



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Tuesday 25th August, 2015

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ngondi) in the chair)

PRAYERS

Hon. Deputy Speaker: Serjeant-At-Arms, it has been brought to the attention of the Chair that there is lack of quorum. Could you please ring the bell for 10 minutes? Thank you.

(Quorum Bell is rang for 10 minutes)

Hon. Deputy Speaker: Searjant-At-Arms, kindly ring the bell for a further 5 minutes, there is still lack of quorum.

(Quorum Bell is rang for a further 5 minutes)

Hon. Deputy Speaker: Hon. Members, we can now be seated and we proceed.

COMMUNICATION FROM THE CHAIR

Hon. Deputy Speaker: Hon. Members, I have further communication to make, this is in regards to the Nairobi City County Urban Agriculture Promotion and Regulation Bill.

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Hon. Members, as you are aware, the Assembly on Thursday, 30th July, 2015 considered and passed the Nairobi City County Urban Agriculture Promotion and Regulation Bill. The Bill was subsequently forwarded to the Governor and assented to on 12th August, 2015. I wish to sincerely thank Hon. Members for their valiant efforts in executing the role of legislation in the County Assembly. It is my hope that Nairobi City County Agriculture Promotion and Regulations Bill will benefit all Nairobians and bring order in town. Thank you, Hon. Members.

STATEMENTS

Hon. Shadrak Juma had requested a Statement from the Chairperson of Sectoral Committee on Health regarding the epidemic situation of cholera in the County. Is Hon. Juma in the House?

Hon. Karen Wanjiku: No, he is not in the House but the response is ready.

Hon. Deputy Speaker: For the first time?

Hon. Karen Wanjiku: Yes, for the first time.

Hon. Deputy Speaker: Did he get the report in good time?

Hon. Karen Wanjiku: I still have it here, I have not seen him.

Hon. Deputy Speaker: His copy? So there is no way you can read it out.

Hon. Karen Wanjiku: You want me to read it?

Hon. Deputy Speaker: No, you have not even served him with a copy, so maybe we will give him another chance tomorrow.

Hon. Karen Wanjiku: Okay, thank you.

Hon. Deputy Speaker: Then you can ask your Chairperson first please, to confirm whether Hon. Kados was given a copy. The Hon. Moses Ogeto is not in the House and he has requested his response to be carried forward to the next business day. Can we proceed and bypass that?

MOTION**REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES ON THE SITE VISIT TO CASINO SPECIAL TREATMENT CENTER**

Hon. Deputy Speaker: Proceed, Hon. Manoah.

Hon. Manoah Mboku: Thank you, Mr. Speaker. I wish to move the following Motion, that this Assembly adopts the report of the Sectoral Committee on Health Services on the site visit to Casino Special Treatment Center, laid on the Table of the Assembly on Thursday, 30th July, 2015.

Mr. Speaker, Casino Health Center is one of our health facilities that offer special treatment to our residents. Mr. Speaker, when the Committee paid a visit to that facility it was discovered that the facility was in a bad state. The supply of drugs in the laboratory was wanting and we also had a shortage of health officers like nurses, doctors, support staff etc.

Mr. Speaker, the Committee realized that there was some illegal construction going on in the parking lot outside the facility and it was not a County development. It also was discovered that the illegal constructions going on were being built by a private developer and part of the land that belonged to the facility had been grabbed. We found some kiosks going on outside and they were being developed and the management of the hostel indicated that it was not a County development and they did not know who the developer was. They had complained to City Hall but nothing had been done to secure the place. In fact, the staff are being forced to park their vehicles on the road yet there is a parking lot that has been grabbed by an unknown person.

Mr. Speaker, the Committee felt that that was very bad and it wrote a report which was tabled in this House and it is the interest of this House to ensure that the grabber is brought to book because that is a County facility. It is offering special treatment and we were wondering about the people who are suffering from venereal diseases and HIV go to that facility and if it has been grabbed, where are people going to be treated? Mr. Speaker, it was so bad. This culture of *grabiosis*, and fencing our health facilities--- We have Langata Health Center which has been grabbed and people from Langata and Karen are now suffering because that facility has been grabbed. Mr. Speaker, we have Highridge Health Center which has been grabbed and we kept quiet. Pumwani and City Mortuary have been grabbed and now they have turned to Casino.

