



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Tuesday, 12th August, 2014

The House met at 2.30 p.m.

(Hon. Speaker in the Chair)

PRAYERS

Hon. Speaker (Mr. Alex Ole Magelo): Good afternoon, Members. Hon. Akuk, please.

PAPERS

Hon. Member for Nyayo Highrise(Mr. Maurice Akuk): Thank you, Mr. Speaker, sir. Pursuant to Standing Order 180(6), I beg to lay the following paper on the Table of this Assembly, Tuesday, 12th August, 2014. Report of the Select Committee on Budget and Appropriations Committee on the consideration of the report on the Controller of Budget and the County Budget Implementation, third quarter, fiscal year 2013/2014 laid on the Table of the County Assembly today, Tuesday, 12th August, 2014 on behalf of the Chairman of the Budget Committee. Thank you, Mr. Speaker.

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

NOTICES OF MOTION

Hon. Maurice Akuk: Thank you, Mr. Speaker sir. I beg to give notice on the following Motion; that this County Assembly adopts the Report of the Select Committee on Budget and Appropriations Committee on the consideration of the report of the Controller of Budget on the County Budget Implementation, third quarter, fiscal year 2013/2014 laid on the Table of the County Assembly today, Tuesday, 12th August, 2014 on behalf of the Chairman of the Budget Committee. Thank you, Mr. Speaker.

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Hon. Speaker: Thank you, Hon. Akuk.

STATEMENTS

Hon. Speaker: The Hon. Shadrak Juma.

Hon. Member for Baba Dogo(Mr. Shadrak Juma): Thank you, Hon. Speaker. Pursuant to Standing Order 41(2)(c) I wish to request for a Statement from the Chairperson of the Select Committee on the Implementation of Motions.

Hon. Speaker, this Assembly has passed many Motions and so far only a few have been implemented. In the Statement the Chairperson should enquire into and report on;

1. The number of past unimplemented Motions,
2. The causes of delay in implementing those Motions.
3. Measures being put in place to ensure that all past Motions are implemented.

Thank you, Mr. Speaker.

Hon. Speaker: Yes, Hon. Shadrak Juma to the Chairperson of the Select Committee on Implementations of Motions. Indeed, the Members of the County Assembly have passed many Motions and only a few have been implemented. Indeed, it beats logic and also demoralizes the Members when Motions are brought and discussed and yet when they go to wherever they are supposed to go they are put on shelves. I think it is high time the Committee on Implementation comes to the Assembly and tell us what has happened to the Motions. Also in this regard, I would like the Clerk of the Assembly to note that by Thursday, 2.30 p.m., we require to be informed which Motion is where and what its status is.

(Applause)

Hon. Speaker: This also goes for requests for Statements. Indeed, very many Members here are frustrated and at times blame the Office of the Clerk. It is up to the Clerk to chase the Executive and have those requests for Statements done. We want to know where we are now as the Assembly, what has been answered, what Statement has come back and what has not come back. We will also need that on Thursday, 2.30 p.m. I thank you. The Chairman of the Implementation Committee, please move with speed and let us have our answers as promptly as we require them.

(Consultations between the Speaker and the Clerk)

Hon. Speaker: The Chairman of the Implementation Committee is not in so can we have a Member of the Committee give the undertaking.

Hon. Member for Korogosho(Mr. Maxwell Ochar): Mr. Speaker, thank you for giving me this opportunity. I am from the Implementation Committee and we have heard your directive.

Hon. Member: We need more time.

Hon. Maxwell Ochar: I will not give you more time because we have been given the time frame and that is Thursday.

Hon. Speaker: Thursday, yes. Thank you.

Hon. Member for Kwa Njenga(Mr. Alexander Mulatya): Thank you, Hon. Speaker. Before I request a Statement from the Chairperson of the Health Committee, I would also like to bring to your attention that I had already requested a report about Transami area and it is now almost 14 days and I have not received the appropriate answer, so I am still in dire need of that Statement.

