



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 15th September 2020

The House met at 2.30 p.m.

(Hon. Speaker (Mr. Benson Mutura) in the Chair)

PRAYERS

QUORUM

Hon. Speaker: Clerk, confirm whether we have quorum.

(The Clerk confirmed there was Quorum)

NOTICE OF MOTION

COUNTY TO DEVELOP AIR QUALITY POLICY AND LEGISLATION

Hon. Waithera Chege: Thank you Mr. Speaker. I beg to give Notice of the following motion; that, aware that Article 42 of the Constitution 2010 provides that every person has a right to a clean and healthy environment including the right to have the environment protected for the benefit of present and future generations through legislative and other measures; further aware that Section 5 of the Nairobi County Solid Waste Management Act 2015, provides that every person within the County is entitled to a clean and healthy environment and has a duty to safeguard and enhance the quality of the environment; cognizant that the functions of the control of air pollution are vested on the County Government pursuant to Paragraph 3 of Part II of the 4th Schedule of the Constitution; concerned that air pollution is a perennial concern across the globe especially because it has the greatest environment risk to the health of vulnerable population as shown by studies which have pointed out that air pollution has a negative effect on a child's neuro development and is linked to some behavioral disorders such as Autism and Attentive deficit Hyper-reactive Disorder; further concerned that according to Kenya Bureau of Statistics in 2014, the leading

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causes of morbidity and mortality among children in the country are respiratory diseases; noting that the World Health Organization (WHO) estimates show that 90% of people worldwide breathe air containing high levels of pollutants where many people are exposed to fine particles in polluted air that penetrates human body system causing respiratory and cardiovascular diseases; acknowledging that the County Government developed a 2019-2023 Air Quality Action Plan with the objective of building capacity to develop, implement and enforce improved policy and regulatory frameworks for air quality management in the County; this assembly therefore, urges the County Executive in conjunction with the Nairobi Metropolitan Services to urgently develop the Air Quality Policy and Legislation to provide for mechanisms for improving air quality in the County and submit the same to the County Assembly for approval.

Mr. Speaker sir, I beg to give Notice of the Motion.

Hon. Speaker: Thank you. Chair Environment? Majority Leader, can you give an undertaking on when you will give the report?

Hon. Abdi Hassan: Thank you Mr. Speaker sir. It is a Notice [of Motion].

Hon. Speaker: Okay. Next order!

STATEMENTS

REQUEST FOR STATEMENT REGARDING DEMOLITION OF STRUCTURES IN GIKOMBA

Hon. Paul Ndung'u: Thank you, Hon. Speaker. Pursuant to Standing Order No. 45 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the demolition of structures in Gikomba, Pumwani Ward.

Hon Speaker, on 27th June 2020, the County Government officially demolished structures at Ghorofani Estate in Gikomba without any notice to the residents, which ended up destroying properties and leaving residents homeless.

Hon Speaker, in the Statement, the Chairperson should inquire and report on:

1. Reasons for the demolition of structures without prior notice; and
2. Measures the County Executive is taking to compensate the people whose property were destroyed by the demolition.

Thank you, Mr. Speaker.

Hon. Speaker: Chair, Committee on Planning?

Hon. Anthony Karanja: Hon. Speaker, I request two weeks for that.

Hon. Speaker: Is it okay with you, Hon. Member?

Hon. Paul Ndung'u: Yes.

Hon. Speaker: Thank you.

ELECTION OF THE DEPUTY SPEAKER

Hon. Speaker: Pursuant to the provisions of New Standing Order 15 (2) which states that:

"If the office of the Deputy Speaker falls vacant any time before the end of the term of the Assembly, the Assembly shall, as soon as practicable, elect a member to that office."

I have a statement regarding the same.

Hon. Members, I have the following direction that I wish to convey regarding the order of election of the Deputy Speaker that we are about to undertake:

Hon. Members, as you may recall on Thursday 10th September 2020 during the afternoon sitting, Hon. John Kamangu tendered his resignation from the Office of the Deputy Speaker.

Consequently, I declared a vacancy in the said office and directed that election to fill the vacant position of the Deputy Speaker would be held today, Tuesday 15th September 2020.

Hon. Members, Section 6 of the County Governments Amended Act, 2020, states as follows:

6 (2). "There shall be a Deputy Speaker for each county assembly who shall be elected by the county assembly in accordance with the standing orders of the respective county assemblies, from among the members of that county assembly."

Standing Order 15 of the Nairobi City County Assembly Standing Orders, provides that:

15 (2). "If the Office of the Deputy Speaker falls vacant at any time before the end of the term of the Assembly, the Assembly shall as soon as practicable, elect a member to that office."

(3) the Speaker shall preside over the election of Deputy Speaker under Paragraph 1. The procedure for electing the Deputy Speaker shall, with necessary modification, be the same as that prescribed for the election of the Speaker.

Hon. Members the import of the aforesaid provision of the law and the Standing Orders is that the procedure employed in the election of the Deputy Speaker is similar to that adapted for electing the Speaker albeit with few modifications.

