



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Tuesday 26th February, 2019

The House met at 2.30 p.m.

(Hon. Acting Speaker (Mr. Chege Mwaura) in the Chair)

PRAYERS

Hon. Acting Speaker: Have your seats Honorable Members. Clerk! Confirm quorum. Proceed. I am told that we have attained quorum

PAPERS

Hon. Acting Speaker: Chair Education

Hon. Millicent Mugadi: Mr. Speaker, pursuant to Standing Order number 191 (6), I beg to lay the following paper on the Table of the Assembly today Tuesday 26th February 2019. The report of the Sectorial Committee on Children, Early Childhood Education and Vocational Training on the strategic plan retreat held from 23rd-26th March 2018.

Mr. Speaker, pursuant to standing order 191 (6), I beg to lay the following paper on the table of the Assembly today Tuesday 26th February 2019. The report of the Sectorial Committee on Children, Early Childhood Education and Vocational Training on financial procedures, process of budget making and budget document retreat held from 10th – 13th December, 2018. I beg to lay

Hon. Acting Speaker: Thank you. Those are two documents laid and they will be taken to the House Business Committee for scheduling so that we have an appropriate time to look into them. Next order? Is there another report? Hon. Komu, do you have a report to lay? Next order

NOTICES OF MOTION

Hon. Acting Speaker: The Hon. Patricia Mutheu.

Hon. Patricia Muheu: Thank you Hon. Speaker. I beg to give notice of the following Motion; that aware that article 43 of the Constitution provides for the rights to the highest attainable standard of health which includes the right to healthcare services including reproductive healthcare; noting that County Governments spend hundreds of millions in providing private insurance cover for its employees annually to companies such as AAR insurance. I am deeply concerned that the County loses millions to private insurance firms for above average medical cover when the monies could be saved through a proper framework run affordably by the NHIF; Observing that the County stands to make great savings if the mechanisms can be explored for County employees to leverage their NHIF cards within a customized, enhanced framework within the County hospitals and dispensaries across the City. This Assembly urges the County Executive to explore mechanisms for working with NHIF to create a revamped proper medical cover for County employees for purpose of cutting costs of private insurance and supplementing the development budget for health facilities and medical supplies.

Hon. Acting Speaker: Proceed.

Hon. Patricia Mutheu: That is the end of my motion. Thank you.

Hon. Acting Speaker: It is a notice.

Hon. Patricia Mutheu: Yes.

Hon. Acting Speaker: Please lay it so that it goes to the House Business Committee for scheduling. Hon. Members, I had a communication to make but I was waiting for the communication of names. Hon. Members, this afternoon we are graced to have a visiting delegation from Members of the Nyandarua County Assembly Committee on Water, Environmental, Natural Resources and Tourism who are here with us on a benchmarking exercise with its counterpart committee. Accordingly and with the tradition of this County Assembly, I wish to recognize the following;

1. Hon. Ken Mukira, MCA - Ag. Chairperson of the delegation
2. Hon. Justus Gaita, MCA - Member
3. Mr. Peter Karanu, - Principle Clerk Assistant
4. Mr. David Mutahi -Clerk Assistant
5. Mr. Dennis Adung'o -Senior Sergent at arms
6. Mr. Amos Macharia -Driver

(They all take a bow)

On behalf of the County Assembly of Nairobi I wish to extend a warm welcome to the Honorable Members of Nyandarua County Assembly Sectoral Committee on Water, Environmental, Natural Resources and Tourism. May your endeavors benefit the residents of the great County and feel welcomed in Nairobi and enjoy the experience. *Asante sana.*

Proceed.

STATEMENTS

Hon. Ag. Speaker: 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 Transport and Public Works regarding construction of Plains view Likoni link road. Hon. Speaker, the said road was awarded to Elite ITS Limited during the FY 2016/17 under contract NCC/RPW/T/T/174 and was expected to be completed by 30th July 2018 at a contract sum of Ksh. 183,594,000. Hon. Speaker in the statement, 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 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?

Thank you Mr. Speaker.

Hon. Acting Speaker: Thank you. Chairman Transport.

Hon. James Mwangi: Thank you Mr. Speaker sir. I request the Member to give me two weeks

Hon. Acting Speaker: Hon. Whip, the Chairman is requesting for two weeks to respond

Hon. Chege Mwaura: That's in order Mr. Speaker.

Hon. Acting Speaker. Alright. Chair for Transport, I hope you remember the issue on Kiamaiko which should be responded to this week. I hope that by Thursday you will have a response ready or a status report.

Hon. James Mwangi: Thank you Mr. Speaker. I will have the response in the next three days

Hon. Acting Speaker: Thank you. Next is the Hon. Peter Warutere.

Hon. Peter Warutere: Thank you Hon. Speaker. Pursuant to Standing Order 45 (2c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the ongoing recruitment of road sector staff within this County. Hon. Speaker, the health sector is an important organ of this County Government as is anchored in the President's big four agenda as well as his Excellency the Governor's big eight agenda. The President and the Governor have separately pronounced themselves against acts of corruption and need for various government officers to uphold the rule of law. The County Government is concluding the process of recruitment of road sector staff to serve at various health facilities within this County. The process has been marred with allegations of bribery and lacking due process. Hon. Speaker in this statement the chairperson should enquire into and report on the following;

1. The criteria and process being used by the County for recruitment for the position of the said staff within this County?
2. Whether due process is being followed in the recruitment process?