When the Committee visited Tanzania we discovered that Tanzania has established a methadone clinic within the City where those youth who are engaged in drugs are being rehabilitated and the Health Committee had suggested that Casino be one of the facilities that is upgraded to offer methadone treatment and here it is being grabbed. Mr. Speaker, it is high time this Assembly stops this behavior, this sickness called *grabiosis* must come to an end and it is in this interest that the Committee came up with this Motion to table in this House so that this facility can be maintained so that it can help our people.

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In this regard, I want to call Hon. Karen to come and support this Motion. Thank you.

Hon. Deputy Speaker: Second or support? Can you be clear please?

Hon. Manoah Mboku: Hon. Karen to come and second this Motion.

Hon. Karen Wanjiku: Thank you, Mr. Speaker. I want to second this Motion. The Committee visited Casino and some of the recommendations we made are just the same as the recommendations we have been making for the other health facilities in Nairobi. Like the supply of drugs, we talk about the supply of drugs every day and I do not know what the CEC of Health Committee and the Chief Officer, Dr. Ayisi is doing in this regard.

Mr. Speaker, we are tired of these site visits, we feel like we are wasting time. Every time we are visiting Makadara Health Facility, the other time we are going to Huruma, Casino, Kasarani, what are we going to do if all these things we are talking about are not being implemented. We are talking about understaffing every time we visit. I think the CEC member and Chief Officer should take all these recommendations because they are alike, and implement them because health is devolved and we do not want to hear Kenyans complaining about health in Kenya.

We have a number of Counties which have gone on strike, we have more than eight Counties that are striking and Nairobi is next. It is our prayer as Health Committee and as Hon. Members of this County, that if health issues cannot be implemented then we have no business in this County, what are we doing if we are having sickly Nairobi County. It is our prayer that all those reports we have made in health Committee of all those site visits is implemented without delay, thank you Mr. Speaker sir.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, Hon. Mwalimu Ngaruiya.

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Thank you Speaker, for giving me this opportunity. First of all I want to support this report that has been presented in this Assembly by the Committee and also to commend this Committee for carrying out a very expeditious work to come up with such document. Mr. Speaker, I have risen on several occasions in this House to complain of so many issues happening in this County. There was a time I said that we don't need to recycle the same people who have been to this County. I have heard the seconder of the Motion mention names of several officers whom I stood in this particular House to complain about.

We need synergy in this County. This County went to the dogs a long time ago and if this Assembly does not change the way things are done I don't believe there's any other House or any other

Assembly that's going to clean the mess that is in this County. There's no way people can grab a health facility and they run scot free, constructing modern *kiosks* while we need space to construct and improve our laboratories.

Casino is well known because of its treatment when it comes to skin diseases. If we cannot protect such kind of facilities, where are we going to expand our facilities? The little space that this hospital has should be protected. It is high time the enforcers who after recommending this document, if they are not going to do this job, I don't know who we can run to or we take the Law into our own hands and act accordingly.

If even after passing this recommendation we allow these stalls to continue, I believe it would be a disregard to this House and everything that we discuss here will never be implemented if this is not going to be implemented. We need to act swiftly and we need to ask the enforcers to act swiftly and if they can't, I believe this City belongs to us and we are the representatives of the people, we can take the Law into our hands to ensure that order is brought back into this County. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Hon. Nyang'wara!

Hon. Member for Viwandani Ward (Mr. Samuel Nyang'wara): Mr. Speaker, allow me to support this Motion. There is a lot of recklessness from the Executive; we fail to understand whether we have an Executive wing of this Government. As I was seated, the Chairman of this Sectoral Committee was complaining a lot about land grabbing in the City and more especially the County owned facilities. This is a very serious incident and more especially when we talk about a special treatment Centre. It is not just like any other health facility and it is high time you either rule from the Chair so that those structures that have been constructed in our facility be demolished with immediate effect.

It is shameful and I do not know as to why this particular Committee did not go into details and mention who this land grabber is. It is a high time we start mentioning names to shame the land grabbers of the County facilities. Mr. Speaker, you have heard of Pumwani Maternity Hospital, the only one in the City of its own kind, has been grabbed. Today morning, because of a big jam at Jogoo road, I decided to go all the way to Eastleigh and as I was passing by Pumwani Maternity Hospital, I found a newly erected petrol station just adjacent to it and that particular land belongs to Pumwani Maternity Hospital but now it is somebody's business.

We fail to understand how these officers issue allotment letters for people to acquire land in the City. Somebody somewhere in this County Government Executive wing is doing us the mess. Mr. Speaker, I want to request your office to issue a writ so that they can stop this kind of behavior, in fact they are grabbing almost everything in the City. We fail to understand what is going on. I support.

