



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Third Session

Tuesday 4th August, 2015

The House met at 2.30 p.m.

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

### PRAYERS

#### COMMUNICATION FROM THE CHAIR

##### SMOKING WITHIN THE PRECINCTS OF THE ASSEMBLY

**Hon. Deputy Speaker** (Mr. Kennedy Ngondi): Hon. Members, the Chair has a Communication to make this is on the smoking within the precinct of the Assembly and necessary in the offices. Hon. Members Section 32 (1) and 33 (1) (2) (6) of the Tobacco Control Act 2007 provides that;

*32 (1) "Every person has a right to clean and healthy environment and the right to be protected from the exposure to the second-hand smoke. 33 (1) No Person shall smoke in any public place without prejudice to generality of the section (1), no person shall smoke in offices and workplaces including corridors, lounges, eating areas, reception areas, lifts, escalators foyers, stairwells, toilets, laundries amenities and such places. Public buildings except in designated smoking areas."*

Hon. Members, in clause 6; *"Any person who smokes in a prohibited smoking area commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months, or to both."*

Hon. Members, it has come to my attention that there are some Hon. Members who have been smoking within the precincts of the Assembly, this is not limited to Tobacco but even to the drugs. Hon. Members, smoking within the precincts of the Assembly is not permitted under any circumstances. The Chair takes this matter seriously and will not hesitate to impose sanctions on Members who frequently breach this direction. It has been so directed, thank you, Hon. Members.

## PAPERS

### THE FIRST REPORT OF THE LIAISON COMMITTEE ON THE PROGRESS REPORT OF ALL THE COMMITTEES

**Hon. Deputy Speaker:** Hon. Members, the following Papers will be laid in the Assembly: The first report of the Liaison Committee on Kisumu Workshop on consideration on the progress report of all the Committees held on 28<sup>th</sup> January to 2<sup>nd</sup> February, 2015. The Deputy Chairperson for Liaison Committee!

**Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi):** Thank you, Mr. Speaker. Pursuant to Standing Order No. 186, I beg to lay the following paper on the table of the Assembly today, Tuesday the 4<sup>th</sup> of August, 2015. This is the first report of the Liaison Committee held in Kisumu considering the progress report of all the Committees held on 28<sup>th</sup> January to 2<sup>nd</sup> February, 2015.

Mr. Speaker sir and Hon. Members, the Liaison Committee is established under Standing Order 192 and is mandated among others to guide and coordinate the operations, policies and mandates of all Committees and also consider reports of various Committees and give such advices relating to work and mandate of Select Committee as it may consider necessary.

Hon. Members, Pursuant to Standing Order No.181 each Select Committee is to submit half yearly progress report to the Liaison Committee. The Liaison Committee shall compile the reports and submit a report to the County Assembly.

Hon. Members, the Liaison Committee has considered the annual progress reports of all 10 Sectoral Committees and 7 Select Committees for the period between January and December, 2014.

**Hon. Deputy Speaker:** Order, Hon. Kambi! No phones please!

**Hon. Boniface Kitavi:** During the period under the review, Committees undertook various activities in accordance with their respective mandates.

Hon. Members, the progress reports included the numbers of the sittings per the Committee during the period January to December, 2014; Statement requests and responses, Committee reports, Bills, Committee workshops, site visits, petitions and foreign visits.

Hon. Members, during the consideration of the progress reports of Committees, the Liaison Committee noted the following challenges that were hampering progress in various Committees:

- i. The Chief Officers sending junior officers to appear before Committee meetings without briefing them on the required information therefore leading to meetings not being successful;
- ii. The County Executive not supporting Committees by submitting timely and satisfactory reports and sometimes not appearing for meetings;
- iii. Members signing for each other; and
- iv. Members leaving the meeting before adjournment to attend other meetings hence diluting the level of debate and input by Members.

Hon. Members, following the above challenges, the Liaison Committee recommended as follows:

- i. That a meeting of the Liaison Committee and the County Executive Committee be organized in order to resolve the issues affecting the smooth flow of Assembly Committees pertaining oversight;
- ii. That Committees should observe timelines with respect to reports and Statements arising from the Constitution, various statutes, the Standing Orders and Rulings by the Hon. Speaker in order to improve effectiveness.
- iii. That the Chairpersons should ensure the Communication from the Chairperson of the Committees on the signing of attendance registers is implemented effectively; and
- iv. That Members, should surrender their pending imprests on time and in proper form.

Hon. Members, you may analyze the progress of all Committees during the period of January to December, 2014. The Liaison Committee has also considered the bi-annual reports of the Committees from January to May, 2015. The reports will be tabled soon. Thank you.

