



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Tuesday 14th September 2021

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Clerk, can you confirm if we have a quorum? I understand that there is no quorum and I requested the Members to be punctual. I request the bell be rung for ten minutes to see if we shall be able to attain the quorum.

(Quorum bell rung for ten minutes)

Hon. Temporary Deputy Speaker: We have enough numbers to start the meeting. [Serjeant-at-Arm] kindly close the doors so that we can proceed. Clerk let us proceed we have the quorum.

PAPERS

Hon. Temporary Deputy Speaker: Any Member of the delegation that went to Dubai? I am sure that the Minority Whip was in that group. He can table the Paper on behalf of the Deputy Speaker. Thank you.

Hon. Peter Imwatok: Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today Tuesday 14th September 2021:

The report of the delegations that attended the Post Pandemic Public Sector Performance Management training held in Dubai United Arab Emirates (UAE) between 29th June and 15th July 2021. On behalf of the Assembly leadership, I beg to lay.

(The Paper was laid on the Table of the Assembly)

STATEMENTS**REQUEST FOR STATEMENT REGARDING DELAY IN MEDICAL SUPPLIES TO COUNTY HEALTH FACILITIES
PARTICULARLY IN UMOJA 1 WARD**

Hon. Mark Mugambi: Thank you, Mr. Speaker, and Hon. Speaker, pursuant to Standing Order 45 2 (c) I wish to request for a statement from the chairperson of the Sectoral Committee on Health Services, regarding a delay in Medical supplies to county health facilities, particularly in Umoja 1 Ward.

Hon. Speaker, Article 43 (1) (a) of the constitution of Kenya 2010 provides the right to the highest attainable standard of health, which includes the right of health care services, including reproductive health.

However, there have been concerns from the residents regarding the unpredictable medical supply and out-of-stock essential drugs and unending delays of drugs to county public health centers and dispensaries. Cases of patients buying drugs have become the order of the day as those who are unable to buy are left with no choice but to suffer and eventually die.

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

1. Reasons the county health centers and dispensaries are unable to get medical supplies.
2. How the County has planned its ordering procedures including any necessary adjustments made to ensure that adequate stock of the essential drugs is supplied or sourced by the Kenya Medical Supplies Authority (KEMSA) and other agencies respectively, as stipulated by the relevant policy frameworks.
3. Timelines within which medical supply should be available in all county health centers and dispensaries, to cater for the increasing demand and efforts being initiated by the Nairobi Metropolitan Services and the County Executive to ensure humanized and sustained synergy with KEMSA and other agencies to manage current and future bottlenecks that affect the provision of quality health care services in the County and:
4. Measures the Nairobi Metropolitan services and the County Executive is putting in place to ensure county health facilities operate a 24-hour service to respond to cases of medical emergencies.

Hon. Speaker, the last time the medical facilities were supplied to our dispensaries was in December 2020. We are in the 8 months of the calendar year; this is a grave situation within the County yet we have the NMS that has been boosted with finances from the National Government. I think something is amiss with this county. Thank you.

Hon. Temporary Deputy Speaker: Hon. Chair Hon. Warutere! the vice-chair Health committee! Hon. Warutere, where are you?

Hon. Mark Mugambi: I think Hon. Speaker due to their unavailability as the chair of chairs, you could perhaps take the response on their behalf.

Hon. Temporary Deputy Speaker: No, I cannot do the undertaking because we have other Members who can do the undertaking.

Hon. Peter Imwatok: Hon. Speaker, as a leader of the Assembly, let me undertake to correspond the same with the Chair of Health. Aware that now we are in the process of cementing our relationship

between the Orange Democratic Party and Jubilee Party and we have *Azimio la Umoja* which I believe you will also subscribe to.

I want to undertake that the Hon. Member will get his response in two weeks, after getting the information of the same as the urgency it has to be served to the Chair.

Hon. Temporary Deputy Speaker: I understand due to the good handshake, Hon. Mark, the Whip has requested for two weeks and I wonder whether you are comfortable with the two weeks.

Hon. Mark Mugambi: Hon. Speaker, I personally would not have any reason but owing to the fact that we are representing the majority of poor middle-class Nairobians and many of them will be subjected to buying medicine for the two weeks. At least five working days should be enough because this is a very sensitive matter that needs serious attention. It is a crisis because healthcare was part of the Big Four Agenda within our government. Therefore, five days will be enough; not weeks. Thanks, Hon. Speaker.

Hon. Temporary Deputy Speaker: Hon. Whip, due to a good handshake are you going to undertake the same. He is requesting for five days. What do you say?

