



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Wednesday 29th June, 2016

The House met at 2.30 p.m.

(Hon. Temporary Speaker (Mr. Samuel Nyang'wara) in the Chair)

PRAYERS

Hon. Temporary Speaker: Hon. Members, we do not have a quorum, I direct the Serjeant-At-Arms to ring the bell.

(The bell is rang for 10 minutes)

Hon. Temporary Speaker: Hon. Members, we now have a quorum so we can continue from there.

PAPERS

Hon. Member for Dandora Area III (Mr. Charles Wakirindi): Mr. Speaker, pursuant to Standing Order 180(6) I beg to lay the following paper on the table of the Assembly today, Wednesday 29th June, 2016. The report of the Select Committee on Procedure and Rules on amendments to the Standing Order from Nairobi City County Assembly. On behalf of the Chairperson, select Committee on Procedure and Rules.

Hon. Temporary Speaker: Transport and Public Works.

Hon. Member for Lucky Summer (Hon. Kennedy Onduru): Thank you, Mr. Speaker sir. I have a paper to lay. Pursuant to Standing Order number 180 I beg to lay the following paper on the table of the Assembly today, Wednesday 29th June, 2016. The report of the Sectoral Committee on Transport and Public Works on roads inspection which is to Nyayo Highrise Ward. Hon. Speaker sir, I beg to lay.

Hon. Temporary Speaker: Thank you.

NOTICES OF MOTION

Hon. Thuo Wakirindi: I beg to read the following Notice of Motion, Chairperson, select Committee on Procedure and Rules. Hon. Speaker, I beg to give a Notice of the following Motion; THAT this Assembly adopts the report of the Select Committee of Procedure and Rules for the amendment to the Standing Orders of Nairobi City County Assembly laid on the table of the Assembly today, Wednesday 29th June, 2016.

Hon. Kennedy Onduru: Thank you, Mr. Speaker sir. Notice of Motion on sectoral Committee on Transport and Public Works. Hon. Speaker sir, I beg to lay Notice of the following Motion; THAT this Assembly adapts the report of the Sectoral Committee on Transport and Public Works on roads inspection which is to Nyayo Highrise Ward laid on the table of the Assembly today, Wednesday 29th June, 2016.

STATEMENTS

Hon. Temporary Speaker: Hon. Mberia.

Hon. Chief Whip Majority: 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 Planning and Housing regarding the grabbing of land number 14930 which was meant to be public land along Silanga Rd. in Karen. Hon. Speaker, the land LR number which is public land has been grabbed by a private developer allegedly named Uhuru Realtors Ltd. Mr. Speaker, in the statement the Chairperson should enquire into and report on:

1. The status of ownership of LR 14930 and how the parcel of land allocated to Uhuru Realtors Ltd.
2. Table documents of transfer of the land from the public to the private developer and measures taken by the County Government to recover the same land and stop further grabbing.

Thank you.

Hon. Temporary Speaker: Hon. Chair for Planning and Housing.

Hon. Jairo Atenya: Thank you. Mr. Speaker, I think two weeks will be appropriate.

Hon. Temporary Speaker: Hon. Mberia, are you okay with two weeks considering that we are going on recess next week?

Hon. Chief Whip Majority: Mr. Speaker, I do not know if the Chairperson is aware that we are going for recess next week.

Hon. Temporary Speaker: Chair, are you aware?

Hon. Jairo Atenya: Mr. Speaker, I am aware that we are going for a recess next week.

Hon. Temporary Speaker: Then you are out of order. Can you give the appropriate date?

Hon. Jairo Atenya: Mr. Speaker, according to the Standing Order we have to give 7 days and 7 days will elapse after we have gone for recess.

Hon. Temporary Speaker: But you know, Mr. Chairperson, you can fast-track this particular one if you want. In all, the papers concerning this particular parcel of land are within the records of this---

Hon. Jairo Atenya: Mr. Speaker, I will try my best because you have persuaded me and I will do my best.

Hon. Temporary Speaker: Wednesday next week. Next. Hon. Members, the following statements are due. Statement requested by Hon. Hashim Kamau from the Chairperson of Select Committee of the Ward Development Fund regarding the projects budget of financial year 2014/2015. Hon. Chair for Ward Development Fund.

