



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Wednesday 29th March, 2016

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Samuel Nyangwara) in the Chair)

PRAYERS

Hon. Deputy Speaker (Mr. Samuel Nyangwara): Hon. Members we don't have a quorum and I direct the Serjeant-At-Arms to ring the bell for 5 minutes.

(The Quorum bell rings)

STATEMENTS

What is it Hon. Nyangala? Order! Statement requested by Hon. Leah Mumo from the Chairperson of the Sectoral Committee on Health Services regarding the Makadara Maternity Hospital. Yes Hon. Chair.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you, Mr. Speaker. Since Hon. Mumo is not yet in the House, I don't think it's in order for me to table this response. Mr. Speaker, I was wondering if Hon. Mumo is in the House, and she has just come. On 24th February 2016, Hon. Leah Mumo MCA, rose on the floor of the Assembly pursuant to Standing Order No. 41 (2c) and requested the

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Chairperson of the Sectoral Committee on Health for a statement regarding Makadara Maternity Hospital. In the statement Mr. Speaker, the Member wanted to know why there is no provision of essential supplies such as drugs, food and water, lack of delivery equipment such as gloves and measures taken by the County Executive to ensure that residents receive proper care and medication in the County hospitals.

Mr. Speaker the Committee wrote to the County Executive Member responsible for Health Services on 25th February 2016 requesting to be furnished with a written response to the statement sought by the Hon. Member. In this regard Mr. Speaker, I wish to report to the Assembly as follows:

Shortage of essential services supplies

Mr. Speaker, the County procures drugs centrally from the Kenya Medical Supplies Authority who distributes to the health facilities according to the quantities ordered. However, rarely are the health facilities supplied optimally resulting in stock-outs due to the payments delayed to KEMSA. Attached herewith is the list and quantity of drugs that Makadara received in their supply on 7th December, 2015.

Further, Mr. Speaker, Makadara is a level 3 health facility which according to norms can only undertake certain procedures and the facility has appropriate basic equipment. Hon. Speaker, there are other stock suppliers for instance food and pharmaceutical items like gloves, emergency drugs that are not supplied by KEMSA and other services like casual labour that the health facilities procure directly using free maternity and user free reimbursement for Treasury.

Mr. Speaker, the last time the funds were dispersed to the health facilities was on 30th June, 2015 for the period November and December 2014 and nearly all of them have since been exhausted and are highly indebted. Makadara Health Center among others is expecting more funds for the maternity reimbursement. For instance, from January to December 2015 the maternity conducted 2,383 deliveries with an expected reimbursement of Ksh.5, 957,500. Mr. Speaker, on measures taken by the Executive to ensure that residents receive proper service delivery, the following efforts are being pursued to ensure the proper service delivery.

- a. Lobbying for the prompt and regular payment of KEMSA for drugs supplied in order to ensure constant and timely medical supplies.
- b. Request to the County Secretary via memo reference CDH/NRB/ACC/HSSF volume II of 20th January to disperse the free maternity funds for November and December 2014 to the health facilities which have already been disbursed to the County Treasury.

The sector requested for an account to enable it deliver service efficiently. The request was granted but the County Treasury has not operationalized it. Mr. Speaker, a copy of the detailed response has been given to the Hon. Leah Mumo who requested for assessment and further copy is hereby attached to this report. Mr. Speaker, I beg to lay this statement. Thank you.

Hon. Temporary Speaker: Hon. Leah Mumo.

Hon. Member for Makadara (Ms. Leah Mumo): Thank you, Hon. Speaker. I rise on this floor to say that I am not satisfied for one. I want the CECs to tell me--- They have been paying lawyers instead of putting money into the health department. Therefore, in short I want to say that I am not satisfied and this in regards to Makadara is not a joke. Women are going without food and they are giving birth. Two, the Nurses do not even have gloves when they are assisting them to give birth. This is not a joke.

Hon. Temporary Speaker: Yes, Hon. Deputy Minority.

