



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Tuesday, 21st February, 2017

The House met at 2.30 p.m.

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

PRAYER

Hon. Deputy Speaker: Hon. Members, there is quorum, so we may proceed.

STATEMENTS

DELAYS IN CONSTRUCTION OF MATERNITY WARD IN BABA DOGO HEALTH CENTRE

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): Hon. Speaker, pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding delays in construction of maternity Ward in Baba Dogo Health Centre.

Hon. Speaker, there has been delays in giving commencement letter to the construction of additional floor to cater for maternity services in Baba Dogo Health Centre several months after the contractor was awarded the contract.

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

- i. The cause of delay in issuing commencement letter to the construction of additional floor to cater for maternity services in Baba Dogo Health Centre
- ii. Measures being taken by the County Executive to ensure that the contractor begins construction of maternity in Baba Dogo Health Centre.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Shadrack. The Chairperson for Health Committee.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you, Mr. Speaker. We will respond to this Statement in the next one week.

Hon. Deputy Speaker: Thank you, that is in order. Hon. Shadrack.

CONSTRUCTION OF BABA DOGO ROAD TO RIVER RUAKA IN BABA DOGO WARD

Hon. Shadrack Juma: Hon. Speaker, pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of the Select Committee on Ward Development Fund (WDF) regarding construction of Baba Dogo Road to River Ruaka in Baba Dogo Ward.

Hon. Speaker, on 27th September 2016, an advertisement was done in one of the daily newspaper for construction of Baba Dogo Road to River Ruaka. Consequently, it was tendered and awarded. Since then, the letter of commencement is yet to be issued in order for the contractor to begin the work.

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

- i. The cause of delay in issuing commencement letter for the road works to commence.
- ii. Measures being taken by the County Executive to ensure that the contractor begins working on the projects that they have been awarded immediately without delay.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: The Chairperson for Ward Development Fund.

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Thank you, Mr. Speaker. We will respond after three days.

Hon. Deputy Speaker: Thank you. We are still under Order No. 7. Let us now proceed to responses to the Statements which were requested earlier. We expect response from the Chairperson of Sectoral Committee on Health Services on the implementation status of Kahawa Health Centre. The request was made by Hon. Amos Mbuthia. Do we have the Hon. Member in the House? He is in the House; do you have the report, Hon. Member?

Hon. Member for Kahawa Ward (Mr. Amos Mbuthia): Mr. Speaker, I don't have the report.

Hon. Deputy Speaker: But you are aware you had placed a request?

Hon. Amos Mbuthia: Yes, Mr. Speaker.

Hon. Deputy Speaker: Hon. Manoah, please.

Hon. Manoah Mboku: Thank you, Mr. Speaker. I have just been served with this response two minutes ago by the Clerk but I am in a position to respond to it.

Hon. Deputy Speaker: Hon. Manoah, you cannot respond and the Member who made the request is not privy to what is contained in the report. Can you kindly serve the Member with the response so that I direct that the same to appear on the Order Paper tomorrow for response?

Hon. Manoah Mboku: Thank you.

Hon. Deputy Speaker: Thank you. We move to (b); this was requested by Hon. David Kairu directed to Health. Is the report ready?

Hon. Manoah Mboku: The same has just been served to me a few minutes ago.

Hon. Deputy Speaker: Hon. Kairu has not received the report?

Hon. Manoah Mboku: Yes.

Hon. Deputy Speaker: Is the Hon. Member in the House? Kindly find a way of serving him with the report. The same to appear on the Order Paper tomorrow. We are in (c), request made by Hon. Ngaruiya Chege directed to the Sectoral Committee on Health as well. You have received the same again today?

Hon. Manoah Mboku: Mr. Speaker, this Statement had been responded to sometimes back last year. The Member was not in the House though we had discussed with him in our Committee in regard to this response. I know he is going to deny.

Hon. Deputy Speaker: The Member can speak for himself. Hon. Ngaruiya, have you received the report?

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Mr. Speaker, I have the report.

Hon. Deputy Speaker: Okay, thank you. Hon. Members, maybe I just want to remind you of the House resolution last week on Statements. That whenever a Member who had requested for the Statement is in agreement with the report, then we don't have to take full stretch on the issue to save time. Hon. Ngaruiya.

Hon. Ngaruiya Chege: Thank you, Mr. Speaker. I want to appreciate that I got this Statement on time and also thank that particular Committee. But when I sought this particular report, it is because of the neglect that is there at that facility. Whatever has been presented here is what is on books, what is on those records that they have. But it is very important that this Committee takes a bold step. Instead of getting what is in the records, it is important that they visit the facility so that they can come up with the report that they are aware of.

