



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Second Session

Wednesday 16<sup>th</sup> July, 2014

The House met at 2.30 p.m.

*(Hon. Speaker in the Chair)*

#### PRAYERS

**Hon. Speaker:** Good afternoon, Members.

#### NOTICES OF MOTION

**Hon. Member for Hospital Ward**(Mr. George Ochola): Yes Mrs. Speaker---

**Hon. Speaker:** Did you say, Mrs. Speaker?

**Hon. George Ochola:** Mr. Speaker, sorry. **THAT** this Assembly adopts the report of the Sectoral Committee on Trade and Tourism and Co-operatives of the vetting of the nominee for the Chief Officer, Trade, Industrialization, Tourism and Co-operatives laid on the Table of this Assembly on Thursday 3<sup>rd</sup> July, 2014. That, Mr. Speaker---

**Hon. Speaker:** Order, Hon. Chairperson! Very well Bwana Clerk can you please lead us.

#### NOTICES OF MOTION

#### ENSURING HANDCARTS ARE INSTALLED WITH REFLECTORS AND BELLS

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**Hon. Member for Mlango Kubwa Ward** (Mr. Andrew Mbau): Thank you, Mr. Speaker. I beg to give Notice of the following Motion. **That**, aware that recent years have witnessed increased road accidents with more than three thousand Kenyans dying annually because of road accidents; **Noting** that most accidents in Nairobi City County are caused by handcarts pushed or parked along the roads particularly at night; **Deeply** concerned that most handcarts have no reflectors and often ply on the wrong side of the road which often catches drivers unaware and has been cited as a cause of many avoidable accidents within the County; **Aware** that the County transport including traffic, parking and public road transport is the function of the County Government under Part 2 of the Fourth Schedule to the Constitution; **Acknowledging** that every individual's life is prudent; this Assembly urges the County Government to move with speed and ensure that handcarts are installed with reflectors and bells and fixed working hours are fixed preferably from 6.00 a.m. to 6.00. p.m to reduce the road carnage within the County. Thank you, Mr. Speaker.

**Hon. Speaker:** Very well, Hon. Andrew Macharia Mbau, Mlango Kubwa Ward.

**Hon. Speaker:** Hon. Abdi Hassan, Leader of Minority.

## STATEMENTS

### ILLEGAL CONSTRUCTION GOING ON ALONG KANGUNDO ROAD RESERVE NEAR NJATHA ESTATE

**Hon. Leader of the Minority** (Mr. Abdi Hassan): Thank you, Mr. Speaker sir. Pursuant to Standing Order 41(2)(c) I wish to request a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding illegal structures that are currently being built by private developers. Hon. Speaker, there is illegal construction going on along Kangundo Road reserve near Njatha Estate. This is in front of Bismilahi Mosque behind Mvinje Court of Komarock Section I blocking the emergency exits of several houses behind Mama Lucy Hospital. Hon. Speaker in the statement the Chairperson should enquire into and report on:-

1. Whether the ongoing construction is legal;
2. The officers in Planning involved in the allocation of allocation letters;
3. Whether the structures have valid and approved building plans;
4. The Planning officers involved in approving the construction, and
5. Plans the County Government has to avert the impending disaster that may occur after being built under the high voltage line.

I hope the Chairperson for the Sectoral Committee in charge of Planning and Housing will not use this statement for other gain. Mr. Speaker sir, thank you.

**Hon. Speaker:** Very well, Hon. Leader of Minority. The Chairperson, Planning.

**Hon. Member for Imara Daima Ward**(Mr. Jairus Atenya): Thank you, Mr. Speaker sir. I will respond next week on Tuesday.

**Hon. Speaker:** That is very good. I think that is very fast enough taking into account we are going for adjournment from tomorrow until Tuesday. I think let us give him the benefit of doubt. Hon. Samuel Kagiri.

### REQUEST FOR A STATEMENT REGARDING THE PRIVATE BREAKDOWN SERVICES

**Hon. Member for Pipeline Ward**(Mr. Samuel Kagiri): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2)(c), I wish to request a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the private breakdown services in Nairobi County. Hon. Speaker, there has been irregular operations of breakdown services in Nairobi County and this has led to mishandling of motor vehicles and unjustifiable charges to the owners. Hon. Speaker, in the statement the Chairman should enquire into and report on:-

1. Whether there are any contracts signed between the breakdown owners and the County and attach copies if any;
2. Who manages the charges paid by the owners of the towed vehicles;
3. The criteria used to come up with the charges;
4. The owners of the breakdown's;
5. Which vehicle should be towed and who authorizes the towing, and
6. How the County benefits from the charges.

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well, Hon. Chairperson Transport, Roads and Public Works. Hon. Kapeen.

**Hon. Member for South C Ward**(Ms. Diana Kapeen): Thank you, Mr. Speaker. I think by Tuesday when we come back from adjournment we will bring the answer.

**Hon. Speaker:** Very good. This one, take it very seriously because most Nairobians have really suffered in regards to these breakdowns. Hon. George Maina, Umoja I Ward.

### REQUEST FOR STATEMENT REGARDING THE STATE OF JERICHO /LUMUMBA HEALTH CENTRE

**Hon. Member for Umoja I Ward**(Mr. George Maina): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2C), I wish to request a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the state of Jericho /Lumumba Health Centre and threats to close it. Hon. Speaker, Jericho/Lumumba Health Centre Management called a public *baraza* at Jericho centre and

informed members of the public that the health centre is in the process of being closed due to insecurity, despite being a 24 hour operating health service for the residents of Maringo/Hamza Ward. In the last five months the centre has experienced a series of attacks from robbers who harass patients at night. Hon. Speaker, the centre has no doctors to provide services at night and other functions at the centre are not functioning despite being a 24 hour health services. Hon. Speaker, in the Statement the Chairperson should enquire into and report on:-

1. Plans to close the centre;
2. Why there are no doctors at the centre;
3. Why the Comprehensive Care Centre Room is not operating; and
4. Whether the County Government has plans to provide security at the centre.

Thank you.

**Hon. Speaker:** Hon. Manoah Mboku.

**Hon. Member for Nairobi South Ward**(Mr. Manoah Mboku): Mr. Speaker, thank you. If given one week we will report to this House.

**Hon. Speaker:** Very well. Hon. Alex Mulatya, I know you wanted a Statement which was rather urgent.

#### **REQUEST FOR STATEMENT ON PERIMETER WALLS BEING CONSTRUCTED ALONG AIRPORT ROAD AND OLD MOMBASA ROAD**

**Hon. Member for Kwa Njenga Ward**(Mr. Alexander Mulatya): Thank you, Mr. Speaker. I would like to request a Statement from the Chairperson, Planning Committee about the perimeter walls which are being constructed along Airport Road and Old Mombasa Road by a company going by the name Transami, We have a feeling that they are illegal so we need urgent action about it within the shortest time possible.

*(Consultations between the Clerk and the Speaker)*

**Hon. Speaker:** Very well. Chairperson of Planning. Hon. Leader of Majority, I want you to be attentive on this.

**Hon. Member for Imara Daima Ward**(Mr. Jairus Atenya): Thank you, Mr. Speaker sir. I think by Friday I will have done that this week.

**Hon. Speaker:** Hon. Chairperson, this is a very serious issue. I need answers as quickly, the latest time being tomorrow evening before we close.

