



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

### Second County Assembly – Second Session

Tuesday 27<sup>th</sup> February, 2018

The House met at 2.30 p.m.

*(Hon. Speaker (Ms. Beatrice Elachi) in the Chair)*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### REFERRAL OF POSITION OF THE COUNTY SECRETARY BACK TO THE APPOINTING AUTHORITY

**Hon. Speaker:** Hon. Members, I have a Communication to make, you will recall that on Wednesday, 14<sup>th</sup> February 2018, Hon. Peter Imwatok, Member for Makongeni Ward rose on a Point of Order seeking direction from the Chair on the vetting and subsequent approval of Mr. Peter Kariuki as the nominee for the position of the County Secretary of Nairobi City County.

Hon. Members, You will also recall that the Chair undertook to give direction on the matter before the House in two weeks' time. You may also recall that on Thursday, 9<sup>th</sup> November 2017, I gave a direction on the matter that the Select Committee on Appointment takes up the vetting of the nominee of the County Secretary and report back to the Assembly in line with the Public Appointments (County Assembly Approval) Act, 2017.

Accordingly, Hon. Members, I am in receipt of a communication from His Excellency the Governor vide a letter Ref: PSM/CCO/LOM/54/2018 dated 26<sup>th</sup> February 2018 regarding the vetting and approval of the County Secretary, Mr. Peter Kariuki.

Hon. Members, in his letter, the Governor advised as the appointing authority, to recall the aforementioned officer for further consultation before undertaking the appointment of the same.

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Hon. Members, I therefore wish to direct as follows: That pursuant to provisions of Standing Order No. 1, I direct that the nominee for the position of the County Secretary be referred back to the appointing authority for further consultation. Thank you.

## STATEMENTS

### REQUEST TO A STATEMENT ON THE REHABILITATION OF GITHURAI PLAYING GROUNDS

**Hon. Speaker:** Hon. Naftaly Mathenge!

**Hon. Naftaly Mathenge:** Madam Speaker, pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of Sectoral Committee on Culture and Community Services regarding the rehabilitation of Githurai playing grounds.

Hon. Speaker, most playing grounds in the County are in a pathetic state due to lack of constant maintenance and rehabilitation, especially the Githurai Playing Ground is currently in the run-down state as it has not been managed properly. For instance, during the rainy seasons, it gets very muddy and therefore unfit for use.

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

- 1) Whether the County Government has any plans to rehabilitate the above stated grounds and
- 2) If any, when is upgrading scheduled to start

**Hon. Speaker:** A Member of Transport Committee? We don't have Members here. The Chair Budget, take that question.

**Hon. Robert Mbatia:** Madam Speaker, on behalf of the Chair Social Services, I would like to commit that they will respond in the next two weeks. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Mathenge, I know I will give you time but you will indulge with us that we don't have any of the Members of the Committee, but it is okay. Proceed.

**Hon. Naftaly Mathenge:** It is okay, Madam Speaker.

### REQUEST TO A STATEMENT ON PATHETIC STATUS OF JOHN OSOGO ROAD

**Hon. Speaker:** Thank you, Hon. Francis Otieno!

**Hon. Francis Ngesa:** Thank you very much, Madam Speaker, Pursuant to Standing Order No. 45(2) (c), I wish to request for a statement from the Chairperson of Sectoral Committee on Transport and Public Works, regarding pathetic status of John Osogo Road in Dandora Area (IV) Ward.

Madam Speaker, Dandora Area (IV) Ward roads are in deplorable state and the users are increasingly and finding it difficult undertaking business in the area. The above stated road leads to a

dumpsite and due to its bad state, garbage trucks are unable to dump garbage at the designated areas hence depositing wastes by the roadside. The situation worsens during the rainy season when the road becomes completely impassible to both human and motorized traffic resulting in huge losses to traders and wasted man hours.

Madam Speaker, in the statement the Chairperson should inquire into and report on, if there are any plans to have the roads repaired and by when. Thank you, Madam Speaker.