Mr. Speaker, it is not a joke that this facility helps so many people- 25000 to 30000- and yet the County Executive Committee Member of Health does not recognize that that facility is so important for the people of that area. I think it is prudent enough that the Chairman of this Committee and his Committee Members pay a visit and see and come up with a report that is not in books but a report that they know what they are talking about.

Mr. Speaker, on the issue of KEMSA, this is another issue the Chairman is lamenting that the drugs have been prepared and submitted yet there are no drugs in our health centers. There are no drugs or equipment in all these facilities yet he is talking about some money that has to be paid to KEMSA so that they can now supply the drugs. The same Chairman is saying that they are going to supply if this debt is paid. Are we going to keep on saying rather than acting? Let them show us how they are working with the Executive to ensure that the drugs have been supplied to these hospitals.

If you look at the audit report, it says that some Kshs.57 million was paid to KEMSA so that it supplies drugs to these dispensaries in this Statement they are saying that no money has been paid to KEMSA so that they can supply the drugs. I think it is the best time the Chairman of this Committee goes into details and find where the problem is so that he can at least come up with a report. I request this House to order the Chairman to visit that facility so that they can see it for themselves.

Hon. Deputy Speaker: Thank you, Hon. Ngaruiya. Hon. Manoah, on behalf of the Committee, kindly defend the report and at least respond to the concern of the Member.

Hon. Manoah Mbuku: Thank you, Mr. Speaker. As I had alluded earlier, this response had been tabled in this Assembly sometime last year and if you look at it, it is late. Whatever content is here has been passed by events. The drugs have been supplied by KEMSA and maybe the Member may not remember the last time he visited that facility but drugs have been supplied.

Secondly, the Member wants us to visit his Ward which the Committee will arrange and visit. If there is anything he wants the Committee to attend to, then we will do so immediately we visit that facility. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Manoah, I think the Member has raised pertinent issues and you only need to take your work seriously to save these Members because they are acting on behalf of the residents. When we talk of the health facility, it serves the entire County, not necessarily a Ward. So, kindly take the initiative, go at least see for yourself what is happening there and even know whether the drugs were supplied and in good time. Go and take notes from that hospital and report back by next week on Tuesday. Thank you. So, Hon. Ngaruiya, I hope you will be there to receive the Chairman for Health. Thank you.

There was a request made Hon. Njoroge Maina, directed to the Committee on Health as well. Hon. Manoah Mboku, is the report ready?

Hon. Manoah Mboku: Mr. Speaker, I am surprised that these reports are coming back yet we had responded to the issue of Umoja 1 Healthcare ---

Hon. Deputy Speaker: So, that is the fault from the Office of the Clerk?

Hon. Manoah Mboku: Yes, it is coming back yet we had responded to it.

Hon. Deputy Speaker: Noted. Thank you. Clerk, take note of that.

Hon. Member for Umoja 1 Ward (Mr. George Maina): Mr. Speaker sir, the Chairman is misleading this House. This is the third time we are asking for answers from Umoja 1 Health Centre. Therefore he cannot say that the office of the Clerk has repeated. The first time they gave us a response, the people of Umoja were not satisfied---

Hon. Deputy Speaker: Thank you, Hon. Njoroge. The Clerk has told me that the report was referred back because the Member found it not to be substantive and there were new developments that were to be anchored in the report as well. Hon. Manoah Mboku, is there any new finding which will make the Hon. Member certain of the report and its findings?

Hon. Manoah Mboku: Thank you, Mr. Speaker. As I said, I received this report just a few minutes ago. Maybe with your indulgence, Mr. Speaker, can I respond to it tomorrow in the afternoon?

Hon. Deputy Speaker: Well, it is in order, Hon. Manoah, tomorrow same time. Clerk

Hon. George Maina: Hon. Speaker, I wish that you direct the Hon. Chair. The report is here and I have read it but in the Statement, I had sought to know the status of drug supply---

Hon. Deputy Speaker: Order, Hon. Njoroge!

Hon. George Maina: Just a minute---

Hon. Deputy Speaker: Order!

Hon. George Maina: So that he can add something in the report.

Hon. Deputy Speaker: You can share with him on that personally.

Hon. George Maina: Mr. Speaker, there is something that they have not added here.

