



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fourth Session

Tuesday 9<sup>th</sup> August, 2016

The House met at 2.30 p.m.

*(Hon. Deputy Speaker (Mr. Kennedy Ng'ondi) in the Chair)*

### PRAYERS

*(Quorum bell rung for 10 minutes)*

### PAPERS

**Hon. Member for Sarangombe Ward** (Mr. Pius Otieno): Pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly today 9<sup>th</sup> August 2016, the second report of the Liaison Committee on consideration of annual progress reports of all committees held on 13<sup>th</sup> to 17<sup>th</sup> May 2015, I beg to lay.

Mr. Speaker pursuant to Standing Order 180(6) I beg to lay the following paper on the table of the Assembly today 9<sup>th</sup> August 2016, the Third report of the Liaison committee on the performance improvement plan for effective management of County Assembly committees held from 4<sup>th</sup> to 7<sup>th</sup> October 2015 at Sawela lodge, Naivasha. I beg to table.

Mr. Speaker once again pursuant to Standing Order 180(6) I beg to lay the following paper on the table of the Assembly today 9<sup>th</sup> August 2016, the Fourth report of the Liaison Committee on the

consideration of the annual progress reports of all committees held on 9<sup>th</sup> to 12<sup>th</sup> December 2015, I beg to lay.

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

## STATEMENTS

**Hon. Deputy Speaker:** Do you have Hon. Samuel Kagiri in the House? Is this report on Transport and Public Works regarding the contract on rehabilitation on Kinondo road in Pipeline ready? Unfortunately the Hon. Member is not in the House so we defer the item to the next meeting tomorrow and it should appear in the Order Paper. Statement requested by Hon. Zulfa Hakim from Chairperson on Sectoral Committee on Implementation regarding the implementation status of Motion passed by this Assembly urging the County Executive Committee Member for Education, Early Childhood, Gender and Culture Services and E-government. Is the report ready Hon. Majority Leader? Is the Hon. Zulfa in? Hon. Zulfa is not present in the House, is there any communication to any Member in regard to this statement of Hon. Zulfa? Statement requested by Hon. Samwel Nyangwara from the Chairperson of Sectoral Committee on Implementation regarding the implementation of resolution of Select Committee on Public Accounts report on the Auditor General reports of the audited finances of the County for financial year 2012/2013.

Hon. Nyangwara is not in the House; so I direct all these responses to be before the House tomorrow at 2.30 p.m. whether the Hon. Members will be present or not. Clerk kindly give a notification to the relevant members who did ask these questions. Under Order 7 the following requests for statements are due for response Tuesday 9<sup>th</sup> August 2016: statement requested by Hon. Alexander Mulatya from the Chairperson of Budget and Appropriation Committee regarding the assignment of County Executive Equity loan of Ksh. 5 billion or thereabout to Kenya Commercial Bank. Hon. Chairperson for Budget and Appropriation? What is the status of the response?

**Hon. Member for Embakasi Ward** (Mr. Michael Ogada): Thank you, Mr. Speaker. I am still waiting for response from the Executive. They have not responded to it.

**Hon. Deputy Speaker:** But Chairman, the response is due?

**Hon. Michael Ogada:** Mr. Speaker, I think you are aware as a Member, my hands are tied. I really don't know what to do because we are waiting for it, we have written a reminder to them and it seems they are not keen on giving us a response. So, maybe if you could give us a further direction on what to do.

**Hon. Deputy Speaker:** Further direction is that the report be before the Assembly next week.

**Hon. Michael Ogada:** In the event that they don't give me the report, what do I do?

**Hon. Deputy Speaker:** Then you report to the Assembly.

**Hon. Michael Ogada:** Thank you.

**Hon. Deputy Speaker:** Statement requested by Hon. Pius Mbono from the Chairperson of Sectoral Committee on Planning and Housing regarding the land occupation by the Kenya Power and Lighting Company at the Roysambu Sub-station. This response is now coming up for the second time. Is Hon. Pius Mbono in the House? Yes, you may proceed, Hon. Chairman.

