

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Tuesday, 25th October, 2016

The House met at 2.45pm.

*(Temporary Speaker (Hon. Fadhili Mwalimu) in the Chair)***PRAYERS****Temporary Speaker** (Hon. Mwalimu): You may have your seats. Yes Clerk.**COMMUNICATION FROM THE CHAIR**

Hon. Members as we have seen in the public gallery we have visitors and we wish to acknowledge the presence of the teachers, students and the entire government of Light Academy and Nyali Sub-County.

For the benefit of this sitting Members we will acknowledge every member who is in the gallery, and when you hear your name just stand and bow.

I will start with the president Saumu Marara Lumu...

(Applause)

The Deputy president Nuru Mohamed...

(Applause)

The Speaker Ubah Abdi...

(Applause)

Majority Leader Loice Zighe...

(Applause)

Minority Leader Amina Ridha...

(Applause)

And Deputy Minority Leader Joy Njeri...

(Applause)

Aisha Juma...

(Applause)

Ruth Rehema Mumba...

(Applause)

Zainab Sheriff...

(Applause)

Melat Daniel Meles...

(Applause)

Natasha Nasikahan...

(Applause)

Fatma Salim Said...

(Applause)

Firdowsa Ali Farah...

(Applause)

Zeytun Osman...

(Applause)

Zamzam Abdulahi...

(Applause)

Ashley Mercy Muhindi...

(Applause)

Mukai David...

(Applause)

Nimo Mohamed Ibrahim...

(Applause)

Swafia Thami Sulieman...

(Applause)

Fatma Nadhir...

(Applause)

Fatma Omar Ahmed Taib...

(Applause)

Sheikha Abdulhamid Yusuf...

(Applause)

Farhiyo Aden Kassim...

(Applause)

Muiky Abdulrashid Hassan...

(Applause)

Dina Oyiela Majanga...

(Applause)

Nora Omar Ahmed Mbarak...

(Applause)

Sumaya Jaffar Ahmed...

(Applause)

Nawal Fawzy Abdalla...

(Applause)

Wendy Akinyi Omondi...

(Applause)

Ikram Abduilahi Salat...

(Applause)

Kharat Mohamed Ahmed...

(Applause)

Shazmeen Kassam Saleh...

(Applause)

Ubah Abdi Hussein Abdi...

(Applause)

Patricia Malemba Amondo...

(Applause)

Sabrin Abdrashid Syad...

(Applause)

Fatma Hassan Hadi...

(Applause)

Lily Bibiana Mariga Waweru...

(Applause)

Issra Lisa Mohamed...

(Applause)

Halima Abdi...

(Applause)

Sharleen Hiyari Chihunga...

(Applause)

Leila Natasha Kenyatta...

(Applause)

Mary Stahienburg...

(Applause)

Amina Swaleh Jetzan...

(Applause)

Rania Swaleh...

(Applause)

Nafidah Mohamed Ali...

(Applause)

Aurore Senga...

(Applause)

Salma Abdirashid...

(Applause)

Rose Juliet Amukoa...

(Applause)

Mahmoud Nuswaiba Abdulwahid...

(Applause)

Aisha Mohamed Hussein...

(Applause)

Rehmat Mohamed Hussein...

(Applause)

Emma Halima Kitonga...

(Applause)

Fahima Mubarak...

(Applause)

Halima Mohamed...

(Applause)

Dorcas Mbeti Zakayo...

(Applause)

Saada Salim Ahmed...

(Applause)

Kadi Tereka Sadaraka...

(Applause)

Dorcas Kendi Kathare...

(Applause)

Arnold Tijara Kombe...

(Applause)

Brandy Mondoh Otieno...

(Applause)

Joyce Mwikali Kyalo...

Amina Abdallah...

(Applause)

Latifa Ismail Yakub...

(Applause)

Magdaline Oddiaga...

(Applause)

Joy Wachera Kamau...

(Applause)

Khadija Salim Juma...

(Applause)

Victoria Kadzo Tsuma...

(Applause)

They have been accompanied by their teachers Mr. Hussein Yesilsu...

(Applause)

Mr. Temel Ozmen...

