

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – SIXTH SESSION

Tuesday, 17th May, 2022

House met in the Main Chamber at 02:30 p.m.

(The Temporary Speaker (Hon. Caren Muga) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Muga): Good afternoon Honourable Members. I request Madam Clerk to take us through the order paper of this afternoon.

The Temporary Speaker (Hon. Muga): Next order!!

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Muga): Honourable Members, it is my belief that we are all aware that the Afri-cities Conference is on-going in our beloved City of Kisumu and it is my humble prayer that the Almighty God intervenes so that we experience peace and adequate security is also provided. Thank you.

The Temporary Speaker (Hon. Muga): Next order!!

STATEMENTS

The Temporary Speaker (Hon. Muga): Honourable Members, it is Statement Hour.

The Temporary Speaker (Hon. Muga): Honourable Members, if there is none, then let us move to the next order!!

MOTION

REPORT FROM THE STANDING COMMITTEE OF HEALTH HOUSING AND SANITATION ON ITS CONSIDERATION OF THE KISUMU COUNTY COMMUNITY HEALTH SERVICES BILL, 2021

BY.

HON.VINCENT JAGONGO, MCA, NORTH WEST KISUMU.

(CHAIRPERSON, HEALTH, HOUSING AND SANITATION COMMITTEE)

The Temporary Speaker (Hon. Muga): Yes Hon. Miruka.

Hon. Miruka: Thank you Madam Speaker. I seek your indulgence and request you to allow me present this report on behalf of the Chairperson – Hon. Vincent Jagongo.

The Temporary Speaker (Hon. Muga): I consent.

Hon. Miruka: Madam Speaker and Honourable Members, the Kisumu County Community Health Services Bill, 2021 (County Assembly of Kisumu Bill No 10 of 2021) underwent First Reading on 8th December, 2021 (see attached) and was committed to the Sectoral Committee on Health, Housing and Sanitation pursuant to the County Assembly Standing Orders No. 123(1) for consideration.

The main objective of the Bill is *to provide for the establishment and delineation of the community Health Units within the County for effective and efficient delivery of community-based health services.*

On behalf of the Committee on Health, Housing and Sanitation and pursuant to the provisions of Standing Orders No. 123 (4), it is my pleasant privilege and honour to present to this House the report of the Committee on its consideration of the Kisumu County Community Health Services Bill, 2021 (County Assembly of Kisumu Bill No. 10 of 2021).

COMMITTEE ESTABLISHMENT AND MANDATE

Madam Speaker and Honourable Members, the Sectoral Committee on Health, Housing and Sanitation is established pursuant to the provisions of section 14 (1) (b) of the County Governments Act which provides for establishment of Committees by County Assemblies read together with second schedule of the Kisumu County Assembly Standing Orders No. 193 which mandates the committee as follows;

The Committee shall investigate all matters relating to County health services, including, in particular County health facilities and pharmacies, ambulance services, promotion of primary health care, and control of undertakings that sell food to the public, cemeteries, funeral parlors and crematoria and refuse removal, refuse dumps and solid waste disposal; housing; and sanitation.

COMMITTEE SUBJECTS

Mr. Speaker and Hon. Members, the second schedule of the Standing Orders No. 193 outlines the Subjects of the Committee's mandate as matters health, housing and sanitation.

CONSIDERATION OF THE KISUMU COUNTY COMMUNITY HEALTH SERVICES BILL, 2021

Madam Speaker and Honourable Members, the Committee developed and adopted the below work plan that guided its activities during the process of considering the Bill.

#	DATE	ACTIVITY
1.	15 th December, 2021	<ul style="list-style-type: none"> Drafting and adoption of the Committee work plan on consideration of the Kisumu County Community Health Services Bill, 2021. Briefing on the Bill by the Committee's Legal Counsel.
2.	21 st and 22 nd December, 2021	<ul style="list-style-type: none"> Public Participation.
3.	17 th February, 2022	<ul style="list-style-type: none"> Committee deliberation on the proposals from public participation.
4.		<ul style="list-style-type: none"> Report writing.
5.	Thursday 12 th May, 2022	<ul style="list-style-type: none"> Tabling of the report on the Kisumu County Health Community Health Services Bill, 2021.
6.	Tuesday 17 th May, 2022	<ul style="list-style-type: none"> Presenting the report in the House for Adoption.
7.	Wednesday 18 th May, 2022	<ul style="list-style-type: none"> 2nd and 3rd Reading of the Bill.