3. I urge that the process be halted to allow for a fair recruitment exercise

Hon. Speaker, this process is taking place and I believe that we have various stakeholders that were never involved in the exercise and therefore I urge this House through your indulgence that you give directions that we pend the process before the committee responds on the matter.

Hon. Acting Speaker: You are out of order Chairman.

Hon. Peter Warutere: Thank you.

Hon. Acting Speaker: It is only fair that you give them a chance before you bulldoze this Assembly to agree with you without the benefit of knowing what the questions are all about. Don't you think you are out of order?

Hon. Peter Warutere: Much obliged

Hon. Acting Speaker: What is your Point of Order before I give the Chair time?

Hon. Anthony Kiragu: As he answers that question, I think that it is good to bring to the attention of this Assembly that the Public Service Board has no quorum since most of the members of that committees contracts have expired and I am not sure why they are conducting any interviews. They have no locus standi whatsoever to employ anybody. Kindly check on their contracts and inform this House how many members we have in that board. Thank you.

Hon. Acting Speaker: Chairman of Labour that is a very weighty issue and there is also another angle that the people who will be called to respond are not... what is your comment on the matter.

Hon. Peter Wanyoike: Thank you Mr. Speaker. What the Hon Kiragu has said is true that the Board is not well constituted. As you are aware from Veska and other two have left the board so the committee will sit down and invite the same Board so that we can respond to the statement.

Hon. Acting Speaker: Is the Board properly constituted?

Hon. Peter Wanyoike: It was not. What Hon. Warutere is asking is about due process.

Hon. Acting Speaker: Leader of Majority will shed more light on the issue.

Hon. Abdi Hassan: Mr. Speaker sir if I heard correctly what the Chair was saying that the County Public Service Board is not properly constituted, it has no quorum then why are they engaging in an illegal exercise? Mr. Speaker with your guidance that exercise should be stopped and the Committee should inquire from the County Public Service Board why they are engaging in interviews while they are not properly constituted.

Hon. Acting Speaker: The Chairman Labour do you have anything to add?

Hon. Peter Wanyoike: Mr. Speaker I can only agree with Majority Leader that the Board is not well constituted. I remember yesterday I sat with the Secretary of the Board and he told me they were not well constituted. I think with your ruling, because the Board is not well constituted, you can direct the board to stop the ongoing recruitment exercise.

Hon. Acting Speaker: Who represents the County in the Board? Is he the County Secretary? I want you to give us a certified statement of the Board status including the total number of members, who is currently on the board, who is out and when you table we can take a direction that will help us move forward. I am a bit afraid of committing the Assembly without a substantive documentation of the same.

Hon. Peter Wanyoike: I can do that next Tuesday.

Hon. Acting Speaker: Tuesday is far. Tomorrow. I know the nurses were recently on strike and we have the issue of Board has been brought about by recruitments. I want us to make direction that will be favorable to everyone.

Hon. Abdi Hassan: The chair with your indulgence if you remember last week there was an issue about Kenya Airports Authority giving their rights to Kenya Airways and the National Assembly stopped it pending investigations. The process is ongoing. If the House is not going to stop the process then we will be caught off-guard. Thank you.

Hon. Acting Speaker: Let me hear some sentiments so that we make a conclusion on this matter. The Hon. Gikonyo.

Hon. Stephen Gikonyo: This is the second day that they are doing the interviews and they are posting immediately. They are shortlisting and sending them to different institutions. What we should do is to stop that process immediately. We need your indulgence Mr. Speaker.

Hon. Acting Speaker: Hon. Maurice Gari.

Hon. Maurice Gari: Mr. Speaker it is very sad to see the Chairman complaining here, Majority Leader complaining about the same Board. We are not happy in this House because previously the Chairmen of Labour and Health were strong men and women who could stamp authority on some of the issues in this County. If things continue going this way we will lose the sense and essence of being here and conducting the business of the Executive. Let the Executive stop this immediately even if the applicants feel bad. We also feel the way they are feeling because we have been left out. We are not stakeholders so let it stop and new process start before they employ anybody. Thank you.

Hon. Silas Matara: Mr. Speaker my concern to that issue is as much as we are stopping this exercise I think the inherent need for the exercise was to address the workforce gap in the health sector. I think in the same light the Executive should inform the House what are the remedies towards meeting that need before this exercise is stopped.

Hon. Sylvia Moseiya: Thank you Mr. Speaker, I would like to contribute on two matters. One is that this Assembly has same powers with the High Court and the matter before us is if the County Public Service Board is properly constituted and two is the expiry period of the Board. We know the Board term expires in 2019. Is it already expired? While we do investigation into this matter I think it is only prudent for you, acting in same powers as High Court, to issue an injunction into the process as we do pending investigations and once recommendations or results come out we can decide the way forward. What we are requesting is an injunction to stop; stop it and if they are doing it having the proper legal mandate that they should have, thank you.

Hon. Elias Otieno: Thank you Mr. Speaker it is very sad if the Chairman of Labour should be alerted by a certain member. When did the Chairman know the interviews were ongoing? I think almost all chairmen are sleeping. The Majority Leader should give competent people to lead committees. You should not bring people who are sleeping to lead committees. The Chairman is complaining the way we are complaining. That is nonsense.