(Applause)

Mr. Noah Haji Shluny...

(Applause)

Members, we are honoured to have visitors in this Honorable House and we feel much honored. Yes Clerk.

NOTICE OF MOTION

Hon. Caroline Owino...

Hon. (Ms.) Owino: Mr. Speaker Sir. Notice of Motion for establishment of child care center for state and public officers of the County government.

Mr. Speaker Sir, I beg to give notice of the following Motion:

ESTABLISHMENT OF CHILD CARE CENTERS FOR PUBLIC OFFICERS OF THE COUNTY GOVERNMENT

"THAT AWARE that the Constitution of Kenya Fourth Schedule Part 2 (9) mandates the County governments to operate childcare facilities;

FURTHER AWARE that the County government has underutilized health and educational facilities with the adequate space which could be used as childcare facility.

NOTING that the County government's state and public officers with young children are direly in need of a center where their young children could be well-taken care of while they are engaged at work.

CONCERNED that a lack of child care facility denies the County government's young mothers of an important service.

I therefore urge the County Assembly to RESOLVE that:

The County government to establish and operate a child care facility for state and public officers working for the County government.

(Hon. (Ms.) Owino ended Notice of Motion)

Mr. Speaker sir I urge to ask to plead so that this Motion can debated;

Temporary Speaker (Hon. Mwalimu): Yes granted. Yes Clerk.

STATEMENT

Yes Hon. Amur.

Hon. Amur: Thank you Mr. Speaker. Mr. Speaker Sir on the 6th of October in this Hon. House I brought a statement on the question of a senior business license of only one person.

Mr. Speaker Sir I have proof that the cancellation of that license has been done but the same person is still conducting his business in the CBD.

So I seek the House approval so that the person can be arrested in the court of law so that he can be charged.

Mr. Speaker Sir I wish to table this for your confirmation.

Paper laid

These are the copies of the report Mr. Speaker sir given to the Members of the Hon. House.

Temporary Speaker (Hon. Mwalimu): Sergeant At Arms remember when you are crossing the floor you have to bow.

Hon. Amur: Mr. Speaker for one person to be granted a license to do business while others have been refused.

When I tabled that issue in the Assembly I was requested by the House to bring any proof that a single business has been given to that person.

Mr. Speaker Sir the evidence that I brought in this House this afternoon clearly shows even the County Secretary has written to the same person saying he should stop continuing selling the merchandise in the streets until he has an official premises so that he conducts his business.

Mr. Speaker Sir I kindly request this House to give a notice that the Inspectorate department should be arresting a person seen doing business on the CBD of the town of Mombasa.

Mr. Speaker it is unfair for only one person to be given a license while there are so many others being denied that opportunity.

Everyone has to do business and we are supposed to be handling all the members of the public equally, there should be no issue of only one person being given an authority to do business while others denied Mr. Speaker.

It is upon us Mr. Speaker to give powers to the Inspectorate department so that they can arrest if so is still in the CBD doing business as the letters confirm the cancelation of the Single Business Permit, thank you Mr. Speaker.

(Applause)

Temporary Speaker (Hon. Mwalimu): Thank you Hon. Amur. Hon. Amur

Hon. Amur: Yes.

Temporary Speaker (Hon. Mwalimu): We acknowledge receiving copies of the cancelation of the Single Business Permit to that enterprise that Motion in the business, and Hon. Amur as per the procedures of this House.

We shall not issue an order of arrest to the person concerned but we'll let the Committee on Trade to work on this issue as early as possible and bring back a report.

If the Committee will recommend arrest or business to be stopped to operate then we'll take it from the point the Committee will raise on the report, so the Committee on Trade work on this issue as an urgent issue and we need this report not less than a week.

We give you a week to respond to this issue. If by Thursday the report will be ready the better for this Hon. House. Yes Hon. Hatimy.

Hon. Mohamed Hatimy: Thank you Mr. Speaker. I just want to inform this House that we as the Finance Committee did strike off the type of business, so it no longer there Mr. Speaker, thank you.

