

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-FOURTH SESSION

NBI CA. PLC. 2020 / (35)

2nd July, 2020

PAPER LAID

Pursuant to Standing Order 191, I beg to lay the following Paper on the Table of the Assembly, today Thursday, 2<sup>nd</sup> July, 2020.

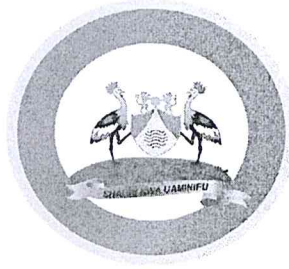
THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE  
ON VETTING OF NOMINEE TO THE POSITION OF SECRETATARY TO THE NAIROBI  
CITY COUNTY PUBLIC SERVICE BOARD.

(Chairperson, Sectoral Committee on Labour and Social Welfare)

Copies to:  
The Speaker  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press

laid on  
2/07/2020  
*[Signature]*  
Approved  
*[Signature]*  
2/7/2020





THE NAIROBI CITY COUNTY ASSEMBLY  
SECOND ASSEMBLY  
(FOURTH SESSION)

*Approved  
BTain  
2/7/2020*

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NOTICE OF MOTION

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Hon. Speaker, I beg to give notice of the following motion:-

**THAT** pursuant to Standing Order 191, this Assembly adopts **THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON VETTING OF NOMINEE FOR THE POSITION OF SECRETARY TO THE NAIROBI CITY COUNTY PUBLIC SERVICE BOARD**, laid on the Table of the Assembly today Thursday, 2<sup>nd</sup> July, 2020.

(Chairperson, Sectoral Committee on Labour and Social Welfare)



COUNTY GOVERNMENT OF NAIROBI CITY



Approved  
B. G. G. G.  
27/7/2020

NAIROBI CITY COUNTY ASSEMBLY  
SECOND ASSEMBLY-FOURTH SESSION

REPORT OF THE SECTORAL  
COMMITTEE ON LABOUR AND SOCIAL WELFARE  
ON

THE VETTING OF THE NOMINEE TO THE POSITION OF THE SECRETARY,  
NAIROBI CITY COUNTY PUBLIC SERVICE BOARD

## **ANNEXES**

- (i) **Annexure (2)**
  - Minutes
- (ii) **Annexure (1)-Clearance Certificates**
  - a) Kenya Revenue Authority
  - b) Higher Education Loans Board
  - c) Ethics and Anti-Corruption Commission
  - d) Credit Reference Bureau
  - e) Criminal Investigation Department
  - 1) Minutes
- (iii) **Annexure (3) - Curricula Vitae**

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## **1.0. PREFACE**

### **1.1. Committee Mandate**

**Hon. Speaker,**

The Sectoral Committee on Labour and Social Welfare is one of the Sectoral Committees established under Standing Order 203. The Committee is mandated under the Third Schedule of the Standing Orders to *“investigate, inquire into and report on all matters related to labour, trade union relations, manpower or human resource planning; County Public Service; gender and social welfare, youth.”*

### **1.2. Committee Membership**

**Hon. Speaker,**

The Committee comprises of the following Members:-

- 1. Hon. Geoffrey Ng'ang'a, MCA- Chairperson**
- 2. The Hon. Jared Akama, MCA – Deputy Chairperson**
3. The Hon. Peter Wanyoike, MCA
4. The Hon. Susan Mukungu, MCA
5. The Hon. Millicent Jagero, MCA
6. The Hon. Peter K. Wahinya, MCA
5. The Hon. Anthony Nganga, MCA
6. The Hon. John Kamau, MCA
7. The Hon. Anthony Kimemia, MCA
8. The Hon. Mbugua Kabiru, MCA
9. The Hon. Silas Matara, MCA
10. The Hon. Samwel Mwangi, MCA
11. The Hon. Margaret Mbote, MCA
12. The Hon. Evans Otiso, MCA
13. The Hon. Rose Ogonda, MCA
14. The Hon. Joseph Ndonji, MCA
15. The Hon. Esther Nyangweso, MCA
16. The Hon. Jairus Omayo, MCA
17. The Hon. Imapet Kemunto, MCA
18. The Hon. Patrick Musili Mbangula, MCA
19. The Hon. Mellab Atemah MCA
20. The Hon. Fredrick Omondi, MCA
21. The Hon. Benson Mwangi, MCA



