



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Wednesday 20th March 2019

The House met at 2.30 p.m.

[Hon. Deputy Speaker (Mr John Nyumu) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: I think we do not have a quorum. Serjeant-at-Arms, ring the bell for 10 minutes.

(Quorum bell was rang)

We still do not have a quorum, we have two members remaining. Ring the bell for five minutes.

(Quorum bell was rang)

Please proceed, we have a quorum now.

STATEMENTS

RESPONSE TO A STATEMENT REGARDING CONSTRUCTION OF PLAINS VIEW-LIKONI LINK ROAD

Hon. Deputy Speaker: Chairperson, Transport. Hon. Joyce Muthoni, proceed.

Hon. Joyce Muthoni: I am standing in for the Chairman. Statement requested by Hon. Waithera Chege.

Hon. Speaker, on 26th February 2019, Hon. Waithera Chege, pursuant to Standing Order 45 (2) (c), requested the Chairperson of the Sectoral Committee on Transport and Public Works for a Statement regarding the construction of Plains View-Likoni Link Road.

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

1. Whether the Sector is aware that the contractor for the construction of the said road deserted site mid-way;
2. If yes, what is the justification of the desertion of the site?
3. What is the Sector doing to ensure that the contractor resumes work given that the said road is key to decongestion of other key roads in the area?
4. What are the temporary measures the Sector has put in place to ensure mobility will not be drastically affected even as the country anticipates the rainy season?

Hon. Speaker, the Committee held a meeting with the County Executive Committee Member for Public Works, Roads and Transport on 14th March 2019 to deliberate on his response on the Statement requested. Hon. Waithera Chege and the contractor working on the project attended the said meeting. In this regard, Hon. Speaker, I wish to report to the Assembly as follows:

Hon. Speaker, regarding the allegation of that the contractor had abandoned the site, the CEC Member confirmed to the Committee that the contractor deserted the site when the works were at 45% citing delays in the release of funds from the County for the 2nd and 3rd certificates amounting to Kshs. 33,834,464 and Kshs. 14,292,468 respectively. However, the Committee was informed that the amount has since been settled and the contractor is back on site.

Hon. Speaker, on what the Sector is doing to ensure the contractor resumes work. The Committee was informed that the contractor has already resumed work since the pending certificates had been paid. Further to this, the CEC Member, vide a letter on 27th February 2019 had instructed the contractor to resume work in order to comply with the 14th May 2019 completion date, else, action be taken. The contractor confirmed receipt of the payment and that the project is on course.

Hon. Speaker, on the temporary measures the Sector has put in place to ensure mobility will not be drastically affected even as the country anticipates the rainy season. The Committee was informed that the contractor had been instructed to ensure that the road drainage systems are free to flow up to the outfall even as he embarks on the construction of permanent drainage infrastructure in form of a culvert and open drain.

He was further directed to ensure that the site is cleared of materials upon excavation and backfilling done and diversions created to minimize disruptions in movements even as the rain season approaches.

Hon. Speaker, regarding dust from the site affecting the residents; the Resident Engineer and the contractor gave an undertaking to contain the dust by watering the dusty sections periodically. Further, the Committee raised concern over encroachment on the road by traders with kiosks. The Resident Engineer was requested to liaise with the Enforcement counterparts and the area MCA to ensure the encroachments are cleared to allow seamless construction works.

Finally, the Committee urged the CEC Member that going forward, he is in liaison with his counterpart in the Finance and Economic Planning so that payments for certificates raised are expedited to avoid desertion of works by the contractor.

Hon. Speaker, Hon. Waithera Chege was satisfied with this response. Hon. Speaker, a copy of the detailed response has been given to Hon. Waithera Chege who requested for the statement and a further copy is hereby attached to this report.

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

Hon. Deputy Speaker: Hon. Waithera, are comfortable with this response?

Hon. Waithera Chege: Thank you, Hon. Speaker. As I confirm that I am satisfied, I am sure that between the period of asking this statement, I do not know where they got the Kshs. 33million which was not available before. There are so many other projects for the Hon. Members that are still pending and they are not yet complete. So I wish to request the Chairperson of Implementation to make sure that all the adopted responses for all these statements are properly implemented on behalf of any other Member whose projects are still stalled.

