



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Thursday 16th February, 2017

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Ken Ng'ondi) in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

Hon. Deputy Speaker: Hon. Members, I would wish to make a communication. This is on statements time. I am kindly requesting the Hon. House to be in agreement to save time. If any Member had requested a response on a statement and is in concurrent with the report as indicated or as presented, then you only need to affirm to the House that he is indeed in agreement or to register his displeasure with the report so that we can save time rather than going through the whole report again. I think that is okay with you Hon. Members. Thank you very much.

PAPERS

REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE CONSIDERATION OF NAIROBI CITY COUNTY EMERGENCY FUND REGULATIONS

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you Mr. Speaker. Pursuant to section 116 of the Public Finance Management Act, 2012, I beg to lay the following paper on the Table of the Assembly today Thursday 16th February 2017; The Report Of The Select Committee On Delegated County Legislation On The Consideration Of Nairobi City County Emergency Fund Regulations. I lay.

Hon. Deputy Speaker: Thank you Hon. K'Otieno. The Chair for Early Childhood [committee]? Which is that? You may proceed.

REPORT OF THE SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING ON THE STATUS OF THE ECD CENTRE AT KAMOROCK AND NJIIRU PRIMARY SCHOOL OF NAIROBI CITY COUNTY.

Hon. Ruth Njeri (Nominated Member): Mr. Speaker, pursuant to Standing Order no. 180 (6), I beg to lay the following paper on the Table of the Assembly today Thursday 16th February 2017; The Report Of The Sectoral Committee On Children, Early Childhood Education And Vocational Training On The Status Of The ECD Centre At Kamorock And Njiiru Primary School Of Nairobi City County.

Hon. Deputy Speaker: Thank you Hon. Member. Labor Committee?

REPORT OF THE SELECT COMMITTEE ON LABOR AND SOCIAL WELFARE ON THE INVESTIGATION ON THE COUNTY HEALTH WORKERS ISSUES, INTERDICTION OF SIX OFFICERS FROM THE INSPECTORATE DEPARTMENT AND MR. BENARD MOI MULI'S TERMINATION FROM DUTY

Hon. Asha Abdi (Nominated Member): Pursuant to Standing Order no. 180 (6), I beg to lay the following paper on the Table of the Assembly today Thursday 16th February 2017; The Report Of The Select Committee On Labor And Social Welfare On The Investigation On The County Health Workers Issues, Interdiction Of Six Officers From The Inspectorate Department And Mr. Benard Moi Muli's Termination From Duty. Thank you Mr. Speaker.

Hon. Deputy Speaker: Thank you.

NOTICES OF MOTION

ADOPTION OF REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY EMERGENCY FUND REGULATION 2017

Hon. Pius Otieno: Thank you Mr. Speaker once more. I beg to give a notice of the following motion. That this Assembly adopts the report of the Select Committee on Delegated County Legislation on the Consideration of the Nairobi City County Emergency Fund regulation 2017 laid on the Table of the Assembly today Thursday 16th February 2017. Thank you Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. K'Otieno. Early Childhood? Labor? You need to give a notice of motion. Early Childhood, kindly come and get a notice of motion from the desk of the Clerk.

ADOPTION OF REPORT OF THE SELECT COMMITTEE ON LABOR AND SOCIAL WELFARE ON THE INVESTIGATION OF THE COUNTY HEALTH WORKERS ISSUE, INTERDICTION OF SIX OFFICERS FROM THE INSPECTORATE DEPARTMENT AND MR. BERNARD MOI MULI TERMINATION FROM DUTY

Hon. Asha Abdi: Hon. Speaker sir, I beg to give notice of the following motion. That this Assembly adopts the report of the select committee on Labor and Social Welfare on the investigation of the County Health Workers issue, interdiction of six officers from the inspectorate department and Mr. Bernard Moi Muli termination from duty, laid on the Table of the Assembly today Thursday, 16th February 2017.

Hon. Deputy Speaker: Thank you Hon. Member.

ADOPTION OF REPORT OF THE SECTORAL COMMITTEE ON EARLY CHILDHOOD AND VOCATIONAL TRAINING ON THE STATUS OF ECD CENTERS IN KAMOROCK AND NJIIRU PRIMARY SCHOOL OF NAIROBI CITY COUNTY

Hon. Ruth Njeri: Mr. Speaker, on behalf of the Chair, Early Childhood, I beg to give notice of the following motion; that the Assembly adopt the report of the sectoral committee on Early Childhood and vocational training on the status of ECD centers in Kamorock and Njiiru Primary School of Nairobi City County laid on the Table of the Assembly today Thursday 16th February 2017. I beg to lay.

Hon. Deputy Speaker: Thank you.

STATEMENTS

ILLEGAL SERVICE CHARGES BY NAIROBI CITY COUNTY


Hon. Deputy Speaker: The Chairperson for Water and Sanitation Committee regarding illegal charges by the Nairobi City County. This statement was requested by Hon. Ngaruiya Chege. Hon. Ngaruiya Chege, have you got the report? Are you in agreement with the report or there are areas you need to highlight?

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Which report? This is a new statement.

Hon. Deputy Speaker: Is it a request you want to make?

Hon. Ngaruiya Chege: Hon. Speaker, pursuant to Standing Order 41 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding illegal charges by the Nairobi Water and Sewerage Company in this county.