**Hon. Jairus Atinya:** No problem, Mr. Speaker.

**Hon. Leader of Majority:** Thank you, Mr. Speaker. It is ridiculous for the Chairperson for Planning to all the time say that he is going to report. It is like he doesn't know what you asked him in the first place, he is not even writing. So I don't know what he is going to report about on Tuesday because---

**Hon. Speaker:** Hon. Leader of Majority, as Alex Mulatya put it, it is construction of illegal structures around our---

**Hon. Leader of Majority:** That is you Mr. Speaker you know. What about the Chairman. Is he aware?

**Hon. Speaker:** He is going to find out tomorrow.

*(Laughter)*

**Hon. Jairus Atinya:** Mr. Speaker sir, my humble Majority Leader, I personally come from that place and I have many businesses in that particular place so I know what is going on.

**Hon. Speaker:** Thank you. Leader of Majority.

**Hon. Leader of Majority:** Mr. Speaker, the reason why I wanted him to say that is because those illegal structures are owned by him. *(Laughter)* So I don't know how you are going to get a good answer and yet he is the one owning them.

*(Loud consultations)*

**Hon. Speaker:** Order Hon. Members! Order! The Deputy Speaker, please.

**Hon. Deputy Speaker:** I just wonder if you have opened debate on statements, Hon. Speaker.

**Hon. Speaker:** No, I have not opened any debate on statements, we are done. Next order.

#### **RESPONSE TO A STATEMENT REGARDING THE GRABBING OF LAND BY PRIVATE DEVELOPERS**

**Hon. Jairus Atinya:** Thank you, Mr. Speaker sir. I have a response to a statement requested by Hon. Charles Thuo from Ruai I think---No, not from Ruia, from Dandora. Hon. Speaker sir, on 12<sup>th</sup> June 2014 Hon. Charles Thuo, MCA rose on the floor of the Assembly pursuant to Standing Order 41(2)(c) and requested the Chairperson of Planning and Housing Committee for a statement regarding the grabbing of public land by private developer. He further asked that the Chairperson to enquire and report on:-

1. Whether Nairobi City County owns the parcel of land number L.R No. 12979/1,
2. List of names of owners of parcels of lands L.R Nos.12979/1, L.R 12979/3 and L.R 12979/4,
3. When was the subdivision done and approved?
4. Measures being taken by the County Executive to stop further grabbing of public land in the County.

Mr. Speaker sir, the Committee wrote to the County Executive Committee Member responsible for Lands, Housing and Planning on 19<sup>th</sup> June, 2014 requesting they be furnished with a written statement response to the Statement requested by Hon. Charles Thuo. In this regard, I wish to report to the Assembly that the County Secretary responded to a letter dated 1<sup>st</sup> July, 2014 and a summary of the response is as follows:-

- a) The land L.R No. 12979 measuring approximately 5319.91 hectares was originally Government land which was transferred to the Settlement Fund Trustee on 5<sup>th</sup> December, 1986;
- b) In early 1980's, L.R No. 12979 was sub-divided into L.R Nos. 12979/1, 12979/2, 12979/3 and 12979/4;
- c) L.R No.12979/1 measuring 1716.9 hectares was vested with the former Nairobi City Commission for construction of sewerage treatment works. However, no formal allocation was done for the same.

**Hon. Speaker:** Hon Members, I need you to be very attentive on the mega corruption in this city.

**Hon. Jairus Atenya:** (d) L.R No. 12979/2 measuring approximately 3614.2 hectares is still held by the Settlement Fund Trustee.

- (e) L.R No.12979/3, measuring approximately 404.58 hectares was transferred to Offshore Trading Company Limited of P.O box 73179, Nairobi on the 9<sup>th</sup> March 1994;
- (f) L.R No.12979/4 measuring approximately 650.02 hectares was transferred to Renton Company Limited of P.O. Box 6268 – 00200, Nairobi on 12<sup>th</sup> April 1996;
- (g) The City Council of Nairobi challenged the allocation of L.R Nos.12979/3 and 12979/4 to Offshore Trading Company Limited and Renton Company Limited respectively;
- (h) As a result of (g) above, Renton Company Limited and Offshore Trading Company went to the High Court of Kenya and filed constitutional petitions Nos. 215 of 2010 and 51 of 2011 respectively;
- (i) Through the constitutional petition No. 215 of 2010, the High Court held that L.R No. 12979/4 legally belonged to Renton Company Limited.

Mr. Speaker, a copy of the response from the County Secretary has been attached here for ease of reference. I beg to lay this response. Thank you.

**Hon. Speaker:** Hon. Chairperson, how comes the response of S. G. Maina has no letterhead?

**Hon. Jairus Atinya:** It is official like mine.

**Hon. Speaker:** Okay. Hon. Thuo, please.

**Hon. Member for Dandora Phase II Ward**(Mr. Charles Thuo): Thank you, Mr. Speaker sir. Before I commence I must commend you for the pressure you have put on the Department of Lands, they are being effective these days and I am sure that God and the people of Nairobi have noticed your efforts. However, it is sad that the County Executive Committee Member of Land can take things so lightly. If you look at the size of land we are talking about, it is in excess of 5,000 hectares. This is not a small piece of land bearing in mind that Nairobi County does not have land and many developments cannot go on because of lack of the same.

If you take note of the response, the first response says that the land was transferred to the Settlement Fund Trustee on 5<sup>th</sup> of December, 1986. However, the 2<sup>nd</sup> response talks of the same land being subdivided into several strokes in the 1980's but the report is contradictory because 1986 is not early 80s. If you look at the 3<sup>rd</sup> response it says that 1716.9 hectares was vested in the former Nairobi City Commission for the construction of sewerage treatment works.

Mr. Speaker sir, sewerage treatment is very vital to the people of Nairobi and because we know the physical location of the land, we have been there, we know that there is no land remaining; we know people have occupied that land. Actually, a lot of blood of innocent Kenyans has been shed on that land and what has been written here is not true. As it says here no formal allocation was done on LR. No.12979/1. Mr. Speaker sir, there is a lot of construction going on there with people producing letters coming from City Hall. If you look at all these responses they are talking about transfer after transfer without giving the basis of the transfer. Mr. Speaker sir, public land is not a loaf of bread.

You cannot walk into a shop and buy a piece of land. Nobody can stand here and give us a response talking of transfer of land measuring more than 5,000 hectares without giving us the basis of that transfer. What informed the people who actualized this transfer? Was it a sale, an allocation? Was it passed by minutes? Was it passed by the Minister, by the President? This response is too shallow we need a more detailed report.

Mr. Speaker sir, we want to know how and we want to know when all this land was transferred and the basis of the transfers. The companies named here are private companies. How did the public land change hands into private land. The current Constitution of Kenya says that if there is any dispute concerning public land; if anybody can establish *prima facie*; on the face of it, that public land has been grabbed, then it is upon the person who claims ownership to prove how he acquired the land. The burden of proof lies with the person who is holding the public land.

I think we need to stamp our authority as an assembly, as the representatives of the people and as a legislative arm of this County and make sure that the CEC member for Land takes account for the actions of his officers and his office. Mr. Speaker sir, I am requesting you to demand from the CEC member through his Chairman to give us a further detailed report telling us how this land was transferred. Thank you, Mr. Speaker sir.

**Hon. Speaker:** Very well. Hon. Mari.

**Hon. Member for Ruai Ward**(Mr. Daniel Mbugua Mari): Thank you, Mr. Speaker sir. I rise to add my voice to the sentiments of my colleagues. I happen to represent this particular Ward, Ruai Ward and I happen to have knowledge of the said pieces of lands. Mr. Speaker sir, in 1996 and it is on record that the same said land the defunct City Council allocated the same land to Mathare 4A. It also allocated the same land to Ruai squatters. In 1996 we are seeing that the CEC in charge of Lands saying that there were titles and the same land was transferred to the same people. I would urge this Assembly--- Ruai is a big Ward and these are big chunks of land. I would vehemently oppose one man taking a 1,000 acre piece of land and purporting it is his while all of us as representatives of the people, we are just standing and watching that chunk of land going.

