



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 21st July 2020

The House met at 9.30 a.m.

[Hon. Speaker (Ms Beatrice Elachi) in the Chair]

PRAYER

Hon. Speaker: Proceed, Clerk.

COMMUNICATION FROM THE CHAIR

(Hon. David Mberia walked into the House)

Hon. Speaker: Good morning Hon. Minority Leader! Are you okay? No. come back; you were not with us.

Now you are back.

(Laughter)

Have a seat; I didn't say you go. That is why I am saying you are not okay. Have a seat. We refuse confusion to reign upon you. It is because I talked to you twice but you did not hear, that is why I knew you are not with us. You did not even see I was on my feet.

(Hon. David Mberia spoke off the record)

Hon. Speaker: No, ask your Members. It is okay, welcome back. Your were not here; you are now here. Have a seat. Your body was here physically but the mind was not.

WELCOMING MEMBERS BACK AFTER THE SHORT RECESS

I take this opportunity to welcome you back to the plenary Sittings of the Assembly after the short recess. However, I must mention that in between, we held very successful special Sittings where we approved the policy framework on revenue collection.

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Nonetheless, Hon. Members, I trust that you all had wonderful and fruitful break. It is unfortunate that during this period, there has been a surge in the number of COVID 19 cases. However, I am grateful to the Almighty God that none of us has been infected, although it is obvious that most of our constituents have either been infected or affected. I call upon you to remain vigilant and observe all Ministry of Health guidelines as we resume.

Accordingly, Hon. Members, I am in receipt of a letter from the Head of Public Service REF OPCAB.26/1/3A dated 20th July 2020. In the said letter, the Head of Public Service has detailed measures that all persons within the Public Service must observe as containment measures against the spread of COVID 19.

I will allow Hon. Members to walk in and sit.

(Several Members walked in)

Consequently, I have convened a special meeting of the Service Board to be attended by the Majority and the Majority Leaders at the rise of this Sitting to review on how to implement the guidelines issued.

However, Hon. Members, just to mention, the following is a summary of the measures proposed:

- i. Promotion of social and physical distancing by discouraging congregating and minimizing walk-in visitors, except by prior appointment;
- ii. Meetings of more than four persons to be held virtually. This means we are not doing the right thing;
- iii. State and public officers with pre-existing conditions and those above 58 years must work at home;
- iv. Upholding of workplace hygiene and guidelines on return to work after quarantine and isolation.

As we resume our Sittings today, our entry is already full. As you are aware, we did not complete the budget making process to this end. As we await the Senate to finalize the County Allocation of Revenue Bill, I expect the Finance, Budget and Appropriations Committee to fast track the introduction of the Appropriations Bill, taking into account the realities brought about by the transfer of critical functions from the County Government to the National Government and the subsequent creation of the Nairobi Metropolitan Services.

Further, I am aware that there are several Bills, Statements and Petitions pending before committees. As such, I urge all committee chairpersons to finalize all pending businesses before their committees. In this regard, I direct the Office of the Clerk to marshal and bring to my attention and that of the Deputy Speaker all businesses pending before committees so that we can take urgent measures to conclude the said business.

Consequently, I request the Deputy Speaker, who is the Chair of the Liaison Committee, to report to this Assembly on Thursday 23rd July 2020 on the status of this matter.

With that, Hon. Members, I wish you a good time as we expedite your work to the best of your ability. God bless you. Thank you.

PAPERS

Hon. Stephen Gikonyo: Hon. Speaker, let me first thank the Members for having trust in me to steer this Committee in this Fourth Session of the Second Assembly.

Pursuant to Standing Order No. 191, I beg to lay the following Paper on the table of this Assembly today, Tuesday 21st July 2020: The report on the study visit to Narayana Hospital, Bangalore in India by a delegation of Health Services Committee from 14th to 20th November 2019.

I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Chair, Delegated. Who is supposed to lay the Paper? Majority Leader, welcome back. Did you rest well?

Hon. Charles Wakarindi: Yes, Madam Speaker. I actually took less than the week you gave me. Hon. Speaker, pursuant to Standing Order No. 191, I beg to lay the following Papers on the table of this Assembly today, Tuesday 21st July 2020: The report of the Select Committee on Delegated County Legislation on a workshop held from 19th to 24th December 2019. I beg to lay.

(The Paper was laid on the Table of the Assembly)

(Point of order)

Hon. Speaker: What is it, Hon. Ogeto?

Hon. Moses Ogeto: Hon. Speaker, I stand on a point of order under Standing Order No. 115 on naming a Member.

