir, we humbly ask you Sir and the humble House to bear with us and grant us more time to handle the matter and be able to prepare a detailed report on the submitted matter sought to summon to this Honorable House in due course. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Priscillah Mumba.

(Silence)

Hon. Priscillah Mumba as you are aware this issue is a burning issue and when you are asking for time I do not recall when... You did not give anything to...I mean you did not say anything, until when or how long do you need for the reply? There is no direction which you have given us here.

Hon. Mumba: Mr. Speaker Sir I seek to be more guided also by you as I had requested for one week but still there was a suggestion that I brought it today and I have forwarded another letter so probably because it was a Statement that I need another week to do so, so that on the coming Thursday I might bring the Statement back on the Statement day.

The Speaker (Hon. Khatri): So you are saying the Chief Officer has confirmed that he is going to come tomorrow?

Hon. Mumba: We had written a letter.

The Speaker (Hon. Khatri): Yes.

Hon. Mumba: ...And the letter which I had written to him, I think we confirmed that we wrote him a second letter to be here by Thursday so the three days end by tomorrow, so that is why I was asking that tomorrow I wait and see because I cannot judge until I see the Chief Officer.

The Speaker (Hon. Khatri): So you have not received any other letter apart from him saying that the Chief Officer will come tomorrow? Is that what you are saying? You have not received any letter saying that the Chief Officer is going to come tomorrow?

Hon. Mumba: The confirmation from the Ministry probably he will come but I cannot say that he will come but to my letter there is a letter which I have sent and the reply was by Thursday the third day that will elapse by Thursday for a second letter.

The Speaker (Hon. Khatri): You have not received any letter from Francis Thoya?

Hon. Mumba: No Mr. Speaker.

The Speaker (Hon. Khatri): You have not received any letter. Fine, okay so if the Chief Officer is going to come tomorrow morning so I think by afternoon you have time to bring that reply, so am going to give you until tomorrow afternoon and then you tell us if the Chief Officer came or he did not come then you can ask more time from there.

Hon. Mumba: Thank you Mr. Speaker.

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

STATEMENTS

INTIMIDATION OF HONOURABLE MEMBERS

Yes Hon. *Mukono*? Oh sorry Hon. Shebe Athuman?

Hon. Shebe Athman: Ahsante Mheshimiwa Mwenyekiti, muda wa dharura Mheshimiwa Mwenyekiti unahitaji suluhisho la dharura! Nimesimama hapa Mheshimiwa Mwenyekiti kwa masikitiko makubwa kwa sababu naona kuna hujma kubwa la hii Bunge ambayo inaendelea. Kwa hivyo ningependa Mheshimiwa Mwenyekiti chini ya himaya yako kwa sababu Waheshimiwa tumepatiwa majukumu na moja wapo ya majukumu ni Waheshimiwa kuangalia serikali; matumizi ya serikali wana yaangalia namna gani hususan katika vitengo vya fedha na vile vile pia wafanyikazi wa serikali Mheshimiwa Mwenyekiti, je wanawajibika? Na wanastahili kuwa hapo?

Kwa hivyo ningependa Waheshimiwa kuna vitisho vinaendelea Mheshimiwa Mwenyekiti; vitisho vinaendelea na Waheshimiwa wenza na Mwenyekiti wenza wanapata vitisho na haya ni miongoni mwa majukumu ya Waheshimiwa wamepatiwa na wananchi kuhakikisha kuwa serikali wanaiweza kuiwajibisha na kuiangalia majukumu yanafanyika vipi? Kwa hivyo ningependa Mheshimiwa Mwenyekiti kupitia uwezo wako uweze kumuamuru Mheshimiwa Mwenyekiti wa Kamati ya Leba kwa sababu mimi mwenyewe na Waheshimiwa wengine hapa wameweza kupata vitisho...

(Interruption)

The Speaker (Hon. Khatri): Mheshimiwa Shebe nakuomba ufafanue hivyo vitisho ambavyo unavyosema, kuna vitisho gani? Unajua ukisema vitisho...

(Applause)

Naomba ueleze Bunge hili kuna kitu gani ambacho unachosema kinaendelea. Unajua usiseme vitisho...

(Interruption)

Hon. Shebe Athumani: Ahsante Mheshimiwa...

(Interruption)

The Speaker (Hon. Khatri): Vitisho vinaweza kuwa vitisho vya aina nyingi. Kwa hivyo tueleze Bunge hili hiyo taarifa manake...

(Interruption)

Hon. Shebe Athman: Ndio Ahsante...

(Interruption)

The Speaker (Hon. Khatri): Maanake wewe umeenuka kusema kuwa uko na taarifa kwa hio tueleze kinaga ubaga hiyo taarifa unayosema.

