



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fifth Session

Tuesday 16<sup>th</sup> March 2021

The House met at 2.30 p.m.

*[Hon. Temporary Deputy Speaker (Ms. Immapet Kemunto) in the Chair]*

PRAYERS

#### QUORUM

**Hon. Temporary Deputy Speaker:** Sergeants, can you ring the bell for ten minutes for us to gain the quorum. And ICT Department please ensure that the Members are in reach of the link.

*(Quorum bell was rung for ten minutes)*

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Hon. Members can you please respect the bar. Sergeants, please [ring the bell] for five more minutes!

*(Further Loud consultations)*

**Hon. Temporary Deputy Speaker:** The ICT have notified me that they have already sent the link, kindly check. Hon. Members both on virtual and physically in the House, if you already have the link you can share through the whatsApp group so that those who do not have are able to get. There are Members who already have.

**Hon. Temporary Deputy Speaker:** Order Members and please ensure that social distance is observed. Clerk!

**Hon. Temporary Deputy Speaker:** Hon. Nancy what's the issue?

**Hon. Nancy Muthami:** Thank you Madam Speaker for catching my eye. I am rising on a point of order because, I being the Chair of Welfare I need to maintain the welfare of this House and am a victim, Madam Speaker, the ICT has to pull up their socks because every day, even the Serjeant- at- Arms are my witnesses, I have to call to ask for the link, they never send me the link and I know it is not only me, there are other Members suffering. So Madam Speaker, kindly we need your indulgence on that.

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**Hon. Temporary Deputy Speaker:** Noted. Yes, Majority Leader.

### STATEMENTS

#### REQUEST FOR STATEMENT REGARDING ISSUANCE OF UNIFORMS TO COUNTY GOVERNMENT SECURITY AND COMPLIANCE OFFICERS

**Hon. Peter Wanyoike:** Thank you Madam Speaker. Pursuant to Standing Order 45 (2c) I wish to request a statement from the Chairperson of Sectoral Committee on Legal and Justice Affairs regarding the issuance of uniforms to the county government security and compliance officers.

Hon. Speaker, uniform is a great team building resource for any sector, they assist in the improvement of overall customer service as well as bold awareness. Work uniform also promotes togetherness, unity and pride just to mention a few, hence helps foster team spirit.

Hon. Speaker, it is alleged that county government security and compliance officers despite the good work they do in manning premises and assets in the county, they haven't been issued with requisite uniforms despite their measurements being taken by the Manchester outfitters.

Hon. Speaker, it is also noted that H.E the President on 19<sup>th</sup> February 2021 officially launched new centers for instant Ushirika level 3 health center among others and gave instructions that county security compliance and coordination team be allocated to man the center.

Hon. Speaker, in the statement chairperson should enquire into and report on: -

1. What is the status of issuance of uniforms to the county government security and compliance officers;
2. What was the allocated budget for the security compliance and coordination sector specifically for the officers during the financial year 2020/2021;
3. How many premises are being manned by the officers and a list of all the buildings manned and the number of security compliance officers working in the county government.

Thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** Chair Justice and Legal Affairs? Any Member from that Committee? I just saw Hon. Otieno Ngesa some few minutes ago, if you are on virtual please respond. Okay, Hon. Kanario.

**Hon. Doris Kanario:** Thank you Madam Speaker, we will respond to this in two weeks' time.

**Hon. Temporary Deputy Speaker:** Hon. Wanyoike?

**Hon. Peter Wanyoike:** It's okay Madam Speaker, but due to the fact that we are going for recess on Thursday, I think the Committee can report back one week after recess.

**Hon. Temporary Deputy Speaker:** With your guidance Sir, I think because we are going on recess on Thursday, I don't think, Hon. Doris, you'll get enough time for the response by then, rather let it be after the recess. Are you okay with that Hon. Wanyoike?

**Hon. Peter Wanyoike:** It's okay Madam Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Matara.

REQUEST FOR STATEMENT REGARDING THE PROPOSED ENERGY PLANT AT DANDORA  
DUMPSITE

**Hon. Silas Matara:** Thank you Hon. Speaker. I have a request for the following statements; -Hon. Speaker, Pursuant to Standing order 45(2) I wish to request for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the proposed energy plant at Dandora dumpsite.