Hon. Speaker, I want to name Hon. Charles Thuo Wakarindi and request him to apologize before this House for his behavior that demeaned this House last week before you gave him to rest. This will set a good precedence because a Leader of Majority cannot just throw a hand and cause disruption in this House. This is unprecedented. We have never seen anywhere even in the House of Commons a Leader of Majority heckling and throwing hands. Therefore, I want him to apologize before the House.

Hon. Speaker: Hon. Kabiro, are you also on a point of order?

(Point of information)

Hon. Mbugua Kabiro: Madam Speaker, thank you. I would like to inform the Member for Kilimani Ward that the Hon Majority Leader was not suspended. Therefore, Standing Order No. 115 cannot be used on such a matter, as you had asked him to take a rest. That is what he has actually done and he has come back. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Hon. Majority Leader, it is not a point of order but I just want you to apologize. You are our leader.

Hon. Charles Wakarindi: Thank you, Madam Speaker. Before I contribute to that matter, I want to remind my friend Hon. Ogeto that according to the Standing Orders he has quoted, a Member of the Assembly cannot name his colleague. He can only invite the Speaker to name. It is actually a bit misleading-

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Hon. Speaker: He has asked me to name but I don't want dwell into that. I just want to give you an opportunity to---

Hon. Charles Wakarindi: May be I misunderstood him. Hon. Speaker, it is also not in order for him to claim that I had a gross misconduct. I don't know if having a walking style is a misconduct. Sometimes you might be having a deaf and you have to shout. But it is important for it to go on record that the Majority Leader

did not do anything with the intent of dishonouring this House. The Hon. Member might have misjudged my walking style and thought I was throwing hands. It was clearly not my intention as I have a lot of respect to this House and the Chair. I sincerely want her to know that. I apologize. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: The only thing you did wrong was to walk when the Chair was on her feet. That was the only mistake, the rest is a style to you.

Hon. Charles Wakarindi: Madam Speaker, I was having a bit of pressure that day. I did not notice that I walked out when you were on your feet, which is wrong. I happened and it won't be repeated.

Hon. Speaker: Thank you, Majority Leader. You have rested and back to normalcy. That day I think you had taken *mucere* or something. You know what is *mucere*? You had taken something because really it was not you. Since you are a human, we have--- but it should never happen again, nobody should think that you can do what the Majority Leader did. Never try that with the new law. It should just end there. I hope you appreciated that it was right for the Committee to table so that it goes on record and nobody will take us to court and say that we did it wrong. I want you to echo on that so that we finalize.

Hon. Charles Wakarindi: Madam Speaker, I do not wish to belabour this point anymore because I think we have disposed of it. As the procedure of laying Papers in the Assembly, when a Paper comes from the Government, it is read by the Majority Leader and then the committees will deliberate on the report. It is upon the chairpersons to report to the House. What the Assembly needs to know is that the issue that was a bit confusing there was because it was being deliberated by several committees.

Madam Speaker, you have ambushed me together with Hon. Ogeto. I just want every member to know that there are no differences, whether personal or at work.

Hon. Speaker: Absolutely.

Hon. Charles Wakarindi: Thank you, Hon. Speaker.

Hon. Speaker: Sorry, I did not ambush you. Thank you, Majority Leader. Clerk, proceed.

NOTICES OF MOTION

ADOPTION OF THE REPORT ON THE STUDY VISIT TO NARAYANA HOSPITAL, BANGALORE IN INDIA

Hon. Stephen Gikonyo: Hon. Speaker, I beg to give notice of the following Motion: THAT, this Assembly adopts the report on the study visit to Narayana Hospital, Bangalore in India by a delegation of Health Services Committee from 14th to 20th November 2019, laid on the table of this Assembly today, Tuesday 21st July 2020.

STATEMENTS

Hon. Speaker: Minority Leader.

REQUEST FOR A STATEMENT REGARDING THE INSURANCE PREMIUM OF THE COUNTY EXECUTIVE STAFF

Hon. David Mberia: Thank you, Hon. Speaker. Pursuant to Standing Order No. 45 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the insurance premium of the County Executive staff.

Hon Speaker, Article 41 (1) of the Constitution of Kenya, 2010 provides for every person having the right for fair labour practices, which include reasonable working conditions. However, number of County Executive staff have died or admitted to hospitals due to depression caused by deplorable working conditions.