Temporary Speaker (Hon. Mwalimu): Thank you Hon. Hon. Hatimy and Chairman Trade take on the points of finance direction, in my opinion he has shortened the time for you to bring the report to this House so work as early as possible. Yes Clerk.

MOTION

Hon. Caro.

Hon. (Ms.) Auma: Mr. Speaker sir I move my Motion that I beg to give a Notice of the following Motion.

Temporary Speaker (Hon. Mwalimu): You are giving a Motion. Your moving a Motion.

Hon. (Ms.) Auma: Mr. Speaker sir I beg move a Motion;

ESTABLISHMENT OF CHILD CARE CENTERS FOR PUBLIC OFFICERS OF THE COUNTY GOVERNMENT

Mr. Speaker sir, I beg to the following Motion:

"THAT AWARE that the Constitution of Kenya Fourth Schedule Part 2 (9) mandates the County governments to operate childcare facilities.

FURTHER AWARE that the County government has underutilized health and educational facilities with the adequate space which could be used as childcare facility.

NOTING that the County government's state and public officers with young children are direly in need of a center where their young children could be well-taken care of while they are engaged at work.

CONCERNED that a lack of child care facility denies the County government's young mothers of an important service.

I therefore urge the County Assembly to RESOLVE that:

The County government to establish and operate a child care facility for state and public officers working for the County government".

(Hon. (Ms.) Ouma ended the Motion)

I urge Hon. Hatimy Mohamed to second the Motion.

(Hon. Hatimy seconded through gesturing)

Temporary Speaker (Hon. Mwalimu): The Motion has been seconded. I now propose a question that the Motion on establishment of child care centers for public officers of the County government be deliberated in this House.

(Question put and agreed to)

(Applause)

Yes Hon. Caro.

Hon. (Ms.) Auma: Hon. Speaker, I've been going around and I came across that almost every woman or a mother who is working within the County government is suffering whereby every woman has been given an opportunity to breast feed her child for six months.

As you know according to the rule that after giving birth she is going to be given a leave of three months so the other three months they spend it on this child to get close to the mothers.

So I was having a suggestion whereby if we have a facility or a healthcare where every mother can take the child to that place and given a chance to breast feed the child Hon. Speaker, that's why I see it is so important to come up with this Motion so that to encourage and make sure they can make their work to be very effective, thank you Mr. Speaker Sir.

Temporary Speaker (Hon. Mwalimu): Yes Hon. Asha Hussein.

Hon. (Mrs.) Hussein: Thank you Mr. Speaker am here to second the Motion proposed by Madam Caroline.

Mr. Speaker Sir it is very essential for children to be breastfeed; as we can see we are losing the generation.

We can see we have young boys moving around giving problems to the community, one of the things they have lacked breast milk it is very essential in upbringing a child we need bright students, we need engineers, we need professionals all sorts.

We need a peaceful Mombasa County government within Mombasa hence mothers need to be given a side within the institution so that they are able to breast feed the children; at least three times a day while they are at work, and it is their constitutional right, it is not by begging or this should not be begged for they are workers they need to be given their right to breast feed and take care of their children while they are at work. Thank you Mr. Speaker sir

Temporary Speaker (Hon. Mwalimu): Yes Hon. Amur.

Hon. Amur: Mr. Speaker Sir I beg to oppose the issue, it is a mandatory right by the constitution yes, but things have to be planned.

We cannot bring a Motion today requesting us to do such things, we need to employ people, a budget has to be made for that employment of those people, infrastructure of a place whereby these people would be catering for their young babies need be established according to the budget.

It is true that babies need to be breastfed but the law allowed three months leave and they are getting their salaries; the husbands are given two weeks, on top of that Mr. Speaker there are other arrangements at the institution whereby mothers are given chances to go home earlier if you are supposed to breastfeed you are allowed to leave at 12, whereby if you are supposed to leave at 5.00pm then you can leave at 12.

It is also a beneficiary to the mothers, so there is no issue of saying that, it is a fact of budget, it has to be budgeted for because it is a matter of employment, we employ people but people with experience of handling children...

Temporary Speaker (Hon. Mwalimu): There is a point of order.

