



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Second Session

Wednesday, 20<sup>th</sup> August, 2014

The House met at 2.30 p.m.

*(Mr. Deputy Speaker in the Chair)*

### PRAYERS

### PAPERS

**Hon. Deputy Speaker** (Kennedy Ngondi): Legal Chairman!

**Hon. Jaffer Kassam:** Thank you Mr. Speaker Sir, pursuant to Standing Order 186, I beg to lay the following papers on the table of the Assembly today Wednesday 20<sup>th</sup> August 2014. Report of the Select Committee on Justice and Legal Affairs on an intended demolition of Juakali premises situated along Kangundo road in Kommarock Ward.

**Hon. Jaffer Kassam:** Thank you Mr. Speaker Sir, again pursuant to Standing Order 186 I beg to lay the following papers on the table of the Assembly today Wednesday 20<sup>th</sup> Aug 2014. Report of the Select Committee on Justice and Legal Affairs on the site inspection visit to City Inspectorate Training School, the compound and general stores. Thank you Mr. Speaker Sir.

### NOTICES OF MOTION

**Hon. Deputy Speaker:** Chairman Legal!

**Hon. Jaffer Kassim:** Thank you Mr. Speaker Sir, I beg to give Notice of the following Motion that this Assembly adopts the report of the Sectoral Committee on Justice and Legal Affairs on the intended demolition of Juakali premises situated along Kangundo road in Kommarock Ward laid on the table of the Assembly today Wednesday 20<sup>th</sup> Aug 2014. I also wish to give a Notice of Motion that this Assembly adopts the report of the Sectoral Committee on Justice and Legal Affairs on the the site inspection visit to the City Inspectorate Training School, the compound and the general stores laid on the table of the Assembly today Wednesday 20<sup>th</sup> Aug 2014. Thank you Mr. Speaker Sir.

### STATEMENTS

**Hon. Deputy Speaker:** Sectoral Committee on Labor, this a response in regard to the Statement requested by Hon. Ngaruiya Chege.

**Hon. Wilson Ochola:** Thank you Mr. Speaker Sir, this's response to the Statement requested by the Hon. Ngaruiya Chege, MCA, Member for Kahawa west Ward from the Chairperson of Sectoral Committee on Labor who is me. I beg to respond as follows; On Tuesday 22<sup>nd</sup> July 2014, the Hon. Ngaruiya Chege MCA, rose on the floor of the Assembly pursuant to standing Order Number 41 (2) (C), and requested the Chairperson of the Labor and Social Welfare Committee for a response to a Statement regarding terminal benefit of some employees of the defunct Nairobi City Council.

According to the Hon. Member, some of the defunct Nairobi City Council employees in particular, John Mang'ong'o (**F04-64707**) and Margret K. Mwinamo (**F04-71559**) were given letters of abscondment while they were away on their medical attention. During that period their salaries were stopped but later on the abscondment letters were nullified. Unfortunately some workers have since passed on and their next of kin have not been allowed to access terminal benefit of this deceased workers has required.

**Hon. Wilson Ochola:** The Member further asked the Chairperson to inquire into and report on:-

- I. Whether the salary stoppage was procedural: and,
- II. Plans the County Government has to ensure the next of kin of the deceased employees of the defunct Nairobi City council receive their terminal benefits.

Mr. Speaker Sir, the Committee wrote to the Nairobi City County Secretary on 25<sup>th</sup> July 2014 in a letter **ref: LSW/STM/03/2014**, requesting to be furnished with a written response to the Statement by Hon. Ngaruiya Chege, MCA. In this regard, Mr. Speaker Sir, I wish to report to the Assembly as follows

#### 1. MR. JOHN MANG'ONG'O MWINAMO

Mr. Speaker Sir, the County Secretary responded via letter **ref. PSM/CCO/LOM/097/2014** dated **5<sup>th</sup> August 2014** on the matter stating that the late John Mang'ong'o Mwinamo joined the service on 26<sup>th</sup> July 1991 as a subordinate staff. He deserted duty on 19<sup>th</sup> February, 2007 and salary was stopped in May, 2007. The officer was in that regard addressed a show cause letter on 5<sup>th</sup> July, 2007 which he did not

respond to. He later passed away on 31<sup>st</sup> March, 2008 and the defunct Nairobi City Council at its meeting held on 10<sup>th</sup> August 2010 reinstated him posthumously to enable his next of kin access his benefits. Pension has been paid to the next of kin. The only pending claim is for uniform and soap amounting to Ksh. 28,215/=.

