



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Wednesday, 3rd June, 2015

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Hon. Zulfa Hakim.

Hon. Zulfa Hakim: Thank you, Mr. Speaker.

NOTICE OF MOTION – EDUCATION, YOUTH AFFAIRS, SPORTS, CHILDREN, CULTURE AND SOCIAL SERVICES SECTOR.

Hon. Speaker, I beg to give notice of the following Motion.

That aware that Article 6(2) of the Constitution recognizes that both the National and the County Governments are distinct and interdependent and that devolution is an important principle in the new structure of Governance. Further aware that the function of village polytechnics is vested in the County Governments pursuant to provisions of part II of the 4th Schedule of the Constitution of Kenya 2010. Acknowledging that there has been increased enrollment in both primary and secondary schools in recent years. Deeply concerned that the low number of primary school leavers transiting to secondary school has become a cause of alarm for both National and County Governments, this Assembly urges the County Executive to establish at least one County Vocational Training Institution---

(Members consulting)

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Hon. Speaker: Order Members, consult in low tones.

Hon. Zulfa Hakim: This Assembly urges the County Executive to establish at least one County Vocational Training Institution with well-equipped facilities to accommodate primary and secondary school leavers who fail to transition to higher levels of learning. Thank you, Mr. Speaker.

STATEMENTS

Hon. Speaker: Thank you, Hon. Zulfa. Hon. Members, there will be a response to the statement requested by Hon. Shadrack Juma from the Chairperson of the Sectoral Committee on Health Services regarding the missing Pumwani twins. The Hon. Manoah.

Hon. Manoah Mboku: Thank you, Mr. Speaker. This is a statement response requested by Hon. Shadrack Juma, MCA. Mr. Speaker, on Wednesday 11th March, 2015 Hon. Shadrack Juma rose on the floor of the Assembly pursuant to Standing Order number 41(2)(c) and requested the Chairperson of Health Services Committee for a statement regarding the mystery of the missing Pumwani twins. In the Statement the Member sought to know the following.

1. Prevailing circumstances leading to the disappearance of twin babies at Pumwani Maternity Hospital;
2. The measures the County is taking to avoid cases of children disappearing in Pumwani Maternity in the future.

Mr. Speaker, the Committee wrote to the County Secretary and copied the Chief Executive Member and the Chief Officer of Health on 17th March, 2015 where the contents that were requested were outlined. Further, the Chief Officer delivered a recent response to the Committee on a letter dated 13th April, 2015. Mr. Speaker, in this regard I wish to report to the Assembly that on 5th January, 2015 a mother going by the name of Jacinta Wanjiku was admitted to Pumwani Maternity Hospital, IP (In Patient number) 393/15 at 11.30 p.m. accompanied by her husband a Mr. Dedan Kimathi.

She was in labor and it was revealed that she had attended antenatal clinic in Kariobangi South in Nairobi but an ultrasound had not been done. She had one previous scan and she did not know that she had a twin pregnancy because the ultrasound had not been done. Caesarian section was prescribed after an examination. She was examined by the mid-wife and no fetal heart was heard. She was informed about this and she wrote and signed in the patient file that she had been informed that the twin babies she was carrying may not be alive. Before she could be taken to the theatre she delivered the first twin, a male child, of 3.3 kgs.

The next day in the morning at 10.30 a.m. it was a macerated still birth and it was visible on the dead baby that skin was peeled off and the body was swollen and the head crushed and deformed. The

mother signed that she had seen the first twin baby dead. At 10.45 a.m. she delivered a second twin male of 3.1 kgs and also the skin was peeled off, body swollen and smelling of liquor. It was macerated. Since she was tired, the nurse wrote on her behalf that she had seen the second twin dead and she also signed that she concurs with that.

She asked the hospital to call her husband to come and witness the happenings. He came after 5.00 pm when the dead twins had been transferred to the storage Mortuary of Pumwani and he was advised to come back the following day because the mortuary attendant had left.

The husband informed his sister about the death of his twins. The sister posted the matter on Facebook and the media followed this story and brought it to the public limelight. The next morning (7th Jan 2015) the husband came to the hospital with the media. The mother had changed the story and said she heard the 2nd twin cry on birth. The media (Daily Nation), Jacinta Wanjiku and her husband were told the whole story and they left contented. Thereafter the husband was shown the two twin bodies at the "storage". The media crew were reluctant and did not accompany the husband and hospital team to the storage mortuary.