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### **1.3. Message from His Excellency the Governor**

**Hon. Speaker,**

Pursuant to Section 58 (1)C of the County Governments Act, 2012 and Section 58 of the Public Appointments (County Assemblies Approval) Act, 2017, **H.E. Mike Gideon Mbuvi Sonko** forwarded vide a letter dated 2<sup>nd</sup> March, 2020 to the Speaker of the Nairobi City County Assembly, **Mr. Philip Polland George Kaingu's** name as nominee to the position of secretary to the County Public service Board for vetting by the Sectoral Committee on Labour and Social Welfare and consideration for approval by the County Assembly for appointment as secretary to the County Public service Board.

### **1.4. Committal to Committee on Labour and Social Welfare**

**Hon. Speaker,**

Standing Order 43 (2) provides that 'If a message is received from the Governor or the Senator of the County, at a time when the County Assembly is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the County Assembly on the day the County Assembly next sits'. The notification of nominations was therefore referred to the Sectoral Committee on Labour and Social Welfare on 16<sup>th</sup> June, 2020 for vetting and **reporting to the Assembly within 21 days in accordance with Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 (hereinafter referred to as "the Act")**.

Subsequently, the Clerk of the County Assembly placed an advertisement in the in the local dailies, specifically the Daily Nation on Friday 18<sup>th</sup> June, 2020, inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominee in conformity with Section 7(10) of the Act.

### **1.5. Committee Meetings**

**Hon. Speaker,**

The nominees for the County Public Service Board (C.P.S.B) appeared before the Committee on **Wednesday 1<sup>st</sup> July, 2020** and were vetted in accordance with the provisions of the Constitution, the Public Appointments (County Assemblies Approval) Act, 2017, and the County Assembly Standing Orders on their suitability for appointment to the CPSB. In total, the Committee held three sittings in consideration of this matter.


#### **1.6. Acknowledgement**

**Hon. Speaker,**


May I take this opportunity to thank Members of the Committee for their input and valuable contributions during the deliberations and vetting exercise. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the logistical support accorded to it during the vetting exercise. The Committee is grateful to the staff of the County Assembly attached to the Committee for their services rendered to the Committee.

Finally, on behalf of the Sectoral Committee on Labour and Social Welfare, it is my pleasure and duty to present to the Assembly, the Committee's Report on the vetting of the nominee for appointment to the position of secretary, Nairobi County Public Service Board for adoption pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.

**Thank you.**

Signed ..... 

**Hon. Geoffrey Ng'ang'a, MCA**  
**(Chairperson)**

Date..... 



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## **2.0. BACKGROUND**

### **2.1. Mandate of the Sectoral Committee on Labour and Social Welfare**

The Sectoral Committee on Labour and Social Welfare is one of the Sectoral Committees established under Standing Order No. 203 with amongst others, the mandate to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 196 (*Committee on Appointments*).

**2.2** Appointment process of the Secretary, County Public Service Board Nominee  
Article 235 (1) of the Constitution of Kenya provides for the Governor's power to appoint persons to hold offices in the County Public Service with the approval of the Assembly, from among persons competitively sourced.

A letter from the Office of the Governor dated **2<sup>nd</sup> March, 2020** addressed to the Speaker of the County Assembly indicated that the name of Mr. Philip Polland George Kaingu had been forwarded for vetting by the Sectoral Committee on Labour and Social Welfare and consideration for approval by the County Assembly for appointment as Secretary to the County Public Service Board.

