



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Second Session

Wednesday 8<sup>th</sup> August, 2018

The House met at 2.30 p.m.

*[Hon. Temporary Deputy Speaker (Mr. Silas Matara) in the Chair]*

#### PRAYERS

#### QUORUM

**Hon. Temporary Deputy Speaker:** Serjeant-at-Arms, ring the bell for ten minutes.

*(Quorum bell was rang)*

No member is allowed to leave the Chamber, please.

#### STATEMENTS

**Hon. Temporary Deputy Speaker:** Response to a statement by the Chairperson Sectoral Committee on Justice and Legal Affairs requested by Hon. Benson Mwangi regarding the legal fee charged by external advocates during the ongoing County filing exercise. Is Hon. Benson in the House?

Response to a statement by the Chairperson Sectoral Committee on Children, Early Childhood, Education and Vocational Training--- Kindly make a request, Hon. Member.

**Hon. Milicent Mugadi:** Thank you, Mr. Speaker. I beg to move that the Assembly adopts the report of the Sectoral Committee on Children, Early Childhood and Education---

**Hon. Temporary Deputy Speaker:** Order! We are not there yet.

**Hon. Milicent Mugadi:** Okay, thank you.

**Hon. Temporary Deputy Speaker:** Response to a statement by the Chairperson Sectoral Committee on Environment and Natural Resources requested by Hon. Samora Mwaura regarding the dumping of raw human waste in residential area in Njiru Ward. Chair?

**Hon. John Muthiga:** Give me five minutes.

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

**Hon. Juliet Ndegwa:** Mr. Speaker, I am wondering whether the Chair of Environment has his statement or is he waiting for it? Why does he need five minutes to reorganize himself? Thank you.

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

STATEMENT ON DUMPING OF RAW HUMAN WASTE IN A RESIDENTIAL AREA IN NJIRU WARD

**Hon. John Muthiga:** Mr. Speaker, I have Samora's statement.

**Hon. Temporary Deputy Speaker:** You are ready?

**Hon. John Muthiga:** Yes.

**Hon. Temporary Deputy Speaker:** Proceed.

**Hon. John Muthiga:** Mr. Speaker, on 27<sup>th</sup> February, 2018, Hon. Mwaura Samora, MCA rose on the floor of Assembly pursuant to Standing Order 45(2) (c) and requested for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the dumping of raw human waste in a residential area in Njiru Ward. In the statement the Member requested that the Chairpersons should inquire into and report on:

- i. Why the raw human waste was dumped at the said place and not taken to Ruai sewer treatment plant;
- ii. What deterrent action has been taken against the people engaged in the uncivilized trade of dumping waste in this particular hole in the said Ward; and
- iii. Measures put in place by the relevant department to address the said hazardous health situation faced by the students and residents.

Mr. Speaker, the Committee wrote to the County Executive Committee Member responsible for Environment, Water, Energy and Natural Resources on 5<sup>th</sup> March 2018 inviting him to a meeting of the Committee---

*(Several members walked out of the Assembly)*

**Hon. Temporary Deputy Speaker:** Serjeant-at-Arms, don't allow any Member to leave the House. Hon. Members, kindly resume your seats. Chair, proceed.

**Hon. John Muthiga:** ---that was held on 28<sup>th</sup> March, 2018 pursuant to Standing Orders 45 (2) (d) to deliberate on the statement. Hon. Mwaura Samora, MCA was also invited to the said meeting pursuant to Standing Orders 45 (2) (e). The Member was not satisfied and the matter was deferred to water sub sector to give detailed report. On 24<sup>th</sup> July, 2018, the Committee deliberated on the matter

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

- i. Why the raw human waste was dumped at the said place and not taken to Ruai sewer treatment plant;

Mr. Speaker, there is only one designated discharge point on the Njiru – Mwiki Road that serves all the exhausters that are licensed to operate and which do so in accordance with the conditions of the license. The designated discharge point in use was chosen for its ease of access, being on a high capacity high flow trunk sewer and for not being in a residential area. High capacity high flow sewer is required for disposal of exhauster ferried sludge because it is able to carry the sludge without clogging.

The discharge point was not chosen to be right at the treatment plant because at the time of choice, it was considered to be too far away and Ruai Residents raised a lot of complaints. Its effect on the treatment plant had not been understood. The County through Nairobi City Water And Sewerage Company is in the process of moving out of the current place.

- ii. What deterrent action has been taken against the people engaged in the uncivilized trade of dumping waste in this particular hole in the said Ward;

Mr. Speaker, the meeting was informed that the Ward Administrator has been requested to coordinate the arrest of any exhauster discharging at any other place apart from the designated discharge point. The Committee was further informed that Nairobi City Water and Sewerage Company is in the process of relocating this particular point to another place so as not to inconvenience the coming up school when it starts running.

- iii. Measures put in place by the relevant department to address the said hazardous health situation faced by the students and residents.

Mr. Speaker, the meeting was informed that the County through the Nairobi City Water and Sewerage Company has vainly been trying to acquire land to place more discharge points. The Committee was further informed that exhauster permits and licensing introduced in the current finance Bill will deter such incidences as well as continuous surveillance and enforcement of environment statutes.

