



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Thursday 2nd May 2019

The House met at 2.30 p.m.

[Hon. Deputy Speaker (Mr John Nyumu) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, please ring the bell for 10 minutes, there is no quorum.

(Quorum bell was rang for ten minutes)

Hon. Deputy Speaker: Serjeant-at-Arms, please ring the bell for another 5 minutes, we still don't have the quorum.

(Quorum bell was rang for further five minutes)

I think we have the quorum. Clerk, proceed. Hon Benson, please approach the Clerks desk. Is he there?

PAPER

Hon. Deputy Speaker: Leader of Majority?

Hon. James Kiriba: Thank you, Mr. Speaker sir. Pursuant to Standing Order 191 (6), I beg to lay the following Paper on the table of the Assembly today, Thursday 2nd May 2019; the Budget estimates for Nairobi City County and the County Assembly for the financial year 2019-2020.

(The paper was laid on the table)

NOTICE OF MOTION

Hon. Deputy Speaker: Proceed, Hon. Benson.

ONGOING DEMOLITIONS AROUND THE CITY

Hon. Benson Mwangi: Thank you, Mr. Speaker. I beg to give Notice of the following Motion: THAT, aware that the Nairobi City County in conjunction with the National Government has embarked on a massive programme of the regeneration of the City, which includes plans for demolition of buildings along riparian land or reserves and along Kenya Power Lighting Company way leaves; noting that part of the said programme inevitably has resulted in multiple ongoing activities including demolition of structures in various parts of the County; concerned that the demolitions have nonetheless been carried out in the most inhumane and unjust manner with residents receiving short notices and suffering losses consequently; further concerned that no adequate measures has been put in place to ensure compensation and elevation of suffering by the affected residents; this assembly adjourns pursuant to Standing Order No. 34 in order to discuss the ongoing demolitions around the city and the inhumane and unjust manner in which the said demolitions are being executed.

Mr. Speaker I beg to lay the motion.

Hon. Deputy Speaker: Clerk, proceed.

PETITION

FORMALIZATION OF COMMERCIAL PLOTS NO.C61 AND C68

Hon. Benson Mwangi: I beg to lay the following petition by a resident of Mowlem Ward, KCC Village; formalization of commercial plots No.C61 and C68 within Nairobi City County.

THAT, I the undersigned citizen of Kenya who is a resident of Mowlem Ward KCC Village, Nairobi County, draw the attention of the Nairobi City Assembly to the following:

AWARE THAT, Article 185 of the Constitution vests the legislative authority and oversight of the County Government in the County Assembly;

THAT, Article 62 of the Constitution mandates the County Government to hold in trust public lands on behalf of the County residents;

THAT, the Kenya National Land Use Policy, 2017 recognizes the need for social development that takes cognizance for provision of basic infrastructure and services;

THAT WHEREAS, Section 5 (e) of the National Lands Commission Act, 2012 requires the commission to initiate investigations into present or historical land injustices and to recommend appropriate redress;

THAT WHEREAS, on 7th January 2002, the City Council of Nairobi vide allotment letter Ref/CPD/5805 allocated to the petitioner plots No.C61 and C68 in Kariobangi South, KCC Village formalization project commercial plot respectively;

THAT WHEREAS, the allotment letter being an offer and subject to acceptance with the period specified on the face and also upon accepting by paying and meeting all the conditions set out, this being the payment of standard premium and ground rent;

THAT WHEREAS, upon the payment of all the prerequisite and applied for the beacon certificate which upon payment, they were issued showing the boundaries of both plots;

THAT WHEREAS; the petitioner submitted all the development plans which were approved in accordance to the Physical Planning Act and the City County of Nairobi Building Code and commenced construction as per the plot user which was commercial whereby, one construction was permanent and the other was semi-permanent;

THAT, on 22nd March 2018, the City County of Nairobi repossessed the plots No.C61 and C68 and as a result the petitioner lost a four storey building, machinery and other assets incurring a loss of over Kshs.60 million and that the said demolition was done without notice or due process;

THAT, to the petitioner's knowledge and information from the time of allocation by the then City Council of Nairobi, the area approved part development plan had no such establishment of a Fire Station;

THAT, the change on the Part Development Plan was done without the petitioner's consultation, neither was his consent obtained;

THAT WHEREAS, petitioner's confirmed that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

AND THAT, the matter in respect of which the petition is raised is not pending before the court of law or constitution body; and

HEREFORE, your humble petitioner prays that the County Assembly of Nairobi intervenes and ensures that;

- a) The County Executive do take the initiative of compensating plots and developments in them or relocate plots of similar value elsewhere and also compensate for the development upon the developments being valued by the parties appointed Quantity Surveyor/Valuer.

