



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Thursday, 15th October, 2015

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: The bell to ring for 10 minutes. Hon. Members, *the quorum of the County Assembly of a Committee of the Whole County Assembly shall be a third of its Members. If there is no quorum present when the Chair is taken at the time appointed for a meeting of the County Assembly, immediately after the saying of the prayer, the Speaker shall order the bell to be rung for 10 minutes. If no quorum is present at the expiration of the 10 minutes, the Speaker may direct the bell be rung for a further 5 minutes and if there is still no quorum present, the Speaker shall adjourn the County Assembly forthwith to the next meeting. Ring the bell for a further 5 minutes.*

(Quorum bell is rung)

Hon. Speaker: Very well, we can start business.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Good afternoon Hon. Members, the following is the Communication from the Chair; Acknowledgement for an award presented to Hon. Rachel Kamweru. Hon. Members, the Speaker would like to acknowledge the award presented to Hon. Rachel Kamweru Nominated MCA by the Women and Girls Lead Global. Hon. Members, she was presented, “The Women in the Red Award”, when the Women and

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Girls Lead Global celebrated the day of the girl. The theme of the event was “courage, excellence and resilience to inspire the next generation”. The Hon. Member was awarded on the two thirds gender rule category, where she emerged top in the list of the nominees. Hon. Members this event took place on the 8th September 2015 at the Jacaranda Hotel Nairobi, and on behalf of the Nairobi County Assembly and the women of Nairobi, we do really congratulate Hon. Rachel Kamweru.

(Applause)

Hon. Members on top of that once again as the Speaker and as a leader this is especially to the lady Members of this County Assembly. Hon. Members, I have received a lot of complaints in regard to the dressing code of our ladies. Once again I appeal to you notwithstanding the fact that you are the most beautiful women in all the counties, I have to repeat again it is indeed also our noble idea that you remain decently dressed. You are mothers, you are grandmothers and you are role models, I thank you.

(Applause)

PAPERS

Hon. Emmaculate Mbegwa Musya (Nominated Member): Pursuant to Standing Orders 180 (6), I beg to lay the following papers on the table of the Assembly today Thursday 15th October 2015. The report of the Sectoral Committee on---

Hon. Speaker: Order!

Hon. Emmaculate Mbegwa Musya: Sorry I am reading the way it is written. I can correct Mr. Speaker. So I beg to lay the paper.

Hon. Member for Njiru Ward (Mr. Kennedy Thugi): Thank you, Mr. Speaker. Pursuant to Standing Order No. 180 (6), I beg to lay the following paper on the table of the Assembly today Thursday 15th October 2015; the 6th Report of the Sectoral Committee on Water and Sanitation on the site inspection visit to Kiamaiko Ward.

Hon. Speaker: Thank you Hon. Chairperson.

Hon. Leader of the Majority (Mr. Elias Otieno): Mr. Speaker, are you alert?

Hon. Speaker: Yes. Order Hon. Chief Whip!

Hon. Leader of the Majority: I think this is the paper that is going to supersede the other papers which have already been laid because I think this is the most important one. Pursuant to Article 228 A (6) of

the Constitution and Section 38 (8) of the Public Management Finance Act of 2012, I beg to lay the following paper on the table of the Assembly today Thursday 15th October 2015; the financial year 2014-15, Annual County Budget Implementation Review Report. Mr. Speaker, I beg to lay the report.

Hon. Speaker: Thank you very much Hon. Leader of the Majority.

NOTICES OF MOTION

Hon. Member for Laini Saba Ward (Mr. David Kitavi): Hon. Speaker, I beg to give Notice of the following Motion; **That** aware that every child has a right to free and compulsory education, basic nutrition and healthcare, pursuant to Article 53 (1 b and c) of the Constitution of Kenya. Further aware that the pre-primary education and childcare facilities are the functions of the County government pursuant to Paragraph 9 of Part Two of the 4th Schedule of the Constitution.

