



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – First Session

Tuesday, 2nd July, 2013

The House met at 2.30 p.m

(Mr. Speaker in the Chair)

PRAYERS

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Mr. Speaker sir, thank you very much.....(*Interruption*)

Hon. Speaker (Mr. Alex Sanaika Ole Magelo): Hon. Members, we would like to ask you to request for statements before we call on the Hon. Ochola

REQUEST FOR STATEMENTS

REQUEST – STATEMENT ON PARKING AREA BUILT ON RIPARIAN LANDS (WEST GATE AND CITY GATE MALLS PARKING AREAS)

Hon Member for Makongeni Ward (Mr. Peter Imwatok): Thank you, Mr. Speaker, I would want to request for a statement from the Department of Agriculture, Environment and Natural Resources through the chairperson. This is not a statement, it's a request. The city of Nairobi initially was placed as the city in the sun. This was due to the well planned city that considered the environmental factors.

There are many constructions and buildings on riparian lands and river banks. I would wish to know if the areas where the utilities such as City gate mall parking, Westgate mall parking and other malls and buildings are built within riparian land or not, and who authorized the sale for commercial use by the said commercial entities and what revenue they are generating to the county as compared to the money collected by private developers who collect a lot of money as parking fees and other charges. And if not,

what is the department doing to correct the mistake and the grabbing of riparian lands in the city by the unscrupulous investors who do not care about the environment and public utilities.

My second statement is a request to the Transport and the Public Works Department on the same, to clarify on the validity of parking buildings on riparian lands and river banks. I would wish to know the area where all the parking lots and parking areas are, whether they are within the riparian lands and whether they are authorized by Public Works and if yes, which criterion was followed by the developers to put up these parking and charge the area residents within their jurisdictions. I would request for these statements from the Departments of Transport and Public Works, and Agriculture and Natural Resources. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, very much Hon. Imwatak. Transport and the relevant Departments, how long do you need to bring those answers to the floor?

Hon. Member for South C Ward (Ms Dianah Kapeen): Thank you, Mr Speaker Sir. The Transport Department would report in the next sitting. Thank you.

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Thank you, Mr. Speaker sir. On behalf of the chair, we are requesting for one week to give the statement.

Hon. Speaker: Thank you. But what we want is a precise response to what the Hon. Member, Peter Imwatak asked. We would like a comprehensive report from the two Departments. The Chairs of those Departments should furnish us with the responses. Let us move to the next statement. Have we finished the request for statements? Hon. Members we have only received requests for two statements which have been dealt with. I now call upon the Member who stood a minute ago.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you, Mr. Speaker sir, I wanted to emphasize on the clarification of time. My fellow Hon. Member has said that they will inform the Department's chair to respond in a week's time. But according to my understanding the house will go on recess. Can the response be after two weeks, Mr. Speaker sir?

Hon. Speaker: Hon. Member, you have seen the debate and I think let's give the respective leaders time since we have the cabinet in place. They will be able to get the answers to these questions, I know for a fact. Hon. Members we now move to the statements from the respective committee chairmen. We start with Hon. Kapeen.

Hon. Dianah Kapeen: Thank you, Mr. Speaker. A statement requested by Hon. Hashim Kamau pursuant to Standing Order No. 41(2c) on 30th June 2013. Mr. Speaker sir, the sectoral committee on Transport and Public Works.....

Hon. Speaker: Communication in this House is not effective.....

Hon. Dianah Kapeen: Mr Speaker sir, the sectoral committee on Transport and Public Works was established under the Standing Order 191.....(*Technical hitch with sound system*)

Hon. Speaker: What is the point of the Chairlady coming forwards to give.....

RESPONSE TO REQUESTED STATEMENTS

STATEMENT ON THE PARKING SPACES BEHIND NYAYO HOUSE AND THE DEPUTY PRESIDENT'S OFFICE

Hon. Dianah Kapeen: Pursuant to Standing Order No. 41(2c) on 30th May 2013, Hon. Hashim Kamau requested for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works on the following:-

- a) The ownership status of the parking spaces behind Nyayo House and also behind the Deputy President's office
- b) The Ownership status of the matatus normally parked in front of City Hall Annexe
- c) An account of the revenue collected from the above parking areas in 1 & 2 above
- d) Whether the Nairobi City County staff is assigned the duty to collect parking charges from the said parking spaces.

The sectoral committee on Transport and Public Works at its meeting held on 5th June 2013, resolved that the County officer responsible for the parking gives a report in response to the issues raised herein. The office of the Governor through the County Officer responsible for parking gave a report dated 1st July 2013 in response to the said issues as follows:-

Hon. Moses Ogeto: Mr Speaker sir, these questions

Hon Speaker: Order Member!

Hon. Dianah Kapeen:

The ownership status of the parking spaces behind Nyayo House:

The County used to collect parking fees but sometimes last year we were just told to withdraw our personnel and there is a private company collecting the money. The department of Legal Affairs can shed more light on this as we were told the case is in court.

The ownership of the parking behind the former Prime Minister's office:

The Gichamu Road off street parking was among the roads which were illegally allocated L.R 209/1150 located behind Comcraft House. It was among the lands that were in the Ndungu Report for revocation/repossession as per attached copies. There have been several suits in court concerning the same property. It was finally given to the administration of Rahab Wanjiku Estate through an agreement by the Director of legal Affairs that full payment of rate arrears amounting to Ksh3.5 million be paid which was done on 8th August 2012.

