

GOVERNMENT OF NAIROBI CITY COUNTY



*Paper laid Hon. Palapala
Chairperson P&H committee
on 20/3/2025
JPU*

THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(FOURTH SESSION)

NCCA/TJ/PL/2025(39)

20TH MARCH 2025

PAPER LAID

Pursuant to Section 9 of Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 196, I beg to lay the following Paper on the Table of the Assembly, today Thursday 20th March, 2025:

- **THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON VETTING OF NOMINEE FOR APPOINTMENT AS NON-EXECUTIVE CHAIRPERSON OF NAIROBI CITY COUNTY RURAL AND URBAN AFFORDABLE HOUSING COMMITTEE.**

(Chairperson, Sectoral Committee on Lands, Planning and Housing)

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

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(FOURTH SESSION)

NCCA/TJ/PL/2025(39)

18TH MARCH 2025

PAPER LAID

Pursuant to Section 9 of Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 196, I beg to lay the following Paper on the Table of the Assembly, today Tuesday 18th March, 2025:

- **THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON VETTING OF NOMINEE FOR APPOINTMENT AS NON-EXECUTIVE CHAIRPERSON OF NAIROBI CITY COUNTY RURAL AND URBAN AFFORDABLE HOUSING COMMITTEE**

(Chairperson, Sectoral Committee on Lands, Planning and Housing)

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COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY–FOURTH SESSION

SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING

REPORT ON THE VETTING OF NOMINEE FOR APPOINTMENT AS NON-EXECUTIVE
CHAIRPERSON OF NAIROBI CITY COUNTY RURAL AND URBAN AFFORDABLE HOUSING
COMMITTEE

Clerk's Chambers
City Hall Buildings
NAIROBI

MARCH, 2025

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- (iv) Annexure (3) Copy of Newspaper advertisement;
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1.0. EXECUTIVE SUMMARY

Pursuant to Section 34 (2) and (3) of the Affordable Housing Act, 2024, H.E. the Governor, Hon. Sakaja Arthur Johnson nominated Mr. Chris Abuga for appointment as Non-Executive Chairperson of Nairobi City County Rural and Urban Affordable Housing Committee.

The nomination was conveyed to the Assembly vide a letter NCC/GOV/ADM/130/2024 dated 11TH November 2024 and pursuant to Standing Order 45(1), the Honorable Speaker read the message from His Excellency the Governor to the Assembly communicating the name of the nominee. Pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 the name of the nominee was referred to the Sectoral Committee on Lands, Planning and Housing for vetting and reporting to the Assembly within twenty-one (21) days.

Consequently, pursuant to Section 7(4) of the Public Appointments (County Assemblies Approval) Act, 2017, the Clerk of the County Assembly placed an advertisement in the local dailies on 14th February 2025 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. The advertisement indicated that the submissions were to be received on or before, Friday 21st February, 2025. Accordingly, at the expiry of the said timeline, the Committee received no memorandum from the public.

Further, in fulfilment of the provisions of Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Clerk notified the general public that the approval hearings of the nominee would be held on 25th February, 2025.

The nominee appeared before the Committee as scheduled pursuant to the provisions of the Public Appointments (County Assemblies Approval) Act, 2017. Pursuant to the provisions of Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that the nominee met the integrity threshold, demonstrated knowledge of topical, administrative, and technical issues relating to the docket he had been nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment.

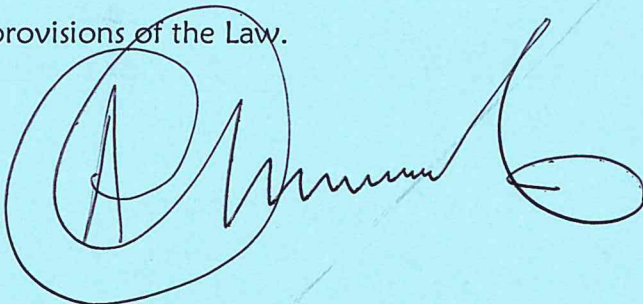
Having conducted the approval hearing of the nominee pursuant to Section 34 (3) of Affordable Housing Act, 2024, Section 9 of the Public Appointments (County Assemblies

Approval) Act, 2017 and Standing Order 209(6)(f), the Committee recommends that the Assembly-

— Approves the nomination of Mr. Chris Abuga for appointment as the Non-Executive Chairperson of Nairobi City County Rural and Urban Affordable Housing Committee.

May I take this opportunity to thank Members of the Committee for their input and valuable contributions during the approval hearings and deliberations during the writing of the report. 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 exercise. The Committee is grateful to the staff of the County Assembly attached to the Committee for their services rendered. Their efforts and input made the work of the Committee and the production of this Report possible.

