



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 24th November 2020

The House met at 9.30 a.m.

[Hon. Temporary Deputy Speaker (Mr John Kamangu) in the Chair]

QUORUM

Hon. Temporary Deputy Speaker: Clerk, confirm whether we have quorum.

PAPERS

Hon. Temporary Deputy Speaker: Hon. Chair Education, Hon. Moseiya!

(Point of Order)

Hon. Moses Ogeto: Hon. Speaker, I am on Point of Order No. 56 (h) on a Motion of Privilege. You gave a commitment that you will give a communication in this House which should be after the Administration of Oath; the communication on question is on the Office of the Clerk. I remember that you were then the Speaker and you said that you are going to consult and ensure that the communication will be brought before this House.

Hon. Speaker on the same Motion on Privilege – today Donald Trump has accepted that the United States of America is bigger than an individual - we are not going to be doing legislations in this House without ensuring that Standing Order No. 1 is respected within the premise of law. Before we proceed, I am requesting that if you have any communication regarding my Motion which I asked in this House, because this House cannot continue without allowing other institutions giving jurisdictions and decrees of the Republic of Kenya, and then we avoid them.

Hon. Speaker, you are setting a bad precedence in this House. There is nowhere in the Republic of Kenya where some laws are respected and others are not. From the communication from the Chair there was a ruling by Justice Maureen Onyango on issues pertaining to the office of the Clerk. We have not seen that office in operation, Hon. Speaker. I requested last week when the Chair was Hon. Kemunto but she avoided me. If you avoid me today, I am quoting again that 'this government will eat its own people'.

Why am I asking this Hon. Speaker? Because I know there is no law that can be respected in this county assembly without casualties. It will be me or you. Hon. Speaker on the premise of the law and respecting the Constitution of the Republic of Kenya Article 1 where the sovereignty of the people belongs to the people. I am requesting that this be expedited so that when I come in the afternoon to do a presentation I know that I am on the confines of the law. Thank you Hon, Speaker.

Hon. Temporary Deputy Speaker: Thank you Hon. Nyangaresi. Hon. Nyangaresi, I want to bring to your attention that the Clerk is an employee of the Board and the Board's resolution supersedes everything else. It is good that you have brought the issue of the Clerk on the floor of the House. But what does the Board resolution say?

(Point of Order)

Hon. Peter Imwatok: I rise also on Point of Order No. 56 (h), thank you Chair. As I always say that your wisdom negates any human wisdom within this assembly. As you have put it Chair, what is the resolution of the Board? Under Article 1 of the Constitution, the sovereignty of the people rests on the people themselves and can only be delegated to the elected and the special elects. We want this to go on record on HANSARD that, this House of 122 members is a delegation from the five million Nairobians

What is the role of the Board? We have a Board member amidst us and we have a precedence that was set here. When one Beatrice Elachi had been impeached and an order was presented before this House in form of a communication which neither the leadership nor the Board has resolved. It is not about waiting; it is about even the Board members who are not happy that they will be held in contempt of court proceedings because someone somewhere is not happy that this assembly can work within the law.

Mr. Speaker, as leaders of this county assembly, we cannot keep quiet any longer. It is not about what the Board says but it is about a Member who asked for a proclamation by the Speaker so that it goes on HANSARD that the House Business Committee, that the Board, the Speaker, the Majority Leader, the Minority Leader or the Whips have negated to obey the process of the court.

In this assembly, we tabled a name of one Edward Gichana to be Clerk of the County Assembly of Nairobi and we passed it. In the history of this assembly, Hon. Ogada, the Majority Leader and I am privileged to serve a second term. The County Government Act Section 12 has never been expedited in this assembly. Until when we proclaim and approve one Edward Gichana to be the Clerk of County Assembly of Nairobi – up to date the supreme power of the people of Nairobi is vested on us. We hear from the corridors that Edward Gichana has been denied access to the office. We also heard that someone has gone to the courts to negate the ambiguity interpretation of the law. The law is very clear on the decree of 16 that the orders of 71 are lifted, the Gazettee Notice 5071 is lifted. It is very clear.

Mr. Speaker, the conniving that is going on in this assembly on our side, for those who believe in the law; our Party ODM believe in one thing, meritocracy, two, equality, three, honesty, four, justice for all. The way you defend a Kikuyu the same way you should defend a Kisii, a Masai, a Borana or a Somali, we defend everyone in equal measure. Therefore, Speaker, there is no choice--- Kiptoo have a seat.

Hon. Temporary Deputy Speaker: Hon. Imwatok, just a minute. I thought the issue of Gichana is still in court.

Hon. Peter Imwatok: It is not in court. What we are going to pronounce here you can take it as a *subjudice* in court. It is a creation; interpretation of ambiguity is not a petition in court. What is in court is a petition that is relying on affidavit. There is no affidavit on a letter to court to explain ambiguity upon which the lifting of Order 71 and subsequent order 72. It is not a petition before the court and therefore there is no *subjudice* in this.

