



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Wednesday, 28 June, 2017

The House met at 2.30 p.m.

(Hon. Temporary Deputy Speaker (Ms. Karen Wanjiku) in the Chair)

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: I am informed that there is no quorum. Sergeant-at-Arms, ring the bell for 10 minutes.

(Quorum bell is rung for 10 minutes)

Hon. Members, can we have the Whip whipping the Members? Hon. Warutere, let us get serious. We still do not have quorum. Sergeant-at-Arm, ring the bell for 5 more minutes.

(Quorum bell is rung for 5 minutes)

Hon. Members, we now have quorum. We can proceed. Order Members! We have to proceed. We only have two very important Motions. Let us proceed.

PAPERS

Hon. Kennedy Oduru: Thank you Madam Speaker. Pursuant to Standing Order no. 180 (6), I beg to lay to lay the following paper on the Table of the Assembly today Wednesday 28th June 2017;



The Report of the Sectoral Committee on Transport, Roads and Public Works on the Consideration of the Seasonal Paper no. 1 of 2017 on the non-motorized policy.

Thank you Mr. Speaker. I beg to lay.

(Hon. Oduru lays the paper)

Hon. Temporary Deputy Speaker: Thank you. Chairperson, Labour, you have a paper to lay.

Hon. Asha Abdi: Thank you Madam Speaker. Pursuant to Standing Order no. 180 (6), I beg to lay to lay the following paper on the Table of the Assembly today Wednesday 28th June 2017;

The Report of the Select Committee on Labor and Social Welfare on the Retreat Held at Rainbow Ruiru Resort from 2nd to 5th May 2017

(Hon. Asha lays the paper)

Hon. Temporary Deputy Speaker: Thank you. Chairman, Delegated?

Hon. Pius Otieno: Thank you. Pursuant to Standing Order no. 180 (6), I beg to lay to lay the following paper on the Table of the Assembly today Wednesday 28th June 2017;

The Report of the Select Committee on Delegated County Legislation on the Consideration of the Public Finance Management Act (Nairobi City County Assembly Car Loan and Mortgage Scheme Fund Regulations 2017)

I beg to lay.

(Hon. K'Otieno lays the paper)

NOTICES OF MOTION

Hon. Pius Otieno: Hon. Speaker, I beg to give notice of the following Motion; that this Assembly adopts the Report of the Select Committee on Delegated County Legislation on the Consideration of the Public Finance Management Act (Nairobi City County Assembly Car Loan and Mortgage Scheme Fund Regulations 2017) laid on the Table of the Assembly today Wednesday 28th June 2017.

Hon. Kennedy Oduru: Hon. Speaker, I beg to give notice of the following Motion; that this Assembly adopts the Report of the Sectoral Committee on Transport, Roads and Public Works on the Consideration of the Seasonal Paper no. 1 of 2017 on the non-motorized policy, laid on the Table of the Assembly today Wednesday 28th June 2017.

Hon. Temporary Deputy Speaker: Thank you. Next order?

Hon. Hashim Kamau: Thank you Madam Speaker. Before I give a notice of Motion, I want to bring to the attention of the Members of the Standing Order no. 30 and in particular section 3, where if I fail to raise 20 Members, the Motion will die. It states that; *“If the Speaker is satisfied in terms of paragraph (2) and not less than twenty other Members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.”*

And this is of County importance, Madam Speaker. So, I give a notice of Motion that aware that article 43 (1) (a) of the constitution of Kenya 2010 states that every person has the right to higher sustainable standards of health including the right to healthcare services; further aware that pursuant to paragraph 2 of part 2 of the 4th schedule to the constitution, the County Government is mandated to promote primary healthcare including County health facilities; concerned that the ongoing strike by nurses across the County has paralysed delivery of services in the County health facilities thus denying residents of the County the right to access healthcare; acknowledging that the nurses has been on strike in different occasions due to various factors such as lack of salary even for up to six months; this Assembly is adjourned pursuant to Standing Order no. 30 to discuss the challenge of healthcare services including the ongoing nurses strike as a matter of urgent County importance.