Hon. Shebe Athman: Ahsante Mheshimiwa Mwenyekiti. Nilikuwa nachelea wasaa na madamu umeniruhusu niweze kufafanua kinaga ubaga Mheshimiwa Mwenyekiti niko na furaha na bashasha. Mheshimiwa Mwenyekiti kama vile nilivyotangulia kusema awali miongoni mwa majukumu muhimu katika Bunge hili ni kuhakikisha kuwa matumizi ya fedha ya serikali za Kaunti na uwajibikaji wa serikali ya Kaunti iko katika Bunge hili. Kwa hivyo sisi Wabunge tumekula kiapo cha kuwa tutawajibikia serikali hii na watu wetu bila uoga wowote na bila vitisho vyovyote.

Kwa hivyo nikisema kuwa naomba niweze kupata taarifa kupitia kwa Mwenyekiti wa Kamati ya Leba ni kuwa mimi mwenyewe Mheshimiwa nimepigwa simu, Waheshimiwa waliochaguliwa wamepata vitisho na Waheshimiwa vile vile walioteuliwa wamepata vitisho kwa Bwana ambaye anaitwa Idris. Mimi kwanza Mheshimiwa Mwenyekiti nataka kujua kupitia nguvu zako huyu Idris, je ni mfanyi kazi rasmi wa serikali hii ya Kaunti na kama ni mfanyi kazi rasmi...

(Applause)

Wa serikali hii ya Kaunti tunataka kuona karatasi zake, lini aliandikwa kufanya kazi rasmi katika Kaunti ya Mombasa?

(Applause)

Kwa sababu hawezi toka kule anakotoka na vitisho kutishia Waheshimiwa na Waheshimiwa wanatekeleza majukumu yao ya kisheria Mheshimiwa Mwenyekiti...

(Interruption)

The Speaker (Hon. Khatri): Sasa vitisho gani Mheshimiwa? Mpaka sasa wewe wasema ni vitisho tu hatujajua.

Hon. Shebe Athuman: Kuna masuala Mheshimiwa Mwenyekiti ambayo Bunge hili yanayashughulikia na yote ni kuhakikisha kuwa wale Mawaziri na wale ma Afisa Wakuu ambao wako katika chini ya serikali ya Kaunti wanawajibika kikazi na sisi tumekula kiapo tukasema tutahakikisha Mawaziri hawa na ma Afisa Wakuu wameweza kuwajibika ili sura yetu ya Mombasa iwe na sifa nzuri na Gavana wetu awe na sifa nzuri, hatuwezi kufanya kazi na Mawaziri ambao wamezembea...

(Applause)

Kwa hivyo miongoni mwa sababu ya vitisho Mheshimiwa Mwenyekiti iliyotoka ni kwa sababu ya Bunge hili kufanya ama kuchukua majukumu yake ya kisheria kuwa Waziri mmoja ambaye hawajibiki na kupitia Bunge hili tumeweza kutoa vigezo na tukataka ushahidi vipi anawajibikia?

Kwa hivyo huyu Bwana anayeitwa Idris ame *act* kulingana na taarifa ile ambayo Bunge na msimamo wa Bunge umechukua ndio maana wanaanza kutishia Waheshimiwa, hivyo basi amechukua sababu hii kutia Waheshimiwa baridi na kuwatia tumbo joto. Hii ndio sababu ya kimsingi Mheshimiwa Mwenyekiti ambayo imemfanya huyu Bwana huyu kuhakikisha kuwa atatishia Waheshimiwa, sijui ni njia ataitumia yeye kutishia Waheshimiwa, lakini wakati wa Waheshimiwa kutishiwa nyau umeisha Mheshimiwa Mwenyekiti...

(Applause)

Hiyo ndio sababu ya kimsingi Mheshimiwa Spika ambayo imemfanya huyu Bwana kuweza kutishia watu kwa hivyo mimi ningeomba nitake kujua...

(Interruption)

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

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker of course I concur with the Honourable Member who is on floor that just as you have directed we ought to be told *vitisho vinasema namna gani, nani ametishiwa na ametishiwa namna gani* so that the House debates on something that is very open. Thank you.

The Speaker (Hon. Khatri): Yes Hon. Shebe Athman you may continue.

Hon. Shebe Athman: Mheshimiwa vitisho vinasema kuwa yoyote atakayesaini karatasi ambayo inataka kumweka Waziri katika mizani ya kuwajibika basi awe tayari na *consequences* ambazo zitaendelea, ambazo zitafanyika. Hiyo pekee Mheshimiwa Mwenyekiti ni vitisho, huyu Mheshimiwa Mbunge ambaye amepatiwa mamlaka ya kisheria na kikatiba kuweza kuwajibika wewe huwezi kuweza kumtishia kumwambia kuwa usisaini ama saini, kwanza nataka kujua kuanzia Mheshimiwa Mwenyekiti wewe ni nani ambaye unawaambia watu utawaonyesha.