On 8th January 2015 the labeled bodies were packed in a carton and moved to the City Mortuary for preservation. The two twin bodies were registered in the City Mortuary. Since this matter was published on the back page of the Daily Nation of 8th January 2015, the Hospital Mortuary attendant requested the City Mortuary office that the bodies be preserved until authority was granted for their disposal.

In order to clear any doubt on this matter, a postmortem and free DNA was ordered by the Chief Officer. The parents and Government Chemist were sent to the City Mortuary for postmortem and DNA.

On 27th January 2015 a postmortem and DNA was conducted. When the two twin dead bodies were presented by the City Mortuary staff, the father rejected them citing that they were not the right ones while the mother was overcome by emotions and did not comment. The Pumwani hospital was presented by Dr. Okoko and Dr Maina who were not present at the time of delivery which is unfortunate that the two doctors had not seen the two twin bodies and therefore could not have registered any objection to the post Mortem and DNA.

Upon receiving report that a post-mortem of different dead bodies was conducted on 27th January 2015 and the Hospital Management Team in the company of Dr. Oyaro and Nursing Officer Kelel visited the City Mortuary on 3rd February 2015. Dr. Oyaro and Sister Kelel were the ones who conducted the delivery. The team was shown the two bodies that had had post-mortem and DNA done on. The team observed that the two bodies were not the ones that were handed over to the City Mortuary. After the team demanded to know the whereabouts of the two bodies that were received at the City Mortuary, the Mortuary Senior Funeral Superintendent availed all bodies that had been moved from the Pumwani Maternity Hospital from December 2014, but the twins could not be traced among those presented.

After a lengthy discussion with the City Mortuary In-charge it was resolved that he should go out of his way and produce the right twin bodies for a possible repeat of post-Mortem and DNA to ascertain the true position of the matter. The Chief Officer, Health Services strongly believes that the correct bodies of Jacinta's twin babies must have disappeared at the City Mortuary and the Mortuary staff gave the wrong bodies for postmortem.

Mr. Speaker, in conclusion, on 7th January, 2015 Mr. Dedan Kimathi Mutoro husband to Jacinta Wanjiku authorized the Nairobi City County through Pumwani Maternity Hospital to dispose of the said bodies and committed himself that he will not in any case claim the said again from the hospital. Mr. Kimathi and his wife must come out clearly and explain why they are pursuing this matter yet they know very well that the two twin babies were born dead.

Number two, the post-mortem and DNA test was done on wrong bodies and therefore the results could not be established because they were of different parents. There's a pictorial evidence of the two bodies taken before they were dispatched to City Mortuary and the ones that had post-mortem and DNA conducted.

Number three, Custody of abandoned babies at Pumwani Maternity Hospital. It is on record that Pumwani maternity Hospital has been the custodian of abandoned babies in the hospital

Number four, in 2014, a total of 25 babies were left in the hospital and were placed in different children homes through the Child Welfare Society of Kenya. Thirteen of them were abandoned by their mothers while twelve of them were given out by their mothers for adoption.

In addition to the above 25 babies, in the same year, 6 (six) babies were left under the hospital's custody when their mothers were either transferred to Kenyatta National Hospital or died. They were later collected by their next of kin.

Since January 2015 to date, 4 babies have been abandoned in the hospital. One male baby was released to Mama Ngina Children's Home through Child Welfare Society of Kenya. One abandoned and two mother's offers are still under the care of the hospital. The three are female babies.

Allegation of Disappearance of babies from the Hospital

Some of the allegations which have been formally made to the hospital are:-

i. **Bishop Deya baby saga.**

In the year 2004, the wife to Bishop Deya was arrested at Kenyatta National Hospital and charged with a theft of a baby from Pumwani Maternity Hospital. She was also charged in a London Law Court for baby trafficking. The County Government has not had access of the verdict on these cases, but it turned out that the said baby was not from Pumwani Maternity Hospital.

- ii. In 2011 a mother (Maureen) was discharged from the hospital with a live baby. A Good Samaritan who had cleared the hospital bill offered her a lift to town, bought her tea and when she woke up, the baby had disappeared. It was suspected that she was drugged. Press reported that the baby was stolen from Pumwani Maternity Hospital and yet the baby had been stolen from River Road. Police from Buruburu Police Station took up the case and up to date there has been no feedback.
- iii. On 9th April 2012, the Star Newspaper reported that twin babies of Zawadi Mugo had disappeared from Pumwani hospital. She raised complain after she had been discharged and left the hospital. She never complained to the hospital, she had delivered a stillbirth and had not taken ultrasound to verify that she had twins.

