



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Second Session

Thursday 12<sup>th</sup> April, 2018

The House met at 2.30 p.m.

*(Hon. Temporary Deputy Speaker (Mr. Evans Otiso) in the Chair)*

#### PRAYERS

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

#### STATEMENTS

Hon. Gari, you have a Statement?

**Hon. Maurice Gari:** Mr. Speaker, I have a statement to make but before I do that, I have noticed women have gone for caucus. We need to also organize for men caucus.

REQUEST FOR A STATEMENT ON ILLEGAL CONSTRUCTION OF PRIVATE PREMISES ON LAND LR NO.  
209/11654

Mr. Speaker, pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding illegal construction of private premises on land LR No. 209/11654.

Hon. Speaker, a private developer by the name Acorn Management Services is erecting offices on a sewer line on the said parcel of land. If not checked, the development risk destroying the major sewer line and rendering the general area around unsustainable for human habitation.

Hon. Speaker, in the statement, the Chairperson should inquire in to and report on:

- i. Who gave the approval of the said premises;
- ii. Whether the land in question can take the weight of the building considering architectural design of the building to be erected; and
- iii. Provide copies of approval for construction on the said land.

Thank you.

**Hon. Temporary Deputy Speaker:** Chairperson Planning and Housing.

**Hon. Anthony Karanja:** Thank you, Mr. Speaker. I request that we be given 14 days to respond to the statement.

**Hon. Temporary Deputy Speaker:** Hon. Gari, are you okay with that?

**Hon. Maurice Gari:** I am okay.

**Hon. Temporary Deputy Speaker:** Okay thanks. Chair of Planning and Housing, you have a response to make.

STATEMENT RESPONSE ON THE OWNERSHIP STATUS OF PLOTS  
LRNOS.6845/16/19,6845/16/20,6845/16/21 AND 6845/16/22

**Hon. Anthony Karanja:** Thank you, Mr. Speaker. I would like to table a response to a statement requested by Hon. Patrick Karani, MCA from the Chairperson Planning & Housing Committee regarding the ownership status of LRNOS.6845/16/19,6845/16/20,6845/16/21 and 6845/16/22 in Utawala Ward.

The response is as follows:

**1. The ownership of the four plots LRNOS.6845/16/19 to 6845/16/22 with supporting documents**

Ownership of the four plots LR Nos. 6845/16/19-22. The plots belong to Githunguri Njiru Farm of P.O. Box 42110 Nairobi according to County records. This has been confirmed by the memo from the Chief Valuer Ref: Val.833/1779/12/C/GKM/anm dated 4<sup>th</sup> December 2017 and rates demand notes which are in the name of Githunguri Njiru Farm.

The four plots are part of the public utility properties that were to be surrendered to Nairobi City County as per the approved sub division plan for Githunguri Njiru Farm approved on 23<sup>rd</sup> September 1983 by the Commissioner of Lands.LR Nos. 6845/16/19, 20 and 22 were to be surrendered to the Nairobi City County for Public Purpose Use, while LR No. 6845/16/21 was to be surrendered to the Nairobi City County for use as shops. Please note that the directors of Githunguri Njiru Farm have refused to surrender the Public Utility Properties (plots) on their farm to Nairobi City County and this has hindered the registration of the plots in the name of Nairobi City County. On 3<sup>rd</sup> November, 2014 the Nairobi City County Government vide letter Ref: SGD/IS/0014111/JMW advised the directors to surrender the public utility parcel, but the request was not honored.

Findings on the ground regarding the four plots:

LR NO 6845/16/19

- The plot is approximately 0.45 Ha

- There is a sign post for Utawala Police Post on site
- There are incomplete permanent buildings

LR NO. 6845/16/20

- The plot is approximately 0.45 ha
- The site is vacant

LR NO. 6845/16/21 & 22

- The two plots are neighbouring each other. The size of LR No. 6845/16/21 is approximately 0.49 Ha and LR No. 6845/16/22 is approximately 0.45 Ha.
- Part of LR No. 6845/16/21 has a water borehole which was dug by the National Government and a large water tank is built next to the borehole.
- Part of LR No. 6845/16/21 and the whole of LR No. 6845/16/22 have market buildings. The buildings are privately owned and are managed by a quarry surveyor by the name Mr. Kabogo. The Utawala Ward offices are housed in one of the market buildings, the space was given for the Ward office by Mr. Kabogo.

2. The actions the County Government is putting in place to ensure County owned lands are free from encroachment by private developers.

The County Executive Member for Lands, Urban Planning, Urban Renewal and Housing has prepared a memorandum for presentation to the County Cabinet for approval. The memorandum has proposed several measures (recommendations) aimed at securing the County Public land. Among the recommendations is that the Chief Officer Lands should survey/demarcate all the public utility land, acquire their title deeds and also all user sectors/departments should be required to avail funds for fencing of their respective lands.

**Hon. Speaker,** I beg to table this response.

**Hon. Temporary Deputy Speaker:** Hon. Karani, are you okay?

**Hon. Patrick Karani:** I am quite okay with the report but something is not clear and I would like the Chairman to highlight--- because this man called Kabogo has declared himself untouchable in Utawala---

**Hon. Temporary Deputy Speaker:** Hon. Member, are you satisfied or not?

**Hon. Patrick Karani:** Partially. There are grey areas which I want the Chairman to highlight---

**Hon. Temporary Deputy Speaker:** Order, Hon. Member! That is an irregularity. You are supposed to present your arguments at the Committee level. If you were not satisfied, you could have sought answers at the Committee level.

