



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Thursday 28th November 2019

The House met at 2.30 p.m.

[Hon. Speaker (Ms. Beatrice K. Elachi) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, ring the bell for 10 minutes.

(Quorum bell rang)

PETITIONS

MISMANAGEMENT AND GENERAL INCOMPETENCE OF THE NAIROBI COUNTY PUBLIC SERVICE,
NAIROBI CITY COUNTY

Hon. Speaker: Hon. members, I have a petition pursuant to Standing Order 208 on mismanagement and general incompetence of the Nairobi County Public Service Board. The petition has been presented and signed by Millicent Okatch who is not here, but it has been signed by the Board Members. So, I will read.

We the undersigned citizens of the Republic of Kenya, taxpayers to the Nairobi City County Government in Nairobi City County; do hereby draw the attention of Nairobi City County Assembly to the following:

AWARE THAT, Article 10 of the Constitution vests the County Public Service Board with powers to inform and educate county public officers and the public about the values and principles Articles 10 and 232 of the Constitution on national values and principles of governance;

THAT Article 10 of the Constitution mandates the County Public Service Board to assist the county government to formulate and implement programmes intended

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to inculcate in public officers the duty to uphold the values and principles on national values and principles of governance;

THAT the County Public Service Board is mandated to visit any county public office or body to assess and inspect the status of compliance with the values and principles, the status of compliance with the values and principles on national values and principles of governance in Kenya and that Section 59 (1) (d) of the County Governments Act, 2012 imposes an obligation on the County Public Service Board on preparing regular reports for submission to the county assembly and Section 59 (5) (a) provides that the County Public Service to deliver report on each December to the County Assembly; further aware that there have been numerous allegations relating to the manner the Chairperson of the Nairobi County Public Service Board is managing the affairs of the Board; concerned that concerns have been raised on failure by the Chairperson to implement key decisions of the Board. For instance, the Chairperson has embarked in divide and rule practice has failed to hold crisis meetings especially during the recent strikes by nurses and refused to fast-track pending re-designation requests, recruitments among other related issues.

THAT whereas the petitioner wants a report on milestones of the new County Public Service Board since inception; Whether the allegations leveled against the Chairperson of the Board are true; Measures being put in place to fast-track pending recruitments, re-designations and promotions and timelines for the same.

And your Petitioners will forever pray.

Signatures of the Member and few residents as attached to the petition.

Hon. Members, I will refer this to Article 205 of our Standing Orders and request the Whips to forward 11 names, which means, *"The Assembly may, by a resolution establish an ad-hoc committee for purposes of inquiring into a matter or matters specified in the resolution"*. I will, therefore, send this petition to an ad-hoc committee and I want both of you to sit and ensure you give us an ad-hoc committee on Tuesday.

PAPERS

Hon. Speaker: Sectoral committee on lands? Hon. Ng'ang'a.

Hon. Geoffrey Mbutia: Thank you, Madam Speaker. I stand on behalf of the Chairman of the Sectoral Committee on Lands, Planning, and Housing.

Pursuant to Standing Order no. 191 (6), I beg to lay the following paper on the Table of the Assembly today, Thursday 28th November 2019:

The report of the Sectoral Committee on Land, Planning, and Housing on consideration of the draft physical development plans for projects under the Kenya informal settlement improvement projects.

Hon. Speaker, I beg to lay.

(The paper was laid on the Table)

Hon. Speaker: Thank you. Powers and Privileges? Vice Chair? Hon. Naftali.

Hon. Naftali Mathenge: Thank you, Hon. Speaker. Pursuant to Standing Order no. 191 (6), I beg to lay the following paper on the Table of the Assembly today, Thursday 28th November 2019.

The report of the Select Committee on Powers and Privileges on the alleged inquiry into allegations of harassment of witnesses during a sitting of the Select Committee on Children, Early Childhood Education and Vocational Training on 26th June 2019.

(The paper was laid on the Table)

Hon. Speaker: Thank you. Chairperson, Select Committee, move to the desk and consult the Clerk.

Hon. Charles Thuo: Thank you, Hon. Speaker. Pursuant to Standing Order no. 164, I beg to lay the following paper on the Table of the Assembly, today Thursday 28th November 2019.

The report of the Select Committee on Selection on the consideration of changes in committee membership. Thank you.

