

REPUBLIC OF KENYA

COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 1st October, 2024

The House met at 11.03 a.m.

[The Speaker (Hon. (Mrs.) Kiusya) in the Chair]

PRAYERS

COMMUNICATIONS FROM THE CHAIR

WELCOME FROM SHORT RECESS

Hon. Speaker: We have a communication with us, Hon. Members. This is the communication. Good morning, Hon. Members. I wish to welcome you to the Second last part of the Third Session of the Third Assembly. I hope you got to rest and I interact with your electorates during the just concluded short recess.

DOCUMENTS RECEIVED DURING THE SHORT RECESS

Hon. Members, you do recall that during the last sitting of this Assembly, a resolution was made that any document received during the short recess be committed to the relevant Committee and communicated to the House on resumption.

Hon. Members, the following documents were received and committed to the relevant Committees;

- (i) Report of the Auditor-General on Machakos Level V hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (ii) Report of the Auditor-General on Machakos Level V hospital for the year ended 30 June, 2022 – County Government of Machakos.
- (iii) Report of the Auditor-General on Kalama Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (iv) Report of the Auditor-General on Kimiti Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (v) Report of the Auditor-General on Kalama Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (vi) Report of the Auditor-General on Mutituni Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (vii) Report of the Auditor-General on Mutituni Level IV hospital for the year ended 30 June, 2022 – County Government of Machakos.
- (viii) Report of the Auditor-General on Ndithini Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (ix) Report of the Auditor-General on Ndithini Level IV hospital for the year ended 30 June, 2022 – County Government of Machakos.

- (x) Report of the Auditor-General on Matuu Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (xi) Report of the Auditor-General on Matuu Level IV hospital for the year ended 30 June, 2022 – County Government of Machakos.
- (xii) Report of the Auditor-General on Kangundo Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (xiii) Report of the Auditor-General on Kangundo Level IV hospital for the year ended 30 June, 2022 – County Government of Machakos.
- (xiv) Report of the Auditor-General on Kathiani Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (xv) Report of the Auditor-General on Kathiani Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (xvi) Report of the Auditor-General on Kathiani Level IV hospital for the year ended 30 June, 2022 – County Government of Machakos.
- (xvii) Report of the Auditor-General on Mwala Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (xviii) Report of the Auditor-General on Mwala Level IV hospital for the year ended 30 June, 2022 – County Government of Machakos.
- (xix) Report of the Auditor-General on Masinga Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (xx) Report of the Auditor-General on Masinga Level IV hospital for the year ended 30 June, 2022 – County Government of Machakos.
- (xxi) Report of the Auditor-General on Athi River Level IV hospital for the year ended 30 June, 2023 – County Government of Machakos.
- (xxii) Report of the Auditor-General on Athi River Level IV hospital for the year ended 30 June, 2022 – County Government of Machakos.

I urge these Committees to fast-track the consideration of these documents within the required timelines that I gave.

VISITING DELEGATION FROM SHAMIR JUNIOR SCHOOL IN ATHI RIVER

Hon. Members, I wish to acknowledge the presence of visiting teachers and pupils of Shamir Junior School in Athi who have visited the Assembly for a learning session.

(Applause)

This is within the jurisdiction of Hon. Jeremiah Kaloi and will be given an opportunity to welcome them on behalf of the Assembly. We have three teachers and eleven learners from grade four and five. The team Leader is Mr. Neville Odhiambo. It is my pleasure to welcome the teachers and the pupils from Shamir Junior Academy to the Assembly and feel very much welcome. Please make sure you pick one or two things from these proceedings because you are the next generation that will be sitting in this room in the near future. Feel very much welcome. Thank you. Let us proceed.

(Applause)

PAPERS LAID

MACHAKOS COUNTY CHILDREN'S POLICY AND PERFORMANCE REPORT

FOR DEPARTMENT OF VOCATIONAL AND SKILLS TRAINING 2023/2024

Hon. Speaker: May I invite Hon. Nicholas Nzioka Leader of Majority to come forward and lay some Papers we have with us. Welcome, Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 1st October, 2024

- i. The performance report for the financial year 2023/2024 for the department of vocational and skills training.
- ii. The Machakos County Children's Policy.

Thank you, Madam Speaker.

Hon. Speaker: Thank you very much Hon. Member. The first Paper (i) will be committed to the Education Committee. Paper (ii) is hereby committed to Sports and Social Welfare Committee. May I call upon Hon. Vincent Mutie Chairperson Health and Emergency Services Committee to come forward and lay another Paper? Hon. Mutie, please.

REPORT OF MACHAKOS COUNTY HEALTH SERVICE (AMENDMENT) BILL, 2023

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you, Hon. Speaker. I wish to lay the following Paper on the Table of the Assembly today, Tuesday 1st October, 2024; The report of the Health and Emergency Services Committee on consideration of the Machakos County Health Service (Amendment) Bill, 2023.

Hon. Speaker: Thank you, Hon. Member. Next order.

STATEMENT

BUSINESS FOR THE HOUSE FROM 1ST TO 8TH OCTOBER, 2024

Hon. Speaker: May I invite Hon. Nicholas Nzioka to come forward and make some Statements.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, the House Business Committee met on 1st October, 2024 to prioritize Business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(6)(d). The Committee balloted business as follows:

Tuesday, 1st October, 2024

Morning at 10.00 a.m.