**Hon. Patrick Karani:** I did it but it is not coming forth, that is why I have said I am not satisfied. The said Kabogo is transacting business on a public land. What action is the County taking to repossess back the land?

**Hon. Temporary Deputy Speaker:** Hon. Member, I now give directions---

**Hon. Elias Okumu:** Point of Order. Mr. Speaker, if the Hon. Member was not satisfied with the report, he would not have allowed the Chairman to bring the report in the House. The story he is trying to give us here is none of our business. It is either you are satisfied or not, there is nothing like partially.

**Hon. Temporary Deputy Speaker:** Order, Hon. Karani! Chair of Planning go and sit with Hon. Karani at the Committee and sort those issues. This is not the time for arguments.

**Hon. Anthony Karanja:** Thank you, Mr. Speaker. I would beg Hon. Karani to elaborate further on the question and include the contact of the so called Kabogo so that we can report on next time.

**Hon. Temporary Deputy Speaker:** Hon. Member, we have finished that. Still on Chair Planning, you have a response which is due.

**Hon. Anthony Karanja:** Thank you, Mr. Speaker. I want to ask help from this House, those responses are not forthcoming. We have a very difficult time in this department. There was a change of guard in the offices. The office of Planning has been closed since the Chief Officer was interdicted and we hope that the new appointees will be able to move faster. I request that we be given another two weeks and we will be able to bring all the responses now that new CEC is in the department.

**Hon. Temporary Deputy Speaker:** Hon. Njihia.

**Hon. Abraham Njihia:** Hon. Speaker, the Chairman should tell us--- I requested for the statement 14<sup>th</sup> of February 2018 and it was due on 28 February. Also, I had another statement I requested in March, to date, the Chairman has not responded yet he was ordered by the Speaker that he should bring that statement by yesterday. The Chair should tell us if the CEC is responsible for answering those questions or the officers in that office. I think the Chair of Planning is lying to the House---

**Hon. Temporary Deputy Speaker:** Order!

**Hon. Peter Imwatok:** Point of Order, Mr. Speaker.

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

**Hon. Peter Imwatok:** This is a House of rules and procedures. The Chair of Planning has just given very important information that the sector had a change of guard. Therefore, Mr. Speaker, I request you to grant the Chair two weeks so that we don't waste a lot of time. Make a ruling so that all these things Hon. Njihia is saying can come after those two weeks.

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

**Hon. Abraham Njihia:** Hon. Speaker---

**Hon. Temporary Deputy Speaker:** I think you must be reasonable. You know there were changes that were made and the Chair has committed himself that in two weeks' time, you will get the response.

**Hon. Abraham Njihia:** Hon Speaker the changes were effected just recently but my statement was due in February 28<sup>th</sup> and on Tuesday

*(Point of Order)*

**Hon. Temporary Deputy Speaker:** Order Hon Member...

**Hon. Anthony Karanja:** Mr. Speaker I had indicated informally to my colleague that we forwarded this question to the minister on 20<sup>th</sup> February but we have not received response, and since the change of guard we have not been able to get the minister to sit with our Committee as he has been on induction. Since we are a House of rules and procedures we are only allowed to summon a CEC not the officers. We are only allowed to get a response from the CEC who brings the officers in tow. So I still request for two more weeks.

We have written another request for a report on those statements and we hope in two weeks we shall have put this thing to closure. I do not think the issue of ownership of that hall is an emergency. I believe it can wait and we have no intention not to answer this statement or any other statement that is raised by Members.

**Hon. Temporary Deputy Speaker:** OK two weeks you bring the response to the Assembly. Chair Transport and Public Works?

STATEMENT REGARDING STATUS OF STREET LIGHTING IN PUBLIC INSTITUTIONS IN WARDS

**Hon. Osman Adow:** Mr. Speaker thank you. The Chair has said he has gone for urgent meeting somewhere and has given me six statements to respond to. I will read them one by one. The first statement is response to statement requested by Hon. Jeremiah Themndu MCA requested from the Chairperson of Sectoral Committee on Transport and Public Works.

Mr. Speaker on 6<sup>th</sup> December 2017 Hon. Jeremiah Themndu rose on floor of Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of ...

**Hon. Temporary Deputy Speaker:** What is it Whip?

**Hon. Peter Imwatok:** Chair we must be sure the Member is there.

**Hon. Temporary Deputy Speaker:** Order, order we cannot be held by their absenteeism. Let the Member proceed. We cannot stop the business of the House because some people are absent.

*(Laughter)*

Hon. Osman Adow: Mr. Speaker on 6<sup>th</sup> December 2017 Hon. Jeremiah Themndu rose on floor of Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of Sectoral Committee on Transport and Public Works for a statement regarding the status of street ...

*(Point of Order)*

**Hon. Temporary Deputy Speaker:** Hon. Members order, order! This is a House of dignity. We have the mic for communication. You don't need to shout. Just press it and I will see the intervention. Proceed Hon. Member.

*(Point of Information)*

Hon. Member do you want to be informed? Do you agree to get information from him?

Hon. Osman Adow: ...In the statement the Member requested the Chairperson to inquire and report on:

1. Reasons why the County Executive has not been periodically maintaining street lights and lights in public institutions in the Wards

*(Point of Order)*

**Hon. Temporary Deputy Speaker:** What is it Hon. Ogeto?

**Hon. Moses Ogeto:** Mr. Speaker you said this House is of rules and procedure. There was a ruling which was made in this House and I don't know if you are going to overrule it. In your wisdom I am requesting...