**Hon. Speaker:** Member of Transport Committee.

**Hon. Robert Mbatia:** Thank you, Madam Speaker, on their behalf, we commit to give a response in two weeks' time. Thank you.

**Hon. Speaker:** Thank you.

### MOTION

#### PRINCIPLES OF PLANNING AND DEVELOPMENT FACILITATION IN A COUNTY

*(Resumption of Debate interrupted on Thursday, 22nd February, 2018 at 2.30pm)*

**Hon. Speaker:** Hon. Maurice Gari!

**Hon. Maurice Gari:** Thank you, Madam Speaker. This Motion was already in the House for debate but we lacked quorum. I hope you can give guidance on it, thank you.

**Hon. Speaker:** Yes. Hon Majiwa, do you want to contribute on this?

**Hon. Geophrey Majiwa:** Thank you, Madam Speaker, actually I am the one who seconded the Motion and I don't think it would be proper for me to contribute, I only had an issue that having seconded the Motion, I want to seek for your permission because this is one of the very important Motions that we have had in this County. It will be exercise in futility if we are doing all this but it goes to gather dust there in Chambers. It is important for you to take it upon yourself to make sure the Implementation Committee carries their duties as it is required by the law.

**Hon. Speaker:** Okay, Hon. Majiwa, thanks and I hope that is just informing and not a contribution because you contributed.

Hon. Members were you satisfied with what Hon. Maurice said so that I can call him to reply? Hon. Maurice, you can reply.

**Hon. Maurice Gari:** Thank you, Madam Speaker. I want to thank all the Members who have faith in this Motion. This is a Motion that is well implemented and it will help Members in their various Wards to come and develop. I don't want to say much and I want to reply. Thank you.

(Question put and agreed to)

**Hon. Speaker:** Hon. Kimemia.

**Hon. Antony Gathumbi:** Thank you, Madam Speaker for giving me this opportunity to discuss a matter that affects the House and the greater County of Nairobi.

**Hon. Speaker:** Hon. Kimemia, you must read your Motion.

### MOTION

#### ESTABLISHMENT OF CENTERS FOR VOCATIONAL EDUCATION FOR PERSONS WITH DISABILITIES

**Hon. Antony Gathumbi:** Thank you, Madam Speaker. THAT aware, that the Nairobi City County Persons with Disabilities Act, 2015 (Act No. 9 of 2015) was passed by Nairobi City County Assembly on 2<sup>nd</sup> December 2015 and subsequently published on 15th January 2016; further aware that Section 8 (1), sub-Section (b) (vii) of the Act provides for the functions of the Board (Nairobi County Board for Persons with Disabilities) which is amongst others, to, “*encourage and secure the establishment of vocational rehabilitation center and other institutions and other services for the welfare, rehabilitation and employment of Persons with Disabilities*”; noting that Section 13(c) of the Act also provides that, “*the relevant County Executive Committee Member shall establish institutions to cater for the visually impaired, physically challenged persons, hearing and mentally challenged persons to cater for vocational education, skill development and self-reliance*,” further noting that a number of public primary schools in Nairobi County operate special unit classes without a clear progression plan: concerned that there are limited village polytechnics and home craft centres established by the County Government of Nairobi City for persons with disabilities as mandated by the Constitution of Kenya, 2010 under paragraph no. 9 of Part 2 of the Fourth Schedule; this Assembly urges the County Executive to move with speed to establish centers for vocational education, skills development and self-reliance for persons with disabilities in Nairobi City County and ensure inclusive education within the existing pre-primary and childcare facilities.

Madam Speaker, we all realize that among the Governor’s seven point agenda for Nairobi is empowering of youth, women, and people living with disabilities. Disability is not inability. I want to bring to the attention of this House that 10% of the population in Kenya is disabled people; that is over 4 million Kenyans according to a recent study. Almost 1.4 million people who live with disability are unemployed.

Hon. Speaker, the Motion that I have brought before this House is about education. I want to say to the Members here that education is a right of every child and that it is a basic right. Education provides opportunities and creates independence and removes dependency on the part of the parents.