### **2.3 Notification to the Public**

Section 7(5) and (10) of the Public Appointments (County Assemblies Approval) Act, provides that-, *"the committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing"* and *"any person may, prior to the approval hearing and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated"*.

Pursuant to the above provisions of the law, the Clerk of the County Assembly placed an advertisement in the local dailies, specifically the Daily Nation on Friday 17<sup>th</sup> June, 2020 inviting the public to submit memoranda by way of written

statements on oath (sworn affidavits) on the suitability or otherwise of the nominees. At the close of business on Monday 20<sup>th</sup> June, 2020, no memoranda contesting the suitability of the nominee to the Board had been received.

In accordance with the provisions of Article 196 of the Constitution and section 7(5) of the Public Appointments (County Assemblies Approval) Act, the general public was also notified in the local dailies by the Clerk of the County Assembly of the intention of the Sectoral Committees to conduct the vetting and approval hearing of the nominees on Wednesday, 1<sup>st</sup> July, 2020.

The nominees were vetted by the Sectoral Committee on Labour and Social Welfare on Wednesday, 1<sup>st</sup> July, 2020 at the Assembly Precincts.

## **2.4. Clearance Requirements**

To ensure compliance with the provisions of Chapter 6 of the Constitution, the nominees were required to submit their clearance status with the following institutions for the vetting exercise –

- a) Kenya Revenue Authority (KRA)
- b) Criminal Investigation Department (CID)
- c) Higher Education Loans Board (HELB)
- d) Credit Reference Bureau (CRB) and
- e) The Ethics and Anti-Corruption Commission (EACC)

The clearance by the foregoing institutions was primarily meant to provide information about the nominees on: -

- a) Matters touching on integrity;
- b) Tax compliance;
- c) Loan repayments; and
- d) Presence or absence of criminal records.



### **3.0 VETTING OF COUNTY PUBLIC SERVICE BOARD NOMINEES**

In conducting the vetting process, the Sectoral Committee on Labour and Social Welfare examined the nominee against the following criteria, amongst others, as set out in the Public Appointments (County Assemblies Approval) Act No. 5 of 2017–

- i. Academic qualifications
- ii. Employment record
- iii. Professional associations
- iv. Potential conflict of interest
- v. Knowledge of the relevant subject
- vi. Overall suitability for the position
- vii. Tax compliance
- viii. Integrity

During its Sitting held on **Wednesday, 1<sup>st</sup> July, 2020** at the County Assembly Precincts, City Hall Buildings from 11:00 am, the Committee conducted face-to-face interviews of the nominee. The minutes of the vetting proceedings are attached to this report.

#### **3.1 Appearance before the Committee by Mr. Philip Polland George Kaingu – Nominee for Secretary to the County Public Service Board**

The nominee for County Public Service Board Secretary, Mr. Philip Polland George Kaingu, appeared before the Committee on Wednesday, 1<sup>st</sup> July 2020 at 11.00 am and was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the Committee had invited submissions from the Public on his suitability or otherwise for appointment to Public office, and none had been received by close of business on Friday 24<sup>th</sup> June, 2020.

**While under oath, he proceeded to inform the Committee as follows:-**

**A. With regards to whether he had a Masters degree as provided in the job advert and whether he was a certified Public Secretary as per the requirements for the said position; the nominee responded he is not a holder of a Masters Degree and also he is not a certified public secretary; however, he had been exempted with**

thirteen units of Certified Service Secretary and the that remaining five units he would complete them with KASNEB by end of the following year.

**B. With respect to self-introduction, knowledge, experience and qualification, the nominee informed the Committee that he was born in 1966 and:-**

- a) He is an advocate to the High Court of Kenya; and
- b) He holds a Bachelor of Laws Degree and a diploma in community development and a diploma in Legal Practice and a certificate in Paralegal studies.

