



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Wednesday 28th February 2024

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Antony Gathumbi) in the Chair]

PRAYER

Hon. Temporary Speaker: Waheshimiwa, mnaweza keti.

QUORUM

Hon. Temporary Speaker: Kulingana na Ibara 37, hatuna idadi ya watu wa kutosha. *Serjeant-at-Arms*, tafadhali piga Kengele kwa dakika kumi.

(Quorum Bell was rung)

Hon. Members, we now have quorum, please may you settle.

PETITION

FIGHT AGAINST FEMICIDE IN NAIROBI CITY COUNTY

Hon. Members, we have a public petition pursuant to Standing Order 214.

We, the undersigned citizens of Kenya and members of organizations of women against femicide, draw the attention of the County Assembly of Nairobi to the following:

THAT, aware that the Constitution of Kenya under Article 37 and Section 15 and 88 of the County Governments Act, 2012, provide the right for citizens to petition the Authorities or the County Government on any matter;

THAT WHEREAS Article 27 of the Constitution of Kenya provides that every citizen has a right to equality before the law and a right to equal protection and equal benefit of the law with Article 27 (3) specifically emphasizing that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres;

THAT WHEREAS in the recent past, the country and particularly the City of Nairobi has witnessed increased cases of unprecedented violence against women leading to killing of young and promising women in a manner and style depicting femicide;

THAT WHEREAS these femicide cases portray a society with widespread gender Inequality, deep entrenchment of patriarchal norms and deep-rooted gender-based violence and discrimination;

THAT WHEREAS both National and County Governments have failed to establish effective mechanisms both institutional and policy Interventions to protect women and girls who are now vulnerable and highly exposed;

AND WHEREAS all the matters in respect of which the petition is raised are not pending before any court of law or constitutional body:

NOW THEREFORE, your humble petitioners pray that the Nairobi City County Assembly intervenes to ensure that: -

- i. It allocates enough resources within its budgeting framework to support anti-femicide initiatives such as public awareness campaigns, victim support services, data collection and gender mainstreaming;
- ii. It enacts legislations and policies aimed at protecting women and girls from all forms of discrimination and mistreatment, including femicide; and
- iii. It collectively champions for the creation of a Commission dedicated towards protecting the rights of women and fight against femicide.

And your Petitioners will forever pray.

Presented by Hon. Speaker, MCA. I forward it to Committee on Justice and Legal Affairs. Hon. Kiragu, do you have a Petition? Anyone on behalf of Hon. Kiragu? Let us proceed.

PAPER

NAIROBI CITY COUNTY FISCAL STRATEGY PAPER FOR FY 2024-2025

Hon. Temporary Speaker: Hon. Majority Leader.

Hon. Peter Imwatok: Pursuant to Section 117 (1) of the PFM Act, 2012, I beg to lay the following Paper on the Table of the Assembly, today, Wednesday 28th February 2024:

The Nairobi City County Fiscal Strategy Paper for the for the Financial Year 2024-2025.

(The Paper was laid on the Table)

Hon. Temporary Speaker: Thank you, Majority Leader. I commit that to the Budget Committee.

PETITION**GRABBED PUBLIC LAND IN UMOJA I WARD**

Hon. Temporary Speaker: Hon. Hashim, I understand you are to present the Petition on behalf of Hon. Kiragu.

Hon. Hashim Kamau: Thank you, Mr. Speaker. This is a Petition pursuant to Standing Order 214, by residents of Umoja 1 Ward on grabbed public land CF14/Nairobi/Block 83/1223 and CF17 in Umoja 1 set aside for nursery, primary and secondary schools on Moi Drive in Umoja 1 Ward, Embakasi West in Nairobi City County.

We, the undersigned citizens of Kenya who are residents of Umoja 1 Estate, Embakasi West Sub County, Nairobi County, draw the attention of the County Assembly of Nairobi to the following:

AWARE THAT Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County Governments in the County Assembly;

THAT WHEREAS Articles 62 and 63 of the Constitution mandates the County Government to hold in trust public land on behalf of county residents;

THAT WHEREAS Article 42 of the constitution further provides that every person has the right to a clean and healthy environment;

THAT WHEREAS for the last 44 years from 1978 residents of Umoja 1 have been custodians of the public land CF14/NAIROBI/BLOCK 83/1223 and CF17;

THAT WHEREAS a group of individuals who are not residents of Umoja 1 have grabbed the said public land that was meant for the Community Nursery. Primary and Secondary Schools and a Social Hall;

THAT WHEREAS the population of Umoja 1 is growing steadily and a place for more Education institutions to cater for the raising population is needed;

THAT WHEREAS the petitioners confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

AND THAT, all the matters in respect of which the petition is raised are not pending before any court of law or constitutional body;

NOW THEREFORE, your humble Petitioners pray that the County Assembly of Nairobi City County intervenes and ensure that: -

- i. The National Land Commission and all the relevant bodies furnishes the Nairobi City County with the deed plans to facilitate and solve the dispute herein;
- ii. An immediate order be issued to revoke the titles on the said public utility and remove all structures including the perimeter wall;
- iii. Nairobi City County Government repossesses and plan to construct a nursery, primary and secondary school to cater for the over 170,000 residents of Umoja 1 Ward; and

- iv. Nairobi City County Government to secure the said land and hold it in trust on behalf of the Umoja 1 residents and Nairobians at large.

And we will forever pray.

On behalf of Hon. Antony Kiragu, MCA and Leader of the Minority Party, on behalf of the residents of Umoja 1, and by extension all residents of Nairobi County.

Hon. Speaker, I beg to lay.

Hon. Temporary Speaker: Thank you, Hon. Hashim. I want to commit this to the Committee of Planning. Do we have the Vice Chair?

Point of Order

Hon. Temporary Speaker: Yes, Hon. Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, I am keen on this Petition presented by the Leader of Minority. I am a Member of the Planning Committee and I seek your guidance on whether the Standing Order allows a Member of a committee to present a Petition to the same committee. Yesterday, the Speaker ruled here that a Member of a particular committee cannot ask the same committee for a Statement. Therefore, is this Petition valid before this House, under your direction, Hon. Speaker?

Hon. Temporary Speaker: Thank you very much, Hon. Majority Leader. This is not a Statement but a Petition on behalf of the people of Umoja. It is quite in order.

Hon. Peter Imwatok: Hon. Speaker, I am worried the Member of Umoja, I...

(Hon. Mark Mugambi raised a Point of Information)

Hon. Temporary Speaker: Can he inform you?

Hon. Peter Imwatok: Yes, I allow.

Point of Information

Hon. Mark Mugambi: Thank you, Mr. Speaker. I think a Statement is very different from a Petition. A Petition is from the petitioners who are residents or stakeholders of a said region that want their cry heard by not only the committee but the whole House. A Statement can be from an MCA requesting to be furnished with information as to why one, two or three things have not been done on the same, maybe street lighting, pavement of roads etc. That is what I think from where I sit. A petition needs to be looked into keenly and relevant officers from the Executive involved on the same, especially on such a sensitive matter on land grabbing within this City. Thank you.

Hon. Temporary Speaker: Thank you. We are in consonance that you are in order, and the Chair has ruled that it is in order.

