



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fourth Session

Thursday 25th February, 2016

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Deputy Speaker:** Hon. Members, I am made to understand that there is lack of quorum and under Standing Order No.31, I redirect the Serjeant-At-Arm to ring the bell for 10 minutes.

*(Quorum Bell rung for 10 minutes)*

Order, Hon. Members! Clerk, you may proceed, there is enough quorum in the House.

### STATEMENTS

Hon. Members, under Order No. 7, we have a Statement requested by Hon. Samuel Irungu directed to the Chairperson of Select Committee on Implementation regarding the implementation status of recommendations contained in the Health Service Committee report on Mama Lucy Kibaki Hospital. Chairperson for implementation?

## RESPONSE TO A STATEMENT REGARDING THE STATUS REPORT ON MAMA LUCY KIBAKI HOSPITAL.

**Hon. Magdalene Mbogoria** (Nominated Member): Thank you, Mr. Speaker. I want to lay the response on behalf of the Chair and the Committee on Implementation on the Statement requested by Hon. Samuel Irungu on the status of report on Mama Lucy Hospital.

Hon. Speaker sir, on Tuesday, 21<sup>st</sup> October, 2014 the Member for Komarock Ward, the Hon. Samuel Irungu MCA rose on the floor of the Assembly pursuant to Standing Order 41 (2) (C) and requested the Chairperson of the Implementation Committee for a Statement regarding the implementation status of recommendations contained in the Health Services Committee report on Mama Lucy Kibaki Hospital.

In the Statement, the Members for Komarock Ward sought to know the following:-

- i) Implementation status of the report on Mama Lucy Kibaki Hospital;
- ii) Circumstances that led to the death of Mr. Charles Otieno who died thirty minutes after medication at the hospital;
- iii) Who was responsible for the death; and
- iv) Measures the County Government has put in place to stop the increasing cases of negligence of patients at the hospital.

Mr. Speaker sir, the Committee wrote to the County Secretary with a copy to the County Chief Officer, Health Services on 24<sup>th</sup> October, 2014 requesting to be furnished with a written response to the Statement by the Hon. Member for Komarock Ward. The Chief Officer responded through a letter Ref: CHS/COH/1/3/26/ dated 22<sup>nd</sup> June 2015.

Mr. Speaker sir, the Committee further wrote a letter to the County Chief Officer responsible for Health Services and copied to the County Executive Committee Member responsible for Health Services and the Ag. County Secretary on 7<sup>th</sup> July, 2015 requesting them to attend a joint meeting between the Committee on Implementation and the Committee on Health Services held on 15<sup>th</sup> July, 2015 and also to furnish the Committee with a written report on the implementation status of the recommendations contained in the report of the Sectoral Committee on Health Services on the inspection visits to Mama Lucy Kibaki Hospital and Pumwani Maternity Hospital.

The correspondence received from the County Chief Officer responsible for Health Services and arising from discussions of the joint meeting between Committee on Implementation and Committee on Health Service with the County Executive Committee Member responsible for Health Services and the Director, County Medical Services, Mr. Speaker sir, I wish to report to the Assembly as follows;

That,

a) Following the observation by the Committee that;

***The staff be provided with a conducive and friendly environment to work in, in addition the top management to establish a good rapport between itself and the employees;***

The C.E.C Health Services reported that;

The Hospital Management Team (HMT) under the guidance of the new Medical Superintendent (Med Sup.) has since initiated and held several consultative meetings with the hospital staff and all the departments. This has narrowed the gap that was previously there between the staff and the management, they are now working harmoniously

On the observation that;

***The hospital management should be handled by a CEO with managerial skills and not professional doctors who may not possess managerial skills.***

The C.E.C Health Services reported that;

The policy guidelines that were laid down by the Ministry of Health states that a hospital should be managed by a consultant doctor who has managerial skills. The Sector has since replaced the previous Medical Superintendent with one who has a vast wealth of experience having successfully worked in the same capacity in a provincial hospital.

On the observation that;

***The County Government to provide the Hospital with ambulances***

The C.E.C Health Services reported that;

The Sector in its 2014/15 budget factored 5 Ambulances of which 3 had been delivered and deployed to the general pool at the Fire Section. The remaining 2 once delivered, 1 would be given to Mama Lucy Kibaki Hospital. There were also plans to purchase more ambulances

On the observation that;

***50% of the staff to be housed around the facility and the County Government to acquire more land for expanding the hospital; probably negotiate for a portion in the DC's adjacent land.***

The C.E.C Health Services reported that;

The hospital did not have adequate land to construct staff houses; the management therefore urges the County Government to assist in acquisition of more land for the purpose of constructing staff houses.

