

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-FOURTH SESSION

NCCA/T&J/2020 / (44)

21st July, 2020

PAPER LAID

Pursuant to Standing Order 191, I beg to lay the following Paper on the Table of the Assembly, today Tuesday, 21st July, 2020.

THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES ON WORKSHOP HELD FROM 13TH -16 FEBRUARY 2020 AT PRIDEINN HOTEL, MOMBASA.

(Chairperson, Sectoral Committee on Health Services)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

Report
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21/07/2020

Approved
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21/7/2020

NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY

Approved
Blair
21/7/2020

SECOND ASSEMBLY – FOURTH SESSION

REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES

ON

TRAINING WORKSHOP FOR MEMBERS

HELD AT PRIDE INN PARADISE HOTEL, MOMBASA COUNTY

Clerks Chambers
City Hall Buildings
NAIROBI

JULY, 2020

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1.0. PREFACE

Hon. Speaker,

01. The Sectoral Committee on Health Services is established under Standing Order No. 203 (1).

Its mandate pursuant to Standing Order 203 (6) is to: -

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- c) study and review all county legislation referred to it;
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with its stated objectives;
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 196(Committee on Appointments): and
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

02. Specifically, and in accordance with the Third Schedule of the Standing Orders, the Sectoral Committee on Health Services is mandated to consider all matters relating to: - *“health services, including, in particular County health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, veterinary services (excluding regulation of the profession), cemeteries, funeral parlours and crematoria.”*.

Hon. Speaker,

01. This Report contains the deliberations of the Sectoral Committee on Health Services During the period under review, the Committee comprised of the following members: -

The Committee comprises the following members:

- | | | |
|---|---|-------------------------|
| 1. The Hon. Stephen Gikonyo, MCA | - | Chairperson |
| 2. The Hon. Mbugua Kabiro, MCA | - | Vice Chairperson |
| 3. The Hon. Ann Thumbi, MCA | | |
| 4. The Hon. James Kiriba, MCA | | |
| 5. The Hon. Julius Maina, MCA | | |
| 6. The Hon. Naphtali Mathenge, MCA | | |
| 7. The Hon. Asli Mohamed Mohamud, MCA | | |
| 8. The Hon. Geoffrey Ngang'a, MCA | | |
| 9. The Hon. Pius Mbono, MCA | | |
| 10. The Hon. James Mwangi, MCA | | |
| 11. The Hon. Peter Warutere, MCA | | |
| 12. The Hon. Moses Ogeto, MCA | | |
| 13. The Hon. Jairus Omay, MCA | | |
| 14. The Hon. Patrick Logendi, MCA | | |
| 15. The Hon. Stazo Omung'ala, MCA | | |
| 16. The Hon. Patrick Musili, MCA | | |
| 17. The Hon. Carolyne Mayunzu, MCA | | |
| 18. The Hon. Emily Ondenje Oduor, MCA | | |
| 19. The Hon. Maurice Ochieng', MCA | | |
| 20. The Hon. Catherine Okoth, MCA | | |
| 21. The Hon. Alvin Palapala, MCA | | |

Secretariat

02. The Committee Secretariat comprised of the following officers: -

- i) Mr. Wilfred Manyi (Clerk Assistant)
- ii) Ms. Mercy Senewa (Clerk Assistant)
- iii) Meshack Temba (Office Assistant)

Hon. Speaker,

Hon. Speaker,

The Committee Members attended the workshop at Pride Inn Paradise Hotel, Mombasa County to be trained by an officer from the National Parliament, Mr. Oscar Wesonga, Principal Clerk Assistant.

The workshop proceeded in various sessions with each session tackling a specific salient topic as follows: -

- i) Financial Procedures and overview of the Budget Process and Budget Documents**
- ii) Law making process**
- iii) Committee of the Whole House**
- iv) Consideration of businesses by a Committee**

In addition, at the end of each session a plenary was held where Members reacted to the presentations by way of questions and general comments.

Hon. Speaker,

The Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for facilitating the training workshop. The Committee also extends its appreciation to the secretariat who have remained steadfast to ensure the Committee mandate is well guided.

It is now my honor, on behalf of the Committee to present and recommend this report to the County Assembly.

SIGN............... DATE.....16/7/2020.....

Hon. Stephen Gikonyo, MCA - Chairperson

REPORT OF THE PROCEEDINGS OF THE TRAINING WORKSHOP FOR THE MEMBERS OF HEALTH SERVICES COMMITTEE HELD ON 14TH – 15TH FEBRUARY, 2020, AT PRIDE INN PARADISE HOTEL, MOMBASA COUNTY

1.0. INTRODUCTION

1. The workshop was held in order to train Members on law making process, reviewing bills committed to the Committee and how to develop and consider legislative proposals touching on the Health Services Sector.