Hon. Peter Imwatok: Hon. Speaker, I am not disputing your ruling. Yesterday, we set a precedence in this Assembly, which requires us to do what is legal. The Member representing Umoja I is here and he is not a Member of the Planning Committee, but the Leader of the Minority is a Member of the Planning Committee. I am persuaded without any reasonable doubt that there

is a problem somewhere or that a syndicate is being created somewhere. The Member defending this Petition is a Member of Umoja I, who the people elected to represent them in this House. Unless the Whip tells us otherwise, he has abdicated his duty to present the Petition of the people of Umoja 1 here so that by then, I can go and declare this seat an ODM seat. What is the interest of the Minority Leader on Umoja I Ward residents? In addition, the Minority Leader himself is not present, another cartel is the one reading it.

(Laughter and loud consultations)

Hon. Temporary Speaker: Okay, let us conclude this matter by reading this Standing Order...

Hon. Peter Imwatok: I am directed, Hon. Speaker.

Hon. Temporary Speaker: Thank you very much. Any Member of the Planning Committee?

Hon. Peter Imwatok: On behalf of the Planning Committee... Members, I hope you are getting what I am saying. The Member of Umoja 1 does not want to present the Petition, but he wants to represent on behalf of the Planning Committee. As a Member of the Planning Committee, give us two weeks, on behalf of my Chair.

(Clerk-at-the-Table consulted the Speaker)

Hon. Temporary Speaker: Now that the Petition has been presented to the Planning Committee, I now know we are okay. Clerk!

Point of Order

Hon. Temporary Speaker: Please quote the Point of Order.

Hon. Waithera Chege: Thank you, Mr. Speaker. I am on Standing Order 221 to request your able Office of the Speaker that the Petition you have just read, the Women Caucus of this Assembly draws allowances from taxpayers. I want you to make a ruling, through Standing Order 1, that the Committee on Justice and Legal Affairs sits together with the Women Caucus to look on the Petition on violence against women, that you had just read. Many at the times we try to help these committees. And I know there is a lot of evidence needed on the issue of femicide. Therefore, through Standing Order 221, I am requesting that you allow the Women Caucus Committee to sit together with the Justice Committee to look into the issue of femicide. Thank you, Mr. Speaker.

(Applause)

Hon. Temporary Speaker: Thank you very much, Mhesimiwa Waithera. I will go to Standing Order 254 (3):

"An Assembly caucus shall not enjoy the powers and privileges of a Committee of the County Assembly."

So, that cannot be allowed according to the Standing Orders. However, they can attend the Committee as Members to give their views.

(Hon. Waithera Chege spoke off the record)

Do not belabor that, it is in the Standing Orders.

Hon. Waithera Chege: We are fully presented in the Liaison Committee; the Chair of the Women Caucus actually sits in the Liaison Committee. Also, us Members draw allowances from this same Committee. So, are you trying to say that the allowances are illegal?

Hon. Temporary Speaker: You agreed with my last statement that you can attend the Committee as Members but not as Caucus. It is so ruled. Clerk!

STATEMENTS

Hon. Temporary Speaker: Hon. Oscar Lore? If he is not in, can we have Hon. Hashim Kamau.

BUSINESS APPEARING BEFORE THE ASSEMBLY FOR THE WEEK BEGINNING WEDNESDAY 28TH FEBRUARY 2024

Hon. Hashim Kamau: Thank you, Mr. Speaker. Pursuant to Standing Order 47 (2) (a) on behalf of the Assembly Business Committee, I rise to give the following statement regarding the Business appearing before the Assembly for the week beginning today, Wednesday 28th February 2024 at 2.30 p.m.

Hon. Speaker, the Assembly Business Committee met yesterday, Tuesday 27th February 2024 to allocate business for consideration by this Assembly. In that regard, Hon. Speaker, allow me to brief the Assembly as follows:

That, today, February 20, 2024, under Order No. 8 and 9, the Assembly shall be considering the under listed business items respectively:

1. Second Reading of the Nairobi City County Technical Vocational Education and Training Bill, 2023 (Assembly Bill No. 6 of 2023), sponsored by the Chairperson of the Sectoral Committee on Children, Early Childhood Education and Vocational Training, Hon. Perpetua Mponjiwa, MCA; and
2. Adoption of the report of the Sectoral Committee on Health Services on the inspection visits to various hotels, restaurants, and clinics to undertake survey and verification of food handlers' medical examination certificates, laid on the Table of the Assembly on Thursday 7th December 2023.

Further, tomorrow, Thursday 29th February 2024, under Order No. 8, the Assembly will be considering the Motion by Hon. Hellen Awour, MCA, for the Assembly to resolve that:

- i. The County Executive Committee Member in Charge of Water and Sanitation, through the relevant authority, commence the process of registration of all borehole water vendors in Nairobi City County and forward a detailed database for each

ward to this Assembly within 60 days from the date of the adoption of this Motion; and

- ii. The County Executive Committee Member in charge of Water and Sanitation develops a policy to guide the operationalization of borehole water vendors within Nairobi City County.

Lastly, Hon. Speaker, next week on Tuesday 5th March 2024, under Order No.8, the Assembly will be considering the Motion by the Deputy Minority Leader, Hon. Waithera Chege, MCA, urging the County Executive to amend the existing County Urban Housing Renewable Energy Regeneration Policy, to provide for the management of County Government owned estates, including maintaining best practices and estate management, maintain and update a comprehensive County Government housing inventory, and protect County Government ownership and its properties.

Hon. Speaker, the Assembly Business Committee urges members of this Assembly to familiarize with the aforementioned Bills and prepare accordingly for debate, through the help of our Research Department. Details of the Bills can be obtained in the Notice Paper, being the last page of day's Order Paper. Copies of the Bills can be accessed online on the Assembly website or at the Table and Journals office.

Hon. Speaker the Assembly Business Committee shall be informing this Assembly through its designee, on the allotted business every Wednesday during the Statement Hour for timely preparations.

Finally, Hon. Speaker, the Assembly Business Committee will again meet on Tuesday 5th March 2024 at the rise of the Assembly to ballot Business for the subsequent week.

Hon. Speaker, I now wish to lay the Statement on the Table of the Assembly. Thank you

Hon. Temporary Speaker: Thank you, Mheshimiwa Hashim.

RESPONSE TO STATEMENT REGARDING TRANSFER OF HEALTH WORKERS FROM MAMA LUCY HOSPITAL TO PUMWANI AND MBAGATHI HOSPITALS

Hon. Temporary Speaker: Chairman, Sectoral Committee on Health, Mheshimiwa Maurice.

Hon. Maurice Onyango: Thank you, Hon. Speaker. Is it a response or report?

Hon. Temporary Speaker: It is the response.

Hon. Maurice Onyango: Guided, Hon. Speaker. This is a response to Statement requested by the Hon. Stazo Omung'ala, MCA. Can you confirm if the Hon. Member is in the House?

Hon. Temporary Speaker: The Speaker yesterday gave a ruling that all reports will be brought in, whether the Member is in or not. So, continue.

Hon. Maurice Onyango: Thank you, Hon. Speaker.

Point of Order

Hon. Temporary Speaker: Hold on, there is a point of Order. Hon. Minority Whip.

