



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 22nd September 2020

The House met at 9.30 a.m.

[Hon. Speaker (Mr. Benson Mutura) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: I have been informed that we have the quorum, so let's proceed to the first order.

MESSAGE

NOMINEE FOR THE POSITION OF THE MEMBER OF THE NAIROBI CITY COUNTY PUBLIC SERVICE BOARD
AND SECRETARY TO THE COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: Hon. Members, we have a message from H. E the Governor.

Hon. Members, Standing Order 43 (1) relating to the messages from the Governor provides that the Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the Assembly. In this regard Hon. Members, I wish to report that the office of the Speaker is in receipt of a message from H.E the Governor of Nairobi City County on the following: -

1. Nomination to the position of the Board Secretary to the Nairobi Public Service Board; and
2. Nomination for the position of the Member of the Nairobi Public Service Board.

I now wish to convey the following message:

Hon. Members you are aware Section 58(1)(b) and Section 58(1) (c) of the County Government Act 2020 provides for the nomination and appointment of a Member and Secretary to the County Public Service Board respectively, with the approval of the County Assembly from among persons who are not Members of the County Assembly through a competitive process.

Hon. Members, pursuant to the provisions of section 58(1)(b) and section 58(1) (c) of the County Government Act, H. E the Governor hereby nominates Jack Babji Owino to the position of Member to the County Public Service Board and Phillip Polland George Kaingu to the position of Secretary to the County Public Service Board. Hon. Members I wish to direct the Sectoral Committee on Labour and Social Welfare proceed with the vetting of the said nominees. Thank you.

NOTICES OF MOTION

Hon. Moses Ogeto: Thank you Hon. Speaker. Once again, good morning. Hon. Speaker I want to give a Notice of Motion.

That aware Part 2 of the Fourth Schedule of the Constitution of the Republic of Kenya 2010, the functions and powers of the County Government among others covers the public health. Further aware section 118(b) of the Public Health Act, Cap 242, identifies nuisance and any dwelling of premises or part of construction as such as dirty to be dangerous to health; noting that Nairobi City County is an entry point into the country by international guests. Further noting that the aesthetic characteristics of the city gives the first impression of its general organization and national character. Cognizant that the Nairobi County Government and Nairobi Metropolitan Services have separately issued public notices to the owners of the building to repaint in line with Nairobi County City Beautification Initiative. Concerned that to large extent, the property owners have ignored to comply with the said notices. Realizing that the County has a responsibility to make laws and policies in people's interest, which will hold in trust, this Assembly resolves that the County Executive and Nairobi Metropolitan Services moves with speed to enforce their aforementioned notices on repainting of buildings in the City. Thank you Hon. Speaker.

STATEMENTS

REQUEST FOR STATEMENT REGARDING BLATANT NEGLIGENCE OF AN EXPECTANT MOTHER IN PUMWANI MATERNITY HOSPITAL

Hon. Doris Kanario: Thank you Mr. Speaker Sir. First and foremost, I wish to congratulate you on your appointment as our Speaker in this Assembly at this time.

Hon. Speaker, Pursuant to Standing Order 42(c) I wish to request for a statement from Chairperson of the Sectoral Committee on Health Services regarding blatant negligence of an expectant mother in Pumwani Maternity Hospital.

Hon. Speaker the right to health is a fundamental human right, guaranteed in the Constitution of Kenya 2010, Article 43(1)(a) which provides that every person has a right to the highest attainable standard of health which includes the right to health care services including reproductive health care.

Hon. Speaker a few days ago a video clip of a woman in labour lying on the tarmac outside Pumwani Maternity Hospital has been all over the social media. This is not only alarming, outrageous; on the sorry state of the county hospitals, but also leaves much to be desired in terms of provision of basic health care services to the residents of Nairobi.

Hon. Speaker, in the statement the Chairperson should inquire into and report on: -

1. Reasons the patient was allegedly turned away by the gangs from the hospital;

2. Measures the County Executive and NMS are taking to ensure attainment of a conducive and sustainable working environment for the County health workers that shall guarantee continuity in the provision of quality healthcare; and
3. Measures the County Executive and Nairobi Metropolitan Service are taking in particular to enhance the maternal health care services to all County hospitals in Nairobi.

Thank you Mr. Speaker.

Hon. Speaker: Chair Health Services, how long do you think you will be able to respond to Doris' statement?

Hon. Moses Ogeto: Hon Speaker she can give us two weeks, on behalf of the Chair, and am a Member of Health Committee

Hon. Doris Kanario: Hon. Speaker, this is an urgent matter and it regards a human being and a life. Therefore, Hon. Speaker, two weeks is too much for this matter, thank you.

Hon. Speaker: Can we be able to dispense it soon than two weeks?

