



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY - (FIRST SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 6, 2017 AT 2.30 PM

1. The Assembly assembled at Thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

3. MESSAGES

The Speaker conveyed the following message;

RE: MCAs Development Priorities

Kindly receive and relay my warm compliments to all the Members of Nairobi City County Assembly. I officially congratulate all the Members on their election to the County Assembly and look forward to interacting with them as I give my first address to the County Assembly of Nairobi in the days to come. I am confident in their ability to play a significant role in the transformation of our beloved County.

My role as the Senator of Nairobi as defined in Article 96 of the Constitution is to represent the County of Nairobi and to serve, protect the interests of Nairobi as well of those of its County Government. A great part of this interest is obviously the development needs of the people of Nairobi.

I believe that the Members of the County Assembly have been elected at the level closest to the people, have a very clear understanding of the specific

development needs within their Wards. It is my duty to understand these needs and champion

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these developments form both the National and County governments for the benefit of the people of Nairobi.

In light of this I will need each and every Member of County Assembly from both the majority and minority parties to list their top five development priorities in their respective Wards. Kindly facilitate this to be done within the shortest time possible.

I look forward to working closely with your esteemed office as well as with all the Members of Nairobi City County Assembly in the service of people of Nairobi. Thank you.

Sakaja Arthur Johnson, MP, Senator of Nairobi.

4. PETITIONS:-

The Speaker presented a petition on behalf of Imara Daima ward residents on the Gazettment of Health facility Management Committees in Nairobi County

5. PAPERS:-

The following paper was laid:-

- Report of the Sectoral Committee on Trade, Tourism and Co-operatives workshop retreat
(*Chairperson, Trade, Tourism and Co-operatives Committee*)

6. NOTICE OF MOTION - (Hon. Antony Kimemia)

The following notice of motion was given;

THAT, aware that the Nairobi City County Persons with Disabilities Act, 2015 (Act No. 9 of 2015) was passed by Nairobi City County Assembly on 2nd December 2015 and subsequently published on 15th January 2016; **FURTHER AWARE** that Section 8 (1), Sub-Section (b) (vii) of the Act provides for the functions of the Board (Nairobi County Board for Persons with Disabilities) which is amongst others, to, “encourage and secure the establishment of vocational rehabilitation centre and other institutions and other services for the welfare, rehabilitation and employment of Persons With Disabilities”; **NOTING** that Section 13(c) of the Act also provides that, “the relevant County Executive Committee Member **shall**

establish institutions to cater for the visually impaired, physically challenged persons, hearing and mentally challenged persons to cater for vocational education, skill development and self-reliance;"**FURTHER NOTING** that a number of Public Primary Schools in Nairobi County operate Special Unit classes without a clear progression plan; **CONCERNED** that there are limited Village Polytechnics and Home Craft Centre established by the County Government of Nairobi City for Persons With Disabilities as mandated by the Constitution of Kenya, 2010 under paragraph no. 9 of Part 2 of the Fourth Schedule; this assembly **urges** the County Executive move with speed to establish Centres for Vocational Education, skills development and self-reliance for Persons with Disabilities in Nairobi City County and ensure inclusive education within the existing pre-primary and childcare facilities.

6. STATEMENTS PURSUANT TO STANDING ORDER 41(2)(C):-

Pursuant to Standing Order 41 (2) (c) the following Members requested for statements:-

- i. Hon. Wilson Ochola requested for a statement from the Chairperson of the Sectoral Committee on Roads, Transport and Public Works regarding the construction status of Drive-In road along Mathare North road in Utalii Ward
- ii. Hon. Peter Warutere from the Chairperson of Sectoral Committee on Labour and Social Welfare regarding the operation of the County Public Service Board specifically on employment management
- iii. Hon. David Mberia from the Chairperson of Sectoral Committee on Planning and Housing Committee regarding the status of public utility lands in Karen Ward
- iv. Hon. Peter Warutere from the Chairperson of Sectoral Committee on Children, Early Childhood Education and Vocational Training regarding insurance of Early Childhood Development Education Centers (ECDECs) in the County
- v. Hon. Chege Mwaura from the Chairperson of Sectoral Committee on Children, Early Childhood Education and Vocational Training regarding the disbursement of bursaries to the needy students in the County