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Hon. Speaker, there have been numerous complaints made by residents that the Nairobi Water and Sewerage Company is illegally penalizing residents Ksh. 1,000 for defaulting to clear their bills by 1st of every month. So, Hon. Speaker, in the statement the Chairperson should inquire into and report on;

- 1) Confirm the existence of such charges by Nairobi Water and Sewerage Company
- 2) Who gave Nairobi Water and Sewerage Company the authority to implement such charges without the approval of the County Assembly
- 3) The measures put in place by the County Executive to stop such extortion and possible refund of extra charges by Nairobi Water and Sewerage Company to Nairobi residents.

Thank you.

Hon. Deputy Speaker: Thank you. You are in order. Hon. Alex.

Hon. Member for Mugumoini Ward (Mr. Alex Otieno): Thank you Mr. Speaker. As we said earlier, due to time factor, I will have the report by Thursday next week.

Hon. Deputy Speaker: Thank you Hon. Member.

Hon. Alex Otieno: Mr. Speaker, there are two statements that I was supposed to have given yesterday. I think today I am loaded and if allowed, I can give or read the statement.

Hon. Deputy Speaker: Hon. Member, we are all in agreement that we need just to get a confirmation from the Member who requested for the statement. Is Elkana Mauti in the House?

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): I am here.

Hon. Deputy Speaker: Can you share your findings on the report with the House please?

Hon. Elkana Mauti: What I have is only from Early Childhood.

Hon. Deputy Speaker: No. The first one, which was directed to the Water Committee.

Hon. Elkana Mauti: They have not shared with me.

Hon. Deputy Speaker: So, Hon. Alex, the Member is disputing having received any report from the Water Committee.

Hon. Alex Otieno: Mr. Speaker, our meeting of 17th, that is November last year we had a meeting and we had invited the Hon. Member. And in attendance, if I may read, Eng. Christine Ogotu, Mr. Kainga, Hon. Elkana Mauti MCA, Hon. Ngaruiya Chege MCA. Mr. Speaker, we discussed and we all agreed.

Hon. Deputy Speaker: So he has the report with him?

Hon. Alex Otieno: He is supposed to be having it.

Hon. Deputy Speaker: Hon. Elkana, please, can you help us save time?

Hon. Elkana Mauti: Mr. Speaker, I am very much worried when the Chairman clarified to the House that I have a report. I don't know what I have. Verbal or written report? Like the Early Childhood Committee have given me their report, where is your report?

Hon. Deputy Speaker: So you have not been given the report?

Hon. Elkana Mauti: No. Mr. Speaker.

Hon. Deputy Speaker: Okay. Can you allow the Member to proceed or you must get the report first?

Hon. Elkana Mauti: Let me get the report first.

Hon. Deputy Speaker: Thank you. Hon. Alex.

Hon. Alex Otieno: Mr. Speaker, I can hand over the report to him even now.

Hon. Deputy Speaker: But that will not serve the purpose. Just organize yourself and you will read the report next week on Tuesday. Can we move to the second part? Hon. Hashim Kamau, are you in the House? Do you have the report from Water Committee?

Hon. Member for California Ward (Mr. Hashim Kamau): Yes Mr. Speaker. I have it and I am satisfied with the respond.

Hon. Deputy Speaker: So we may proceed. Part 'c', statement requested by Elkana Mauti directed to Early Childhood. Hon. Elkana, are you okay with the report?

Hon. Elkana Mauti: I am not okay.

Hon. Deputy Speaker: What is the issue?

Hon. Elkana Mauti: Number one, I think they have not followed the law because we had containers and ---

Hon. Deputy Speaker: Can you take us through the findings of the committee please?

Hon. Elkana Mauti: They have informed us that they have given to each constituency and here in the House we are not representing constituencies or sub counties. We are representing Wards.

In the budget we read, it was specifically to every ward. It means they have neglected other wards. We would like to know who changed the intention of the House. Where was the advert put? When was it advertised in the newspaper saying that they have changed from containers to blocks? We didn't see

that. Containers were mentioned in the budget. It therefore means that they have diverted the intention of the Assembly. The committee has not verified who changed. There were some ECDs which started and are stalled right now. This means that they don't care the education of other wards. I don't know how special some wards are over others. We would like to have that clarification.

Now, you have heard about the advertisement which was made by IEBC and ruled out by the court. It did not follow the law. Anybody who made the change will have to be in for it. We cannot approve anything here as Assembly, have it advertised and you divert the advert. We can say that they have some interest. I am worried whether we have the committee of Early Childhood representing the house. If they have seen that there is a diversion and they have not taken any action, let the committee be informed that there is no following of the law. Because anything that changes within the budget will come back to the Assembly for approval which they have not done. Mr. Speaker, I am worried whether I am representing Embakasi South Ward. A child of four years travelling from Mkuru Kwa Reuben---

Hon. Nominated Member (Ms. Jacqueline Nyangala): Point of order Mr. Speaker

Hon. Deputy Speaker: Point of order granted

Hon. Elkana Mauti: ...up to the airport

Hon. Deputy Speaker: Order member! There is a member on a point of order

Hon. Jacqueline Nyangala: Mr. Speaker for purposes of moving forward, shall we agree that the Hon. Member take back the response to the committee so that he can be satisfied. Thank you.

