



REPUBLIC OF KENYA

## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – First Session

Wednesday, 21<sup>st</sup> August, 2013

The House met at 2.30 p.m

*(Mr. Speaker in the Chair)*

#### PRAYERS

#### PAPERS

The following paper was laid on the table:

The report of the County Budget and Appropriations Committee on the Nairobi City County Bill No. 2 of 2013

#### COMMUNICATION FROM THE CHAIR

**Hon. Speaker** (Mr. Alex Ole Magelo): Hon. Members, you are well aware of the electronic equipment that may be in your possession. You are supposed to switch them off to enable the Assembly to process its matters. Hon. Members, it has come to the attention of the chair that that there are unwarranted movements across the Assembly floor, which is not allowed and you know the procedure to follow in regard to that issue. If you want to cross to the other side, you know what to do and where to go and sit. Furthermore, Hon. Members, in the sitting arrangement that you have; the only designated seats are the seats of the Leaders of Majority and Minority and their chief whips as well as the chairman or deputy speaker in that regard. I am sure that we understand each other on that criteria and therefore, no seat is

reserved for any other Member of this House. I think we understand each other on that and we shall do as warranted. Thank you and good afternoon.

**Hon. Member for Embakasi Ward** (Mr. Michael Ogada): Thank you, Mr. Speaker, I beg to lay the following paper on the table of the Assembly, today, Wednesday 21<sup>st</sup> August 2013; the report of the County Budget and Appropriations Committee on the Nairobi City County Bill no. 2 of 2013. Thank you, Mr. Speaker.

### REQUEST FOR STATEMENTS

#### STATEMENT ON A ROAD BARRIER IN RUNDA ESTATE AND THE CLOSURE OF MACMILLAN LIBRARY

**Hon. Member for Karura Ward** (Mr. Stephen Kamau Thuo): I rise to seek a statement from the chairperson of Culture and Social Services pursuant to Standing Order number 41(2c) on the matter concerning MacMillan Library. What necessitated the indefinite closure of MacMillan Library?

Secondly, I am seeking a departmental statement from the chairperson of Public Works, Roads and Infrastructure, pursuant to Standing Order No. 41(2c) on the matter concerning an unnecessary overhead road clearance barrier in Runda estate. The chairperson should inquire and report on:

1. Why the Nairobi County Government has allowed the existence of such a barrier on a public road;
2. What is preventing the County from demolishing the illegal barrier?

**Hon. Speaker:** Hon. Member, be specific on the particular barrier you are talking about in Runda because there are several barriers. Which particular one are you talking about?

**Hon. Stephen Thuo:** Mr. Speaker if you will allow me I will read again the statement. The barrier is in Runda Estate, if you take Kiambu Road at the entrance of Runda Estate there is a barrier but not this one, there is another one. There is a name- you can call it an overhead clearance barrier. In kikuyu it is called 'mugiko'. Thank you, Mr. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Order Members! Hon. Member can we have the copies of your statement?

**Hon. Stephen Thuo:** Mr. Speaker, I had furnished the same office with copies. These are my copies.

**Hon. Speaker:** Thank you, very much, Hon. Member for Karura Ward and on the onset the chairperson of the environment committee, we would like you to give this House an undertaking on when that question will be ready to be tabled. The chairperson of the environment committee?

**Hon. Member:** Mr. Speaker sir, I beg to register the absence of the chairman at the moment but I ask that you give us time to provide a response.

**Hon. Speaker:** The speaker rules; Wednesday 2.30. p.m. the answer should be on the table. Yes please.

**Hon. Samwel Nyang'wara:** Mr. Speaker, pupils and students are on their August vacation and the closure of the Macmilan library is a very serious matter that should be handled with the urgency that it deserves. Because we want that library opened so that by Monday, we will know when the students and pupils will be using it. Mr. Speaker, the chairmen of this committee, Mr. Speaker should not pose as if they are the executive and request to be granted such a long time. Mr. Speaker, they are supposed as from today, immediately we break from here, to go and search for an answer so that by tomorrow that particular answer is here. Sincerely speaking, it is the students who have complained; let it not be seen like it is the Hon. Members who have complained about the library's closure.

**Hon. Speaker:** Very well Hon. Member. The chairman of Culture and Social Services can we please have your undertaking? Hon. Milare?

**Hon. Ronald Milare:** Mr. Speaker, I undertake to give a comprehensive statement on Wednesday 2.30. pm.

#### **REQUEST- STATEMENT ON THE RUNDA ESTATE ROAD BARRIERS**

**Hon. Speaker:** Thank you. Order Member! The chairperson for Public Works, we require your undertaking on the issue which I also know has been a problem to the people of Runda. At one time they closed a barrier and one person died on the spot because he was on top of a pickup. So vice chairlady or chairperson of Public Works?

**Hon. Diana Kapeen:** Thank you Mr. Speaker, I wish I could get the question again because I have not been provided with a copy.

**Hon. Speaker:** Hon. Order! Hon. Member, you will get it from the Speaker. Request for a statement from the Public Works and Infrastructure committee; the Hon. Member seeks a departmental statement in regard to a barrier on a public land, it is called an overhead road clearance and barrier in Runda estate. When can we have the question response here?

**Hon. Diana Kapeen:** Mr. Speaker, I wish to go and study the question and provide a report on Wednesday, next week at 2.30 pm.

**Hon. Speaker:** So be it Wednesday afternoon and Hon. Member for Karura, could you please furnish the respective chairmen of the respective committees with the statement so that they do not come and ask us to give them the respective statements again. Next order please. Yes Hon. Mbau.

**Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau):** Mr. Speaker, I would also like to seek your guidance on this. In the past, we have had the chairmen of the various committees giving us their answers in the house. I would want to ask that we be given the statements before presentation to the House so that we are able to interrogate it two hours before the Assembly session.

**Hon. Speaker:** It will be done.

#### **MOTION- THE NAIROBI CITY COUNTY BILL NO. 3 OF 2013, SECOND READING**

**Hon. Speaker:** Hon. Chege was on the floor contributing. Hon. Members, as you know this is the second reading. Since our friend and very punctual Member of this House, Hon. Chege, is not here, the floor is open to you Hon. Members. Hon. Milare.

**Hon. Member for Harambee Ward (Mr. Ronald Milare):** Thank you, Mr. Speaker, I rise to support this motion. The objects of devolution are anchored in Article 174 of the constitution which gives counties the powers of self governance and the rights to manage their affairs. The passage of this Bill will mark a major milestone, a great step towards transition. This is our Eureka moment. It is the key to devolution. The enactment will have a ripple effect that will give life to the political elements of devolution and delivery of service.

We hope that this House has been entrusted with the enormous responsibility to be able to pass this Bill so that we can provide services to Nairobians. The Nairobians are looking up to us and therefore it is the duty of this House to unite and reclaim Nairobi's lost glory so that once again, the city can become the beautiful green city in the sun. Thank you, I support.

**Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga):** Bwana Spika, naomba niweze kukubaliana na wenzangu katika kuunga mkono mswada huu. Na ni kwa sababu gani naunga mkono mswada huu? Sababu yangu ya kwanza ya kuunga mswada huu, ni kwamba naamini jimbo letu la Nairobi linahitaji kuendelea mbele na linahitaji mambo kadhaa ambapo wananchi wa jimbo hili la Nairobi wanahitaji sote tuwafanyie. Naamini tukishirikiana na wenzangu, tunaweza kuwasuta. Naomba tushirikiane sako kwa bako tuweze kuipititisha mswada huu ili makadirio yote ambayo tuko nayo katika kaunti hii tuweze kuidhibitisha. Naamini ya kwamba wananchi wa jimbo hii wataweza kufurahia kwa huduma ambazo tutaweza kuwapatia. Asante, Bwana spika.

**Hon. Speaker:** Hon. Imwatok

**Hon. Member for Makongeni Ward (Mr. Peter Imwatok):** Mr. Speaker, first before I support the motion, I want to say welcome to everybody from recession, in particular to our bright and beautiful powerful ladies who were sworn in. Welcome to the House of rules and procedure. Mr. Speaker, before I continue, thank you very much for your fatherly advice. I think the house at large knows that I was thrown out of the assembly, but now I am back home. Mr. Speaker, I want to acknowledge that as a county of Nairobi it is time we decide what we really want, it is either we want to maintain the status quo or we want to move from one stage to another. And as the chairman yesterday indicated, it is very clear that this county is two months behind schedule. So far, we are working within a bracket of ten months. It is time we enact this law so that this county can start its operations.

As Mahatma Ghandi said, if you fear change, the change has to change you one way or another. So Mr. Speaker, I beg to support this Bill whole heartedly believing and trusting that I don't want to be so unkind to history because I don't want history to be unkind to me. That I started in this Assembly and this Bill went through for the sole purpose of my children and my children's children to come; that we started a County Assembly that was more pragmatic than before, is a legacy I would love to leave behind. I want to add that though there might be challenges in the county but we cannot handle this challenge if we run away from this responsibility of passing the Bills that are relevant to check and balance the county. I believe that

this Bill is the first thing that we need to enact as quickly as possible so that we bring this county back to its footing. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you, Hon. Imwatok.

**Hon. Emmaculate Musya** (Nominated Member – CORD): Mr. Speaker, I want to support this Bill, when we do not have the funds, we cannot move. Our people at the grassroots want us to provide services for them. Be you nominated or elected you cannot do anything if you do not have the funds. We are the persons to make Nairobi a greener city, a city we are looking forward to. Thank you, Mr. Speaker.

**Hon. Jackline:** Thank you, Mr. Speaker. I beg to support the Bill. I would like to say a few things. I want to say that as we pass the Bill, we need to look at being able to collect the taxes and the fees at a hundred percent rate. I am saying this, because, yesterday, as I was coming here I passed by NIC Bank where there is a parking for the bank along Lusaka road. There is also a parking for the County. The parking was full, actually. As I was passing I saw a very health county attendant there. The attendant told a driver of one of the cars intending to use the facility; “Leta shillingi mia moja, hakuna haja ya risiti”. I want to say that as we pass the Bill, and of course we will also pass the finance Bill, we have to look at how we are going to make sure that we collect this revenue 100%. Thank you, Mr. Speaker. I support

**Hon. Leader of Minority:** Thank you Mr. Speaker sir, before I contribute to the Bill, I would like to ask the new colleagues who have joined us that they should first make their maiden speeches, then contribute to the Bill. That aside, Mr. Speaker, I beg to support the Bill which is a crucial tool to this County. The Bill holds the key to unlocking this County's financial problems. You understand that this County is not functioning at all; it is in a financial crisis and we need this Bill to be passed urgently so that we can be able to undertake our tasks. As you are aware, many of us who were elected and I am not saying that to be arrogant to those who have been nominated, we made many pledges to the electorate at the grassroots. Those pledges cannot be fulfilled without finances and with this Bill passed; we can be able to fulfill our pledges. With these remarks, Mr. Speaker sir, I beg to support the Bill. Thank you.