I hope, Madam Speaker, about 20 Members will rise to support so that this Motion cannot die. Thank you.

Hon. Temporary Deputy Speaker: Yeah. Do we have 20 Members already? Hon. Members, we can see that we have enough support but I want to give a direction that we do it after Motion no. 10. Thank you Members. We can proceed.

STATEMENTS

Hon. Temporary Deputy Speaker: Do we have the Chair for Labor?

Hon. Asha Abdi: Madam Speaker, the Hon. Member was given this statement and he is satisfied with it.

Hon. Temporary Deputy Speaker: Hon. Member, are you standing on behalf of your Chair? Because I understand that this this statement was requested by Hon. Anthony Kiragu. Have you given him the response?

Hon. Asha Abdi: Yes. He was given.

Hon. Temporary Deputy Speaker: Is the Member satisfied?

Hon. Asha Abdi: Yes, he is satisfied.

Hon. Temporary Deputy Speaker: Let me give the Member the microphone so that we can know if he is satisfied.

Hon. Anthony Kiragu: Thanks a lot Madam Speaker. I enquired about the recruitment of Inspectorate officers by the Executive. I received the response today but I would like to state here that I am satisfied with reservations. Madam Speaker, we had evidence that the people who were recruited were not the same people who had applied for these positions. Madam Speaker, I have received a response which had been forwarded by the Committee Chairman and submitted by Meshak who is a member of the Public Service Board and he has assured that candidates who have been shortlisted in the previous interview that was postponed are the same candidates.

Madam Speaker, I expected an annex to this response to give me a list of people who have been interviewed and a list of people who had applied for the same positions. However, towards the end of his letter, he has stated that they had postponed the recruitment until further notice. Madam Speaker, I am worried about the further notice. Further notice can be tomorrow, next week or even two years from now. Madam Speaker, I am worried that they might do the recruitment when we are not in session. When nobody is here to do oversight or question what they are doing. Madam Speaker, I would want to request that they be clear on this. They should give us a date and they give us the procedure and the guidelines on how they are going to do what I had requested. Thank you.

Hon. Temporary Deputy Speaker: Chair, do you have any response?

Hon. Asha Abdi: Madam Chair, what the Hon. Member is doing is that he is just adding some more questions but if that is the case, we will write to the Executive and ask for more information. Thank you.

Hon. Jacqueline Nyagala: Thank you Madam Speaker. I think it is technically impractical and politically impossible to be able to get any response. We are closing tomorrow. So, it doesn't even make sense. Thank you.

Hon. Temporary Deputy Speaker: Hon. Member, I want to inform you that even if we are adjourning tomorrow, we are not dissolving the House. We can be called at any time for a Special Sitting. So, we are not just going home. We come back any time we are called for a Sitting because we have not dissolved the House. We are just adjourning *sine die*. Thank you. So, Hon. Anthony?

Hon. Anthony Karanja: Madam Speaker, I would request that we are in a very sensitive political period in the next few weeks. I would want they cancel this recruitment as the advertisement was done more than a year ago. Madam Speaker a year later they could not advertise the positions, they just called the people. I would request that his should actually direct the Executive to cancel this recruitment until it is done afresh and the period between the advertisement and the recruitment be reasonable, not the number of years that we have seen since this advertisement was done.

Hon. Temporary Speaker: Hon. Kiragu what you are suggesting about canceling can only be done on a Substantive Motion. May be you can do that and then you can bring the Motion tomorrow and then the Members can debate. I believe that will be in order. Thank you. Let us proceed.

(Hon. Adow stands on a Point of Order)

Hon. Temporary Speaker: Under which Standing Order Hon. Member? I cannot see your request.

Hon. Osman Adow: Thank you Madam Speaker. I would like to rise on a Point of Order No. 74.

Hon. Temporary Speaker: 174?

Hon. Osman Adow: No 74.

Hon. Temporary Deputy Speaker: You are out of order. What does it say?

Hon. Osman Adow: That I could address the Speaker.