Hon. Moses Ogeto: Hon. Speaker the Standing Order is very clear for invitation unless otherwise the Speaker make such a ruling. The invitation for those Executive Members to appear before the Committee in the Standing Order is about seven days. Hon. Speaker, I can commit myself before the House that we can do it in nine days, so that the variance of seven days is taken into consideration.

Hon. Doris Kanario: Hon. Speaker I still beg to defer because this is an extra ordinary matter, which requires extra ordinary measures. Therefore, I think it calls for some urgency and if the Member does not see any urgency in this, I do not think if he really cares. We are talking about the life of a mother and a newborn who almost lost their life in a County hospital in this City. Thank you.

Hon. Speaker: Thank you and I have heard you, but you know what Hon. Ogeto is saying, we are also duty bound by procedures and some time lines. However, the sooner they will be able to dispense with and make sure to get the correct information, thank you.

PROCEDURAL MOTION

APPOINTMENT OF MEMBERS TO THE CHAIRPERSON'S PANEL

Hon. Peter Wanyoike: Thank you Mr. Speaker, I wish to move a procedural Motion that pursuant to the provision of Standing Order 17 this Assembly approve the appointment of the following Members to the chair panel.

1. Hon. John Kamangu Nyumu, MCA – 1st Chair person
2. Hon. Silas Matara Ongwea, MCA – 2nd Chair person
3. Hon. Emily Oduor Ondeje, MCA – 3rd Chair person
4. Hon. Immapet Kemunto, MCA – 4th Chair person

Thank you Mr. Speaker, let me call upon Minority leader to second.

Hon Michael Ogada: Thank you Mr. Speaker sir, I wish to agree that these are names, which were agreed upon by the leadership of this House, and I therefore stand to second it.

(Question proposed)

Hon. Moses Ogeto: Thank you Hon. Speaker, I stand here to support this Motion. Looking at the composition of Membership of the Speaker's panel you can see we have a very good representation of women where we have Hon. Emily Oduor an Immapet Kemunto.

Hon. Speaker you will realize even yesterday the Chief Justice of Kenya threw the President into a spanner by considering the women, as it is in Article 66(b) of the Constitution of the Republic of Kenya.

Hon. Speaker, looking at this composition it has taken into consideration of those facts. The first Chairperson Hon. John Kamangu, has been a very desired Mzee who has been taking consideration of this House and I believe he will be up to the task.

Hon. Speaker, Hon. Emily Oduor has also been in the Speakers panel and she has been up to the task and Silas Matara as well has been on the Speaker's panel and I believe they will ensure that your office will work effectively and efficiently.

The new Member Hon. Kemunto must practice and understand that the Speaker's panel has bright people who regulate the Assembly. Therefore, I believe you will co-opt her to ensure that in making rules and regulations of this House prudent because the number one to three have been serving that capacity. Hon. Speaker, taking that into consideration I beg to support this Motion

Hon. Speaker: As I give Hon. Mbugua Kabiro, Members we are online and those people who are on Zoom kindly click the 'raise hand' icon so that I can be able to give you a chance to contribute.

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker Sir, I would also want to take my time to congratulate the four Members who made it to the Chairpersons panel. It is a very rare opportunity especially in a House where all members are deserving but only the four were picked. It shows that they are the crème de la crème of the Assembly. I would also like to say that it is a great honor to see that the panel has women who are deserving as well, the ratio is very good and the National Assembly should come and learn from us on how things are done to ensure that the Gender Rule is met.

I want to thank Hon. John Kamangu for making it to the list. He resigned honorably and now he has been appointed honorably. Thank you for both Jubilee and ODM parties most sincerely for making sure that it is constituted and it is working well. I would like to urge them to work diligently in supporting the Speaker and making sure that legislations are made without fear or favor. Thank you very much Mr. Speaker.

Hon. Speaker: Thank you. Can we have Hon. Mellab?

Hon. Mellab Lumalah: Thank you very much Mr. Speaker. I would also like to support this motion. It is timely and more inclusive. We are leading from the front and the National Parliament should borrow a leaf from us. I want to congratulate my party ODM for considering women and showing that women are able to lead. Congratulations to both parties for the candidates you have nominated. Thank you Mr. Speaker.

Hon. Abdi Hassan: Thank you Mr. Speaker sir. There is a mic problem. I think I am audible enough Mr. Speaker sir.

Hon. Speaker: Excuse Hon. Member, you are not on record.

Hon. Abdi Hassan: Thank you Mr. Speaker sir. I want to take this opportunity to congratulate the four members who have made it to the Chairperson's Panel. They are great men and women who will perform their duties in a manner that is expected of them. I want also to congratulate specifically Hon.

Kamangu for making it back as the Chairperson of the Panel and also the Chairperson of the Liaison Committee.

I want also to thank the ODM members for making sure that the Gender Rule has been taken care of. With those few remarks, I beg to support. Thank you.