Hon. Deputy Speaker: Hon. K'Otieno.

Hon. Member for Sarangombe Ward (Mr. Pius Otieno): Thank you, Mr. Speaker. First of all, I just want to correct an impression that you as the Speaker of this Honorable Assembly, can tell the Executive to demolish those structures and I know that if you act that way, you will be acting beyond your powers and it will be traversing. What the House can only do is to come up with a Motion that would be canvassed with this Assembly and this Assembly will give a resolution pursuant to that particular Motion.

Having said all that, I want to say that all these menace that have bedeviled the Nairobi City County Assembly has an indirect or direct result of a failed leadership of this Assembly. When I say Nairobi City County Assembly, I am including all the Committees, Chairs and specifically the Chairman for Planning and that Committee on Planning. A number of issues have been brought before this House; none of them has been resolved by the force or by the full resolution of this Committee.

Either you will hear people say that probably that was just musical chair that was meant for some other Members or it was just a project of seeking rent from people whose companies or people whose misdeeds and misappropriations are being investigated in this House. I know this one is a very beautiful report but I am also afraid to invite the Committee on Planning to come and investigate into this matter because there is no tangible result we are going to see from this. It is high time that Honorable Members, if we want to redeem our image---

Hon. Member for Korogocho Ward, (Mr. Maxwell Ochar): Point of Order.

Hon. Deputy Speaker: Granted.

Hon. Maxwell Ochar: Mr. Speaker, I want to correct the Hon. Member who is on the floor that the Planning Committee has done a wonderful job---

Hon. Deputy Speaker: Excuse, Hon. Ochar.

Hon. Maxwell Ochar: Yes.

Hon. Deputy Speaker: This is not the time to defend the Committee. Allow the Member to---

Hon. Maxwell Ochar: But he is blessing the Planning Committee---

Hon. Deputy Speaker: Then we do not need to go there, Hon. Ochar.

Hon. Maxwell Ochar: Mr. Speaker, I want him to withdraw.

Hon. Deputy Speaker: Please.

Hon. Pius Otieno: Mr. Speaker, the reason as to why I am still on the neck of this Committee. We even heard from my colleague, Hon. Nyangwara say that a petrol station has been constructed on a public land and more specifically on the land that belongs to Pumwani Maternity. You have also heard that at Casino, there are kiosks that have been erected but my fear is, if this Committee on Planning is supposed

to investigate and to report matters of those nature and we always heard from this Assembly, Members have cried against this Committee that it is not serious on the job.

I'm still afraid that even this report would be committed to this Committee on Planning something will still not happen. And it is on that regard that if it were within my powers I would definitely come up with a Committee of honorable men and women who were going to investigate it, report this matter and even if one of the radical decision that we should adopt is probably to flatten those illegal structures, people go to court and we even bring the National Land Commission on board because this land or rather this opportunity we have been given, we have been holding it on trust on behalf of people living in Nairobi.

Sometimes when they say Nairobi is a mess, they don't say the Executive because the County Government is the Assembly and the Executive. So, I would wish this House, especially that Committee on Planning and Health Committee, if they can sit together and bring National Land Commission, the Executive, the private stakeholder, Kenya Institute of Surveys and Mapping, the Health Union and other people who are directly or indirectly affected by this matter on board. This matter should be canvassed with all the full force of the law that it deserves.

With that, Mr. Speaker, I support but on that note there were people who went to Eldoret. We never went anywhere...we are only asking...please, please how will we get our over 40,000...we missed our sittings...

Hon. Deputy Speaker: Thank you, can you sit down please. Hon. Bishop

Hon. Nominated Member (Mr. William Abuka): Thank you very much, Hon. Speaker for noticing me. Mr. Speaker, I feel for this Committee and particularly the Chairman. Hardly a week goes by every time the Assembly is in session without the Chairman of the Health Committee standing up to not only present a very competent, well reported Statement or report on their retreats and missions outside the country; hardly a week goes by without hearing from him.

I must commend him very highly, he is a workaholic and he is doing us a great service. But Mr. Speaker, having said this, I want also to sympathize with myself because it is like I'm hearing more or less the same thing every time but the language differs very thinly, references made to either Mama Lucy Hospital or Mbagathi Hospital or Casino, I think to an extent that I'm feeling, am I improving in the quality of my hearing---

(Laughter)

I'm saying this because I feel we are doing ourselves great harm to subject this Committee to be doing more or less the same thing, cut and paste every area it goes. It is either lack of doctors, personnel, lack of medicine, lack of goodwill, the passion for work, lack of money to do the job or annexation or exploitation and grabbing of land. This is what I think some of us voiced a few months ago.