Hon. Mark Mugambi: I think it will be in order for responses to be always read when those that requested them are in the House. Hon. Speaker, you need to confirm with the person who requested whether they were satisfied with the response or not. Otherwise, we will just be reading...

Hon. Temporary Speaker: I am sorry. It was necessitated by having a backlog of so many reports. So, this is the reason why we have a backlog because Members do not appear.

Hon. Mark Mugambi: Hon. Speaker, we are not the persons that requested the same statement. Therefore, it beats logic for us to be read a response that we did not ask for while the person who asked for the response is absent.

Hon. Temporary Speaker: I am sorry, Minority Whip; it was Speaker's ruling yesterday, so we cannot go back to that. Continue Mheshimiwa Maurice.

Point of Order

Hon. Peter Imwatok: Hon. Speaker, on a Point of Order, I want to concur with the Minority Whip that these statements are asked by particular Members to certify what they know on accountability in terms of oversight. Like the Chair seated next to me, he is furnishing me with a response now and he wants to read it. Hon. Chair, it is not fair. This is a Statement I asked about seven months ago. The Chair is even inducing me that he will buy me dinner so that he reads and I agree to it yet I have not read and internalized.

Before a chair responds to a Statement before the Assembly, they should ask if the Member who asked the Statement is in the Assembly. For my Statement which the Chair wants to read, I have not seen nor understood it. Until then, I am not keen to listen to it today. Thank you, Speaker.

Hon. Temporary Speaker: I don't think we can go that route. As long as the chairperson is ready with the response and you are present, he will go ahead and read it.

(Hon. Kennedy Oyugi raised a Point of Information)

Whom do you want to inform? Do you want to inform the Speaker? Majority Leader, you cannot start a fire and leave. Majority Leader, please go back to your seat.

Point of Information

Hon. Kennedy Oyugi: Thank you, Mr. Speaker for the opportunity. I want to inform the House, and particularly the Minority Whip. Once a Question or a Statement has been committed in this House, it never belongs to a specific Member, it is a product of the House. For that reason, whether the questioner is in or not, it is good manners to give a response when the questioner is in the House. However, once it is committed to the House, it is a product of the House.

Hon. Temporary Speaker: I cannot agree with you more. Once a document is here, it is a product of the House. Whether the Member is in or not, the response has to be read. This is a ruling that was made that I cannot go back to...

Hon. Mark Mugambi: I want to defer with the Hon. Member for Highrise Ward because, Hon. Speaker, we shall have a tendency where Members will be asking similar statements after they have been read here because they are not satisfied with the responses given by the committees.

I understand the Clerk of that particular committee needs to call the Member to a committee meeting so that they can be given the response in the committee meeting. After they have agreed, then the same response is brought to the House for tabling by the Chair. Therefore, the Member needs to be in the House when the response is being read so that they will confirm whether they were invited to the committee for the response and whether they are satisfied with the response. Otherwise, we shall be going in circles in this House, Hon. Speaker.

Hon. Temporary Speaker: Hon. Member, I have heard you. With all respect that I have for you as our Minority Whip, yesterday a decision was made and you were seated here. We were talking about reports that have overstayed; the 2023 reports and responses. We agreed that we would deal with the 2023 responses in this manner so that we could remove the backlog. So, with all due respect and the respect to the ruling that we made yesterday, please, Mheshimiwa Chairman, Health Committee, continue with your response.

Hon. Maurice Onyango: Thank you, Hon. Speaker. We have been having this response for the last one month. The Hon. Member came to the Committee meeting and affirmed to the Committee Members that he is okay...

Hon. Temporary Speaker: Mheshimiwa Matara, sit down! We cannot have two Members standing. You are out of Order! I will give you a chance, please have a seat.

Hon. Maurice Onyango: He did confirm that he was okay with the Statement. Therefore, I do not see any harm if we respond to the Statement to the...

Hon. Temporary Speaker: Thank you. Go ahead, do not labor.

Hon. Maurice Onyango: I am surprised with the Majority Leader insinuating that I am having a response of his Statement. I don't have a response of his statement; I have a response to be adopted by this Hon. House on an inquiry which was done for not less than three months.

Hon. Temporary Speaker: Go ahead. Don't start a debate.

Hon. Maurice Onyango: Thank you. Hon. Speaker, on Wednesday 19th April 2023, Hon. Stazo Omung'ala, MCA, rose on the floor of the Assembly pursuant to Standing Order 47 (2) (c) and requested a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the transfer of health workers from Mama Lucy Kibaki Hospital to Pumwani Hospital.

In the Statement, the Member requested that the Chairperson should inquire into and report on:

- i. Reasons for the transfer;
- ii. Criteria used;
- iii. Action the County Executive have taken in place; and
- iv. Measures the County Executive is taking to curb such incidences.

Hon. Speaker, the County Executive Committee Member appeared before the Committee on Tuesday 23rd May 2023 to respond. In this regard, the County Executive Committee Member of Health, Wellness and Nutrition submitted a response to the said Statement.

Reason for transferring the officers from Mama Lucy Kibaki Hospital to Pumwani Hospital; The County Executive Committee Member of Health, Wellness and Nutrition responded that the transfer of the officers to Pumwani Hospital was premised on the County Government Act, Section 72 (1), where the power to deploy a County public officer within a department shall vest in the relevant County chief officer.

Criteria used in the transfer of the officers from Mama Lucy Kibaki Hospital to Pumwani Hospital; The County Executive Committee Member of Health, Wellness and Nutrition responded that the terms and conditions of Public Service prescribe that an officer can be subjected to normal rotational transfers from time to time. Further, it was found necessary that mass transfers be initiated for all staff in line with job rotations for improved service delivery in hospitals and across the County. An officer can also be called to serve based on the service needed. In this instance, the officer cadre has only four officers in the entire County after one resigned from Pumwani Hospital, necessitating the need for a replacement. The transfer of the officers was concurrent with the County Executive Committee Member of Health, Wellness and Nutrition as the head of the Sector, the Governor's Office, the County Executive Committee Member for Public Service Management, and the Chief Officer for Public Service Management.

The action the County Executive has taken with regard to the incident at Mama Lucy Kibaki Hospital; The County Executive Committee Member of Health, Wellness and Nutrition responded that there was a change in top leadership, from the medical superintendent, deputy medical superintendent and the entire hospital board.

Measures the County Executive is taking to curb such incidences which have become rampant in County public health facilities, especially at Mama Lucy Kibaki Hospital; The County Executive Committee Member for Health, Wellness and Nutrition responded that this was done through monthly management meetings, rotational transfers, technical support supervision and capacity building, open door policy for communication purposes, enhanced teamwork, encouraging stakeholders' participation within their program, suggestion box, and client exit interviews.

Hon. Speaker, herewith, find attached submissions from the Executive. Thank you.

Hon. Temporary Speaker: Thank you very much, Hon. Chairman.

REQUEST FOR STATEMENT REGARDING ALLEGED HARASSMENT
BY THE CITY COUNTY INSPECTORATE OFFICERS

Hon. Temporary Speaker: I can see a Statement has been brought here for Waithera, but as I am going through it, I see the same issues and facts as the one we discussed yesterday. Did you follow the instructions of the Speaker that you should sit and agree on how you are going to paraphrase the Statement? Madam Waithera?