Mr. Speaker we have gone to school and we know what is ailing our county assembly. We are asking and demanding from the Chair the way we did Beatrice Elachi's decree, it must be tabled before this assembly for explanation from the leadership on what is the way forward. As a House we will not pretend that this assembly will move forward making proclamation decisions that are not bound by the law.

Even as at yesterday we have a business to transact in this House; Order of August 5th. What did it say: that, the Deputy Clerk in office should take charge of the function of the Clerk. The question is; to date and Justice Maureen was very categorical, until I do a proclamation on who is the Clerk of the County Assembly of Nairobi, on 16th of November. On 16th of October she made a proclamation that one Jacob Ngwele Mvengei was never employed as the Clerk of the assembly. Therefore, lifting Order 71 and the subsequent Gazette Notice 72, it gave life to the appointment of Edward Gichana which we did before this assembly.

Hon. Speaker, we are not prepared to be part of the soil that will go to a swampy desert for the interests of a few individuals. We are articular of the law and we want the Speaker to pronounce himself before the Chair the ambiguity and the interpretation that the lawyers have given to this assembly because we are a supreme House. Thank you, Mr. Speaker.

Hon. Abdi Hassan: Thank you Mr. Speaker sir. I want to say a few words on matters pertaining to the Clerk. This assembly is a House of rules and procedure and we must adhere to law and strictly follow it. We are not going to allow this assembly to be run the way Elachi did. The matter pertaining to Order 71 and the appointment of Gichana is very clear and was procured illegally. The consent that was done between the Minority Chief Whip and the Board were known, there were orders restraining the County Assembly Service Board from recruiting a Clerk which was done illegally. This assembly cannot be run in a manner that is not in consistence with the law.


Mr. Speaker sir, we are not going to allow one individual to take this assembly as his personal property. I was listening to everything that the Members were saying and I have not spoken about any individual and I have not mentioned any Members name and therefore I should not be interjected. We know the vested interests that some Members have and some want to support their clansmen. If this assembly is run that way, we know that we have had three Acting Clerks, the first was Monica. When six months lapsed under Section 34 of the Public Service Act, another Acting Clerk was appointed. There is no illegality that has been committed by the Board and people must respect other people's work. If you have issues on matters pertaining to the Clerk, petition the Board.

Mr. Speaker, as a Jubilee Party we will stand very firm and we will support the current Acting Clerk who has been appointed by the board.

(Point of Order)

Hon. Temporary Deputy Speaker: What is the point of order?

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Hon. Catherine Apiyo: Mr. Speaker---

Hon. Temporary Deputy Speaker: I suggest that let the Majority Leader dispense with what he has--

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Hon. Abdi Hassan: Which Standing Order is she quoting, Hon. Speaker sir?

Hon. Catherine Apiyo: Mr. Speaker sir, the Majority Leader is misleading the House; he is not a Board member. He is not allowed to talk on Board matters.

Hon. Temporary Deputy Speaker: Hon. Guyo, please proceed.

Hon. Abdi Hassan: Thank you Mr. Speaker sir. The matter of Gichana is still in court under Petition No. 28 and until it is finalized, we cannot---

Hon. Peter Imwatok: He is not a Board member; he cannot speak on behalf of the Board.

(Hon. Moses Ogeto spoke off record)

Hon. Abdi Hassan: Mr. Speaker sir, we know what transpired one year ago in this assembly and we will not allow ourselves to go back that route. We are not going to allow people to employ their clansmen, girlfriends because they want to push that narrative. This assembly will not allow that.

Hon. Temporary Deputy Speaker: I want to give ruling on this one.

Hon. Peter Imwatok: Mr. Speaker, it is so improper to impute the position of the Majority Leader to speak on behalf of us. And he has been reminded by a Board member that he is not a Board member to give declarations on who is to be the Clerk. It is the same Board that brought the name of Gichana here, he was not there. He is living in denial that he is not a Board member is not an excuse to bring mediocre arguments.

Hon. Temporary Deputy Speaker: Thank you Hon. Members. Let me make a ruling on this. I have heard you but I suggest that I need more consultations. You want to speak on the same? Minority Leader, proceed.

Hon. Michael Ogada: Thank you *Bwana* Speaker. I think Hon. Ogeto raised an issue which is simple and we don't have to argue so much. One thing that we need to appreciate is that we are all Kenyans and everybody has equal rights. As a party, we do not discriminate against anybody. The issue here is about the position of the Clerk. When we were given these responsibilities we tried to make it clear that we will discourage any confrontations, any wars, and any personal interests in this House so that we can represent the voters. We are here basically to represent voters and not individuals.

On the issue of the position of the Clerk, it went to court and according to the information that we have, the court made a decision that the previous office holder was not properly employed and therefore his employment was null and void. There is nothing that we can do because the courts have said so. I also understand that the same person has gone back to court to appeal, that is a rumour that I overheard in the streets because I don't have any documentary evidence that I can table here. Besides that, there was another person who underwent through the court process and was contracted as the Clerk of this House.

What I heard Hon. Ogeto say is that; there were some interpretations from the court that the Speaker was looking for so that he can tell us who the Clerk of this House is. If I heard him right, can the Speaker come and declare to us as a result of all the information he was looking for in the courts, who is the Clerk of this House? It is just a pronouncement.