In view of the above, the office of the Chief Officer, Health Services therefore states with confidence that they do not have incidents where babies disappear from Pumwani Maternity Hospital.

Measures being taken

- i. The County has taken steps of improving security. A perimeter wall has been erected around Pumwani Maternity Hospital.
- ii. Street lighting has been undertaken therefore making the hospital well lit.
- iii. The County Government has sought approval for installation of CCTV cameras at Pumwani Maternity Hospital which is at procurement stage and when implemented will go a long way in improving services.
- iv. There are other plans to improve service delivery; this includes hiring staff on locum and employing other new staffs.
- v. Deploying of a Public Relations Officer at Pumwani Maternity Hospital to handle publicity and media issues is underway.
- vi. This matter is under investigation by the Senate Standing Committee on Health and Directorate of Criminal Investigation.

The County Health Services looks forward for the conclusion of investigation with a view that the hospital will be vindicated from any wrong doing.

Hon. Speaker, I beg to lay this response. Thank you.

Hon. Speaker: Very well Hon. Chairperson for Health. Order Hon. Order! Hon. Juma.

Hon. Member for Baba Dogo (Mr. Shadarck Juma): Thank you Mr. Speaker, even though I could have requested you, I have been told something with---

Hon. Speaker: First of all, is this your--- so you tell us how you feel before we engage Hon. juma.

Hon. Juma: No problem Mr. Speaker, first of all I thank the Committee, I commend them for the report and I have some reservations to make especially on page 2 and 4 on measures being taken, again I would like to request--- no first of all let me deal with that. Mr. Speaker on page 2 the Chief Officer Health

Services strongly believes that the correct bodies of the twin babies of Jacinta must have disappeared at the City Mortuary and the mortuary staff gave wrong bodies for post mortem.

Mr. Speaker the said staff, I hear have been suspended, and I cannot believe that these officers had anything to do with the bodies because they could not have any interest whatsoever to either hide the bodies or give the wrong bodies. Mr. Speaker these guys are carrying the cross which is not theirs.

Mr. Speaker maybe I would like you to see what you are going to do on that issue. Then also I would like to call upon the Committee to either call a press conference and tell the Nairobians the truth about these issues or their findings because the institutions name has already been tainted and I think last week, last week but one there are some people who were telling mothers not to go to Pumwani Hospital because it is a slaughter house or something like that, so Mr. Speaker I would like you to tackle that issue. Then on the same report there is an issue that Mr. Kimathi had agreed on the disposal of the bodies.

Hon. Speaker: Which is that page you are talking about?

Hon. Juma: There is--- that they had agreed that the bodies be disposed--- on the conclusion number 1. So I don't know whether it was done verbally or it was something that was written, so in as much as I just agree with it but a lot has to be done. On the measures being taken Mr. Speaker I know the system here in City Hall where something was proposed in 2013 and maybe procured in 201,8 so on that issues of what is supposed to be bought I heard that the County Government sought approval for the installation of CCTV cameras which is at procurement stage; I don't know when they will be installed but I guess it is after we have left the Assembly. Thank you Mr. Speaker

Hon. Speaker: Very well, Hon. Mumo

Hon. Leah Mumo (Nominated Member): Thank you Mr. Speaker, I stand here as Member of the Health Committee and I want to speak about the report. It is under investigation, it is still at the Senate and we have never agreed and actually as for me I have not signed the report. I don't know why the Chairperson is coming here and tabling the report while the Members of the Committee have not yet signed. It is still under investigation

Hon. Speaker: Order! Order Hon. Members! Hon. Chairperson is that the position that the Members have not signed?

Hon. Manoah Mbuku: Mr. Speaker you remember you have been giving warnings to Members to be attending Committees. This is where the issue is. Members don't come to meetings, when resolutions are done they are not there, it is today when the Clerk brought this response to the Committee and he said clearly they are going to table it in this Assembly and in any case responses are not signed for, responses are from request we sent to the Executive; these are not reports that Committee Members are supposed to sign for and in any case also it is true this matter is with the Senate. The Senate has got the same powers

with the High Court so if there is any other issue which has to be addressed I'm sure the Senate is doing all possible ways to make sure this matter is addressed. Thank you

Hon. Mumo: Thank you Hon. Speaker, I want you to ask the Clerk to bring the attendance list, I want him to tell when I was not in the Committee when they signed.