Hon. Speaker, the energy plant was intended to recycle waste at the dumpsite and the work was set to commence in the month of January 2021. In the agreement, the Nairobi Metropolitan Services (NMS) was to make available the land within or around Dandora dumpsite while Kengen was to finance, develop and operate the energy plant which aims to solve the County's garbage problem as it will contribute significantly to the pool of renewable energy.

Hon. Speaker, the NMS had also planned to employ street children to supply its solid waste before they were taken to the dumpsite, however much is still left to be desired.

In the statement, the Chairperson should enquire into and report on: -

1. Implementation status of the energy plant at Dandora dumpsite;
2. Whether public participation on the project was or is being carried out as mandated by law and if residents of Dandora and the people working at the dumpsite were given opportunity to air their views; and
3. Health mitigation measures put in place by the County Executive and NMS before commencement of the said project.

**Hon. Temporary Deputy Speaker:** I understand you have two statements. So, I prefer the one that was certified.

**Hon. Silas Matara:** All of them are certified Hon. Speaker, so I think you should have called on the Chair of that sectoral committee so that we dispense of it.

**Hon. Temporary Deputy Speaker:** Hon. Kamau.

**Hon. John Muthiga:** Thank you. After recess, two weeks, is it in order? This is the second statement that he is requesting from me, so maybe I am going to give him both responses after recess.

**Hon. Silas Matara:** Hon. Speaker, I believe the Chair knows we are going for recess of two weeks and the Committees' engagements are still ongoing, I suppose. I am being asked a lot of questions by the residents of my area, considering that there are other health issues concerning that dumpsite. I think it would be fair if you would respond to the statement one week from recess.

**Hon. John Muthiga:** Thank you Madam Speaker, I guess we are going to walk the same journey with him so maybe after recess, that one week, we are going to pull up our socks. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Mutheu Musyimi, what's your point of order?

**Hon. Patricia Mutheu:** An urgent and burning issue that was recently highlighted on national television in regards to dumping in Mlango Kubwa, which has caused a lot of health hazards. There is a huge garbage right behind a school and we have not been having any collection, so I would like that before we go to recess, the Hon. Chair of Environment to give us a schedule as to how they are going to handle that matter, because clearly it's getting out of hand and also I don't think it's fair that during this Covid time we are

not even observing the other environmental issues. So I would like a well stipulated schedule as to how they are going to deal with that matter and how soon, because again it is in the public and national domain.

**Hon. Temporary Deputy Speaker:** Hon. Mutheu I understand right now we have the NMS, we have the Chair of Environment and you being the WDF Chair, please can you liaise and have a co-joined meeting so that your problem and other Members' problems are actually resolved in a mature way, so that we don't have this back and forth. It is a weighty matter, yes, but please collaborate also with the Environment Chair and the NMS for now before we get a better long term solution to that.

**Hon. Patricia Mutheu:** But, honestly, this is a crisis, it's an urgent matter that needs to be tackled. Otherwise things will get out of hand and I don't think we will look good in public domain because they have even threatened to go to the streets. It is their right to have the environment clean, and remember these are tax payers' money and as Chair of WDF I don't have capacity to convene any crisis meeting in regards to the environment. So definitely I would want a statement from the Chair environment as to why the matter has escalated into that magnitude and why the garbage is not being collected.

**Hon. Temporary Deputy Speaker:** Chair, Environment?

**Hon. John Muthiga:** Madam Speaker that was a very great ruling that you pronounced yourself and I don't think Hon. Mutheu is supposed to be challenging what you have said. What you have said is very simple, that since we are now two entities -that is the County and NMS - she's is supposed to liaise with us and we liaise with NMS so that at least we know the programme and the timetable that they have, noting that even Environment is a transferred function. Thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** Order Hon. Mutheu. At least if you come with a statement and put it in a context whereby it's genuine and also a concern as per your Ward, please come with assessment so that when you are tackling the issue, the Chairman knows where to, and what to.

**Hon. Silas Matara:** Thank you Hon. Speaker, I have a second statement, and this one is for the Chair of Transport and his committee.