Once he has made that pronouncement, it will be easier for us to speak from that position of knowledge. Because as we speak now if I say that I know any interpretations that the Speaker got from the courts, I will be lying to this House. I do not know which information he got from the courts.

The only good thing I can say because as a Minority Leader I got no information is that majority of Members in this House have got no idea about what transpired; whether he has gotten the feedback or he is still waiting. If a Minority leader has no information, then definitely that tells you that the other Members don't have it. My request is that, can the Speaker tell this House who is the Clerk of this assembly? Whether we have a Clerk or not?

If we do not have a Clerk, we employ one. If we have one, he comes to the House. Simple, there is nothing much. I don't even understand why people should argue over things that have no basis. *Kwasababu kama ni Clerk ni Clerk, kama sio Clerk sio Clerk*. It is as simple as that. I wanted to reinforce that, if you will be pleased would you ask the Speaker - may be if it is possible – that he raise that information on the floor of the House, then we are sorted. Thank you very much Bwana Speaker for giving me that time.

Hon. Temporary Deputy Speaker: Thank you very much. As I said, on the issue of the Clerk, it is purely administrative. You want to speak? Proceed.

Hon. Geophrey Majiwa: Mr. Speaker, the issues on the floor of the House are very weighty and we have to take them with the seriousness they deserve. You were in the process of telling us on what you were going to do with the questions that have been raised, but I want you to go further and look at the operations of the Board and the powers of the Board because you have mentioned on the issue to do with the Board.

The issue of the Deputy Clerk is most disturbing because there is an indication that the Board does not agree with the decision that has been undertaken. This needs to be looked into seriously because it is a serious illegality which we cannot allow to continue in this assembly.

(Applause)

We have information just like others have said, about certain court orders which we have no proof. We also have information that three or four Board members have disagreed on decision to change the Deputy Clerk. That is something that you need to seek clarification to know whether that is the position---

Hon. Temporary Deputy Speaker: Hon. Majiwa, let me say this please. I don't want people to speculate.

Hon. Geophrey Majiwa: I want you to seek clarifications, Mr. Speaker, because you want to give a response to a question that was asked here substantively. You are under a duty to seek clarifications on the issue of the Deputy Clerk and the decision of the Board; whether it is binding within the law. Thank you.

Hon. Temporary Deputy Speaker: Thank you very much Deputy Speaker. What I was saying, Members, is that I want us to put our heads together. What is being asked is a weighty issue that needs to be addressed. And that is why I said that the issue of the Clerk is administrative and the County Assembly Service Board is in a better position to give the advice. That is why I said that I need to consult further on this issue. I am sure that there would be a communication.

Hon. Moses Ogeto: My concern, Hon. Speaker, is that the good thing is that Hon. Kemunto is here and she promised to bring the response on Thursday last week. Mr. Speaker I want you to commit yourself on the communication. Because first it was Hon. Deputy Speaker who said that the County Assembly of

Nairobi said that there was no communication. It came to you and you said you are going to give a direction, and then Hon. Immapet Kemunto she said she was going to give the direction on Thursday last week but when I came to this House, she adjourned the House unceremoniously.

My concern is that, how long is this communication going to take?

(Applause)

We want to understand even if it is wrong or good; does it conform to the law? I want him to advise you correctly because the Standing Order is not about the Clerk. Hon. Speaker, those sitting in front of you are Clerks of this assembly and any direction or communication that you give to this House will be binding. When I requested for the communication, I did so that so that you can talk to the Chair of the Board to bring the response to me and communicate before the House. And that is why I stood on a Motion of Privilege.

Hon. Speaker, I can tell you for free, they touched our heads and we kept quiet, they touched our breasts we kept quiet, they are going to our testicles and we are not going to wait!

(Applause)

Hon. Temporary Deputy Speaker: Thank you Hon. Members. Let us finish on this matter once and for all. I have said that I am going to consult further and we have today, tomorrow and on Thursday. Thank you very much, Clerk proceed!

(Hon. Moses Ogeto spoke off record)

(Point of Order)

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

Hon. Peter Imwatok: Mr. Speaker, even on a court of law there is a bench, there are weaknesses, and there is a prosecutor; that constitutes what we call a bench. But when a bench is indecisive, it creates an ambiguity, it creates a vacuum and that vacuum must be filled. This question was asked by the Hon. Deputy Minority Whip of this County Assembly, not an ordinary Member. It was asked to the Deputy Speaker and he has a responsibility.

If you watched the impeachment of Hon. Kindiki in the Senate, most Senators said these words; 'His judgements on most occasions has been set as precedence internationally'. It is not upon you, Hon. Immapet or the Deputy Speaker to consult, it is upon your offices to do research based on the law and not individual.