Hon. Member for South C Ward (Ms. Diana Kapeen): Thank you Mr. Speaker sir, I want to thank the Chairman of the Health Committee, however I have a lot of reservations Mr. Speaker sir. The report is like a drama; it is like a script because we are talking about the loss of life whether it is a child of one day, a man of 20 years or an old man of 40 or 70 years. Mr. Speaker issues of life are serious; I beg your attention Mr. Speaker sir---

(Hon. Speaker consults with a Member)

Whether it is a man of 90 years, we have heard a report whereby two doctors who were not present during the birth and death of those children went to represent Pumwani Hospital in the City Mortuary and they did not sign the report because they said they were not present so they could not identify the bodies. Then we also have a report where Ms. Kilel went and said the bodies that were transferred from Pumwani were different from what was in the City Mortuary. My question is I really want to know if there is a provision of space for young kids from a day old up to small children, how are they stored in the City Mortuary? Because I'm sure this is just one case, about the details I would really want to know if a parent loses a kid, how is this kid preserved?

In this case it seems people are burying the wrong kids because you cannot tell me even after releasing the body the person who confirms buried the wrong body. So what happens to the parents of these two children, probably they are still looking for their loved ones. So as much as the report has been answered I would really want, it is a concern for every parent who loses their kid, how their kids are being preserved in Pumwani and what is the ethical conduct of these people if they can bury somebody they are not sure it is not the correct body Mr. Speaker.

So as much as the report has been tabled let us not table reports because we want to beat time. These are reports that are documented, these are reports that are put on Hansard, these are reports that affect very many people in Nairobi. This is just one case, probably the parents had a hidden agenda by confirming, maybe they wanted something but for the sake of other people who lose their kids we want the Health Committee through the Assembly to find out how small kids who have passed on are preserved in the City Mortuary and what does the County as the custodian of the City Mortuary--- after a parent discovers her kid has been buried in the--- what action do they take because these are people who are traumatized for some time. Thank you

Hon. Speaker: Order Hon. Members, order! Hon. Juma are you satisfied with the report, with the response?

(Several Members rise to speak)

Hon. Speaker: Order! We only have one Juma, we don't have 20 Jumas! Hon. Members sit down! Sit down!

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): No Mr. Speaker.

(Applause)

Hon. Speaker: Very well. Hon. Juma is not satisfied with the report. I therefore want to make a ruling. Order Hon. Members! I want to make a ruling that the matter is still under investigations by the Senate so we give them time to complete and furthermore, going to what Hon. Diana Kapeen has just put in to the Committee of Health, there is a lot that the Committee need to do to come up with a comprehensive report and I want to add to this, the babies who have passed on, they are the loved ones of those families. How are they preserved? How are they taken to the City Morgue? And what is the identification process because we all understand the mothers after giving birth are in a lot of pain, you know, that chemistry. Therefore Chairman go back with your Committee and sit down, you have been doing a good job. Please do us a good job because this is a job for the Nairobians and I want the matter to rest. Next Order, Hon. Thuo. Order!

Hon. Member for Karura Ward (Mr. Kamau Thuo): Mr. Speaker, I seek your indulgence on this that the Chairman of Health has an interest in this matter.

Hon. Speaker: Order!

Hon. Kamau Thuo: We---On a serious note Mr. Speaker.

Hon. Speaker: Order! You cannot--- Order Hon. Thuo!

Hon. Kamau Thuo: I go ahead to seek a Statement then.

Hon. Speaker: Order! You know the games of the Assembly and the Standing Orders. Hon. Thuo when you insinuate that a Member has interests you must substantiate or withdraw.

Hon. Karen Wanjiku (Nominated Member): Point of Order!

Hon. Speaker: Order!

Hon. Kamau Thuo: Mr. Speaker it will require a DNA---

Hon. Speaker: Order!

Hon. Kamau Thuo: I withdraw then.

Hon. Speaker: Thank you Hon. Chairman an undertaking please, on behalf of Nairobians and the Assembly.

Hon. Manoah Mboku: Thank you Mr. Speaker, indeed what you have said, the matter is with the Senate and I have said it has the same powers as a High Court. As a committee we have done the much we can. However what Members have said is very important we need to tell Nairobias what happens and also I want to put across to the Members that as much as we crucify this facility it is a County facility and if I may ask a Member to bring any one proven case of a theft case in Pumwani, I am sure there is no case of theft---

(Loud consultations)

Hon. Speaker: Order Chairman!

