



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Wednesday 27th March, 2019

The House met at 2.30 p.m.

[Hon. Temporary Deputy Speaker (Mr. Silas Matara Ongwae) in the Chair]

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Sergeant- at- Arms ring the quorum bell for ten minutes.
(Quorum bell was rang for 10 minutes)

Hon. Temporary Deputy Speaker: Sergeant- at- Arms ring the quorum bell for five minutes.
(Quorum bell was rang for 5 minutes)

Clerk, proceed.

STATEMENTS

Hon. Temporary Deputy Speaker: The following responses to statements will be given: the Chairperson for Sectoral Committee on Transport.

RESPONSE TO STATEMENT REGARDING THE STATE AND PLANS FOR REHABILITATION OF NYANDO BRIDGE IN LINDI AND LAINI SABA WARDS

Hon. Joyce Kamau: Hon Speaker on 26th of February 2019 Hon. Cecilia Ayot rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a statement regarding the state and plans for rehabilitation of Nyando bridge linking Lindi and Laini saba Wards in Kibra constituency.

In the statement the Member requested that the Chairperson should inquire into and report on:

1. Whether there are any plans for the rehabilitation of Nyando bridge linking Laini saba and Lindi Wards
2. If so when is the County planning to rehabilitate the bridge as its deplorable state is affecting many people and businesses?

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3. What is the plan for rehabilitation and whether it involves construction of new bridge?

Hon Speaker the committee wrote to the County...

(Point of Order)

Hon. Member: Point of Order Mr. Speaker, Hon. Cecilia Ayot is not in.

Hon. Joyce Kamau: Mr. Speaker the Member agreed that we respond in her absence.

Hon. Waithera Chege: Mr. Speaker you remember a communication was made by the Speaker of the day on Tuesday whereby he requested all pending statements to be read before the end of the day today. I wish to request that whether the Member is in or not we read the responses so that we can also hit the deadline. Thank you.

Hon. Temporary Deputy Speaker: Member you can proceed because I believe it is an obligation of every member of this House to be present at the sittings.

Hon. Joyce Kamau: Hon. Speaker the committee wrote to the County Executive Committee Member responsible for Public Works, Road and Transport inviting him to a meeting of the committee that was held on 14th March 2019 at the County Assembly pursuant to Standing Order 45 (d).

The purpose of the meeting was to enable the CEC Member to furnish the committee with the response to the statement requested by the member.

The committee also wrote to Hon. Cecilia Ayot via a letter dated 28th February 2019 inviting her to attend the said meeting of the committee. Hon Speaker it is important to note that despite the invitation Hon. Cecilia Ayot failed to attend the said meeting.

In this regard I wish to report to the Assembly as follows:

1. *Whether there are any plans for rehabilitation of Nyando Bridge linking Laini saba and Lindi Wards.*
Hon. Speaker the committee was informed that there are plans for rehabilitation of the said bridge to ensure that mobility of people and goods goes on without disruption as a result of the damaged bridge.
2. *When the County is planning to rehabilitate the bridge as the deplorable state is affecting many people and businesses.*

The sector acknowledged that the said bridge is currently in deplorable state and shall be rehabilitated. The CEC Member however noted that delays in procurement of requisite materials for repair and therefore the works will be pending until the materials are made available to building works.

The committee was informed that the sector has not considered construction of a new bridge while the state of the current one that requires repairs will be restored. However the committee urged the CEC to do a thorough assessment of the bridge to gauge if it will be fit for use after repairs or consider construction of a new one.

Further the committee requested the CEC member to do a follow up with the procurement in a bid to expedite the process of availing the requisite materials for the repair of the bridge so that mobility of people is facilitated without any fears of bad eventuality.

Hon. Speaker the committee was satisfied with the response and the issues raised by the hon member in her request. A copy of the detailed response has been given to Hon. Cecilia Ayot who had requested the statement and further copies is hereby attached to the report. I beg to lay this statement, thank you.

Hon. Temporary Deputy Speaker: What is it Hon. Kennedy Oyugi?