Finally, on behalf of the Sectoral Committee on Lands Planning and Housing, 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 Non-Executive Chairperson of Nairobi City County Rural and Urban Affordable Housing Committee to the Assembly for consideration pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.



11th/3/2025

HON. ALVIN OLANDO PALAPALA, MCA

CHAIRPERSON, SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING

2.0. PREFACE

2.1. Establishment and Mandate of the Committee

The Sectoral Committee on Lands, Planning and Housing is established under the provisions of Standing Order 209 and is mandated to:

- i. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- ii. Study the programme and policy objectives of departments and the Effectiveness of the implementation;
- iii. Study and review all county legislation referred to it;
- iv. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- v. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- vi. *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); and*
- vii. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

2.2. Committee Membership

The Committee was constituted by the Assembly on 26th October, 2022 comprising of the following Members: -

- | | |
|-------------------------------------|--------------------|
| 1. Hon. Alvin Olando Palapala, MCA | - Chairperson |
| 2. Hon. Collins Omondi Ogenga, MCA | - Vice-Chairperson |
| 3. Hon. Peter Maina Mwangi, MCA | |
| 4. Hon. Hashim Athman Kamau, MCA | |
| 5. Hon. Esther Waithera Chege, MCA | |
| 6. Hon. Hannah Wanjiru Muriuki, MCA | |
| 7. Hon. Lily Akoth Kidenda, MCA | |
| 8. Hon. Jane Wanjiru, MCA | |
| 9. Hon. Nicholas Juma Okwacho, MCA | |

10. Hon. Peter Imwatok Jateso, MCA
11. Hon. Tricer Jeptoo Ayabei, MCA
12. Hon. Martin Waithaka Wairobi, MCA
13. Hon. Francis Kimondo Kiragu, MCA
14. Hon. Patrick Mwangi Macharia, MCA
15. Hon. Kamau Thuo Fiunifiu, MCA
16. Hon. Anthony Kiragu Karanja, MCA
17. Hon. Nasra Shehan Nanda, MCA
18. Hon. Billy Ricardo Nyantika, MCA
19. Hon. Fuad Hussein Mohammed, MCA
20. Hon. Paul Ndung'u Irungu, MCA
21. Hon. Geoffrey Odhiambo Majiwa, MCA
22. Hon. Clement Nganga Kamaru, MCA
23. Hon. Paul Kiguathi Kados, MCA

2.3. Committee Secretariat

The Secretariat comprises: -

1. Mr. Austin Inyundele – Senior Clerk Assistant
2. Mr. Benedict Ochieng' – Second Clerk Assistant
3. Ms. Rebecca Adhiambo – Second Clerk Assistant
4. Mr. Kevin Kokebe – Principal Legal Counsel
5. Ms. Frora Savai – Legal Counsel
6. Ms. Caroline Kawira – Hansard Reporter
7. Mr. Titus Kitetu – Researcher

3.0. BACKGROUND

3.1. Notification of Nominations

Pursuant to Section 45 of the County Governments Act, 2012, H.E. the Governor, Hon. Sakaja Arthur Johnson vide a letter NCC/GOV/ADM/130/2024 dated 11TH November 2024 forwarded to the Speaker of the Nairobi City County Assembly, the name of Mr. Chris Abuga for vetting by the Sectoral Committee on Lands, Planning and Housing and consideration for approval by the County Assembly for appointment as Non-Executive Chairperson of Nairobi City County Rural and Urban Affordable Housing Committee.

3.2. Notification to the Assembly and referral to the Sectoral Committee on Lands, Planning and Housing.

On Thursday 5th December, 2024 and pursuant to Standing Order 45(1), the Honorable Speaker read the message from His Excellency the Governor communicating the name of the nominee to the Assembly for the position of Non-Executive Chairperson of Nairobi City County Rural and Urban Affordable Housing Committee. Pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 the name of the nominee was referred to the Sectoral Committee on Lands, Planning and Housing for vetting and reporting to the Assembly within twenty-one (21) days.

3.3. Notification to the Public

Article 196(b) of the Constitution of Kenya, 2010 provides that the County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.

Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017 requires the Committee 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.

Further Section 7(10) of the Act provides that *“any person may, prior to the approval hearing, and by 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”*.

Consequently, pursuant to Section 7(4) of the Public Appointments (County Assemblies Approval) Act, 2017, the Clerk of the County Assembly placed an advertisement in the

local dailies on 14th February 2025, 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. The advertisement indicated that the submissions were to be received by **Friday, 21st February, 2025**.

Further, in the said advertisement and pursuant to Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Clerk notified the general public that the approval hearings of the nominee would be held on **Tuesday 25th February, 2025**.