(Point of Order)

Hon. Abdi Hassan: Thank you Mr. Speaker sir. My good friend is using un-parliamentary language. He should withdraw the word 'nonsense' and I think my chairmen are competent. They can execute their work well. He should not impute improper motive towards my chairmen.

Hon. Acting Speaker: The Leader of Minority you are being requested to withdraw.

Hon. Elias Otieno: Mr. Speaker I don't want to withdraw it but the message is home.

Hon. Acting Speaker: Withdraw the word.

Hon. Elias Otieno: Okay let me withdraw it for the purpose of *HANSARD* but I think it is in your ears.

(Laughter)

I think you got the message clearly Majority Leader. Some of your chairmen are competent. About 20% of them are competent. About 80% are sleeping. If I may ask you where is Trade Committee nowadays? Have you seen that Trade Committee anywhere? Where is Justice and Legal Affairs Committee? Those are dead committees. Even the other one called Transport is dead committee. I can pinpoint some few committees that are working like Planning, Budget, Agriculture, and Water. The Ward Development Fund committee was dead long ago. *(Laughter)*

That is a dead committee. Just dissolve it. And you are coming here to defend them. Why? You are coming here and bring slay queens to chair a committee and expect results?

(Loud consultations)

Hon. Acting Speaker: Order, order. The Leader of Minority, are there slay queens? Withdraw the word slay queens and I will leave you to proceed.

Hon. Elias Otieno: Mr. Speaker if you can see the way the chair of Ward Development Fund Committee looks like she is just like beauty.

(Loud consultations)

Hon. Acting Speaker: Order, order Leader of Minority! In the eyes of the Assembly she is the member of Mathare. Withdraw the word slay queen.

Hon. Elias Otieno: I didn't mention women. I want to withdraw the word slay queen but when we meet outside there I will continue with that name but in the House I will not use it.

Hon. Acting Speaker: Withdraw the word...Hon. Mutheu, you are not on mic. Leader of Minority, withdraw the word "slay queen". The Chair of Ward Development Fund (WDF) is Hon. Mutheu.

Hon. Elias Otieno: The word "slay queen", even when we go out there, I will still continue with that name. But in the House, I will not use it.

(Laughter)

Hon. Acting Speaker: The Leader of Majority, I will give you a chance because I don't want your chairmen to respond. Order, Leader of Minority! The leader of Majority is on the floor.

Hon. Abdi Hassan: Mr. Speaker sir, we are not going to allow the Leader of Minority to disrespect my Chairmen and my women leaders with his arrogance and abusive language. Mr. Speaker sir, I am going to inform my good friend here that if my chairmen are sleeping on their jobs, it shows very clearly that his side which is supposed to put pressure on us has already slept. That is the reason my chairmen are

sleeping. If the people who are supposed to push the majority side are sleeping, what do you expect the majority side to do? They will definitely sleep. I want to ask him to pull up his socks, to ask his members to pull up their socks, so that my chairmen can perform. Thank you.

Hon. Acting Speaker: Alright. Leader of Minority, you started on good point of giving the Leader of Majority and his team pressure. I will allow you to finish up the final bit.

Hon. Elias Otieno: The debate is very healthy. I have already confirmed that his people are sleeping and my people should wake them up. That is what we are doing right now. My fellow Members, I didn't call anyone "women". I called one person who is leading a certain committee, I didn't mention women. So, don't put words into my mouth. The slay queen, who is leading a committee, is the one who is killing that committee.

(Laughter)

(Loud consultations)

Hon. Acting Speaker: Order! Chair of WDF, I am giving you a chance to respond. I don't want to cut him short for now. Leader of Minority, are you done?

(Loud consultations)

Leader of Minority, are you done?

Hon. Elias Otieno: Have you given her permission to talk?

Hon. Acting Speaker: Hon. Mutheu, order! Have your seat.

(Loud consultations)

Order! Order! Leader of Minority have your seat. The reason I wanted him to finish is that because if I give a Point of Order, I will return it back to him. So, I wanted him to finish and then I also give other members. I know there are Hon. Members like Emily, Leah, Mutheu. You have two statements coming up, you will have a chance to respond and you can make it as flowery as he is making it. So, relax. Leader of Minority finish your bit and then I will give two ladies so that the issue of women does not look like this County --- Order! Leader of Minority, I am allowing you one minute to conclude.

Hon. Elias Otieno: Mr. Speaker, I respect 20 percent of Chairmen in this House. I can mention them. Water, Planning, Agriculture, Budget, Education and Delegated. The ones I have not mentioned are the dirty committees to which I am calling upon the Leader of Majority to disband or reconstitute them again.

Mr. Speaker, I want to drive my point home. Since we are talking about the quorum in the County Public Service Board, I think the Chairman of Health made a very good request from the Chairman of Labour. It is upon the Chairman of Labour to do an undertaking and report to this House. Ask him how long he is going to take to bring that report to this House. Right now, he should wake up from where he is sleeping. I rest my case.

Hon. Acting Speaker: The Leader of Majority.