Mr. Speaker, a copy of the detailed response has been given to Hon. Mwaura Samora, MCA and a further copy is hereby attached to this report.

Mr. Speaker, I beg to lay this response. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Member, are you satisfied?

**Hon. Samora Mwaura:** Mr. Speaker sir, I am satisfied and I have the copy of the statement.

#### STATEMENT ON ILLEGAL EXCAVATION AND DUMPING DONE AT UTAWALA

**Hon. Temporary Deputy Speaker:** Okay. Response to a statement by the Chairperson Sectoral Committee on Environment and Natural Resources requested by Hon. Patrick Karani regarding the illegal excavation and dumping done at Utawala Ward. Chair?

**Hon. John Muthiga:** Thank you, again, Mr. Speaker. On 12<sup>th</sup> July 2018, Hon. Patrick Karani, MCA rose on the floor of Assembly pursuant to Standing Order 45(2) (c) and requested for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the illegal excavation and dumping done at Utawala.

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

- i. Who licensed the excavation and dumping of soil at the quarry;
- ii. Who owns the quarrying facility;
- iii. What arrangements are their between the owner(s) of the facility and the County Government in terms of resource sharing; and
- iv. Measures put in place to reclaim the excavated land.

Mr. Speaker, pursuant to Standing Orders 45 (2) (d) the Committee wrote to the County Executive Committee Member---

*(Point of Order)*

**Hon. Osman Adow:** Mr. Speaker, the owner of the statement just walked out, I don't know why we are reading.

**Hon. Temporary Deputy Speaker:** Are you referring to Hon. Patrick Karani?

**Hon. Osman Adow:** Yes.

**Hon. Temporary Deputy Speaker:** You are out of order, the Member is right behind you.

*(Laughter)*

**Hon. Osman Adow:** My apologies, I thought I saw him walk out.

**Hon. Temporary Deputy Speaker:** Okay. Proceed Chair.

**Hon. James Mwangi:** These are what we call busy bodies in the House. Let me continue.

The Committee wrote to the County Executive Committee Member responsible for Environment, Water, Energy and Natural Resources on 13<sup>th</sup> July, 2018 inviting him to a meeting of the Committee that was held on 24<sup>th</sup> July, 2018 to deliberate on the statements. Hon. Patrick Karani, MCA was also invited to the meeting pursuant to Standing Orders 45 (2) (e).

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

- i. Who licensed the excavation and dumping of soil at the quarry;

Mr. Speaker, the quarry is a borrow pit by Kenya Urban Roads Authority used for major ongoing construction projects in Embakasi and its environs. Currently a youth group by the name Ruai Bypass Company Limited is on the mentioned site carrying out excavation activities. Authority to collect quarry chips from the bypass quarry has been granted by the Kenya Urban Roads Authority (KURA) whilst the County Government has granted authority to Ruai Bypass Company Ltd to excavate quarry chips from the quarry and Backfill the quarry.

The Committee further observed that the current area MCA is the patron of the youth group license to carry out excavation at the quarry and that further he is aware that the Authority from the County Government that only soil could be used to backfill the quarry.

- ii. Who owns the quarrying facility;

Mr. Speaker, the land in question is owned by Kenya Urban Roads Authority (KURA). Previously owned by Embakasi Ranching Company Ltd. (see copy of gazette notice attached). The CEC has attached a copy of gazette notice No 2411 of 28<sup>th</sup> March 2008 and, a letter from KURA Communicating acquisition of the land by the Kenya Government.

- iii. What arrangements are there between the owner(s) of the facility and the County Government in terms of resource sharing;

Mr. Speaker, the piece of land is of economic value to the City as it provides construction material for roads. Furthermore a cess fee is charged for every lorry load that leaves the quarry. (Attached copy of transportation permit invoice and receipt)

- iv. Measures put in place to reclaim the excavated land;

Mr. Speaker, the excavated land is a borrow pit which has been subjected to an Environmental Impact Assessment (EIA) process that provides a rehabilitation plan for the land once its use is exhausted. Backfilling of the land with black cotton soil had begun but was halted due to rise of a few challenges from the neighborhood citing fears of garbage dumping. (Attached images showing parts of backfilled parcels of land)

Additional attachments include copies of:-

- i. Company's Request letter
- ii. Recommendation from Member of County Assembly Utawala Ward
- iii. Recommendation from Senior Chief Ruai Sub Location
- iv. Authority Letters from the County government
- v. Authority Letter from Kenya Urban Roads Authority (KURA)
- vi. The Kenya Gazette
- vii. Certificate of Registration of Self Help Group
- viii. Certificate of Incorporation

Mr. Speaker, a copy of the detailed response has been given to Hon. Patrick Karani, MCA. I beg to lay this response. Thank you.

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

**Hon. Patrick Karani:** Thank you, Hon Speaker, I am satisfied 100%.

**Hon. Temporary Deputy Speaker:** Response to a statement by Chairperson Sectoral Committee on Environment and Natural Resources requested by Hon. Kennedy Oyugi regarding the status of discharge of industrial affluent in the County. Chair?