#### REQUEST FOR STATEMENT REGARDING DELAY IN PROCUREMENT OF WARD BASED CAPITAL PROJECTS

**Hon. Silas Matara:** Pursuant to Standing Order 45 (2), I wish to request a Statement from the Chairperson Sectoral Committee on Transport and Public Works regarding the delay in the procurement process of ward-based capital projects which had already been advertised.

Hon. Speaker, the financial year will be ending soon hence it is imperative that the implementation of these capital projects could prove difficult to complete in good time.

Hon. Speaker, as people's representatives, our cardinal roles of legislation, oversight and representation must be seen to be discharged effectively in order to impact the lives of our people. However, the prolonged delay in procurement processes at Nairobi Metropolitan Services is derailing the timely implementation of these projects.

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

1. When Implementation of all advertised projects will commence;

2. Reasons for unnecessary delays in the procurement process of all capital projects and challenges thereof; and
3. Comprehensive report on the current status of all earmarked projects and timelines for completion of the same.

Hon. Speaker, before I resume my seat, in the morning session we had a discussion and it was a heated discussion, and one of the recommendations of the Members was and is why I saw it fit so that I bring a statement in the afternoon to that effect.

The recommendation, the feeling, or the wish of the Members who were there in the morning session was the financial year is almost coming to an end. In the respective sectors both the transferred functions and even the ones that were left here at the County, there are projects that were marked for the financial years 2019/2020 and 2020/2021 for the respective sectors that have not been implemented.

The procurement process has been delayed or has not commenced therefore, Hon. Speaker, it was my feeling and the feeling of the Members that going forward we should not proceed with any business of this House until that matter is addressed by the respective...

**Hon. Temporary Deputy Speaker:** Order I think that is a statement, not a Motion.

**Hon. Silas Matara:** That is why I said with all due respect that the reason why I brought this statement in the afternoon so that it gives a reflection of what was discussed in the earlier session in the morning. Therefore, it is just a beginning base of the feeling of the elected Members of this House that we need these projects implemented in the shortest time possible or advertised thereof. Otherwise, we risk losing money going back to the national coffer.

**Hon. Temporary Deputy Speaker:** Chair Transport, yes! Hon. Wambui.

**Hon. James Wambui:** Thank you Madam Speaker, but before I proceed, I may ask the Majority Leader and Naftali Mathenge to be separated because Corona is real and it is spreading very fast and this room doesn't have many Members. Before I proceed!

**Hon. Temporary Deputy Speaker:** Please Naftali Mathenge!

**Hon. James Wambui:** Thank you, Hon. Mathenge. Madam Speaker, today we were meeting with Eng. Ochieng, we discussed the matter pertaining to the roads from 85 wards, and he agreed that he has done all the BQs and it has been released. Therefore, I think by tomorrow we may see the advisement in the newspaper. If they are not readily available in the newspapers, then I will give Hon. Matara one week, I will be responding to him. Thank you Madam Speaker

**Hon. Silas Matara:** Unfortunately, for the Chair to stand in this House and indicate that we were in a meeting, of which we were, but he left early because he complained of stomach problems and I do not know if he has seen the doctor. However, Hon. Speaker, after leaving for whatever engagement he had, we even made calls to the respective offices and I do not think it's going to be possible for them to make that advertisement tomorrow. So I would like to inform the Chair that I do not think it is going to be possible from all indications from NMS.

Hon. Speaker, I also think the Chair knows that we are going on recess on Thursday so I do not know what he means by one week. Is it one week after recess or before then? Kindly I seek clarity on that so that I can accept or reject his response.

**Hon. James Wambui:** Thank you Madam Speaker, I am saying one week of Assembly.

**Hon. Temporary Deputy Speaker:** One week after recess or what are you saying?

**Hon. James Wambui:** Assembly sittings, that is if we have the recess then he will have to wait until we come back from recess.

**Hon. Temporary Deputy Speaker:** Hon. Wambui please be serious. The Hon. Member is asking a pertinent issue; please can you give some guidance.