**Hon. Deputy Speaker:** Thank you Vice Chair for Liaison Committee.

## NOTICES OF MOTION

**Hon. Deputy Speaker:** Hon. Alex Ouda! Under Order number 6.

**Hon. Member for Mugumoini Ward** (Mr. Alex Ouda): Thank you, Mr. Speaker, I have 4 Statements.

**Hon. Deputy Speaker:** Can you take your seat. Proceed, Hon. Masiga.

**Hon. Member for Eastleigh South Ward** (Mr. Nelson Masiga): Thank you, Mr. Speaker sir; I beg to give notice of the following Motion:

THAT, aware that the function of Planning and Housing are vested to the County Government pursuant to Paragraph 8 of part 2 of the Fourth Schedule of the constitution; further aware that the Nairobi City County Government plans to construct modern houses within the County to accommodate more House buyers, concerned that the County Government officials have been inhumane evicting tenants found to have defaulted in rent for the County Houses without following due procedure and instead letting them out to their friends and cronies; noting that this flagrant abuse of the law has visited untold suffering of the concerned residents of Nairobi, this Assembly resolves that the County government follows due procedure when undertaking evictions on pure humanitarian grounds and give the affected tenants a chance to pay their arrears before resolving to evict them and move with speed to develop the appropriate legal framework that will deal with all aspects of management of the County Houses.

**Hon. Deputy Speaker:** Thank you.

## STATEMENTS

### A BRIEF OF THE LIAISON COMMITTEE

**Hon. Deputy Speaker:** Hon. Members, this is brief on the Committees' undertaking. Hon. Members the Liaison Committee is established under Standing Order 192 and is mandated among others to guide and coordinate the operation policy mandates of Committees and also consider reports of the various Committees.

Hon. Members, the Committee has deliberated on the progress report of various Assembly Committees from the previous and the current session.

While considering reports, the Committee noted that not all Committees were facing challenges such as delayed Statements from the County Executive, slow or lack of implementation of the Assembly resolutions including Committee's recommendations adapted by the Assembly, lackluster briefing by the County Executive when invited to Committee meetings and last but not least, lack of implementation of project by the County Executive as agreed upon by the Oversight Committee and factored in the budget.

Hon. Members, following the above challenges the Committee resolves to have a meeting with the County executive Members to address the challenges. The Committee held a meeting with the County executive Members on 29<sup>th</sup> June 2015 and resolved as follows:

1. That a general County Assembly Liaison office be established by the County Executive to follow up on the Assembly resolutions including requests for Statements;

2. The officers in the office should follow the Assembly proceedings to take action point by the Executive;
3. Each County Executive department was further advised to have a County Assembly Liaison Office for the respective County department to monitor and deal with County Assembly matters affecting the respective County department;
4. There should be quarterly meeting between the Liaison Committee and the County Executive Committee to assess the performance of the County government in order to improve the quality of services to the residents of Nairobi County;
5. Both the Oversight Committee and the County Executive Committee should be vigilant to ensure that monies given as conditional grants are used for intended purposes.
6. The Committee has information that maternity hospitals have been allocated an amount according to County Allocation Revenue Act 2013.

Hon. Members, the County Executive Committee Members committed to look into the issues highlighted by the Liaison Committee and report back to the Committee by September 2015. However, the Committees should ensure the agenda of the meeting is adhered to when a Committee invites a Member of the Executive Committee in order to ensure that matters are discussed conclusively and satisfactorily. Hon. Members, the Liaison Committee will report to the Assembly on the action taken by the County Executive to address the challenges that are bedeviling developments in the County. The Committee will also table the progress report of the County Assembly Committee. Thank you.

**Hon. Deputy Speaker:** Hon. Hashim.

#### **STATEMENT REGARDING THE AUTOMATION OF REVENUE COLLECTION IN THE COUNTY**

**Hon. Minority Chief Whip** (Mr. Hashim Kamau): Pursuant to Standing Order No. 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the automation of revenue collection in the County.

Mr. Speaker, Jambo Pay Ltd. signed a contract with Nairobi County Executive to automate all revenue collection from June, 2014. The contract aimed at easing payment for services and streamlining revenue collection thus reducing pilferage in manual collections. The similar contract has been advertised that a reputable bank manages cash collection and stem traffic at the County Cash Office.

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

- i. What will be the commission payable to the bank;
- ii. Whether it is the same request by the Kenya Commercial Bank when they were buying the Equity loan;

- iii. Relationship between the bank and Jambo Pay Ltd and whether it will be a duplication of duties;
- iv. Whether there are better reasons for contracting the bank apart from managing cash collection and streaming traffic at the County Cash Office.

Thank you.

**Hon. Deputy Speaker:** Hon. Thuo.

**Hon. Member for Karura Ward** (Mr. Kamau Thuo): Thank you, Hon. Speaker. We will respond to that Statement, God willing, next week on Wednesday. Thank you, we want to do justice; please note, Wednesday.

**Hon. Deputy Speaker:** Thank you. Hon. Erastus Mburu.

#### **STATEMENT REGARDING GRABBED PLOT LR. NO. 29082 ALONG KASARANI-MWIKI ROAD**

**Hon. Member for Clay City Ward** (Mr. Erastus Mburu): Hon. Speaker, pursuant to Standing Order No. 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the grabbed plot LR.No.29082 along Kasarani-Mwiki Road in Clay City Ward.

Hon. Speaker, the aforementioned plot is a public utility and has been grabbed by a private developer who is currently demarcating the land in preparation for construction.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on the following:

- i. How the land was transferred to the private developer
- ii. The officers involved in the illegal transfer of the said public land
- iii. Table the approval plan
- iv. Measures being put in place by the County Executive to recover this particular public utility and others within Clay City Ward that have been illegally transferred.