Hon. Member for Githurai (Mr. Jackson Ngare): Mr. Speaker, we had decided that we are going to bring the report tomorrow.

Hon. Temporary Speaker: Hon. Chair, you made the undertaking to bring that particular Hansard today.

Hon. Jackson Ngare: Mr. Speaker, the reason I am saying this is because we had a meeting with the Budget Committee and the Ward Development Fund Committee which happened the day before yesterday. It was a follow up meeting from last week and I am sure that we are going to be having the full report by tomorrow afternoon so that we can have a very comprehensive answer instead of bring it half/half.

Hon. Temporary Speaker: Thank you very much. I saw you sitting next to the Member who had sought the answers on this particular issue. Hon. Hashim Kamau, are you in agreement?

Hon. Chief Whip Minority: Yes.

Hon. Temporary Speaker: Thank you very much. Next Order. Hon. Mauti, what do you want to enquire and from whom?

Hon. Member for Kwa Reuben (Mr. Elkana Mauti): I would like to enquire from the Chair of the Ward Development Fund how is budget related to the projects which he has said here as from the budget. I do not know whether the Budget Committee is supervising the projects or it is the one that comes up with projects, can he clarify this to me.

Hon. Temporary Speaker: Hon. Chairperson.

Hon. Jackson Ngare: Mr. Speaker, thank you very much again. If you read the statement that was requested by Hashim, it talks about WDF regarding projects and budget for the financial year 2014/2015. This could not only be answered by the WDF, we had to do our research and that is why we included the Budget Committee on the same.

Hon. Temporary Speaker: Much obliged. Hon. Mauti, the question that was sought was very straightforward and---

Hon. Elkana Mauti: Mr. Speaker, I am not satisfied---

Hon. Temporary Speaker: Order, Hon. Mauti! Hon. Hashim Kamau is the one who sought these particular answers from the Committee of Ward Development Fund and the questions were very straightforward and I do not see the reason as to why you have a negative attitude towards the Budget and Appropriation Committee.

Hon. Elkana Mauti: Mr. Speaker, Hashim Kamau asked a question on behalf of the whole House, not for himself.

Hon. Temporary Speaker: That is very good but there is nothing wrong with the Members of the Ward Development Fund inviting their counterparts from the Budget and Appropriation Committee so that they can get an appropriate answer.

Hon. Elkana Mauti: Mr. Speaker, I am worried when the WDF Chairperson says they do not know the budget and they are the people who scrutinize the budget.

Hon. Temporary Speaker: Chair, can you give him time.

Hon. Member for Kwa- Reuben Ward (Mr. Elkana Mauti): Mr. Speaker am worried when the Deputy Chairman says they don't know the budget and they are the people who scrutinize the budget in their department.

Hon. Temporary Deputy Speaker: Vice chair

Hon. Elkana Mauti: Mr. Speaker let us not be lied to.

Hon. Member for Umoja 1 Ward (Mr. Geroge Maina): Thank you again Mr. Speaker, we want to have a very comprehensive answer on this, which is why we postponed it from last week to this week. I will give you a brief history on the same thing. On Tuesday last week we sat down with the Executive Member for Finance and Engineering departments and we decided we are going to have a follow up meeting. This Tuesday again we sat for that meeting. That is why am telling the House that we are going to have a comprehensive answer tomorrow 2.30 p.m.

Hon. Temporary Deputy Speaker: It is so ordered that you bring the answer tomorrow 2.30 p.m.. Let us bring this particular issue to rest. Next Order.

MOTION

Hon. Temporary Deputy Speaker: The chairperson, Sectoral Committee on Labour and Social Welfare

Hon. Minority Leader (Mr. Abdi Hassan): Mr. Speaker sir I beg to move the following Motion:

That, this Assembly adopts the report of the Sectoral Committee on Labour and Social Welfare on the Nairobi County Public Service Board annual report for the fy 2014/2015, laid on the table of the Assembly on Tuesday, 28th June, 2016.

The, Report of the Sectoral Committee on Labour and Social Welfare on the Nairobi County Public Service Board Annual Report for the FY 2014/2015 was laid on the floor of Assembly on Tuesday, 28th June, 2016.

