



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Wednesday 11th September, 2019

The House met at 2.30 p.m.

(Hon. Temporary Deputy Speaker Mr. Anthony Kimemia in the Chair)

PRAYER

QUORUM

Hon. Temporary Deputy Speaker: Clerk I am made to understand there is no quorum. Please ring the bell for another ten minutes.

(Quorum bell was rung for 10 minutes)

(Quorum bell was rung for 5 minutes)

Under Standing Order 35(2) it states: *If there is not a quorum present when the chair is taken, at the time appointed for a meeting of the County Assembly, immediately after the saying of the prayer, the Speaker shall order the bell to be rung for ten minutes, and if no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the county assembly forthwith to the next sitting.*

(Loud consultations)

Members I will repeat...

Members thank you very much. We managed to have the quorum, we shall be going on. But I want to ask you with all due respect to please keep time. Its three o'clock and the bell started ringing at two thirty. Clerk, proceed.

NOTICES OF MOTION

Hon. Silas Matara: Thank you Hon Speaker, I would like also to welcome my fellow colleagues from the long recess and thank God for the favour that he has given us till this moment. I beg to give notice of the following motion: That aware that under Article 186 (1) of the Constitution of Kenya and Fourth Schedule, the

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functions and powers of county government amongst others covers county transport including county roads, street lighting, public road transport and parking.

Further aware that the city has designated preferential bus stops throughout the city county roads. Noting that in recent years have witnessed a marked increase in the number of public service vehicles plying various routes in the county. Concerned that most pedestrian's walkaways and unmarked bus stops areas along various county roads have been illegally turned into bus stops for picking and dropping of passengers by not only public service vehicles but also private vehicles.

This has led to increase in traffic congestion and accidents including deaths to pedestrians. Further noting that the allocation of parking and picking zones for public service vehicles was last done in the year 200. This assembly urges the county executive to increase the picking and dropping areas in the county roads and rehabilitate the existing ones with adequate passenger waiting cabins, thank you.

STATEMENTS

PENDING REPORTS OF THE AUDITOR GENERAL

Hon. Juliet Ndegwa: Hon Speaker you will recall that on Wednesday the 24th of July 2019 you directed the Public Accounts committee to table its report on consideration for all pending reports of the Auditor General soon after the recess on 10th September 2019.

The reports under consideration which were due as per provision of Article 229(8) of the Constitution include:

1. Auditor General report on the financial statements of the Nairobi City County Executive for the period year ended 30th June 2018
2. Auditor General report on the financial statement of the Nairobi City County Assembly for the year ended 30th June 2018
3. Auditor General report on the financial statement of the Nairobi City County Assembly Service Board Mortgage and Car Loan Scheme Fund for the year ended 30th June 2018.

Hon Speaker on behalf of the PAC chairman who has travelled abroad on official duties I wish to report that the committee has been able to meet at least most of the witnesses it lined up for interrogation with respect to the reports; however, Mr. Speaker it is also good to note that we have had little or no cooperation from the some of the county executives.

The county CEC of finance during the period under review Ms Veska Kangongo, the chief officer for finance Ekaya Almasi, the chief officer for public service and management during the period under review Lebo ole Morindat, the head of procurement Patrick Mwangangi, the head of county treasury Accounting Stephen Mutua, head of internal audit Edward Gichana and the chairperson of defunct medical insurance evaluation committee Kepha Omanga. The county executive member for finance and treasury officials are yet...

Hon. Temporary Deputy Speaker: Excuse me Hon. Member. Are you seeking for an extension?

Hon. June Ndegwa: Yes. I am reading the people who have not come.

Hon. Temporary Deputy Speaker: Just give us the date you want us to approve your extension to.

Hon. June Ndegwa: In addition to that, the committee has scheduled various site visits to validate some of its findings and Mr. Speaker we are asking for an extension of the aforementioned audit reports on

the 16th October 2019 as per the committee's work plan so that these officers come to the committee as witnesses. Is that what you want?