Issues Raised

The bone of contention was whether the piece of land was irregularly allocated and not the rate arrears. Why has the plot not been officially repossessed by the County despite the recommendations of the Ndungu Report?

Recommendations

1. The County should nullify the agreement of the former Director of Legal Affairs and move with speed to repossess the said property.
2. Ownership status of the 'matatus' normally parked in front of City Hall Annexe:
Due to shortage of motor vehicles, the 'matatus' were outsourced by the Nairobi City County to help in picking and dropping revenue collections. They are also used by Debt collection and License sections, details about the contacts are with the Director of Procurement.
3. The County cannot access information on the revenue collected on the above parking areas as they are now private land.
4. No Nairobi City County staff has been allocated duties to collect parking fees from the said areas.
5. There were no arrangements related to the allocation. The department of Legal Affairs should be called upon to shed more light/progress on the court cases.

Mr. Speaker sir, I wish to table the report herewith. Thank you

Hon. Speaker: Thank you very much Hon. Dianah Kapeen, the chair, Transport and Public Works and more certainly for your elaborate answer and indeed it is now up to the Members to interrogate the issue of these two parking which ideally belong to the Nairobi City County but are currently in private hands.

I would also wish you to go deeper and exactly find out more about the parking behind Nyayo House. Parking fees, for the parking, used to be paid to the council but now it's under private hands. It is your duty to make sure that what belongs to this county comes back to the county and especially taking into account the role officers of this county played in signing agreements and at that time they never sought the express authority or resolutions of the council.

We are in charge now and it's up to you to take full responsibility for returning some of these items to our files in the county. In future, the Legal Department, I am sure we have the leadership of that Department here with us, I would like to ask you to open your eyes and don't close your ears. Thank you very much.

Hon. Chief Whip of Minority (Mr. Hashim Kamau): Thank you, Mr. Speaker. First and foremost, let me congratulate the chair and members of the Transport and Public Works Committee for a job well done. The report has just been tabled and it's my request that I may be given time so that I can study the it and if it's possible the item can be put in the order paper of tomorrow so that we can discuss the issue. Thank you.

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you, Mr. Speaker. I am kindly asking for your direction, because though we were not given the answers in advance and I think it could

have been also important so that once we stand up for supplementary questions, we could always be asking questions on something that we have in mind.

But I have heard the chairperson of that committee respond that there is a section that is already a matter in court. And I don't know whether it's in order actually to interrogate that section that is still in court. And the other concern is whether the matter before the court is still alive or it is a dead case because if it's a matter that is still alive, it will be difficult to discuss it before this house.

Hon. Speaker: Thank you, very much Hon. Otieno for that. But Hon. Members, I want you to take this matter very seriously because, if I heard it very clearly from the Chairlady, the indications from the Legal Department, some amorphous bodies and the so called Legal Transfer of County land is unacceptable. Since we do not have papers to gamble, I will only think that it is important for this house to continue to interrogate them until we get orders which give us direction not to discuss a matter and that will call for us to discuss the office of the Director Legal Affairs and the county. Thank you.

Hon. Member for Eastleigh Ward (Mr. Adow Osman): Thank you, Mr. Speaker. I think that I also came to that conclusion in the Legal Department before. Because in all our deliberations we found that department wanting. Is it in order to call for the disbandment or what do you call it? To ban or at least to reconstitute the Legal Department and send all these people who are there currently home? That will be my request. Thank you.

Hon. Peter Imwatok: Thank you, Mr. Speaker. I think this issue is very important for this County of Nairobi, in particular after the budget last week. We have a shortfall of Ksh14.3 billion and I feel the mover of the question should bring up a motion so that we can ratify this agenda and we cancel all these allocations of these private parking in the city so that we can run them as the County Government of Nairobi.

If you look at all the parking and the projections of the budget, they are paying inadequate funds to the County Government of Nairobi while they are collecting billions of money. For me, who comes from a semi slum area, it can be an opportunity to employ young people in these parking areas so that they can collect more revenue for the County Government. So, I beg to move that the mover of the question should bring a motion immediately in this house so that we can ratify the motion and we move with speed to repossess these parking Mr. Speaker.

(Applause)

Hon. Speaker: Thank you very much, Hon. Imwatok. That was well-spoken and I wish we would take that line.

Hon. Member for Ngara Ward (Mr. James Mwaura Chege): Thank you, Mr. Speaker sir. It is important that we understand the seriousness of this matter. It is also imperative that I remind the house that I am a part of the Roads Committee and we did a very thorough investigation on the issue. I can't agree more on what my brother has said, but we also need to move in terms of a motion so that we also have a resolution that is going to give powers to this County Government to be able to effectively deal with the parking menace.

The Chief Accountant in charge of parking disclosed to us that the parking capacity of this city currently stands at 9,000, I think 9,200 and if you do some calculations with the 9,200 figure in mind and reconcile the results with the amount of money that we are currently collecting, you will realize that we will not be able to meet or the Executive is not going to meet the target of 1.9 billion that they are expecting the parking attendants to collect. So, Mr. Speaker it is important that we move in the direction of a motion.

Secondly, Mr. Speaker, I would also want us to have an inventory of all parking spaces including possible parking areas that we have, so that we know who owns or who is running the parking behind the office of the Deputy President or who owns the other one around Nyayo House, what is the status and what do we want to do with it. If we have an inventory, I think the answer to the questions will be able provide us direction.