The knowledge gained was to assist the Members of the Committee develop and expedite passage of relevant legislative framework geared at enhancing service delivery especially in the Sector.

2.0. PROCEEDINGS OF THE WORKSHOP

2. Several presentations on the subject matter were made by the facilitator during the retreat period and were discussed per session as follows: -

SESSION 1: OFFICIAL OPENING

3. The Chairperson officially opened the workshop and stated the importance of fast tracking pending draft legislations that had been shelved by the Sector. Their timely enactment was to help improve the much needed services. The Chairman reiterated the need for the Committee to reconstitute the Subcommittees as provided for in the Standing Order 175 owing to the expansive nature of the Food, Agriculture and Forestry Sector. He urged the Honorable Members to be passionate about their legislative mandate that was key in transforming the County in many facets especially in realizing food security in line with the President's Big 4 Agenda. He concluded by informing Members that the Committee had an opportunity to perform and prove to negative perceptions that agriculture cannot be practiced in the City.

4. The Chair further informed that the workshop would be covering the following crucial topics:-

- Developing Legislative Proposal;
- Introduction of Bills to the House;
- Consideration of business by Committees; and,
- Committee of the Whole Assembly;

SESSION 2: MANDATE OF THE COMMITTEE

Session Chair: - Hon. Stephen Gikonyo, MCA, Chairperson.

Topic 1: Developing a Legislative Proposal:

Presenter: - Mr. Oscar Wesonga

The facilitator commenced with pre-legislative processes and submitted that:-

5. - A legislative proposal was basically an idea for legislation whereas a bill was a proposed legislation for an Act of the Assembly seeking to make new provisions; amend or repeal an existing law
 - A Bill could be originated from a Member, on his/her own behalf, a Member, at the behest of a Citizen/interest group/stakeholders, the executive through a committee/member or a citizen through a public petition
6. On originating a legislative proposal:-
- A Member writes to Speaker annexing a memorandum on objects & reasons for the Bill containing– a statement of the objects and reasons of the Bill,
 - a statement of delegation of legislative powers and limitation of fundamental rights and freedom, if any,
 - an indication whether it concerns county governments,
 - a statement of its financial implication and if the expenditure of public moneys will be involved should the Bill be enacted, an estimate, where possible, of such expenditure

- Once approved by the Speaker, the legislative proposal is prepared with technical support of the Assembly legal team
 - Draft Money Bills are forwarded to Budget and Appropriations Committee for engagement with CEC, Finance prior to publication
 - Legislative proposal for which no Committee is in charge is referred to a special select committee for pre-publication scrutiny
 - Legislative proposal undergoes pre-publication scrutiny: processed within fourteen (14) days which is facilitated by relevant Sectoral Committee for:
 - a) Consultations with relevant CEC & County attorney
 - b) stakeholder engagement
 - c) expert input
 - d) participation of the people
 - Speaker directs publication or otherwise based on recommendations of the County Budget and Appropriations Committee and relevant Sectoral Committee
 - After notice to public has been given and maturity period of 14 days elapsed, the Bill comes for First reading.
 - On Bills sponsored by County Government, the draft Bill is submitted by the relevant County Executive Committee Member
-
- Then Forwarded to the Speaker and copied to *sponsoring legislator*;
 - No requirement for Prepublication scrutiny as the bill goes direct for publication with Speaker's authority before it is prepared for First reading
7. The Bills sponsored by Sectoral Committee are prepared by the Committee and forwarded to the Speaker and does not require prepublication scrutiny but goes direct for publication with Speaker's authority and prepared for First Reading
8. Law is made as follows;
- Publication of the Bill for public notice which matures after 14 days;

- First Reading refers to committal to relevant Sectoral Committee for Stakeholder engagement, expert input, participation of the people, report may be prepared and tabled to influence the Committee of the Whole house
- Second reading was when bill was debated on principles and without amendments
- Committee of the whole house is where amendments in light of Sectoral Committee proposals were scrutinized clause by clause
- Reporting of the Bill to the Assembly is done upon conclusion of the proceedings on a bill in the Committee of the Whole house
- In the Third Reading, a Bill is passed and no amendment may be moved at this stage
- The Governor shall Assent to the bill passed upon presentation by the Speaker within 14 days
- The Governor could refer the Bill back to the Assembly with memorandum outlining reasons for the referral
- The County assembly confines itself to the clauses to which the Governor has expressed reservation.