Hon. Temporary Deputy Speaker: No you are out of order.

Hon. Osman Adow: *(Laughs)* I would like to catch the Speaker's attention to the fact that our bursary cheques are not ready from Room 10 and we are unable to access them. We need something done about that Madam Speaker and that is my Point of Order.

Hon. Temporary Deputy Speaker: Hon. Member that is not a Point of Order that is a matter of urgency. If it is possible tomorrow, come up with a matter of urgency because you know that is a matter of urgency our children are still at home, the bursaries have not yet been signed and some of them and some of them are bouncing cheques. So kindly, if you want to help the Nairobians, come up tomorrow with a matter of urgency for adjournment and we are going to debate it here.

Hon. Osman Adow: Thank you Madam Speaker I will do that.

Hon. Temporary Deputy Speaker: Thank you.

BILL

EVICCTIONS, RESETTLEMENT AND DEMOLITIONS BILL 2017 ASSEMBLY BILL NO. 10 OF 2017

Second Reading

Hon. Temporary Deputy Speaker: Do we have Hon. Masiga in the House? Hon. Members, Hon. Masiga is not in, let the second reading be in the Order Paper tomorrow. Let us proceed.

MOTION

REPORT OF THE SECTORAL COMMITTEE ON PLANNING AND HOUSING ON INQUIRING TO THE CONTESTED OWNERSHIP OF THE LAND L.R NO.27/2326 OFF KIAMBU ROAD, RIDGEWAYS

Hon. Temporary Deputy Speaker: Chair, Planning?

Hon. Daniel Mari: Thank you Madam Speaker. Hon. Speaker I beg to move the following Motion; that this Assembly adopts the report of the Sectoral Committee on Planning and Housing on inquiry to the contested ownership of the land L.R No.27/2326 off Kiambu Road Ridgeways, laid on the Table of the Assembly Tuesday 20th June 2017.

Hon. Speaker, Mr. John Peter Ruhagi, Mr. David Mburu Githere, Mr. George Jonathan Mara through Mwenda Njagi & Co advocates raised a complaint to the Committee regarding the occupancy and the ownership of the land L.R No.27/326 off Kiambu Road, Ridgeways. The complainant claimed that the said parcel of land L.R No.27/326 was surrendered to the defunct City Council to be used for development of public utility as a condition for subdivision of original land L.R No.27/8 which they bought from Bonaco Limited in the year 1995 through their company Wichem Kenya Limited.

Later on Mr. Jonathan Ruhagi applied to the defunct City Council requesting to be allowed to develop a public utility on the surrendered land which was then idle, a request that was approved and the land registered under his name. However, the complainant argued that the Wonderjoy Party World Limited acting in unison with Council officials fraudulently acquired ownership to the said parcel of land and a lease was issued in favour of Wonderjoy. To this end the complainant requested the Committee to intervene in the matter with a view of reverting the land back to Mr. Jonathan Ruhagi.

Committee Findings

After making an analysis of the submissions made by all witness and the findings from the site visits, the Committee observed the following:

- i) That the original owners of L.R No.27/8/26 were John Peter Ruhagi, Mr. David Mburu Githere and Mr. Jonathan Mara who bought it from Bonaco limited in the year 1985;
- ii) That the owners of the land L.R. No. 27/8/26, who are the complainant dissolved in the year 2000 to subdivide it for the sale and other purposes and a precondition for the subdivision, there is a typo there, it should be that 10% was surrendered to the defunct City Council of Nairobi as a public utility. The surrender is the land L.R No.27/326. However the Council did not acquire full ownership documents;
- iii) Mr. John Ruhagi attempted to acquire the surrendered land and sell it to Wonderjoy Party World Limited although the transaction was not successful. The defunct City Council issued a Temporary Occupation License to Wonderjoy Limited on condition that a 25 year lease would be issued to the same company with effect from January 1st 2008 and an annual rent of 38,000/=;
- iv) The court has since pronounced itself on this matter and determined that the land belongs to the County government of Nairobi, the successor of the City Council of Nairobi; and
- v) That the majority of the County owned property is neither surveyed nor demarcated and lack proper ownership documents. The lack of documents presents an opportunity for the

grabbers to easily collude with the corrupt County and National government officers to illegally acquire land or properties.