**Hon. James Wambui:** Okay! Then I am requesting for 14 days.

**Hon. Temporary Deputy Speaker:** From when? Be clear on the HANSARD.

**Hon. James Wambui:** From today, and the question that he is asking can also be directed to the Finance Committee because it is a matter of procurement and it is not a matter of transport department; Transport does not procure.

**Hon. Silas Matara:** Hon. Speaker, let me inform the Chair that each and every respective sector of the County or NMS has a procurement department with respective procurement officers. So when he said that the procurement is going to be done or advertised tomorrow, so which procurement was he making reference to. Because this concern mainly are projects of the transport sector, that is why we have to ask and there is no committee of procurement in this House for me to forward the question to, a procurement committee for the chair to address it.

**Hon. Temporary Deputy Speaker:** Noted Hon. Matara, please Chair Transport you have given fourteen days from now but we would not have resumed. So maybe you give after or rather later.

**Hon. James Wambui:** You know Hon. Speaker, it seems that the advert will be in the newspaper tomorrow and he does not believe that it will happen so it seems like he knows more than I know. Therefore, it is a bit contradicting, so I think he is just asking a question that maybe he already has an answer to.

**Hon. Temporary Deputy Speaker:** Hon. Chair Transport why are you dillydallying on the issue. Can you give the exact timeline?

**Hon. James Wambui:** Fourteen days.

**Hon. Temporary Deputy Speaker:** From when? That is what I want to understand.

**Hon. James Wambui:** From today.

*(Point of information)*

**Hon. Temporary Deputy Speaker:** Yes Hon. Kula!

**Hon. Rose Oganda:** Thank you Madam Speaker. I just want to inform the Chairman of Transport because this matter started in the morning and it was a thorny issue. However, he left us in Eng. Karanja's office. Therefore, he should not lie, we need some action to be taken on our roads and you should proceed because the procurement you are saying is the same from NMS and you know very well. So it is good you go back to Eng. Karanja's office and get the status of how it can be done and do not cheat us. The time for celebration is over. We must work for the residents who elected us. Thank you Madam Speaker.

**Hon. Silas Matara:** Hon. Speaker, I also wish to inform the Hon. Member who is the Chair of Transport that in my statement there are three concerns that have been raised so it is not only about procurement, so let's not reduce this discussion to procurement, it is entirely on other issues also. Hon. Chair of Transport kindly pay attention, Hon. Chair let him just respond on the timelines to be observed, please.

**Hon. Temporary Deputy Speaker:** Hon. Wambui for the last time can you give a directive on when to respond from today. do not give me fourteen days because you know we are going for recess.

**Hon. James Wambui:** Okay, am saying after recess then I can give you fourteen days.

**Hon. Temporary Deputy Speaker:** After recess fourteen days?

**Hon. James Wambui:** Yes.

**Hon. Temporary Deputy Speaker:** Hon. Matara is that okay with you because we need to move forward because we have other business to transact.

**Hon. Silas Matara:** Thank you Hon. Speaker, but what I need the Chair to understand, when we speak of fourteen days after resuming our sittings from recess, the main concern of this statement was, am of the view that the financial year is coming to an end and we have timelines that are clearly stipulated in the PFM Act when a project is supposed to be advertised, implemented and paid.

Therefore, when the Chair speaks of fourteen days after the resumption of the Assembly we will be towards the end of April. So honestly speaking with all due respect the intent of this statement would actually be diluted by sentiments, so I cannot allow for him to say fourteen days after resuming our sittings because it will be null and void due to the timelines.

In any case, the committee still has avenues to proceeds with its sittings even during the recess because it is only the plenary sittings that we are not going to be attending. Therefore, we cannot allow that as elected members Hon. Speaker. He needs to give a commitment on that.

**Hon. Temporary Deputy Speaker:** Okay Hon. Matara. Can you please reduce the days for him?

**Hon. James Wambui:** Yes, then I give him seven days after we resume from recess.

**Hon. Temporary Deputy Speaker:** Noted.

## BILL

### THE NAIROBI CITY COUNTY FINANCE BILL 2020 ASSEMBLY BILL NO.7 OF 2020

*(Second reading)*

**Hon. Daniel Muturi:** Thank you very much, Hon. Speaker, pursuant to the provisions of Standing Order 143, I beg to request the Nairobi City County Finance Bill 2020 be withdrawn. Hon. Speaker, this particular Finance Bill was submitted to the County Assembly as a tool of financing the new and additional revenue measures meant to bolster the budget for the year 2020/2021.