REQUEST FOR STATEMENT PREVENTION OF EBOLA IN THE COUNTRY

Hon. Alexander Mulatya: Mr. Speaker, pursuant to Standing Order number 41(2)(c), I wish to request a Statement from the Chairperson of the Sectoral Committee on Health regarding the prevention of Ebola in the country. Hon. Speaker, Ebola is a killer disease that kills within a short duration of time and has since been declared an international disaster by the World Health Organization.

To date the Kenya Airways has maintained direct flights to Conakry, Lagos, Monrovia and Freetown among other cities which have been struck by the deadly disease. Mr. Speaker, as you know Ebola is a highly contagious disease and it could strike a city like Nairobi where we have informal settlements, our cultural beliefs as well as shaking hands and hugging each other in greeting. We are in a very precarious position of getting this disease if at all it is in this country. Hon. Speaker, in the Statement the Chairperson should enquire into and report on;

1. Measure being taken by the Nairobi City County Health Department to control Ebola in case of an outbreak,
2. Whether the Health Department has spread awareness to Nairobi City County residence on the precautionary measures to take in case of an outbreak.

Thank you.

Hon. Speaker: Hon. Mulatya, thank you very much. Hon. Members, as you are aware this disease has now been declared an international disaster, not in Kenya only, it is not just the continent of Africa only, it is across the world. Hon. Members, this is not a situation where I would ask the Chairperson of Health to give us a report by next week. We want a report in the next 24 or 48 hours. Why do I say this? We have seen today in the press that the Government is aware, is ready--- I would like to ask the Chairperson of the Sectoral Committee and the Committee of Health to give us a report on the preparedness of the County of Nairobi in regards to this epidemic by tomorrow, 2.30 p.m. Hon. Akinyi.

Hon. Member of Kayole South(Ms. Elizabeth Akinyi): Mr. Speaker, sir, this is a problem that is a national disaster and it does not fall under the County *per se*. It is a National programme which falls under the Ministry of Health. I think it is being handled at the ministerial level and I think by compelling the Committee or the Chairperson of the Committee on Health to come up with a mitigation exercise to check how prepared the County is, I think the Hon. Member asking for the Statement would be asking for too much. We are all aware that at the National level they are doing something and that the Ministry of Health is tackling it, so, I think it is beyond us. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much, Hon. Akinyi. Hon. Nyangwara.

Hon. Member for Viwandani(Mr. Samwel Nyangwara): Thank you, Hon. Speaker. I think you heard what Hon. Manyala has said here and she is completely misleading this House. We know that health was devolved to counties. Mr. Speaker, can you give us direction, I think she must be out of order.

Hon. Speaker: Hon. Imwatok.

Hon. Member for Makongeni(Mr. Peter Imwatok): Mr. Speaker, I must oblige with that statement from Hon. Nyangwara. That is all I wanted to say.

Hon. Speaker: I did not hear what you said. Please repeat it.

Hon. Peter Imwatok: Mr. Speaker, I said I oblige and concur with what Hon. Nyangwara has said. It is what I wanted to also say.

Hon. Speaker: Just for your information and for guidance. Indeed, Hon. Akinyi is correct in one way, that the National Government is prepared. However, what I would like to tell you is that in the Constitution of Kenya the Ministry deals only with health policy. The other is now with you at the County level, so she is not wrong, What we need to do is to get to know about Mukuru kwa Njenga, Mathare, Kibra where we have our own dispensaries. Are they ready? Just to let you know, the big hospital there--- Apart from KEMRI, Mbagathi Hospital also deals with these heavy diseases. KEMRI is under the National Government and is a research institute.

It is important to have a report by tomorrow, 2.30 p.m. the aim is to know where our people are based in case of an outbreak of that kind of a disease. We are told the Government has a Ward in Kenyatta National Hospital. Where do we have ours as a County Government? So, the Chairperson for the Committee of Health, you have to move around in the night and let us know where we can place our people in case of an outbreak. Hon. Karen.

Hon. Member of Njiiru(Ms. Karen Githaiga): Thank you, Mr. Speaker sir. Our Chairperson is not in yet but we are much obliged. We are going to give that report, it is very important. Thank you very much.

