



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Tuesday, 2nd June, 2015

The House met at 2.30 p.m.

(Hon. Speaker in the Chair, Mr. Alex Ole Magelo)

PRAYERS

Hon. Speaker: Sergeant-At-Arm ring the bell for ten minutes!

(Loud consultations)

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Good afternoon Hon. Members once again. Hon. Members, welcome back from recess. It is my sincere hope that you had a wonderful and fruitful break. Hon. Members as we commence the second part of the third session I wish to remind you of the business before us. Firstly, we are currently in the budget making process when the Assembly considers for approval estimates for the financial year.

Other than the budget process we will also be considering the pending business from the first part of the third session this include Motions, statements, Bills and Petitions. Committees with pending reports are advised to move with speed to expedite conclusion of the same.

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

Once again I warmly welcome you back from the recess as we commence the second part of the third session. I thank you.

PAPERS

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you Mr. Speaker, pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly today Tuesday 2nd June, 2015 the 17th Report of the Sectoral Committee of Health Services on the Inspection Visit to Dandora Health Center. Thank you.

Hon. Magdalene Mbogori (Nominated Member): Thank you Mr. Speaker, pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly today Tuesday 2nd June 2015, the 1st Report of the Select Committee on Implementation on the Implementation Status of the Substantive Motion passed by the County Assembly. Thank you

Hon. Petronila Achieng (Nominated Member): Thank you Mr. Speaker sir, pursuant to Standing Order 180 (6) I beg to lay the following papers on the table of the Assembly today Tuesday 2nd June 2015 the Report of the Sectoral Committee on Trade, Tourism and Cooperatives on the training Workshop on Cooperative Societies Thursday 23rd to Sunday 26th October 2014 at the Royal City hotel, Kisumu.

Pursuant to Standing Order 180 (6), I beg to lay the following paper on the table of the Assembly today Tuesday 2nd June 2015, the Report of the Sectoral Committee on Trade, Tourism and Cooperatives on the Workshop held at Sweetlake Resort, Naivasha 5th to 9th March 2015, thank you Mr. Speaker

NOTICES OF MOTION

Hon. Manoah Mbuku: Thank you Mr. Speaker, I beg to give Notice of the following Motion: That this Assembly adopts the Report of the Sectoral Committee on Health Services on the Inspection Visit to Dandora II Health Centre laid on the table of the Assembly today Tuesday 2nd June 2015, thank you

Hon. Speaker: Very well Hon. Manoah Mbuku,

Hon. Magdalene Mbogori: Hon. Speaker I beg to give Notice to the following Motion: That this Assembly adopts the Report of Select Committee on Implementation on the Implementation Status of Substantive Motion passed by the County Assembly laid on the table of the Assembly today Tuesday 2nd June 2015.

PETITIONS

PETITION BY RESIDENTS OF GITHURAI WARD ON THE GRABBING OF PUBLIC AMENITIES

Hon. Speaker (Mr. Alex Ole Magelo): Order Hon. Members! The following Petitions are due for response; Petition by residents of Githurai Ward on the grabbing public social hall, football pitch and land meant for a dispensary presented on 17th June 2014 and the response was due on 17th August 2014.

Hon. Member for Imara Daima Ward (Mr. Jairus Atenya): Thank you Mr. Speaker sir. I beg to be given extension of at least two weeks for all Petitions.

Hon. Speaker: Very well, two weeks is what you ask.

PETITION BY RESIDENTS OF EASTLEIGH FOR INTERVENTION ON EASTLEIGH SOUTH SECTION III SEWERAGE SLUM EVICTIONS

Hon. Speaker: Petition by residents of Eastleigh for intervention on Eastleigh South Section III Sewerage Slum evictions presented on 22nd October 2014 and the response was due on 22nd December 2014, Hon. Chairperson.

Hon. Jairus Atenya: Mr. Speaker sir, owing to the Petition No. 2, we have been looking for the grabber and up to now he is nowhere to be found.

Hon. Speaker: Who?

Hon. Jairus Atenya: The one who grabbed the land.

Hon. Speaker: But we want the report

(Laughter)

Hon. Jairus Atenya: So if you can give us extension for more than 2 weeks Mr. Speaker sir, because the matter is with the Serjeant-At-Arms.

Hon. Speaker: Order Hon. Member! Order Chairman.

Hon. Jairus Atenya: The matter is with the Serjeant-At-Arms that is why I am saying if you can give us two or three weeks.

(Loud consultations)

Hon. Speaker: But Hon. Chair why are you looking for the grabber, you are looking for the report.

Hon. Jairus Atenya: This is what I am saying; the matter is with the Serjeant-At-Arms, he is looking for the grabber, so that I give the report.

(Loud consultations)

Hon. Jairus Atenya: Just listen---

Hon. Speaker: Order! Hon. Chairperson Planning you have 2 weeks to bring the report on the floor of the Assembly.

Hon. Jairus Atenya: Two weeks.

Hon. Speaker: Yes please.

**PETITION BY RESIDENTS OF EMBAKASI (MRADI), REGARDING THE DEMOLITION
OF THEIR STRUCTURES ON LAND REG. L.R. NO. 9042130**

Hon. Speaker: Petition by residents of Embakasi, Mradi regarding the demolition of their structures on land Reg. L.R. No. 9042130 presented on 31st March 2015 and the response was due on 31st May 2015, Chairperson.