Committee Recommendations

Hon. Speaker in view of the above, the Committee makes the following recommendations:

- i) The land L.R No. 27/326 belongs now to the Nairobi City County government as surrendered to the defunct City Council as a precondition for the subdivision of the original land L.R No. 27/8/26 in the year 2000 and as determined by the High Court while ruling on a court case ELC No. 870 of 2016. As such the Chief Officer Land should immediately institute measures of acquiring full ownership documents;
- ii) The County Chief Officer for Land should ensure that L.R. No. 27/327 is put to the original intended use for development of public utilities preferably a nursery school; and
- iii) The County Executive Committee Member for Urban Planning and Lands and the Chief Officer of Lands should survey and clearly demarcate County owned land and properties and acquire proper ownership documents.

I hereby call upon Hon. Mike Obonyo to second the Motion.

Hon. Mike Obonyo: Thank you Madam Speaker. I rise to support the Motion but Madam Speaker I want it to be captured on the record that both the High Court and the Committee failed or errored to observe areas of Urban Cities Act Chapter 55 and 58 while undergoing the findings and observations. It reached a point that the Executive needs to deal with it administratively.

Hon. Temporary Deputy Speaker: So are you seconding or supporting?

Hon. Mike Obonyo: Madam Speaker I am supporting but I just want to inform the Committee that they errored when they were doing their findings. I have just come to realize it.

Hon. Temporary Deputy Speaker: You are a seconder of the Motion. Kindly second the Motion.

Hon. Mike Obonyo: I second the Motion

Hon. Temporary Deputy Speaker: Thank you.

(Question Proposed)

Hon. Temporary Deputy Speaker: Let the Whip speak first and then I will give you time.

Hon. Hashim Kamau: Thank you Madam speaker, may be one of the recommendation that the Committee could have put, is that the person who wanted to defraud the County That is Mr. Ruhangi should have been prosecuted as one of the recommendation in that report. Madam Speaker, I support the Motion.

Hon. Temporary Deputy Speaker: Thank you.

Hon. Anthony Karanja: Thank you Madam Speaker, I would like to oppose this Motion and urge this Assembly not to adopt this report. In the year that the land was surrendered to the County a lot of lands have been reverted back to private hands.

Madam Speaker, I don't understand why we would want to use this Assembly to allow people to keep on occupying land and to possess land owned by other individuals, because we want to abuse our powers. I would want us not to adopt this report until they produce all the documents of surrender and all the documents of ownership that are in question, until the Assembly understand every detail of this piece of land. Thank you Madam Speaker and I would like to oppose this Motion.

Hon. Temporary Deputy Speaker: You have not made any request can you make a request. Make a request.

Hon. Peter Warutere: Thank You Madam Speaker, I am a resident MCA of Roysambu Ward and I have to come back so that my voice will be heard on this matter. Thank you for catching my eye and probably let me add my indulgence in this very important matter that touches on my people. Just for records the Member who has just spoken before me, he does not sit in the Planning Committee, does not have facts and he stood up to speak on things he does not know.

For the purposes of the records and Members who sit in the Planning Committee they will make it known to this House, that the surrendered land is the property of City County and the person who is sitting on that surrender was duly given by the City County, for a specified period. This is not in excision this is what happens and it is in line with what within our written rules TOL are given every day of this life.

The Truth of the matter is to allow me to finish before I get your indulgence. The Hon. Member for Waitthaka cannot speak authoritative on matters touching the other side---

Hon. Temporary Deputy Speaker: Yes I am giving Point of Order to Hon. Antony.

Hon. Anthony Karanja: Point of Order number 80 Madam Speaker, I think is good for him to deal with me as an individual. I am a Member, of this Assembly and I have a voice, the Committee is an ... (inaudible) in this Assembly and any decision made by the Committee am part and have a party and I have the right and duty to bring this issue to the attention of the Members who have not taken time to read this report and understand what is happening. Madam Speaker, I beg to be protected by you.