Hon. Speaker: Thank you. Can we have Hon. Nancy Muthami? As the ICT work on it, can I have Hon. Njihia?

Hon. Nancy Muthami: I want to congratulate my party Jubilee for nominating Hon. Kamangu and not forgetting Hon. Silas Matara. Congratulations to both parties and we are looking forward for a smooth leadership in the assembly. Thank you very much.

Hon. Abraham Njihia: Thank you Hon. Speaker. First of all, I would like to congratulate you for being elected as the Nairobi Speaker. I want also to congratulate the leadership of this assembly. The nominated members are great men and women. I have worked with Hon. Kamangu as a councilor and now we are working together and I know he is capable; I have interacted with Hon. Silas Matara and I know he is capable. I have watched Hon. Emily Oduor while going through the budget and she is very capable. Hon. Immapet Kemunto is a member of my Committee and I know she is a great woman, so I support. Thank you Hon. Speaker.

Hon. Mary Mwami: Thank you Mr. Speaker sir. I am very grateful for this opportunity to be able to contribute to this Motion. The three names that have been nominated starting with our former Deputy Speaker are all Hon. Members. Hon. Matara, Hon. Emily Oduor and Hon. Kemunto are great names. I just wonder why you decided to name them First, Second and Third. Does it mean that they would be lower case or upper case? I would like to be corrected because I thought that the person that could have been named as the First would have been Hon. Kamangu only because he is going to be the Chair of Chairs, and then the others would have been left out. I stand to be corrected because it means we are going from the senior most to the least. I think that the Speaker's Panel should not be named that way but according to our Standing Orders. I am very happy that the names are okay, they are great brains. We are looking forward to working with them. Thank you.

Hon. Speaker: Hon. Member, kindly be guided that this is the procedure under our Standing Orders. So, we have nothing else other than to do what is entitled in that order. But it does not mean that there is anyone who is lesser, it is only that it is the procedure.

Hon. Doris Kanario: Thank you again, Hon. Speaker. Mine is just to congratulate the four members. I take this opportunity to congratulate our women leaders, Hon. Emily Oduor and Hon. Immapet Kemunto. Slowly, I can see we are achieving the two third gender rule in this Assembly. I also congratulate Jubilee and NASA parties. Thank you.

Hon. Anthony Karanja: Thank you, Mr. Speaker. Sorry, I did not find my card, so, I chose to use Hon. Chege Mwaura's card. I would like to congratulate the four members of this Assembly who have been nominated to be part of the Speaker's Panel. Hon. Speaker, you are lucky because the leadership has done a good thing in selecting people who have the capacity, commitment and the zeal to conduct the role of a Speaker in your absence. I would like to take a great exception to one Hon. John Kamangu who has boldly taken this position and left his higher position that was fatter in so many ways. I would like to remind

him that humility is everything. I don't think if I was put in the same position I would have accepted this position at all. So, I want to congratulate him for being humble. We wish them well. Thank you.

Hon. Millicent Jagero: Thank you, Mr. Speaker for this opportunity. I stand to support this Motion. But first before I support, I want to congratulate you for being elected the third Speaker of Nairobi County. We wish you all the best with God's guidance and wisdom upon you. I congratulate the Speaker's Panel. It is a team comprising of sober and conscious minded people. I believe they are going to take us far and Nairobi County will go far. We are hoping for a brighter future ahead of us. Congratulations to all of them. Thank you.

Hon. Osman Adow: Thank you, Mr. Speaker. I would also like to congratulate you and the rest who have been appointed. Since there is no one opposing, I would like to invoke Standing Order No. 100 for the mover to reply.

Hon. Speaker: Hon. Member, be guided that you cannot order the Chair on what to do. But your request is obliged. Mover, reply.

Hon. Peter Wanyoike: Thank you, Mr. Speaker. Let me take this opportunity to thank my leaders of both sides, Hon. Abdi Hassan and my Whip, Hon. Kados, Minority Leader, Hon. Ogada and Hon. Jateso, who is the Minority Whip, for coming up with such appointments.

Mr. Speaker, let me also thank this House for the support, especially those who have registered their support. I beg to reply.

(Question put and agreed to)

Hon. Speaker: Next order.

BILL

NAIROBI CITY COUNTY BETTING, LOTTERIES, AND GAMING BILL, 2020 (ASSEMBLY BILL NO 3 OF 2020)

Second Reading

Hon. Abraham Njihia: Hon. Speaker, thanks again. I feel that this being a very important Bill, I tend to think that we have not exhaustively gone through it. It has not gone through the public participation, it has not been gazetted, and the stakeholders are not aware. So, Hon. Speaker, I will seek for deferment for one month as we prepare then we will bring it back to the Assembly. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I believe the Clerk has taken note of those concerns and he will work on it.

(Bill deferred)

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no any other agenda, the Assembly stands adjourned to today at 2:30 p.m.

The House rose at 10:25 a.m.