While considering the Bill, the Committee held a total of 4 meetings as evident herein, in the attached minutes.

COMMITTEE MEMBERSHIP

The Committee comprises of the following Members;

- | | | |
|--------------------------|---|------------------|
| 1. Hon. Vincent Jagongo | - | Chairperson |
| 2. Hon. John Atieno | - | Vice Chairperson |
| 3. Hon. Seth Okumu | - | Member |
| 4. Hon. Nancy Owiti | - | Member |
| 5. Hon. Jennipher Obonyo | - | Member |
| 6. Hon. Pst. David Arao | - | Member |
| 7. Hon. Joachim Oketch | - | Member |
| 8. Hon. Florence Olang'o | - | Member |
| 9. Hon. Jacktone Ogendo | - | Member |
| 10. Hon. Pamela Odhiambo | - | Member |
| 11. Hon. Vitalis Otura | - | Member |
| 12. Hon. Maureen Otiang | - | Member |
| 13. Hon. Olga Aoko | - | Member |
| 14. Hon. Rashid Miruka | - | Member |
| 15. Hon. Gard Olima | - | Member |

Secretariat:

- | | | |
|---------------------------|---|-------------------|
| 1. Ms. Angelyne A. Obonyo | - | Clerk Assistant. |
| 2. Mr. Edward Odanga | - | Hansard Reporter. |
| 3. Mr. Abraham Odegi | - | Sergeant-at-arm. |
| 4. Mr. Bill Otieno | - | Legal Counsel |
| 5. Ms. Lillian Nyamita | - | Secretariat. |

ACKNOWLEDGEMENT

Madam Speaker and Honourable Members, the committee wishes to extend its gratitude to the offices of the Speaker and Clerk of the Kisumu County Assembly for the logistical and technical support accorded to it in the entire time of the making of this report. The committee further thanks members of the public for their amiable and robust participation on the Bill.

Finally, may I express utmost appreciation to the Members and secretariat of the Committee who played an invaluable role in the preparation and production of this report?

It is my pleasure to report that the Committee has considered the Kisumu County Community Health Services Bill, 2021 and has the honour to present before this House, its report on the Bill

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with a recommendation that this Honourable House passes it with the herein proposed amendments.

OVERVIEW OF THE KISUMU COUNTY COMMUNITY HEALTH SERVICES BILL, 2021

ANALYSIS OF THE BILL

Madam Speaker and Honourable Members,

1. As earlier mentioned, the Bill seeks to provide for the establishment and delineation of the community Health Units within the County for effective and efficient delivery of community-based health services.
2. Part I of the Bill provides for the preliminary provisions which include the title, interpretation of terms, objects, guiding principles and obligation of the County Government.
3. Part II of the Bill establishes an institutional framework for the administration of the Act, it includes the Kisumu County Community Health Services Coordination Committee and its functions, conduct of business, remuneration
4. Part III of the Bill contains miscellaneous and general provisions, financial regulation and consequential provisions.

Summary of the various sections and provisions of the Kisumu County Community Health Services Bill, 2021

Clause	Provisions
Long title	An ACT of the County Assembly of Kisumu to give effect to the provisions of Article 43 (1, a) of the Constitution of Kenya and to provide for the establishment and delineation of community health units within the county for effective and efficient delivery of community based health services and for connected purposes
Short title	The bill may be cited as the Kisumu County Health Services Bill, 2021
Clause 2: Interpretations	This section of the bill provides contextual definitions of various terms including; county; department; community health unit; community health services; village; household; community health committee; community health plan; community health assistant; community health volunteer; community health committee; amongst others