(Applause)

Hon. (Ms) Auma: Mr. Speaker i just want Hon. Amur to understand when i bring a Motion here it is not supposed to be done the same time but to be planned for; another thing I want to clarify we are not going to employ people we have nursing mothers in Makadara hospital, we can use those women so that they can help us when we are preparing for this.

Temporary Speaker (Hon. Mwalimu): Yes Hon Murfad.

Hon. Amur: Mr. Speaker Sir, am not saying it is not their constitutional right, it is allowed by the constitution yes but the fact is for any organization to do anything it has to budget for, today we are over the budget.

Mr. Speaker if we are to employ how many people are supposed to be employed to take care of those kids, these kids need special care; it's not about taking kids and putting them in a room but with special care, tender care.

It is supposed to employ people with experience, issue of breastfeeding 90% of mothers these days are avoiding breastfeeding to maintain their bodies and their figures...

(Laughter)

It is not a subject of but it is their constitutional right, it has to be budgeted for Mr Speaker..

Temporary Speaker (Hon. Mwalimu): Yes Hon Zeinab.

Hon. (Ms.) Zeinab Mumba: Ahsante Mheshimiwa Spika nimesimama kumwambia Mheshimiwa mwenzangu ya kwamba...

(Interruption)

Temporary Speaker (Hon. Mwalimu): Address the House.

Hon. (Ms.) Zeinab Mumba: Okay, ahsante Mheshimiwa Spika. Mimi ningependa kusema ya kwamba mimi kama mama kitu naomba a *withdraw statement* yake kwa sababu mama ni haki yake anyonyeshe mtoto wake kwa miaka miwili.

Akisema asilimia 90 ya kina mama hawanyonyeshi ni uwongo, mimi ni mama na nanyonyesha mtoto wangu kwa miaka miwili, ahsante sana Mheshimiwa Spika

Hon. Amur: Mr. Speaker i will not cancel whatever i said, if they breastfeed how many kinds of milk we are buying; as fathers buy for our babies...

(Applause)

If breastfeeding could be taken permanent we should not have pampers, milk at the supermarkets, why today we don't have good kids because the mothers have neglected their duties...

(Applause)

They are using pampers instead of napkins, things have changed, modernization...

Temporary Speaker (Hon. Mwalimu): Yes Hon Caroline, and i hope it is not a fight between the women and the gentlemen of this House...

Hon. (Ms.) Auma: Mr. Speaker we are not fighting but it is a matter of clarifying the issue...

Hon. Mohamed Hatimy: Point of order.

Temporary Speaker (Hon. Mwalimu): Point of order on a point of order.

Hon. Mohamed Hatimy: Mr. Speaker the mover of the Motion should wait until given time to reply.

(Applause)

Hon. Amur: Mr. Speaker the reality is I want the Members, we have Members who are mothers, they are given three months and they are here with us...

(Applause)

There are those who are allergic to beef, what are they doing, so it is issue of ladies or our wives neglecting their kids by maintaining their bodies and the other things...

(Applause)

Yes Hon. Asha Hussein.

Hon. (Ms.) Hussein: Thank you Mr. Speaker, i want to clarify to my brother Amur, the Motion is all about day cares for the mothers working within the County governments institutions, it's not about negligence or arrogance or modernization, can he please get back to the Motion Mr. Speaker.

(Applause)

Hon. Amur: Mr. Speaker these same mothers if you offer them a trip for 20 days they will travel, they will never think of their children and babies...

(Applause)

(Laughter)

That's a fact, offer any Member of the County Assembly a trip for 20 days and he or she will forget the baby.

I am not saying it is not their right but it has to be captured in the budget to employ the workers to take care of the kids.

We don't have that allocation, in the meantime let it be until further notice. Thank you Mr. Speaker.

Temporary Speaker (Hon. Mwalimu): Yes Hon. Ibrahim Kondo.

Hon. Ibrahim Kondo: Ahsante Mheshimiwa Spika, nimesimama kwa Nyumba hii kupinga dhati...

(Applause)

Hoja alioleta Mheshimiwa Caro, malezi mazuri ya mtoto ni kukaa karibu na mamake na bibi zake na hizi na ili apate matunda ya malezi...

