



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Wednesday 3rd April 2019

The House met at 2.30 p.m.

[Hon. Temporary Deputy Speaker (Mr Antony Kimemia) in the Chair]

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Serjeant at arms, there is no quorum, ring the bell for ten minutes.

(Quorum bell was rang)

Please proceed, we have a quorum now.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KIAMBU COUNTY ASSEMBLY

Hon. Members, our sitting this afternoon is graced by Members of the Kiambu County Assembly's Committee on Implementation, Justice and Constitutional Affairs who are here with us on a benchmarking exercise with its counterpart committees.

Accordingly, I wish to recognize the presence of;

1. The Hon. Yvonne Waweru, MCA and Vice Chairperson
2. The Hon. Muthundo John, MCA Member for Kihara Ward
3. The Hon. Hezron Gachui, MCA – Member for Riabai Ward
4. The Hon. Simon Karema, MCA –Member for Theta Ward
5. The Hon. Samuel Mugwanja, MCA – Member for Karai Ward
6. The Hon. Alex Wanaina, MCA – Member for Kiganjo Ward
7. The Hon. Emmah Wanjiku, MCA – Special Elect

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8. The Hon. Lucy Koigi, MCA – Special Elect
9. The Hon. Nancy Mwaura, MCA – Special Elect
10. The Hon. Virginia Nyokabi, MCA – Special Elect
11. The Hon. Ann Kariuki, MCA – Special Elect
12. The Hon. Chris Kirumba, MCA – Special Elect
13. Mr. Godfrey Kimani – Clerk Assistant
14. Mr. Paul Muga – Searjeant-at-arms
15. Ms. Catherine Njeri – Hansard Reporter

Hon. Members, the Committee is with us on a benchmarking exercise with its counterpart Select Committee on Implementation together with the Sectoral Committee on Justice and Legal Affairs on matters relating to the operationalization of the County Acts and enforcement.

Hon. Members, on behalf of the Nairobi City County Assembly family, I wish to extend a warm welcome to the Honorable Members of the Kiambu County Assembly's Committee on Implementation, Justice and Legal Affairs. May your endeavours benefit the residents of your great County. Feel welcomed and enjoy your experience in Nairobi.

BREAKFAST MEETING FOR YOUNG MEMBERS OF THE COUNTY ASSEMBLY

Additionally Hon. Members, I wish to convey the following regarding the breakfast meeting for the young Members of the County Assembly:-

Hon. Members, with the operationalization of the Constitution of Kenya, 2010 that advocates for the promotion of representation of marginalized groups including youth, the County Assembly under the Support of AHADI is in process of having a vibrant engagement of youth Members of the County Assembly on various issues across the County.

Consequently, Hon. Members, the Assembly under the support of AHADI has organized an inaugural breakfast meeting for youth members of the County Assembly to be held tomorrow, Thursday, 4th April 2019 from 9.00 a.m. Details of the venue will be communicated, to the invitees. Thank you.

NOTICE OF MOTION

WITHDRAWAL OF A NOTICE OF MOTION

Hon. Pius Mbono: Thank you, Hon. Speaker, I stand to withdraw a notice of motion that I gave yesterday against one Leboo Ole Morintat.

Hon. Speaker, Standing order 55 states that "*a notice of motion may be withdrawn by the Member who gave the notice of the motion but the same notice can be brought again by a Member of this Assembly.*" Therefore, I wish to withdraw the motion.

Hon. Temporary Deputy Speaker: Leader of Majority what do you say about that?

Hon. Abdi Hassan: Hon. Speaker, this is a House of rules and procedures and our good friend and the vice chair of Implementation stood under Standing Order No. 55 which allows the Member who moves

the motion to withdraw the same Notice of Motion. I agree with him and I want to assure the Member that one Leboo Ole Morintat will appear in the Committee so that he can explain what the committee wants him to explain thank you, Hon. Speaker.

(Point of order)

Hon. Antony Kirangu: Thank you. I stand on a point of order under Standing Order No. 55 on the same. I would also want as he withdraws, it should go with a warning to him because it cost resources when the Assembly is listening to the motion that he gave in this House so that next he will be a bit more careful. He will consult wider and he will not waste any time belonging to the people of Nairobi and Assembly. Thank you.