(The paper was laid on the Table)

NOTICES OF MOTION

Hon. Speaker: Hon. Nganga, are you stepping in for the Chair?

Hon. Geoffrey Mbutia: Yes, Madam Speaker. I beg to give notice of the following Motion.

CONSIDERATION OF THE DRAFT PHYSICAL DEVELOPMENT PLANS FOR PROJECTS UNDER THE KENYA INFORMAL SETTLEMENT IMPROVEMENT PROJECT

THAT, this Assembly adopts the report of the Sectoral Committee on Land, Planning, and Housing on consideration of the draft physical development plans for projects under the Kenya informal settlement improvement project laid on the Table of the Assembly today Thursday 28th November 2019. I beg to give notice.

Hon. Speaker: Thank you. Vice Chair, Privileges?

ALLEGED INQUIRY INTO ALLEGATIONS OF HARASSMENT OF A WITNESS

Hon. Naftali Mathenge: Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the Select Committee on Powers and Privileges on the alleged inquiry into allegations of harassment of a witness during a sitting of the Select Committee on Children, Early Childhood Education and Vocational Training on 26th June 2019, laid on the Table of the Assembly today, Thursday 28th November 2019. Thank you.

STATEMENTS

Hon. Speaker: Hon. Redson? Clerk, proceed.

PROCEDURAL MOTION

Hon. Speaker: Majority Leader.

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON SELECTION

Hon. Charles Thuo: Thank you, Hon. Speaker, I wish to move the following Procedural Motion:

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THAT, pursuant to the provision of Standing Order 164, this Assembly approves the appointment of the following Members to the Select Committee on Selection:

1. The Hon. David Mberia, MCA - Minority Leader
2. The Hon. Peter Imwatok, MCA - Minority Whip
3. The Hon. Carolyn Mayunzu, MCA
4. The Hon. Herman Azangu, MCA
5. The Hon. John Kyalo, MCA

I would like to call the Minority Whip to come and second.

Hon. Peter Imwatok: Hon. Speaker, I second.

(Question of Procedural Motion as amended proposed)

Hon. Charles Thuo: Hon. Speaker, I would like to thank Members for supporting the Motion. Thank you.

(Question of the Procedural Motion as amended put and agreed to)

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS

Hon. Charles Thuo: Hon. Speaker, I beg to move the following procedural Motion:

THAT, pursuant to the provision of Standing Order 199 (1), this Assembly approves the appointment of the following Members to the Select Committee on County Finance, Budget, and Appropriations:

1. The Hon. Paul Shilaho, MCA
2. The Hon. Cecilia Ayot, MCA
3. The Hon. Michael Ogada, MCA
4. The Hon. Herman Azangu, MCA
5. The Hon. Immapet Kemunto, MCA
6. The Hon. Emily Ondenje, MCA
7. The Hon. Mellab Atemah, MCA
8. The Hon. David Okelo, MCA
9. The Hon. Catherine Okoth, MCA

I wish to call my Minority Whip to come and second.

Hon. Peter Imwatok: *(Bowed to Second)*

(Question of Procedural Motion as amended proposed)

Hon. Charles Thuo: Hon. Speaker, I would like to thank Members for supporting the Motion. Thank you.

(Question of the Procedural Motion as amended put and agreed to)

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON PUBLIC ACCOUNTS

Hon. Charles Thuo: Hon. Speaker, I wish to move the Procedural Motion:

THAT, pursuant to the provision of Standing Order 197(1), this Assembly approves the appointment of the following Members to the Select Committee on Public Accounts:

1. The Hon. Wilfred Odalo, MCA
2. The Hon. Moses Ogeto, MCA
3. The Hon. Clarence Munga, MCA
4. The Hon. David Mberia, MCA
5. The Hon. Kennedy Oyugi MCA
6. The Hon. Rose Ogonda, MCA
7. The Hon. Nicholas Okumu, MCA
8. The Hon. Peter Imwatok, MCA
9. The Hon. Jared Okode, MCA

I call upon the Minority Leader to second.

Hon. David Mberia: Thank you, Madam Speaker. I have just walked in and I would like to second the Motion.

(Question of Procedural Motion as amended proposed)

Hon. Charles Thuo: I thank the Member for supporting the Motion thank you.