Sisi tunataka kujua je ni mfanyi kazi rasmi wa Kaunti? Na kama ni mfanyi kazi rasmi wa Kaunti ana cheo gani? Na katika nyanja yake ni ipi? Kwa sababu mojawapo ya majukumu ni kuwa kuna matumizi na ubaradhifu mkubwa wa pesa za serikali yetu za Kaunti, tunashindwa pesa ya miradi imetengwa Mheshimiwa Mwenyekiti hakuna faida yeyote inafanyika mashinani na Waheshimiwa wengine wanapata changamoto kubwa. Kwa hiyo tunataka kujua yeye ikiwa ni mfanyi kazi rasmi wa Kaunti ni maana analipwa kihalali na serikali ya Kaunti ya Mombasa na je ameandikwa rasmi? Tunataka ushahidi tujue kuwa huyu ameandikwa rasmi na hivi vitisho Waheshimiwa Wenyekiti na Waheshimiwa wenza nawaomba msivichukulie rahisi na hii ni haki yenu ya kisheria kuhakikisha kuwa munawajibikia majukumu yenu ya kisheria.

Kwa hivyo hiyo ndio mojawapo ya vitisho Mheshimiwa Spika, wale wamesaini amesema atawaonyesha na kuna njia anayojua yeye atatuonyesha kwa njia gani? Kwa hivyo mimi kwa mtazamo na kwa muktadha huo tayari Mheshimiwa Mwenyekiti ni vitisho. Ahsante.

(Applause)

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

The Majority Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti nataka kuungama Taarifa ambayo imeweza kutolewa na Mheshimiwa mwenzangu Mwakilishi wa Jomvu Kuu. Kusema kweli Mheshimiwa Mwenyekiti mimi ndio kiranja katika Bunge hili na ikiwa kuna taarifa kama Waheshimiwa wanaitwa mahali lazima ipitie kwa ofisi yangu mimi niweze kuwafahamisha. Lakini hadi kufikia jana...

(Applause)

Hadi kufikia jana baada ya kikao chetu Waheshimiwa wateule waliweza kuitwa wote katika ofisi ya Naibu wa Gavana Mheshimiwa Mwenyekiti lakini hadi kufikia sasa aliyewaita ni Major Idris lakini haikuja ofisini kwangu barua hiyo ya kuweza kuwaita. Kwa hivyo tungependa kujua aliwaita kwa njia gani? Na nani aliweza kumtuma ili kuweza kuwaita Waheshimiwa bila kupitia ofisi yangu...

(Applause)

Na maongezi yaliyoweza kuongewa hapo yalikuwa ni maongezi gani? Kwa sababu hututaki mtu atugawanyishe sisi kama Bunge la Mombasa. Ahsante sana.

The Speaker (Hon. Khatri): Thank you Hon. Kitula. Hon. Members..., yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Mwenyekiti. Mheshimiwa Mwenyekiti hii serikali gatuza ya Mombasa inaanza kunipa walakin na shaka ya utekelezaji wa majukumu, kuna watu wamejipalilia mamlaka ambayo hayajulikani yanapotoka. Tunapoangalia katika Kanuni ya Ugatuzi Mheshimiwa Spika sehemu ya Sita sehemu ndogo ya 50 inasema *Office of the Sub County Administrator*, katika serikali ya ugatuzi sehemu zake za utenda kazi zinaanzia zikitoka Kaunti zikienda katika *Sub County* na katika ofisi ya *Administrator* inaanzia *Sub County Administrator* ikiwa *Ward Administrator* na *Village Administrator*. Huyu Bwana anayezungumziwa hapa kintazamo wangu mimi nitasema ni mamluki...

(Applause)

Hana nafasi ya kazi katika Katiba ya Jamhuri ya Kenya, anajiita sijui *Coordinator Administrator* kwa kipengele gani Mheshimiwa Spika ambacho yeye amejikwisha nyadhifa hii. Kadhalika nafasi yake hii ya kimamluki juzi nimeona ikitangazwa katika gazeti na mtu huyo huyo ambaye imetangazwa kwamba amemaliza hatamu yake amekwenda akitekeleza majukumu ya kugurisha wafanyi kazi *Ward Administrators* na *Sub-County* akiwageuza hapa akiwapeleka pale wakati hiyo kazi yake ya kimamluki imepitwa na wakati mpaka iko kwa gazeti imetangazwa kutafutwa mtu mwengine mwenye vigezo na makaratasi ambayo mimi namtilia shaka kama Bwana huyu anayo...

(Applause)

Mheshimiwa Spika tukienda katika Katiba sehemu ya 195 inasema Bunge hili lina nguvu na Kamati zake za kumuita mfanyi kazi yeyote ama mtu yeyote kuhojiwa kwa kutafuta ushahidi ama taarifa itakayosaidia uendeshwaji wa harakati za serikali gatuji. Sioni kwa sababu gani Mwenyekiti ama Mheshimiwa apate vitisho kwa kwamba ameitishia kuitisha mtu ama kumhoji huyu mtu kutokana na utendaji kazi. Haya mamlaka tumepewa kikatiba kama Bunge na Kamati zetu na yeyote anayekwenda kinyume na hiki anahujumu Katiba ya Jamhuri ya Kenya na yeye ni adui wa maendeleo ya Kenya na ni adui wa serikali ya Kenya, hana nafasi katika serikali hii na sisi kama Kaunti.