Hon. Abdi Hassan: You allowed my good friend to continue speaking without withdrawing the word “slay queen” and apologizing. I am standing under Standing Order 113 (1) (b). My good friend evaded apologizing and retracting the word “slay queen”. Standing Order 113 (1) (b) says “Conduct is grossly disorderly if the Member concerned willfully declines to retract use of unparliamentary language or offer apology despite having been directed to do so by the Speaker or Chairperson of the committee”.

Mr. Speaker sir, my good friend continues speaking without retracting the word “slay queen” and apologizing. Before we say he grossly disorderly, he should stand and apologize and retract the word “slay queen”. Thank you.

Hon. Acting Speaker: Leader of Minority.

Hon. Elias Okumu: Mr. Speaker, I think I said it clearly that I withdraw the word “slay queen” but when we meet with the slay queen outside there, we are still going to talk as usual.

Hon. Acting Speaker: Order! Withdraw and apologize, Leader of Minority.

Hon. Elias Okumu: Mr. Speaker, I withdraw the word “slay queen”.

Hon. Acting Speaker: Thank you very much Leader of Minority.

(Hon. Elias speaks of the microphone)

I will allow the Chairman of Labour, but before that, I think I wanted to follow up the debate so that I commit the House from a position of knowledge. I want you, tomorrow, to give us the status of the County Public Service Board on the issue of the composition and the expiry of their term. Secondly, a progress report on the recruitment of the nurses. Hon. Gikonyo is saying that they are being recruited and appointed at the same time. So, I want a report based on those two. What your good committee should give us is a recommendation so that the whole house can debate on the basis of your committee’s report. Is tomorrow 2.30 p.m. too soon, or what do you have to say, Chair of Labor?

Hon. Peter Gitau: Mr. Speaker, as I had said earlier on, the Board is not well constituted. Even if we invited the Board and we sit with them, they will not give a good response because they are not well constituted.

Hon. Acting Speaker: Chair, what we want you to do is to either call the County Secretary, who can give you the terms of the Board members and who is currently sitting on the Board, and secondly the expiry of their term. So, you will not need to call the Board. Just give us that information, have it tabled. I cannot halt a process without a basis. Even what the Leader of Majority was alluding to in the National Assembly, it was the Transport Committee that was handling that issue of Kenya Airports Authority and the Kenya Airways so that when they bring it to the House, the House can base it on the report of the Transport Committee. I want us to base our reasoning on the Committee of Labor. Leader of Majority and his whips can attend the meeting so that tomorrow we have something to debate on. Chairman, Labour.

Hon. Peter Gitau: Thank you Mr. Speaker, I think that is okay.

Hon. Acting Speaker: Are you okay, Leader of Majority? Thank you. Chairman, Health, I hope you are comfortable with that direction.

Hon. Peter Warutere: I am, Mr. Speaker. My only concern was what would happen between today and tomorrow because as we sit here, the recruitment is ongoing. Tomorrow, we still have a whole day. I

thought you would give a pronouncement on this particular matter probably to guide the process even if it means stopping it.

Hon. Acting Speaker: Chair, we cannot commit this House on the basis of plenary deliberations. I need it to be based on a report. You can also accompany the Leader of Majority in fact-finding. It is upon you to give us something to work with tomorrow. If the Board is rushing to hire people before they leave, that will be the basis of scrapping the whole thing. But I cannot commit the Assembly without a substantive report from a committee. There is a competent committee given that job.

Hon. Peter Warutere: Much obliged.

Hon. Acting Speaker: Thank you. I just wanted your concurrence because as I stepped the questions you raised, we added the two so that if the verdict is that we halt based on the recommendation of the committee, then this House is going to make that decision. Thank you. Hon. Patricia Mutheu, then this House is going to make that decision. Thank you.

Hon. Patricia Mutheu: Thank you Mr. Speaker, but before I present my statement, I would like to counter the attack that were ... to me and from the Hon. Member of Kileleshwa Hon. Elias—

Hon. Acting Speaker: Proceed Hon. WDF.

Hon. Patricia Mutheu: This is a Point of Information that actually 85%---

Hon. Acting Speaker: Order! Hon. Obuya wants to inform you. Are you willing to be informed?

Hon. Patricia Mutheu: No.

Hon. Acting Speaker: Proceed.

Hon. Patricia Mutheu: Hon. Obuya, stop finding relevance with my issue. Let me respond. 85% of development projects which were done last year or in the last Assembly were through Ward Development Fund, which is point of information just in case you didn't know. So, we are not sleeping in our work and for the first time we were able to deliver 400 million to the suffering contractors. You can't say we are sleeping on our job. For your information, I know you are intimidated by beautiful women but you have to deal with it and as I proceed, I beg to read my statement.

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 Environment and Natural Resources regarding the illegal dumping of waste in rivers across the County. Hon. Speaker, the County's four main rivers, namely; Ngong, Nairobi, Mathare and Mbagathi flow through informal settlements. The illegal dumping of waste solid as well as industrial in some parts of the City, has greatly impacted the lives of residents in informal settlements where these rivers flow seeing as most have nearly become open sewers.

For example, Mathare River which runs through the Mathare slum and Ngong River through the Kibera slum, despite its large human population, has no sewer and solid waste disposal system. It also passes through the Industrial Area where some industries discharge their waste into it.