(Question of the Procedural Motion as amended put and agreed to)

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON PUBLIC INVESTMENTS

Hon. Charles Thuo: Thank you, Hon. Speaker, I stand to mover the procedural Motion:

THAT, pursuant to the provision of Standing Order 198 (1), this Assembly approves the appointment of the following Members to the Select Committee on Public Investments:

1. The Hon. Stazo Omung'ala, MCA
2. The Hon. Maurice Gari, MCA
3. The Hon. Geophrey Majiwa, MCA
4. The Hon. Patrick Kanyangi Logedi, MCA
5. The Hon. Esther Nyangweso, MCA
6. The Hon. Kennedy Obuya, MCA
7. The Hon. Francis Ngesa, MCA
8. The Hon. Redson Otieno, MCA
9. The Hon. Naftally Ogola, MCA

I would like to call upon the Minority Whip to second the Motion.

Hon. Peter Imwatok: I second, Hon. Speaker.

(Question of Procedural Motion as amended proposed)

Hon. Charles Thuo: I thank the Members for supporting the Motion.

(Question of the Procedural Motion as amended put and agreed to)

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON IMPLEMENTATION

Hon. Charles Thuo: THAT, pursuant to the provision of Standing Order 201(1), this Assembly approves the appointment of the following Members to the Select Committee on Implementation:

1. The Hon. David Mberia, MCA
2. The Hon. David Ayoi, MCA
3. The Hon. Osman Khalif MCA
4. The Hon. Millicent Okatch, MCA
5. The Hon. Patrick Musili, MCA
6. The Hon. Michael Ogada, MCA
7. The Hon. Jared Akama, MCA
8. The Hon. Elias Otieno, MCA
9. The Hon. Fredrick Otieno Omondi, MCA

I call upon the Minority Board Member to second the motion.

Hon. Maurice Gari: Thank you, Madam Speaker, I beg to second.

(Question of Procedural Motion as amended proposed)

Hon. Charles Thuo: I thank Members for supporting the motion.

(Question of the Procedural Motion as amended put and agreed to)

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION

Hon. Charles Thuo: Thank you, Hon. Speaker, I beg to move the following procedural Motion:

THAT, pursuant to the provision of Standing Order 202(1), this Assembly approves the appointment of the following Members to the Select Committee on Delegated County Legislation:

1. The Hon. Wilson Ochola, MCA
2. The Hon. Joseph Ndonji, MCA
3. The Hon. Omar Nimo Hajji, MCA
4. The Hon. Jairus Omay, MCA
5. The Hon. Rose Masitsa, MCA
6. The Hon. David Mbithi, MCA
7. The Hon. Immaptet Kemunto, MCA
8. The Hon. Jane Muasya, MCA
9. The Hon. Hussein Fuad, MCA

I call the Minority Leader to second the motion.

Hon. David Mberia: I hereby second.

(Question of Procedural Motion as amended proposed)

Hon. Charles Thuo: I thank Members for supporting the Motion.

(Question of the Procedural Motion as amended put and agreed to)

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON WARDS DEVELOPMENT FUND

Hon. Charles Thuo: I beg to move the following Procedural Motion:

THAT, pursuant to the provision of Section 35(1) of the Nairobi City County Wards Development Fund Act, 2014, this Assembly approves the appointment of the following Members to the Select Committee on Wards Development Fund:

1. The Hon. Eunice Wanjiku, MCA
2. The Hon. Peter Imwatoke, MCA
3. The Hon. Wilfred Odalo, MCA
4. The Hon. Kennedy Oyugi, MCA
5. The Hon. Fredrick Okeyo, MCA

I call the Deputy Minority Leader to second the Motion.

Hon. Patrick Mbangula: Thank you, Majority Leader, I do second.

(Question of Procedural Motion as amended proposed)

Hon. Charles Thuo: I thank Members for supporting the Motion.