Hon Speaker, majority of the working staff from the County Executive are languishing in poverty due to depleting working conditions in their work environments, which results to numerous strikes, corruption, and anarchy in the County that has almost stalled operations of the County Government.

Hon Speaker, some of these workers have family members to take care of, and in order for the County to progress, we need to motivate the County Government employees by ensuring their living standards are well taken care of, as well as providing good working condition.

Hon Speaker, in the Statement, the Chairperson should inquire and report on:

- i. The insurance premium for the County Executive staff for the financial years 2017/2018 and 2018/2019;
- ii. Detailed claims for inpatients, ID numbers, man number and their dependents, where they were admitted, and detailed cost breakdown of rebates from the National Health Insurance Fund (NHIF);
- iii. Outpatient capitation benefit, capitation rates, and utilization of the same;
- iv. Tender documents issued by the procurement department to tenderers for the financial years 2017/2018 and 2018/2019;
- v. Awarded bid documents for the successful tenderer;
- vi. Scheme of cover from job group A to J, paid in the financial years 2017/2018 and 2018/2019.

Thank you, Madam Speaker.

Hon. Speaker: Chair, Labour.

Hon. Geoffrey Mbutia: Thank you, Madam Speaker. I beg for two weeks to respond.

Hon. Speaker: Okay.

Hon. David Mberia: Madam Speaker, is the Chairman sure that he will get all what I have asked for in the statement in two weeks' time? Madam Speaker, that's fair enough for me. Thank you.

Hon. Speaker: Hon. Rose Kula, were you with something?

Hon. Rose Kula : Thank you Madam Speaker, I have nothing to add because the Chair of Labour has replied the Minority Leader.

Hon. Speaker: Hon. Kabiru, I can see you are on an intervention.

Hon. Mbugua Kabiro: Thank you Madam Speaker, I am wondering whether the statement is correctly written because it is not in order for patient's confidential information to be forwarded to any organization because you may not know what they are suffering from and some of this information is confidential. I think that should be expunged from that statement that patients' information should then be shared to us. We can look at the tender and all the other documents but not the patients' data. Thank you.

Hon. Speaker: Chair Labour, you will ensure you do not get into trouble on confidentiality of the patients. Therefore as you bring the documentation I believe they will guide you also in terms of what you get. You bring what is indeed by law; that you cannot just look at somebody's personal file. We will agree and I will request my Minority Leader to also agree on that, that he might not get those documentations. Okay, Chair.

Hon. Geoffrey Mputhia: Thank you Madam Speaker I stand guided.

Hon. Speaker: Okay. Proceed Clerk.

MOTION

POLICY FOR BUILDINGS TO HAVE RAINWATER COLLECTION AND STORAGE SYSTEMS

Hon. Speaker: Hon. James Mwangi, Chair Culture.

Hon. James Mwangi: Thank you Madam Speaker, I want to move the motion on...

Hon. Speaker: Yes, *karibu sana*

Hon. James Mwangi: I want to move the motion on the rain water collection and the storage system.

Hon. Speaker: Yes, proceed Hon. Mwangi

Hon. James Mwangi: Hon Speaker, I beg to move the following motion: That aware Article 43 1(d) of the Constitution 2010 says that every person has a right to clean and safe water in adequate quantities. Further aware that paragraph 11(b) of the Part 2 of the Fourth Schedule of the Constitution states that county government is to provide county publics and services including water and sanitation services; recognizing the provision of paragraph 8 of Part 2 of the Fourth Schedule of the Constitution 2010 which states that county planning and development---

(Point of order)

Hon. Speaker: What is the point of order Hon. Gari

Hon. Maurice Gari: Madam Speaker, Hon Ogeto and [Hon]Okello are not obeying the COVID-19 rules, Madam Speaker.

Hon. Speaker: Absolutely.

Hon. Maurice Gari: This is very dangerous for us here.

Hon. Speaker: Very. Thank you, my Board Member. Proceed.

Hon. James Mwangi: Madam Speaker I also want to support the same because Hon Opiyo happens to come from my neighboring ward and he has been frustrating me in all manners so I want you Madam Speaker to discipline him either way, because he has been sabotaging me each and every time.

Hon. Speaker: Okay, you write that to the Powers and Privilege how he has sabotaged you. Proceed with your motion.

Hon. James Mwangi: Okay, Fourth Schedule of the Constitution 2010 states that the county planning and development including housing is a function of the county government; concerned that most part of the county especially informal settlements, that is including Mathare and where I come from, lack clean safe, sufficient and affordable water, which has led to introduction of rationing of water by Nairobi City Water and Sewerage Company and untreated water supply business within the county.