Hon. Deputy Minority: Thank you, Mr. Speaker. I wanted to add a rider on that and I believe it is in order. Mr. Speaker, we have an issue in that particular department and the Chair and Committee of Health should be held responsible for what is happening in most of the hospitals in this County. Mr. Speaker, having listened to the Chair very carefully about what is happening in Makadara and what happened in Mama Lucy Kibaki Hospital just the other day, we lost a young life. When I requested for a statement on that there was nothing that was forthcoming. Mr. Speaker, some of the recommendations that we are going to construct an ICU, that we are going to buy ambulances, these are stories.

Mr. Speaker, I think we should know that we do not work for the Executive, we work for the Nairobians and if we do not know why we are here, then I do not know what we are doing here in this House. So, it is upon the Chair and his Committee Members to do thorough work, to investigate to ensure that they come up with a report that is at least satisfying not only to the Member who requested the statement but also to him or herself.

Mr. Speaker, kindly through your indulgence, I think something should be done on all these Committees where they can be taken for a retreat so that they know that whatever they get from the Executive is not what they come and present here. They first of all have to look at it as a Committee so that we can at least move on. Thank you, Mr. Chairman, thank you, Speaker.

Hon. Temporary Speaker: Hon. Luchiri, you want to interrogate the same? Are you on a Point of Order or are you interrogating.

Hon. Member for Kililmani (Ms. Nancy Luchiri): I am on a Point of Order.

Hon. Temporary Speaker: What is not in order?

Hon. Nancy Luchir(Ms. Nancy Luchiri): Mr. Speaker, I just wanted to lament about--- He was actually stating that the Committee Members are not hardworking and they should be taken to task but for your information Mr. Speaker, our committee is very hardworking in the sense that we have been talking about these issues, called all the Executive members on various issues especially on security, drugs and maternity. Therefore we are also worried because there seems to be no response from the other side.

Hon. Temp. Deputy Speaker: Yes Hon. Ochar, kindly respond where Hon. Mumo is not properly informed

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker I do agree with the Chair for Health in terms of the responses that he has shared with this House and this can be confirmed in our gargets. Mr. Speaker, the deputy Minority Leader knows very well that we lack a lot of facilities in the health sector because monies have not been remitted from the National Government where his party is one and as a result he should be ashamed of himself because he is in a position to persuade the National Government to bring monies here. Last but not least I think that it is high time we look at the Committee and the Executive differently. This is because we cannot make them do what we want but we can sanction them here. Their mistakes should not be blamed on us and by that I beg to rest my case.

Hon. Temp. Deputy Speaker: Hon. Members we must bring this particular issue to rest and I would allow the Hon. Member to respond to Hon. Mumo's issue on money given to lawyers in that particular facility. Can you explain?

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Mr. Speaker I am not in a position to respond on that. However the issue on the health department, as my able Chair has just alluded, we as the Committee of health have done our work. We summoned the Executive and they came and told us that they do not have drugs in the facilities. They also told us that they have opened accounts that have not yet operationalized.

Mr. Speaker if these doctors do not have money to run those facilities then how are they going to be operate? It is not my duty as the Chairman to ensure that money goes into the accounts of these facilities but that of the National Government. They must ensure that Counties have monies and we as the Committee are to ensure that those monies have been dispatched to the various facilities and that they are being utilized for the intended purpose. As of now, there is not much that we can say because the National

Government has not given money to the Counties. It is important for the National Government to ensure that that is done so that we as a Committee can hold the Executive responsible for not utilizing that money. Thank you, Mr. Speaker.

Hon. Temp. Deputy Speaker: Fair enough Chair. Hon. Leah Mumo where are you not satisfied? Order Hon. Deputy Leader of Minority. Proceed Hon. Leah.

Hon. Nominated Member (Ms. Leah Mumo): I want to say that I am not satisfied because there is no money as we speak. The National Government gave out money and therefore where is the monies for the County Governments? Why are they paying lawyers? Why are they paying for garbage collection? Why is all that money being taken and yet the health facilities have nothing. Are they telling us to close our hospitals, clinics and health centres?