Hon. Jairus Atenya: Mr. Speaker sir, just give us two weeks again. This is a matter concerning land---

Hon. Speaker: Okay Order Hon Chairperson. Two weeks we need all the details on the floor of this House. Order Members, the following Statements are due for response. Order Hon. Kambi!

Hon. Speaker: Now Hon. Members order! The Hon. Gari Maurice Otieno, Notice of Motion. It is not ready?

Hon. Member for Nairobi West Ward (Mr. Maurice Gari) Thank you Mr. Speaker---

Hon. Speaker: Order Hon. Kambi! Honestly, that is the last time I give you a warning please.

NOTICE OF MOTION

Hon. Maurice Gari: Thank you Mr. Speaker sir, I have a Notice of Motion. That aware that the Department of Planning and Housing of the Nairobi City County has time and again been on the limelight for long standing corruption and inefficiency; deeply concerned that the aforesaid malpractice within the department has often led to disasters where Nairobi residents have lost their lives for instance to unscrupulous, substandard buildings and construction works approved by the department, including approval of construction works on river beds and riparian lands across the City that recently led to a flooding disaster in various estates; noting that even with such blatant failure, no one has been held responsible to date for the endless disasters that bedevil the City thanks to corruption within the Planning Department that fuels the approval of substandard and illegal construction works; realizing that if nothing is done urgently to revamp the Department the City risks continuing needless loss of lives through avoidable disasters occasioned by corrupt practices within the department; this Assembly resolves that the Governor comprehensively overhauls the Department of Planning and Housing with a view to stemming endemic corruption and building a reliable entity that can better plan and organize the City.

Hon. Speaker: Hon. Peter Isuha.

MOTION

Hon. Member for Kangemi Ward (Mr. Peter Isuha): Thank you Mr. Speaker sir, I have a Motion. That aware that the Nairobi City County Treasury and Finance Department at large recently suffered bad publicity thanks to the suspension of senior officials for alleged mega corruption; deeply concerned that despite Audit reports uncovering the looting of millions in unreported revenues by corrupt officials within the Cash Office not much has been done to reform and streamline the Department; noting for instance that an Auditor General's report on Nairobi County Government revenue records for the FY 2012/2013 revealed that during the period 1st January 2013 to 30th June 2013, a total of Kshs.5,511,732,231/= was collected from the various sources of revenue but only Kshs.5,258,849,088/= was banked reflecting under-banking of Kshs.252,883,143/= for which no one was held accountable; convinced that not much has changed as officers within the County Treasury and especially at the Revenue Cash Collections office continue to operate business as usual, as evidenced by the recent suspension of senior officers for alleged graft; this Assembly resolves that the Governor makes a complete overhaul of the County Treasury and the Finance Department at large and recruit competent persons to run the said offices in order to stem the rot and looting of revenues that would otherwise go a long way in building a better City for Nairobi residents. Thank you.


Hon. Speaker: Very well, next Order.

STATEMENTS

Hon. Speaker: Hon. Nancy Luchiri, Hon. Patrick N. Chege.

Hon. Member for Kahawa West Ward (Mr. Chege Ngaruiya): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2c), I wish to request for a Statement from the Chairperson of the Sectoral

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Committee on Agriculture, Energy and Natural Resources, regarding the cost of working tools procured by the Water, Energy, Forestry, Environment and Natural Resources Department. Hon. Speaker in the Statement the Chairperson should inquire into and report on:-

1. What was the cost of each working tools procured namely; wheel barrow, shovel and rake;
2. Why did the department procure tools which were substandard and which did not meet the requisite standards of the Kenya Bureau of Standards;
3. What criteria did they use in the procurement process to select the supplying company; and
4. Did the Procurement Inspection Committee inspect the tools before issuing them to the Members of the County Assembly?

Thank you, Mr. Speaker.

THE COST OF WORKING TOOLS PROCURED

Hon. Speaker: Very well, the Chairperson for Natural Resources. Hon. Chege did you talk about Water and Natural Resources? So is it a combined thing? The Committee on Agriculture and Environment. Hon. Snaich

Hon. Member for Kariobangi North Ward (Mr. Michael Wanjiku): Yes I am a Member of the Committee on behalf of the Committee we will request for a Week so that we can give a comprehensive report.

Hon. Speaker: Order Hon. you said what?

Hon. Michael Wanjiku: We are saying the Committee to be given a week so that we can give a comprehensive report.

Hon. Speaker: Very well Tuesday 2.30 pm. Hon. John Omwenga, Hon John Omwenga. Next Order! Hon. Members the following statements are due for a response. Statement requested by:

1. Hon. Kennedy Ngondi, from the Chairperson of Select Committee on Public Accounts and Budget and Appropriation regarding the Memorandum of Understanding MOU between the Nairobi County and Foton Company.
2. Hon. Kamau Thuo from the Chairperson of Sectoral Committee on Planning and Housing regarding the Change of User of land LR No. 775/341,343, 345,347,352,354,355 on the Northern bypass/ Runda close in Runda.
3. Hon. Isaac Ngige from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the projects under the Kenya Urban Roads Authority (KURA).

The Chairman of Public Accounts, Chairman of Sectoral Committee on Planning in regard to the Change of user of that land. Why is the response not due? The Chairperson of Transport and Public Works!

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Mr. Speaker sir, we request for just two days we are at our final stage of the Statement so by Thursday 2.30 pm we will have a proper response. Thank you, sir.