Hon. Members, the procedure for electing the Speaker is well provided for as from the Standing Order No. 5 up to Standing Order No. 15. This provision provided for certain process and procedures leading to the election of the Speaker and indeed the current case of the election of the Deputy Speaker.

Hon. Members, I will now detail each of the process, procedures and the manner in which the Standing Orders have been complied with.

Standing Order No. 6 requires interested parties to submit their submission papers for the election of the office of the Deputy Speaker. Accordingly, I would like to inform you that vide a memo dated 14th September 2020, interested Members were notified to collect and return duly filled nomination forms to the office of the Clerk on or before 15th September 2020 at 12.30pm. The nomination papers of the candidates were required to be accompanied by the names and the signatures of at least ten Members who support the candidate and a declaration by them that the candidate is willing to serve as a Deputy Speaker.

Hon. Members Standing Order No. 6 Clause 5 requires that the Clerk shall maintain a register in which shall be shown the date and the time when each candidate's nomination papers were received. I hereby confirm that the Office of the Clerk has maintained a register in accordance with the requirements of Standing Order No. 6 Clause 5. I further wish to report for the benefit of the Assembly that two members collected nomination papers from the office of the Clerk. These were: -

1. Hon. Geophrey Odhiambo Majiwa
2. Hon. Redson Onyango Otieno

Hon. Members, Standing Order No. 6 Clause 6 requires that immediately upon the close of the nomination period provided in the Paragraph 2 the Clerk shall:

- a) Publish and make available to all Members a list showing all quantified candidates.

Accordingly, Hon. Members, at the close of nomination period there was only one candidate who had submitted his nomination paper and who was declared to be duly nominated and eligible for the election of the Deputy Speaker. The candidate was Hon. Geophrey Odhiambo Majiwa.

Consequently Hon. Members I confirm that a list showing the qualified candidate were published and made available to all Members electronically.

Hon. Members Standing Order No. 12 states that in the event there is one candidate who has been duly nominated for election as Deputy Speaker, that candidate shall be declared forthwith to have been elected the Deputy Speaker without any ballot or vote being required.

Accordingly, I hereby declare that Hon. Geophrey Odhiambo Majiwa, MCA to be duly elected the Deputy Speaker of the Nairobi County Assembly.

Hon. Members, we will now proceed to the swearing ceremony for the newly elected Deputy Speaker which shall proceed as follows: -

- a. When I call the name of the Deputy Speaker Elect all Members shall rise in their places and shall remain standing during the ceremony.
- b. The Deputy Speaker elect will be escorted by two Members in the procession to the swearing area arena, the procession shall commence at the bar where the Deputy Speaker elect and the two Members shall bow before proceeding to the swearing arena where the Speaker shall be waiting to administer the oath of affirmation.
- c. On the arrival the Deputy Speaker shall be introduced to the Speaker who shall administer the oath of affirmation immediately after sworn in the Deputy Speaker shall proceed to sign the oath or book in the presence of the Speaker. Thereafter, the Deputy Speaker shall be escorted back to the bar by the two Members all of whom shall bow and resume their seats.
- d. All Members shall therefore resume their seats to end the ceremony.

I hereby now direct the Serjeant-at-Arm may now search and bring in one Hon. Geophrey Majiwa for swearing in.

(Applause)

(Point of order)

Hon. Anthony Kirangu: Point of order on Standing Order No.15, Hon. Speaker I would like to request your guidance. I received a note of Deputy Speaker's vacancy yesterday after 4.00 p.m. and we were required to return this today by 12.30 p.m.

Hon. Speaker, we received the notice yesterday after 4.00 p.m. and we were supposed to return our papers for those who were interested by today at 12.30 p.m. I would like you to advise whether it is reasonable for anybody.

(Loud Consultations)

Hon. Speaker: Hon. Members I think I have read clearly the procedures that were supposed to have been followed and if you did not follow that ... any election has guidelines and timelines to be followed. Therefore, you are out of order and I have already made a ruling. I stand been guided that you

are out of order. Member, be guided that we have already made a ruling on this matter and I have ruled you out of order.

(Hon. Geophrey Majiwa was escorted to the House by Hon. John Kamangu and Hon. Peter Imwatok)

(Hon. Geophrey Majiwa took the Oath of Office as the Deputy Speaker)

(Applause)

(Loud Consultation)

Hon. Speaker: Hon. Members, we are still in session so I may throw you out if you become unruly so you should observe parliamentary rules. Let me take this opportunity to welcome my brother, the newly elected Deputy Speaker, Hon. Majiwa. I know he is a sober man as I have worked with him therefore I believe he will be of much value to this Assembly to create harmony and even inject new ideas that we can be able to propel to the interest of Nairobians together welcome.

ADJOURNMENT

Hon. Speaker: Hon. Members, there been no other business the Assembly stands adjourned until Thursday, 17th September 2020 at 2.30 p.m. Thank you.

The House rose at 3.20 p.m.