Sisi kama serikali Gatuji kubakia naye hapa ni kuregesha nyuma serikali yetu na tutajibu kwa wananchi wetu, historia itatuhukumu ya kwamba tulikubali kuendeshwa na mamluki katika serikali ya Gatuji kipindi cha miaka 2017 hadi 2022 na kuhujumu maendeleo ya serikali yetu. Shukrani Mheshimiwa Spika.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. Hon. Members I think the Issue is very serious and am going to direct the Chairman of the Committee on Labour and Social Welfare which is Hon. Renson Thoya to make sure to get a report on the person who has been named here and if by tomorrow afternoon you can come back with a reply and tell us if the said allegations are true and if the person is really working with the County government of Mombasa and we should get all the documents how he was hired and everything.

Hon. Thoya: Mheshimiwa Spika nimekusikia na ingekuwa ni mambo ya kawaida tungenesema kuna muda tunachukua lakini ikiwa ni suala la usalama wa Waheshimiwa wa Jumba hili ni jambo ambalo linatajikana lichukuliwe kwa dharura iwezekanavyo. Ningependa kuchukua nafasi hii kusema kwamba *Legislature, Executive* na hata *Judiciary* kila mmoja ana kazi yake na lazima tuheshimiane na itakuwa si sawa ambapo mjumbe ameweza kutoa maamuzi ya darubini. Kazi yetu ni *oversight* na ikiwa kuna tatizo ni haki yetu kupiga darubini na endapo kazi hiyo ilifanyika hapa na kuna mtu anatoka upande wa *Executive* hususan wa ngazi ya chini ni jambo la kusikitisha na la kuhuzunisha. Mimi kama Mwenyekiti ninasema poleni sana kwa wale ambao wamepata vitisho lakini Bwana Mwenyekiti ama Spika ulioko hapo kwa safari hii huenda tukavunja hizi sheria kwa upande mwingine, huenda hawa watu waje wenyewe wasimame mbele ya mimbar ya Jumba hili kuyajibu hayo maswali...

(Applause)

Hatutakubali tena kubeba habari nusu nusu za uongo ambazo hazieleweki; mkiniruhusu nitaenda kumbeba Afisa Mkuu wa *Public Service Board* kuja kujieleza kinaga naga inakuwa ni vipi mtu kandarasi yake iliisha mwaka jana na imetangazwa na bado anaendelea kufanya kazi katika serikali ya Kaunti ya Mombasa. Kwa hivyo nitataka yeye mwenyewe aje binafsi ajibu katika Jumba hili iwapo utaniruhusu. Ahsante.

(Applause)

The Speaker (Hon. Khatri): Ahsante sana Mheshimiwa Renson Thoya. Mheshimiwa Renson Thoya nafikiri umesema vizuri hili Jumba lina sheria na lazima sisi kama Waheshimiwa tufuateni sheria.

Najua sheria itasema vizuri wewe kama Mwenyekiti wa hiyo Kamati una haki ya kumuita kule ama uandike barua upatiwe majibu halafu ulete majibu kwa hili Bunge alafu kutoka hapo tunaweza kuendelea mbele. Kwa hiyo mimi ningeomba mfuata sheria msichukue sheria mikononi mwenu, mambo ya kwenda sijui kubeba mtu wacheni mambo hayo, fuateni sheria. *Yes Clerk?*

(Applause)

RESPONSE TO STATEMENT BY CHAIRMAN LANDS, PLANNING AND HOUSING HON. AHMED SALAMA ON BLOCKED ACCESS ROAD IN MTOPANGA WARD BY A PRIVATE DEVELOPER

Yes Hon. Ahmed Salama? Chairperson Committee on Lands, Planning and Housing?

Hon. Ahmed Salama: Ahsante Mheshimiwa Spika. Kutokana na kindumbwe ndumbwe na kukuru kakara iliyokuwa hapa jana Mheshimiwa Spika kuhusu suala la Mtopanga alivyolalamika Mheshimiwa Chireri kwamba barabara ile imezibwa na alikuwa anaomba Bunge hili. Leo tumekaa na Waziri, Kamati yetu ya Ardhi na tukaamua kesho asubuhi timu yote ya *Inspectorate* pamoja na Waziri na Mheshimiwa Chireri tutazuru sehemu ile ili kusudi suluhisho la kisheria lipate kupatikana Mheshimiwa Spika. Ahsante.