The Machakos County Health Services (Amendment) Bill, 2023 by Hon. Vincent Mutie.

Afternoon at 2.30 p.m.

- a) The Machakos County Health Services (Amendment) Bill, 2023 – Committee of the Whole House by Hon. Vincent Mutie
- b) The Machakos County Health Services (Amendment) Bill, 2023 by Hon. Vincent Mutie

Wednesday, 2nd October, 2024

Morning at 10.00 a.m.

- (a) Response to a statement sought on status of roads within the County by Hon. Muoki Musila.
- (b) Report of the Public Accounts and Investments Committee on the consideration of the Report of the Auditor – General on the Financial Statements of Mavoko Water and Sanitation Company Limited for the year ended 30th June, 2022 by Hon. Philip Ndolo.

Afternoon at 2.30 p.m.

- a) Response to a statement by Hon. Joshua Mwonga on implementation of ADP for the FY 2023/24 in Masinga Central Ward by Hon. Dominic Maitha.
- b) Report on the status of stalled ECDE classes within the County by Hon. Anastacia Mutevu.

Tuesday, 8th October, 2024

Morning at 10.00 a.m.

- a) Response to a statement on stalled roads in Matuu Ward by Hon. Muoki Musila
- b) Report of the Auditor - General on financial statements of Municipal Council of Machakos Water and Sewerage Company Limited for the year ended 30th June, 2022 by Hon. Philip Ndolo.

Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. Next order.

BILL

(Second Reading)

THE MACHAKOS COUNTY HEALTH SERVICES (AMENDMENT) BILL, 2023 –
KENYA, GAZETTE SUPPLEMENT NO. 8 (MACHAKOS COUNTY BILLS NO.5)

Hon. Speaker: May I invite Hon. Vincent Mutie, Chairperson Health and Emergency Services Committee to come and take us through.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you, Hon. Speaker. I am the Chairperson, Health and Emergency Service Committee in the Third Assembly. Madam Speaker, I would like to.....Madam Speaker, there is some noise coming from outside.

Hon. Speaker: Serjeant at Arms, make sure there is silence.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Pursuant to Standing Order 121(1), I wish to move the motion that the Machakos County Health Services (Amendment) Bill, 2023 (Machakos County Bills No.5) be now read a second time. Thank you, Hon. Speaker.

Before I take the Assembly through a brief report of the amendment allow me to welcome the young learners who are in the Assembly today who have come to acquaint themselves with the Activities of the Assembly and also to point out that they are leaders of our next generation. When I was growing up, I did not have the opportunity to visit the Assembly although when we were schooling we used to have the debating club in the high school and primary school.

Hon. Speaker, I was the Speaker that time but I did not have the opportunity to visit an Assembly. Today it is an honour and I must congratulate the administration of the Assembly for seeing it worth to have learners come and learn on how debate and business is conducted in the Assembly. As we sharpen them for future endeavours, we wish them well in their journey of study and we pray to God that He will keep them safe and help them achieve that which they intend to achieve.

Hon. Speaker: I can tell you, you were been prepared for today; just the way we are preparing them for tomorrow. Thank you.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): I would like to give an overview of the business that we are handling today that is the Machakos County Health Services (Amendment) Bill. Hon. Speaker, pursuant to the provision of Standing Order 110(2) a legislative proposal was received from CECM, Department of Health with the intention to amend the Machakos County Health Services Act No.7 of 2021.

The legislative proposal was referred to the Health and Emergency Services Committee for Pre-publication Scrutiny and Comments pursuant to Standing Order 110(3)(b). The legislative proposal having been developed to a Bill was published and first reading done on 19th September, 2023.

Standing Order 120(1) provides that a Bill having been read a first time shall stand committed to the relevant Sectorial Committee. It is in line with this provision that the Bill was committed to the Health and Emergency Services Committee. Hon. Speaker, after committal of the Bill to the Health and emergency services Committee, the Senate enacted the Facilities Improvement Financing Act, 2023 which provides for public health facility improvement financing, the management and administration of facility improvement financing. This called for the need to consider the Machakos County Health Services (Amendment) Bill, 2023 with a view to align it to the Facilities improvement Financing Act, 2023.

Madam Speaker, what we are saying is Machakos had a Health Services Act and we had an intent just as I had said from the 19th September last year to do amendments to that Act to align it to the needs that we have in the health sector.

At the same time the Senate passed the Facilities improvement Financing Act, 2023 therefore we took it upon ourselves to consider both the Health Services Act amendments and also alongside the FIF as had been enacted by the Senate. Therefore, what we have today is a cocktail of our own amendments and the Facilities improvement Financing Act, 2023. Therefore, we are presenting to the Assembly a Machakos County Health Services (Amendment) Bill that puts together the input of this Assembly through the committee, the stakeholders, the department plus the provisions of the Facilities improvement Financing Act, 2023.

Hon. Speaker the FIF Act was concerned with finances and management of funds and some administrative responsibilities but we felt that through our Act we can enhance what we have in FIF coupled with ideas that we receive from Members in here and members of the public and the Committee so that we can come with one Act which becomes The New Machakos Health Services Act which will incorporate all this views.

