



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Thursday 30th March, 2017

The House met at 2.30 p.m.

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

PRAYER

QUORUM

Hon. Temporary Deputy Speaker (Ms. Karen Wanjiku): I have confirmed from the Serjeant-At-Arms that there is no quorum. Serjeant-At-Arms please ring the bell for the ten minutes.

(Quorum bell is rang for 10 minutes)

When the quorum bell is ringing nobody should leave the House. Yes you should not come out, Mheshimiwa Luchiri please come back.

(Quorum bell is rang)

PAPERS

Under Order No. 5, the following papers will be laid; one, the report of the Controller of Budget on County Governments Budget Implementation Review for the First Quarter for the financial year 2016-2017,

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then report two will be the report of the delegation that visited the Borough of Lewisham in United Kingdom as from 13th to 21st November 2016. Three, the report of the Auditor General on the Financial Statements of the Nairobi City County Assembly Service Board Mortgage Scheme for the year ended 30th June 2016 and four, the report of the Auditor General the financial statements of the Nairobi City County Assembly Service Board Car Loans Scheme for the year ended 30th June 2016, Hon. Jaffer.

The Report of the Controller of Budget on the County Government Budget Implementation Review for the First Quarter Today On 30th March 2017

Hon. Chief Whip of the Majority (Mr. Jaffer Kassam): Thank you Madam Speaker. I wish to make the following papers and the report of the Controller of Budget on the County Government Budget Implementation Review for the First Quarter today on 30th March 2017. Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you Hon. Jaffer.

The Report of the Auditor General on the Financial Statements of the Nairobi City County Assembly Service Board Car Loans Scheme for the Year Ended 30th June 2016

Hon. Chief Whip of the Majority: Madam Speaker I will request for your permission so that I can go through the rest of the papers which I intend to lay and that is; pursuant to Article 229 (7) of the Constitution I beg to lay the following paper on the table of the Assembly today 30th March 2017. This is the report of the Auditor General on the Financial Statements of the Nairobi City County Assembly Service Board Car Loans Scheme for the year ended 30th June 2016. Thank you Madam Speaker.

The Report of the Auditor General on the Financial Statements of the Nairobi City County Assembly Service Board Mortgage Scheme Fund for the Year Ended 30th June 2016

Finally Madam Speaker, pursuant to Article 229 (7) of the Constitution, I beg to lay the following paper on the table of the Assembly today Thursday 30th June 2017, the report of the Auditor General on the Financial Statements of the Nairobi City County Assembly Service Board Mortgage Scheme Fund for the year ended 30th June 2016. Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: Next order. Okay, proceed.

The Report of the Delegation That Visited the Borough of Lewisham in United Kingdom from 13th to 21st November 2016

Hon. Caroline Muga (Nominated Member): Thank you Madam Speaker. Pursuant to Standing Order No. 180 (6), I beg to lay the following paper on the table of the Assembly today Thursday 30th March 2017, the report of the delegation that visited the Borough of Lewisham in United Kingdom from 13th to 21st November 2016. Thank you.

STATEMENTS

UNITED NATION CONFERENCE OF TRADE DEVELOPMENT (UNCTAD)

Hon. Temporary Deputy Speaker: Under Statements, Chairperson of the Sectoral Committee on Trade, Tourism and Co-operation will give a response to a Statement requested by Hon. Samuel Nyang'wara regarding the United Nation Conference of Trade Development (UNCTAD) held in Nairobi on 17th to 22nd July 2016.

Chair for Trade. Is Hon. Nyang'wara in? Did you get the response?

(Hon. Nyang'wara spoke off the record)

Hon. Temporary Deputy Speaker: Okay. Do we have any Member from Trade?

Hon. William Abuka (Nominated Member): Madam Speaker, we don't have the response yet. I undertake to deliver the response to the Hon. Member on Tuesday, next week.

Hon. Temporary Deputy Speaker: Next week, you will get your response, Hon. Nyang'wara.