(Applause)

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

Hon. Chireri: Ahsante sana Mheshimiwa Spika. Kwa kusema ukweli Bunge letu limewaka na kuwaka kwake ni kufanya kazi mwananchi aone yale ambayo aliyataka yametimia. Mheshimiwa Spika Waziri kweli amenipigia simu akanipatia wale wote ambao nitaandamana nao twende mpaka ile sehemu ambayo imezibwa, kufikia kesho mchana Mheshimiwa Spika tutajua mbivu na mbichi aliyewajibika...

(Applause)

Kama kuna mtu yeyote wa Kaunti amewajibika kushirikiana na wale mabwenyenye ole wake Mheshimiwa Spika, mabwenyenye wananyanyasa wananchi sana mahali ambapo ni mwananchi anapitia leo hii njia inafungwa kwa sababu ya pesa zake. Tumesema mabwenyenye wabakie na pesa zao na sisi tutabakia na wananchi wetu, ahsante sana Mheshimiwa Spika.

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

MOTION

CREATION OF DESIGNATED CONDUSIVE/BREASTFEEDING AREAS WITH ITS ENABLING POLICY IN ALL LICENSED COUNTY PUBLIC ESTABLISHMENTS, COUNTY PUBLIC SERVICE DELIVERY POINTS

Yes Hon. Faith Mwende, please move the Motion.

Hon. Mwende: Thank you Mr. Speaker for giving me this chance. Mr. Speaker Sir, I beg to move the following Motion;

AWARE THAT Article 27 (5) of the Constitution of Kenya, 2010 provides that a person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in Sub-Article 27 (4) which includes but not limited to; sex and pregnancy;

FURTHER AWARE THAT Article 28 of the same Constitution dictates that every person has inherent dignity and the right to have that dignity respected and protected as required for the breastfeeding mothers in any public establishment;

WHILE APPRECIATING THAT breast milk has nutrients and protective antibodies that help them grow and boosts their delicate immune systems and overall health, factoring the World Health Organization (WHO) recommendation for exclusive breastfeeding of newborns for six months before introduction of food and continuation of the same until one to two years of age;

FURTHER APPRECIATING THAT through breastfeeding, mothers are able to grow and enhance their attachment and bonding with their infants, a phenomenon that every mother is entitled to;

DISTURBED THAT lactating mothers often feel ashamed of breastfeeding in public and semi-public places due to possibility of potential objections by other people, negative comments, or harassment not to mention the discomfort and health risk mothers get exposed to for fear of breastfeeding in public;

FURTHER DISTURBED that in the past, there has been cases of mothers being denied the privilege to nurse their infants in public or semi-public establishments due to lack of a designated nursing area;

I therefore urge this Assembly to RESOLVE that:

The County Executive moves with speed to ensure all licensed County public establishment, County Public service delivery points and other workplaces designate a conducive Nursing/Breastfeeding areas with its enabling policy as a requirement and condition for license renewal by the County government of Mombasa.

I would urge Hon. Amriya to second the Motion.

Hon. Amriya Juma: Mr. Speaker I second.

*[The Speaker (Hon. Khatri) exited the Chair]
[The Deputy Speaker (Hon. Mwalimu) in the Chair]*

The Deputy Speaker (Hon. Mwalimu): Okay, I now propose a question that the Motion by Hon. Faith Mwendu as moved be discussed in this House. Yes Hon. Faith?

Hon. Mwendu: Thank you Mr. Speaker. Mr. Speaker I would urge this House to pass this Motion because of the five things which I have done research on.

Mr. Speaker the research has shown that exclusive breastfeeding reduces child mortality rate by 13 per cent and also bearing in mind the benefit which the infants gets from breastfeeding; one of them being the right quantity to support growth and maintenance, the second one being it boosts child intelligence, reduces allergies intolerance and strengthens bond between mother and child and this has been proven to reduce expenditure in health care and improve economic growth of the Nation.

Mr. Speaker I have also some references for the Honourable Members to consider as they debate; we have the Breastfeeding Mothers Act, 2017 another one is Health Act No.21 of 2017 Section 71. We have also breastfeeding substitute that is the Duration and Control Act 34 of 2012 which regulates use of formula milk. So I would urge this House to debate this Motion and pass so that our young mothers should get a conducive place where they can breastfeed their children even in work place, thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Thank you, yes Hon. Naliaka?

Hon. Naliaka: Ahsante sana Bwana Spika kwa kunipa fursa hii. Kama mama wa kileo ambao anaamini kwamba mtoto akinyonya anapata afya nzuri hata akili yake inakua vizuri. Ningependa kuhimiza Jumba hili liweze kupitisha Hoja hii kwa maana mama akiwa kazini na awe na mahali ambapo atanyonyesha mtoto wake kwa utaratibu hata utendaji kazi wake pia utaimarika maana atakua ametulia lakini ikiwa anafanya kazi na huku ana dukuduku maana hajui mwanawe yuwaendelea vipi labda yuwalia yeye mwenyewe ametatizika kwa sababu ya yale maziwa kumjaa kwenye matiti yake inakua ni shida. Kwa hivyo Bwana Spika ningependa kuomba Jumba hili liweze kutilia mkazo ili tuweze kupata vitengo katika maeneo yote ya umma ambayo wafanyi kazi wa umma wanafanya kazi tuweze kupata hizo nafasi za kunyonyesha kama vile watu wa sigara wamepewa na sigara hata hairuhusiwi lakini unapata wametengewa maeneo...