Hon. Speaker, last year, Committee on Planning and Housing visited that plot and after they left; they fenced. Peculiar activities have been happening there until yesterday I managed to go there and to my surprise, demarcation was going on for the construction to start. So, I plead with that Committee, go with the speed it deserves. That is why we are delegating this important role to you. Save the situation or else it will blow out of our proportion. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** The Chairperson for Town Planning, the Vice Chair? You are a Member? Fine.

**Hon. Majority Leader** (Mr. Elias Otieno): Mr. Speaker, I think it is our routine in this Planning Committee--- Mr. Speaker, give us two weeks because it is a grave matter which I am going to tell the Chairman. Even if Chairman would be here, he would have requested for two weeks. So, Mr. Speaker, we will respond within two weeks.

**Hon. Deputy Speaker:** I think, Hon. Member, the Member who requested for the Statement has indicated that you need to move with a lot of speed because it seems the construction may be ongoing. So, two weeks might not be appropriate.

**Hon. Majority Leader:** Mr. Speaker, as A Committee, tomorrow, we will write to the Executive side to stop the construction as we prepare our response within two weeks.

**Hon. Deputy Speaker:** Thank you; that is noted.

**Hon. Member:** Point of Order!

**Hon. Deputy Speaker:** On what? This is a Statement requested by Hon. Member; declined. The Chairperson for Water Committee!

**Hon. Alex Ouda:** At long last, thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Is Hon. Gari in the House? (*Hon. Gari stands*) Oh, thank you, proceed.

**Hon. Alex Ouda:** I have four Statements requested by Jacqueline Nyangala, Kennedy Oduru, James Kinuthia and Maurice Gari. I will start with the one for Maurice Gari; response to Statement requested by Hon. Maurice Gari, MCA, from the Chairperson of Sectoral Committee on Water and Sanitation.

#### **RESPONSE TO A STATEMENT REGARDING THE PERSISTENT LACK OF WATER SUPPLY IN NAIROBI WEST WARD**

**Hon. Alex Ouda:** Mr. Speaker sir, on Thursday, 18<sup>th</sup> June, 2015, Hon. Maurice Gari, MCA, rose on the floor of the Assembly pursuant to Standing Order No. 41 (2) (c) and requested the Chairperson of the Water and Sanitation Committee for a Statement regarding the persistent lack of water supply in Nairobi West Ward.

In the Statement, the Member sought a reply on the following:

- i. When the Company plans to resume normal water supply to Nairobi West Ward and other areas affected by water shortages and
- ii. Measures being taken to ensure Nairobi residents are not subjected to lack of adequate water supply.

Mr. Speaker sir, the Committee wrote to the County Chief Officer responsible for Water, Energy and Natural resources on 23<sup>rd</sup> June, 2015 requesting to be furnished with the written response to the Statement sought by the Hon. Member.

In this regard, Mr. Speaker sir, I wish to report to the Assembly as follows: I want to begin by informing this House that the demand for water in the City outstrips the supply by approximately 190 cubic metres, that is 55,000 cubic metres is produced against a demand of 740,000 cubic metres.

Mr. Speaker, due to foregoing water supply in the City, it is distributed through an equitable water distribution program and for this purpose. The City is divided in to four corridors. Nairobi West is in the corridor one and is supposed to receive water on Monday from 6:00 p.m. to Tuesday morning at 8:00 a.m. water supply to Nairobi West has been normal except for the period between 22<sup>nd</sup> and 24<sup>th</sup> June, 2015 when a contractor working for Nakumatt Supermarket had damaged some of the pipelines. However, this situation was corrected by the company which repaired the pipes on the two occasions. Unfortunately, the damage on both occasions occurred on the dates when Nairobi West was supposed to receive water hence the prolonged water outage.

Mr. Speaker, Nairobi Water and Sewerage Company will endeavor to ensure that residents receive water the days that they are supposed to receive in accordance with the equitable distribution program which is normally circulated through the print media from time to time.

Mr. Speaker, I beg to lay this response. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Alex. Hon Gari.

**Hon. Maurice Gari:** Why are you telling me what to say, was I with you in that chopper?

**Hon. Deputy Speaker:** Order, Hon. Gari!

**Hon. Maurice Gari:** Thank you, Mr. Speaker sir. Some Members are lucky as---

**Hon. Deputy Speaker:** Please! Can you proceed?

**Hon. Maurice Gari:** Thank you, Mr. Speaker sir. I am satisfied with the response but I will need the Committee to visit the site and talk to the residents one on one, but I am satisfied. But Manoah, you flew with the chopper---

**Hon. Deputy Speaker:** Thank you, Hon Gari, Please, Hon. Gari!

**Hon. Alex Ouda:** Thank you, Mr. Speaker; we will pay a visit to Nairobi West. The second response is from Hon. Jacqueline Nyangala, MCA, from the Chairperson of the Sectoral Committee on Water and Sanitation.