**Hon. Member for Korogocho Ward (Mr. Maxwell Ochar):** Mr. Speaker, we will give all our responses on Thursday.

**Hon. Deputy Speaker:** So, Hon. Mbono, you should be in the House on Thursday. Statement requested by Hon. Samuel Nyang'wara from the Chairperson of Sectoral Committee on Trade, Tourism and Cooperatives regarding the United Nations Conference on Trade and Development (UNCTAD) meeting held at KICC. Hon. Nyang'wara is not in the House, the Statement to be read out tomorrow. Chairman, is this report ready? The Vice Chair? Both are not in the House. Any Member of this Committee who might be of any knowledge on this? What is the status of the report, Hon. Alex?

**Hon. Member for Mugumoini Ward (Mr. Alex Ouda):** Thank you, Mr. Speaker. The report is not yet ready, so if you could give us up to Tuesday, next week.

**Hon. Deputy Speaker:** Permission granted. Statement requested by Hon. Zulfa Hakim from the Chairperson of Select Committee on Implementation regarding the status of a Motion passed by this Assembly urging the County Executive Committee Member responsible for Education, Childhood, Youth Affairs, Gender Affairs, Culture and Social Services, ICT and e-Government, County Public Service Board to establish a full pledged Department of Children in the County. What is the status, Hon. Majority Leader?

*(Hon. Majority Leader spoke off record)*

**Hon. Deputy Speaker:** So, this is appearing twice? So this is a mix up from the Clerk. Statement requested by Hon. Samuel Nyang'wara from the Chairperson of Sectoral Committee on Labour and Social Welfare regarding the medical cover for the County Government staff. The Chairperson for Labour?

**Hon. Member for Utalii Ward (Mr. Wilson Ochola):** Thank you, Mr. Speaker sir. I would like to know whether the Member is in or not.

**Hon. Deputy Speaker:** We just want to know the status of the report. Is the report ready?

**Hon. Wilson Ochola:** It is, we will give the response maybe on Thursday.

**Hon. Deputy Speaker:** Can you give at least an accurate answer, Hon. Chairperson.

**Hon. Wilson Ochola:** Mr. Speaker sir, tomorrow I will give an accurate answer on the issue.

**Hon. Deputy Speaker:** Statement requested by Hon. Marion Githinji from the Chairperson of Sectoral Committee on Trade, Tourism and Cooperatives regarding the demolition of kiosks on Dennis Britt Road and Yaya bypass on Friday 29<sup>th</sup>.

**Hon. Jacqueline Nyang'ala** (Nominated Member): Thank you, Mr. Speaker. The report came back to us today. We are going to deliberate tomorrow and give you the response.

**Hon. Deputy Speaker:** Tomorrow?

**Hon. Jacqueline Nyang'ala:** Yes.

**Hon. Deputy Speaker:** Statement requested by Hon. Marion Githinji from the Chairperson of Sectoral Committee on Planning and Housing and Liaison Committee regarding the recent collapse of buildings and walls in the County. And Statement requested by Hon. Erastus Mburu from the Chairperson of Sectoral Committee on Justice and Legal Affairs regarding the impounding of motor bikes for Nairobi residents stored at the City Hall precincts. Justice and Legal Affairs? The Vice Chair? Any Member? Chairperson of Planning and Housing on this issue of collapse of buildings and walls.

**Hon. Maxwell Ochar:** Mr. Speaker, I think you were here and it is you who undertook the task that day. You are going round as the Chair yet you undertook to respond to the Statement.

**Hon. Deputy Speaker:** Can you leave this to the Vice Chairperson for Liaison Committee.

**Hon. Maxwell Ochar:** It is for the Liaison Committee.

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

**Hon. Boniface Kitavi:** Thank you very much Hon. Speaker. The Liaison Committee is working on that report and probably in the next two weeks we should be able to give a comprehensive report to this House.

**Hon. Deputy Speaker:** Thank you very much. Hon. Samuel Nyangwara is around. So, we will have to go back to section 2 (iii), statement requested by Hon. Nyangwara from the Chairperson of the select committee on Implementation regarding the implementation of the resolution of the Select Committee on Public Accounts report on the Auditor General's report of the audited financial statements of the County for the financial year 2012/2013. Hon. Majority Leader.

**Hon. Majority Leader:** Thank you Mr. Speaker. I think this one is already passed but I don't know why you bring it back again because Hon. Nyangwara was supposed to be in the House on time.

