



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 29th September 2020

The House met at 2.30 p.m.

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

PRAYERS

Hon. Temporary Deputy Speaker: Clerk, there is quorum, let us proceed.

NOTICE OF MOTION

ESTABLISHMENT OF GENDER BASED VIOLENCE DESKS AND WELL TRAINED STAFF TO PROVIDE FOR POST TRAUMA FACILITIES FOR SURVIVORS OF SEXUAL AND GENDER BASED VIOLENCE IN THE COUNTY

Hon. Waithera Chege: Thank you, Mr. Speaker. I beg to give notice of the following Motion:

THAT aware Article 28 of the Constitution 2010 specifies that every person has inherent dignity and the right to have that dignity respected and protected; further aware that Article 25 (a) of the Constitution provides for freedom from torture and cruelty, inhuman or degrading treatment or punishment; cognizant that every person has the right to freedom and security, which includes the right not to be subjected to any form of violence from either public or private sources; further cognizant that international laws and instruments such as convention of elimination of all forms of discrimination against women, UN resolutions 1325 and 1820 replicate violence against women as it impedes the advancement of women and maintains their subordinate status; noting that Maputo protocol on the rights of women which states that parties shall adopt and implement appropriate measures to ensure that the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual or verbal violence; concerned that there has been an increase in incidences of gender based violence and sexual gender based violence in the County, which has been accelerated by Corona Virus pandemic that has maimed peoples' lives; further concerned that many such gender based violence acts have gone unnoticed due to the lack of proper reporting mechanisms which has resulted in family breakups; acknowledging that the County is in the process of enacting a law on the gender based violence issues; this Assembly therefore urges the County Executive to establish gender based violence desks and well trained staff at City Hall as a

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central point and in all the sub counties to provide for post trauma facilities for survivors of sexual And gender based violence in the County.

Hon. Temporary Deputy Speaker: Thank you. It will be referred to House Business for reallocation. Clerk, proceed.

STATEMENTS

REQUEST FOR A STATEMENT REGARDING THE FINANCIAL STATEMENT OF NAIROBI CITY COUNTY LIQUOR BOARD FROM FINANCIAL YEAR 2018 TO 2020

Hon. Frederick Okeyo: Thank you, Hon. Speaker. Pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of the Select Committee on County Public Accounts regarding the financial statement of Nairobi City County Liquor Board from financial year 2018 to 2020.

Hon. Speaker, Article 166 (1) of the Public Finance Management Act of 2012 states that an accounting officer of the County Government entity shall prepare and report for each quarter of the financial year, a respect of the entity. Further, Article 166 (3) stipulates that not later than 15 days after the end of each quarter, the Accounting Officer shall submit the quarterly report for the County Treasury which shall further report to the County Assembly.

Hon. Speaker, Part Two of the Fourth Schedule of the Constitution of Kenya gives the County Government the functions of the Liquor Licensing. Article 43 (1) of the Nairobi City County Alcoholic Drink Control and Licensing establishes a fund which they are appropriated by the County Assembly.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:

1. Submission of the financial statement of Nairobi City County Alcohol, Drink Control and licensing for financial year 2018/2019 and 2019/2020;
2. Implementation status of the project submitted in the ADP Plan for financial year 2018/2019 and 2019/2020; and
3. Implementation of the approved procurement plan for financial year 2018/2019 and 2019/2020; and

Thank you.

Hon. Rose Ogonda: Thank you, Mr. Speaker. I beg to be given two weeks to respond.

Hon. Temporary Deputy Speaker: Hon. Okeyo, are you comfortable with two weeks?

Hon. Frederick Okeyo: I agree; two weeks is okay.

REQUEST FOR A STATEMENT REGARDING THE REFURBISHMENT OF THE STADIA IN THE COUNTY, SPECIFICALLY DANDORA STADIUM

Hon. Francis Ngesa: Thank you, Hon. Speaker. Pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Culture and Community Services regarding the refurbishment of the stadia in the County, specifically Dandora Stadium.