Therefore, thank you, Hon. Speaker, only a small problem of making sure that they sprinkle water along the dusty road and we are going to follow up with the Chair of Transport. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Chairman of Implementation, Hon. Elias Otieno, I hope you have heard, what Hon. Waithera has said.

Hon. Elias Otieno: Just tell me what you want me to do.

Hon. Deputy Speaker: Hon. Waithera, can you repeat your questions?

Hon. Waithera Chege: Thank you, Hon. Speaker. My request was to the Chair Implementation to make sure that all the reports that are adopted in this House, whether through the statement or responses are fully implemented. As I was saying, the period between which I asked this question, they were able to get Kshs.33million overnight. So, kindly make sure all these statements are adopted and implemented.

Hon. Deputy Speaker: I think you have understood.

Hon. Elias Otieno: You need an answer or response from me.

Hon. Deputy Speaker: Hon. Otieno, it was just for noting.

Hon. Elias Otieno: Okay. I think all of us are in this County of Nairobi, and in this Assembly, if something is going to be implemented everyone will know and if it will not be possible to implement we will all know. We are going to follow the implementation of all the motions and statements that are passed, here for every Member. Chief Whip, you must understand that because I know you will lead your team and say that we do not have numbers. Hon. Speaker, for the benefit of Nairobian and this House, let all of us follow implementation of every item by item. Thank you, Hon. Speaker and Chief Whip.

Hon. Deputy Speaker: Thank you, Chairperson of Implementation. Chairperson for Transport, proceed.

RESPONSE TO A STATEMENT REGARDING STATUS OF CONSTRUCTION OF ST. MARTIN'S ROAD

Hon. Joyce Muthoni: Statement requested by Hon. David Okello.

Hon. Speaker, on the Assembly sitting, held on 14th February 2019, Hon. David Okello requested for a Statements from the Chairperson of the Sectoral Committee of Transport and Public Works regarding the status of construction of St. Martin's Road in Huruma Ward.

The Member requested the Chairperson to inquire into and report on---

(Point of order)

Hon. Deputy Speaker: What is it, Hon. Otieno?

Hon. Elias Otieno: Mr. Speaker, I think the Hon. Member who is just walking in is not properly dressed.

Hon. Deputy Speaker: Who?

Hon. Elias Otieno: Hon. Adow, the former Canadian employee.

Hon. Deputy Speaker: What has he done wrong?

Hon. Elias Otieno: Just tell him to approach you.

Hon. Deputy Speaker: Hon. Adow, it has been noticed that you don't respect the Chair. Are you talking about the shoes or the dress code? Hon. Adow, can you be visible? He is dressed properly, it is allowed. Proceed.

Hon. Joyce Kamau: The Member requested that the Chairperson should inquire into and report on:

- i. The standard of the materials used in the construction of the road;
- ii. The amount allocated for the construction and how much has been paid to the contractor; and
- iii. Whether the County Executive has plans to improve the drainage of the road, culverts and removal of the electric pole in the middle of the road.

Hon. Speaker, the Committee held a meeting with the CEC Member for Public Works, Roads and Transport on 14th March 2018 to deliberate on the response. Hon. David Okello was present in the said meeting.

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

Hon. Speaker, on the standard of the materials used in the construction of the road, the Committee was informed that the construction of the road commenced in February 2016 and the contractor has done 70% of the works after delays in the release of funds by the County. It was noted that the project is proceeding as per the contract specifications and up to standard materials.

Hon. Speaker, regarding the amount allocated for the construction and the amount been paid to the contractor so far, the Committee was informed that the contract sum for the project was Ksh. 43,211,595 and so far, Ksh. 33,365,954.43 has been certified and paid by the County Government.

Hon. Speaker, on whether the County Executive has plans to improve the drainage of the road, culverts and removal of the electric pole in the middle of the road, the Committee learnt that the drainage works are part of the specifications of the works and part of it had already been done.