Madam Speaker, as I was going round doing my campaigns, I met people from all walks of life; the young, the old and all the genders, occupation and race. But the people that moved me with compassion were people living with disabilities.

You are aware that people with disabilities are special kind of people because despite their deficiencies, the Braille

The mover of the Motion is very clear that he wants more action especially on vocational centers and pre-primary schools which is under our mandate. I am of the opinion that God in His wisdom, if he denies a child ability like hearing, he imparts a certain different ability that should be tapped in these vocational centers. That is why it is important to develop trainings and talent hubs so that they can be able to be self-sufficient. If we ignore this population of the people, we are propagating poverty and underdevelopment.

So, I support this Motion, it is a very important. All of us should be aware that we can give birth to children with disabilities. It is our duty to make sure that these people created in God's image, are able to achieve their dreams in so much the same way as we do. Thank you.

**Hon Speaker:** Hon. Wanjiru Mbote.

**Hon. Margaret Mbote:** Madam Speaker, thank you very much for this chance. I rise to support the Motion. Being in the same sector with the children with disabilities, I run a children's home. I have disabled children, some of them you cannot even tell whether they are disabled because they speak well, talk well and go to school. With the slow learners, it is very challenging to the parents because that child can repeat classes many times. They have a disability that is not noticeable, but when we have such schools and institutions in the County, those children will benefit from them. I believe that if we pass this Motion, we will help many parents.

Many parents hide their disabled children in their houses. Some of them tie the disabled children in the house when they go to work, they fear neighbours might mistreat the children. Tying them is very dangerous. We should sensitize these parents so that they will feel free to come out and talk about this because they have fear and stigma. They don't want to be known that they have such children. When they see leaders talk about it, they will be happy and open to tell us about their children.

The other day we visited Nile Road Special School in Jogoo Road. The school is overpopulated and learning is a problem. They need an extra school to accommodate them well. I believe if they are encouraged, they will really do well. Thank you very much, I support.

**Hon Speaker:** Thank you. Hon. Anyango Jagero.

**Hon. Millicent Jagero:** Thank you, Madam Speaker. I stand to support the Motion. In the seven pillars of our Governor, the 7<sup>th</sup> pillar talks about the youth, women and persons with disabilities. He integrated it into CIDP and I find that currently, we have six special units and forty integrated centers with a total population of 2, 249 children with disability. It is a very small number if you compare with the total number of persons living with disability that we have in this Country. Just as the way my colleagues have said, most parents hide these kids in their houses, some tie them with ropes so that they cannot be seen. It is not a good thing as because they are denying those children their rights to education and other social things.

If the Motion will be passed, you will find that most parents will come out. Sensitization will be needed so that they can be aware of what is going on. If more schools can be built in the County, it will accommodate many children. Apparently, the stated schools and integrated centers have specified the types of disabilities that each institution admits and accommodates. So, if we can all go through the CIDP and get to know more which has been written there, then we can be able to pass it. I support the Motion.

**Hon Speaker:** Hon. Maurice, are you on a Point of Order or you want to contribute?

**Hon. Maurice Gari:** I want to support the Motion, it is very good. On a lighter note, the House is almost empty. I have realized it has become rampant nowadays and I don't know why. You should introduce something like the best MCAs, man and woman, to be rewarded so that it will encourage Members to come to the Assembly.

Madam Speaker, I would wish to bring to your attention that this Motion is very important. When Nairobi City County Assembly Service Board was employing people, they didn't even consider one disabled person. I hope if this Motion passes today, as the Chair of the Service Board, Madam Speaker, you must introduce that Clause in the employment section of the Service Board. We don't have any person with disability in the Assembly, it is very bad. We cannot encourage people with disability by not employment one of them. Even in this House, I have not seen any person with disability. I don't know how parties nominated people without persons with disability. It is very unfortunate. It is going on record in our *Hansard*.

Madam Speaker, disabled children are being misused in this City while we are watching. A three year old on a wheelchair is being dropped in the morning in the City to beg for money.