Hon. Speaker, the County Government had put in place necessary plans, including the budget for the construction of the Dandora Stadium with a view of benefiting the residents under the County Government initiative of providing platform for the youth empowerment. It is therefore important to note that the County Government had commenced works on the stadium but stalled midway for reasons not known

to the stakeholders. With no doubt, this has disillusioned many who would otherwise benefit from the stadium which was scheduled for unveiling in July 2020.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:

1. Reasons for the stalling of the construction of the stadium;
2. Steps that the County Executive has taken to have the project resumed for completion as per the plans.

Thank you.

Hon. Immapet Kemunto: Thank you, Mr. Speaker. We will respond in two weeks' time because this week we are going for a recess.

Hon. Temporary Deputy Speaker: Hon. Ngesa, are you comfortable with two weeks?

Hon. Francis Ngesa: I believe it will be two weeks. If they don't do it in two weeks' time, we are going to lay the tuff ourselves. That is what we have agreed. I am under a lot of pressure so that the stadium continues.

Hon. Temporary Deputy Speaker: Thank you for being a good statesman. There were two other statements from Hon. Njihia Mwangi.

Hon. Mary Mwami: I am standing in for Hon. Njihia Mwangi.

Hon. Temporary Deputy Speaker: Thank you, proceed.

REQUEST FOR A STATEMENT REGARDING THE POOR STATE OF ROADS IN THE COUNTY,
PARTICULARLY IN WOODLEY WARD

Hon. Mary Mwami: Thank you, Mr. Speaker for this honour and opportunity for me to stand in for Hon. Njihia.

Pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the poor state of roads in the County, particularly in Woodley Ward.

Hon. Speaker, the Amani Court Access Road that intersects Jamhuri 1 and 2 that spans from Coca Cola Road, Jamhuri and Kibra 42 is impassible and is in deplorable state.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:

1. The plans instituted by Nairobi Metropolitan Services and County Executive Government to ensure that the road is repaired in time;
2. Whether there are funds for rehabilitation of the County Roads
3. The time when the repair works shall commence

Thank you.

Hon. Waithera Chege: Thank you, Mr. Speaker. I am not a member but I can give an undertaking on behalf of the committee. We will respond in 12 days.

Hon. Mary Mwami: It is in order taking into consideration about very many things that are happening within the Assembly and outside. So I accept.

Hon. Temporary Deputy Speaker: Thank you Hon Arivisa. They were two you have another one, proceed.

REQUEST FOR STATEMENT REGARDING REHABILITATION OF WOODLEY JAMHURI MARKET

Hon. Mary Mwami: Thank you Sir. Hon. Speaker pursuant to Standing Order 45(2) (c) I wish to request for a statement from the Chairperson of Sectoral Committee on Trade and Tourism and Cooperatives regarding rehabilitation and upgrading of Woodley Jamhuri Market.

Hon. Speaker, markets are vital especially in facilitation of exchange or transaction of goods and services. It is imperative therefore to have all county markets and in particular Jamhuri Market upgraded to a modern market. Hon Speaker upgrading and rehabilitation of this market will not only bring orderliness but also enhance revenue to the county by minimizing stock brokers behind the scenes and malpractices in the market area. This would also make it easy to audit the trading process thus effectively sealing loop holes used by the rogue market players.

Hon. Speaker in the statement, the Chairperson should inquire into and report on:

1. Efforts being made by the county government to upgrade the market;
2. Measures being instituted by the county government and NMS to ensure rehabilitation and upgrading of county markets particularly the Jamhuri Market; and
3. Timelines for upgrading and rehabilitation of the said market.

Thank you Sir.

Hon. Temporary Deputy Speaker: Chair Trade? Vice Chair Trade? Any Member?

Hon. Rose Ogonda: Two weeks

Hon. Temporary Deputy Speaker: Hon. Arivisa

Hon. Mary Mwami: I think two weeks is okay, we will take it.

Hon. Temporary Deputy Speaker: Two weeks is okay? Thank you Hon. Arivisa. Clerk proceed.

COMMITTEE OF THE WHOLE ASSEMBLY

Hon. Temporary Deputy Speaker: I think the matter has been deferred to Tuesday next week for further consultation, so this matter deferred up to Tuesday next week at 2.30 p.m.