(Applause)

Mheshimiwa Spika kama alivyotangulia Mheshimiwa mwenzangu Amur, maisha ya kileo yameenda *kidot com*, dada zetu ndugu zetu wanaotaka kujifungua asilimia alivyosema Amur 90, mimi naipelekea 95 hawapendi kunyonyesha watoto wao...

(Laughter)

Mheshimiwa Spika ni jambo la kusikitisha ikiwa tuko na Wizara za Afya zinazunguka mashinani kulazimisha kina mama kunyonyesha watoto wao, yale yanayo ongelewa hapa ni ya kweli.

Baadhi yao tuko nao wengine Mwenyezi Mungu aliwajalia wakapata watoto, mwezi wa kwanza tuko nao hapa tunashinda nao, tunasafiri nao, hatusikii wakipiga kelele Mheshimiwa kuhusiana na watoto hawa wala kunyonyesha watoto wao.

Mheshimiwa jambo hili mpaka lipitie kwa wizara na wizara ikae chini itengeze mikakati ya kuweka mama hawa sehemu zile, Mheshimiwa tunapokwenda tutakuwa tunatupa jamii zetu na baadhi ya kina mama wengi wanaojifungua siku hizi huchukua watoto na kuwapelekwa kwa watu wa kulea.

Hayo ni baadhi ya mambo yanayozidi kuvunja mila zetu Mheshimiwa Spika; hili jambo lataka ufafanuzi zaidi na kupitia wizara yetu ya afya ili ijue liingie mashinani lielimishe kina mama wetu, dada zetu wakae ndani ya manyumba sio kuwakusanya kuwapekea nyumba moja, kwa hayo machache ahsante...

(Applause)

Temporary Speaker (Hon. Mwalimu): Hon. Ndanda.

Hon. Mohamed Ndanda: Thank you Mr. Speaker Sir, am also opposing this Motion...

(Applause)

Hon. Speaker if you come to the prayer of this Motion it says the County government establish and operate a childcare facility for state and public officers working for the County government.

I am saying on this perspective because when you look at the rate, let us speak of how many government facilities do we have in Mombasa?

It is not elaborative, it is not showing how these facilities are going to be made, that is one, two, as you know that this is a budget process where it also incurs some expenses; we are not saying it is bad but what we are looking is the project sustainable?

So if we as the law makers in this Assembly we would wish to come with good ideas like this but also we have to think about how to operate it because if we are going to set everywhere mothers are coming to breastfeed their children, this one i think to me it is not possible, we have also a problem of the youths, we have no youth centers, the centers are there but no people to operate them.

This is a burden i think sometimes back if not one month there were some letters addressed to Chairman Finance so that he can see on how we can operate this one Hon. Speaker.

I have firmly opposed this Motion that there is no clarity in how it is going to operate these facilities, and therefore I remind the Hon. Member who moved this Motion not to mislead this Assembly and the Mombasa people she withdraws so that we can also and discuss, thank you Hon. Speaker.

(Applause)

Temporary Speaker (Hon. Mwalimu): Yes Hon. Siminyu.

Hon. Siminyu: Thank you Mr. Speaker. Mr. Speaker the Motion is a good Motion so it is good to take care of our children who are newborns.

Mr. Speaker I do support this Motion for a fact that it seems that we are selfish.

Mr. Speaker devolution came to this country, we always talk about ourselves but why not about our people when a person is working and he has children, he needs to take care of the children.

Mr. Speaker I would like to urge the Hon. Member to recall this Motion back so that she can seat so that it can involve more people, we should not talk for ourselves, let us talk for the common *mwananchi*, Mama Mboga.

Mr. Speaker this Motion as I said earlier is a good Motion because this is a place where they can take their kids where there are working.

Mr. Speaker there's a need for looking for a budget, it can it be able to sustain this Mr. Speaker so the Motion mover should go and sit with the Finance and see if we can have the money.

urge this Member who brought this Motion to this House to go back and look into this Motion and when brought back to this House it should be fully furnished for the common *mwananchi*.

Thank you Mr. Speaker.