Hon. Temp. Deputy Speaker: Hon. Mauti, Hon. Leah Mumo is on the floor!

Hon. Leah Mumo: I want them to clearly tell us if we are going to close them down. I am not going to sit down and watch as women and children die while I am seated. I will not be gagged by anyone---

If it is going, I will go out in the streets and even strip in front of them for them to bring money to the health facilities.

Hon. Temporary Speaker: Yes Hon. Jacky Nyagala.

Hon. Jacqueline Nyagala (Nominated Member): Mr. Speaker, I stand on a personal statement.

Hon. Temporary Speaker: Order! Can we exhaust this particular issue first? Yes Hon. Karen.

Hon. Karen Wanjiku (Nominated Member): Mr. Speaker, the issue of health is very paramount. You are a member of our Committee and you know the work we have done in our Committee. We are only legislators. We are not implementers. It is unfortunate that a Member can stand here and blame the Committee, the very hardworking Committee, the Committee that has shown development in Nairobi County. I have a proof in our Ward, Njiru. They gave us 20 million for maternity equipment. And in our other facilities, they have rehabilitated.

Mr. Speaker sir, recently we have complained about the free maternity money that was given by the National Government only for the County Government to divert that money. Is that our job? We have done our job Mr. Speaker sir and what is remaining now is to go the Finance Office and know why KEMSA is not being paid so that we can get drugs if that is what it takes. We cannot be blamed for nothing. Mr. Speaker sir, we have done our work. We are not implementers. Thank you.

Hon. Temporary Speaker: Hon. Chair, you are contradicting yourself. Can we get a clear answer on the same?

Hon. Manoah Mboku: Mr. Speaker, I have said it clearly that facilities are headed by Medical Superintendents and the in-charges of hospitals. Mr. Speaker, if the in-charges of those hospitals are not getting money, how do you expect them to run those facilities? They have not been given money to run those facilities.

Hon. Temporary Speaker: Order! Hon. Chair. You are contradicting yourself.

Hon. Manoah Mboku: I am not, Mr. Speaker.

Hon. Temporary Speaker: Order! Are you in agreement with what Deputy Leader of Minority was saying?

Hon. Manoah Mboku: No, Mr. Speaker. What I am saying is that we have done our job. We invited the Executive. They told us the problem they had. Mr. Speaker, the maternity money that came, the County had a lot of debts and we were told by the Executive that that money paid KEMSA. We did agree with them in---

Hon. Temporary Speaker: Hon. Chair, when are you going to make sure that money has been remitted to that particular hospital?

Hon. Manoah Mboku: Mr. Speaker, we have another meeting tomorrow with the Executive. Probably in that meeting we will have more details regarding this issue of Hon. Mumo and we will have to respond to her---

Hon. Temporary Speaker: You will have to bring this particular issue. Make sure you invite the Hon. Deputy Minority Leader to that meeting. And Hon. Deputy Minority, so I expect tomorrow in the afternoon, we revisit this particular issue. Is that okay with you? Thank you. Hon. Jacky Nyagala, you have a personal statement?

Hon. Jacqueline Nyangala: Yes Mr. Speaker. I have a personal statement that is of concern to me personally. I would like to inform the Hon. Members that contrary to speculations on Hon. Elizabeth Manyala, she is truly in Nairobi Hospital receiving medical attention. I would urge us to send her a message of quick recovery and prayers for the same.

Hon. Temporary Speaker: Thank you Very much.

Hon. Jacqueline Nyangala: Mr. Speaker, if I could say something on the same.

Hon. Temporary Speaker: Out of the personal statement?

Hon. Jacqueline Nyangala: No, it is the personal statement.

Hon. Temporary Speaker: But you are already done with your personal statement.

Hon. Jacqueline Nyangala: Mr. Speaker, can you just let me say something?

Hon. Temporary Speaker: Order Hon. Members! Order! This is a personal statement and the Hon. Member forwarded the personal statement. I don't see the reason as to why you could have not given that information you want to give now.