Hon. Temporary Deputy Speaker: Extension approved.

Hon. June Ndegwa: Thank you.

Hon. Temporary Deputy Speaker: Only that I recommend no further extensions.

Hon. June Ndegwa: With cooperation from the Executive, we will be able to bring the report to the County Assembly but without that then we will need your advice on the same. This is because I was reading out the names of members of the Executive who have been summoned by the PAC chairman and to date have not showed up. It is therefore not our fault but that of the Executive yet we have other reports to work on as a committee.

Hon. Temporary Deputy Speaker: You are a senior member so as you give your remarks, also advice and not just criticize.

Hon. Peter Imwatok: Hon. Speaker, I wanted to wrap up on what Hon. June has said and ask that you guide us as a chair to ensure that members of the Executive who have not submitted themselves before the PAC committee do so. This is because if you give a ruling that there will be no more extensions and people continue to submit reports without appearing before the committee then it will jeopardize our work.

Therefore, I urge that you direct that everyone that has been mentioned to appear before PAC to do so immediately and write sermons to them so that you sanction them. Thank you.

Hon. Temporary Deputy Speaker: Hon. Imwatok I have heard you senior. We know that committees have so much power as those of the High Court and have powers to force these individuals to appear before the committee. Therefore, I want to call upon the tables and the Clerk to do a communication to the Executive informing them that the Assembly has put its foot down that those who do not appear before committees' further action will be taken against them. Extension is therefore approved subject to a communique from the committee clerk. Thank you. Are you satisfied Hon. June?

Hon. June Ndegwa: We need some form of direction Mr. Speaker in that as much as the PAC committee has powers, we have almost exhausted them and that is why I was mentioning---

Hon. Temporary Deputy Speaker: I have directed that the Table office communicates our displeasure with the Executive and if they do not appear then unspecified action will be taken against them

Hon. June Ndegwa: Does the extension for the 16th still stand?

Hon. Temporary Deputy Speaker: Yes

Hon. Osman Adow: Point of information Mr. Speaker...

Hon. Temporary Deputy Speaker: Yes.

Hon. Osman Adow: Mr. Speaker, I do not see why the committee is coming here to complain. All they need to do is engage the police officers that we have and bring the officers to the committee by force. Why aren't they exercising their powers?

Hon. Peter Imwatok; Hon. Speaker, Parliament works with procedures such as requesting officers to appear before the committees and we cannot force our administration police to do that. This emanates from you, the Speaker whereby as a committee if we decide to sermon someone then you effect it. We

therefore request that you give an ultimatum in writing through the Clerk that everyone meant to appear before the committee, as a witness must do so failure to which, you will sanction sermons.

Hon. Temporary Deputy Speaker: Clerk, copy and paste that. I have directed that a communique be done and the specified action is that we will sermon them if they do not appear. Let us also not jump the gun to the extent of calling police on them. We shall follow procedures as has been directed by Hon. Imwato. Thank you. Next order!

BILL

THE NAIROBI CITY COUNTY COMMUNITY HEALTH SERVICES BILL, BILL NO. 5 OF 2019.

Second reading

Hon. Pius Mbono: Thank you Hon. Speaker. I wish to move that the Nairobi City County Community Health Services Bill, number 5 of 2019 be read a second time.

Hon Speaker, the objective of the Bill is to provide for the establishment and regulation of community health unit within the county for effective, efficient and sustainable delivery of community based health services and establish the necessary institutional and regulatory mechanism to ensure functionality of community units in empowering households in health and for connected purpose.

Hon. speaker, the Bill further purposes to give effect to the provision of Article 43 (1) of the Constitution. Hon. Speaker, if this Bill becomes law, the city of Nairobi, health department will slowly shift from curative care to preventive care. This is because Hon. Speaker, once the units are established in our wards, the whole city of Nairobi, the CHVs will be going door to door collecting data on daily occurrence especially on outbreaks of communicable diseases and disseminate the information upwards e.g. to the public health officers which in return will be going to the ground and suppress the disease before it spreads.