Hon. Peter Imwatok: Hon. Speaker, I am a happy man that yesterday I stood before the same floor and I am happy that the Majority Leader is in the House and Bishop of Hope Church as agreed with me that I said Nairobian will not forget. This Assembly has not forgotten less than 24 hours that motion before this House yesterday was haphazard and abuse of the procedures of Committees and the House. Therefore, this should be a warning to any other chair of any respective Committee. Before you commit any motion of such magnitude, you must verify, validate and bring something of substance before this House.

More extensively, allow me to express my gratitude to the wisest committee in the House, which is the House Business Committee. In this Committee, we sit with few people of class and substance. One is Hon. Warutere, the First Class Honour and other men of substance like Hon. Mberia, Dr. Wilfred Odalo, a working encyclopedia and a walking Standing Order, and the one and only one Wakili Mose Ogeto. These are men who will disseminate and feel something is wrong with this Motion. Next time if you are a Chair or a committee member, make sure if you do not understand what it means to bring an impeachment motion, come for tuition and we will teach you how it goes. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you very much, Minority Whip. The motion has been withdrawn under Standing Order No. 55. Therefore, the motion stands withdrawn. Thank you.

(Notice of motion withdrawn)

STATEMENT

REQUEST TO EXTEND TIME TO FINALIZE CONSIDERATION OF REPORTS

Hon. Wilfred Odalo: Thank you, Speaker. You will recall that on Wednesday 27th March 2019, I requested you on behalf of the PAC that you allow us one more month to finalize consideration of the following reports:

1. Report of the Auditor General financial statement of Nairobi City County Assembly for the year ended 30th June
2. Report of the Auditor General financial statement of Nairobi City County Executive for the year ended 30th June

Hon Speaker, the period you granted us expires tomorrow. I wish to report that the committee has met all the witnesses it had lined up for interrogation, contacted all the site visits and received evidence both oral and written.

In this regard Hon Speaker, the committee slates to commence its report writing and therefore once again I humbly request that you allow us three weeks to enable the committee to finalize the report and subsequently table a report not later than 30th June 2019. Thank you, Hon Speaker.

(Loud consultations)

Hon. Temporary Deputy Speaker: Order! The Speaker is on his feet. Hon members, the extension has been allowed for three weeks and the House expects you to bring the report after three weeks, thank you. Next order.

MOTION

Hon. Temporary Deputy Speaker: Mheshimiwa Kennedy Obuya.

POLICY TO INSTITUTIONALIZE NAIROBI CITY COUNTY INSPECTORATE SCHOOL

Hon. Kennedy Obuya: Thank you Hon Speaker. I am rising on my feet to do a submission on a motion with a subject on policy to institutionalize the Nairobi City County Inspectorate Training College.

Hon. Speaker, I have been exchanging ideas with members of the Justice and Legal Affairs Committee and as Government of Nairobi, it is high time that we have the Governor to help restructure--- Hon Speaker, I am guided.

THAT, aware that Section 10 of the Nairobi City County Inspectorate Service Act, 2017 provides for establishment and maintenance of an inspectorate training institution for purposes of training and re-training City Inspectorate Officers in accordance to a training curriculum; further, aware that Section 10 Sub-section 4 of the same Act mandates the Nairobi City County Public Service Board to develop guidelines on curriculum, examination and certification of inspectorate trainees; acknowledging that the Nairobi City County's inspectorate department has over four hundred County Enforcement Officers whose primary duty is enforcement of County laws and regulations, which the department undertakes in key areas such as markets, licensing among others; further acknowledging that law enforcement is crucial to harmonious living and the orderly conduct of business in the City; concerned, that the current Inspectorate Training College in Dagoretti has no modern training facilities with clear administration organogram, updated curriculum to embrace devolution which may impede the enforcement of County Laws and Regulations; noting that with a well-structured institution, the County could increase its revenue; this Assembly urges the County Executive to develop a policy that will institutionalize the Nairobi City County Inspectorate Training College with its organization structure, curriculum that will provide for paralegal training, antiterrorism, disarmament, compliance and enforcement; and provide modern facilities to be used in training of both inspectorate officers and other forms of training to enhance County public service delivery.