Let us go to the next Statement. The Chairperson of Sectoral Committee on Labour and Social Welfare will give a response to Statement requested by Hon. George Ochola regarding the shortage of ambulance drivers within the County. Chairperson for Labour. Do we have Hon. Ochola?

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): I will read the response but yesterday, Hon. Nyang'wara was not in the Assembly and we proceeded. It is captured in the Hansard. If Members are perpetually absent, they should visit Hansard so that we dispose of these many reports.

Hon. Temporary Deputy Speaker: Did you give Hon. Ochola the response?

Hon. Elizabeth Manyala: Yes, he has the response and it is also in the tablets.

Hon. Temporary Deputy Speaker: I believe that response belongs to the House, you can proceed.

SHORTAGE OF AMBULANCE DRIVERS WITHIN THE COUNTY

Hon. Elizabeth Manyala: Thank you, Madam Speaker, much obliged.

On Wednesday 16th March, 2016, Hon. George Ochola, MCA, rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c), and requested the Chairperson of Sectoral Committee on Labour and Social Welfare for a Statement regarding the shortage of ambulance drivers within the County. He further asked the Chairperson to inquire in to and report on:

- i. Why there is a delay by the County Public Service Board in deploying more ambulance drivers in each Ward,
- ii. Measures being taken by the County Executive to ensure the Nairobi residents receive quality ambulance services.

Madam Speaker, the Committee wrote to the Chair, County Public Service Board on 18th March, 2016 requesting to be furnished with a written response in regard to the inquiry. I wish to respond as follows:

- i. **Why there is a delay by the County Public Service Board in deploying more ambulance drivers in each Ward,**

Madam Speaker, the Committee was informed that the County Public Service Board reiterated the provision of Section 72 of the County Government Act, 2012, which empowers Chief Officers and the Head of Public Service to deploy public officers in the County. The County Public Service Board moreover, stated that they had recently received a request for recruitment of drivers and other crucial staff in the health sector, some of which have already been advertised.

Madam Speaker, copy of the response from the Executive has been attached here which I and the recipient have. The same was also forwarded to our tablets for our own perusal. Thank you, Madam Speaker.

Temporary Deputy Speaker: Members, do you have any comment on that? On the Ambulance drivers because I think that is a very crucial matter in our health facilities. Maybe someone has something to comment on that before we proceed.

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Thank you Madam Speaker, we have heard very clearly from the Member who was responding to Hon. Ochola's question, it's a kind of a way that trying to play with the gallery.

Madam Speaker, the work of this particular Committee was supposed to interrogate and investigate what we are getting from the beautiful lady there. Hon. Manyala is a communication.....

Temporary Deputy Speaker: Hon. Member! We only have Hon. Members here can you withdrawal the word quite.

Hon. Samuel Nyangwara: But she has no problem with that Madam Speaker and she is a very good friend of mine and I sat with her with in this particular Committee.

Temporary Deputy Speaker: You can proceed but it is unparliamentarily language.

Hon. Samuel Nyangwara: Thank you very much. Madam Speaker, the idea of us to get a written statement the way they are and yet this particular Committee was supposed to interrogate and investigate. They are giving us what they are getting from the Executive in black and white.

Madam Speaker, as we are talking a number of Ambulances are laying on our facilities without drivers. They did the interviews and to date they are not employed. We fail to understand whether the Board we have if it is independent or it is working on behalf of somebody in this County. It is better we know the truth because we even know there are Doctors who did interviews and they were employed but they have never been given letters up-to-date.

We also know there are nurses who did interviews and they have never also gotten letters to report. What is happening with this Board? Madam Speaker, this is a Board that has been requesting money from this Assembly and we have been awarding them money from the taxes the Nairobi residents are paying and yet they are doing nothing. Madam Speaker, it is a high time we know the truth today?

Temporary Deputy Speaker: Hon. Elizabeth!

Hon. Elizabeth Manyala: Madam Speaker, owing to the status of rationalization of staff from the National Government to the County and going with the challenges that the County Government has faced, part of it has been that we have a bloated workforce.