**C. In response to his employment history and its relevance to the position, the nominee stated as follows:-**

- a) Currently he is practicing in the name and style of P.G Kaingu & Company Advocates as an advocate to the High Court of Kenya and Commissioner for Oaths.
- b) 2011-2013 he was the Litigation Counsel, Kihara Njuguna & Co. Advocates;
- c) 2007-2011 he served as intern at Shem Kebongo & Company Advocates;
- d) 1990-2007 he worked as a Court Interpreter/ Clerical Officer, Judiciary, High Court of Kenya;
- e) 1988-1990 he worked as a teacher, Gede Secondary School, Malindi, Kilifi County; and

**D. Regarding his understanding for the position he applied for, he responded as follows:-**

- a) That the position he applied for is the Secretary of County Public Service Board Nairobi City County and he will be the Accounting Officer to the said Board;

**E. With regards to what motivated him to apply for the position and the relevant experience he will bring, the nominee stated that:-**

- a) The nominee is passionate about the Public Service Board, having served in the public service. He understands the critical needs of the devolution structure and the practice to work in a noble County like Nairobi;

**F. On functions of the County Public Service Board, the nominee informed the Committee that the Board has powers to:-**



- a) Establish and abolish offices in the County public service;
- b) Appoint persons to hold or act in offices of the County public service including in the Boards of cities and urban areas within the County and to confirm appointments;
- c) Prepare regular reports for submission to the County Assembly on the execution of the functions of the Board;
- d) Advise the County Government on human resource management and development; and
- e) Promote in the County public service the values and principles referred to in Articles 10 and 232 of the Constitution;

**G. In response to some of the values referred to in Article 10 and 232 of the Constitution of Kenya, he stated as follows:-**

The national values and principles of governance, article 10 include-

- a) Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
- b) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
- c) Good governance, integrity, transparency and accountability; and
- d) Sustainable development.

The values and principles of public service, article 232 include-

- a) High standards of professional ethics;
- b) Efficient, effective and economic use of resources;
- c) Responsive, prompt, effective, impartial and equitable provision of services; and
- d) Involvement of the people in the process of policy making.

**H. Regarding what he considers as the main challenges and to address the challenges:-**

- a) Streamlining the workforce in line with competence
- b) Ensuring teamwork and cohesion among the staff.
- c) Demoralized workforce is also a challenge
- d) Inadequate funding of the public service

- e) To review and streamline the skills to maintain the services.
- f) Adherence to labor laws and regulations
- g) Establishing relevant committees in the Board and offices that will FastTrack the needs of the staff.
- h) Engaging the relevant structures in the County especially the committee that will hand work to the Board.
- i) Executive to have enough funding so that the Public service Board can be able to implement its mandate as enshrined in the constitution.

**I. On the steps he will take to help the County to achieve its vision and plans:-**

The nominee stated that he will make use of the performance contracting tool to commit each officer through monitoring and evaluation.

**J. In terms of what he will do to ensure that officers in the County adhere to the values and principles as contained in article 10 and 232 of the Constitution. He responded as below:-**

The nominee stated that he will ensure that fairness and equity is upheld in all Sectors and implementation of the Report prepared by the County Public Service Board on Staff Promotion.

**K. Regarding what he can do to ensure the Board achieves its priorities, he stated as below:-**

He will uphold transparency, integrity and accountability in executing his duties.

**L. On whether he renders any community service and if yes where:-**

He was listed with Kituo cha Sheria as a pro-bono Advocate. Several cases of clients who are destitutes but need legal advice and representation have been referred to him which he successfully handled since he was admitted to the bar.

**M. On what Nairobi residents can expect from him if approved:-**

A public service full of cohesiveness and inclusion;

Best service delivery by the public service; and

Nairobi County Public Service Board will be run by professionals.