Hon. Kennedy Oyugi: Thank you Mr. Speaker. The same bridge cuts across three Wards, that is Highrise, Lindi and Laini saba. The day Hon Ayot raised the issue I intervened but based on the answers the member has given I can as well say it is half baked. The answer is not satisfactory bearing in mind that regarding the said bridge the Chief Officer of Roads had already instructed his staff at the Bridge Department for BQ which was amounting to Ksh. 9 million. The member has not highlighted that. The hindrance that we faced was the county did not have such kind of money. We agreed that repairs to be immediately undertaken. The importance of that bridge, as I have stated, cuts across three wards. It is a major highway within the slums. As we are talking, this week, a child was admitted at Kenyatta National hospital because of the deplorable state of that bridge.

Mr. Speaker I would want to ask the Assembly if we have emergency funds for the County. When I inquired yesterday with the procurement the response I got was really scary. That emergency can only be effected where there is imminent death. I am left wondering, do we wait for people to die so that we use the emergency or do we prevent death by addressing issues like that?

Therefore I would like to urge the Transport Committee to give us a concrete answer for us to urgently repair the bridge before the rainy season starts; Mr. Speaker that is my prayer. We need to see the bridge repaired as it is in a deplorable state and you can imagine it cuts across three Wards and it is inside the slums. For those of you who know what a slum is, they can understand what we undergo.

Hon. Temporary Deputy Speaker: Thank you Hon. Member. There are two issues that you have raised of importance. The House has taken note of your concerns but you also have to be alive to the fact that this statement was adequately asked by Hon. Cecilia Ayot. To that effect, the committee handled the matter that was raised by the Hon. Member. I believe if at all you had an interest in the same you would have attended the sessions of the committee before the response was brought to the floor of the House.

On your second issue about an Emergency Fund, it is an issue which is well captured in the engagements of the County and also in its operations. An emergency has to happen for you to utilize the funds in that kitty. You cannot use the funds to deal with another issue. If you have an issue pertaining to the statement you can do yours and the committee is going to respond to the issues that you are going to raise at that juncture. Thank you Hon. Member.

Hon. Kennedy Oyugi: Mr. Speaker, your argument---

Hon. Temporary Deputy Speaker It is not my argument, I have already dispensed with that matter.

Hon. Kennedy Oyugi: Mr. Speaker we are dealing with life and I am telling you this week we are going to discharge a child who broke her leg on that bridge. You are telling me that Emergency Fund can only be utilized when there is an emergency. Are you waiting for them to break their legs so that you treat it as an emergency? How many do you want to die so that you can treat it as an emergency?

Hon. Temporary Deputy Speaker: I am saying under the dictates of the law you can only utilize funds from that kitty once an emergency happens.

Hon. Kennedy Oyugi: Mr. Speaker, what is an emergency? Do you wait for death so that we treat it as an emergency? We are here to protect the lives---

Hon. Temporary Deputy Speaker: Hon. Member I am just trying to explain to you under that kitty the law is very clear; you can only utilize funds from it once an emergency has occurred. If in your Ward you have an issue that you think needs to be addressed from that kitty, make a formal application and it is going to be addressed at that time. Concerning---

(Point of Order)

What is the Point of Order Hon. Obuya?

Hon. Kennedy Obuya: Mr. Speaker, I wanted to advise my brother as much as I know he is very right that the wisdom of the Chair reigns. However, the issue in this County and the way Emergency Fund is being handled at the Executive is questionable. Hon. Speaker I wanted to go on record today and seek your guidance that Imara Daima has been declared to be having the highest number of--- I can see the Clerk is coming and I hope she is not coming to misadvise you. Mr. Speaker I need your protection from the Minority Whip--- (*laughed*)

Hon. Speaker I wanted to go on record that the way the Emergency Fund and systems at the Executive are being handled is not proper. Matters of emergency Hon. Speaker---

Hon. Temporary Deputy Speaker: Hon. Member just like I have said, kindly what I have indicated is; this is a House of rules and procedures, there are regulations governing the usage and utilization of the Emergency Fund. If you think you have an issue that needs to be addressed, if you have a substantive issue there are channels to address the issue---

Hon. Kennedy Obuya: Hon. Speaker, how formal is formal sir?

