



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Tuesday, 19th March, 2019

The House met at 2.30 p.m.

[Hon. Acting Speaker (Mr. Chege Mwaura) in the chair]

PRAYERS

Hon. Acting Speaker: Serjeant-at-Arm, the quorum is not sufficient. Please ring the bell for 10 minutes.

(Quorum bell was rung for 10 minutes)

Hon. Members, we have now attained quorum. Settle down so that the business can proceed. Clerk, proceed.

PAPERS

Hon. Acting Speaker: Leader of Majority.

Hon. Abdi Hassan: Thank you Mr. Speaker sir. Pursuant to article 229 (7) of the Constitution of Kenya 2010, I beg to lay the following papers on the Table of the Assembly, today Tuesday 19th March 2019;

The report of the Auditor General on the Financial Statement of Nairobi City County Executive for the year ended 30th June 2018.

The report of the Auditor General on the Financial Statement of Nairobi City County Assembly Car Loan Scheme Fund for the year ended 30th June 2018.

The report of the Auditor General on the Financial Statement of Nairobi City County Assembly for the year ended 30th June 2018.

Pursuant to Standing Order 191 (6), I beg to lay the following paper on the Table of the Assembly today Tuesday 19th March 2019;

The report of the sectoral committee on Transport and Public Works on the workshop held from 15th to 18th November 2018.

The report of the sectoral committee on Appointment on vetting of the nominees for members of the County Executive Committee responsible for various sectors.

Pursuant to section 117 (1) of the Public Finance Management Act 2012 and Standing Order number 221 (1) I beg to lay the following paper on the Table of the Assembly today, Tuesday 19th March 2019;

The County Fiscal Strategy Paper 2019/2010

Thank you Mr. Speaker sir.

Hon. Acting Speaker: Thank you. The relevant committees shall be advised and the reports taken to the various committees for processing. Next.

NOTICES OF MOTION

Hon. Acting Speaker: Leader of Majority?

Hon. Abdi Hassan: Mr. Speaker sir, I beg to give notice of the following Motion; that this Assembly approves the report of the Select Committee on Appointment on the vetting of the nominees for Members of the County Executive Committee responsible for various sectors laid on the Table of the Assembly, today, Tuesday 19th March 2019. Thank you.

Hon. Acting Speaker: Thank you. Hon. Daniel Ngengi, you have a notice of Motion.

Hon. Daniel Ngengi: Thank you Hon. Speaker. I beg to give notice of the following Motion; that aware that article 43 (1) (a) and (2) of the constitution of Kenya 2010 provides that every person has the right to the highest attainable standard of health, which includes the right to healthcare services and a person shall not be denied emergency medical treatment; further aware that health services including County health facilities promotion of primary healthcare have been devolved to the County Government, pursuant to paragraph 2 of part 2 of the 4th schedule of the Constitution; concerned that emergency care still remains underdeveloped and underequipped both in public and private health facilities where victims and survivors of road accidents, terrorisms, poisoning, fires, collapsed buildings, diseases or epidemics are exposed to avoidable death; acknowledging that ambulance services are the primary providers of 24/7 response to medical and trauma related emergencies; noting that lack of proper emergency services in Nairobi County contributes significantly as the cause of thousands of deaths every year, this Assembly urges the County Executive to provide at least one fully equipped ambulance with well-trained emergency medical care

personnel in every Ward and establish medical emergency policy and charter in the County. Thank you Hon. Speaker.

Hon. Acting Speaker: Thank you Hon. Ngengi. I will forward your notice to the House Business Committee so that it can slot it for the debate. Thank you. Hon. Jayendra Malde, Member for Parklands.

Hon. Jayendra Malde: Thank you Hon. Speaker. I beg to give notice of the following motion. That aware that article 186 (1) of the Constitution of Kenya 2010 and paragraph 5 of the fourth schedule provides for the functions and powers of the County Government on county transport including roads, street lighting, public road transport, traffic and parking; further aware that the city has designated parking zones and bus terminals throughout the city, with parking restrictions for each zone; noting that recent years have witnessed marked increase in the number of vehicles in the county and there are limited public slots across the county, making it difficult for motorists to get a slot especially during working hours; further concerned that some of the available parking slots are in dilapidated state giving motorists option of using private parking services thus denying the county revenue; acknowledging that a good percentage of county revenue is from parking services, this Assembly urges the County Executive to establish more car parks in off-street parking areas outside the central business district, build multistory car parks in available county land and upgrade the existing ones to ease the pressure and boost revenue collection for the county. Thank you Hon. Speaker.

Hon. Acting Speaker: Thank you Hon. Malde. I will forward your notice to the House Business Committee for allotment of a date for the execution of your Motion. Hon. Kennedy Obuya.

Hon. Kennedy Obuya: Thank you Mr. Speaker sir. I want to give a notice of Motion. That aware that section 10 of the Nairobi City County Inspectorate Service Act of 2017, provides for the establishment and maintenance of an Inspectorate Training institution for purposes of training and retraining City Inspectorate Officers in accordance to a training curriculum; further aware that section 10 (4) of the same act mandates the Nairobi City County Public Service Board to develop guidelines on curriculum examination and certification of inspectorate trainees; acknowledging that the Nairobi City County Inspectorate Department has over 400 County Enforcement Officers whose primary duty is enforcement of county laws and regulations which the department undertakes in key areas such as markets, licensing among others; further acknowledging that law enforcement is crucial to harmonious living and the orderly conduct of business in the city; concerned that the current Inspectorate Training College in Degoreti has no modern training facilities with clear administration organogram, updated curriculum to embrace devolution which may impede the enforcement of county laws and regulations; noting that with a well-structured institution, the county could increase its revenue, the Assembly urges the County Executive to develop a policy that will institutionalize the Nairobi City County Inspectorate Training College with its organizational structure and curriculum that will provide for a paralegal training, anti-terrorism, disarmament, compliance and enforcement and provide modern training facilities to be used in training of both inspectorate officers and other forms of training to enhance public county service delivery. Hon speaker, I beg to give a notice.