Hon. Speaker, before FIF came, when hospitals were charging we have debated in the House so many times and Members have raised issues about how hospitals are being managed and the challenges that they have faced in handling small needs that arise during the time of carrying out their responsibilities. This was occasioned by the fact that all the monies that are generated from the health facilities were all being swept to the Consolidated Revenue Fund awaiting appropriation and those

people had a challenge even in handling small procurement which were critical for the running of the facilities.

You will hear members of the public complain and say that they went to the hospital and they were told there is no syringe. A syringe does not cost so much money but the process of acquiring that money was so long that it was easy for the practitioner to tell the patient to purchase a syringe or even a glove so that they can be attended to because they cannot wait further.

Secondly, also the FIF sought to ring-fence the funds that are collected from the facilities' and tie them to the usage of the hospitals in which they are collected.

(Applause)

Hon. Speaker, that was a huge milestone that the Senate achieved for our facilities and so the committee, in their wisdom, sought to enhance that. Hon. Speaker, the details are as follows:

This Bill contains the administrative structure of the hospitals and I would like to take Members through the proposed administrative structures of our health sector. There is established the County Health Management team; the team shall be appointed by the County Executive Committee Member as follows:

The County Director of Health who shall be the chairperson, the administrative officer of the department who shall be the secretary to the team, all section or unit heads within the health---

Hon. Speaker: Hon. Mutie, where are you reading from? What page? Do I have what you are reading with me?

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): I am reading highlights of what is contained in the Bill so basically what the secretariat can do is to provide you with a copy.

Hon. Speaker: I have a copy and I was just asking you kindly.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): So, can I proceed now?

Hon. Speaker: You can proceed, yes Mheshimiwa.

Hon. Francis Ngunga (Mua, MCCC): Just to find out from the chair of health, whether this new approach that he is advancing is the right way to present a report because he seems to have digested the report and so he is highlighting and almost to the level of debating. He is actually convincing Members of what is enshrined in the report other than reading the report so that Members can be able to look at it. I think it is a new thing that is coming probably may be with your guidance I don't know whether we might have to adopt that approach but traditionally a report would be read and Members would be able to digest. Thank you, Madam Speaker,

Hon. Speaker: Thank you, Hon. Ngunga. What I have understood from the Chair is that he understands his document very well, he has internalized it and so he just wants to let Members not really reading from somewhere but just.....isn't that in order? It is a good approach because he will explain and we understand unless I am not well-guided.

Hon. Francis Ngunga (Mua, MCCC): May be Madam Speaker, Members did not get me. I am saying, the essence of presenting a report has a format and traditionally there is a way of presenting reports in the House. That is why I asked whether we are drifting from the traditional way of presenting reports in to this new way because a Member can of course some two three minutes to highlight and take us through the report. What seems to be happening presently now with the chairman Health Committee is actually debating or he is actually convincing the Members to adopt a report that has not been presented to us? We do not have a report before us, Madam Speaker.

Hon. Speaker: Okay. Thank you Hon. Member; I will address that. Hon. Maitha

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Hon. Speaker and the Hon. Member. I think the Hon. Chair is quite in order. This document has already been sent to the relevant walls that every Members needs to have gone through and as it has been a tradition in this House, is that mostly Members would just say, go to the observations and recommendations. So, what the Hon. Chair is trying to do is and you have said it well, he has already internalized the document very well, understands the document very well so instead of Members saying just proceed straight to the observations and recommendations, he is giving highlights so that when he goes to the recommendations then the documents becomes the document of the House and then you can provide room for debate instead of taking Members through the voluminous document.

That is why the document was earlier in advance sent to the official wall for Members to read and go through. In fact, the Hon. Chair is doing great service to this Assembly that is trying to cut short the time so that he finalizes immediately. So he is in order, Madam Speaker.

Hon. Speaker: Thank you, Hon. Maitha. Hon. Ngunga, I think we are just posing the same thing; it is not a departure from the tradition. It is somebody who understands their document very well because I understand the document has been sent to us and Members are able to read the document on their own but he has picked the highlights. He just wants us to understand what it is without actually reading word by word. Are we together Hon. Ngunga?

Hon. Francis Ngunga (Mua, MCCC): Yes.

Hon. Speaker: Thank you. Let us proceed.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you, Hon. Speaker---

Hon. Speaker: I think each person could have their own way so long as point is home to the Members.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you. Even as we consider what the Hon. Member has said, it is important to note that, I will have to say that we went to the public participation. It is prudent for the Chair to say that the committee conducted public participation. Now I am giving a brief, a highlight of the report so that Members can debate on my report. Now if I say that we are highlighting, I did not say we are reading everything and that is why I said we have the administrative structure which shall be composed of the team that we have read.

I will not read the responsibility of that team; I would go to the next thing and say that we have established a Sub-County Health Management team and Membership thereof so that now the next area

that I would take the House through is the area on stakeholders' engagement that we did and engagement with the stakeholders, they gave us their views, we considered them and so this is what we are laying before the House. We are laying before the House what the committee thought, what the stakeholders said, what our evaluation was and what our conclusion was so that now that the Members can make a decision based on that account unless I am otherwise guided, I thought---

Hon. Speaker: Proceed that way.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Having established the County Health Management team has been given functions and Members have the opportunity to go through the functions as outlined in the document that they have. There is also established the sub-county health management team that shall be appointed by the county Executive Committee Member as follows:

The health officer in charge of the sub-county;

The sub-county administrative officer;

All unit heads within the sub-county department;

The medical superintendent and;

Any other officer as the County Executive Committee Member may, in consultation with the county health management team, designate.