(Applause)

Temporary Speaker (Hon. Mwalimu): Yes Hon. Enock Mwinga Mwadziwe.

Hon. Mwinga: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mtoto anataka malezi bora, mtoto anataka hususan malezi ya mama kwa sababu mama huwa ana mtoto saa zote. Mheshimiwa Spika mimi nimesimama hapa kuunga mkono mswada huu ambao umeletwa hapa.

Sababu ambazo zinanifanya niunge mkono huu mswada Mheshimiwa Spika unavyojua kwamba mtoto anapozaliwa anahitaji malezi bora na unapoono, unaposikia katika habari watoto wanadhulumiwa na wale mayaya ambao wanakaa nao.

Mheshimiwa Spika ndio basi tunafaa kuhakikisha ya kwamba mtoto awe karibu na mama ili huduma zile wanazozipata kupitia kwa wale mayaya zikaweze kukomeshwa.

Mheshimiwa Spika tuchukue kwa mfano mtoto amewachwa kwa nyumba amewaachiwa yaya....

(Interruption)

Hon. Mohamed Ndanda: Mr. Speaker point of information.

Temporary Speaker (Hon. Mwalimu): Do you want to inform the House or what?

Hon. Mohamed Ndanda: I want to inform the House that the for the current Speaker am informing the House not him.

Thank you Mr. Speaker he is talking of the *yaya* and I think the facility there are also those maids, who will be there? So I don't know, can he clarify between the person who is not going to take care of the facility and the same is said because at home those children are being battered by the *yaya* the way he is saying, so it is a point of clarity his statement Hon. Speaker.

Hon. Mwinga: Mheshimiwa Spika nafikiri Mheshimiwa ambaye ameweza kuleta Mswada ameweza kueleza wazi wazi ya kwamba wale ambao watakuwa wanaangalia ni watu ambao ni wenye utenda kazi wamefanya mafunzo na kuangalia hawa watoto.

Tuchukue kwa mfano mtoto amewachwa kwa nyumba ameachiwa mfanyi kazi Mheshimiwa Spika yule mfanyi kazi hata hapewi chakula mtoto anakaa anashinda na njaa kutoka saa mbili asubuhi mpaka saa kumi na mbili jioni mama akirudi.

Mheshimiwa Spika nafikiri kuna umuhimu waweze kutengewa mahali wa mama hawa waweze kuwa karibu na watoto wao...

(Applause)

Hili ni jambo muhimu Mheshimiwa Spika kwa sababu mtoto anapokuwa akikosa maziwa ya mama hali haitakuwa nzuri.

Kwa hivyo kuna umuhimu watengewe mahali kama vile Mswada ulivyosema ili wanapokaa kazini baada ya masaa manne waweze kutoka kunyonyesha mtoto ili warudi na kuendelea na kazi nyengine. Ahsante sana.

(Applause)

Temporary Speaker (Hon. Mwalimu): Yes Hon. Fatuma Kushe.

Hon. (Ms.) Fatuma Swaleh: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika mimi nimesimama kupinga mjadala huu...

(Applause)

Mheshimiwa Spika kama unavyojua mimi ni mwanamke; vile vile nashukuru Mwenyezi Mungu kwamba mimi ni mzazi nina mtoto wa miezi sita ndani ya nyumba Mheshimiwa Spika...

(Applause)

Mheshimiwa Spika sio kwamba tunakaa hapa masaa 24 huwa tuko hapa baada ya masaa fulani tunarudi majumbani kwetu.

Mheshimiwa Spika kama unavyojua kwamba Mombasa huwa tuna uhaba wa pesa tunazoletewa kutoka kwa serikali kuu na vile vile mimi nimesema mtoto wangu yuko nyumbani.

Kama wanawake wanasema wanataka kukaa na watoto wao majumbani basi wanawake hao wasimame waende wakakae nyumbani, wakae wake nyumbani na wafanyi kazi Mheshimiwa Spika...

(Applause)

Sio kama nahujumu wanawake wenzangu lakini tukisema kwamba tunakaa majumbani kwetu tukiangalia watoto, serikali imetupatia miezi mitatu kukaa kuwaangalia watoto Mheshimiwa Spika.