(Question of the Procedural Motion as amended put and agreed to)

APPOINTMENT OF MEMBERS TO THE FOLLOWING SECTORAL COMMITTEES

Hon. Charles Thuo: Thank you, Hon. Speaker. I beg to move the following Procedural Motion:

THAT, pursuant to the provision of Standing Orders 203(1), this Assembly approves the appointment of the following Members to the following Sectoral Committees as listed in the Third Schedule to the Standing Orders:

A. Sectoral Committee on Environment & Natural Resources

1. The Hon. Peter Imwatoke, MCA
2. The Hon. Francis Ngesa, MCA
3. The Hon. Joseph Ndonji, MCA
4. The Hon. Rose Masitsa, MCA
5. The Hon. Millicent Okatch, MCA
6. The Hon. Emily Waithaka Wanjiku, MCA
7. The Hon. Nicholas Okumu, MCA
8. The Hon. Michael Ogada, MCA
9. The Hon. Hussein Fuad Mohamed, MCA
10. The Hon. Redson Otieno, MCA

B. Sectoral Committee on Transport & Public Works

1. The Hon. David Ayo, MCA
2. The Hon. Abdi Osman Khalif, MCA
3. The Hon. Kennedy Oyugi Odhiambo, MCA
4. The Hon. Wilson Ochola Ongele, MCA
5. The Hon. Evans Otiso, MCA
6. The Hon. Stazo Omung'ala Elijah Ang'ila, MCA
7. The Hon. Mary Ariviza Mwami, MCA
8. The Hon. Jared Okode Okoth, MCA
9. The Hon. Kennedy Obuya, MCA

C. Sectoral Committee on Culture & Community Services

1. The Hon. Clarence Munga, MCA
2. The Hon. David Mberia, MCA
3. The Hon. Jared Okoth Okode, MCA
4. The Hon. David Okelo, MCA
5. The Hon. Immapet Kemunto, MCA
6. The Hon. Jackeline Apondi, MCA
7. The Hon. Mellab Atemah, MCA
8. The Hon. Omar Nimo Hajji
9. The Hon. Wilfred Odalo

D. Sectoral Committee on Justice and Legal Affairs

1. Hon. Moses Ogeto, MCA
2. Hon. David Ayo, MCA
3. Hon. Kennedy Obuya, MCA
4. Hon. Francis Ngesa, MCA
5. Hon. Patrick Kanyangi, MCA
6. Hon. Esther Nyangweso, MCA
7. Hon. Millicent Okatch, MCA
8. Hon. Cecilia Ayot, MCA
9. Hon. Jairus Omay, MCA

E. Sectoral Committee on Labour and Social Welfare

1. Hon. Jared Akama, MCA
2. Hon. Evans Otiso, MCA
3. Hon. Rose Ogonda, MCA
4. Hon. Joseph Ndonji, MCA
5. Hon. Esther Nyangweso, MCA
6. Hon. Eunice Wanjiku, MCA
7. Hon. Wilson Ochola, MCA
8. Hon. Patrick Musili Mbangula, MCA
9. Hon. David Okelo, MCA

F. Sectoral Committee on Planning and Housing

1. Hon. Alvin Palapala, MCA
2. Hon. Elias Okumu, MCA
3. Hon. David Mberia, MCA
4. Hon. Osman Khalif, MCA
5. Hon. Carolyn Mayunzu, MCA
6. Hon. Jared Okode, MCA
7. Hon. Maurice Gari, MCA
8. Hon. Naftaly Ogola, MCA
9. Hon. Geophrey Majiwa, MCA

G. Sectoral Committee on Trade, Tourism and Co-operatives

1. Hon. Maurice Ochieng', MCA
2. Hon. Patrick Musili, MCA
3. Hon. Wilfred Odalo, MCA
4. Hon. Fredrick Otieno Omondi, MCA
5. Hon. Clarence Munga, MCA
6. Hon. Mary Ariviza, MCA
7. Hon. Nicholas Okumu, MCA
8. Hon. Lawrence Otieno, MCA
9. Hon. Jane Muasya, MCA

H. Sectoral Committee on Water and Sanitation

1. Hon. Elias Otieno, MCA
2. Hon. Jared Akama, MCA
3. Hon. Rose Ogonda, MCA
4. Hon. Peter Imwatok, MCA
5. Hon. Herman Azangu, MCA
6. Hon. Emily Waithaka, MCA
7. Hon. Lawrence Otieno, MCA
8. Hon. Cecilia Ayot, MCA
9. Hon. Jane Muasya, MCA