**Hon. Temporary Deputy Speaker:** You are out of order Hon. Member. You cannot question the Chair.

*(Applause)*

Proceed Hon. Member.

**Hon. Osman Adow:** Hon. Themndu is there, Hon. Malde is there, I don't know what you're objecting to.

Mr. Speaker the Committee wrote to the County Executive Committee Member responsible for Public Works, Roads and Transport on 13<sup>th</sup> December 2017 inviting him to a meeting of the Committee that was held on 23<sup>rd</sup> January 2018 at the County Assembly pursuant to Standing Order 45 (2) (d).

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

**(a). Why there is no routine repair of streets and public lights**

Mr. Speaker the Committee was informed that the electrical section is mandated to install and maintain street and public lights in all the 85 Wards which constitutes the Nairobi City County. However the section was experiencing shortage in terms of human resource and equipment.

For instance in this section there is a technical staffing of 62 technicians. The section has been divided into six divisions, each having eight technicians. Each division covers three...

**Hon. Temporary Deputy Speaker:** What is it Hon. Member

**Hon. Peter Imwatok:** I need to confirm whether the person who asked the statements are satisfied. The Standing Order is very clear that if you're satisfied the Chair ought to table them only at committees. Unless in the six responses all those who asked were not satisfied, that is why it is subjected to debate by the Assembly. Kindly Chair I want directives if you can ask the Chair if all the Members who asked these questions were satisfied or not for us to avoid wasting time listening to all these theories.

**Hon. Osman Adow:** Hon Speaker the leadership of the House is always in hurry. They never sit in the House that is why they want to get rid of the Motion and get out and leave us here. That is why they are complaining.

*(Laughter)*

Let them wait and finish our business today, thank you.

The sector has recommended that the County employs additional 200 technicians so that it can have three technicians per Ward permanently allocated...

**Hon. Elias Otieno:** Mr. Speaker I think you are aware that this Motion 8 was supposed to be here last year November or December. You know because of what the Jubilee people are doing in this House today, they are bringing many statements to delay us not to pass this Motion because they want us to go out then they fail this Motion. Put Motion 8 first then the statements.

**Hon. Temporary Deputy Speaker:** Order, order! It is not a question of the party, Jubilee or Nasa. These are business procedures. *Mheshimiwa* you're out of order.

*(Laughter)*

We are following the procedures!

**Hon. Osman Adow:** Mr. Speaker I think by now I would have completed two statements...

**Hon. Temporary Deputy Speaker:** What is it *Mheshimiwa*?

**Hon. Charles Wakarindi:** Mr. Speaker I congratulate you the way you're running the business. It cannot go unnoticed and unpunished that a Member, a very senior one, can stand and cast aspersions on a whole membership of a party. It is wrong, it should go to record and I am waiting you to mete punishment on them. It is wrong, thank you.

**Hon. Temporary Deputy Speaker:** Order Hon. Member, Chairman you can proceed.

**Hon. Osman Adow:** Hon. Speaker in terms of equipment the sector operates fleet of nine pickups and five operational maintenance vehicles. This means if the five vehicles are to be distributed evenly each Ward will get only once in 17 days, that is three weeks. It is clear that these platforms are not enough to give effective service as is required. Similarly, the sector has recommended and requested additional 12 platform vehicles so that each Sub-County can have one platform. This can enable the Sub-Counties to access at least one platform once a week. In addition, the section has been experiencing shortage of repair materials and uncoordinated supply of the same over the years for effective repairs. All the required materials must be available at the same time as maybe required.

At one point one component may be available but others are not available thus incapacitating the sector's efforts. The components have also not been sufficient for thorough work. However Mr. Speaker, in subsequent meetings with the sector the sector has reported to the Committee that the said materials are being procured and maintenance works will resume in addition to the Kenya Power street lighting project that is ongoing across the Country.

Further, the sector vehicles have been grounded due to lack of fuel. Currently the vehicles depend on loans courtesy of Shell petrol stations. The sector has requested for additional fuel to enable officers to access these areas when and as required without waste of man hours.


#### **(b). Why there is no installation of new street lights and public lights**

Mr. Speaker the Committee was informed that money allocated through budget has been insufficient. For instance under capital budget every Ward is allocated Ksh. 2.4 million for new lighting which has been inadequate since it can only install seven lights. Further most Members of County Assembly have been prioritizing other projects at the expense of street lighting through the Ward Development Fund. The sector urges Members to put street lighting for consideration during the process of project prioritization.

#### **(c). The number of vehicles in street lighting maintenance**

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Four platforms for maintenance and one lorry that is operational which is far less than the minimum required.

**(d). Why there is no consistent supply of maintenance materials**

Mr. Speaker the Committee was informed that the annual budget of street and public lighting has been insufficient most times. In addition, uncoordinated supply and delay in payment of suppliers led to untimely supply of materials needed.

The Committee having noted the challenges faced by the sector recommends that the Finance, Budget and Appropriation Committee intervene to ensure the suppliers are paid on time and issues of procurement delays that have been reported in many sectors are addressed.

Mr. Speaker a copy of detailed response has been given to Hon. Jeremiah Themndu who requested for the statement and further a copy is hereby attached for this report. I beg to lay this statement, thank you.

**Hon. Temporary Deputy Speaker:** Proceed Hon Member, don't waste time! What is it Hon. Gari?

**Hon. Maurice Gari:** Mr. Speaker with due diligence, we have a crucial Motion before us and as my whip...

**Hon. Temporary Deputy Speaker:** Hon. Member we don't need repetitions all the time. Proceed Osman. Read all the statements and the Members will respond.

