



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Tuesday 15th June 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 Confirm whether we have a quorum?

(The Clerk-at-the Table conformed there was quorum)

The Clerk has confirmed that we have the quorum. Clerk proceed!

PAPERS

Hon. Peter Warutere: Hon. Speaker we are on Papers, Thank you. Hon. Speaker, pursuant to Standing Order 199 I beg to lay the following Papers on the Table of the Assembly today Tuesday, 15th 2021: The report on sectoral committee on Health services on workshop that was held on 16th and 17th October 2020 at Pridelnn Hotel Mombasa.

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

Hon. Speaker, pursuant to Standing Order 195 I also want to lay the following paper on the Table of the Assembly today Tuesday, 15th June 2021: The report again on the sectoral committee on Health services on workshop that was held on 15 to 16th March 2021 at Grand Royal Swiss Hotel Kisumu.

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

STATEMENTS

REQUEST FOR STATEMENT REGARDING THE RESTORED EARLY CHILDHOOD DEVELOPMENT ECD
PROJECTS THAT WERE TO BE CONSTRUCTED IN ALL 17 SUB-COUNTIES

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Patrick Mbagula: Thank you, Hon. Speaker, pursuant to Standing Order 45 (2) (c) I wish to request a Statement from the Chairperson of Sectoral Committee on Children Early Childhood Education and Vocational Training regarding the restored Early Childhood Development ECD Projects that were to be constructed in all 17 Sub-Counties.

Hon. Speaker, the Kenyan Constitution of Kenya 2010 devolved to County Government the responsibilities to deliver quality Early Childhood Development and Education (ECDE) services among them being to increase the infrastructural facilities suitably for children.

However, the county education sector remains adamant to fast track their realization of the said as it has neither tendered afresh for completion of ECD centers nor communicate reasons for the 17 number of ECD's centers that have not been completed to date since 2018, fully aware that there was a company awarded the contract and was on the ground to execute the works.

Mr. Speaker in the statement the Chairperson should inquire into and report on the following:

1. The reasons implementation of 17 ECD's centers have stalled since 2018 under the watch of the education sector and without advising the Assembly on the status.
2. Whether the contractor awarded the tender was facilitated by the County with security due to alleged harassment by goons as it was alleged. The contractor was on the ground and they could not execute the works because goons were sent to him and confiscated some of the materials that he was using to execute the works.
3. The Chairperson should report also the reasons why the payment of certificate raised have not been paid to date knowing very well that the education sector and Early Childhood Education is not one of the functions that was transferred to NMS and it is squarely under the County Government of Nairobi.
4. The Chairperson should also report to the House on the measures that the County Executive is putting in place to ensure ECD's centers are duly completed in a timely manner as they come in handy with containment measures of COVID-19 surge by ensuring each children keep and maintain recommended social distance.

Mr. Speaker, this is a requirement and it is urgent because of the COVID-19 surge. We need this facility to be in place thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Chairperson of Education, Mr. Samora, where are you are on Zoom? Who is going to stand for the Chair of Education? Yes, Hon. Wanyoike!

Hon. Peter Wanyoike: Thank you Mr. Speaker I wish to be given two weeks to report back.

Hon. Temporary Deputy Speaker: Two weeks, Hon. Mbagula, are you comfortable with two weeks.

Hon. Patrick Mbagula: I wish to break this monotony of two weeks

Hon. Temporary Deputy Speaker: What is your offer?

Hon. Patrick Mbagula: At least one week, Mr. Hon. Speaker, because this matter is in the domain of the sector. They know very well and this is not the first time this matter has been brought to the floor and it is not a new thing, Mr. Speaker. I would urge with due humility the chairperson to consider giving us a report as soon as possible because of the COVID-19 surge, we need this facility to be in place as soon as possible, Mr. Speaker.

Hon. Temporary Deputy Speaker: Seven days, Hon. Wanyoike, are you comfortable with it.

Hon. Peter Wanyoike: Mr. Speaker, you are aware that we have to write to the Executive side so that they can report to us. That means a week will not be possible.

Hon. Temporary Deputy Speaker: Therefore, do you have an offer apart from two weeks?

Hon. Peter Wanyoike: Probably ten days.

Hon. Temporary Deputy Speaker: Ten days, are you comfortable, Hon Mbagula?

Hon. Patrick Mbagula Thank you, Hon. Speaker am okay.

