



## COUNTY ASSEMBLY OF MOMBASA

### OFFICIAL REPORT

Wednesday, 17<sup>th</sup> October, 2018

The House met at 2:45p.m.

*(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)*

### PRAYERS

**The Speaker** (Hon. Khatri): Hon. Members we may be seated. Clerk?

### COMMUNICATION FROM THE CHAIR

Hon. Members I have letter from the Governor's office.

### REF: INVITATION TO THE 79<sup>th</sup> SKAL CONGRESS OFFICIAL OPENING

Mombasa County will be hosting the 79<sup>th</sup> Worlds' Skál Congress from 17<sup>th</sup> to 21<sup>st</sup> October, 2018. Skál is an International Association that brings together all hospitalities, tourism owners and managers and forms the single largest decision makers, influencers and the world travel partners. We hereby invite all Hon. Members of the County Assembly of Mombasa to the welcoming dinner of the delegates hosted by the County government on 17<sup>th</sup> of October, 2018 at Fort Jesus starting from 6:00p.m, the dress code is preferably Swahili attire.

Yes Clerk?

### PAPERS

Yes Hon. Kibwana?

**Hon. Kibwana Swaleh:** Thank you Hon. Speaker. Hon. Speaker being the Chair of Committee on Health Services I wish to lay a report which comprises of amendments as per the Governors' reservations on the Mombasa County Health Bill, 2017 for consideration by this Honorable House. Thank you Hon. Speaker.

**The Speaker** (Hon. Khatri): Thank you Hon. Kibwana, yes Clerk?

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**COMMITTEE OF THE WHOLE HOUSE**

**The Speaker** (Hon. Khatri): Hon. Members the House will now dissolve into the Committee of the Whole House.

*(Serjeant-At-Arms lowered the Mace)*

*(The Speaker (Hon. Khatri) left the Chair)*

**ORDER OF COMMITTEE READ****IN THE COMMITTEE**

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

**Chairperson:** Hon. Members have your seats.

*(Silence)*

Hon. Members welcome to the Committee of the Whole House, we are amending the Mombasa County Health Bill, 2017 through a Memorandum from His Excellency the Governor and am sure each and every Member has a copy of the said amendments of the Mombasa County Health Bill, 2017. Yes Clerk proceed.

**Clerk:** PART II - ADMINISTRATION AND MANAGEMENT OF HEALTH SERVICES

Clause 3. **THAT** the word, "public" be inserted in Clause 7 (1) (b) to read as follows; Ensure equitable distribution of resources to all public health facilities.

**Chairperson:** I propose a question that the amended Clause 7 (1) (b) to be part of the Bill.

*(Question proposed)*

Any input Hon. Members before I put a question? I now put a question that clause 7(1) b be part of the Bill.

*(Question put and agreed to)*

Yes Clerk?

**Clerk:** That clause 7(3) b be deleted and the following words be inserted therefore; 3. The County health management may appoint special or *ad hoc* Committees to deal with urgent matters relating to hospital operations when necessary to assist the board in the management of some of its responsibilities.

**Chairperson:** I now propose a question that the new clause 7(3) be part of the Bill.

*(Question proposed)*

Yes Members I am waiting for any input on the deletion of the clause 7(3) and the introduction of the new 7(3)?

*(Silence)*

Having there no input I now put a question that the new clause 7(3) be part of the Bill.

*(Question put and agreed to)*

Yes Clerk?

**Clerk:** That clause 9 be deleted.

**Chairperson:** I propose a question that clause 9 be deleted.

*(Question proposed)*

I now put a question that clause 9 be deleted from the Bill.

*(Question put and agreed to)*

Yes Clerk?

**Clerk:** That clause 10 be deleted.

**Chairperson:** I now propose that clause 10 be deleted from the Bill.

*(Question proposed)*

Any input Members?

*(Silence)*

I now put a question that clause 10 be deleted from the Bill.

*(Question put and agreed to)*

Yes Clerk?

**Clerk:** That, clause 11 be deleted.

**Chairperson:** I now propose that clause 11 be deleted from the Bill.

*(Question proposed)*

Any input Members on the deletion of clause 11?