Hon. Waithera Chege: Mr. Speaker, don't allow people to mislead you. I have a proper Statement that is properly amended. I think the copy you have is not amended, but the copy I have is amended.

Hon. Temporary Speaker: Thank you very much. Carry on.

Hon. Waithera Chege: Don't allow anyone to mislead you. Thank you, Mr. Speaker. Pursuant to Standing Order No 47. (2) (c), I wish to request a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the alleged harassment and mishandling of women, girls, and men at night by the City County Inspectorate officers within the City Center.

Hon. Speaker, the Constitution of Kenya, 2010 grants the citizens of this Republic comprehensive rights and fundamental freedoms. In addition, Article 47 of the Constitution provides every person with the right to administrative action that is expeditious, efficient, lawful, reasonable, and procedurally fair.

Hon. Speaker, there are increasing cases of arbitrary arrests, harassment and extortion of women by City County Inspectorate Officers at night thus infringing on their rights and fundamental freedoms. My introductory inquiry indicted that City County Inspectorate Officers profile women, girls and men, and extort a bribe of Kshs. 500 from them per night, failure to which, they are tortured and locked in the inspectorate vehicles. During my inquiry, it was noted that most, if not all officers, do not wear badges or any form of identification, as required by law.

Hon. Speaker, Part II of the Nairobi City County Inspectorate Services Act, 2017 provide guidelines on inspections and arrests. Section 29 of the Act states that; *"It shall be unlawful for an inspectorate officer to subject any person to torture or other cruel inhuman or degrading treatment."* Such actions are contrary to the provisions of Section 10 of Public Officers' Ethics Act, 2003.

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

- i. Increasing cases of arbitrary arrests, harassment and extortion of profiled women, girls and men by City County Inspectorate Officers at night;
- ii. Whether the County Executive is aware of its officers extorting money on a daily basis from such profiled group of Kenyans at night;
- iii. Status of the implementation and sensitization of the Nairobi City County Inspectorate Services Act, 2017 and Public Officers' Ethics Act, 2003 to officers in the department; and
- iv. Measures the County Executive is taking to stop the infamous ruthless handling of residents, including women who have been profiled by the City County Inspectorate Officers.

Mr. Speaker, as I noted yesterday, I am still requesting your able office because I will be lining up people to testify before the Committee on Justice and Legal Affairs. I will also be projecting videos and audios as part of that evidence. I am requesting your able office to help us protect the residents of Nairobi who will be coming to testify before the Committee. Thank you, Mr. Speaker.

Hon. Temporary Speaker: Thank you very much Mheshimiwa Waithera. Chairman, Committee on Justice and Legal Affairs.

Hon. Emily Oduor: Sorry, Mr. Speaker, I am not a Member of the Justice and Legal Affairs Committee.

Hon. Temporary Speaker: The Chairman is behind you.

Hon. Emily Oduor: Oh! I was wondering why I was given the microphone.

Hon. Temporary Speaker: Thank you. Let the Chairman respond.

Hon. Jared Ondieki: Thank you very much, Hon. Speaker. I am happy that Hon. Waithera Chege has reframed her Statement. From where we stand, it is a matter of protecting the Constitution which we swore in this House to protect. I want to let her know that I used to be a very serious activist in terms of protecting human rights, so this matter will be ably handled.

At the same time, I want the Women Caucus to understand that we are committed in safeguarding the rights of women and protecting them. The matter will be able ably executed by my able Committee. In that regard, I want to give an undertaking that in the next seven working days, we will execute this mater. It is a matter of urgency concerning human life and rights. Thank you.

Hon. Temporary Speaker: That is considerably fair, Hon. Waithera. I believe that the Assembly precincts are well secured. Serjeant-at-Arms, please ensure that all our guests as they come here are well protected. Chairman, Justice, you left our something?

Hon. Jared Ondieki: Hon. Speaker, I am happy that she sought protection of the victims, but at the same time I hope you will protect the committee; they should be decently dressed in honour of this Hon. House.

(Applause)

They must also be disciplined. I am not speculating, but since she has speculated that they need protection, I am also saying that this Hon. Committee must also be protected. Let them come honorably dressed and well disciplined. Thank you very much.

Hon. Waithera Chege: Mr. Speaker...

Hon. Temporary Speaker: Mheshimiwa, just have a seat we hear from Hon. Petit first.

Hon. Paul Irungu: Hon. Speaker, the Member is calling me 'Madam'. Can the Member withdraw?

(Laughter)

Hon. Temporary Speaker: He is out of Order. Continue.

Hon. Paul Irungu: Thank you, Mr. Speaker. This matter is somehow weighty. Hon. Waithera has said that the residents of Nairobi are harassed and the Chair Justice Committee is saying that they should come to this House well dressed. Mr. Speaker, I want to inform the Chair that we need to see these women the way they are when they are being harassed.

(Laughter)

We cannot bring them while they are wearing buibuis. We need to see how they dress and how the askaris usually handle them. Mr. Speaker, we cannot...

Hon. Temporary Speaker: You are out of Order! We are in the precincts of the Assembly and there is a dress code. Hon. Waithera, know that they will not be allowed in the Assembly if they are dressed in a suggestive or if they are not dressed according to our rules. Give Hon. Waithera the mic, please.

Hon. Waithera Chege: Thank you, Mr. Speaker. You know the Chairman is not a capitalist; he is a liberator. Being a liberator, I know he has read the Speaker's Rules which are very clear on the dress code when you are in a committee or at the floor of the Assembly. He does not have to worry about the dress code.

Number two, why is he speculating and preempting the debate whereas he has not listened to the victims. Number three, just to inform this House, this Statement is not only for women and girls, I have also mentioned men. I do not know why they are not asking if men should come properly dressed. Thank you, Mr. Speaker, I agree...

Hon. Temporary Speaker: We rest the matter now, he has given 7 days to respond and then we shall have a debate thereafter. Can you give the Chair of Justice the mic, please?

Hon. Jared Ondieki: Hon. Speaker, I want to be very clear. First, I don't want this serious matter to be watered down. I was only following her footsteps because she is the one who started to speculate that this Hon. House should provide security. Why are you speculating that they are not going to be given security?

Hon. Temporary Speaker: That has been answered, Chairman, you are out of Order.

Hon. Jared Ondieki: That is why I am also saying that my Members also need protection. I have Members who behave like Hon. Petit...

Hon. Temporary Speaker: Order! You are out of Order, have a seat!

We have several matters...

(Hon. Paul Irungu spoke off the record)

What has he said? He has just mentioned your name. Please, let us move to the next agenda. Thank you. Clerk!

BILL

Second Reading

NAIROBI CITY COUNTY TECHNICAL, VOCATIONAL EDUCATION AND TRAINING BILL, 2023 (ASSEMBLY BILL NO. 6 OF 2023)

Hon. Perpetua Mponjiwa: Hon. Speaker, I beg to move the following Motion;
THAT, the Nairobi City County Technical, Vocational Education and Training Bill, 2023 (Assembly Bill No. 6 of 2023) be now read for a Second Time

Hon. Speaker, the Bill was read the First Time on 7th November 2023 and committed to the relevant sectoral committee pursuant to the provision of Standing Order Nos. 134 and 135 respectively.