## RESPONSE TO A STATEMENT REGARDING THE DIVERSION OF WATER AND DESTRUCTION OF EXISTING WATER CONNECTION PIPES IN KILELESHWA

Mr. Speaker, on Thursday, 11<sup>th</sup> June, 2015 the Hon. Jacqueline Nyangala, MCA, rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson of the Water and Sanitation Committee for a Statement regarding the diversion of water and destruction of existing water connection pipes courtesy of the construction works being undertaken by the East African Reinsurance Co. in Kileleshwa.

In the response, the Member sought a reply on the following;

1. Whether due process was followed in diverting the water and consequently interfering with the existing pipes.
2. If no action was taken against officers of the Nairobi Water and Sewerage Co. involved in illegal diversion.
3. Steps taken to compensate residents who have suffered losses as a result of diversions and destruction of existing water pipes and to remedy the situation.

Mr. Speaker sir, in this regard I wish to report to this Assembly as follows; Mr. Speaker, the East Africa Reinsurance Co. while carrying on developments on the plot along riverside Drive diverted existing storm water drainage as part of the overall improvements to their drainage. However, around the same period there was heavy rain in the locality which resulted in excessive floods which damaged a number of properties including boundary walls located along the waterways.

Mr. Speaker, the boundary wall on the neighbouring plot was among those affected as a section of it was washed away. This resulted in the damage of 3 service connection, water meters and water supply disruption. The damaged service line and the meters were reinstated the same day by the affected customers without any formal complaint being lodged with the Nairobi Water & Sewerage Co. Mr. Speaker, this explains the delays in getting a response to the Statement requested as details were not readily available. Mr. Speaker, I beg to lay this response.

**Hon. Deputy Speaker:** Hon. Jackie.

**Hon. Jacqueline Nyangala:** Thank you, Mr. Speaker. I am satisfied with the response; however, I have already talked to the Chairperson. We have to find a way to have a structure so that when damages like this happen, we have our people, our County Governments looking at it. It seems like the people that suffered the damages repaired everything by themselves. Yes, they did not complain but they repaired everything themselves. Otherwise, I am satisfied, thank you.

**Hon. Deputy Speaker:** I think that is noted, Hon. Alex Ouda. In fact, it is a good observation.

**Hon. Alex Ouda:** Mr. Speaker, point noted. The third response comes from Hon. James Kinuthia, MCA, from the Chairperson of the Sectoral Committee on Water and Sanitation. Mr. Speaker, he is in today.

### **RESPONSE TO A STATEMENT REGARDING THE STATUS OF CONSTRUCTION OF THE NEW SEWAGE SYSTEM IN KIAMAIKO**

Mr. Speaker sir, on Thursday 18<sup>th</sup> June, 2015 the Hon. James Kinuthia, MCA, rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson of the Water and Sanitation Committee for a Statement regarding the status of construction of the new sewage system in Kiamaiko. In the Statement the Member sought a reply on the following;

1. Why the construction of the new sewage system in Kiamaiko Ward has not commenced despite being budgeted for.
2. When the project will commence.
3. The status of the construction of the new sewage system in Kiamaiko Ward to account for the Nairobi City Water and Sewage Co/Company budgetary allocation of Ksh. 24 million in the financial year 2014/2015.

Mr. Speaker sir, the Committee wrote to the County Chief Officer responsible for Water, Energy and Natural Resources on 23<sup>rd</sup> June, 2015 requesting to be furnished with a written response to the Statement sought by the Hon. Member. In this regard, I wish to report to the Assembly as follows;

Mr. Speaker, according to the report by the Nairobi Water & Sewerage Co. Athi Water Services Board carried out sewer improvement in Kiamaiko during the 2014/2015 financial year. The project was funded by the World Bank under the Water and Sanitation Improvement Program Additional Financing, WASSIP-AF.

The project started in 2013/2014 financial year and it was completed in May 2015. A total of 3.8 kilometers of sewer line was constructed at the cost of KShs.58 million and therefore it will be under the different reliability period for the next 12 months. Mr. Speaker, in this regard the company did not budget for any sewer project in Kiamaiko Ward during the 2014/2015 financial year.

Mr. Speaker, what was budgeted for was listed under Huruma Ward part of which would have been used to improve services in Kiamaiko Ward. Mr. Speaker, Nairobi Water and Sewerage Co. did not realize the projected revenues forcing a cutback on capital projects including the works in Kiamaiko and Huruma

Ward. The KSh. 25million listed during 2014/2015 financial year under Huruma Ward was not spent since the money was not available.

Mr. Speaker, during the handing over of the said project by Athi Water Services Board, Nairobi Water and Sewerage Co. accessed the adequacy of the sewers in Kiamaiko Ward and found out that more expansion and extension is required. Therefore, Mr. Speaker, the company is sourcing for funds towards these identified works which may be included in the revised budget upon approval of the pending requested for water tariff review. Mr. Speaker, I beg to lay this response.

**Hon. Deputy Speaker:** Thank you, Hon. Alex Ouda.

**Hon. Member for Uthiru/ Ruthimitu Ward** (Mr. James Kinuthia): Thank you, Mr. Speaker sir. I do appreciate that this time around the Chairperson has given a somewhat comprehensive Statement and it was not late, it has taken around 2 months. However, Mr. Speaker sir, I have to register my Statement and urge the House--- You know, Members have been really disappointed sometimes for they have not received their Statement for around 3 months but I think something will have to be done to improve on that area. Mine has taken the shortest period, two months and I think it is okay.