Lastly, there is also the issue of zoning that comes with this issue of parking. If you are a Member and say your area for example is Kayole, and the parking attendant is sent there, you cannot expect Kayole to give you the same amount that Central Business District (CBD) is giving you. In Ngara for example we are charged the same as CBD yet the business that the CBD generates is very far above what is generated in Ngara.

So, Mr. Speaker, this is a question that we ought to take seriously and we need to get hold of all these sharks that used to operate in the defunct City Council of Nairobi and through them out of Nairobi as fast as possible. So it is important that we first of all get the statement that has been read, interrogate it as soon as possible and then the Member who raised the question has the advantage of taking up a motion and then we go into the direction of a resolution that is going to take this house where we are supposed to go, Mr. Speaker. Thank you.

Hon. Speaker: Thank you, very much Hon. Chege.

Hon Pius Otieno: Thank you, Mr Speaker for having given the direction. I stand up actually to commend the committee for the good job done. But other than commending the committee for the good job, I was also expecting the committee to table the agreement between the defunct Nairobi City Council of Nairobi and these other private partners that are now running these parking areas, because that one could have been the basis of interrogation.

Then secondly, I still do not know if a motion that urges the Nairobi City County to do ABC as far as parking would actually have a serious impact. For me, if the same committee would come up with a bill, the Nairobi City County Parking Bill, then through this bill they would enumerate what would be the process of leasing a parking. This is because if we have a bill that would be enacted into an Act it will have a bigger force than a motion. So, I still want this committee to table the correspondences that the defunct City Council of Nairobi used while they were leasing out these parking spaces. It is on the basis of these papers that we are going to interrogate more. Thank you.

Hon. Speaker: Thank you, very much Hon. Otieno. I think Hon. Otieno has a point and especially very recently, that is up to last year, I think November, the Council was still running the parking behind

Nyayo House. That one cannot hold because the documents are still very fresh. I would ask the chair and her committee to move and get those papers especially for the one behind Nyayo House. For the last five years we have been parking there and it changed hands last year, I think, in November, December and January. You should get the documents as quickly as possible.

The other point Hon. Otieno has raised is also valid. But I will urge the house to move with speed, because the more we delay in some of these issues, the more the merchants of grabbing get ahead of us. So, this time move ahead of them while we await the paper work because the same Department which went into agreement with these land grabbers is the same one that will tell them; *'now, we think the Hon. Members are planning to do ABC.'* So, I think we should continue interrogating these matters and ask the Transport Committee again to move with speed to get these papers in regard to private partnership that has been done so that we can now move fast.

The other point with regard to the bill on parking; first of all get your parking back and then you can know what to do with them whether through a bill or through by-law or through parliamentary reprieve. First of all get what is yours, and then you can get into proper partnership with people engaged in building high rise parking with the approval of the County Assembly and County Government. Thank you.

Hon. Member for Dandora Area Ward (Mr. Stephen Murathi Kambi): Thank you, Mr. Speaker sir. First, I want to congratulate the chair for having done the investigations. But then, I think this is a wakeup call to all sectoral committees because the County has a lot of properties and the issue of PPPs (Public Private Partnerships) has been used to grab the County properties and people hide behind them to use the properties of this County as private properties.

I think the chairmen of all sectoral committees should make a point of engaging the Chief Valuer so that we can have an inventory and take stock of our properties because these are properties that are supposed to serve the public, the people of Nairobi County who pay their taxes. I think the Chief Valuer is the custodian of all County properties and should actually be summoned or invited whichever is easier to all sectoral committees so that we are able to know which properties are still in the County and those still with the PPPs.

We should know the benefits that the County is getting, because most of parking areas are benefiting the private companies that are leasing them and no revenue is generated to the County. As Hon. Imwatoke just stated, most of these properties can generate a lot of revenue to enable us to employ our young people. The issue of unemployment is big and it is giving Members a headache in the Wards. Thank you.

Hon. Speaker: Thank you very much. I think this is what Hon. Hashim just said, because if you look at these documentations you will see agreements made by officers of the defunct Council. So it is important to have all documents tabled tomorrow. It is important for you to read this report and please come up with amendments so that we can bring back our land and let the people know how serious we are and then in future the executive will have no excuse with regard to collecting enough revenue.

Ponder over this Hon. Members; that every day you or your wife go to the supermarket, you or she pays for the hours or minutes you or she stays in that parking lot. So, it is up to you to look into this. Whose parking are they? Is it part of what the entrant entity has built? For example, the supermarket like Sari, is it their parking?

But we must salvage our property. I am very happy with the Hon. Member who moved this question. It is time now for your director to be seen and I am sure he is going to send a message when you start. If you go to the Diamond Plaza, the parking belongs to the Nairobi City County, and the land belongs to the City County. It's important we move in the right direction. I think as Hon. Hashim requested please go and read this report and tomorrow at 2.30 p.m we shall interrogate the matter further. Thank you. Hon. Jeffer Kassam.

STATEMENT ON COUNTY FLAG, EMBLEM AND SEAL

Hon. Member for Parklands/Highridge Ward (Mr. Jeffer Kassam): Thank you, Mr. Speaker. This statement is in response to the request by Hon. Hashim Kamau, pursuant to Standing Order 41(2c), issued on 30th May 2013. The sectoral committee on Justice and Legal Affairs is established under the provision of the Standing Order No. 191 and is mandated among other things to investigate, inquire into and report on all matters relating to the mandate, management activities, administration, operations and estimates of the assigned departments.