**Hon. Speaker:** Thank you, very much, Hon. D. Kapeen.

**Hon. Member for South C Ward** (Ms Diana Kapeen): Thank you Mr. Speaker sir, first I would like to welcome our newly nominated members to the house and I would like to support the bill, it is long overdue. The elected members made pledges as my colleague has said. The only way forward is to pass

the bill so that we can deliver on the pledges that we made during the campaigns. In this view I would like to support the motion and also to commend the chair of the budget committee for having worked so hard to deliver this wonderfully crafted bill and I hope all of us in this house have one vision for Nairobi and the vision is to prosper. We can only prosper if we have finances. Thank you.

**Hon. Speaker:** Hon. Nyang'wara Nyang'wara

**Hon. Member for Viwandani Ward (Mr. Samwel Nyangwara):** Thank you, Mr. Speaker, as we started yesterday and some part of today, I have been complaining, but I thank you for giving me time to contribute to this motion. I support the Bill, but first I want to congratulate the Hon. Members who were nominated to this Assembly. As we all know, they went through serious issues before they came to this House and for that very simple reason I congratulate them for passing the serious tests they were taken through. I want to tell them to feel at home.

Mr. Speaker, I stand to support this motion because this is the gateway to prosperity for this County. This Bill is coming to the floor of the House for the first time and it will go down in history. But I would like to request the executive member for finance to come in future with another Bill that will elaborate on how he intends to collect these rates and taxes from our people. They have been collecting money in the past but at the end of the day, you find that those monies end up in the wrong hands.

We cannot continue doing things the same way they were done by the defunct City Council of Nairobi and expect very different results. We want to commend the finance executive member for having drafted this Bill. It has nothing much that any Member can interrogate or question and looking at the mood of the House, I want to finish by saying it is better, Mr. Speaker, because I am seeing the Hon. Members are in support of the Bill, we proceed with the third reading as the minority leader said. This County is in a mess and it is not functioning due to lack of money. I propose, Mr. Speaker, that we proceed to the third reading. Thank you.

Speaker: Hon. Manoah

**Hon. Member for Nairobi South Ward (Hon. Manoah Mboku):** Thank you Mr. Speaker. I rise to support this Bill. It depends on us as Hon. Members and the way we will want to perform our duties. You realize that since we were elected this County has been having hiccups because of lack of money and probably it is because we didn't have such Bills in place. In as much as I am in support of this Bill, Mr.

Speaker, I would want this Hon. Members to be fully involved and be vigilant because these monies being collected in our Wards, sometimes, just the way the Hon. Member has put it, ends up in the wrong hands probably because Members are not involved. I would suggest in that context that those receipts being produced in our Wards by revenue officers be passed through our Ward offices so that the county representatives can stamp behind the receipts to avoid these monies going to the wrong hands and also so that we can monitor them. Secondly, these revenue collectors or revenue officers in various Wards should also be changed as this Bill comes into effect so that we can also have new blood collecting these monies. Thank you, Mr. Speaker, I support this motion.

**Hon. Speaker:** The Hon. Zulfa, I hope I have said the name correctly.

**Hon. Zulfa Hakim (Nominated Member-Jubilee):** Thank you Mr. Speaker. I want to take this opportunity to thank the House, led by the Speaker, for welcoming us in this Assembly and giving us that good reception. Moving forward, I beg to support this Bill, because we need to take the interest of Nairobi residents at heart, this is why we are here and they have expectations on this House. Being the first devolved House that will be referred to in the future; we need to make a difference in this County. In line also with the jubilee manifesto most of these- *(Interruptions)* most of these recommendations are anchored in the Jubilee manifesto- *(Loud consultations)*

**Hon. Speaker:** Order Members! Go ahead.

**Hon. Zulfa Hakim:** Mr. Speaker, I hope I am on the right track, as you all know, I have never stood here before. I am just trying to say that the pledges that were given by the Jubilee government are- *(Loud consultations)* –yes– we need to make sure that they are implemented; it is the leading coalition Mr. Speaker *(loud consultations)*.

**Hon. Speaker:** Order Members! Hon. Members when I read a statement here, I read a statement of His Excellency the Governor of Nairobi City County. I read a statement in regard to his seven pillars of development. Hon. Zulfa is talking in her capacity as a Member of the ruling class and it is only fair Hon. Members that you give her a chance to say it. We have- *(Loud consultations)* Order Members! Don't force me to do what I don't like doing. What I am telling you members is that there is nothing to really be concerned about when you come to the floor. This Bill has been done by our own minister of the CORD government of Nairobi County and there is no problem for you to read it and refer to it. So, give Hon. Zulfa chance to speak her heart; her heart is Jubilee.



Hon. Members to enlighten you so that you don't clash on petty things, the chairman who has just gone through this is none other than Michael Ogada and when you look at his heart; his heart is CORD. So, I am trying to tell you we should give time to our brothers and sisters on this floor. So that I talk mine, you talk yours. The only man who cannot talk about other things, is this man who is standing here and I am sure that this man standing to my right Hon. Leader of majority knows what I am talking about.

It is a matter of good working relationship. We know ourselves and I want to sincerely ask you, quite frankly, what Members will gain by dividing this House; CORD this side and Jubilee that side? Scaring somebody from standing up to speak their mind? Hon. Members allow Hon. Zulfa to continue and take into consideration that the manifesto that is controlling the County is from the Governor who is a CORD member. Hon. Members, Hon. Zulfa, you can now continue. Hon. Members order! Warutere order! Leader of Minority order!