Hon. Speaker, by the time of its submission that is in October 2020 the County was faced with a political transition process that made its consideration an absolute impossibility. Hon. Speaker, in the interim period the Finance Committee has consulted with the County Treasury, Nairobi Metropolitan Services and the Kenya Revenue Authority who have all considered that the Bill requires far-reaching consultation and stakeholder participation before any subsequent enactment.

Hon. Speaker, in this regard, therefore, and considering that we are heading to the fourth quarter of the current financial year, the Finance Committee believes that it will serve the County better if the proposed fees and charges are subject to the expansive and far-reaching public input before they are enacted. Indeed, Justice Odunga when considering the petition on Kiambu County Finance Act 2015 averred

that “County Assemblies ought to do whatever is reasonable to ensure that there is understanding of the intention of the legislation, and if legislation involves taxes and levies the duty is even more onerous.”

Hon. Speaker the committee holds the view that this withdrawal shall provide ample time for soul searching on the proposed fees and charges readying the public for any proposed adjustment and ensure that there is a comprehensive inclusion of any revenue-raising measures. As Members are aware of the county government, with the support of the National government structure, is currently reviewing the valuation roll whose effect would be to expand the revenue basket.

Hon. Speaker, any proposed charges on the tax burden related to the rates charged would require the concurrence of this House making the current finance bill a deficient tool in accommodating these new areas. In conclusion therefore Hon. Speaker I would wish to beg that you assent to this request for the reasons stated there above and also undertake to follow up with the County treasury and other relevant stakeholders to ensure that the redrafted Bill, taking into account the emerging issues, shall be submitted in the County Assembly together with the budget estimates for the year 2021/2022. Thank you, Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Members, under Standing Order No. 143 (1) and (2), states as follows;

(1) *Either before the commencement of a business or the order of the day, for any stage of the bill being read, the member in charge of a bill may, without notice, claim to withdraw a bill;*

(2) *If the Speaker is of the opinion that the claim is not an abuse of the proceedings of the County Assembly, the Speaker shall direct that the bill shall be withdrawn.*

Hon. Members, the member is therefore in compliance with the provisions of Standing Order No. 143 (1) and (2), and I am satisfied with the justification given. Hence the said Nairobi City County Finance Bill stands withdrawn for now. Thank you.

### MOTION

#### REAPPOINTMENT OF THE EARLIER APPROVED MEMBERS OF THE NAIROBI CITY COUNTY PERSONS WITH DISABILITY BOARD

**Hon. Mary Mwami:** Thank you Madam Speaker for this great opportunity for me to stand here and represent people living with disability with this Motion: Reappointment of the earlier approved members of the Nairobi City County Persons with Disability Board.

Aware that; the Nairobi City County Persons with Disability Board was passed by the assembly on 2<sup>nd</sup> December 2015, accented into law on 12<sup>th</sup> January 2016 and subsequently gazetted vide the Nairobi City County Gazette Supplement No. 24 Act No. 9; Further aware, that in Section Four of the said Act establishes the Nairobi City County Board for Person Living with Disability with its membership specified in Section 5 of the Act which includes:

- i) Three persons nominated by organizations representing persons with various categories of disability within the County;
- ii) Two Members appointed from a panel of names submitted to the CECM by organizations for PWD subject to approval by the Assembly;
- iii) Chief Officer or Director representing the following departments;
  - (a) Culture and Social Services,



- (b) Education,
- (c) Labour, and;
- iv) Such other members as may be co-opted by the Board subject to approval by the County Assembly.