Hon. Speaker, it is the first time that the CHVs will get some kind of payment to recognize that they are also doing something for the community. It is the first time that the group will be wearing protective gear. The group will be taken to seminars among others.

Hon. Speaker, if the Bill gets through, the CHVs will be covered with health insurance i.e. NHIF. The relationship between the county and the health workers will be enhanced. That will also translate to service delivery to the community. Without talking much, most of the Members here are aware of how these people are suffering. The county has not been engaging these people for long. The groups are not evenly distributed. In the whole of Zimmerman ward, we have just one unit. We don't have these kind of people. So, the Bill will help the county to make sure that we have units in every ward that will be going round and collecting data as I have said. Without much ado, I wish to call my able Chair, Hon Warutere, to second.

Hon. Peter Warutere: Thank you Hon. Speaker. I rise to second this very important Bill. As you have seen the principle object of this Bill is to ensure that we have a full establishment of community health units. We are moving from calling the Community Health Volunteers and putting them back to payroll and we will then be able to move from curative care to preventive care.

We need to improve the effectiveness and efficiency of community health workers. I believe it is now time to focus and move to preventive care from curative care. By so doing, we will be able to have a saving mechanism. We will be ensuring that we have attention to the last unit of this particular approach. I believe we have worked on this Bill. It has taken our time. The voluntary mechanisms of the health workers have

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taken long. These people have been giving services for free for 20 years. I want to thank the Assembly. We were able to set aside some money to give motivation to this very important component of healthcare. I want to reiterate that whatever we have given the caregivers has since been increased with about 200 million and therefore have the budgetary allocation for this particular sector. We are not yet there but I strongly believe that this will be the starting point to ensure that we will be able to motivate our people and I hope by so doing, we will be able to give back to the community. When we do this, we will be able to create employment and be able to bring health close to the community who need it most.

I want to thank the Committee of Health and we look forward that before the end of the day, we will be able to go to the next level with this Bill. For this, I propose that we move with speed and ensure that we pass this legislation. Thank you Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you very much.

(Question proposed)

Hon. Temporary Deputy Speaker: You are welcome for debate Hon. Members.

Hon. Peter Imwatok: Mr. Speaker I rise to support this Bill by *Mheshimiwa* Mbono who is a senior member of this House for the last seven years. You know history is made by us and written by a golden pen the way we present ourselves.

I remember *Mheshimiwa* Mbono when we were sworn in 2013. You can write him off because he never speaks much but he thinks wide. He is my best goal keeper when we play football but at least I know he can think in the realm of society. Thank you *Mheshimiwa* Mbono for coming with this enormous idea that is going to transform the lives of health workers in this county. I was conversing with the Chair as he has well put it, that we are going to transform from volunteers to community health workers and maybe we need only to editorialize the document to remove the word 'volunteers' and concentrate on health workers.

Indeed, when you go to our respective wards Mr. Speaker, you will find that people are afflicted with different diseases and the immediate person to come to this rescue or support them are these workers. I think that the best think we can do to them as a county, if you go to slum areas even in my Ward I have a slum area called Agare slum, it happens that my sisters- in- law is the chairperson of the health workers in my Ward. The work that these women do in these respective areas I can tell you for free that even if you are given money to do that job you cannot do. But for them, they have been doing this job for free for many years.

I want to agree more or less with the Chair that if you really allocated money which you have done as he puts it; let the Bill be passed immediately possibly by next week then it goes to the Third Reading and subsequently let us get a way that for these workers so that no one takes advantage of them. We start with those who have suffered for many years. You know in Africa at a particular moment like this, you find there are more community health workers than those who were there. We will take you to task Chair and your committee. That mother at Kaloleni Eliza should be the first beneficiary of this bill. She should be proud to say that the County Assembly of Nairobi passed the budget and she was getting Ksh 5,000 per month to take her kids to school as she helps the community.