Why don't we as Assembly, and I think my good brother Hon. K'Otieno here has rightly pointed out that we come up with a Committee. If we cannot facilitate and empower this Committee to continue doing a good work that will put everything together the Nairobi County as Government, what is ailing our health sector? What is it? Is it grabbing of land? Under the Chairmanship of the then Chair for Trade, Hon. Warutere and even the current Chair Odalo we went round Nairobi, we took note of what was ailing the markets, we realized some of the markets' lands had been grabbed and so many people were suffering and we put all this information together.

Why don't we know in a full package, put together in one reading what is ailing the health sector so that when action is taken it is one shot that sorts out everything other than giving the Chairman every week time to more or less sound repetitive-is lack of doctors, annexation land, lack of drugs, lack of passion for work, lack of money and so forth and so forth. I think Mr. Speaker sir we are not doing ourselves any good. Let us collect report, put together data in either Ad Hoc Committee or an empowered health Committee to come up with done document that says we are lacking 50 doctors, we have leand in 50 hospitals that are grabbed, we don't have sufficient medicine, we lack proper allocation of money, the budget is not sufficient so that this matter is tackled from one shot. This piecemeal thing is not going to help us Mr. Speaker sir.

In Exodus if you allow me to quote the Bible I'm a preacher chapter 23 versus 25 says "you will serve the Lord your God and after you have served Him you are likely to get sick. He will sort out your sickness and once you have served him well He will give you food and after you have eaten you are likely to be energized to produce children, He will make sure that no premature birth is in your midst" God has listed these things, you know you will eat, after eating you are likely to be sick because of the warmth of your body, after that you are likely to be energized to produce children, He will make sure that none of them dies young and so forth and forth.

What are we doing to ourselves if we are not taking care of the health status of our citizens in this County? By giving it a best shot we are harming ourselves. Mr. Speaker this is something we must now take action on instead of piecemeal every week. The Chairman of Health Committee has this report: lack of doctors, lack of land, lack of medicine I mean how long? Until some people will get tired and say probably what we are hearing is good but we are not making any improvement. There is no progress. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon...

Hon. Member for Githurai ward (Mr. Jackson Ngare): Mr. Speaker sir thank you for this chance, I would like to oppose this Motion with reasons.

This Committee has been doing a lot of work, they have gone around the City making recommendations about the lack of drugs, lack of staff and so on but I have been following the reports of this Committee and I have come to find out that their Committees reports are not complete and some of them are not implementable.

It is very wrong Mr. Speaker sir to make a recommendation that is difficult to work on. Mr. Speaker sir if you look at this document at the back, I believe you have one, the last time I was at around Casino that place was a dumping place, it was stinking where you see...I don't know what they are...

Hon. Deputy Speaker: Point of Order Hon. Member do you have interest? Can you declare your interest first?

Hon. Jackson Ngare: My interest...I have interest, I want to correct this Committee to be making implementable recommendations

Hon. Deputy Speaker: Proceed, you have declared your interest

Hon. Jackson Ngare: Yeah Mr. Speaker. The recommendation is we demolish this structure, if you look at the front view of this photo you see doors, if you look the top view you see cars, Mr. Speaker sir this show that this is not a structure, it is actually a parking, from top we have vehicles there and underground we have dumping site where *chokoras*, the urchins were staying- I don't know who owns these doors and I would like to commend him for the same and Mr. Speaker sir if we are to use ones like grabbing let us have some proof and some substantiation because Mr. Speaker sir when you grab land at least you have some documents. I would urge Mr. Speaker this Committee...

Hon. Nominated Member (Mr. William Abuka): Thank you very much, Mr. Speaker. I take great exception to the Hon. Member's insinuation that all the reports that our Hon. Members for Health are writing are not substantiated and he stands up to say that he has no interest, what substantiation does he need if he does not have interest and yet a hospital is known to have one, two or five acres and then it reduces to a quarter an acre. What other substantiation does he need from the chair of the health Committee? I think you have an interest. Your thinly veiled attack on the membership of this Committee is an affront not only to yourself but also to the Assembly. You are one of those that have an interest and I think you are not declaring it.

Hon. Deputy Speaker: Thank you.

Hon. Jackson Ngare: He is right Mr. Speaker. I have a lot of interest and that is why I am standing here. I was elected to create interests where they do not exist. I am supposed to make quick decisions and support or oppose anything that is brought in this floor because some of these reports are destructive and do not even help the institution.