#### **TAKE 4 Elizabeth**

It is very unfortunate and painful. Yesterday, I saw a boy around Tratoria. He cannot even walk and yet he is begging for money while crawling on his stomach. The County has resources and we can curb this. We should not allow this to happen in Nairobi City County. I am still giving birth and I do not know if tomorrow it might fall on me or any other Member here. Some of us are lucky to have people who can take care of them but what about that person who does not have money to take care of a child. People nowadays rent a child so that they can get something to eat. This has to stop and the City Inspectorate should enforce this law and remove these people from the streets.

I have heard my colleague say that the Governor has centers which can relocate the disabled. Disability is not inability. Someone can be disabled in the leg but their hands and brains are functioning. They can do artwork, go to school and also become lecturers. I therefore support but on a lighter note, you must employ a disabled person in this County Assembly to encourage those people who are misusing the disabled. Thank you. I beg to support.

**Hon. Speaker:** Thank you. Hon. June Ndegwa

**Hon. Juliet Ndegwa:** Thank you Madam Speaker. I stand to support this Motion as well. I agree with my colleagues who have said that disability is not inability. I will try to bring to your attention a guy by the name Nick James from Australia who has no arms and legs but has gone ahead and gotten a bachelor's degree in Finance and Accounting. He is also one of the top swimmers in the disability section which means that this can be done. It is not something strange that is only happening in Nairobi. We are not unique that we have disabled people in the County. It is happening everywhere and unfortunately just as Hon. Sylvia said, when God does not give you something then he gives you something else. I think that we as a County should discuss on what steps to take because this is something that should be declared a national disaster.

I am also cognizant of the fact that we do not have an adequate database to show exactly how many disabled people and children we have in this County. We need to get a database to know where they are located, what their disability are whether they blind, physically disabled or mentally disabled so that even as we do our budget, we know what money to place where and what to give priority to first.

Madam Speaker, I also read a tweet this morning by Hon. Amina Mohammed who was chairing the Commonwealth Education Ministers and I realized that the CCM conference will be held in Nairobi on the 21<sup>st</sup>. It is important for the Committee on Education in this County Assembly and Executive to attend this meeting so that they can be able to explain and give challenges to the CCM for us to get to be included in the education system and that particular education system that is for the disabled people will be included. This should not only be done for primary and secondary but start from the ECD centers. This is because once you start training these children knowing what their disabilities are at an early age, helps to get away with the stigma. We also need a lot of civic education to the parents and society so that we do not take the disabled children and adults as people who did not get love from God and encourage them to know that they are part of a society that cares for them. I support Madam Speaker.

**Hon. Speaker:** Thank you. Hon. Muchene.

**Hon. Samuel Kabiru:** Madam Speaker, I stand to support this Motion as an old student of a special school. I have interacted with the kids for the few years I was in that school and I know the kind of life they go through. Without repetition, it saddens to hear that disabled children might be taken to Njiru. This is a way of segregating these kids. I know getting a disabled child is not one's choice and I think that our laws have a way of punishing these kids. For you to educate a disabled child, you spend a lot of money. I used to get fees for these kids through bursaries and I could see the large sums. It is wrong to punish parents who are taking care of these kids. It would be my prayer that these kids get free education. It is not their choice to be born disabled. I stand to support the Motion.

**Hon. Speaker:** Thank you very much Mover? Hon. Kimemia reply.

**Hon. Antony Gathumbi:** Thank you very much, Madam Speaker. I want to say that on behalf of the PWD's, I thank all the Members who have contributed and supported this Motion and those who have given us quorum. As I thank you, I want to remind Members that it is in law that 5% of everything that we give to

the society should go to the disabled. I want to remind Members that even bursaries apply. Hon. Muchene has advised us well that these children should at least have free education.

Therefore, I thank everybody who has contributed and to ask you, Madam Speaker to come out and support us as we move to the Executive so that they move with speed and assist this sector. Thank you very much. I beg to reply

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

*(Question put and agreed to)*

### ADJOURNMENT

**Hon. Speaker:** Hon. Members, we may rise. There being no other business, the House adjourns to tomorrow the 28<sup>th</sup> February at 2:30p.m.

*(The House rose at 4:19 p.m.)*