The functions of that team are outlined there under.

Hon. Speaker this Act also seeks to establish the Hospital Management Boards for Level IV and V hospitals. There shall be established a board in each hospital to be known as a hospital management board. The board shall consist of the following:

The Medical superintended who is an ex-officio;

The sub county medical officer of Health;

The hospital administrator;

One person who is a resident in the sub-county nominated by a joint forum of women;

One person who is a resident in the sub-county nominated by a joint forum of youth;

One person who is a resident nominated by a joint forum of faith based organizations;

One person who is a resident in the sub-county nominated by a joint forum of men, and;

One person representing the disabilities.

A representative of the Institute of Public Accountants of Kenya who resides in the County.

Hon. Speaker, the functions are outlined there for the board and I do not wish to go through them. There is established as the hospital management team, every hospital shall have a hospital management team which shall consist of shall consist of the Medical Superintendent, the hospital administrator, the hospital accountant, the hospital procurement officer and all departmental heads. The functions of that team are outlined.

Madam Speaker, we spoke about the boards but for the smaller facilities there is established a health facility management team. The membership is also outlined there below. There is also the health facility management committee which shall have responsibilities as outlined and the membership is as outlined in that document. Hon. Speaker, the roles of the various teams are outlined. This Act also seeks to establish a complaint-management mechanism. It also seeks to clarify on user Fees and Charges. It has also placed responsibility on the CECM to make Regulations for the operationalization of the Act.

Hon. Speaker, we did engage various stakeholders among them this Assembly and Members gave their own views. Some of the views we considered them. For example, Members proposed that there should be a linkage between the County Health Management team and the County Assembly

especially on the oversight. Hon. Speaker, we also did public participation pursuant to Article 196(b) of the Constitution that states that the County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its committees.

Hon. Speaker, the various sub-counties gave their inputs of important to us was the people of Mwala sub-county who said that, Members of the public were of the opinion that in constituting the hospital management boards and health facility committees there should be a provision for a man nominated by a joint forum of men from area the facility is situated to ensure full representation.

(Applause)

They further said that the people also proposed that the account signatories for the hospitals to be composed of the Medical Superintendent, a chairperson of the facility and a faith-based representative. Hon. Speaker, the committee evaluated that but we thought that it is not a guarantee that everybody who is associated with religion are of good integrity.

(Laughter)

The same view was held by the residents of Machakos sub-county who said that men are not represented in the hospitals management boards and facility committees and we said that this is a concern that is legitimate and that is why it has been included that there would be a nominee representing men nominated by the forum of men in that sub-county. Hon. Speaker, the rest of the input, one of which was interest to us was from the people of Masinga who said that there is need to include the area Member of County Assembly in the Health management team ad committee as an *ex officio* member. Hon. Speaker, we did evaluate this concern from the members of public and we said since the Assembly has been given a constitutional responsibility to do oversight, there need not to be other provisions explaining the same.

Hon. Speaker those were the main issues. The other sub-counties of course made their own proposals which were very much administrative. The proposals by the department of health.....we did ask for submissions of memoranda but we did not receive any memoranda from other stakeholders. Hon. Speaker, the proposals by the department of health, we did write a letter to them so that they can give us their proposals and what they might need to include. They gave us their response and what the committee established was that most of those proposals from the department were administrative which did not need legislation.

Therefore, Hon. Speaker, having made all those, we did our observations and the observations are as follows.

COMMITTEE OBSERVATIONS

Having considered both the Machakos amendment proposal, Machakos County Health Services proposal to amendment and the FIF Act together with the input of Members of this Assembly and members of the public, we observed the following:

- a. That there is need to align the Machakos County Health Services (Amendment) Bill, 2023 with the Facilities Improvement Financing Act, 2023.
- b. That the County Assembly cannot amend the Facilities Improvement Financing Act, 2023 because it is an act of the Senate. This means that some proposals made by stakeholders and more especially members of public which were intended to amend the

FIF Act, 2023 are not admissible. Madam Speaker, all the observations are laid out in the document that Members have and I would like to go to the committee recommendations.

COMMITTEE RECOMMENDATIONS

Hon. Speaker, based on the above observations, the Health and Emergency Services Committee recommends the following amendments to the Machakos County Health Services (Amendment) bill, 2023:

a. Amendment of Clause 3 of the Bill on the membership of the County Health Management team to align with the membership as provided in the FIF Act, 2023. The Committee further recommends that the Chairperson of the Team be the Director Medical Services.

b. In addition to the functions provided for under Section 11 of the FIF Act, 2023, the committee recommends the following roles to the County Health Management Team. Those roles are outlined there and I do not have to go through them.

c. The Committee recommends that Clause 5 of the Bill on the membership of the Sub-County Health Management Team is amended to provide that the Chairperson of the team be the Health Officer in Charge of the Sub County and the Secretary be the Medical Superintendent of the Sub-County Hospitals. The Committee recommends inclusion of the following functions of the Sub County Health Management Team in addition to those provide for under Section 13 of the FIF Act, 2023 and I do not intend to go through all that, Members can read through.