**Hon. John Muthiga:** Mr. Speaker on 10<sup>th</sup> July 2018 Hon. Kennedy Oyugi---

**Hon. Temporary Deputy Speaker:** Is Hon. Oyugi in the House? We are going to defer that response. Let's move to the next statement? Clerk?

## MOTION

### ADOPTION OF THE REPORT ON THE SITE INSPECTION VISIT TO SCHOOLS IN PANGANI WARD AND VIWANDANI WARD

**Hon. Temporary Deputy Speaker:** Chairperson Sectoral Committee on Children, Early Childhood Education and Vocational Training?

**Hon. Millicent Mugandi:** I beg to move my Motion while seated due to huge blessings from the Lord, thank you.

Hon. Speaker, I beg to move that the Assembly adopts the report of the Sectoral Committee on Children, Early Childhood Education and Vocational Training regarding the site inspection visit to Juja Road Primary School, Dr. Aggrey Primary School, Muslim Primary School and Cerebral Palsy Unit & Pangani Primary School in Pangani Ward and St Elizabeth Primary School & Star of Hope Primary School in Viwandani Ward.

On 20<sup>th</sup> February, 2018, the Committee conducted a site inspection visit to Pangani Ward and Viwandani Ward in the said schools due to concern by the Committee regarding lack of compliance with County Government Education requirements on advertisements on the perimeter walls of the said school facilities and subletting of school playgrounds to private stakeholders for construction of private sports grounds.

The Committee observed that the perimeter walls of the school facilities in Pangani Ward carried advertisements and that the said schools had sublet school playgrounds to private stakeholders for construction of private sports grounds.

The Committee was accompanied by the Senior Education Officer, County Department of Children, Early Childhood Education and Vocational Training.

Hon. Speaker

The Committee met the CEC and Chief Officer for Education, the County Director, Department on Outdoor, advertising, signage control and regulation together with the Head teachers of the said schools in order to:

- a) Inquire whether there is a Public Private Partnership (PPP) Agreement in regard to the said advertisements on the perimeter walls of the said school facilities by Safaricom Limited and if so, furnish the Committee with the same;
- b) Inquire on the subletting of the said schools' playgrounds to alleged private stakeholders for construction of private sports grounds; and
- c) Measures the County Government has put in place to address compliance with Education requirements on the said issues.

The , Head of Corporal Responsibility, Safaricom Foundation failed to appear before the Committee and also failed to communicate on the compliance with County Government Education requirements on advertisements on the perimeter walls of the said school facilities.

Hon. Speaker, the Committee noted that the Department on Lands, Planning and Housing gives authority for companies to advertise on Public Premises. He also stated that the procedure for advertisement in the County was as follows:

- i. The respective company identifies sites they are to claim for branding through the County Chief Valuer;
- ii. The County Chief Valuer seeks approval from the relevant Sector regarding the intended branding i.e. In this case the Department on Education, Youth Affairs, Sports, Culture, Children and Social Services;

- iii. The respective Company makes payments to the relevant Department with a list of all the details of sites they are to brand with regard to the rates in the Finance Act, 2017. That Safaricom Foundation made their payments to the said Department.

In this regard, all the payments made by the respective company were received by the Department on Outdoor, advertising, Signage Control & Regulation without sharing with the recipient of the premises to be branded.

The Chief Officer for Education stated that the Department on Education, Youth Affairs, Sports, Culture, Children and Social Services were not informed of the branding of the perimeter walls of the said school facilities by Safaricom Foundation.

That going forward, the Department on Education, Youth Affairs, Sports, Culture, Children and Social Services should be informed of any advertisements on all school walls or anywhere within the proximity of schools as this will assist in vetting purposes of protecting the young minds.

Hon. Speaker, In view of the findings, the Committee recommends that this Assembly adopts this report with the following recommendations:-

- i) The County Attorney to establish regulations on Public Private Partnership (PPP) Agreements to guide all sectors in the County. For instance policy structure on how advertisements are to be regulated in school's facilities hence Safaricom Foundation sought approval from the County Department on Outdoor, advertising, signage control and regulation who failed to consult and be approved by the Department on Education, Youth Affairs, Sports, Culture, Children and Social Services.
- ii) There is need for regularization on the formula of benefit sharing between schools with the respective Sector in the County. For instance when payments are made to the respective County Department by a respective Company regarding branding on school facilities, there should be a policy put in place to guide on distribution of the revenue to benefit both the school and the County Executive;
- iii) That the Department on Education, Youth Affairs, Sports, Culture, Children and Social Services should be informed of any advertisements on all school walls or anywhere within the proximity of schools as this will assist in vetting purposes of protecting the young minds;
- iv) The County Department of Planning and Housing should give a seven(7) day notice to the respective private stakeholders to remove the said private sports grounds at Pumwani and Dr. Aggrey Primary Schools failure to which the said Department should move with speed to remove the private sports grounds sublet to private stakeholders as the pupils of both schools were not benefitting from the said facilities;
- v) The County Department on Outdoor, advertising, signage control and regulation to give a seven(7) day notice to Safaricom Foundation to remove their advertisements made on the perimeter walls of the said school facilities by painting the walls in monochrome paint, failure to which the said Department should move with speed to remove the said advertisements as Safaricom Foundation did not seek approval from the Department on Education, Youth Affairs, Sports, Culture, Children and Social Services before advertising on the perimeter walls of the said school facilities as required;