Hon. Peter Imwatok: Thank you. As my Hon. Member has spoken and in the spirit of the handshake I am just going to relay the same the request of the Member to the chairperson because, Hon. Speaker, the competence of a committee is vested on the chairperson of the committee. Presently he is not available due to network problems and I know Hon. Warutere is competent enough. Because of urgency to make sure those seven days are possible I will lay the same information to him. Thank you.

Hon. Temporary Deputy Speaker: Hon. Mugambi, are you comfortable with seven days instead of two weeks?

Hon. Mark Mugambi: Yes, I agree.

Hon. Temporary Deputy Speaker: Thank you very much.

MOTION

ESTABLISHMENT OF A TREATMENT AND REHABILITATION CENTRE FOR ALCOHOLICS IN THE COUNTY

Hon. Mark Mugambi: Thank you once again Hon. Speaker and I want to move the following Motion: THAT aware that Article 55 of the Constitution provides for the State to take measures, including affirmative action programs to ensure that the youth have opportunities to associate, be represented, and participate in political, social, economic and other spheres of life, access employment and are protected from harmful cultural practices and exploitation. Further, aware that Part Two of the Fourth Schedule to the Constitution provides for the functions of the County Government which include ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level; acknowledging that the functions of public entertainment and public amenities including liquor control, county recreation facilities, and sports activities and facilities are vested in County Governments pursuant to...

(Hon. John Muthiga was ordered out of the plenary for not being properly dressed)

Paragraph 4 of Part Two of the Fourth Schedule to the Constitution; concerned that high expectations, disappointing employment and life prospects, and marginalization among residents of Nairobi

especially youth, fuels frustration and desperation and in response, some of these youths have turned to criminal behavior, violence, substance abuse, commercial sex work and even suicide, which have negative repercussions and contribute to growing physical insecurity in the society as a whole. Noting, that Section 5 of the Nairobi City County Alcoholic Drinks Control and Licensing Act 2014 provides for the functions of the Board which include the establishment of treatment and rehabilitation facilities and programs for persons dependent on alcoholic drinks in each Ward; further noting that Part V of the Act establishes a fund which is to be used to promote cessation and rehabilitation programs in the County. This Assembly urges the County Executive to establish a treatment and rehabilitation Centre in each Sub-County to serve as an information hub and treatment referral service for alcoholics and develop programs that are geared toward treating and rehabilitating alcoholics in the County.

Hon. Speaker, the reason as to why I came up with this Motion is owing to the fact that Nairobi has the highest number of bars, wines, and spirit and entertainment joints in this Country. These bars pay for permits. The law stipulates that a certain percentage of these monies are supposed to be channeled back to society. Since I was sworn, in this Second Assembly, without fear and contradiction I can note that my Ward has not benefitted with any of the CSR that we were supposed to take back from the revenue collection. That means over the past years we have had a board that does not take the interest of our youths and of the people that bestowed us the responsibility of representing them in this House seriously.

Hon. Speaker, the only serious thing this board has done is to give out football jerseys and balls. We have many youths suffering from addiction and some are turning into zombies because of the joints that we registered. You understand that excessive consumption of the same is harmful to their health. We cannot blame the operators because they are in business, but we can blame the county for its failures. We see them weekly in our wards harassing these traders and arresting those that have not complied. Hon. Speaker, we demand to know where these monies go. Our stadiums have stalled and yet monies are being collected. Hon. Speaker, allow me to invite the Whip to second this Motion

Hon. Temporary Deputy Speaker: Minority Whip Hon. Imwatoke Jateso

Hon. Peter Imwatoke: Thank you, Hon. Speaker for mentioning my two names. One was given to me by my father on 20th November 1982 and the other by my political father Hon. Raila on August 2007.

I must applaud my younger brother Hon. Mark Mugambi for thinking wide on behalf of the wide generation in the County. I support young generation leadership even though I am no longer a young man and it is wise of him to have come up with an initiative that addresses the hypocrisy of today's generation.

Hon. Speaker, Umoja Ward is a hub for bars and whiskey shops and that is their business. It is good when people endeavour in entrepreneurship like my brother Mark who has the best club in Makadara for reggae. When we were sworn in in 2013, we decided to make an Act that will bring to life the Liquor Board whose work is to primarily regularize the operations of liquor and curb excessive consumption of alcohol and other substances.

It is unfortunate that in 2014, we had a tournament running across Nairobi County sensitizing the young and old on the demerits of being an alcohol addict and substance abuse. Since then, I questioned

the magnitude of the expense of the tournament that was costing over Kshs100 millions. It would have been worthwhile to give every sub county Kshs. 5 million to create a rehabilitation centre.