(Applause)

Kwa nini sisi wa kina mama ambao ni walezi tusipewe nafasi zetu? Na sisi tujihisi kuwa tunaheshimika katika jamii. Kwa hayo machache Bwana Spika nasema ahsante.

(Applause)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Kibwana.

Hon. Kibwana Swaleh: Thank you Hon. Speaker. Hon. Speaker being the Chair of the Health Committee I would like to support and also contribute to this Motion. Hon. Speaker even our religion it is clearly said in the Holy Quran that we should breastfeed our children up to two years. Hon. Speaker when you breastfeed a child as my colleague has put it right that sicknesses and some diseases are unable to penetrate to that child, this is something that we have proved that breastfeeding milk is the best of all the other milk. We should also take a further step as a House and be the first people in this Assembly also to establish that room so that even our Members who are still energetic like Hon. Amriya who is around me...

(Applause)

Could also breastfeed her child in that room. So I think it is very very important to support this Motion and also not only supporting Mr. Speaker we should see it being implemented. It is something that we need to see that in every institution that is going to be touched in this Motion we should make sure that it has been implemented and also to see that we have children who are healthy Hon. Speaker.

Lastly, I want to say this Hon. Speaker that our Nation should be a healthy Nation and this should generate from our children, so with this breastfeeding I think it is going to improve the health of the children and also reduce what we call mortality rate. Thank you Hon. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Fatma Kushe?

Hon. Fatuma Swaleh: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii. Mheshimiwa Spika mimi kabla sijaongea naomba kwanza muweze kuturekebisha vipaza sauti maana yake sisi wengine tukizungumza huzungumza na kuweza kutupa tupa mikono kwa hivyo naomba muweze kuturekebisha vipaza sauti ambavyo viko mbele yetu visiwe kama masanu wa Mwembe Tayari...

(Applause)
(Interruption)

The Deputy Speaker (Hon. Mwalimu): There is a point of order. Yes Hon. Kitula.

The Majority Chief Whip (Hon. Kitula): Mheshimiwa Mwenyekiti ningependa kumfahamisha Hon. Fatma Kiswahili kwamba hivi si vipaza sauti, hivi ni vinasa sauti. Vipaza sauti ni *speakers* vinasa sauti ndio ziko sawa.

Hon. Fatuma Swaleh: Ahsante kwa kunirekebisha. Mheshimiwa Spika twaomba mturekebisha vinasa sauti maana sisi wengine tunapozungumza tunazungumza kwa madaha na kurusha rusha mikono. Kwa hivyo huku nashika huku nazungumza Mheshimiwa Spika ni hujuma; mimi kama Naibu Mwenyekiti wa Afya nimesimama kidete kuunga mkono mjadala ulioletwa na Mheshimiwa Faith. Mheshimiwa Spika muangalie mama ni mtu wa aina gani? Si kwamba nimesimama kuunga Hoja mkono tu, maana yake wengine husimama wakauunga hawajulikani wanaunga nini wala nini. Lakini Mheshimiwa Spika muangalie mama ni mtu wa aina gani kwanza. Jambo la kwanza mimi kama Mheshimiwa Fatma, mimi ni mzazi namshukuru Mwenyezi Mungu vile vile ni mwanamke mimi pia naona karibuni pengine nitajifungua kwa hivyo hoja hii imekuwa wakati muafaka.

Mheshimiwa Spika; ziwa, mimi nitaliita nyonyo wengine wanaliita nyonyo lakini mimi nitaliita ziwa, ni hujuma kubwa sana kwa mwanamke aliyeumbika na Mwenyezi Mungu aliompamaumbo mazuri kuweza kutoa ziwa lake katika umma, hiyo ni hujuma sana. Kwa hivyo Mheshimiwa Spika hii Hoja imekuja hapa nawaomba hususan Wabunge wa kike maana yake Wabunge wa kiume naona wengi wametutoroka hapa sijui wana mambo gani.

Kwa hivyo Mheshimiwa Spika mtoto wa Kiislamu ama mtu yeyote ambae ana dini kutoa ziwa lake nje huwa ni hujuma, hivyo basi Mheshimiwa Spika si hapa peke yake yaani Mombasa nzima mahali ambapo pengine tuseme Kanisani hata katika Misikiti wengine pia huenda mastarehe wengine huenda na watoto yaani kutengewe chumba maalum ambapo twaweza kunyonyesha watoto wetu. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Thank you. Yes Hon. Athman Shebe.