Mr. Speaker, this is not Kariokor or Kamukunji, this is a House of precedence that our grandchildren will read the history of what we have said today. The issue of saying consultation is not applicable to the bench. The law requires you to give affirmative date and time. Now, people are invoking the names of the bigger powers. I can quote without fear of contradiction, His Excellency the President of the Republic of Kenya is the leader of all 47 tribes, he cannot and will not negate himself to a tribe. My own party leader is a party leader of 47 tribes. Begin from me, a Teso, being a leader in this County Assembly appointed by him. He cannot reduce himself to the ambiguity of tribalism. I know for a fact.

(Applause)

Therefore, Chair, this question is now becoming a party position that we want a declaration from your seat. When? What time will the issue of the Clerk of the County Assembly that we approved here is going to be declared before the Hon. Members? It is not about a choice but a demand of facts of law.

Hon. Temporary Deputy Speaker: Thank you, Hon. Whip. I have asked you kindly that we should not be driven by emotions. The issues raised here are mighty that we need to do further consultations. You are aware we have discussed these issues. I have requested you to hold horses as I consult. I can assure you that before the end of next week, you will have the answer.

Hon. Peter Imwatok: With utmost respect----

(Hon. Temporary Deputy Speaker consulted the Clerk-at-the-Table)

Kiptoo, just have a seat. Hon. Speaker, in this Assembly, we are going to make declarations and decisions as a party that we are not prepared to make decisions that are illegally binding. We want to know, who is the Clerk that we approved within this precincts? If not, what transpired? So that we will be in the know on Hansard because there is a possibility we will make a decision here and somebody moves to court and ask who the accounting officer of that decision was.

It will not be about the Majority Leader or the Minority Leader whose names will be in dispute, but it will be the Speaker and the Assembly. The question we are asking, is there an answer in heaven or Jerusalem so that we can call for that song to be danced outside here? Who is the Clerk as per the Board?

Hon. Temporary Deputy Speaker: Thank you, Hon. Whip. As I had said earlier, the issue that you have raised is mighty and we need further consultations. I think by Thursday next week the communication will come on the floor. The matter we are discussing here is already in court. This side is saying it is not in court but the other side is saying it is in court. So, I need to do further consultations so as to make a ruling on the issue.

Hon. Abdi Hassan: I think it is unwise to give a definite date before consulting the Chair of the Board.

Hon. Temporary Deputy Speaker: I just said a communication. Clerk, proceed.

PAPER

Hon. Temporary Deputy Speaker: Chair of Education, Hon. Moseiya, you have a Paper to lay. Proceed.

Hon. Silvy Moseiya: Hon. Speaker, I wish to lay the following Paper: The Report of Sectoral Committee on Children, Early Childhood Education and Vocational Training on workshop held from 23rd to 26th October 2020. Thank you, Hon. Speaker.

(The Paper was laid on the Table)

NOTICE OF MOTION

PAYMENT OF ENHANCED RISK ALLOWANCES TO FRONTLINE HEALTH WORKERS

Hon. Geophrey Majiwa: Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, aware that the outbreak of the Coronavirus Disease (COVID-19) has posed a significant threat to Kenya and Kenyans; deeply concerned that the COVID-19 pandemic has put additional demands and risks on frontline personnel while further stretching National and County health budgets; recognizing that health care workers (HCWs) face a host of challenges, including insufficient kits and equipment, long working hours, heightened risk of exposure, discrimination and stigma among other related challenges; regretting that

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the payment of enhanced risk allowances, effecting of promotions of all HCWs across the cadres, the procurement of comprehensive medical cover by NHIF which includes group life cover/work injury benefits cover to compensate HCWs in case of deaths or permanent disability, and the exemption from duty of health workers above years with comorbidities, such as diabetes, high blood pressure (hypertension), heart disease, psychiatric disorders or substance abuse has been delayed and mired in controversy and persistent strife between the Nairobi Metropolitan Services and County Executive, leading to threats of strikes and industrial action in the midst of the pandemic; further observing that the Nairobi County Government's failure to enforce routine free testing for all health workers and their families for early detection and treatment of COVID-19 cases and the setting aside of an ambulance and bed facility including ICU beds, for their isolation and treatment, not consistently and timely paying health workers salaries and statutory deductions, some of whom have even contracted the disease, adds to their distress and despair; this Assembly urges the County Executive to expedite the payment of enhanced risk allowances and the urgent provision of adequate medical cover and standard PPEs to all HCWs in the County.

Hon. Temporary Deputy Speaker: Thank you. Clerk, proceed.

MOTION

Hon. Temporary Deputy Speaker: Hon. Majiwa, proceed with your Motion.