Hon. Temporary Deputy Speaker: Correct, if a report comes to this House it belong to the House strictly either oppose or support the Motion Hon. Member.

Hon. Peter Warutere: Given the education that I have attained, I know it is the owners of this House to give the right to the Members and that is why this is a Hon. House for the Members to give honest, truthful and objective....

Hon. Temporary Deputy Speaker: Hon. Member! Can you stick to the Motion please are you contributing to the Motion or you are complaining. Okay proceed!

Hon. Peter Warutere: That this matter is before the Court and they have led to what is in this report. First and foremost, I am here to support this Motion report in entirety that the person who is purporting to have the title went to the Court and we have the documents and that is why if this Member visited the Planning Committee, he would have known that this part is

Hon. Temporary Deputy Speaker: We have a Point of Order from Hon. Petronilla.

Hon. Petronilla Achieng: Thank you Madam Speaker, I feel like when I stand up to contribute I should stick to the Motion and not to talk about a Member. Everybody has got a right to their own opinion the majority can when but the minority must also be listened to. Thank you so much.

Hon. Temporary Deputy Speaker: Thank you for the observation!

Hon. Peter Warutere: At the dying moment of this Assembly and that is why we are going to have many Members who are making errors in this admission. The Member who has spoken before me should know that I have my 15 minutes and I am talking about issues pertaining to Roysambu, they are touching my house and they are touching the core of my election and I will dye defending Roysambu.

Full facts are coming to light that the protagonist of this issue who visited the Committee and both sides were heard by the Committee and this report is as a result of issues that were deliberated came forth. I am here to support that we adopt this report, as long as the land in question is his and still remains the property of Nairobi County. Then I think that is the right way to go. Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: Hon. Member unless you are using somebody else card I can't see your name.

Hon. Osman Adow: Thank you Madam Speaker and I stand to support the report. My observation is that whether it is in this House or outside the House the truth always comes out that individuals always collude with the corrupt County Government Officials.

That has been repeated thousand times in this House and even outside the House and nothing ever happens and nobody is prosecuted or fired and no action is ever taken. That is something that disturbs and we need to get answers on those issues. In that regard I do support this report fully. Thank you.

Hon. David Kairu: Thank you very much Madam speaker. Allow me to support the Motion in a sense that the ruling of the court has reverted back the land to the City County of Nairobi. I have a little idea of how the Wonder Joy applied for that land and how they were given. That land they were not given as their own property but the County Council of Nairobi leased that land to Wonder Joy that they were paying a certain amount to this Nairobi.

Madam Speaker, what we need to do or the Committee was supposed to handle their report is to put a caveat that the land should not be disposed or stolen by officers of this County even Warutere himself because he might be fighting for it so that the land should not be disposed to anybody else but remain the property of this County. Thank you.

Hon. Temporary Deputy Speaker: Hon. Member you have already spoken so you cannot speak twice in one Motion thank you. Any other contributor!

Hon. Samuel Kagiri: Madam Speaker, I want to put a voice on the scenario on the public utilities and I want to compare what has happened in my Ward, since is the ward that is highly populated in this County and we don't have a single place we call a public place. Our children neither have any space for a school nor a space for a health center. That is why I am supporting this Motion that any Public land that is supposed to be for public let it remain in public hands. I would also say that the Committee on Planning did a good job to save that public land before it has buildings. For the sake of the public and the future days of the people that are going to live in those places not to suffer as the way my residents are suffering. Let's fight for the Public spaces to be taken back to public and reverted back to the County for public purposes.

Therefore Madam Speaker, I support the report on the Committee on planning and I wish this would also go to other areas concerning public utility and we have a clear records of public utilities in this County. Thank you.

Hon. Temporary Deputy Speaker: Thank you Hon. Members, I know call the mover to reply.