Acknowledging that the Nairobi City Water and Sewerage Company has continuously rehabilitated various sources of its water to ensure clean and adequate water supplies in the county. Noting that increasing population in the county implies increasing demand for the basic amenities such as water supplies, which the county is unable to meet with the current water supply strategies. Further noting that with the proper planning, harvesting and storage of rain water will greatly supplement piped water in the county; this assembly urges that the county executive to develop a policy to compel all owners of the buildings in the

county to ensure that all buildings are fixed with rain water collection and storage system to provide water harvesting and conservation in the county.

Madam Speaker water is connected to every form of life on earth and it is the basic human need, equally important as air. Water is connected to every aspect of human day to day activities directly or indirectly. At a basic level, everyone needs access to safe water in adequate quantities for drinking, cooking, personal hygiene and sanitation facilities that do not compromise health or dignity. Therefore access to safe and dependable clean and fresh water is fundamental basic right to human beings. It is the right of every resident of Nairobi to access clean water and safe water in adequate quantities. The scarcity of clean and safe water has been a perennial challenge in the county, where Nairobi City Water and Sewerage Company is unable to beat the demand for water in the county, thus resolving to rationing of this precious commodity.

Madam Speaker, one of the biggest challenges across the globe in Africa include access to clean and safe water. Water is essential basic need that must be available in order for human beings to survive the next day. Africa has the serious water crisis despite the continent mostly having numerous natural water sources, such as---

Hon. Speaker: Just a minute Hon. Mwangi.

Hon. David Mberia: Madam Speaker, I thought after the motion is clearly written upto the last full stop. Madam Speaker I can see Hon. James Mwangi continue to read a written speech in support of the motion. Madam Speaker I don't think that is in order of proceedings in this house.

Hon. Speaker: Hon. Mwangi, are you reading a speech? Move your motion with points

Hon. James Mwangi: Thank you Madam Speaker for your correction. So, Hon Speaker...

(Point of information)

Hon. Speaker: What is the point of information?

Hon. Moses Ogeto: Hon. Speaker in the motion itself its only urging the County Executive. Hon Speaker we believe that among the transferred functions, water is under NMS. So Hon. Speaker I could wish also to request if the same motion can be amended on the floor so that it captures the Nairobi Metropolitan Service

Hon. Speaker: Okay, we shall. I agree with your amendment but somebody has to draft that amendment. But Hon. Mwangi can proceed as it is as we wait for whoever will come with the amendment then we move. So just proceed in moving as we get someone to support you in an amendment of just adding the word Nairobi Metropolitan and deleting the word Nairobi County Executive. Proceed.

Hon. James mwangi: Thank you Madam Speaker, I think I had brought this motion earlier before the NMS. It was deferred and that's why it has come after the NMS.

Hon. Speaker: Yes, yes, I know it's not your mistake, but proceed.

Hon. James Mwangi: Thank you madam speaker. Madam Speaker one of the biggest challenges across the globe, Africa included is access to clean and safe water. Water is an essential basic need that must be available in order for human beings to survive the next day. Africa has serious water crisis despite the continent boasting of having numerous natural water sources such as lakes, rivers, streams, ponds, springs, warm waters and ocean waters. The World Health Organization estimate that over 40 percent of

Africa Sub Saharan population still lack access to safe water. Water regulations are important for the provision of drinking water that's sufficient in quantity, safe, accessible, acceptable, affordable and reliable.

Drinking water regulations include controlling of the water supply system which are water source, water treatment, distribution and waste water. Countries regulate drinking water differently depending on the quality of their water source. As stated earlier, different countries regulate drinking water differently depending on the quality of their water source. For this reason Madam Speaker, I request this Assembly to pass this motion urging the County Executive to develop – that is County Executive and MMS- a policy to compel all owners of buildings in the country to ensure that all buildings are fixed with the rain water collection and storage system to provide water harvesting and conservation in the county. Madam Speaker, I call upon Madam Leah Ntimama to second the motion.

Hon. Speaker: Hon. Leah.

Hon. Leah Supuko: Thank you madam speaker I second the motion. It is a very important motion because water is a very important commodity in our lives. Actually it's said that water is life and it's a well thought out motion which I would also urge the House to support it and s to implement it. I also appreciate that there's a water harvesting parastatal in this country which if the motion is really put in place, or followed properly, it can be useful to those institutions, the NMS and the water harvesting parastatal. So I beg to support.