PAYMENT OF ENHANCED RISK ALLOWANCES TO FRONTLINE HEALTH WORKERS

Hon. Geophrey Majiwa: Thank you, Hon. Speaker. THAT, aware that the outbreak of the Coronavirus Disease (COVID-19) has posed a significant threat to Kenya and Kenyans; deeply concerned that the COVID-19 pandemic has put additional demands and risks on frontline personnel while further stretching National and County health budgets; recognizing that health care workers (HCWs) face a host of challenges, including insufficient kits and equipment, long working hours, heightened risk of exposure, discrimination and stigma among other related challenges; regretting that the payment of enhanced risk allowances, effecting of promotions of all HCWs across the cadres, the procurement of comprehensive medical cover by NHIF which includes group life cover/work injury benefits cover to compensate HCWs in case of deaths or permanent disability, and the exemption from duty of health workers above years with comorbidities, such as diabetes, high blood pressure (hypertension), heart disease, psychiatric disorders or substance abuse has been delayed and mired in controversy and persistent strife between the Nairobi Metropolitan Services and County Executive, leading to threats of strikes and industrial action in the midst of the pandemic; further observing that the Nairobi County Government's failure to enforce routine free testing for all health workers and their families for early detection and treatment of COVID-19 cases and the setting aside of an ambulance and bed facility including ICU beds, for their isolation and treatment, not consistently and timely paying health workers salaries and statutory deductions, some of whom have even contracted the disease, adds to their distress and despair; this Assembly urges the County Executive to expedite the payment of enhanced risk allowances and the urgent provision of adequate medical cover and standard PPEs to all HCWs in the County.

Mr. Speaker, I brought this Motion with a main concern that the manner in which I have seen the County Government and the NMS difference take the healthcare workers, very soon will be witnessing cases

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of suicide among our workers. We have seen people who are healthcare workers but nobody thinks about them. In every situation, we have two groups of people, we have those that are living and those that are defending them. In an ordinary situation in a country like this, we have the Kenya Army who are defending our country and our boundaries. That gives us the security and peace in the country. But when something like a pandemic comes, the army that we have are the healthcare workers. If us as the Government can't protect them, then how do you expect them to protect us. If you allow them to die of this same disease that they are protecting us against, their families will suffer.

Mr. Speaker, it is a concern that we need to think of because all of us live here and know the dangers of this pandemic, particularly to the healthcare workers who have put their lives ahead to make sure that Kenyans are safe. We cannot as Government allow the healthcare workers to go through situations where they have to go to the streets to demand for their rights yet you know going to the streets is not a good thing to do at a time like this. They should be in hospitals making sure that all of us who have been affected by this pandemic are taken care of and leave hospitals health. In a scenario where you see workers in their white coats in the streets picketing, it is not something that is human.

I beg that this Assembly request the NMS and the County Government to look at the welfare of these workers and see what best we can do for them. As much as we have lost some of us, but the workers who are taking care of us have made sure that we have not suffered the way other countries have suffered. If you look at the numbers in Kenya, we can say that our healthcare workers have done their best. But we are failing them because we are not concerned of their welfare.

I urge this Assembly to ensure that the NMS and the County Government work closely to agree on how these people will be looked at in terms of their remuneration and allowances so that they can protect us happily. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Who is seconding your Motion?

Hon. Geophrey Majiwa: Hon, Ogeto to second.

Hon. Moses Ogeto: Thank you, Hon. Speaker. First and foremost, I want to congratulate my Deputy Speaker for bringing this important Motion. Before I second, this is a Motion that is touching health workers and today we lost two doctors. I am requesting that we stand and observe silence for 30 seconds in honour of Dr. Were and the other doctor who died in a span of 48 hours.

(Hon. Members stood and observed silence for 30 seconds)

Thank you, Hon. Speaker. I extend my sincere condolences to the family of the doctors who lost their lives in the line of duty battling this pandemic. COVID 19 is real in Kenya and the world at large. It has killed almost 1.5 million people worldwide. In Kenya, more than a thousand have died, including prominent people like the member of National Assembly for Matungu Constituency.

That notwithstanding, I will move an amendment. With your indulgence, you will allow me to move the amendment before the floor of the House. The health function has been transferred to the NMS under the Deed of Transfer which was signed by His Excellency the Governor of Nairobi, and the CS for devolution and other stakeholders who were party to. As I second, I wish the Deputy Speaker will see my sincerity in bringing the amendment to insert the Nairobi Metropolitan Service.

Mr. Speaker, as you are aware, in this House today we are very few because of COVID 19. If it were not for the disease, this House would have been full. This Motion is of good motive, and we will ensure there will be full implementation. I remember the other time the Chair of Health and the Leader of Majority were in the office of the Governor where it was declared that the health workers report back to work after being on strike due to delay of their salaries. The same was not honoured and the NMS and the County Executive bolted out. Later, the NMS took the mandate to ensure that the salaries for the health workers were catered for. The NMS has a good motive for the residents of the County,

Mr. Speaker, these allowances are important to the healthcare workers. We have to ensure that they get their risk allowances. The other week I was in the church, we were told to repent because of these many outbreaks like locusts, fire in Australia, then COVID 19. We need to repent as a nation because maybe COVID was sent by God so that we will be near Him and pray to Him. I beg to second this Motion.

(Question proposed)

Hon. Temporary Deputy Speaker: Hon. Members, anyone who wants to contribute? Yes, Hon. Imwatok:

Hon. Peter Imwatok: Chair, thank you for giving me a chance to support my senior on this important Motion. I had not read the contents when we were in the House Business Committee. Indeed, this is a well thought out Motion, especially in the times that we are living in. These people are so vulnerable. I can imagine a nurse in Mutuini who has no PPE receiving an emergency. Already, she is at risk of receiving this COVID 19 and more importantly even the strenuous allowance is not given unto her or him. Hon. Speaker this is dehumanizing; we are behaving like Trump of the USA who does not believe people are suffering even after 250,000 deaths. Now in Kenya we are gearing to about 50,000 deaths but we are behaving as if it is business as usual.