Hon. Speaker, Article 43 of the Constitution of Kenya, 2010 provides that every person has a right to education. Paragraph 9 of Part II of the Fourth Schedule to the Constitution provides for the function of the County Government regarding village polytechnics and home craft centres. As a right enshrined in the Constitution, providing the guidelines within which that right can be exercised in Nairobi County is imperative.

Hon. Speaker, education, as we all know, has become a centre stage for knowledge acquisition, which is vital for individual and county development. The essence for technical, vocational education and training in the development of the County cannot be overemphasized. The Government needs to address the core problem hindering the full realization of the benefits of technical, vocational education and training. The current infrastructure, quality of tutors and leadership at the TVET centres need to be improved a bid deal. A good starting point will be enacting reforms and development oriented legislative framework.

Hon. Speaker, the main objective of this legislation is to provide for establishment, promotion, legislation, administration and management of technical, vocational, education and training centres and home craft centres within the County. The Bill seeks to provide for proper management, administration and operation of County TVET centres.

Currently, the County has 11 TVET centres that offer various courses across the County. I have a three-page document here but I will skip some because I believe I have introduced the most vital part of the Bill.

In conclusion, Hon. Speaker, the Committee has received vital proposals to be considered for inclusion in the proposed law. The Sectoral Committee on Children, Early Childhood Education and Vocational Training is scrutinizing the proposed amendments and thereafter a report will be presented in the Assembly before the commencement of the Committee of the Whole County Assembly. I am confident that the implementation of this proposed law will go a long way in providing technical, vocational education and training in the County.

Allow me to call my friend, my aunt, my colleague, Hon. Lily Kidenda to second this Bill. Thank you.

Hon. Lily Kidenda: Thank you, Hon. Speaker for giving me this opportunity. I stand to second this Bill. But as I do so, I would like to point out one or two things. We recognize that in the Education Committee, there are some gaps especially the realization of the fact that people expect or imagine that everybody who goes to school would automatically go to university or some kind of a college. But we understand that majority of Kenyans will need TVETs. Why our concern? This is because we want them to be well equipped, the structures to be well done, and gaps to be filled so that our children would receive the dignity that comes with doing these courses. We understand that in this economy, the sector that is run by young people who have gone through TVETs is larger than those who have gone through university.

It is our pride and very committed submission that this be taken seriously. As my Chair has said, a more detailed report will be made outlining and re-aligning the areas that we would like to specifically take care of. Mr. Speaker, I second the motion.

(Question proposed)

Hon. Temporary Speaker: Hon. Members. Hon. Hellen.

Hon. Helen Okello: Ahsante sana, Bwana Spika kwa kunipatia fursa hii ili niunge mkono Hoja hii. Nampongeza Mwenyekiti wa *Education* kwa kuleta *Bill* kama hii, maana tunajua umuhimu wa elimu.

Bwana Spika, ni ukweli tunaweza kubaliana, kuwa masomo ndio nguzo ya usoni. Kama sio masomo, sisi sote hatungekuwa hapa. Walivyosema, ukimpatia mtoto masomo, hautahitaji kumpatia pesa maana atakuwa na *security*. Ahsante, Bwana Spika.

Hon. Temporary Speaker: Ahsante sana. Mheshimiwa Nd'ungu

Hon. Joseph Ndung'u: Ahsante sana, Bwana Spika. May I use English because Kiswahili is a bit tricky. First, I would like to thank the sponsor of the Bill because vocational training is very important. On 25th of January, I had a meeting with the youth of my ward. Most of the youth in the country when they do their form four exams and get certificates, they have the mentality that they are done with education and are ready for the job market. In the meeting, I could tell that we need to talk to our youth as leaders and as parents because they are not willing to go to the vocational training centres.

Most of the Nairobi youths in slum areas believe in *miradi*, where they are invited for seminars and are given 500 shillings or some small token of appreciation for attending the seminar. It is upon us as leaders to talk to the youth because if a person has a skill, it is easy to enter into the job market. The opportunities are available because it is cost effective unlike the traditional colleges and university education. For that reason, Mr. Speaker, we need to continue encouraging our youth because I was very discouraged when I attended that seminar on 25th January. I had invited the youth from my area and more than 300 of them attended. There were other organizations that sponsored the event. Only four of the youth showed interest.

As much as we are supporting the vocational training, we also need to talk to our youth because we are the leaders in our wards and communities. We need to show them the importance of having these skills.

Mr. Speaker, when I did KCSE, I went to Kaburini in Ziwani Ward where I met my colleague, Hon. Gerald who was a mechanic there. I did upholstery. Upholstery is cushion making for vehicles. I acquired this skill when I was around 19 years, which is the skill that made me who I am. I acquired that skill before I entered into politics and helped to get daily bread. For that reason, Mr. Speaker, we need to encourage our youth to train in these skills.

Lastly, Mr. Speaker, we have heard our President speak about job opportunities abroad. These skills will be very beneficial to our youth to go to work abroad. It is an added advantage when they go to work there while they have skills, rather than go to work as casual labourers.

When you go with a skill there, you will work as a professional, but if you do not have any skill, you will work as a domestic worker or work that you are not well paid.

Mr. Speaker, I support this Bill because it is very timely. Thank you very much.

Hon. Temporary Speaker: Thank you very much Mheshimiwa. Our last Speaker is Mheshimiwa Lugonzo, and then we call the mover.

Hon. Joyce Lugonzo: Thank you, Mr. Speaker for recognizing me in the House. I had not raised my hand, though I support the Motion.

Hon. Temporary Speaker: Mover? Just hold on. Mheshimiwa Eutyachus.

Hon. Eutyachus Muriuki: Thank you, Mr. Speaker. As Members of the Education Committee, we are very eager and ready to support this Bill because if you walk along the corridors of City Hall, the Executive side, you will see many youths looking for job opportunities. This Bill ensures that they youth will be able to get the necessary skills *huko mashinani*.

As Mheshimiwa Ndung'u put it, this culture of youths being misused especially during political campaigns is because they do not have something to do. This will help in eliminating that mentality of handouts and they will be proactive because they will be trained and get skills which they can use until when they die. That is all I have for now. I support this bill.

Hon. Temporary Speaker: Thank you very much. Hon. Waithera.

Hon. Waithera Chege: Thank you, Mr. Speaker. Allow me to thank and congratulate the Chair of Education Committee. As a Member of that Committee, a lot of work has been done to make sure that we get to the Second Reading of this Bill.

However, there is something that has caught my eye. I am very happy that this Bill is talking about giving responsibility to the County Government to make sure that issues that we have been talking about in this House on land ownership... If you look at Article 10 (2), it says that it is mandatory for the County Government before giving authority for any TVET to be put up in Nairobi, they must make sure that they facilitate for land ownership and that the documents are properly vetted because we have heard many cases of land grabbing in Nairobi. This Bill therefore, cures these problems.

The other issue, Mr. Speaker, is the Board Council. If you look at Article 15 on the meetings of this Council, it states;

“The Chair shall preside at each meeting of the council or the Vice Chair shall preside, and in the absence of both the Chair and Vice Chair, a member of the Council elected by the other members present, may preside.”

