



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fifth Session

Thursday 23<sup>rd</sup> February, 2017

The House met at 2.30 p.m.

*(Hon. Temporary Deputy Speaker (Mr. Samwel Nyangwara) in the chair)*

### PRAYER

**Hon. Temporary Deputy Speaker:** Order Hon. Members we still don't have enough quorum, I direct that the Searjent-at-Arm to ring the bell for the next 10 minutes

*(Quorum bell rang for 10 minutes)*

Hon. Members we still don't have quorum, and to my understanding we can only raise a quorum when we have members in the chamber. If somebody has just come in, signed and gone out, still does not reflect we have a quorum and it will mean if we adjourn there will be no sitting today.

*(Loud consultations)*

Thank you, I now direct the Searjent-at-Arms to ring the bell for the next five minutes. We are already done with 10 minutes. Order, Hon. Members, we can now proceed. Clerk

### STATEMENT

**Hon. Temporary Deputy Speaker:** Hon. Carolyn Muga? It is the second time that this statement has come up, it appeared on yesterday paper, it appeared today and it seems the member is not in. Who is



aware where the member is? This particular statement has been dropped, it should not appear again unless she explains where she has been. Clerk

## MOTION

### ADOPTION OF NAIROBI CITY COUNTY EMERGENCY FUND REGULATIONS 2017(Continuation)

**Hon. Temporary Deputy Speaker:** The Leader of Majority? Order Hon. Members, motion 8 was proposed in this house yesterday and was seconded and then the question was neither proposed and only one member had contributed so the floor is for members. Hon. Members we are on motion 8! Can the mover reply before I put the question?

**Hon. Member for Sarangombe ward** (Mr. Pius Otieno): Thank you Mr. Speaker for giving me this opportunity and indeed the house to reply to this motion, probably Mr. Speaker it is important for this house to know that this regulation is not just like any other regulation. This is a regulation that has been made or contemplated pursuant to Public Finance Management act section 110, and this section gives precisely the Executive Committee Member in charge of Finance to draw a regulation or come up with a regulation that will give him or her a latitude to locate funds for unforeseeable situation. As we sit here today Members, it is worth noting that this county do not have any legislation that will provide framework for allocating emergency funds.

**Hon. Temporary Deputy Speaker:** I now call the Mover to reply before I put the question.

**Hon. Pius K'Otieno:** Thank you Mr. Speaker for giving me this opportunity and indeed the House to reply to this particular Motion. Probably Mr. Speaker it is important for this House to know that this regulation is not just like any other. This is a regulation that has been made or contemplated pursuant to Public Finance Management Act Section 110. Section 110 precisely gives the Committee Executive Member in charge of Finance to draw a regulation that will give him a latitude to allocate funds for unforeseeable situations. As we sit here today Hon. Members it is worth noting that this County does not have any legislation that would provide framework for allocating emergency funds and just like any other community or any other society we are bound to be faced with emergencies that would call for extra ordinary actions. And those extra ordinary actions cannot be done in any civilized communities or any civilized governments where there is no legislative framework. Hon. Members I know probably some members could have said that we didn't have time probably to interrogate this, but my committee together with a host of other committees, Committee on Budget and Appropriations, County Executive Member in charge of Finance, County Attorney, Director of Emergency, Fire and Rescue Services have actually scrutinized this document and I can actually tell you without mincing of words that this work was above board, it was above reproach and I urge you to pass this Motion so that just in case of anything, no one should be having excuse that we did not do this and this because the committee or the House did not pass this regulation. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you very much, allow me to put the question.