I want to congratulate the mover of the Motion, my Deputy Speaker, that indeed despite all that we go through, there is somebody somewhere who can sit down and think about others, this is a plus – Deputy Speaker, congratulations, good job. And also to impute on the NMS in particular because this is as per the moved amendment, this is a prerogative vested on the Nairobi Metropolitan Services.

Currently Chair, I have not heard where Nairobi can say, with a population of 5million citizens, we have an isolation centre that we can run to in case of any emergency, that is developed by the county government of Nairobi or Nairobi Metropolitan Services. This ought to be transmitted today to the relevant body today, Hon. Speaker, because as the House approves this, that's why we are saying there are some ambiguity in who does what in this County Assembly. So that this can be transmitted is a matter of life and death, it does not need to wait for the Implementation Committee to follow up, it just needs first the substantive holder of Accounting Office to transmit this to NMS with a cover letter. But as it is now, who will transmit, we are not aware.

Hon. Speaker, we cannot afford to put our House into ambiguity. Majiwa congratulations, this is a good job, but the question is, do we have the tenacity, do we have the audacity to make sure that we follow up, that by 2 p.m. the NMS, the county government has received this resolution of this House as a matter of urgency for the sake of humanity.

I went to Sinai in South B, Speaker, to date out of ten people, seven do not have masks and two of them have a mask on their chin not on their face and nose. Even the watchmen in every building I walked in, a watchman is measuring your temperature and he has no gloves, he just covers the mouth alone, so already if we do not put the county in order, and in particular NMS, these are the points they should use to earn 'bonga points'. As a House we are giving them this Motion, courtesy of the Deputy Speaker, that they move with speed to make sure these things are realized.

Honestly the last employment in Nairobi City County was 1998, assume that nurse was employed in 1998 she has been employed for 28 years, how old is she now? She is vulnerable so just paying her extraneous allowance should not be something to be bargained on. For the nurses to strike on the streets to walk running around the streets with megaphones is not attainable in the current dispensation order.

Therefore Hon. Speaker, I want to congratulate the mover of the Motion and more so to urge all the Members that this is about life and death. And I end with a philosopher who said 'all of us are expected in a morgue, all of us in any way, "ni maiti mtarajiwa". Any day who knows? Majiwa is moving this and the first culprit will be in this House.

I am reliably informed, today I looked at the MP for Nakuru, who decided to buy his own ventilator, and if you go to Nairobi Hospital you will be told there are no ventilators. If you go to Aga Khan there are no ventilators. If you go to Mutuni, how many ventilators do you have as a county? Mbagathi, how many ventilators are free for now? If you go to Mama Lucy, how many are free for now? This is a matter of urgency, it must be transmitted to the relevant bodies as quick as possible as a resolution and do an emergency funds allocation as quick as possible. Even the National Treasury should not wait for legislation to release the money for such. So Speaker, I beg to support. Thank you Deputy Speaker.

(Point of Order)


Hon. Temporary Deputy Speaker: Yes Hon. Nyangaresi, what is the Point of Order?

AMMENDMENT

Hon. Moses Ogeto: Hon. Speaker I am on a point of order No. 58(1) where I am requesting my senior that as the debate continues, so that we are within the confines of the law, to move an amendment by inserting a word, if you may wish me to do the same so that we are in concurrence.

Hon. Speaker, I want to move an amendment: That aware that the outbreak of the corona virus disease (Covid 19) has posed a significant threat to Kenya and Kenyans. Deeply concerned that the Covid 19 pandemic has put additional demands and risks on frontline personnel and further stretching the national and county health budget. Recognizing that health care workers (HCWs) face a host of challenges including insufficient kits and equipment, long working hours, heightened risk of exposure, discrimination and stigma among other related challenges. Regretting that the payment of enhanced risks, allowances affecting or promotions of HCWs across cadres. The procurement of comprehensive medical cover by NHIF which includes Group Life cover, Work Injury Benefits cover to compensate HCWs in case of deaths or permanent disability and the exemption from duty of health workers above years with comorbidities such as diabetes, high blood pressure, high pretention, heart disease, psychiatric disorders or substance abuse has been delayed, mired in controversy and persistent strife between the Nairobi Metropolitan Service and the county executive leading to threats of strikes and industrial action in the midst of the pandemic. Further observing

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that the Nairobi county government's failure to enforce routine free testing for both health workers and their families, for early detection and treatment of the Covid 19 cases, and setting aside of an ambulance and bed facility including ICU beds for their isolation and treatment. Not consistently and timely paying health workers salaries and statutory deductions some of whom have even contracted the disease adds to their distress and despair. This Assembly urges the County Executive *and Nairobi Metropolitan Service*. Hon Speaker that is where my amendment is coming, to expedite the payment of enhanced risk allowances and urgent provision of adequate medical cover and standard PPE's to all health workers in the county. Hon. Speaker am requesting my Deputy Speaker to second me in the same amendment.