- vi) The school Early Childhood Education Development Centers (ECDCs) at Muslim Primary School and Cerebral Palsy Unit should be included in the county schools feeding programme;
- vii) That the Early Childhood Education Development Centers (ECDEs) at Juja Road Primary school and Star of Hope Primary School are in a dilapidated state hence the County Government should move with speed to rehabilitate the said ECDEs;
- viii) The County Government should ensure that all school duty houses meant for teachers are occupied by teachers and not private residents. The duty house at Juja Road Primary School meant for the school's head teacher should be occupied by the head teacher and the County Department of Education, Youth Affairs, Sports, Culture, Children and Social Services to table all schools that have staff quarters before the Committee, list of occupants together with their designations and place of work;
- ix) That the County Department on Security, Compliance and Disaster Management to demolish all inappropriate billboards encroaching on road reserves and within the proximity of all school compounds in the County;
- x) The County Department on Security, Compliance and Disaster Management to demolish all illegal structures constructed within the proximity of all County schools including the church constructed at Star of Hope Primary School as the church owners did not seek approval from the County Government to construct their premises at the said school;
- xi) The County Department on Water and Sanitation to construct proper sewerage system and sufficient toilets at St. Elizabeth Primary School in order to improve the sewerage system at the school premises; and
- xii) The County Department on Planning and Housing to move with speed to complete the perimeter wall at St. Elizabeth Primary School as lack of fence was posing a security risk to both the Pupils at the said School's ECDE Center and the Primary school.

I beg to move and call upon Hon. Emily to second. Thank you.

**Hon. Emily Ominde:** Thank you Mr. Speaker I stand here to second the Motion. First and foremost Hon. Members you all need to go and visit some of these institutions that have been mentioned here. But I will start with the most important thing that we noticed and something that probably most of you had noticed.

You realized that most of our schools have turned into either Safaricom or Airtel. We can't differentiate whether it is a kiosk for Airtel or Safaricom. If you pass there it is all green or all red. It is a move that needs to be done very fast so that even if the institutions have to advertise they have to do it within a reasonable way that the school can also retain its colours because all of you know each school has its own colours.

But right now we can't identify and if this trend goes on even the uniforms are going to be turned to green or red. That is one of the reason why I support this Motion. Secondly when we visited the Juja road primary school and all of us as parents and as leaders we know the most important thing is to take care of our children security. In this institution it is so shocking that the head teachers house has been let out to a stranger and if you see the proximity of the ECDE to the let out house it is scary because we do not know



who is the occupant of that house and we do not know what damage he could have either kidnapping or molesting children. I support this Motion and I believe action will be taken.

Thirdly it is security of our children. At St. Elizabeth- Hon. Members where we live most of us have security beefed up through perimeter wall, barbed wire, electric fence but in this particular school there is no fence. I appeal to Members to support this Motion so that we can give security to our children.

There is no point giving them security at home yet where they spend almost ten hours a day do not have any security. My last point is on sewer system. All of you know this is a very big City, actually the biggest City not only in Kenya but east and central Africa. It is really terrible to walk into school and see very poor sewage system in a City like this in this day and age.

I appeal to Members to support this Motion so that all this changes can take place. With that I support the Motion. Thank you.

*(Question proposed)*

**Hon. Deputy Temporary Speaker:** Hon. Imwatak.

**Hon. Peter Imwatak:** Hon. Speaker, thank you. That is why I respect people who went to class and one of them that I respect is you. Thank you also my Deputy Majority Chief Whip for respecting seniority by virtue of me being older than you. I also thank the Hon. Members for being present in this House. Today I decided to address this House on the side of the minorities and not from my seat of power because we are discussing a very pertinent issue of children and in particular, I would like to congratulate the Chairperson and her Committee for Education.

As you can see, the Chairperson of Education has the love for education like every mother in the society and she is working very hard to make sure there is service delivery. You can clap for her it is allowed and her smile is so radiant. *(Applause)(Laughter)*. Thank you, Hon. Members. I think in the last Assembly we faced the same challenge and I am happy that the Chairperson has a historical memory because we all said before this House that 'our *children our future*'. That is why everything we do, say, how we act, how we behave and how we cultivate their attitude matters a lot from a school level where our children spend almost five days a week and up to 8 to 9 hours daily. For us who are working, the middle class society, we go home around 6 p.m. and with these jams in Nairobi we arrive at about 7 p.m. so we spend only approximately one hour with our children.

We have said here that it is a must for this County to have decent schooling facilities for our kids in all schools and not only the school that has been mentioned in this report. I am privileged to come from Makadara where one of the schools that has been mentioned is situated, in Viwandani. Honestly, there are some schools you cannot imagine are from the capital city. To this County Government in particular with the help of the Committee we say please do something. If this Assembly requires us to bring a substantive Motion to give power to the Committee and in particular where devolved units are involved. If you read the Devolved Act, primary schools are not devolved functions. In the last Assembly we brought before this House a Motion requesting the National Government cede some rights to the County Government for all our primary schools and also our ECD's however, the then PS was so reluctant.