On the observation that;

***A general Ward for women be established in the facility;***

The C.E.C Health Services reported that;

Currently, the hospital was constrained with working space and therefore awaits the completion of the 66 bed wing that is under construction to re-arrange its services.

On the observation that;

***Maternity bed capacity should be increased.***

The C.E.C Health Services reported that;

The Hospital Management Team was in consultation with the Embakasi Sub-County Health Management Team to utilize Kayole 1 health center as the Hospital's Annex. The health center's maternity wing has a 24 bed capacity and is currently not being utilized.

The Hospital Management Team had also successfully approached UNICEF that will renovate the health facility before use. The Hospital will deploy nurses and doctors to attend to the clients.

On the observation that;

***An audit of the staff be done to establish the authenticity of the list of staff provided by the hospital so as to probe the nepotism allegations.***

The C.E.C Health Services reported that;

The hospital staffs were employees engaged by the Public Service Commission of Kenya that were dully deployed to the hospital and later on devolved to the County. The hospital is only a recipient and is not involved in the recruitment. A capacity Assessment and Rationalization of the Public Service (CARPS) exercise was undertaken by an independent body and the hospital staffs underwent through it; any anomalies captured will be ironed out through recommendations made.

On the observation that;

***An audit to be done on the use of budget allocation to the hospital.***

The C.E.C Health Services reported that;

There are several audits (approximately 6) that had been carried out in the hospital both by independent and County Auditors. The hospital is yet to be given any of the reports to assist it improve in its financial management.

On the observation that;

***A psychiatrist unit be established within the hospital.***

The C.E.C Health Services reported that;

The hospital had a Psychiatrist who served both at the Hospital and Mbagathi County Hospital. Lack of infrastructure hinders the hospital to run a fully-fledged psychiatrist unit. Wards are required to actualize this which means a new block to be constructed.

On the observation that;

***Rearrangement of the hospital planning.***

The C.E.C Health Services reported that;

This can only be done once the new 66 bed block was completed to create more room for the services.

On the observation that;

***Children's playground.***

The C.E.C Health Services reported that;

The hospital has factored it in its internal budget of FY 2015/16.

On the observation that;

***A structure to be established for mounting the laundry machines.***

The C.E.C Health Services reported that;

A Comprehensive review of the structural plan of the hospital was required so as to develop the hospital's master plan for its short term and long term improvements. A letter requesting the same had been written to the County Planning and Urban Development sector.

On the observation that;

***An investigation be done on the stalled warehouse project and the use of the amounts allocated initially for its construction and a report of its findings and recommendations to be tabled before the Committee.***

The C.E.C Health Services reported that;

The construction of the warehouse which was the National Government's project has been completed. However, the hospital management is yet to be handed over the building since the cold room and even the mortuary's cold rooms were not working. A complaint letter was written to the engineer supervising the construction and currently (June, 2015) there were some engineers who were on the ground rectifying the situation. The issue of the cost Vis-a-Vis the structure can only be handled by the National Government who financed the project.

On the observation that;

***Revive and fast track the construction of the hospital warehouse for safe drug custody. Funds to be provided for the same.***

The C.E.C Health Services reported that;

As stated above, the construction of the warehouse is complete apart from the cold room. Once the cold room has been completed it will be received from the contractor.

(b) Submissions by the County Executive Committee Members, responsible for Health Services from discussions of the joint meeting

- i) The biggest challenge being experienced at Mama Lucy Kibaki Hospital was lack of space. However once the 66 bed Ward facility was completed the male Ward would be shifted. He also stated that there had been no payment of projects for the Hospital in the financial 2014/2015.
- ii) Ksh. 100 million had been allocated for completion of the facility in the current financial year and there were plans to purchase more ambulances.
- iii) The death of a Mr. Charles Otieno occurred shortly after being discharged from Mama Lucy Kibaki Hospital by his relatives. More time was however requested for further investigations to be carried out and a report on same to be furnished to the Committee on Health Services.
- iv) Delay and bureaucracy involved in the processing of funds for operations of the Health Sector by the County Treasury remained an impediment to fast implementation of projects and other components with financial implications.
- v) There were plans by the County to establish multiple wellness centers around the City; however the same needed political goodwill to be successful. He stated that non communicable diseases were taking a toll on the City residents and there was need to think of preventive measures rather than curative services.

Mr. Speaker sir, the department on Health Services assured the Committee that the health sector would be streamlined in the next 3 years.

Mr. Speaker sir, I wish to lay this response.

**Hon. Deputy Speaker:** Thank you. Well presented, Hon. Magdalene. Hon. Members, you are able to interrogate the report, but before that, allow me to have the honour to bring to the notice of Members that we have a visitor from California. This is one, Steward.