Hon. Temporary Deputy Speaker: The Deputy Speaker, Hon. Majiwa.

(The Member spoke off-record)

Thank you.

(Question on amendment put and agreed to)

(Debate on original Motion resumed)

Hon. Temporary Deputy Speaker: Anybody else who wants to contribute? Yes Hon. Mellab?

Hon. Mellab Atemah: Thank you Mr. Speaker. You can see what am doing to this microphone?

Hon. Temporary Deputy Speaker: I can see you are a doctor; you are a good doctor, thank you!

Hon. Mellab Atemah: Mr. Speaker, this Motion that has been brought to the floor of the House by senior member of the House who is the Deputy Speaker is timely. I would like to say thank you so much for thinking about the pandemic that is affecting the community. Mr. Speaker when you just mention the word Covid 19, it's a stigma in itself.

I am standing here to mourn a few people that I have always known personally belonging to my relatives and friends and also politicians I have known people around who have succumbed to this virus. Especially like one person I would mention who has history in this Nairobi County, it used to be called Nairobi City Council, the late Hon. J. J. Bukachi who was once a Councillor. I am saying sorry for his family and friends but it was very sad to find out that Bukachi was found with Covid-19 and could not be given proper attention that led to his demise.

I want to go back to the friends that I know who have lost lives in Nairobi here and some of them also who have been working as care givers on the frontline. Mr. Speaker these are our children, wives, daughters, fans, fathers and mothers. It is very sad when you have a child or a relative who is a frontline caregiver. I borrow a leaf the Hon. Board Member here who shared with me one time that her daughter is a nurse, but when she comes to the house, the way you see this daughter frustrated before she joins the family, making sure that she does not carry the virus to the family, it is very frustrating.

Most of them have gone to the extent of now providing for themselves out of the logistics from work to make sure that they meet the requirements to protect themselves. These are the people who are giving back to the community Mr. Speaker, it is quite unfair for us to allow the caregivers who are on frontline to suffer in getting even their own protective gears and the PPE's as we call them and delaying their payment which is their right.

Secondly, it is so funny that we do not have a proper procedure on what happens to a caregiver if they happen to be victims of the virus. We do not have a specified place as a county, we do not have a

specified hospital or unit that we say this one we are giving priority to our caregivers whereby they can be given that priority to go and be checked. Rather we allow them also to go and line up and pay in these other public hospitals as if they are not giving back to the community.

It is very sad, Mr. Speaker, and it is very distressing. That is why nowadays when you walk to the hospital when you have few signs that can be relating to the virus, before they even check and diagnose what it is, you are already rushed to isolation unit or they already think it is corona, and in fact, some of them could just pronounce that this one relates to Covid-19. That could also bring down the feeling of a patient that can drive this patient not to survive or lose hope.

Mr. Speaker what I am saying is as a county, we are able, we are very much able to come up with units on how we can help these frontline workers. We are also very able to make sure that they get their salaries on time. If the government managed to take care of the old people during this pandemic and it's national, what is so difficult for the same government in collaboration with the county government to come up with a proper program to make sure that the frontline health workers are also given a priority? Even if it is NHIF as the Motion holder has put it. What is so hard for the government to make sure they have given a comprehensive cover that can also help them?

Mr. Speaker these people are leaving their children, these health workers are leaving their families and that gives them room not to give you sufficient services when you visit the hospital because they are living on no hope. Let us take the Covid-19 virus very seriously, let us come back to the community and look at the best way, because if we are losing all the doctors and nurses, who else will take care of us if we become victims of this pandemic? Let us as a county be prepared on how we can face pandemics, this is only one, but there are others that could come. How are we prepared; already this one is with us.

Secondly, how can we move with speed, because I believe in this House we talk and we leave it at that. Is there something that we can do because this is an issue that is already on the platform, that is already sweeping people that we know and we are seeing it. Can we have another method of enabling that this happens, together with the NMS, we are calling them, the way NMS is responding on environment and even infrastructure, this is the same way I would urge NMS to come into the issue of corona virus that is affecting our people, especially we start with the front health care givers.

Mr. Speaker I fully support this Motion and I congratulate the Deputy Speaker who brought this Motion. I urge this Assembly to support this Motion. Thank you very much Mr. Speaker.

Hon. Temporary Deputy Speaker: Anyone else who wants to contribute, Hon. Mary Ariviza.

Hon. Mary Ariviza: Thank you Mr. Speaker for this great opportunity to support the Motion brought before us by Hon. Majiwa, our Deputy Speaker. It is very timely, very important, we have lost very many important health workers and most of them are from Nairobi. This means that Nairobi is wanting in this issue. And so we urge the NMS to move with speed together in conjunction with the international organizations; and looking for help wherever they are able; in collaboration with the national government, to come up speedily and be able to implement this because if we lose our health workers we are going to be lost also, we are going to lose our lives.