I. Sectoral Committee on Agriculture, Livestock and Fisheries

1. Hon. John Kyalo, MCA
2. Hon. Herman Azangu, MCA
3. Hon. Hussein Fuad Mohamed, MCA
4. Hon. Maurice Gari, MCA
5. Hon. Catherine Ann Akinyi, MCA
6. Hon. Hafsa Khalif, MCA
7. Hon. Emily Wanjiku Waithaka, MCA
8. Hon. Paul Shilaho, MCA
9. Hon. Eunice Wanjiku, MCA
10. Hon. Mary Ariviza, MCA
11. Hon. Fredrick Okeyo, MCA

12. Hon. Husni Alawi, MCA

J. Sectoral Committee on Health Services

1. Hon. Moses Ogeto, MCA
2. Hon. Jairus Omayo, MCA
3. Hon. John Kyalo, MCA
4. Hon. Stazo Omung'ala, MCA
5. Hon. David Mbithi, MCA
6. Hon. Carolyne Mayunzu, MCA
7. Hon. Emily Ondenje Oduor, MCA
8. Hon. Maurice Ochieng', MCA
9. Hon. Catherine Okoth, MCA

K. Sectoral Committee on Children, Early Childhood Education and Vocational Training

1. Hon. David Mbithi, MCA
2. Hon. Catherine Akinyi, MCA
3. Hon. Esther Nyangweso, MCA
4. Hon. Paul Shilaho, MCA
5. Hon. Fredrick Otieno Omondi, MCA
6. Hon. Hafsa Khalif, MCA
7. Hon. Omar Nimo Hajji, MCA
8. Hon. Rose Masitsa, MCA
9. Hon. Redson Otieno, MCA
10. Hon. Naftally Ogola, MCA

L. Sectoral Committee on Energy & Information, Communication and Technology

1. Hon. Alvin Palapala, MCA
2. Hon. Jane Muasya, MCA
3. Hon. Patrick Kanyangi Logendi, MCA
4. Hon. Immapet Kemunto, MCA
5. Hon. Jackline Apondi, MCA
6. Hon. Catherine Okoth, MCA
7. Hon. Geophrey Majiwa, MCA
8. Hon. Emily Oduor Ondeje, MCA
9. Hon. Mellab Atemah, MCA
10. Hon. Fredrick Okeyo, MCA

I call upon the Minority Leader to second the Motion.

Hon. David Mberia: Hon. Speaker, I do second.

(Question of Procedural Motion as amended proposed)

Hon. Charles Thuo: Hon. Speaker, I call upon the Members to support this Motion and also to remind the Chair that we are moving this Motion with amendments.

(Question of the Procedural Motion as amended put and agreed to)

APPOINTMENT OF MEMBERS TO THE POWERS AND PRIVILEGES COMMITTEE

Hon. Charles Thuo: Hon. Speaker, I beg to move the following Motion subject to the appointment of members to the Powers and Privileges Committee.

THAT, pursuant to the provision of Section 15 of the County Assemblies Powers and Privileges Act 2017, and the Nairobi City County Assembly Standing Order No. 169 (1), this Assembly approves the appointment of the following members to the Select Committee on Powers and Privileges:

1. Hon. Maurice Ochieng, MCA
2. Hon. Caroline Mayunzu, MCA
3. Hon. Jackline Apondi, MCA
4. Hon. Husni Alawi, MCA
5. Hon. Evans Otiso, MCA

I call upon the Minority Whip to second.

Hon. Peter Imwatok: Madam Speaker, I stand to second and I must add some words on this important select committee. Initially, this committee was a committee of capital punishment in this House. I believe as the Majority Leader has said, this committee will change its attitude towards correctional measures and mostly cautioning and giving discipline to some members than what used to happen in the past. Therefore, Madam Speaker, I beg to second.

(Question of Procedural Motion as amended proposed)

Hon. Charles Thuo: Hon. Speaker, I call upon the members to support the Motion.

(Question of the Procedural Motion as amended put and agreed to)

APPOINTMENT OF MEMBERS TO THE LOANS MANAGEMENT COMMITTEE

Hon. Charles Thuo: Hon. Speaker, I beg to move the following Motion subject to the appointment of members to the Loans Management Committee.

THAT, pursuant to the provisions of the Nairobi City County Assembly Loans and Mortgage Regulations, this Assembly approves the appointment of the following Members to the Select Committee on Loans Management:

1. Hon. Hafsa Khalif, MCA
2. Hon. Mary Ariviza, MCA
3. Hon. John Kyalo, MCA
4. Hon. Lawrence Otieno, MCA
5. Hon. Catherine Ann Akinyi, MCA

I call upon the Minority Whip to second.