Hon. Mary Mwami: In the guidelines we have a Motion by Hon. Nancy Muthami which was supposed to be done today and she has requested me to do it on her behalf.

Hon. Temporary Deputy Speaker: We are not up there; I'll give you a chance. We are on order number 8, and the matter is deferred to Tuesday next week.

(Bill deferred)

MOTION

MECHANISM FOR AFFORDABLE FERTILITY CARE SERVICES

Hon. Mary Mwami: On behalf of Hon Grace Nancy Muthami, MCA, the subject of the Motion is the mechanism for affordable fertility care services.

Aware that under the Article 43(1) of the Constitution 2010 provides for the right of every person to the highest attainable standard of health including the right to health care services, including reproductive health care. Further aware that part 2 to the 4th schedule of the constitution provides for the functions of county government which includes provision for county health services, promotion of primary health care,

acquainted that infertility is one of the key components of reproductive health, yet it remains an entirely neglected problem in Kenya whose main priority is to reduce the growing population size through the government and donor funded reproductive health care programmes in support of contraception and population control, it is not surprising that Kenya has no provision for public fertility care. Concerned that there are devastating consequences of infertility where childless couples face the most severe negative psychological consequences and childless women are frequently stigmatized, isolated, ostracized, disinherited and neglected by the entire family and even the local community which amplifies the guilt and shame felt by the infertile individual resulting in polygamy and severe physical and psychological violence mitigated towards the woman hence driving some infertile women to suicide. Further concerned that most couples in Kenya who are struggling with unintended childlessness cannot afford in vitro fertilization due to the high cost of assisted reproductive technology services. Noting that an affordable assisted reproductive would allow couples to seek fertility care early before age ovarian factors affect favourable outcome thus reducing the consequences accompanying childlessness among the couples in the county. This Assembly urges the county executive in conjunction with the national government and other stakeholders to develop a mechanism to provide for affordable fertility care by integrating assisted reproductive technology into the public sector to give much needed hope to the now hopeless couples struggling with involuntary childlessness.

Mr. Speaker sir I would like to take this great opportunity to say that in African culture it is very important that a woman has children. When a woman marries, within a year if they have not had a child everybody is on their back to be able to get a child. So it is important that with the modern technological ways of being able to get assistance to get a child, any couple that is there and they are willing to be together and have married legally and sometimes even illegally, some people want children by themselves and they need assistance, we need to make sure that we have this reproductive health services that can be able to assist them to get children.

I know of very many couples who have been assisted this way in the big hospitals. Nairobi hospital has got a facility like this, and Agakhan hospital and MP Shah. But you must know that this is out of reach of many couples in this city.

I therefore want to urge each and every one of us to support this Motion so that we can have in our hospitals, at Mama Lucy, or in Mbagathi Hospital and our related hospitals, we can have a place where these women can be able to go and be assisted so that we don't have them ending up committing suicide or some of them having divorced which could have been avoided if they were assisted to get the child. Many developed countries have got this as a priority and women are able to be assisted to get the children.

So I beg to call upon Hon. Okeyo to further support this Motion.

Hon. Fredrick Okeyo: Thank you Mr. Speaker. This Motion is a very important Motion especially for the couples, married people. As my colleague has stated earlier, when you enter into a marriage relationship the outcome is all about children. And as I support it I also want to notify the Members that infertility is not only for women, even there are men who are infertile. There are men who shoot blanks so it is an urge that we should be taken of on both sides and make sure that even the men who do blanks are assisted. This thing has driven a lot of couples into depression and even some have committed suicide, it

is a stigma in the society, when you go home and you don't have a kid, when you are around, even your neighbours will laugh at you, you will be depressed, they will talk ill about your family, they will do everything to make sure that you don't enjoy your life. So it is a timely Motion, it is going to help couples within the county. Mr. Speaker I beg to second. Thank you.

(Question proposed)

Hon. Members anyone who want to contribute.