Hon. Deputy Speaker: That should not be said before the House, kindly, Hon. Member.

Hon. George Maina: Be balanced, Mr. Speaker.

Hon. Deputy Speaker: Get a hold of the Chairman and discuss it the two of you.

MOTION

ESTABLISHMENT OF A COUNTY LIAISON OFFICE

Hon. Deputy Speaker: Hon. Kitavi. Press your microphone once.

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Thank you. Mr. Speaker, THAT, aware that Article 174 of the Constitution of Kenya states that one of the objects of Devolution is to promote social and economic development and the provision of approximate and easily accessible services throughout the Country, enhance checks and balances and the separation of powers; Further aware that article 185 (3) of the Constitution states that a County Assembly while respecting the principle of the separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs; Concerned that the County Assembly has experienced challenges in getting vital information from the County Executive on different matters such as implementation of various proposed projects and motions; Noting that most of the County projects in various Wards have stalled thus hindering efficient service delivery to Nairobi City County residents; This Assembly urges the County Executive to establish a County Liaison office that will act as a center of information between the County Legislature and the Executive in the implementation of County Assembly resolutions.


Mr. Speaker sir, as you might be aware, it has been quite challenging for Hon. Members to get information regarding the status of various projects and issues in this County. There is no particular office where Members can go and make enquiries. Sometimes, they have to go and make enquiries from the Clerk's office, the Executive Office and the County Secretary's office because there is lack of coordination.

Many chairmen are receiving calls from their colleagues inquiring on various projects; for example if the matter is on Roads, then they will call the Chairman for Roads, on Education then they will equally call the Chairman. Mr. Speaker sir, if we had one office that is furnished with this information, then it would be easier for Members to go to that office and find the status of various issues and projects.

Just the other day, Mr. Speaker, I met Hon. Manoah on the corridors of City Hall Annex panting because he was making inquiries on the status of the bursaries that we applied for last year. He is not the only one. You will find Members running up and down in various offices trying to get information on various projects. It is very unfortunate that we do not have a single office that can provide Members with information that is useful to them. It is high time that we get such an office that will be manned by competent personnel who can then be able to offer information.

When we pass motions here on the floor, Mr. Speaker, it becomes a challenge to have them implemented because we do not have a particular office where we can get guidance on whom to question and things like that. This Motion therefore is urging that this Assembly passes it so that an office can be established so that even if the next Assembly comes into office, then they can have a place. When we were first sworn in, it took us over a year to find our way on how things operate here at City Hall. I therefore urge this Assembly to pass this Motion so that we can be able to get directions on various issues. I want to call upon Hon. Kingsley Odida to second the Motion. Thank you.

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Hon. Member for Umoja II Ward (Mr. Kingsley Odida): Thank you, Mr. Speaker. As I rise to second this Motion contributed by Chairperson of Education, maybe I will just add a thing on what he has just talked about.

Mr. Speaker, most of the Members rely on Whatsapp and other form of Social Media to get information regarding this Assembly and it is high time that this Assembly looks into the issue of having a Liaison officer so that the Members at least can be getting information on first hand.

The message portal that we usually have sometimes is faulty and it gives us incorrect information. When we have a Liaison officer, we will be able to get the exact information regarding all issues in the Assembly and County in general. So, Mr. Speaker I second, thank you.

Hon. Deputy Speaker: Thank you.

(Question proposed)

Hon. Jacqueline Nyangala (Nominated Member): Thank you, Mr. Speaker and I stand to support. Mr. Speaker it is very unfortunately that we are still talking about lack of information and stalled projects at this time of the year, four years down the line. I am very concerned that maybe if we have these Liaison officers, they will not be competent to be able to give us any information. I say this because I wrote a letter to the CEC of Transport in 2014 September and subsequently, I have written more letters asking and this one was for an international company asking for a parking next to their office and they were going to pay for it, I did not even get a response to the letter. I have followed up the letters from the CEC, so if they cannot respond, I am just wondering if the Liaison officer will respond.

Therefore, that is how inefficiency the Executive is. I have written to the Governor and to others, but up to date, there is no response even to say it is possible or not possible. So, Mr. Speaker, it is very unfortunate that we are talking about this now. This shows how inefficient this County Executive is if they cannot even give any information. I support and I hope it works, thank you.

Hon. Member for Komarock (Mr. Samuel Irungu): Hon. Speaker, I rise to support this Motion and I would like to thank the mover for brining such a brilliant idea in a time like this. Mr. Speaker, looking at all the projects that we have passed in the County Assembly and all the budgets we have passed here, the implementation status is less than 10 percent.