Hon. Peter Imwatok: Madam Speaker, I beg to second.

(Question of Procedural Motion as amended proposed)

Hon. Charles Thuo: Hon. Speaker, I call upon the members to support the Motion.

(Question of the Procedural Motion as amended put and agreed to)

APPOINTMENT OF MEMBERS TO THE ASSEMBLY BUSINESS COMMITTEE

Hon. Charles Thuo: Hon. Speaker, on Motion No. 18, I beg that you get the leave of the Chair so that we defer the Motion to another date.

Hon. Speaker: Hon. Members A, B and C is done, let me read the Standing Orders so that we know why we are deferring it so that it does not bring---

Hon. Members, the Assembly Business is constituted normally when we start every session and therefore we will defer this to our next session. It reads:

'There shall be a Select Committee to be designated to the County Assembly Business Committee consisting of those members and not more than 13 members who shall be nominated by the County Assembly parties and approved by the County Assembly at the commencement of every session'.

Therefore, we will commence it in February. Is that okay Minority Whip?

Hon. Peter Imwatok: Madam Speaker, I agree. I think it was a typo by our Clerk that we needed to replace one member who was then the Minority Leader with another member. It ought to have come as replacement of Kennedy Oyugi with the former Minority Leader, Elias Otieno. Then we had already done the replacement for the next session that will reflect immediately. I think we have two sessions to sit to the next year and then we shall consider reconstituting this committee afresh.

(Procedural Motion deferred)

(Point of Information)

Hon. Speaker: What is the Point of Information?

Hon. Kennedy Obuya: Hon. Speaker, I want to make a prayer that Hon. Minority Whip makes it clear on which Kennedy because he said Kennedy Oyugi and then he also said Kennedy Obuya, so that we are properly guided and which specific committee.

Hon. Charles Thuo: Hon. Speaker, we have deferred that Motion, so it is not subject to discussion anymore. Thank you.

Hon. Speaker: Hon. Chair, I have a problem because we will be fewer members. The moment the Minority Leader was nominated to the committee, there is one slot that is vacant. I think the mistake was the Clerk putting a whole list, only one name was supposed to be brought.

Hon. Peter Imwatok: Madam Speaker, allow us to make a quick decision that we defer this Motion under the directive of the Majority Leader but with amendments if it is applicable in law and parliamentary practices. We amend that committee the way it is with Hon. Kennedy Obuya to sit as we wait to table the comprehensive list in the next one month when we will be opening the Assembly.

Hon. Speaker: I think the best we can do Minority Leader, is to do the amendments fully and we read the Motion if I am not reading wrongly.

Hon. Peter Imwatok: Therefore, Madam Speaker, I beg that I lay the amendments to the committee next Tuesday.

Hon. Speaker: Yes.

Hon. Peter Imwatok: Thank you.

APPOINTMENT OF MEMBERS TO THE LOANS MANAGEMENT COMMITTEE

Hon. Charles Thuo: Thank you, Hon. Speaker. I beg to move the following Procedural Motion subject to the appointment of members to the Appointments Committee.

THAT, pursuant to the provision of the Standing Order No. 196 (1), this Assembly approves the appointment of the following Members to the Select Committee on Appointments:

1. Hon. David N. Mberia, MCA - Minority Leader
2. Peter Imwatok, MCA - Minority Whip
3. Alvin Palapala, MCA
4. Emily Oduor, MCA

I call upon the Minority Leader to second the Motion.

Hon. David Mberia: Madam Speaker, I do second.

(Question of Procedural Motion as amended proposed)

Hon. Speaker: Yes, Minority Whip!

Hon. Peter Imwatok: Madam Speaker, Hon. Majority Leader and the entire House, as the Minority Whip, I want to appreciate the entire House for accepting the amendments and restructuring of the committees that have been forwarded in the is Assembly as I second and support this Procedural Motion.

Madam Speaker and the entire House, as the opposition of this House, we are doing the best possible to make sure that we align every member according to his capabilities, his standing and his know-how of the procedures of parliament and also to give impetus and to challenge the government side constructively.