Pursuant to the provision of Standing Order No. 41(2c) of 30th May 2013, Hon. Hashim Kamau requested for a statement from the chair of the sectoral committee on Justice and Legal Affairs on the following:-

1. The legal framework and the processes for achieving the County's flag and emblem
2. The issuance of County Members with business cards and letterheads

The sectoral committee on Legal Affairs in its meeting on 6th June 2013 resolved that the County officer responsible for the Legal Affairs Department gives a report in response to the issues raised herein above. The office of the Governor through the Director Legal affairs Department responded thereto vide an internal memo ref. LA/LIT/114/M/013 dated 28th June 2013 as follows:-

The legal framework and the processes for achieving the County's flag and emblem is to be founded on section four of the County Government Act No. 17 of 2012 which states inter alia:-

1. Every county shall enact legislation prescribing the following symbols:-
 - a) The County flag
 - b) The County coat-of-arms
 - c) The County public seal
2. The Executive shall develop the symbols of the County through a consultative process for approval by the County Assembly by legislation

3. The County legislation enacted under subsection 1 shall provide for the use of county symbols in the same manner as provided for in the National Flag, Emblem and Names Act
4. A county symbol shall not be the same or bear likeness or similarity as to a national symbol. Section 2 of the National Flag, Emblem and Names Act Cap 99 of the Laws of Kenya provides for a declaration of a national flag.

It therefore follows that, the County has to first enact legislation prescribing the County symbols as per the requirement of Section 4 of the County Government Act and since such legislation must conform with the National Flag, Emblem and Names Act Cap 99, Laws of Kenya, the symbols prescribed must be registered with the College of Arms under Sections 4, 5 and 6 of the College of Arms Act Cap 98 of the laws of Kenya, equally all the County's contracts binding must be sealed with the county seal.

The process of developing the symbol is in progress as the County has already advertised for the competition for the same. Once the symbols are ready, necessary legislation will be made to allow for their use. Mr. Speaker sir, I just wanted to add that the latest development is that, the competition was finalized, the symbols were chosen and there is legislation which is being drafted at the moment in form of a bill. It is at the drafting stage and will very soon be tabled before your office. Mr. Speaker, I hereby wish to table the report.

Hon. Speaker: Thank you very much, Hon. Jeffer for that elaborate answer. Hon. Members, I want to say from the onset that I am very delighted by the way you are researching on these issues and on behalf of the Assembly I will always say we are proud that you are able to get all these results in a very short time. This should be emulated by the other Members, the other chairmen of committees. When you come to give statements or response, come with solid answers for the benefit of your committee.

Hon. Hashim Kamau: Just for correction, Mr. Speaker, the request was made by Hon. Isaac Ngige and not Hashim Kamau. Thank you.

Hon. Speaker: Correction please, the request for the statement was made by Hon. Isaac Ngige and not Hashim Kamau. Can you correct that Clerk?

Hon. Member for Mwiki Ward (Mr. Isaac Ngige): Thank you, Mr. Speaker for that. I believe the Clerk will make the correction, its Hon. Isaac. I want to commend the chair of the committee for the good response. What I would probably urge is that they move quickly in following up, to ensure that it is done. We, as Hon. Members, are trying to make our own kind of business cards and sometimes it is hard even to communicate through our offices to any other office because we lack letter heads.

So, it is in order for us to move quickly on that. May I also add that because the issue of the logo and emblem includes branding and Public Relations for the County of Nairobi, I think it could be in order if you look out for preferable colours for the Nairobi County, because people might confuse us with the City Council or 'Kanju' as it is commonly known because of the using the green and yellow colours of old.

The uniforms that we have and the colours that we use, I don't want to sound harsh, but I think those colours are not really the colours we would like to move on with. So we would like to compel the Governor or the Executive to look into that direction of seeing whether we could do branding of the Nairobi City County so that we can come up with new colours, our new emblem and new logo that will reflect the Nairobi City County, which is distinct from the City Council of Nairobi. Thank you so much, 'bwana' chair for the response.

Hon. Speaker: Thank you very much Hon. Ngige. I would also want to ask the Clerk to direct us, when we come to the next meeting may be next week, in the next sitting, as to whether the colours or the logos that are being used left and right in the County can or cannot do contracts? Are we using the wrong things? Are we using the wrong emblem, for example the one on the letterheads from the office of the Governor? Is it on temporary basis? I am asking the chairman, Hon. Jeffer to tell us whether what we are using is wrong and I think that it is getting late because Members should have proper business cards. You cannot have a card today with a national emblem, tomorrow you have another one. People may start labeling us as people who don't know what we are doing. So I think the chairperson concerned before the tabling of the legal County emblem and coat-of-arms, what should we really use? We need an answer tomorrow. Hon. Abdi Hassan.

Hon. Leader of Minority (Mr. Abdi Hassan): Thank you, Mr. Speaker sir. I requested for a statement from the chairman of Labour and Social Welfare and the statement is not forthcoming.

Hon. Speaker: Hon. Members, Hon. Ochola, please you have a statement to give.

Hon. Wilson Ochola: Yes. Thank you very much, Mr. Speaker. I have the following statement to make.

Hon. Speaker: Order member! Point of Order! I now call upon the Hon. Elias Otieno to read order No. 8.

Hon. Leader of Minority: How can the chair give a statement without giving me a copy of the statement? I have not gotten the copy of the statement, Mr. Speaker sir.