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*(Question put and agreed to)*

Hon. Members, as the Hon. Member who is the Chair of Delegated Legislation was contributing, Hon. Caroline Muga walked in and you remember a while ago, I had dropped the question she was supposed to put to this House simply because she was late and nobody had information where she was. She approached the Chair and I want to state like this; that under Standing Order No. 1, I will recede my earlier decision made of dropping that particular statement and give Caroline Muga some time to execute her mandate as per order No. 7 is concerned. So Caroline Muga---

### STATEMENT

**Hon. Caroline Muga** (Nominated Member): Pardon me on that. Hon. Speaker pursuant to Standing Order No. 41 (2c), I want to request for a statement from the Chairperson-----

**Hon. Temporary Deputy Speaker:** Hon. Caroline Muga can you first apologize to the House on why you came late?

### UNDUE DELAYS IN REPLACEMENT OF ABSETOS ROOFING IN DEFUNCT CITY COUNCIL HOUSES

**Hon. Caroline Muga:** Obligated Mr. Speaker. First I want to apologize. I was held up somewhere. I knew the session had started but I didn't think that you would have gone this far. So I came running but unfortunately I was time barred, I apologize to the House. Pursuant to Standing Order No. 41 (2c), I want to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding undue delays in replacement of asbestos roofing in defunct City Council houses. Hon. Speaker, asbestos is a soft grey mineral that does not burn that was used especially as a building material in the past and that can cause serious diseases to the lungs when people breathe its dust. This is a concern, as cancer cases rises; Kenyans spend nearly 10% of its health budget to treat asbestos related cancers.

Although the Government banned the asbestos in 2006, residential estates built in 1950's and 1960's still have asbestos roofing. In some residential estates in Nairobi like Bahati, Kimathi, Ofafa Jericho, houses with asbestos roofs still exist and residents even collect rain water from asbestos roof tops oblivious of the potential risks.

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

- i. Delay in disposing off of asbestos roofing in County houses given the risk posed,
- ii. When County Executive plans to conclude the replacement of asbestos roofing in all County houses within Nairobi,
- iii. Whether the technical officers are trained on the risk of asbestos poisoning and how to safely dispose the material as well as safety regulations to be considered while handling asbestos,
- iv. Measures taken by the County Executive to enforce the ban on the use of asbestos in the County.

Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Chair for Planning and Housing.

**Hon. Member for Korogocho Ward** (Mr. Maxwell Ochar): Thank you, Mr. Speaker. This matter will be respondent next week on Thursday.

**Hon. Temporary Deputy Speaker:** It is so ordered.

**Hon. Maxwell Ochar:** Thank you.

**Hon. Temporary Deputy Speaker:** Clerk, can we proceed?

## MOTION

### ADOPTION OF THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES ON THE STUDY VISIT TO THE REPUBLIC OF RWANDA

**Hon. Temporary Deputy Speaker:** Hon. Mohammed.

**Hon. Abdi Mohammed** (Nominated Member): Thank you, Mr. Speaker. I beg to move the following Motion THAT this Assembly adopts the report of the Sectoral Committee on Health Services on the study visit to the Republic of Rwanda laid on the table of the Assembly on Thursday, 27<sup>th</sup> October 2016.

Mr. Speaker sir, the Sectoral Committee on Health Services made a resolution at the start of this Assembly to be learning from the best practices in the world and make a recommendation for adoption and implementation of the items learnt in customized form.

Mr. Speaker, in September 2016, the Committee visited the Republic of Rwanda and brought home a number of proposals in line with what was learnt in form of recommendations. I invite the Hon. Members to peruse the recommendations as contained in the said report as follows:

- i. Nairobi City County Government to enact a sound and comprehensive law and policy on healthcare with proper enforcement mechanisms,
- ii. Nairobi City County to conduct a Ward based mapping of County health frontiers with a view of establishing the numbers for proper training intervention, motivation and equipping for proper care management, reporting and monitoring,
- iii. The Nairobi City County to integrate information communication technology through establishing of County Health Management System database that will enable identification, monitoring and report on health related information. This is also important for proper resource allocation and management for specific programs,
- iv. The Nairobi City County to ensure sufficient staffing in the County health facilities so that the County can achieve the World Health Organization recommendation health workers density of 2.3 per 1000 persons and proper motivation for quality output,