However, the contractor was facing a challenge of inadequate space for open drains. The Committee requested the CEC Member through the Resident Engineer to seek help from the Enforcement Department and area leadership to clear encroachments to create space for open drains on the road.

Hon. David Okello was satisfied with this response. Hon. Speaker, a copy of the detailed response has been given to Hon. David Okello who requested for the statement and a further copy is hereby attached to this report.

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

Hon. Deputy Speaker: Hon. David Okello, are you comfortable with the response?

Hon. David Okello: Thank you, Mr. Speaker. I can hear the Member say that I was satisfied with the report, but I was not satisfied fully because they didn't tell me about who will be responsible for the removal of electric poles in the middle of the road. Mr. Speaker, I was not fully satisfied.

Hon. Deputy Speaker: Hon. Joyce, do you have any other response?

Hon. Joyce Kamau: Hon. Speaker, the Member was in the Committee and he left satisfied. I don't know what has changed his mind. But if he is not satisfied, he can lay another statement and we can deliberate on the matter.

Hon. Deputy Speaker: Hon. Okello, why a change of mind?

Hon. David Okello: Thank you, Mr. Speaker. It is not that I am changing my mind. Maybe the Member was not attentive or maybe she was not in that meeting. I don't think she was there. I told them very well that the Executive Members should have told us who is responsible for the removal of the electric poles because they were telling me that they wrote to Kenya Power to remove them. But I don't think it is the responsibility of Kenya Power to remove the poles. So, I stated that clearly in the meeting. So, if she was in the meeting, then I don't know whether she was getting me clear or what. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Osman, you have something to add?

Hon. Osman Adow: Yes, Mr. Speaker. The responsibility of removing those poles lies squarely with the Kenya Power and Lighting Company, and not with the County of Nairobi.

Hon. Deputy Speaker: Thank you. Clerk, proceed.

MOTION

ALTERATION OF ASSEMBLY CALENDER

Hon. Deputy Speaker: Majority Leader? Hon. Otieno?

Hon. Elias Otieno: Thank you, Mr. Speaker. I beg to move Motion NO. 8. Alteration of the Assembly Calendar.

THAT, Pursuant to the provisions of Standing Order 29 (4), this Assembly resolves to alter the Calendar of the County Assembly (Regular Sessions) for the Third Session of the Assembly, as contained in the Schedule attached to the Order Paper.

I think everybody has the Order Paper. So, they can just see the timetable or the calendar. So, with those few remarks, I call upon Waithera Chege to second the motion.

Hon. Deputy Speaker: Hon. Chege, please proceed.

Hon. Waithera Chege: Thank you, Mr. Speaker. I beg to second the Procedural Motion in order to allow Hon. Members to join their families for Easter Holidays and also allow them to attend CAF meetings in Kisumu. Thank you. I beg to second.

(Question proposed)

Hon. Deputy Speaker: Members.

Hon. Kennedy Obuya: Thank you, Mr. Speaker. I rise to support the motion. As a citizen of many counties, especially Kisumu County, I welcome my colleagues in Kisumu. It is a beautiful city and I trust that the committee chairmen, after visiting Kisumu, will be giving most members an opportunity to exercise committee sittings in Kisumu. Thank you. I beg to support.

Hon. Deputy Speaker: Hon. Gari.

Hon. Maurice Otieno: Thank you, Mr. Speaker. Before I support this motion, I want to inform Mr. Obuya that we are not going for recess to go to Kisumu. Recess is recess, Kisumu is Kisumu. I also want to bring to your attention that I have seen there is a tendency that you have denied Members to go out. I think we are not in a Committee of the Whole House. We are in a session.

Mr. Speaker, I support this motion. We don't want to waste time on this because we know the week towards the 12th February to Thursday 11th April will be a hectic week. So, from the mood of the House, we can call the mover to reply so that we can move to the next subject.

Hon. Deputy Speaker: Hon. Mbugua Kabiro.