PLENARY

9. During plenary, Members sought the following clarifications:-

- What objects on a bill referred to
- If Committee can consider bills that cut across sectors
- How a policy is approved by the Executive before submission of a bill for consideration by a Committee of the County Assembly
- The procedure and order of dispensing with clauses during the Committee of the Whole house

10. In response, the presenter informed as follows:

- The objects on last cover of any given bill explains the purpose/significance or what the bill seeks to address

- A special Committee can be established by the Assembly to deal with legislative proposal that cuts across various Sectors
- The County Executive must first develop a policy before submitting any Bill to the Assembly. The policy is approved at the County Executive meeting before a bill is generated and submitted to Assembly after it goes to the legal team and public participation steered by the Executive
- That in dispensing with Clauses of a Bill during Committee of the Whole house, the order commences with clauses three, new clauses, schedules, new schedules, interpretation then clause one and then title.
- Clauses without amendments need not appear in the Order Paper and need not be debated
- Article 196 1 (a) and (b) of the Constitution of Kenya, 2010 provides that a County Assembly should conduct its business in an open manner, and hold its sittings and those of its committees, in public; and facilitate public facilitation and involvement in the legislative and other business of the assembly and its committees.

SESSION 3: CONSIDERATION OF BUSINESS BY COMMITTEE

Session Chair: - Hon. Muchene Kabiru, MCA

Presenter: - Mr. Oscar Wesonga

The presenter submitted that:-

11. Assembly business is generally the sum total of whatever goes on in the Assembly, or business transacted thereof.
12. According to Erskine May Parliamentary Practice (24th Edition) defines proceedings as:
 “Some formal action, usually a decision, taken by the House in its collective capacity. This is naturally extended to the forms of business in which the House takes action, and the whole process, the principal part of which is debate, by which it reaches

a decision. An individual member takes part in a proceeding usually by a speech, but also by various recognized forms of formal action, such as voting, giving notice of a motion, or presenting a petition or report from a committee ...”

Petition

13. The presenter informed the Committee that Article 37 of the Constitution provides that *“every person has a right to among other things, present petitions to public authorities”*

Section 15 of the County Governments Act -*“A person has a right to petition a county assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation”*

- A Petition is a written prayer, signed by concerned persons, & addressed to the Assembly requesting the Assembly to intervene or consider any matter within its authority
- Petition is submitted through the office of the Clerk and is reported/conveyed to the Assembly by the Speaker
- Those Petitions submitted through Members are presented directly to the Assembly by that Member on behalf of petitioner(s).
- Member is not eligible to present petition on his/her own behalf.

Types of Public Petitions

The presenter stated that :-

- Ordinary Petition – relates to any matter within the authority of the Assembly, as granted under Articles 185, 186, 187 and Part 2 of the Fourth Schedule to the Constitution of Kenya, 2010
- Petition for the removal of Governor or Member of the County Executive Committee – made pursuant to Article 200 of the Constitution, the County Governments Act, 2012 and the Public Appointments (County Assembly) Approval Act, 2017

- Clerk reviews Petition within 7 days of receipt to ensure it meets the requirements of the Standing Orders applicable law on public Petitions
- If a petition does not meet requirements, clerk gives direction/advise to ensure compliance with the requirements
- If a Petition meets all requirements, the Clerk forwards it to the Speaker for approval for presentation to the Assembly.

Criteria for approving Petitions

The Committee learnt as follows:-

- Petitions should be handwritten, printed, typed, be in English/Kiswahili, concise, be free of alterations
- Be addressed to the House, written in polite and respectful language.
- Not have any letters, affidavits or other documents annexed to it (*except on removal from office*)
- Confine its subject matter within the authority of the County Assembly
- Be in conformity with the requirements of the Act and Standing Orders;
- Indicate whether the issues raised are pending before any court of law, constitutional or legal body, or is not being handled by a relevant authority;
- Be submitted to the Clerk at least 2 sitting days of the intention to present a Petition

Presenting Petitions

The presenter informed the Committee that:-

- Petitions are presented/conveyed to the Assembly upon Order No 4 “Petitions”
- The Member presenting a Petition confines oneself to subject of prayer, material allegations and signatures
- The Speaker may allow comments on the Petition
- Speaker refers Petition to the relevant committee for consideration and reporting.
- Committee have up to 60 days to respond to the Petitioner through a report, tabled in the Assembly and forwarded by the Clerk to the Petitioner

- Committees invites the Petitioner, relevant witnesses, stakeholders and relevant government departments to its hearings
- Once the Report is tabled, the Clerk formally notifies the Petitioner of the decision of the Assembly and annexes a copy of the Report
- Report is also sent to responsible government authority for implementation and copied to Committee on implementation for follow up
- The Clerk maintains a register of Petitions which is accessible to the public