**N. Regarding how he will handle the pressure from family and friends who will be seeking services and favor:-**

- a) He has good ethical standards and behaviors and the way he dealt with staff at his office was the way he dealt with his family members. That he would withstand the pressure,
- 

**O. On what Nairobi residents can expect from him if approved:-**

The nominee informed the Committee that she will uphold high standards of-

- a) Professionalism;
- b) Accountability;
- c) Integrity;
- d) Commitment; and
- e) Ensure that the public service upholds all the values and principles as articulated in the Constitution.

**P.** Regarding why he had left working at the Judiciary in 2007 yet the said organization was a good employer to many Kenyans; he responded that he had the desire to move on after working for over ten years. That his desire was to practice and not to work at the bench. He had to apply early retirement to be paid his dues to finish his Diploma at the Kenya School of Law.



#### 4.0. COMMITTEE'S GENERAL OBSERVATIONS AND FINDINGS

The Committee having considered the nominees' filled Questionnaires pursuant to the Public Appointments (County Assemblies Approval) Act, 2017, his Curriculum Vitae and having heard his oral submissions during the vetting exercise made the following general observations:

**THAT: -**

1. The nominee satisfied the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity which is a requirement under section 35(3)(c) of the County Governments Act, 2012 in that: -
  - a) The nominee has been cleared by the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB).
  - b) The nominee has not been charged in a Court of Law.
  - c) The nominee did not exhibit a potential conflict of interest.
2. The nominee did not have the experience of leadership as he was working in his own private firm since 2013 yet managing only four staffs.
3. The Committee further observed that Section 58 (1) (c) of the County Governments Act provides that the CPSB shall comprise - 'a certified public secretary of good professional standing nominated and appointed by the Governor, with the approval of the County Assembly, who shall be the secretary to the Board yet he did not have the certificate in certified public secretary (CPS); and
4. The nominee was not qualified as per the requirements of the said position since he is not a Certified Public Secretary (by the Kenya Accountant and Secretaries National Examination Board) as required under Section 58(1) (c).

## **5.0. COMMITTEE'S RECOMMENDATIONS**

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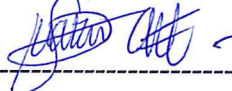



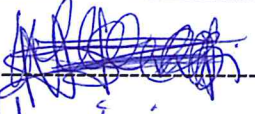


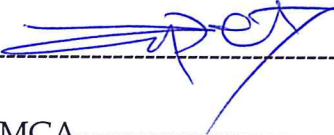
Pursuant to Section 45 (1) (a) and (b) of the County Governments Act, 2012, Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017, and Standing Order No. 203 (6) (f) of the Nairobi City County Assembly Standing Orders, the Committee recommends:-

THAT, this Assembly does not approve the name of Mr. Philip Polland George Kaingu as nominee to the position of secretary to the County Public service Board since he is not a Certified Public Secretary as required under Section 58(1) (c) of the County Governments Act, 2012.





**LIST OF MEMBERS OF THE SECTORAL COMMITTEE ON LABOUR  
AND SOCIAL WELFARE**

1. Hon. Geoffrey Ng'ang'a, MCA- Chairperson-----
2. The Hon. Jared Akama, MCA - Deputy Chairperson-----
3. The Hon. Peter Wanyoike, MCA-----
4. The Hon. Susan Mukungu, MCA-----
5. The Hon. Millicent Jagero, MCA-----
6. The Hon. Peter K. Wahinya, MCA-----
5. The Hon. Anthony Nganga, MCA-----
6. The Hon. John Kamau, MCA-----
7. The Hon. Anthony Kimemia, MCA-----
8. -----
9. The Hon. Mbugua Kabiru, MCA-----
10. The Hon. Silas Matara, MCA-----
11. The Hon. Samwel Mwangi, MCA-----
12. The Hon. Margaret Mbote, MCA -----
13. The Hon. Evans Otiso, MCA -----
14. The Hon. Rose Ogonda, MCA-----
15. The Hon. Joseph Ndonji, MCA -----
16. The Hon. Esther Nyangweso, MCA -----
17. The Hon. Jairus Omayo, MCA-----
18. The Hon. Imapet Kemunto, MCA -----
19. The Hon. Patrick Musili Mbangula, MCA-----
20. The Hon. Mellab Atemah MCA-----
21. The Hon. Fredrick Omondi, MCA-----
22. The Hon. Benson Mwangi, MCA-----