(Question proposed)

Hon. Moses Ogeto: Hon. Speaker, with all due respect, I want to support this motion. I want you to invoke Standing Order No 58 - and it is within your powers to add - so that in the motion, where it is written the 'Assembly urges the county executive' be amended to read 'the Assembly urges the County Executive and Nairobi Metropolitan Services'. I request Hon. James Mwangi to second the amendment.

Hon. Speaker: Hon. Ogeto, so you beg to move the amendment, isn't it?

Hon. Moses Ogeto: Yes, Hon. Speaker.

Hon. Speaker: So that the motion be amended by adding the following words---

Hon. Moses Ogeto: Hon. Speaker, where 'this Assembly urges the County Executive, this Assembly urges the County Executive and Nairobi Metropolitan Service'.

Hon. Speaker: Okay, so can.

Hon. Moses Ogeto: That is the only amendment which I want, and I want Hon. Mwangi, the owner of the motion, so that Hon Speaker, it can see the light of the day, to second me on that, so that Hon Speaker, I can proceed to debate on the same matter.

Hon. Speaker: Okay, I'll have to. I want you to now read what you have written, properly. Can the Serjeant-At-Arms give him the ---

Hon. Moses Ogeto: Hon. Speaker, I wish to support the Motion but with amendment; that we replace the words 'County Executive' with 'Nairobi Metropolitan Service' as water and sanitation service were transferred function but this one is confusing me. Hon. Speaker, I would want to maintain with the Motion by saying that 'this Assembly urges the County Executive' but no! Hon Speaker, I can move an amendment by saying 'this Assembly urges Nairobi Metropolitan Service' because of the transferred function.

Hon. Speaker: Okay.

Hon. Moses Ogeto: Thank you Hon Speaker

Hon. Speaker: Now you need Hon Wambui to second and then we re-read the whole motion

Hon. Moses Ogeto: Hon. Speaker, my amendment is very clear since the function is transferred. I only need an amendment to the word 'County Executive'. Hon Speaker, the whole motion is very good but the problem is that this is a transferred function

Hon. Speaker: Exactly, I agree with you. But am saying we get a seconder and after that we will have to re-move the whole motion with the amendments

Hon. Moses Ogeto: Yes Hon Speaker, for the purposes of HANSARD, I request the Hon James Mwangi Wambui to second me on this [Motion]with amendments

Hon. Speaker: Have you given him what you have just said? That is what I was asking.

Hon. Moses Ogeto: I call Hon... because I have seen my good colleague has mastered what am saying, I am requesting Hon. Kabiro to second me.

Hon. Speaker: Okay.

Hon. Mbugua Kabiro: Thank you very much Madam Speaker. I second the amendments to the motion by the Hon James Mwangi Wambui that 'this Assembly urges the County Executive and the Nairobi Metropolitan Services to continue, we are adding the word NMS...

Hon. Speaker: Okay, for purposes of just making it a bit neater, why can't we just say 'this Assembly urges the County Executive in conjunction with the NMS'. I need a neater motion for it to work.

Hon. Mbugua Kabiro: Can I read the whole statement?

Hon. Speaker: Yes, you can bring in' with conjunction with the Nairobi Metropolitan'. Since it is a transferred function, you can start with Nairobi Metropolitan because that is where the function is and then you say in conjunctions with the County Executive.

So you can start 'this Assembly urges the Nairobi Metropolitan Services which has the function, in conjunction with the County Executive'. You can start with the entity that has that function.

Hon. Moses Ogeto: Hon. Speaker, I have found the right procedure and I would wish that we proceed. I beg to give and move the Motion to be amended as follows. The Motion to be amended by adding the following words immediately after the County Executive in conjunction with the Nairobi Metropolitan Service.

Hon. Speaker: But now do it the other way round since the function is with Nairobi Metropolitan.

Hon. Moses Ogeto: Hon. Speaker, that is why I am saying that 'this Assembly urges Nairobi Metropolitan Service in conjunction with the County Executive to develop'. Only that Hon. Speaker.

Hon. Speaker: Thank you. We are good now.

Hon. Moses Ogeto: I want to call my seconder again Hon. Kabiro to second me on that.

Hon. Speaker: Let them finalize that process so that we do not miss the Motion.

Hon. Mbugua Kabiro: Thank you very much, Hon. Speaker. I support the amendment to the Motion, that the Motion to be amended by adding the words 'that the Nairobi Metropolitan Services in conjunctions with the County Executive'. I second the Motion.