Hon Speaker, I am appealing to members because I know we believe in the Government of Nairobi and our Governor, there are many shortcomings and shortfalls in the County Inspectorate and this will only happen to empower them. This must start from where they gain knowledge- the inspectorate training school.

A few years back, Nairobi City Council Inspectorate Training school used to be a training centre for other town councils and urban councils. What happened? I am encouraging members to support this fully so

that we empower our government and our Governor to refurbish this institution to generates revenue. When we target other institutions and county governments, we can make it another school of government for the county governments

. Without wasting time because I can see the mood of the House as members are geared to support, I call upon senior Hon Charles Thuo to second the motion.

Hon. Charles Thuo: Thank you Hon Speaker and I stand to second the motion. The training school is a key institution because enforcement of laws we make here are very important towards the achievement of any goal. If we do not have laws, we cannot have a society.

Hon Speaker you are aware our county askaris have been accused severally of not being able to deal with members of the public in the right manner. I attribute this to the type of training they receive and it is time we move because we cannot stagnate while the rest of the world is moving.

Hon Speaker, we need to come up with a curriculum that is compatible with the modern times that can take issues including ICT, community policing and enhance our askaris to be able to deal with people daily including every stakeholder.

Hon Speaker we must also as Assembly agree that askaris need a favourable scheme of service so that as they go about their duties they are able to get promotions which must come hand in hand with the kind of training they receive at that school. It is thus important that this motion has come at this time because we still have enough time before the end of this term and our Governor is going to embrace our motion. The Assembly will support us through the Committee on Justice and Legal Affairs. I beg to second.

(Question proposed)

Hon. Temporary Deputy Speaker: Hon. Elias Otieno.

Hon. Moses Ogeto: Hon. Speaker, I am Hon. Moses Ogeto, for the purpose of Hansard.

Looking at the content and spirit of this Motion, I stand here to support the Motion. You realize that city askaris are the ones managing almost everything in many cities of the world, especially the developed countries. For example, in Hague, Netherlands, they have a well-established training school for city askaris. After training, the askaris know how to handle people. They don't violate human rights when enforcing the law.

Hon. Speaker, the training school which we have in Kibra Constituency has always been underfunded. Now we are going through the budget-making process, how I wish we empower the training school by allocating more resources so that after six months, the city askaris will be able to go to the training school. This will enable them to know how to handle Nairobians. Training is a process, and without proper training, these officers will be like stray dogs. It is for the interest of the Governor of Nairobi City County to ensure that his enforcement officers are able to enforce the law accordingly. I beg to support the motion.

Hon. Temporary Deputy Speaker: Hon. Millicent Jagero.

Hon. Millicent Jagero: Thank you, Hon. Speaker, I stand to support this Motion. It has come to a time where we as Nairobians need it most. The City Inspectorate Service Act, 2017 in Article 29 states clearly that an inspectorate officer should not treat any person in an inhumane way. But you find that most of the time our city askaris mishandle or mistreat the hawkers or any other person they feel that he is not within the law. We have laws that are not being implemented because of lack of knowledge from the askaris. If the

curriculum can be put into place, it should be in a well-choreographed manner that will guide the education system that will be provided to the city askaris.

Secondly, we know that learning is not confined to the four walls of a classroom alone but can be done anywhere. Once paralegal services will be offered to these officers, they will be able to know the human rights charters whereby they will not mishandle people the way they do. City bylaws should also be taught to the end users, that is the public. They should know their rights as city dwellers. I support the motion.

Hon. Temporary Deputy Speaker: Thank you. Hon. Mbugua Kabiro.

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker, I rise to support this very good motion. Nairobi City County Inspectorate School is a brainchild that should have been done a long time ago. The *Kanjo* is a name that has constantly been tried to be eliminated in the corridors of Nairobi City County. This is the face of the County when it comes to service provision. If askaris are not properly trained, it will show, and vice versa. We do not want an Inspectorate department that is outdated in its mechanisms of arresting or frustrating Nairobian. We want an Inspectorate that is up to the task, knowledgeable and arrests someone based on the law they have flouted. If we do not have a school that allows these officers to be trained on matters that are punitive and not in line with the city bylaws, we are joking.