Hon. Acting Speaker: Thank you Hon. Abuya. We will forward your notice to the House Business Committee to allocate time for the debate of the said motion. Thank you. Next order.

STATEMENTS

Hon. Acting Speaker: Hon. Pius Mbono for Mwangi Njihia.

Hon. Pius Mbono: Thank you Hon. Speaker. Pursuant to Standing Order no. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing Services regarding the construction of rehabilitation center in Ruai. Hon. Speaker, the construction of the Ruai rehabilitation center which started way back in April 2016 is a project fathered by the County Government of Nairobi. The construction is still underway, but it is not clear whether the developer managed to secure ownership documents for the estimated 40 acres land set aside for the construction of the same. Hon. Speaker, the facility is under the county Government of Nairobi. The work on the facility includes construction of a perimeter wall around the land, but this has not been done. In the statement, the Chairperson should inquire into and report on:

1. Whether the land was surveyed and demarcated in a bid to ensure that it is 40 acres as reported.
2. Whether the ownership documents for the land on which the project lies has been issued.
3. How many acres is currently under development?
4. How much money has been set aside for the construction of the said rehabilitation center?
5. What the county government is doing to ensure the construction of the said center is completed on time.

Thank you Hon. Speaker.

Hon. Acting Speaker: Thank you. Chairman, Planning? I can't see the Chair and the Vice Chair of Planning. Any member of Planning? Hon. Ndumi?

Hon. Ruth Ndumbi: Thank you Mr. Speaker. I did not get the question correctly but we will follow it up

Hon. Acting Speaker: Indicate how long?

Hon. Ruth Ndumbi: We will update you Mr. Speaker

Hon. Acting Speaker: Hon. Pius Mbono is holding brief and I don't know whether he can tell us what time is sufficient to respond while Hon. Ndumbi is holding brief for the Chairman. I don't know who to push. Hon. Pius

Hon. Pius Mbono: Thank you Mr. Speaker. What normally happens in this Assembly is that we give timelines and not leave it open as the Hon. Member is doing. Let us get some undertaking because that is not enough

Hon. Acting Speaker: What she said is that she is willing to follow it up by next week. So is two weeks okay with you?

Hon. Pius Mbono: Yes

Hon. Acting Speaker: Do you wish to say something Hon. Ndumi?

Hon. Ruth Ndumi: Yes Mr. Speaker. I wanted to inform the hon. Member that Planning Committee is one of the best committees which keep their word. The Minority Whip can confirm. Thank you.

Hon. Acting Speaker: Okay. In two weeks you should be having a substantive answer or a progress report and allow the Hon. Member attend your meetings. Is that what you are saying?

Hon. Ruth Ndumi: Yes sir

Hon. Acting Speaker: Minority Whip, what is your Point of Order?

Hon. Peter Imwatok: Thank you for catching my eye Mr. Speaker. I am disturbed when Hon. Ndumi says that the Planning Committee is the most active committee in this House while I am aware that the only committee overworking itself in this County is the Public Accounts Committee. Having said that, I am surprised that I gave a statement to the same committee that is rated the highest in this House on the Avic construction. Hon. Ndumi is the one who committed herself to this House that in two weeks' time the answer on the construction of Avic construction Limited on Waiyaki way will be forwarded to this House. To date Mr. Speaker, no one has approached me to go before the committee to defend what I was asking and they have gone mute. I wonder, is Avic international a monster in this City? I asked very serious questions Mr. Speaker

1. Traffic management system of the area upon the opening of this building?

Hon. Speaker, Ms. Ndumi should know that this is the worst performing committee. Thank you

Hon. Acting Speaker: I hear you Hon. Member and would also not want to put Hon. Ndumi under pressure because she is not the Chair or vice chair of the committee. I will task my team to give us a status report on all pending statements from all committees so that we are fair. Hon. Mugambi, I believe you are on the same issue but I will allow you to have a say in this

Hon. Mark Mugambi: Thank you Hon. Speaker. I believe that you have read my mind. In concurrence to what the Minority Whip has said, I had a statement to the committee on some land grabbers and the committee is taking a long time to respond to this matter. As you are aware, title deed process is ongoing and if the committee takes longer to respond to these matters then we might find ourselves late in handling these cases. Thank you.

Hon. Acting Speaker: *(Inaudible)*

Hon. Abdi Hassan: Mr. Speaker I want to assure the House that in one weeks' time the response of Avic and all other responses to the Planning Committee will be provided to this House. Thank you.

Hon. Acting Speaker: Thank you. Minority Whip, the Majority leader who is also a member of the Planning Committee has given an undertaking that by one week they should be giving you a proper response on your questions. We will have a progress report on all statements sent to the committees. Thank you. Hon. Osman Adow

Hon. Osman Adow: Thank you Mr. Speaker. Pursuant to standing order 45 (2C), I wish to request for a statement from the Chairperson of Sectoral Committee on Justice and Legal Affairs regarding corruption and impropriety by officers of the County Inspectorate Department. Hon. Speaker, officers of this department who operate in Eastleigh have been making arbitrary arrests, frequent arrests of hawkers of milk in Eastleigh and demand for exorbitant bribes by the said officers. Hon. Speaker recently a group of milk hawkers were arrested on the 7th February 2019 and some were presented before the city courts and issued with punitive fines some as high as Ksh. 60,000 for something valued at Ksh. 1,200. Despite paying the fines, the hawkers were still forced by the Inspectorate Officers to part with Ksh. 2,000 to secure their release from custody while others were neither presented before the court nor informed of the offenses which they had been arrested for but were forced to part with hefty bribes for their release.

In the statement, the Chairperson should inquire into and report on;

- I. Record of arrests and prosecutions relating to hawkers in Eastleigh?
- II. Procedures under the law used by the County officers when prosecuting individuals?
- III. Measures put in place by the County Executive to safeguard the rights of hawkers and other such traders who find themselves at the mercy of the County officers?

Thank you.