The appetite to get illegal money in this county is so high as compared to the aspirations of our people. Hon. Speaker, the tournament went on and consumed more than Kshs 200 million and I did not see any young person being taken for rehabilitation. It is so unfortunate. Now we have a young man elected in 2017 with a proposal to have every ward have a rehabilitation centre. How much does it cost a fully refurbished container? It is less than one million or two yet the only centre for methanol in Ngara has been closed.

During Governor Kidero's administration, it was working and people would go there to get food and medicine and there was change. We then came up with a collective Ruai rehabilitation centre which to date has not taken off. Reason? We are so busy rehabilitating our pockets and not the people who are affected with excessive alcohol consumption addiction. I wish you knew that some people whose religion, upbringing, and livelihood will not allow them to sit on the Liquor Board are the same ones who are there. It means that some are on the Board not necessarily to help but to make something for their pockets. I challenge Hon. Mark Mugambi to ask for an audit report of that Board because no one wants to be accountable.

I remember Hon. Njehia of Culture committee was almost removed from his post because his committee was keen to ask where the sums of money go to and what it does. If you do not take cigarettes, then you will not be taken to lead that company. There is an ongoing case on the membership of the Liquor Board and the people who are running it are doing so without the Board members. We need to ask how much has been paid in terms of legal fees by the Liquor Board.

Hon. Speaker, I will one day table that. It is millions of shillings and the cases never come to an end. The Bible says that what you saw today is what you will reap tomorrow. They have children who will go to campus at Harvard and Leeds University because of the monies they have stolen. The bible teaches us that for those who sin knowingly, the curses and blessings of the Lord will follow them to the third and fourth generation.

I assure you that when we meet with the members of the Liquor Board 20 years from now who took licenses that resulted in someone's daughter or son drinking excessively, their sons and daughters will be the alcoholics because they sacrificed other children's future because of selfishness.

Hon. Mugambi, keep the faith and I pray for you to be re-elected and come back on the 8th of August [2021] so that you get to witness if the County Government did what you envisaged. I assure you that they might not have done it but the Almighty God will deal with them. We are going to approve this Motion but I assure you that it will gather dust because people want to rehabilitate their pockets with investments rather than envision the purpose of the Act. Keep at it because I believe that at the end of the day, God will save our generation. I beg to second

Hon. Temporary Deputy Speaker: Thank you Minority Whip for your contribution.

(Question proposed)

Hon. Temporary Deputy Speaker: Hon Members I invite you to debate. Hon. Mary Ariviza Omwami!

Hon. Mary Mwami: Thank you, Mr. Speaker Sir. I am very honoured to participate in this debate on drug addiction among our young people in Nairobi. I am also grateful for Hon. Mugambi for this Motion that we should make sure that we have rehabilitation centres for the young people who are addicted to drugs and alcohol. These centres should be in every sub-county so that they are accessible to young people who are addicted to drugs.

It is also very important that when we think about setting up these rehabilitation centres to make sure that we do not have bars and places for prostitution in our residential areas. Our young people should not be encouraged to take drugs that it is cool to do so. Our residential areas should be free from very many bars because you find in some areas that shops are even fewer than bars. As a counselling psychologist, I congratulate Hon. Mugambi for this, we need rehabilitation centres like yesterday.

These rehabilitation centres should be places where young people can be taught the consequences of taking drugs as they affect their lives. This should be proactive in such a way that there are programmes to help our young people from engaging in drugs. I support this great Motion, thank you.

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

Hon. Millicent Jagero: Thank you, Mr. Speaker Sir. I support this Motion and I will start by saying that, 'an idle mind is the devil's workshop'. In our estates nowadays the rampant businesses are wine and spirit shops and pubs which are coming up every now and then. Despite the curfew set that by 7 p.m. all clubs must be closed, you find that many clubs operate past the curfew time. These wines and spirits, and pubs have become dens for very many hopeless youths who spend most of their time there where very cheap liquor is sold to them. When taking the liquor, they do not eat healthy food despite taking the spirits.

Mr. Speaker, it is either us as legislatures are asleep, or the Liquor Board is because in their Act it is very clear that they need to set up rehabilitation centres and hold trainings for the young people especially on drugs and substance abuse. Since I came to this assembly I have never seen any training that has been organized by the so-called board.

They get money, they issue licenses but we do not know whether the pubs meet the required standards. Our youths are languishing in this cheap liquor, you find them waking up very early and going to these pubs where some end up sleeping in the corridors of these bars. It is very bad because most of them die mysteriously under those circumstances.