Therefore, Madam Speaker, I seek any member who may feel left out in any committee to appear before my office so that we have a harmonious party that will keep the Government in check.

Madam Speaker, I rise to support the Motion and ask the entire House to work for the better good of Nairobi.

Hon. Speaker: Thank you very much. Mover?

Hon. Charles Thuo: Madam Speaker, we have now concluded restructuring the Assembly committees and as the Minority Whip has said, nothing is cast on stone in that the leadership offices are ready to listen to any complaints. We have agreed with the leadership of NASA to work on the amendments and with that, I beg the House to support the Motion.

(Question of the Procedural Motion as amended put and agreed to)

MOTION

Hon. Speaker: Hon. Mary Ariviza.

RESERVATION OF SEATS FOR PEOPLE WITH SPECIAL NEEDS IN PUBLIC SERVICE VEHICLES

Hon. Mary Mwami: Madam Speaker, I beg to move the following Motion:

THAT, aware that under the Article 186 (1) of the Constitution 2010, and Fourth Schedule, the functions and powers of County Government, among others, covers County transport including county roads,

street lighting, public road transport traffic, and parking; further aware that recent years have witnessed a marked increase in the number of Public Service Vehicles (PSVs) plying various routes in the County; acknowledging that a well-performing transportation system is both efficient and effective and is a pre-requisite to socio-economic growth and environmental sustainability; concerned that most PSVs have not embraced the provisions of Article 54 (1) c which provides for the persons with special needs access to public transport; considering that the County Government enacted the Nairobi City County Persons with Disability Act, 2015 which provides for proprietors of PSVs to adapt it to suit persons with disabilities in a manner prescribed by the Persons with Disability Board, this Assembly urges the County Executive to ensure all public service passenger vehicles operating within the County have designated seats with clear signs as attached herewith for persons with disability, expectant women, elderly people and person with infant to promote easy mobility using the public transportation services by such persons with special attention.

There are captions that indicate the types of people who will be covered under this and they include persons with disabilities, expectant women, elderly people and persons with infants.

Madam Speaker, growing up, there used to be one contracted bus service called the Kenya Bus Service and there were not so many vehicles plying the routes of Nairobi. Every bus had a designated place for these people. However, over the years, this has been left out now that the transport sector has been taken over by the private sector.

I, therefore, urge us, members, to consider this because we will be enabling the young generation to know that it is good to respect people who are living with conditions that are beyond them and also help them help these people. I, for instance, was very good at athletics when I was young but disability has caught up with me later on in life. Let us respect pregnant women. I had the privilege of visiting New York City and I noticed that they have designated areas for people with disabilities, pregnant women and those with infants. They are given priority. They should not be left at the bus stops and a penalty be accrued to anyone who mistreats these people.

I would like to call upon Hon. Akama to second my Motion and I trust that we have all encountered persons with disability and we would all support.

Hon. Speaker: Hon. Akama.

Hon. Jared Ondieki: Thank you, Madam Speaker. I rise to second this Motion. This is my first time sitting next to the leadership. I want to wish them well as they execute their mandate.

Having said that, I wish to note that this is a very important Motion and I believe that as leaders we are supposed to protect the interests of the vulnerable in society. People living with disability, pregnant women and children need to be protected and in the spirit of this Motion, I believe that we will be protecting their interests by designating seats for them. Therefore, I support this Motion with my heart. Thank you Madam Speaker

(Question proposed)

Hon. Speaker: Hon. Jeremiah Themendu

Hon. Jeremiah Themendu: Thank you, Madam Speaker. I rise to support this Motion and note that it is timely. Today's society does not respect the disabled, elderly and pregnant passengers as was back in the day. People used to stand and give seats to these people but that has changed. Let us sensitize people to give people with disability respect and consideration while boarding public transport. I believe that nobody will oppose this Motion because it is a good one. Thank you, I support.

Hon. Speaker: Hon. Minority Leader, Hon. David Mberia.

Hon. David Mberia: Thank you, Madam Speaker. I wanted to contribute on the issue of the just constituted committees but I didn't catch your eye.

Let me support Hon. Mary's Motion. Disability is not a curse. There is disability that is artificial and there is the other, which is inborn. You can be disabled by being involved in an accident or attacked by thugs. I would urge *Mheshimiwa* Mary to bring this Motion as a Bill to this House for proper implementation by the County Executive. Therefore, as we support it, I would like to urge her to formulate a Bill for the same to ensure that it is an act for this County.