It is high time we institutionalize this agenda and set a school that will serve with a purpose of instilling good training to our so-called *kanjo* so that we can move away from all the bad notions of what a *kanjo* is and graduate to the next level where we can see service delivery. I stand to support and ask my friend Ronaldo to also speak in the remaining two minutes.

Hon. Temporary Deputy Speaker: No, that is out of order. Hon. Peter Imwatak.

Hon. Peter Imwatak: Mr. Speaker, I want to stand again and say thank you, Hon. Obuya. When looking at the content of the motion itself, it is a well-thought-out motion. Most of the time, I was telling Hon. Moseiya here that this side of the House, when one brings a motion, it should be a motion of content that has been really thought out. Thank you, Hon. Obuya, you make us proud as opposition.

Two, Hon. Speaker, in the history of this County, our current Governor has been an advocate of reforms and transformation in the Inspectorate from the time he was a senator. It is a fact. It is also a fact that now this motion has come when the then-senator who was on national TV on the *Kanjo Dynasty*. He is now the Governor.

Hon. Obuya, who was then the Chief Aid of the then Governor of the City is now an MCA. The then aid of the former Governor has now brought a motion that the current Governor was then fighting so hard to transform the Inspectorate. Based on these facts, we must understand that our own Inspectorate is rotten. Mr. Speaker, I am happy the side where the motion has come from is half full because we understand the essence of transforming a government.

Mr. Speaker, it is a fact that this motion is speaking about eliminating things that are still archaic in the Inspectorate department. As we speak about this motion, we must speak entirely about the security of Nairobian. It is only in Nairobi where every Dick, Tom and Harry wakes up in the morning and registers a company called Imwatak Security Firm and the following day he has security to protect a building.

In the modern dispensation, if you go to Slovakia for example, every building must be manned by security, but the county government must approve. That is why I say that this motion was one of the most well thought out. You can see our side is not very keen on bringing a lot of statements and motions, but when

we bring, it makes an impact. The Inspectorate of Nairobi must be reformed. I was just asking Hon. Ogeto why the uniforms of the inspectorate officers are not clean always. Is it that they do not wash or that they are given one uniform after 5 years? These are issues the governor has to bring out.

Hon. Obuya, just as you thought of this, think of a bill that can bring and transform that anything beyond the police, the GSU, the army and any other security that is run by the National Government must go through the Inspectorate of the City. We cannot allow a city where somebody who has one-gumboot shoes and one boot be called a security officer. It cannot.

Also looking at the level of the officers we have in the inspectorate, the bill must encompass that. You can remember the history of this County, the last employment was envisioned in 1998, then the City Council of Nairobi. It is now more than 20 years. If somebody was employed at 35 years, when he retires, he brings a son or daughter to be employed. It means that currently the workforce in the inspectorate in this County seemingly has no power. The thousands who applied through an advertisement and went to Kasarani were not employed. They should be employed now. Therefore, I am proud that in the opposition we have men and women, and I assure you that there will be more motions that can transform this Government. We know what it means to run a Government. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you. Hon. Mellab.

Hon. Mellab Lumalah: Thank you, Mr. Speaker, for the opportunity. I would like to congratulate the mover of this motion.

First, I would say that knowledge is power. When you look at the heading of this motion, it is "policy to institutionalize the Nairobi City County Inspectorate training college". We expect people who have gone through college to be very different on how to approach of issues. Are we really using it well as an institution of a college?

Secondly, is it not important for us to make it attractive institution whereby as my able whip is saying, other institutions that are dealing with insecurity can also be benchmarking there or they also share curriculum from the institution. There is this culture outside here where people say "*afadhali kushikwa na karau kuliko kushikwa na kanjo*" because of the way they handle people when they arrest you. It is very backward, it is very indigenous.

It is good for these people to be trained and be given a way to approach certain issues because these issues are very different. I have witnessed them dragging a woman who was selling fruits and vegetables on the street. Instead of them coming up with bylaws that if you do this, this is the punishment you are going to get, they just harass these women. I had to go there and ask why they could not simply tell her she has been arrested so that she collects herself so well and put her things may be on the car instead of pulling her across and her goods thrown on the streets. If they had more knowledge, they would have done better and approached in a better way.