Hon. Acting Speaker: Thank you Hon. Adow. Is our issue arrest of hawkers or trading of illegal milk? For purposes of clarity

Hon. Osman Adow: The issue is not the arrests of hawkers. These hawkers were arrested and instead of being fined at the courtrooms, they were taken to different rooms and fined Ksh. 60,000 each yet they were selling something worth of Ksh. 1,200. I want the issue of the courts addressed more than the arrests.

Hon. Acting Speaker: Were they arraigned in court?

Hon. Osman Adow: Yes they were

Hon. Acting Speaker: Were they charged?

Hon. Osman Adow: Yes they were charged and pleaded guilty to an offence of selling milk but instead of being sentenced in the courts, they were taken to a different room and fined Ksh. 60,000 each

Hon. Acting Speaker: Do you have evidence to that effect?

Hon. Osman Adow: Yes I do

Hon. Acting Speaker: If I understand what you are saying is that these hawkers were arraigned in court and pleaded guilty. A sentence was remitted but it was not done inside the courtroom but outside?

Hon. Osman Adow: Correct

Hon. Acting Speaker: Can those guys come to the committee so that we get a full picture on our end before we put pressure on the other end

Hon. Osman Adow: I will do that

Hon. Acting Speaker: Are you available to bring them to the said committee before we engage the Executive?

Hon. Osman Adow: Yes

Hon. Acting Speaker: With that in mind, I call upon the Chair for justice

Hon. Jayendra Malde: Thank you Mr. Speaker. I request that they meet with my committee tomorrow at 12 O'clock.

Hon. Acting Speaker: Okay. What have you said Hon. Jayendra?

Hon. Jayendra Malde: Let them come with the evidence tomorrow to my committee

Hon. Acting Speaker: The Table Office will do an invite to the members from his Ward so that they attend and through the wisdom of the committee we will know as to whether to invite the Executive on the requests you have placed. Is that a fair direction Hon. Osman?

Hon. Osman Adow: Yes Mr. Speaker. I will present the evidence to them tomorrow and invite the aggrieved from next week onwards

Hon. Acting Speaker: So you will present what you have to the committee then agree on a specific date when they can come and process your statement. Is that fair?

Hon. Osman Adow: Yes

Hon. Acting Speaker: Chairman for Justice, is that a fair direction?

Hon. Jayendra Malde: Thank you Hon. Speaker. It is in order

Hon. Acting Speaker: Thank you. The Hon. Whip

Hon. Waithera Chege: Thank you Mr. Speaker. pursuant to Standing Order number 45 (2c) I wish to request for a statement from the Chairperson of the sectoral committee on Environment and natural resources regarding the discharge of industrial effluent gas in Nairobi County.

A joint study by the University of Nairobi Institute of Nuclear Sciences, Sweden Gothenburg university and Columbia university that was done in 2015 revealed that the air Nairobian inhale puts their lives at risk with air pollution exceeding levels prescribed by the World Health Organization.

Hon. Speaker this is especially for residents who live around Industrial area for instance the greater South B area where gas effluents have caused untold suffering to residents. The dangers posed to the residents cannot be understated with some residents already suffering from respiratory complications.

Hon. Speaker the residents of South B along Mombasa road particularly near the South B turn off with Imara Daima estates have since 2014 complained of a foul pungent and often nauseating smell that emanates from the factories in the vicinity.

This is prevalent especially over the weekends and in the early evenings on week days. Despite the protests from residents the National Environmental Authority NEMA which coincidentally has an office adjacent to South B has not seen it fit to take decisive action and neither has the county government.

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

1. Mitigate actions taken by the county executive since 2014 when residents began complaining of the foul gas effluents.
2. Measures put in place by the county executive to ensure industries in the county adhere to county laws and regulations on industrial waste discharge.
3. Actions the county plans to take to immediately rectify this persistent problem for residents of the affected area.
4. A report with disclosure of the companies involved in the emissions.

Thank you Mr. Speaker.

Hon. Acting Speaker: Chair of Environment. And I don't know if the hon member had indicated to you that she has urgency about the issue?

Hon. John Muthiga: Yes she alluded to that. This is a very serious issue and I did not know Hon. Waithera will bring this issue to the Assembly because even yesterday my mother called me. She lives in that place and she was complaining of the said emissions of toxic substances. Mr. Speaker because it is very serious and needs urgent interventions we would wish your office to intervene because we need a short time of five days if the Whip is going to be in agreement with me, thank you.

Hon. Acting Speaker: Five days from now is on Tuesday next week. Are you okay with that?

Hon. Waithera Chege: Mr. Speaker I agree with the Chairman. I would request urgent assistance from your office. Between yesterday and today about ten kids have been admitted in various hospitals. It is

a very serious issue that needs your assistance and we request the Chair to engage the Executive. I know *Mheshimiwa* Obuya can confirm that the residents of Imara Daima are experiencing the same. Kindly give us guidance on the same issue and help facilitate the committee in order for them to give us a report as soon as possible.

Hon. Acting Speaker: What we can do is assist by giving you an urgent letter to the chairman so that he can expedite with the CEC of Environment. The sector has a substantive CEC as it has not been destabilized. You can be able to swing into action tomorrow and give us progress report on Thursday and pick it up from there next week. I don't know if it is okay with you?

Hon. John Muthiga: I am in agreement. Thank you.

Hon. Waithera Chege: Most obliged Mr. Speaker.

Hon. Acting Speaker: Minority Whip, did you stand on Point of Information?

Hon. Peter Imwatok: I want to inform the House...

Hon. Acting Speaker: You rose on a Point of Information and I was not the one on the floor.

Hon. Peter Imwatok: Mr. Speaker: The procedure of the Assembly requires 7 days to summon a witness. So five days is out of order.

Hon. Acting Speaker: We shall give you the necessary letters so that you can spring into action. We know it is not possible to have a report in two days, at least we want to know what is happening within two days. The Whip is okay with that, isn't it?

Hon. Waithera Chege: Yes I am and I would wish to inform my colleague that the chair has the capacity. If he says five days he knows it is possible and doable.