*(Applauses)*

Thank you sir, and you are most welcome. Feel privileged and have the honour to be in the Country. Thank you very much. Hon. Karen?

**Hon. Karen Wanjiku** (Nominated Member): Thank you, Mr. Speaker sir. The issue of Mama Lucy Kibaki has been a thorny issue. Even recently, we lost a baby in that same level-4 hospital. But I must thank the Implementation Committee for the good work as long as what you have said in the response will be implemented fully.

I must say, Mr. Speaker sir, that when we asked for the 5 ambulances, we did not ask for those 5 ambulances to be taken to the fire station. What are they doing in the fire station while in Makadara Health Facility for example, or in Mutu-ini, Mbagathi or Mama Lucy Kibaki, we don't have ambulances? How can they be parking those ambulances there and yet in our Committee we were very particular. In fact we needed 10 ambulances but they procured 5 which we thought were for the emergencies especially in Mama Lucy Kibaki where we do a lot of referrals to Kenyatta. How do they expect us to ferry those patients even for those people who have accidents and especially in Kangundo Road?

When we had a meeting with the C.E.C, he told us that they are going to refer immediately those ambulances to our hospitals or else they will put them in one station and we can make calls when we need those ambulances. So, the Committee should note that we don't need ambulances in fire stations. If the fire stations need the ambulances, let them bring those when we are doing our budget. Thank you.

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

**Hon. Carolyn Muga** (Nominated Member): Mr. Speaker, while I thank the Implementation Committee on the response, I am concerned about the last sentence where it was said that the Health Committee was supposed to bring a final report on the investigation. These deaths happened in July 2015, we are in February 2016, so I believe the Health Committee should be giving us a final report on what happened concerning this gentleman, thank you.

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

**Hon. Magdalene Mbogori:** Thank you, Mr. Speaker. Those observations are well noted and the next time we meet the CEC of Health, we will discuss with him but I would urge the Member who asked for this Statement and the Chairman of the Committee on Health to meet with the head of the sector and ask that the ambulances be sent to the right places. I agree with you that we do not need the ambulances in fire stations but they need to be deployed to the hospitals.

**Hon. Deputy Speaker:** Thank you. Do we have Hon. Irungu in the House?

**Hon. Karen Wanjiku:** The Member is on his way but he told me I can answer on his behalf.

**Hon. Deputy Speaker:** So, can you give an observation on the report?



**Hon. Karen Wanjiku:** Yes. The report is well done and as long as it is implemented, it is a well done report and I congratulate the Implementation Committee, thank you.

**Hon. Deputy Speaker:** Thank you very much, we may proceed. This is to the Implementation Committee again, the question which was raised by Hon. Manoah Mboku, I hope the report is ready, thank you.

**Hon. Carolyn Muga:** Mr. Speaker sir, the report is basically the same as the one for Hon. Samuel Irungu and that was why I wanted to lay them together. What I am going to respond to is an item that was not in the first report.

What the Member sought from the Statement is a comprehensive report on the implementation status of the inspection site visit to Mama Lucy and Pumwani Maternity Hospital. So, I will just give response to Pumwani because Mama Lucy was the same.

From Pumwani Hospital, the sector responsible after joint meetings that they were going to follow up with the Ministry of Health to negotiate the restatement of free maternity reimbursement of Ksh.17, 500 per day instead of the current Kshs5, 000 being reimbursed to the County to be same rate with other organizations like Kenyatta National Hospital and Moi Teaching and Referral Hospital who are being reimbursed at the same rate.

The delay and bureaucracy involved in the processing of funds for operations of the health sector by the Treasury may be an impediment to fast implementation of the project and other components with financial implications.

There were plans by the County to establish multiple weightless centres around the City, however, the same needed political goodwill to be successful.

The sector also stated that non communicable diseases were taking a toll on City residents and there was need to think of preventive measures rather than curative services.

Mr. Speaker, the CEC Member in charge of Health is not very old in the sector. So, what he was basically asking the Implementation Committee is to pass Motions or resolutions on the floor of the House so that the County Treasury can expedite the implementation of what was observed in Pumwani Hospital. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. Let's get response from Manoah Mboku. Do we have Manoah in the House? Okay. Did you manage to get him a copy of the report? Okay thank you.

Hon. Karen you want to respond on the same?

**Hon. Karen Wanjiku:** Mr. Speaker sir, the issue of Pumwani is a very thorny issue and I don't know whether you will wait for Manoah because I don't know the questions that he really asked...because we had a problem with an account, and the free maternity funds. I don't know whether they have been

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addressed because the free maternity money is supposed to go direct to Pumwani so that it can pay for the delivery that are in the quarterly report, but that has not been the case. The money came into the County and they used it to do other things including paying KEMSA Ksh. 40 million with our free maternity money. We were not supposed to change any vote, that is illegal according to the PFM Act. That money was changed and they never changed the free maternity.

