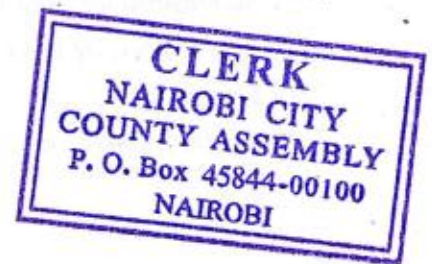




NAIROBI CITY COUNTY ASSEMBLY

*Paper filed by
Chair Water
Committee on
17/11/15*
A. J. O. P.
CCA
17/11/15

THE REPORT OF THE SECTORAL COMMITTEE ON
WATER AND SANITATION ON THE PETITION PRESENTED BY
RESIDENTS OF LAINI SABA WARD
ON WATER SERVICES PROVISION



CLERK'S CHAMBERS,
SEPTEMBER, 2015
CITY HALL,
NAIROBI.

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Preface

1. The Committee on Water and Sanitation is one of the Sectoral Committees established under Standing Order 191. Under the Second Schedule it is mandated to consider matters related to water and sanitation services; water distribution, regulation, marketing and sewerage services. Its functions pursuant to Standing Order 191 are to:
2. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
3. Study the programme and policy objectives of departments and the effectiveness of the implementation;
4. Study and review all county legislation referred to it;
5. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
6. Investigate and inquire into all matters relating to the assigned department as they may deem necessary, and as may be referred to them by the County Assembly;
7. To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (*Committee on Appointments*) and
8. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Hon. Members,

On behalf of the committee on Water and Sanitation, it is my pleasant duty and privilege, to present the Committee's Report on the Petition presented to this Assembly by the residents of Laini Saba on the water services provision.

DATE.....15/10/15.....

SIGN..........

HON. ALEX OUDA OTIENO, CHAIRMAN

1.0 Background

On 6th August 2015, a Petition signed by the resident of Laini Saba Ward was presented on the Floor of the Assembly through their Ward Representative, the Hon. Boniface Kitavi pursuant to Standing Order 195(b) and the same referred to the Committee on Water and Sanitation for consideration and reporting pursuant to Standing Order 202. In the Petition, the petitioners raised a number of concerns as follows:

- i. The water pipe connections that provide the water that they consume pass through garbage, sewage or near or below toilets;
- ii. The poor quality of water has contributed and accelerated the spread of the recent cholera epidemic which affected approximately 250 people and caused several deaths;
- iii. The cost of water in the community is between five and ten shillings for a 20 liter jerry can which is expensive for the low income population. This high cost is attributed to the distance of water connection and artificial shortage created by cartels;
- iv. The leakages in the pipes further contribute to the unsanitary environment as the path ways are constantly murky;
- v. The lack of toilets further contributes to poor sanitary conditions. Toilets built by programmes supported by government are charging exorbitant rates of Ksh.10 for bathroom use and Ksh. 5 for toilet use. This lack of affordable sanitary facilities further contributes to spread of diseases.

2.0 Committee investigations

2.1 Introduction

Pursuant to Standing Order 202, the Committee had sixty (60) days to consider and compile a report to the Assembly. In pursuit of the foregoing, on 23rd September 2015, the Committee held a meeting with the Management of Nairobi Water and Sewerage Company; the County Chief Officer, Water and Natural Resources and the Laini Saba

Ward Representative to deliberate on the way forward in addressing the concerns raised in the Petition.

Further to the above meeting, the Committee held a meeting on 6th October 2015 with representatives of Laini Saba Ward to clarify on some issues and further discuss on suggestions to addressing some of the issues that raised in the Petition.

2.2 Submission by the Chief Officer Water and Natural Resources

The Chief Officer, Water, Energy and Natural Resources appeared before the Committee on 23rd September 2015.

He informed the Committee that the current water demand in the city stands at 740,000m³/day against the supply of 550,000 m³/ day. Due to the water demand exceeding production, water supply in the city is distributed through an equitable water distribution programme. For this purpose, the City is divided into four corridors. However, some areas may receive uninterrupted supply depending on the location.

The Committee was further informed that Laini Saba receives water at full pressure weekly between Saturday 10.00 a.m and Monday 8.00 a.m as per the equitable water distribution programme. The rest of the days the water is supplied at a low pressure or not at all meaning it does not reach all areas of the estate.