If you look at most of the Acts that have come on this floor, if the chair and vice chair are not present, the meeting cannot take place. I am happy that this Act is not only detailed but it captures the issues that were raised by the Committee Members. I thank the Chair most sincerely for coming up with this Bill. Thank you Mr. Speaker.

Hon. Temporary Speaker: Thank you very much. Mover.

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker. I would like to appreciate the Leadership of the County Assembly and members of the secretariat for the Education Committee, led by Mr. Wasike, our good Clerk, Ms. Kanana and Mr. Munase, our Legal Counsel.

Lastly, I would like to appreciate the good Members of the Committee who are always committed in making sure that we achieve everything that has been brought to this Assembly. It is quite an achievement because this is our second Bill to be brought in the Assembly.

We also appreciate Nairobian who believe that education is the greatest equalizer. I sometimes wonder where some of us would be if we did not go to school, for example, myself raised in the shanties of Shauri Yako. But again, not everybody goes to university. We must appreciate that a man must have a skill. When you have a skill, you are assured of eating because we are living in a world where you can have all the certificates up to the PHD level but if you don't have a skill you are not assured of having a daily bread. But if you are a plumber, a mechanic or a hairdresser, with the skill, you are always assured of earning a daily bread. Thank you Mr. Speaker, I beg to reply.

Hon. Temporary Speaker: Thank you very much, Chair of Education. As you said, this is an effort that has gone through a lot of work. I now put the Question.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the Whole House)

MOTION

ADOPTION OF REPORT ON INSPECTION VISITS TO VARIOUS HOTELS, RESTAURANTS AND CLINICS

Hon. Maurice Onyango: Thank you, Hon. Speaker.

THAT, this Assembly adopts the report of the Sectoral Committee on Health Services on inspection visits to various hotels, restaurants and clinics to undertake survey and verification of food handlers' medical examination certificates, laid on the Table of the Assembly on Thursday, 7th December, 2023.

Hon. Speaker, on 8th March, 2023 Hon. Peter Imwatok, MCA for Makongeni Ward requested for a statement from the Chairperson, Sectoral Committee on Health Services regarding the procedure for issuance of food handler's certificates in the County. In the Statement, the Hon. Member requested that the Chairperson inquiries into and reports on:

- i. List of Companies contracted by the County Executive to issue food handlers' certificate and their ownership;
- ii. Whether the contracts were advertised and when;
- iii. Terms and conditions of the contracts; and
- iv. Whether the companies submit monthly/weekly reports to the County Government; and

- v. Whether there is a policy with criteria on issuance of food handlers' certificate by private companies on behalf of the County Government.

Hon. Speaker, I hope the Hon Members have the report so that they are able to follow because it is a detailed inquiry.

Hon. Temporary Speaker: There is no complain, go on.

Hon. Maurice Onyango: Hon. Speaker, in the exercise of its mandate, the Committee wrote to the Health Sector to report on the aforementioned concerns raised by the Member. The Committee formed three sub-committees to conduct the site inspection visits to different hotels/restaurants and three County clinics on diverse dates to ascertain the alleged cases of non-compliance to food safety on issuance of food handler's medical examination.

Hon. Speaker, the Committee formed three subcommittees and conducted their survey in 15 hotels, three clinics and also met with CBD food and snack vendors. The Committee was accompanied by three Public Health Officers led by the County Deputy Director in charge of Health and Safety who is also head of food handlers' medical examination.

Hon. Speaker, the Committee made the following observations:

- Out of the fifteen hotels, only three hotels had genuine food handlers' certificates of their staffs issued from the STC Casino Clinic;
- 12 of the said hotels possess illegitimate certificates issued by illegitimate private companies; and
- The Committee took 200 samples of allegedly illegitimate food handlers certificates from Sarova Panafric Hotel in Kilimani Ward. The said certificates of the Hotel had been issued by a company named 'National Microbiology Reference Laboratory' which the County Public Health Officers confirmed not to be prequalified by the County Government (Attached official list of those prequalified in annexes and allegedly illegitimate certificates).

The Chief Officer for Public Health, Mr. Tom Nyakaba stated that the five private laboratories had been offering the food handlers' medical examination services to corporate entities within the County since the defunct NMS after which the County had cancelled the said contract in June 2023 after Mr. Nyakaba had sought legal advice regarding the validity and status of the said private laboratories.

He also informed the Committee that under the lapsed Service Level Agreement(SLA) between the KEMRI and Nairobi City County, KEMRI was only mandated to conduct testing while the certification was conducted by the County clinics. That medical certifications issued by KEMRI to hoteliers and related industries were not valid in the County as per the Food, Drugs and Chemical Substances Cap 254.

On 23rd June 2023, Mr. Tom Nyakaba wrote to the Director in charge of Investigations and Information Analysis regarding the report on illegitimate food handlers' medical examination certificates. He further informed the Committee that the County Food Handling and Medical Certification Unit thereafter visited various premises and found 580 illegitimate food handlers' medical examination certificates from different premises.

Hon. Speaker, the Committee met with The CBD Food and Snacks Vendors. The vendors complained of corruption by County Public Health officers and County Enforcement officers who arrested food and snack vendors for failing to give them bribes and were consequently arrested hence being overburdened with heavy fines.

Hon. Speaker, on the site visit to the three County clinic facilities, the Committee resolved to conduct the third site inspection visits to (STC) Casino Clinic, Lady Northey Dispensary and Ngaira Rhodes Dispensary in order to undertake a survey on testing, issuance and verification of food handlers' medical examination Certificates

At Lady Northey Dispensary in Kilimani Ward the Committee observed that, the staffs were still issuing food handlers' certificates to clients despite their laboratory not being operational. Also, the laboratory was in a bad condition, dirty and still had testing commodities which were laying on the floor.

At STC Casino Clinic the Committee observed that, there were some irregularities regarding huge payments made by organization Nile Company Ltd, which did not reflect in the said system.

Hon. Speaker, the Committee made the following findings during the Site Inspection visits:

1. The Ag. Director in charge of Environmental Health Ms. Margaret Sunguti committed Abuse of office through;
 - i. Loss of public funds for example at STC Casino Clinic, Nide Services Limited on 5th October 2023, made payment amounting to Ksh. 302,000, which did not reflect in the system. The Committee observed that this amounted to loss of public funds which benefited the said perpetrators and not the County contrary to the Public Officers Ethics Act No. 3 of 2003;
 - ii. The samples of approximately 200 certificates confiscated by the Committee during their visit at Sarova Panafric Hotel had been issued by National Microbiology Reference Laboratory, an agency which has been not been delegated to perform such function by the County Government. The said sample Certificates were verified and confirmed to be illegitimate by the Deputy Director in charge of food and safety, Ms. Ann Sakwa, during the said visit;
 - iii. Allowing the Hoteliers and restaurants to operate with illegitimate certificates yet the said hotel businesses paid a requisite sum of Ksh 1000 for each food handler for the said certificate. For example, The Nairobi Safari Club manager alleged that they paid their dues to the County Public Health Officers to issue them food handlers' medical certificates yet the County Public Health Officers allegedly claimed they were illegitimate certificates;
 - iv. Corruption whereby staff were accused by different hotel managements of visiting the hotels each month and receiving bribes so as not to issue notice of closure to the said hotels due to non-compliance to food safety standards; and
 - v. Demonstration of incompetence by the said Ag. Director who failed to ensure the sub-sector plans and execute its function effectively hence the County's incapacity to test and issue food handlers' medical examination certificates. For example,

Lady Northey laboratory was not operational yet they were still issuing illegitimate certificates to clients.