Hon. Speaker sir, On Wednesday 16<sup>th</sup> June, 2016, the Hon. Samuel Nyangwara, MCA rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson of the Committee on Implementation for a statement regarding the implementation of the Resolutions of the

Select Committee on Public Accounts' Report on the Auditor General's Report of the Audited Financial Statements of the County for the year FY 2012/2013.

The Chairperson was to inquire and report on:

- i) Status of implementation of the resolution of the Report of Public Accounts Committee as highlighted above;
- ii) Reasons why some of the officers adversely mentioned in the report continue to hold Public Office; and
- iii) Whether monies reported lost as per the audit Report that recommended their investigation and prosecution has been recovered and how much, and if not, reasons for the failure.

Mr. Speaker sir, the Committee issued a response on the above matter on 5<sup>th</sup> July, 2016 stating that the County Public Service Board was not privy to the said Report therefore they were not in a position to respond. The Assembly forwarded a copy of the report to the Board Secretary and requested for their urgent response.

The Committee received another response from the County Public Service Board which stated that the issue had been submitted to the Disciplinary and Ethics Committee to scrutinize it and report to the Board. However due to the ongoing interviews the Committee has not been able to meet. The Board therefore requests more time so that it can respond on or before 15<sup>th</sup> September, 2016.

Mr Speaker sir, I beg to lay this Response. And Mr. Speaker, as I lay the response, just remind Hon. Nyangwara to be in the House on time because all the time when he is sitting there, if somebody come late--- one time he sent me out because I came late. Today, he came late and he wants me to give response on his statement. So, Mr. Speaker, just also----

**Hon. Deputy Speaker:** Thank you Hon. Majority Leader. That is noted. Hon. Samuel Nyangwara, at least you have taken the message home. And you may respond to your request.

**Hon. Samuel Nyangwara:** Thank you Mr. Speaker. I don't want to go to much details. But Mr. Speaker, from the response he has given, first they said they are not aware of such kind of a report. That is from the County Assembly that there was a report from the Public Accounts Committee.

Secondly, it is like they have agreed that there is a report and they forwarded the same to the disciplinary committee. And it is like the disciplinary committee had made deliberations.

Third, it is that they have not found enough time to sit down as the Public Service Board to scrutinize the report from the disciplinary committee. Fourth, they are saying that they be given up to September so that they can sit down to deliberate on the report they got from the disciplinary committee.

I fail to understand as to why they want to buy time up to such a time it is too long. This is a Board that we gave power to do its mandate in this County and remember sometimes back there were even issues when Members were arguing whether they should be part time officers working in this County

Government. But Mr. Speaker, we considered this Assembly and we gave them full time to work in this County. I fail to understand why they are doing, they cannot sit on that report and deliberate on the same.

**Hon. Samuel Nyangwara:** Mr. Speaker, I came here prepared and I have information that this particular officer is buying time to be in office. It is high time Mr. Speaker you rule that this report comes to the floor of the House if the disciplinary committee met and deliberated on the same. There is nothing to scrutinize there. It is them to communicate to that particular officer as per the findings of the disciplinary committee.

Mr. Speaker, September is going to be a very busy month considering the merger that is looming and at the same time, we will be on recess. I therefore think that this is a well calculated move not to furnish the Assembly with the report. I kindly request that you compel the Board to sit down and bring the deliberations of the disciplinary committee on the floor of this House because they already have it. Why should they take three months to sit down and deliberate on the same? That is my humble request from your Chair.

**Hon. Deputy Speaker:** Thank you. Hon. Members, the Chair has noted with a lot of concern the issue as raised by the Hon. Member and I will take an undertaking to give directions tomorrow at 2:30 p.m. Thank you. Order Hon. Imwatak!