STATEMENT ON THE OFFICE OF CHIEF OF STAFF

Hon Wilson Ochola: Yes, Mr. Speaker sir. To answer the Hon. Member, I think he must have been given the statement. He may check with his secretary. I have the following statement to deliver. On 30th May 2013 pursuant to Standing Order No. 41(2c), Hon. Abdi Hassan, MCA, Leader of Minority requested for a statement from the chairperson of the sectoral committee on Labour and Social Welfare on the following:-

- a) Job description of the Chief of Staff of the Governor's office.
- b) How much will he/she be remunerated?
- c) What are his /her qualifications?

The committee sat on 26th June 2013 and send a letter dated the same day to the Interim County Secretary requesting for the statement on the above. The interim County Secretary via a letter dated 28th June 2013 gave the following response:-

Salary	Kshs232,860/=	Per month
House Allowance	Kshs56,000/=	Per month
Commuter Allowance	20,000/=	Per month

Terms of Service and Contracts

Duties

- 1 Liaising closely with the Governor to ensure the overall smooth running of the office.
1. Managing the Governor's diary
2. Supervising the political and parliamentary office of the Governor
3. Coordinating the Governor's oversees and local contacts and visitors in liaison with the Administration department
4. Supervising the Governor's strategy and delivery units
5. Any other duties that may be allocated by the Governor

Qualifications

- Bachelor's degree in Business Administration – Inorero University next to Kahawa
- Executive Masters degree in Leadership in National Development

Mr. Speaker sir I wish to table this. Mr. Speaker, I am through but I wish to say something with regard to the football team which is.....(*Interruption*).It is written Mr. Speaker.

Hon. Speaker: Order Member! You can ask a question at a separate time. But for now, thank you for your answer.

Hon. Wilson Ochola: Okay. Mr. Speaker, I was requesting this also; that after this you request for the Labour Committee meeting. I beg for this 'tafadhali', that you request for us to meet.

Hon. Leader of Minority: Thank you, Mr. Speaker sir. I have not been furnished by the statement and I think through your induction this thing should be stopped so that this statement should be given to me and I can have queries on it tomorrow.

Hon. Speaker: Hon. Member, thank you very much. It is fair for the Leader of Minority to get the answer. Hon. Hassan are you saying that we interrogate the issue of the Chief of Staff tomorrow? So be it, tomorrow 2.30 pm and please can we have the statement handed over to Hon. Hassan? Hon. Ochola, you did not tell us when the degree at Inorero University was undertaken. You said that Inorero University is in

Kahawa. Remember there is no Inorero University in Kahawa. You indicate the details and the Clerk to liaise with the Chairman of Labour and let him tell us the date of the so called Inorero University qualifications.

Hon. Member for Komarock Ward (Mr. Samuel Irungu): Mr. Speaker sir, I would like to seek clarification from the chair as to the procedure of the chairs reporting to this House, because in my view, once the documents are tabled in this House they become the property of this honourable House. If the reports are not seconded and they are not adopted, it means there is no way we can commit the Executive to execute. So, I would request that you give clarification on this matter, Mr. Speaker, because already we have had statements from the transport and Public Works, we had a report on.....

Hon Speaker: Order Member! I just want to enlighten the Hon. Member a little bit. It is not a motion because motions are the ones that require a Member to second. These are statements which are being read and tomorrow when we interrogate all the reports, that is when we will make a decision. That is when now there will be a proposer and a Member to second. So far this is the time where the Chairmen and the Chairladies are reading the statements as asked by Hon. Members. So when it comes to the final deliberations the mover will move the motion and there is of course a proposer and a Member to second.

Hon. Samuel Irungu: The point I am making, Mr. Speaker, is that in my view, for us to commit the Executive and for us to proceed with any document from any committee, it has to be adopted. If the document is not adopted on the onset, it would mean that the County Assembly has not committed itself to owning that particular document. That is the point that I was trying to raise.

Hon. Speaker: Hon. Member, I want to once again say that in the House these are statements coming from committees as asked by Members. First, the committees have done their research, they have gotten their answers from the respective Departments of the County Government to bring to you. It is you who will interrogate them at the end of the day and make recommendations which will be forwarded to the Executive. As you are aware, a few minutes ago Hon. Hashim Kamau asked for time to go and read through the Works Committee report so that tomorrow we can debate it. Are we clear on that? Thank you very much Hon. Member. Hon. Millicent, you are standing up, please.

Hon. Member for Kariokor/Ziwani Ward (Ms Millicent Wambui Mugadi): Thank you, Mr. Speaker you really summarized what I wanted to say.

Hon Speaker: Thank you. Honourable Nyangwara you are looking at me with those eyes like they have something to say.

Hon. Member for Viwandani Ward (Mr. Samwel Nyang'wara): Mr. Speaker, Standing Order No. 41(2c) only allows us to discuss such matters of committee chairmen reports on Thursdays. Why should they come on Tuesdays and Wednesdays as you are saying Mr. Speaker?

Hon. Speaker: Hon. Member, I have been informed that that Standing Order has been amended.

Hon. Samwel Nyang'wara: Can the Members, Mr. Speaker sir, be supplied with the amended copy because the copies that we are having actually is have a lot of contradictions?

Hon. Speaker: Hon. Member, thank you very much for that question. We are printing and you will be able to get them. But for now bear with us and I hope you are satisfied that the amendments have been done and we can continue with the business tomorrow.

Hon. Member for Woodley Ward (Mr. David Njoroge Kairu): Mr. Speaker sir, I am standing on Standing Order number 80 and the reason why I am standing is because of the microphones and speakers that are here. The sound quality in this House is poor. It is not audible and the Members are not getting the information the way they are supposed to. If you look at these gentlemen manning the sound system, they have been here since morning. So it's either these speakers are faulty, those machines are not good or the operators do not know their work. So, it is in order for the Clerk to clarify to us what is happening. Thank you.