**Hon. Zulfa Hakim:** Thank you, Mr. Speaker, let me repeat once more that it is my first time to be here and I stand to be corrected, but I will still support my Jubilee manifesto issue based on- (*Loud consultations*) -let me finish please. Let me say that I respect the Governor of Nairobi County-

**Hon. Speaker:** Hon. Member, we have heard you. Continue.

**Hon. Zulfa Hakim:** Mr. Speaker, let me once again say that I support this motion because we need to change the lives of Nairobians as I said before, but I wish to add that whatever results will come from the passing of this Bill, let us see a change in Nairobi. That is my pledge. Thank you.

**Hon. Speaker:** Hon. Manyala.

**Hon. Member for Kayole South (Ms Elizabeth Manyala):** When we took oath, we swore to serve the people of the Republic of Kenya regardless of party affiliations (*applause*) the benefit-

**Hon. Speaker:** Order Members! I want you to stick to the Bill. When we will call you to Uhuru Park, you will wear your colours. Please discuss the Bill. Hon. Warutere

**Hon. Member for Roysambu Ward (Mr. Peter Warutere):** Mr. Speaker, sir I rise to support this Bill. But if you will allow me to add a few words and as you all know, this is a House of rules and procedure. I want to correct the Member, who has been before me, by telling her that we are not ashamed of the parties that brought us to this honourable House. We take pride in the happenings that are there and as we

speaking you are all aware of the good work that is being done by the Governor. We all know I am on point of order number 80, (*Loud consultations*) my dear Members and I have five minutes. Please allow me to proceed. Let me work on my five minutes with your permission Mr. Speaker.

As we speak we are talking about finances and as we are reading, the tidings that are coming from China our able Governor was able to go to China with the President of this Republic and through this cooperation we were able to get about Kshs85 billion. Having said that, allow me to continue with my remaining two minutes to support this Bill. I know Nairobians are looking upon us. This is a critical time and we need to rise up and avoid all side shows and stand up for Nairobi people. We were all elected or selected to serve the people of Nairobi. When you look at this Bill; the tenets of this Bill; it's like we need to do a correction so that we can go back and give Nairobi what they are waiting for. That is give them service; a better future, so that history will not be able to judge us harshly. Therefore it is for this purpose that we should all rise to support this Bill so that in the fullness of time we will be able to go to the next level. With these, I support. Thank you, very much.

**Hon. Speaker:** Order Members! I want to take you to Standing Order number 83(4), "*No Member shall impute improper motive to any other Member or to a Senator except upon a specific substantive Motion of which at least three days' notice has been given, calling in question the conduct of that Member or Senator*".

. So please let us not impute improper motives on the Governor. Hon. Leader of Majority.

**Hon. Leader of Majority (Mr. Elias Otieno):** Thank you, Mr. Speaker, for allowing me to come and contribute. First I want to take this opportunity to congratulate all nominated Members and I want to welcome them in this House. I am the senior most in this House, but I think we should stick to what we are discussing. I am not going to allow the side of Jubilee to bully my people, when I am in the House; I will not allow that. So because of the way Mr. Warutere has been told by the Leader of Minority to bully us Mr. Speaker- just see what they are doing... (*Loud consultations*) now they want to bully me. I will not allow them to bully me...

**Hon. Speaker:** Order Members! Hon. Otieno, please order! Confine yourself to supporting this Bill. Hon. Otieno.

**Hon. Leader of Majority:** Mr. Speaker. I rise to support the Bill, because we want to give service to our people and there are promises we gave them during our campaign period. The Jubilee people have a lot of hangover of campaigning every time. Let us not campaign forever. *(Loud consultations)*

**Hon. Speaker:** Order Members! Order! Hon. Member, what are you saying? I can't hear you. Approach the Speaker, and tell us what you have observed.

**Hon. Member for Makongeni Ward (Mr. Peter Imwatok):** Mr. Speaker, this House is a House of rules and procedure. There is a member who is not well dressed. He is dressed like a dancer on the floor, Mr. Speaker.

**Hon. Speaker:** Order! Hon. Member, the Members of this House are properly dressed. Hon. Members, I now call the mover to reply.

**Hon. Michael Ogada:** Thank you, Mr. Speaker *(Loud consultations)*

**Hon. Speaker:** Order Hon. Members! This is a very important Bill and I ask you to listen to the chairman.

**Hon. Michael Ogada:** Thank you Mr. Speaker. First of all let me take this opportunity to thank you all for making this debate very lively. That is a show of agreement with what we brought to the floor. You have realized the importance of the Bill we brought. Members what I am saying is that you have seen the sense in the Bill that we brought and as a result of this Bill, I think it is now two months before we start collecting the revenue. The County government has, therefore, already lost close to 4 billion Kenya shillings. Another thing Members- *(Interruptions)* 'Bwana' Speaker, I need protection from the Deputy Speaker and Leader of Majority.

**Hon. Speaker:** Order Members!

**Hon. Michael Ogada:** Mr. Speaker sir, another thing that I am saying is that I want to thank Hon. Members because of the consultative way of conducting our business. When you talk about consultations you will realize that when we were going through our budget in terms of grading, the Nairobi budget was graded number two in terms of the best budget in the country after Meru. This was as a result of the good work and good consultations and that is why with regard to all the Bills by the Budget committee we will always ensure that we consult everybody so that they are agreeable.