**Hon. Member for Makongeni Ward (Mr. Peter Imwatak):** Mr. Speaker as much as you have given a directive, I would wish to reinforce just as Hon. Nyangwara has said, that there is a problem in this County when it comes to staff which has to be taken seriously. This report must come to the Assembly as a matter of urgency so that we know how to go about it. On the same Mr. Speaker, the Majority Leader should be very serious when addressing such issues because they affect our children and their children's children. We want this issue to be discussed in a very sober manner, because I did not expect a response from the Majority Leader because I know that he is taking advantage of his position to speak as he wishes. Thank you Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Majority Leader

**Hon. Leader of Majority:** Where are you going?

**Hon. Deputy Speaker:** Order Hon. Imwatak! You have raised a concern and you must wait for the response.

**Hon. Leader of Majority:** Mr. Speaker I do not know how serious Hon. Imwatak wants me to be because I have just given a response which came from the County Public Service Board. It is contradicting as Hon. Nyangwara put it because at first they said that they were not privy to the information while at the same time saying that they gave it to the disciplinary committee. So as Hon. Imwatak said, we are going to be serious about this and write a strong letter to---

**Hon. Deputy Speaker:** Hon. Majority Leader the Chair has already made a ruling on this and we are going to call you and share the same.

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

**Hon. Deputy Speaker:** Clerk!

## MOTION

**Hon. Deputy Speaker:** The Chairperson for Early Childhood? Order Members! There is a lot of movement in the House

### THE REPORT OF THE SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING ON THE FACT FINDING AND INSPECTION OF THE PURCHASED EQUIPMENT FOR KIWANJA YOUTH POLYTECHNIC OF NAIROBI CITY COUNTY

**Hon. Member for Laini Saba Ward** (Mr. David Kitavi): Thank you Mr. Speaker. Our Motion states that this Assembly adopts the report of the Sectoral Committee on Children Early Childhood Education and Vocational Training on the fact finding and inspection of the purchased equipment for Kiwanja Youth Polytechnic of Nairobi City County laid on the table of the Assembly on Tuesday 5<sup>th</sup> July, 2016. I would like to call upon Hon. Ngaruiya to come and second.

**Hon. Member for Kahawa West Ward** (Mr. Patrick Ngaruiya): Thank you Mr. Speaker. I rise to second this very important Motion which covers an institution which according to the current Constitution lies with this County Government. I also have to say one or two because it is in order. This is one of the four County Polytechnics that we have and given the attention that is required, can offer alternatives especially to our youths. This an institution that was initiated in 2010 by the Ministry of Youth Affairs and after the enactment of the Constitution, it became the responsibility of the County Government to support where necessary in the improvement of infrastructure and also on manpower to ensure the smooth running of these institutions. It would be noble for this Assembly to support this Motion to ensure that such an institution is funded accordingly and within the law.

Mr. Speaker, just the other day and I sit in that particular Committee, there was an issue to do with funding of this institution and the County was trying to come up with an institution so that it can come up with a model polytechnic for this particular County and I had proposed this one. However, what went wrong is that we needed an institution that is central to this particular County and I would also beg that it be considered because it lacks several facilities that are required so that we can improve the skills of these young people. Thank you, Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Member. Hon. Members I now propose.

*(The Motion is proposed)*

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

**Hon. Member for Njiiru** (Ms. Karen Githaiga): Thank you, Mr. Speaker sir. I want to support this Motion. Indeed we visited *Kiwanja* and as you know that is one of our mandates, vocational training centers and we observed that there was no wall bordering the facility and hence making it insecure. Also, the school grounds were not leveled so they need to be leveled. Mr. Speaker, some of the recommendations we made is that we have to enhance the purchase of quality equipment and the users must be involved in the identification and specification of items to be purchased.

We had observed that the equipment that had been requested for the facility were not brought, they had brought different things. For example, they had asked for a drawing board and they brought blackboards. Mr. Speaker, can you imagine such a thing, what would a blackboard do? They wanted a drawing board for drawing. So, the Committee recommended that the things that are asked for should be given. Again, the County Executive should solve problems of water shortages, the supply of the piped water should be prioritized in all education facilities managed by the County. Also, the County Executive should pay the electricity bill to enable reconnection of the electricity and the school be leveled. Mr. Speaker sir, I beg to support.

**Hon. Deputy Speaker:** Thank you, Member. I call the Mover to reply.

**Hon. Member for Laini Saba Ward** (Mr. David Kitavi): Thank you very much, Hon. Speaker. I want to thank Hon. Karen for her contribution. As you may be aware, Mr. Speaker, polytechnics are the backbone of Kenya's economy in as far as skills are concerned. If polytechnics are not looked into carefully we might miss a very important cadre of technicians who are very useful in our County. Therefore, Mr. Speaker sir, it is my humble request through the Chair of Implementation that the report is implemented to the letter so that that particular institution can be able to churn out graduates who are well qualified and have the relevant equipment and are ready to address some of the issues as pertaining to technicians. Thank you, Mr. Speaker sir.