## 2. MARGARET MWINAMO

Mr. Speaker Sir according to the County secretary, the late Margaret Mwinamo deserted duty on 1<sup>st</sup> December, 1998 and was addressed a show cause letter. In response, she stated that she was unwell during the period of her absence and resumed duty on 5<sup>th</sup> May, 1999. The officer again deserted duty on 2<sup>nd</sup> May 2000 and was addressed a show cause letter on 29<sup>th</sup> January, 2001 and her response dated 9<sup>th</sup> April, 2001. The officer stated that the reason for her absence was due to lack of salary therefore unable to attend work. The officer was dismissed from the defunct City Council service on 3<sup>rd</sup> June, 2002 on account of desertion of duty.

Mr. Speaker Sir, the defunct City Council of Nairobi at its meeting held on 24<sup>th</sup> March, 2009 reversed the dismissal and reinstated her back to service with effect from the date of reporting for duty. The period of absence was treated as unpaid leave. She passed away on 9<sup>th</sup> October, 2010. Her pension dues have been paid to her next of kin. The only pending claims are for uniform and soap amounting to Ksh. 26,354/=.

Mr. Speaker Sir, from the foregoing, it is clear that the salary stoppage was procedural and further pension benefits have been paid to the next of kin. The pending claims for uniform and soap will be cleared this financial year as soon as the disbursements from the Treasury are released to the County. I beg to lay my respond.

**Hon. Deputy Speaker:** Hon. Can you respond?

**Member for Karura Ward** (Hon. Stephen Thuo): Thank You Hon. Speaker. The Hon. Ngaruiya is out of town and even though we are always told that Statements are property of the House which is true, that one was so specific and particular. So I am requesting that Hon. Ngaruiya interrogates that Statement next week on Tuesday. Thank you.

**Hon. Deputy Speaker:** Thank you. Chairman Labour proceed with another Statement.

**Member for Utalii Ward** (Hon. Wilson Ochola): My neighbor was supposed to respond to the next Statement but he is not in. I would like to table that Statement tomorrow. I have looked for her but she is not in.

**Hon. Deputy Speaker:** Okay. Thank you. Did I hear you say your neighbor or deputy? Let us proceed Clerk. Hon. Ochola please. Response requested by Hon. David Njoroge on drugs in Mbagathi hospital Directorate of the Health services. The Chairperson for Health?

**Nominated Member** (Hon. Rose Nancy Luchiri): Thank you Mr. Speaker Sir. I would wish to respond to the Statement requested by Hon. David Njoroge Kairu, MCA. Statement response on Mbagathi hospital and duplication of duties between Director of Public health and County Director of Health. On Wednesday 3<sup>rd</sup> July, 2014 Hon. David Njoroge Kairu rose on the floor of the House Pursuant to Standing Order 41 and requested Chairperson for Health Services Committee for a Statement regarding the lack of drugs in Mbagathi hospital and duplication of duties in the Directorate of Health services. In the Statement, the Member sought to know the following;

1. Reasons as to why Mbagathi District hospital does not have drugs
2. Why there is duplication of duties between the Director of Public health and Director of Medical Services

Mr. Speaker Sir, the Committee wrote a letter to the County Secretary and copied to the Executive Committee Member (CECM) for Health and Chief Officer, Health Services on July 24<sup>th</sup>, 2014 where the content of the request was outlined. Further, the Chief Executive Committee Member delivered a written response to the Committee on a letter dated 28<sup>th</sup> July 2014. In this regard, I wish to report to the Assembly that:

- 1) Mbagathi District Hospital receives drugs just like any other facility from KEMSA and the drugs are available.
- 2) There is no duplication of duties between the two Directors. The Director of Public Health and the Director of Medical Services as evidently demonstrated in their duties are as follows:
  - a) The Director of Public Health has various duties like directing, planning, budgeting, implementing and evaluating public health programs.
  - b) The Director of Public Health directs response, prevention of diseases, health education, food quality control and services.
  - c) The Director of Public Health administrates the public health act in collaboration with National Government and developing public health research and standards.