STATEMENT REGARDING POOR STATE OF ROADS IN PARKLANDS AND HIGHRIDGE WARD

**Hon. Osman Adow:** This is a request statement requested by Hon. Jayendra Malde, MCA to the Chairperson of Sectoral Committee on Transport and Public Works.

Hon. Speaker on 14<sup>th</sup> March 2018 Hon. Jayendra Malde rose on the floor of the House pursuant to Standing Order 45 (2)(c) and requested the Chairperson of Sectoral Committee on Transport and Public Works for a statement regarding poor state of roads in Parklands and Highridge Ward.

In the statement the Member requested the Chairperson to inquire into and report on:

1. Plans if any to have the roads repaired; and
2. What measures have been put in place to ensure proper signage is done on road to avert accidents

Hon. Speaker, the committee wrote to the Executive Committee Member responsible for Roads and Public Works on 22<sup>nd</sup> March 2018 inviting him to a meeting of the Committee on the 28<sup>th</sup> March 2018. The purpose of the meeting was to enable the CEC Member to furnish the Committee with the response of the statement requested by the Member.

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

**(1). Plans if any to have the roads repaired**

Mr. Speaker the Committee was informed that the sector acknowledges the poor state of the roads in the said Ward which is mainly be attributed to the heavy rains. However, the Nairobi City County Annual Roads Maintenance Works Plan for the year 2017-18, the table below shows the maintenance works to be carried out in the Ward. *(The table is provided which I will not read).*

The details on this table, Mr. Speaker the Committee was convinced that when the works are complete the residents in the said Ward will be able to experience improved state of roads.



**(2). What measures have been put in place to ensure proper signage is done on the road to avert accidents**

Mr. Speaker the sector approved the annual roads maintenance work plan intends to repair all the vandalized and missing road and traffic signs as outlined in the said plan. However, as a short term measure, the sector is mobilizing its team to carry out maintenance works of replacing the critical road and traffic signs in addition to the road bumps.

Mr. Speaker Hon. Jayendra Malde was satisfied with the response given by the CEC Member. The committee takes this chance to also assure the House that the maintenance and construction works will be evident in their Wards especially now that the Assembly gave the Executive authority to spend for the remainder of the financial year through the passage of the Supplementary Budget 2017-18 on 28<sup>th</sup> March 2018.

Hon. Speaker a copy to the detailed response has been given to Hon. Jayendra who requested for the statement and a further copy is hereby attached to this report. I beg to lay this statement. Thank you.

I have another response, Hon. Jayendra Malde MCA requested for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works. *Si unaona nasoma haraka sana*. I am reading very quickly.

*(Point of Order)*

**Hon. Temporary Deputy Speaker:** Yes Hon. Ogeto.

**Hon. Moses Ogeto:** Hon. Speaker, since I am on a Point of Order 41 (2) (c), it says; *“that the business shall be disposed in sequence in which it appears on the Order Paper or other sequence as the Speaker may direct for the convenience of the House”*.

Mr. Speaker, I am standing on this Point of Order because there is a very serious special Motion which should be tabled by the Leader of Majority who is the Chairperson---

**Hon. Temporary Deputy Speaker:** Order Hon. Ogeto! Everything here is special I think you are aware that everything that we are discussing here is very special. Members who requested these statements are concerned at their Ward level; there is nothing which is not special here.

**Hon. Temporary Deputy Speaker:** Order Hon. Ogeto!

*(Loud consultations)*

**Hon. Elias Otieno:** Mr. Speaker as far as I am concerned, or as far as I know, if there is any Motion which is supposed to be moved by the Leader of Majority, it supersedes all the Motions. So, there is no way you are going to take us round in circles here with the statement which is not important to this House.

**Hon. Temporary Deputy Speaker:** Hon. Member, I think you are not in order. We are on Order No. 7 and you want us to jump to Order No. 8. That is unprocedural.

**Hon. Moses Ogeto:** Mr. Speaker I want also to read on a Point of Order No.---

**Hon. Temporary Deputy Speaker:** I have not--- I think reading the mood of the House, *(laughs)* I direct that we move to Order No. 8 and then we will come back to Order No. 7.

## MOTION

### VETTING OF THE NOMINEE FOR THE POSITION OF COUNTY SECRETARY

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir, today I have seen an able leadership in you and I want to congratulate you on that. Mr. Speaker sir, I beg to move the following Motion; THAT, this Assembly adopts the report of the Select Committee on Appointments on the vetting of the nominee for the position of County Secretary, laid on the table of the Assembly on Wednesday, 11th April, 2018.

Mr. Speaker sir, this Assembly recalls that pursuant to the provisions of Section 44 (2) of the County Government Act 2012, H.E the Governor forwarded to the Speaker the name of Mr. Peter Kariuki for vetting by the Select Committee on Appointment and consideration for approval by the County Assembly, for the position for the County Secretary.

Mr. Speaker the nominee appeared before the Committee on Monday 27<sup>th</sup> November 2017 and was vetted in line with the underpinning legal requirements. In the vetting process the Committee was keen in determining the suitability of the nominee with regard to the following key parameters.

Academic qualifications, employment record, professional associations, potential conflict of interest, knowledge of relevant subjects and overall suitability for the position, Tax compliance and integrity, Mr. Speaker.

