



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fourth Session

Tuesday 10<sup>th</sup> November 2020

The House met at 2.30 p.m.

*[Hon. Temporary Deputy Speaker (Mr John Kamangu) in the Chair]*

#### PRAYERS

**Hon. Temporary Deputy Speaker:** We have the quorum. Clerk, proceed.

#### PETITION

PETITION BY UMOJA OLD NGARA WELFARE ASSOCIATION, NEW NGARA WELFARE ASSOCIATION AND OLD COUNCIL ESTATES ASSOCIATION REGARDING THE RECENT RENT WAIVER

**Hon. Chege Mwaura:** Thank you so much, Mr. Speaker. I rise to present a Public Petition pursuant to Standing Order No. 208. It is a Petition by the Umoja Old Ngara Welfare Association, New Ngara Welfare Association, and Old Council Estates Association regarding the recent rent waiver by the County Executive.

Mr. Speaker, if by your indulgence, I will go through it and then proceed and ask for the prayers.

THAT, we, the undersigned who are residents of the area generally known as Ngara in the Nairobi City County and the Umoja Old Ngara Welfare Association, New Ngara Welfare Association, and Old Council Estates Association, draw the attention of the Nairobi City County Assembly to the following:

THAT AWARE, that Article 201 of the Constitution, 2010 provides that there should be openness, accountability, including public participation in financial matters;

THAT WHEREAS, the Umoja Old Ngara Welfare Association, New Ngara Welfare Association, and Old Council Estates Association are aware of the transfer of some of the functions of the County Government of Nairobi to the National Government under the Nairobi Metropolitan Services (NMS) and the Kenya Revenue Authority (KRA), who have been tasked to collect revenue on behalf of the County Government;

THAT WHEREAS, the Umoja Old Ngara Welfare Association, New Ngara Welfare Association, and Old Council Estates Association have been duly paying land rates and rents to the County Government for years, including paying for general maintenance of the County houses, such as cleaning, garbage collection,

drainage and sewerage, and blocking functions, which clearly ought to be undertaken by the said County Government;

THAT WHEREAS, the County Government has extended a rent waiver for tenants residing in Nairobi City County Government Houses for more than six months and at the same time the Kenya Revenue Authority, which has been tasked to collect revenue according to the Deed of Transfer by the County Government signed on the 25<sup>th</sup> of February 2020, have been collecting rents for the County house since March;

THAT WHEREAS, Section 6 of the Nairobi City County Waiver Administration Act, 2013 provides for the publication of intentions for any waiver and invites comments for the public on the same;

THAT WHEREAS, Section 7 of the Nairobi City County Waiver Administration Act, 2013 provides that every waiver shall be reported to the County Assembly and published in the gazette not more than 14 days after it was granted;

THAT WHEREAS, Article 118 and 201 (a) are required that the county governments undertake public participation before enacting and implementing any policy, regulation or laws; and

THAT WHEREAS, the Umoja Old Ngara Welfare Association, New Ngara Welfare Association, and Old Council Estates Association have sought audience with the relevant authorities to ensure that the matter is addressed amicably to ensure fairness in rent payments of the County Government;

We, therefore, your humble petitioners pray that the Nairobi City County Assembly look into the matter with a view of ensuring that there is clarity on which office is legally supposed to issue waivers, considering that the KRA was collecting revenue on behalf of the County Government.

Two, the Nairobi City County Assembly looks into the matter with a view of ensuring the procedure due for such waivers such as publication of intentions of any waiver and invitation for comments from the public are made to ensure accountability and transparency.

Three, that the Nairobi City County Assembly to ensure that the said waiver conforms with the Nairobi City County Waiver Administration Act of 2013, and if not, offer directions with timelines on the same.

Your petitioners will ever pray.

Mr. Speaker, just for purposes of clarity because as House we have not done many issues of petitions. Recently, the Governor of Nairobi issued a waiver for the County estates that are owned by the City County. The same was flatly rejected by the Director General NMS. What we have done is that we have put the County estates and the residents to be at a loss to wonder if the Governor has the right to do it for the Director General of NMS to flatly refuse. That is the dilemma this House is being put into.

If the Governor has the right to give a waiver, then what is the prescribed procedure and was it followed? And if it was followed, then let the same be extended to the estates. So, that is the gist of this petition. We are humbly praying that within the shortest time period clarity may be done so that if the waiver is done, then the estates benefit thereof. If it is not, then let the matter be settled as it is. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you, Hon. Mwaura, but as a reminder, Standing Order No. 213 (5) says: "A Member presenting a Petition shall not speak for more than five minutes, unless with permission of the Speaker." You have gone up to ten minutes. That is in future, not now. Thank you.

The petition will be committed to the Budget Committee.

**Hon. Chege Mwaura:** Whereas it has been committed to the Budget Committee, this is the final month we have to go before breaking for Christmas Holiday. Because a Petition has maximum of 45 days that should be dispensed off with, I would suggest that they expedite because it is a matter of procedure and not so much interrogative. Thank you, Mr. Speaker.