**Hon. Deputy Speaker:** Thank you very much. Hon. Alex.

**Hon. Deputy Speaker:** Thank you very much! Hon. Alex!

**Hon. Alex Ouda:** Thank you Mr. Speaker Point Noted. Last but not least from Hon. Kennedy Oduro MCA. On Thursday first July 2015 the Hon. Kennedy Oduro rose on the floor of the Assembly pursuant to Standing Order number 41 (2 c) and requested the Chairperson of the Water and Sanitation Committee for a statement regarding lack of Water and Sewerage supply in Lucky Summer Ward. In the statement he sought to know the following;

1. When the residents of Lucky Summer Ward will get access to water services from the Nairobi City Water and Sewerage Company
2. Measures that the County Executive is taking to ensure that there's a consistent supply of adequate clean water to not only residents of Lucky Summer Ward but also other parts of the County that experience the same challenge.

In this regard I wish to report to this Assembly as follows; a report given by Nairobi Water and Sewerage Company indicates that a Nairobi City County grader damaged a number of service connection while working in Lucky Summer. These connections were plugged to avoid loss of water and allow the grader to complete the work.

The following connections were later on repaired on 9<sup>th</sup> of July 2015:

1. 1 inch near Yanis Superstores
2. 1 inch near Calvary Worship Centre
3. PPR near Kenya Assembly of God.

Mr. Speaker the affected customers were asked to furnish the Company with their account details and those who did and had no debt were connected immediately. However those who did not comply were not connected and their service line will be removed if they reconnect themselves.

The current daily water demand in the City is 740 cubic meters against demand of 54 per day. This supply deficit is effected, equitable distribution arrangement for water for this purpose the City is divided into four corridors although some pockets may receive water throughout the week and Lucky Summer is one such pocket and receives water throughout the week except on Sunday when the supply is at low pressure.

The County Government is collaborating with Athi Water Services Board and is implementing the Nairobi Bulky Water Supply Master Plan starting with the northern connector tunnel phase one expected to be complete in 2018. Other phases will follow as soon as financing arrangement are executed. The Nairobi Water Distribution Master Plan is also being updated to align it with the Nairobi Integrated Development Plan. I beg to lay this response.

**Hon. Deputy Speaker:** Hon. Oduru!

**Hon. Member for Lucky Summer Ward** (Mr. Kennedy Oduru): Thank you Mr. Speaker sir, I concur with my Chairman about the same. The Committee did a good work except that there were only three points where the connection was done and if it is possible, it is necessary that they connect other parts. Thank you Very much.

**Hon. Deputy Speaker:** Order! *Mheshimiwa* Mumo, Mugo kindly take your seat. Thank you. Hon. Members. The following statements are due for response today Tuesday fourth August 2015, statement requested by Hon. Ogeto directed to the Chairperson for Budget and Appropriation regarding revenue collection on approved building construction in Kilimani. The other one is a statement requested by Hon. Hashim Kamau, directed to Sectoral Committee on Planning and Housing on 120 Acre of land purchased for 183 million in Mavoko for Cemetery.

Hon. Imwatok please Order! Hon. Members! Statement requested by Hashim Kamau from Chairperson of Sectoral Committee on Agriculture Environment and Natural Resouces regarding the beautification of Nairobi City County and a Statement requested by Hon. Hashim Kamau from the Chairperson of Committee on Ward Development Fund regarding the Ward Development Fund allocation.

Hon. Chairperson of Budget and Appropriation, the Vice Chair of Budget and Appropriation? Statement requested by Hon. Ogeto regarding the revenue collection on approved building constructions in Kilimani Ward. Chairman please.

**Hon. Member for Embakasi Ward**, (Mr. Michael Ogada): Thank you very much Mr. Speaker sir. The response indeed came to my Committee and we were looking at it today but we realized it was not adequate, so we did reject it and our Clerk has written another letter demanding for some further clarifications from the Executive.

**Hon. Deputy Speaker**: So when do you think you will bring it?

**Hon. Michael Ogada**: We can deal with it on Tuesday next week.

**Hon. Deputy Speaker**: Noted. The Chairperson for Planning. Order Hon. Mutiso. Chairperson for Planning, Member?

**Hon. Leader of Majority**: Mr. Chairman, I know because of the delay of salary, so many people are running up and down to get the money for their rent that is the reason why you cannot get the Chairman here but the Chairman may respond tomorrow or Thursday thank you.

**Hon. Deputy Speaker**: Thank you. Hon. Members on this Statement which was requested by--- Please I am on the floor. Hon. Members, on this Statement requested by Hon. Hashim Kamau, on this issue of 120 acres of land.

I think history will really judge Nairobi City County Assembly very harshly if you are not able to follow up and ascertain the position of 120 acres in Mavoko, you are all aware the kind of scandal which was involved in this, this land is lying somewhere. The Planning Committee needs to take even a tour to locate the actual place where this land is lying and the activities which are going on there, so you need to at least be very serious with this one. Thank you.