Hon. Nominated Member (Ms. Karen Wanjiku): Point of Order Mr. Speaker.

Hon. Deputy Speaker: Please give the Hon. Member time to oppose.

Hon. Jackson Ngare: Mr. Speaker I was there when this place was stinking. I wanted to make a recommendation that this place should be closed.

Hon. Deputy Speaker: Declined Hon. Karen please.

Hon. Jackson Ngare: Mr. Speaker sir when Hon. Members stand here and talk about my interest I am supposed to be interested. If I have no interest then I wouldn't stand here. It is also your interest that you make such a report, little did you know that this was a stinking place that was unhealthy in a healthy facility. We should actually look for a way of closing this place completely instead of using galvanized sheets.

Hon. Deputy Speaker: Thank you Hon. Member, your case has been noted.

Hon. Jackson Ngare: If we were to demolish this Mr. Speaker then where shall the hospital stall park their vehicles? With that Mr. Speaker I beg to sit.

Hon. Deputy Speaker: Hon. Imwatok

Hon. Karen Wanjiku: Point of Information Mr. Speaker

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): I don't want to be informed Mr. Speaker. Thank you

Hon. Deputy Speaker: Please Hon. Karen can you take up your seat

Hon. Peter Imwatok: Thank you Mr. Speaker

Hon. Deputy Speaker: Order Hon. Karen can you take your seat. Hon. Karen you seconded the Motion, please.

Hon. Peter Imwatok: Thank you Mr. Speaker for granting me an opportunity to contribute towards this report. First and foremost I must say thank you to the health Committee and the Chairman whom we visit in our own places that we know each other, he is a very good Chairman and very loyal to the calls of the Government of the day, our Governor.

Mr. Speaker may I take this opportunity to also echo what my brother K'otieno the president of the poor was speaking about. Mr. Speaker we are now three quarters of our term as Members of Nairobi Assembly both Elected and those who are Special Elect. I may not know how to describe it well but that is the term which is synonymous everywhere.

Mr. Speaker as I peruse through this report, it is not only a report but a culture in our County. This culture despite the fact that *Mheshimiwa* was being told to sit down because he was trying to bring interests in, it has to be stopped by somebody. We will not stay in this Assembly for the rest of our term just to be part of the culture because this culture of grabbing every piece of land and as I am talking to you Mr. Speaker, this afternoon I was addressing an incident in my ward where we are building a road and a certain person is said to have grabbed an entire sewer system and is putting up a perimeter wall and that is the same place we want the road to pass.

In the Assembly I am getting the same challenges. Go to Pumwani I am told that there is a petrol station on land which was meant to be hospital and Mr. Speaker it is uncalled for. It is time we go back to the fundamentals of our bible which is the Standing Orders. When the Committee fails to execute then we must institute one of the powerful Committees within the House as K'Otieno said so that they can go as an impartial team that can go into depth to understand why was it that the land that belonged to Pumwani hospital is now a petrol station and why is it that the open land on Likoni road is not a timber selling yard.

As somebody is grabbing the sewer system, the contractors on sight cannot decide to ... the sewer system. Mr. Speaker through your directive these report should not be just for us to contribute to the debate and that is why you see that this house has lost the fire. When we were sworn in Mr. Speaker, we used to debate. Where is Chege, where is that short man from Karura *Mheshimiwa* Thuo. Those were the people who used to stand here and give content to every debate but now people are saying that the Assembly is just a room where people come in to sign for Ksh.3,900 to appear then it does not make sense to appear. Why are we doing this Mr. Speaker? Because there is somewhere that the rain started to beat us as an Assembly and we will not say neither will we blink an eyelid because the leadership of this Assembly has failed its mandate and if it has failed, we must be ready to take the bull by its horns and say kindly Hon. Members let us sit down, have a Kamukunji and redirect Nairobi because the failure of this Assembly is not the failure of the 126 members but that of the entire 4.5 million Nairobians.

I was privileged to visit Slovakia. It is a country of 5 million citizens and their capital city Brasavilia has only 500,000 citizens and Mr. Speaker what we could see in that capital city is a contrary of what we are seeing in Nairobi. Their per capita is only Ksh.20, 000 but Nairobi has 4.5 million citizens and yet we do not even have a clinic in an area that is covering about 45,000 people. Why? Because those who designed the Nairobi city knew that in every kilometer there must be an open place, a social amenity, playing ground, hospital, clinic but all these have gone and there are highest bidders in this County Mr. Speaker whose works is just to see which open spaces are there.