Hon. Temporary Deputy Speaker: That is why I am saying--- Member, kindly resume your seat. I am saying, I have already dispensed with that matter and as we proceed discussing this issue we are discussing issues that are not in line with the debate on the floor of the House.

We need a statement from the Chairperson Transport and Public Works, response for the statement of Hon. Herman Azangu.

RESPONSE TO STATEMENT REGARDING STATE OF ROADS IN THE COUNTY

Hon. Joyce Kamau: Hon. Speaker, on 19th February 2019, Hon. Herman Azangu MCA, rose on the floor of the House pursuant to Standing Order 45 (2) (c), and requested for statement from the Chairperson of the Sectoral Committee on Transport and Public Works for a statement regarding the state of roads in the County especially the missing link road between Enterprise Road and Aoko Road in Landimawe Ward.

In the statement, the member requested that the Chairperson should inquire into and report on:

1. Whether the County has prioritized for the construction of the said missing link road in the Annual Development Plan even as the budget cycle gains momentum;
2. Whether the County Executive has included roads in Landimawe Ward for rehabilitation in their Annual Work Plan for the current or the next fiscal year; and
3. When the residents of Landimawe will see effort to improved roads infrastructure that will ease mobility.

Hon. Speaker, the Committee wrote to the County Executive Committee Member responsible for Public Works, Roads and Transport inviting him to a meeting of the committee that was held on 14th March 2018 at the County Assembly pursuant to Standing Order 45 (2) (d). The purpose of the meeting was to enable the CEC Member to furnish the Committee with the response to the statement requested by the Hon. Member.

In this regard, Hon. Speaker, I wish to report to the Assembly as follows;

Whether the County has prioritized for the construction of the said missing link road in the Annual Development Plan even as the budget cycle gains momentum

Hon. Speaker, in this regard, the Committee was informed that the construction of the missing link road between Enterprise Road and Aoko Road had been proposed in the County Integrated Development Plan (CIDP) for the financial year 2017-2022. However, the County is still committed to completing the backlog of projects that are outstanding from the previous financial years before embarking on rolling out new projects.

These rolled out projects are currently consuming the largest portion of the budget allocated to the sector. The sector is therefore committed to clearing the back log before embarking on new projects.

Whether the County Executive has included roads in Landimawe Ward for rehabilitation in their Annual Work Plan for the current or the next fiscal year

Hon. Speaker, the Committee was informed that the County had included all paved roads for routine maintenance with the County including Landimawe Ward. However, due to cash flow crisis that the County is facing currently, the sector is not able to start major road rehabilitation works in the various Wards in Nairobi.

The Committee was however assured that even as the sector waits for improved cash flow, the sector will continue to undertake routine maintenance service to the road network in the County

When the residents of Landimawe will see effort to improved roads infrastructure that will ease mobility

Hon. Speaker, the Committee was informed that the sector depends on the budget provisions to achieve its goals in each financial year. The Roads budget for the financial year 2019-2020 has been reduced. Going by the CFSP, financial year 2019/2020, due to the reduced revenues in the County. This will by large extent impede rolling out a new project. However, the sector will continue to carry out routine maintenance works which are supported by the current budget provisions waiting improvement in allocation.

The Committee, however, asked the CEC Member to explore including partners to ensure that the missing link road is paved and the roads in Industrial Area rehabilitated. This is because it was not the first time the member was raising the issue of that important missing link road to the committee. The CEC Member agreed to explore alternative approaches to have the road paved and ensure that other roads in the area are rehabilitated for efficient movement of people, goods and services.

Hon. Speaker, a copy of the detailed response has been given to Hon. Herman Azangu who requested for the statement and a further copy is hereby attached to this report. I beg to lay this statement. Thank you.

Hon. Temporary Deputy Speaker: Next order. Hon. Herman Azangu.

Hon. Herman Azangu: Thank you, Hon. Speaker. I think you are learning, and learning is a continuous process. I agree with the response but I urge the CEC for Transport to move with speed because most of the roads in Industrial Area, for example, Gilgil Road, Isiolo Road, Bandari Road, Funzi Road, Addis Ababa Road, Busia Road, Butere Road, and Homa Bay Road are not in good condition. We need the County to move with speed to renovate these roads. The Industrial Area is giving this County a lot of revenue compared to other Wards. I agree with the response.