(Applause)

Hon Speaker: Thank you very much Hon. Member. I think I had asked that question earlier. As you are aware, I want to let you know that these machines were given to us by the Transition Authority and we are in the process of acquiring our own equipment. But another question, what were the gentlemen doing from morning? They have been having a lot of stories to tell, so please if the machines are not working, then you have no business being there. But for now we will let you check whether these machines can be used tomorrow. I don't want us to call Mr. Ondego to help us with his loud speaker. Can we have the machines working tomorrow? Thank you very much.

MOTION – FIRE FIGHTING AND DISASTER MANAGEMENT

Hon. Speaker: Hon. Members, motion No. 8 was brought by Hon. Otieno, the County Representative for Sarang'ombe Ward. In my absence to interrogate this and Hon. Elias Otieno was on the floor and since he is not here, now we will call upon any other member to continue.

Hon. Pius Otieno: Allow me to shade some light on this, Mr. Speaker sir. This one was a motion which was sponsored by me, Hon. Pius Otieno. But when we were prosecuting or executing this matter it was Hon. Elias who was on the floor and the procedures or the rules of the House dictates that from where we had stopped, it is the person or the Hon. Member who was on the floor, who is the one to pick up from where he left. But since he is not here, anybody is at liberty to stand and contribute to the motion. Thank you.

Hon. Speaker: Hon. Members, this is a very important motion. For some of you who have travelled out of this County, and not overseas only; for those who have had a chance to visit Rwanda, the informal sector what you call a slum and I want the Member for Sarang'ombe to take this very seriously, a

slum like the one in Kibera not as big but a slum, has an emergencies service road running through it and another road for easier transportation of goods in and out of the slums.

We can give a plan to the Government. For example let's talk about Kibera, and Kibera is a place we need all our energies. We can have ideas, not the issue of say building toilets which is also a good idea, but ideas that will help our people in future. We will not want citizens of this city to die because the essential services could not reach the area of an incident. The best so far, and if you ask the engineers because there are road engineers in this government of His Excellency Dr. Evans Kidero, is to plan roads between the slums of Kibera, Mathare and all the other slums so that in case of emergency, we can evacuate our people. When you go to any hotel or building, there is a fire point where in case of an emergency, you are supposed to gather for proper evacuation from disaster.

So, my brother Pius is to move the motion again. It is vital for the County to provide for emergency roads within the slum. You have to try and compensate whoever will be on the path where the road will have to be constructed. The focus is to create a secure environment for the residents of the informal sector. Thank you.

Hon. Pius Otieno: Thank you, Mr. Speaker again. That, **AWARE** that over 55% of the residents of Nairobi City County live in the informal settlements that are poorly planned with inadequate basic infrastructure, who by either omission or commission are denied basic services and **COGNIZANT** of the fact that these settlements are prone to fire outbreaks and other disasters which have led to massive loss of life and property, this Assembly urges the Government of Nairobi City County to immediately equip all wards within informal settlements, with minimum firefighting equipment, facilities for rescue, evacuation and recovery and further identify community members per ward to be trained in firefighting and disaster management skills.

Mr. Speaker this motion was adjourned last week because of lack of quorum and I must actually bring it to the Members of this County Assembly that this motion is within the mandate and functions that have been spelt out in Schedule Four, Part II of our Constitution. And it is important that we actually understand that whether this matter belongs to your Ward or not and that whether you come from the informal settlement or you do not come from within reach of an informal settlement, this matter is of priority.

Today it will be in your Ward and I will not speak because I do not come from your Ward, tomorrow it will be in somebody else's ward and I will not speak because that person does not come from my community. The other day it will be somebody else's Ward and because I do not go with him to the same church I will not speak. But probably when it shall actually reach my Ward there will be nobody left to speak on behalf of that Ward of mine.

So, I am actually bringing this analogy because some of you could be seated because it is within the informal settlement. But that is the most dangerous weapon that will be displayed because probably when it shall come to your area, nobody will be there to speak on your behalf. So, I am urging this house to support this motion, because once we shall have adopted this motion, we shall put actual mechanisms of

coordinating and understanding the nature of outbreaks and fire disasters and eventually develop a mechanism that will enable us to document the nature of these disasters.

Nairobi is prone to disasters. Be it in informal settlement or in the affluent areas of Runda. There comes a time when we normally experience heavy rains and the flash floods normally sweep through the informal settlements. They even sweep areas within the CBD. People with vehicles find it hard to move because of the poor drainage system. So this motion is not actually geared to those people within the informal settlements but the motion seeks to compel the Nairobi City County to put down the basic fire-fighting equipment and one of the basic fire-fighting equipment would be to ensure that firefighting extinguishers of 200kg have been installed within these Wards.

Assume that in each and every Ward we have installed 10 or 5 fire-fighting extinguishers at the Chief's office, in case of fire outbreak within any area, the young persons (youth) who will have been identified within that locality would run to fetch these fire extinguishers.....

Hon. Speaker: Order! Information Hon.....

Hon. Samwel Nyang'wara: Mr. Speaker, as per your instruction I told Hon. Otieno, the Member for Sarang'ombe that his motion could be moved with an amendment. He was the mover of this particular motion and he is not supposed to have come twice to contribute before the Members exhaust their deliberations.. If he could have stood by the Standing Order, I think the Hon. Member could have come to reply. Can we have your direction, Mr. Speaker?