*(Point of order)*

**Hon. Temporary Deputy Speaker:** That is true. Hon. Kiragu, what do you have?

**Hon. Anthony Karanja:** Hon. Speaker, I would like to correct you that the Petition will not go to Budget Committee. It is a question of procedure on whether the procedure was actually followed. I would suggest that the matter be taken to the Legal Affairs Committee because they are taking about the legality of the Governor giving waivers and the legality of each taking effect when the procedure is not followed.

**Hon. Temporary Deputy Speaker:** It was taken to the Budget Committee because of the money that is involved. So, you can get further issues that regards to the waiver.

**Hon. Anthony Karanja:** That is not the procedure. I want to correct the Chair and tell you that the Budget Committee is not the Committee to determine the legality. It is a question of legality; is it the right thing that was done or not? It is not the question of how money is either used or brought. So, let this House do the right thing.

**Hon. Temporary Deputy Speaker:** Yes, Hon. Thuo.

**Hon. Charles Thuo:** Hon. Speaker, the issue is a bit crosscutting. Why don't you form an ad hoc committee so that we can include members from different committees because it is a very serious issue.

**Hon. Temporary Deputy Speaker:** Hon. Whip, what do you have?

**Hon. Paul Kados:** Thank you, Hon. Speaker. I think Hon. Chege was a Speaker once. May be you would ask him if he was satisfied with that Petition going through the Budget. But I would suggest that you give it to two committees; that is the Budget Committee and Legal Committee. Hon. Chege is a senior Member here, if he is satisfied, we are not supposed to discuss---

**Hon. Temporary Deputy Speaker:** Hon. Chege, what is your take?

**Hon. Chege Mwaura:** Thank you, Mr. Speaker. Honestly, I did not have any particular direction of where to go. At the end of the day, as far as Waivers Act which we passed in 2013, the CECM for Finance is the one who is supposed to waive in concurrence with the Governor. But I do not want to now start speaking on it. I concur with the Whip that you can put it to the Committee of Budget and Committee of Justice and Legal Affairs so that it has the County Attorney and the CECM Finance. What we want to know if the Governor is going to give a waiver, does it stand and it goes to benefit the members of the public? If it is not within his purview, he should therefore stop issuing such waivers. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. I think the matter should be handled by the Budget and Legal Committees just to make it easier for all of us.

Next Order!

## NOTICE OF MOTION

DEVELOPMENT OF REGULATIONS FOR COUNTY ACTS BY THE COUNTY EXECUTIVE WITHIN 90 DAYS

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**Hon. Jeremiah Themendu:** Hon. Speaker, I beg to give Notice of the following Motion:

AWARE that Article 185(1) of the Constitution of Kenya 2010, provides that; the legislative authority of a County is vested in, and exercised by, its County Assembly; further aware that with regards to County delegated legislation, the County Executive Committee Member (CECM) is required by various County Acts to develop Regulations for effective operationalization of certain County Acts and in line with the Statutory Instrument Act, 2013; acknowledging that; Section 5 of the Nairobi City County Early Childhood Education Act, 2017, Section 26 (1) of the Nairobi City County Public Participation Act, 2015, Section 29 of the Nairobi City County Persons with Disabilities Act 2015, Section 38 (1) of the Nairobi City County Solid Waste Management Act, 2015, and Section 18 of the Nairobi City County Regularization of Developments Act, 2015 requires all the respective County Executive Committee Members to make regulations for better carrying into effect of the provisions of the said Acts; concerned that in absence of the said regulations, operationalization of the County Acts remains a challenge; this assembly resolves that the County Executive, and in particular, the County Executive Committee Members required by the County Acts to develop the County Regulations to promptly initiate development of such regulations and submit the same to the Assembly within 90 days, from the day of the approval of the motion.

Thank you, Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. I will refer to the House Business Committee for allocation. Next Order!

## STATEMENTS

### RESPONSE TO A STATEMENT REGARDING THE INCIDENCE OF NEGLIGENCE OF AN EXPECTANT MOTHER AT PUMWANI MATERNITY HOSPITAL

**Hon. Temporary Deputy Speaker:** Response by the Chair of Health Services Committee on a Statement requested by Hon. Doris Kanario. Is he around? Thanks, I have seen you. Proceed.

**Hon. Peter Warutere:** Thank you, Hon. Speaker. Hon. Speaker, on 22<sup>nd</sup> September, 2020 the Hon. Doris Kanario, MCA rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a Statement regarding the incidence of negligence of an expectant mother at Pumwani Maternity Hospital.

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

1. Reasons the patient was allegedly turned away by the security guards at the hospital;
2. Measures the County Executive and Nairobi Metropolitan Service were putting in place to ensure attainment of a conducive environment and sustainable working environment for the County health workers that shall ensure continuity in the provision of quality services; and
3. Measures the County Executive and Nairobi Metropolitan Service were taking to particularly enhance the maternal health care services in all the County hospitals.