Further, he noted that to improve water supply in the area, a new water distribution pipeline was constructed by Athi Water Service Board in 2013 aimed at enhancing water distribution in Laini Saba area and give relief to the existing distribution main pipe that also serves Ngumo, Magiwa and Golf Course estates. During that time, all unauthorized connections were removed from the main distribution pipeline. Only connections serving Shadrack Kimalel Primary and Secondary Schools and the AMREF were left. The Committee learnt that a metering point at the District Officer's camp was developed where all accounts with clean records were connected.

The Committee was also informed that the illegal water vendors later encroached again on the main distribution pipeline making numerous connections. This severely affected

the flow of water not only to the informal settlement, but also the neighboring Ngumo and Ngong Road. The Nairobi Water and Sewerage Company has been engaging the residents on regularization of the spaghetti connections but unfortunately only a handful turned up in the construction of a meter chamber. A new pipeline has been installed through Shadrack Kimalel Secondary School from the distribution main and a new meter chamber constructed where 30 new water connections have been done. Only persons with meters and water accounts which are well serviced have been connected while those with outstanding balances have been requested to commit the debt resettlement agreement as they pay current bills when they are due.

In addition, the Committee learnt that the issue of water cartels is already being handled. However, the process is slow as not the entire area can be paralyzed at the same time because some connections serve critical institutions. The County Government and Nairobi City Water and Sewerage Company are committed to dealing with illegal water abstraction and cartels. The process of contracting water is uniform for persons in informal settlement and every person wishing to have a water connection need to be recommended by the local administration as a resident of the area.

Challenges in water service provision

The County Government highlighted the following challenges faced in the water services provision in Laini Saba area:

- i. The new pipeline has already been invaded and connections made and even though the region has removed the connection, there is impending chance of continued puncturing. This has led to the pipeline being laid on the bare ground for easy monitoring.
- ii. The pipeline had already been plugged by the water vendors to cause artificial water supply fail which could frustrate efforts being made to regularize water supply;
- iii. Though the region is insisting on the use of Polypropylene Random (PPR) pipes for connection to collection points, the continued control and monitoring is huge task since there is intense vandalism and stealing of pipes amongst the customers; and

- iv. Weak regulatory framework with regard to penalties for illegal water abstraction and tampering with water and sewerage infrastructure.

The Managing Director, Nairobi Water and Sewerage Company insisted the water cartels in Laini Saba compound the problem of water problem in the area.

The Committee agreed that there is need to find a long term solution to the issue of cartels, illegal connections and proposed on the establishment of water points through supply of water to the tanks to be placed under the Ward Development Fund.

Nairobi Water and Sewerage Company in their response, stated that the pipeline that Laini Saba also serves other customers upstream and pressure and volume are lowered by the time water reaches Kibra area.

In the long term, the Committee was informed that Nairobi Water and Sewerage Company does not have the mandate to develop new sources of water. This is vested in Athi water Services Board which is a National Government body and their effort to develop the Northern Water Collector Tunnel that would bring more water has been frustrated by a court case which need to be determined for the works to commence. However, the Company called for dialogue among the leaders to end the impasse so as to facilitate more water to be brought to the city.

2.3 Submissions by the representatives of Laini Saba Ward

Five of the representatives of the Petitioners appeared before the Committee on 6th October 2015.

They first acknowledged that the Petition represents the concerns raised by the residents of Laini Saba Ward and the entire Kibra and that the issues raised completely cover what the problem in the area is.

The begun by citing that water and sanitation are some of the rights that are captured under Article 43 of the Constitution and therefore must be provided by the concerned authorities with the mandate to do so.

In their opinion, the County Government has failed on the matters of water and sewerage services provision especially for the informal settlements, particularly Kibra.

They claimed that their despite the fact that Laini Saba and the Entire Kibra area receives adequate amounts of water, the main aspect of contention is that the water points are located far away from the residents and this results into connection using 'spaghetti' pipes that run through the dirty water and sewer trenches that pose health risk to the residents.

Further, they claimed that the state of sanitation is very poor and that there is lack of sewer network in the area. This, they said, causes the proliferation of private pit latrines which are not emptied in time and end up over flowing and mixing with dirty water that flows over water pipes which is a health risk to the residents.

Furthermore, they alleged that the Nairobi Water and Sewerage Company staff receive bribes from the persons undertaking illegal connections and the cartels causing artificial water shortage in some parts and facilitates their illegal business.

Finally, they urged Nairobi Water and Sewerage Company to work with the Community so that issues on water cartels and illegal connections and other areas of collaboration so as to enhance services delivery.