- v. Nairobi City County to establish mechanism for effective and timely disease surveillance and response to reduce mortality due to the delayed response to the manageable cases in the County,
- vi. The Nairobi City County to ensure comprehensive stakeholders engagement including the community NGOs and media on a program such as nutrition, sanitation, family planning and disease prevention targeting the communities. This will lead to effective flow of information of desired result.
- vii. The Nairobi City County to establish a non-communicable diseases section in each of its main hospitals for dialysis management and treatment of growing numbers of non-communicable diseases such cancer due change in the lifestyle.
- viii. The Nairobi City County to ensure her periodical inspection of all food selling outlets and hotels to ensure compliance with City Public Health Standard. Further the county to implement a ban on roadside open food preparation and dispensing for unlicensed operators.
- ix. The Nairobi City to formulate and enhance law and policy to transport emission in order to contribute to the fight against diseases due to lifestyle especially emissions from vehicles.
- x. The Nairobi City County to put in place mechanisms for reduction in maternal death, infant mortality and mobility and raise the numbers/percentage of the mothers delivering with the help of qualified personnel and increase the number of persons seeking health related services at health facilities.
- xi. The Nairobi City County to ensure transparency and accountability in the health sector through a legislation to manage doctor patient engagement, proper utilization of medical supplies and commodities in the health facilities and prudent resource management for the benefit of all. This approach is intended to curb the negligence and misappropriation of Government medical supplies i.e. drugs and take for sale in private health facilities.

Mr. Speaker, I request the House to support the exercise of the committees mandate by making a resolution for implementation and say recommendations so that the residents of Nairobi City County can have access to improved health services courtesy of this Assembly.

Mr. Speaker sir, I now call upon Hon. Karen to second.

**Hon. Karen Wanjiku** (Nominated Member): Thank you Mr. Speaker sir. I rise to second this motion. This is from a visit. A delegation went to Rwanda and indeed they have a very good report. And there are lessons learnt from that visit. Among them was that they learnt decentralization of public health to local government will work. They learnt about accountability and information flow for quick and timely decision and action, high level of discipline among the people and law enforcement stakeholder participation, public private partnerships, and capacity building for health sector personnel and liaison and lastly transparency.

In conclusion, there are things that we can learn from Rwanda that we can emulate in our county so that health can work. As you know, health is devolved and Rwanda is at the front or leading in these health policies. The delegation witnessed firsthand workings of various institutions and concerted efforts

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towards quality healthcare. As you know, Rwanda has witnessed the damages of the genocide and we have seen the current development status that has manifested and how the leadership and citizen to rebuild the country into a model to be emulated. Imagine Rwanda has come from the genocide, what about us? We can do better. Indeed, Nairobi City County and Kenya can certainly draw experience from Rwanda's experience for best practices in the field of health services. Rwanda is a good example that through sound planning, policy implementation and follow up mechanisms, a country can alter its fortunes dramatically.

Nairobi City County needs to adopt sound laws and enforcement mechanisms in line with formulated policies in the healthcare sector for the sector is key to the development of other sectors like tourism, economy and industrial development. Indeed, we have done some motions here regarding health, there are some upcoming bills and we believe if we have these policies passed here and implemented, health issues will be solved. And according to our constitution, article 43, it is very clear that every Kenyan has the right to the best attainable health. We also know that according to article 26, that every Kenyan has the right to life. I beg to second. Thank you.

*(Question proposed)*

**Hon. Caroline Muga:** Thank you once again Hon. Speaker. I stand here to support. I am a bit appalled that four years down the line, the Health Committee has not brought in any Bill, because if we are going to have to enact some of these resolutions as proposed by the committee for example, the one on comprehensive law and policy, I mean that is the framework to use so as to know which direction we are headed as the health sector. I support and hope that this sector will come up with policies which will help them know where they are headed. I think that they are using the old council laws and now that we have the County Governments and this is a delegated function, it is important that they take this matter very seriously. I stand to support.