*(Silence)*

I now put a question having there no input it seems the Members are satisfied with the deletion, I now put a question that clause 11 be deleted from the Bill.

*(Question put and agreed to)*

Yes Clerk.

**Clerk:** That clause 35 be deleted and the following words be inserted therefore;

35 (1) The County Executive Member for finance shall facilitate the opening, closing and maintenance of a bank account for purposes of;

- (a) Operationalizing conditional grants, donations and any other monies for every health unit and facility in the County according to the public financial management laws.
- (b) For all money raised and received by the health unit and facility to be retained by the health unit and facility *to be retained by the health unit and facility* to defray its expenses in accordance with section 109 (2) b) of the Public Finance Management Act, 2012;
- (c) Operating an account for the purpose of use as Appropriation in Aid and shall account for such monies in the County Annual Budget;
- (2) The department of health may open an account for purpose of use as Appropriation in Aid and shall account for such monies in the County annual budget.

**Chairperson:** I propose a question that the new clause 35 be part of the Bill.

*(Question proposed)*

Any input Members on deletion of clause 35 and introduction of clause 35 in other words? Yes Hon. Leader of Majority.

**Leader of Majority** (Hon. Mwidani): Thank you Mr. Chairperson I think on clause (b) for money raised and received by the health unit and facility to be retained by the unit, I think it has been repeated again the same word facility to be retained by the unit I think there should be some correction there.

**Chairperson:** Thank you the Leader of Majority for alerting the secretariat on these typing errors which will be corrected when we are going to gazette the Bill, but thank you for raising that concern, Hon. Members I now put a question that the new clause 35 as read be part of the Bill.

*(Question put and agreed to)*

Yes Clerk?

**Clerk:** THAT Health technology in the interpretation clause be defined as follows;

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"Health technology refers to the application of organised knowledge, skills, information and innovation in form of devices, medicine, vaccines, procedures and systems developed to solve a health problem and improve the quality of life".

**Chairperson:** I now propose that the interpretation on health technology as read be part of the Bill.

*(Question proposed)*

Yes Hon. Members any input on the interpretation on health technology.

*(Silence)*

Members it seems you are satisfied with the interpretation. I now put a question that the interpretation on health technology as read be part of the Bill.

*(Question put and agreed to)*

**Clerk:** THAT the year of the Bill be changed from 2017 to 2018 hence the title of the Bill be amended to read, "Mombasa County Health Bill, 2018.

**Chairperson:** I now propose that the amended title of the Bill as read be part of the Bill.

*(Question proposed)*

Yes Hon. Chairman, do you have any input on changing of title of the Bill? Hon. Members any input? The Bill was to read 2017, now it will read 2018. I can see the Memorandum from the Governor the Hon. Members are reading from the same page. I can see Members are satisfied with the Memorandum and now question that the title of the Bill be amended as read.

*(Question put and agreed to)*

Yes Chairman Health Committee?

**Hon. Kibwana Swaleh:** Thank you Chair. I would ask that the Bill that has been amended I would like to report back to the County Assembly. Thank you.

**Chairperson:** Hon. Members I now put a question that the Bill as amended be reported back to the House?

*(Question put and agreed to)*

*(Applause)*

**PLENARY RESUMED**

*(Serjeant-At-Arms raised the Mace on the Table)*

*(The Speaker (Hon. Khatri) took the Chair)*

**The Speaker** (Hon. Khatri): Hon. Members you may be seated. Yes Hon. Swaleh Kibwana?

**Hon. Kibwana Swaleh:** Thank you Hon. Speaker. Hon. Speaker I would like to report back to the plenary that we have done amendments on the Bill that the Members also agreed with all the amendments that we have brought forward to this House. Thank you.

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

**The Deputy Speaker** (Hon. Mwalimu): Yes Mr. Speaker all what that has been reported by the Chair in charge of the Bill is what transpired in the Committee of the Whole House. Thank you.

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

### **ADJOURNMENT**

Hon. Members the Assembly stands adjourned until Thursday, 18<sup>th</sup> October, 2018 at 2:30p.m.

The House rose at 3:12p.m.