Acknowledging that school feeding programmes have been implemented in Kenya by the government and development partners since 1960s with the aim of improving the nutritional and health status of the children and also improve enrollment, retention and performance in schools, concerned that most children below 5 years old, suffer from stunted growth which is caused by malnutrition which reduces a child's chances of survival and compromises cognitive development and physical capabilities, both in childhood and later as an adult.

Noting that, food stuffs such as milk are good source of high source of protein and calcium which reduces malnutrition in children, this Assembly urges the County Executive to implement and introduce school milk programmes for all public Early Childhood Centers in the County.

Hon. Speaker: Chair Trade and Tourism.

Hon. Emmaculate Musya: Here I am, Mr. Speaker. Hon. Speaker, I beg to give Notice of the following Motion, this Assembly adopts the report of the Sectoral Committee on Trade, Tourism and Co-operatives on the site visit to Muthurwa Hawkers Market laid on the table of the Assembly today Thursday 15th October 2015.

Hon. Speaker: Thank you very much. Hon. Chairperson for Water Committee. Is there a paper to be laid?

Hon. Kenneth Thugi: I have already laid the paper.

Hon. Speaker: Sorry, Notice of Motion I beg your pardon.

Hon. Kenneth Thugi: Thank you Mr. Speaker sir. I would like to give Notice of the following Motion. That this Assembly adopts the report of the Sectoral Committee on Water and Sanitation on the inspection visit to Kiamaiko Ward laid on the table of the Assembly today Thursday 15th October, 2015.

STATEMENTS

Hon. Speaker: Hon. Kennedy Oduru.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Mr. Speaker sir. Pursuant to Standing Order number 41 (2c) I wish to request for a statement from the Chairperson of the Sectoral Committee of Children, Early Childhood, Education and Vocational Training regarding the construction of a modern ECDCE centre in Lucky Summer Ward. Hon. Speaker, the County Executive put up a model ECDCE centre in Lucky Summer Ward during the 2014/2015 financial year as per the resolution of the County Assembly. This centre is on a private land owned by the Catholic Church.

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

1. Whether the procurement process was competitive
2. The amount of money used to construct the ECDCE centre
3. The reasons the ECD centre was constructed on a private land owned by the Catholic Church
4. Arrangements made by the County Government to deploy personnel to run the ECDE centre.

Thank you Mr. Speaker sir.

Hon. Speaker: The Hon. Chairperson Education.

Hon. Member for Laini Saba Ward (Mr. David Kitavi): Mr. Speaker sir, we shall give a comprehensive report in 2 weeks' time.

Hon. Speaker: Very well, thank you. Hon. Members, there will be a response from the Chairperson of the Sectoral Committee on Culture and Community Services regarding the nationwide ban on second generation liquor. That is the statement requested by Hon. Marion Githinji.

Hon. Member for Harambee Ward (Mr. Ronald Milare): Thank you Hon. Speaker, on Tuesday 5th August, 2015 Hon. Marion Githinji MCA rose on the floor of the Assembly pursuant to Standing Order 41 (2c) and requested the Chairperson of the Culture and Community Services Committee for a statement regarding the national ban on second generation liquor. In the statement the Member sought to know the following:

1. The number of licensed bars per Constituency in Nairobi
2. The composition of the Nairobi Liquor Licensing Board
3. How the Nairobi County Executive plans to execute the ban on second generation liquor

4. Measures the County Executive has put in place to rehabilitate addicts of second generation liquor

Hon. Speaker, the Committee therefore wrote to the County Executive on 6th August, 2015 requesting to be furnished with a comprehensive report on the above issues. In this regard, I wish to report to the Assembly as follows:

1. The number of licensed bars per Constituency in Nairobi.

Hon. Speaker the total number of licensed liquor outlets as per constituency as of 14th August, 2015 is as follows: Dagoretti North 312, Dagoretti South 176, Embakasi Central 195, Embakasi East 193, Embakasi North 92, Embakasi South 126, Emmbakasi West 243, Kamukunji 206, Kasarani 258, Kibra 210, Langata 296, Makadara 218, Mathare 128, Roysambu 243, Ruaraka 113, Starehe 785, Westlands 397 a total of 4,191.