- vi. Hon. Geoffrey Majiwa from the Chairperson of Sectoral Committee on Water and sanitation regarding the operation status of Nairobi City Water and Sewerage Company
- vii. Hon. Abraham Njihia from the Chairperson of Sectoral Committee on Water and sanitation regarding water supply in Dagoretti Corner Askaris Quarters
- viii. Hon. Abraham Njihia from the Chairperson of Sectoral Committee on Environment and Natural Resources regarding Garbage collection in Toi market in Woodley Ward
- ix. Hon. Abraham Njihia from the Chairperson of Sectoral Committee on Transport and Public works regarding the repair status of Joseph Kangéthe road in Woodley Ward
- x. Hon. Peter Imwatok from the Chairperson of Sectoral Committee on Planning and Housing regarding the controversy around the ownership of of Mariakani Estate
- xi. Hon. Daniel Muturi from the Chairperson of Sectoral Committee on Culture and Social Services regarding rehabilitation of Joseph Kangéthe grounds in Nairobi Central Ward
- xii. Hon. Peter Imwatok from the Chairperson of Sectoral Committee on Labour and Social Welfare regarding number of staff currently employed by the County Executive.
- xiii. Hon. Mwaura Samora from the Chairperson of Sectoral Committee on Environment and Natural Resources regarding the illegal dumping of solid waste in Clay City Ward.

Pursuant to Standing Order 41 (2) (c) the following response to statement was given:-

- i) Statement request by Hon. John Kamangu, MCA from the Chairperson Transport and Public Works Committee regarding tarmacking of roads in Nairobi County, especially in Ruai Ward.

8. MOTION BY HON ANTHONY KARANJA URGING THE COUNTY EXECUTIVE TO AMEND THE ZONING POLICY TO ALLOW FOR MULTI-DWELLING DEVELOPMENTS

Motion made, question proposed:-

THAT AWARE, that *Part XI* of the County Governments Act, 2012 provides extensively for County Planning, flowing from the Devolved functions of County governments under *Part II* of the Fourth Schedule to the Constitution; **FURTHER AWARE** that *Part V* of the Urban Areas and Cities Act, 2011 provides for Integrated County Planning, amongst which are obligations bestowed on the County such as County integrated development planning, County sectoral plans, County spatial planning amongst others; **NOTING** that Nairobi has over the years metamorphosed with an ever increasing population and greater demand for housing and consequently for physical planning services; **DEEPLY CONCERNED** that physically planning throughout the City has largely not kept pace with the ever changing City landscape and demand for housing, especially as regards the City's zoning policy, with areas that initially had no proper public infrastructure such as sewage system not allowed to have multi-dwelling developments; **FURTHER NOTING** that currently many parts of Nairobi city are experiencing immense development pressure, which population growth rate is particularly exerting pressure on the low-density residential neighborhoods; **BEARING IN MIND** that Nairobi City has not had a comprehensive plan since the Metropolitan Growth Strategy of 1973, which expired in the year 2000; **UNDERSCORING** that its expiry points to the urgency for a review of the Zoning policy formulated in the 1970s when Nairobi had a small population, which has since tripled tenfold; **RECOGNIZING** that if the zoning policy is not reviewed to allow the development of affordable multi-dwelling housing to meet demand in low density neighborhoods, the housing crisis will continue to grow, for instance the re-zoning of Zones 4, including Spring Valley, Riverside Drive, Kileleshwa, Kilimani, Thompson and Woodley and Zone 5, which includes Upper Spring Valley, Kyuna, Loresho and Lavington/Bernard Estate and Zone 15, which includes Dagoretti; **OBSERVING** that since both the National and County Government have already heavily invested in infrastructure development in the said zones it is prudent that the zoning policy be reviewed to reflect existing circumstances and allow the County benefit from the development of more housing in the said areas; this Assembly urges the County Executive to amend the zoning policy to allow for multi-dwelling developments in areas that public infrastructure as developed by the County and National government allows.

(Hon. Anthony Karanja)

Debate arising;

Mover replied;

Question put and *Agreed to*

9. ASSEMBLY ROSE - at Thirty Minutes past Four O'clock.

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M E M O R A N D U M

The Speaker will take the Chair on

Thursday, 7th December, 2017 at 2.30 p.m.

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new chamber which were occasioned by the delay of disbursement of money to the Assembly in the month of June.

Honorable Members, in this regard, I wish to inform you that once the said issues are resolved a new date for the launch of the Chamber shall be set preferably in the month of August, 2016.