d. The Committee recommends substituting Clause 8 of the Bill on the membership of the Hospital Management Boards:

- i. The medical superintendent, who shall be an ex-officio member and Secretary to the Board;
- ii. The sub-county medical officer of health;
- iii. The hospital administrator and the other members of public as outlined thereunder.

e. The Committee further recommends that the Chairperson of the Hospital Management Board should be at least a degree holder whilst the other members should have at least a diploma from an institution recognized in Kenya and the term of office for the board members is three years renewable once.

f. The functions of the Hospital Management Board as recommended by the Committee shall be as outlined there under.

g. The Committee recommends that Clause 9 and 10 on Health Centre Management Committees and Dispensary Management Committees respectively be deleted and substituted with Health Facilities Management Committees to align it with the FIF Act, 2023. Further the minimum academic qualification of the Chairperson of the Health facilities Committees should be at least diploma whilst that of the members should be at least a post- secondary certificate.

h. In addition to the functions of the Health Facilities Management Committees provided for under Section 18 of the FIF Act, 2023 the Committee recommends the following roles; and Hon. Speaker, I do not have to recite all the roles Members can read for themselves.

i. The Committee recommends that the Village representative referred to under Section 17(1)(c) of the FIF Act, 2023 be the Village administrator where the facility is situated.

m. On the financial provisions, the Committee recommends deletion of part v of the bill which provides for creation of the Machakos County Health Facility Improvement Fund and substituting with

the provisions of Section 20 of the FIF Act, which creates a bank account for every health facility. This will give financial autonomy to our health facilities.

CONCLUSION AND ACKNOWLEDGEMENT

Hon. Speaker, allow me to thank members of the public across the nine Sub-Counties who took time to contribute in the consultations and whose views were taken into account in this report. The Health and Emergency Services Committee is also grateful to the Department of Health and all the Members of the County Assembly who participated in the process for their hard work and dedication in making sure that this Committee plays its rightful role in legislation.

Hon. Speaker, the Committee is grateful to the Office of the Speaker and that of the Clerk to the County Assembly for the continuous and relentless support received as it discharged its mandate. It is therefore my duty, on behalf of the Health and Emergency Services Committee, to table this report and recommend it to this Hon. House for consideration and adoption. Thank you Hon. Speaker. I would like to call my vice chair Hon. Ndaka to second this report.

Hon. Speaker: Thank you, Hon. Member.

Hon. Jackson Ndaka (Tala, WDM-K) seconded.

Hon. Speaker: Thank you, Hon. Ndaka.

(Question proposed)

I would like at this point to invite Members to discuss the Machakos County Health Services (Amendment) Bill, 2023. Hon. Helen Ndeti.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you, Madam Speaker, for catching my eye. I want to stand here very proud of this committee for bringing us this Bill which is long overdue. As a County we needed to domesticate this Bill by ensuring that whatever funds are collected from our hospitals, there is an Act that is going to guide the procedure for utilizing that money to avoid shortages of essential items in our hospitals.

The only thing that I would call upon is to ensure that the boards that are going to be formed have a well-articulated procedure of appointing the board members to avoid unnecessary wrangles. Otherwise, it is a very important Bill and I am very proud of the committee and Machakos County. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

Hon. Francis Ngunga (Mua, MCCP): Thank you, Madam Speaker. I also want to appreciate the good work that the committee of health has done, headed by the Chairman. I want to confirm to Members that I was there in Machakos Sub-County when the public hearing was there. Three or four of us attended and the recommendations have been captured and I hope that the committee is going to ensure that they are captured.

One of the things that came out clearly is that there has been a challenge when members of the public are faced with offsetting bills in hospitals and they felt that the hospital management teams that are led by technical personnel would not be the right people to handle and they proposed that the

hospital management boards since they have representatives from the public should be given the task of ensuring that those members of the society who are very vulnerable are taken before that committee and waivers administered. I think that has been captured here.

The other thing that came out very clearly in that forum was our elderly; we felt that when one ages to about 70 years and maybe they are not pensioners and do not have a constant way of earning, those people should be accorded free medical services. I have to say it is a report that is sensitive to the feelings of the public and the Assembly should be able to move ahead and pass it.

About the role of the Assembly in this; it was the feeling and rather practical because we are having boards that are going to be appointed from the village to level IV hospitals and I have not seen were the Chairman says that those boards should be approved by the Assembly. I do not know whether that has been captured but if it has, I will have settled my case but I am proposing that it will be in order that even the village boards that run our hospitals, those names should be brought to the Assembly for the purpose of approval.

(Applause)

So that we run away from those cartels. We need to be public-sensitive so the Assembly should be involved in terms of trying to vet what the Executive has done and Level 5 hospital boards, this Madam Speaker is going to go a long way in ensuring that some of the problems. Remember here we are talking about ring-fencing the monies that are going to be collected in hospitals so that each hospital is going to spend their own finances, even at the village level I have seen a proposal that the village hospital will have their own account and it is going to be run by the village board.

Hon. Mbili Ndawa (Matuu, MCCC): Point of order.