I think this report from the Chair as I support should not just go as another report to the implementation Committee which we will accuse without blinking an eye. It is the most dormant Committee in this House because after we pass all the bills and Motions in this Assembly, the implementation Committee must bring to us a report whether the executive implemented the bills or Motions and if they do not do it in 3 years then why should it be in existence. It is irrelevant in this House and it is really putting us in a situation as if we are just poppers in this Assembly. We just come here to sign that Jateso has Ksh. 3,900 and that is not what I was elected for here. I was elected to do what I call PMH 'Professional Mouth for Hire' to speak for the people of Makongeni and not just to sign. I beg to support the Motion.

Hon. Deputy Speaker: Thank you. Hon. Jaffer Kassam

Hon. Member for Parklands Ward (Mr. Jaffer Kassam): Thank you Mr. Speaker sir. I wish to support this Motion and I would like to go back a little bit when our clinic in Westlands was taken in High ridge, we were told that we had no powers because we are a local Government. A whole fully equipped

clinic was demolished overnight and taken by an investor who is doing nothing to the place and it is lying idle. The history is that in 1952 we were given that clinic by the queen, and as it is we are affected because we do not have a facility in the ward. The same impunity continues but now we have the powers of the Assembly as set in the Constitution. Why are we not using these powers yet there is impunity in every corner whether it is a health facility, fire stations, all are being taken over and yet we do nothing. It is high time we examine ourselves very clearly.

Bwana Speaker sir you are also the Chairman of Liaison Committee and I think it's a high time you call all the Committee members and find out how come no implementation is being done. You have the mandate, kindly guide us and let us come up with something tangible which when we go back to our electorates then we can say that we have done something. Otherwise I support and it's high time that place ceases to be a parking. It is a very good piece of land but through some dubious means it went away and more are going. We are soon going to lose part of a school compound and it's high time the Liaison Committee calls in and digs in so as to make sure that they do something. Thank you I beg to support

Hon. Deputy Speaker: Hon. Thuo

Hon. Member for Karura ward (Mr. Stephen Thuo): Thank you Hon. Speaker. I would also want to join the rest of my colleagues in supporting this particular report. I am supporting it while hesitant. Mr. Speaker the name implementation is a foreign word in this Assembly especially to that particular Committee of Implementation. It is now a routine that we come to this Assembly every other day to pass resolutions. We come to this Assembly to pass reports but there is no implementation. The beauty of all these that we pass in this Assembly is in the implementation of those particular Motions and resolutions and as much as I am supporting this report, I have doubts in my mind that the same tragedy that has befallen those other reports is the same tragedy that this particular report will meet.

So as much as we support this Mr. Speaker, you should give directions that starting with this one, all those other reports that we have passed as a House should be implemented. Lastly Mr. Speaker as my brother has already said here, we used to have vocal Members of the Assembly but we no longer have them. It is because your Members are demoralized. I have a case in point and allow me to point it out Mr. Speaker. I brought a petition to this County Assembly on the expansion of Kiambu road and this Hon. House passed that resolution and to date nothing has been done and so Hon. Speaker I urge and beg you to give directions on the same.

Hon. Deputy Speaker: The last one from Hon. Kitavi

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Thank you Mr. Speaker for giving me this opportunity to also air my views in as far as this report is concerned. Mr. Speaker sir indeed this is a beautiful report however, I would want to oppose it not in bad faith but we must ask ourselves hard questions on why we get good reports which are not implementable? Looking at the mandate of the Committee of health and they have done a good job, their mandate is to investigate and inquire into all matters. The question that I have Mr. Speaker sir is that did this Committee really investigate? When the

Chairman stood here he said that he does not know who put up those kiosks and then I asked myself what they were investigating in the first place.

I would want to urge this Committee to go deeper into finding out who was awarded those kiosks, when were they awarded those kiosks, why they were awarded. It is not enough to just say that kiosks have been put up in a hospital. They should go a step further and find out who are the officers within this County who allocated those kiosks to whoever who is putting them up. Let them even put up the name of the person or the company of people who are putting them up otherwise this report will maintain with very beautiful works which are not implementable.