Hon. Deputy Speaker: He is just about to conclude. Hon. Mauti, kindly save us time

Hon. Elkana Mauti: Mr. Speaker point of correction, we are representing the Assembly. I asked this question on behalf of the Assembly because we are representing Nairobi's


Hon. Deputy Speaker: That is noted

Hon. Elkana Mauti: This is the House which discussed matters regarding Nairobi's. I do not agree with the committee Mr. Speaker. They have said that the Executive gave them the report and so I am worried as to whether they did their own investigation. As a committee, you should be able to conduct your own investigations and compare with what the Executive has given you. Should we believe the word of mouth that has been given by the Executive? Mr. Speaker I am not satisfied with the response. Let the Executive go back and bring us their findings and the solutions while mentioning to us who has diverted what the Assembly approved.

Hon. Deputy Speaker: Hon. Ngaruiya

Hon. Patrick Ngaruiya: Mr. Speaker, if I may add to what the Hon. Member is saying. I do not know why he is misleading this house. I am a member of that particular committee and we did exactly visit

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all those particular sites where those ECD centres were to be established. As we come to the end of our term Mr. Speaker, I think and believe that these particular projects will never happen. I think that everything has been cancelled and it is going to be started from zero. And so if he waited for an ECD centre to be established in his Ward then let him be aware that there is no such project about to take place in the near future. Thank you.

Hon. Deputy Speaker: Hon. Ngaruiya this is the kind of information the member was seeking. It is not even captured in the report that there was a cancellation of the ECD centers.

Hon. Patrick Ngaruiya: It is cancelled Mr. Speaker. He should also be having that particular report from the chairman because this is something that we have dealt with conclusively. We have dealt with it as a committee to ensure that every member in this particular house is satisfied with that project. He should therefore inquire more. Thank you.

Hon. Deputy Speaker: Thank you.

Hon. Nominated Member (Ms. Karen Wanjiku): Mr. Speaker sir, the Hon. Member visited our committee and we took more than six hours explaining to him. We even called the Executive and the message was clear. The CEC member told us that the container project had been cancelled and that they were now looking at a new contractor to have the ECD's done permanently. This is because as per our investigations as a committee, it was decided that the size and environment of the container amongst other things were wrong and so it was decided that it be done permanently.

Hon. Deputy Speaker: Thank you.

Hon. Elkana Mauti: Mr. Speaker that is what I was saying. There is total illegality in what the Education guys have done. They say it has been cancelled yet it was approved by this House. Who cancelled it? An approved ECD of 17 schools has been cancelled? Mr. Speaker this is a lie. If there is a conflict of interest within the committee then let us know.

Hon. Deputy Speaker: There is a member on a point of order

Hon. Pius Otieno: Mr. Speaker allow me to add my voice in this saga. I would wish that members of this House understand that Nairobi County Government is not an exceptional Government from the rest. Having said so, I was expecting that committee on Education to give us a communication that is well documented saying that the cabinet of Nairobi County Government sat on such and such a date, passed a resolution on this matter and what led to the passage of that resolution were these facts a, b, c and d. the Government is a bureaucratic institution which should be backed up by documentation. That is what that particular committee should have presented before this house. When the Cabinet sat, when was the contract cancelled? When it will be awarded afresh and the reasons? We cannot rely on what is being said by word of mouth, it may be here say.

Hon. Karen Wanjiku: Mr. Speaker sir, the documents are there. If you check on the report then those reasons are there. You are not the one who requested for the response, and the one who asked for the response has them. He came to the committee and we discussed in full. The work of the County Assembly and our committee is to investigate and we did that. We gave our report detailing our observations and the recommendations. We are also not implementer's and therefore for those other questions he should ask the Executive.

Hon. Elkana Mauti: I wish that the member agrees with me that they have not followed the law. She said clearly that the Executive told them that they are looking for a contractor.

Hon. Deputy Speaker: Order Hon. Elkana! What kind of law are you referring to?

Hon. Elkana Mauti: Procurement Act 2013 and the Public Finance Act which states that work should be advertised and put in an advert. Therefore what formula is the Executive using to look for that contractor and yet they have not placed an advert? The only advert that was put was of the containers, and so now how has it changed to permanent structures? That is what we want them to tell us. They have not investigated properly.

Hon. Deputy Speaker: Thank you Hon. Member. For the sake of the House and the entire Assembly, I direct that the Chairman for Early Childhood and Vocational Training to prepare a substantive report on this so that we may get details of what exactly the Hon. Member is talking about. There seems to be a contradiction on the issue. Therefore on Tuesday next week, the committee--- Excuse me?

Hon. Member for Kariobangi North Ward (Mr. Micheal Wainaina): Thank you Mr. Speaker. We are talking of a very serious issue here and if the committee members are not jokers then they have been compromised. Mr. Speaker we are talking of a budget of about Ksh. 300 Million for the year 2014/15. They are telling us here verbally that the contract was changed; then if they were not compromised then they should take this very seriously.

Hon. Deputy Speaker: That is why Hon. Member I have directed the committee through the Chair to get down on this issue and get a substantive position on the report. So that next week on Tuesday we get a clear position on this issue. Thank you.

Hon. Michael Wainaina: Okay Mr. Speaker.

Hon. Deputy Speaker: Can we proceed to roman 'e'. Hon. Ngaruiya Chege you had requested for a statement from the department of Roads and Public works. Have you received the report? Are you okay with it?