(Loud consultations)

Hon. Manoah Mboku: There is no proven case and if there is ---

(Loud consultations)

Hon. Speaker: Order! Order Hon. Members! The Speaker is on his feet, you want me to sit down or you--- Hon. Members I think we know that if you like to say, 'we know but we don't like it'. As the Speaker I am a Nairobiian and Hon. Chairperson your words are very disturbing---

Order Hon. Members! Hon. Hon. Millicent! Go back and bring us a report, what happens in Pumwani is in the diary of Kenyans and you too. So bring us a report without fail. I want to thank you.

Next Order please! The Order on--- We have to wait until Senate comes back next week then we will know what time. Hon. Thuo, I know you are in a hurry but please hold your horses.

Hon. Karen Wanjiku (Nominated Member): Point of Order!

Hon. Speaker: On what Hon. Karen Wanjiku?

Hon. Karen Wanjiku: Standing Order No. 74.

Hon. Speaker: You want to address me?

Hon. Karen Wanjiku: Yes Mr. Speaker sir.

Hon. Speaker: But you have to look at me.

(Laughter)

Hon. Karen Wanjiku (Nominated Member): Yes Mr. Speaker sir, Nairobi County has witnessed a lot of health issues and as a mother I cannot sit down when we speak about those mothers who lose their babies at Pumwani and in Mama Lucy Kibaki and yet our Chairman unfortunately, he is not even sensitive about the issue we are talking about. We agreed to investigate this matter thoroughly; we agreed to call the nurses, the student nurses and the mother.

So far we have called the nurses and the student nurses and we have investigated. We agreed to call the mother and the father so that we can get their part of the story. Mr. Speaker this report is half-baked and as Members we said we cannot bring a half-baked report on this very sensitive matter.

As you know right now, Mama Lucy Kibaki and even Pumwani they had written that if you go to Pumwani to deliver, you are going at your own risk. What are our mothers going to do in Nairobi City County in terms of delivery? Those poor mothers Mr. Speaker sir, who cannot afford to give birth in better health facilities. Like me I have a medical cover but what about that mother who sells *mboga* and that mother who sells roasted maize in Njiru or in Kibera? This is a very serious issue and it should not be taken for granted Mr. Speaker sir. Thank you.

(Applause)

Hon. Speaker: Very well I think that matter will rest. Order Hon. Ex. Can I have the next Order please? Order Hon. Masiga! Let's move on and Hon. Millicent! The following Members will be requesting for Statements Hon. Nancy Luchiri,

Hon. Nancy Luchiri: Thank you Mr. Speaker sir, some Members in this House do not know my name *wananiita* Owera Mr. Speaker sir,

(Laughter)

Hon. Speaker: Order Hon. Members!

ENCROACHMENT ON ROAD RESERVE WHICH IS A PUBLIC LAND BY A PETROL STATION AND A BAR IN KAWANGWARE WARD.

Hon. Nancy Luchiri (Nominated Member): Mr. Speaker sir, request for a Statement pursuant to Standing Order 41 (2) (c) I wish to request for a Statement from the Chairperson of Sectoral Committee on Planning and Housing regarding encroachment on road reserve which is a public land by a petrol station and a bar in Kawangware Ward.

Hon. Speaker, the Atlas Petrol Station and Myres bar was constructed on road reserve at Satellite Junction along Naivasha road, in Kawangware Ward.

Hon. Speaker, in the statement the Chairperson should enquire into and report on:

1. Approval of the Construction of the Petrol Station and the bar on the Public land; and
2. Measures the County is taking to end the encroachment of road reserve in the County,

Mr. Speaker sir, this issue of encroachment has really interfered with the livelihood of people in Kawangware. Every other day there is an accident on the same road. I wish the Chairperson of Sectoral Committee on Planning who is sleeping to give us answers on this issue. Thank you.

Hon. Speaker: Hon Chairperson!

Hon. Member for Imara Daima Ward (Mr. Jairus Atenya) Thank you Mr. Speaker sir, two weeks.

Hon. Speaker: What did the Chairperson say?

Hon. Jairus Atenya: Two weeks.

Hon. Speaker: Very well two weeks. Hon. Kamau Thuo!

ILLEGAL ANNEXING OF PART OF THE LIMURU ROAD ALONG CANADIAN EMBASSY STRETCH

Hon. Kamau Thuo: Thank you Hon. Speaker, pursuant to Standing Order number 41 2 (c) I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the illegal annexing of part of Limuru road along Canadian Embassy stretch.