Now we are asking ourselves, as representatives of women as Nairobi County, what are the poor mothers doing? If they are going to Pumwani and sent back simply because Nairobi County has misused the money that was sent by the National Government for that purpose, our babies are dying, our mothers are dying because they cannot get that service that is supposed to be free. That issue should be addressed urgently because the maternity money is there but it is being used for other things. The KEMSA money was budgeted for; they should not be paying with the free maternity money because it is specific.

The other issues are good although we are still having problems in staffing in Pumwani maternity, we still have problems in services there because they are saying there is lack of motivation, insecurity but the thorny issue here is the money. How can Pumwani maternity operate with the mothers and the free maternity money? What would you do about it? Thank you.

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

**Hon. Member for Kariobangi North** (Mr. Micahel Wainaina): Thank you, Mr. Speaker. On the same issue, I think we have to concur with Karen because I requested a Statement for the same issue but up-to-date--- because I requested the Statement before we went for long recess, the response is yet to be given to me, so that shows clearly what Karen is saying and the Committee and other Members because I can see people are nodding their head. It is true this money was channeled to other departments or any other use but not to the maternity. So, Mr. Speaker, on the same, I would like if the Chair of the Health Committee is around, I would like to know what happened to my Statement because it has taken long and he had given only three weeks but unfortunately we went for recess. So, from three weeks, now we are talking of months. Mr. Speaker on the same, I would like you to help me, thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Member. Do we have the Chairperson of Health Committee in the House? The vice Chairperson? The Committee Member for Health? Mumo are you able to undertake on behalf of your Committee?

**Hon. Leah Mumo** (Nominated member): Thank you, Mr. Speaker sir. On behalf of the Chairman and the Vice, we are still waiting from the Executive side, they are the people who are delaying us. I promise by next week, we will give a response.

**Hon. Deputy Speaker:** Maybe we will get an accurate response next week, Tuesday on the same. So, maybe pass the information to the Chairperson of the Committee.

**Hon. Leah Mumo:** We promise by next week, Thursday.

**Hon. Deputy Speaker:** Thank you. Your issue has been addressed, Hon. Wainaina please.

**Hon. Michael Wainaina:** Mr. Speaker, she should not come here to say that they will give the response on Thursday yet before we went for recess, they promised to give the report within three weeks. Mr. Speaker, I think the report should come on Tuesday.

**Hon. Deputy Speaker:** The Assembly has taken up the issue. Don't worry; at least they are going to respond in good time, thank you. Yours will come later after we had done with--- Statement requested by the Hon. Gari from the Chairperson of Sectoral Planning and Housing regarding the construction of proposed building behind the Shell Petrol Station along Langata Road on plot No. L.R 209/27360. The Chairperson for Planning and Planning--- Hon. Gari is in the House? Okay, thank you. You may proceed.

### **RESPONSE TO A STATEMENT REGARDING THE CONSTRUCTION OF A PROPOSED BUILDING BEHIND SHELL PETROL STATION ALONG LANG'ATA ROAD**

**Hon. Member for Korogocho Ward** (Mr. Maxwell Ochar): Thank you, Mr. Speaker. This is a response to a Statement requested by Hon. Gari to the Planning Committee. Hon. Speaker sir, on Thursday 2<sup>nd</sup> July 2015, Hon. Maurice Gari, MCA pursuant to Standing Order 41 (2) (c), requested the Chairperson of the Sectoral Committee on Planning and Housing for a Statement regarding the construction of a proposed building behind Shell Petrol Station along Lang'ata Road on plot No. L.R 209/27360. He further asked the Chairperson to inquire into and report on:

1. Authorization for the said development on riparian land; and
2. Individuals responsible for the said approvals.

Mr. Speaker, two units are meant to be put up on the said land. The Committee wrote to the County Executive Committee Member responsible for Planning, Lands and Housing on 6<sup>th</sup> July 2015 requesting to be furnished with a written response to the Statement requested by the Hon. Maurice Gari. The County Secretary responded vide letter ref. No. CPD/ADMIN/0065/DNG/JWK dated 3<sup>rd</sup> September, 2015.

In this regard Mr. Speaker sir, I wish to respond to the Assembly as follows; that,

#### **On the construction of a proposed building behind Shell Petrol Station along Langata Road on plot L.R No. 209/27360**

Mr. Speaker, the County Executive informed the Committee that they received the permission for the development of plot registration No. CPF-AC 718 by Abafifa Hitech Garage that is on Westwood Valley of post office Box Number 1010/00357 Nairobi, through their agent, Peter K. Muraya and there being no planning objection for the development, they approved the development on 1<sup>st</sup> March 2013. The number of units was 54 flats.