The Chairperson for Environment and Natural Resources regarding the beautification of Nairobi City County Hon. Amutavi. Are you a Member?

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatak): Yes Mr. Speaker because my Chairman has a sore throat and he has just asked me to present it. For this week we were just working on it and we went for a site visit on Thursday and we are working on the report and bring it before the House kindly allows for seven days Mr. Speaker.

**Hon. Deputy Speaker**: Noted, thank you. Ward Development Fund, Hon, Gari, statement requested by Hon. Hashim, Chairperson of Sectoral Committee, on the funding.

**Hon. Maurice Gari**: Thank you Chair, I think we will respond by next week on Wednesday.

**Hon. Deputy Speaker**: Thank you, proceed Hon Gari.

**Hon. Maurice Gari:** But today I don't see Bishop in the House, I heard he was walking with a paper here giving people 20,000---

*(Loud consultations)*

**Hon. Maurice Gari:** I am not seeing him here---

**Hon. Deputy Speaker:** Order Imwatok! Please Imwatok what is it?

**Hon. Peter Imwatok:** Mr. Speaker through your able Chair I think there are questions this Assembly must take seriously. However much a Member is asking on an individual capacity this is really touching on the entire 85 Wards, therefore the way the Chair of Ward Development Fund is addressing this issue causally is not the way it ought to be taken.

The issue Hashim raised is of paramount importance to the development agenda of 85 Wards so the Chair should not just come and talk kiddish before us. He should be serious, when talking about reporting he must serious about it Mr. Speaker.

**Hon. Deputy Speaker:** Order, order Hon. Gari. I think the Member has done the undertaking that he is going to avail the report here next week on Wednesday. Let's wait for the response, let's give him time, wait for the response then we see whether it is kiddish, shallow or of any nature.

*(A Member rises on Point of Order)*

**Hon. Deputy Speaker:** Please can you take your seat, declined, please? Hon. Gari please, Order! Order!

**Hon. Maurice Gari:** Mr. Speaker a Member must withdraw the statement of kiddish.

**Hon. Deputy Speaker:** Please can you take your seat. Clerk, proceed.

## MOTION

### REPORT OF SECTORAL COMMITTEE ON HEALTH SERVICES ON INSPECTION VISIT TO JERICHO HEALTH CENTER

**Hon. Member for Nairobi South Ward (Mr. Manoah Mboku):** Mr. Speaker I beg to move the following Motion: THAT, this Assembly adopt the report of Sectoral Committee on Health Services on the Inspection Visit to Jericho Health Center laid on the table of the Assembly on Tuesday 24<sup>th</sup> March 2015.

Mr. Speaker the Committee on Health made a site visit to Jericho---

*(Loud consultations and movements)*

**Hon. Deputy Speaker:** Order! Order Chairperson for Health! Hon. Members is there fire? Because the kind of movement and mass movement of Members from the House--- proceed.

**Hon. Manoah Mboku:** Mr. Speaker you realize--- the truth of the matter is that people are broke and---

**Hon. Deputy Speaker:** Can you proceed and concentrate.

**Hon. Manoah Mboku:** Mr. Speaker when the Committee made a site visit on 9<sup>th</sup> February, 2015 at Jericho Health Center it had several observations and some of the observations the Committee made were as follows:

That the Health Center is a 24 hour facility provider, providing curative and maternal child health services.

Mr. Speaker the Committee also noted the facility has got antenatal and postnatal care clinics and it offers cancer screening tests, basic tests, VCT, TB diagnosis test and it has a pharmacy.

Mr. Speaker the Committee also noted that the facility has got a lot of insecurity issues as they have got only two watchmen, one guarding during the day and the other guarding at night.

They do receive funds from health sector services funds, that is HSSF, for running the facility but not regularly.

There are insufficient drugs in the emergency, they have to purchase important drugs elsewhere to attend to the emergency. Patients are referred to go and buy drugs from outside. With the view that this is a 24 hour operation facility. The nurses are overworked due to understaffing, we have only 23 nurses who are distributed to operate around the satellite clinics in their Sub-County and this results in the lack of effectiveness in the service provision of the system.

The facility has no ambulance. There is only one ambulance for Makadara Sub-County which is not functional as it has got no tires. There is also no utility vehicle to offer transport facilities.

Mr. Speaker the Committee also noted that there is only one driver who is shared between the Emabakasi and Njiru districts. The waiting bay it is situated at the main entrance and serves as the main waiting bay for all patients visiting the center. There is a patient registration record at that office.

Mr. Speaker the Committee also noted that the incinerator that was constructed sometimes back was not functional because of poor a construction plan and on top of that the incinerator had no padlocks. The toilets were not functional due to lack of water. The sinks do not have flowing water. There is only one tank with water and there was no pump for pumping water into the tanks that are positioned on the roof.

The staff toilet has been turned into a store, it was terrible. Mr. Speaker also the Committee observed that there was congestion in the laboratory due to lack of staff; we only had two lab technicians who are overworked, they had no dustcoats and also it was the best improved laboratory in Nairobi City County though we had only two lab technicians.