Hon. Speaker: Very well Thursday 2.30 pm. Hon. Chairperson Planning.

Hon. Member for Imara Daima Ward (Mr. Jairus Atenya): Thank you Mr. Speaker sir, by Thursday 2.30 pm.

Hon. Speaker: Very well. Public Accounts! Do you have it?

Hon. Member for Mugumoini Ward (Mr. Alex Otieno): Thank you Mr. Speaker sir, on behalf of the Chairman I wish to request for two weeks so that we can have a comprehensive report. Thank you.

Hon. Speaker: Very well next Order!

MOTION

REPORT ON THE SELECT COMMITTEE ON BUDGET AND APPROPRIATION ON THE SESSIONAL PAPER NUMBER 1 OF 2014 ON THE COUNTY INTEGRATED DEVELOPMENT PLAN

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you Mr. Speaker sir, I beg to move the following Motion that this County Assembly adopts the report on the Select Committee on Budget and Appropriation on the Sessional Paper Number 1 of 2014 on the County Integrated Development Plan.

Mr. Speaker sir, there is no shortage of statutory provision that emphasize the importance of the CIDP in the budget process of any financial year. Section 126 (3) of the PFM Act has expressed that not later than 1st September of each year the County Executive Committee Member for Planning shall submit the Development Plan to the County Assembly for its approval.

The formulators of the law were able to discern that early approval of the CIDP's, would have a positive effect on all subsequent budget processes without incurring any major hitches or delays.

The CIDP has been submitted to this Assembly way into the budget process that has meant to inform thereby providing little guidance to other documents that directly draw their life from its existence especially the County Physical Strategy Paper and the Budget estimates.

The Budget Committee fully appreciates that in the first instance preparation of such a plan may have been a herculean tasks that did not only require methodological thinking but also comprehensive understanding of the dynamics of Nairobi City County.

Mr. Speaker sir, whereas the Committee noted that some of the mitigating measures highlighted in the plan would work positively it was not fully persuaded that what we need are quick fixes and some of the problems require more than just budgetary allocations. Instances like Environmental degradation require a lot of attitude change from all over us and cooperation's from all residence of this City.

Mr. Speaker sir, the plan as gone to great lengths to document the programs that the County wants to implement with details of their Budget requirement fully captured in the books. The Committee is convinced that the indicators are realistic and measureable. The Committee listened with a lot of interest on the presentation of finance and economic planning sector, the Committee was informed that the County had so far rolled out E-payment for a number of revenue streams, this is by any measures no mean feat and the Committee takes cognisance which have been put in place by the County Treasury to instill financial probability and physical display.

In the plan there are elaborate performance indicators on how the sector would wish to reduce loss of revenues as well as ensure that any leakages are permanently sealed. During the deliberations on the sector programs the Committee also painfully, learned that the working of the County Treasury had greatly hampered by an uncooperative departments which are always reluctant to submit necessary information to the County Treasury.

This precedence must not be set as the law anticipates that the County Treasury retrains the oversight role on all matters of Public finances within the County. In this regard therefore Mr. Speaker the Committee has agreed with the County Treasury to develop and submit to this Assembly the County Development Coordinating Bill that would compel these Departments to submit all their necessary information to the County Treasury.

Mr. Speaker sir, the only role of the Public Service Management is to ensure that only the exact staffs who are employed by the County earn salaries while also promoting productivity. However, the Committee was shocked to learn that the sector has made no attempt to address the issue of ghost workers. The lack of details on how the sector would wish to treat the chronic disease of a bloated workforce is a great omission that must be corrected.

The vision of the County is to be a world-class capital capable of attracting Multi-Nationals to come and invest. The basic ingredient for the growth of this City is its planning and most importantly how much care has been put in place to ensure a balanced physical arrangement. It is based on this great need to take control of our physical space that the Physical Planning Lands and Housing Sector has outlined most of this project in the CIDP as mainly baseline studies aimed at collecting as much information as possible about the County. The Budget Committee notes that these studies are paramount as they would unravel all the mysteries that continue to exist about ownership and management of City public land. The Committee

has recommended to the sector that the studies need to be hastened and legalization titles be given priority.

The Budget and Appropriations Committee while receiving submission on CIDP from the County Treasury was at pains to quantify the overall contribution of the Agriculture, Livestock and Fisheries Development Sector towards the shared vision of this County Government. The Committee decries the lackluster performance of the sector towards rolling out urban agriculture. During the review of the plan the Committee was reminded of how there are very few City residents who even know that the sector exists let alone understand what it does. The Committee hence recommends that the sector should undertake an intensive public awareness exercise as well as invest more resources on extension officers. If this does not happen, the Budget Committee would be inviting this Assembly to advise His Excellency the Governor that this particular sector is surplus to requirements and needs to be deleted from the Executive organizational structure.

Mr. Speaker sir, one of the complexities of devolution rotates on the keen handling matters of education. The Committee is aware that there are adequate projects in the Education, Children, Youth Affairs, Social Services, Sports and Culture aimed at building ECD Centers or establishing primary schools as it's both efficient and cost effective.