**Hon. Temporary Deputy Speaker:** Hon. Pius Otieno

**Hon. Pius Otieno:** Thank you Mr. Speaker for this opportunity. I stand to support this motion because I was part of the delegation that visited Rwanda and by that virtue I have first-hand information and facts that show that Rwanda has indeed made immense progress in as far as the realization of right to health is concerned. Mr. Speaker, it is important that we all understand Article 43 of the Constitution. It lays a lot of emphasis on Economic and Social rights and the right to health is one of the Economic and Social rights that have been guaranteed. Not only in this document and the Constitution but also at International levels.

Mr. Speaker the problem with African Governments and the County Government of Nairobi in particular is what I call lack of goodwill. This must not necessarily be driven by the Executive but also from the Legislative chamber or Legislative house. What do I mean when I talk about political goodwill? This is

the ability of the political players to allocate resources to do policy, to anchor some of the most important ingredients that would enable this County to realize their right to Health and that one is unheard of.

Mr. Speaker, if you look at some of the developing democracies, you will understand that in each and every state or region where people are practicing federal Government, the Government of that particular state has come up with different mechanisms of ensuring that its people can access Health Insurance. The same Health Insurance is still a mirage for the people living here in Nairobi. Why is that so? This is because probably the people who are purporting to be given the mandate by the people are not reading from the same script from which the poor folks from the ghetto are reading from. I therefore appeal to those who will be able to come back, there are things that must be done like prioritizing the right to health and in specific, health insurance.

Mr. Speaker as I still support this motion, the defunct County that we inherited four years ago had a lot of challenges and we have carried the burden up to date. What needs to be done in the future is a good will that will ensure County Public Service Reforms that will see to it that in each and every department such as the one on Health, we check as to whether we can take an audit on people working in that department in terms of their qualifications during employment vis-a- vis the demand in the Health sector of today.

Is it matching the work force that we are having? When we are talking about County Public Service Reforms and in particular Health, I would want to see that we have enough human capital or enough human resource personal who are going to ensure that at least if we go to Kibera you will find a clinic that is been attended too by people who are qualified.

There are things that probably common *mwananchi* would be in need of urgently, that if you give him or you give him/her they will not even find time to run after politicians in the streets but why are they running it is because they are not seeing their votes been translated into service delivery.

Last but not list Nairobi County as we speak today should pioneer a center of emerging diseases many people leave Nairobi or leave different Countries to seek for Medical care abroad. Many people still cannot even get facilities that would allow them to access cancer treatment.

If you look at the budget of this County or the budget of health committee it is enough probably to buy the analysis machines, cancer machine or a machine that can address this emerging disease where they raise such a biting Mr. Speaker, is the fairer of this house to allocate enough resources that would go to Health Committee, Education Committee and Infrastructure Committee, this are some of the basic need and rights that everybody should enjoy whether he is a member of Cord or Jubilee whichever is political affiliation. This are things that am praying for those who will come back and those who will not come back and still can work outside let us prioritize this things because they are things of today,, tomorrow and eternity. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Members I am sorry I will have to call the mover of the motion to reply.

**Hon. Abdi Mohammed** (Nominated Member): Thank you, Mr. Speaker may I take this opportunity to thank the Hon. Members for the continued support of the work of this Committee by ensuring that the residents of this County have access to better health care. I want to assure the Members that the Committee will follow up to ensure the implementation of this resolution. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Much obliged.

*(Question put and agreed to)*

## ADJOURNMENT

**Hon. Temporary Deputy Speaker:** Hon. Members, I would like to bring to your attention that each and every Member is under obligation to adhere to the rules and regulations of this House. As you are aware the Speaker on the chair or the Chair of that particular day is blind until any Member of this House points a Standing Order or something that is a mess in this House. I therefore request you as Members of this House to be taking the business of this House seriously and to adhere to rules and regulations that have been put down that to guide this Assemble.

I therefore adjourn this House until next week at 2.30 p.m. on Tuesday.

**The House rose at 3.20 p.m.**