Clause 3: Objects and purpose	Provides for five specific objectives of the bill to include; (i) to provide for delineation and establishment of community health units within the county, (ii) to provide for sustainable essential health services for community and with full participation by the community, (iii) create the necessary institutional and coordination frameworks to encourage and facilitate provision of community health, (iv) to protect the health and safety of all community health volunteers and personnel, and (v) to protect, respect, promote and fulfil the health rights of all persons in the county to the progressive realization of the right to highest attainable standard of health.
Clause 4: Principles of community health service delivery	Provides for guiding principles upon which those who shall purpose to implement the bill shall comply with. The principles include; National values and principles of Article 10 and 232 of Leadership and Integrity principles in Article 73& 75 of Constitution of Kenya, fulfilment of the communities, social accountability and community ownership, partnerships, and the PFM Act.
Clauses 5 to 12: establishment and administration of community health services	Provides for the establishment of community health units, community health management committees, its compositions, functions and operations
Clause 13 -16: Community health units	Establishes community health units, functionality, recruitment of community health assistants, their functions, community health volunteers, their functions and remunerations
Clause 17	Financial provisions
Clause 18 -20	Miscellaneous provisions including; transition clause, regulations and offences

PUBLIC PARTICIPATION

Madam Speaker and Honourable Members, the Committee while considering the Bill, was guided by article 196 (1) (b) of the Constitution provides that “A county assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its committees”. Section 87 of the County Governments Act which provides the principles of citizen participation in counties, and Kisumu County Assembly Standing Orders No. 123(3) provides that

“The Sectoral Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its report to the County Assembly”.

Following the placement of an advertisement in the local dailies on 15th December, 2021 (*see attached*) seeking views on the Bill and informing members of the public and stakeholders that the Committee was considering the Kisumu County Community Health Services Bill, 2021 at the ward level on Monday 20th and Tuesday 21st December, 2021 starting 9:00am and inviting them to participate in the exercise and to submit written submissions.

The Committee has the following submission from the public participation exercise. It is important to not however that the Committee did not receive any written memorandum on the Bill.

GENERAL RECOMMENDATION FROM THE PUBLIC

The public and various stakeholders expressed immense support for the Bill with 90% stating that the bill has shown goodwill of the government and health of the people at heart. Having interrogated the reports from various wards, the committee summarized public views/opinions on the Bill as follows;

1. The bill should be specific on the amount payable to CHVs. The arrangement was Kshs. 2500 but some CHVs receive less amount.
2. CHVs should be remunerated in accordance with the latest Health Act, 2021 passed by the Senate and not the currently quoted Section 34 of the Kisumu County Health Act.
3. Grants and/or donations in kinds should not go through County Government but be directly channeled to the CHVs as was being done before.
4. Clause 15 (1) be reviewed to include more than 10 CHVs due to increased number of households
5. Clause 15 (2) that qualifications of CHVs be made clear and captured in the bill
6. There should be made clear contract of engagement with clear terms of remunerations. The department should consider changing the name to Community Health Workers and not Volunteers with salaries and not stipend.
7. Clause 6 should be correctly numbered.
8. Clause 16 should be clear on whether payment of the said NHIF will be deducted from the CHVs monthly stipend of it will come from the County coffers.
9. Clause 16(2) The 30 days period mentioned for filling any vacancy should be after approval.

COMMITTEE RECOMMENDATION

Madam Speaker and Honourable Members, the Committee having had its own interrogation of the Bill and analyzed views from the public participation exercise proposes the following amendments to be considered by the House at Committee stage;