Mr. Speaker sir, I think it is high time this Assembly stomps its feet down and gets what belongs to us as a Government. We are talking of over 4,000 acres. We are also talking of land to extend our sewerage plant in Ruai. If we keep silent and just let things go, we will leave a very bad legacy and as the elections come it will be said that the 1<sup>st</sup> County Government did them a very great dishonour by stamping the illegal transactions.

Mr. Speaker, it is on record that in 1996 Mathare 4A was allocated land in Ruai. Ruai squatters were allocated land in Ruai and we also know there is a group calling itself Ruai Embakasi Youth Development Association or RUYDA. They were allocated the same land. I think this Assembly must rise now and put its foot down to establish the proper groups that have been allocated these lands. So I am requesting you, Hon. Members, as we deliberate on this issue that we should be very sober. We are talking of 1,000 acres in Nairobi and we cannot let one man alone without any documents purport to own 1,000 acres in Nairobi.

*(Applause)*

**Hon. Daniel Mari:** If there is anything that should be deliberated on this land it should be the onus of this House to sit down and come up with resolutions in order to move forward. You have seen on TV, we have lost a lot of young men because of these lands. Last month there was a group of Massais that were hired to go and kick out the IDP's that are staying on that same land. Mr. Speaker sir, I believe that one of our responsibilities as County Assembly Members of Nairobi is to make sure that our residents, our people, own land and have settlements that are properly guided and properly guided and properly ordered by the



County Government. So Mr. Speaker sir, I give this matter to this Assembly to give a direction. Thank you, sir.

*(Applause)*

**Hon. Speaker:** Hon. Members, the Massais were definitely not sent by the Speaker of this County Assembly. *(Laughter)* Hon. Leader of Majority.

**Hon. Leader of Majority (Mr. Elias Otieno):** Thank you Mr. Speaker. This is very important. For the first time in the history of this House the Chairman of Planning brought a comprehensive report. Maybe he did not reach these people and that is the reason why he brought the report here, but I know very well if he had reached them the report would have gone somewhere else. Mr. Speaker, I think what we are talking about here is very important to us as Nairobian but there is no point of talking as if we do not know who owns these lands. The second top most in this Government and the former YK 92, they are the people who own this land. There is no way that we are going to talk about somebody who owns this land, land is owned by Cyrus Jirongo and William Ruto and we should just repossess it. There is no point of just fearing their names, let us call their names and they read in the papers tomorrow that the County of Nairobi want their land back.

*(Applause)*

So he should do the honorable the thing as the Deputy President of this country and surrender that land to us. There is no fear. Just talk without fear about this thing. So Mr. Speaker, once again let me thank the Chairman of Planning for giving us very good information about the land.

*(Applause)*

**Hon. Speaker:** Hon. Nyangwara.

**Hon. Member for Viwandani Ward (Samuel Nyangwara):** Mr. Speaker it is quite unfair that the Majority Leader of this House can stand on the floor of this House and mention the name of the Deputy President that he is the one who owns land. Mr. Speaker, this is a very serious matter and the report which has been read in this House has not mentioned names apart from companies. It is better---

**Hon. Speaker:** Hon. Nyangwara.

**Hon. Samuel Nyangwara:** Mr. Speaker, the names that have been mentioned here are for companies. We do not know the directors of these companies who own this land. How does he know the directors of this company?

*(Loud Consultations)*

**Hon. Speaker:** Order! Order!

**Hon. Leader of Majority:** Mr. Speaker, when I was talking I didn't know that they have their lawyer in this House. *(Laughter)* then I must be sorry, lawyer can we meet in the court of law, you go and defend them in the court. You know, it is not a matter of friendship or relatives when it comes to this land. The person who has just talked right now, it happens that he is a relative of one of those people, so that is the reason why he is here to defend. It is not about the relationship with somebody—

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members! Hon. Members, the issue of this land is a very emotive thing and let us not hide behind the walls.

*(Applause)*

Last month a group of young Massais were brought from Loitoktok and the Minister himself, and I will quote because it was in the papers and I know about it. The Minister and the Chief Whip of Jubilee the Hon. Ole Mitito went to take money to Ruai to help those boys back there because they were left there in hunger. So you cannot tell come and tell us here what to do. Hon. Members, that thing pained most of us because those young men were there for three weeks with no food, nothing. They didn't fly in there, they didn't fall in there. Hon. Members, I had been in this Council when all these things were being done. Hon. Mbau you were here. I want to ask anybody here in his right mind to tell me, when our young boys are dying in those villages, does the name of the person who is making them die matter to you?

**Hon. Members:** It matters.

**Hon. Speaker:** Then it matters on the floor of this Assembly. It matters on this floor. Those are Kenyans and the issue of whether it is a company or not, it is important to note that we are Nairobians we don't come from villages to come to this city. Everybody knows what we are talking about. The member for Ruai had been under threat running away to live in Kiambu? Why does he go to live in Kiambu? Because he is protecting his people and what is your responsibilities here as Members, as brothers and sisters? Hon. Members, I want to ask you a question and I want to tell you this here for you to take to the bank tomorrow. Nobody in his right senses will displace the people of Ruai off their land.

*(Applause)*

**Hon. Speaker:** Nobody, whether you come with *kifarus*, whether you come with what, even if you have been given title deeds. I want to challenge any Member here, take them tomorrow even if they have a hundred bodyguards, take them to Ruai. I am for them as the Speaker of this County Assembly. Hon. Members, when we were here in 1996 that land was given to Ruai squatters and a group, Embakasi Youth

Association. I know that and of course the Mathare 4A. Hon. Members, first of all I want to categorically tell the CEC of Land and Planning here; this is a joke.

(Applause)

**Hon. Speaker:** You cannot tell us companies here--- You are people who are the custodian of land in this city and you are bringing us offshore companies. We know the owners of these off shore companies, we sit and wine and dine with them. So the Leader of Majority, tomorrow at 2.30 p.m. we need to get the names of all the people involved in that land, that is close to 5,000 acres. Unless you are involved in it yourself Hon. Leader of Majority.

(Applause)

**Hon. Speaker:** Therefore let us not--- When you come and tell me the City Council or the city Commission--- The construction of sewerage, are we going to build the sewerage in the skies? It is going to be build there; it will be built by the Nairobi Governor and we will support him to build it there. We shall settle our people, our people must be settled. Hon. Members when we came here last year in March I told the Governor; please do not allow the people in Nairobi to have a Ward called squatters and I want to thank the Governor himself because he has been going round even in Mwiki and all other areas trying to settle the people who are called squatters. So this is not a laughing matter, it is not a political matter, that it is CORD or Jubilee; this is a matter of the people of Nairobi. I thank you. Hon. Deputy Speaker.

**Hon. Deputy Speaker**(Mr. Kennedy Ng'ondi): Hon. Speaker, if I have understood you correctly from your communication, the Hon. Leader of Majority is supposed to get us the names of the companies and maybe those of the directors. Hon. Speaker, we need to adhere to the rules and procedures of this House before the names are even brought in. Perhaps to refresh the minds of the Members of this House a bit, under Standing Order No. 83(1); Contents of the speeches; "*Neither the personal conduct of the Governor, nor the conduct of the Speaker or of any Judge nor the judicial conduct of any other person performing judicial functions, nor any conduct of Head of State or Government or the representatives in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the County Assembly shall be referred to adversely, except upon a specific substantive Motion of which at least three days' notice has been given*". Hon. Speaker, with due diligence, maybe before you receive the report let us not be caught on the wrong side of the law. Thank you.