Having said that, I want to congratulate members who have been assigned to different committees. As we have done it, we have left a clause of further amendments. Members should not worry at all. We will be reviewing these committees regularly if need be. I wish the Majority Leader was in the House. He is the leader of Government Business and has the chairpersons of committees for various sectors of this County Government. Let me assure the House that as the opposition, we are going to form our shadow cabinet to check on those chairpersons who will fail on their duties. If they are not ready to lead as a government, we as the alternative government will take over. I beg to support

(Applause)

Hon. Speaker: Hon. Mbugua.

Hon. Mbugua Kabiro: Thank you very much, Madam Speaker. I would like to congratulate Hon. Mary Ariviza for bringing this important Motion.

I would like to remind the members of this House that yesterday, there was a colourful event at the Bomas of Kenya; launching of the BBI report. We should all read and take part in this national discourse. I am in the process of reading this report, I think I am in page 12. Hon. Mary Ariviza is thinking in tandem with that report. In page 26 of the BBI report, it talks about Kenyans being insensitive to people living with disabilities. It is an issue that has been captured and raised properly in this report to the extent that it makes recommendations that we should develop a policy for people with disability and align disability laws with the Constitution of Kenya and other legislations that are therein.

Madam Speaker, one of the issues that was raised by Kenyans was that we do not regard the people living with disability as we regard other people. We think that disability may never happen to us as individuals. The Hon Mary Ariviza has confirmed to us that she wasn't the way she is currently. It is an acquired disability. This could happen to anybody through an accident or acts of nature.

Madam Speaker, priority setting is something that is accorded, not to the people that are despised in the society. I have walked into several supermarkets that have provided priority service especially for people living with disability and also mothers who are pregnant or elderly. Our matatu industry and the future of transport in this country should take into consideration this Motion that priority should be accorded to mothers who are expectant, the disabled, the elderly, and those traveling with infants. It is something that hurts especially for people who are growing up, to see a young man sitting and the elderly standing, especially in Public Service Vehicles.

The issues that have been raised especially in the BBI report, which I am passionate about, should be dealt with through legislation by the senior houses; the National Assembly and the Senate, and also at our level. I would like to encourage every member to read and pick out issues that can be legislated by our House. This is one by the Hon Mary Ariviza and I am happy about it.

Madam Speaker, disability is not inability. When we pass this Motion, we are saying that we accommodate the people living with disability and integrating them with us within our society and the society that they belong to. I support and I strongly feel like it should be implemented the earliest. Thank you.

Hon. Clarence Munga: Thank you, Madam Speaker for giving me the opportunity to contribute to this very important Motion that has been brought by *Mheshimiwa* Mary Ariviza.

This issue of people with disability not being given special seats in the transport sector is alarming. It is time that we call upon the county to generate policies that will guide or protect people with disabilities, the old and people with infants who use public transport. I urge *Mheshimiwa* Mary to own this Motion and come up with a Bill that will ensure that we protect people with disability, come up with guidelines and laws so that we protect them. Public Service Vehicles should ensure that there is a special seat for people with disability and all other things that Hon Mary has mentioned here. I support and ensure that the Bill comes as soon as possible. Thank you.

Hon. Speaker: Mover?

Hon. Mary Mwami: Thank you, Madam Speaker, I would like to thank those who have contributed, noting that there is no one who has opposed. I appreciate Hon. Themendu, alias Mofire for the support and the fact that apart from setting rules and orders like these, we need to be role model so that our youth are in tandem with good mannerism that honours and respects people with disability, the elderly, women with infants and pregnant women.

I want to thank Hon. Mberia, who is also my Minority Leader for supporting and the fact that I should be able to bring a Bill that would come along with it. I also thank Hon. Kabiro who had the same and even took it further to merge it with the BBI, which we launched at Bomas. I would also like to thank Hon Munga for putting it all together that apart from this, we need to put policies in transport and infrastructure that are in tandem with people living with disability or the vulnerable amongst us.

Thank you, Madam Speaker, I beg to move.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no any other business, the House stands adjourned to Tuesday 3rd December 2019 at 2:30 p.m.

(The House rose at 4:18 p.m.)