Hon. Jacqueline Nyangala: Mr. Speaker, I just want to say that Hon. Members should desist on sending messages on social media. This is somebody who is sick, might get into a depression, the kind of messages she is seeing are not good and they are coming from Hon. Members. It is very unfortunate that the Hon. Members can actually think that she went to hospital deliberately for nothing. She stayed there for the 24th. She was supposed to be discharged on Sunday. It was not possible. I saw her yesterday. She might go out of the country for surgery. She might lose one eye. Mr. Speaker, it is not a joke. Thank you.

Hon. Temporary Speaker: Thank you very much. Hon. Jacky Nyangala that is wonderful information you have given. I don't see the reason as to why you should not put it on your statement. Thank you very much. Yes Hon. Kamweru? Do I have your statement?

Hon. Rachael Kamweru (Nominated Member): Mr. Speaker, Pursuant to Standing Order No. 60 I wish to make a Personal Statement regarding alleged cases of Gender Based Violence amongst Members.

Hon. Speaker, the County Assembly has suffered negative publicity over the last few weeks due to the widely publicized alleged cases of Gender Based Violence. As you are aware Hon. Elizabeth Manyala, MCA was recently hospitalized at Nairobi Hospital after suffering bodily injury allegedly harmed and inflicted by the Majority Leader.

Hon. Temporary Deputy Speaker: Order! Hon. Rachael Kamweru!

Hon. Rachael Kamweru: Yes I have said alleged

Hon. Temporary Deputy Speaker: But are you aware you are not supposed to mention names of Members without..... (*Loud Consultation*) Order! Proceed! Hon. Kamweru.

Hon. Rachael Kamweru: Hon. Speaker, the forgoing issues regarding the safety of Ladies Members in the County Assembly. This goes contrary to our vision which should be the most effective Legislature in promoting good Governors in Africa and beyond.

Hon. Speaker, even worse the crucial Committee meant to deal with the forgoing matters is yet to be reconstituted. The roles of Powers and Privileges Committee members have not been reconstituted. In regarding the conduct and privileges of Members in the Assembly cannot be over emphasized. Parliamentary Privileges exist for the purpose of enabling orderly conduct of Members in executing their mandate.

Hon. Speaker, in the absence of the Powers and Privileges Committee and in the light of the fact that alleged assault happened within the premises of the Assembly precincts and keeping in mind the reputation of the Nairobi County Assembly and its members is at stake, I want to urgently request Mr. Speaker, to invoke your discretion and here I mean discretion on Standing Order No. 1 which read as follows *"In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the County Assembly, any procedural question shall be decided by the Speaker"*. The reason why I have written your discretion is because we do not have the Powers and Privileges Committee Members in place, and considering constituting an independent team to look into allegations and circumstances around the alleged assault of Hon. Manyala and possibly to be reported back to the Assembly as soon as possible.

Hon. Speaker, if you look at article 185 of our Constitution tied together which gives legislative authority tied together. I would like you to check on your County Government Act 14 (1) (a) and (b) whereby it says *"may make standing orders consistent with the Constitution and this Act regulating the procedure of the county assembly including, in particular, orders for the proper conduct of proceedings; and (b) subject to standing orders made under paragraph (a), may establish committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established"*.

The reason I am requesting for an independent team is for a special purpose as this and it is anchored under law, it is anchored under article 185 of our Constitution under 14 of the County Government Act and anchored under our Standing Order No. 1.

(Applause)

Hon. Speaker, I wish to exploit from you discretion and I would also wish to elicit your direction on this Matter on Hon. Manyala thank you.

(Applause)

Hon. Temporary Deputy Speaker: Thank you Hon. Rachael Kamweru, I will treat that particular issue as a personal statement and under Standing Order No. 80 concerning personal Statements, there is no debate and there is no question that is supposed to be put so. I think you can approach the Speaker at his Office and you can explain that particular issue. *(Loud Consultation)* We cannot debate on that particular issue and you cannot seek under personal statement you cannot seek the Chair to give directions.

(Loud Consultation)

Hon. Leah Mumo (Nominated Member): Point of Information!