(Applause)

**Hon. Speaker:** Very well, Deputy Speaker. It shall be done. We did not mention any names of any person on this floor. The Speaker did not mention the name of any person on this floor. Therefore, indeed it could be painful to you or to any other person but the names will be mentioned when we get the companies. I am sorry it has to be done and this is a report of a Select Committee of Planning therefore, all these will in due course be produced because Hon. Members, we have L. R. numbers and they do not

belong to stones, they belong to human beings. Companies belong to human beings and therefore it will be glue and shoe, it will go together. However, we have not mentioned the names of any person here, and I am sorry if it hurts some of you that Hon. Thuo brought this Statement. It must be read and we must satisfy the people of Ruai in whichever way we will, bite the bullet as the Assembly of Nairobi. I thank you.

*(Applause)*

**Hon. Speaker:** Yes, Point of Order from Hon. Thuo.

**Hon. Charles Thuo:** Thank you, Mr. Speaker sir. I am rising on Standing Order 8(1) to seek your direction because the Standing Order prohibit us from anticipating debate. Mr. Speaker sir, I can see that you have already given a ruling through the Chair that the CEC member should bring a proper response to this. I would suggest that we rest this matter until we get a thorough response. Thank you, Mr. Speaker sir.

**Hon. Speaker:** Very well said. Next, we proceed. We have three members; Hon.--- I want on behalf of the Assembly to sincerely wish you *pole* for the brutal attack that you got the other day.  
*(Laughter)*

**Hon. Member for Kwa Reuben Ward (Elkana Mauti):** Thank you, Mr. Speaker sir. It is high time we are talking about the people of Nairobi. In fact, the people of Nairobi who are the small class where we belong are having problems and it is only this Assembly that can assist.

**Hon. Speaker:** Yes, Hon. Mauti, please continue.

**Hon. Elkana Mauti:** Mr. Speaker, I was saying we are the people who can change Nairobi. We are the people who know where it is pinching in the shoes of our poor people of Nairobi. It is very unfortunate when we hear the IDPs who had been allowed to stay somewhere by our Excellency the President of Kenya, even the Governor went there to feed the IDP's. In fact, they were given a go ahead and then we hear that they were chased away, it is very sad. Therefore, the Assembly of Nairobi it is our time to show that we have that power; we want that land back even if it is to give it back to the IDPs. Also in the matter of security we talk here, you will hear a member from that Ward is being chased; he should be given proper security because with land there is no joke. Some of you have never experienced the insecurity but some of us we have felt it.

So it is high time we take care of the Hon. Member from that Ward, he is given security and also some of us be given security because we want to assist the people of Nairobi without fear. We say this is the time, if not now there is no other day. We are here to serve the people of Nairobi. As the members of the Nairobi City Assembly we were supposed to go to that place and really see if it is the IDPs who are there or tycoons who are there, so that we can capture that picture and then come and deliberate. Thank you, Mr. Speaker.

**Hon. Speaker:** We have other unfinished business and that is response to statements. So there is a response from the Sectoral Committee on Labour and Social Welfare on contracting of Creative Consolidated a private cleaning service company that the Nairobi City County Government---

**Hon. Member for Viwandani Ward**(Mr. Samuel Nyangwara): *(Inaudible)*

**Hon. Speaker:** Yes, what did you say?

**Hon. Samuel Nyangwara:** Mr. Speaker, I was requesting the Statement that was echoed by the Majority Leader and they were captured in the Hansard. He mentioned the name of the Deputy President and Hon. Jirongo on the floor of this House, Mr. Speaker. I am requesting them to be expunged from the records or he comes and withdraws, Mr. Speaker.

**Hon. Speaker:** The Hon. Imwatak.

**Hon. Member for Makongeni Ward**(Mr. Peter Imwatak): Mr. Speaker, with all due respect if we make this House into a house of defenders of those very people who are damaging the reputation of this country and by extension our County, we will be doing a nullity. Mr. Speaker, I will like to say a thief is a thief whether we paint him with milk or honey; a thief is a thief. So Mr. Speaker, with your ruling we wait for the names and we confirm whether the names which were mentioned here were true or false, and also we know how cunning our country's top hierarchy is. They have what I call the trustees; they can use trustees to hold on to this land while behind the scenes they are the same guys. You hear two months ago, the lands offices were closed all over and the word going round is very simple people were looking for files to find out which have good land in Nairobi. So Mr. Speaker, a thief is a thief, we can't paint him unless he is honest to himself and says here I am, I am clean. By extension this is not a House of restrictions we can say anything we want as long as it touches on the lives of our people. Mr. Speaker, I want echo the Majority Leader's sentiments and say; if you know you are clean come out clean to the press and say, the 5,000 acres of land in Ruai does not belong to one William Samoei Ruto or one Hon. Cyrus Jirongo. That is what we want to hear.

**Hon. Speaker:** I think we are through with that.

**Hon. Member for Lower Savannah**( Mr. Alfred Ambani): Thank you, Mr. Speaker sir---

*(Loud consultations)*

**Hon. Speaker:** Order Members, order!

**Hon. Alfred Ambani:** Thank you, Mr. Speaker sir. I am responding to the Statement requested by Hon. Samuel Mwangi, I hope the Hon. Member is in the House. Yesterday I was very sad to know he was not around.

**Hon. Speaker:** Is he in today?

**Hon. Alfred Ambani:** I don't know whether he is in.

*(Hon. Samuel Mwangi is present in the Assembly)*

### **RESPONSE TO A STATEMENT REGARDING THE CONTRACTING OF CREATIVE CONSOLIDATED, A PRIVATE CLEANING SERVICE COMPANY**

**Hon. Alfred Ambani:** Mr. Speaker sir, I beg to respond as follows. On Tuesday 1<sup>st</sup> April, 2014, the Hon. Samuel Mwangi, MCA, rose on the floor of the Assembly pursuant to Standing Order 41 (2C) and requested for a Statement from the Chairperson of Labour and Social Welfare Committee regarding the contracting by the Nairobi City County Government of Creative Consolidated, a private cleaning service company. According to the Member, the County Government is hard pressed to manage its bloated payroll and thus, does not see the economic benefit of contracting a private company for services which the county's existing human capital can handle considering the County is yet to achieve the 30% budgetary allocation for development. The Member asked the Chairperson to enquire into and report on:-

1. Reasons for contracting services for which the County Government has admitted it has surplus employees;
2. Account for the excess employees in the County Government and why they have not been deployed for the cleaning service;
3. How was the cleaning done before the City County Government was established, and;
4. The documents relating to the award of the tender for cleaning services to Creative Consolidated to be tabled.

Mr. Speaker sir, the Committee wrote to the Nairobi City County Secretary on 3<sup>rd</sup> April, 2014 in a letter ref. LSW/LAB/11/2014 requesting they be furnished with a written response for the statement by Hon. Samuel Mwangi.

#### **A. Reason for contracting service despite the County Government's surplus employees**

Mr. Speaker sir, the County Secretary responded via letter ref. COE&F/3/9/324/L00/cwg dated 30<sup>th</sup> April, 2014 on the matter stating that over the years the capacity to deliver environmental services has been in decline. In its renewed quest to improve on Solid Waste Management service in the CBD, the Environmental and Forestry sub-sector opted to contract street sweeping and waste collection service specifically because of reasons given here under:-

- i. **Sustained complaints on the quality of Solid Waste Management in the CBD.**

Mr. Speaker sir, according to the department, there had been unprecedented increase in public awareness on the rights and quality of services to the residents. In addition, the high and ever increasing complexities of Solid Waste Management and ideal handling methods all associated with urbanization has collectively overwhelmed the common methods of Solid Waste Management service delivery. Mr. Speaker sir, despite the fact that the contractor has hardly been on the ground for three months, remarkable improvement in terms of cleanliness has been registered, decreased public complaints and positive public feedback.