The Liquor Board should wake up and organize for trainings and put up rehabilitation centres because many youths have become hopeless and most of them are jobless. Others do not want to work and we cannot force them to work but with the rehabilitation centres, they will be given life skills and will be able to realize what they want to do for their future. I support this Motion that rehabilitation centres, should be established even if not in every ward but at least in every sub-county where they can be taught life skills. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Jagero Millicent. Can I have Hon. Laura Mwende on Zoom? Since she is not available, can I have Hon. Jeremiah Themendu?

Hon. Jeremiah Themendu: Thank you, Hon. Speaker. I rise to support the Motion. I have a concern with the Liquor Board because since those officers in the sector started working in our wards, those people having liquor businesses suffered a lot. You find that you are arrested and molested by officers and the officers from the Liquor Board are supporting them.

Hon. Speaker, this Motion from my brother Hon. Mark Mugambi is timely and needs to be actioned with speed. All proposals in this Motion should be implemented. Hon. Speaker, I beg to support.

Hon. Temporary Deputy Speaker: Thank you, Hon. Themendu Karani.

Hon. Clarence Munga; Thank you, Hon. Speaker for the opportunity to contribute to this great Motion. I want to congratulate Mheshimiwa Mugambi for coming up with such a nice Motion. We have a responsibility as a county to ensure that we rehabilitate those people who have been affected by drugs and alcohol within our areas. The Constitution has enshrined that we ensure that we bring services closer to the wananchi.

Hon. Speaker, Hon. Mugambi's prayer is that we bring these rehabilitation centres closer to our people in sub-counties by ensuring that each sub-county has a rehabilitation centre. I think a majority of the Members have talked about Liquor Board sleeping on its work. Mr. Speaker, if you note, those monies that are being collected by the Liquor Board are supposed to be going back to wananchi by ensuring that rehabilitation centres are being built all over Nairobi.

As a County, just the way Mheshimiwa has said, we need to take stock of what we have achieved since the establishment of this county. One of the achievements is to ensure that we have rehabilitation centres around our wards.

Having said that Mr. Speaker, if we don't take care of these people, the county will be affected either directly or indirectly. Directly means we will have insecurity and our workforce not utilized. By ensuring that we bring services close to our people, we will be ensuring that our people are well informed and we will have a workforce within the county. Indirectly means we will have issues of prostitution, if we encourage prostitution within our wards, we will be losing our workforce.

I want to support this Motion, and encourage Mheshimiwa to ensure that we have a Bill on the same. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Munga for your contribution. Because of gender, I would like to give Hon. John Muthiga, then finally Hon. Doris. Let me first give Hon. Muthiga because he came here very early. He really wanted to contribute to this Motion. I can see you are properly dressed.

Hon. John Muthiga: Thank you, Mr. Speaker. I was a bit confused when you talked about gender, I was thinking---

Hon. Temporary Deputy Speaker: You are now properly dressed, you can proceed.

Hon. John Muthiga: I am a man and I was born a man---

Hon. Temporary Deputy Speaker: Hon Kamau, can you proceed or I cut you off.

Hon. John Muthiga: Thank you, Mr. Speaker, I rise to support this Motion. We should all realize where this rain started beating us. All I can understand is that this Act was passed a long time ago in the

year 2014. That has been the problem that this county has been having. We come up with very good laws but these laws are taken to the shelves. The Executive side doesn't implement what we pass here.

Mr. Speaker, on the issue of rehabilitating our youths, if we have that program in our wards insecurity would have been a thing of the past. When our youth abuse drugs, they will get a place where they can be rehabilitated. If we don't rehabilitate the youths, in the future, we are going to lose our youths who we depend on when we take our manifestos to the wards.

Mr. Speaker, this is a good Motion that has been brought by Hon. Mugambi. We need to see to it as the legislators of this Second Assembly, that our youths get centres in all our wards. Let us not sit here and speak but when we go, nothing will happen. Every morning if you walk in our wards – Mheshimiwa Mark Ndun'gu is here and he has one of the establishments.

He will attest to us that the Liquor Board personnel collect money every day from wines and spirits and bars. Even if you have licenses, your people are being brought to City Court and money is being dished. We ask ourselves, did we come to enrich the board and the employees of the Liquor Board? Those monies are supposed to be helping our people. When this Act was there, the money that was being collected was meant to rehabilitate our youths who have abused liquor.