Another thing that I wish to promise you is that my committee is going to scrutinize the utilization of resources in this county once the Bill is passed and we will also depend on this Assembly to help ensure efficiency in terms of the management especially from the executive wing. When we notice anything that is not going to make our county appreciated, I will come to the House and shout it loud and I will depend on your support and backing so that we help this county to grow, particularly for them who know my type of work.

I am a person who does not care what political party you belong to, when you are not performing. You make no sense to me. What is important to me is that, I want people to realize the services of this County. So whenever we are going to notice anybody, let him not start talking things which we do not want to listen to. We will simply report and let appropriate action be taken by the Members of this House. I therefore promise that we are going to keep guard once you pass this Bill.

Finally as I finish, I told you it was meant to ensure that we don't lose resources in the subsequent years right from today. This bill is going to be a law, an Act within this Assembly. So next year, after tabling our budget; that is if our Finance Bill delays, it will not take us another two months before we start collecting revenue but on the basis of the Bill we are passing today, the Minister will have power once the Finance Bill has been tabled here, to start imposing taxes, fees and charges on the population. So we are not going to lose money from today onwards and for the purposes of the changes you made yesterday and your concerns about how you want us to be charged; because we do not want this Bill to be abused by the executive, I will again bring to this House the Finance Bill and I beseech Members to support the same.

Let as also move with speed so that they use the Finance Bill and not this one we are passing today. This one will be used in subsequent years. But because Members raised so many concerns and if you will not want to allow the executive to impose the fees that you didn't like, Members, from tomorrow we are going to have the Finance Bill, please do support it. Thank you, Hon. Members for your cooperation and your decision to pass this Bill.

**Hon. Speaker:** Thank you, Hon. Chairman, Ogada. Next order. Sorry, Hon. Members, I now put the question that the Nairobi City County Provisional Collection of Revenue Bill, (Nairobi City County Bill No. 3 of 2013) be approved. We are not yet on who is for and who is against, because we have not read the Bill a second time. So can it be read a second time. Hon. Clerk.

**Interim Clerk (Mr. Jacob Ngwele):** The Nairobi City County Provisional Collection of Revenue Bill 2013 (Nairobi City County Bill No. 3 of 2013), An Act of the Nairobi City Assembly to give statutory effect for limited period to orders of the Executive member of Finance imposing any new tax or duty or rate of tax or duty or creating any new allowance or altering or removing any existing tax or duty or any such rate or allowance and for connected purposes, Second reading.

**Hon. Speaker:** Hon. Members I now propose the question that The Nairobi City County Provisional Collection of Revenue Bill 2013 (Nairobi City County Bill No. 3 of 2013), An Act of the Nairobi City Assembly to give statutory effect for limited period to orders of the Executive member for Finance imposing any new tax or duty or rate of tax or duty or creating any new allowance or altering or removing any existing tax or duty or any such rate or allowance and for connected purposes, be read a second time.

Hon. Members, I now formally put the question that as many of that opinion say 'yes' as many of the contrary opinion say 'nay'. The 'ayes' have it. Next order.

**Interim Clerk:** Order number nine; motion

**Hon. Speaker:** The Hon. Maurice Akuk, MCA, Nyayo Highrise Ward, Nairobi. Motion number 9, Hon. Maurice Akuk.

#### **MOTION- LAYING OF FIBRE OPTIC CABLES**

**Hon Member for Nyayo Highrise Ward (Mr. Maurice Akuk):** Thank you, Mr. Speaker sir, I would like to move a motion; **THAT WHEREAS** laying of the fibre optical cables in the Country by the Government and Network Companies is a necessity to improving the level of information technology in the Country; **NOTING** that the Nairobi City County is now responsible for the physical planning of the County: **AWARE** that numerous trenches are haphazardly being dug all over the city, on pavements, roads and neighbourhood estates; and that little concern is taken to rebuild the sidewalks, and tarmac roads where the trenches were initially dug; **CONCERNED** that the city's physical beauty is being scarred and general orderliness threatened; **THAT** this Assembly urges the Government of Nairobi City County to immediately put a stop to the haphazard digging of trenches and reign in on wayward contractors who are responsible for this mess on our beloved city.

Having put my motion Mr. Speaker sir, I would like the House to debate on this particular motion and help us to bring the city that we knew in the yesteryears, back. I would kindly ask Hon. Adow to second the motion.

**Hon. Member for Eastleigh North Ward (Mr. Osman Adow):** Thank you, Mr. Speaker. I rise to second the motion. This has been necessitated by the fact that where I live I have seen what has been done. There are a lot of trenches that have been dug and most of the times they have been blocking the drainage system, where they put in a lot of dirt from the affected areas. At the same time, it has been good because there has been no rains, otherwise we could have experienced floods in my Ward. These people should be compelled to make sure that they clean up the mess left in their wake. The roads which they dig up are also not repaired properly after they move out. They should be made to repair the roads and make sure that the damaged sections are redone to standard so that when it rains we do not have potholes, again to deal with. So, I support this motion.

**Hon. Speaker:** Hon. Members, I now propose the question; **THAT WHEREAS** laying of the fibre optic cables in the Country by the Government and Network Companies is a necessity to improving the level of information technology in the Country; **NOTING** that the Nairobi City County is now responsible for the physical planning of the County: **AWARE** that numerous trenches are haphazardly being dug all over the city, on pavements, roads and neighbourhood estates; and that little concern is taken to rebuild the sidewalks, and tarmac roads where the trenches were initially dug; **CONCERNED** that the city's physical beauty is being scarred and general orderliness threatened; **THAT** this Assembly urges the Government of Nairobi City County to immediately put a stop to the haphazard digging of trenches and reign in on wayward contractors who are responsible for this mess on our beloved city. What Hon. Akuk forgot to put is who authorizes this and where is it done? Hon. Members, you can forgive me because it is getting dark and at sixty, my eyes have started to give away. Hon. Kairu Njoroge.