Hon. Speaker: Proceed.

PROCEDURAL MOTION EXTENSION OF SITTING TIME

Hon. Mbili Ndawa (Matuu, MCCC): I am rising on Standing Order 27 on extension of time.

Hon. Speaker, that aware that Standing Order 27(2) provides that the Speaker shall interrupt business at 12.30 p.m. for the morning sitting;

Aware that Standing Order 27(3) provides that the House may resolve to extend its sitting time;

Aware that Standing Order 27(4) requires a motion to extend sitting time to be moved at least 30 minutes before the time appointed for adjournment.

Hon. Speaker, I beg to move the motion that the House resolves to extend its sitting time until the business in the Order Paper is concluded.

I call upon the Majority Leader to second my motion.

Hon. Speaker: Thank you, Hon. Member.

Hon. Nicholas Nzioka (Machakos Central, WDM-K) seconded

Hon. Speaker: Thank you, Majority Leader.

(Question proposed)

(Question put and agreed to)

Hon. Ngunga proceed.

Hon. Francis Ngunga (Mua, MCCP): Madam Speaker, I also wondering whether the report also captures the idea of the Assembly approving these members from the village level up to Level 5 hospital and if it does, I will be urging my colleagues to pass this---

Hon. Speaker: Point of information taken.

Hon. Dominic Maitha (Muthwani, WDM-K): I wish to take Hon. Ngunga to page 16 of the report; part 6(1), the committee The Committee recommends that the members of the Hospital Management Boards be presented to the County Assembly for approval pursuant to the provisions of Section 8 of the County Governments Act, 2012. It is already catered for, so I wish to inform him that.

Hon. Francis Ngunga (Mua, MCCP): Mheshimiwa Dominic, what I was doing is adding even up to the village because we are creating a fund because I had seen that line and I think that had omitted the dispensary management. These people are also going to run them and members of the public are going to pay something and when these monies are paid are also going to be managed by the same team that runs the village. So, I thought it was also important for them to be vetted by the Assembly; it is actually approval. Let us get to know the list of those members, know their nature and this is going to make them responsible to the public and the public finances. Thank you, Madam Speaker.

Hon. Speaker: I agree entirely that we need to involve everybody up to the lowest level concerned so that this House is aware of who is doing what and where. I agree with you but we can also hear other Members. I had appointed Hon. Douglas and then Hon. Ndawa and Hon. Kisila.

Hon. Douglas Musyoka (Masii, MCCP): Thank you, Madam Speaker, for catching my eye. I am a proud Member of the health committee and I stand here to support our report. I have been engaged across all the processes when we were coming up with the proposed amendments and I can confidently confirm to this House that what our Chair has presented is purely the deliberations and outcome of what we were discussing in the Health Committee. I wish to state that the health sector is one of the sectors which have fully devolved by our Kenyan Constitution 2010 and secondly, when it comes to health matters across the County we have had so many challenges across all the lines.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of information, Madam Speaker.

Hon. Speaker: Point of information taken.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): I think the Hon. Member for Masii is misleading the House by indicating that all health services are devolved; they are not.

Hon. Speaker: You are well-guided, Hon. Douglas; it is not everything that is devolved.

Hon. Douglas Musyoka (Masii, MCCC): Generally, not everything but the health sector is devolved as per what I know and Madam Speaker.

(Laughter)

I really did not need the information from the Majority Leader so you will give me time so that I can prosecute my points.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of order, Madam Speaker. I was informing the House; not particularly the Hon. Member. Also, today we have guests who we might mislead and they go thinking that Kenyatta National Hospital, a Level 6 hospital is devolved. It is for all of us because information is power and we learn every day. Thank you.

Hon. Speaker: Thank you, Hon. Member. Hon. Douglas I think I have also guided that it is not everything in the health sector that is devolved.

Hon. Douglas Musyoka (Masii, MCCC): Madam Speaker, when we talk of health issues, we restrict ourselves to the county level and health sector across Machakos County is fully devolved; that was point.

Hon. Speaker: Okay. Proceed.

Hon. Douglas Musyoka (Masii, MCCC): I was saying Madam Speaker, we have had a lot of complaints across the sector from the dispensaries, to the level 2, 3, 4 and our referral hospital which is Machakos level 5. Coming up with this new with this new Bill, most of those challenges that we have been facing across our health departments will be sorted. For instance, we have been having very minor cases across our health facilities which even the immediate person responsible in our facilities could not manage to address.

When you go to a dispensary like Muusini which is in my ward, the nurse in charge would call me and complain of very minor things which they could not afford in the dispensary like gloves, pain killers.....(inaudible) locally but with this new Bill, those issues will be addressed.

The other thing, Madam Speaker, I managed to attend our public participation at Makutano/Mwala ward where we engaged members of public and I wish to thank all our Hon. Members of County Assembly from Mwala sub-county because six of us plus our nominated Members, we availed ourselves and all the issues which were raised have already been captured in this report including considering the boy child in those hospital committees.

You will bear me witness that the boy child has been endangered and most of the times when we talk of representation, everyone has been talking about the PWDs, women and the youth but now we forget about the male child. The male child is the head of every family and the men themselves so our request being considered in this report, that is our plus to the boy child.