Hon. Members, as we continue with the Second Part of the Fourth Session, I wish to remind you of the business before us. These include

Bills, Motions, Statements and Petitions. Committees with pending reports are advised to expedite conclusion of the same.

Hon. Members, you are therefore encouraged to continue working with the diligence you have exhibited in executing your mandate for the benefit of Nairobi residents.

— VISITING DIGNITARY FROM NORWAY

Honourable Members, I would like to acknowledge the presence, in the Gallery this afternoon, of Prof. Eli Bergsvik, Assistant Professor Department of Education, Bergen University College, Norway. The Professor is accompanied by Prof. Maureen Anyango from Babadogo Ward.

Honourable Members, Prof. Bergsvik together with Sotra Sports Club of Norway have initiated and supported a Community Library in Babadogo Ward. In addition, they are in the process of initiating a computer training school and a garbage recycling project in the said ward. Already, they have delivered thirty four (34) computer laptops for the said computer training school.

Honourable Members, it's against this backdrop that Hon. Shadrack Juma who is the area Member of County Assembly shall be visiting Norway in September, 2016 to follow-up on the pending issues with respect to the projects.

Honourable Members, I therefore wish to challenge all members to use opportunities they have when they travel outside the country to engage

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development partners who can support such noble initiatives that can improve the livelihoods of Nairobi residents.

Hon. Members, on behalf of Nairobi City County Assembly family, I wish to extend a warm welcome to the Professor. Feel welcomed and enjoy your experience in Nairobi. Thank you.”

4. PAPERS LAID

The following paper was laid on the table of the Assembly;

THE THIRD QUARTER COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW REPORT FOR THE FY 2015/16

(Leader of Majority Party)

5. STATEMENTS PURSUANT TO STANDING ORDER 41(2)(c)

Pursuant to Standing Order 41 (2)(c) the following Members requested for a Statement:-

- a) Hon. Alexander Mulatya requested for a statement from the Chairperson of the Select Committee on Budget and Appropriations regarding the alleged assignment of County Executive Equity loan of Kshs. 5 Billion or thereabout to Kenya Commercial Bank (KCB);
- b) Hon. Pius Mbono requested for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding land occupied by Kenya Power and Lighting Company (KPLC) at the Roysambu Substation; and
- c) Hon. Pius Mbono requested for a statement from the Chairperson of the Sectoral Committee on Transport, Roads and Public Works regarding allocation of Matatu Termini behind Kenya National Archives along Tom Mboya Street.

Pursuant to the provisions of Standing Order 41 (2)(c) the following responses to Statements were given:-

- a) Response to Statement requested by Hon. Hashim Kamau from the Chairperson of the Sectoral Committee on Planning and Housing regarding the parcel of Land Reference No. 27/8/18 at Ridgeways, Kiambu Road;
- b) Response to Statement requested by Hon. Tabitha Ndigirigi from the Chairperson of the Sectoral Committee on Planning and

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Housing regarding the grabbed plot L.R No. 7/386 opposite Nairobi West Hospital; and

- c) Response to Statement requested by Hon. Tabitha Ndigirigi from the Chairperson of the Sectoral Committee on Planning and Housing regarding the continued grabbing of land in South C Ward.

6. THE NAIROBI CITY COUNTY PLASTIC CONTROL BILL, 2016

Order for Second Reading read

THAT, the Nairobi City County Wards Development Fund (Amendment) Bill, 2015 (Assembly Bill No. 5 of 2015) be now read a Second Time.

(Chairperson, Sectoral Committee on Agriculture, Environment and Natural Resources)

Bill Read a Second Time and Committed to the Committee of the Whole Assembly

7. MOTION - TO ADOPT THE REPORT OF THE SELECT COMMITTEE ON PROCEDURE AND RULES ON THE AMENDMENTS TO THE STANDING ORDERS OF THE NAIROBI CITY COUNTY ASSEMBLY

Motion made and Question proposed

THAT, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON PROCEDURE AND RULES ON THE AMENDMENTS TO THE STANDING ORDERS OF THE NAIROBI CITY COUNTY ASSEMBLY**, laid on the Table of the Assembly on Wednesday 29th June, 2016.

(Chairperson, Select Committee on Procedure and Rules)

Debate ensued;

Mover replied;

*Question put and **Agreed to.***

There being no any other business and the time being fourteen minutes past Four O'clock the Deputy Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

8. ASSEMBLY ROSE - at fourteen minutes past Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, July 27, 2016 at 2.30p.m

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