Mr. Speaker, the major concern of this sector for the Budget and Appropriation Committee is that it has planned nearly all its resources on rehabilitation of infrastructure in various primary schools across the City. Herein lies the problem as Members are aware primary education is not devolved and thus the County does not have an efficient commitment from the National Government that primary schools remain at the behest of the County Government. The Budget Committee hence failed to understand why the sector has set aside massive resources for functions that are not devolved. Whereas the County Executive submitted that the sector vision is that the schools remain at the heart of the County Government due to massive investment that the defunct City Council put in schools. The Budget Committee understands that in line with article 187(2) of the Constitution such transfer of functions should be accompanied by adequate resources from the National Government.

It is hence the recommendation of the Committee that either the schools are scrapped off the plan for the source of funding is charged to National Government transfer. Under the Governor's office and ICT there is an allocation of building of a training facility for an Investigation Department. It is the recommendation of the Budget Committee that the training should still be undertaken at CID Headquarters as is the case currently. The allocation for the establishment should hence be scrapped off the CIDP. The Committee is also of the view that Trade, Tourism and Enterprise Development Sector must put in measures to ensure that market titles in the hands of individuals are repossessed by the County. Further the Committee has made it clear to the sector that there is no need to earmark funds for construction of new markets at a time when the existing ones are not in the best shape. In this regard therefore it is the resolution of the Committee that the sixty markets should be rehabilitated before any additional County resources are invested in building any new trading jurisdictions.

The County Integrated Development Plan is a document that must amalgamate all projects that should be pursued in the lifeline of the first Assembly. It is hence tantamount to suicide for Hon. Members if any Ward is omitted from the development outlay. This is the reason why the Committee looked at the program under the Public Works and Roads Sector which has a lot of attention to ensure that no Ward is left out. As Members are aware, this CIDP as earlier presented had not contained the projects to be undertaken at the Wards through the Ward Development Fund. The Committee hence requested the County Treasury to submit the list of projects that had been obtained from the public during the consultative forums and the Committee should be proposing that the plan be amended by inserting the same as annexures.

Mr. Speaker sir, in summary and pursuant to the provisions of section 126(3) of the PFM Act 2012, the Committee recommends that this Assembly resolves as follows:

1. The County Integrated Development Plan must in future be submitted to this Assembly for approval in a timely manner.
2. The County Treasury inserts in the CIDP, a summary of budget and details of how much of that budget is utilized for capital projects as required by section 126(1 g) of the PFM 2012 and section 113(2) of the County Government Act 2012 respectively.
3. The County Treasury adds the CIDP a detailed analysis of County's population, access to health, housing, food, security, safe drinking water, social security and education.
4. The County Treasury must ensure that the statistics/maps and various plans are completed and attached to the plan.
5. The County Treasury should undertake a thorough editing of the document to correct the grammatical and typographical errors.
6. The Public Service Management sector must come up with responsive programs on how to handle the bloated workforce.
7. The County Treasury should rid the document of all learning institutions that have been established.
8. The CIDP should be amended by either scrapping all primary schools earmarked for funding or changing the resources of financing to national transfers after agreeing on the modalities of functions transferred in line with article 187 of the Constitution.
9. The allocation for establishment of training facilities under investigations department be scrapped off.
10. Priority be given to rehabilitating existing markets before additional funds are used for building any new trading centers.

Mr. Speaker sir, in conclusion and pursuant to the provision of section 126(3) of the Public Finance Management Act 2012 the County Budget and Appropriation Committee recommends that this County Assembly adopts the report of the Budget and Appropriations Committee on the Sessional Paper number 1 of 2014 on the County Integrated Development Plan with the following amendments to include the Ward Development Projects. Thank you Mr. Speaker sir and I wish to call upon Hon. Njoroge Kairu to second it.

Hon. Member for Woodley/ Golf Course Ward (Mr. Njoroge Kairu): Thank you Mr. Speaker sir, I beg to second the Motion.

Hon. Speaker: Very well, Hon. Members, I now propose the question that,

(Question proposed)

Hon. Member for Komarock Ward (Mr. Samuel Irungu): Mr. Speaker, I rise to support the Motion but first of all I want to say from the onset that we as the Budget Committee which I am privileged to be a Member, that we've been advocating so much to make sure that in future the CIDP encompasses all development projects in all Wards.

Mr. Speaker as Members may be aware, CIDP is supposed to cover the development framework of five years. If you look at this paper, you will see that the County Development Plan is supposed to cover projects from 2013 to 2017.

Mr. Speaker, I do know and I stand to be advised because in this document, the projects that are supposed to be undertaken from the year 2016/2017. The Members are aware that the Ward Development Fund encompasses a situation whereby, in every financial year you have developments that are supposed to take place. I stand to be advised on whether those projects that are to be undertaken in the year 2015/2016 are to be factored in the middle-term framework. Also, this document has solved a problem that had been very great impediment on execution of Ward Development Fund. In the opinion of Controller of Budget and the CIC, no project can be funded if it was not factored in the CIDP and so it gives a big leeway on rolling out Ward Development Fund project.

Finally, I think we need to prevail upon the Procurement Department now to actually execute this project because with only one month to the lapse of financial year 2014/2015, no award letters have been awarded on this project that has been highlighted here even though it is very clear that all the Wards are included. It will only remain a paper unless these award letters are given and the amount which is Kshs.1.7 billion is committed. I support, Mr. Speaker.

Hon. Speaker: Very well, Hon. Karen Wanjiku.