**ii. Low and dwindling human resource capacity in CBD and in the city at large**

Mr. Speaker, the department of Environment of the defunct City Council decentralized about 1800 workers to the Wards and Divisions - currently sub-counties - at the onset of the policy on decentralization sometimes in 2003 to 2005. By then about 600 employees were left to handle waste management in the CBD and other related divisions. Out of the workforce 300 were deployed specifically to the CBD to handle street sweeping and waste collection despite a workforce requirement of 560 workers. Mr. Speaker sir, the productivity of this force has been declining due to old age with about 80% of the workers being within 50-59 years age bracket. In such conditions, outsourcing street sweeping and waste collection workers was the best option.

**iii. Implementation of Integrated Solid Waste Management (ISWM) plan**

Through the Kenyan Government co-operation with the Government of Japan, the County Government is implementing a Solid Waste Management Master plan commonly referred to as ISWM plan, whose inception began way back in 1996 with subsequent review in 2009 and completed in 2010. The implementation of this plan therefore means that the role of the County Government will increasingly diminish to assuming regulatory, monitoring and supervision of Solid Waste Management related activities.

**iv. Need to afford service delivery for the emerging areas in the city**

Mr. Speaker sir, as the city expands, other areas of functional importance have come up. These include; Westlands, Upperhill, Thika Superhighway among others. With these areas receiving sub-standard service due to inadequacy of workers, the sub-sector had to look for ways of freeing some staff directly under its control without compromising the quality of service in those areas and redeploy them to those emerging areas of importance. Mr. Speaker sir, the sub-sector having considered--- The CBD staff which was only substantial workshop that was directly under his control.

*(Loud consultations)*



**Hon. Hashim Kamau:** Point of Order.

**Hon. Speaker:** Order Hon. Hashim.

**Hon. Alfred Ambani:** Mr. Speaker sir, thank you for the protection.

**B.** Mr. Speaker, sir, according to the Department, if the County Government was to continue providing various solid waste management services in the city directly, a workforce of at least 3000 workers would be required to offer the service. The sub-sector therefore re-deployed the workforce previously in the CBD to enhance provision of environmental service to such areas as indicated in the attached copy of the re-deployment report.

**C. How the cleaning was done before the City County Government was established.**

**Hon. Alfred Ambani:** Thank you sir, the provision of cleaning service in Nairobi has followed a fairly consecutive method since the establishment of Nairobi Township way back in 1950s which led to Municipalities and Council's regime where they took upon themselves to directly procure human technical and other necessary resource for provision of solid waste management services in the respective area of jurisdiction. This approach to service delivery appears to have served well up to late 1980s. The document created the award for tender of cleaning service to Creative Consolidated.

**D. The documents relating to the award of the tender.**

In line with the separation of roles and responsibilities in provision of services with Nairobi City County framework, the environmental and forestry sub-sector is in a position to provide only 2 documents related to the procurement of the solid waste management contract. The document according to the Department are the newspaper advertisement and the tender documents prepared for the procurement of the contractor.

Mr. Speaker, attached herewith is the full statement response together with the attached documents for further review by Hon. Samuel. Mr. Speaker sir, I beg to lay this response, thank you.

**Hon. Speaker:** Thank you very much Hon. Chairperson. Hon. Samuel Mwangi,

**Hon. Samuel Kagiri:** Mr. Speaker, I have received the report and it is quite detailed. I have not had enough time to go through it, but I just want you to note two things from what the Member has read to us here. One, I asked for the statement on 1<sup>st</sup> of April and today is 16<sup>th</sup> of July. Those are three and a half months the Committee has taken to gather this information and give it to this House. I was promised I would get the report within two weeks take note of that. Secondly, the report seems to be like a Google research. These people have done just a copy and paste and it has taken them three months to come and



bring this report here. Please, Mr. Speaker, I want you to take note of this because I will give the feedback on the report next week on Tuesday so that I can have time to go through the report well.

**Hon. Speaker:** Very well but Hon. Samuel, this is not a Google report. It is an answer from the CEC in charge of the Department so it's not Google, just for correction. Thank you Hon. Chairperson.

*(Loud consultations)*

**Hon. Speaker:** Order Hon. Members, next. Hon. Chair Planning, Hon. Carol Muga.

### **RESPONSE TO STATEMENT REQUESTED BY HON. SAMUEL MWANGI REGARDING THE ALLOCATION OF LAND FOR PUBLIC UTILITIES**

**Hon. Carolyne Muga:** Thank you, Mr. Speaker. I want to read a response to a statement requested by Hon. Samuel Mwangi. On 16<sup>th</sup> April, 2014, Hon. Samuel K. Mwangi, MCA, rose on the floor of the Assembly pursuant to Standing Order 41(2c) and requested the Chairperson of Planning and Housing Committee for a statement regarding the allocation of land of public utilities in the Pipeline Ward. He further asked the Chairman to enquire and report on:

1. The land registration numbers of the land that was surrendered and or reserved including its actual acreage of public utilities within pipeline Ward.
2. The people sitting on public land in the Ward.
3. The measures the County Government is taking to ensure the grabbed public land is given back.

The Committee wrote to the County Executive Committee Member responsible for Lands, Planning and Housing on 17<sup>th</sup> April, 2014, requesting to be furnished with a written response to the statement requested by the Hon. Samuel Mwangi. Mr. Speaker, sir, in this regard I wish to report to the Assembly as follows:

That, on allocation of land for public utilities in Pipeline Ward, the County Secretary responded vide letter reference LS/02/232/SGM/JWK dated 20<sup>th</sup> May, 2014. A summary of the response is as follows. The County Executive wrote to the National Government on 10<sup>th</sup> December requesting to be furnished with a list of all properties surrendered for public utilities and the National Government responded by forwarding a list of the following plot numbers: 13768, 7075, 14992, 13767, 14990, 23131, 13509, 13508 which fall within Pipeline Ward. The County Secretary further responded that where the County Government finds illegal allocation, invasion of public land it will institute recovery measures and as a further measure to contain encroachment and illegal allocations the County Government will compile all plots and pass to County Executive Members for a resolution towards recovery of land which will then be forwarded to the National

Land Commission for reversion of illegally acquired public utility land. A copy of the response from the County Secretary has been attached herewith for ease of reference. Mr. Speaker sir, I beg to lay this response.

**Hon. Speaker:** Thank you very much that was articulate for Hon. Mwangi.

**Hon. Samuel Kagiri:** Thank you, Mr. Speaker. I have also received this report which I asked for three months back. Again, note the time it has taken for the report to be brought back to this House. What has been read here is completely unsatisfactory. There are no attached documents. The report is just three pages and these are letters requesting for more details concerning the asked questions. There is no report because the first letter was written by the County Secretary and she was requesting for a more detailed response on the statement. The second one is still requesting for more details and responses on the statements. The third letter is also still asking for a more detailed response on the statements. I cannot see any documents showing the response which has been brought here. So, Mr. Speaker, I think there is no work which has been done in this report and I request for a report which can be able to explain something.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Chairperson!