Appreciating that; Section 5 (2) of the Nairobi City County Persons with Disabilities Act, 2015 provides that the membership of the Board shall not exceed 11 persons, out of whom at least half of the members shall be persons with disabilities; Noting that the Nairobi City County Assembly through the Sectoral Committee on Labour and Social Welfare vetted and Approved the nominees to the Nairobi City County Persons with Disabilities Board as it were, being; -

- i) Dr. Lumbi Wa M'nabea – Business Owners Association
- ii) Nickson Ochieng' Kakiri
- iii) Yvonne Buliba Okwara – Brian Resources Training, Production and Dissemination Centre
- iv) Charity Njoki Kamau – Association for Youth with Disabilities Kenya
- v) Peter Achola Oloo – Kenya Amputee Football Federation
- vi) James Nganga Karanja – Differently Talented Society of Kenya
- vii) Leonard Misigo Ondego – Cerebral Palsy Disability Sports
- viii) Fern Eshuchi – Fair Miles School
- ix) Ruth Akinyi Auwor – Director Education (Executive)
- x) Leboo Ole Morintat – Chief Officer Public Service Management (Executive)
- xi) Shem Ombura Nyandwaro – Director Culture and Social Services (Executive)

Further Noting that; the names of the aforementioned approved nominees were subsequently gazetted vide a Gazette Notice No. 9 of 2015 on 28th July 2017 for a three years term as per Section 6 of the Act; disturbed that operationalization of the Act was never realized as the Board lacked funding, office and secretariat; further disturbed that the term of the first Persons with Disabilities Board ended prior to its realization; acknowledging that the Annual Development Plan for the FY 2021/2022 has addressed the same, this Assembly Resolves that; the Nairobi City County Public Service Board urgently re-appoints the earlier approved and gazette Members of the Nairobi City County Persons with Disabilities Board vide Gazette Notice No. 9 of 2015 on 28th July 2017 as it were for an extra term.

Madam Speaker, I would like to bring to your attention and the House the fact that people living with disability in this city have not been able to reach us. Sometimes they have had to come and protest outside the gate. We have had meetings and made many resolutions. An organization called National Democratic Institute (NDI) has had meetings with people living with disability and I normally attend with some members and even Clerks, but it has come to our attention that when you acknowledge many of those things and you don't have a board, it does not go very far.

This Board we are talking about can be able to stand for people living with disability in Nairobi and they can be enumerated according to the type of disabilities they have. For instance, we do not know - although a lot has been mentioned in the census - but it does not come out very clearly how many people are living in Nairobi with various disabilities. It is very important that we have a Board and a desk for people living with disability, where they can be able to come and register so that we have the right number of people

living with disability. For example, sight disability, physical disability, cerebral palsy, albinism and so forth. So that the County Government together with National Government can work together towards realizing the endeavors of people living with disability.

Madam Speaker, it is very important for us to note that in the People Living with Disability Act 2015, but unfortunately 2016 when the Board was supposed to be put in place, it was never actualized. What has happened is, people living with disability have not really had their issues tackled. Their issues are many and need to be tackled while thinking about them as people living with disability.

For instance, we have a lot of regeneration that is happening to our roads and highways, which is a very good thing. I am a member of the Committee of Transport and Infrastructure, I love it and I know our city is going to look great when the works are complete.

**Hon. Temporary Deputy Speaker:** Hon. Ariviza, please call somebody to second you first and then you can contribute more to the Motion.

**Hon. Mary Mwami:** I just want to say that it is good for you people to support this Motion. Let us pass it so that we can have a desk for people living with disability. I call upon Hon. Rose Kula to second. Thank you Madam Speaker.

**Hon. Rose Ogonda:** Thank you Madam Speaker, I rise to second this Motion. I was in the Labour Committee in the First Assembly and this Motion was brought by Hon. Abuka. We sat down as the Labour Committee then but we were waiting for amendments from the Gender and social services sector but up to now they have not submitted to us. I support while waiting for the social services to amend and submit the report to us. Thank you Madam Speaker.

*(Question proposed)*

**Hon. Temporary Deputy Speaker:** Members attending via virtual can contribute, the floor is yours. Yes Hon. Ngengi

**Hon. Daniel Muturi:** Thank you very much Hon. Speaker. It is such a shame to the Nairobi City County that the Act on persons with disabilities 2015 was passed in this Assembly and assented to law in January 2016. We come to this Assembly month after month, year after year and we pass several Motions but none of them is ever implemented. It is mind bogging when we say that the Board has not been in operation for three years for lack of funding.