BILL

First reading

THE NAIROBI CITY COUNTY PLASTIC CONTROL AMENDMENT BILL 2021

(A Bill for an Act of the County Assembly of Nairobi City to Amend the Plastic Control Act 2016)

MOTION

ADOPTION OF THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES ON THE INSPECTION VISIT OF QUIVER LODGE ON ALLEGED CONTRAVENTION OF COVID-19 GUIDELINES

Hon. Peter Warutere: Thank you, Hon. Speaker, with me I want to dispense with the report of the Sectoral Committee of Health Services, which was an inspection report or rather, visit that was done by my Committee that was held on 15th March 2021 on alleged contravention of Ministry of Health COVID-19 guidelines.

Hon. Speaker, the Sectoral Committee on Health Services is established under Standing Order No. 203 and it mandated to do, as you all know, issues we have - about six or so functions that we do at this committee that can be read by all the Members and you can allow me not to go through our specific particular functions.

However, I think it is important to know that we investigate and inquire into and report on all matters relating to our mandate, the management activities, administration, operation and estimates of our department. We also study on the programmes and policy objectives to the department and the effectiveness of the implementation while studying and reviewing on our legislation.

Hon. Mwangi raised an issue specifically in accordance with the Third Schedule of our Standing Orders, the Sectoral Committee on Health Services had to do consideration on the said report. Hon. Speaker, therefore this report contains the findings, observations and recommendations regarding the inspection visit at Quiver Lodge situated along Thika Road and it is domiciled within my Ward, Roysambu.

It is also important to note that the visit was occasioned by a statement that was requested by Hon. Benson Mwangi the MCA for Mowlem Ward---

Hon. Temporary Deputy Speaker: Hon. Warutere, you know that the report has not been adapted. What you are telling us for now is irrelevant. Just move the Motion and then proceed. Just read the Motion the way it is.

Hon. Peter Warutere: Sorry for that omission, Hon. Speaker. Adoption of report on enquiry and therefore I urge that this assembly adopts the report of the Sectoral Committee on Health Services on the

inspection visit to Quiver Lodge held on 15th March 2021 laid on the table of this assembly on Tuesday 8th June 2021.

Hon. Temporary Deputy Speaker: Hon. Warutere, I want to correct you again. You should start by saying, I beg to move.

Hon. Peter Warutere: It must have been an oversight. I think we were in a hurry to do this report, Hon. Speaker, and then I was not given the paper work of the same. I beg to move that this assembly adopts the report of the Sectoral Committee on Health Services on the inspection visit to Quiver Lodge held on 15th March 2021 laid on the Table of this assembly on Tuesday 8th June 2021. Is that in order? Thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: Now you can go with your history.

Hon. Peter Warutere: Thank you. I can now---(laughed) Learning is a process and we struggle to learn many things. Allow me Hon. Speaker to continue with where I had started with this report. This report contains the findings, observations and recommendations regarding the inspection visit at Quiver Lodge. It is important to note that the visit was occasioned by a statement that was requested by Hon. Benson Mwangi MCA Mowlem Ward whose response upon deliberations including a virtual meeting held on Wednesday 18th November 2020, observed by the Hon. Member and committee as unsatisfactory.

In view of the foregoing, the meeting unanimously agreed that an inspection visit to the facility be organized by the secretariat and a request to be made to the Directorate of Health Services, Nairobi Metropolitan to designate officers responsible for environment health to accompany the committee during the said visit. The objective of the inspection visit therefore, was to undertake a fact finding mission for the allegations leveled against the facility in relation to strict adherence of the Covid -19 guidelines. The committee was able to do its observations and recommendations.

The Committee has 23 members with a secretariat of three staff. The committee undertook the inspection visit to Quiver Lodge on Monday 15th March 2021 and was accompanied by the following officers from the NMS; Mr. Onesmus Nzamba and Raphael Kaimuri. However, it was observed that Hon. Benson Mwangi MCA, had conspicuously failed to accompany the committee even after our timely notification on the scheduled visit. The said Hon. Member neither offered an explanation to my committee and was unanimously felt as a total disregard and lack of respect for my committee.

However, Hon. Speaker, the committee is grateful to the Office of the Speaker and the Clerk of the Assembly for facilitating the role that has remained very effective. The committee extends its appreciation to its secretariat that has been supportive in its day to day work. It is therefore my honor on behalf of this committee to present the recommendations on the inspection visit that was done by this committee. We met with the management of Quiver Lodge and the General Manager was accompanied by two employees from Human Resource and Finance departments which form part of the management of this facility. During the meeting we observed the following:

That in the wake of Covid- 19 pandemic, it is essential for bars and restaurants to strictly adhere to the Ministry of Health guidelines/protocols in order to guarantee the safety of the customers. The inspection visit was part of a follow-up mission to collaborate the response to the statement that had been provided by

NMS before I report in the assembly. The management of the facility has a key role to play in as far as Covid 19 containment measures are concerned.