Your humble petitioner on behalf of the people of Mowlem, I am Hon. Benson Mwangi.

Hon. Deputy Speaker: Thank you, Hon. Benson. This matter should be referred to the Committee on Planning.

STATEMENTS

REQUEST FOR A STATEMENT REGARDING ENVIRONMENTAL POLLUTION IN NAIROBI

Hon. Deputy Speaker: Before we start, I would request because of the special matters that we have in this House today, Serjeant-at-Arms, please make sure that no one goes out. Lock all the doors till we finish these matters once and for all.

(Loud consultations)

Order! That is so ordered. Serjeant-at-Arms, make sure that you lock all the doors. Thank you. Hon. Whip please proceed.

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Hon. Peter Imwatok: Thank you Hon. Speaker. Forgive my voice today because I have flu. Pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding environmental pollution in Nairobi.

Hon. Speaker, residents across the city have often complained of pollution occasioned frequently by irresponsible companies and factories across the city. This pollution has indeed been more so demonstrated in state of rivers across the city. It appears agencies such as NEMA tasked with managing this issue have either absconded their duty or willfully refused to reign in the pollutants.

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

1. The management of affluent and other waste following companies namely; Tononoka Rolling Mills, Superloaf Limited, Steels Structures Limited and Akamba Limited;
2. Enforcement measures put in place to prevent pollution by these companies;
3. The number of companies and factories closed or warned, or action taken against such offending outlets over the last 5 years.

Mr. Speaker, just to add on the statement, all of us were glued to our TVs a week ago when a documentary of the state of Nairobi River was aired. The life of the Nairobi River is no longer in good hands. Therefore, this statement is a premise and I request the Committee on Environment and the Chair to expedite on the same subject to your directive Mr. Speaker. I beg to lay the statement.

Hon. John Muthiga: Thank you, Hon. Speaker. Two weeks after recess.

Hon. Peter Imwatok: Mr. Speaker, because of the urgency of this thing, I believe you are going to -- but I submit to what you have said. Thank you, Chair.

Hon. Deputy Speaker: Hon. Kamau, please proceed.

Hon. John Muthiga: He is okay with two weeks after recess.

Hon. Deputy Speaker: Hon. Whip, are you comfortable? Two weeks after recess. Please note that it is after recess.

Hon. Peter Imwatok: Hon Speaker, I am very comfortable. Thank you, sir.

Hon. Deputy Speaker: Hon. Kiriba.

Hon. James Kiriba: Thank you, Mr. Speaker. Pursuant to Standing Order No. 45 (2c), I wish to request for a statement from the Chairperson of Sectoral Committee on Education, Early Childhood and Vocational Training regarding the unprocedural allocation of county primary schools to private owners by the defunct Nairobi City Council.

Hon. Speaker, some of the county's schools were irregularly allocated to private individuals and into private learning institutions by the defunct City Council with no efforts being made by subsequent county governments to recover these schools. For instance, the Kiragu Waichagu School in Kiambu. The said public school was irregularly allocated to the former Councilor for Eastleigh South Ward under unclear circumstances.

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

1. Number of county primary schools currently held privately or managed privately;
2. The history and procedural allocation of county primary schools to private owners;
3. Measures the County Executive is taking to recover these schools and status of progress towards that end, if any;

4. Actions taken against individuals who corruptly influence the transfer of public property to private ownership.

Thank you, Mr. Speaker sir.

Hon. Deputy Speaker: Chair, Education? Vice Chair? Any members of the committee? Hon. Gari?

Hon. Maurice Gari: Mr. Speaker, we ask for two weeks.

Hon. Deputy Speaker: Hon. Kiriba, are you comfortable with two weeks?

Hon. James Kiriba: He has to specify because some of these schools are exchanging hands very fast.

Hon. Deputy Speaker: Two weeks after recess. Hon. Gari?

Hon. Maurice Gari: Two weeks after recess.

Hon. Deputy Speaker: Two weeks after recess.

Hon. James Kiriba: Much obliged.

Hon. Deputy Speaker: Responses. Chairman, Environment? Hon. Obuya, that is your response coming.

Hon. Kennedy Obuya: He had verbally informed me that he has a response. I pray that I get a hard copy of the response.

Hon. Deputy Speaker: Hon. Kamau, do you have a copy that you can give to him? Can you give him so that he can through it for two minutes?

(Point of order)

Hon. Mugambi, what is the point of order?

Hon. Mark Mugambi: Thank you Mr. Speaker. I am just concerned by the number of statements we are raising without getting responses. I raised a statement like three months ago with the Planning Committee. The contractor concerned is already on site. I cannot go to question anything because I have not received any response in regards to the same. I am just concerned because---

Hon. Deputy Speaker: Which committee?