The Committee held a retreat with the County Public Service Board from 10th-13th March, 2016 in Mombasa for purposes of being taken through the County Public Service's Board Annual report for the FY 2014/2015.

Hon. Speaker,

In view of the above, the Committee recommended as follows:

- i. That even though applications from diverse communities, gender and people living with disabilities were few, the Board while recruiting should strive to factor in these groups of people through affirmative action. Most especially, certain positions should be clearly marked out for persons living with disabilities;
- ii. The Board should provide the Committee with quarterly reports to update Members regarding the number of vacancies in the County and recruitments undertaken by the Board;
- iii. The Board should ensure that advertisements for County Public Service jobs are widely circulated, adopt contemporary recruitment methods and thoroughly vet applicants to ensure recruitment of competent and qualified staff;
- iv. The Board should develop a Scheme of Service in order to develop a clear career progression for County Public Service staff and consequently improve productivity and service delivery.

Mr. Speaker sir, I urge this Assembly to adopt the report of the Sectoral Committee on Labour and Social Welfare on the Nairobi County Public Service Board Annual Report for the FY 2014/2015

I call on Hon. Ngaruiya to second the Motion.

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Thank you Speaker

Hon. Temporary Deputy Speaker: Are you a member of this Committee

Hon. Ngaruiya Chege: Am not a member, I don't know how to go about it

Hon. Temporary Deputy Speaker: Under what circumstances can you second this Motion?

Hon. Ngaruiya Chege: Advice accordingly Mr. Speaker

Hon. Temporary Deputy Speaker: Hon. Guyo,

Hon. Abdi Hassan: Mr. Speaker sir I don't know if the Standing Order prohibits the Member to second but I can ask Hon. Njogu to second me.

Hon. Temporary Deputy Speaker: Order, order Hon. Njogu. Indeed the Standing Orders do not provide for members of a particular Committee to second which means it is not a must. I will give the Deputy Minority Leader the chance to second the Motion.

Hon. Ngaruiya Chege: Thank you for giving me the opportunity. I rise to second this Motion and I want first of all to highlight several issues after seconding and I want to thank the Committee for coming up with this report and a Motion. I also want the Members to support it but there is one area that requires a lot of keeness. When I look at the County Public Service Board it is the board that needs to transform the workers of this County. We have as the Budget Committee given them a lot of money to ensure they reform the workforce. And from the challenges they have highlighted I believe that is going to be sorted out and the members of staff of this County are going to reform especially the Inspectorate which has been at loggerheads with many members of the society in Nairobi City County.

Number two is issues to do with corruption are not highlighted in this report and we need the Committee to follow up so that at least even that can be captured. I remember when we were elected and came here there were mirrors all over the County. These mirrors used to tell us that the person in this particular mirror is the person who is supposed to fight corruption. Hon. Speaker if you go around the premises of the City Hall you will never find a billboard with a message that this is a corruption free environment. We also want the Committee to follow to that and ensure that corruption is captured in this particular document. Otherwise good work, thank you Mr. Speaker.

(Question proposed)

Hon. William Abuka (Nominated Member): Thank you very much Mr. Speaker that your eyes have caught me. I stand to support this Motion and without wasting time I want to go straight to the area that has caught my attention which is the emphasis that the Nairobi County Public Service Board gives special attention to the recruitment that is biased to persons with disability. Mr. Speaker it is not lost to us that even after enactment of 2010 Constitution which really included the consideration and deliberate move to mainstream and improve lives of our brothers and sisters living with disabilities; matters of persons with disabilities touching on economic empowerment and mainstreaming employment opportunities and so on remains an afterthought.

I think when our very able Committee on Labor sat down to put that recommendation forward. It is because after going through the payroll of City Hall it has caught their attention that persons with disability are not getting their proper share. It is indeed very important that when we recruit as a Government we must take note of people who are qualified, who can deliver and have the right credentials. We also know that some people can have qualifications but also have bad attitudes towards each other.

In addition to what was recommended by the Committee, I'll put in even right attitude. When people are being interviewed it should not be lost to their attention that the people they are recommending for employment also have the right attitude not only towards the job but also towards each other which is referred to as good interpersonal skills. I really want to appreciate the Committee for the emphasis on employment and the creation of room for opportunities to engage persons with disability. It is very important. These are our brothers whether they don't look strikingly able academically, they don't expose their academic prowess that others probably in other areas expose. People can be trained, mentored or given an opportunity and really shine anyway, I support.