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker. I would like to add my voice in supporting this motion. I welcome the recess and I think we will have time to relax in Kisumu like Hon. Obuya has said. Next time when we are amending this schedule, we should take out all these long recesses and limit them to two weeks. Thank you.

Hon. Deputy Speaker: Hon. Ruong'o.

Hon. David Okello: Thank you, Mr. Speaker. I also want to support the motion. This recess is good for most of us who have kids in secondary school and in boarding school. We are going to be with them and we are going to monitor them on how they behave. It is only for those who have kids. I know there are some who are not married; I don't know what they are going to do that during the recess. This recess is for the old men who have families. Thank you. I support.

Hon. Deputy Speaker: Mover.

Hon. Elias Otieno: Thank you, Mr. Speaker. I think Motion No. 8, Pursuant to the provisions of Standing Order 29 (4), this Assembly resolves to alter the Calendar of the County Assembly (Regular Sessions), does not mention Kisumu anywhere. I do not know where Hon. Obuya picked Kisumu and how it came in. Let him not read his own things simply because he stays in Kisumu. This also applies to the comedian who talks of Kisumu when it is not indicated anywhere. Otherwise, Mr. Speaker, thank you for accepting my lecture to the young boys.

Hon. Deputy Speaker: I believe you have heard what the Minority leader has said.

(Question put and agreed to)

Hon. Deputy Speaker: Proceed

DISCIPLINARY PROCEDURE OF THE COUNTY SERVICE PUBLIC BOARD

Hon. Peter Wanyoike: Thank you, Mr. Speaker. I have a motion that came from the committee of Labour following the statement requested by the Hon. Peter Warutere and Hon. Geoffrey Majiwa regarding

the disciplinary procedure of the County Service Public Board, and specifically on employment management. Mr. Speaker, the members requested the following:

1. Reasons of the delay to the County Public Service Board in reinstating employees whose appeals were successful as follows; Mr. James Hillary Wambugu, Mr. James Muhindi, Mr. Tom Elisha Odera, Mr. Jairus Basweti and Mr. Muteti Ndambuki
2. Why the Board has refused to reinstate the affected employees whose appeal was successful?

Hon. Speaker, the County Public Service Board was invited to the committee to submit their oral and written responses to the statement where the committee listened to the Board and differed with the response given to the committee that the Board was biased in handling cases involving the mentioned employees.

Hon. Speaker, after that the committee resolved to come up with an inquiry for the 7 officers who were interdicted on the 8th July, 2016. They appeared before the County Human Advisory Committee which recommended in the month of October 2016 that their interdiction be lifted but the County Public Service Board insisted that the six officers had committed misconduct of which punishment had to be meted out and be returned on public interest.

Hon. Speaker, the officers wrote to the Board for review of their case following an unsuccessful appeal but the Board also upheld its earlier decision to retire them in public interest.

Hon. Speaker the seventh officer who is Ms. Mary Gathara was dismissed from the service with effect from 9th April 2014 on account of alleged exaggerated bids resulting in loss of public funds for the two tenders. The officer was also accused of manipulating the minutes of the tender evaluation committee. The officer requested for a review of the decision by the County Public Service Board on personal grounds following the demise of her husband who was shot dead in mysterious circumstances where the officer survived with a bullet wound but the Board still upheld the dismissal.

Hon. Speaker, the committee conducting the inquiry learnt that the officer was merely a member of a tender evaluation committee that awarded the tender through a competitive process which as required by law, the County Public Service Board never produced the original version of the alleged manipulated minutes of the tender evaluation committee while considering her case. The Board relied on copies of the minutes that had been doctored to implicate the said Ms. Mary Gathara. Also, it was confirmed to the committee that the criminal case was withdrawn under Section 87 (a) of the criminal procedure code for lack of sufficient evidence in the month of October 2015.

Hon. Speaker, the committee learnt that County Public Service Board did not produce any evidence to support the bribery allegations against the six officers used to prosecute the case of the six and being that the County human Resource Management Advisory Committee also recommended that their interdictions be lifted with effect from 8th 2016.