Hon. Speaker: Next. The response to the Statement requested by Hon. Rose from the Chairperson of the sectoral Committee on Agriculture, Environment and Natural Resources regarding the procurement of garbage trucks. Is the Chairperson in, is the report ready?

Hon. Peter Imwatok: Mr. Speaker, the Chairperson said the report will be ready tomorrow.

Hon. Speaker: I want to ask again, is the report ready?

Hon. Peter Imwatok: Mr. Speaker, as I said, the Chairperson just called me and said he is tabling the report tomorrow. For the first report to come in--- There are two reports from the Environment Committee and the Chairperson has just instructed us---

Hon. Speaker: Which reports?

Hon. Peter Imwatok: Mr. Mulatya?

Hon. Alexander Mulatya: There is one response to request for Statement by Martin Karanja.

Hon. Speaker: On what?

(Consultations between the Speaker and the Clerk)

Hon. Alexander Mulatya: I have a response for Hon. Martin Karanja---

Hon. Speaker: Just a minute, Hon. Chairperson. Can we have the issue of the garbage trucks? There was a report that was brought into my office. What we do not want is for Members to play with the Assembly. I know a report was brought to my office a few minutes ago. Why are we saying that the report is not ready? Hon. Imwatok, can you declare your interest please.

Hon. Peter Imwatok: No, Mr. Speaker. As a Member---

Hon. Speaker: Hon. Imwatok---

Hon. Peter Imwatok: Can I speak, Hon. Speaker?

Hon. Speaker: Is there a report or not?

Hon. Peter Imwatok: That is why I am saying, Mr. Speaker---

Hon. Speaker: Order! Hon. Imwatok. Why are you insisting?

Hon. Peter Imwatok: The Standing Order speaks about the Chairperson. It says the Chair of the Committee is the spokesperson of the Committee, Mr. Speaker.

Hon. Speaker: Okay. You are not the Chairperson, are you?

Hon. Peter Imwatok: He has called me as a Member of the Committee instructing from the sides, Hon. Speaker.

Hon. Speaker: Order, Hon. Imwatak. I asked the House a question. Is the report ready? The report was on my table today in the afternoon. Now you are saying it is not ready for tabling and that it will be tabled tomorrow?

Hon. Peter Imwatak: Mr. Speaker, this morning we were in a Committee meeting and I was to table the report before this House. When I arrived the Chairperson called me and instructed me that he is tabling the report tomorrow in person, Hon. Speaker. We agreed with the Member of the Environment Committee who was to table another report, to table that report first. Hon. Speaker, I am a Member of the Environment Committee.

Hon. Speaker: Hon. Members, indeed I want to let Members know that I will not sit here and play ping pong games. The report was brought to my office this afternoon. Indeed, it was taken to the Clerk's office and was ready and it was put on the Order Paper today. So, it is wrong when Members meet again and say they are not going to produce the report, it is going to be brought by the Chairperson. This is very sad and this report will be tabled here tomorrow at 2.30 p.m. whether the Chairperson is here or not. *(Applause)* Next.

Hon. Alexander Mulatya: Thank you, Mr. Speaker. I would like to give a response to a request by Hon. Martiin Karanja. I would also like to get your directive because I have been told that Karanja is not present today.

Hon. Speaker: Hon. Mulatya, what happened on (b)? The Member is not in?

Hon. Alexander Mulatya: The Member is out of the County.

Hon. Speaker: Is it an official visit?

Hon. Kamau Thuo: It is not official, Mr. Speaker. I believe if the answer is given it will be exercise in futility because there is no one to respond or to say that he is satisfied with the answer.

Hon. Speaker: Okay. Tomorrow, 2.30 p.m. Hon. Nyangwara.

Hon. Samwel Nyangwara: Mr. Speaker, when questions are asked on the floor of this House they are meant for Members and we are ready to interrogate this particular report. I do not know the reason as to why this question should wait until a particular Member is present in this House. This report is for the benefit of the Hon. Members of this House and the entire people of Nairobi. Mr. Speaker, it is not meant for a particular person so it should not wait.

Hon. Speaker: Indeed you are right, Hon. Nyangwara. However, let us give him the benefit of the doubt. Indeed, let the Member who asked the question get the firsthand information and especially this one which is in regard to the people where he represents. However, any other question which touches on the County, then we are free to swim on it. Next Order. Hon. Kennedy Oduru.