The main objective of the visit was to inspect the facility and verify compliance, license for food and chemical substance, food and hygiene, liquor, Covid Negative Certificate and inspection report by the Sub-county health team. In response, the General Manager informed the committee as follows:

There had been challenges in managing crowds especially in achievement of social distancing. But the management is committed to ensuring that compliance of the Ministry of Health guidelines is adhered to.

Disinfection

Of the facility has been done and is done every weekend and sanitizers and temperature screening gadgets were accessible at the entrance of the facility. Marking of the tables was scheduled to be done but has not been done by the management. We felt that this observation need to be done in a record time. Protection glass at the counter and in the kitchen had been fixed to serve as shield in order to limit staff-customer contact.

The available parking was used to decongest the influx of revelers thereby achieving social distance. The Food Inspection Certificate had expired and the management had till the end of March 2021 to renew it.

Findings and Observations

The committee after having scrutinized all the licenses and certificate that were availed to it by the facility observed as follows:

That, every staff member at the facility had a valid medical certificate, the food and chemical substance, the food hygiene, liquor license and Covid 19 certificate that is usually valid for three months had already expired. Soap and water was in plenty for hand washing. Protection glass had also been strategically fixed to shield against staff-customer droplets when ordering meals. There was some level of complacency by the enforcement officers in ensuring that the facility fully complied with the MOH Covid 19 guidelines and had renewed most of its licenses.

Recommendations

The Committee recommends as follows:

1. The management of the facility moves with speed to ensure timely renewal of expired operating licenses whose figures deprived the county government of the much needed revenue.
2. The marking of the tables taking cognizance of the social distance should be done immediately and more sanitizers strategically positioned for use within this facility;
3. There should be assessment of health enforcement teams in all bars and less ones in the county to ensure strict compliance of the MOH Covid 19 guidelines and failure to adhere to such requirements should compel revocation of operational licenses of the said facility.

Hon. Speaker, that basically is the report that we observed in that particular facility. It is worth noting that the issue of Covid 19 is a national pandemic. It is a thing I think this Assembly should take quite seriously, and I hope going forward, we will be able to do routine checks on what is happening within this particular county.

You know Nairobi is the epicenter of this infection, so I would urge this House to see what is good by probably giving us leverage to ensure that at least we do periodic visits to many of the facilities which are

basically not doing what is right. And once that is done, then as an Assembly we will have done our bit as such. That basically is the report, I therefore now call upon Hon. Member from Kilimani to second this particular motion.

Hon. Moses Ogeto: Hon. Speaker, first and foremost, I want to thank the Chair for giving me the opportunity to second him on this Motion. Secondly, I also want to thank the Chair for ensuring that he carried out the report and this becomes the first report of its kind for this Assembly, recommending after the Covid 19 pandemic.

This is the first report which is trying to give guidelines and regulations on how Covid 19 is supposed to be handled especially in restaurants, food courts and any other facility. And this becomes the first facility where the committee had gone to and it has kind of done a very good benchmarking on it.

I also want to thank the Members of the same committee for ensuring that they complied and went for a visit, to ensure that they see things the way they are, in black and white, so that they were able to bring out the recommendations which are very candid, which makes this House and the Chair of Health, so that after this report which has been tabled before this House, what is the next step.

Hon. Speaker, the next step which is most important and the committee has emphasized on is compliance, and enforcing those institutions/facilities which are not Covid 19 compliant. As much as the Chair and the committee, where am a member, has brought a good report, now the ball is in the Executive's court. Because we may table very good reports like this, which are trying to give solutions on how we should manage the Covid 19 pandemic, but again when it comes to implementation it becomes a challenge.

So, now that this is a transferred function, we are urging Nairobi Metropolitan Service (NMS) to move with speed and ensure that there is a law of compliance. That is why you see the other day the surge of Covid is rising because of non-compliance by these restaurants and other facilities which engage the public.

Hon. Speaker, this virus is a serious one, if the officers will be unable to ensure that there is maximum compliance within this facility. Hon. Speaker, we note that the committee was able to observe that these facilities do not have certificates which are up to standard. You realize that NMS, to say it in black and white, the way it is, is unable to give the license at the exact time, and that means there is laxity in compliance.