Hon. Karen Wanjiku (Nominated Member): Thank you, Mr. Speaker sir. I want to support this Report because there is much effort put in to it but I have some concerns. Regarding Education, for example, the Committee is recommending that all primary schools earmarked for funding be scrapped. It is the mandate of the County Government to work as the Constitution says in Article 187 just as they have quoted; they are supposed to see how they are supposed to---

Hon. Speaker: There is a Point of Order, Hon. Karen.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): I just want to alert the Member that she should check the Fourth Schedule of the Constitution before she misleads this House. Primary and

secondary are not under the docket of the County and so what has been written here are all plans that were factored in prior to that to upgrade primary, to avoid duplication of resources and roles between the National Government and the County Government. They decided to be proactive and save the County so that we adhere to the Fourth Schedule of the Constitution and refer again to the Second Schedule of the Standing Order. Thank you.

Hon. Karen Wanjiku: Thank you for your information but I was referring to Article 187 but I will go on. I have a concern; in the last financial year, we gave a budget to primary schools. Where does that Budget go? Even this financial year, we are giving it a Budget and we are being told it is being scrapped. It is just a concern, Mr. Speaker sir.

I want to touch on rehabilitation of new markets; the Report says they first have to rehabilitate before building new ones. I remember we had that debate here and we were looking for solutions for hawkers. We gave a recommendation that we needed new markets so that we could get a space for taking the hawkers. What is wrong with rehabilitating? If we have money budgeted and it is in the Budget, we should rehabilitate and at the same time build the new markets. What is wrong with that? We need those markets or else you leave the hawkers to keep on disturbing us here. We need that money to build new markets. They have talked about land; in Kasarani, for example, we have land. If there is money, we start a pilot project there; a good market that will accommodate the hawkers.

Mr. Speaker sir, I also want to touch on--- they have talked about minorities and marginalized at the start of the Report. On page four of the Report, on the background information, they have quoted very well and we very much know how to write very sweet things but implementing is very hard. Interest of minorities and marginalized groups; what money have we given to build a rehabilitation centre for the disabled or may be a building like a one-stop-shop to help them. Are we just writing minorities and marginalized here, do you know how much pain the disabled undergo? They move from the County to the SDO's office, to the Chief's office without getting any help and we are just writing in paper that marginalized. Who are the marginalized and the minorities? May be the women are empowered but what about the disabled? Thank you very much.

Hon. Speaker: Hon. Alex Mulatya.

Hon. Member for Kwa-Njenga Ward (Mr. Alex Mulatya): Thank you, very much, Mr. Speaker. I start by telling my fellow Hon. Member to join me in opposing this Report. Reason being; I remember one time we went to Rainbow Resort, we talked about the CIDP and we came to realize that out of the 85 Wards in the Nairobi City County, not all Wards were visited. Apart from the 85 Wards, there are areas with majority who are in informal settlements, whereby, we don't have title deeds especially my Ward, Kwa-Njenga and other Wards like Mauti's Ward. We don't have even land for developing social halls and markets but currently we are working on the same issue.

Now when we pass this, which is supposed to run between 2013 and 2017, it means we won't have money to have public amenities like social halls. Reason behind is that, we will get those get those

spaces may be probably between now and 2017. Why should I support this Report if it is not bringing interests on my area of jurisdiction?

Secondly, I would like to put across that we have disputed land in Nairobi County, for instance, in my Ward where we have markets which have been grabbed. What is this going to help me with? I am not ready to support this Bill and also urge my friend to join me in opposing this Report because what she has said, I had already thought about PWDs within our area who are not being catered for in this Report. Why should we support a Report which is not supporting us and not ready to build us? We are here as politicians, we are not here as flower men and flower girls. We are here to fight for our electorates within our Wards, not only Kwa-Njenga Ward but Nairobians in general. I rest my case, Mr. Speaker.

Hon. Speaker: Hon. Jacky Nyangala.

Hon. Jacqueline Nyangala (Nominated Member): Thank you, Mr. Speaker, I am standing here to support the Report and I would like to dig the Committee's recommendation No.10 'priority be given to rehabilitate existing markets before additional funds are used in building any new trading areas'. As a Member of Committee of Trade and Tourism, we have looked at this hawker's problem and deliberated for a very long time. There is a very elaborate policy that is coming out and we are going to take care of the hawkers in a very good way. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Tabitha.

Hon. Tabitha Ndigirigi: Thank you, Mr. Speaker sir. I would like to refer to page 181. I am supporting but against it because of two things.

Hon. Speaker: Tabitha---

Hon. Tabitha Ndigirigi: I support this Motion with questions regarding the issue and I would like the Majority Leader to give me time because I know what I am talking about. Page 181 on Jua Kali. I am a Nominated Member of this County Assembly of Nairobi and I am representing the women, the residents of Nairobi and the areas that are being affected. I am not ready to support those harassing these people. I want you to check this thing very well. Page 181 on Nairobi West Jua Kali shade Madaraka Wilson---is it okay? I would like you Mr. Speaker sir to check, sorry number 181.

Hon. Speaker: Hon. Tabitha since you are supporting the Motion, give reasons as to why you are supporting it.

Hon. Tabitha Ndigirigi: I am supporting this Motion with a reason that I know is going to be highlighted on the ground. I am a resident of that area and I do not want issues to be coming up.

Hon. Speaker: Very well Hon. Tabitha go on

Hon. Tabitha Ndigirigi: Also number 274 on the same page on the rehabilitation of South C children playground which was having a lot of problems *juzi vita, mambo mpaka* President *mwenyewe aliongea na akasupport hio* place. On the same page 274 is Wilson airport---

Hon. Speaker: Order Hon. Tabitha! Can you tell us what you want or what it is that you are selling us?