**Hon. Member for Woodley Ward (Mr. Njoroge Kairu):** Thank you Mr. Speaker sir, I would like to support the motion that has been brought by Hon. Akuk, which is surely long overdue. These people have messed our city because the contractors are just making money but the damage they are making to the Nairobi County is the damage that we cannot even be able to overcome. We know we have dire need of the fibre optic cable and that it is important to all of us. But let it be an agreement between the County of Nairobi and the persons responsible for that fibre so that whatever the persons do, they will be responsible for the repair of our roads that they damage and they will ensure that they return the roads to the former state. In fact they came to my area around Mbagathi way and dug terraces; they put the fibre cables and after doing what they did, they covered the terrace that had been constructed for drainage in the area. When the rains came, the drainage was overloaded, causing flooding. When I called the people

responsible, they told me that they were not sure of who to ask with regard to what was happening. So let us come up with a solution as to how we can solve this mess so that we do not damage our city. Thank you, very much.

**Hon. Speaker:** Hon. Kitavi. Hon. Member, I just gave you a warning that my eyes are getting off.

**Hon. Member for Laini Saba Ward (Mr. Bonface Kitavi):** Thank you, Mr. Speaker. I rise to support this motion however with some amendments. It has come to our knowledge that some people are digging these trenches haphazardly but looking at the last sentence of this motion, and it states that; *“this Assembly urges the government of Nairobi City County to immediately put a stop”*. I think it would not be on order to immediately put a stop. What this house can do is to compel the contractors who are digging those trenches to repair them as they go along digging.

We all know the importance of technology and we know that this fibre is going to help so many people. My request is that this motion be amended to read that this County urges or compels the contractors' to repair the trenches as they go along. If we say we put a stop, it means that we are putting a stop to the advancement which we need. We are all aware of the importance of technology so we cannot put a stop to a good thing or change from coming; it is like stopping the river Nile from flowing. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Member, when you talk of an amendment I would think if you destroy the environment for the sake of advancement, you will destroy the livelihood of the people. Hon. Member, the most important thing, first and foremost, you know how we live in this city; you know what they have done; in fact to use the word in Kiswahili you would say that they are doing “takataka” job, because what is left after; the aftermath of the advancement is affecting the children. These children walk to school in the morning using those destroyed pathways. Hon. Members. Hon. Otieno.

**Hon. Leader of Majority:** Thank you, Mr. Speaker, for giving me another chance to say a few words. I rise to support this motion but before I support it I would like to propose that we stop discussing this motion until we know the contractors because I don't see the reason why we should discuss it and yet we do not know the person behind the contract. I don't want us to be the people who just chase shadows, I propose we stop- (*loud consultations*) I don't like Eastlands because of this-- (*Loud consultations*)

**Hon. Speaker:** Order Members! He was expressing his own liking and dislike, allow him to speak.

**Hon. Leader of Majority:** Mr. Speaker, thank you, for protecting me. I discovered that we have a lot of noisemakers in this House. What I am saying is important to all of us. Nowadays you know that these contractors are leaving those loose materials on the sides and during the dry season, those materials are just blown all over, causing flu. So, Mr. Akuk, I am supporting this motion 100% and I must commend you for doing a very good job. But for us to discuss it let us first stop until we know these contractors. Thank you.

**Hon. Member for Dandora Area III Ward (Mr. Charles Thuo):** Thank you Mr. Speaker sir for giving me this opportunity. It has become really hard to catch your eye these days, now that we have ladies in the House. I welcome them.

**Hon. Speaker:** Order Members. Apologize please

**Hon. Charles Thuo:** Thank you, Mr. Speaker for protecting me. I apologize and I kindly withdraw. I take this time to welcome all nominated Members to this House. Please feel free and welcome. You are a part of this House. Before I contribute, I would like you Mr. Speaker, to take note of the Members of this House who have never made their maiden speeches so that when they do, they will not be interrupted. This is very important because most of them have not made their maiden speeches. I know people like Imwatok would like to disturb them.

I stand here to support this motion because the trenches that are being dug around this city are being used by criminals to tap illegal water connections and to steal communication cables as well as tap illegal electricity. Those of us who live in Eastlands, like the Majority Leader said, know how dangerous it is when people tap illegal electricity and these trenches are being used by criminals to tap electricity and water which are the property of this County. I stand here to support this motion and urge this House to move with speed and have those contractors brought to book. We must have an inventory of all the contractors that are doing that job and then we must have them answerable to the planning department of this House with the able chairmanship of Hon. Atenya Jairus. Mr. Speaker, I beg for your attention. You can see what the ladies are doing to the speaker (*Laughter*). So, I support the motion.

**Hon. Speaker:** Order Hon. Member! I want to remind the Hon. Member that these ladies are Hon. Members of this house and they have a right to catch the eye of the Speaker and indeed we have not seen the last of them. Only three have spoken. So you are going to be tired of them and I call upon the ladies to please contribute as much as you can. Beat these guys, pants down. Hon. Manyala



**Hon. Elizabeth Manyala:** Thank you, Mr. Speaker, I rise to support the motion. Whereas it has been said that it is only affecting the children, but I want to add that actually even the ladies in high heels. I have been a victim once and thank God I was wearing long trousers because I fell down and as you can see today I am wearing low heeled shoes. This state of affairs must be put to a stop with immediate effect regardless of who the contractors are. I urge the County assembly to put this to a stop. Thank you.