Kwa hivyo nafikiri miezi mitatu ni miezi mingi sana kulea watoto na vile vile hatukai masaa 24 ndani ya makazi yetu.

Mimi kama Mheshimiwa Fatuma ninao wasaa wa kwenda kukaa na mtoto wangu kumnyonyesha na vile vile tukisema twakaa kuangalia watoto tutawapotezea nafasi za wanaume watatutawala kila sehemu Mheshimiwa Spika.

(Applause)

Ndio maana Mheshimiwa Spika napinga mjadala huu na akakae afikirie mjadala mwengine lakini ikiwa nii huu mimi naupinga.

(Applause)

Temporary Speaker (Hon. Mwalimu): Mheshimiwa Zainab Kithinzi.

Hon. (Ms.) Zainab Kithinzi: Ahsante Mheshimiwa Spika, mimi ni mama na mimi nina *experience* ya kuzaa na kulea lakini nimesimama hapa kupinga huu mjadala...

(Laughter and Applause)

Mheshimiwa Spika naupinga kwanza kwa mambo mawili ama matatu; jambo la kwanza kuna msaada ambao umeingia siku hizi watu wanasema ni *dijitali* wakati wewe ni mzazi ukitoka nyumbani kuna jinsi ya kukamua maziwa yako unaweka kwa njia nzuri unaweka kwa chupa baadaye mtoto anapewa si lazima wewe mzazi uwe pale.

Jambo la pili Mheshimiwa Spika ikiwa hii sehemu itatengwa sisi tena tutarudi kusema kina dada wakae maofisini wafanye kazi kwa sababu kila mara watakuwa wako huko ukimuuliza atakuwa anakwambia nimeenda kumnyonyesha mtoto.

Kwa hivyo hilo mimi sioni kama ni jambo la sawa; vile vile pia Mheshimiwa Spika kuna mambo mengi ambayo yanafaa yafanywe katika hii Mombasa Kaunti sio haya ya kuangalia sehemu ya kunyonyesha watoto.

Mheshimiwa Spika nilipoingia hapa kuna Waheshimiwa wengi ambao walijifungua na *trip* zikitokea yeye ndio atakuwa wa kwanza kusema niko *maternity* nanyonyesha lakini nitaenda...

(Applause)

Na wanaenda kwani saa hiyo hawafikirii wanataka kunyonyesha? Kwa hivyo Mheshimiwa Spika nimesimama hapa kupinga vikali sana huu mswada.

(Applause)

Temporary Speaker (Hon. Mwalimu): Yes Hon. Hatimy.

Hon. Mohamed Hatimy: Ahsante sana Mheshimiwa Spika kunipatia mimi fursa hii kuweza kuongea mawili matatu kuhusiana na mswada huu ambao umeletwa na Mheshimiwa Caroline.

Mheshimiwa Spika nafahamu kwamba Nyumba nilileta Mswada aende akutizame na utengeneze ndio auregeshe tena ndani ya hii Nyumba; kusema hivi sisi tumeleta katiba na katiba ile iko wazi kabisa.

Ukiangalia *Article 27 (1)* ya katiba ambayo inasema, "*Every person is equal before the law and has the right to equal protection and equal benefit of the law*".

(2) Inasema, "*Equality includes the full and equal enjoyment of all rights and fundamental freedoms*", Mheshimiwa Spika.

Kwa hiyo Mheshimiwa Spika sheria ni msumeno na sheria hii kila mmoja ana haki nayo na kama ni sheria inamshika kila mmoja.

Mheshimiwa Spika kusema tuwafanyia Nyumba hii kuwa *stamp public officers* na *state officers* itakuwa tumefanya ubaguzi wa kuwatoa wale watu wengine.

Kwa hiyo Mheshimiwa Spika naomba aliyeleta hoja hii mwanzo aende abadilishe hii *title* ya hii hoja, la pili afanye utafiti kwa sababu anavyojua sisi kama Kaunti ya Mombasa hatuna pesa na pia jambo hili lataka pesa ahakikishe kwamba amefanya utafiti wake atueleze atatumia mfuko gani wa kuweza kujenga hizi *center* ambazo tunazungumza alafu ndio sisi hapa tusema kama hoja inafaa.