Hon. Shebe Athman: Ahsante sana Mheshimiwa Mwenyekiti. Ningependa kutia uhai hoja iliyoletwa hapa mbele na Mheshimiwa mwenza wa Kipevu na pili vile vile ningependa kumuosha na kongole Mheshimiwa wa Kipevu kwa sababu naona amefanya utafiti wa kutosha katika hoja hii.

Mama, mama, mama, mama, hakuna jamii inayokosa mama Mwenyekiti lakini je tuangalie dhamani yake anapewa mama yule? Katika kila nyanja na katika kila dini imeweza kumpatia mama daraja yake Mheshimiwa Mwenyekiti, lakini je tunadumisha daraja ile? Tunatunza daraja ile? Sisi sote tumezaliwa hakuna mtu ametoka juu ya mti Mheshimiwa Mwenyekiti, sote tumetoka katika matumbo ya mama zetu lakini heshima ya huyu mama inadunishwa saa zengine.

Mimi nimechelea nimesema nitasubiri niweze kuchangia hoja hii kwa sababu ina uzito kiasi ya kwamba haiwezi kuchangiwa na Waheshimiwa wa kike pekee yake lazima tuhakikishe kuwa waume na Waheshimiwa wenza wa kiume katika Bunge hili wametia uzito hoja hii Mheshimiwa spika. Kwa hivyo nakubaliana na Mheshimiwa kuwa lazima kuhakikishe kutawekwa sehemu maalumu katika kila taasisi za kiserikali, katika kila maeneo na mabustani ya kuweza kubarizi tuhakikishe mama atapewa heshima yake. Mimi na wewe Mheshimiwa Mwenyekiti tukisikia njaa, ama tukihisi samahani tukihisi njaa Mheshimiwa mwenyekiti twajua pa kuelekea, je mimi na wewe miaka 40 ama miaka 30 iliyopita ilikuwa hatuna ujuzi huo.

Kwa hivyo naamini kuwa huyu mtoto saa yote akisikia haja ya kutaka kukata kiu ni kulia Mheshimiwa, mama huruma aliyokuwa nayo mama zetu atatoa nyonyo yake, ziwa lake mahali popote kwa sababu gani? Ataangalia kusini kaskazini mashariki atakosa mahali ya kumnyonyesha mtoto yule Mheshimiwa Spika. Kwa hivyo ni vizuri na Bunge hili liingie katika kumbukumbu ya kihistoria kwamba kutakuwa na maeneo maalumu mtoto akilia mama huwa tayari *network* ishasimama, huyu ni nini mwana anasikia njaa atatafuta mahali atakwenda kujistiri.

Wengine Waislamu katika dini zetu yatakikana pekee yake wewe mwanamke Mheshimiwa Mwenye Kiti uonekane viganja vya mkono na miguu, kwa hivyo mimi naona hoja hii ni ya msingi mno na Waheshimiwa wenza hususan ni wa kiume tuweze kuingia katika mpango mzima huu wa kutia Hoja hii na kuipitisha Mheshimiwa Mwenyekiti. Ahsante sana.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Hamida?

Hon. Noor: Thank you Mr. Speaker Sir for giving me this opportunity. I do support my fellow Member for bringing this Motion since even I am a Member of the Health Committee. To my expectations I think it has delayed so much but it has come since recently we have gotten a new Member who joined our club and I think she does not have the time every time to go back home and feed her baby.

If we could have a nursery within the Assembly it will be good for her so that she knows that her son is in good hands and she can go and visit the son every now and then. I do support this Motion in a great manner, with those few remarks thank you.

The Deputy Speaker (Hon. Mwalimu): Okay the new Member in the club, Hon. Amriya?

Hon. Amriya Juma: Thank you very Mr. Speaker. The floor is highly honoured also I think I wanted to be the first to second and support this Motion because I am highly affected by the Motion Mr. Speaker.

It has come timely because as a Member of the County Assembly I was reiterating that I was experiencing an indirect sex discrimination that is pursuant to Article 27 of the Constitution pursuant to the Maternity Bill, 2018 pursuant to the Employment Act. As it is there are no favourable working conditions for nursing mothers at the County level and am saddened and also happy today that this Motion has come in time to support and give weight to policies that are around gender mainstreaming and gender sensitization such that we can have such Motions and laws coming into place.

Although yes we have the national laws but its paramount if as the Member of the County Assembly am affected directly, how about the staff who are reporting directly to a senior Member and there has no flexible working environment? Me as a Member of the County Assembly I have a flexible working environment if I come in the afternoon session that is without mentioning the Committee time because if you put the Committee time then I will not have time to lactate and nurse.