If we have the details of who, where, when, why and how Mr. Speaker then probably we would be in a better position for this report to be implemented. Mr. Speaker I have heard a lot of complaints from that hospital and even the recommendations but the Committee has not gone further to ask themselves why. When they say the staff are not motivated, what are the underlying factors that make those staff not to be motivated? That is what they should be reporting to us. When they say there are no drugs, is it because there is no financial allocations to buy them? It is not just enough to say that there are no drugs. It is better for them to tell us why there are no drugs, are drugs being swindled by the staff? What are the reasons for their inadequacy?

Hon. Deputy Speaker: Order Hon. Members!

Hon. Boniface Kitavi: So that then as a House we can be able to interrogate this report with all the required details and if by any chance there are people, organizations or institutions who have been mentioned are culpable, then action can be taken against those people. It is not in order Mr. Speaker sir to bring in beautiful reports, on the contrary it is in order to bring in reports with tangible actions that are measurable with timelines upon which action can be taken. If we go ahead and pass this report as it is and I am sure that the Committee of health has brought up many reports which we have passed before and are not actionable, then we shall be doing our work in futility Mr. Speaker sir.

As I conclude Mr. Speaker Casino hospital is in the city center, it serves a lot of---

Hon. Deputy Speaker: Granted

Hon. Member for Roysambu Ward (Mr. Peter Warutere): The quorum of the Assembly is wanting

Hon. Deputy Speaker: Thank you. Can you proceed Hon. Member

Hon. Boniface Kitavi: Mr. Speaker sir you know there are some people in this Assembly---

Hon. Deputy Speaker: Please. Please proceed

Hon. Boniface Kitavi: Thank you

Hon. Deputy Speaker: We only have Hon. Members in the Assembly

Hon. Boniface Kitavi: So as I conclude Mr. Speaker sir. This is a god report however, it is inadequate. Let the Committee redo another report telling us about the entire facility, who has grabbed that particular parking, who was given that particular plot to construct the kiosks and it is only through that that we can be able to take into task the Committee of implementation for not implementing the resolutions that are in this report and with those few remarks, I oppose.

Hon. Deputy Speaker: Order Hon. Members! Hon. Gari the Hon. Kitavi was the last to speak, would you please take your seat. Hon. Members before I call the mover to reply, I would like to raise some observations in the report. Hon. Members on the report and its recommendations, I would like to bring to your notice that there will be an exercise tomorrow here at Charter hall at 11am in the morning to confirm the newly recruited nurses and support staffs who are about 120 in number.

Hon. Members on the report about the issue of Casino hospital structures, you may blame someone but at the same time the four fingers are pointing at you. By that you understand what I mean. Hon. Members I think with full knowledge of you as Members you should be knowing who initiated the modern structures, so don't point fingers and throw stones to glass houses and you are living in them. I think you understand what I mean. Hon. Members allow me to call the mover to reply.

Hon. Manoah Karega: Thank you Mr. Speaker. As I thank the Assembly for the good contribution they have done, it is also in the interest of the Assembly for sure what you have just said---

Hon. Karen Wanjiku: Point of Order Mr. Speaker

Hon. Deputy Speaker: Order! What is it Karen? Can you come forward.

Hon. Karen Wanjiku: Mr. Speaker sir he is threatening me because I seconded the Motion. It is my right, I am a Hon. Member and I must second and support to the end. I don't care what they say or do. I know my mandate without fear.

Hon. Deputy Speaker: Hon. Member Order! Hon. Imwatok can you sit down please. Serjeant-At-Arms you need to take up the case with Karen

Hon. Manoah Mboku: Mr. Speaker this was a Committee's resolution and not an individual resolution.

Hon. Deputy Speaker: Can you proceed.

Hon. Manoah Mboku: The Committee made a site visit to that institution and it was in the interest of the Committee to bring that report and this is the result of that. It is not a matter of victimizing people *ati* don't support this Motion. Mr. Speaker we have a mandate and that is what we are doing. If you look at this report very carefully---

Hon. Deputy Speaker: Order Hon. Member!

Hon. Manoah Mboku: Mr. Speaker this is Hon. Mugo and you can see that he was furious asking who approved the kiosks on public land and it was found that one S.G Mwangi has given allotment letter on the grabbed land. This issue of Hon. Jack saying that this place was filled, it wasn't. That was a strategy to have that land grabbed. It is our facility and it is in the interest of this County Assembly to support---

Hon. Deputy Speaker: Granted. Hon. Gari please but I need to remind you that you need not to interrupt the mover

Hon. Maurice Gari: Mr. Speaker I think---

Hon. Deputy Speaker: I have granted him the chance

Hon. Maurice Gari: I think it is not a great sin to apply this thing. If you have interests then you can apply and be given and the Member who applied for it is an Hon. Member of this House and we cannot go and witch hunt our own Member and on that note Mr. Speaker these people want to witch hunt the Hon. Member here which I will not---

Hon. Deputy Speaker: Order Hon. Gari!