They therefore pray that the situation of long distance to water points, lack of sewer reticulation, corruption on the part of Nairobi Water and Sewerage Company staff and cartel be mitigated so that the residents can begin to access adequate, affordable and sustainable water and sanitation services. They also requested that in future, a meeting of the Committee, Nairobi Water and Sewerage Company and the community be organized on the ground to enhance working rapport.

3.0 Conclusion and Recommendations

3.1 Conclusion

The residents of Laini Saba signed and presented a petition through the area Ward Representative to the County Assembly for consideration on 6th August 2015 and the same referred to the Sectoral Committee on Water and Sanitation for consideration and reporting pursuant to Standing Order 202. The Petition bore a number of concerns concerning water services provision in Laini Saba Ward

To fulfill this, the Committee organized for a meeting with the Managing Director, Nairobi Water and Sewerage Company; the Chief Officer, Water and Natural Resources and the Laini Saba Ward Representative on 23rd September 2015 at the County Assembly premises. Further, the Committee held a meeting with a few of the petitioners on 6th October 2015

The meetings deliberated on the Petition and made recommendations to be put in force in a bid to address the concerns raised by the petitioners from Laini Saba Ward.

Therefore, pursuant to Standing Order 202, the Committee had an obligation to inquire into the Petition and compile this report in response to the petitioners' prayers.

3.2 Recommendations

The under listed recommendations were agreed on for urgent implementation and action.

- 1) Nairobi Water to continue disconnecting illegal connections from their company's supply lines and work with the community to construct lockable meter chamber in order to control water supply in the area;
- 2) Nairobi Water and Sewerage Company, through the 30 million allocation from the County Government, to implement the construction of adequate and affordable prepaid water dispensers in the area with constant water supply from the company's supply system;
- 3) Nairobi Water and Sewerage Company to investigate and address the alleged unsystematic opening of valves on pipes that supply water to Kibra and alleged corruption by the members of the company staff;
- 4) Nairobi Water and Sewerage Company to expedite on the implementation of the water pipeline from Kabete Water Treatment Plant through the Southern By Pass and to Kibra area as a direct supply line rather than the current use as a transfer line that loses water downstream;
- 5) The Nairobi County Government to expedite the process of enacting the County Water and Sanitation Services Provision Bill to put in place harsher penalties for water and sanitation infrastructure vandalism, cartels and illegal connections in the County;
- 6) The County Government to Liaise with Ward Representatives on priority projects to be implemented in their Wards under the 3 million budgetary allocation made in the current fiscal year and Laini Saba, in particular;
- 7) Nairobi Water and Sewerage Company to strictly enforce their tariff statements on illegal connections in tariffs that were gazetted; and
- 8) The County government to engage Athi Water Services Board regarding sewer provision of adequate reticulation in the informal settlements in the County

MINUTES 94 OF THE NAIROBI COUNTY ASSEMBLY WATER AND SANITATION
COMMITTEE MEETING HELD ON 23RD SEPTEMBER, 2015 AT 11.00 A.M IN CHARTER
HALL, CITY HALL BUILDINGS.

PRESENT

- | | |
|--------------------------------|-------------------|
| 1. Hon. Kenneth Thugi, MCA | - Deputy Chairman |
| 2. Hon. Hawa Dafala, MCA | - Member |
| 3. Hon. Nancy Mwaura, MCA | - Member |
| 4. Hon. Monica Ndegwa, MCA | - Member |
| 5. Hon. Maurice Akuk, MCA | - Member |
| 6. Hon. Michael Ogada, MCA | - Member |
| 7. Hon. Caroline Muga, MCA | -Member |
| 8. Hon. Diana Kapeen, MCA | - Member |
| 9. Hon. Peter Wanyoike, MCA | - Member |
| 10. Hon. Hashim Kamau, MCA | - Member |
| 11. Hon. Celestyne Ongere, MCA | - Member |
| 12. Hon. David Kairu, MCA | -Member |
| 13. Hon. Victoria Alali, MCA | - Member |
| 14. Hon. Herman Azangu, MCA | - Member |
| 15. Hon. Robert Mbatia, MCA | - Member |

ABSENT WITH APOLOGIES

- | | |
|-----------------------------|------------|
| 1. Hon. Oscar Lore, MCA | - Member |
| 2. Hon. Alex O. Otieno, MCA | - Chairman |
| 3. Hon. Pius Otieno, MCA | -Member |

IN ATTENDANCE

1. Eng. Michael Ngari- The County Chief Officer, Water, Energy and Natural Resource
2. Eng. Philip Gichuki- The Managing Director, Nairobi Water and Sewerage Company
3. Mr. Nahshon Muguna- The Technical Director, Nairobi Water and Sewerage Company
4. Mr. Duke Ombaki- Regional Technical Coordinator, Nairobi Water and Sewerage Company

SECRETARIAT

Mr. Inyundele Austin

- Committee Clerk

Min. No. 529/wsc/September/2015: Preliminaries

The Chairman called the meeting to order at sixteen minutes past eleven O' Clock and welcomed the Members and the guests to the meeting after the prayer was said by Hon. Kenneth Thugi. The led the meeting to a round of introduction and set the agenda as to deliberate on the way forward in finding redress to the concerns raised by the petitioners.