Hon. Mark Mugambi: Planning committee, Mr. Speaker. They have two pending statements they are supposed to respond to.

Hon. Deputy Speaker: I there any member of the committee to address the concerns of Hon. Mugambi?

Hon. Leah Supuko: Mr. Speaker sir, we will look at it and will get back to him after the recess.

Hon. Deputy Speaker: One week after recess. Hon. Mugambi?

Hon. Mark Mugambi: Mr. Speaker, when I asked for the statement, I had chased the contractor from the sight. Now the contractor has already embarked on building the same sight I chased him from. Now, I am scared of going to the same place.

Hon. Deputy Speaker: We are going for recess.

Hon. Mark Mugambi: But the committees are ongoing. We are only going for recess on matters of plenary only.

Hon. Deputy Speaker: I am talking about the responses.

Hon. Mark Mugambi: But at least they can call me to their committee.

Hon. Deputy Speaker: Hon. Kamau, proceed. Is Hon. Mutheu around? Order! Order, Hon. Ndungu. Please consult in low tones. Hon. Kamau, please proceed.

Hon. John Kamau: Hon. Speaker, on 26th February 2019 Hon. Patricia Mutheu, MCA, rose on the floor of the Assembly pursuant to Standing Order 45(2) (c) and requested for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the illegal dumping of waste in rivers across the County.

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

- i. Measures put in place by the County Government to strictly enforce environmental standards to prevent the dangerous pollution of the County's rivers;
- ii. Report detailing the historical pollution of the rivers and efforts the County Government has put in place to return the rivers to their former glory;
- iii. Names of industries or persons or landlords who discharge solid waste into any of the rivers and action taken against them; and
- iv. Plans to clean the rivers over the long run and steps taken to commence the said plans.

Hon. Speaker, the Committee wrote to the County Executive Committee Member responsible for Environment, Water, Energy and Natural Resources on Thursday 28th February, 2019 inviting him to a meeting of the Committee that was held on Tuesday 12th March, 2019 pursuant to Standing Orders 45 (2) (d) to deliberate on the statement. Hon. Patricia Mutheu, MCA was also invited to the said meeting pursuant to Standing Orders 45 (2) (e).

Hon. Speaker, the Member found the response satisfactory.

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

(i) Measures put in place by the County Government to strictly enforce enumerated standards to prevent the dangerous pollution of the County rivers

Hon. Speaker, any measure devised to manage solid wastes better to improve on the obtaining situation as a direct bearing on minimization of pollution of Nairobi Rivers. Devolving of solid waste management services has remarkably improved its management, hence reduction of pollutants into the water bodies.

ii. Report detailing the historical pollution of the rivers and efforts the County Government has put in place to return the rivers to their former glory

Brief Historical perspective

Hon. Speaker, pollution of Nairobi River has followed same trajectory as the general pollution of the City, including land and air pollution. Rising level of pollution in the City is generally attributable to high and increased level of urbanization characterised by high and increasing levels of production, rapidly increasing residential and transitory populations and their associated attitudes towards and practices in the urban environment.

Efforts put in place

Hon. Speaker, Nairobi City County has on several occasions initiated projects aimed at cleaning of the rivers where several activities have been undertaken including mapping of waste discharge points, stoppage of the identified points, awareness forums and collaboration with other stakeholders.

iii. Names of industries or persons or landlords who discharge solid waste into any of the rivers and action taken against them

Hon. Speaker, attached is a list of some of the names of plots and institutions associated with illegal waste water discharge and a description of the actions taken.

iv. Plans to clean the rivers over the long run and steps taken to commence the said plans

Hon. Speaker, the following are some of the plans the County has put in place to clean the county rivers;

1. Conception and rolling out of Nairobi River Regeneration program;
2. Establishment of policy, Legislative and Regulatory framework;
3. Mapping of discharge points along river banks;
4. Civic education;
5. Construction and repair of sewer lines.

Hon. Speaker, a copy of the detailed response has been given to Hon. Patricia Mutheu, MCA and a further copy is hereby attached to this report. Hon. Speaker, I beg to lay this response. Thank you.

Hon. Deputy Speaker: Proceed. Chair, Transport? Is Hon. Mbithi around? Have you gone through it? Hon. Wambui, please proceed.

Hon. James Wambui: Mr. Speaker, I have a response for Hon. Matara and I think he is in the House. Hon. Speaker, on 28th March 2019.....

(Hon. Member spoke off record)

Hon. Deputy Speaker: Hon. Mwangi Njihia, or his aide?