Hon. Tabitha Ndigirigi: Thank you Mr. Speaker sir. What I want you to assist us on is that the residents of that area are so bitter with the rehabilitation of South C playing ground which is a green belt and I am standing here to tell you the truth about this matter. The plot that is treated as South C shopping centre is a green belt centre where the President of the Republic is aware and we are not supposed to be removing people because of our personal interests.

As a Member of the Nairobi County I should not bring my interests in that. In Madaraka Primary School, there is no rehabilitation, around the Wilson airport is where I am a parent and nothing is being done there and so I am not going to allow personal interests of these Hon. Members realized and I am aware.

(Applause)

Hon. Speaker: Very well. Hon. Bishop Dagoretti. Hon. Gari you now know that you have a job to do there

Hon. Member for Waithaka Ward (Mr. Anthony Karanja): Thank you Mr. Speaker. I would like to oppose this Motion and also jog the memory of these Hon. Members and refer to the main document of this report which is the CIDP. Mr. Speaker we rejected this---

Hon. Leader of Majority: Point of Order Mr. Speaker!

Hon. Speaker: There is a Point of Order

Hon. Leader of Majority: Mr. Speaker I just want to bring to your attention that in this House we have only one Bishop, the other one is self-proclaimed and so Mr. Speaker don't use that name.

Hon. Speaker: Very well.

Hon. Anthony Karanja: Thank you Majority Leader for declaring that I am the only Bishop. Mr. Speaker as I was saying, I would like to jog the memory of this County Assembly that we rejected this document with reasons. Like my colleague has said it never included---

Hon. Speaker: Order Hon. Member you said you rejected?

Hon. Anthony Karanja: I oppose this Motion Mr. Speaker. I remember the CIDP did not see the light of day in this House reason being, it did not include all the Wards in the County of Nairobi. If we pass this Motion, it is going to pass excluding some Wards in this County. Furthermore Mr. Speaker it is a document that is supposed to operate from 2013 to 2017. Having said that, what is going to happen to the Ward development projects of the years to come? On top of that I would say that this is the same original document now laced with the Ward Development Fund. Mr. Speaker I beg for your attention.

This is the same document, the CIDP, but now laced with Ward Development Fund projects. I would like my fellow colleagues to make sure that we are not opposed to a CIDP. We are opposed to a CIDP which when we raised our concerns, the Executive or the author of the document did not come back to the Members to address the issues that we raised. Mr. Speaker I stand to oppose and I hope everybody can see this through the lies that are here. Thank you Mr. Speaker.

Hon. Speaker: On this side Hon. Thuo

Hon. Member for Karura Ward (Mr. Stephen Thuo Kamau): Thank you Hon. Speaker. I must say I have reservations as far as the document forwarded to this House is concerned and I want to believe that the Members of this County Assembly fully understand what the term CIDP is. As a House we have never had a chance to sit with the Executive to go through the various proposed projects. The reason as to why I am saying this is because the CIDP is very important because a project that has not been included in this particular project cannot be funded and that is the law.

I don't understand why we are in a hurry to pass this document. Are we passing this document to beat timeliness? We are beating timeliness without bringing projects to other Wards and so Hon. Speaker and I am begging the other Hon. Members here to take time to reflect on what is included in this particular document and I am urging the Members of this Assembly to kindly defeat this Motion for today, so that the

Members of the Budget Committee can go back and come with a document that lists all the projects that should be done within five years. I need your attention Hon. Speaker.

Mr. Speaker before I sit down I want to firmly say that I support a CIDP that has gone through all the processes. I cannot support a half-baked report

Hon. Speaker: Order Hon. Thuo. Are you supporting this or opposing?

Hon. Thuo Kamau: Mr. Speaker I am very clear. I have said and I will repeat, I will only support a CIDP that has not gone through all the processes; I cannot support a half-baked report because---

Hon. Speaker: Order! Hon. Thuo. Are you supporting or opposing?

Hon. Thuo Kamau: Mr. Speaker my language is very clear. I cannot support a CIDP document that has not gone through all the processes. In a nut-shell---

Hon. Speaker: Order! We have two languages here; I support, I oppose. Don't put any lotion on it

Hon. Thuo Kamau: Thank you Hon. Speaker. In a nut-shell what I mean is this particular document is half baked and as a House we should reject it and leave our colleagues in the Budget Committee to have ample time to consult widely with the Nairobi's and the Members of this County Assembly so that we have a document that satisfies the needs of Nairobi's. So Members can we reject this document kindly.

Hon. Speaker: The Hon. Deputy Speaker

Hon. Deputy Speaker: Thank you Mr. Speaker. I rise here in support of the Motion and Mr. Speaker I want the Members of this Assembly to take the business of this House seriously because it is not the prerogative of the---

Hon. Speaker: There is a Point of Order Deputy Speaker

Hon. Alex Mulatya: With due respect, Deputy Speaker, can you withdraw and apologize on behalf of this House? We are taking this matter very serious in terms of--- we should not be lied that WDF is part of CIDP. With or without the CIDP, we have the Ward Development Fund. So can you please withdraw and apologize on behalf of my fellow members?

Hon. Speaker: Hon. Deputy Speaker.