Min. No. 530/wsc/September/2015: Adoption of the agenda

The Agenda of the meeting was adopted after being proposed by the Hon. Hashim Kamau and being seconded by the Hon. Monica Ndegwa.

Min. No. 531/wsc/September/2015: Meeting with MD, NWSC and the Chief Officer, Water and Natural Resources.

The invitation letters and the Petition were read to the meeting by the Vice- Chairman and requested the County Chief Officer and the Management of Nairobi Water and Sewerage Company to respond to the concerns that are raised in the Petition.

Submissions

The Chief Officer informed that Committee that the current water demand in the city stands at 740,000m³/day against the supply of 550,000 m³/ day. Due to the water demand exceeding production, water supply in the city is distributed through an equitable water distribution programme. For this purpose, the city is divided into four corridors. However, some areas may receive uninterrupted supply depending on the location.

The Committee was further informed that Laini Saba receives water at full pressure weekly between Saturday 10.00 a.m and Monday 8.00 a.m as per the equitable water distribution programme. The rest of the days the water is supplied at a low pressure or not at all meaning it does not reach all areas of the estate.

Further, he noted that to improve water supply in the area, new water distribution pipeline was constructed by Athi Water Service Board in 2013 aimed at enhancing water distribution in Laini Saba area and give relief to the existing distribution main pipe that also serves Ngumo, Magiwa and Golf Course estates. During that time, all unauthorized connections were removed from main distribution pipeline. Only connections serving Shadrack Kimalel Primary and Secondary Schools and the AMREF were left. The Committee learnt that a metering point at DO's camp was developed where all accounts with clean records were connected.

The Committee was also informed that the illegal water vendors later encroached again on the main distribution pipeline making numerous connections. This severely affected the flow of water not only to the informal settlement, but also the neighboring Ngumo and Ngong Road. The Nairobi Water and Sewerage Company has been engaging the residents on regularization of the spaghetti connections but unfortunately only a handful turned up in the construction of a meter chamber, Anew pipeline has been installed through Shadrack Kimalel Secondary School from the distribution main and a new meter chamber constructed where 30 No. new water connections have been made. Only persons with meters and water accounts which are well serviced have been connected while those with outstanding balances have been requested to commit the debt resettlement agreement as they pay current bills when they are due.

In addition, the Committee learnt that the issue of water cartels is already being handled. However, the process is slow as not the entire area can be paralyzed at the same time because some connections serve critical institutions. The County Government and Nairobi City Water and Sewerage Company are committed to dealing with illegal water abstraction and cartels. The process of contracting water is uniform for persons in informal settlement and every person wishing to have a water connection need to be recommended by the local administration as the resident of the area.

The County Government highlighted the following challenges faced in the water services provision in Laini Saba area:

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- i. The new pipeline has already been invaded and connections made and even though the region has removed the connection, there is impending chance of continued puncturing. This has led to the pipeline being laid on the bare ground for easy monitoring.
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 - iv. Weak regulatory framework with regard to penalties for illegal water abstraction and tampering with water and sewerage infrastructure.

The Managing Director, Nairobi Water and Sewerage Company insisted the water cartels in Laini Saba compound the problem of water problem in the area.

The Committee agreed that there is need to find a long term solution to the issue of cartels, illegal connections and proposed on the establishment of water points through supply of water to the tanks to be placed under the Ward Development Fund.

Nairobi Water and Sewerage Company in their response, stated that the pipeline that Laini Saba also serves other customers upstream and pressure and volume are lowered by the time water reaches Kibra area.

In the long term, the Committee was informed that Nairobi Water and Sewerage Company does not have the mandate to develop new sources of water. This is vested in Athi water Services Board which is a National Government body and their effort to develop the Northern Water Collector Tunnel that would bring more water has been frustrated by a court case which need to be determined for the works to commence.