Hon. Wamboi please proceed

Hon. John Kamau: Hon. Speaker, on 20th March 2019, Hon. Silas Matara rose on the floor of the House pursuant to standing order 45 (2c) and requested the Chairperson of the sectoral committee on transport and public works for a statement regarding improvement of commuter rail services in the County. In the statement, the Member requested the Chairperson to inquire into and report on;

1. The transport routes, corridors to which the railway network will be expanded?
2. Whether Nairobi City County was involved in the said project and if there has been any public participation towards the project?

Hon. Speaker, the committee wrote to the County Executive Committee Member responsible for Public works, roads and transport inviting him to a meeting that was held on 24th April, 2019 at the County Assembly pursuant to standing order 45 (2d). The purpose of the meeting was to enable the CEC member to furnish the committee with a response to the statement requested by the member. Hon. Speaker, the committee also wrote to the Hon. Silas Matara inviting him to attend the said meeting of the committee. The member neither attended the meeting nor designated another member to hold brief for him. In this regard Hon. Speaker, I wish to report to the Assembly as follows;

1. The transport routes, corridors to which the railway network will be expanded?

Hon. Speaker, it is important to note that part 1 of 18d of the fourth schedule of the Constitution places the mandate of the Railways development on the National Government. However, the two levels of Government are in liaison with one another in regards to improvement of commuter railway in Nairobi

County, therefore the County is involved. The committee was informed that the Japanese International cooperation agency (JICA) did the physibility study in regards to commuter railway. Further, the rehabilitation of 6 railway station within the County under the commuter railway improvement programme is approaching completion. They include Kahawa, Dandora, Embakasi, Embakasi Village, Pipeline, Donholm and Mwiki.

It is expected that once completed, the services will be efficient and effective. Hon. Speaker, in addition the National Government using funds from the World Bank has engaged a consultant to develop the commuter rail master plan in Nairobi County that will further improve railway transportation in the County. The National Government is currently procuring trains to improve efficiency of the existing ones. Hon. Speaker, a copy of the detailed response has been given to Hon. Silas Matara who requested for the statement and further a copy is hereby attached to this report. Hon. Speaker, I beg to lay this statement.

Hon. Speaker, can I continue with the other statement response that I have? I have five of them.

Hon. Deputy Speaker: Proceed Hon. Kamau

Hon. John Kamau: Hon. Speaker, on 15th November, 2018 Hon. Kennedy Obuya MCA rose on the floor of the Assembly pursuant to standing order 45 (2c) and requested for a statement from the chairperson of the sectoral committee on Environment and Natural resources regarding air pollution in the County. In the statement, the member requested that the chairperson inquire ad report on;

- I. The exact cost of the alleged symptoms experienced by the residents?
- II. Recommendations by the Environmental impact report done before approvals were granted to the factories to set up businesses on the said location?
- III. Measures put in place by the department to protect the residents from the hazardous fumes coming from the factory?

Hon. Speaker, the committee wrote to the County Executive committee member responsible for Environment, water, energy and natural resources on 20th November, 2018 inviting hi to a meeting of the committee that was held on the 4th of December 2018 pursuant to standing order 45 (2d) to deliberate on the statement. Hon. Kennedy Obuya was also invited to the said meeting pursuant to standing order 45 (2c). Hon. Speaker, the committee deliberated on the response and Hon. Kennedy Obuya found it unsatisfactory. The said response is hereby attached. A further response was received on the 28th February 2018. The committee held a meeting with Hon. Kennedy Obuya MCA on 12th March 2019 to deliberate on the response and the member found the response satisfactory. In this regard Hon> Speaker, I wish to report to the Assembly as follows;

- I. The exact cost of the alleged symptoms experienced by the residents?

Hon. Speaker, a team visited companies which are geographically located with a radius of 1 kilometer from Villa Franca estate. The criteria of study included a site visit to those companies that have industrial processes that emit gases to the environment. A visit to a health center nearby revealed that there is no clinical records from Mukuru health centre available to substantiate the claim that there were ailments attributed to air pollution. It was also noted---

Hon. Deputy Speaker: Hon. Gikonyo please take your position and do not engage the sergeant at arms. Proceed Hon. Kamau

Hon. John Kamau: It was also noted that there were complaints on air pollution dated back to 2015 and 2016.

II. Recommendations by the Environmental impact report done before approvals were granted to the factories to set up businesses on the said location?

The visit on the company revealed that they had been taking environmental audit and submitting the same to NEMA as is required by the environmental assessment regulation 2003.

III. Measures put in place by the department to protect the residents from the hazardous fumes coming from the factory?

Hon. Speaker, the department shall endeavor to monitor and enforce air quality regulation as stipulated in EMKA 2014 legal notice no. 43. A copy of a detailed response has been given to Hon. Kennedy Obuya and further a copy is hereby attached to this response. Hon. Speaker, I beg to lay this response. If I may add something before Hon. Obuya rises to speak, we received the same request from Hon. Waithera from South B ward and I wish to say that we went further and engaged NEMA who in conjunction with the ministry for Environment and the County Government have been able to close a number of factories that were emitting those gases. Hon. Obuya even said that his people sleep well nowadays and that they are not experiencing the same problem again. I know that we will continue to look for factories producing hazardous fumes and close them down as well. Thank you

Hon. Deputy Speaker: Hon. Obuya, are you comfortable with that response?