Once again thank you so much *Mheshimiwa* Mbono. We in the opposition support you fully and we support this Bill for the interests of our people. Thank you very much.

Hon. Temporary Deputy Speaker: Thank you for those very insightful words.

Hon. Kennedy Obuya: Thank you. Hon. Speaker, I rise to support this beautiful Bill. I want to once again congratulate senior Hon. Pius Mbono being an elected leader in an area which has the highest population and comprises of informal settlements.

I happen to be working very closely with the community health workers in the entire Embakasi South sub-county, we have one facility; Mukuru Health Centre which happens to be in my Ward and the great Mukuru I think it is the second biggest slum in Nairobi after Kibra. As for the challenges faced by the volunteer community health workers, I can see this Bill is seriously looking and considering their interests which are the interests of the most residents of Nairobi.

I am happy that at least this Bill is going to empower the structures of governance and give them an opportunity to attend workshops and trainings that will give them proper knowledge not only as volunteers but proper knowledge to deal with serious epidemics like cholera that affects us in day to day basis in the informal settlements because of human influences. Without wasting time Mr. Speaker, this is a good bill and I support it. Thank you.

Hon. Temporary Deputy Speaker: Thank you very much Hon. Obuya. This House is blessed to have such brains which I admire.

Hon. Herman Azangu: Thank you Hon. Speaker. I want to congratulate Hon. Mbono because there is health hazard in some of the slums and we have people who have volunteered for many years. In my Ward they have been helping in polio campaigns and attending to people who are bedridden. They don't care about their lives but help the community and are used by the government or the county during measles outbreak or any other activity. They have been suffering a lot because they are not paid for their services. But I think with this Bill they will be given something to take home to pay for their children school fees.

I will like also to say something to our government.

Most of the governments are using these people voluntarily. They don't appreciate what they are doing. This Bill will help fill the gaps in the health sector. Thank you, I support.

Hon. Temporary Deputy Speaker: Thank you, Hon. Azangu, your wisdom is important in this House. They say *"What an elder can see while sitting down, a boy cannot see while on top of a tree."*

Hon. Juliet June Ndegwa.

Hon. Juliet Ndegwa: Thank you, Mr. Speaker. I rise to support this Bill and thank Hon. Pius for bringing it to our attention. It is said that a healthy nation is a wealthy nation. Health is one of the four pillars of the current government. Taking into consideration that the health workers are the ones who come into close contact with the people, they get to know when there is an outbreak of certain diseases in the community first hand. To think about them and how they are able to improve and even use their network to give civic education in matters of universal health, these are the people who should be used. If we have not been taking care of the voluntary health workers, I want this Assembly to be the first in the nation in taking care of them.

Mr. Speaker, I have also noticed that in the Bill, there is a stipend for them and protective gear while taking care of the sick. We should be taking this seriously because it is very important and add it in our budget as soon as possible. This is one of the bills that should be fast-tracked, as Hon. Imwatok said. They are

people like us and are taking care of the community for free. They are part of the community that we should not ignore. This Bill should see the light of the day. I stand to support.

Hon. Temporary Deputy Speaker: I agree with you, *Mheshimiwa* June Ndegwa. Beauty and brains are rare combinations. You possess both. Thank you.

Mheshimiwa Lawi! Give him the microphone.

Hon. Lawrence Odhiambo: Thank you, Mr. Speaker Sir. First of all, I would like to congratulate my able number one goalkeeper in CASA for bringing out this Bill. Recently, I had a meeting with these community health workers in my office. They face a lot of challenges. They have been working for the last 20 years without any pay. Eradication of things like abortion and HIV AIDS counselling have been done by these health workers. If the Assembly can pass this Bill, cases like these will decrease. I support, thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Lawi, I know you are the best athlete we have in the Assembly. If our kids can get good health and reach your level of physique, that will be great.

Mheshimiwa Mbugua Kabiro.