I believe with the same urgency and in the same spirit that the Education Committee needs to move with speed and ask for a meeting with the PS of Education because all the primary schools in the Capital City of Nairobi and all the infrastructure was built by the then City Council and then transferred into a City County, However, after devolution came in they really went under in terms of development. Number one, almost 60% of all our primary schools in Nairobi have no perimeter walls which is the most essential and basic of security measures in every institution. Let me give you an example, Chairlady.

In Makongeni we raised a request about a perimeter fence that was being put up at Mbotela Day Nursery. Madam Chairperson, it is now 4 years down the line and the perimeter wall is still being put up, it has never been completed. At the same ECD we have lost more than 3 children knocked down by motorcycles. This requires urgent measures and by so saying, Madam Chair, I was trying to put to you what we have done on those selected Wards and Sub-Counties. Look at Makongeni Kaloleni, it is in shambles. There is a toilet running outside an ECD and remember that when kids eat mangos and it falls down the child will not think about that toilet outside, they think only about how fast they can pick up that mango and continue eating it.

That is why you see that all our schools and at the end of the day even in our own health centers diarrhoea is the major disease in our health centers and this is mostly in our primary schools and our ECD's. Therefore Chair, I want to urge this Committee that if it is possible to open a bigger scope to list all our ECD's. Do we have the example of a good modern ECD in our society? Do we have a perimeter wall in that ECD? Do we have a playing ground in that ECD? Do we have good books and good teachers, do we have all the facilities required so that we do not implement development selectively so that my Ward will go up beyond Pangani or my Ward will go up beyond Ngara? We need to have a universal approach in everything we do in terms of education and universal healthcare in our society.

Lastly, Chair, we should be careful to make sure that our children have the best. The most important thing in every society is morals. I believe as Hon. Members we should be careful how we express ourselves. I remember there was a politician who went to a prize giving day and the best he could do is to flash 100 thousand, and he asked the children, I have come today and today is the day you will eat meat. How many say that I am a good leader? That is not what we want our children to know. Also I say to the Education Committee, look and ask teachers who invite politicians to prize giving days to be able to eschew the morals and ideals they talk about before these kids because children do not expect you to call anyone *shenzi*, *mama yako* and *sijui* what. They do not expect that, they will grow up saying *shenzi* because a leader said it. Chair, honestly speaking, the Committee of Education must take charge and advise all the teachers, the ECD teachers that morals must begin from the ECD going up. I beg to support the report, thank you.

**Hon. Deputy Temporary Speaker:** Hon. Waitera Chege.

**Hon. Waitera Chege:** Thank you, Mr. Speaker sir. May I start by thanking the Chair and the Committee members in the Education Committee? You realize that I did not put my signature in the report, however I wish to support this report but with amendments. I am happy that the Chair has been able to put in some two more statements before the report because when you go through this report some of the most eloquent and most popular statements are on advertising and signage. However, we have---

*(Point of Order)*

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

**Hon. Moses Ogeto:** Thank you, Speaker. I am saying that Hon. Waithera saying that she is supporting with amendments and the same should have been tabled before you. She either supports this or she opposes it because there must be written submissions on amendments on the Motion. So, I am requesting the Speaker to guide us on whether the same can be supported by at least a written submission.

**Hon. Deputy Temporary Speaker:** Hon. Member, it is mandatory that you have to table any amendments before the House. So you either support or oppose the Motion but you cannot introduce amendments at this juncture, you have to table them.

**Hon. Waithera Chege:** Mr. Speaker, I think you may have missed what was read by the Chair in the beginning of the recommendations where--- Let me wait for the Clerk to guide you.

**Hon. Deputy Temporary Speaker:** Proceed Hon. Member, nothing is stopping you from proceeding.

**Hon. Waithera Chege:** Thank you. As I was saying, when you look at this report the word advertising and signage appears more than 9 times. In the last one week this Assembly passed a Bill on outdoor advertising and signage and although the Bill has not yet been signed into law by His Excellency the Governor you realize that most of the things that this report is asking for are contained in that Bill. However, that does not stop the Committee from proceedings but if you look at some of the recommendations, one of the recommendations...

**Hon. Deputy Temporary Speaker:** Excuse me, Hon. Member. Under the practices of the House you can only move amendments after introducing them to the Table. So kindly, if you wish to proceed with the same approach the Table for drafting then we can proceed with that. Thank you.

**Hon. Waithera Chege:** Hon. Speaker, I want to seek your guidance. I think the Chair was very clear, she is actually the one who moved that amendment in her write up which I will still forward back to her so that she can give us a clear guidance, she moved the amendment...

**Hon. Deputy Temporary Speaker:** So for me to get you correctly, are you in any way trying to...

**Hon. Waithera Chege:** I am supporting.

**Hon. Deputy Temporary Speaker:** You are supporting but you are not in any way doing any amendments?

**Hon. Waithera Chege:** The amendment was moved by the Chair, Mr. Speaker sir. I think you need to guide this House and I think the Chair should approach the bench so that you can guide her.