Hon. Kennedy Obuya: Hon. Speaker thank you. I was not facilitated with a copy of this report and that in itself is a gesture that there is incompetence within this committee. As the gazetted constitutional representative for Imara Daima, I made a submission requesting for a statement on noise pollution in Imara Daima. I am rejecting in totality this report being that you cannot peg a report based on interviews done on a non gazetted hospital facility in the name of Mukuru Community health hospital which is not yet gazetted by the County Government. Hon. Speaker, it is reported in this Assembly that we had a cholera pandemic in Nairobi and reports stated that most victims came from Imara Daima. They were never tested nor treated at Mukuru health centre rather in other hospitals and so I cannot engage my good brother by accepting this biased report yet the same statement from my colleague Hon. Waithera noted that there was indeed noise pollution. I will not agree to requesting for statements and having my colleagues go for what we call *kipindi*. This I reject in totality and encourage the environment sector to do a report. I am not happy.

Hon. Deputy Speaker: Yes Hon. Kamau

Hon. John Kamau: Hon. Speaker, we wrote asking the member to show up in our meetings three times and he never showed.

Hon. Deputy Speaker: Hon. Obuya, kindly confirm that you have been invited for meetings and never attended?

Hon. John Kamau: Before he Speaks Hon. Speaker---

Hon. Kennedy Obuya: Hon. Speaker, I have a lot of respect for my colleague but it is wrong to mislead the Chair and the House. This report states clearly that I had rejected their earlier report and I have

not been presented with a copy of the later report and so how can the Hon. Chair say that they invited me to the committee and I agreed to the report. I reject this in totality Mr. Speaker

Hon. Deputy Speaker: Hon. Elias Otieno

Hon. Elias Otieno: Thank you Mr. Speaker. I don't understand because he has said that he respects the Chairman for Environment from bringing the useless report. Is it because he is a friend or what?

Hon. Elias Otieno: The report is very nice to him, that is the reason why he respected the Chairman. Mr. Obuya, you can just clarify.

Hon. Kennedy Obuya: Mr. Speaker, we disagree totally on the ideals and principles that we stand for, but at personal level I relate properly with my colleague and I will respect him. So, I want to advise my senior that mutual understanding between me and Hon. Kamau is purely based on respect, but on this report, I disagree with him.

Hon. John Muthiga: Mr. Speaker, we are sometimes getting tired, not only from Hon. Obuya but many members. When we invite them to the said meetings, members don't show up. Now when we come to the floor of the Assembly, they say they are not satisfied. If you see the dates, they are from February. We tried calling the said member to come and say whether he is satisfied or not so that the Executive can rectify before the response comes to the floor of the House. Thank you

Hon. Deputy Speaker: We should not dwell on one issue. What is it again?

Hon. Kennedy Obuya: Mr. Speaker, for purposes of Hansard, I want it to go on record that on the second page of this report on the last paragraph, he has captured clearly that I was invited and was in attendance and I rejected that earlier report. I do not want the citizens that elected me to say that I consented to a report that is not upto their interests.

Hon. Deputy Speaker: Hon. Kamau, you cannot deal with only one item. Please invite Hon. Obuya again and bring the response the first week after recess.

Chairman of Transport, Hon. Wambui.

Hon. James Mwangi: Thank you, Mr. Speaker sir. I have a response for Hon. Obuya, but I may skip this one to give him enough time--

Hon. Deputy Speaker: Hon. Obuya, did they invite you?

Hon. Kennedy Obuya: Mr. Speaker, I was invited by the Chair.

Hon. Deputy Speaker: Let us hear what he has then I will give you a chance to talk. Proceed, Hon. Wambui.

RESPONSE TO A STATEMENT REGARDING ILLEGAL PARKING OF VEHICLES IN IMARA DAIMA WARD

Hon. James Mwangi: Thank you, Mr. Speaker. On 9th April, 2019, Hon. Kennedy Obuya, 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 illegal parking of vehicles due to lack of termini car parks in Nairobi County especially in Imara Daima Ward.

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

- 1) If the County has put in place policies to regulate parking in residential estate;

- 2) When the County Executive will identify a public gazette terminus/bus park within Imara Daima; and
- 3) Measures put in place by the County Executive to ensure the facility is put in place to avert the catastrophe going forward.

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 24th April 2019 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 Member.