Mr. Speaker sir, having interrogated the submission of the nominee on suitability to hold the position of the County Secretary, the Committee observes as follows:

- He holds a Bachelor in Law Degree and a Diploma in Law from the Kenya School of Law;
- He is an advocate of the High Court of Kenya with an experience of human rights advocacy and public policy work;
- He is currently the Governance Advisor at the Office of the President;
- He has attended other professional courses at various institutions, seminars and workshops.

The professional courses include:

- Applied Budgeting from the Institute for Democracy from South Africa, International Legislative Drafting from Tulane University in New Orleans;
- He is a member of the Law Society of Kenya and also a member of International Commission of Jurists Kenya Chapter;
- He previously worked as an Executive Director Social Economic Rights Foundation between 2005-2012;
- Basic Rights Campaign National Coordinator from 2002-2005;
- Programme Assistant at the Public Law Institute between 1998-2001;
- A Litigating Counsel at Ombaka Associates from 1998-2001;
- He has worked as a professional consultant with various bodies and he has never been charged by a Court of Law;
- He has no potential conflict of interest and has fully complied with his tax obligation and other relevant clearance from state agencies that as required; and

- He has never been dismissed from office for contravention of provision of Article 75 of the Constitution which deals with the conduct of state officers that are adversely mentioned in any investigatory report of parliament or any Commission of Inquiry, Mr. Speaker sir.

It is worth noting that during the approval hearing, the nominee stated that some of the action he will prioritize which include;

Calculating a robust working relationship between the County Executive and the County Assembly since the two arms of the County government are complementary and as such he would practice an open door policy where Members can present their views, Mr. Speaker sir. He will establish a mechanism where a Member can deliberate on what the County Executive is doing and also allow them to present their issues and thus create a seamless relationship between the Executive and the Assembly.

He will prioritize coming up with innovative way to settle the County debts which are currently at approximately 60 billion, Mr. Speaker sir, settling the debt will free the County to embark on development projects. Mr. Speaker sir, he will facilitate conversation with micro and small enterprise authority and the informal traders to come up with solutions that will be acceptable to all the stakeholders and will prioritize putting in place mechanisms/facilities such as markets that will enable the hawkers carry out their trade smoothly without interfering with the environment and the livelihoods of other residents.

He will seek order within the County and ensure services are provided in an efficient and effective manner and the County identifies areas that affect *mwananchi* and address them conclusively.

Mr. Speaker sir, the Committee found that the nominee is suitable for appointment to the position of the County Secretary having met both the Constitution and statutory requirements as well as demonstrating to the Committee his interest and knowledge as the County Secretary. In conclusion and pursuant to the provision of Standing Order 40, Section 44 (b) of the County Government Act 2012, Section 9 of the Public Appointments, County Assembly Approval Act 2017, and the Committee recommends that this Assembly approves Mr. Peter Kariuki for appointment by H.E the Governor to the position of the County Secretary.

Mr. Speaker sir, I beg to move and request my counterpart Hon. Elias Otieno to second the Motion. Thank you, Mr. Speaker sir.

**Hon. Elias Otieno:** Thank you Mr. Speaker I rise to second the Motion. The reason being we want to do this thing before it gets late because it might be activated back because we don't trust these people. If you see their body language it is like they were whipped by someone. So Mr. speaker, I am calling upon all Members in this House to pass this name today because last year we asked for this name several times even in the House Business Committee and our counterparts refused to bring the name, they know the reason why. Even a senior Member like Hon. Kados was against the name and my friends here. That is the reason why you can see we managed today to bring people in this House so that we can pass this name even if somebody is going to recall the name back again. That will find when the name will have been passed in this Assembly.

I request Members to pass this name before 5.p.m. because I know it might find its way back again to the other side in the Uhuru Highway. Mr. Speaker sir, I can see the body language of Members and they are so tense, I don't know why. Let us be realistic and pass this name my dear friends and we move forward Nairobi County because the cartoon you people had put in that office to act will not take Nairobi anywhere. I

know the person who is acting as County Secretary will not move Nairobi anywhere. So let us give somebody who can perform. Thank you very much Mr. Speaker but I have not mentioned somebody's name, I have just said a cartoon, a cartoon can be anything. Thank you, Mr. Speaker.

*(Question is proposed)*

**Hon. Temporary Deputy Speaker:** Hon. Members.

**Hon. Peter Imwatok:** Bwana Spika niruhusu niongee kwa lugha ya Kiswahili kwa minajili ya wale ambao hawaelewi lugha hii kwa mtandao na kwingineko.

Bwana Spika, siku ya leo ni siku ya ajabu sana katika Kaunti ya Nairobi, haswa katika jumba letu hili la Assembly. Ningetaka kusema naunga mkono Mswada huu. Kwa Maana Mswada huu umekuwa kizungumkuti katika Kaunti hii ya Nairobi. Vile Kiongozi wa Wachache katika Bunge amezungumza, akisema ya kwamba kwa miezi zaidi ya saba tumekuwa na changamoto, Kaunti haisongi mbele kwa maaana yule aliyekaa katika hiyo ofisi, Bw. Spika bila kutaja jina inaashiria ya kwamba hajatekeleza kazi jinsi ipasavyo.

Kwa hivyo Bw. Spika, historia inaandikwa siku ya leo katika jumba hili kuhakikisha ya kwamba sisi kama Wajumbe wa Jiji la Nairobi tunaweza simama kidete chini ya uongozi wa Mheshimiwa Guyo na Kiongozi wa Wachache Mheshimiwa Elias Otieno pamoja na Spika na wewe uliye kwenye Kiti, kwamba tunaweza toa uamuzi kwa niaba ya watu milioni nne nukta tano.