#	Clause in the Bill	Proposed amendment	New Clause after amendment
1.	Clause 2	Be amended by inserting the following new definition in its proper alphabetical order	“Community Health Services Focal Person” means a qualified officer with health related background appointed by the Chief Officer of Health to coordinate Community Health Services at either County or Sub-County level.
2.	Clause 2	Be amended by inserting the following new definition in its proper alphabetical order	<p>“Village” The meaning of the term ‘village’ shall apply as defined under this Act and NOT any other laws.</p> <p>“Village” is a smaller geographical area within a community Health Unit comprising of between 80 to 120 households, assigned to one or more CHVs depending on the topography.</p>
3.	Clause 2	Be amended by inserting the following new definition in its proper alphabetical order	“Health Facility Management Committee” means a health facility management committee established pursuant to Section 4 of the Health Act, 2019.
2.	Clause 2 - under definition of “community health committee”	Amended by deleting the number ‘8’ and replacing it by ‘6’	“Community health committee” means a community health committee established pursuant to Clause ‘6’ of this Act
3.	Clause 2 - under definition of “Community Health Committee “(CHC)”	Amended by deleting the number ‘8’ and replacing it by ‘6’	“Community Health Committee” means a governance body for Community Health Unit established pursuant to Clause ‘6’ of this Act
4.	Clause 2 - under definition of “Link health facility”	Amended by adding a definition of a Link health facility	“Link Health Facility” means a health facility in which a Community Health Volunteer is attached, or makes referrals to.

5.	Clause 6	Amended by renumbering the alphabets	6 (a), (b), (c)
6.	Clause 6 (c)	After amending #5 above, an amendment be caused in the new sub 'c' clause by deleting the word 'and' appearing after 'members' and before 'maximum' and replacing it with the word 'or'	Every Community Health Committee shall comprise of a maximum of five members or a maximum of seven members residing in the Community and shall include-
7.	Clause 6(c)(iii)	Amendment be caused by deleting sub clause (c)(iii), herein 'the village administrator who shall be the chairperson, and substituting therefore the following new line; (iii) A representative of faith based organization,	The entire clause therefore should read as follows; 6(c)Every Community Health Committee shall comprise of a maximum of five members or a maximum of seven members residing in the Community and shall include- <ul style="list-style-type: none"> i. A representative of the youth, ii. A representative of persons with disabilities, iii. A representative of faith based organization, iv. The Community Health Assistant/Officer who shall serve as the Chairperson and technical adviser. v. At least one community health volunteer

			who shall be the treasurer.
8.	Clause 13(1)	Amendment be caused by deleting the words “ <i>listed</i> ” and substituting it therefor with the words “ <i>provided for</i> ” immediately after the words “Kisumu County as”.	There is established a community health unit for each village in Kisumu County as provided for in the 1 st schedule of this Act.
9.	Clause 13 (3)	Amendment be caused by deleting the letter ‘s’ in the word <i>units</i> .	The formation of community health unit is (1) above shall be guided by the structural procedures similar to the processes and procedures used in establishing the Kisumu County village administrative units and as provided for in Schedule - II of this Act.
10.	Clause 14 (3)	Amended by deleting sub clause (3) and substituting therefore with the following new paragraph.	Community Health Assistant/Officer shall be the link of community health services to other levels of health care through the link facility in charge, the Community- Health Assistant/ Officer shall-
11.	Clause 15 (2)	Amended by deleting sub clause (2) and substituting therefore with the following new paragraph.	<p>15(2)A person shall qualify for appointment as a Community Health Volunteer if he/she meets the following requirements;</p> <ul style="list-style-type: none"> a) Must be a Kenyan Citizen of ages between 18 years to 65 years. b) Must be a respected member of the Community c) Is self-supporting and understands that the role of a community Health Volunteer does not draw any salary

			<p>d) Is willing and ready to provide services to the Community without charge.</p> <p>e) Should be a resident of the respective community that is selecting him/her for a period of not less than 2 years prior to the appointment</p> <p>f) Should be literate and able to write in English, Kiswahili or Local Language.</p>
12.	Clause 15 (5) (a) remuneration	Amendment be caused to this clause by rephrasing the section in its entirety.	A Community Health Volunteer shall be paid in accordance with the provisions of the regulations of this Act.

CONCLUSION

Madam Speaker and Honourable Members, it is now my pleasure to recommend the report by the Sectoral Committee on Health, Housing and Sanitation on its consideration of the Kisumu County Community Health Services Bill, 2021 before this Honorable House for adoption. Madam Speaker, please allow me to call upon Hon. Vitalis Otura to second?