Hon. Member for Lucky Summer Ward(Hon. Kennedy Oduru): Thank you, Mr. Speaker sir.

That **aware** that County transport including County roads, traffic and parking, street lights and public road transport is the function of a County Government under part II of the Fourth Schedule to the Constitution. **Further** aware that recent years have witnessed an increase in the population working and residing within the Nairobi City County. **Noting** that several back streets within the city center have been blocked by private developers leading to vehicular and pedestrian congestion along the main streets, especially during rush hours. **Concerned** that there are no street lights along several back streets, a fact that has made such streets a security risk and unattractive to pedestrian use. This Assembly **urges** the County Government to open and repair all the blocked back streets within the city center in order to ease vehicle and pedestrian congestion along the streets of the city and install street lights along all the back streets.

Mr. Speaker, it is to the attention of Hon. Members that most of the streets within the city center have got a traffic funnel and this is being caused by the huge number of population within the city center. It is better for us to debate upon this wisely through opening all these blocked back streets which have just been occupied by the private developers who have blocked them completely. People cannot manage to pass through those roads. Most of the back streets do not have street lights. If these ones are repaired and the roads fixed properly it will give access to pedestrians through the back streets rather than competing for the small space in the frontage where they cross in front of vehicles which impedes free movements of the motor vehicles on the streets.

It is very important for the County Government to act on this fast so as to assist remove this congestion. Hon. Members, it is my pleasure and I know that you are going to support this Motion. It is very, very important because what we want is to see how we can decongest our city and by opening these back streets it is important that even if someone comes from the other side there will be smooth traffic flow within the city.

Mr. Speaker, during the rush hours there is always a problem. You see, most of the downtown streets especially if you go past Tom Mboya and Ronald Ngala, there are no traffic signals and this makes it impossible for the vehicles to move in an orderly way. People cross the streets dangerously competing with vehicles for the small spaces along the way which causes the heavy traffic snarl. You see, if the vehicles are not moving properly it causes traffic jams. If vehicles could be moving in an orderly way it will enable vehicles to go through the town. So, it is my pleasure that I do call upon Hon. Amos Mukami to come and second the Motion. Thank you very much, Mr. Speaker sir.

Hon. Speaker: Thank you, Hon. Kennedy Oduru.

Hon. Member for Kahawa(Mr. Amos Mukami): Thank you, Mr. Speaker. I totally concur with the mover of the Motion. Something needs to be done on our roads and backstreet roads. They are in a pathetic state and pedestrians and motorists are competing for path ways that are meant for either the motorist or the pedestrians. So, I would urge the Executive arm of the County Government to move with speed and rehabilitate these roads. Mr. Speaker, the mover of the Motion also intended that street lights be put in place. These places are very risky at night; the security of Nairobians is at stake. Therefore, I urge the Hon. Members of this House to support this Motion in record time so that we can look after the well-being of the residents of this city. With that, Mr. Speaker, I second the Motion.

Hon. Speaker: Hon. Members, I am sure that you are excited over this Motion. Hon. Members I propose the question. Hon. Members.

(The question is proposed)

Hon. Speaker: Hon. Members, I will call the mover of the Motion to reply because I have opened the debate and nobody looks like---

(Hon. Karanja Anthony comes to the microphone)

Hon. Speaker: Is this a stranger here? *(Laughter)* You know I left you with hair and now you do not have hair.

Hon. Member for Waitthaka Ward(Mr. Anthony Karanja): Yes, thank you, Mr. Speaker. I am not a stranger, it is just that I renew myself every day. I would like to support this Motion; I think it is a very important Motion. However, I would have expected the mover of the Motion to be specific on which back street roads he is talking about, because this is giving a blank cheque to the Executive to do a job and we all know that a job--- I mean, if you leave it this way they will come and say, we have done it. Mr. Speaker, personally I use the back streets a lot, I have not come across a back street that is blocked. That is why I would request the mover of this Motion, if at all he knows any it is good to be specific. However, I support this Motion. Thank you.