Also, they clamp cars and when you ask what happened they would say they did not see the sticker. Even if the car was faulty and you put on the hazard lights, they just clamp it. Are we really going in the right direction or somebody is sleeping on the job? It is like they have been told to look for money. They keep asking; *Ni ngapi unatoa ndio tutoe clamp?* Are we going to live like that or that is what they have been told or they are desperate? We need to know and understand which is the best way we can help them as a House in order to get to where they want to be in the correct way.

I think through the way they are pushing this motion and in future it becomes a bill, we are going to come up with a better institution the one we have always dreamed of to serve Nairobian. Can the mandate of the City Inspectorate also be spelt out because they mix, you don't know who is in the Transport or hawkers or where. It needs to be spelt out very clearly so that we understand if there is a difference in uniforms like for the police where one is able to differentiate between the APs and the others, they can still propose for that and it can work so well. Thank you very much Mr. Speaker, I support the motion.

Hon. Silvy Moseiya: Thank you, Mr. Speaker, I rise to support the motion. I will be very short. You remember that Members of this House were to do an inspectorate recruitment starting from last year which was halted for among other reasons the expenses for the training college. At some point we were to go to Kiganjo and then Dagoretti but the facility was not up to the task to do the recruitment.

This is a very well thought out motion and we congratulate the person who drafted it. I will also like to say as the Majority side, we come up with very good petitions and motions that should not be underrated by the Minority Whip. All the same, I rise to support the motion because it is a good motion and it is in the spirit of the 'handshake' and development that when a member comes up with a good motion, all of us support it. We don't have to say who brought it because it's a member of the County Assembly of Nairobi serving in his capacity as a member. If a member of the Government side brings a motion that is good, we should not consider the motion as originating from which side of the political divide, instead we should consider them as motions that are supposed to bring development and prosperity to the people of Nairobi. I rise to support in that spirit. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you. I know Mheshimiwa Imwatok has taken note of that.

Hon. Esther Nyangweso: Thank you, Mr. Speaker. I rise to support this motion and let me congratulate my brother Hon Obuya for coming up with this motion. It is well thought and timely. When you go out there our city inspectorate has no positive word that comes from the public. But with this motion, the curriculum should include PR and customer care skills so that they know how to handle the public. I rise to support, thank you.

Hon. Jeremiah Themendu: Thank you, Mr. Speaker. I rise to support the motion because it is timely. If you look at our inspectorate, they are using by laws which were made in 1950s. If we have new curriculum, things shall become modern and nice for the people of Nairobi. Now we have a county and not the councils of long time ago. I rise to support and as I look at the mood of the House, you can call the mover to reply.

Hon. Immapet Kemunto: Thank you Mr. Speaker and the incoming Makadara MP. I rise to support this motion. For Hon Obuya to bring this motion to the house is a plus. I think the kanjo system should be rebranded. We have been all over the media, not once, twice but most of the time. The kanjo system is a fall; nothing is working in that inspectorate. For Obuya to create awareness in this House, we support him.

Also, Minority Whip, I support you because you have given supportive sentiments on what the opposition side is doing. In the coming session, I will have better motion than this. I rise to support.

Hon. Temporary Deputy: Thank you. Mover to reply.

Hon. Kemnedy Obuya: Thank you, Hon. Speaker. With a lot of humility, I would like to appreciate Hon. Members across the political divide. Looking at our Constitution, we have the knowledge that the City County Inspectorate team had a timeline which was gazzeted within the Transition Authority Act which is

actually expired. For us, it is wrong as members to point fingers without giving solutions. We need to give the City County Inspectorate team restructure by giving them power to arrest and also power to arraign in court which they do not have as at now.

Looking from the mood of the House, I beg to reply. I want to thank the clerks, Mr. Kevin Wasike and Mr. Adams who supported me in this motion.

Hon. Temporary Deputy Speaker: Thank you very much.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, there being no other business, we adjourn the House until tomorrow, Thursday 4th April 2019 at 2.30 p.m. Thank you.

The House rose at 4.13 p.m.