Hon. Speaker, the Committee also wrote to the Hon. Kennedy Obuya inviting him to attend the said meeting of the Committee. The Member attended the said meeting.

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

Hon. Speaker, the CEC Member acknowledged the importance of regulating parking in the County, both in the Central Business District and Estates. This, he stated, will be achieved when the County passes a parking policy and a law taking into account aspects of parking. The CEC Member referred to the Nairobi City County Public Transport and Traffic Management Bill, 2018 that had made provisions on parking. However, upon noting that the Bill was not adequate in terms of diverse public transport issues like bus termini, it was withdrawn for redrafting in order to capture these issues.

Hon. Speaker, the Sector made a commitment that once the Bill is reintroduced and passed by the Assembly, the Sector will embark on its implementation by identifying available spaces for construction of termini at different parts of the City for different categories of vehicles and the required resources to develop them. In the short term, however, the Committee requested the CEC Member to liaise with the Enforcement counterpart and the Sub- County Administration in a bid to ensure that PSVs use the currently available bus stops optimally without obstruction of carriageways in the Wards, especially in Imara Daima Ward.

The Committee further requested the CEC Member to share the communication and resolutions of their discussions of action with Hon. Kennedy Obuya to share with Imara Daima estates Management.

Hon. Speaker, Hon. Kennedy Obuya attended the meeting of the Committee with the CEC Member and was satisfied with this response. A copy of the detailed response has been given to Hon. Kennedy Obuya who requested for the statement and a further copy is hereby attached to this report.

Hon. Speaker, I beg to lay this Statement. Thank you.

Hon. Deputy Speaker: Hon. Obuya, are you comfortable with the response?

Hon. Kennedy Obuya: Mr. Speaker, I thank the Transport Committee and the Chairman for their swift action. However, we deliberated and found out that as a Government we are challenged based on the Traffic Management Bill of 2018 that has got a few gaps. I am requesting, just like we agreed earlier, that the CEC will guide the Chief Officer, Mr. Tito Kilonzi to act and send enforcement officers.

I am trying to imagine a situation that the only single lane, the Catherine Ndereba Road we have in Imara Daima is normally blocked when matatus park on the road. In the event that we have a fire inferno, the response of our fire extinguishers will be nearly impossible because the road is parked at night. It is totally blocked.

Hon. Speaker, I wanted your input as the presiding Chair to redirect the Chair of Transport to follow up with the CEC in charge to also give further directions to Mr. Tito Kilonzi to act on it. Otherwise, I am convinced with this report.

Hon. Deputy Speaker: Hon. Chair, you have heard his sentiments. Please act on what he has said.

(Point of order)

Hon. Petit, what is your point of order.

Hon. Paul Irungu: I am on my feet, fellow women---

(Laughter)

Hon. Paul Irungu: Mr. Speaker, I am on my feet to all my fellow members. Some of them suffer from fistula. Kindly let them out, like Hon. Mutheu.

(Loud consultations)

Hon. Deputy Speaker: Proceed, Hon. Irungu.

Hon. Paul Irungu: Mr. Speaker, the washrooms at the back are not in good condition.

Hon. Deputy Speaker: After the next session, it will be open. Chair of Transport.

Hon. James Mwangi: Thank you, Mr. Speaker. I have a response to a statement requested by Hon. Mbithi, MCA.

Hon. Deputy Speaker: Serjeant-at-Arms, check if the toilets are working and then you report back.

Hon. James Mwangi: Mr. Speaker, I wonder why Hon. Petit should be talking on behalf of women in this House.

(Hon. Irungu spoke off the record)

Hon. James Mwangi: Hon. Speaker, on 21st March 2019----

(Point of order)

Hon. Mary Ariviza: Thank you, Mr. Speaker Sir, there are natural orders for women, which men will never know in this world. They need to go out very often to do some things that I do not want to mention here. Many of you have wives but you do not understand it. Women, when you go out you must make sure you come back. But when we are told that we cannot go, it can be very dangerous and we may cause embarrassment.

Hon. Deputy Speaker: I have ordered the Serjeant-at-Arms to check if the facilities are working. Hon. Mary, you are out of order, sit down please.

(The Clerk consulted with the Deputy Speaker)

I have been informed that the facilities behind me are working very well. We can proceed, thank you.

(Loud consultations)

Hon. James Mwangi: Hon. Speaker on 21st March 2019, Hon. Mbithi rose on the House and requested the Chairperson of Sectoral Committee--- Hon. Speaker, I need your protection from Hon. Ndungu Irungu.

Hon. Deputy Speaker: Hon. Ndungu Irungu, please have some order. Proceed.