Hon. Patrick Ngaruiya: Mr. Speaker, I have received the report given to me by the Chairman himself. If you go through this particular statement, it is not offering any particular statement. The reason as to why a Hon. Member like myself keep requesting for graders is because my Ward does not have any tarmacked road and the only thing I can rely on is these graders. So when the County Executive gives a

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response that from last year March, they have not procured tires for graders then that says that they are not serious. They say that they are hiring graders at a cost of Ksh. 16 million and yet they can fix the ones that were already sold to them by Acheris Company at Ksh. 46 million. Then this shows a County Executive that has no plan and agenda for this County.

As much as I may disagree or agree on this report there is nothing new that they can offer. Remember when we were elected and the County Executive asked that we propose five roads in every ward. Due to lack of plan and budgeting, none of those roads have ever been tarmacked since 2013. These issues have become a formality and that is why I told my friend Hon. Elkana he will continue to fight for these particular projects and yet they are managed by the Executive. These Chairmen's hands are always tied.

If this particular County Executive has the interests of people at heart then they should prioritize some issues. I do not see the reason as to why graders are procured and the company that sold it to them comes for them. I know that if the Chairman is to stand here before us he will attest that it is indeed true that the said graders are still being withheld by this particular company. Why can't they auction the three graders that are lying at highways? We will continue to agitate for development for the benefit of the *mwananchi* who are suffering.

The Finance Bill that we suspended is being implemented and MCA's are being accused on the ground for having passed it. The Executive collect money from the public and they do not offer services to the same public. I do not know what we can do as a house because we are exhausted and time is running out. I believe that both the chairmen and ourselves have raised up our arms because there is nothing much that we can do at this particular juncture. Mr. Speaker, much as the report is here with me, I do not have to keep on pushing the Chairman for Transport and yet nothing is going to be done. Thank you.

Hon. Deputy Speaker: Chairman for Transport, can you comment on the frustrations of the Hon. Member? You have not pressed your microphone.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Hon. Speaker sir. What my brother has said is very much right. He has not disputed on the report but concurred with it. Whatever it is that he sought has been answered. Two years down the line in our recommendations, we said that there is need to have the Treasury devolved so that we can spend in our departments. We also recommended that the old graders be auctioned way back and nothing was done to that effect.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Point of order, Mr. Speaker.

Hon. Deputy Speaker: Yes Hon. Warutere!

Hon. Peter Warutere: It is disgusting to say the least, that the Chairman can stop this House and start lamenting of his in action. He is the Chairman, in fact in our class yesterday in the University, I

reminded the Chairman that we must fight from the front, and it is not in order for a Chairman of a Committee to come to the House and tell us that they cannot act.

He has the power, he is the power and this has been going on for too long and the end is now. We don't expect such lamentations as it was in the songs of Solomon, which should not be brought into this House. We expect actions from him the least that we can expect is him to give us some solutions. It is indeed disgusting that it is coming from a Chairman.

(Inaudible)

Hon. Deputy Speaker: Hon. Chairman, what you need to tell the House is how we can get out of this entire circus. Can you provide the House with a solution because the response as contained in your report seem it has a lot of frustrations? As the Chairman indeed it lies with you as the Chairman. So can you provide with the solution as the Chairman please.

Hon. Kennedy Oduru: Hon. Speaker sir, this is what I have just stated that if you keenly heard what Hon. Chege Ngaruiya stated, he was even in the Budget Committee whereby all this things even himself he has just stated.....

Hon. Deputy Speaker: No, you are passing the blame to the Budget Committee.

Hon. Kennedy Oduru: Exactly its implementation, because whatever we have discussed are not implemented.

Hon. Deputy Speaker: Hon. House you can pick that now. *(Laughing)*

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Point of order Mr. Speaker

Hon. Deputy Speaker: Granted Hon. Mauti.

Hon. Elkana Mauti: The Chairman has not understood what he was asked?

Hon. Deputy Speaker: Order! Member that is unparliamentarily, can you withdraw.

Hon. Elkana Mauti: I withdraw and I apologies.

Hon. Deputy Speaker: Thank you.

Hon. Elkana Mauti: Mr. Chairman, as the oversight looking upon what we have discussed are implemented, I think from today you should not tell us that the Executive have not implemented. If they have not implemented, you as the Committee Member in charge of that department, what have you implemented?

If the graders have been stolen in the store you have never reported to this house; this is what is happening. The House has no information, which means you are hiding the Information and we would like

to know why. What is the logic behind the Committee hiding the information from us. Are you satisfied in your ward when others are suffering? Is that the reason you are hiding the information?

Hon. Deputy Speaker: Thank you, Hon Mauti. Chairman I direct that you may revisit the response of the Committee so that you give us the suggestion on how we can get out of this whole circus next week.

Hon. Kennedy Oduru: Thank you Mr. Speaker, it's alright.

Hon. Deputy Speaker: Thank you. Can we proceed? We have a statement which was requested. It seems that we are done with the statements Okay. Actually we skipped roman "d". Hon. Zulfa Hakim have you received the respond from the Committee of Early Childhood Education Vacation.

Hon. Zulfa Hakim (Nominated Member): Yes Mr. Speaker I have received the respond for the statement.

Hon. Deputy Speaker Are you satisfied?

Hon. Zulfa Hakim: Yes Mr. Speaker.

Hon. Deputy Speaker: Thank you very much. Clerk you may proceed.