Hon. Rose Oganda: Mr. Speaker in our family if you do not have a baby in the house the family is not happy. I was having a boss in 1986, she was a woman, by then I was having two kids, and she was 48 years by then without any child. Afterwards, because she was working and married, they went to Nairobi hospital and afterwards she got a boy child. I support Hon. Okeyo because it is not women only who are affected but also the men. When there is a man and a woman in the house and they do not have any children there is no any happiness in the house. I support the Motion that these facilities should be put in near the *vijiji* like Mama Lucy so that they can help the poor women who do not have children at home. I beg to support Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you very much Hon Rose Oganda. Hon Warutere Mureithi on Zoom! Hon. Sylvia Museiya on Zoom! Hon. Laura Mwendu on Zoom! Yes, Hon Moseiya proceed!

(Technical challenges on virtual platform)

Anyone in the chamber who would like to contribute to the same! Hon Elizabeth Nyambura, proceed on Zoom! Hon whip, can you request with your card. Proceed!

Hon. Peter Imwatok: Hon. Speaker in the spirit of handshake, it is grateful to see Mheshimiwa Grace Nancy Muthami given a chance to read the Motion; it show freely that our House is moving and I must accept the wise man seated that this Assembly needs as such. I am happy with the Whip, who has just left out, - Mheshimiwa Wathera Chege - it is important to see a Member running after an affair of the other party. On the HANSARD we would like to celebrate our Deputy Majority Whip for the gestures she has showed us from running to our chambers to our offices and back to the chamber. I would like to congratulate the two ladies present and all the Members on Zoom, that this is the spirit of the Assembly.

As we stand to support the Motion but indeed as my brother Okeyo, was also left, said that it is not only woman who are suffering, men are also suffering in term of performance index. Not all men can perform, apart from Dr. Wilfred Olocho, and this Motion, in time, we also we want to fantasize to a level that even men will be part of this Motion so that we take a generation as it is. Not only women who are affected by this challenges of reproductive health but even men.

Hon. Speaker I was told an old mother that today in the present life as you look as I am standing I am not standing straight because most men must bend because their pivot point -the center bolt bone - is not there.

(Laughter)

This is because of the reproductive medicine, family planning and all this. It is affecting all men and if you go in a field and all men are standing all of them will be bending on either the left or right because the

centre bone it is not holding apart from Dr. Wilfred Olocho Odalo the only doctor in onthology in the Assembly and pursuing doxology and 'thialogy' as he puts it.

Hon. Speaker as must support this cause for reproductive health and proper medical care for our women and I congratulate Mheshimiwa Grace Nancy Muthami the current chair for Welfare. It is a good starting point for chair of Welfare. Welfare does not only mean the stomach; it takes the entire human being from toe to the head. There is no human being without manhood and no woman without womanhood and that is what it takes to be.

I beg to support and call the two ladies who are supporting to push the handshake; it is really working so hard. I thank for those who are in Zoom and I am seeing Mheshimiwa Mutheiya was serious to contribute on this. Those are the ladies of our time and if they are serious let them contribute. I beg to support.

Hon. Temporary Deputy Speaker: Thank you whip. Hon Mbugua Kabiro on Zoom!

Hon. Mbugua Kbiro: Thank you, Mr. Speaker sir.

Hon. Temporary Deputy Speaker: Proceed.

Hon. Mbugua Kbiro: I would like to contribute to this Motion that seeks to provide for mechanisms for affordable facility care services within the City County of Nairobi. This is a very interesting Motion. I would like to say that the first ever test tube baby was Baby Brown 40 years ago and since then there has been more than eight million test babies.

This is a landmark scientific discovery when it happened 40 years ago. But right now we have been able to give birth to more than eight million test tube babies and it is very important to actually note that the former Vice president and the former First Lady of United States in her memoirs 'Becoming' indicated that she struggled so much with miscarriages for like 20 years until she decided to take this IVF and she has had a success story and now she has Shasha and Malia who have grown up well and I am so sure that they will have a great future.

But were it not for such an affordable facility may be to them it may be not a requirement but for us African countries who struggle with basic needs making this thing available is making sure that those parents who are struggling with fertility issues would be taken care of by giving them an opportunity to get babies through IVF which is a tremendous discovery and has been documented in many science journals.