On the other hand, Director of Medical Services performs different duties:

- a) Providing the necessary guidance, training and development of support professional and technical staff in clinical practice.
- b) Planning and managing County healthcare programs directed towards the improvement of health services in the County.
- c) Initiating and assisting in the formulation and implementation of medical policies in the County.
- d) Overall supervision and training and development of staff in the department.

Mr. Speaker Sir, attached here is a letter of appointment of both Directors of Public Health and Medical Services of the house. Hon. Speaker Sir, I would wish to lay this testament on the floor of the House. Thank you.

**Hon. Deputy Speaker:** Thank you.

### MOTION

**Hon. Alex Ouda** (Member for Mugumoine Ward): Thank you Mr. Speaker Sir. I beg to move the following motion:

That this Assembly adopts the report of Sectoral Committee on Water and Sanitation on the benchmarking visit to the Republic of Rwanda laid on the table of the Assembly on Thursday 24<sup>th</sup> July 2014. Mr. Speaker Sir, five Members of the Sectoral Committee on Water and Sanitation conducted a benchmarking visit to the Republic of Rwanda from 20<sup>th</sup> April. The objective of the visit was to learn from the best practices in the Water and Sanitation Sector which the institution of this County government can adopt, adjust accordingly and implement so as to realize better water service delivery and sanitation to the citizens.

Mr. Speaker Sir, the Committee compiled a report of the visit, containing lessons learnt and recommendations as they are contained in the said report. I request the Members of this Honorable Assembly to support the work of the Committee by adopting this report so that the recommendation will complement the ongoing work in the Water Sector within the County and improve access to water and sanitation.

Mr. Speaker Sir, before I call a seconder, the following is the list of Members who participated in the visit:

- Hon. Alex Oudo Otieno
- Hon. Kenneth Tugi
- Hon. Herman Azangu
- Hon. Michael Ogada
- Hon. Victoria Alali

The following members of staff also participated in the visit:

- Inyundele Austin and
- Romero Castro.

Mr. Speaker Sir, I would like to acknowledge the Committee on Water and Sanitation. The Committee wishes to thank the offices of the Speaker and the Clerk of the Nairobi City County Assembly for the support extended to it in the execution of its mandate particularly in the conduct of this visit. The Committee further extends many thanks to the Ministry of Infrastructure of the Republic of Rwanda, Ecoplastic Company for Environment Protection and Development (COPED), Energy Water and Sanitation (EWASA), Karege Water Treatment Plant and Kigali City Council for the acceptance to meet with the Committee, their warm welcome and their entire effort to ensure that the Committee successfully conducted its visit to various places.

From this visit the Committee was able to learn significantly and learn the objectives of the visit. The Committee also thanks the Secretariat for their input and valuable contribution during and after the visit and compilation of this report. Finally my thanks to the Members of the Committee on Water and Sanitation, your committed participation in decision making regarding the trips was invaluable to its success. Mr. Speaker Sir I would also like to mention the lessons learnt by the Members while they were in the Republic of Rwanda.

The lessons learnt while the Committee was in Rwanda were:

1. Accountability and information flow  
The responsibility of oversight on service delivery is undertaken by both the recipient of the services and the leadership
2. High level of discipline among the people and strict law enforcement  
There is high regard of the law and policies in place to a level that it has become part of the people's personality in the conduct of their daily business
3. Public participation  
The success of mobilization, sensitization and implementation of policies is owed to the willingness of the people to be part of the process that is ongoing to affect their lives
4. Public private partnership  
This is an integral function of cost sharing and reduction in the implementation of policies and programs by government and non-governmental entities
5. Capacity building for staff and liaison with think tank  
The outcome is definitely better policies and maximum output by the staff, further through collaboration with the think tank, research information, decision making for better service delivery
6. Association and social groups  
This association enables the government and non-governmental entities with target programs to access the people easily in return such groups get quick access to government services and facilities. Such groups also contribute voluntarily to communal work on request by the government
7. Transparency

The high sense of openness and integrity in the process of service delivery enhances the development through financial and human resources allocated for specific function used for the same without fraud or short changing

Mr. Speaker Sir I would now want to come to the recommendations made by the Committee.