Hon. Mary Mwami: Madam Speaker, I am in Transport and Infrastructure committee and we are having issues where the County Executive have sat on files that are supposed to have been transferred to the Metropolitan, therefore, they are unable to function on those issues of payment and so on.

Yesterday, we meet the County Attorney and she said that her hands are tied because she needs some permission from his Excellency the Governor. When you use the word 'in conjunction', it means the Metropolitan Services will not be able to move unless they have the nodding of the head from the Executive.

I feel what our Hon. Deputy Minority Whip had said at the beginning that the word 'Metropolitan' alone replace it without matters of 'in conjunction' is the best. You should not add 'in conjunction' because you will be saying that nothing will move unless they are consulted, and we may not be able to get an okay because this is a very pertinent and important Motion. World over we are having everybody harvesting water for instance when you visit Israel they harvest water.

Hon. Speaker: Are you debating now?

Hon. Mary Mwami: Yes.

Hon. Speaker: You are now debating and I have not yet gotten the amendment. First, we do the amendments properly and I agree with Hon. Mary that when we put 'in conjunction' we will tire ourselves. Therefore, you can urge people with that function to do what is right and I think it will work better. Therefore, you should amend properly and ensure that we move the motion now as amended.

Hon. Moses Ogeto: Hon. Speaker, the transferred function remains with the County and that is why we are saying 'in conjunction'. Let me first move my Motion of amendment then if it has an issue I believe Hon. Aliviza will assist us in moving forward.

I had requested Hon. Kabiro to second me and I need you to put a question so that we can proceed with the same Motion.

Hon. Speaker: Let me first propose your amendments and then you move again with the amendments. Hon. Kabiro what is different?

Hon. Mbugua Kabiro: Madam Speaker, if I am right, I think that you are supposed to put the question on the amendment then we discuss the amendment, we do the Motion then we pass it and the Motion is moved as amended.

(Question, that the words to be added be added, proposed)

Hon. Moses Ogeto: I would like to thank my seconder by ensuring this has happened. We also would like to thank you for your indulgence in ensuring that Nairobi Metropolitan services in cooperated in this management of water because as per the deed of transfer, which was signed, in 25th February 2020 it is very clear that, the transferred function had been transferred to Nairobi Metropolitan Service. I would like also to thank the House because of understanding that this was necessary and I believe that this will assist the Nairobiian. I beg to reply.

(Question, that the words to be added be added, put and agreed to)

(Debate on the original Motion resumed)

Hon. Jeremiah Themendu: Thank you, Hon. Speaker for giving me this opportunity to support this Motion because Nairobians have suffered a lot and also in my Ward. When the Water Company is rationing the water their water programme is not going well because they usually give us water for two days only in a week and when they are rationing they do not open for the whole day; they just open it for three to four hours then the water finishes.

Therefore, I would like to support this Motion, which is timely, and my problem is since the function has been transferred and yet you had finalized all the issues. I would like to give an example by saying that if you have a land and you then transfer it and then you get some issues on it what you will do? Is to call the

owner of the land to help you handle the issue or you do it by yourself because it was already transferred to you.

The water function was transferred to NMS; yesterday we had a dilemma whereby we were urging the County Executive to transfer those contractors that were working with the county environment department. The County Attorney informed us we could not be able to transfer those functions because they had an agreement with the contractors. We informed them to go and bring a written response to us so that we can be able to handle the same.

What I can say about the word 'in-conjunction' is that I do not see the Nairobi Metropolitan and the Nairobi Executive working together. Although the issue has been finalized and in future, we should engage the Nairobi Metropolitan for the transferred services. Hon. Speaker, I beg to support.

Hon. Jared Akama: Thank you Madam Speaker, this is a very brilliant Motion and anything which goes along the way to support water provision for our people has to be supported with passion and therefore I also rise to support this Motion. I wanted to remind the House of one famous Secretary-General of UN Boutros-Ghali who once said that the future will be based on water. I am not saying that so that this City can go to war because of water, but I want to believe that those were remarks for the purpose of any Government setting up policies, which will enhance water provision to its people at one point or the other.

Therefore, we know that this City is gradually growing and for ensuring that people get sufficient water I think this kind of policy of ensuring that we have, a proper mechanism of harvesting and storing water has to be supported.

I remember in 2017, then Minister of Water Eugene Wamalwa launched a National programme for water harvesting but Madam Speaker, subsequently this programme has not been successful because of lack of low cost and technology which can enhance this programme. I am just urging ourselves even when we are thinking on implementing this important Motion let ensure that we also put in consideration that the Government has to be pushed as well to support this programme in the sense of ensuring that we have low-cost mechanism or technology, which this house can also support. Madam Speaker, this is a very brilliant Motion and I add my voice in term of support it thank you.