PLENARY

14. Members sought clarifications on the following: -

- How a bill is considered by a Committee?
- Salient proceedings at second reading of a bill and committee of the whole house

15. In response the facilitator informed as follows:

- During the First Reading Stage, a bill is committed to relevant Sectoral Committee
- Bill introduced in the committee
- Brief by researchers on policy brief
- Brief by legal counsel on legal brief
- Public participation (CEC, key stakeholders, members of the public)
- Clause by clause consideration of the bill

3.0. CONCLUSION

16. The training workshop for the Committee on law making processes and related legislative procedures was successful as knowledge gained from the workshop was to translate into more passage of legislations geared towards addressing myriad of challenges affecting the County Government. Legislation being one of the core mandate of the County Assembly should be actualized and seen to improve service delivery to residents.

End.....

**MINUTES OF THE SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY COMMITTEE
ON HEALTH SERVICES HELD ON THURSDAY 16TH JULY 2020 AT 12 NOON THROUGH
VIDEO CONFERENCING**

PRESENT

1. MCA Hon. Stephen Gikonyo, MCA - Chairperson
2. The Hon. Mbugua Kabiro, MCA – Vice Chairperson
3. The Hon. Alvin Palapala, MCA
4. The Hon. Asli Mohamed Mohamud, MCA
5. The Hon. Catherine Okoth, MCA
6. The Hon. Peter Warutere, MCA
7. The Hon. Jairus Omayo, MCA
8. The Hon. Moses Ogeto, MCA
9. The Hon. Patrick Musili, MCA
10. The Hon. Maurice Ochieng', MCA
11. The Hon. James Kiriba, MCA
12. The Hon. Stazo Omung'ala, MCA
13. The Hon. Geoffrey Ngang'a, MCA
14. The Hon. Pius Mbono, MCA
15. The Hon. Carolyne Mayunzu, MCA

ABSENT WITH APOLOGY

1. The Hon. Ann Thumbi, MCA
2. The Hon. Julius Maina, MCA
3. The Hon. Naphtali Mathenge, MCA
4. The Hon. James Mwangi, MCA
5. The Hon. Patrick Logendi, MCA
6. The Hon. Emily Ondenje Oduor, MCA

SECRETARIAT -

- 1) Mr. Wilfred Manyi
- 2) Ms. Mercy Senewa

COUNTY ASSEMBLY

- Clerk Assistant
- Clerical Officer 1

MIN No. 64/HSC/ JULY/2020 – PRELIMINARIES

The meeting was called to order at 12:00pm and commenced by word of Prayer said by the Chairperson, Stephen Gikonyo MCA.

MIN No. 65/HSC/ JULY 2020– ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Alvin Palapala, MCA and seconded by Hon, Caroline Mayunzu. MCA as follows: -

- 1) *Preliminaries (Prayer and adoption of the agenda)*
- 2) Adoption of Report of study visit to Narayan Hospital, India
- 3) Adoption of Report of Quarterly Committee Retreat held in Mombasa
- 4) Any Other Business
- 5) Adjournment

MIN NO. 66/HSC/ JULY /2020– ADOPTION OF REPORTS OF STUDY VISIT TO INDIA
& QUARTERLY COMMITTEE RETREAT

- The Chairperson took the Members through the report of the study visit to India. The Hon. Member reiterated the need for partnership between Narayana Health Center and Nairobi Metropolitan services be fostered and actualized;
- It was also stated that deliberate efforts to have all hospitals in Nairobi accredited and commissioned was key to deliver high quality services through telemedicine and connectivity and technology that is in tandem with recognized international health standards
- The Committee retreat report was read and adopted having been proposed by the Chairman, Hon. Stephen Gikonyo, MCA and seconded by Hon. Pius Mbono, MCA
- The report of study visit to India was unanimously adopted having been proposed by Hon. Peter Warutere, MCA and seconded by Hon. The Chairman, Hon. Stephen Gikonyo, MCA


MIN No. 67/HSC/ JULY /2020– ANY OTHER BUSINESS AND ADJOURNMENT

- The Chair thanked fellow Hon. Members for being punctual to attend meetings and urged them to continue with the same zeal
- There being no any other business the meeting was adjourned at 12:40pm. The next virtual meeting was to be communicated through notice.

CONFIRMED AS TRUE COPY OF THE PROCEEDINGS.

SIGN  DATE..... 16/7/2020

CHAIRPERSON

SIGN  DATE..... 16/7/2020

SECRETARIAT