**Hon. Deputy Speaker:** Thank you. Hon. Members I now put the question.

*(The Motion is put and agreed to)*

## MOTION

**Hon. Member for Kayole South Ward** (Ms. Elizabeth Manyala): Thank Mr. Speaker, That, aware that the Article 43 (c) of the Constitution of Kenya, 2010 states that every person has the right to be free from hunger and have adequate food of an acceptable quality; further aware that effect of global warming (climate change) has been felt globally, leading to food shortage especially in Africa and Kenya in particular; concerned that early warning systems for humanitarian frameworks have largely focused on rural context, leaving urban areas vulnerable to food and nutrition uncertainty; acknowledging that early warning systems provide vital information for emergency preparedness and response as well as emergency mitigation and long-term development, this Assembly urges the County Executive to establish various early

warning and surveillance centers in the Wards to ensure broad implementation, coordination and monitoring mechanisms toward saving vulnerable urban population from food and nutrition uncertainty.

Mr. Speaker this Motion is quite handy aware that global warming has become a menace and even when looking at the weather right now, we are uncertain how the urban population will survive in terms of food security and especial in the informal settlement where some of us represent or reside in. Children as you are aware under the Children's Act or UNC at 1990 under the four pillars of survival. Malnutrition will actually crop in when there is no food or sufficient food when we have these natural calamities, especially in the urban centers.

Mr. Speaker, if the County establishes surveillance centers in every Ward, then it is easily said that this centers will work or act as one stop shop to get all the indicators of early warning signs so that when they see the drought is eminent or is coming then they are able to provide information to the County Government so that we can come with mitigation of how to step in and sort out the issue of security. Without much ado I want to call Hon. Karen Wanjiku to come and second the Motion. Thank you, Mr. Speaker.

**Hon. Karen Wanjiku** (Nominated Member): Mr. Speaker sir, I rise to second this noble Motion, indeed food insecurity has been a problem especially in Africa and most particularly in Kenya. We need to establish the surveillance centers in the Wards to ensure broad implementation, coordination and monitoring mechanisms.

When you look at nutrition Mr. Speaker sir, this is something that has been ignored and it is very important. The first hundred days of a child are very important and if they are not given good nutrition they get stunted and when they are stunted there is high probability that those children will give birth to stunted children and that generation will go on like that. You know stunted children are not very productive to the Nation. Mr. Speaker sir, I second, thank you.

*(Question proposed)*

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

**Hon. Zulfa Hakim** (Nominated Member): Thank you Mr. Speaker. I rise to support this Motion as it is very well in line with the human rights. I think the author of this Motion had a well-researched idea that I also concur with. I understand and appreciate that this might be a challenge to the County Executive but I would like to urge the Executive to go one step forward and try as much as they can to get this Motion implemented. Thank you Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, may the mover reply.

**Hon. Elizabeth Manyala:** Thank you Mr. Speaker. Looking at the mood of the House I don't want to take much time because even the Leader of Majority is in agreement that---

**Hon. Deputy Speaker:** Order Hon. Member! The Majority Leader has not contributed towards the Motion.

**Hon. Elizabeth Manyala:** Thank you Mr. Speaker. Having benchmarked in other Counties that have set up surveillance centers we've seen it work very well to mitigate and inform especially when a disaster is about to occur in terms of food security. It would only be prudent if Nairobi City County also replicates those good practices that are actually happening in other Counties so that we come up with a one stop shop whereby when we have calamities or a natural disaster then our children or people in the informal settlements can at least get quality food. Going by what happened some time back when we had a collapsed building in Huruma you could see how the families were affected. Those who were affected knew exactly what they went through in terms of such calamities. If we have those centers within our locality especially where we represent it would really inform in good time so that the County Government can come up with a natural disaster preparedness to curb this problem. Thank you Mr. Speaker.

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Hon. Members, there shall be a House Business Committee at the rise of the Assembly. The Assembly stands adjourned to 2:30 p.m. tomorrow. Thank you.

*(The House rose at 3:31 p.m.)*