Hon. Speaker, the Committee wrote to Nairobi Metropolitan Services on 24<sup>th</sup> September, 2020 seeking response of the statement requested by the Hon. Member.

The Committee was furnished with the response on the issues raised by the said Member and upon consideration at its virtual meeting held on Monday 12 October, 2020 found it to be satisfactory.

Subsequently, the Committee invited Hon. Doris Kanario, MCA to attend a virtual meeting on Wednesday 14<sup>th</sup> October, 2020 pursuant to Standing Order 45 (2) (e) to gather the views of the Hon. Member regarding the said response to Statement which was expressed satisfactorily.

However, it was unanimously agreed that inspections to assess the status of the Pumwani Maternity Hospital and other NMS facilities be organized in the near future to ensure seamless provision of health care services to the residents.

Hon. Speaker, I wish to report to the Assembly as follows:

1. Reasons the patient was allegedly turned away by guards at the hospital

That on Sunday 13<sup>th</sup> September, 2020, 25 years old Ms. Jackline Faustine was brought by a taxi cab accompanied by her husband Mr. Faustine Tarimu. They were denied entry at the gate by the security guards namely Mr. John Oduor, Mr. Kepha Mutai and Mr. Patrick Wambugu on allegation that nurses were on a go-slow. These three are employees of Hatari Security Guards Limited, a private firm outsourced from 2017 by the Nairobi City County Government to provide hospital security to four (4) hospitals namely; Pumwani, Mutuini, Mama Lucy Kibaki and Mbagathi.

The Nairobi Metropolitan Service has since established that the mother was admitted to complete third stage of labour at the hospital. The mother and child were discharged on 18<sup>th</sup> September, 2020 in good condition. The NMS team visited the husband, mother and baby on 20<sup>th</sup> September, 2020 on follow-up check on their status and issuance of birth notification. It is not reasons the guards opted to turn away the patient since other patients had been admitted and there were also staff on duty to take care of the patients.

2. Measures NMS is taking to ensure a conducive and sustained working environment for the county health workers that shall guarantee continued provision of quality services

Hon. Speaker, Doctors, Nurses and other health workers were promoted vide Return to Work Formulae (copy attached) as noted in changes in payslip (copy attached).

NMS is also in the process of increasing the workforce through recruitment of staff under the Universal Health Care (UHC) programme and also on short term contracts to ease staff workload and burnout.

The Public Service Commission has been notified of the discrepancies existing between workers inherited from the defunct Nairobi Municipal Council, the devolved staff from the Ministry of Health in 2013 and workers employed by the Nairobi City County Public Service Board after 2014. The County Public Service Board is yet to submit a detailed report to the Nairobi Metropolitan Services for onward submission to Public Service Commission.

3. Measures the NMS is taking to particularly enhance the Maternal Health Care Services in all the County Hospitals

Retraining of health workers in all NMS facilities offering maternity services on Respective Maternity Care and Customer Care. This has already started and there is a chance to scale up to all the staff before the end of the year with the support of United Nations Population Fund (UNFPA) and other partners.

Recruitment of more midwives, nurses and doctors to replace those who have left through natural attrition to reduce the workload of staff.

That additional medical equipment such as patient stretchers, patient wheelchairs and patient screens have been procured and placed at the Emergency Department with an in-charge nurse to assist patients with noted difficulties or disabilities.

Enhancing support supervision by the sub-county and the County teams including the Human Resource Department of NMS to enhance professionalism and adherence to the Code of Conduct

Making sure that the salaries are paid on time and supporting other welfare issues of staff to improve their morale

#### 4. Committee visit to Pumwani Maternity Hospital

Hon. Speaker, the Committee undertook an inspection visit to Pumwani Maternity Hospital on Monday 2<sup>nd</sup> November 2020 and on Thursday 15<sup>th</sup> October 2020 as directed by the Assembly. This visit was aimed to corroborate facts, particularly in the case of an alleged negligence of an expectant mother giving birth at the entrance of the hospital.

Hon. Speaker, the Committee met with the facility's in charge, medical superintendent, deputy medical superintendent, head of security, nurse manager and hospital administrator and was informed as follows: -

Operations at the facility continue despite the continuous strikes. During the ongoing strike, staffs were consolidated and assigned to priority clinical areas; that is labour wards, theatre, post-surgical and post-natal wards.

The hospital management has held meetings with the Hatari security firm and resolved on measures to avoid recurrence of the unfortunate incidence that include among other things; trainings on general customer care

More women security guards had been proposed to work at the entrance of the facility owing to the unique services offered at the hospital

The hospital management regrets about the unfortunate incidence and takes full responsibility and commits to ensure such does not recur

There was a strike of the nurses and doctors at the Maternity Hospital, which was the 10<sup>th</sup> case since April 2020. The strike was occasioned by delayed salaries; lack of promotions spanning from 2012 that reflect current qualifications and issues related with harmonization of salaries of different health workers. Promotion letters for County health workers were being done by the Deputy Director-General, NMS

#### COMMITTEE FINDINGS AND OBSERVATIONS

The Committee observed as follows: -

The Mother and the baby had been attended to despite the health care system gaps occasioned by lack of clear and structured communication channels

There was an ongoing training of security officers on good customer care and Covid -19 containment measures. This is aimed at not only changing the organizational culture and enhancing quality services in the long-run but also ensuring sustained synergy between the security officers and health workers.