And also we cannot afford to have this go on, so I am just standing here to support and am urging Kenyans, many of us are taking it like Covid- 19 is like a hit and run that you can only accidentally get it.

What has come out is very clear, that it is contagious, it moves through the air and it is important for us to wash our hands regularly, even if you do not have sanitizer use soap and wash regularly.

The other thing is wear a mask, especially in crowded places and thirdly, be able to keep distance. Many of us are doing very many things except keeping distance. We want to go to funerals as usual, we want to go to weddings as usual, these are different times and different times require for us to act differently. I am urging that our people take it very seriously. When we are bereaved, I lost a very close friend of mine, an elder in my church, and when she went to bury her husband in Migori, she came back with Covid- 19 and she passed away, we have just buried her last Saturday.

It is a very serious thing and it is because somebody somewhere did not take care of this vulnerable family, and her children now also have Covid- 19. It is a very serious issues, let us take it very seriously, let us protect ourselves, protect our workers who are on the frontline and we must love and honour our workers. It is very sad for us to lose a urologist who have been trained for very many years.

Being a urologist is not something that happens in a short time, it is very important for us to value, honour and respect these doctors. And the way we do this is to give them the necessary protection, necessary facilities. My brother happens to work with a very important company in this country, a chip company, and he is in the customer care, and they are very well taken care of, very important.

I think we can do much better by taking care of how our people dress, how they are attending to our people because at the end of the day the health workers are human, if they cannot be taken care of then there is no need of them risking their very lives. It is very important because everyone has a right to life and this includes our workers.

So we need to give them the facilitation, one remunerates them well, give them the necessary insurance cover plus their families and children in case they die in line of duty and be able to facilitate them by giving them incentive, good salary. We have gone ahead until they do not even get their salary on time. As we talk I do not think they have even been paid for the last two or three months. It is very unfortunate. So we need to move with speed as my Minority Whip has said and let it be on the desk of our general by this afternoon. Thank you very much Mr. Speaker Sir.

Hon. Temporary Deputy Speaker: Thank you Hon. Mary Ariviza. Is there anybody who wants to contribute through Zoom? Could you please raise your hands?

Hon. Jeremiah Themendu: Mr. Speaker you should notice I have raised my hands.

Hon. Temporary Deputy Speaker: I have seen it, proceed Hon. Themendu.

Hon. Jeremiah Themendu: Thank you Mr. Speaker. Let me rise to support the Motion because it is timely. The corona pandemic is with us, it is no joke and I would like to urge NMS because it has that function, the health docket, and also the County Executive to take charge and make sure those health workers are motivated. Because if we cannot defend our frontline, those health workers are the ones who are defending us, then we are vulnerable. You cannot put a watchman in your house and the watchman is ailing and then you think you are safe inside your house; it is very dangerous. For now, to let those doctors die because the PPE's are lying at KEMSA waiting for the price of the same to rise to get a higher market is very wrong. Let us release those PPE's to those doctors and nurses who are dealing with this pandemic. Hon. Speaker we should wake up and make sure Nairobi *(silence)*

Hon. Temporary Deputy Speaker: Are you done Hon. Karani?

Hon. Jeremiah Themendu: Hon. Speaker I would also like to mention that when the corona virus came to this country, foreign governments gave donations and the donations were shared equally to all counties in this country to take care of those who were suffering from the disease and also for recruitment of nurses and doctors to care for the same. We have never heard that Nairobi County has employed nurses through those funds. I would like to know where it went to, or how the funds were used, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you Hon. Karani I have heard you. I only want to give two people. Can I give Hon. Musili Mbangula? Hon. Kennedy Obuya? I can see your hand is raised. Hon. Osman Ibrahim?

Hon. Osman Ibrahim: Thank you Mr. Speaker, I would like to support the Motion but we seem to be beating around the bush. You know what has brought us here is the wrangles between NMS and Nairobi County Government. Everybody is asking the Nairobi County government to move with speed, how do you move with speed when you do not have a budget? Can this House come up with mechanisms so that we can mediate between the Nairobi Metropolitan Service and the County government so that there is an agreed solution so that we can move forward?

Right now everything is stuck because there is an impasse on the budget issue. We are asking somebody to move with speed when he does not have a budget. So I would really like that maybe we form a committee or something so that we can have a mediated settlement between the County government and the NMS because that is what is holding us back in everything that is supposed to be done in this county. So we cannot solve anything unless we solve the issue of the budget Mr. Speaker. I support the Motion but let us have the House come up with a mechanism of mediation so that we can move forward. Thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: The mover.

Hon. Geophrey Majiwa: Thank you Mr. Speaker. I beg to reply.

Hon. Temporary Deputy Speaker: Clerk, could you please confirm whether we have the quorum before I put the question. Confirm to me that we have the quorum, this is a new procedure that we are going to follow. We have some changes nowadays, before I put the question there must be a quorum. Confirm. We have the quorum? Thank you very much.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members if there is no any other business, the House stands adjourned till today 2.30 p.m. Thank you and God bless you all.

The House rose at 11.30 a.m.