Hon. Speaker: Thank you very much, Hon. Bishop. You are very smart. Hon. Members, what the Hon. Oduru has in mind is what we all are craving, for the 24 hours business opportunities in the CBD. As you are aware, the Government in conjunction with the County Government is moving forward with a plan to have Nairobi lit. Hon. Bishop, if you went to Kimathi Street, all the roads we used to call *chochoro*, they are all blocked. When you go to Tom Mboya, all the roads are blocked, all the *chochoros* are blocked and this is what Hon. Oduru is asking the Government to open.

For those of you who have gone out of the country, you know those back streets are where our people are supposed to do their business in the evenings. This is so that they do not block the main business entities so that everybody can have a piece of cake in the country. I think that is what the Hon. Oduru is trying to say and that is what I will say. We are talking about the CBD, where you people have always wanted to have a 24 hour business situation going on. Hon. Alex Otieno.

Hon. Member for Mugumoini Ward(Hon. Alex Otieno): Thank you, Mr. Speaker sir. Answering what Hon. Bishop has just mentioned, we have a good example, Mr. Speaker. You can remember the famous Nyota Lane?

Hon. Speaker: Yes.

Hon. Alex Otieno: Nyota Lane is blocked. If you move along Norwich House towards Optica there are about three Lanes that were blocked sometimes back. I think this is what the mover is talking about and not only the back street. We are now seeing hawkers mushrooming and competing with vehicles and pedestrians. We also need to open up the back street and at the same time control the movement of hawkers. If you move in the evening along

Wakulima Market--- In fact the hawkers have taken half of the road. Only one lane is remaining for the vehicles and pedestrians and I think this Motion has come at the right time and we need to support it. We as the Members of Nairobi County, we are the people who can make Nairobi look like Nairobi and if we do not urge the County Executive to do what Nairobians expect, then we will be failing in our duties. So, Mr. Speaker, I support the Motion and we should move with speed. Thank you.

Hon. Speaker: Thank you, sir. Hon. Karen Wanjiku.

Hon. Member for Njiiru Ward(Ms. Karen Githaiga): Thank you, Mr. Speaker sir. I stand to support the Motion because as you all know ,we need security in our CBD. Again, being a hawker I know that we need to utilize those back streets so that the hawkers can stop blocking the roads. As Hon. Mohammed had proposed in a Motion, we will be able to have a very good arrangement for those hawkers as you have said, Mr. Speaker. Thank you.

Hon. Speaker: Thank you. Hon. Tabitha.

Hon. Member for Nairobi West Ward(Ms. Tabitha Ndigirigi): Thank you, Mr. Speaker sir. I beg to support this Motion concerning the private developers. I am aware that in Muhoa Avenue which is situated in Nairobi West right until Mitumba village all the roads are being blocked. So, I am supporting this Motion that it be implemented as fast as possible and I am ready to do the work. Thank you, Mr. Speaker.

(Laughter)

(Applause)

Hon. Speaker: Thank you, Hon. Tabitha. Yes, she is ready to do the work. Hon. Kairu.

Hon. Member for Woodley/Kenyatta/Golf Course(Hon. Njoroge Kairu): Thank you very much, Mr. Speaker sir. I stand to support the Motion and as you were here in the last defunct council, remember we discussed this thing in length and we even proposed that Nyota Lane be opened. However, when we said that, what happened instead is we opened commercial banks for individuals. After passing the resolutions and saying that we want this Lane to be opened, you find other names that work in this city. They get an avenue of collecting money and start selling things or threatening the people who are operating there. They are saying that if they give a certain amount of money they will be spared. For that reason let us pass this Motion and we support the Motion and action be taken, particularly on Nyota Lane, Mr. Speaker.

You are aware there is a church there and it collects a lot of money. It was sold by somebody and until today that church still operates. Mr. Speaker sir, at the last defunct council we passed a resolution for that Lane to be opened. If you go to that area you will find that the area is so congested. This is because the pedestrians walk all the way from Bus Station, they come to Tusker and then they find another avenue so that they can get back to the Bus station. For that reason, I support the Motion.

Hon. Speaker: Chairperson, Education.