Hon. Acting Speaker: Thank you. The Whip is defending the chair that is okay. Hon. Okello.

Hon. David Okello: I have a statement request but I have not been given the statement. I asked and you told me you had signed it but I have not seen it.

Hon. Acting Speaker: It should be somewhere! I made a copy for it to be tabled.

Hon. David Okello: Hon Speaker pursuant to Standing Order 45 (2) (c) I wish to request for a statement from the Chairperson of Sectoral Committee on Environment, Natural Resources regarding the use of asbestos in roofing despite being banned.

Hon Speaker there are buildings across the city in public schools and other public buildings which still retain asbestos roofing despite the same having been strictly outlawed.

Hon Speaker sir for instance the roof in Daima primary school was made of asbestos. It is now well known that using asbestos as roofing materials is highly toxic since when inhaled the microscopic asbestos fibres may not be able to dissolve or expelled from the body.

Moreover recent research says danger on exposure to asbestos hence putting the lives of classroom users at risk. Hon speaker in the statement the Chairperson should inquire into and report:

1. List of all county schools and county public buildings with asbestos roofing.
2. When does the County Government plan to safely remove and dispose hazardous roofing in schools and other county public buildings?
3. Immediate measures put in place by the County Government to safeguard the health and wellbeing of children in schools such as Daima with asbestos roofing.

Thank you Mr. Speaker.

Hon. Acting Speaker: He is raising three key issues. One on environment, another on education and other one on health but I think the input of the question is on health hazardous. I will give the Chair of Environment the go and look into the others on the issue. Hon. Kamau?

Hon. Kamau: Two weeks Mr. Speaker.

Hon. Acting Speaker: Hon. Mark Mugambi

Hon. Mark Mugambi: Thank you Mr. Speaker I think it shall come under Environment Committee upon disposal of the asbestos but as long as they are where they are maybe it falls under a different sector.

Hon. Acting Speaker: I will make a determination on that. Hon. Chair of Health do you have anything? I also want to hear from Education committee. You asked about schools. I can't see the Chair of Education but somebody from Education would also say something.

Hon. Peter Warutere: Hon Speaker this issue needs to be settled at the level of environment and once they have disposed of, it will be largely on education. It is cutting across the three departments. We need to have a meeting of the three committees so that either of it is able to dispose the agenda. We can have a meeting of Environment, Education and Health because it is cutting across the three committees. Each of us have a role to play.

Hon. Acting Speaker: Anyone from Education? Hon. Mbugua are you from the committee?

Hon. Mbugua Kabiro: Yes Mr. Speaker. It falls lies in other committees but education will actually play a big role because we are the ones who oversight the issue of schools. I think we can handle it but when we need assistance on matter of health we can refer to these other committees.

Hon. acting Speaker: Hon. Minority Whip

Hon. Peter Imwatok: Mr. Speaker I don't understand the question by the Member who has asked or directing to the Sector of Environment and Natural Resources. May be Chair just to educate the House what environment is; environment is the surrounding for both non organic and non-living things. So when we talk about asbestos, it was declared not fit for environment and not for education in the Vienna Convention.

Mr. Speaker, the reason as to why the asbestos were declared as pollutants because in environment, there are five stages of environment. Let me edate the House, the first one is called micro environment, the second one is called macro, another one is called stratosphere, another one is called thermosphere.

The reason as to why asbestos was declared not fit is because it was an environmental pollutant, it cannot be market, and it cannot be health. It is upon the Environment Committee to demystify this aspect why asbestos is an environmental pollutant. Come to the issue of health, after pollution, does it affect the health? We are in Nairobi County after the Vienna Convention declared asbestos as a pollutant to the air, let me say why asbestos is a pollutant. Many people hear about the ozone layer, it is a layer that protects the earth form the stratosphere because while asbestos dissolve in the soil, they create a problem to the ozone layer. That is why Mr. Speaker there is no way the three committees whose knowhow anyhow about environment can try to mitigate about this issue of asbestos.

Mr. Speaker allow the Environment Committee to come up with a report of how many warehouses were affected by asbestos, how many industries has asbestos and then the effect of this asbestos. As a committee will recommend now for the Education Sector there are theses primary schools with asbestos, for the health sector there are these number of clinics including my own clinic in Makongeni which has asbestos.

Mr. Speaker the issue of demystifying what is asbestos is, is primarily work of Environment, Chair. I beg to support Mr. Speaker.

Hon. Acting Speaker: I think I am the one who brought the issue of looking at various angles. The reason why I did that, as much as it is an Environment issue but suppose you were to remove or what Hon. Okello was asking, how do you remove these asbestos roofing in various primary schools? It is not the vote of Environment that is going to be used; it is the vote of Education. If there are markets including Ngara Market that is under asbestos, it is the Trade Committee that is going to remove, we are not going to use the Environment budget.

The reasons why I wanted us to talk about this issue is so that when the Environment Committee because his question was also very clear where he want it to go. My business is to direct I, but I also want us to appreciate the various aspects that one issue can bring especially now that we are going through a budget making process. I will give Hon. Matara maybe two minutes and the Chairman Planning so that you weigh on the matter and bring the planning element to it and then we wrap it up.

Hon. Silas Matara: Hon. Speaker, thank you for this opportunity. Mine will be to say that it is sad that a senior member of this House who is the Chair of Health Committee doesn't really understand the subject matter of the statement that was tabled---

Hon. Acting Speaker: Order! Hon. Matara I am the one who invited these Members to speak. Remember, if the asbestos is going to affect, it will be affecting humans, so it is purely a health issue on that angle. Proceed.

Hon. Silas Matara: What I was trying to say is that, you should look at the subject matter of the statement. Because I am an Environment member, the subject matter concerns Environment simply because it is a multi-sectoral committee. I would advise possibly if you could organize an induction for the Health and Education committees---

Hon. Acting Speaker: You are out of order Hon. Matara!