The Pumwani Maternity Hospital had requested the Director-General, Nairobi Metropolitan Services for additional security officers and Administrative Police Officers to help in proper coordination particularly in cases of emergencies

Hatari security firm has since reshuffled the implicated officers.

#### COMMITTEE RECOMMENDATIONS

The Committee recommends as follows: -

Efficient institutional arrangements should urgently be put in place to accommodate and respond to the needs of expectant mothers and other isolated cases

There should be more capacity building for security officers and workers particularly on customer care and management

More Administrative Police Officers be designated to the facility to complement the existing security officers like in the case at Mama Lucy Kibaki hospital

There is a need for a periodic reshuffle of workers at the Pumwani Maternity hospital to avert complacency and enhance quality services

Hon. Speaker, in view of the aforementioned, the Hon. Doris Kanario, MCA was satisfied with the response provided. The Committee has further written to the Deputy Director-General, Nairobi Metropolitan Services requesting for a physical meeting with the Directorate of Health Services on Wednesday 11<sup>th</sup> November 2020 at the Assembly to among others discuss the status of County health care Sector, underlying challenges and systemic healthcare gaps that should be addressed to restore the confidence of members of the public.

Hon. Speaker, the Committee condemns the unfortunate incidence at Pumwani hospital and commits to continue to work closely with the County Health Sector to ensure effective service delivery to the city residents and general public.

Hon. Speaker a copy of the detailed response has been given to the Hon. Member and further copies attached to this report.

Hon. Speaker, I beg to lay this response to Statement. Thank you.

**Hon. Temporary Deputy Speaker:** Thank you, Hon. Warutere. Hon. Doris Kanario are you comfortable with the response.

**Hon. Doris Kanario:** Thank you, Hon. Speaker for the opportunity. I have gone through the report and it seems satisfactory. However, I will be watching on the recommendation they have given because these are not the things that should be happening at this age and time in our County Hospitals. It is a sorry situation for the mother but we are watching every step of that recommendation thank you.

**Hon. Temporary Deputy Speaker:** Thank you, Hon. Kanario. I cannot see the chair of Transport Committee. Chairman of the committee are you there? Hon. Wambui Mwangi, you have so many responses, almost five. Is Hon. Mwangi, there?

**Hon. James Mwangi:** Yes.

**Hon. Temporary Deputy Speaker:** Are you there?

**Hon. James Mwangi:** May I go ahead, Speaker.

**Hon. Temporary Deputy Speaker:** Yes, you can now proceed. Give the statement requested by Hon. James Kiriba. Start with the one of Hon. Kiriba if you have the response.

**Hon. James Mwangi:** Hon. Speaker, I do not have the one for Hon. Kiriba,

**Hon. Temporary Deputy Speaker:** Yes, which one do you have because you have about six?

**Hon. James Mwangi:** Yes, Hon. Speaker

**Hon. Temporary Deputy Speaker:** You have about six; which one do you have because there is one for Hon. Kiriba, Hon. Margret Mbote, Hon. Mbono, Hon. Imwatoke and Hon. Silas Matara now, which one do you have for us.

**Hon. James Mwangi:** Yes Hon. Speaker, I have one for Hon. Matara

**Hon. Temporary Deputy Speaker:** Hon. Matara

**Hon. James Mwangi:** Yes, Hon. Speaker

**Hon. Temporary Deputy Speaker:** Okay, proceed!

**Hon. James Mwangi:** Can I go ahead, Hon. Speaker?

**Hon. Temporary Deputy Speaker:** Yes, you can go ahead. Is Hon. Silas Matara there?

**Hon. James Mwangi:** Mr. Speaker, can I proceed.

**Hon. Temporary Deputy Speaker:** Yes, proceed!

#### RESPONSE TO STATEMENT REGARDING THE STATE OF ROADS IN THE COUNTY, SPECIFICALLY IN KILELESHWA WARD

**Hon. James Mwangi:** Hon. Speaker on 29<sup>th</sup> of October 2019 the Hon. Silas Matara MCA rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a Statement regarding the state of roads in the County, specifically in Kileleshwa Ward.

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

- 1) List of County Roads in Kileleshwa Ward and their current status; and
- 2) Steps taken by the County Executive to rehabilitate County roads in Kileleshwa Ward in a bid to enhance mobility for the residents.

Hon. Speaker, the Committee wrote to the County Executive Committee Member responsible for Public Works, Roads and Transport on 2<sup>nd</sup> November 2019, inviting him to a meeting of the Committee that was held on 28<sup>th</sup> November 2019.