Hon. Deputy Speaker: I think I have no reason to apologize, Mr. Speaker, because I have not even said what I wanted to say in contribution. So, I wonder why the Hon. Member is trying to put words in my mouth. Mr. Speaker, it is the prerogative of the members to forward their interest based on the areas they represent. And at no given time, Mr. Speaker, did a Member forward any interest and be rejected in totality by the Committee of Budget and Appropriation. Here we are being told that there are some Wards which have been left out. Can they single out and say “my Ward” and not to generalize there are some Wards which have been left out? Mr. Speaker, it is very unfair to defeat this Motion just with blanket complain. Thank you Mr. Speaker.

Hon. Speaker: The Hon. Chairperson, Budget and Appropriation.

Hon. Michael Ogada: Thank you Mr. Speaker sir. According to the deliberations of the Members, you realize that they all know this is an important document that must be in place in order for the County to develop. Mr. Speaker sir, I have a feeling, or my Committee has a feeling, that the County should not be held at ransom. For example, *Mheshimiwa* Mulatya has just spoken and said that he is not supporting this Bill because he feels there is a place he is looking for to build a nursery school and he doesn't have a title deed. So, in other words, he is telling us, the County, to stand still until he gets a title deed in his Ward which is not practical.

Mr. Speaker sir, when you come to the issues which were raised by *Mheshimiwa* Karen, which are quite right, the only thing which I need to advice is that she was talking about excluding early childhood from our existing primary school. There was a problem because when Members were told to propose sites to build new early childhood schools, we realized that they were proposing areas which have got issues, which have got questions. So it became a bit tricky. But still, they are all allowed. For those who have got land, the schools are going to be put up. The County Government has gone further to talk to the National Government so that in the existing primary schools we are allowed to do early childhood in a section of them. They are going to fence it off so that it is not part of the main school. We realized that if we go through the issues of lands in Nairobi, we might end up not even doing one single early childhood center. So, it in the interest of the County Government that we allow all Wards with enough spaces in their primary schools that they put this early childhood there.

The other thing that *Mheshimiwa* Karen raised was about budgeting for primary schools. Mr. Speaker sir, our Committee, the Budget Committee, is always within the law. We cannot budget for something which is not allowed by law. And in other words, they have never budgeted for any primary schools. So it is not true. We have never budgeted for primary school education in the budget.

Mr. Speaker sir, talking about markets which *Mheshimiwa* Karen also raised, I wish to tell her that what my Committee recommended is that priority be given to the markets which are dilapidated. We have got this market here which was burnt down. We have Karen Market which was also burnt down. So, my Committee advised the Executive in charge of markets to ensure that these markets are rehabilitated if the monies we have is not enough. But we have given priority and we are going to build new markets. As we

talk today, Kasarani has been given 200 million to do new markets and Kariobangi South ground breaking is taking place next week and we have given them 100 million. So, new markets are being put. We have set aside 375 million for new markets. So, Members, I think our interests are taken care of and therefore we need not to bother.

She also raised the issue of why we are not careful of doing some rehabilitation centers because of the marginalized. I wish to tell her that we have set aside money and we are going to start doing Ruai Rehabilitation Center. We have 100 million for it. It is going to work. The Budget Committee is really keen on this. So, Mr. Speaker sir, I wish to advise Members. CIDP is an important component of development plan. Let us not simply oppose things because our Wards are not taken care of. Our Committee did enough consultations. We met with several Sectoral Committees and when we realized several departments/ Wards were not represented, we even did it in writing and advised all the Ward Members who are representing their Wards, who feel that the things which were prioritized by their constituents were not taken care of, to take the recommendations to the Director of Economic Planning. Members like Mulatya have never stepped in that place and he keeps on complaining day in day out. The Budget Committee cannot stop their work simply because Mulatya is not ready to work. Thank you very much Mr. Speaker sir.

(Loud consultations)

Hon. Speaker: Order Hon. Mulatya! There is a Point of Order from Bishop William. And I assume Hon. Chairperson, Budget, has replied.

Hon. William Abuka (Nominated Member): Thank you very much Mr. Speaker. Is the Chairman in order to mislead this Hon. House? That all that *Mheshimiwa* Karen asked for is a center to bring together everybody who is in the class or the marginalized. I think *Mheshimiwa* Karen was very specific. To the extent that she mentioned a particular class and group of people who have suffered not only marginalization, by the way they have been treated but they have also suffered humiliation. I think it would have been fair for the Chairman to, in reference to that, say; "and especially we have set a side this money to do this". The demon has propelled impunity that we are seeing here, would not have been featured in the life and a document as honorable as the CIDP document being given to us by the Chairman. It should have been fair enough to say that PWDs have this treatment, a good one coming their way. And not to tell us that all the Hindis and Warias and all the lame people and the blind are going to be taken to---

(Applause)

Mr. Speaker, I need your attention. I therefore beg that the Chairman should come back here to correct that impression that the aspect of marginalization has been addressed in the CIDP document. It is not being addressed. The half-truths that are perpetrated--- The conduct of business in this Government must be finally dealt with by this Assembly. The Ward Reps are complaining because one feels that the people that voted for me and that I represent here, their issues have not been articulated. Their areas have not been addressed and they are not being helped.

I am also saying the same and if my colleague was careful enough to bring it to the House and let the Chairman know that they have been neglected, why should he come here and lie to the House? Mr. Speaker, I am not taking that lying down. If he is not addressing that point I will raise 15 Points of Order and more so that he can tell us how much is set aside for them.