Mr. Speaker, I would urge that you see to it that the Liquor Board and the personnel, plus the Executive have rehabilitation centres in all wards. Sometimes I sit down and feel for the elected members. When there is a kitty from the MPs, they can rehabilitate two or three members. The only thing that we as ward representatives can do is to stand up and say we have done this number of things to our youth is through the collection of Liquor Board monies. But for now, the fund is dead. Youths always ask how are we going to help them. When we request as elected leaders anything from those boards, we are promised that we are going to be given uniforms and balls. We also say that they give us those uniforms and balls so that at least we can talk to our youths. Even getting those uniforms and balls becomes another story. We have been taken around, and it is upon this Assembly and the elected leaders to make sure that before we go for elections, let us have two or three rehabilitation centres that we can talk about. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Muthiga. Finally, Hon. Doris. Serjeant-at-Arms, please help Hon. Doris.

Hon. Doris Kanario: Thank you, Hon. Speaker for the opportunity. Before I proceed, I would like the ICT department to up their game. As you can see right now, our screens in the Assembly are not working, and most of the mics are not working.

Hon. Speaker, I would like to congratulate Hon. Mark Mugambi for this Motion, which is timely and noble in addressing this menace across Nairobi County. As a mother, and as a resident of this great city, I am very concerned to see our youths who have indulged in alcohol and drugs and wandering in our streets and estates. We need rehabilitation centres in Nairobi as soon as possible. I would urge Nairobi County to start one through the County initiative so that they can also open others across the 85 wards. The County should also employ our youths so that they can earn a living because most of them are stressed, that is why they abuse drugs.

Mr. Speaker, I would also urge this Assembly, through the Executive, to mark all these wines and spirits that are all over our estates. They should be closed because many are not licensed by Nairobi County yet they sell alcohol to our children. I support you, thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Kanario. I now call upon the mover to reply.

Hon. Mark Mugambi: Thank you, Mr. Speaker, and much regards to the Hon. Members of this great House for their support. This is a County menace, just as Hon. Kanario has alluded. Also, much thanks to Nominated MCA for Youth and Women, Hon. Mary Mwami for your insightful sentiments while supporting this motion.

Before I move the motion, allow me to say that the youth population in Nairobi was 29% according to 2019 Census report. It is projected that this population will increase due to rural-urban migration. The trend shows an increase in population shrinks job opportunities, hence the major cause of mental illness and drug abuse among the youth.

Article 27 of the Constitution of Kenya, 2010, provides for nondiscrimination, including on health status. Many youths who have been affected by drug addiction have faced discrimination from a society based on their mental/physical status and their inability to fulfill their societal roles. Research also shows that once rehabilitated to the society, the youths who are the majority of the counties workforce, can bring positive change to the society. The future belongs to the youth, and it is through rehabilitation that the affected youth get a second chance in life key in raising a responsible generation, key for future and attainment of Sustainable Development Goals and Kenya Medium Term Development Plans Vision 2030.

Hon. Speaker, the objective of this motion is to urge the County to establish rehabilitation centres across the sub-counties to mitigate the effects caused by drug addiction. Once this is done, the County should liaise with NACADA to ensure the information, public education and awareness campaign against drugs is easily available to the youth.

I thank every member of this House for the support of this motion. Hon. Speaker, as the Chair of Chairs, I challenge you to request for an audit report from the Liquor Board. Am a member of the Culture Committee, without fear of contradiction, the Executive gives no respect to its members. Hon. Munga is a member of that committee, he can confirm this because we have really pushed them. They don't even pay members per diem after we have gone for these retreats. This brings the question as to where hundreds of millions in revenue collection go to. It will be quite a shame and disgrace if we don't fix this mess. Hon. Speaker, I beg to move.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mugambi.

(Question put and agreed to)

(Point of Order)

Hon. Temporary Deputy Speaker: Hon. Mark, what is your point of order?

Hon. Mark Ndung'u: Thank you very much, Mr. Speaker. I had requested for a statement from the Chairperson of Planning of Housing, regarding Plot No NCC RH1 in my ward, but I have not heard any response from the Chairperson yet people are still demolishing that house. Even I have been informed right now that one of the young men who were used to demolish the structure has passed on because the house

has caved in. So, Mr. Speaker, this is a weighty matter and we should act with speed and get the response. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mark. I request we go back to Order No.7. I know you were waiting for the response today but I don't know why you did not get the response. I order that by Thursday at 2:30 p.m. the response must be brought to the House.

Hon. Mark Ndung'u: Thank you, Mr. Speaker.

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon Members, there being no any other business, the House stands adjourned till Thursday 16th September 2021 at 2.30 p.m. May God bless you all.

The House rose at 3.50 p.m.