Kwa hivyo Bwana Spika naona huu mswada umekuja mahali pazuri lakini kwa wakati mbaya kwa sababu lazima atengeneze aregeshe hapa.

Kwa hivyo namuomba aitoe chini ya hoja za nidhamu 48 kitabu hiki kipya ya kusema kuwa anaitoa saa yeyote na anaweza irudisha ...Ahsante Mheshimiwa Spika.

Temporary Speaker (Hon. Mwalimu): Hon. Hatimy Standing order 48 it concerns the Notice of Motion...

Hon. Mohamed Hatimy: It is a Motion Mr. Speaker and can be withdrawn without leave and can be brought any time Mr. Speaker.

Temporary Speaker (Hon. Mwalimu): Thank you, yes Hon. Jimmy Odari?

Hon. Odari: Thank you Hon. Speaker for according me this opportunity to contribute to give my opinion or observation regarding this Motion which has been brought by Hon. Auma nominated MCA for Kisauni sub County.

Hon. Speaker this Motion states *inter alia* the *establishment of child care center for state and public officers* of the County government.

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor Page 19*

Mr. Speaker this is not a bad idea, this idea of establishing a care center is expressly stipulated in the 4th Schedule of the Constitution of Kenya 2010 Part 2, Sub section 9.

It states if you will allow me Mr. Speaker to read the idea of setting up child care center is cited as one of the functions of the County government and it is hereby listed alongside pre-primary education those are the ECD centers, village polytechnics, home craft centers and childcare facilities.

Therefore this Motion must have emanated from that part of the constitution since it has been stipulated in the constitution Hon. Speaker this needs to be established.

I have listened carefully to most speakers this afternoon and what I have noticed the cost elements of establishing these centers is one of the major bone of contention here.

Mr. Speaker childcare centers are not a bad idea however as stated by Hon. Hatimy I would advise the mover of this Motion to take it back if she wouldn't mind and re-write it so that it will not look as if this privilege is meant only for state officers or public officers yet the constitution requires it to be all inclusive.

The entire public of the Republic of Kenya child care centers are there owned by private proprietors; they are all over however I think maybe Hon. Caroline wanted to request for a room for the Hon. Members to breastfeed their children.

If it's a matter of maybe allocating a room within the precincts, these premises for Hon. Members who are breastfeeding so that they can breastfeed their children.

I do not think that can be expensive, I do not think it will be costly to this Assembly but if it is a matter of establishing whole facility for childcare I think Mr. Speaker we need to reconsider the cost implication.

Particularly bearing in mind that currently the County government of Mombasa is grappling with the high cost of projects that are to be implemented that are following a very strict budget which has impeded implementation of other projects that are being demanded by the public.

Thank you Mr. Speaker .

Temporary Speaker (Hon. Mwalimu): Hon. Caroline respond to the Motion and also put into consideration that the seconder of this Motion has also opposed the Motion.

(Applause)

Hon. (Ms.) Auma: Thank you Hon. Speaker the seconder has opposed the Motion, he has given it a good direction where to go.

I see Members have agreed to the Motion but because of the many amendments and the amendments which have been put across are very important we cannot work on only County offices alone but we need to work on the entire County.

So Hon. Speaker I urge you as the Speaker see what we can do to the Motion so that we can give him more time and see if I can use amendments that I have been given to restructure it again. Hon. Speaker I withdraw the Motion.

(Applause)

Temporary Speaker (Hon. Mwalimu): I think you have fully exhausted this debate and as the mover the Motion was debated ...and Hon. Members they put much concern on monetary implications and the mover did not specify the number of facilities as she has withdrawn under Standing order number 48 which says a Notice of Motion maybe withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member.

So Members the Motion has been withdrawn from the floor of the House and will bring back the Motion with the amendments in another way and it will be taken back to the House Business Committee to plan and be brought to this Hon. House. Clerk?

ADJOURNMENT

Members this House stands adjourned until tomorrow 9.00am.

The House rose at 3.43pm.