The Temporary Speaker (Hon. Muga): Yes Hon. Vitalis Otura.

Hon. Otura: Thank you very much Madam Speaker. I arise here to do as requested by Hon. Rashid Miruka on behalf of Hon. Vincent Jagongo. Madam Speaker and Honourable Members, in seconding this report, I want to state that, this report is elaborate with committee recommendations indicating clearly clauses in the Bill where there is need for proposed amendment and the new amendments to be undertaken.

Madam Speaker, going by this, I believe that it is prudent that this House considers adopting this report. I second. Thank you.

The Temporary Speaker (Hon. Muga): Honourable Members, now that the report from the Standing Committee of Health, Housing and Sanitation on the Kisumu County Health Services Bill, 2021 has been presented by Hon. Miruka on behalf of the Chairperson – Hon. Jagongo and seconded by Hon. Otura. I now open this report for further debate.

The Temporary Speaker (Hon. Muga): Yes Hon. George Ogutu.

Hon. Ogutu: Thank you Madam, Speaker. I want to say that the report is good. So, let us adopt it. Thank you.

The Temporary Speaker (Hon. Muga): Yes Hon. Paul Okiri.

Hon. Okiri: Thank you Madam Speaker. From the mood of the House, may I call upon the mover to reply?

The Temporary Speaker (Hon. Muga): Honourable Members, I can see Hon. Alsam Khan on his feet, do you have something to add to that? Because he is equally a senior Member in this House, please let us hear from him.

Hon. Okiri: Madam Speaker, as you are aware that as from this year 10th August, 2022, I will be the senior most Honourable Member in this House but, for now, from the mood of the House, may I call upon the mover....

The Temporary Speaker (Hon. Muga): Hon. Okiri, I am saying that, Hon. Khan is on his feet and I equally consider him a senior Member. So, can we accord him time to contribute?

Hon. Khan: Madam Speaker, thank you for according me this time. Actually, what I wanted to say is what Hon. Okiri has just proposed.

The Temporary Speaker (Hon. Muga): Thank you. So, Hon. Okiri proceed.

Hon. Okiri: Thank you very much my fellow senior member, Hon. Khan. Madam Speaker, from the look at the House, again, may I call upon the mover to reply.

The Temporary Speaker (Hon. Muga): The mover, you have been called upon to reply.

Hon. Miruka: Thank you Madam Speaker and Honourable Members. Please allow me to applaud the Honourable Members for their robust debate on this report. I want to implore Honourable Members that, all the recommendations as captured herein if adopted, will tremendously assist the Community Health Volunteers and the County at large. Thank you.

The Temporary Speaker (Hon. Muga): Honourable Members, now that the report from the Standing Committee of Health, Housing and Sanitation on the Kisumu County Community Health Services Bill, 2021 has been presented by Hon. Miruka on behalf of the Chairperson – Hon. Jagongo and seconded by Hon. Otura and well deliberated on. I now want to put a question that.

Honourable Members, those of the opinion that we adopt the report from the Standing Committee of Health, Housing and Sanitation on the Kisumu County Community Health Services Bill, 2021?

(Question put and agreed to)

The Temporary Speaker (Hon. Muga): Honourable Members, the report from the Standing Committee of Health, Housing and Sanitation on the Kisumu County Health Services Bill, 2021 has been adopted by this House today Tuesday, 17th May, 2021 at 02:52 p.m.

Further, I direct that recommendations made by the House be considered in the subsequent stages of the bill. Thank you.

The Temporary Speaker (Hon. Muga): Next order!!

ADJOURNMENT

The Temporary Speaker (Hon. Muga): Honourable Members, there being no any other business to transact, this House stands adjourned to Wednesday, 18th May, 2022 at 09:00 a.m.

Honourable Members, to conclude, I request that Members of the Select Committee of House Business meet immediately after this session in the Committee Room. Thank you.

(House arose at 02:55 p.m.)

Addendum

The Hansard Team

Zablon Otiende – Senior Hansard Reporter

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Jesca Otieno – Hansard Reporter

Vallery Achieng' – Hansard Reporter