Mr. Speaker to be precise, it is pathetic, for example, in the last financial year, every Hon. Member was supposed to benefit with water project worth 3 Million. Today, Mr. Speaker, you have to go to the Director's office and CEC's office trying to enquire the same day in day out and nothing is forthcoming.

Mr. Speaker, if you go to Health which is a very vital sector in as far as service delivery is concerned. I want to give a particular example of a hospital like Mama Lucy which is serving more than 10 Sub-Counties. Can you imagine, Mr. Speaker? I would like to put this to the attention of this House that for the last four years, Mama Lucy Kibaki Hospital so far has not received any single coin for development. Why? They will

keep telling you reasons year in year out. It is pathetic that now we are going for election and the residents of Nairobi County do not differentiate clearly what is the work of County Assembly and Executive.

Mr. Speaker, I would also want to comment about the Public Works. How do we explain to the people of Nairobi that even after making a lot of effort as Transport and Works Committee and having allocated five million per Ward to rehabilitate roads which are in bad condition? Up to date, even after the award letters were issued to various Contractors, no contract has been signed. When you ask, you are send from one office to the other. It is a brilliant idea and I would want to urge this Hon. House to support the Hon. Member.

I also want to talk about the ECD's. Would you imagine, Mr. Speaker, as an elected Member of County Assembly, you go to your residence and you say that you want to come up with ECD's. To date, nobody has been able to give the correct status of those particular projects.

Mr. Speaker, I am in total agreement that we need to act very first because the Executive Arm of the County Government has failed us. I want to conclude, Hon. Speaker, by urging this House to do whatever they can do within their power to factor the Ward Development Fund Projects that were awarded in the month of December. Two months later, you will have to keep on going to the procurement begging junior officers, begging senior officers to see that the contract is signed.

Mr. Speaker, I wish this one will work because last minute can save a man or woman. Thank you, Mr. Speaker.

Hon. Karen Wanjiku (Nominated Member): Thank you, Mr. Speaker. I stand to support this noble Motion. I want to say that the objectives of Devolution are very clear and important. The most important objective was to bring services near the people and the people here – the elected Ward reps- are supposed to play a very important role of representation, oversight and legislation which we have done but our oversight role has been very hard. Imagine you are elected and yet you are supposed to go to somebody who is not elected- an Executive Member- to go and beg for implementation. And we were somehow discussing about it, wondering, how then if you are the one who was given the votes and yet somebody who was not given votes and was appointed by the Governor is the one implementing and you are trying to think how to go about it. I think that is why we need a Liaison office, it will help us.

A Liaison office with a working website whereby you can look at some things online without bothering to go upstairs, to lifts that don't work, to 8th floor, to 10th floor. This one will make our work easier. Even our Chair was struggling there to answer from Health Committee because we keep on asking for Statements and we don't get answers. But this one will be very easy because we just go to Liaison office and go to the person who is supposed to answer some particular things, whether it is procurement, the bursaries etc. Take example like the bursary regulations, it took us a lot of hectic moments for our Committee to go round and make sure that Hon. Members get bursaries because they were saying without regulations, we cannot get bursary but if we had an office, it could have taken us maybe a week because we could have a good Legal office representing the Executive. Mr. Speaker sir, this is a very noble Motion and it will make our work easier especially doing our oversight role, I support.

Hon. Alexina Mudi (Nominated Member): Thank you, Mr. Speaker sir, I stand to support this Motion considering a few things here and there. We all know that when people go outside there to ask for votes, they are looking for a job. People collectively put their votes together to give one person this employment so as to go and represent them. It is quite unfortunate when we come to this House and, because of the division between the Arms of the Government and the division that goes down the House itself, I wish this could have been taken seriously especially we legislators whereby when an Executive officer is failing, the legislators at least we could have uproot one person. But unfortunately when it comes down to people, we want to politicize the matter, we go to our party and they take advantage of us.

This information is power and this power belongs to the people. Mr. Speaker, we will continue speaking and doing our right. Our mandate is to talk because even pastors in our church continue talking. They will never fail whether you are born again or not. It is up to you to listen and get the message. Mr. Speaker sir, we need this Liaison office. I therefore support, thank you.

Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau): Mr. Speaker, I rise to support this Motion because what should make both the Executive and Assembly concrete is having the implementation of this office. The Assembly has done its part. In this country, if there is an Assembly that has really executed its mandate is Nairobi County Assembly. On the other hand, the Executive have let us down. We don't know who to ask. We need this office. There are so many Motions we have passed but they have never been implemented and if we had this office, it could be easier for us. I support.

Hon. Joyce Bocha (Nominated Member): *Bw. Spika, nikichangia, ninaunga huu Mjadala mkono kwa sababu gani? Kuna maofisa wengine tukienda ofisi zao wanatuona kama hatuwezi kuwa Mheshimiwa.*

Tukiwa na ofisi yetu ambayo tukiwa na mambo yetu, tunakuja kujadiliana na inachukuliwa kwa uzito kwa sababu wewe ni Mheshimiwa. Lakini ukienda kwa huyo mtu ulichangia akiandikwa kazi, anakuangalia kama wewe si Mheshimiwa. Juzi nilikuwa kwa ofisi nyingine kwa mambo fulani, mkubwa akaniambia nimngoje kwa ofisi yake. Nikakaa hapo nikimngojea. Halafu lugha inaendelea hapo, mwingine akasema hapo ati nimesikia huyu ni Mheshimiwa. Akasema ni mheshimiwa wa wapi na hata haonekani kama ni Mheshimiwa? Sasa sijui Mheshimiwa anatakiwa awe na namba kwa kichwa ama kwa mgongo? Sijui. Nilikaa kabisa. Walitoka wote ati saa zimeisha, nikawauliza mnaenda na mkubwa ameniambia nimngoje? Wakasema saa zetu zimeisha, wakaenda.

Kwa hivyo tukiwa na ofisi zetu, heshima itakuwa. Nimechangia hiyo na ninaunga mkono.

Hon. Deputy Speaker: I can see two microphones are on. We have delegate number 009.

Hon. Member for Karen Ward (Mr. David Mberia): Mr. Speaker, I want to support this Motion, but I doubt whether it shall ever be implemented. We have done hundreds of Motions in this House since we were elected but the County Executive has never implemented any. Hon. Kitavi, we are supporting your Motion and we hope this time around may be they are going to implement this one. Thank you.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you, Hon. Speaker sir. I stand to support this Motion. It is very important as it appears here since it is going to make the work of

legislatures to be a little bit time precious. Why Am I saying so? Most of the time, the Hon. Members take too much time when they are carrying their files to go and beg the Executive officers to consider the same. But if we establish this office, then there will be a leeway since backlog of the legislatures is going to be reduced and also will enable the legislatures to perform their duties as is required and as per the Devolution. Thank you, Hon. Speaker sir.

Hon. Deputy Speaker: Hon. Members, allow me now to call the Mover to reply.

Hon. Member for Kibera Liani Saba Ward (Mr. Boniface Kitavi): *Ahsante, Bwana Spika. Kwanza kabisa, ningependa kumwelezea Mheshimiwa Joyce Bocha, yeye ni Mheshimiwa na unastahili kuwa Mheshimiwa. Mtu yeyote asijaribu kukudharau kwamba ati Mheshimiwa anafaa kufanana namna gani. Ahsante kwa kuunga mkono huu Mjadala. Kusema tu ukweli, Bwana Spika, hatujachelewa sana. Ata kama kuna Mheshimiwa ambaye amesema hajui kama itatekelezwa, tuko na matumaini ya kwamba watafanya jambo. Ni ukweli ya kwamba waheshimiwa wengi wameteseka kwenye hii Kaunti wakiingia kwa ofisi moja hadi nyingine wakijaribu kufuatilia maswala ambayo ni ya umuhimu kabisa. Mara nyingi, tumekuwa na Mijadala kwenye hii Bunge na Waheshimiwa wengi huchukua muda wao wanapoandika hii Mijadala ambayo nyingi ni nzuri kabisa. Na hata kama hazitatekezwa, tuko na matumaini kwamba Bunge Ijalo wataweza kuangalia ile Mijadala imepitishwa hapa na angalau wajaribu kuona ya kwamba itatekelezwa.*

Ningetaka kutoa shukrani zangu za dhati kwa Waheshimiwa wote kwa kuunga huu Mjadala mkono.

Hon. Deputy Speaker: Thank you.

(Question put and agreed to)

Hon. Deputy Speaker: Hon. Members, there will be a House Business Committee at the rise of the Assembly and the House stands adjourned till tomorrow at 2.30 p.m. chaired by Hon. Karen Wanjiku. Thank you.

(The house rose at 3:45 p.m.)