**Hon. Deputy Temporary Speaker:** The Chair did not and I believe she is a senior member and she knows the procedures of the House and if at all she has any amendments to move let her table them and the prerogative is up to the Chair or the one really thinking of doing any amendments. So you can proceed by either supporting or giving your insight towards the Motion please. I have allowed you to give your insights towards the same.

**Hon. Waithera Chege:** Yes, Mr. Speaker, in the initial stages I said – because I want to be quoted correctly – that I am supporting this report with the amendment that was moved by the Chair, Education and

the amendment was about the Bill that was passed a week ago. Some of these things that are in this report are actually touching a lot on Planning Committee. For example the recommendation number 5 where the Education committee is requesting the Planning department to move with speed to either have removed the advertisement or demolish it.

Mr. Speaker, I am saying that Safaricom is such a huge business in this country and we cannot wake up one morning and tell them to move out. However, we need to come up with regulations that will guide both Safaricom and the school on some of the things that they are doing. I support this report because of issues accountability. We want the head teachers of these primary schools to be accountable on monies either Safaricom or any other organization gives to them for renovation. One other thing that is coming out in this report is the dilapidated state of these schools. Safaricom has come on board and renovated schools like Muslim Primary School. They got over Ksh. 900,000 to renovate the school and so when the report mentions that we need to give them a seven day notice to remove the adverts then I believe that what we need is regulations to guide the head teachers when engaging in these negotiations or to have Safaricom account.

**Hon. Temporary Deputy Speaker:** Kindly Hon. Member, resume your seat for a minute. What I said is---

**Hon. Moses Ogeto:** Hon. Speaker, she is talking about what the Committee already did as in the report

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

**Hon. Moses Ogeto:** That is why I am saying if she is in order, she is to continue on something else that is not in the floor of the House.

**Hon. Temporary Deputy Speaker:** Order Hon. Member! Hon. Member for South B. I have already dispensed off that issue and said that no amendments can be done to the same. The Chair himself knows the procedures of the House. You cannot make amendments at this juncture because the Committee has already done its work and tabled the Motion. You can wait for the Motion to go through and introduce amendments later and if you wish to do so then you can approach the Table for them to be recorded by the Clerk. Hon. Member, I hope you are rising on another matter so that we can be able to move forward in the interest of time.

**Hon. Waithera Chege:** I will do exactly that and hope that we are on the same page. You already allowed for amendments---

**Hon. Temporary Deputy Speaker:** We are on the same page and even on the same sentence. Don't introduce any--

**Hon. Waithera Chege:** I hope the Clerk is guiding you right.

**Hon. Temporary Deputy Speaker:** Hon. Member, just as I have said, you can proceed on any other basis. The person allowed to make any amendment is the Chair and before she does that procedure only allows you to do that after tabling. Please. Hon. Chair, are you introducing any amendments so that you approach the Table?

**Hon. Millicent Mugadi:** Mr. Speaker, I am not introducing any amendments. You will realize that the paragraph that I have just quoted in this report is something that has already been approved in the House as per the Bill of signages and therefore we are not bringing in something new. The Education Committee

therefore needs to work in line with what was passed by the previous Committee to make it easy so that we do not have conflict of interest on who has a say over what. That is my opinion.

**Hon. Temporary Deputy Speaker:** Seems that the Hon. Member of South B was holding brief and giving insight as per what she thinks, we should proceed.

**Hon. Millicent Mugadi:** Okay

**Hon. Temporary Deputy Speaker:** Hon. Mary? Hon. Pius?

**Hon. Mary Ariviza:** Here I am sir.

**Hon. Pius Mbono:** Thank you.

**Hon. Mary Ariviza:** I am here on the floor.

**Hon. Temporary Deputy Speaker:** Hon. Mary, resume your seat. Hon. Pius, proceed

**Hon. Pius Mbono:** Thank you Hon. Speaker. I rise to support this report and to seek your guidance on what is disturbing us as a member of this Committee. This report was brought to the Assembly before the signage Bill was passed and now the Chair is saying that if we go ahead with implementing what is here and find out that it is contradictory to the Bill then it will not be clear. I need your guidance

**Hon. Temporary Deputy Speaker:** Order Hon. Waithera! I have made directions on the same. Kindly resume your seat. Hon. Waithera, we need to proceed.

**Hon. Patrick Musili:** Thank you Mr. Speaker. I rise to say that the report is quite good and thanks to the Education Committee for the good work. However, the report seems to be having a lot of flaws and also members of this Committee seem not to be in agreement. Therefore Mr. Speaker, I suggest that we send this report back to the Committee so that they can agree on a way forward. I also have a comment to make on recommendation roman 12 which says that some selected schools should be secured with a fence. When I look at Nairobi we have so many primary schools and I can even point out Hospital Ward Mathare where I represent. It is very open and prone to vandalism and therefore I suggest if they are going back to look into the report then they should consider all schools in Nairobi. The other point that I wish to present.