Hon. Speaker, the illegal annexure by Canadian Embassy has congested the road leaving no pedestrian pavement and frequent heavy traffic. Hon. Speaker in the statement, the Chairperson should enquire into and report on the following:

1. Whether the Nairobi County Executive is aware of annexure of the part of the Limuru road along the Canadian Embassy

2. If the Nairobi County Executive is aware, what action has been taken against officers of the Nairobi County who approved the annexure and placement of barriers on the road; and
3. What measures have been put in place to prevent heavy traffic that has been occasioned by the annexure.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Chairperson, Hon. Sirikal.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Mr. Speaker sir, we will give a good response in two weeks' time.

Hon. Speaker: Okay there is one more statement from Hon. Jacky Nyangala.

KIJIJI SETTLEMENT NEXT TO NAIROBI PRIMARY SCHOOL

Hon. Jacqueline Nyangala: Thank you Mr. Speaker, Pursuant to Standing Order Number 41 2 (c) I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the Kijiji Settlement next to Nairobi Primary School.

Hon. Speaker, the settlement doubles up as a market that serves students at the University of Nairobi and its residents. In the statement the Chairperson should inquire into and report on:-

1. Whether due process was followed in establishing the Kijiji;
2. Whether the County Government collects revenue in the so called market, allegations that the Kijiji is a hot bed for drug peddling and prostitution; and
3. Measures being taken by the County Executive to stem an alleged drug peddling and prostitution in the market.

Mr. Speaker, I would like to elaborate on a few things----

Hon. Speaker: Hon. Nyangala can you enlighten the Members where the Kijiji is?

Hon. Jacky Nyangala: Yes, this is opposite the Nairobi Primary School on Ndorobo road behind, the Nairobi University Hostels and Mr. Speaker this place apparently I've gathered that it used to be houses for workers of Nairobi Primary and something has mushroomed like a Market, I understand from people even in this Assembly, that the Nairobi University students that is where they buy food. However, it is something that actually get food in exchange for sex.

My concern here is Mr. Speaker, this is next to Nairobi Primary School and there is actually one block of classes that overlooks to the entrance to this place. I have gone there with the Ward Representative and I think everybody is aware that there is a lot of or drug peddling around this place.

Mr. Speaker you find that in the evening when I pass there everyday so I know what I am talking about, you will find out in the evening that the students who have not been picked up by their parents are waiting at 5 pm or 6 pm are mingling around the market and there is so much that happens outside there with this place.

This is a good place that can have a very well established mini mall like a market if the Executive can be able to do that because apparently it is owned by the County. So I suggest that the Chairman of Planning go for a visit and see what I am talking about, thank you.

Hon. Speaker: Hon. Chairperson, on that one you already know where it is and you don't need two weeks, please put it down to a week.

Hon. Jairus Atenya: Mr. Speaker sir, you know we have a lot of work in our department please. On this one you have to give us three weeks.

Hon. Speaker: No! No! Hon. Chairperson!

Hon. Jairus Atenya: Mr. Speaker Sir you know in two weeks' time we are having a petition here that is why I am begging you to give us three weeks please and this is a matter that is concerning land, Chief Whip don't play.

Hon. Speaker: Very well three weeks.

Hon. Jairus Atenya: Three weeks thank you.

Hon. Speaker: Next Order! Order Hon.! The Hon. Deputy Speaker!

Hon. Deputy Speaker: Thank you Mr. Speaker, pursuant to Standing Order 41 (2 a) on behalf of the House Business Committee I rise to give the following statement regarding the business appearing before the Assembly tomorrow 4th June, 2015 and Tuesday 9th June, 2015. On 4th June, 2015 the Assembly will consider the Motion by the Hon. Moses Ogeto urging the County Government to develop legislation providing for proper guidelines on County Public Road Transport in the City and the report of the Sectoral Committee on Transport and Public Works on the site visit to Embakasi Sub County to assess the state of the ongoing road works repairs laid on the table of the Assembly on Wednesday 22nd October, 2014.

On 9th June, 2015 the Assembly will continue its consideration of the Nairobi City County Solid Waste Management Bill 2015 Assembly Bill Number 3 of 2015 and the Nairobi City County Petition to the County Assembly Procedure Bill 2015 Assembly Bill Number 4 of 2015 at the second reading. The Assembly will also consider the Nairobi City County Regularization of Development Bill of 2015 Assembly Bill Number 1 of 2015 at the Committee of the Whole Assembly.

Finally Mr. Speaker, the Assembly Business Committee will meet on Tuesday 9th June, 2015 at the rise of the Assembly to consider business for the rest of the week. I now wish to lay the statement on the table of the Assembly, thank you.