Hon. Daniel Mari: Thank you Madam Speaker, I want to thank this Assembly for contributing positively towards this Motion. May be to bring to their understanding before the Committee came up with these recommendations we were torn between decisions. However, when the court ruling came we had to follow suit and according to the judgment of the Committee, if other cases or petitions of land grabbing could go the same direction as this one, at least as we exit, this first County Assembly maybe we will leave a legacy. We will have left a foundation that for sure the expectations of the electorate will be met and that land belonging to the public will revert back to the public for the purposes that the land was intended for.

I want to thank this Assembly and believe that the officers that have been put in charge and given the mandate on the land management of this County will rise up to the occasion. For us, it is to give the judgment that the land belongs to the County Government and it is the onus of the two gentlemen in charge in the Executive, Committee Member, Urban Planning and the Chief Officer, Lands because it is not illegal that the County Government cannot lease lands. By law it can lease land to anyone but it should be done in a legal framework and in a legal manner. Therefore, I would recommend that after this there be a follow up on whether this land belongs to the County Government and if so then what now happens to the land in question because someone is claiming that he had been leased the land. Nevertheless, I want to thank the Assembly and say thank you very much.

Hon. Deputy Speaker: Thank you Members for your contributions. I now want to put the question.

(The question is put and agreed to)

MOTION(S)

Hon. Deputy Speaker: Hon. Chair for Labour.

Hon. Asha Sosso: Thank you Madam Speaker. I beg to move the following Motion. **“That** this Assembly adopts the report of the Sectoral Committee on Labour and Social Welfare on the vetting of the nominee to the Nairobi City County Persons with Disabilities Board laid on the Table of the Assembly on Thursday, 22nd June 2017.

The Report of the Sectoral Committee on Labour and Social Welfare on the vetting of the nominees to the Nairobi City County Persons with Disability Board was laid on the Table of the Assembly on Thursday 22nd June, 2017. The Committee held two sittings one of which the first 8 nominees appeared before the Committee on Labour and Social Welfare and were vetted in accordance with the provisions of Section 7 of the Public Appointment County Assembly Approval Act 2017. The names of the vetted nominees are as follows;

1. Dr. Lumbi Wanabei
2. Nixon Ochieng Kakiri
3. Yvonne Buliba Okwara
4. Charity Njoki Kamau
5. Peter Acholla Oloo
6. James Nganga Karanja
7. Leonard Misigo Ondego
8. Fanis Echuchi

Madam Speaker, in view of the above the Committee recommended as follows; that pursuant to Section 5(1) of the Public Appointments County Assembly Approval Act 2017 and Standing Order 191/5, this Assembly approves the following nominees for appointment by the County Executive Committee Member for Education, Youth, Sports, Gender Affairs, Cultural and Social Services to the Nairobi City County Persons with Disabilities Board. The names are;

1. Dr. Lumbi Wanabei
2. Nixon Ochieng Kakiri
3. Yvonne Buliba Okwara

4. Charity Njoki Kamau
5. Peter Acholla Oloo
6. James Nganga Karanja
7. Leonard Misigo Ondego
8. Fanis Echuchi

Madam Speaker, I urge this Assembly to adopt the report of the Sectoral Committee on Labour and Social Welfare on the vetting of the nominees to the Nairobi City County Persons with Disabilities. I call Hon. Ambani to second the Motion.

Hon. Deputy Speaker: Hon. Ambani, make a request.

Hon. Alfred Ambani: Thank you, Madam Speaker, I beg to support the Motion.

Hon. Deputy Speaker: You are supposed to second the Motion.

Hon. Alfred Ambani: I second the Motion.

Hon. Deputy Speaker: Thank you. Hon. Members, I propose that this Assembly approves the report on the Sectoral Committee on Labour and Social Welfare on the vetting of the nominees to the Nairobi City County Persons with Disabilities Board laid on the Table of the Assembly on Thursday 22nd June, 2017. Members?

Hon. Hashim Kamau: Madam Speaker, I stand to support but maybe in future and as per the Constitution the appointments should have regional and religious balance. Madam Speaker, maybe in the future a Muslim can be in that Committee but in that regard I support.