**Hon. Jairo Atenya:** I am not the Executive please.

**Hon. Speaker:** Hon. Mwangi---

**Hon. Samuel Kagiri:** Kindly allow me to finish.

**Hon. Speaker:** You're not done?

**Hon. Samuel Kagiri:** What I am saying is, three months I think is enough time to have the required documents presented to this House. There is a lot of public outcry because my people have nowhere they can call a public place. They are tax payers like any other tax payer in this City, they need to feel that they are also represented. The taxes that they pay to this city or to this Country are given back to them in terms of public utilities. I request to have tangible documents presented to this House for us to see where to start from, thank you.

**Hon. Speaker:** Very good, Hon. Chairperson for Lands. Indeed yes, the Executive, the office of the County Secretary and that of Public Service has through the S.G. Mwangi L.S - I think he is the chief surveyor or whatever - has written a letter to the National Land Commission. Notwithstanding the fact that these LR numbers were in existence before the Land Commission came into place we need the County Executive Committee Member for Land and Housing and Urban Planning to push the Lands Commission

so that these LR numbers are known who they are. Why the Members are complaining is that National Land Commission came into being maybe one or two years ago and these lands in these areas were already given out. Maybe they are concrete as we are talking. So, it is important for the Member of Pipeline to know that public land was given and there is no land. When we have this one it's okay, we know who they are but it has taken long. You wrote a letter to the Land Commission in April and this is July that is three months. Please, again go back and have this in the shortest time possible so that we can be able to know exactly what the issue is on public land or public utilities which were given out. Thank you, next.

**Hon. Maxwell Ochar:** Thank you, Mr. Speaker sir. I wish to give a response to a statement requested by Hon. Isaac N. Ngige MCA of Mwiki. The Member is not in the House so I need your direction.

**Hon. Speaker:** Is Hon. Pius Mwaura Mbono---

**Hon. Maxwell Ochar:** Not really Pius Mbono but Hon. Isaac N. Ngige.

**Hon. Speaker:** What are you reading?

**Hon. Maxwell Ochar:** The one of Hon. Isaac N. Ngige.

**Hon. Speaker:** Yes, so is Hon. Ngige in? He will respond tomorrow. Thank you very much Hon. Ochar.

#### **RESPONSE TO REQUEST FOR STATEMENT BY HON. PIUS MBONO REGARDING THE CONSTRUCTION OF A BUILDING THAT HOUSES POWERSTAR SUPERMARKET IN ZIMMERMAN WARD**

**Hon. Maxwell Ochar:** Okay, Mr. Speaker. I wish to give a response to a statement requested by Hon. Pius Mwaura Mbono, MCA. Mbono is in the House. He is a Hon. Member and we have talked to him, I know he's there. Hon. Speaker, on 11<sup>th</sup> June, 2014 Hon. Pius Mwaura Mbono, MCA, rose on the floor of the Assembly pursuant to Standing Order number 41(2c). He requested the Chairperson of the Planning and Housing Committee for a statement regarding the construction of a building that houses the Powerstar Supermarket in Zimmerman Ward on plot number 116/365. He further asked the Chairperson to enquire and report on:

1. The approved architectural and structural plans by County Government on the said storage building.
2. Action taken to ascertain the structural integrity of the said building and whether any reports on the same are available from the Planning Department.

The Committee wrote to the County Executive Committee Member responsible for Lands, Housing and Planning on 16<sup>th</sup> June, 2014 requesting they be furnished with a written response to the statement required by Hon. Pius Mwaura Mbono. In this regard, I wish to respond to the Assembly as follows. That, on LR number 116/ 365 Powerstar Supermarket--- Mr. Speaker sir, the County Secretary responded vide letter reference PD/ADNIL/120/JKD/AK dated 19<sup>th</sup> June, 2014. A summary of the response is as follows;

**A. The approved architectural and structural plans by Nairobi City Council**

No approval action plan to ascertain structural stability or the integrity of the referenced building. Site inspection of the unauthorized development on the said plot to establish that no development permission has been granted by Nairobi City County thus development is unauthorized and has since been issued with a notice.

- B. The proprietor of the above building is being sought for arrest to be charged in a court of law against undertaking unauthorized construction of a storage building.
- C. The building Inspector in charge of the area is under instruction to ensure that the developer is arrested and charged accordingly.

As further matter, the building inspector and the representative of the chief structural engineer, Nairobi City County, will be visiting the site on 20<sup>th</sup> June, 2014 for further assessment of structural integrity and take necessary remedial measures. A copy of the response from the County Secretary has been attached here for ease of reference. Mr. Speaker sir, I beg to lay this response on the floor of the House, thank you.

**Hon. Speaker:** Hon. Pius.

**Hon. Pius Mbono:** Hon. Speaker, I will first of all thank the whole Committee Chaired by Hon. Atinya, they have done quite good. The report is somehow comprehensive and I have seen that something is being done because the person who is building this house is sought by the Department of Planning so that the person may be taken to court. I have also seen that there are several recommendations towards the same. I'll be in touch with the Planning Department to make sure the recommendations are effected accordingly. Thank you, Mr. Speaker.

**Hon. Speaker:** Very well. Thank you very much, the Planning Department is upping its game.

**Hon. Chege Ngaruiya:** Point of Information.

**Hon. Speaker:** Point of Information then we go to next order.

**Hon. Chege Ngaruiya:** Thank you, Mr. Speaker. I want to say categorically that it is always very important that we take the statements very seriously and also report on them. It is as if some Chairpersons are taking things for granted. I had requested a statement in March 21<sup>st</sup>, 2014, The Chairperson of Transport--- I was asking for that statement on behalf of people who represent Wards that have no tarmac. Mr. Speaker, if you visit my Ward you will see that we are really in problems. Some of us are not going to be recalled because they have not performed but because of the conditions of the roads at this particular moment.

That question, from March up to now those are four months and the Chairperson has never been present whenever I stand to ask on the same. Therefore, you use your powers and direct that that question be fronted in this House so that we can know at least where we stand because as I stand here our roads are in deplorable conditions. They are in pathetic conditions. I asked a question on the status of graders and also the status of our roads and I believe the answer should be brought immediately so that we can know the way forward, thank you.

**Hon. Speaker:** Yes, thank you very much, Hon. Deputy Leader of Minority. Indeed that question was asked and it's for the Chairperson for Works to produce that report with the answer, the latest being Tuesday 2:30 p.m.

## BILL

### **The Nairobi City County Plastic Carry Bags Control Bill of 2014 Assembly Bill number 6 of 2014, second reading.**

**Hon. Alhad Adan:** Thank you, Mr. Speaker. I wish to report to the Assembly the following first reading of the Nairobi City County Assembly, Plastic Bag Control Bill 2014 on 17<sup>th</sup> June, 2014. The Bill was committed to the Committee on Agriculture, Environment and Natural Resources for the scrutiny and the stakeholders' consultations pursuant to the Standing Order 121. The advert was place in the media on 18<sup>th</sup> June, 2014 seeking for views from the public and the stakeholders on the Bill. This unleashed a lot of reactions from the stakeholders such as the Kenya Association of Manufacturers, Retail Traders Association of Kenya and Kenya Bureau of Standards among others.

The Committee was supposed to report to this Assembly within 20 calendar days pursuant to the Standing Order 121. However, the Committee is still in the process of meeting with the stakeholders including the County Executives and the sponsor of the Bill so that it can make a comprehensive report to this House. In this regard, I ask your indulgence to request this Assembly to defer the second reading of the Bill for the thirty days more so that the Committee can finalize on it with the stakeholders and make its report since the Bill is so crucial to the County and Kenya at large. Thank you, Mr. Speaker sir.

**Hon. Speaker:** Hon. Chairperson for Agriculture, Environment and Natural Resources, you have 21 days not 30 days to bring your Bill back to the House. 21 days.