Hon. Manoah Mboku: Mr. Speaker I am disappointed with the Statement of some Members here. As I have said, this is the work of the Committee and not an individual. We cannot waste taxpayer's money to go round the city investigating only to report on a matter for Members to have interests. Mr. Speaker you better tell me to withdraw this other than having Members walking around---

Hon. Deputy Speaker: Order Chairman! Can you---

Hon. Manoah Mboku: Mr. Speaker if there are interests in this matter, can I withdraw this Motion?

Hon. Deputy Speaker: Can you reply?

Hon. Manoah Mboku: I am replying yet I am disappointed. This is a County---

Hon. Deputy Speaker: Order Chairman! We are just about to put the question but you are kind of predetermining the outcome of the question. Can you wait we put the question

Hon. Manoah Mboku: This is a County facility. It is not Manoah's health center but a County Health facility

Hon. Deputy Speaker: Hon. Manoah you have done a great job. Please leave it to the House

Hon. Manoah Mboku: I want to thank Members for supporting this Motion and as it passes Mr. Speaker let Nairobi's know that the County Assembly of Nairobi is supporting their interests. Thank you.

(Loud Consultation)

Hon. Deputy Speaker: Hon. Members, Order Members! Hon. Chege please Order! Whip please! Order Hon Members! Allow me know to put the question Hon. Members and I want you to be very keen in this.

(Questions put and negatived)

Hon. Deputy Speaker: It is not me. Order! Hon Members can we ring the divisional bell. Serjeant-At-Arm can you ring the divisional bell. Hon. Members, get seated and the divisional bell should be rung and Serjeant-At-Arm close the door. Please, don't allow any Member to walk out. Serjeant-At-Arm can you ring the division bell?

Hon. Members, I need two Members from the opposing side and the side of the Motion. Can the two tellers come in front? Hon. Gari you are for the noes and Hon. Karen you are for ayes. Thank you very much. Clerk, can you proceed. Please can we proceed and sit down. Hon. Karen and Gari sit down here. Hon. Members we are reading the names you either abstain from voting, or you are for the Motion or against the Motion. Can, we proceed.

25th August. Kiprop, Take 7

DIVISION

AYES: Hon. Pius Otieno, Hon. Manoah Mboku, Hon. Nancy Luchiri, Hon. Karen Wanjiku, Hon. Abdi Mohammed, Hon. Tabitha Juma, Hon. Nancy Mwaura, Hon. Florence Athembo.

NOES: Hon. Jaffer Kassam, Hon. Peter Isuha, Hon. Moses Ogeto, Hon. Fredrick Njoroge, Hon. David Mberia, Hon. Maurice Gari, Hon. Boniface Kitavi, Hon. Njoroge Kairu, Hon. Jackson Ngare, Hon. Ngaruiya Chege, Hon. Pius Mbono, Hon. Peter Warutere, Hon. Peter Wanyoike, Hon. Kados Paul, Hon. Peter Imwatok, Hon. Nelson Masiga, Hon. Julius Muchiri, Hon. Mwaura Chege, Hon. Millicent Mugadi, Hon. Magdalene Mbogori, Hon. Janet Wala, Hon. Christine Abuto, Hon. Joyce Nabwire, Hon. Monica Ndegwa, Hon. Carolyne Muga.

(Loud consultations)

Hon. Deputy Speaker: Order, Members! Serjeant-At-Arm, can you allow the Members to come in, please! Serjeant-At-Arm, open the door for the Members to come in. Serjeant-At-Arm, kindly, accompany the votes. The procession to proceed; the two of you are supposed to be holding the report. Thank you. Hon. Members, kindly get seated. The votes have been taken and counted.

NOES: 25

AYES: 8

ABSTENTIONS: 2

The Motion stands defeated.

(Question negatived by 25 votes to 8)

(Applause)

Hon. Deputy Speaker: Hon. Members, we will be having a House Business Committee at the rise of the Assembly. Again, as a reminder, the County Government has an exercise tomorrow at 11:00a.m. to 12:00 p.m. and all Members have been requested to attend so as to confirm the employment of 120 plus staff, nurses and support staff for our hospitals. Thank you, Hon. Members, the House stands adjourned to 2:30 p.m. tomorrow.

(The House rose at 4:10 p.m.)