Basi tunaashiria kwamba Gavana wa Jiji hili anaweza kuharakisha ili tuweze kuweka mwanaume huyu kwenye kiti hiki akiwa wakili. Nilikuwa mmoja wa wale waliokuwa wanapitia katika madaftari yake. Tukazungumza naye katika *Appointment Committee*. Tukapata kweli kijana ni mdogo kwa mwili lakini akili ipo. Basi napea heko pia kwa anayekuja kama Katibu Mkuu wa Kaunti hii, Bw. Kariuki. Jinsi kutakavyofanya hapa, *in the same spirit we approved you Mr. Kariuki today---*

*(Hon. Members stood on a Point of Order)*

Najua *point of order* imetokezea wapi. Nashukuru nikisema kwamba siku ya leo ni siku ya furaha na bila kupoteza wakati, ningependa Mkuu wa Bunge hii, Bw. Guyo, angeweza tu kusimama ili uweke swali, tusonge mbele katika ratiba iliyosalia. Ahsante Bw. Spika.

**Hon. Deputy Speaker:** Hon. Jared Akama.

**Hon. Jared Akama:** Thank you Mr. Speaker. I appreciate that you have recognized me because I don't think I had requested for the mic. But having said that, I equally want to join with the rest who are in support of the passing of Peter Kariuki as the County Secretary of this great City of Nairobi.

As a person, I have had the privilege of working with Peter Kariuki in the civil society and I want to assure this House that if Kariuki lived during the time of the great Prime Minister of Canada, the 14 Prime Minister, John Turner, he would have referred him to be a good scout. He is a good scout because he is informed, he is a person with credentials, a person who can help move this County to the next level. And therefore, with those few remarks, I want to support. Thank you.

**Hon. Deputy Speaker:** Mover.

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. Before I thank the Members for their support, I want to remind my good friend here, and my counterpart, that the appointing authority according to Section 44 (2) of the County Government Act remains the Governor. The work of this Assembly is just to vet and not to appoint anybody. We are not appointing anybody. We are just vetting the suitability of one Peter Kariuki and we have found that Mr. Peter Kariuki is suitable, qualified and able to undertake his mandate as per his nomination by the Governor of this City.

Mr. Speaker sir, I also want to remind my good friend, Otieno that this baby we are carrying is Jubilee's baby and he cannot turn around here to try to--- I know he won't have to answer me. We have given him time to contribute. It is now my time to reply, that is what I am doing. I am just doing the right of reply. Mr. Speaker sir, this baby known as Peter Kaiuki belongs to this side. My good friend cannot purport to carry our baby. He cannot be a father to a baby that he has not sired.

*(Laughter)*

Mr. Speaker sir, he cannot give this baby a fatherly figure which is caring, warmth. Peter Kaiuki needs that warmth, and fatherly figure from this side of the government. The reason why this thing took long--- three weeks ago, there was a vicious fight in Senate between the coalition of NASA. They have not resolved it up to now. This side should be congratulated because we have solved our issues. Now we have brought back Mr. Kariuki---

*(Hon. Ndonji stands on a Point of Order)*

**Hon. Deputy Speaker:** What is it Hon. Ndonji?

**Hon. Joseph Ndonji:** Mr. Speaker sir, the vetting process does not know party lines. We are looking at Kariuki as a competent person, not in terms of party lines. So, tell us how competent he is, not as ODM or a Jubilee candidate. We are looking at him as a competent person. Thank you.

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir, I beg to reply.

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Order Hon. Members! Next order. Hon. Members, minimize your movement. Serjeant-at-Arm, take control. I now defer all statements to next week, Tuesday, so as to continue with the Motion. Next order.

## MOTION

REPORT OF THE SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING ON SITE INSPECTION VISIT TO THE FIVE ECEDs IN NAIROBI COUNTY ON FRIDAY, 2ND MARCH 2018

**Hon. Deputy Speaker:** Mover.

**Hon. Samuel Mwangi:** Thank you Mr. Speaker. I beg to move the Motion that the Assembly adopts---

**Hon. Deputy Speaker:** Hon. Members! Serjeant-at-Arm, movements should be minimized. No moving out. Proceed.

**Hon. Samuel Mwangi:** Thank you Mr. Speaker. I beg to move that the Assembly adopts the report of the Sectoral Committee on Children, Early Childhood Education and Vocational Training on the site inspection visit to the five (5) ECEDCs whose construction had begun in the financial year 2016/17 but stalled due to non-payment of the Contractor by the County Government, laid on the Table of the Assembly on Wednesday 28<sup>th</sup> March, 2018.

**Hon. Deputy Speaker:** Order! Hon. Ronaldo, Majority Whip, you should set a good example to the House. Proceed Hon. Member.

**Hon. Samuel Mwangi:** Mr. Speaker, on 2<sup>nd</sup> March, 2018, the Committee on Children, Early Childhood Education and Vocational Training conducted a site inspection visit to the five Early Childhood Education Development Centers ECEDCs namely Ayany Primary School, Kawangware Primary School, Tana Day Nursery Starehe Day Nursery school and Ziwani Day Nursery in order to inspect the status of the said ECDEs whose construction had begun in the financial year 2016/17 but stalled due to non-payment of the Contractor by the County Government.

Mr. Speaker sir, the visit to the five ECEDCs was in response to a concern by the Committee regarding the tender awarded to a contractor in the financial year 2016/17 for construction of seventeen 17 ECEDCs within the County. The Contract amounted to Ksh 12 million per ECDC School. The Contractor was to construct three classrooms, one kitchen, one store, and one ablution block in each ECED Centre.