- vi. Misappropriation of County revenue by the County Officers at Lady Northey dispensary as they collected samples from Organizations and issued them with illegitimate certificates yet they collected the money for food handlers yet their systems were not functional; and
 - vii. That food and snack vendors within the CBD were allegedly operating without acquiring food handler's medical examination certificates for their staff yet they continually gave bribes as they were issued with receipts as proof of payment.
2. There was shortage of technical officers on certification of food handlers' medical certificate. Only few technical officers had been deployed within the County to certify the same within the County hence incapacity of the said Sub-sector to verify the said certificates;
 3. There were anomalies in the system of STC Casino Clinic which need to be improved; and
 4. Ngaira Rhodes Dispensary system was organized and accurate. All the payments that had previously been made were accurately in the system.

Following the findings together with the submissions obtained from the site inspection visits to 15 hotels/ restaurants, 3 County Health Clinics and meeting with the CBD Food and Snack Vendors, the Committee recommends;

1. The Ag. County Secretary to commence investigations on the ability of the Ag. Director in charge of Environmental Health, Ms. Margaret Sunguti to carry out the duties of the said office;
2. The Director of Criminal Investigation to conduct investigation on Ms. Margaret Sunguti, the Ag. Director in charge of Environmental Health, for prosecution in the Courts of law for authorizing issuance of illegitimate food handlers' medical certificates within the County;
3. The County Executive Committee Member for Health, Wellness and Nutrition to close down the Laboratory at Lady Northey Dispensary since it is not operational yet they were issuing illegitimate food handlers certificates;
4. The Chief Officer for Public Health to put in place adequate measures at STC Casino Clinic especially at records keeping department so that all revenue paid to the County are updated in the system;
5. The County Executive Committee Member for Health, Nutrition and Wellness Sector to ensure efficient institutional arrangements are done so that an independent body(ies) such as Kenya Medical Research Institute (KEMRI) and others carry out the said sample testing of food handlers and issuance of certificates be done by another independent body for transparency purposes. This can be enhanced through a Memorandum of Understanding (MOU) between the County and the Independent bodies;
6. The County to advertise the contract for testing and issuance of food handlers' certificates so that this service can be broadened and bring in a minimum of 2 internal

and external testing centres to assist Ngaira Rhodes Dispensary and STC Casino Clinic;
and

7. All food and Snacks Vendors within the County be tested and issued with food handlers' medical certificates as non-compliance to food safety poses a health hazard to the public contrary to the Cap 254, Section 67 of the Public Health Act and the Food Safety Act No. 7 of 2019.

I therefore call upon Hon DNG, Member of Woodley/ Kenyatta Golf Course Ward, to second.

Hon. Davidson Ngibuini: Thank you so much, Hon Speaker, I rise to support this report. I am a Member of this Committee. First thing I would like to bring to the attention of the Chair on page five, it is written Hon Davidson Mugambi. I don't know such a Member. That is not my name. So, I don't know if that can be amended.

Hon. Temporary Speaker: It will be amended later. Deal with the substance of the matter.

Hon. Davidson Ngibuini: Thank you, Hon Speaker. I have several comments about this brilliant report. It is a pertinent issue. Public health is something critical that we should not take lightly.

The first issue I would like to bring to this floor is that, Nairobi City County Government needs to be serious about revenue collection. If we can identify that Kshs. 302,000 was paid to this County and we don't know where it has gone to, there is a serious challenge there. The question is, how much more money is being lost every single day? We are struggling with the issue of budget in the City. Many times I have risen on this floor just to talk about lack of money for fuel and for support of our utility services. If we can stop this kind of pilferage, perhaps we can collect more money, and we can direct the monies that we collect to proper functions and providing Nairobians with the services that they deserve.

Secondly, Hon Speaker, it is strange that a five-star hotel that has been mentioned in this report with hotel chains across the country, can have a fake Food Handlers Certificate. I don't know how to understand that. All these illegitimate companies should first have their trading licenses canceled. I believe they have trading licenses issued by the Nairobi City County Government. Further, criminal investigations need to be instigated against them.

Hon Speaker, if I may draw your attention to page No. 24, the photos shared by this Committee about Lady Northey Dispensary is an embarrassment to this County. This is a County medical facility that looks like that. It is deplorable and dirty. Medical waste is being disposed in such a turdy manner. Just imagine if somebody went there and touched whatever has been tested and got infected. It is really terrible and this must be looked into. I know this report was centering on public health, and I know that we have a Chief Officer in charge of Health Facilities who needs to look at these facilities. They are underfunded, they have been neglected and they are terrible.

Apart from that, I would like to comment on the issue regarding loss of money. I think there we have to put in place systems. I know there is a proposal to put in place Health Management Information System that perhaps will be able to ensure that we do not have any more pilferage in this sector.

I would like to congratulate our distinguished Chairman, MCA for Mountain View, and the entire Committee that has put a lot of work, as well as our clerks. I know we have had a lot of changes, but maybe I can call them our former clerks who participated in this exercise. Thank you so much, Hon Speaker. I second and support this report.

Hon. Temporary Speaker: Thank you very much, Mheshimiwa DNG.

(Question proposed)

Hon. Temporary Speaker: Hon. Emily

Hon. Emily Oduor: Thank you, Hon Speaker, I stand to support this report. If you read this report, it is a very sad moment for this County. It makes us not even trust the food we eat in hotels, if the Food Handlers Certificate can be handled this way. When we sat here with some of those hoteliers, they told us how they lose so much money to our Health Sector staff. Our staff would go there, eat and walk out. So, the staff working in these hotels would be deducted their monies. You will find at the end of the month they don't have a salary simply because of corruption. The officers either collect money or they eat the food.

I remember in one of those meetings, we had opportunity to talk to a group from Panafric Hotel. They said there was a time they tried to get the certificates, but there was a problem. For a while the Executive kept telling them, "we are coming, we don't have this." They were actually opting to use the National Government instead of the County Government. That is loss of revenue and also mistrust. Imagine if tourists came into this country and realized that these people do not have Food Handlers Certificate. It is very sad when you read this report. An officer is supposed to go for a site visit but does not carry any tool. As a woman, how do I go to the river without a bucket to fetch water? An officer goes for a site visit and says they forgot their tools.

Health Sector is the most important sector in this County. And as you know, it gets quite a chunk of money. This is where our health lies. We have all been in this city when we were struck with cholera. Our officers would rather pocket the money than give services. I hope that our recommendations, especially on the incompetent staff will be acted upon. If we let it lie, it will spread to the other staff members. We know they are already doing it, but if we do not act on it immediately, it is going to erode our health system and integrity. When you read this report, you will be scared of eating in restaurants because you do not know which one is clean. I hope all our recommendations are going to be implemented, and the Chair will follow up and also us all Members of the Committee. With those few remarks, Hon Speaker, I support the report.