Mr. Speaker sir, the Committee visited the said site on 28<sup>th</sup> July 2015 and observed that indeed there was on-going construction of the residential units on the said land, but the Site Clerk was not on site to provide the Committee with the required information. However, the Committee observed that indeed the building was in a potential riparian reserve. To this end, Mr. Speaker, the Committee has recommended to the relevant sector to conduct an audit of all buildings in the County including the one in question for demolition for the safety of the residents.

Mr. Speaker, copies of the response from the County Secretary have been attached herewith for reference. I beg to lay this response, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Maurice Gari.

**Hon. Member for Nairobi West Ward** (Mr. Maurice Gari): Thank you, Mr. Speaker sir. The response to this Statement is good but there is something that the Executive is not telling us because this building lies direct on the riparian reserve which should come down with immediate effect. I agree and I concur with the report from the Sectoral Committee of Planning. This is the first report that the Committee has recommended that the building be brought down. I think they have scored 10% since they were given this job. It is good. So, Mr. Speaker with your direction, I think you should give a ruling because this building will collapse. It should come down, thank you.

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

**Hon. Member for Mukuru Kwa Njenga Ward** (Mr. Alex Mulatya): Thank you very much, Mr. Speaker for catching my eye. In fact, I am very perturbed to hear my learned friend Gari talk of very good recommendations. This is a very serious matter in this City of Nairobi whereby a building is constructed on riparian land which not only can cause the death of people who might occupy it, but also can cause floods in the lower part of this City. It is such buildings that caused floods in South B, South C, Mukuru Kayaba and other areas downstream of Ngong River.

I have a feeling that the recommendations are very shallow and very open. In fact, this Committee should have given us a stern recommendation that the construction should stop with immediate effect. Yesterday, I passed around that area and found out that the construction is still going on. I think the report is not actually good for Nairobians as much as we should be caring for the people of this City. The recommendations should be to stop the construction and do a demolition of that building because definitely it is affecting the livelihoods of Nairobians. Thank you.

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

**Hon. Member for South 'C' Ward** (Ms. Diana Kapeen): Thank you, Hon. Speaker sir. I want to raise my concerns regarding the report. Mr. Speaker sir, I would like to support what Hon. Gari has said. Indeed this is the first report we are receiving from Planning that has got a lot of weight. Mr. Speaker sir,

our rivers are drying, our vegetation is being grabbed daily by people who believe that they can have their cake and eat it. It is very important to note that all riparian land in Nairobi is gone. Mr. Speaker sir recommendation by the Committee that the building should be demolished; it should not just be that one building. There are so many buildings that have been built on riparian land; from Westlands, Lang'ata and very many others.

Mr. Speaker, my only worry though is, will the report be implemented? The Committee paid a site visit, I had expected that the first thing they should have done is to order the relevant department that the construction should be stopped pending the investigations and maybe the demolitions. I however support the report. Thank you.

**Hon. Deputy Speaker:** Thank you. The last one, Hon. Adow.

**Hon. Member for Eastleigh North Ward** (Mr. Osman Adow): Thank you, Mr. Speaker. Even though I do support the report, I have some concerns: Number one, the County Government approved those plans for the person to build.

**Hon. Asman Adow:** ... Mr. Speaker on the strength of the approval, people spent lot of money and resources to put up such a big building on the basis that he was given approval by the County. When somebody is recommending a demolition, they do not also recommend that that person be compensated because it is the same Government that gave him the approval.

My second point is that, if the building is going to be brought down, then what about the people who approved those plans? Why do they approve plans on wetlands when it is illegal? What is being done to punish these people? Thank you.

**Hon. Deputy Speaker:** Hon. Members, I just want to make a comment. I happened to attend one meeting by the Planning Committee and it did come out clearly from the CEC Member that they do not have anything called riparian land. He was categorical and stood by his word. We demanded for further explanation in regards to the same, and he brought in legal issues and the Constitution and that normally on demarcation and deed plans, when someone is given land along the river, it touches from the middle or centre of the river. That is the position. Thank you.

*(Hon. Member stood on a Point of Order)*

Declined!

Yes, Hon. Member!

**Hon. Jacqueline Nyangala:** Mr. Speaker, my name is Jacky Nyangala and thank you. Before I do the following which is a Statement due for today, I would like to make an observation. Mr. Speaker yesterday I did a Statement on the construction on Riverside drive on the pavement that has been---

Mr. Speaker, I need your ear.