THE COMMITTEE OF THE WHOLE ASSEMBLY

(The Speaker left the chair)

IN THE COMMITTEE

(Hon. Karen Wanjiku took the chair)

NAIROBI CITY COUNTY ANIMAL CONTROL AND ABATTOIRS MANAGEMENT BILL, 2016
(ASSEMBLY BILL NO. 3 OF 2016)

Hon. Chairperson (Ms. Karen Wanjiku): Hon. Members we are now in the Committee of the Whole Assembly to Consider the Nairobi City County Animal Control and Abattoirs Management Bill, 2016 (Assembly Bill No. 3 of 2016) and we will start with the Bill from Clause 3. Clerk proceed.

Clause 3

(Question that clause 3 be part of the Bill proposed)

Hon. Member for Upper Savannah (Mr. Benson Amutavi): Hon. Members I propose that new clause 3 be amended as it appears on the Order Paper

(Question that clause 3 be amended proposed)

(Question put that clause 3 be amended as proposed put and agreed to)

(Question that clause 3 as amended be part of the Bill put and agreed to)

Clause 4

(Question that clause 4 be part of the Bill proposed)

Hon. Benson Amutavi: Hon. Members I propose that new clause 4 be amended as it appears on the Order Paper

(Question that clause 4 be amended proposed)

(Question put that clause 4 be amended as proposed put and agreed to)

(Question that clause 4 as amended be part of the Bill put and agreed to)

Clause 5

(Question that clause 5 be part of the Bill proposed)

(Question of clause 5 be part of the Bill put and agreed to)

Clause 6

(Question that clause 6 be part of the Bill proposed)

Hon. Benson Amutavi: Hon. Members I propose that new clause 6 be amended as it appears on the Order Paper

(Question that clause 6 be amended proposed)

(Question put that clause 6 be amended as proposed put and agreed to)

(Question that clause 6 as amended be part of the Bill put and agreed to)

Clause 7

(Question that clause 7 be part of the Bill proposed)

Hon. Benson Amutavi: Hon. Members I propose that new clause 7 be amended as it appears on the Order Paper



(Question that clause 7 be amended proposed)

(Question put that clause 7 be amended as proposed put and agreed to)

(Question that clause 7 as amended be part of the Bill put and agreed to)

Clause 8

(Question that clause 8 be part of the Bill proposed)

Hon. Benson Amutavi: Hon. Members I propose that new clause 8 be amended as it appears on the Order Paper

(Question that clause 8 be amended proposed)

(Question put that clause 8 be amended as proposed put and agreed to)

(Question that clause 8 as amended be part of the Bill put and agreed to)

Clause 9

(Question that clause 9 be part of the Bill proposed)

Hon. Benson Amutavi: Hon. Members I propose that new clause 9 be amended as it appears on the Order Paper

(Question that clause 9 be amended proposed)

(Question put that clause 9 be amended as proposed put and agreed to)

(Question that clause 9 as amended be part of the Bill put and agreed to)

Clause 10

(Question that clause 10 be part of the Bill proposed)

Hon. Benson Amutavi: Hon. Members I propose that new clause 10 be amended as it appears on the Order Paper

Hon. Chair: Any debate Members, do you have the Bills so we continue since you had already read the Bill. Thank you, Members.

(Question that clause 10 be amended proposed)

(Question put that clause 10 be amended as proposed put and agreed to)

(Question that clause 10 as amended be part of the Bill put and agreed to)

Clause 11

(Question that clause 11 be part of the Bill proposed)

Hon. Benson Amutavi: Hon. Members I propose that new clause 11 be amended as it appears on the Order Paper

(Question that clause 11 be amended proposed)

(Question put that clause 11 be amended as proposed put and agreed to)

(Question that clause 11 as amended be part of the Bill put and agreed to)

Clause 12

(Question that clause 12 be part of the Bill proposed)

Hon: Mr. Benson Amutavi: Hon. Members I propose that clause 12 be amended as it appears on the Order Paper

(Question that clause 12 be amended proposed)

(Question put that clause 12 be amended as proposed put and agreed to)

(Question that clause 12 as amended be part of the Bill put and agreed to)

Clause 13

(Question that clause 13 be part of the Bill proposed)

Hon: Benson Amutavi: Hon. Members I propose that clause 13 be amended as it appears on the Order Paper

(Question that clause 13 be amended proposed)

(Question put that clause 13 be amended as proposed put and agreed to)

(Question that clause 13 as amended be part of the Bill put and agreed to)

Clauses 14, 15, 16, 17, 18, 19, 20

(Question that clauses 14, 15, 16, 17, 18, 19, 20 be part of the Bill proposed)

(Question that clauses 14, 15, 16, 17, 18, 19, 20 be part of the Bill put and agreed to)



Clause 21

(Question that clause 21 be part of the Bill proposed)

Hon: Benson Amutavi: Hon. Members I propose that clause 21 be amended as it appears on the Order Paper

(Question that clause 21 be amended proposed)

(Question put that clause 21 be amended as proposed put and agreed to)

(Question that clause 21 as amended be part of the Bill put and agreed to)

Clause 22

(Question that clause 22 be part of the Bill proposed)

Hon: Benson Amutavi: Hon. Members I propose that clause 22 be amended as it appears on the Order Paper

(Question that clause 22 be amended proposed)

(Question put that clause 22 be amended as proposed put and agreed to)

(Question that clause 22 as amended be part of the Bill put and agreed to)

Clause 23

(Question that clause 23 be part of the Bill proposed)

Hon: Benson Amutavi: Hon. Members I propose that clause 23 be amended as it appears on the Order Paper