The meeting agreed on the following towards addressing the concerns raised in the petition:

- a) Nairobi Water and Sewerage Company to Liaise with the Laini Saba Ward Representative and work on a way to supply water to water points developed under Ward Development fund;
- b) Nairobi Water to continue disconnecting illegal connections from their company's supply lines and work with the community to construct lockable meter chamber in order to control water supply in the area;
- c) Nairobi Water and Sewerage Company, through the 30 million allocation from the County Government, to implement prepaid water dispensers in the area with constant water supply from the company supply system;
- d) Nairobi Water and Sewerage Company to investigate and address the alleged unsystematic opening of valves on pipes that supply water to Kibra by the Company staff.
- e) Nairobi Water and Sewerage Company to expedite on the implementation of the water pipeline from Kabete Water Treatment Plant through the Southern By Pass and to Kibra area as a direct supply line rather than the current used as transfer line that loses water towards the downstream;
- f) The Nairobi County Government to expedite the process of enacting the County Water and Sanitation Services Provision Bill to put in place harsher penalties for water and sanitation infrastructure vandals, cartels and illegal connections in the County;
- g) The County Government to engage with the counterparts in Murang'a County to clear the implementation of the Northern Water Collector Tunnel project to increase water in the City;
- h) The County Government to Liaise with Ward Representatives on priority projects to be implemented in their Wards and Laini Saba, in particular; and
- i) Nairobi Water and Sewerage Company to strictly enforce their tariff statements on illegal connections in tariffs to be gazetted in due course.


Min. No. 532/wsc/September/2015: Any other business

The meeting was informed that the Water and Sanitation Bill will be brought to the Assembly for enactment in due course.

The County Government to liaise with the Members of County Assembly in identifying priority projects to be implemented by the company through the funds allocated to it for each Ward.

Min. No. 533/wsc/September/2015: Adjournment

There being no other business to consider, the Chairman adjourned meeting at 20 minutes past one p.m until 24th September 2015 at 11.00 a.m.

CHAIRMAN


DATE 28/10/15

MINUTES OF THE 101st SITTING OF THE WATER AND SANITATION COMMITTEE
HELD ON WEDNESDAY 14th OCTOBER, 2015 AT 11.30 AM AT CHARTER HALL, CITY
HALL BUILDINGS.

PRESENT

1. Hon. Alex Ouda , MCA – Chairperson
2. Hon. Kenneth Thugi , MCA – Deputy Chairperson
3. Hon. Monica Ndegwa, MCA
4. Hon. Nancy Mwaura, MCA
5. Hon. Victoria Alali, MCA
6. Hon. David Njoroge, MCA
7. Hon. Herman Azangu, MCA
8. Hon. Peter Wanyoike, MCA
9. Hon. Michael Ogada, MCA
10. Hon. Hashim Kamau, MCA
11. Hon. Celestyne Ongere, MCA

ABSENT WITH APOLOGIES

1. Hon. Diana Kapeen, MCA
2. Hon. Caroline Muga, MCA
3. Hon. Pius Otieno, MCA
4. Hon. Hawa Dafala, MCA
5. Hon. Akuk Maurice, MCA
6. Robert Mbatia, MCA
7. Oscar Lore, MCA

SECRETARIAT – COUNTY ASSEMBLY

Wilfred Manyi – Clerk Assistant

MIN /OCT/2015 - PRELIMINARY

The meeting was called to order at 11.06am and began by a word of prayer from Hon. Victoria Alali. The Agenda was read and proposed by Hon. Peter Wanyoike and seconded by Hon. Victoria Alali as follows:-

1. *Prayer*
 2. *Deliberations and adoption of Laini Saba Inspection Report*
-

3. *Any Other Business*

4. *Adjournment and Date of Next Meeting.*

MIN /OCT/2015 - DELIBERATIONS AND ADOPTION OF LAINI SABA REPORT

The Vice Chair guided Members through the observations, findings and recommendations of the report which was then unanimously adopted as proposed by Hon. Peter Wanyoike and seconded by Hon. Nancy Mwaura.

MIN /OCT/2015 - ANY OTHER BUSINESS & ADJOURNMENT

The Committee proposed to conduct a site visit to Hon. Njoroge G. Maina Ward on Monday 26th October, 2015. The objectives of the visit was amongst others, assess the true status of issues raised by the Hon. Member in his statement and corroborate the response to statement from the Executive that was unsatisfactory.

There being no any other business the meeting adjourned at Five Minutes to Twelve O'clock. The next meeting was to be held on Thursday 15th October, 2015 at 11.00am in the same venue.

Chairman.....

Date.....29/10/2015