The purpose of the meeting was to enable the CEC Member to furnish the Committee with the response to the Statement requested by the Member. In this regard, Hon. Speaker, I wish to report to the Assembly as follows:

Hon. Speaker, the Committee was informed that the Executive was aware that some roads in Kileleshwa Ward were in poor condition and that there were plans for routine maintenance by the County. It was noteworthy that most of the said roads require reconstruction and rehabilitation due to the rapid deterioration occasioned by increased high-density development.

Hon. Speaker, additionally, the Chief Officer informed the Committee that there were interventions made by Kenya Urban Roads Authority (KURA) who have undertaken rehabilitation of Mageta, Kaputiei, El Molo Drive, Riverside Drive and Rhaota roads.



Hon. Speaker, a copy of the detailed response has been shared with the Hon. Margaret Mbote, MCA who requested for the statement and a further copy is hereby attached to this report. Hon. Speaker a copy of the shared response has been shared with Hon. James Kiriba also who requested for the statement and further, a copy is hereby attached in this report.

Hon. Speaker on 29<sup>th</sup> Hon. James Kiriba rose to the floor of the Assembly---

**Hon. Temporary Deputy Speaker:** Hon. Mwangi, can you clear with one first? You cannot have all the responses. The one you have answered is for Hon. Matara isn't it? is Hon. Matara there? Hon. Matara! Now, proceed for Kiriba then. Proceed Chair transport.

*(Point of order)*

**Hon. Temporary Deputy Speaker:** Yes! Hon. Whip. Can you request? Do you have a card? Proceed.

**Hon. Paul Kados:** What I was asking is that you could have confirmed whether Hon. Kiriba is on virtual.

*(Loud consultation)*

**Hon. Temporary Deputy Speaker:** That is what I am asking. Is Kiriba there? Hon. Wambui!

*(Loud consultation)*

**Hon. Paul Kados:** Hon. Speaker I am on the floor. When I was asking, you know I have heard that the response was to a statement by Hon. Matara and he was not in. I was requesting for your indulgence if you would ask if Hon. Kiriba is there so that he confirms whether the response Hon. Wambui will read is the answer he wanted.

**Hon. Temporary Deputy Speaker:** I can see him there, but I wonder whether he has already logged in and he has raised his hand. Hon. Kiriba, are you there? Hon. James Kiriba I can see you have logged in. Hon. Mwangi, proceed because I can see Hon. Kiriba has logged in. Hon. Kiriba, are you comfortable? Can you listen to what the Chair transport is responding? Hon. Wambui, proceed!

#### RESPONSE TO STATEMENT REGARDING THE IMPLEMENTATION OF INFRASTRUCTURE PROJECTS IN THE COUNTY ESPECIALLY SOUTH C WARD

**Hon. James Mwangi:** Hon. Speaker, on October 29, 2019, the Hon. James Kiriba rose on the floor of the Assembly pursuant to the Standing Order 45 (2)(c) and requested the Chairperson of Sectoral Committee on Public works regarding the implementation of infrastructure projects in the County especially South C ward. In the statement, the Member requested the Chairperson to inquire into and report on:

1. Why the rehabilitation of the said road has taken an expectedly long time to commence despite its restoration having been planned for.
2. Steps that the County Executive is taking to ensure that the said road for use by the residents.

Hon. Speaker the committee wrote to the County Executive Committee Member responsible for roads public works and transport on 2<sup>nd</sup> November 2019 inviting him to a meeting committee that was held on 28<sup>th</sup> Nov 2020 the purpose of the meeting was to enable the CEC to furnish the committee with the response of the statement requested by the Member.

In this regard Hon. Speaker, I wish to report to the Assembly as follows:

Hon. Speaker, regarding the situation of the said road, it has taken an expected long time to commence despite restoration having been planned, for the Committee was informed that the rehabilitation of the old Akiba Estate in South C was scheduled to take place during the....

**Hon. James Kiriba:** Point of order, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** No just, wait Hon. Kiriba.

*(Loud consultation)*

**Hon. James Kiriba:** I would like slightly guidance because that is not what I wrote in the statement. It is another one.

**Hon. Temporary Deputy Speaker:** Hon. Wambui are you confused because Hon. Kiriba represents a different ward? You are talking about South C and Hon. Kiriba is from Riruta Ward.

**Hon. James Kiriba:** Hon. Speaker, kindly gives guidance to the Member because I asked a Statement in Riruta Ward projects and not South C Ward. Therefore, I am not satisfied with that response Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Chair, Transport, I think you are mixed up.

**Hon. James Mwangi:** Can I continue?

**Hon. Temporary Deputy Speaker:** With what now? South C or Riruta ward?

**Hon. James Mwangi:** Hon. Speaker, I am waiting for the direction.

**Hon. Temporary Deputy Speaker:** What I am saying is that you are responding to issues of South C and yet Hon. Kiriba represents Riruta Ward. Are we together on that? Hon. Wambui Mwangi, Hon. Kiriba does not represent South C, he represents Riruta.