(Question that clause 23 be amended proposed)

(Question put that clause 23 be amended as proposed put and agreed to)

(Question that clause 23 as amended be part of the Bill put and agreed to)

Clause 24

(Question that clause 24 be part of the Bill proposed)

Hon: Benson Amutavi: Hon. Members I propose that clause 24 be amended as it appears on the Order Paper

(Question that clause 24 be amended proposed)



(Question put that clause 24 be amended as proposed put and agreed to)

(Question that clause 24 as amended be part of the Bill put and agreed to)

Clause 25

(Question that clause 25 be part of the Bill proposed)

Hon: Benson Amutavi: Hon. Members I propose that clause 25 be amended as it appears on the Order Paper

(Question that clause 25 be amended proposed)

(Question put that clause 25 be amended as proposed put and agreed to)

(Question that clause 25 as amended be part of the Bill put and agreed to)

Clause 26

(Question that clause 26 be part of the Bill proposed)

Hon: Benson Amutavi: Hon. Members I propose that clause 26 be amended as it appears on the Order Paper

(Question that clause 26 be amended proposed)

(Question put that clause 26 be amended as proposed put and agreed to)

(Question that clause 26 as amended be part of the Bill put and agreed to)

Clauses 27 and 28

(Question that clauses 27 and 28 be part of the Bill proposed)

(Question that clauses 26 and 27 be part of the Bill put and agreed to)

Clause 29

(Question that clause 29 be part of the Bill proposed)

Hon: Benson Amutavi: Hon. Members I propose that clause 29 be amended as it appears on the Order Paper

(Question that clause 29 be amended proposed)



(Question put that clause 29 be amended as proposed put and agreed to)

(Question that clause 29 as amended be part of the Bill put and agreed to)

Clause 30

(Question that clause 30 be part of the Bill proposed)

Hon: Benson Amutavi: Hon. Members I propose that clause 30 be amended as it appears on the Order Paper

(Question that clause 30 be amended proposed)

(Question put that clause 30 be amended as proposed put and agreed to)

(Question that clause 30 as amended be part of the Bill put and agreed to)

Clause 31

(Question that clause 31 be part of the Bill proposed)

Hon: Benson Amutavi: Hon. Members I propose that clause 31 be amended as it appears on the Order Paper

(Question that clause 31 be amended proposed)

(Question put that clause 31 be amended as proposed put and agreed to)

(Question that clause 31 as amended be part of the Bill put and agreed to)

Clauses 32, 33, 34

(Question that clauses 32, 33, 34 be part of the Bill proposed)

(Question that clauses 32, 33, 34 be part of the Bill put and agreed to)

Clause 37

(Question that clause 37 be part of the Bill proposed)

Hon: Benson Amutavi: Hon. Members I propose that clause 37 be amended as it appears on the Order Paper

(Question that clause 37 be amended proposed)

(Question put that clause 37 be amended as proposed put and agreed to)



(Question that clause 37 as amended be part of the Bill put and agreed to)

New Clause 2 (a)

(Question that new clause 2 (a) be part of the Bill proposed)

Hon. Benson Amutavi: Hon. Members I propose that new clause 2 (a) be amended as it appears on the Order Paper

(Question that new clause 2 (a) be part of the Bill proposed)

(Question that new Clause 2 (a) be read a second time put and agreed to)

(Question that new Clause 2 (a) be part of the Bill put and agreed to)

New Clause 3(a)

(Question that new Clause 3 (a) be part of the Bill proposed)

Hon. Mr. Benson Amutavi: I propose that new Clause 3 (a) be now read a second time.

(Question that new Clause 3 (a) be read a second time proposed)

Hon. Benson Amutavi: I propose that new Clause 3 (a) be now read a second time.

(Question that new Clause 3 (a) be read a second time put and agreed to)

(Question that new Clause 3 (a) be part of the Bill put and agreed to)

New Clause 23 (a)

(Question that new Clause 23 (a) be part of the Bill proposed)

Hon. Mr. Benson Amutavi: I propose that new Clause 23 (a) be now read a second time.

Hon. Chairperson: Chair, you are supposed to move. I am the one proposing and then you are supposed to move. You are supposed to move 23 (a) be read a second time.

Hon. Mr. Benson Amutavi: I propose that new Clause 23 (a) be now read a second time. Sorry members.

Hon. Chairperson: You can move, Chair.

Hon. Mr. Benson Amutavi: I propose to move that new Clause 23 (a) be now read a second time.

(Question that new Clause 23 (a) be read a second time proposed)

(Question that new Clause 23 (a) be read a second time put and agreed to.)

(Question that new Clause 23 (a) be part of the Bill put and agreed to)

New Sub-Clause 35 (a)

(Question that new Sub-Clause 35 (a) be part of the Bill is proposed)

Hon. Mr. Benson Amutavi: Hon. Members I propose to move that new Sub-Clause 35 (a) be now read a second time.

(Question that new Sub-Clause 35 (a) be read a second time proposed)

(Question that new Sub-Clause 35 (a) be read a second time put and agreed to.)

(Question that new Sub-Clause 35 (a) be part of the Bill put and agreed to)

New Sub-Clause 36 (a)

(Question that new Sub-Clause 36 (a) be part of the Bill proposed)

Hon. Mr. Benson Amutavi: Hon. Members I propose to move that new Sub-Clause 36 (a) be now read a second time.