3.4. Notification to the Nominee.

On Friday 14th February 2025, the Clerk invited the nominee through the print media, for the approval hearings in accordance with Section 7 (4) of the Public Appointments (County Assemblies Approvals) Act, 2017.

3.5. Issues for consideration during the Approval Hearings

3.5.1. Procedure for Nomination

Section 35 of the Affordable Housing Act, 2024 confers upon H.E the Governor the power to appoint the Non-Executive Chairperson of Nairobi City County Rural and Urban Affordable Housing Committee with the approval of the County Assembly.

Further, Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017 further requires the appointing authority, upon nominating a person for appointment, to notify the County Assembly.

In this regard, pursuant to the provisions, Section 34 of the Affordable Housing Act, 2024 and Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017, H.E the Governor of Nairobi City, Johnson Arthur Sakaja notified the County Assembly of the nomination of Mr. Chris abuga to the positions of Non-Executive Chairperson of Nairobi City County Rural and Urban Affordable Housing Committee.

3.5.2. Suitability of the Nominee for the proposed appointment having regard to whether the nominee's abilities, experience and qualities meet the needs of the Sector to which the nomination is made.

The suitability of the nominee was assessed following scrutiny of the nominee's academic credentials, professional training and experience, knowledge of the docket the nomination

is made, personal integrity, background qualities as well as his performance during the approval hearings that was conducted on **Tuesday 25th February 2025**.

3.5.3. Memorandum from Members of Public in respect of the Nominee

Pursuant to Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017 which provides that “*any person may, prior to the approval hearing, and by 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*”, the Clerk placed an advertisement in the print media on Friday 14th February 2025 inviting the public to submit any memoranda by way of written statements on oath (affidavit) on the suitability or otherwise of the nominee. Accordingly, the Committee received no memorandum at the expiry of the timeline.

4.0. APPROVAL HEARINGS OF THE NOMINEE.

During its Sitting held on Tuesday, 25th February 2025, in Committee Room 5, Assembly Precincts, City Hall Buildings from 10:00am, the Committee conducted face to face interview of the nominee. The minutes of the vetting proceedings are attached to this report.

4.1. MR. CHRIS ABUGA – NOMINEE FOR NON-EXECUTIVE CHAIRPERSON OF NAIROBI CITY COUNTY RURAL AND URBAN AFFORDABLE HOUSING COMMITTEE.

4.1.1. Submissions by the Nominee.

Mr. Chris Abuga, the nominee for Non-Executive Chairperson of Nairobi City County Rural and Urban Affordable Housing Committee appeared before the Committee on Tuesday 25th February 2025 and was vetted under oath. The Committee noted the following: -

Date and Place of Birth

The nominee is a male Kenyan born on 18th December, 1987 in, Kisii County and does not hold dual citizenship. The nominee has resided in Nairobi County for a bigger part of his life.

Academic and Professional Qualifications

The nominee holds qualifications as follows:

- a) 2006-2010:- Bachelor of Electrical and Electronic Engineering (University of Nairobi)
- b) 2005:- K.C.S.E at Mbagathi View Academy

Employment Record

The Committee established that the nominee had the following employment record:

- a) 2014 to present: Director, Linus Consulting Engineers Ltd
- b) 2008- 2013: Electrical Engineer, Building Services at M&E consulting Engineers

Income and net worth

The nominee estimated his net worth to be Kshs. 45 million in assets and Ksh. 20 Million in cash.

Professional Associations and Memberships

The nominee informed the Committee that he was a Member of the following professional bodies:

- a) Registered with Engineers Board of Kenya (EBK)
- b) Institute of Electrical and Electronic Engineers (IEEE)
- c) Corporate Member, Institute of Engineers of Kenya (IEK)

Responses to general and sector specific questions to the nominee

The Committee posed several questions to the nominee on his knowledge of the Sector he had been nominated to and his conduct in public and private life. The nominee responded as follows:

i) Why the nominee was considered for the position he was nominated to

The nominee informed the Committee that he had participated in the design and implementation of major projects in the country including affordable housing project at Park Road. The experience and passion drawn from participating in the projects and the knowledge that there is a mismatch in supply and demand for affordable housing informed his inclination towards housing. For this reason, the appointing authority considered him fit for the position.

ii) What the docket entails

The nominee informed the Committee that the Non-Executive Chairperson of County Affordable Committee is to provide leadership to the Committee in executing its mandate as provided under for in Section 39 of Affordable Housing Act, 2024 which requires the Committee to play advisory role, develop county affordable housing framework and make reports to the County Assembly. Further, the docket entails liaising with the National Government Board on affordable housing in developing relevant guiding framework and investment programmes.