Speaker: Hon. Mulatya

**Hon. Member for Mukuru Kwa Njenga Ward (Mr. Alexander Mulatya):** Thank you, Mr. Speaker, welcome back our Hon. Members and ladies. I want to enjoin the rest in supporting this motion. As Hon. Kitavi said that this should be put to a stop with immediate effect, I concur with him. For instance for the people of Eastlands; not only are the fibre optic cable guys digging up trenches but also the sanitation systems. In my Ward there was a footpath from Kobil Petrol Station down to Automobile Association (AA) offices, where a sewerage system was dug. The contractors have pulled the system down and the footpath is completely destroyed. It was carbureted but right now we have no footpath for pedestrians and that is as a result of such contractors.

I would urge the County government to make sure that we get to know who the contractors are because I am made to understand that the reason why the trenches are being left open is because some of these contractors are shoddy and that they cannot maintain the tarmac once they destroy it by digging the trenches. They fail to re-tarmac the roads. I think that is one of the reasons why they are not doing the work that they are supposed to do.

On the issue of the fibre optic, I understand that there are some companies which are good. For example, those who dig under the tarmac road to pass the cables. But those who fail to do that, I think it is high time for us the people who represent Nairobi County to act. Remember Nairobi County is a city County that is also a capital city. So they should be stopped forthwith for proper contracting to be given to the right persons. Thank you. *(Loud consultations)*

**Hon. Speaker:** Order Members! Hon. Members as we continue with this very important motion that has been brought by Hon. Akuk, I am sure that you read newspapers. It is only this County that has not made an impact to stop the wrong things from happening. You saw what Nakuru County did, what Kitale, Kakamega and Kisumu people did. So when you talk here while contributing to this motion, what you are

going to pass here will be effectively done. This is what I want the leaders who are here to ensure it is done. The Leader of Majority, what these Members are going to say here today, must be done.

Waheshimiwa nataka kusema ya kwamba Assembly ya Nairobi ndiyo inasemekana ni ya 'mapastor' na 'masheikh' kwa sababu hakuna kitu ambacho mmefanya 'kudraw' attention ya 'Nairobians' kwa shida zile ambazo wako nazo. Shida si pesa peke yake, shida si 'financial' peke yake. Jambo ambalo tunasema hapa, 'Leader of Majority', ambaye anasimamia serikali, ahakikishe ya kwamba sauti ya waheshimiwa hapa imesikika kama vile ya mandugu zetu katika kaunti zingine. Kaunti Assembly juzi kule Nakuru ilisema hakuna kondoo na mbuzi kutangatanga mjini ovyo ovyo na ikawa hivyo. Wengine walisema bodaboda wasipatikane kwa mji. Nyinyi hamjasema chochote sasa ni mwanzo ambapo tunataka 'Leader of majority to test muscle' yake na mimi nitasimama na hawa waheshimiwa, Thank you Members. Hon. Kamau.

**Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo):** Thank you, Mr. Speaker, I rise to support this motion. I recognize that we live in a digital age and we must lay the infrastructure for this age. What I want to say is that we need this infrastructure but when putting up this infrastructure, we should also consider safety and to see to it that we are safeguarded. We should ensure that these contractors are licensed to conduct their business. If they are given licenses to engage in their activity, after they complete their work the County government should be keen to see to it that the damage caused to the roads is addressed.

Yes, Mr. Speaker, we need technology but the officers of the County should check to ensure that the work is accomplished. I will give a scenario of where I come from, Karura. I want to give an example of what happened with the contractors especially Kenya Power and Lighting Company (KPLC). They gave a contractor some work to rehabilitate electricity infrastructure and as a result of that many houses were demolished. This was in a slum, the people were not compensated and when various leaders of the area went to the Council to raise their complaint nothing was done. So, Mr. Speaker, we should be vibrant and vigilant as a House and make sure this stops. Of course we need development but at the end of the day we also require safety measures to be undertaken. With those few remarks I support. Thank you.

**Hon. Speaker:** Hon. Member

**Hon. Member:** Thank you, Mr. Speaker for giving me this opportunity. I want to support the motion and say that we are complaining that we do not have money in this city, yet big companies that make

billions are contracted. We need to know how much the contractors pay to use the Nairobi County facilities to lay the fibre. They cause a lot of inconvenience to Nairobians. I support the motion by saying that these people should be first stopped and let us know how much they are paying to the city County. In the Finance Bill, we have not seen an account of any money paid in by these contractors in terms of the technology they are bringing. We use the same companies for communication purposes and as much as we pay their bills, we would like to know what contribution they are making to the County revenue. We need to stop the inconvenience they are causing us. I also concur with what Hon. Kitavi said that the fibre has to be laid but the contractors should restore the roads to their former state. Thank you.

**Hon. Speaker:** Hon. Mbau

**Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau):** I rise to support this motion but with amendments. I propose we erect a small sign at the site to reflect on the particulars of the contract, the duration and the commitment of the firm to restore the ground to its former state. The reinstatement work should commence not less than 24hrs once the work is complete, Thank you Mr. Speaker.