Mr. Speaker in tuberculosis clinic and comprehensive care there are HIV patients who are being taken care of. It doubles as the nurses changing room. That is where tuberculosis patients are being attended. It doubles as the nurse changing room due to lack of enough rooms. The room also functions as TB treatment room. It also serves as the junction room due to lack of rooms. In the pharmacy, it is depleted of medical supplies. The last supplies from KEMSA was done in August, 2014 and KEMSA has since then declined to supply further due to nonpayment of previous supplies. There were no drugs ordered in September 2014.

Mr. Speaker the Committee also observed that within the compound the perimeter fence in place is not good enough as it is made of barbed wire. A perimeter wall was to be erected. The specification are that it should be of concrete up to a height of about one meter and the rest of height be made of metal bar that---

**Hon. Deputy Speaker:** Order Hon. Member! Hon. Chairperson and am very sorry for the Assembly because I was caught up between what you are doing and what Members are telling me, are you moving a Motion?

**Hon. Manoah Mboku:** Mr. Speaker I'm actually moving a Motion, this is a report.

**Hon. Deputy Speaker:** Thank you, but you need to own the report so that you just give the Members the highlights. You don't need to read a report when you are moving a Motion. It is not right.

**Hon. Manoah Mboku:** Okay Mr. Speaker. Probably what I can just say is what the Committee recommended because it is actually a report, that the Committee went to a visit in Jericho. So Mr. Speaker, some of the recommendations that the Committee came up with, if I can just mention two or three, because I believe that the Members have got this report, is that the County Health Department need to provide an ambulance to the facility and also the Tuberculosis Clinic and Comprehensive Care Clinic that takes care of the HIV patients be separated. Also Mr. Speaker, the issue of the land that has been grabbed should be reverted back to the County to offer services to the residents of Jericho. Mr. Speaker I beg Hon. Karen to come and second this Motion.

**Hon. Karen Wanjiku (Nominated Member):** Thank you Mr. Speaker sir. I rise to second this Motion. Indeed we visited Jericho Health facility and Mr. Speaker what we saw there, I remember in the Pharmacy there was only several pain killers that we could have counted and it was a desperate situation. Again, noting that this was a facility that works for 24 hours and without an ambulance, the Committee recommended that we have at least an ambulance because of emergencies, Mr. Speaker sir.

Mr. Speaker sir, we also noted that understaffing in Jericho Health Centre was also serious---Mr. Speaker sir, I need your attention. Mr. Speaker sir, there was a problem of understaffing which we have noted as we go around the Nairobi City County in many health facilities; we have noted that we have understaffing in most of our health facilities. This is an issue that the County Executive should take very



seriously and we want to tell the new CEC who told us that he comes from the National Government that this is the County and health is devolved. We really need action. Mr. Speaker sir, I beg to second.

**Hon. Deputy Speaker:** Thank you.

*(Question is proposed)*

*(Hon. Deputy Speaker leaves the Chair and Hon. Samuel Nyang'wara chairs the Session)*

**Hon. Temporary Deputy Speaker** (Samuel Nyang'wara): Yes Hon. Oduru, what is happening? Hon. Members, can you contribute?

**Hon. Member for Komarock Ward** (Mr. Samuel Irungu): Mr. Speaker I support. But if you look at all our County hospitals, go to Mama Lucy, go to Jericho, go to any of the County facilities, the problem is the same. Mr. Speaker I have been insisting to this powerful Committee, the Health Committee and I will still repeat that in absence of the County Health Legislation, we may not be able to run these facilities.

Mr. Speaker, as much as I would like to support this report, the issue is that unless we come up with the County Bill on how we are going to manage our County hospitals Mr. Speaker, the challenges will remain the same and it will not be news when we keep on saying there are challenges. However Mr. Speaker, they have done a good job and I support.

**Hon. Temporary Deputy Speaker:** Hon. Members, I call the mover of the Motion to reply.

**Hon. Manoah Mboku:** Thank you Hon. Speaker, I want to commend the Hon. Members for supporting this Motion and I am sure the Implementation Committee will pick from that as we forge the next move. Thank you, Mr. Speaker.

*(Question is put and agreed to)*

## MOTION

**Hon. Temporary Deputy Speaker:** The Hon. Chairperson Sectoral Committee on Health Services.

**Hon. Manoah Mboku:** Mr. Speaker, thank you. Motion No. 9, that this Assembly adopts the report of the Sectoral Committee on Health Services on the inspection visit to Umoja I Health Centre laid on the table of the Assembly on Tuesday 24<sup>th</sup> March, 2015. Mr. Speaker, Umoja I Health Centre is in a terrible

state, and indeed when the Committee visited there, they noted a lot bad things that it recommended the County to look into.

The pharmacy was also dilapidated, there were no staff, there were no drugs, the staff were not motivated yet they were taking care of so many patients. So Mr. Speaker, it is important for the County to look into the matter. We also observed that on top of that, the facility had no drugs. Patients were being sent to go and buy drugs from outside. I want to call Hon. Karen to come and also support this Motion.

**Hon. Temporary Deputy Speaker:** Hon. Karen.

**Hon. Karen Wanjiku:** Mr. Speaker sir, I want to second the Motion. We visited Umoja I and the story was the same, understaffing, no drugs, staff were not motivated and lack of most of the equipment. We continue to urge the County Government to do something about health in Nairobi because Article 26 of the Constitution states very clearly ' *that every Kenyan has a right to life*', and this is our mandate and the Executive should know that and take action. Thank you.