Hon. Temporary Deputy Speaker: Yes Hon. Adow.

Hon. Osman Adow: Thank you Mr. Speaker. I also stand to support but with some reservations. I support on the issue that the *Mheshimiwa* before me touched on which was to see that there is diversity. The Service Board from the Assembly has done very well on that department but the side of the Executive has failed. We need to remind them. I hope they will follow up on that issue and especially people who I will call visible minorities are not represented anywhere in the management of this County.

Number two, I don't know whether the Board has brought up the issue of the fact that according to the PFM Act only up to 35% of the income or the revenue can be used for remuneration of staff currently Nairobi County stands at about 50%. That issue has not been highlighted here. When the would be---

Hon. Temporary Deputy Speaker: Hon. Adow, can you stick within that report? We are debating a report.

Hon. Osman Adow: Yes, but the in the report they haven't touched on the important issues that affect the workforce which is taking a lot of the resources out of the County that the Governor always claims there is no money for development. In order to get money for development, they should stick to the law which says that only up to 35% of the collections of the County can be used for remuneration. There they have failed in that department. They are not complying with the law of the land. That is what I am trying to point out. That should be made very clear in their next report, thank you very much.

Hon. Temporary Deputy Speaker: Thank you. Hon. Members I wish to caution you that you restrict yourselves within this report. Yes, Hon. Karen.

Hon. Karen Wanjiku (Nominated Member): Mr. Speaker sir, I believe every Member should say even what is not in the report. I think it's in order.

Hon. Temporary Deputy Speaker: Hon. Karen you either agree with the report or not. When you agree with the report you restrict yourself to the report. If you don't is when you'll bring those issues you are talking about. You cannot agree with the report and then you say this report is not good.

Hon. Karen Wanjiku: Mr. Speaker I don't understand the Standing Order you are using but let me support this report. Looking at the challenges that the Board is facing it looks like they've really tried to work with minimal budget allocations, lack of ICT infrastructure and they've cited limited job applications from diverse communities, gender and people with disabilities. Looking at their recommendations, they are very good that the Board should ensure that advertisements for the County Public Service jobs are widely circulated, adopt contemporary recruitment methods and thoroughly vet applicants to ensure recruitment of competent and qualified staff. This is very important because sometimes the advertisements are not done well and they don't reach all the people that are intended.

Mr. Speaker sir, recommendation *ii* even though applications from diverse communities, gender and people living with disabilities were few, the Board while recruiting should strive to factor in these groups of people through affirmative action and give certain positions to people living with disabilities. We must say, even the women in Nairobi County have been sidelined. Looking at the recruitments that have been done recently we don't have the two third gender rule observed. I think it goes well in this recommendation. Very importantly, we are supposed to be given quarterly reports and not just annual reports for follow ups. Thank you, I beg to support.

Hon. Temporary Deputy Speaker: Hon. Zulfa.

Hon Zulfa Hakim (Nominated Member): Thank you Mr. Speaker. I stand to support the report. However, I would like to query the Nominated Members of this House. I don't think we are captured in terms of--- as you know Mr. Speaker. Sorry, let me rephrase. As you know we have been operating in our cars. The Nominated Members of this House have no offices. They have not even been given one staff to at least assist them in one way or the other. I am urging the County Assembly Service Board to please consider as a matter of urgency on how they will be able to factor in the Nominated Members in that regard. Thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: Much obliged. Can I call the mover of the Motion to reply? Yes Hon. Hassan.

Hon. Leader of Minority: Thank you Mr. Speaker. I want to thank Members for their contribution to the report. I also want to take into consideration what Hon. Zulfa has said. The report was not about the County Assembly Service Board but I take the matter to the County Assembly Service Board concerning the offices of the Special Elect. We will also make sure that the Board brings its report quarterly because that is what the law says. With those few remarks, I beg to move.

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Hon. Members this Assembly stands adjourned till tomorrow 2:30 p.m.

(The House rose at 4.00 p.m.)