Following the visit the committee urges this Assembly to resolve as follows:

- 1) That Nairobi Water and Sewerage Company to establish onsite chlorine production. This will reduce the cost of production in the long term and danger associated with handling the chemical while in transit
- 2) Nairobi City County government to enact sound laws and long term policies with strict enforcement mechanism on solid waste management and environmental management including a city greening policy
- 3) Nairobi City County government to consider scaling up public private partnership and enhance intergovernmental and interagency relationship for better, effective services delivery in the water and sanitation sector
- 4) To enhance public infrastructure security, easy behavior change, mobilization and sensitization, Nairobi City County to formulate sound public participation and involvement and information flow policy
- 5) The Nairobi City County government to invest in staff capacity building including trainings, and academic advancement and partnership with think tank through research to enhance the quality of institutional output in form of policies and programs
- 6) The Nairobi City County government to ensure a clear cut mandate for institution serving in the water and sanitation sector for instance Nairobi Water and Sewerage company and Athi Water Services in the spirit of devolved function. This will have an eventual output of quick service delivery and non-duplication of projects within the County
- 7) The County government to invest in solid and liquid waste recycling technologies and check the use of polythene materials that form a greater part of the waste collected in the County daily
- 8) Nairobi County to seek technical support from Rwanda within the water and sanitation sector in areas that Rwanda has excelled and form a bilateral relationship to strengthen sectoral development in the two system
- 9) Nairobi City government to integrate community service in its programs, this will not only cut on the cost of program implementation but also inculcate responsibility and protect ownership on the side of city residents
- 10) The City Government to emphasize the aspect of accountability and oversight across the spectrum of leadership and electorate. It is against development when the role of watchdog (oversight) is deemed to be for the elected leaders only when the recipients of the Government services are on the watch over the quality and timeliness of the service combined with effective information flow mechanism. It does not only result in better services but also implies essence of responsibility on the providers.

Mr. Speaker Sir, the trip to the Republic of Rwanda was successful, the Committee learnt a lot and after the genocide, Rwanda is now only 20 years but if you move along the streets of Kigali, you will not see any litter, no overflow of sewerage and considering the geographical feature of that country, it is a bit hilly and you will never see an overflow of sewerage from one point to the other point. So this question of MCAs not going for bench marking is uncalled for because right now, those Members of Water and Sanitation that visited Rwanda can explain whatever they saw practically and if given time to implement, they will be able to implement without reading elsewhere.

So Mr. Speaker, I also urge, when time and budget can allow, let Members move around and let them come with a report to share with those people who cannot manage to visit those countries because all of us we do qualify but we cannot go at the same time. Whatever we have gathered from any developed country or any developing country, let us come and share with the rest so that we can also get something out of the visit. So with that Mr. Speaker Sir, I would like call upon Hon. Victoria Alali to second the Motion.

**Hon. Nominated Member**, (Hon. Victoria Alali): Thank you Mr. Speaker Sir, I rise to second this Motion. This Motion has come up at a time our Committee is working on reforms in water sector. The support of this County Assembly and its Honorable Members will be the driving force to realizing our dream. This will help us enhance the technical and financial support to serve the Nairobi residents well and realize the dream that Rwanda has achieved. Thank you Mr. Speaker.

**Hon. Deputy Speaker**: Honorable Members, I now propound that this Assembly adopt the report of the Sectoral Committee on Water and Sanitation on the bench marking visit to the Republic of Rwanda as laid on the Table of the Assembly today. Members. Hon Jaffer Kassam

**Hon Member for Parklands/H/Ridge**, (Mr. Jaffer Kassam): Thank Mr. Speaker Sir, I rise to support the Motion and the report. The Chairman really outlined the items or the places they visited and the issues which need to be addressed by the County Government, I think they were all in order including handling of chemical Chlorine and so on. There is one issue which I thought they would have even looked into which is non-revenue water, because Nairobi County Water Company losses lots of water which is not accountable for, I think it stands at some 47% or so on. I think the Chairman in the next visit to other countries where they go for bench marking, they should look at that issue. With that I support the Motion. Thank you Mr. Speaker Sir.