Hon. Speaker, in view of the above investigation the committee recommended the following;

- That Mr. James Hillary Wambugu utilizes all the accumulated leave days and retire under the voluntary early retirement program and be issued with a reasonable retirement package following his many years of service being a staff who has worked for long in the City Council and also in the County Government for more than 38 years.

- That Mr. James Muhindi Njogu, Mr. Tom Elisha Odera, Mr. Jairus Gikonye Basweti, Mr. Muteti Ndambuki and Peter Mwato be reinstated back to work with immediate effect and be deployed to relevant sector department in accordance with their experience in County Government.
- That Ms. Mary Gathara be reinstated back to work with immediate effect and be deployed to the relevant sector or department in accordance with her professional qualifications and experience in the County Government.
- The recommendations of this committee be implemented with immediate effect

Mr. Speaker, with that I want to call upon Hon. Wanjiru Mbote to second the motion.

Hon. Margaret Mbote: Hon. Speaker, I am a member of this committee and support the report.

Hon. Deputy Speaker: Thank you, Hon. Wanjiru

(Question proposed)

Hon. Deputy Speaker: Hon. Elias Otieno

Hon. Elias Otieno: Thank you, Mr. Speaker. I rise to support this report and note that it is very important that somebody like Mr. James Hillary Wambugu took his leave days and accept to take early retirement. This should be a lesson--- Hon. Speaker, are you listening?

Hon. Deputy Speaker: Proceed, Hon. Elias

Hon. Elias Otieno: It should also be a lesson--- Mr. Speaker I don't think you are keen to---

Hon. Deputy Speaker: Hon. Otieno, my left ear is very clear.

Hon. Elias Otieno: Mr. Speaker I think it should be a lesson to the Executive side that they should not always ignore their advisory board because I can see the Board had recommended that these people should be reinstated back to work and they ignored. Mr. Speaker, I think it is very important for us to adopt the report for these people to be reinstated and James Hilary Wambugu should be given a sendoff package; that is very important, Mr. Speaker. I beg to support.

Hon. Osman Adow: Thank you, Mr. Speaker. I do support the report but there are some issues which look like they were addressed. The fact that the Board was biased is a very serious allegation and needs to be substantiated. What do they mean by being biased? How are they biased? What was the basis for that biasness? That is not coming out very clearly and also the committee's ability or capacity to investigate the allegations of bribery that requires a bigger body that can actually do such investigation like the police or the EACC. The committee did not have that kind of capacity to such investigation but in their wisdom, if they said that those people should be given some soft landing, I do support such recommendations. Thank you.

Hon. Geophrey Majiwa: Thank you, Mr. Speaker. I rise to support the report. I think it is the honorable thing to do as Members of the County Assembly and it also falls squarely in our mandate to ensure the livelihood of the people that we represent in this Assembly. It is actually the role of the County Service Board to ensure that the welfare of the workers that are employed in the County is well taken care of fairly to ensure that they can also live in this City like any other ordinary Kenyan. The cases that have been presented before us that have culminated into this report were cases that you needed no rocket

science to understand that somebody was not doing the right thing because the information was very clear even at the committee stage. I had an opportunity to attend one of the committee meetings because I asked a question on one of them.

Mr. Speaker, it was very clear even when Hon. Adow was wondering how the committee could come up with an opinion of biasness. It was clear from the evidence that was tabled before the committee in a situation where you took action when you were more than three people and one is handled and thrown away and two are left still enjoying their livelihood, then that what is called biasness. And that is how I think the committee came up with the word biasness.

Mr. Speaker, in this County people, have worked here for many years and it is very painful when you have worked for over 30 years and when you are remaining with 6 months, somebody looks for a very flimsy excuse to deny you your retirement package yet you know in Kenya today we are used to the trend of marrying younger women as we grow old. So, you end up retiring with very young children who still want to go to school. You find that an old man is retiring with nothing yet he has children who are now starting pre-unit who need to go to school to a level that they will be able to support him as he retires.