**Hon. Deputy Speaker:** You may proceed

**Hon. Jacky Nyangala:** Thank you. I had a Statement for the Planning Committee that was very urgent. There is part of a road used by Members of the public---

Mr. Speaker, you have to finish for me to proceed. That part of the road was dug. Today, there were stones put in the dug place and I understand that the Planning Committee is slated to go there on Monday but I want to say that that will be late because those people will be done by Monday. If it is possible that at least one or two Members go there and check what's going on.

**Hon. Deputy Speaker:** Thank you, Hon. Jacky. Kindly liaise with the Chairperson for Planning Committee and share the same. On the issue on Hon. Gari--- please, Hon. Members, can you sit down, I am on the floor!

Hon. Members, I direct the Implementation Committee to move with a lot of speed on this response by the Planning Committee. Mr. Vice Chair, I find your response quite shallow in a way and less satisfactory and cannot be supported in any way. This is a very serious issue. The Committee visited the site---

*(Hon. Maxwell Ochar on his feet)*

Just sit, Hon. Maxwell

I will have to direct the Implementation Committee to follow up on the issue and again direct that Members of the same Committee take on the issue of Langata Road Building. Thank you.

Hon. Jacky!

**Hon. Jacky Nyangala:** Thank you, Mr. Speaker. There is a Statement that was requested by Hon. Peter Warutere from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the total pending claims for legal fees and the total amounts established to be in excess of 5 billion in Nairobi City County.

Mr. Speaker, we had a meeting with the County Secretary, Mr. Gad Owuoda, the County Attorney and his legal team on Tuesday, a meeting that ran from 11am to 2 o'clock. Mr. Speaker, Hon. Warutere raised other concerns which we will look into and plan to table the report next week.

**Hon. Deputy Speaker:** Can you promise Tuesday, next week?

**Hon. Jacky Nyangala:** Wednesday, next week.

**Hon. Deputy Speaker:** You are noted. Hon. Imwato

**Hon. Member for Makongeni Ward (Mr. Peter Imwato):** Mr. Speaker, I remember sleeping on a wet place as I waited for this report and that is why I have been up and down waiting to contribute. *Mheshimiwa* Gari is my resident MCA and if you give me an opportunity, the magnitude at which---

**Hon. Deputy Speaker:** I have already made a ruling, Hon. Imwato. That input will be brought in at the time when the implementation Committee will be presenting their case.

**Hon. Peter Imwato:** Just a direction from you, Mr. Speaker---

**Hon. Deputy Speaker:** It is not right.

**Hon. Peter Imwato:** It is prudent for you as the Speaker that when you speak, you do not stand up.

**Hon. Deputy Speaker:** Thank you. Hon. Members the following Statements are due for response today Thursday 25<sup>th</sup> February, 2016. I kindly request the House to allow us by pass Statements and if time allows, then we go directly to Order No.8 on the Procedural Motion. Hon. Majority Leader.

## PROCEDURAL MOTION

**Hon. Deputy Speaker:** Hon. Members, I am concerned by the mass movement in the House, we have a very serious business before us. Kindly hold back so that we get to conclude our business.

**Hon. Leader of Majority:** Thank you, Mr. Speaker for allowing me to give this Motion. THAT, pursuant to the provisions of the Standing Order No. 185 (2), this Assembly approves the appointment of the following Members to the Assembly Select Committee on appointments. In addition to the Membership stipulated under Standing Order 185 (1), the Membership is as follows;

1. Hon. David Mberia
2. Hon. Elizabeth Manyala
3. Hon. Ronald Milare
4. Hon. Beatrice Kwamboka
5. Hon. Hashim Kamau
6. Hon. Samuel Kagiri
7. Hon. Daniel Mari

Mr. Speaker, the reason as to why we are reappointing these Committees is because we have the CEC who is going to take over from the previous Hon. Mr. Evans Ondieki and it is very important for the House so as to allow them go for the vetting process latest next week, Wednesday.

I beg to call the Hon. Member of Kariobangi to come and second.

**Hon. Member for Kariobangi North Ward** (Mr. Michael Wainaina): Thank you Majority. I second because it is important to have this Committee. We have some Members who as we speak are only in one Committee.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Imwatok.

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatok): Mr. Speaker, seeing this list, it is the same Hon. Members we had who are very competent to this job and may the House bear with me so that you put the question so that we pass these names please.

**Hon. Deputy Speaker:** Hon. Mumo.

**Hon. Leah Mumo** (Nominated Member): Thank you Hon. Speaker. Well, the names are not fine with me. One, on the side of Jubilee there is no woman there. Please let's observe gender.