**Hon. Alhad Adan:** Yes, Mr. Speaker, I just want to propose because of the sensitivity of the Bill we still propose if you can just give us 30 days.

**Hon. Speaker:** 21 days, it's not sensitive. It's a Bill like any other Bill of the County Assembly.

**Hon. Alhad Adan:** Okay, fine we are just going to try our best.

**Hon. Speaker:** 21 days, Hon. Chairperson. Don't make it look sensitive. *(Laughter)*

## PROCEDURAL MOTION

**Hon. Speaker:** Chairperson for Trade, Tourism and Co-operation.

**Hon. Wilfred Odalo:** Yes, Mr. Speaker. I beg to move the following Motion. **That** this Assembly adopts the report of the Sectoral Committee on Trade, Tourism and Co-operative on the vetting of the nominee for Chief Officer, Trade, Industrialization, Co-Operative Development and Tourism laid on the table of the Assembly on 3<sup>rd</sup> July, 2014.

The Sectoral Committee on Trade, Tourism and Co-operative orally vetted a nominee for appointment of Chief Officer for Trade, Industrialization, Co-operative Development and Tourism on Thursday, 26<sup>th</sup> June. The following were the observations;

1. He is a Kenyan citizen born in 1962.
2. He is currently undertaking a PHD degree in renewal energy.
3. He has over 20 years' experience in both public and private sectors.
4. He is currently a consultant providing energy audit, water engineering, extension of pipelines and gas installations.
5. He has managed various projects such as the development of a five years County strategic plan in Homabay County.
6. He is a Member of the Institute of Marketing Management forum and Institution of Engineers of Kenya.
7. He has attended a lot of research conducting training on vision 2030.
8. He was behind the launch of 6 kilogram mega gas and the portable posho mill at Total Kenya limited.
9. He is not an official of any political party neither has he been charged in a court of law.
10. Last but not least, he is well aware of the task ahead if approved and despite being challenging they are achievable.

Following our recommendation, I beg that this Assembly supports the Committee recommendation and I now call my able Member, Warutere, to second the Motion. Thank you.

*(Laughter)*

**Hon. Peter Warutere:** Mr. Speaker sir, I rise to support this very important Motion and you must give room to my new Chairman. He is learning the ropes and on that we must all agree. I come before you to persuade you good Members to see the reason as to why we need Judah Ambeka as our Chief Officer of Trade and Tourism. We have looked at all aspects and among many other items that we looked into, persuading us to consider this particular Chief Officer, are on three fronts. One, we've looked at his academic qualifications and as you realize he is overly qualified. The guy, I think, was the first engineer within the County Assembly to have a Master's degree in Engineering. He is currently doing his PHD and trust me, this guy is overly qualified for this particular job. In fact, we were trying to persuade him to even look for a higher position but unfortunately, within our docket this is the only available position.

We have looked at the issue of gender. You know, we have a CEC who happens to be a very qualified madam and therefore we are trying to see--- This is the only Department that does not have a substantive Chief Officer and therefore, the best that we could do is to look at his credentials. The guy is coming from the private sector; therefore we will be in a position to integrate both the private and public sector development plan so that maybe we can borrow something from either of the Departments. Looking at his credentials as well, you realize he was able to sit at Vision 2030, took it well and he had the best during his stay within that particular institution.

He was also honored to sit at Kenya Wildlife where he steered the Kenya Wildlife to new heights until I think it was taken over by the current director. We are also told through his resume that he sat in Total Kenya and Kenya Industrial Research and Development Institute respectively and trust me he was doing well.

Do you realize for example the Market Department is doing badly? Therefore, the best that we could do is to offer him this opportunity to see what he can bring in terms of service to this particular sector. I think with those few words, I beg to ask you good Members to join us as the Committee of Trade and give him the job that he so, so much desires. I rest my case, Mr. Speaker.

**Hon. Speaker:** Hon. Members, I now propose the question.

*(Question proposed)*

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

**Hon. Deputy Speaker:** Thank you Mr. Speaker. I think you can only do the honorable thing by this House by giving us an opportunity to pass the name of this Member without much ado. It is very rare to

find such kind of brains in this Country. As much as they are there, getting someone to take up this kind of position with this kind of education, seriously it is a great honor for this County. It is only prudent that you call the Mover to reply so that we are done with this process. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Ngaruiya, Deputy Leader of Minority.

**Hon. Chege Ngaruiya:** Thank you, Mr. Speaker, for giving me this opportunity to respond to the nominee. The Deputy Speaker cannot speak on behalf of this House. . One, I rise to oppose the nominee for the Chief Officer Trade, Industrialization, Co-operative Development and Tourism. I am going to I first of all look at the age of this particular individual. He is only remaining with 3 years to retire. I don't know when the youth of this County are going to get opportunities for employment. I believe there are more young people who are educated, who have the education that is required, who have the class and who are in touch with the people. Number two, when I look at his academic credentials I am not seeing him giving any help to this particular County---

**Hon. Member:** Point of Order.

**Hon. Speaker:** Point of what?

**Hon. Chege Ngaruiya:** Protect me, Mr. Speaker.

**Hon. Speaker:** Point of what?

**Hon. Chege Ngaruiya:** He wants to contribute.

**Hon. Speaker:** Point of Order, Hon. Ngaruiya.

**Hon. Leader of Majority:** Mr. Speaker, I don't know whether Mr. Ngaruiya wants to mislead the House. This man was born in 1962. I think he is still remaining with 8 years to retire. Right now I think we are just going to give him a contract of 3 years. The contract has no age limit because if you are looking at age limit, Mr. Gakuo or John Gakuo would not be here. I don't know whether it was an oversight, he did not see the age of Gakuo compared to this man.

**Hon. Chege Ngaruiya:** Thank you for the information. I also raised the same query when it came to the CEC for Environment and also raised it with Ayisi just the other day. We need to bring energy in this County. If we continue recycling people who are out of themselves, people who have reached a stage whereby they have become senile, I don't believe we are doing great service to this County. I was on issue of academics and I found the--- The Chief Officer, Mr. Speaker, is like a confused feller---

Hon. Carol Muga: Point of Order.



**Hon. Speaker:** Order, Hon. Ngaruiya! There's a Point of Order from Hon. Carol Muga.

**Hon. Caroline Muga:** Mr. Speaker, I am concerned about the choice of words from a former teacher. You cannot call someone senile at 52. I think that is insulting so he should withdraw that word.

**Hon. Chege Ngaruiya:** Mr. Speaker, how do you define old age? Old age is defined as a state of senility whereby, instead of thinking forward we invite a person who wants to reach the vision 2030. These are not the type of people who can drive us to the next level. I was on the stage on education. When you look at his papers you will realize that he went to class to study Bachelors of Science and he got a First Class Honors. On Masters, he dilly dallies and says he is not going to continue with engineering and commits himself to business administration. I see that one as a situation where the nominee did not understand why; even if you want to administer business in engineering he could have done it better.

I find this Gentleman not pragmatic and practical. Look at the positions he has held, the positions are very high positions. How do we expect him to deal with people, especially the Nairobians and the Department of Trade? Look at the market, the market is such that it is giving even the Governor himself headache. This is a gentleman who has always been running these high institutions, what we call the ivory towers, then you bring him down to where you expect him to visit all these markets which are run by cartels and then you expect him to deliver. I don't see any change. We are only employing him to earn salary and then after 3 years he will say here I go.