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

1. Measures put in place by the County government to strictly enforce environmental standards to prevent the dangerous pollution of the County's rivers;
2. Report detailing the historical pollution of the river and efforts the County government has put in place to return the rivers to their former glory;
3. Names of all the industries or persons or landlords who discharge their solid waste into any of the rivers and action taken against them; and
4. Plans to clean the rivers over the long run and steps taken to commence the said plans

Hon. Acting Speaker: Are you through?

Hon. Patricia Mutheu: Yes, I am through but I have two statements.

Hon. Acting Speaker: Let the Chairman commit on this one and then we will give you an opportunity for the other one. The Chairman Environment, Hon. Kamau?

Hon. John Muthiga: Thank you Mr. Speaker.

Hon. Acting Speaker: Order! Use the mic so that you are on *HANSARD*.

Hon. John Muthiga: Thank you Mr. Speaker. I did not know that Hon. Mutheu is a slay queen as Hon. ---

Hon. Acting Speaker: Why are you returning us to that heated debate?

Hon. John Muthiga: Hon. Speaker I wanted to know how Hon. Mutheu is a slay queen in this House and how many slay queens are in this House---

Hon. Acting Speaker: Hon. Chairman, you are out of order. That matter, the Leader of Minority withdrew, so proceed and give us the day when you will have answers for this statement.

Hon. John Muthiga: Thank you Mr. Speaker, in two weeks' time.

Hon. Acting Speaker: Two weeks' time, Hon. Mutheu are you comfortable?

Hon. Patricia Mutheu: Mr. Speaker, that is in order.

Hon. Acting Speaker: Okay. Two weeks' time it is. Hon. Mutheu, the next question? Order! Hon. Mutheu is on the floor with another statement request.

Hon. Patricia Mutheu: 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 Water and Sanitation regarding measures of promoting sustainable use of scarce water resources in the County.

Hon. Speaker, the County government has expressed a willingness to deal with the persistent water shortage across the City, proposing measures such as sinking bore holes and water harvesting amongst others. On the other hand, the National government plans to build 57 dams to address the recurrent water shortage in Nairobi, despite the ongoing wrangles in Murang'a County over the water resources.

Hon. Speaker, the current supply stands at roughly 530 million cubic meters a day against a demand of 780 million cubic meters. As measures are put in place to improve the foregoing, it is imperative that the County government demonstrates what other measures it has put in place in promoting the efficient and sustainable use of the available water resources for the City, given the unnecessary leakages, illegal diversions, theft by cartels with the aid of County employees and lack of creative strategies for promoting sustainable use of water amongst the residents.

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

1. Measures the County government has put in place in promoting the sustainable use of the available water resources;
2. Measures put in place for creating public awareness on the sustainable use of the available water resources;
3. Report detailing the enforcement of standards for piping, transporting and delivery of water to avoid leakage wastages across the City;
4. Report of the enforcement of the law against persons found stealing or irregularly diverting water from the County's supply lines since 2013; and
5. Measures if any put in place to promote sustainable water harvesting to supplement existing resources.

I beg to lay.

Hon. Acting Speaker: Thank you. The Hon. Chair Environment, again? Sorry. Is that an issue of water? Hon. Chairman of Water, sorry.

Hon. Paul Kados: Thank you Hon. Speaker. I request for two weeks.

Hon. Acting Speaker: Two weeks' time Hon. Mutheu?

Hon. Patricia Mutheu: Hon. Speaker, that is in order.

Hon. Acting Speaker: Thank you. The Hon. Cecilia Ayot? Technical people, find Hon. Cecilia. Who are the technical people? Proceed.

Hon. Cecilia Ayot: Thank you Mr. Speaker. Hon. Speaker, pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Culture and Community Services regarding the Sports grounds in the County, specifically Laini Saba Sports Ground.

Hon. Speaker, an alleged contractor Ms. Multi Dreams Africa of P. O. Box 20916 00200, Nairobi was awarded a tender to rehabilitate the Laini Saba Sports Ground at AMREF via contract No. NCC/SSH/T/103/2016-17. However, close to one year since the contract was awarded, no meaningful work has been done by the contractor to rehabilitate the ground, and therefore schools, churches and community at large have been denied a place for the children to play due to the pathetic state of the field.

Hon. Speaker, the contractor in conjunction with some youths have been dumping soil at the grounds hence making it unusable and the efforts to address the same have been met with resistance. Additionally, business people have similarly encroached the ground.

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

1. Status of the above mentioned (sports ground); and
2. Efforts of the Executive has put in place to ensure revert of the said land for the intended purpose and measures put in place to curb such cases going forward.

Before I finish, I would also want to ensure and tell all the great women in this House that slaying could mean anything. It could mean amusing, perfect, good at whatever you do. So keep slaying the great women of this County. Thank you, Mr. Speaker.

Hon. Acting Speaker: Chairman Culture or the vice chair? Leader of Majority, hold brief for your Chairman or any other member of the Culture Committee.

Hon. Anita Thumbi: Thank you Mr. Speaker. We request for 3 weeks bearing in mind that next week we will be the Devolution Conference week. So three weeks will be okay.

Hon. Acting Speaker: You are anticipating debate. We have not even passed the Procedural Motion. Hon. Cecilia, the Committee is requesting for three weeks?

Hon. Cecilia Ayot: Hon. Speaker, three weeks is way too much. There is so much that has been happening in Laini Saba Grounds and I am surprised that Anita who knows very well how the status of the field is, would suggest three weeks, it is just too much.