Hon. Speaker: Very well Hon. Deputy Speaker. Hon. Manyala Elizabeth.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Thank you Mr. Speaker. I rise on a Point of Order number 30 Adjournment on definite matter of urgent County importance.

I beg to give a Notice of the following Motion. That, aware that the ongoing rains in the County have occasioned flooding in various parts of the City. Further aware that the flooding has caused needless loss of lives and property. For instance we have witnessed recent deaths in Kayole, South B and destruction of property in Nairobi West and other areas. Noting that the Nairobi County Government recently allocated a kitty of KShs 50 million for disaster mitigation which can go a long way in helping the affected. Concerned that the County is yet to establish an efficient disaster management and response centers across Wards in the City to aid mitigation and training of first responders. This Assembly adjourns pursuant to Standing Order number 30 to discuss the recent flooding disaster and urgent response for mitigation on the same.

Hon. Speaker: Very well Hon. Elizabeth Manyala. That is in the right direction. Hon. Members I will allocate time after order number 8.

Hon. Elizabeth Manyala: Mr. Speaker, I am moving because it is under Standing Order number 30. It's a matter or a topic of concern which needs to be addressed. I think everybody here is affected and I want to call upon Hon. Masiga to come and second this Motion of adjournment, thank you.

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Thank you Mr. Speaker sir. I wish to second this Motion of adjournment to discuss the issues that are affecting the Wards where we are coming from, thank you Mr. Speaker.

Hon. Speaker: Hon. Members, adjournment of definite matter of urgent County importance Standing Order number 30 (1) any member may at any time rise in his or her place and seek leave to move the adjournment of the County Assembly for the purpose of discussing a definite matter of urgent County importance. Hon. Members, I propose that,

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Next order please. Hon. Members it will be discussed after the order number 8. Yes, Hon. Deputy Speaker.

Hon. Deputy Speaker: On the same Standing Order Mr. Speaker, while we'll be discussing the Motion moved by Hon. Elizabeth. I also wish to bring to the attention of this Assembly that we are no longer comfortable staying under this roof.

(Applause)

Hon. Deputy Speaker: For how long are we going to wait for the Assembly that befits the status of this Hon. House Mr. Speaker? I am putting the County Assembly Service Board on notice that it is not...

Hon. Deputy Speaker: I would also wish to bring to the attention of this Assembly that we are no longer comfortable staying under this roof. For how long are we going to wait for the Assembly that befits the status of this Hon. House? Mr. Speaker, I am putting the County Assembly Service Board on notice that it is not going to be business as usual if we don't get our Assembly in the next one week; that should be Tuesday, we should be considering moving into our Assembly. If not so, this is not a threat or a warning but, take it to the doors of the Executive. If they are holding back the money for the construction of the Assembly, there will be no Assembly in this City from next week. I beg Members to support me in this fight. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Very well, I think that is the best for me. As the Chairperson of the County Assembly Service Board, tomorrow at 2:30 p.m. I will be bringing you the whole report as to why we are not across this place where we are. Thank you, Hon. Deputy Speaker. Next Order.

**THE NAIROBI CITY COUNTY URBAN AGRICULTURE PROMOTION AND REGULATION BILL,
2015 (ASSEMBLY BILL NO. 2 OF 2015)**

(Second Reading)

Hon. Member for Makina Ward (Mr. Alhad Adan): Thank you, Mr. Speaker sir. The Nairobi City County Urban Agriculture Promotion and Regulation Bill, 2015 (Assembly Bill no. 2 of 2015). The Second Reading was interrupted on Wednesday 29th April, 2015 at 2:30 p.m.

Mr. Speaker sir, while considering the Bill, the Committee noted the Bill is Constitutional since it aims at implementing the provision of paragraph 4 of part 2 of the Fourth Schedule. If it is passed it will help in the promotion and regulation of Agriculture Bill within the County which had been neglected by the Provincial Administration. Members should note that for a long time, various agricultural activities within the City had been criminalized. This Bill seeks to reverse the situation in a well regulated manner.

Mr. Speaker sir, recent research and statistics indicated that as a response to escalating poverty and rising food prices or shortage, the majority of Nairobi residents especially those in low income neighborhoods have resorted to subsistence farming. Equally, there are farmers who are engaged in

agriculture for commercial purposes particularly farmers located in the south-western part of the City who practice irrigated vegetable fields, battery hen houses, green house farming and grade dairy rearing.