Hon. Speaker: Thank you very much, Hon. Nyang'wara.....

Hon. Nyang'wara: I am sorry, Mr. Speaker, unless he was to move this motion with an amendment again because of the instructions that you gave about those who will be moved away to pave way for the road so that they can be compensated. I thought that it could have been an amendment, Mr Speaker.

Hon. Speaker: Thank you very much Hon. Nyang'wara. Hon. Pius could we follow the Standing Orders, then you will come to summarize.

Hon. Otieno: Mr. Speaker, thank you very much. But I am not moving an amendment, because that amendment I am planning to bring will be an amendment to cater for eviction guidelines probably provide for the compensation for those to be evicted by the County Government or the National Government. They should first be compensated before they are evicted from their land.

Hon. Member for Kayole South Ward (Ms Elizabeth Manyala): Mr. Speaker sir, I stand to support this motion because I have been a victim in my Ward.

(Sound technical hitch)

Speaker sir, I rise to support this motion because on Sunday I became a victim. In my Ward, at a place called Riverbank, there was a fire outbreak and it indeed was a disaster because of the problem that

my Hon. Member has indicated here. But apart from this, a lot of mapping and planning need to be done at the County and Ward level so that we complement each other; that is between the Fire Brigade and the telephone line 999. I don't know whether the line ever works. If it is not working, I propose that we get a line so that in case of fire one can call urgently and reach this 999 or 991 so that in the event of fire outbreak, the fire does not consume the whole place.

Secondly, in the past regimes, buildings were planned and constructed without proper consultation with the City Council of Nairobi which is now the Nairobi City County. I propose that we come up with laws that will look into this so that we have proper roads at the Wards and also we train people from our Wards on disaster management. Thank you, Mr. Speaker sir.

Hon Speaker: Thank you very much, Hon. Manyala. The Member, who asked this, should please take into account that we must have an emergency line from the County not from the police 911 but from the County fire-fighting department. Another thing that I will like to add is that every Ward must have fire-fighting equipment. Remember, it is every Ward whether it is.....(*Interruption*)

Order Members! Some of you who were here when the City Council of Nairobi got burned, you remember when the water hole outside was opened and there was nothing. You remember the Nakumatt Supermarket, which had a pipe that was supposed to be turned on to release water for putting out fire, but again to the amazement of Nairobians, there was no water when fire gutted down the supermarket. So those are the things we are supposed to rectify, and there should be frequent fire drills supervised by the County Representatives of the respective Wards. Thank you.

Hon. Jeffer Kassam: Thank you, Mr. Speaker sir. I stand here to support the motion because this tragedy hit my Ward sometimes in the year 2010 and I totally agree with you that the hydraulic system, in fact does not exist in our informal settlements. I am talking of informal settlement of Deep Sea where about ten people died and about 236 houses got destroyed.

So I stand here to support and while we are re-planning the settlements, there are those small fire fighting vehicles which I have seen being used in forests and universities among other places, which could be of help in informal settlements. The County government should take that into account and acquire some especially for those informal settlements where access is a big problem. I support fully and hope that every Ward will have an opportunity to provide people who will be trained properly to fight fire in our County. Thank you, Mr. Speaker sir.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you, Mr. Speaker sir. I beg to support the motion. As we realize that the slum areas have investment opportunities with potential great business. According to the case study by Florence Dave, the slum areas have business for people who are interested in investment. I therefore support this motion because we need to have proper mechanisms and have trained personnel in the slum areas to handle emergencies.

My Ward has one slum and I would like to know how many people will be trained per Ward with the hope that people from my Ward will also benefit from the training. The channels for disaster management must be established to safeguard life and property.

I also support the motion because we want to attain our vision 2030 as Nairobians, and as the Members of the first County Assembly of Nairobi, we ought to leave a mark, so that after our five years' term we will have something to show in terms of service delivery. Thank you, Mr. Speaker sir.

Hon. Member for Kariokor/Ziwani Ward (Ms Millicent Wambui Mugadi): Thank you, Mr. Speaker sir. I rise to support this motion. I come from Kariokor/Ziwani Ward and I happened to be a victim of the said fire that just happened like a month ago. But there is a lot that we need to look into in regard to the proper planning and the development of the slums.

We need to understand the origin of slum dwellers. Where did they come from? We also need to have the County explain to us how far these people can go. For instance, I grew up in my ward and witnessed some people who just woke up one morning and decided to grab a certain place. Getting them out of this place has now become a war because they claim to own the place and that they grew up in the place, yet it is not true.

So we need to develop, I don't know whether to call them by-laws or simply laws of some kind that will guard against this behaviour. The laws will define what slum dwellers can own and what they cannot as well as how far they can occupy. Then we can come up with a mechanism that can assist to evict them out of places that do not belong to them.

Secondly, we also need to sensitize or educate the people with regard to fires and the need to reduce 'vibandas'. There are a lot of 'vibandas' and I believe they are all over the County, that's why I support the whole idea of whoever came up with what we now call the City Council modern kiosks.

Nairobi needs renovation to change its outlook that resembles a bin for disposal of dirt. More of the modern kiosks should be provided in place of 'vibandas'. I think we will be beautifying the city and we would also empower some people who cannot afford to nice shops in our area. Thank you.

Hon. Speaker: Thank you very much Member. It is a basic human right and as per the Constitution everybody has a right to a settlement including better treatment.