iii) How his experience will benefit Mwananchi

The nominee stated that his vast experience in design and implementation of major affordable housing projects in the County and experience from private consultancy

will greatly inform the responsibilities and the collective mandate of the Committee in advising the Governor and developing framework and investment programme for the County. The contents of the framework and programme will contain provisions that will foster affordability, transparency and public participation which are key issues affecting affordable housing.

iv) What should constitute the Committee's framework as per the Act

The Committee was informed that the framework as provided for in the Act constitutes key policy proposals for attainment of affordable housing in the County.

v) Use of public land by companies for affordable housing

The nominee informed the Committee that he has no problem in use of public land to attain affordable housing. He however stated that in entering any agreement, proper structures should be put in place to ensure public land is safeguarded and utilized in the interest of the public.

vi) Affordable housing catering of low income earners

The nominee informed the Committee that making housing affordable to low income earners is a function of several issues including provision of incentives and exceptions provided by the government to investors. This benefit is expected to be transferred to buyers.

vii) Financing of affordable housing in the County

The nominee informed the Committee that there are various approaches to ensure adequate financing of affordable housing in the County including public-private partnerships and Engineering, procurement and Construction (EPC). In both arrangements, the County can enter agreements in which sharing of the units is based on established and/or mutually agreed standards

viii) Role of the Committee to affordable housing Committee mandate

The nominee informed the Committee that the Committee and the Assembly, by extension is the policy making organ. That through polices, legislation and regulations, the Committee will guide the implementation of affordable housing in

the County and the documents will form the basis for reference and guidance to the Committee in executing its mandate. Further, the Act requires that Affordable Housing Act, 2024 requires that the Committee makes periodic reports to the County Assembly.

ix) Transparency in allocation of units and management of collected funds

The nominee gave the Committee the assurance that if approved by the Assembly, through a model to be developed by the County Affordable Committee, allocation of completed units will be allocated in a transparent manner including market units and affordable housing units. That there will be prioritization of occupants of old estates following decantation where applicable. He also proposed aggressive public participation, sensitization and involvement of stakeholders from project inception to allocation of units. Further, the nominee informed the Committee that the procedure for allocation of units to residents of the old estates will be open and in accordance with the law where decantation measures will ensure that they are treated fairly and humanely. In addition, on management of funds, the Committee was informed that the gaps that existed in the management of affordable housing funds have since been addressed through the passage of Affordable Housing Act, 2024.

x) Public participation in old estates

The nominee informed the Committee that public participation is a Constitutional requirement before government implements major projects. He also acknowledged that the upgrading of the existing County Estates will require that the tenants vacate to give room for the projects. In this case, the nominee assured the Committee that if approved, he will always uphold the law which requires that the tenants and residents be engaged and their interests taken care of.

xi) Management of conflict of interest

The nominee informed the Committee that even though his position does not require him to participate in day to day operations, access to affordable housing is a greatly regulated and guided process. In this regard, should such a case come up, his is a role of guiding the concerned person through the laid down procedure.

xii) Service to the community

The nominee informed the Committee that through his consultancy firm, he has conducted corporate social responsibilities including but not limited to Rongai, Karura Chapel by providing pro bono project designing services.

4.1.2 Committee observations on the suitability of the nominee

The Committee having considered the nominee filled questionnaire pursuant to Section 7 (9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as Non-Executive Chairperson of Nairobi City County Affordable Housing Committee: -

- a. **THAT**, the nominee does not hold dual citizenship.
- b. **THAT**, until the date of the approval hearings, the nominee has been conducting private consultancy;
- c. **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the HELB, EACC and KRA. However, the nominee however presented a receipt indicating that he had applied for clearance from the DCI.
- d. **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.
- e. **THAT**, the nominee has been a resident of Nairobi City County for more than 5 years; and
- f. **THAT**, the nominee demonstrated interest, knowledge of topical, administrative, and technical issues touching on the docket he has been nominated to.

5.0. COMMITTEE'S GENERAL OBSERVATIONS

That pursuant to Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017 and Section 35(1) of the Affordable Housing Act, 2024, the Committee observed that the nominee met the integrity threshold, demonstrated knowledge of topical, administrative, and technical issues touching on the docket to which he had been

nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment.

6.0. COMMITTEE'S RECOMMENDATION

THAT, having conducted the approval hearing of the nominee pursuant to Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017, Section 34 (3) of Affordable Housing Act, 2024 and Standing Order 209(6)(f) the Sectoral Committee on Lands, Planning and Housing recommends as follows:

- That the Assembly approves the nomination of Mr. Chris Abuga for appointment as the Non-Executive Chairperson of Nairobi City County Rural and Urban Affordable Housing Committee.