*(Question is proposed)*

**Hon. Temporary Deputy Speaker:** Yes, Hon. Member for Umoja I Ward.

**Hon. Member for Umoja I Ward** (Mr. Njoroge G. Maina): Thank you very much Mr. Speaker. I have been going through this report and I want the Committee just before we adopt this report, we amend some of these things on their recommendations. I want to commend the Committee for taking their time to go to Umoja to do their investigations but there are recommendations for instance Chairman I didn't see where you have noted that we have 1 Medical Officer, Clinical Officers are 5 Nurses are 20, Pharmacists 3, Medical Records Clerk 3, Laboratory Technicians 3, but we don't have a Doctor. So in your recommendations, we don't mind if we have one permanent doctor.

There is a building proposed for doctors' housing and as per your recommendation it states that this building be used by Embakasi Sub-County Health Management Team as offices and on the same, we see that there are no laboratories for tuberculosis testing and so instead of recommending the building for offices, I propose you recommend it for laboratory purposes because we do not need offices. Actually anybody can work even under a tree to mean that we need the laboratories even more than the offices.

There is also no storage space in the building that was built by CDF money. You can recommend one of the rooms for that purpose and we can also work with it as a laboratory. Mr. Speaker most of these recommendations are on point. We need an incinerator on a very serious note because of dumping the syringes and what have you so that one is okay.

The Committee also recommended that we construct a maternity which is very okay because we also have space for that and apart from that I want to commend the Health Committee for the good work but just before you finalize the report, kindly do the amendments on the said concerns. Recommend a doctor because what we have as a doctor is a clinical officer.

**Hon. Temporary Deputy Speaker:** Yes Hon. Janet Wala? Hon. Chairman Can you reply?

**Hon. Manoah Mboku:** Thank you Mr. Speaker. I want to thank Hon. Members for supporting this particular report/ Motion. However Mr. Speaker I just want to correct the Member from Umoja who has said that we do not have a doctor in Umoja 1 health centre. For his information, a medical officer one is a doctor, he must be a doctor and that is why he is number one there and on other things as you have suggested--- Mr. Speaker I am replying.

**Hon. Deputy Speaker:** Order Hon. Chair! What is your Point of Order Hon. Maina?

**Hon. George Maina:** Mr. Speaker it is very absurd that a whole Chairman can mislead the House and tell us that a clinical officer is a doctor. Could he kindly withdraw?

**Hon. Temporary Deputy Speaker:** Order! Hon. Maina, with due respect, the Hon. Chair said a medical officer is a doctor by profession, he didn't say a clinical officer. Chairman for the benefit of the Hon. Member can you repeat your statement?

**Hon. Manoah Mboku:** Mr. Speaker probably he has not gone through the report. We have one Medical Officer and five clinical officers. Have you noted that Hon. Member and so we have a medical officer who must be a doctor by profession and Mr. Speaker without wasting time, I just want to---

**Hon. Temporary Deputy Speaker:** Order! What are you not getting in the report Hon. Maina?

**Hon. George Maina:** Mr. Speaker even before I asked the Health Committee to go there, I had done my investigation and there is no medical officer there, there are only clinical officers and therefore we cannot purport that is the case when on the ground the situation is different. I want to ask you for your indulgence in this Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Chairman did you visit that particular facility?

**Hon. Manoah Mboku:** Mr. Speaker we visited the place. The Member has not read through the report well. If you read number two, kindly *Mheshimiwa* from Umoja, it states that the County Government is to deploy additional staff to Umoja 1 health centre so as to curb the shortage of staff and improve on health service delivery to the citizens of Nairobi County as hereby proposed.

Mr. Speaker I hope he has noted that. I also want to thank the Hon. Member for being concerned about that facility and other issues that he has raised the Committee will look into it and that facility will get the improvement it deserves. Thank you Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Maina, are you okay with that?

**Hon. George Maina:** No I am not satisfied.

**Hon. Temporary Deputy Speaker:** Where are you not satisfied?

**Hon. George Maina:** I would want some of the recommendations amended before we finalize the report.

**Hon. Temporary Deputy Speaker:** So you do not need a medical officer there?

**Hon. George Maina:** He says the person in charge is a medical officer.

**Hon. Temporary Deputy Speaker:** A medical officer is ----

**Hon. George Maina:** We don't have a doctor.

**Hon. Temporary Deputy Speaker:** A medical officer is a doctor by profession.

**Hon. George Maina:** No Mr. Speaker and yet he cannot address some of the small issues.

**Hon. Temporary Deputy Speaker:** Order! Hon. G. Maina you must be conversant with the medical terms and if you don't know it please approach somebody else who can actually advise you on the same. A medical officer is a doctor by profession.

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Thank you very much. Hon. Member's maybe before we adjourn for the day, I want to make an announcement that the House Business Committee meet at the foyer immediately after this. There being no other business, this Assembly stands adjourned to tomorrow 2:30pm.

*(The House rose at 4.00 pm)*