As I conclude, when he was asked about issues to do with corruption, this is the Department that has been run down--- The other day the Committee of Budget requested to know how much had been collected from Muthurwa market and many other markets. You realize that what is being collected today even after passing the Finance Bill and nothing has been increased--- When he was asked how he is going to manage corrupt officers he gave a very vague answer, that he will look at the systems and structures in place to ascertain any loopholes. That answer in itself is not complete. We want a situation whereby he is going to deal ruthlessly with corrupt officers in these particular markets. I find him unfit to hold this office. We should get a better person and I don't know what the Chairman of Trade is waiting for. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Leader of Majority and then Hon. Jack Wetu.

**Hon. Leader of Majority:** Thank you, Mr. Speaker, for giving me this opportunity. I rise to support this Motion. I don't know which miracle the former kindergarten teacher is going to do in this House so that this Motion does not pass because it is going to pass. Warutere was supporting the Motion first. Mr. Speaker, I think the education background of this person should not be dwelt on too much because according to Warutere, he is overqualified. Somebody who has just come from class where he was teaching small children is coming to tell us here that this man is not qualified for this job then I don't know where the world is heading to. Let us not take too much of our time, old is gold. Jack here I think is an old man, old school, so I think we must recognize the likes of Jack here. I think Jack is older than this person

so let us just give him a chance and he is going to deliver. Just forget about the cartesi which are in the markets, he is going to deal with the cartels. Maybe he knows what he applied for, he knows the task ahead. Let all of us apart from Hon. Ngaruiya support this man, let Ngaruiya just remain alone. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Jack *Wetu*.

**Hon. Jackson Ngare:** Thank you, Mr. Speaker sir. I rise to... to do what? *(Laughter)* I rise to support this Motion because I see Mr. Ngaruiya is here to attack age. He is not actually contributing to this Motion, he has a problem with age. *(Laughter)* Mr. Speaker, from the records I find Mr. Judah is about 4 years younger than me and the way I feel Mr. Speaker, sir. *(Laughter)*

**Hon. Jackson Ngare:** Mr. Speaker sir, I happen to be a product of one of the well-known polytechnics in Kenya in mechanical engineering. I have worked for 20 years for an international company, it is needless to name them. Engineering is a career that improves with age and experience. Mr. Speaker sir, as you work in engineering you become more marketable. So, Mr. Speaker, I do not want to waste a lot of time because this Motion is going to pass.

*(Applause)*

*(Loud consultations)*

**Hon. Jackson Ngare:** If a Motion is going to pass there's no need of debating so much. Can you put whatever you put when time comes to put, thank you.

*(Laughter)*

**Hon. Speaker:** Thank you, Hon. Jack *Wetu*. I will have 2 Members, Hon. K'Otieno and then Hon. Kairu.

**Hon. Pius Otieno:** Thank you Speaker, I want to be very, very brief on this. First of all I wish to address Hon. Ngaruiya and just inform him that---

**Hon. Speaker:** Do not address Hon. Ngaruiya.

**Hon. Pius Otieno:** I withdraw let me address the Chair. Let me inform the House that just like disability is not inability, even senility is not inability. I know of very many young people who are young at age, young physically but they are old in the sense that they are actually internalizing, understanding and grasping issues.

*(Laughter)*

**Hon. Pius Otieno:** When we say that we oppose Mr. Judah just because he is old, I think that is preposterous and it will be presumptuous to the extent that you oppose the very--- The second thing is that it is not a sin. It is neither a professional sin nor a social sin for somebody to be an engineer then he opts to join a different field. It is also important that we understand that those are some of the aspects of what we call diversification of a profession. We have people who have diversified their profession. At the age of 24 I thought I would become a priest but I didn't become a priest, I found myself in politics. That is also one way people have also decided to diversify in their careers. There are people who have had that urge of becoming accountants only to find themselves as doctors along the way. We cannot just lock somebody out because he was an engineer and has decided to do bachelors in Business Administration so we perceive him to be unfit. To me, I think even in that field of engineering he can still bring in ideas, he can still bring in theories of engineering to diversify this Department of Trade.

He even goes further and alludes that this is somebody who has worked in big companies and will be having difficulties in dealing with the people of Trade. Nothing could be further from the truth. In fact, he should even understand that in engineering, even in that BA the first year you are taught what is called sociology while understanding even when doing sociology there is no, what we call social management. Being a person who has done social management this field now gives you the practical and requisite tools of managing people whether you did engineering and you were working for Safaricom or you were working for Airtel, these tools will enable you to now cascade down the experience that is much needed to mingle with the people in your day to day career.

Last and not least, it is important for us to understand that corruption is both systemic and structural and corruption is institutional. So when you go ahead and say that Judah Abeka did not answer that question properly, it is important we understand that all matters that deal with corruption either be managed as a failure of the system, be managed as a failure of structure and be managed as institutional failure. With those many remarks I support Judah Abeka. Thank you.

**Hon. Njoroge Kairu:** Thank you very much, Mr. Speaker sir. Allow me to second the Motion. In fact, I want to remind us, the younger generation, that old is gold. We have to stop attacking the old because if we continue attacking this old generation, they are protected by the Constitution, the Bill of Rights are there and for those people who are old and are going now to these small, small jobs, those are the people who can deliver. This Gentleman Judah is not coming here for the money. He has already done his work maybe he has enough money, so what he just wants is a platform whereby he can serve the public.

*(Applause)*

*(Loud consultations)*

**Hon. Speaker:** Order Members! What is it? Order Members! What is going on here?

**Hon. Njoroge Kairu:** The other thing Mr. Speaker sir, I want to say here is that I do have love for the Chair of Trade. It is very hard for somebody to be overthrown by somebody and then he seconds that somebody on what he is saying. Therefore, I want to request the Committee of Trade to remember Warutere to be either the Deputy Chair of that Committee because he has the passion for the Committee. Thank you very much, Mr. Speaker sir.

*(Laughter and Applause)*

*(Loud consultations)*

**Hon. Speaker:** Very well. I now call the Mover of the Motion to reply.

**Hon. Wilfred Odalo:** Yes, Mr. Speaker. First, I have to echo my former Chairman for the support he is giving the Committee and more so I thank the Hon. Members for accepting to support the work of this Committee---

*(Loud consultations)*

**Hon. Speaker:** Order Hon. Members! What is happening here? Order Members! Hon. Deputy Speaker what is going on?

*(Loud consultations)*

**Hon. Speaker:** Go ahead, Hon. Chair.

**Hon. Wilfred Odalo:** Okay. The nominee engineer, Judah Abeka, is qualified to serve as the Chief Officer, Trade, Industrialization, Co-operative Development and Tourism. I want to assure the Members that the Committee will remain steadfast in executing its stipulated mandate. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members---

*(Loud consultations)*

**Hon. Speaker:** What's going on here? I can't understand what's going on.

**Hon. Leader of Majority:** Mr. Speaker, the two gentlemen are about to fight here about a certain land in--- That is the reason why I was telling you whether the Chairman of Planning was going to bring a report from that side because he is the one who is benefitting from those areas. Right now he and Omwenga are just fighting over something there. Why don't you just separate them?

**Hon. Speaker:** No, we are not going to separate anybody. We have given instructions for the report to be here tomorrow 2:30 p.m. No, we are not discussing that we've finished with that.

**Hon. Member for Utawala Ward:** *(Inaudible)*

**Hon. Speaker:** Hon. Omwenga, we've finished with that please you've come late. You have just come in now.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, it's unfair and it is unfair to you Members and whichever way the case is, the Leader of Majority, you understand what I said, 2:30 p.m. tomorrow. We need the answer here on this floor. Hon. Members, I now put the question.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Omwenga, with due respect hold your horses. Hon. Members, it is 5:00 p.m. The Hon. David Kitavi appears tomorrow at 2:30 p.m. I thank you.

The House rose at 5:00 p.m.