**Hon. Moses Ogeto:** Point of Order.

**Hon. Temporary Deputy Speaker:** What is the Point of Order?

**Hon. Moses Ogeto:** I am on Point of Order number 95 on declaration of interest. If the Member never signed the report when it was at the committee stage and wants to move an amendment before the House. Can she declare her interest since the report was adopted by majority of the members? We are not going to go in circles. Standing Order 120 is very clear on reports that the majority will get the day

**Hon. Temporary Deputy Speaker:** Thank you Hon. Member. I have already made a ruling by making the provisions that an amendment cannot be introduced. If she has to do it then she has to approach the Table and follow the procedures of the House. I believe that the Chair of Education being a senior member of this House is alive to the dictates of procedures of the House. Let us proceed by contributing to the Motion. I gave an order that Hon. Waithera resumes her seat. Hon. Mary, kindly resume your seats. You are out of order. Let us proceed.

**Hon. Patrick Musili:** Thank you Mr. Speaker for your wise guidance. We need to look into the regulations to ensure that they are properly captured to regulate on the advertisement in the school walls and ensure that they are properly checked and regulated. I remember when the Governor launched the issuance

of bursary cheques. He said that houses in the schools should be vacated if they are occupied with non-teaching staff. This report seems to be very selective and I am torn between supporting this report because the amendments talked of should be captured to ensure that all the houses in the schools are occupied by teaching staff and implemented immediately. Thank you.

**Hon. Millicent Mugadi:** Point of inquiry

**Hon. Temporary Deputy Speaker:** Yes

**Hon. Millicent Mugadi:** What I have said is in line with the outdoor advertising and signage control and regulations Bill. It does not make sense when you rule that statement out of order yet it is something that we passed to guide us on issues of advertisement.

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

**Hon. Millicent Mugadi:** I have not picked anything from the blues. I am just reminding the House what we did.

**Hon. Temporary Deputy Speaker:** You are out of order. Withdraw the words that the ruling does not make sense.

**Hon. Millicent Mugadi:** Pardon.

**Hon. Temporary Deputy Speaker:** You have said that the ruling does not make sense. Withdraw those words.

**Hon. Millicent Mugadi:** I withdraw.

**Hon. Temporary Deputy Speaker:** Approach the ---

**Hon. Millicent Mugadi:** Please give me a guideline Mr. Speaker. Is it wrong to mention something that we did in the previous *(inaudible)* in line with what we are pushing for?

**Hon. Temporary Deputy Speaker:** It is not about what is wrong or right. We are just following the procedures of the House.

**Hon. Millicent Mugadi:** The procedure---

**Hon. Temporary Deputy Speaker:** Just like I have said---

**Hon. Millicent Mugadi:** Mr. Speaker, we passed a Bill on signage and advertising. Is it therefore wrong for me to echo what that Bill is supposed to do in our Committee? It is not wrong. This Bill was passed to help us deal with issues that we are facing as a Committee

**Hon. Temporary Deputy Speaker:** Hon. Member what I am saying; are you moving as part of the Motion or are you introducing any element of amendment? Kindly come out clear on that question.

**Hon. Millicent Mugadi:** Am I moving it as a part of the Motion?

**Hon. Temporary Deputy Speaker:** Or are you introducing any amendment on the same?

**Hon. Millicent Mugadi:** I am not introducing any amendment. I am just seconding what was done by the Committee of Planning in alignment with what we are doing.

**Hon. Temporary Deputy Speaker:** There is no complexity in that matter if at all you are just supporting the Motion, then there is no problem with it. If at all you are having any element of introducing any amendment that is where the problem is. So, if you are in support of it then kindly let's proceed with the Motion.

**Hon. Millicent Mugadi:** I support it and I just wanted to be clear that I can support something that was passed last week in alignment with what we are passing right now to solve some of the issues that we are facing.

**Hon. Temporary Deputy Speaker:** Your point is made; kindly lets proceed with the Motion.

**Hon. Millicent Mugadi:** Thank you.

**Hon. John Mulyungi:** Thank you Mr. Speaker. I rise to support the Motion. I am privileged to come from some of these schools which we are talking about today and it is very pathetic when you visit St. Elizabeth School and you find that the pupils are sharing toilets with the teachers. We very well understand that this is very risky for the children and for that reason I rise to support.

At the same time, we also have pupils who are at risk because of insecurity as the school does not have a perimeter wall which is supposed to add extra security to the pupils as they continue with their learning. For that reason also I rise to support the Motion. Thank you very much.

**Hon. Mary Mwami:** Thank you sir. I am an educator for many years in Nairobi and I stand here feeling very sad that somehow something has slipped through that we are actually ashamed all of us. When you said that a cerebral palsy school should be demolished and we use procedures and rules to allow it to slip through, I do not know. Probably you as the Speaker will help us in that because then it won't be good for us who are in the Committee and even the whole House.

Secondly, the whole idea of schools also having teachers who teach in those schools to be in those houses is a very good idea. We have a school like Nairobi Primary where most of the people who occupy those houses are not the teachers who teach there. That is something that should be speedily be done and teachers occupy the houses that are theirs because sometimes the people who live there make teachers to go and now with the little salary they live in slums. I support that with all my heart. However, we need some guidance so that the demolitions of the schools of cerebral palsy is not done away with.