Hon. Acting Speaker: Hon. Anita—

Hon. Cecilia Ayot: I am also putting into consideration that the budget process making is going on now, we would like them to assess so that they find out whether they can reallocate some funds for the next financial year. I would suggest one week.

Hon. Acting Speaker: Order! Hon. Anita is aware that may be the Assembly will pass a week for recess for the Devolution Conference. That is why she was putting an extra week; I think that's what she was saying. I don't know if your indulgence may be second week of March is okay with you? Reasonably speaking? Proceed.

Hon. Cecilia Ayot: Mr. Speaker, I was following the issue with the Executive and they really wanted a communication from the Chair of that committee. I also mentioned to him, so he asked me to bring it as a statement. So, that will be still so much time. Probably he could act on it as soon as possible.

Hon. Acting Speaker: Let me give you better direction; Hon. Anita when your committee meets and you are deliberating on this issue, why don't you have the member also come so that you can also agree on a more realistic timeline because she feels like she has followed that issue a bit?

Hon. Anita Thumbi: Thank you Mr. Speaker. We will do that.

Hon. Acting Speaker: Thank you. Is that okay with you Hon. Ayot?

Hon. Cecilia Ayot: That is fine.

Hon. Acting Speaker: Put that on Hansard.

Hon. Cecilia Ayot: Yes. I am comfortable with that.

Hon. Acting Speaker: Thank you. The next order, Chair Education you have a—Hon. Mbote, you are standing in for your Chair?

Hon. Margaret Mbote: I am standing as a committee member for Education and I want to read a response to a statement.

Hon. Acting Speaker: Proceed, Hon. Mbote,

Hon. Margaret Mbote: Thank you Mr. Speaker. I want to respond to a statement.

Hon. Acting Speaker: Proceed, Hon. Mbote.

Hon. Margaret Mbote: Thank you, Mr. Speaker. First of all, I would like to say that all women in this Assembly are Hon. Members and should be respected equally as men.

RESPONSE TO A STATEMENT REGARDING THE INCOMPLETE CLASSROOM AT IMARA PRIMARY SCHOOL

I want to respond to a statement requested by Hon. Jeremiah Themendu, MCA Kayole Central Ward, from the Chairperson of Sectoral Committee on Children, Early Childhood Education and Vocational Training.

Mr. Speaker, on Wednesday, 20th June, 2018, Hon. Jeremiah Karani Themendu, MCA, pursuant to Standing Order 45 (2) (c), requested the Chairperson of the Sectoral Committee on Children, Early Childhood Education and Vocational Training for a Statement regarding the incomplete classroom at Imara Primary School.

The member sought to know:

- i. The name of the Company and contractor of the said project;
- ii. Whether the contractor has been paid for the job and if yes; the reasons for abandoning the job; and
- iii. Measures the County Executive is taking to ensure speedy completion of the stalled project.

Hon. Speaker, the Committee wrote to the County Executive Committee Member for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services on 26th June 2018, requesting to be furnished with written response to the statement sought by the Hon. Member.

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

The Chief Officer responsible for Education, Children, Gender Affairs and Social Services responded vide letter REF GL/NC/147CVOL3/65 on 21st January 2019. Both the Chief Officer responsible for Education, Children, Gender Affairs and Social Services and Hon. Jeremiah appeared before the Committee on Wednesday 6th February 2019 in order to consider the same response. The said Chief Officer responded as follows:

- (a) The name of the company and the contractor of the said project. The name of the company was known as Mass Communication Limited and the contractor's name is Modeste
- (b) Whether the contractor has been paid for the job and if yes, the reasons for abandoning the job. That the total sum of the contract was Kshs.4.8 million which was to construct three classrooms. That the contractor issued a completion certificate for one class of Kshs.1.8 million and was paid for the same. The classroom is currently in use. That the contractor issued the completion certificate for No. 1 classroom of Kshs.2.2 million. The No.1 classroom was built up to the lintel level and stalled. The payment was delayed and the contractor moved out of site
- (c) Measures the County Executive is taking to ensure speedy completion of the stalled project. That the County Executive was planning to construct a new ECDE block in the school to enable the primary school takeover the current ECDE classrooms to elevate the shortage.

Hon. Themendu was satisfied with the response given to all the questions. Herewith, find attached submissions from the Executive. I beg to lay this response.

Hon. Acting Speaker: Thank you. Serjeant-at-Arms, capture the late documents. Hon. Themendu.

Hon. Jeremiah Themendu: Thank you, Hon. Speaker, there is an area where I would like you to note. I rose on the floor of this Assembly on 20th June 2018 and I was told the response shall come in two weeks. From June up to now, it is about six months. Something needs to be done somewhere. I am tempted to support Minority Leader because there is a problem and you should look at it. The school that I requested on their behalf has a population of 3.5 students, which is the largest in Nairobi and East and Central Africa---

Hon. Acting Speaker: Order! 3.5 what?

Hon. Jeremiah Themendu: 3,500 students. So, it is congested. I didn't hear the Hon. Member saying the measures they have taken or they are going to take.

Hon. Acting Speaker: I hope Hon. Mbote you are capturing. You have the response from Hon. Themendu who asked the question.

I want to take Hon. John Kamau and Hon Akama--- Hon. Akama, have you requested to speak or it is by mistake? I can see your request here. Hon. Kamau Muthiga.