Mr. Speaker, it is important to think like a human being that one has worked for 30 years, therefore he has a right to his retirement package. If you want to deny them their rightful earnings, then you have to justify the reasons as to why. The board did not justify why they were denying these people their retirement packages and if you listened to the presentation by the Board, the Board was unfairly adamant because the only response I could hear them giving is that their hands are tied and they can't go back to what they had already passed.

Mr. Speaker, in this country we have laws that govern our activities. If the Board gets you with an offence where you work, and then it decides that now you are supposed to be taken to court, but when you go to court it finds you innocent and dismisses the case because you can only sustain a case when you have evidence. The board could not sustain a case in court, then it means, therefore, it was malice that took somebody to court and you will find that the Board still wants to insist that they cannot swallow their pride and accept that now it is the court that has decided that this person be reinstated, we have to respect that. The Board became a law unto themselves and they felt that unless you appeal to them, then they will listen to you. And even when they listen to you, it is not a guarantee that they are going to grant you your prayers. I think that is where the Assembly Committee on Labour comes in to listen fairly on a humanitarian basis and give a report on the basis of information that they have been provided with.

Mr. Speaker, I want to support this report also because I am also a leader in my own rights and I know if I work here, if there is an opportunity for me to recommend someone who is recruited in this institution, it is only my prayer even if I leave this place 10 to 15 years after this, they remain safe. It is not necessarily that I must remain here for them to be safe. But the laws and fairness must protect them until they finish their time. Mr. Speaker, I beg to support. Thank you.

Hon. Anthony Kimemia: Good afternoon, Mr. Speaker. I am rising to support. I want to say that yesterday the select committee denied an individual an opportunity to be one of our CEC and that shows the clarity of this House. Again here, the Labour Committee has come with a report that also should be taken as seriously as the select committee.

Mr. Speaker, us as an Assembly, we are a quasi-judicial body whereby we are allowed to come in between combatants; people who have problems and resolve issues. I want to say that we had a problem with Public Service Commission which as Mheshimiwa Majiwa says, they have become law unto themselves and even though the matter had gone to court which Mheshimiwa Adow missed when the Chairman was moving the motion, and the criminal issue dropped, they were still adamant and couldn't allow these individuals to get their rights.

I support the motion by saying that, we should push and ensure that Implementation Committee where I sit ensures that the report is adopted and the individuals as the report says are reinstated back to work. Thank you very much.

Hon. Jared Ondieki: Thank you very much, Mr. Speaker. I rise to support this report. Before I give my basis of supporting this report, I want to assure the House that we didn't give these recommendations because one is supposed to marry at old age to these small girls. I want Hon. Majiwa to note that. But we based this on rule of law and justice especially to the staff of Nairobi County.

Mr. Speaker look, for instance the case of Ms. Gathara, she did appear before the committee and gave all the accounts in terms of what transpired. One thing we noticed is that several bodies had recommended for a reinstatement simply because the criminal issue was exonerated and equally the disciplinary committee by itself had exonerated her and given her a clean bill so that she can be reinstated. But we have a Board which was very adamant in these cases even after the recommendations of the relevant bodies. That is why we are saying that in one way or the other, the Board was biased because after them being given the recommendations and urged to reinstate them, including several write-ups which had exchanged hands to urge that Ms. Mary Gathara be reinstated.

Looking also at the cases of the other gentleman Mr. Speaker on the allegations of bribery, as a committee I think we relied on evidence, we relied on research and not hearsay. After doing our thorough investigations, we could not find any link or any evidence of bribery. That is why I am saying I am supporting based on the research we did and several people who appeared before the committee.

Therefore, it is our urge especially in the House that we must defend the staffs of this great County so that no one is victimized because he has differed with someone. Through your wisdom, I request that we get a timeline in which we will operate and ensure that the Implementation Committee gives feedback as soon as possible. For example, we have James Hillary Wambugu who has already gone for retirement. Someone who has gone for retirement depends on pension for survival. If this House will take a long period of time for this person to access his pension, I think we will be doing injustice yet he has served the County with dedication. Therefore, through your guidance, I urge you to give a directive that by a certain period of time, we get an implementation. I support, thank you.