Hon. Samwel Nyang'wara: Thank you, Mr. Speaker. I stand to support this motion.

(Laughter)

Mr Speaker, if there is a motion that Nyang'wara Nyang'wara could support, I think it's this one. The area I come from, Viwandani Ward, has about 90% of its residents living in slum areas. The other part of the Viwandani Ward is occupied by the industries and that is about 10%. Hon. Pius Otieno came up with one of the best motions ever in this house and I wish he could have indicated that every Ward be equipped with fire-fighting engines..

Fire has actually caused harm to the people of Nairobi and actually destabilized quite a number of people who contribute a lot to the economy of this country. His Excellency the Governor of this County Dr. Evans Kidero, whom we know as a hard working fellow has shown commitment in giving service to the people of Nairobi. It would be of great importance that he considers this particular motion and gives it priority. This is because within the few days he has been in the office, he has actually shown keen interest in the people living in slums. I would also like to thank Hon. Pius Otieno for having come up with this particular motion. With those simple reasons, Mr. Speaker, I beg to support.

Hon. Speaker: Thank you, Hon. Nyang'wara Nyang'wara. I think I will ask the Clerk to establish the Members of this house who have slums in their areas. We need to take them on a trip to see what I am saying.

(Applause)

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker. I support this motion and it is timely to have this motion before this house. We have lost quite a number of people due to the fire disasters. We have also lost property because the fire-fighters are far away from where the disasters are happening. I want to categorically emphasize on two issues here. One issue is that our constituents should be taken through training on how to handle fire disasters because many of them are ignorant. Secondly, I would request this house to support this motion; and you can see the mood of the House, we are in agreement in supporting the motion.

So, we want each and every Ward to have trained fire-fighters since all the Wards have at one time met these disasters. The bench mark which was used by the mover of the motion was informal settlement because it is happening there each and every day. A month cannot pass without fire breakout in one of our slums. And this is the reason why the mover of this motion used informal settlements as the benchmark.

Mr. Speaker as you read the mood of the House, we are all in agreement that we needed these services in place yesterday. So I would request your chair to call the mover of this motion to reply because we deliberated on this in the last sitting and we just missed the chances because there was lack of quorum in the House. Thank you.

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

Hon. Pius Otieno: Thank you, Mr. Speaker once again. I commend the house for having stayed alive and focused while they were contributing towards this motion. This motion was not only my motion, or a motion that seeks to empower the members from informal settlements, but it's a motion that actually seeks to provide a clear framework for responding to disasters and risks that could be experienced within our informal settlements. This motion actually seeks to identify young members from our Wards to be trained on fire-fighting and other disaster management skills.

This motion actually seeks to provide coordination or a frame which we are going to employ in doing all these things. I appreciate and commend the Members for having given me this opportunity to

move this motion and any other motion that will be coming. I also urge you to respond the way you have responded. Mr. Speaker sir, thank you very much.

Hon. Speaker: Hon. Members, I now put the question that the motion moved by Hon. Pius Owino Otieno. Sorry Hon. Members, motion number eight; that, **AWARE** that over 55% of the residents of Nairobi City County live in the informal settlements that are poorly planned with inadequate basic infrastructure, who by either omission or commission are denied basic services and **COGNIZANT** of the fact that these settlements are prone to fire outbreaks and other disasters which have led to massive loss of live and property, this Assembly urges the Government of Nairobi City County to immediately equip all Wards with informal settlements, with minimum firefighting equipment, facilities for rescue, evacuation and recovery and further identify community members per Ward to be trained in fire-fighting and disaster management skills.

I now put the question, as many as are of the same opinion say 'aye' and as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

(The motion was passed)

MOTION- ESTABLISHMENT OF COUNTY BURSARY PROGRAMME

Hon. Maxwell Ochar: Mr. Speaker sir, I wish to move this motion. **WHEREAS** the defunct City Council of Nairobi through the LASDAP kitty allocated one million shillings per ward every financial year as bursaries towards secondary school education for students from poor backgrounds; and **WHEREAS** the establishment of the County Government has abolished LASDAP Bursary Kitty thus negatively affecting secondary school studies of the destitute students; **AWARE** that the infrastructural development of the primary and secondary schools has since been delinked from the County Governments and the consequent introduction of free secondary school education; **CONCERNED** that the number of public secondary schools available is less compared with the number of students graduating from primary schools; **AWARE** that many students are compelled to learn in private secondary schools which do not have the benefit of the free education facility thereby making it impossible for the needy students to access the basic education;.....*(Interruption)*

Hon. Member for Harambee Ward (Mr. Ronald Milare): Mr. Speaker sir, I rise on a point of order number 80, we do not have a quorum, Mr. Speaker sir.

Hon. Speaker: Thank you, Hon. Member. Can the Clerk count and find out? The Serjeant-At-Arms can ring the bell for 10 minutes. Looks like you guys need a break.

(The Serjeant-At-Arms rings the bell)

Hon. Pius Otieno: Mr. Speaker as the Serjeant-At-Arms rings the bell probably.....

Hon. Speaker: That if informal.....

Hon. Pius Otieno: Yes it's informal.....

Hon. Speaker: That is very positive when I hear my County Representatives are in business after we have just passed the motion. Order members! Hon. Members, the member who was on the floor will continue tomorrow and also remember, the committee on Labour is to meet after this. The House Business Committee will also meet after this at the old Council Chambers. Hon. Members we are adjourned until tomorrow at 2.30 p.m.

(The House adjourned at 4.30 pm due to lack of quorum)