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

**Hon. Karen Wanjiku** (Nominated Member): Thank you Mr. Speaker sir. I agree with Hon. Imwatok. The constitution is good but we cannot ignore the fact which Hon. Leah has said because that is under the Constitution article 81(b) we cannot ignore that. We need to vet especially the Chief Officer of ICT. Imagine Nairobi without a Chief Officer of ICT who is approved by this House. We need to vet him/her urgently plus the other Members that we don't have. It is urgent but it doesn't mean that the gender rule should not be observed. I support, thank you.

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

**Hon. Member for Highrise Ward** (Mr. Maurice Akuk): Thank you, Mr. Speaker sir. I stand here to support the Motion. It is very clear that we only need to reconstitute this Committee and this does not imply that we come up with new names, that is why I am in support. I would also like to remind my colleague who stood here and talked of gender. The other one also gave the article within the National Constitution. We are looking at the Committee as a Committee of the House and the composition has that gender requirement which is a third of the population. We are not looking at this Committee in the perspective of Jubilee and CORD. If the Jubilee Members are aggrieved I believe they have their leaders and through the leadership of the Minority Leader they can take their grievances and not on the floor of the House.

**Hon. Deputy Speaker:** Order Hon. Member! Don't mislead the Assembly because at no point has the Hon. Member indicated that there is a grievance. She has just noted and raised a concern.

**Hon. Maurice Akuk:** Mr. Speaker she said here Jubilee has not indicated gender---



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

**Hon. Leah Mumo:** Point of Information.

**Hon. Deputy Speaker:** Hon. Leah Mumo kindly sit down.

**Hon. Leah Mumo:** Point of Information.

**Hon. Deputy Speaker:** Please can you sit down? Declined. Hon. Gari, the final one.

**Hon. Member for Nairobi West Ward** (Mr. Maurice Gari): Mr. Speaker, I think you can call the mover of the Motion to reply.

**Hon. Deputy Speaker:** I think it is upon the House to agree or to disagree. The mover to move and reply.

**Hon. Leader of Majority:** Mr. Speaker, somebody is supposed to be---

**Hon. Deputy Speaker:** Hon. Majority Leader please can you reply?

**Hon. Leader of Majority:** Mr. Speaker I want to reply (Laughing) somebody is supposed to be named in this House and he is always disturbing me when I am--- Mr. Speaker let me just thank Members for accepting but as far as I am concerned this Constitution is very clear about the one third gender rule. It is here, two thirds or one third is just the same. As far as I am concerned, out of these seven we have two: Elizabeth Manyala and Beatrice Kwamboka. In that there is no way you can have two and a half. It is either two or three isn't it? That is the reason why we have gender. There is no question of Jubilee or CORD. I think this is in order Hon. Leah. This thing was made when you were still sleeping. I know you like to sleep and come very late. I thank Members for accepting.

**Hon. Leah Mumo:** Point of Order.

**Hon. Leader of Majority:** There is no Point of Order. It is not granted.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order! Order! Order! Order granted. It is granted.

*(Loud consultations)*

*(Laughter)*

**Hon. Leah Mumo:** Thank you Hon. Speaker. I wish to tell the Hon. Member that he should respect women in this Assembly. I don't think there is any Hon. Member who is a woman who is looking like she is sleeping. If he thinks there is a bed here to sleep then he should come and make it for me I sleep on it.

**Hon. Deputy Speaker:** Order Hon. Mumo!

*(Loud consultations)*

**Hon. Deputy Speaker:** Majority Leader can you conclude.

**Hon. Leader of Majority:** Mr. Speaker I didn't mention anything to do with women I said gender.

**Hon. Deputy Speaker:** Please can you conclude.

**Hon. Leader of Majority:** Okay I thank Members. As far as I know, whether we like it or not I am not the god who created men and women. We should respect that also. Or you don't want to be a woman, just---

**Hon. Deputy Speaker:** Order Majority! Please.

**Hon. Leader of Majority:** I thank Members, just pass it, thank you.

*(Question put and agreed to)*

## MOTION

**Hon. Deputy Speaker:** Hon. Diana, this is a Committee report which takes precedence and then we allow your Motion to come in.

**Hon. Member for Umoja II Ward (Mr. Kingsley Odida):** Thank you, Mr. Speaker. I rise to move the Motion THAT, this Assembly adopts the report of the Sectoral Committee on Children, Early Childhood Education and Vocational Training on the status of Umoja One Nursery, Unity Day Nursery and Simba Day Nursery school of Nairobi City County laid on the table of the Assembly on Wednesday 2nd December, 2015.