Hon. Deputy Speaker: Thank you. Hon. Kairu?

Hon. David Kairu: Thank you very much, Madam Speaker. As I want to support the Motion that is before the House, I would like you to assist this House by clarifying when and how those two doors are supposed to be used. Madam Speaker, I have seen Members running and using that door when...

Hon. Deputy Speaker: Hon. Member, are you contributing to the Motion or are you on a Point of Order?

Hon. David Kairu: Yes, I am coming to it.

Hon. Deputy Speaker: Thank you.

Hon. David Kairu: Yes, I support the Motion.

Hon. Deputy Speaker: We do not have any more requests? So you can allow me to call the Mover to reply. Hon. Asha.

Hon. Asha Sosso: Thank you, Madam Speaker. I thank all the Members for their generous contribution on this matter because these people are our sisters and brothers and for that I say thank you and God bless you.

(The question is put and agreed to)

**ADJOURNMENT ON DEFINITE MATTER OF URGENT COUNTY IMPORTANCE PURSUANT TO
STANDING ORDER 30**

Hon. Hashim Kamau: Thank you Madam Speaker. **That** aware that Article 43(1)(a) of the Constitution of Kenya 2010 states that every person has the right to highest attainable standards of health including the right to healthcare services. **Further** aware that pursuant to paragraph 2 of Part 2 of the 4th Schedule to the Constitution the County Government is mandated to promote primary healthcare including County health facilities; **Concerned** that the ongoing strike by nurses across the county has paralyzed delivery of services in the County Health facilities thus denying residents of the County the right to access healthcare; Acknowledging that the issue of nurses having been on strike on different occasions due to various factors such as lack of salaries even up to six months, this Assembly adjourns pursuant to Standing Order number 30 to discuss the challenges of healthcare services including the ongoing nurses strike as a matter of definite urgent County importance.

Madam Speaker, just a quick one. It is that we are aware that every day outside City Hall there is a strike by nurses on a very simple issue, extraneous allowance. Madam Speaker, the issue that the Executive have refused to sit down with the Union and I am sure Madam Speaker, we are going on recess tomorrow and we cannot leave the County in shambles. So, Madam Speaker, we cannot close our eyes and let it go, we can force the Executive to sit with the medics so that they can sort it out. Maybe we can do that tomorrow in the morning and we get a feedback tomorrow in the afternoon, Madam Speaker. Nairobians are suffering and on that issue I call upon Hon. K'Otieno to second the Motion.

Hon. Pius Otieno: I second.

Hon. Deputy Speaker: Make a request, he should use the microphone so that the Hansard captures you.

Hon. Pius Otieno: I second, Madam Speaker.

Hon. Deputy Speaker: Hon. Members, I propose the question.

(Question proposed)

Hon. Peter Warutere: Thank you Madam Speaker for catching my eye. This is an issue of national importance. It does not make sense for Dr. Ayisi and the Governor to sit pretty in the big office while nurses and doctors are on strike. Nairobi is bleeding and Kenyans are suffering. It is up to the *Daktari* to walk out of his big office and ensure that they meet and agree with doctors and nurses. As an Assembly we have an obligation to ensure that both sides are able to meet and agree on the way forward. I rise to second this Motion and hope that for once, we will leave a legacy that we stood up for Nairobian's and were able to ensure that both sides spoke to each other and a solution was found. It is urgent and needs to come to an end immediately. Thank you Madam Speaker. I support.

Hon. Alexina Moody: Thank you Madam Speaker. It is so sad that we are talking about the primary health care in this country when the Hon. Members in the House are parents, so are the striking nurses and doctors. The people suffering are our own children and families within the City centre. Madam Speaker, it would be unfortunate for me to come up with a name of the person responsible for why nurses have not been paid. It has become a back and forth matter for the period we have been in this House. It is not the first time the nurses and doctors are striking. This should be taken care of for the benefit of the *mwananchi* out there. Madam Speaker, as the Hon. Member who spoke before me said, let it be on record that this issue of doctors and nurses striking is affecting the *mwananchi*. It hits me hard as a mother to see my baby convulsing in the house and when I go to the County health care there are processes. Those nurses have families and need salaries to cater for their families back at home. It is sad that some people from the Executive, I will not mention names, should look into this matter then we will have something to say that indeed we did something for the nurses and families living in Nairobi. I therefore support. Thank you Madam Speaker.