Hon. David Mberia: Thank you Madam Speaker, I would also want to add my voice on this very important Motion. As you know very well water is life. Therefore, this Motion has come when this function has already been transferred to NMS. If I had authority, I would want the NMS without in-conjunction with Executive, which is paralyzed, to ensure this motion is properly implemented by the entity.

Madam Speaker, as to the issue of harvesting water in this country I would like to talk about Nairobi County; it is very important. Every rainy season you will see water flooding in the City, it usually pains a lot, that we cannot harvest that water as it goes to drain.

Therefore, it is important that the mover of this Motion to liaise with Water Committee to ensure we do a proper law and an Act of this House which will be properly implemented by NMS to ensure that every new building in the City is as provided in the systems to harvest and collect rainwater.

I am urging members to support this Motion and later on let it be converted to be an Act of this House. It will give the NMS the full authority to enforce it as a law across the city. Let us be an example to the national government to follow the Nairobi County Government through the NMS, that this law is enforceable. Every building in the city should have such a system to collect, harvest and store rain water. Madam Speaker, I beg to support the Motion.

Hon. Kabiro Mbugua: Thank you very much Madam Speaker. I rise to support this Motion that seeks to ensure that water harvesting is a thing that we can inculcate within our society. It also brings to live the Sustainable Development Goal number six which talks about clean water and sanitation.

Madam Speaker, it is imminent that we deal with issues of water conclusively. We are happy that NMS is doing a lot when it comes to boreholes drilling but for the water that comes from the rain, we can harvest by ourselves and that is what this Motion is seeking to do. I fully support. Madam Speaker, charity begins at home. I wish the assembly starts by setting up those gutters and making sure that they have an underground tank to collect all the water – and then we move to the Executive side.

(Applause)

I think we have proper iron sheets and not the ones that were banned. I remember the Motion that Hon. James Mwangi brought to this House that we should remove the asbestos roofing. I believe that we also have a proper gutter collection system which is clean. I remember a few months back that the assembly had no water and we were blaming it on Nairobi Water. Our toilets and our facilities were stinking and the pipes had been cut. But if we had an underground tank here, it would have been easier to sustain ourselves whenever we have such water shortages.

Madam Speaker, this is a well thought out Motion and if implemented I believe we are going to have proper strides that we can boast of in future. I also urge that the building plans that would be approved from now going forward should have a provision for underground storage water and the systems should be clearly marked that they are all going to the underground storage system so that each building which is being approved can now have an opportunity to collect and sustain itself with the water facilities.

It may difficult but if there is a way that it can be included, I think it would be nice. But I want to believe that progressively the approval plans should have an underground storage for water and a water collection system for the rain water. Thank you Madam Speaker.

Hon. Emily Oduor: Thank you Madam Speaker, I also stand to support this motion. I am very glad that the planning department was also transferred to the Nairobi Metropolitan Services because we can start from there. For example, if a new building is coming up, before they are given a certificate of occupancy we should ensure that they have put all the systems in place. That is one way that it is going to help us.

Secondly, and this is very important because if you are in the leafy suburbs, you realize that every building that is coming up is sinking a borehole. And you know nature can only allow only a number of boreholes in a certain radius. At the rate that we are going sinking boreholes, we will end up without water or weakening so many building in Nairobi and the buildings collapsing causing loss of lives. If we can collect this water, it can reduce the number of boreholes that are being sunk in every area. You find that this compound has a borehole, the next is also sinking a bore hole, I am wondering how many we can sink. To reduce this, let us harvest the water and the planning department control at which radius can we can sink a borehole not every building sinking a borehole.

Thirdly, Madam Speaker, for the people who are putting up smaller houses, can they afford? After putting up these buildings sometimes, it is very expensive for them to buy overhead tanks or sink an underground tank or even buy gutter for the house. I think in conjunction with the Nairobi Metropolitan, if they can be given a certain percentage down, they can identify specific manufacturers who can give them

subsidized gutters, overhead tanks or the underground tanks. With that, we will be able to solve this problem. I stand to support.

Hon. Fredrick Okeyo: Madam Speaker as I rise to support the Motion. I was thinking about a few things. I believe that this noble idea should start from public facilities especially our schools and government institutions where water is really needed. There are institutions that use a lot of water. Madam Speaker, we know very well that in informal sectors we have the issue of water and at the same time we have this problem also in our industrial areas – it is toxic. As such even harvesting the water will require a lot of planning and research.