As such as Clause 8 of the proposed law obligates, the County Government to undertake training and capacity building of farmers in various areas including sustainable commercial livestock farming, animal health, disease and pest management practices, biogas and organic compost and manure production, appropriate production of vegetables, fruits, agroforestry, mushroom, appropriate fish farming and breeding.

Mr. Speaker sir, the Committee shall propose amendments to Clauses 2, 9 and 11. The amendments are aimed at ensuring that all aspects of agriculture are covered, the County Government remains committed to service delivery and not to venture in business like activities; and to strengthen the proposed Agricultural Advisory Board by allowing Members of the County Assembly to approve nominee to the said Board.

Mr. Speaker sir, I beg to support the Bill with the proposed amendments and call Hon. Kagiri to second the Bill. Thank you, Mr. Speaker sir.

Hon. Speaker: Hon. Adam, you are moving the Bill, not proposing.

Hon. Alhad Adan: So, I am taking the opportunity to invite Hon. Kagiri to second the Motion.

Hon. Karen Wanjiru: Point of Order, Mr. Speaker.

Hon. Speaker: Order, Hon. Karen.

Hon. Alhad Adan: Mr. Speaker I wish to thank you for this chance and I am here to second the Nairobi City County Urban Agriculture Bill. The Committee had met, discussed the Bill and presented a report to the Assembly but I wish to state a few points about agriculture in Nairobi that;

Agriculture was devolved to the County Governments and Mr. Speaker you are on course when you bring this Bill to the Assembly. I am made to understand that there is a lot of agriculture that goes on in Nairobi and if only it is supported then I am sure we will improve food security in the City, and especially in the areas that are of low income. People will be able to do farming on their own through basket farming and once guided and supported by the County Government then we are sure to reduce the cost of food for these people especially in the slum areas.

Mr. Speaker it is also good to know that they have been doing the freshly grown food from their own areas and so we are assured of fresh foods reaching families. I would wish to urge the Members to support this Bill once it goes for the second reading, and I second it for the second reading. Thank you.

Hon. Speaker: Hon. Members Order! Question proposed.

Hon. Member for Clay City Ward (Mr. Erastus Mburu): Hon. Speaker it appears you have forgotten my name. I am Erastus Mburu. As much as the Bill is very good and timely, the passion of this House is not being portrayed well. We lack the quorum and I do not know what is happening here. The direction that the Hon. Members are taking is not good and that is why you can see most of them are out there trying to make ends meet. This is our third year and our time is running out because we have less than one and a half years to go seek for the votes yet majority of us have not implemented anything. I would want the leadership to whip up the Members so that we can at least do something for the Nairobians. God in heaven will see us come back because we have the zeal and passion to do our work. Thank you Mr. Speaker.

Hon. Speaker: You need a further recess I think. What you have just said is a very dangerous thing. The Nairobians are watching you, and they see that you don't want to work for them. Order Hon. Karen Wanjiku! Hon. Zulfa

Hon. Zulfa Hakim (Nominated Member): I don't know whether I am in order to stand and support the Bill?

Hon. Speaker: No. There is no quorum. Sergent-At-Arms ring the bell

(Quorum bell is rung)

Hon. Speaker: Hon. Members, as a result of lack of quorum, lack of commitment of Members, there was a very crucial Motion by Hon. Manyala in regard to the floods. I want to echo the sentiments of Members, that this is very sad indeed. And the issue of Members coming in, ticking against their names and going is very unfortunate.

I would ask the leadership of the Assembly to come up with some appropriate actions in regard to that so that we can deter them. This is a shame. We just came from recess yesterday and there is no quorum! Ward Fund projects are not created by lack of quorum. It is unacceptable. And I would ask you; if you think the Ward Development Fund are brought by the quorum who attend the Assembly, you rather then boycott the Assembly. But I think this should stop.

I am appealing to Members; just come and deliberate on the issues affecting the people of Nairobi. Ward Development Fund is from the Executive, not from the Assembly. The problem is that they come, tick their names and leave. I am going to meet the leadership of the Assembly so that nobody will be signing

before the time to go. I said this some time ago and it was “the Speaker must go”. If I have to go, then, so be it. Because that is the language that is well known to wrong-doers.

ADJOURNMENT

Hon. Members, I am sure you have enjoyed the water from the County Assembly Service Board. The Assembly is adjourned until tomorrow 2:30PM. We will allocate time for the Motion on adjournment for the issue of floods. The House is adjourned until tomorrow 2:30PM.

(The house rose at 3.56 p.m.)