Lastly, including the Member of County Assembly to those committees was a good deal because we are the representatives of the people and the moment we sit in these boards, we will have the firsthand information as.....I thought that was proposed that we be part of those boards---

Hon. Speaker: They involve the County Assembly to approve the board membership.

Hon. Douglas Musyoka (Masii, MCCC): Yes. So Madam Speaker, as I finish, I think with this Bill being passed by this Assembly, we shall have most of the issues and problems facing our health sector across the County sorted. Thank you, Madam Speaker. I support the report.

Hon. Speaker: Thank you, very much Hon. Douglas. You brought a very important point of the boy child being forgotten so let them included. Hon. Ndawa.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker, for this opportunity. Hon. Speaker, I can see Mheshimiwa Dee has moved out of this House and he had an issue. I just wanted to make a determination on our addressing court. The Standing Orders talk about suit but it has not talked about shoes. The Hon. Member is wearing one black shoe and a red shoe so I just wanted you to make a determination whether that is proper. In fact, we can say he has dressed down.

Coming to the business before the House, Hon. Speaker, I want to take this opportunity to thank our most able chairperson health together with the Members of that committee for coming up with a very brief and elaborate report. Hon. Speaker, the time was very short but they burnt their midnight oil to ensure that we have this report in place. I want to thank them for that.

(Hon. Dee Kivuva entered the House)

Again, Hon. Speaker, I also...you can confirm now. I am requesting you make a determination of that otherwise the learners may pick the wrong thing from this House and we should also understand that this is the highest decision-making organ of this County. So do I pause you make a determination or I proceed.

Hon. Speaker: You proceed, finish and then I make a determination. I have also made similar observation.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. I also made efforts to also attend the public participation which was held in Yatta and went to Ikombe and took part. In fact, we did not participate very much because we knew us as elected leaders will have another opportunity to interact with the business and that is today. We gave the residents the opportunity to air their views and Hon. Speaker, most of the issues which were raised by the residents of Yatta have been taken into consideration by this able committee. Hon. Speaker, the essence of having this FIF is to ensure that we improve our service delivery from the original set up---

Hon. Speaker: Proceed, Hon. Member. I am sorry.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you. From the original set up it was very difficult for the officer in charge of a health facility to replace even a bulb. It was very difficult because of the bureaucracy of procurement. With this document in place or with this FIF in place Hon. Speaker, most of the challenges that we have experienced will be sorted. One of the issues which was raised by the residents of Yatta is they were concerned about how the monies will be spent and who will be approving the monies. What they thought or had in mind, they thought we were just giving a committee an opportunity to squander that money but Hon. Speaker, from the report we are getting from the chair and the committee that is not the case.

The money will be banked in a hospital account and when there is need, the medical superintendent will call for a board meeting then from there they will give priorities then approve for those needs then from there Hon. Speaker, I still believe that the board does not have capacity to go ahead and pay. They will request for what we call AIE so that they can be given authority to incur that expense. If we go that route we will be sure that our funds are safe.

So, Hon. Speaker, the report is okay and I would urge my colleagues who are present here Hon. Speaker, we may talk until the evening, there is a very important function going on today about issues of health at national level. I do not want to see a situation whereby by the time we are finishing already that other thing has been launched and we are locked out. I would request that we pass it as soon as possible so that as the President launches that program we are also captured. Thank you, Hon. Speaker, I do support the report.

Hon. Speaker: Thank you very much, Hon. Ndawa that is very important. On the issue of Hon. Dee Kivuva an application has been made when you stepped out that you are not properly dressed before this House especially your shoes are of different colors and to the best of my knowledge and logic tells me that you cannot have two different shows at the same time. So mine is just to let you know that you are improperly dressed before the House and I know it could have been very intentional so that I throw you out. We can deliberate that you cannot wear two shoes?

Hon. Dee Kivuva (Nominated, WDM-K): If you allow me, with due respect, these are not different shoes. It is only that they are called mix-and-match. It is a pair; they are the same shoes those of us who travel even the ladies those who have been to London this is the---

Hon. Speaker: Those who have been to London!

Hon. Dee Kivuva (Nominated, WDM-K): But I can assure you Madam Speaker I bought it as a pair. Can I bring them to you to see because it is a pair.

Hon. Speaker: No I just want to see when you have stepped backward. They are similar?

Hon. Dee Kivuva (Nominated, WDM-K): They are the same shoes only that it is mix and match.

Hon. Francis Ngunga (Mua, MCCP): Actually, Madam Speaker, maybe we also benefit from the wealth because we say every house has a father and I have earned the title of the father of the House Madam Speaker, you know normally we look at our Standing Orders which will always talk about a tie, a shirt and a jacket. A jacket is actually allowed here and a trouser. It rarely talks about shoes. That already is quiet so that the House will have to make a determination on that. Secondly, you realize that we have been having those traditional ways of black and black but the world has moved ahead Madam Speaker---

Hon. Speaker: Especially those who have travelled to London.

Hon. Francis Ngunga (Mua, MCCP): Today I am telling you, you go to a very conventional shop and you see a designer shop will give you a black and red shoe to match and that is actually happening so Madam Speaker, for the sake of posterity, the House will have to make a

determination if we are going to retain our traditional way but I will be pleading for Mheshimiwa Dee because we have that *lacuna* for the time being we do not throw him out but later we make a determination on how we are supposed to approach that issue.