It is also worth noting that in the last financial year, I stand to be corrected, we returned close to Kshs 4.9 billion shillings to Treasury. It is therefore a matter of lack of interest that makes us treat our PWDs as second-class citizens. Hon. Speaker, through the board we are able to get statistics of persons with disabilities and thereafter work on ways to help and work with them in terms of tenders, facilities and even the public transport. I have never seen a bus designated for persons living with disabilities.

Hon. Speaker, when I look at the names of the members of that board that were never gazetted, I see people who are able and very qualified to hold brief for people living with disabilities. Just like Hon. Ariviza has said, I have witnessed persons living with disabilities come to our gate here seeking to be heard. Therefore, if we do not have a keen interest on the Executive side then all this falls onto deaf ears.

I remember the Outdoor Bill, which became law and it was never published. I do not understand how the Executive manages to ignore this House. We have become very lenient and I believe that it is time that

the Implementation committee moves with speed and makes sure those issues regarding the disabled and the youths are fully implemented.

With those few remarks Hon. Speaker, I would like to take this opportunity to thank Hon. Mary Ariviza. I am in the inspectorate daily trying to find out how disabled hawkers in the CBD can be helped. The County secretary set up a committee on this issue, which we are trying to follow up. We cannot continue treating our brothers, sisters, mothers, fathers, daughters who are physically challenged as second-class citizens. I urge other members in this House to fully support this Motion as we have very little time left. Let this be captured in the budget for the financial year 2021/2022 so that this vote can be operationalized. Thank you Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Rose Kula

**Hon. Rose Ogonda:** Thank you Madam Speaker. I want to thank Hon. Mary for bringing this up a second time. We have a challenge on the Executive side. Last year their lifts were not operational at Annex thus making it very difficult for the disabled persons to walk around. I urge the Assembly Implementation committee to look into this.

There is a Director called Shem who went for 6 months without attending to anyone in his office because there was no lift, but if we ensure there is one then the disabled person's will be assisted. Madam Speaker, this matter is up to the Implementation committee to implement. We see persons with disabilities quarrelling yet no one is attending to them. These are our children and in laws and we must take good care of them and consider them. I beg all the members of this County to support this so that they get to be attended to like any other person. Thank you, Madam Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Silas Matara

**Hon. Silas Matara:** Thank you Hon. Speaker for this opportunity. I would like to congratulate our able special elect Member Ariviza for this week thought of Motion and urge all the members to think the same way and support it. We have to take cognizance of the fact that persons with disabilities supported us by voting for us. Leaders are judged by the way they treat the vulnerable.

Persons with disabilities have various challenges that they get to endure every day. As members, we have the body CAF which represents us when we have issues. Most of the professions have bodies and associations that cater to their needs and with that in mind, I say that we need to have this board in place so that these people can have a place to air their views, a place to run to and a place to cater to their needs.

I will not assume to understand their needs therefore we need to stand as a House and support them. We have the liquor board and that of sports, why not have one on persons with disabilities? My only reservation is on them requesting the committee to reinstate the earlier proposed persons yet someone like Leboo Ole Morintat no longer works at the Executive and Shem Obura does not work in the stated office.

As we pass this Motion, let us not have a situation whereby the membership is reinstated yet they already found their way out of the Executive. With those few remarks, I would like to thank Mheshimiwa for bringing forward the issues of persons with disabilities to be looked into.

**Hon. Temporary Deputy Speaker:** Members who are on Zoom? Hon. Osman Ibrahim, the floor is yours.

**Hon. Osman Adow:** Hon. Speaker ...

**Hon. Temporary Deputy Speaker:** ICT please assist.

**Hon. Osman Adow:** I am getting interference from phone calls. But I just wanted to give one advice. These Boards are very expensive, they will soon start asking for retreats to Mombasa and foreign trips. Why not just get rid of the Boards and have a desk of disability and all the Members can come and register? I would advise to get rid of the Board so that we can just have a directorate with few staff who can do the work. That should be a cheaper way of achieving what the intended Bill is trying to achieve. Therefore, I would support with those amendments. Thank you.