Hon. John Muthiga: Mr. Speaker, it was just a point of information. I wanted to clarify from Hon. Themendu. Because he is supporting Minority Leader, does it mean he supports Hon. Mutheu being called a slay queen?

Hon. Acting Speaker: Order! You are out of order. Let us not go that direction again. Hon. Margaret Mbote, can you undertake to finalize the issues that Hon. Themendu is asking in your next meeting.

Hon. Margaret Mbote: Mr. Speaker, that is a response that we are going to dwell on in our Committee meeting tomorrow and we will forward the measures.

Hon. Acting Speaker: Thank you. Hon. Themendu, they will call you in the next meeting so that issues can be clarified.

Hon. Jeremiah Themendu: Hon. Speaker, when I look at the response, I have seen where the County Executive has said they are planning to construct a new ECDE block in the school to enable the primary school take over the current ECDE classrooms to alleviate the shortage.

Hon. Acting Speaker: Hon. Themendu, what we have agreed, because the substantive chair is not here, Hon. Margaret takes the concerns of your question in their next committee meeting and they can recall CEC Member for Education and clarify on those issues. She can then bring that report by Thursday next week so that we can finalize the matter. Is that okay with you?

Hon. Jeremiah Themendu: Yes.

Hon. Acting Speaker: Thank you. Next Order!

MOTION

Hon. Acting Speaker: Chairman of Agriculture?

ADOPTION OF REPORT ON THE SITE INSPECTION VISIT TO NEEMA, KIAMAIKO AND DANDORA/NJIRU ABATTOIRS

Hon. Joseph Komu: Thank you, Hon. Speaker. I beg to move the following Motion: THAT, this Assembly adopts the Report of the Sectoral Committee on Agriculture, Livestock and Fisheries on the site inspection visit to Neema, Kiamaiko and Dandora/Njiru Abattoirs, laid on the Table of the Assembly on Tuesday, 19th February, 2019.

Hon. Speaker, the Sectoral Committee on Agriculture, Livestock and Fisheries undertook inspection visit to various slaughterhouses within the County to assess their status and make appropriate recommendations. As such, the Committee was able to visit Neema slaughterhouse in Lucky Summer, Kiamaiko, Dandora/Njiru and Kayole slaughterhouses.

Hon. Speaker, in the course of inspection visit, the Committee established that most of the abattoirs were still in deplorable state and raft of measures have been proposed in this report to improve their management and operations. A case in point is Kiamaiko that deals with goat meat. The Committee found that the limited space at Kiamaiko cannot be suitable for slaughterhouse. In view of this, the Committee welcomes the voluntary relocation to a larger Njiru area as affirmed by proprietors of the 15 slaughterhouses.

Cognizant to the fact that Kiamaiko residents solely depends on goat meat as a source of livelihood and it is the economic activity, it is Committee's considered opinion that Kiamaiko can also be converted into a meat butchery or market as a replica of the one in Burma instead of interrupting the whole economic setup.

For many reasons, the City abattoirs must work hard to emulate the Neema abattoir that does exports and meets international standards. In order to realize this, the Committee has been able to retrieve the Nairobi City County Abattoirs Act, 2017 and has met with the sector CEC Member on the need to operationalize the said Act by coming up with regulation in partnership with Delegated Legislation Committee.

Hon. Speaker, as I conclude, it is our prayer that the County Government moves with speed and agility to address the serious challenge of understaffing within the sector. As we resolve the

issue of the safety of meat consumed in Nairobi County, we will be at stake if more veterinary officers and meat inspectors are not hired immediately. I can now call upon, my Senior Hon. Haman Azangu to come and second this Motion.

Hon. Acting Speaker: The Hon. Member of Landimawe!

Hon. Herman Azangu: Thank you, Hon. Speaker, I hereby stand to second the Motion of the report of the Sectoral Committee on Agriculture, livestock and fisheries on Inspection visit to Neema, Kiamaiko and Dandora/Njiru/ Kayole slaughter house. Therefore, I would like to ask the Members to pass this Motion because when you see the recommendation of the committee they are talking about the relocation of Kiamaiko to Njiru site, it remains to be the best options since the current area is densely populated.

When you look at the last recommendation it states about County Government needs to address the poor state of access roads, dilapidated sewerage system and lack of Street lighting to ease transportation of meat and related products. Therefore, I would like to ask the Hon. Members to pass this Motion since it will help to create Job opportunity for the youths in those areas. Thank you, Hon. Speaker.

(Question proposed)

Hon. Acting Speaker: Hon. Moses Ogeto.

Hon. Moses Ogeto: Thank you, Hon. Speaker and I would like to wish you a happy New Year since I have never spoken in this Assembly since the beginning of the New Year. The committee has done a very recommendable job and when you look at their recommendation, No.3 where they need the County Government should fast-track the enactment of a County Meat(animal) Control Act.

Hon. Speaker, I believe your office through the leadership of the Chairman, will ensure that this Act has been stated to be drafted before we go to another session. When you see how they have done there regulations on how this Act will be managed you will notice that it has a sense of belonging. This is because we do not know what type of meat we eat in the City.

Hon. Speaker, in their recommendation and inclusive of the Public participation by the Nairobians to participate in this Bill, will ensure that the meat that we eat in this City will always be safe for human consumption.