(Question that new Sub-Clause 36 (a) be read a second time proposed)

(Question that new Sub-Clause 36 (a) be read a second time put and agreed to.)

(Question that new Sub-Clause 36 (a) be part of the Bill put and agreed to)

Clause 2

(Question that Clause 2 be part of the Bill proposed)

Hon. Mr. Benson Amutavi: Hon. Members I propose to move that Clause 2) be amended as it appears on the Order Paper.

(Question that Clause 2 be amended as it appears on the Order Paper proposed)

(Question that Clause 2 be amended as it appears on the Order Paper put and agreed to)

(Question that Clause 2 as amended be part of the Bill put and agreed to)

Title

(Question that title be part of the Bill proposed)

Hon. Chairperson: Any debate on that?

Hon. Mr. Benson Amutavi: Hon. Members I propose to move that title be amended as it appears on the Order Paper.

(Question that title be amended as it appears on the Order Paper proposed)

(Question that title be amended as proposed put and agreed to)

(Question that title as amended be part of the Bill put and agreed to)

Clause 1

(Question that Clause 1 be part of the Bill proposed)

Hon. Mr. Benson Amutavi: Hon. Members I propose to move that Clause 1 be amended as it appears on the Order Paper.

(Question that Clause 1 be amended as it appears on the Order Paper proposed)

(Question that Clause 1 be amended as proposed put and agreed to)

(Question that Clause 1 as amended be part of the Bill put and agreed to)

Hon. Chairperson: Chairman we have to move and finish the amendments.

Hon. Mr. Benson Amutavi: Hon. Members I propose to move that committee do report to the Assembly on its consideration on the Nairobi City County Animal Control and Abattoir Management Bill 2016 and its approval thereof with amendments.

(Question that the Committee do report to the Assembly its consideration on the Nairobi City County Animal Control and Abattoir Management Bill No. 3, 2016 and its approval thereof with amendments put and agreed to)

(The House resumed)

(Hon. Deputy Speaker in the Chair)

Hon. Chairperson: Mr. Speaker sir, I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Animal Control and Abattoir Management Bill 2016 and approved the same with amendments.

Hon. Mr. Benson Amutavi: Mr. Speaker sir, I beg to move that the Assembly do agree with the Committee on the said report.

Hon. Zulfa Hakim (Nominated Member): Thank you Mr. Speaker. I beg to move that the Committee do report to the Assembly its considerations on the Nairobi City County Animal Control and Abattoir Management Bill No. 3 of 2016 and its approval thereof with amendments. Thank you.

Hon. Deputy Speaker: Hon. Members on the Third Reading I will propose the question which is that; the Nairobi City County Animal Control and Abattoir Management Bill No. 3 of 2016 be now read a third time. Hon. Members, any debate on this?

Hon. Member for Sarang'ombe Ward (Mr. Pius K'Otieno): Thank you Mr. Speaker. I would like to congratulate the Mover of this Bill for having seen it wise that there must be some framework that controls the movement of animals and even the management of abattoirs. For quite some time Nairobi as a County or the former defunct Nairobi Council did not have this particular department and this service and I know the passage of this Bill, it is going to usher in a new dispensation where things will just not be done in a haphazard or in an ad hoc manner but under this docket or this sector there must be some sanity because this is one of the sectors which has never been regulated. It has never been given that serious attention and I know in as much as a good number of them were not present. But I am sure the very least who remained behind have actually done what could have been done with the rest. I beg to support. Thank you.

Hon. Deputy Speaker: Thank you. Hon it seems the House is in agreement with the Bill.

(The Bill was accordingly read the Third Time and passed)

A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO PROVIDE FOR A REGULATORY AND ENFORCEMENT FRAMEWORK AND TAKE OTHER MEASURES NECESSARY FROM THE VIEWPOINT OF PUBLIC HEALTH IN ORDER TO ENSURE THE PROPER MANAGEMENT OF ABATTOIR AND SLAUGHTER AND DRESSING OF LIVESTOCK FOR HUMAN CONSUMPTION AND TO MAKE PROVISION FOR VETERINARY AND OTHER CONTROLS IN SUCH ABOTTOIRS AND FOR CONNECTED PURPOSES – THIRD READING.

MOTION

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ADOPTION OF THE REPORT ON THE SITE INSPECTION VISIT TO EASTLEIGH HEALTH CENTRE

Hon. Deputy Speaker: Do we have the chairperson for Health Committee in the House who is supposed to move Motion No. 9? That means we have to push it forward. Clerk do we have any other Motion. Oh, Hon. Manoah is in the House.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Mr. Speaker, I have a Motion to move. THAT this Assembly adopts the report of Sectoral Committee on Health Services on the site inspection visit to Eastleigh Health Centre laid on the table of the Assembly on Tuesday 25th October, 2016.

Mr. Speaker, the Committee made a site visit to Eastleigh Health Centre, what the Committee found was worrying. The facility has been neglected by the County; it doesn't have enough personnel, power had been disconnected and funds meant for free maternity were not forwarded to that facility. Few staff in that facility were demoralized, the floor was dilapidated and the facility had not received KEMSA supply for the last 6 months, meaning residents of Eastleigh are not receiving medical attention.

To that effect, the Committee made the following recommendation:

1. Ensure adequate and steady water supply to the facility;
2. provide three phase connection of electricity that will make it compatible with the stand by generator;
3. provide adequate toilet facilities for patients and staff;
4. Ensure reimbursement of Free Maternity money and disbursement of HSSF money to the facility;
5. Settle the KEMSA debt that is causing drugs shortage in the facility and others in the County;
6. Deploy adequate support staff to provide cleaning services for better sanitation and hygiene at the facility.