Hon. Speaker: Then at this point, you are taking a lot of time but you can just say something. Perhaps trends have changed and we have moved ahead but we have not amended our Standing Orders to cater for some of these changes. That is why I used the word logic when I was talking about it. I did not address it on Standing Orders. On this matter, can I allow to look at it then we can make a determination later so that we do not make the wrong determination. It is not on the same? Very briefly.

Hon. Dominic Maitha (Muthwani, WDM-K): Hon. Speaker, the Hon. Minority Leader has given a very good proposal. Based on our chronometer on the screens, we need to now move to the Committee of the Whole House and make the necessary arrangements so that we can pass the Bill before what he has proposed the ongoing Social Health Authority (SHA) that is happening and we are not cut out of it. So Madam Speaker, I plead with this House instead of making so many counter proposals here and there can you make a determination that we proceed to the Committee of the Whole House, make these amendments and come back and pass the Bill. Thank you, Madam Speaker.

Hon. Speaker: Thank you. At this point may I allow the mover to respond?

Hon. Vincent Mutie (Upper Kaewa/ Iveti, WDM-K): Thank you, Hon. Speaker. Maybe to notify the Hon. Member who has just made his remarks is that the Committee of the Whole House is already in the Order Paper so it is already factored there but I wish to respond briefly on three issues that the Hon. Members have identified and that is on the responsibility of the County Assembly on approvals. Hon. Speaker, it was the feeling of the committee and that is contained in page 16 bullet (i) that the committee felt that it is better to have the boards of Level 4 and 5 hospitals being approved by the County Assembly.

We were aware of all those concerns that the Hon. Members have said but we also want to bring to the attention of the Assembly that the procedure or rather the qualification of nominating these Members of public is so explicit to the extent that for a small jurisdiction it is easy to achieve but the same becomes hard for a bigger and hard for a bigger and vast jurisdiction. For example, if we are to say that we are nominating a woman from Machakos County, it will not be easy to identify which women group will nominate that woman. That is why we felt for bigger jurisdiction that is the sub-county and county level, the need for the County Assembly to come in for the purpose of ascertaining those requirements

For the committees at the village level, we also thought it is too huge. If my ward has five dispensaries Madam Speaker, and we have 40 wards, those are 200 committees with a composition of nine members. Simple arithmetic will show you that is 1,800 people to make a determination. It will be too hard to execute such mandate but we said since the Act has provided a very elaborate way coming up with those members, it is a youth nominated by a forum of youths a resident of that area.

So in the Regulations, the CECM will now be giving us the formula that he will employ to ensure that that youth is a resident of that area. Hon. Speaker, concerning the waivers, we did consider that fact that boards which are composed of Members of public to be.....Hon. Speaker, since I am responding it will be now hard to begin a debate and again that---

Hon. Speaker: It is a response so let him be.

Hon. Vincent Mutie (Upper Kaewa/ Iveti, WDM-K): That proposal by the Hon. Ngunga can present it as an amendment if he feels that it should be captured. I think we also need to be procedural. Secondly, Hon. Speaker, on the responsibility of the boards on waivers we did feel that yes the Members of public understand the terrain and are best suited to evaluate the need for waivers but we also said that we cannot leave that responsibility to that committee alone. The much they can do is to evaluate and recommend so that the Chief Officer can make a determination.

In regard to the management of funds and the Minority Leader has said, I would refer to the financial provisions and that is No.22 which says that the Chief Officer shall be the accounting officer. The hospital medical superintendent and the facility in charge for lower level facilities shall receive authority to incur expenditure from the Chief Officer. Upon issuance of authority to incur expenditure to the medical superintendent or facility in charge, the user department shall raise vouchers for payment for services or procurement of commodities. The vouchers shall be verified by the respective hospital accountants or the accountant responsible for the health center whichever is applicable. This shows that there is a hierarchy of how purchasing and payment shall be done at the facilities.

Hon. Speaker, I want to thank the Hon. Members who have made their contributions and who have contributed immensely in the chambers and outside the chambers. We did interact with them closely, we heard them, we tried as much as possible to balance their intent and the intent that we want to achieve with this amendment. I want to thank each and every one of them who came to be part of this important exercise and they never gave excuses.

God bless you so much for putting the welfare of our people in front of self. I would also want to emphasize, there is a scripture that I love it is the book of Ecclesiastes 9:10 which says that whatever you find to do, do it with all you might. I urge the Hon. Members that since you have been given this noble responsibility to represent the people of Machakos, to legislate and oversight on their behalf and to provide leadership where there isn't then do it with all you might.

I cannot forget to thank my committee members who have given me this honor to lead them and to be their Chairperson. Hon. Speaker, given an opportunity I will still be their chairman again but if they want a better chairman, I will be willing for that better chairman I will propose. Hon. Speaker, I thank you.

(Applause)

Hon. Speaker: Thank you very much, Hon. Member.

(Question put and agreed to)

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

ADJOURNMENT

Hon. Speaker: At this point we have to end it there the House now adjourns to Tuesday, 1st October, 2024 at 2.30 p.m. See you then Members.

The House rose at 12.26 p.m.