The Committee made the following observations:

- i) That the tender for the Construction of 17 No. of ECEDCs was awarded to one Contractor in the Financial Year 2016/17 to construct 17 new ECEDCs;
- ii) That so far the contractor had started and abandoned projects in four schools namely Starehe Day Nursery, Tana Day nursery, Kawangware Primary and Ayany Primary due to non-payment by the County Government. Only building foundations had been done in the four schools since 2016;
- iii) Whereas Ziwani Day Nursery school had been listed among the 17 No. of ECEDC to be constructed, the school had an existing ECEDC that was in a good condition hence no need for re-construction; the contractor had not begun any work at the said premises; and
- iv) That Starehe Day Nursery School was in a dilapidated state hence need for rehabilitation with immediate effect.

The Committee identified and resolved to meet the CEC for Education, Children, Youth Affairs, Gender Affairs, Culture, & Social Services before making appropriate recommendations as follows:

1. That the County Department on Education, Children, Youth Affairs, Gender Affairs, Culture, and Social Services should expedite payments to the said contractor only for the work done. i.e for the construction of foundations at Tana Day Nursery, Kawangware Primary school, Starehe Day Nursery and Ayany Primary school;



2. That the County Government should cancel the tender awarded to the said contractor and re advertise the same tender which should be in consideration of persons with disabilities, youth and women;
3. That the tender for construction of 17 No. of ECEDCs should be awarded to several (17) contractors as opposed to one contractor constructing all of the 17 ECEDCs;
4. That the County Department on Planning, lands and Housing to move with speed to recover and secure the piece of land owned by Starehe Day Nursery school from the alleged land grabbers whose ownership belongs to the County Government and a title deed awarded to the school;
5. That the County Department on Security, Compliance and Disaster Management to enforce vacation of illegal traders within the premises of Starehe Day Nursery and stop illegal parking along the said school;
6. That Starehe Day Nursery school is in a dilapidated state hence the County Government should move with speed to rehabilitate the said school;
7. The County Executive Department of Public Works, Roads and Transport to establish County Quality of Work guidelines that will ensure that contractors to execute County projects of high quality standards. Specifically, the Sector should ensure that the contractors execute quality work on the seventeen (17) ECEDCs; and
8. The project that was meant for the construction of Ziwani Day Nursery be transferred to Highrise Ward in order to construct an ECEDC at Joash Olum Public Primary School. Ziwani Day Nursery School was allocated Ksh. 12 million for construction of a new ECEDC. Yet the school has an existing ECEDC that is in good condition; hence no needs for re-construction of the ECEDC but renovate it.

Mr. Speaker sir, I beg to move and call upon Hon. David Mbithi to second. Thank you.

**Hon. David Mbithi:** Mr. Speaker, I rise to support the Motion. With this opportunity, I congratulate my able Chair---

**Hon. Deputy Speaker:** Order Hon. Member, are you supporting or seconding? You are supposed to second.

**Hon. David Mbithi:** Mr. Speaker, I rise to second.

*(Question proposed)*

**Hon. Deputy Speaker:** Kennedy Oyugi.

**Hon. Kennedy Oyugi:** Thank you Mr. Speaker. I rise to support the Motion. One of the key areas why I am supporting this recommendation by the Education Committee is that if you keenly listen to the report, you realize that a constructor was awarded 17 contracts.

It is now one year now and to my surprise the said contractor has only gone to four sites which are still at the ground level. So, what am saying is that next time the Executive should not give many contracts to one contractor. For example, giving 17 contracts to one contractor they have completely failed to construct the 17 ECEDCs yet the services are needed in various Wards.

Therefore, for those reasons I want to urge the House to support and adopt this report plus the recommendation. It is not fair even if it is a matter of empowerment, you cannot empower one person at the expense of 17 people. Thank you.

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



**Hon. Silas Ongwae:** Thank you Hon. Speaker, mine is to say that I support because by the end of the day it seems the contract was vendor driven, people had vested interest in the same so I beg to support. Mr. Speaker that tender be cancelled and be re-advertised so that to other companies can have an opportunity to undertake the contract in the respective constituencies. Thank you.

**Temporary Deputy Speaker:** Hon. Kimemia!

**Hon. Antony Kimemia:** Thank you very much Mr. Speaker and I would like first to congratulate you for having sat there and doing a good job, you have made us proud as you are in the Speaker's panel. I have an interest in this Motion because Tana Day Nursery is in my Ward and it is true it has stalled. I would like to advice the Committee that maybe next time when they are visiting this areas they should involve the area MCA, so that we can handle the matter together. I therefore stand to support the Motion thank you.

**Temporary Deputy Speaker:** Hon. Karani!

**Hon. Jeremiah Themendu:** Thank you Mr. Speaker, for giving me this opportunity to support the report. I think the report is most important in this House because Early Childhood or ECEDCs are the most important assets in our community. It would be looked in a manner that is acceptable to all of us. When I look at it concerning those tenders and whatever is written here in the Order Paper I conclude we had an able Committee in that side of Educational Sector and what they had proposed should be supported by everybody in this House. I beg to support.

**Temporary Deputy Speaker:** Hon. Pius!

**Hon. Pius Mbono:** Thank you Mr. Speaker, I rise to support the Motion but as we have done Motion No.8 I would urge the Member to pass this Motion because to me it is simple and the content of this report is very clear and very simple. What the report is saying is that 80% of the schools are very deplorable and the state is quite wanting.