Hon. Temporary Deputy Speaker: Okay. What is it, Hon. Samuel Ng'ang'a?

Hon. Samuel Mwangi: Thank you, Mr. Speaker. On 15th of November last year, I stood in this House pursuant to Standing Order 45 (2) (c) and requested for a statement from the Sectoral Committee on Water and Sanitation but I have not received any information or response.

Hon. Temporary Deputy Speaker: That will be dispensed with at a later date. What is it, Hon. Member?

Hon. Waithera Chege: Mr. Speaker, before you dispense on the issue of responses on statements, since there was a timeline, there are two pending statements, one from the Committee on Budget that is due

for the last four weeks yet they had given one and half weeks. I needed you to give some guidance on the same. The other statement has been pending since last year September from Committee on Environment, concerning an issue where my brother, Mr. Ogeto and I were concerned about the environmental status of Upper Hill. Kindly give guidance.

Hon. Temporary Deputy Speaker: You are the Majority Whip of this House and a lot is expected from you and your office. I believe those issues have not come to your attention in the last few minutes. You had adequate time to inform the secretariat to make necessary arrangements for them to be placed on the Order Paper. So, I am going to allow an extension of an extra day for you to make a response tomorrow.

Clerk, proceed.

MOTION

Hon. Temporary Deputy Speaker: Hon. Nancy Muthami.

PROMOTION OF SPORTS ACTIVITIES AND TALENTS IN THE COUNTY

Hon. Grace Muthami: THAT, aware that Section 8 of the Nairobi City County Sports Management Act, 2017 provides that the Directorate in charge of sports in the County shall prepare the County Sports Plan, which shall include; measures to be taken in promotion of sporting activities in the County, measures to be taken for the integration of sports plan as stipulated in Section 8 (3) of the same Act;

Further aware that the Nairobi City County Sports Management (Amendment) Act 2018 establishes the Nairobi City County Sports Management Board, with the mandate of foreseeing the operations, promotion and management of Sports activities in the County; concerned that the a number of talented youth in the County are not able to sustain a livelihood due limited sports opportunities;

Appreciating that there is need for the County Executive and the County Sports Management Board to develop and implement appropriate strategies, policies and programmes to mitigate joblessness among the talented youth in the County; this assembly urges the County Executive to urgently develop and forward to the Assembly a Sports Plan for the County.

Hon. Speaker, promotion of sports activities carries immense potential for the County youth. Sports remain one of the most popular activities among youth all over the world. From established reputable journals, we know that sports can contribute significantly to international, national and local efforts to health start of children. Participation in organized sports during childhood and adolescence has important benefits for psychological and social health. Sports based youth development programmes outside schools promotes a wide range of learning and life skills development. Involvement in youth activities encourage youth to live healthy and happy and also create employment.

Hon. Speaker, many factors play a role in youth crime rates. Youth sports can help with some of the key elements---

(Point of Order)

Hon. Temporary Deputy Speaker: What is it, Minority Whip?

Hon. Moses Ogeto: Hon. Speaker, the Hon. Member is continuously reading but I am seeing the last word in the Motion is County. I don't know if it is allowed. It is against our Standing Order.

Hon. Grace Muthami: Those are points I have written, Hon. Ogeto.

Hon. Temporary Deputy Speaker: Proceed, Hon. Member.

Hon. Grace Muthami: Thank you Hon. Speaker. Hon. Speaker, it is for this reason that this Assembly saw it fit to enact a statute on sports management in the County. The implementation of the Act remains best minimal. Hon. Speaker, if the County had a sports plan as detailed, we would not be here seeking alternative avenues. I therefore want to urge Hon. Members to support this Motion and ensure implementation should the Assembly adopt it. Hon. Speaker, I beg Hon. Ogeto to second this motion.

Hon. Moses Ogeto: Thank you Hon. Speaker. As I stand here to second, I was following the Motion well until I saw a paper continuously addressing you. I don't know if somebody drafted a motion for her. But despite that, I want to second this Motion. The Hon. Member is trying to tell the Board under section 8 (3) of the Sports Act that this Board should establish and ensure that we have very many jobless Nairobians who are talented.