So this is a good Motion Mr. Speaker and I know it will take a while because it has an aspect of finance according to Article 113-114, so temporarily we can also go forward and ask if the mover of the Motion can include that and that we can request all Departments and the Board to provide policies for a flexible working environment such that because now if we are talking about the construction of a nursery it will take another financial year but we have staff and Honorable Members that are nursing like myself so that we have flexible working conditions that we can request for time to go back home and nurse and come back, we can be allowed to report a bit late because of our unique nature as nursing mothers. I think with that I rest my submission and I support this Motion. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Hon. Milka?

Hon. Ngare: Thank you Mr. Speaker for this opportunity. The Motion has already gone through but I would just like to add something small and of course as the Chair of the Women Caucus I must support my fellow women...

(Applause and Laughter)

I support the Motion 100 per cent, needless to name the benefits of breastfeeding; before you start weaning a baby the have all been mentioned and in this very House we have young mothers who are either breastfeeding or about to start breast feeding, like Hon. Lucy Chizi she is soon delivering thank you God bless. We need that breastfeeding designated area to start from this very Assembly because women are specially-created and when you are breastfeeding you want to release your whole breast to the baby in a comfortable manner without looking sideways if somebody is watching you so that the nipple gets in fully for the baby to breast feed comfortably and create that bond with the mother, for the best of results, love between the mother and the baby.

So what am I saying that it must start here and very soon because it is also provided for in the Constitution and I have said we do not like to expose our bodies, we like when we are breastfeeding we are in an atmosphere that we are free and am sure even the male Members would not like to see their sisters or their mothers exposing themselves in public to breastfeed. I am sure the next Hon. Member who is going to talk is Hon. Mwamwiri and he is going to support what I am saying. Thank you Mr. Speaker.

(Applause and Laughter)

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Mwenye Kiti. Kwanza mimi najivunia mama zangu na dada zangu kwa juhudi wanazotufanyia sisi vijana zao. Pili Mheshimiwa naunga mkono Hoja hii mia kwa mia kwa sababu watoto wetu na ndugu zetu wanaozaliwa sasa wanakosa malezi bora kwa sababu ya changamoto ya mama zetu kupata fursa ya kunyonyesha.

Mheshimiwa mimi ni baba na najivunia kuwa baba na juzi tumeongeza idadi ya kura katika Jumba la Mombasa katika juhudi zangu na najua changamoto hii najua mke wangu itampitia katika eneo analofanyia kazi itamlazimu amuache mwanangu nyumbani kwa kukosa mahali sahihi pa kunyonyesha. Haipendezi kwa mama iwe ni wa Kiislamu asiwe ni wa Kiislamu katika mandari ya umma kuweza kutoa nguo zake na kuweza kunyonyesha mtoto hali ya kwamba wapita njia wanatazama, *team mafisi* wanaangalia. Hali kadhalika tunajua macho pia yana *hasad*, watoto wanapo tazamwa kama wakinyonya huwa wagonjwa katika macho ya baadhi ya watu wetu. Kwa hivyo kutengewa mahali makhsusi inawapatia natija na nguvu mama zetu kuweza kuwanyonyesha watoto wetu kisawasawa kwa ajili ya afya njema.

Mheshimiwa tafakari hili la mtoto anayonya maziwa ya mama miaka miwili pasi na kukosa na mtoto kunyonya maziwa ya ng'ombe miaka miwili kwa sababu amekosa pahali pa kunyonyesha, hawa watoto watakuwa sawa kiakili? Huyu mwingine atachukua akili za kiunyama nyama Mwenyezi Mungu awastiri watoto wetu.

Kwa hivyo naunga mkono na ni sahihi swala hili lipelekwe kasi mama zetu watengewe mahali makhsusi waweze kuwa na uhuru na fahari ya kwamba juhudi waliofanya ya kuleta malaika na viumbe bora kwa jamii pia wanapatia haki ya malezi bora na kuwa na sehemu kila wanapokuwa katika harakati zao na kuweza kuwanyonyesha. Naunga mkono na aliyeleta Hoja hii Mwenyezi Mungu ambarikie aweze kupata watoto maradufu...

(Applause)

The Deputy Speaker (Hon. Mwalimu): I will now ask the mover of the Motion to reply.

Hon. Mwende: Thank you Mr. Speaker. Mr. Speaker I would like to appreciate my fellow Honourable Members for supporting the Motion, I will urge the Implementation Committee for them to go fast to see those nursing areas are put in place. We start here in County Assembly and all the work places within Mombasa County and I believe most Counties will copy this from us. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): So you are urging the Implementation to move fast and yet the question has not yet been put...

(Laughter)

Okay Hon. Members I now stand to put a question that the Motion by Hon. Faith Mwende on designation of a breast feeding area appear in all public institutions be approved in this Honourable House?

(Question put and agreed to)

Yes Clerk.

ADJOURNMENT

There being no other business the House stands adjourned until Thursday the 28th of February, 2019 at 2:30p.m.

The House rose at 3:48p.m.