Hon. David Kairu: Thank you very much Madam Speaker. Allow me to support the Motion before the House. It is very painful to see the County Secretary who is a doctor not giving attention to health matters happening in Nairobi. It is high time the Government of Kenya come up with solutions on how to handle these matters. This has become too much. If the nurses are given what they are demanding all the time then we are going to mess up ourselves. Sometimes the monies that these groups are asking for is too much and our budget cannot handle. Let us sit down and have dialogue. Thank you.

Hon. Temporary Deputy Speaker: Thank you

Hon. Margaret Sewe: Thank you Madam Speaker. I wish to also support the Motion by giving a rider to it. It is very important that as a County we take care of our workers and people under us. Doctors and Nurses should be paid and their welfare should also be taken into interest overly so that they do not suffer. We all know the help we receive from the doctors at the very basic level and so it is bad that some

Executive Members can sit somewhere and go back on the issue of paying Nurses and Doctors at the right time for them to deliver services to us. It is not the Nairobi's but us because we all generally visit doctors and we should also take care of the low carder Nairobi's who may not be able to get the medical attention that we receive from our covers in hospitals. It is sad that there is a lot of back and forth on this issue. I support and say that we need to work with speed by putting legislation that puts a ceiling on when and how these people should be paid on time. Thank you.

Hon. Abdi Mohammed: Thank you Madam Speaker. I am in support of the Motion. I am also a member of the Health Committee. We have tried writing letters to the Executive to discuss on these issues but they have never appeared before the Committee. Instead they wrote a letter to the Committee saying that they are busy and unavailable. We hope that by tomorrow we will have a response to give the House. We plead with your chair Madam Speaker, to give a tough ruling on this issue. It is an issue that is touching the lives of Nairobi's and we cannot just sit and watch. Thank you.

Hon. Temporary Deputy Speaker: Asha do you want to contribute?

Hon. Asaha Abdi: I just want to say something Madam Speaker

Hon. Temporary Deputy Speaker: Okay!

Hon. Asaha Abdi: Thank you Madam Speaker. I stand here to support the Motion. I want to say that we may be confusing ourselves. I met the Nurses on the road chanting Sarah Serem's names. Is it about salary increment or way of work? We have to be told. Again Madam Speaker, we should get clarification from the Executive side because as you know, the health services have been devolved and we do not know whether there is a problem between the National Government and the County Government. Thank you

Hon. Temporary Deputy Speaker: I now call the mover to reply.

Hon. Hashim Kamau: Thank you Madam Speaker. I want to congratulate and thank the Hon. Members. On the issue raised by Hon. Asha and Hon. Mohammed on County importance, that Motion cannot have a resolution. Madam Speaker, I know that you are a Hon. Member and a mother back home. The ball is in your court. We are going for recess tomorrow afternoon and need direction that the Health Committees have a sit down with the Executive and Medics Union so that this issue can be resolved and have an answer tomorrow afternoon. Unless we sit down and understand their problem then we cannot understand. Medics from the national Government to the County government have always been paid some allowances whereas medics previously from the County do not receive the same allowances. We will sit down with both parties, understand their problem and try to solve the issues. Madam Speaker, now that the Health Committee wrote to the Executive and they refused to honour then I think you should issue a sermon that they appear tomorrow morning. That Madam Speaker is my reply

Hon. Temporary Deputy Speaker: Thank you Hon. Members. This is such a delicate matter and we are tired of strikes. I am going to give directions that the CEC members for Health meet the Health Committee tomorrow morning and the Committee to give a report at 2:30 p.m. It is so ordered.

ADJOURNMENT

The Assembly is adjourned until tomorrow 2:30 p.m.

(The House rose at 3:50 p.m.)