**Hon. Deputy Speaker**: Hon. Petronilla

**Hon. Nominated Member**, (Ms. Petronilla Achieng): Thank you Mr. Speaker Sir, I want to thank the Chairman of water and I am shocked for the first time since I came to this Assembly, this is the first Committee that has spent the money of the County Assembly and came back to report on what they went to do. I want to appreciate the Committee together with the Chairman and I hope that other Committees



that have been able to go overseas will come here and give us their reports. The report itself after going through it, is capable of reforming the Nairobi County and we want to support you fully, I will be one of those who will be asking my Chairman for Budget to allocate the Water Committee more money. Thank you Mr. Speaker Sir.

**Hon. Deputy Speaker:** Hon. Njoroge Kairu

**Hon. Member for Woodley/Kenyatta Golf Course,** (Mr. Njoroge Kairu): Thank you very much Mr. Speaker Sir, I want to support the Committee of Water on their bench marking but Mr. Speaker Sir in my view, although I have visited Rwanda, Rwanda is a very small country with a capital population of less than a million people and the total population of Rwanda is less than ten million people. I would wish the Committee of Water to visit countries like Britain or other developed countries so that they can learn from those big countries so that they learn more from them. Although they are saying that you cannot see a flowing sewerage in the city, when I was there, the sewer system was not in the whole capital and even now I do not know whether they have put the sewer in the whole city or not. So the Committee of Water, please do bench marking with bigger countries so that we can learn more from them.

**Hon Deputy Speaker:** Hon Margaret Sewe.

**Hon Nominated Member** (Ms. Margaret Sewe): Mr. Speaker, I stand to support the Motion. It is indeed a good thing that the Committee went for benchmarking and brought back good Report to the House to show the seriousness of Committee work. I happened to travel with the Health Committee to Belfast and we learnt a lot, for example, we went to County Assembly of Belfast. When reports go to the public and to Kenyans that MCAs travelled as tourists to waste Assembly's money, it is a lie. There is a lot to learn and I would encourage other Committees to be putting up their Reports so as to share with the whole Assembly. I beg to support, thank you.

**Hon Deputy Speaker:** Hon Thuo

**Hon Member for Karura** (Mr. Stephen Kamau Thuo): Thank you, Hon Speaker. I would want to commend the Chairman of Water Committee, Hon Otieno and also Members who accompanied him to this particular trip to Rwanda. I would first like to react to what Njoroge Kairu was saying here. He was trying to say that Rwanda is a small country to visit and do benchmarking; that is not the case. The benchmarking that the Water Committee went to do in Rwanda was to be implemented in Nairobi but not the whole country.

Mr. Speaker, in the Report, the Government of Rwanda has been able to manage the Waste Management Policy. They have implemented it and their city and country is clean but in our city, if you go to River Road, Parklands and City Park, this is a very big challenge. I hope through the implementation of various recommendations in this Report, we can have a cleaner and greener city. For us to be able to solve

this challenge of waste management, we have to bring other stakeholders. It cannot be only the work of the County Government of Nairobi; you also have to bring other players in this sector to clean up our city.

Lastly, is to bring other players in the Water Sector so that we can have sanity as far as water sector, sewer line and sewerage in this County is concerned. With those few remarks, I fully support the implementation of this Report and now we can at least have a good publicity from our media guys because they can now acknowledge that the Committee of Water of Nairobi went to Rwanda, not for a holiday but to learn and we have a very quality and sound Report. I would want the members of the fourth estate that we share with them this Report and I would be very happy if they can be able to highlight this. The misconception that had been created can be erased. Thank you.

*(Applauses)*

**Hon Deputy Speaker:** Hon Members, I now put the question that this Assembly adopts the Report of the Sectorial Committee on Water and Sanitation on the benchmarking visit to the Republic of Rwanda.

*(Question put and agreed to)*

***The House rose at 3:38 P.M.***