I remember a while back I asked the MD of Nairobi Water how safe was the borehole water. The answer he gave was very shocking because he told us that they have no control over the borehole water. I asked him why they have not put a bill board on each and every borehole to show that the water is not safe for drinking. According to the information he gave us, some areas like Kibra or Eastlands the level of chlorine vary from one borehole to the other. Harvesting water in an environment friendly area gives it everything that it needs for people to use it. The water harvested can also be used for irrigation or building or other things. We only think water is for drinking only but it can be used in other ways which will help our city in conserving clean water that is meant for drinking.

You find that the clean water being provided by the Nairobi Water Company is the same water that is used for building, in car washing areas, and for irrigation. This Motion brought by Hon. Wambui is very essential for our city. It can help to conserve and make sure that the clean water that is available is used. I beg to support.

Hon. Silas Ongwae: Thank you Hon. Speaker for this opportunity. I would like to welcome members from the short recess and I hope and pray that going forward we still have time to remedy the situation in the assembly and move Nairobi forward. I would like also to register my gratitude for the member who has brought this Motion to this House. It shows that members are not asleep and are doing their duty of pushing the agenda of Nairobi.

Hon. Speaker, when it comes to water provision in Nairobi, it is the duty of both the Executive and NMS. The master plan for Nairobi was developed over 50 years ago did not envision that come to the year 2020 Nairobi is going to have a high population that is has today. When the water is going to be harvested it is going to augment the supply from the Nairobi Water and Athi Water to Nairobians. But Hon. Speaker, I would like to be informed by the House on this issue of the Executive and the NMS. According to my understanding in the deed of transfer, the agreement was between the county Executive and the NMS. The assembly was not party to that agreement. Our work is to legislate and let the Executive in conjunction with the NMS do whatever we urge them to do either in the policy framework or in legislation.

In as much as members may be having an issue with the wording of the Motion, but the spirit in terms of what needs to be done for service delivery is what is important. With those few remarks Hon. Speaker, I beg to support. Thank you.

Hon. Speaker: Thank you.

Hon. Moses Ogeto: Hon. Speaker thank you so much for giving me this opportunity once more. As I stand to support, the spirit is very clear that the rain water should be tapped to assist the informal settlements and other areas.

Hon. Speaker as my colleague Hon. Emily Oduor has said, it is now like a business of drilling boreholes. You find that a compound has borehole and the next has a borehole; it has become very expensive. This Motion urges the County Executive and the Nairobi Metropolitan Services to bring a policy guideline to sink even underground water tanks. I believe that some areas may not tap this water because of the ozone layer which may spoil the water.

I also thank Hon. Mwangi for ensuring that this Motion sees the light of the day. Article 174, 129 and 182 in the spirit supports that. Whatever the NMS and the County Executive are doing should be for the interests of the public and not individuals. The policy should be brought here immediately and I believe, as my Minority Leader has said, we should bring a legislation immediately to support the same to ensure that whatever has been passed in this assembly sees the light of the day. Hon. Speaker, I beg to support.

Hon. Speaker: Mover!

Hon. James Mwangi: Thank you Madam Speaker. I would also like to thank the members for the support that they have given me. I think Nairobi has a lot of water and since we have a devolved government, one day we may wake up and find people from Murang'a refusing us water from their place. We will be in a very big problem.

Madam Speaker, I want to say that the water that should not be harvested is the one from buildings with asbestos roofing since they are highly hazardous. I also want to thank Hon. Kabiro for talking about water that can be harvested here. I want to remind him that there is water down here, there is a river that passes from City Hall Annex and another one that passes around NSSF. These are things that we should start with first. Nairobi has been suffering a lot because of water challenges. I am saying this because I come from a slum area where I grew up, I know the challenges that people face down there.

Madam Speaker, most of the challenges that we face is because of the way people use water. I support the Nairobi Metropolitan Services because I have seen they have started drilling boreholes. For example, in my area they have dug a borehole within a month's time and I think they have drilled boreholes in other areas. I would also like to thank them because there are water bowsers labelled NMS and for fast tracking this issue of water.

Madam Speaker, I wish to acknowledge the members for supporting this Motion and urge the Implementation Committee to ensure that it is implemented fully. I beg to reply. Thank you Madam Speaker.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: There being no other business, this House adjourns to 2.30 p.m. today.

The House rose at 11.20 a.m.