Hon. Speaker, this Board should ensure that it has set aside some funds to incorporate these talents. Hon. Speaker, the other day, we saw the Governor flying former boxer Conjestina all the way from Kisumu to Nairobi. Hon. Speaker, it was everywhere in the media that the Governor has done his best. So, we expect that this Motion will be accepted by the Executive and by the same Board to ensure that talents are nurtured. We see such talents around Tom Mboya Street, of youths entertaining people. Such talents have to be nurtured.

Funds should be set aside to ensure that these talents are not wasted. Hon. Speaker, we have seen that a Kenyan teacher won Ksh.100 million. The United Arab Emirates was able to identify the talent of a Kenyan teacher. As Nairobi County, we should ensure that we motivate our young people. Talents should be appreciated. Hon. Speaker, I beg to second this Motion. Thank you.

(Question proposed)

Hon. Kennedy Obuya: Thanks you Hon. Speaker. I am rising to support the Motion. As a sportsman and as a father of teenagers, who is faced with challenges that are faced by fathers out there, I am rising to support this Motion. I also encourage and congratulate Hon. Nancy for coming up with such a noble idea. Hon. Speaker, not only in future that the Sports Management Board should come with a sports plan for the County but also to come up with a serious sports policy. Hon. Speaker, without wasting time, I beg to support.

Hon. Waithera Chege: Thank you Mr. Speaker. I arise to support this Motion as a goalkeeper for our local football club. Sporting activity is one of the activities that brings people together, especially the young people in a community. It enhances a good rapport between the community members together with their leaders. And it also encourages peaceful coexistence and integration among the youths. They usually get busy on these sporting activities. Some of them are talented in sporting games.

You notice that the only sport activity that is promoted is football whereas we have so many of them. This is a good Motion because it will bring a policy that will guide us on how sports will be done. I want to applaud the Governor for the 9 stadia that are being constructed and I hope that they will be up to standards with facilities. Most stadia where people train do not have sitting spaces, washrooms and changing rooms

and I hope this will be considered so that they are encouraged to continue participating in the games. I believe that this will also help in nurturing young talents and motivating the youths who are sitting idle to get involved. I rise to support the Motion.

Hon. Charles Thuo: Thank you Mr. Speaker. I rise to support this Motion. Sports is an integral part of youth development in this County and that said, this Motion will set things in motion in a way that the County will be in a position to officially support sporting activities. You find that most of the times other sports like volleyball, karate, darts and other indoor games are neglected.

I believe that this Motion will assist in putting up structures across the 85 wards where Members advance sporting activities amongst the youth. Hon. Speaker, sports can be a source of income to the youths. There are very many talented youths in this County but you find that these talents go to waste because there are no systems and structures to support that talent to the extent that they get to earn a living. I beg to support and congratulate the Member for bringing a well thought out Motion to the House.

Hon. Temporary Deputy Speaker: Hon. Jeremiah

Hon. Jeremiah Themendu: Thank you Mr. Speaker. I rise to support the Motion by Hon. Nancy Muthami. If the County is going to establish a Sports Management Board then they shall protect the fields earmarked for stadiums and protect the open spaces where our children engage in sporting activities. Hon. Speaker, I believe that the idea is timely and with that I support

Hon. Jared Akama: Thank you Mr. Speaker for giving me the opportunity. I rise to sport the Motion and equally congratulate the mover of the Motion. Mr. Speaker my senior Hon. Azangu has said that learning is a continuous process and I also wanted to inquire if Hon. Nancy is in order to move a Motion that belongs to the committee that she is a member in. however, it is a brilliant Motion that I support based on the fact that sports can be a source of employment. I am one person who believes in the importance of education as a way of getting opportunities to better your life through employment. As we all know, some of the people earning the highest pay in the world are sports persons.

(Hon. Kennedy Obuya rose on a Point of information)

Hon. Jared Akama: I do not want to be informed Mr. Speaker. He has had his opportunity.

Hon. Temporary Deputy Speaker: It has to be addressed to the Member.