Hon. Anthony Karanja: Thank you Hon. Speaker. Mine is easy, I think may be not really to help you but to shed some more light. I think it is a Health issue. Whether the asbestos is in a school or not, I think the whole idea would be, do we want to go towards banning asbestos anywhere? It is a health issue that actually we should be driving towards having the Health Committee or the County to declare asbestos not fit for construction.

The effects of asbestos, to start with, asbestos dust is carcinogenic and the effects are felt between 10 and 8 years. So much damage has been caused and I think the easiest way would be for the Health Committee to declare any building with asbestos not fit for human not just habitation, we should be actually closing the roads near that school or building. I think it solely lies in the Health Committee.

Hon. Acting Speaker: Thank you. I want to indulge two Members so that I balance this debate. Hon. Gari and Hon. Obuya, I will give you a chance. Please be very brief.

Hon. Maurice Gari: Thank you, Mr. Speaker sir. I have seen today Members are so active, very energetic and agitated so much about the issues of asbestos. I don't know asbestos by the way but this issue of Environment, Health and Education Mr. Speaker; it has reached a time when there is argument between these three committees. We should form a joint committee to go and investigate and come up with a report Mr. Speaker. It is not the first time for a joint committee to go somewhere, let's have Environment, Health and probably Education because the matter is happening in schools. The matter is also pertaining environment and again the matter is also pertaining health.

With due diligence, and without wasting much time we have the powers to form a joint committee or a joint sitting between the three committees to go and investigate and come up with a report. Thank you, Mr. Speaker.

Hon. Acting Speaker: Hon. Obuya, one minute.

Hon. Kennedy Obuya: Thank you Mr. Speaker for giving me this opportunity. I wanted to make a very small contribution on this because this is a matter that is very weighty. Mr. Speaker, Kenya as a nation, we are signatory to the Vienna Statutes and matters that are affecting environment, as a nation this is a matter of national importance. As a member of Energy Committee, I wanted through the guidance of the ICT and Energy Chair that we form an energy sector part and Environment Committee and Adhoc Committee and I wanted it to go on record that I am volunteering myself as the Chair of the Adhoc Committee.

Hon. Speaker, matters environment are matters that are sensitive to the existence of human kind. We cannot take it lightly. Thank you, Mr. Speaker.

Hon. Acting Speaker: I hope the Hon. Chair Environment got what I was trying to do. These issues cut across all these sectors and remember that at the end of the day, budgets are going to be made. If you are going to say that you are going to ban asbestos, and then it has to be in time so that the Education Committee can budget accordingly, the Health Committee can also go into that direction; Trade Committee with its markets can go into that direction.

But I will leave it to you and I had a deliberate attempt to raise emotions on that issue so that you take it very seriously. I expect you to call people from NEMA, and have a very solid report in a very short time so that we can capture it and also it can be budgeted for accordingly.

Hon. John Muthiga: Mr. Speaker, one of the mandates of Environment Committee---

Hon. Acting Speaker: Order! We have left that direction---

Hon. John Muthiga: That is why I am saying because it is in the interest of the other committees---

Hon. Acting Speaker: Order! Hon. Kamau, I am the one who raised the interest and I have told you why I raised the interest. I want you to give us the direction in terms of what kind of report you are going to expect and these are not the reports that we wait for three months because I have brought in the budget element to it. I hope you are following. It is a very serious issue and the fact that the media is also here, I also want them to see how serious we do when it comes to a particular pertinent issue like that one, over to you.

(Point of Order)

Unless the Member wants to be informed by you I cannot give you, unless it is a straight Point of Order.

Hon. John Muthiga: We will do that Mr. Speaker.

Hon. Acting Speaker: Give us time lines and assure this House that the report that you are going to bring is going to be worth its salt.

Hon. John Muthiga: One week, next week we will bring the report because this report we have it in the Executive. I will bring it next week Mr. Speaker.

Hon. Acting Speaker: It is not a matter of going to get an old report from the Executive---

Hon. John Muthiga: I am going to call them as you have directed so that we can sit down and we see the way forward.

Hon. Acting Speaker: Because the day we are going to have a proper debate on your response, is also going to be the time when these other committees that are not going to get the chance to interrogate it, will be on your neck saying; we would rather have taken it up. We have given the Environment Committee the first go at it, but we expect a very solid report on that. Are we clear?

Hon. John Muthiga: We are very much clear.

Hon. Acting Speaker: Next week around Thursday or there about, please table that very solid report. Is that okay?

Hon. John Muthiga: But because in my in-tray I have so many reports to make---

Hon. Acting Speaker: Fast track that one.

Hon. John Muthiga: I still have for Hon. Waitera for next week, may be two weeks is okay.

Hon. Acting Speaker: Order! Hon. Oyugi, on the same issue?

(Hon. Oyugi spoke off record)

Hon. Acting Speaker: Order! You are not on record. Wait for them to get you. Go ahead.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. The information I want to give to the House is the following based on the asbestos and the abolition of asbestos; *Asbestos was abolished in this country or in the world because it was health hazardous, that was the nature.*

Hon. Acting Speaker: Order!

Hon. Kennedy Oyugi: Mr. Speaker, just give me a moment---

Hon. Acting Speaker: I want you to give us the point---

Hon. Kennedy Oyugi: Mr. Speaker---

Hon. Acting Speaker: Order! You are not on record, Hon. Oyugi. We have already dispensed the issue on asbestos. Your friend, Hon. Okello was very clear, he wanted the issue to be Environment Committee issue but I opened it up so that it raises the urgency and also the interest that we are now having. Since we have allowed Environment Committee to have a go, let them come up with a report. If it is going to be not up to the interest of health, schools and markets, then you can interrogate it on that direction.

Hon. Kennedy Oyugi: Instead of giving it to the Chair of Environment, give it to the Chair of Health on the strength that it is cancerous. It has got nothing to do with Environment.

Hon. Acting Speaker: Order! The hon. Chair of Environment has told us that he is going to fast-track the matter. So, Chairman, I am setting you up, if that report does not meet the requirements of Health and schools, you will be in a lot of trouble. Are you okay with that?

Hon. John Muthiga: Thank you very much.