Hon. Temporary Speaker: Thank you, Mheshimiwa Emily. Mheshimiwa Helen.

Hon. Hellen Okello: Ahsante sana, Bwana Spika kwa kunipa fursa nyingine ili niweze kuzungumzia mswada huu. Napongeza Mwenyekiti wa Afya kwa kujali wananchi wa Nairobi. Ni jambo la kuhuzunisha sana kupata wafanyakazi wa Kaunti ya Nairobi wanaenda kwa hoteli kuchukua hongo. Kamati ya Afya ilitembelea hoteli kubwa kubwa na cha kushangaza ni kuwa, hawakuwa na vyeti sahihi vya kuwaruhusu kuuza chakula. Waliyokuwa nayo ni vyeti bandia. Hoteli ya kwanza tuliyozuru ni Safari Park. Tuliongea na wafanyakazi wa hoteli hiyo mmoja

mmoja. Tulipata kujua kuwa kuna wale wafanyakazi ambao hawajui kuna cheti kinachohitajika. Kuna wale walisema walilipa pesa ya kuchunguza afya lakini hawakuenda kupimwa, ilhali wanashika chakula. Hii inaonyesha kuwa watu wa Nairobi wako hatarini kwa sababu wanaweza pata *food poisoning* baada ya kukula kwenye hoteli.

Bwana Spika, niruhusu niseme Margaret Sunguti hana uwezo wa kufaya kazi katika hiyo ofisi. Aliwekwa hapo ili afanye kazi lakini hafanyi. Hongo imechukuwa nafasi kubwa kwa maana maafisa wa afya hawajali maisha ya watu wa Nairobi. Kuna siku tulipatwa na aibu kubwa sana tulipoita *food vendors* kuhudhuria mkutano wa Kamati ya Afya. Walituambia kuna baadhi ya wafanyakazi wetu wanaenda hoteli kuitisha chakula cha bure. Inahuzunisha sana. Naomba uchunguzi ufanywe kwa wafanyakazi wetu, kuanzia Bi Margaret Sunguti. Kwa hayo machache, Bwana Spika, ninaunga mkono mswada huu.

Hon. Temporary Speaker: Ninakushukuru sana, Mheshimiwa Hellen kwa kutumia Kiswahili sanifu. Hivi sasa nitamkaribisha Mheshimiwa Lily Akoth Kidenda pia atuzungumzie.

Hon. Lily Kidenda: Thank you, Hon Speaker. I stand to support report from the Health Committee, as the Vice Chair. I would like to thank my Chair for so well articulating the problems that Nairobians are facing from the hands of our officers, together with the hotel owners and the workers. Out of the sample of the 15 hotels that we visited, only three had legitimate certificates. And when you look at the sample of workers that were found in the hotels, even those that have been not been mentioned, a number of them had certificates but the certificates were predominantly fake and fake issued by us.

Hon Speaker, like my colleagues have said, my heart bleeds to imagine that we have laboratories called by the name of the County, and the workers who are employed in the payroll of the County are doing their own businesses. Allow me to give the example of Lady Northey Dispensary. We arrived there and the first thing that hit us is the stench, before you even look at the mess inside. One of the officers was out in the field taking blood samples. He was doing his own business within the business to bring to a laboratory that does not function. He then mentioned that he will take them to the Casino Clinic. We got in touch with Casino Clinic and it confirmed that they do not take any samples from outside, they get their own samples. So, this particular officer was doing his personal business of taking blood samples and being paid Kshs.1000 per sample fetched, which never gets tested. At the end of the day, he goes back and gives this certificate and he will pocket the money.

We want to say categorically that until something is done to rehabilitate Lady Northey, it needs to be closed forthwith because it is not functioning and not helping this County. It is harboring people who are doing their own business at the expense of this County.

On Casino Clinic, we would like to say that the place needs to be upgraded. Things have to be put in place. I would like to say without fear of contradiction that Ngaira Rhodes Clinic tops this lot with excellent records, everything in order, and their finances put in order. They can go and benchmark there. It is a total embarrassment.

Even as we spoke to food vendors from the CBD and other restaurant owners, it is a shame and embarrassment in ourselves. As we look at this report, my cry is that the implementation of the recommendations made have to be done. We will not rest as the Health Committee until our recommendations are implemented. Whoever is receiving bribes, to try and put this to death, we will not allow it to die.

I want to thank my Chair for a detailed report excellently put together, and the Members of the Health Committee who spent days on end visiting these destinations. There are situations where we have asked for support to go and visit and none was forthcoming, but we still went anyway. I could say more, but I will stop and say I support, with the addition that if this our recommendations are not implemented, then really we are doing disservice to Nairobi, which includes ourselves. Thank you, Hon Speaker.

Hon. Temporary Speaker: Thank you, Madam Lily Kidenda. I call upon the mover.

Hon. Maurice Onyango: Thank you, Hon. Speaker. I concur with the Hon. members who have supported this report. The issues at hand are weighty. As my Vice has indicated, we will not keep quiet nor tire until Nairobians get the right services. We urge the Executive to make sure that this report is implemented to the letter.

The acting head of Public Health, Margaret Sunguti should be investigated of bribery allegations from restaurants and hotels, and being the head of the sub sector of Environmental Health. Poor health services at the City health centers among others, shows incompetency. We will not allow an officer to expose her incompetency.

This report has been tabled and Members have supported it. W

hat we are waiting for is implementation. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Thank you very much, Chairman, Health and your Committee. I must say you have done a good report, although very damning. I must say that Nairobi and the Nairobians depend on you. So, you should not tire.

(Question put and agreed to)

(Applause)

(Hon. Hamisi Maleya raised a point of Information)

Hon. Temporary Speaker: You cannot have a point of Order when we are through. Within the same subject?

Hon. Hamisi Maleya: No. I just wanted to inform the House that---

Hon. Temporary Speaker: No, we are through. Don't worry about that. Thank you very much ladies and gentlemen...

(Hon. Member spoke off the record)

Just have a seat! Mheshimiwa Waithera, your Statement is not properly before the Assembly. As per the Standing Orders, the Statement read by Hon. Waithera has not been approved

by the Speaker. In this regard, I order that the Statement be withdrawn from the Justice Committee until it is properly processed. Clerks, take action on that. Hon. Waithera.

Hon. Waithera Chege: Mr. Speaker, if you have Clerks who have no capacity to run this Assembly, I want to plead with you that the issue must be looked into. I was called at 12:30 p.m. to appear before this Assembly to read the Statement. It was brought by the Serjeant-at-Arms who got that Statement from the Clerk. So, I will not allow anybody to mismanage. People must indicate what their interest is in this Statement. If one has a problem with us exposing corruption, let them come up front, face me or face the victims of this Statement, but I will not allow anybody to sabotage the contents of the Statement.

Hon. Temporary Speaker: Thank you very much, Mheshimiwa Waithera. I am just following the rules and the Standing Order. But I know there is nobody who is planning to sabotage. It will be approved and then brought back to the Assembly.

*(Statement on alleged harassment
by County Inspectorate withdrawn)*

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, we adjourn the House until the next sitting, tomorrow, Thursday 29th February 2024 at 2:30 p.m.

The House rose at 4:50 p.m.