When you look at the recommendation, No. 5 where they are saying that the County Government should ensure that we have Public Private Partnership (PPP). Hon. Speaker, you have seen even at your Ward where we are doing a multi-billion project that is a Public Private Partnership (PPP) of Housing and when you see the investors who are willing to invest in this City and they are willing to inject their money, we should give them the opportunity. The Bill that the Chair said let it also incorporate a section of that Bill so that it allows for Private Public Partnership (PPP).

Hon. Speaker, I would also want to congratulate the Committee as a whole and the House should support this report so that we have a business to do, as this Hon. House requires it. Therefore, Hon. Speaker, I beg to support. Thank you.

Hon. Acting Speaker: Hon. Mbugua Kabiro!

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker, I want to support this report though I have few reservations. The recommendations are well done and the structure of the report is very good.

However, the content of the report is the same and in fact, I feel like am reading the Environmental report that was passed the other day in this House.

Therefore, my major recommendation is to the Liaison Committee is that the mandate of this Committee should be clearly specified so that we do not have infringements of other Committees going over their mandate or other committees feeling superior because they are trying to muscles themselves.

The report is the same, like in recommendation No. 1 was to move Kiamaiko to Njiru it was the first recommendation in that report and I remember very well. Therefore, Hon. Speaker I support and they have a very nice recommendation but if you can have a clear direction to get the Liaison Committee to write the mandate and clearly specify the mandates of this Committee I think that will be very much in order. Thank you very much, Hon. Speaker.

Hon. Acting Speaker: I was even consulting because am wondering how another committee can talk of moving an abattoir, which is clearly a livestock docket in Agriculture to the same Kiamaiko. I have asked the Clerk to give the report that we are talking about and this one so that we see if the recommendations are the same before we rope in Liaison Committee. However, you were supporting the report Chairman of Health!

Hon. Peter Warutere: What has caught my eyes and why I rise in support of this important report is on the matter of health. Whereby, I have seen observation No. 1, we need to relocate Kiamaiko to Njiru because it is a fact that is very important, and I believe strongly owing to land appreciation within Kiamakio area and the fact like Njiru has enough space and it is also densely populated and hygienically this is the right thing to do.

I think among many other issues that I would like us to consider we should rise to support this Committee in ensuring that we take this abattoir from a densely populated area to an expansive area and owing to this, I think we will be able to live in a very hygienic way.

Other measures they have urged this House to consider, the best that we can do is to move with speed and ensure that after the implementation of this report we hope as soon as it is done, the recommendations should not find its way to the dustbin of the Executives. Therefore, we should ensure at least it is implemented.

However, I wish the implementation Chairman is here honestly to hear what we are advising them to do. Thank you very much and I support.

Hon. Acting Speaker: Thank you. Hon. Osman Adow.

Hon. Osman Adow: Thank you, Mr. Speaker, I would like to invoke Standing Order No.100 for the mover to reply.

Hon. Acting Speaker: Okay! In fact, the mood of the House is following the deliberation and that they are in an agreement. I call the mover to reply.

Hon. Joseph Komu: Thank you, Mr. Speaker sir, before I reply I want to make some clarification here concerning Hon. Kabiro about Liaison. The Mandates of Environment and Agriculture are distinct as created in Schedule three (3) under Standing order 203 and I will read it for him.

"The Sectoral Committee on Environment and Natural Resources is meant to undertake Implementation of specific national government policies on natural resources and environmental

conservation, including soil and water conservation, forestry and control of air pollution, noise pollution, other public nuisances and refuse removal, refuse dumps and solid waste disposal.” This is where their mandate on Abattoirs is and that is what they were meant to act on.

“Regarding the Agriculture, Livestock and Fisheries it is equally distinct that all matters related to agriculture, including crop and animal husbandry, livestock sale yards, County abattoirs, plant and animal disease control and fisheries; animal control and welfare, including licensing of dogs and facilities for the accommodation, care and burial of animals.”

These are the mandate of Agriculture and I do not think this House should allow anyone to encroach on any other sector’s mandate and what it relates to. I hope if there was any other motive the one they ought to have is in Standing order 113 and should have expressed the interest on the same.

Since we have interacted on this issue, I would like to thank the Hon. Members and the entire Assembly for contributing to this important Motion.

Hopeful, you will all adopt this report and what it entails several issues in it and it is not only about the Abattoirs, it is also about food safety and about employing meat inspectors who are going to be dispatched to various Abattoirs in the County.

Finally, we have indicated in the past that we have Boma market that has been receiving meat from all over the County. When we push our own in Nairobi County in Kiamaiiko to move out just like that then we will be acting unfairly.

Therefore, we are calling for the County Government, NEMA to consider, and not interrupting the economic activity of these people. I am aware of the local MCA of the area my friend Hon. James Wambui once used to survive on selling the goats heads in the area and now he is a Senior Member in this Country and I am sure if he was around he would have supported this Motion.

Therefore, I beg, to reply thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Acting Speaker: Hon. Members we have concluded the business of today and we have managed to do it in a good time and we have done many transactions. Therefore, I also wish you we precede this week with that kind of efficiency.

The House Business Committee shall be meeting at the rise of the House. Hon. Members we adjourn until tomorrow at 2.30 p.m.

(The House rose at 4.04 p.m.)