Hon. Deputy Speaker: Hon. Michael Ogada.

Hon. Michael Ogada: Thank you, Bwana Speaker. I stand to support this document because it has been supported by many people. I beg the Chair to at least give us the freedom to speak our minds because once in a while, you discuss on a document then the Chair or Members of the Committee holds it against you. It is not because you are opposed to a document but because you have an idea that you need to go to certain quarters or any other person--- Therefore, it is necessary as Assembly that we need to

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allow people to freely express their views. Just as a Chair of a committee, whenever you are chairing, whether an opinion is wrong or right, it has to be allowed but finally majority carries the day.

As I support this document, I support with the following reasons: One, having lived long enough, I have discovered one thing that many people are not being victimized because they have made mistakes but in several occasions, we have realized people get victimized so as to pave way for the 'correct' people. You will realize that these people are taken home not because they participated in an anomaly but somebody wanted to create room for his cronies. It is happening. If the Assembly doesn't put its feet down to really guard against that, then many people with young families are going to be affected. Therefore, it is really necessary that we try to protect and guard the employees of the County against external threats and intimidations.

Two, people are being removed from offices and taken to courts but you find the courts have found nothing against them. The only honorable thing to believe is that competent jurisdictions have gone through that process and have discovered that those people were falsely removed from offices.

Three, there is a cartel of arresting officers, people who are just waiting on the streets to be called on the phone to come and arrest. They will arrest you without any evidence but they will never fail to get something to take you to court. They can pick on any past file and remove the name that was in the file and put your name there. The purpose is to create room for certain 'correct' persons in certain offices to achieve an objective. This is something that Members of the County Assembly of Nairobi must stand against and allow our people to have the freedom to work and security as they work.

Bwana Speaker, the other reason that makes me support this is that when you look at the ages of certain people, ordinarily when you realize that a person you are going to sack or suspend, if he got few years to work, I think there must be internal mechanisms to put some sanctions on that person to allow him to retire in honour. It is not right, it is immoral. Every positive thinking Kenyan can only look at this document and support. Thank you.

Hon. Deputy Speaker: Hon. Kabiro.

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker. I also rise to support this report, not only because the chief comedian in the house has supported it, but also because of the structure and the content of this report. I have looked at the report and I think it is high time that employers and---

(Point of order)

Hon. Deputy Speaker: Proceed, Hon. Majiwa.

Hon. Geophrey Majiwa: Who is a chief comedian, Mr. Speaker?

Hon. Deputy Speaker: That is also what I wanted to inquire.

Hon. Mbugua Kabiro: Mr. Speaker, I am talking about my colleague and friend, the hon. Minority Leader. It is our code; it is between me and him. I am a comedian and he is the chief comedian.

(Laughter)

Hon. Deputy Speaker: Okay, proceed.

Hon. Mbugua Kabiro: Mr. Speaker, it is high time that employers and employees stop these fights that ultimately lead to the employee losing the job because they do not have the capacity to fight the employer. Also, these fights lead families to suffer because the employee who has been sacked cannot fend for his or her family. These cases are perfect examples of opportunities that have been lost. If for example, the children of these employees whom we sacked were in colleges, high schools or primaries in the course of that period, probably they would be depending on bursaries to pay the school fees.

I want to laud the Labour Committee for investigating this matter and prosecuting it with very sober minds. The verdict is well received and I truly support their recommendations that these people should be reinstated and their dues paid. Thank you very much, Mr. Speaker.

Hon. Deputy Speaker: The mover to reply.

Hon. Peter Wanyoike: Thank you, Mr. Speaker. I take this opportunity to thank the hon. Members for the support accorded. I also thank the Labour Committee Members for the good job they have done. Many things have been said and passed in this House but the Executive side does not implement. I would urge the Committee of Implementation to take up this matter and act so that the victims can be reinstated to their duties. Thank you, Mr. Speaker.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, having transacted today's business, the House stands adjourned until tomorrow, Thursday 21st March 2019 at 2:30 p.m.

The House rose at 3:50 p.m.