Hon. Acting Speaker: We are switching to Supplementary. The hon. Chair of Trade, Tourism and Cooperatives. Hon. Okello, we agreed on two weeks.

(Hon. Member spoke off the record)

Are you questioning the decision of the Chair?

Hon. David Okello: First of all, I want to thank my brilliant Minority Whip for standing with me---

Hon. Acting Speaker: Order! There was no one who was standing for anyone. You asked a question and the moment you stand and ask a question, it becomes an agenda of the House. So, do you have a problem with the two weeks that we gave to Environment Committee?

Hon. David Okello: But I want to explain---

Hon. Acting Speaker: You are not going to explain, do you have a problem with two weeks or not?

Hon. David Okello: No.

Hon. Acting Speaker: Thank you. The Hon. Chair of Trade, Tourism and Cooperatives, do you have the response for the Deputy Speaker?

REQUEST TO A STATEMENT REGARDING DISPLACEMENT OF TRADERS ON LAND LR. NO.118/1609 ALONG
KANGUNDO ROAD IN RUAI WARD

Hon. Jeremiah Themendu: Thank you, Hon. Speaker. On Tuesday 19th February 2019, Hon. John Kamangu, MCA, pursuant to Standing Order 45 (2) (c), requested for a statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives regarding displacement of traders on land LR. No.118/1609 along Kangundo Road in Ruai Ward.

Hon. Speaker, we invited the Executive and also the hon. Member to our Committee. The Member was satisfied with the response given by the County Chief Officer for Trade during the meeting. I beg to lay this response, thank you.

Hon. Acting Speaker: Thank you. The Hon. Member for Ruai, are you comfortable with the response.

Hon. John Nyumu. Yes, I am okay.

Hon. Acting Speaker: Thank you. The next response is on the Committee of Labour and Social Welfare from Hon. Peter Warutere.

REQUESTED TO A STATEMENT REGARDING ONGOING RECRUITMENT OF HEALTH SECTOR STAFF WITHIN
THE COUNTY

Hon. Peter Wanyoike: Thank you, Mr. Speaker. The Sectoral Committee of Labour and Social Welfare report on response to a statement requested by Hon. Peter Warutere, MCA, from the Chairperson of the Sectoral Committee of Labour and Social Welfare.

Mr. Speaker, on 26th February 2019, Hon. Peter Warutere rose on the floor of the Assembly, pursuant to Standing Order 45 (2) (c) and requested for a statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the ongoing recruitment of health sector staff within this County. In the statement the member requested the Chairperson to inquire into and report on the following;

- i. The criteria and process being used by the County for recruitment for the position of the said staff within this County;
- ii. Whether due process is being followed in the recruitment process; and
- iii. The process be halted to allow for a fair recruitment exercise.

Hon. Speaker, the Committee wrote to the County Secretary and the County Public Service Board on 27th February 2019, inviting them to a meeting of the Committee that was scheduled on 13th March 2019 at the County Assembly pursuant to Standing Order 45 (2) (d). The purpose of the meeting was to enable the County Public Service Board to furnish the Committee with response to the statement requested by the Member.

Hon. Speaker, the County Public Service Board responded to the statement on 8th March 2019 and requested the Committee to reschedule the meeting to a later date as Board members were not available on 13th March 2019. The Board in their response informed the Committee that the medical staff interviews were called off to allow for further consultations with the Governor.

Hon. Peter Warutere was present at the sitting of the Committee held on 13th March 2019 and furnished with a copy of the response.

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

1. The criteria and process being used by the County for recruitment for the position of the said staff within this County

Hon. Speaker, the Committee was informed that ongoing recruitment exercise was carried out by the County Public Service Board which was mandated to do so on behalf of the County Government pursuant to Section 59 (1) (d), Section 63 (1) and Section 66 of the County Government Act, 2012.

2. Whether due process is being followed in the recruitment process

Hon. Speaker, the Committee was informed that the County Public Service Board received request on 31st August 2018 and 1st October 2018 to recruit various cadres in the health sector. The Board then proceeded to advertise the positions in the media inviting qualified candidates to apply for various positions. Copies attached---

(Point of Information)

Hon. Abdi Hassan: He said recruitment has been stopped, so this House does not need the response which the Chair is doing here.

Hon. Acting Speaker: Order! Because it was raised on this floor, it also needs to be closed. Chair of Labour summarize within 30 seconds.

Hon. Peter Wanyoike: Mr. Speaker, the interview was called off. Hon. Warutere was satisfied with the response and also requested the Committee to suspend the meeting with the Board on the matter. Thank you, Mr. Speaker.

Hon. Peter Warutere: Mr. Speaker, much water has gone under the bridge but I am satisfied with the response. I am waiting for the new Board to start the process afresh.

MOTION

APPROVAL OF THE REPORT ON THE VETTING OF C.E.C NOMINEES

Hon. Abdi Hassan: Thank you, Mr. Speaker sir. THAT, this Assembly approves the report of the Select Committee on Appointments on the vetting of nominees for Members of the County Executive Committee responsible for various sectors, laid on the Table of the Assembly, Tuesday, 19th March, 2019.

As members are aware, you informed this August House on Thursday 14th February 2019 that the Governor had submitted a list of five nominees for appointment as C.E.C Members for various sectors, pursuant to Section 35 of the County Government Act 2012. The nominees were as follows:

1. Ms. Lucy Amulwa - Education, Youth, Gender, Culture and Social Services
2. Dr. Stella Bosire Otieno – Health
3. Mr. Wilfred Gathungu – Finance and Economic Planning
4. Ms. Pauline Kahiga Waititu – Public Service Management and Devolution
5. Ms. Sanjiv Kaur Sonia Birdi – Environment and Natural Resources.

Hon. Speaker, the names of the nominees were committed to the Appointments Committee which you chair for vetting and reporting to the Assembly pursuant to Standing Order 196 and Section 10 (1) of the Public Appointments (County Assemblies Approval) Act, 2017. The mandate of the Committee pursuant to

the Standing Order 196 (4) includes “*considering, for approval by the County Assembly, appointments under Articles 179(2) (Members of County Executive Committee).*”

Hon. Speaker, the Committee invited memoranda from the public on the suitability or otherwise of the nominees. The nominees also sought clearance from EACC, HELB and the CID.