**Hon. James Mwangi:** I have his statement here Mr. Speaker. Can I continue?

**Hon. Temporary Deputy Speaker:** Which now because you have two? The one for Kiriba?

**Hon. James Mwangi:** Can I continue with his statement, Mr. Speaker?

**Hon. Temporary Deputy Speaker:** But, Chair, there is a mix-up. What you are now reading to us is a different statement from South C.

**Hon. James Mwangi:** Okay, can I read his statement?

**Hon. Temporary Deputy Speaker:** Read.

**Hon. James Mwangi:** Can I go ahead and read his statement?

**Hon. Temporary Deputy Speaker:** Start again.

#### RESPONSE TO STATEMENT REGARDING THE ISSUE OF CONTRACT IN GRAVELLING ROADS IN THE COUNTY DURING THE FINANCIAL YEAR 2016/2017 AND 2017/2018

**Hon. James Mwangi:** Okay. Hon. Speaker on 29<sup>th</sup> October, 2019, the Hon. Member rose to the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the chairperson of Sectoral Committee on the Public works for a statement regarding the issue of contract in gravelling roads in the County during the financial year 2016/2017 and 2017/2018. In the statement, the Member requested the chairperson to inquire into and report as follows

1. Measures put in place to ensure contractors perform as per the contract and
2. Steps taken to discipline county officers who allegedly collude with the contractors to certify incomplete or shady work.

Hon. Speaker, the Committee wrote to the County Executive Member responsible for public works road and Transport on 2<sup>nd</sup> November 2019 inviting him to a meeting that was held on 28<sup>th</sup> November, 2019.

**Hon. Temporary Deputy Speaker:** Hon. Mwangi Wambui.

**Hon. James Mwangi:** Yes.

**Hon. Temporary Deputy Speaker:** I think there is a mix-up. I think you need to come physically and read these statements because there is a lot of mix up. So I will defer all the responses to Thursday. Let us go to number G. We have a lot of confusion with responses and I think it is important that you present yourself physically and read them on the floor of the House so that we can be together.

This is because you are in Mombasa, we are in Nairobi, and you are mixing ever responses. Please avail yourself on Thursday for the response. Can we proceed with chair Planning? A request by Hon. Jeremiah Themendu. Hon. Kiragu. Yes, Hon. Whip what do you have. Proceed Whip. Did you request? Yes, Proceed Whip.

**Hon. Paul Kados:** Hon. Speaker, with due respect, I wanted you to rule that whenever there is a response to be given, all the Chairpersons do so in the assembly.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Whip. I am in total agreement that all chairpersons should appear physically in the assembly to give responses of their committees. If you know you have any responses, you must appear on the floor of the House like Hon. Kiragu and Hon. Warutere here. Hon. Kiragu proceed.

RESPONSE TO STATEMENT REGARDING THE DELAY IN ISSUANCE OF TITLE DEEDS AND THE CHARGING OF PROCESSING FEE OF KSHS. 30,000 EVEN AFTER THE RESIDENTS HAVE BEEN ASSURED BY THE GOVERNMENT THAT THE PROCESS WOULD BE FREE

**Hon. Anthony Karanja:** Thank you Hon. Speaker. On Thursday September 2020, Hon. Jeremiah Themendu MCA, rose on the floor of the House pursuant to Standing Order No. 45 (2) (c) and requested the Chairperson of Planning Committee for a statement regarding the delay in issuance of title deeds and the charging of processing fee of Kshs. 30,000 even after the residents have been assured by the government that the process would be free.

According to the member, H.E. the President had issued a directive that title deeds be issued free of charge. There are however, complaints from the residents that lawyers overseeing the process are charging a fee of Kshs. 30,000 to facilitate the process and on the other hand the exercise has taken too long to conclude resulting into anxiety among residents.

The member further asked the Chairperson to look into and report on:

1. Reasons the County Executive is demanding for Kshs. 30,000 from each resident against the presidential directive;
2. Reasons for the delay in issuance of the title deeds even after the payment of the Kshs. 30,000 by a section of the residents.

Hon Speaker, would you kindly ask Hon. Doris Kanario to---

**Hon. Temporary Deputy Speaker:** Hon. Doris Kanario please.

**Hon. Anthony Karanja:** Thank you.

3. Measures been put in place by the County Executive and the Nairobi Metropolitan Services to ensure that title deeds are issued to land owners or residents as intended.

Hon. Speaker, the committee wrote a letter to the CEC Member responsible for Lands, Urban Renewal and Housing on 16<sup>th</sup> November 2020 where the contents of the request were outlined. Further, the CECM for Lands, Planning and Housing delivered a written response to the committee on 2<sup>nd</sup> October 2020 on the issues raised.

Hon. Speaker, the committee invited Hon. Jeremiah Themendu to its virtual meeting on Wednesday 30<sup>th</sup> September 2019 to consider the response and he confirmed his satisfaction with the response as presented.