**Hon. Speaker:** I now call upon the mover of the motion to reply.

**Hon. Maurice Akuk:** Thank you, Mr. Speaker sir, and I do appreciate the Members of this House for generally supporting this motion and I am glad that we share the same sentiments for the love of this County. I would like to add just a few things to make you understand why we had to come up with this motion because Mr. Speaker, you note that every Member that stood before you had a complain and most of them especially Hon. Manyala did talk about the ladies being affected by these trenches.

Even though I do agree with Hon. Kitavi on the amendments to be made to this particular motion, I do also like to let him know that the English used here is not what he analyzed. He needs to get back to the motion and understand completely what English has been used there. It is not actually putting a stop to these people doing the fibre optic cable laying but putting a stop to the haphazardness of digging the trenches and without doing a proper job. I was lucky in the past week to take my daughter to visit cities down in the south. I was in Kigali, Durban, Pretoria and the rest including Windhoek and I was surprised to see them doing the same thing we are doing here today, laying of the fibre optic. Mr. Speaker sir, the way it was being done; you could organize for us Members to visit those cities; very beautiful cities indeed, so that we see what they are doing in the laying of the fibre.

It is not only in Nairobi but it is being done all over Africa; but the one in Nairobi seems to have lost focus. It has lost focus, because; I represent the people of Nyayo Highrise Ward and this Ward has only one tarmac road that was done by the UN habitat. It has a very beautiful pavement or sidewalk. This beautiful pavement or sidewalk made me write a letter to Safaricom and I don't know if you remember they did reply in the newspapers after they had actually talked to Siemens. They talked to Siemens to re-do this tarmac that they were spoiling and in my Ward, the impact is that after spoiling the tarmac they have redone it. But I did not like it, because the people who did the sidewalk used some specifications to do the sidewalk. The road is classified, as the Hon. Leader of Majority will share with you, he knows about roads specifications.

So I don't know why somebody would come to dig trenches on a beautiful road that this County has spent so much money and time and then when they are done, they don't re-carpet it back to specifications. Mr. Speaker this sound system is not working and something needs to be done. Maybe we need the fibre optic in the city hall so that we have better sound.

Mr. Speaker, you will agree with me and the Hon. Members know that this devolution was heavily borrowed from South Africa and we should have a visit to these cities and see how fibre optic cable laying is done in a better system than ours. I agree with you as you have advised that this city for once needs to come up with legislations. I have been advised by the Clerk of this House that instead of a motion we need to come up with legislation that will reign on these contractors because with a Bill we will have an Act and an Act will be law. This law will govern our beautiful County. That means that our county will never have these contractors who do shoddy jobs and do not actually finish the work and they leave this city in a very disadvantaged state. Mr. Speaker, I do not have much to say but to thank the Members and I hope that when this motion will be put to question, they will all agree with it. Thank you.

**Hon. Speaker:** Hon. Member, before I put the motion to question, I would like to assure Members that what we have discussed here is not in vain because as soon as you are done with this it will be forwarded to the implementation committee where the Leader of Majority is the chair. I will also like to call upon the Member to come up with a Bill, which will be enacted to protect not only the women but the environment of Nairobi. Hon. Members I now put the question; **THAT WHEREAS** laying of the fibre optic cables in the Country by the Government and Network Companies is a necessity to improving the level of information technology in the Country; **NOTING** that the Nairobi City County is now responsible for the physical planning of the County: **AWARE** that numerous trenches are haphazardly being dug all over the

city, on pavements, roads and neighbourhood estates; and that little concern is taken to rebuild the sidewalks, and tarmac roads where the trenches were initially dug; **CONCERNED** that the city's physical beauty is being scarred and general orderliness threatened; **THAT** this Assembly urges the Government of Nairobi City County to immediately put a stop to the haphazard digging of trenches and reign in on wayward contractors who are responsible for this mess on our beloved city. As many as are of that opinion say "aye" as many as are of the contrary opinion say "nay". The "ayes" have it.

*(The motion on laying of fibre optic cables was passed)*

Hon. Member for the famous Eastleigh.

**Hon. Member for Eastleigh North Ward** (Mr. Osman Adow): Thank you, Mr. Speaker, I rise on two issues. First one is our parking. We are having problems parking when we come late. I know that I have been assigned a parking space but immediately I arrive one of our own Hon. Member or somebody else from the public has parked in my place and when I go complaining to the people concerned, nothing is done. I request that you reinforce the fact that the parking you are given remains yours.

Secondly I think the people of Eastleigh do not read the newspaper called the Star. There was an advert of jobs that was put in the Star Newspaper, last Wednesday but none of them saw it until it was mentioned here to us. I think one of the requirements is that you put the adverts in a newspaper with a wide circulation and the Star definitely is not in circulation in Eastleigh and therefore we request an extension of the deadline to next Wednesday so that some of the people can apply. Thank you, very much.

### ADJOURNMENT

**Hon. Speaker:** Order Members! First of all the Star is a major newspaper that is read in the world. It is on the internet too. Hon. Members, on the issue of parking; I witnessed how Members not only miss parking but also get harassed. I promise this House that on the rise of this House, I will tackle that menace and from tomorrow morning, you will have your parking card and your number marked. *(Loud consultations)* They are marked, unless you have parking from other places. Order Members! Anyway, anyhow all I care is to see 127 parking spaces available for you and that is a promise I make and when you come here tomorrow at 2.30 p.m and you don't have your parking, you can blame the speaker. Honorable members the house is adjourned to 2.30 p.m tomorrow.

*(The House rose at 4.27pm)*