The Committee on Monday, 11th March 2019 held vetting interviews for the nominees apart from Dr. Stella Bosire Otieno who did not turn-up as invited.

Hon. Speaker, upon consideration of the nominees' Curriculum vitae and the information received from the clearance entities, the Committee observed as follows:-

1. All nominees satisfied the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity which is a requirement under section 35(3)(c) of the County Governments Act, 2012 in that: -
 - a) The nominees have been cleared by, the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB).
 - b) Three of the nominees have not been charged in a Court of Law, while the fourth has an ongoing case.
 - c) The nominees do not exhibit a potential conflict of interest.
2. The nominees meet the requirements of the provisions of Section 35(2) of the County Governments Act, 2012 in that: -
 - a) There is a representation of the minorities, marginalized groups and communities within Nairobi City County; and
 - b) Upholds the community and cultural diversity within Nairobi City County.
3. Three of the nominees meet the requirements of Section 35(3) (d) since they exhibited impressive knowledge of topical and legal issues touching on the respective dockets and have the requisite abilities, qualifications and experience.

Hon. Speaker, the Committee found the three nominees suitable for appointment as Members of the County Executive Committee having met both the Constitutional and the statutory requirements. Consequently, the Committee found Ms. Sunjeev Kaur Sonia Birdi not suitable and not qualified for appointment as the County Executive Committee Member for the Environment and Natural Resources Sector for the following reasons:-

- i.) She does not exhibit an understanding of the Sector, as good friend, Minority Whip asked her and she was not able to answer even the simplest question where the Nairobi River starts and where it ends. She was not even able to answer what is the role of the Government, a simple thing.

- ii.) She is temperamental, arrogant and refused to answer questions put to her during the vetting exercise.
- iii.) She did not present her Bachelor's degree certificate or academic transcripts. She also did not present Recognition and Equation of qualifications from the Commission for University Education (CUE) as is required for Degrees and post-graduate certificates conferred by foreign universities.

Hon. Speaker, the Committee, therefore, recommends that, as I have heard our good, Governor said that a D- or a D+ is not a hindrance for one to get a job. In fact, Mr. Speaker sir all of us here and every Kenyan when you have children either a girl or a boy, you inform them to be hardworking so that they can excel in their education.

If you go around Nairobi, you will get many people with first class degree honours and they are tarmacking. Yet someone is telling us not to hire a first class graduates we hire a D+, I think such a person should be taken to his or her own County and they can give them a job because in that County they need failures.

Hon. Speaker, you can fail and have other potentials like running, swimming and be good in sports, but leading a substantive Environment in Nairobi County is not a joke and it does not need a D+ person and it does not need someone who has a temper and cannot listen to anyone.

Hon. Speaker, the Committee, therefore, recommends that: -That, this Assembly approves the following three (3) nominees for appointment by H.E. the Governor as County Executive Committee Members in their respective Sectors as follows: -

- 1) Ms. Lucia Mulwa - Education, Youth, Gender, Sports, Culture and Social Services
- 2) Ms. Winfred Gathagu - Finance and Economic Planning
- 3) Ms. Pauline Kahiga Waititu - Public Service Management and Devolution

That, this Assembly does not approve the nomination for appointment of Ms. Sunjeev Kaur Birdi Sonia, as the County Executive Committee Member responsible for Environment and Natural Resources.

Mr. Speaker sir, I urge members to support this report and as I move I call upon Hon. my good friend able Chief Whip to second this Motion. Thank you, Mr. Speaker sir.

Hon. Peter Imwatok: Hon. Speaker, thank you Majority Leader for allowing me to second this Motion on behalf of my Minority Leader.

Hon. Speaker, well put by Minority Leader, this House is a house of rules and procedures and I agree with the Hon. Members and the entire team of the Clerk's office and your able chairmanship Speaker that you have seen this Committee to a conclusion that at least you are giving Nairobians the best of the best. More importantly, that aware that week we were doing vetting was women day.

That put a perspective that these County respect women and maybe for a first time or second time; we should appreciate the work of the Governor to appoint women in these positions. Aware that the Executive

as ten men and the Governor had appointed all four of them, that is a good start of equality among women in the County.

Hon. Speaker, as the Majority has said indeed the Chair of the appointment committee he did the best to make Nairobiian at large to get the best of the women because it came out clearly in our appointment Committee as much as some Members of Parliament are women of Senate. Indeed, us as the County Assembly of Nairobi we are far much ahead than even those called Hon. in the higher Houses.

If an MP cannot define, where Dandora dumpsite is and says it is at Donholm really as a House, you see why we could not approve such a Member as the Member of the County Executive Committee Member.

Hon. Speaker, the three Nominees that have been appointed by this Hon. House under your stewardship we believe and trust that they will give advice to their Governor as it is, been their feminine maybe the Governor will take their advice. In the same speaker, I believe as a house as you approve these names you will be approving for the benefit of all Nairobians as Majority has put it.

We will not take the leftovers to be our CEC's but we shall concentrate to take the best because Nairobi is a Capital City in East and Central Africa. Therefore, we cannot allow someone to say that I got a D+ and it will not prevent me go to Parliament. For all the Members in the House when are asked a question so that you interview the interviewee. The Majority Leader asked the question could you do the same under Chapter six of the Constitution of Kenya.

Hon. Speaker, we believe as a House and the Chair of Environment you know how we operate, we commit more on facts and figures. Do you know Environment or not, if you do not know you will excuse us.

Therefore, Hon. Speaker thank you for your able leadership and the entire Clerk's office and the entire nominees who came before us, we have known them for more than one and a half years to achieve this goal. We believe Speaker that does not give us a blanket check we will still bear with them to make sure we oversight them and check them properly to make sure Nairobians see the service they deliver. Thank you, Speaker, I beg to second.