Hon. Jared Akama: You cannot inform me yet I am supporting---

Hon. Temporary Deputy Speaker: Proceed Member. You have already made the indication that you don't want to be informed

Hon. Jared Akama: I was saying that---

Hon. Temporary Deputy Speaker: Hon. Member, he has said that---

Hon. Kennedy Obuya: Hon. Speaker, it is not proper for Hon. Akama to mislead the House. It is either he supports fully or with amendments rather than misguiding the House by supporting and questioning content and purpose of the Motion.

Hon. Temporary Deputy Speaker: Thank you Hon. Member. Proceed Hon. Member

Hon. Jared Akama: I was very clear when I noted that my question was based on a point of learning. I fully support the Motion presented before the House by Hon. Nancy---

Hon. Temporary Deputy Speaker: For clarity, a member of a committee cannot ask a question from the same committee but when it comes to a substantive Motion then members are allowed. Be advised accordingly

Hon. Jared Akama: Thank you. Having said that through education you can get opportunities, sports also plays a key role in creating employment especially if we come up with serious policies which will focus on enhancing and nurturing talent Mr. Speaker. Having said that Mr. Speaker, we want to see a very serious plan just as Hon. Mercy said. A plan which does not require a Member of a County Assembly from a particular Ward walking into the office of sports in the County to ask for uniforms.

Mr. Speaker uniforms are good but let us take action on the ground because that is the best way we can identify and harness those talents. By doing so we will be able to nurture them and that will happen if we have a proper policy that will let us know that in a certain day of the year we are having an activity in a certain Ward, and this should be able to capture all the Wards.

So, Mr. Speaker, I support but with a focus on having a clear policy which will cut across all the wards so that we can ensure that we are nurturing talents of the young people and also ensuring that we create employment through those policies so, I support.

Hon. Temporary Speaker: Hon. Matara.

Hon. Silas Matara: Thank you Hon. Speaker. I rise to also support the Motion. Hon. Speaker, some of us have tried to hold some tournaments in our wards. I was there in the last Assembly so I have tried several times to bring the youth together and tried to host them with some kind of tournament. It is very disappointing to see that after a very short time, or very few days, after that tournament ends then these talented youth just remain idle in my Ward. So, Hon. Speaker, I support this Motion because the idea is very clear that...

Hon. Temporary Speaker: Searjeant-at-Arms make sure that no Member leaves the House. Thank you. Proceed Hon. Member.

Hon. Member Silas Matara: Thank you. If the County can contain the youth with this kind of tournament or some kind of sporting activity that goes on throughout the year we can engage our talented youth, we can help them avoid evil activities – and I have personally seen that. Now, because we have the Board we also need to see that Board working, they can be able to sit down and prepare some kind of activity that can go round the Wards. After that, they can have a sporting activity within the Wards they can then engage with other youths from the Sub-County and at the end of that activity we then have one big tournament for the County. Eventually this will enable us get a very good team that can represent Nairobi from other counties.

Therefore, I support this Motion fully and as I summarize, the Board can take a few days and tell us to go and organize youths from the ground. I have been telling them that the County is coming up with an idea of having this kind of sporting activity so if the County can move with some kind of speed and start this it will be a good thing for our people. Thank you.

Hon. Temporary Speaker: Hon. Millicent.

Hon. Millicent Jagero: Thank you Mr. Speaker for giving me this chance. I support the Motion. Secondly, sports is the most powerful exercise especially for women and we are coming third because we lack practice. Mr. Speaker, I support this Motion.

Hon. Temporary Speaker: The Mover.

Hon. Nancy Muthami: Hon. Speaker, I want to thank the Hon. Members and in particular, I want to thank Hon. Ogeto for seconding the Motion and Hon. Jagero, Hon. Obuya, Hon. Matara, Hon. Jeremiah and Hon. Akama for supporting this Motion. For all the other members that are here I hope we adapt this Motion so that we can start empowering our youth. Hon. Speaker it is long overdue that we should move to empower the youth through sports. I beg to reply. Thank you.

Hon. Temporary Speaker: Thank you. I will put the question.

(The question is put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: Members there being no other business the House stands adjourned to tomorrow 28th March, 2019. Thank you.

(The House is adjourned at 4.30 p.m.)