Hon. Temporary Deputy Speaker: Hon. Leah Mumo, you cannot engage the Chair! (*Loud Consultation*) can we, proceed Clerk! Statement requested by Hon. Elikana Mauti from the Chairperson of Select Committee on Ward Development Fund regarding the lack of implementation of amendment of Ward Development Fund. Order! Hon. Deputy Leader of Minority, Hon. Kamweru has just left the floor under Standing Order No. 80 (*Loud Consultations*) Hon. Jaffer of Ward Development Fund.

Hon. Temporary Deputy Speaker: ... statement requested by Hon. Elkana Mauti from the Chairperson of the Select Committee on Ward Development Fund regarding the lack of implementation of amendment on Ward Development. Hon. Deputy Leader of Minority. Hon. Kamweru has just left the floor under Standing Order number 80.

(Loud consultations)

Hon. Temporary Deputy Speaker: Hon. Chair of---

(Loud consultations)

Hon. Temporary Deputy Speaker: Hon. Chair of Ward Development Fund. Are you responding?

Hon. Member for Kariobangi North Ward (Mr. Michael Wainaina): No. I just want to inform you Mr. Speaker that this is a very weighty matter and the Hon. Member is suffering in hospital so you should give a direction.

(Loud consultations)

Hon. Temporary Deputy Speaker: Order Hon. Wainaina! I have a lot of respect for you being an Assistant Deputy Whip in the Minority side. I don't expect you to engage the Chair, even approaching the mic without getting permission from the Chair. It's quite unfortunate. I give you the last warning.

Hon. Leah Mumo (Nominated Member): Point of Information.

Hon. Temporary Deputy Speaker: Who do you want to inform Hon. Leah?

Hon. Leah Mumo: This House.

Hon. Temporary Deputy Speaker: Yes Hon. Mumo.

Hon. Leah Mumo: Thank you Hon. Speaker. I want to inform this House that that is a weighty matter. We should adjourn and discuss because I have been a victim in this House.

Hon. Temporary Deputy Speaker: Order Hon. Mumo! Can you take your seat?

Hon. Leah Mumo: Then the Clerk can advise us.

Hon. Temporary Deputy Speaker: Order!

Hon. Leah Mumo: Then the Clerk can give us direction.

Hon. Temporary Deputy Speaker: Order! The issue that Hon. Kamweru brought to the House was a personal statement. If you want to engage the Chair and I have already made a ruling on the same I'll take action against you. Can we proceed? Chairman for Ward Development Fund. Are you answering on his behalf? Hon. Member, who is the Chair for Ward Development Fund?

(Hon. Temporary Deputy Speaker consults with the Clerk)

Hon. Members, these statements are due and I expected the Hon. Chair for Ward Development Fund to give us the status of this particular issue. The person who is also supposed to give us the status is the Chairperson for Planning and Housing regarding Hon. Diana Kapeen's statement on the illegal upcoming construction of shops and cutting down of trees on public land at Al Karim Estate in South C. also, the Chair of Justice and Legal Affairs regarding the improper use of Nairobi City County logo. A statement requested by Hon. Mike Obonyo. Hon. Chair can you give us the status or you want to respond?

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Yes, thank you Mr. Speaker for giving me this opportunity. The status of this report is that the Committee will go for a site visit. We were disrupted a little bit because of the holiday and we have not received any communication from the Executive. By next week on Tuesday we shall give our response, thank you.

Hon. Temporary Deputy Speaker: Fair enough. Hon. Chair for Justice and Legal Affairs.

Hon. Member for Parklands Ward (Mr. Jaffer Kassam): Thank you Mr. Speaker, I wish to request from your Hon. Chair more time because we had the Easter holiday. As it is it constitutes an offence but we want to have a legal statement from the department which should be due on Thursday afternoon for response, thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: Fair enough. Yes, Hon. George Maina.