Hon. Speaker: Hon. Bishop William, can you be specific on exactly what you want addressed?

Hon. William Abuka: What I want addressed is this, that I want the Chairman to speak the truth and not mislead the House which is that in Ruai a center is going to be built and will take anybody in the class of the marginalized whether or not they are Maasai, *Waria*, Luo, Hindu or Swahili. As long as they are in the class of the marginalized---

Hon. Speaker: Hon. Chairperson, can you just clarify and the Mover to reply.

Hon. Michael Ogada: Thank you very much Mr. Speaker sir. I would like to address what *Mheshimiwa* Abuka is really raising. This is an issue that he has raised several times and we have tried to even talk about it. The issue that Karen raised was different because talking about setting up a rehabilitation center for the marginalized--- in the marginalized we have got people who are disadvantaged, not everybody can be taken to a rehabilitation center simply because you are disadvantaged. We have people who are disadvantaged by numbers, how do you take them to a rehabilitation center--- (*Laughter*).

Mr. Speaker, we are talking about the disabled. In reference to this Mr. Speaker, as a Committee we are guided by law and simply because we sit in a Committee does not give us the right to allocate money left, right and center. I think we consulted with the *Mheshimiwa* himself such that, one, we proposed that the group he is talking about should have a Committee in the Assembly that can take care of their interests. That was the first proposal.

The second one is that he has come up with a Bill so that at least it be recognized. So, Mr. Speaker, in the interest of my Committee because the law does not allow us to allocate money for people with disabilities and what have you. What we did is we said that we are allocating 30 million plus 30 million which is 60 million for an Emergency Fund and special interest groups until they will have come up with a law and a proper document which will enable us to allocate them that money directly. Otherwise our hands are tied and we will be breaking the law.

Mr. Speaker, when you look at the Assembly, they know the document that we have presented is thoroughly researched and worked on and all the developments in it are for the interest of Nairobi and not only one particular Ward. We have made sure that the entire City is really balanced in it.

Mr. Speaker, I wish to thank the Members who are just about to pass this document, for really looking at it and taking keen interest in it. Otherwise, to the two who are opposed to it, our Committee has

really taken care and we are going to ensure that developments will be done in their Wards whether they want them or not. Thank you very much.

Hon. Speaker: Very well. Hon. Members, I put the question.

(The question is put and agreed to)

Hon. Speaker: Next Order please.

SECOND READING: The Nairobi City County Urban Agriculture promotion and regularization Bill No. 2 of 2015

Hon. Speaker: Hon. Amutavi was on the floor on the material day. Hon. Leader of the Majority.

Hon. Leader Majority: Mr. Speaker, I think that maybe the Chairperson was not aware of whether we were having a Session today. Several Members came in the morning and when they saw me putting on a tie it is when they realized that there was an Assembly today. So, I think the Chairman of Agriculture and Environment is not aware and also, Mr. Speaker, as you know today is Tuesday and maybe he took what he always takes all the time--- So, Mr. Speaker can we defer this Motion until tomorrow?

(The Clerk and the Speaker confer at the table)

Hon. Leader of Majority: Mr. Speaker, are you listening to me?

Hon. Speaker: Yes, please.

Hon. Leader of Majority: I think we defer this Motion until tomorrow when the Chairperson will be available for his presentation tomorrow.

Hon. Speaker: Very Well, Hon. Leader of Majority. Tomorrow at 2.30 p.m. ---

Hon. Elizabeth Manyala: Point of Order.

Hon. Speaker: Yes, Hon. Manyala.

Hon. Elizabeth Manyala: Mr. Speaker, it is very sad indeed that we elected Whips in this Hon. Assembly and I think these Whips are so comfortable since they were given offices to the extent that they do not even whip the Members. For us to postpone the serious business in the Assembly because

Members are not aware whether or not we were resuming today, is that the work of the Clerk or the work of the Whips? Even the two Whips, where are they? Are they sleeping on the job? It is very sad and it is high time that we treat this Assembly with the dignity and decorum that it deserves. Thank you, Mr. Speaker.

Hon. Speaker: Very well. I hope the leadership of the Assembly have noted that. Thank you. Next Order.

COMMITTEE OF THE WHOLE ASSEMBLY

Hon. Member for Imara Daima (Mr. Jairus Atinya): Thank you, Mr. Speaker sir. Owing to the amendments we need more time for the Committee to discuss the amendments, please.

Hon. Speaker: Very well, Hon. Chairperson. You have until Tuesday next week at 2.30 p.m. and you come with all the amendments including the one that Members went to discuss at their retreat in Mombasa. Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Speaker, I am kindly requesting your office if you could convene a Speaker's *Kamukunji* on the same issue so that Members can be taken through this intended amendments, if that is possible.

Hon. Speaker: For which one, Hon. Deputy Speaker?

Hon. Deputy Speaker: Order number 10 on the Regularization Bill, if you could have a Speaker's *Kamukunji* before this so that we agree on these amendments.

Hon. Speaker: Very well. I think we will sit with you and the leadership of the Assembly so that we can plan a date that is appropriate. Hon. Members, the House Business Committee meet after the rise of the House in the foyer for their deliberations. Hon. Members, the House is adjourned until tomorrow at 2.30 p.m.

The House rose at 4.12 p.m.