I would like to submit and say that Hon. Nancy Muthami congratulations for this Motion and I would like to thank everyone. Thank you very much I truly support.

Hon. Temporary Deputy Speaker: Thank you Hon. Kabiro. I can see you are requesting Hon Peter Muriithi Warutere. Hon. Laura Mwendu, proceed.

Hon Peter Warutere: Thank you for allowing me this opportunity. I just wanted to thank Hon. Grace Muthami for coming up with this well-deserved Motion. I strongly believe that as a committee our onus will be to put the best mechanism or way of formulating this great thought and we are giving it our best in terms of liaising with the National Government together with the NMS they will realize that health and the transferred functions has what it takes.

From where I sit, I know as a committee much is expected of us and I believe strongly on a matter that people find themselves disadvantaged that we must all take cognizance of the fact that we were all

equal with different reflections and abilities. As a committee, I know we might have some time one what needs to be done. However, from the membership and the leadership of this committee to ensure that at least we get enough funds to ensure that at least we get facilities probably the three main hospitals within this county.

Thank you Hon. Grace Muthami, a member of my committee. We look forward to working on this very important objective. We should remember that we probably before the end of our term we will be able to have facilities in most of our hospitals if not all. I rise to support and thank you for the good thoughts. As a brother and a father, I think the best we can do is to support this important Motion. With all the disadvantaged couples that would like to have children or even father children, to use this particular mechanism. Thank you Hon. Speake for giving me this opportunity, I support. *Asante*.

Hon. Temporary Deputy Speaker: Thank you Hon. Peter Murithi Warutere. Anybody else who want to contribute? Hon. Laura are you there? The mover!

Hon. Mary Mwami: Thank you Mr. Speaker sir. It is being a great honor hosting this on behalf of Hon. Grace Muthami and I know this will go a long way in making sure that our families are happy. Thank you so much Hon. Okeyo for noting that it is not just women. When we are making this we need to include because I know with a lot of our men staying on a computer for very many hours and some of them are uninformed and they put their laptops on their laps, they have low sperm count and sometimes this why their wives are not able to get babies. Through this their sperms can be extracted and this technology can still be used. I take this great opportunity for the support I have received from Hon. Imwatok, Hon. Rose Kula and my Chair of Health who has supported this fully. I know with his help this Motion will go a long way in helping our people in Nairobi in getting affordable ways of getting babies when they have issues of infertility. Thank you so much Mr. Speaker sir.

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

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

Hon. Temporary Deputy Speaker: Hon. Members, as earlier communicated, I had a communication to make, but I have just received it now. I want to take you back to No.2.

DETERMINATION ON THE MATTER OF SWEARING IN OF PERPETUA MPONJIWA

Hon. Members, I have the following determination to make:

Hon. Members, you may recall that during today's morning sitting, Leader of Minority, under Standing Order 45 (2) (b), sought my direction on the matter of swearing in of Perpetua Mponjiwa.

Hon. Members, as you may be aware, there is an existing court order of the High Court directing that Miss Perpetua Mponjiwa be sworn in within 14 days, which will lapse on Thursday 1st October 2020.

Hon. Members, the proceedings of this Assembly are regulated by the rule of law, and that as law maker, we are bound by it. In the light of the said court order, the contestation by the Minority side that the said Perpetua should not be sworn in on the floor of this Assembly.

Hon. Members, in the foregoing circumstances, I am therefore unable to give any alternative direction or ruling beyond the said ruling of the High Court. However, the Constitution envisages the right to appeal to any order before a court of law, which I therefore implore upon the Minority side, and in particular the Minority Leader who is the originator of the Statement to explore any alternative court avenue to insinuate my office otherwise.

This is therefore to advise the entire House that my office is committed in protection of all members, irrespective of the political affiliation as guided by the Constitution and other laws in particular, Section 19 (3) of the Elections Act, 2011. It is so directed. Thank you. Hon. Members.

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, there being no any other business, the House stands adjourned till Thursday 1st October 2020 at 2:30 p.m.

The House rose at 4:10 p.m.