Mr. Speaker, we also realized that the Free Maternity money that the facility depends on was not getting to that facility. We recommend that the County do fast-track the money so that the facility can use it to give services to residents of Eastleigh

Last but not least, Mr. Speaker, we recommend that the County to prioritize the completion of the perimeter wall around Eastleigh Health Centre so that the staff and the patients are secure. I call upon Hon. Karen Wanjiku to second this Motion.

Hon. Karen Wanjiku (Nominated Member): Hon. Members, I want to second this important Motion. You realize that the Committee's work is to investigate, report and give recommendations. That is what we have done, we have gone round and this is one of the facilities we visited. As our Chair has noted, there are some observations that the Committee observed in the facility especially the laboratory; it lacks

critical reagents for TB. There is lack of adequate water supply and general sanitary challenges like the toilets. I don't want to repeat what the chair has said. There was also staff shortage and no drugs. All these challenges and the observations that we made in this facility is a challenge that we are facing in all the facilities in Nairobi County.

Therefore, as the Chair has said, the recommendations that we have made, we need adequate staff, equipment and drugs. We also need a perimeter wall because of the security. The last time KEMSA gave drugs was in September 2015. You can imagine and that is a health facility with 24 hour maternity. Again, there is something that you need to note, that facility's buildings are scattered and not labelled.

I believe that if Members pass this Motion, we will be able to help even the other health facilities that are facing the same challenges. Thank you, I beg to second.

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

(Question proposed)

Hon. Zulfa Hakim (Nominated Member): Thank you, Mr. Speaker. I rise to support this report. Being a resident of Eastleigh and having noted the challenges Eastleigh residents have been facing in as far as hospital facility is concerned, I think it is high time that this County works on those challenges. As my able colleague has just mentioned that the place is not even accessible, the access roads to that particular facility are indescribable. As the Chair also put it that it is dilapidated, indeed it is, Mr. Speaker. This is why we need to do something about the same. There is also a lot of congestion, the sanitation is pathetic. Having witnessed my fellow peers suffering due to the same, I wish to support this Motion.

Hon. Member for Sarangombe Ward (Mr. Pius Otieno): Thank you, Mr. Speaker. Allow me to join my colleagues in support of this Report and this Motion. I think it is long overdue we do something in so far as health sector of this County is concerned. Sometimes, it even makes me to conclude that probably county Governments were not prepared to address issues within the health sector but sometimes, I also challenge myself that it is not about preparation, it is about goodwill and having people with the best managerial skills that can manage these facilities.

Mr. Speaker, I know number of us have a declaration by the name Abuja Declaration. It speaks volume on how matters of health are supposed to be managed within Africa. Abuja Declaration is an instrument that African countries actually ratified. One of the most important aspect of the declaration is that, it calls for the Government to allocate at least 15% towards health sector. This 15%, if you look across the County and the National Government, you will come to realize that no Government whatsoever has allocated at least 15% be it Nairobi County Government, Nyamira or National Government. What we must inform our Members and especially Committee on Budget and Appropriation is that they must understand that there is no country that can boast of itself of good wealth if its citizens do not have good health. Good health is equal to good wealth. That is now the missing link.

I was expecting probably that this House would be full so that such kinds of perils that are facing health sector should not only be a report but also members of the media can be alerted when the Committee is visiting such serious issues. If at all Members of this House cannot do that, then by mere fact that press and even people within the fourth estate would highlight this, it will be chaos. We should at times sit with the Senate and the Committee on Health to address it.

Mr. Speaker, when we talk about health facilities, we are not talking about surgical materials or X-ray, there also some other things that are considered to be facilities. How do we ensure the ratio of medical personnel is directly proportional to the number of patients who are visiting that health facility? It is shameful that we are living in Nairobi yet the City cannot sustain itself in terms of budgetary allocation.

When I was growing up, Kenyatta National Hospital used to be called King George Hospital. I was born in King George Hospital when a number of you were not even born. Hon. Githaiga, when were you born? Probably 80's. I was born in early 70's. The facility was the best; people would come all the way from Kampala, Bujumbura and Arusha unlike nowadays. Do you think there is even an individual from Kibera who will go to seek health in Eastleigh? It is an indictment on this Government and the people who are suffering are the poor because the Governor and the CECs don't go to such kind of facilities. If we don't rise up to the occasion, we are like placing a time bomb to the residents of Nairobi. When it shall explode, they will start asking; where was the Speaker of Nairobi City County Assembly, Hon. Ken Ng'ondi and where was the Chairman of Health?

If you look keenly at this Constitution, Article 43 (2) says that, every person has a right to life. I am sure the citizens of Nairobi in their own wisdom can take this County Government to court and say that the County Government is not fulfilling its obligation as far as right to health is concerned. If the Government is not committed in realization of this fundamental right, then the people must rise in their big numbers and take this County to court so that it becomes a lesson to those other county governments that do not take health matters seriously Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. K'Otieno. Do we have any member who is willing to contribute?

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Thank you, Hon. Members for choosing to remain behind to conclude the business and also concentrate on your duty as anchored in the Constitution. The House stands adjourned to Tuesday, next week at 2:30 p.m.

House rose at 4. 23 pm