A comprehensive audit from every Department had to take place, before all these vacancies which are pending are filled and also the County Government Service Board does work in isolation. It is also working in consultation with SRC which also give guidance, on when to proceed and also to check how the economy is. It is because of that I have just read it that, they have been given and advertisement has been done.

The drivers have so far applied the proposed drivers' positions and interviews are currently taking place. So by putting the cart before the horse is not proper because it would be like the ambulances are laying there and because of that, I would reason that they should go and pick any tom, dick and harry without going through due process and give everybody an equal opportunity to apply and go through a rigorous process of vetting for the job. That is being worked on at the moment and has also been captured in the report. Thank you Madam Speaker.

Hon. Temp. Deputy Speaker: Let us proceed to the next response. Hon. Nyangwara requested for a statement regarding the medical cover for the County Government staff from the Labour committee. Is Hon. Nyangwara satisfied with the response?

Hon. Samuel Nyangwara: Madam Speaker. I have the response with me here and I have issues with it. Kindly allow them to proceed so that I can interrogate their statement.

Hon. Temp. Deputy Speaker: Kindly point out the issues because you already have the response. I believe that Hon. Manyala will answer them

Hon. Samuel Nyangwara: Thank you Madam Speaker. I will go straight to the insurance company that is offering the cover and as I said earlier on, this particular Committee is fond of bringing statements here directly from the Executive. They have a mandate to investigate and interrogate it. Our members of staff from the Executive have been crying day in day out. There are some members of staff who dig deeper into their pockets to pay for their medical expenses and come back to claim it. They are not even aware of the company that is offering the said cover Madam Speaker. This is the kind of Government that has no interest in its workforce and therefore it has no business being in power.

Madam Speaker, it is better we know the truth other than being taken in circles. How I wish they accompanied the letter of offer given to this particular company ascertaining that indeed they are the ones providing the cover. We see no documents here. We want them to give us a letter of offer that they gave the company so that we can be sure. Madam Speaker, Members of staff from the Executive complained to us. These questions were from them. They tipped us on this because they are the beneficiaries. I think it is high time that you send this particular Committee to come back to the House with a better answer.

They are supposed to call the said company so as to ascertain whether it is indeed true that they are the ones offering the cover? Members of staff from the Executive are complaining of having gone to hospitals and when they are to be discharged then they have no one to consider them. They are then forced to pay from their pockets. The major problem is that we do not have a clear company known to be offering this cover.

Hon. Temp. Deputy Speaker: Hon. Manyala, are you able to tell the House the Insurance Company covering the Executive staff?

Hon. Elizabeth Manyala: Thank you Madam Speaker. I really empathize with the Hon. Member because he is trying to over sympathize. Yesterday I gave a comprehensive report saying that it is AAR that is covering the members of staff. Madam Speaker, you are aware that all insurance covers come with strings attached. And one of them is that for example if you have 5 or 10 wives, it means that they will only take one or two wives and a maximum of 4 children. Not 30 or 15. So, in a situation whereby you find that you have exhausted your outpatient, it will force you to go deeper and pay with your own money. So, in the event that they exhausted the outpatient and they start paying, they feel because it is given annually, they start crying foul.

Secondly, when you hear Hon. Nyangwara saying that some of these staff have been left with huge bills in hospitals like Nairobi Hospital, I want to report to this House that we are all aware that you cannot go to any hospital when you do not have a cover and they admit without a cover for 5 or 10 days without a cover and they tell you to pay when you are leaving. No. If that cover does not exist or you don't have a cover at all, they will ask you to pay a deposit before you access services from the institution. So, what this

means is that if the ceiling you have been allocated is 1 million and you have already exhausted your 1 million, and maybe the balance that was remaining was 2 and they admit you on that strength hoping that that disease that you have might take maybe two days and you happen to take two more weeks, then you will have to complement and pay the reminder.

So, Madam Speaker, I think I have answered the Hon. Member.