**Hon. Peter Wanyoike:** Thank you, Madam Speaker. Let me take this opportunity to appreciate Hon. Ariviza for coming up with this Motion. I remember in the First Assembly, I was a member and I made a contribution to this Bill. The Committee on Labour pursued this matter for the Board to be put in place, but when we were pursuing, the Executive side gave us a reply that there was a gap in the Bill and wanted to amend. I am not trying to say that the Board should not be reappointed, even if the Board is there, it can help the Executive side to iron out issues so that the Bill can help the disabled and the County at large.

Madam Speaker, the Labour Committee will take up this matter and see that the Board is put in place and the desk. As a Committee, we have been telling the Executive that we are supposed to have a desk there so that they can be helping the disabled when they want to seek services in this County. Thank you, I support.

**Hon. Jeremiah Themendu:** Thank you, Hon. Speaker. I rise to support the Motion. This issue of people with disability has been taken lightly for long. I remember one time Kenyans were mobilized to go to Uhuru Park and do a harambee. For a long time, I heard people with disability were still complaining because they did not get what was meant for them. Let it be implemented right now because it has been delayed a lot since 2016. It is not only this Bill but there are many Bills and Motions which are passed in our Assembly but nothing is happening. So, I would like to support the Motion and tell the Implementation Committee to look at every Bill, Motion and Statement to make sure it has been worked on. Thank you.

**Hon. Nicholas Okumu:** Thank you, Madam Speaker. I would also like to support the Motion because for a long time our people with disability have not been taken care of. Indeed, as Hon. Themendu has said that we have approved many Motions and Bills in the County Assembly, but when it gets to implementation level nothing seems to be moving. I would like to urge the Committee on Implementation to put an extra effort and make sure that all the Bills and Motions that have been approved in the House, go to the final stages of implementation for it to make sense to mwananchi. Thank you.

**Hon. John Muthiga:** Thank you, Hon. Speaker. I rise to support the Motion. As we all know in this Assembly, Hon. Ariviza has been so compassionate about people living with disability. So, I rise to support whatever mechanism will be used. It is for the Assembly and the Implementation Committee to pass the regulations.

However, Madam Speaker, I am still much disturbed by our morning conversation. There was a communication to be made in the afternoon---

**Hon. Temporary Deputy Speaker:** Order, Hon. Member! Can you sit down please! Mover?

**Hon. Mary Mwami:** Thank you, Madam Speaker. On behalf of people living with disability in this great City of Nairobi and in this County and the world over, I would like to thank each one of us

overwhelmingly. I know many of us are on Zoom and you have not been able to talk, but I know you are supporting it. I take this opportunity to thank the following; Deputy Majority Leader, Hon. Rose Kula, Hon. Matara, Hon. Ngengi, Hon. Adow, Hon. Okumu, Hon. Chege, and Hon. Kamau for the great support that I am getting from you. I know the people with disability are on the lookout, they have really been following the programs of this County Assembly. I know today there will be great celebrations.

I would also like to echo what has been echoed by many of us. It is important for the Implementation Committee and especially the Executive arm of this County to take it very seriously and be able to implement this so that people living with disability can be able to have a place they can refer to when they have issues that are disturbing them. The most important thing above all is that we will have their numbers and their various categories of disabilities e.g. sight, hearing, cerebral palsy, albinism, and so on, so that the County Government can be able to take care of them.

Secondly, we will also be able to weed out the people that are coming from other countries. They already have their facilities in those countries but come here to beg. Once we have established who are our real people living with disability, then we can be able to deal with people coming from elsewhere who take the goodwill of the Kenyans and exploit us, and even some Kenyans exploit them by making them sit with little children on the streets begging. This way, we can be able to support our people living with disability.

I want to thank everyone and you, Madam Speaker, for this great time that we have had. I stand to reply the Motion. Thank you.

*(Question put and agreed to)*

#### **ADJOURNMENT**

**Hon. Temporary Deputy Speaker:** Hon Members, there being no any other business, we will resume on Thursday 18<sup>th</sup> March 2020 at 2.30 p.m. Thank you

**The House rose at 4.15 p.m.**