In this regard Hon. Speaker, I wish to report to the assembly that;

Reasons the County Executive is demanding for Kshs. 30,000 from each resident against the presidential directive

The County Executive is not demanding any money from the applicants for the title deeds. However, due to lack of adequate capacity, the county engaged five private firms who are charging the said amount as conveyance fees.

Reasons for the delay in issuance of the title deeds even after the payment of the Kshs. 30,000 by a section of the residents

The response is that; the titling process is ongoing with the NMS. This year title deeds have been issued twice and the process is continuous.

Measures been put in place by the County Executive and the Nairobi Metropolitan Services to ensure that title deeds are issued to land owners or residents as intended

The County Executive and the NMS have set up a team that is dedicated to the titling process and title deeds will be issued as soon as they are ready.

Hon. Speaker, I beg to table this response.

**Hon. Temporary Deputy Speaker:** Hon. Themendu, are you comfortable with the response?

**Hon. Jeremiah Themendu:** Hon. Speaker the Chair has refereed to me as John Karani. I think there is a mistake somewhere. My name is Hon. Jeremiah Karani Themendu MCA Kayole Central Ward.

**Hon. Temporary Deputy Speaker:** But are you comfortable with the response?

**Hon. Jeremiah Themendu:** Hon. Speaker, I think they have given me preliminaries telling me that the President has ordered the NMS to give title deeds free of charge. The Chairman gave me the report confirming that the President directed the title deeds should be issued free of charge but not charging Kshs. 30,000.

I am waiting to see whether it will be implemented the same and give title deeds to Nairobians free of charge so that they can have confidence with our Head of State.

Hon. Speaker, I will be comfortable if the Chairman or the NMS or the stakeholders of the same e.g. surveyors, are going to implement this. Thank you Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you very much Hon. Themendu. The Chair, you have heard the request from Hon. Themendu. Anything Hon. Kiragu?

**Hon. Anthony Karanja:** Yes. I would like to clarify to Hon. Jeremiah Themendu. He had asked for the reasons and we gave him the answers. He asked for the measures, and this issue was answered. May be he needs to be satisfied with this report and ask another one, that he does not want the residents to pay that money. If that is so, I would like to remind him that the County of Nairobi has only nine lawyers. It has no capacity at all to handle the legal issues that face this county directly.

We would like to request him to be patient with the NMS and the County as they increase the capacity of the Legal Department otherwise we will be shooting ourselves in the foot and slowing down such an important process as titling. I think the response is done well and I am glad that he is happy. But we have also sent a statement last week by Hon. Silvia Museiya urging the NMS and the County to make sure that they increase the capacity of the Legal Department.

*(Point of Order)*

**Hon. Temporary Deputy Speaker:** Whip, what is the point of order? Proceed.

**Hon. Paul Kados:** Hon. Speaker, is the Hon. Chair for Planning in order for misleading this House? When this order was given, all lawyers were sent on compulsory leave. I guess that is why private lawyers were engaged. Right now, most lawyers have been brought back by the court. I think the Chairman is misleading this House by implying that there was no capacity in the Legal Department. In the last assembly, titles were being done by the same lawyers who were sent on compulsory leave.

**Hon. Temporary Deputy Speaker:** Thank you Whip. Chair, you have heard what the Hon. Whip has said, that you have the capacity. But I want to clarify now what it entails, that you have the capacity but you don't want to use it.

**Hon. Anthony Karanja:** This is a matter that I have personally taken time to investigate and to follow up. I can tell you with authority that we only have not more than nine lawyers in the Legal Department. I would like to remind my senior the Whip, that, before the lawyers were sent away, Nairobi City Council and Nairobi City County had never won a single case in court.

Hon. Speaker, the need for Nairobi is for about 500,000 title deeds versus eight lawyers. Honestly, it is not possible. But I think this is a matter that I will bring to his attention as a leader in this county that we need to audit our capacity in the Legal Department and recommend or even force through the budget the county and the NMS to do something about it.

I also feel pain when these people are paying money which should otherwise not be paid. In the meantime, I can assure you from where I stand, from the investigation and from what we have read, there is no other way out. Thank you.

**Hon. Temporary Deputy Speaker:** Yes Whip!

**Hon. Paul Kados:** Hon. Speaker, with due respect, can the Chairman of Planning inform this House how many lawyers were contracted from outside because they are less than the number he is talking about.

**Hon. Temporary Deputy Speaker:** Hon. Chair, what Hon. Kados is saying is that the number of lawyers hired from the outside is less than the number you have. Why don't you use the capacity you have no matter how long it will take? But the process must continue. I think that is what---

**Hon. Anthony Karanja:** Hon. Speaker, there is a difference between lawyers and law firms. They have contracted five law firms. A law firm could have between one and may a million lawyers. Hon. Kados is

a member of the Planning Committee and the day we sat with them, they actually responded that the number of lawyers engaged in these things depend on the work load. It is the number of law firms and not the number of lawyers. We have eight lawyers in the county and contracted five law firms. So it is not that is less than---

**Hon. Temporary Deputy Speaker:** Hon. Kiragu, what Hon. Themendu is asking is that the president gave a directive that these services must be free of charge. Yet you have never requested the NMS who are an extension of the government and they have many lawyers at the AG's Office that they can engage instead of spending money because what is happening on the ground is that, people are being forced to pay and that money goes to people's pocket. I think most of members here are also yearning to get these title deeds.