So if you walk to such a restaurant then you find that the certificates which they are supposed to comply with are not there. And note that this is one facility; we have over two thousand or five thousand facilities. Somebody was telling me that we have around over five thousand restaurants in Nairobi, how many people.

Hon. Speaker, for us to reduce this, this report is commendable and am recommending the Chair for Health and the other side of the government am seeing Hon. Wanyoike, also to tell other Chairs to continue bringing reports to the Assembly. Like today I have seen the Chair has tabled two reports. I want to congratulate him, he has now brought business before this House, which will make this House be more active and very proactive in trying to manage this. Hon. Speaker with the few remarks, I beg to second this Motion.

Hon. Temporary Deputy Speaker: Thank you Hon. Ogeto. I propose that the Assembly adopts the report of the Sectoral Committee on Health Services on the Inspection visit to Quiver Lodge held on 15th March 2021, laid on the Table of the Assembly on Tuesday 8th June 2021.

Members you can now debate. Anyone in the Assembly who would like to contribute? Any one on Zoom? Nancy Muthami? I cannot hear you Hon. Nancy. Please HANSARD mute Hon. Nancy Muthami, she wants to contribute. Could you please locate her; she is raising her hand.

(Hon. Nancy could not be put on line)

Hon. Temporary Deputy Speaker: Hon. Wanyoike you want to contribute something before I call the Mover? Proceed.

Hon. Peter Wanyoike: Thank you, Mr. Speaker. Let me first of all congratulate the Committee on Health Services for coming up with such a good report, it is one of its kind. Also, let me congratulate the Chair for Health for the good job and extending the Committee mandate out there to see that COVID 19 protocols are adhered to.

After adopting this report, I think it will not be the end of this Committee going out there and making sure that the bars and eateries are following these protocols. I know it is a responsibility of everyone to see that COVID 19 is prevented. You are aware that most of us were affected. I support.

Hon. Temporary Deputy Speaker: Mover to reply.

Hon. Peter Warutere: Thank you, Mr. Speaker. Just in summary, we need to know that COVID 19 pandemic is still here with us, and as the Chair for Health Services Committee, I urge all Members to be on the lookout on their respective wards, particularly on bars and restaurants that flout COVID 19 guidelines. Enforcement teams of the County must also be swift to ensure that such facilities comply with the guidelines at all times to guarantee safety of all Nairobians.

Hon. Speaker, having being a victim when we went with you to India about three months ago, I know how COVID is ravaging majority of the world population. Therefore, I hope that this report will not go into the archives of history, just as has been other reports that have been brought before this House. I urge that the Implementation Committee, and particularly the Executive side plus the NMS, looks at this report seriously so that the implementation matrix of the same will see the light of the day. COVID 19 is going to be with us for a long time. These are measures that we are doing to ensure that our population as the epicenter of this country, is taken care of.

I observed with my Committee, and I think it is still a thing of concern that majority, just as had been alluded by my colleague the Deputy Majority Leader, majority of the facilities have thrown caution to the wind. They no longer care what is happening at their hotels and bars, they are being guided by the profits. They don't care whether people get COVID. Looking at the budget that was spelt by the President last week, we are using about Kshs.20 billion to fight this menace. Therefore, this job must be taken serious. The onus is on the Committee at our level, plus every other person within this city that when you realize that there are some facilities that are not taking this business seriously, then the best thing that you could do is to raise the red flag. Let the County and the National Government ensure that there is enforcement. It becomes business as usual when policemen don't police the way they are supposed to do.

Going forward, I hope and urge that we relook on this issue. Let us see if we could probably look at we can don as an Assembly to ensure that at least we have several of these reports. I had mentioned two weeks ago about many reports that are lying within various committees. I am glad today that I have done two reports that we are going to bring to this House. I am also aware when we started this journey with you and

the rest of the leadership, we have seen a quite a number of businesses coming to this House. We cannot be paid to just come and not have a business. We are just a year away from elections, we need to have our chapters in history that we brought businesses here, and whatever the kind of business we brought here, was acted as such.

I know we have been working quite well with the NMS. We have also worked well with the Executive. My only plea is that we will work with various committees to see that these reports see the light of day.

I want to thank all Members who have supported this report. I know in our respective wards, that is the best we can do as people. I look forward seeing this report being implemented in the record time. Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon Members, there being no any other business, the House Stands adjourned until Thursday 17th June 2021 at 2.30 p.m. May God bless you all.

The House rose at 3.10 p.m.