Hon. Member for Laini Saba Ward(Mr. Boniface Kitavi): Thank you, Mr. Speaker. Indeed, I stand to support this very timely Motion that these back streets need to be open. If they are blocked they pose a lot of risk for congestion and the ones that are partially open have become a hide out for criminal activities. So, they should not only be opened but they also should be cleaned up so that when pedestrians are passing through they are comfortable. Of course we also know that some of these back streets have become homes for street children. It is only by opening them that an alternative for the children who sleep in the back streets can be sought. Besides just lighting up the back streets, I would also urge that this County and the Committee that is in charge of following up upon implementation looks upon issues of bridges as well.

All bridges in Nairobi should be lit up. It is only recently we realized that pedestrians who are crossing highways are being arrested. However, it is simply because some of these bridges are quite dirty and are unkempt. The same case applies to the back streets; besides just lighting them up I think they should also be cleaned so that we are able to improve the safety of Nairobians. So, Mr. Speaker, for those reasons I support the Motion and I would kindly ask that you call the mover to reply. Thank you.

Hon. Speaker: Hon. Ngaruiya.

Hon. Member for Kahawa West Ward(Patrick Ngaruiya): Thank you, Mr. Speaker for giving me this opportunity. One, I support the Motion, but the problem we are facing in this County is when it comes to issues of enforcement. Enforcement officers need to move with speed after the implementation of this particular Motion. We may sit here and talk and beautify the Motion and come up with very good words, but when it comes to issues of moving ahead and opening up whatever has been blocked, it becomes an issue. So, I believe it is the docket of the Office of the Deputy Governor where it has been given the issue of decentralization. Mr. Speaker, there comes a time when we need to see that things are moving. I believe that as we put up the street lights---

This Motion is talking about two things, unblocking back street lanes and putting street lights. We cannot allow our people to be clobbered all the time because of darkness. That is a fact. Something must be done for Nairobi to be seen to compete with other great cities in this world. So, implementation and enforcement is now the question and we need to ask ourselves, after we move this Motion, how are we going to make a follow up so that those particular back streets are opened. Thank you, Mr. Speaker.

Hon. Speaker: Very well, Hon. Ngaruiya. I think this is very clear to us now. It would be a shame for us to pass an important Motion like this today--- We have passed very many Motions but maybe some of them have been flushed down to Ruai.

(Laughter)

(Applause)

Hon. Speaker: If they have not been flushed why has there been no implementation of what we have done in the Assembly? I want to send a very strong warning to the Executive. Indeed, we as the Assembly have continued giving the County Government the tools in terms of Bills and Motions. We say to them, please do not let the Nairobians down. After tomorrow as I had earlier said about the implementation, we will now be going head on with the CEC who is in charge of that particular docket if whatever we have done here is not implemented. We will

no longer do business as usual. When we are saying put up the lights and open up back streets and you do not open, then you do not deserve to be part and parcel of the Nairobi community. *(Applause)* Hon. Members, I now want to ask the mover of the Motion to reply.

Hon. Kennedy Oduru: Thank you, Mr. Speaker and Hon. Members for supporting this very important Motion and it being unchallenged. I think Hon. Mwaniki is well aware of what we have done and in fact, I saw him smiling. It is very important because he has been a victim once. There was a time when I met him in the back streets and vehicles were not moving. So it is my pleasure to thank all the Hon. Members for the good work that you have done. Thank you very much, Hon. Speaker.

Hon. Speaker: Hon. Members, I now put the question.

(The question is put and agreed to)

Hon. Samwel Nyangwara: *(Inaudible)*

Hon. Speaker: Yes, Hon. Nyangwara.

Hon. Samwel Nyangwara: Just something before we wind up, Mr. Speaker. I saw the Hon. Dan Mutiso walking in to this House late and I know where he has come from. Mr. Speaker, I just want to compliment him---

Hon. Speaker: Order, Hon. Nyangwara. You are out of order, unless you want to compliment him because he married a fourth wife. *(Laughter)* House Business Committee meets after the rise of the House. Thank you, Hon. Members.

(The House rose at 5.30 p.m.)