(Question proposed)

Hon. Susan Kavanga: Thank you, Mr. Speaker, for allowing me, to share my thought. Today I am a very happy woman because of the great job that the Governor and the County Assembly are doing for giving this woman a chance to work with us. I support the Motion.

Hon. Acting Speaker: You have supported the Motion. Thank you very much. Hon. Leah.

Hon. Leah Supuko: Thank you, Mr. Speaker sir, I would like to support the Motion and thank the Governor for giving women a chance to lead in his Executive. I have gone through the report and I have seen nice CVs from some of the Members, who were interviewed. It very proper to give one Lucy Mulwa a chance in Education because of what she did in school is based on Education.

It is very commendable and good to appoint people to positions that they have gone to school to study instead of giving somebody without education a post, like Birdi. Birdi happens to be my student of politics in URP and it has really surprised me that she did not know where Nairobi River begins and ends. I actually did not know she was nominated to parliament on URP with those credentials. I was the Deputy

Secretary General of the party. She never even understood who the interviewers were, who consist of the leadership of this house.

For her being rude to the interviewers who are our leadership of the House is not proper. I have gone through her referees. I didn't think we nominated her to parliament as URP person and I can see in the report her referees are all KANU people. I support the Motion.

Hon. Acting Speaker: The Hon. Cecilia Ayot.

Hon. Cecilia Ayot: Thank you so much Mr. Speaker, I want to begin by recommending the good work that was done by the Select Committee on Appointment and it is one of the most interesting battles because it was women battling so whatever the case we still won as women.

I also want to say that I am very happy to have gone through the credentials and the papers and all of us can ascertain that they have the capacity fit for the job. It is not enough just to be a woman. You have to be a woman of substance and bring something on the table. This is a wakeup call for all women who are aspiring for leadership positions that going to school is mandatory; there is no way out. Sometimes we do not just go to school to attain the highest level of employment but also to fit in the society because the arrogance tells you there is something that was lacking.

I also want to confirm to this House that by bringing more women on leadership we are setting the country in the right place. We know very well that most of the problems we have are structural but we conform that the choice of the leader has a profound impact on the future of a society. With women in leadership we are sure that is a magic bullet. I remember when I was campaigning I used to tell my supporters to drop the gender lenses and judge me with the capacity fit for the job and that is how I made it. Thank you so much for appointing women.

Hon. Acting Speaker: Thank you. The Hon.

Hon. Member: Thank you Mr. Speaker for giving me an opportunity to also support this Motion. Having looked at the CVs and the credentials these candidates more so being women I want to support them. We have a challenge in this County and I want to state that it is vital for our Governor to have competent CECs who will help him drive the agenda for development to Nairobianians. If we deny the Governor people or CECs who will support him we will be crippling this County. For the goodwill of this County I wish to support the nominees for the positions highlighted there so that they can help the County move forward. I support.

Hon. Acting Speaker: Thank you. The Hon Millicent Jagero.

Hon. Millicent Jagero: Thank you Mr. Speaker, I rise to support this Motion. I have gone through the CVs of the nominees of the various sectors and it has portrayed that these are very competent people. I note the observance of County Government Act and the Article 56 of the Constitution where the marginalized and minorities are represented within this document. The CVs are very competent. The previous CEC members never used to attend summons whenever they were called up for meetings. We pray that these ones will attend summons.

Lucy Mulwa promised to initiate the legislation on the protection of child and aged persons together with regulations to operationalize the Persons With Disability Act. These are Acts and regulations that are not in place within Nairobi County. Right now the elderly are being paid and there is no regulation on how

they are supposed to collect their monies. We hope that through interventions the regulations will be put in place together with other CECs. I rise to support the Motion.

Hon. Acting Speaker: I now call the mover to reply.

Hon. Abdi Hassan: Thank you Mr. Speaker sir, let me take this opportunity to thank members for supporting this Motion and to thank you as the Chair of Appointment committee. With your able leadership the committee did marvellous job and I want to commend them.

I want to urge the Governor, now that this House has approved his nominees that we need to see a fully functional County Government of Nairobi. We don't need people in acting capacity because they are already overwhelmed with the dockets they are heading.

We are asking the Governor to move with speed to make sure his government is fully constituted and working for Nairobians. Today is a big win for women and I have seen many ladies from this House supporting this Motion. It is a big win and for this we want to thank the Governor for showing that he trusts the leadership of women.

Now that the acting County Secretary has been given a substantive CEC we are urging the Governor to either retain the former CS who was able, very professional and capable of discharging his mandate as the County Secretary or he appoints a new County Secretary. We cannot be having an acting County Secretary for one year.

This County cannot move with such officers in the office who cannot be able to execute their mandate because they are in acting capacity because when you are in acting capacity you cannot do some functions. We are urging the Governor, because the former acting CS is very capable – I was doubting her capability when she was appointed as Chief Officer for Housing- but that lady is very capable. Before she sings to anything she is thorough which is good to avoid especially for members of executive who are accounting officers of various departments to be arrested. These days it is very dangerous to append signatures on anything and claim you have been instructed by either your superior or anyone else or you are under political pressure to sign things.

With these many remarks I beg to reply. Thank you.

(Question put and agreed to)

Hon. Acting Speaker: Hon Members it is also my business to look at energy levels to ensure the process of the plenary is done when people are still energetic. But before that, the Appointment Committee sat from 9 a.m. to 5 p.m. and it was on Monday and every member showed up and sat through until the very end and that is why you have seen a tangible report that we can defend and has value for it. We were not shaken or intimidated. We did our job to the best of our knowledge and felt that is how it is supposed to go.

The same vigour needs to be seen when dealing with committees. Have reports that can have broad acceptance when put on the floor. I urge you to take the business of the assembly seriously especially the committees.

ADJOURNMENT

Hon. Acting Speaker: Hon Members the House is adjourned to tomorrow Wednesday 21st March 2019 at 2.30 p.m. The House Business Committee will meet at the rise of the house.

(The House rose at 4.30 p.m.)