Hon. James Mwangi: Hon. Speaker on 21st March 2019, Hon. Mbithi rose on the floor of the Assembly pursuant to Standing Order No.45 (2) (c) and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a Statement regarding stalled compliance with the legal provision requiring the County to provide parking facility for oil tankers.

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

- (1) What Nairobi City County Government is doing to operationalize and implement the policy for provision of parking facility for oil tankers and
- (2) What immediate measures has the County put in place to prevent oil tankers from parking in residential areas and high-risk areas?

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 24th April, 2019 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 Member.

Hon. Speaker, the Committee also wrote to the Hon, David Mbithi inviting him to attend the said meeting of the Committee. The Member was present at the said meeting.

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

1. What Nairobi City County Government is doing to operationalize and implement the policy for provision of parking facility for oil tankers;

Hon. Speaker, the CEC Member made reference to the Nairobi City County Transport and Traffic Management Bill, 2018. Hon. Speaker, the said Bill was withdrawn from the House to have it redrafted, in order, to comprehensively capture the emerging issues including the issue of provision of parking for oil tankers.

Hon. Speaker, once the Bill is ready, I will be published and thereafter the Committee and the Members will have an opportunity to consider for approval, the legislation that will govern and regulate the operations of the Transport and Public Works Sector.

2. What immediate measures have the County put in place to prevent oil tankers from parking in residential areas and high-risk areas;

Hon. Speaker, the Committee was concerned about the existing situation where the oil tankers park in residential areas posing a risk to people living in those areas. The Committee, therefore, urged the CEC Member to liaise with his counterpart in enforcement to form a strategy that will have oil tanker stop being

parked in residential areas. The CEC Member made a commitment to the Committee that he will raise the matter with the Enforcement department to find the best way to deal with the issues awaiting passage of the legislation that will give the County basis for enforcing a ban on the said activities.

Hon. Speaker, Hon. David Mbithi attended the meeting of the Committee with the CEC Member and was satisfied with this response.

Hon. Speaker, a copy of the detailed response has been given to Hon. David Mbithi who requested for the statement and a further copy is hereby attached, to this report.

Hon. Speaker, I beg to lay this statement. Thank you

Hon. David Mbithi: Hon. Speaker, I am not comfortable with the time this Assembly has taken to come up with regulation. This matter was brought seven years back yet they have not come up with a solution to give us parking for the tankers. All that time the County Government has not been collecting revenue. You can imagine how much we are losing as a County. Therefore, I am asking the Committee to do it very first because these tankers are a danger to residents because they are parked at the roadside. They are a time bomb. Hon. Speaker, I am urging them to work very first.

Hon. Deputy Speaker: Hon. James Mwangi.

Hon. James Mwangi: Thank you, Speaker. This matter came to the Committee just the other day and we responded immediately. We have a Bill that is coming to this Assembly that has gone for the redrafting again.

I have a request from Hon. Millicent Jagero MCA from the Chairperson---

(Point of order)

Hon. Deputy Speaker: Order! What is the point of order?

Hon. Moses Ogeto: Hon. Speaker, looking at the time, I am requesting that we proceed to Motion No. 9, then we come back to Motion No.8 so that we can discuss the Motion on adjournment. This is because of time as you can check on your watch.

Hon. Deputy Speaker: Let us have the last response then we go to Motion No. 9. Can you finish, Hon. James Mwangi?

Hon. James Mwangi: I have only two responses remaining.

Hon. Deputy Speaker: Finish quickly.

RESPONSE TO STATEMENT REGARDING ILLEGAL PARKING OF VEHICLES IN EASTLEIGH AIRBASE WARD

Hon. James Mwangi: Hon. Speaker, on 2nd April 2019, Hon. Millicent Jagero rose to the floor of the Assembly pursuant to the Standing 43 (2) (c) and requested the Chairperson of the Sectoral Committee on Transport and Public Works, for a statement regarding illegal parking of vehicles in Nairobi City County especial in Eastleigh Airbase Ward.

In the statement, the Member requested that the Chairman should inquire into and report on:-

- (1) Who authorized the parking trucks, Isiolo bound buses and the garbage truck to use the said parking area.
- (2) Measures put in place by the County Government to regulate parking in the residential estates.

Hon Speaker the Committee wrote to the County Executive Member responsible for Public Works, Roads and Transport inviting him to a meeting of the committee that was held on 24th April 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 of the statement requested by the member.

Hon. Speaker, the committee also wrote to Hon. Millicent Jagero inviting her to attend the meeting of the committee via letter dated 12th April 2019. The member neither attended the meeting nor designated another member to hold her on brief.

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

1. Who authorized the parking trucks, Isiolo bound buses and garbage trucks to use the said parking area.

Hon Speaker the committee was informed that the parking areas that the member alluded not to have been authorized; therefore the trucks, buses and garbage trucks are parking illegally.