MINUTES OF THE 36<sup>TH</sup> SITTING OF NAIROBI CITY COUNTY ASSEMBLY'S SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY, 2<sup>ND</sup> JUNE, 2020 AT 10.00 A.M. AT THE ASSEMBLY PRECINCTS.

PRESENT:

1. Hon. Geoffrey Ng'ang'a, MCA- Chairperson
2. The Hon. Jared Akama, MCA – Deputy Chairperson
3. The Hon. Susan Mukungu, MCA
4. The Hon. Anthony Kimemia, MCA
5. The Hon. Mbugua Kabiru, MCA
6. The Hon. Silas Matara, MCA
7. The Hon. Samwel Mwangi, MCA
8. The Hon. Margaret Mbote, MCA
9. The Hon. Rose Ogonda, MCA
10. The Hon. Evans Otiso, MCA
11. The Hon. Esther Nyangweso, MCA
12. The Hon. Imapet Kemunto, MCA
13. The Hon. Patrick Musili Mbangula, MCA

ABSENT

1. The Hon. Peter Wanyoike, MCA
2. The Hon. Millicent Jagero, MCA
3. The Hon. Peter K. Wahinya, MCA
4. The Hon. Anthony Nganga, MCA
5. The Hon. John Kamau, MCA
6. The Hon. Jairus Omayo, MCA
7. The Hon. Mellab Atemah MCA
8. The Hon. Fredrick Omondi, MCA
9. The Hon. Joseph Ndonji, MCA
10. The Hon. Benson Mwangi, MCA

SECRETARIAT – COUNTY ASSEMBLY

1. Ms. Cammelyne Anguche – Clerk Assistant

MIN 90/JUNE/2020– PRAYERS

The meeting was called to order at 10.25 a.m and begun with a word of prayer from Hon. Rose Ogonda. The Chairperson then took Members through the agenda which was adopted as proposed by Hon. Silas Matara and seconded by Hon. Susan Mukungu as follows:-

AGENDA

1. Prayers
2. Adoption of the Agenda

3. Adoption of the report of the vetting of the Secretary, County Public Service Board
4. Any other business
5. Adjournment

**MIN. 91/ JUNE /2020 – ADOPTION OF THE REPORT OF THE VETTING OF THE SECRETARY, COUNTY PUBLIC SERVICE BOARD**

The agenda of the Meeting was adopted as proposed by Hon. Jared Akama and seconded by Hon. Rose Ogonda.

The Committee adopted the report of the vetting of the Secretary, County Public Service Board as follows;

The nominee was not qualified as per the requirements of the said position since he is not a Certified Public Secretary (by the Kenya Accountant and Secretaries National Examination Board) as required under Section 58(1) (c).

That Pursuant to Section 45 (1) (a) and (b) of the County Governments Act, 2012, Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017, and Standing Order No. 203 (6) (f) of the Nairobi City County Assembly Standing Orders, the Committee recommends:-

THAT, this Assembly does not approve the name of Mr. Philip Polland George Kaingu as nominee to the position of secretary to the County Public service Board since he is not a Certified Public Secretary as required under Section 58(1) (c) of the County Governments Act, 2012.

The report was adopted as proposed by Hon. Margaret Mbote and seconded by Hon. Esther Nyangweso.

**MIN. 92/ JUNE /2020 - ANY OTHER BUSINESS AND ADJOURNMENT**

There being no any other business to consider, the meeting was adjourned at 11.30am.

**CONFIRMED AS TRUE RECORDS OF PROCEEDINGS**

CHAIRPERSON.....

DATE.....