Hon. Speaker, if you can visit some of these schools and then when asked to differentiate between the status of the schools and that of upcountry schools you will not be able to differentiate between the urban schools and the rural ones.

The status is very bad that the walls are leaking and the roofs are almost falling down. The structures were left undone, we said that the money was committed to the sector and we wonder why the sector could not even try to rehabilitate 30% of those schools. We also wonder why one person can be awarded tender to construct 17 centers in the County when we have other contractors who are willing to take up the job and do as per the BQ.

We also argued why one contractor can take up that one job and do only the foundation for only three Centers. The Contractor went ahead and said that if the County does not pay her what she had done she will not be ready to continue. The lady is holding the County at ransom so I support the Motion and report. I would urge the Members that we just support it because we have to fix the situation of these schools. I beg to support. Thank you.

**Temporary Deputy Speaker:** Hon. Jared Akama!

**Hon. Jared Akama:** Thank you Mr. Speaker, I equally rise to support this Motion and I realize the importance of Early Child Education and more so to our children. But of interest Mr. Speaker, this House must note that a recommendation should be given so that we get to understand how it came to pass that

one Company was awarded tender to construct 17 ECDs, I think that is something we need to question and this House must actually demand for a report, because I am seeing a case by the time the construction of these ECDs come to pass it will be like next five years. It is denying our children their basic right to education and this House cannot sit and watch this thing happening. We should ensure that our children get the basic education which is very important for their future lives.

I also want to support because looking at this report I have noted something of interest especially when you talk of transferring Ziwani Day Nursery ECD to Joash Olum Primary School. This is something which excites me because *Mheshimiwa* Oyugi can understand where we have come from with this school. As a point of information this House, Highrise Ward and I believe that Hon. Oyugi has not appointed me to be his spokesman for Highrise. I am emphasizing that as a good neighbour in this House, Highrise has had no Public School until we initiated one and this one was just transferred. That is to say that the entire Ward as no ECEDC and that is something which we must consider, and put some emphasizes in terms of ensuring that this particular ECDC is transferred to that Ward.

Mr. Speaker I want to support the Motion. But before I do that I want to concur with Hon. Kimemia that you have led the House like the son of the soil, with firmness and focus and I want you to continue that way thank you Mr. Speaker. For the interest of time, the body language of the House is that we are in agreement with this Motion and for the sake of time you can call the mover, so that this Motion passes very fast. Thank you.

**Temporary Deputy Speaker:** Hon. Kabiro!

**Hon. Mbugua Kabiro:** Thank you very much Mr. Speaker sir.....

**Temporary Deputy Speaker:** Hon. Jared I think it is not me to call the mover, it is the Member. You are not in order to tell me because you are supposed to call the mover..... but sit down let Hon. Kabiro continue.

**Hon. Mbugua Kabiro:** Thank you very much Mr. Speaker, for guiding the Hon. Member he should get an induction on the Standing Orders I would like to also support this Motion for the very reason that ECEDCs facilities are the first interaction our children get in the education sector. Mr. Speaker, the first interaction or impression has long lasting effect. I would like to say that we do not want our children to have an interaction that would make them detest the education system now that even we have changed the curriculum. We would not want them to have a negative impact from the word go when they interact with education.

I have looked at the report and the pictures in there are not so good and would like to just ask the recommendation of the Committee to be implemented and be followed up for a quick implementation. This will enable us to curb a situation where tenders are awarded again to unscrupulous contractors who do not meet our expectations. Therefore Mr. Speaker, I support and I call the mover....

**Temporary Deputy Speaker:** Hon. Mbithi

**Hon. David Mbithi:** Mr. Speaker, I don't know why you cut me short and I was trying to pass...

**Temporary Deputy Speaker:** Hon Member when you are standing to second you don't say you are supporting, it is in order when you second you say I stand up to second.

**Hon. David Mbithi:** As much as I support the...

**Temporary Deputy Speaker:** What is it Hon. Obuya.

**Hon. Kennedy Obuya:** Mr. Speaker with your wisdom is it in order, for the Member for Viwandani as a seconder to again arise kindly give guidance.

**Temporary Deputy Speaker:** (*Laughing*) Hon. Viwandani I think you are out of order!

**Hon. David Mbithi:** Am very much in order, My Speaker!

**Temporary Deputy Speaker:** Order Hon. Member! You are out of order I have not given you the mic. Hon. Mbithi!

**Hon. Kennedy Obuya:** Thank you Mr. Speaker for the opportunity. Education is very key, in any Committee a society that does not consider education as a priority is doomed. Without taking much time Hon. Speaker I rise to support the Motion and I request with your wisdom you call the mover to reply.

**Temporary Deputy Speaker:** The Mover!

**Hon. David Mbithi:** Thank you Mr. Speaker,....

**Temporary Deputy Speaker:** Hon. Member I think I have given you your chance, the mover proceed.

**Hon. David Mbithi:** Thank you Mr. Speaker sir, I would want to say as one of our recommendation that all the 17 contracts when cancelled, the same should be given to different contractors so that we put up ECDs very fast. As the committee, we want to make sure that within the next five years we are able to construct an ECEDC in every Ward. Therefore I would like to thank all those Members, who have supported the Motion and we also believe that the Executive will move with speed to facilitate the recommendation of this Assembly. I believe the Committee on implementation will take this matter and move with speed thank you Mr. Speaker.

*(Question put and agreed to)*

**Temporary Deputy Speaker:** There being no any other business, the House stands adjourned until 17<sup>th</sup> Tuesday, 2018 at 2.30 p.m.

***(The House Adjourned at 4.15 p.m.)***