2. Measures put in place by the county government to regulate parking in the residential estate.

Hon Speaker the sectoral to the regulation of the parking in the county assembly by means of passage of the policy and law is overdue. In this regard the sector is working with the county assembly sectoral committee on Transport and Public Works to present Nairobi City County Public Transport and Traffic Management Bill that will comprehensively take into account matters on the parking both in the central business district and residential areas.

With the Bill the operation of the enforcement team will have the legal backing. The said Bill has been introduced in this house and processed in the First Reading before it was withdrawn to have it redrafted in order to have it comprehensively to account diverse issues before it is reintroduced.

Hon Speaker once reintroduced the Hon Millicent Jagero and all other members will be accorded an opportunity to learn of its provisions including aspects related to parking in the county. Hon Speaker the committee believes the issues raised by the member were adequately responded and copy of detailed response has been given to her and copy is hereby attached to this report. I beg to lay this statement, thank you.

Hon. Deputy Speaker: Hon Jagero.

Hon. Millicent Jagero: Thank you Mr. Speaker. The Hon Chairperson of Transport should stop lying to this house that they wrote me a letter inviting me for a meeting on 11th. 11th was on a Friday and I never received any communication or any letter being written or not written. Secondly on 24th of April when they invited me for the same meeting, the meeting was adjourned to a later date to which they never called us back. Therefore I reject this statement, thank you.

Hon. Deputy Speaker: Hon James Mwangi, you have heard what she said?

Hon. James Wambui: She was invited; and I personally invited her and also brought a cup of tea for her that morning inviting her for the same.

Hon. Deputy Speaker: Were you given a copy of the statement or response?

Hon. Millicent Jagero: I received it this week on Tuesday.

Hon. Deputy Speaker: Hon. Jagero, are you satisfied? Hon Mwangi please defer the same matter back to the committee and response to come back the first week after recess.

PROCEDURAL MOTION

RESOLUTION TO REDUCE PUBLICATION PERIOD OF NAIROBI CITY COUNTY REVENUE
ADMINISTRATION BILL 2019, ASSEMBLY BILL NO. 3 OF 2019

Hon. James Kariuki: Thank you Mr. Speaker notwithstanding the provisions of Standing Order 127 this assembly resolves to reduce the publication period of Nairobi City County Revenue Administration Bill 2019, Assembly Bill No. 3 of 2019 from seven days to one day. I beg to move. I beg Hon. Minority Whip Imwatok to second.

Hon. Peter Imwatok: I secon.

(Question proposed)

Hon. James Kariuki: I want to appreciate the assembly for supporting the motion and thank you.

(Question put and agreed to)

BILL

First Reading

NAIROBI CITY COUNTY REVENUE ADMINISTRATION BILL 2019, ASSEMBLY BILL NO. 3 OF
2019

(The Bill was read accordingly)

PAPER

Hon. James Kariuki: Pursuant to section 166 (4) of the Public Finance Management Act 2012 I beg to lay the following paper on the table of the assembly today Thursday 2nd May 2019; the Third Quarter Budget Implementation Report of the Financial Year 2018/2019. I beg to lay.

(The Paper was laid on the table)

MOTION

ADJOURNMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE CALENDER OF THE COUNTY
ASSEMBLY

Hon. James Kariuki: THAT, pursuant to the provisions of Standing Order 29 (3), this Assembly adjourns until Tuesday, 4 the June, 2019, in accordance with the Calendar of the County Assembly (Regular Sessions). I beg to move and call upon my supervisor the Hon. Majority deputy leader Elias Otieno.

Hon. Elias Otieno: Mr. Speaker I decline I can't do it because I am not the deputy, my friend. You are too junior to call me deputy. I can't do that.

Hon. Deputy Speaker: Hon. Otieno declined. Someone else?

Hon. James Kariuki: I beg to request my supervisor once again, Hon Otieno Elias, Minority leader to second.

Hon. Elias Otieno: Mr. Speaker I can't blame him because from where he is coming he is allowed to use those words. I second.

(Question proposed)

Hon. Deputy Speaker: Hon Members I want to guide this house. Hon Mwangi you brought this statement under notice. You have to bring the notice two hours before but it came only few minutes ago. Therefore I revoke Standing Order 34 that this matter be referred back to the House Business committee for reallocation.

Hon. Members pursuant to provision of provisions of Standing Order 29 (3), this Assembly adjourns until Tuesday, 4 the June, 2019, in accordance with the Calendar of the County Assembly (Regular Sessions).

ADJOURNMENT

Hon. Deputy Speaker: Hon Members let me take this opportunity to wish members well. We have a recess of one month. May God guide and bless you and your family. Thank you and God bless you all.

The House rose at 5.46 p.m.