Hon. Mbugua Kabiro: Thank you, Mr. Speaker. I would like to congratulate my able colleague, Hon. Pius Mbono for presenting to this House such a wonderful Bill, and the rest of the people who took part in the formulation of this Bill.

Mr. Speaker, when we talk about primary healthcare, I do not think of any other solution than to provide this primary healthcare at the place where it is needed. The primary healthcare is not needed in the hospital but at the home or the community which that person comes from. It is like that ambulance service. This Bill talks about very nice, innovative and interesting things that if I start to elaborate, I will take some time. I am passionate about this health docket. This is a kind of Punguza Mizigo that we need. We are reducing the weight of those healthcare professionals who are attending to people at the hospitals and those health centres that we are trying to make sure that they provide the best healthcare service that is required. We are reducing their workload and providing a primary healthcare opportunity for everybody, either at the ward or at the very village that that person comes from.

Mr. Speaker, I do not think that we will go round many blocks looking for solutions other than to make sure that such solutions which come from this House are formulated properly in the way that Hon. Pius Mbono has done to this Bill. We should make sure we follow it through for implementation. I will be happy to see this Community Healthcare Bill being ratified and being implemented. I am so sure it will.

but when that time comes, I want to see that the community health care providers who we are called volunteer are remunerated properly. It is an avenue for job provision and it should not be taken lightly.

These are very able youth who have graduated from colleges like KMTC and universities that provide health care courses. We should take care of them so that they can take care for our mothers and fathers who are in the villages. I support this Bill and I want to make sure that we accord the Hon. Pius Mbono the honour that is due for presenting such an incredible Bill. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you very much our vibrant youth leader, we appreciate you here. I call upon Hon. Jeremiah.

Hon. Jeremiah Themendu: Thank you, Hon. Speaker, for giving me this chance to stand and support the motion. I would like first to congratulate my brother Hon. Mbono for bringing this motion in this

Assembly. In addition, I would like to say that it is timely because in my area Mr. Speaker, there is cholera outbreak and when you visit Mama Lucy you will find that about 20 to 30 patients are there and it is these volunteer health workers bringing them. I would like to support that they should be catered for because they go an extra mile to look for the patients who are affected by HIV and other diseases and they return back home without anything.

Therefore, I would like to support the Bill and I would like to urge that the County Nairobi to do something good for those volunteers, which will facilitate their work without any problem when they are handling the patients that are affected by different type of diseases that I mentioned earlier. We are all in support of this motion and I beg to support.

Hon. Temporary Deputy Speaker: Thank you, very much *Mheshimiwa* Jeremiah as we call you 'Morefire' but I think you are a great man. I want to call upon the mover.

Hon. Pius Mbono: Thank you Hon. Speaker, I want to thank the Hon. Members for supporting the Bill. Mr. Speaker, there was something that was reviewed by the community of health workers during the public participation, whereby they said that when they go out to administer to the sick people in the evening and come back to their houses they find their houses closed by the landlord which is very discouraging.

They also attend to the patient but when they return home they do not have anything to provide to the children, which makes them tire to bed with an empty stomach. Therefore, I am happy together with my colleagues that soon the problem will be sorted out. I therefore, take this opportunity to thank everyone and especial the Health Committee where I sit, because they have actually worked very hard to make sure that this Bill goes through.

I also thank the office of the Speaker, the Clerk and the committee at large because it was the first time that in public participation people came in large number and we were not able to accommodate them at the Charter Hall. I also want to thank the Members outside there. I beg to reply.

Hon. Temporary Deputy Speaker: Thank you very much *Mheshimiwa* Mbono and I want to take this opportunity also to thank you again for the noble Bill that you have brought forth. I also represent a ward, I represent the volunteers, and I know they will be very excited to see that the Bill go through.

(Question put and agreed to)

(The Bill was read a Second Time)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Member now we have come to the end of today's sitting and we will adjourn until tomorrow, Thursday 12th 2019 at 2:30 p.m. Thank you very much.

The House rose at 3:45 p.m.