**Hon. Kingsley Odida:** Mr. Speaker, so long as our institutions, especially Early Childhood education facilities have been left in deplorable conditions with most of the issues ranging from water, sanitation, staffing and general infrastructural needs---

Mr. Speaker, this report was done by our Committee, and as I move the Motion, I would also like the Members to go through because not only three schools that have been highlighted here; Umoja 1, Unity and Simba Day, I think the issue of education cuts across all the Wards in the County. So, Mr. Speaker, as a Committee, we are planning also to recommend that ECD centres be built in each and every Ward. But in the meantime, this report captures the need that most of the ECD institutions are undergoing. Like I have said, most of the issues are on water, sanitation and even staffing.

Mr. Speaker, as I discuss this report, we would like the Executive to look into issues that were recommended by the Committee. These issues cut across all the Wards. Most of these ECDs institutions need to be addressed in terms of infrastructural challenges, staffing, and even water and sanitation. The Chairman for Water was in the Chambers, I would wish he was here so that even in future, as we plan on

programs concerning water since water is one of the biggest challenges in this ECDs apart from the infrastructural challenges. We would also like the County Executive to look into the issue of providing for free Early Childhood Education because this is not the case as we are talking. Some of the ECD Centres are being repaired.

I urge Members who have these ECD centres in their areas to provide the list of the centres that need to be repaired. Apart from infrastructural challenges, there are mushrooming of other buildings and structures around them, so, the Executive should look into this. Mr. Speaker, concerning the school feeding program, my able Chair, Hon. Kitavi, brought the issue of milk. It is a Constitutional obligation of each and every Government to look into the needs of the children in terms of learning and feeding.

Mr. Speaker, as I move this Motion, the County Executive Committee in charge of Planning and the Inspectorate should come up with a policy to guide in the licensing of structures that are being established around the ECD centres. There is need, as a Committee, in coming up with framework of managing ECD facilities.

With those few remarks, I call upon *Mheshimiwa* Mbogori to second this Motion, thank you.

**Hon. Deputy Speaker:** *Mheshimiwa* Mbogori.

**Hon. Kingsley Odida:** Mr. Speaker, she is not ready, I call upon *Mheshimiwa* Ngaruiya, who is also a Member of the Education Committee, to second this Motion.

**Hon. Member for Kahawa West Ward** (Mr. Ngaruiya Chege): Mr. Speaker, here are some reservations but will come later. I second the Motion which has been presented by the Deputy Chair for Education and Early Childhood. If the recommendations and the observations are found in all the County ECDs, then I support. If they are not only going to dwell on those three institutions that have been presented in this document and it is going to cover all other, then I believe it is a good Motion and I want Members to pass it. It is only that I am not comfortable when you read recommendation 3.0 on Simba Nursery. Down there---

**Hon. Deputy Speaker:** Thank you, Hon. Member. You have seconded the Motion.

**Hon. Ngaruiya Chege:** They are saying they will provide uniforms to teachers, that one I disagree. Thank you, Mr. Speaker.

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

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Imwatak.

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatak): Mr. Speaker--- Thank you my friend, the Deputy Chair. I want to fully support this report on the issue of ECDs. My Ward is amalgamation of three

former Wards; that is Mbotela, Makongeni and Kaloleni. I have more than seven ECDs. I was part of a team which attended a task force on Education at Six Eighty Hotel with the able Vice Chair. What was on the taskforce on Education was so much elaborate to assist us.

Aware that ECD is a devolved function, and you seated, Mr. Speaker, I am aware you served this able County when entire the Education had no definition whether it was a devolved function or a Central function. Then, the City Council Government, even before I came to this House, did a lot in primary schools. But, this sector with only pre-unit classes to manage, there is a problem.

I want challenge my able Vice Chair plus the Chair to go into details on what is really happening because our ECDs are in a pathetic situation. I am singling out Mbotela Day Nursery where a perimeter wall has been built for the last two years.

*(Hon. Diana Kapeen rises on a Point of Order)*

**Hon. Deputy Speaker:** Granted.

**Hon. Member for South C Ward** (Mr. Diana Kapeen): Thank you, Mr. Speaker. The Motion is important piece of legislation. It concerns the 85 Wards of the County. When I look at the seats, the House has no quorum to pass such a very important legislation. We can cannot close and ignore the fact that we have no quorum. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Diana. The Clerk, can you confirm whether we have quorum in the House?

Hon. Members, under Standing Order 32, I direct the Serjeant-At-Arms to ring the bell for 8 minutes.

*(Quorum bell rings)*

**Hon. Deputy Speaker:** Clerk, can you confirm whether we have the quorum? Hon. Members, after the bell has been rung for eight minutes, we still lack quorum in the House. I so direct that the interrupted business to appear on the Order Paper on Tuesday; that is Motion No. 9 and No. 10.

Hon. Members, the House stands adjourned to next week on Tuesday. Thank you.

*(The house rose at 3: 50 p.m.)*