Hon. Temporary Deputy Speaker: Thank you very much. Let us proceed to the next statement. Okay. One minute.

Hon. Samuel Nyangwara: Madam Speaker, the issues I am raising here are very pertinent. The stories she is trying to give us here are not even adding up. Just writing here in black and white that such and such insurance company is the one that is giving us cover does not mean anything to us. Madam Speaker, let them prove to us that indeed this particular insurance company is the one that is offering the cover. And register documentation here which will be admissible to this Assembly. What we are saying here is that there is a problem with the insurance cover for the members of staff from the Executive side.

Madam Speaker, I am not yet satisfied with this particular answer. The hospital she is talking about is listed here. It is listed here that Nairobi Hospital is among the hospitals that is covered by this company. Madam Speaker why can't we be straight forward? Let her go back and bring an appropriate answer with attached documentation that this particular company indeed is the one. I don't even know whether she is aware that there is brokerage company by the name Pris, that even the card they have been given has got about three companies. Why should such kind of thing happen? Something somewhere is cooking. Something is not straight. That is why we are told we must interrogate and investigate. You can't tell us what is in black and white. That one is not enough yet. And am ready, madam Speaker, on next Tuesday to come here with complaints of people who are members of staff and have been hospitalized and yet they are not offered any cover. They are told the cards they have been given do not exist in the data. I am not complaining of the members of staff from the Assembly side. Let her bring a proper answer before this House madam Speaker.

Hon. Temporary Deputy Speaker: Hon. Members it is clear that the Hon. Member is not satisfied and I propose that Hon. Nyagwara be invited to the Labour Committee so that you can discuss those pertinent issues and then you report back to the Assembly. Thank you. Let us proceed to the next statement- to the Chairperson of Sectoral Committee on Water and Sanitation, a question asked by Hon. Akuk regarding the ongoing Nairobi dam restoration, is Hon. Akuk in? So can we defer the statement, Chair?

Hon. Member for Mugumoini Ward (Mr. Alex Ouda): Madam Speaker the report was discussed with Hon. Akuk and if you check the last paragraph the report reads: 'the response to the statement regarding ongoing restoration of Nairobi dam was highlighted and Hon. Akuk MCA expressed satisfaction, stating the need to dispense with the same statement that was long overdue. Madam Speaker the Hon. Member is very much satisfied with the response, thank you.

Hon. Temporary Deputy Speaker: Thank you Hon. Chairman, I can see clearly that the response to statement regarding ongoing restoration of Nairobi dam was highlighted and Hon. Akuk MCA expressed satisfaction, stating the need to dispense with the same statement that was long overdue. Let's proceed.

MOTION

ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON THE REPORT OF THE CONTROLLER OF BUDGET ON THE COUNTY GOVERNMENT BUDGET IMPLEMENTATION REVIEW FOR THE FIRST NINE MONTHS FY 2015/2016

(Resumption of debate interrupted on Tuesday 28th March 2017)

Hon. Temporary Deputy Speaker: Hon. Members the report of Select Committee on Public Accounts, I can see that you debated on it and the mover replied and now I am going to put the question.

(Question put and negatived)

Order Members!

MOTION

Hon. Temporary Deputy Speaker: Do we have the Chair of the Select Committee? Ok, Hon. Jack [Ngare], you can proceed.

Hon. Member for Githurai Ward (Mr. Jackson Ngare): Thank you Madam Speaker...

(Point of order)

QUORUM

Hon. Minority Chief Whip (Mr. Hashim Kamau): Madam Speaker, I am standing on Standing Order 32 to bring to your attention that there is no quorum in the House.

Hon. Temporary Deputy Speaker: Searjant-At-Arms can you confirm?

Searjant-At-Arms ring the bell for 8 minutes.

(Quorum bell was rang for 8 minutes)

Hon. Members we still don't have quorum.

ADJOURNMENT

Hon. Temporary Deputy Speaker: The House is adjourned until Tuesday 2.30 p.m.

(House rose at 3.32 p.m.)