Hon. Temporary Deputy Speaker: Fair enough, yes Hon. George Maina

Hon. Member for Umoja I Ward (Mr. George Maina): Thank you Mr. Speaker, I wish to respond to the statement but we are still working on these amendments but I urge you to give me more time. We give you a comprehensive answer tomorrow at 2.30 p.m.

Hon. Temporary Deputy Speaker: Fair enough, tomorrow 2.30 p.m. He is the Vice Chair of that particular Committee and he has said tomorrow 2.30 p.m. Hon. Members Hon. Rachael Kamweru has approached the Chair concerning the Chair invoking Standing Order 1 regarding the issue of formation of Powers and Privileges Committee and I promised to give that particular direction tomorrow 2.30 p.m, thank you.

MOTION

Hon. Kennedy Oduru: Thank you Mr. Speaker sir, aware that Article 32(2) of the constitution states that every citizen has a right of access to information held by any person and required for the exercise or protection of any right of fundamental freedom. Further aware that Nairobi City County government has many devolved offices under various departments; concerned that some departments in the City Hall main building have offices at City Hall annex which are not well labelled for identification hence leading to futility by members of the public in accessing information and services at the County offices; noting that the main function of the County government is to provide services to County residents; this Assembly urge the County Executive to provide strategic direction to each County office and information desk located strategically at every entry point at County offices in order to direct members of the public to various offices and hence enhance efficient service delivery.

Mr. Speaker sir as you know that the Executive have got several offices in localities in same sectors, some are in City Hall the main building and some are at City Hall annex, even Hon. Members are being confused to which direction they access the services to, for example you see that there is lands office, its main Executive office is in City Hall building while the other sectors are lying on the other sides so it is very very difficult to access the services.

This is why there is need for the Executive to establish a directive desk, customer care desk to direct the people. This will enable even those people who cannot access or bring or pay or know the direction where they would be taking their services. This will enhance in getting revenue because most of the public come here to pay services maybe for things like rent and some approvals but it becomes a little difficult to locate direction since the best offices are not labelled well.

Even where they should get these services the directions are not clear. This as well will assist in security, as you know the situation of Kenya there should be need for customer care so that someone should be directed and there he should say where he is going to. It should be well known but in our place that is not the case, you get that people are just moving anywhere in any direction without a proper channel of services.

So this is why I or the House should urge the Executive to label because it is going to assist in revenue collection, other services even the information accessing and also the security. So with those few remarks I would like to call upon Hon. Samwel Irungu of Komarok who is our best friend to second the Motion, than you Mr. Speaker.

Hon. Member for Komarok ward (Mr. Samwel Irungu): Mr. Speaker I beg to second

(Question proposed)

Hon. Nominated Member (Ms. Karen Wanjiku): Thank you Mr. Speaker sir I beg to support this noble Motion. Indeed we have got people having problems especially in City Hall annex building and I want

to set example in 9th floor where we have our Education department. We don't have any labeling, we are told to go to 9th floor and probably that day the lift is not working. You go up and down, you reach 9th floor, you look for something written 'Education' you don't see, you move up and down and the only place you can see labelled is the 'Inspectorate'. We need to label those departments because the departments are meant for the public, not for the officers, I support.

Hon. Temporary Deputy Speaker: Yes Hon. Pius Otieno

Hon. Member for Sarangombe ward (Mr. Pius Otieno): Thank you Mr. Speaker I would wish to draw your attention to Standing Order 30 and inform you there is not enough quorum to transact this business

Hon. Temporary Deputy Speaker: OK, order. Under Standing Order 30 that particular issue...order, order. Can I call the mover to reply? Can you revisit your Standing Order Hon. Otieno before you stand again? Hon. can you reply? Proceed.

Hon. Kennedy Oduru: Thank you Mr. Speaker sir, as the House stands it seems they are very much in agreement with the Motion. This is a very important Motion. It is going to assist us if implemented fully, so am very much grateful for the support that the Honourable House has given to this noble Motion. Thank you much Mr. Speaker sir.

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Hon. Members the House Business Committee to meet at the foyer immediately after this. The House stands adjourned till tomorrow 2.30 pm.

(The house rose at 15.34 p.m.)