My third point is that, I need your guidance on this but I think it is wrong for us to refer to a company by name. When we talk about Safaricom, Airtel and we want to focus on them and these are great sponsors of many programmes in this country, we might lock ourselves not only in Nairobi but lock the education department out of their sponsorship and out of their foundation. Remember even we have a school now that is being sponsored by MPESA those sides of Thika.

If we look like we are actually fighting them, it is not a good idea. We need guidance from you so that while we are making rules that will regulate what happens in our primary schools and I agree that we need some regulations because some of the compounds have turned into churches and after a little while we will find that those churches may actually want to grab those compounds. There need to be a regulation on who uses the school facilities and at what time. So that if those compounds again if a church has stayed there for more than 10 years, they don't come back and claim that it is theirs. But I just need some guidance. Thank you Mr. Speaker sir.

**Hon. Anthony Gathumbi:** Thank you very much Mr. Speaker for this opportunity. I also stand to seek for your guidance because most of the Members that have spoken are from the same Committee that we are discussing here, either to pass the Motion or not. It seems that there is some contradiction between themselves and also as I look at the report there are some issues that need to be relooked. I was asking if

you can guard us by telling us from this point onwards, how do we go? Do we go through it and when we vote as nay, or can the Chairperson retrieve the report? Thank you very much Mr. Speaker that was my issue.

**Hon. Margaret Mbote:** Thank you Mr. Speaker. I rise to support this Motion. I am in the same Committee and I support the Member of the County Assembly who has said that we need guidance and I feel if we are guided well as a Committee either for this Motion to be deferred to the Committee and then we bring it again, I feel it should be a good idea because it is a very important Motion, it is touching on all the schools in every Ward and we need to be guided. Thank you very much, I support.

**Hon. Moses Ogeto:** Hon. Speaker, now that the members of the same Committee and I don't know if the Chair wants us to pass this Motion the way it is because it was a report that was adopted by--- I am here on a Point of Order No. 57 (3), *That; despite paragraph (2), the Speaker may, on request of a member defer putting the question to:*

- i) *the following day in which the case the Speaker shall thereupon nominate time which the question shall be put; and*
- ii) *At the conclusion of the debate the Speaker shall put a question.*

Hon. Speaker, when you go to Standing Order No. 120 where drafting of the reports, some members are saying here that there is a law which was passed. Hon. Speaker the law has not been assented to. Hon. Speaker because of the same members you may get indulgence from the Chairperson whether to suspend the same because I am seeing members from the same Committee have a problem with it. So that the Chair can bring the same amendment the following day which should be adopted by the same Assembly then we read it conclusively.

Hon. Speaker we proceed and put the question and I believe the Chair has mobilized so many people and you will get the maximum number for your report.

**Hon. Temporary Deputy Speaker:** The Member raised a very valid point with regards to the Motion in front of the floor of the House, but before I give my ruling or my advice to the same, I would like at least two members to ventilate on the same and then the mover will reply, and then I will give my ruling on the same.

**Hon. Herman Azangu:** Thank you Mr. Speaker sir. I want to support the Motion but I have some reservations when I see most members of the Committee are rising in this Assembly opposing the report which they own from the Committee. I think there is something wrong whereby Mr. Speaker sir you can just give them time so that they can bring the report which they own all of them or three quarters of the Committee. I rest my case.

**Hon. Temporary Deputy Speaker:** Mover, reply.

**Hon. Millicent Mugadi:** Thank you for this opportunity. The argument in this Motion just shows you the problems that we face as Nairobi County and it is not just about the Committee of Education that has been having issues, we are giving our views on what Nairobi is going through and the challenges that all the 85 Wards are going through. I think your support is very paramount and your ideas are very valid. Mr. Speaker I would like you to give us an opportunity to go and come back with the report again in unison. In unison it means we want all the Members of the 85 Wards to be part and parcel to share the ideas on what they go



through because what you have seen is what your Members are going through and the differentiation doesn't mean that we are not doing our work properly, we are dearly representing you to the core. So Mr. Speaker, I take back the report and I am asking you to reschedule us on another day when we will come back with a report that all of us have the same opinion and agree to it. Thank you.

**Hon. Temporary Deputy Speaker:** Okay. Pursuant to Standing Order 57 Article 3, The Speaker may on the request of a Member defer putting of the question to the following day in which the Speaker shall thereupon nominate a time in which the question shall be put.

Therefore, Hon. Members from the disconnect of the information or the input of the Members, both from the Committee and other members of this House, and from the sentiments, It is by the powers conferred upon me and the wisdom, I therefore defer the matter to Tuesday 14<sup>th</sup> August 2018. In that respect, I urge the members, the various Chairperson in the House and the various members in this House with regards to the committees that you belong to, it is actually better if you get to have complete deliberations and unison in the matters that you get to handle in the various committees before Motions or any statements or any Bills are presented before this House, Hon. Members that is why we are respectively selected into the respective committees. Thank you.

*(Motion deferred)*

## ADJOURNMENT

Hon. Members there being no other business, the House stands adjourned to tomorrow 9<sup>th</sup> August 2018 at 2.30 p.m. Thank you.

*(The House rose at 4:15 p.m.)*