I would suggest that Hon. Kiragu instead of closing the matter, see how best you can give these services. I think that is the only way we can be together on this one, please.

**Hon. Anthony Karanja:** Thank you Hon. Speaker. We will do that.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Kiragu. I think we have another response for a statement from Hon. Paul Ndungu. Is he there? He is not there, Hon. Kiragu. I think you can proceed. Was he aware that you had his response? You had communicated with him?

RESPONSE TO STATEMENT REGARDING THE DEMOLITION OF STRUCTURES AT GOROFANI  
ESTATE IN GIKOMBA WITHOUT PRIOR NOTICE ON 27<sup>TH</sup> JUNE 2020

**Hon. Anthony Karanja:** He was. The response is very short because it is only one page. On Thursday September 2020, Hon. Paul Ndung'u MCA, rose on the floor of the assembly pursuant to Standing Order No. 45 (2) (c), and requested the Chairperson of the Sectoral Committee on Planning and Housing for a statement regarding the demolition of structures at Gorofani Estate in Gikomba without prior notice on 27<sup>th</sup> June 2020.

The incidence left many properties destroyed and residents homeless. The member further asked the Chairperson to report and inquire into:

1. Reasons for the demolition of the structures without prior notice; and
2. Measures that the county government is taking to compensate the people whose properties were destroyed during the demolitions.

Hon. Speaker, the committee wrote a letter to the County Executive Committee Member responsible for Lands, Urban Renewal and Housing where the contents of the request were outlined. Further, the CECM for Lands, Housing and Planning delivered a written response to the committee on 2<sup>nd</sup> October 2020 on the issues raised.

Hon. Speaker, Hon. Paul Ndung'u having been given his response has not given his feedback up to today. Even after getting a reminder from the Clerk. As we have several pending statements, we therefore beg to table. He is not in even today, Hon. Speaker. In this regards, I wish to report to the assembly that:

Reasons for the demolition of the structures without prior notice

The County Executive was not involved in the demolition of the said structures. The Chief Officer for Planning has written to the Director of Investigation requesting for more information on the reasons for demolition.

Measures that the county government is taking to compensate the people whose properties were destroyed during the demolitions

The response is that; when question one is answered, this question does not arise. They do not even know who demolished the properties. The issue of compensation does not arise.

Thank you.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Kiragu. Hon. Paul Ndungu, are you there?  
Clerk proceed.

## BILL

### *Second Reading*

THE NAIROBI CITY COUNTY EVICTIONS, RESETTLEMENT AND DEMOLITION CONTROL BILL, 2020,  
ASSEMBLY BILL NO. 4

**Hon. Temporary Deputy Speaker:** Hon. Malde, proceed.

**Hon. Jayendra Malde:** Hon. Speaker, I request that you give us another date, we defer this because we are consulting with the Planning Committee.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Malde. It should be returned back to the House Business Committee for reallocation. Hon. Malde, how many days do you request to be given?

**Hon. Jayendra Malde:** Hon. Speaker, two weeks is enough.

**Hon. Temporary Deputy Speaker:** Hon. Kiragu, what do you have to say?

**Hon. Anthony Karanja:** Hon. Speaker, as the Chair of the committee which is handling this Bill, we request for 60 days.

**Hon. Temporary Deputy Speaker:** Sixty days?

**Hon. Anthony Karanja:** Yes.

**Hon. Temporary Deputy Speaker:** That is two months?

**Hon. Anthony Karanja:** Hon. Speaker, this is not a statement. We are coming up with a very serious Bill; the Evictions and Demolitions Bill, a very sensitive matter. A matter that could even have impact on private land in this county, a matter that could touch on matters related to development like building of roads and other infrastructure. We request that we get an extension, not leave.

This is so that we can consult further because we are getting very interesting feedback or memorandum from interested parties including property owners, human rights organizations, Hon. members and government institutions. We require more time.

I would like to remind this House that we have had this Bill for the last almost seven years. This Bill was first tabled during the last regime and it never saw the light of the day. We therefore request 60 days so that we do a thorough job on this Bill.

**Hon. Temporary Deputy Speaker:** Hon. Malde, are you comfortable with two months, that is 60 days?

**Hon. Jayendra Malde:** Hon. Speaker, it is in order.

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

*(The Bill was deferred)*

## ADJOURNMENT

**Hon. Temporary Deputy Speaker:** Hon. Members, there being no other business, the House stands adjourned till Thursday 12<sup>th</sup> November 2020 at 2.30 p.m.

**The House rose at 4.00 p.m.**