2. The composition of the Nairobi Liquor Licensing Board

Hon. Speaker, the Nairobi County Drinks Control Licensing Act 2014 establishes the Licensing Board and Sub County Licensing Committees which comprises of 10 board members as follows:

- i. A Chairperson appointed by the Governor
- ii. County Director of Health
- iii. The County Police Commander
- iv. The County Commissioner
- v. One representative of the relevant agency that is NACADA
- vi. Director of licensing as a secretary to the Board
- vii. Four people appointed by the Governor from the general public

Mr. Speaker, there is also the Sub-County Alcoholic Drinks Control and Licensing Committee which comprises of the following:

Hon. Speaker: Order Hon. Chairperson! We have a stranger in the Assembly who is not properly dressed. Hon. Mutiso!

Hon. Member for Ngei Ward (Mr. Daniel Mutiso): Hon. Speaker, I think I am properly dressed because we should also respect our religion, thank you.

Hon. Speaker: Order Hon. Mutiso! You are not properly dressed. Thank you. You need to tell us which church that is.

Hon. Ronald Milare: Thank you Hon. Speaker. The composition of the---

Hon. Daniel Mutiso: Mr. Speaker, I shall tell you when the time comes but for now I've respected the floor.

Hon. Speaker: You are a good citizen.



Hon. Ronald Milare: Composition of the Sub-County Alcoholic Drinks Control and Licensing Committee is:

- i. Chairperson appointed by the Governor
 - ii. Sub-County Medical Officer of Health
 - iii. The Officer Commanding Police Division in the Sub-County
 - iv. Three residents of the Sub-County appointed by the Governor at least two thirds of whom shall be of such gender to ensure gender balance in the Committee
 - v. An officer in the County Public Service designated by the County Executive Committee Member who shall be the secretary to the Sub-County Committee
 - vi. Three authorized officers who may attend the meeting of the Sub-County Committee in the ex-officio capacity. They are: Sub-County Commander, Sub-County Administrator, the Deputy County Commissioner, one representative from the relevant agency that is NACADA, a total of 11 Committee Members
3. The Member sought to know how the Nairobi County Executive plans to execute the ban on the second generation liquor.

Hon. Speaker, it was stated that the County's involvement in the fight against the second generation liquor has been minimal due to lack of funds. A deed plan has already been prepared by the Board in the annual work plan and is set to be launched. The Board is planning to execute the ban on second generation liquor in the following ways:

1. Strengthening enforcement team as documented in the annual work plan
2. Engage suppliers and retailers in quality assurance controls
3. Withdraw all manufacturers distillers of alcoholic drink licenses and relying on the outcome of Government Audit report to re-issue the same to those who meet the set standards

Finally, the Member sought to know the Measures the Executive has put in place to rehabilitate the addicts of second generation liquor.

The Nairobi County Liquor License Board has put in place several programs that are geared towards tackling alcoholism and drug abuse in the County, the programs are well articulated in the drafted 2015/2016 up to 2019 strategic plan and budgeted for in 2015/2016 work plan.

The Executive has listed 14 different activities as per the next report costing a total of 162.1 million in its annual work plan and which has been aimed at tackling the Production, distribution and sale of illicit alcohol and rehabilitation of the people affected by alcohol and drug abuse. The revenue collected by the Board in the last financial year ending 30th June 2015 was 211 million 991 thousand, in this financial year total collection as at 14th August 2015, is 17 million 105 thousand. I beg to lay this response, thank you.

Hon. Speaker: The Hon. Marion Githinji, Order Hon. Member!

Nominated Member (Hon. Marion Githinji): Thank you very much Mr. Speaker, I attended a meeting of Culture on this response and we agreed that it was not sufficient and I don't know why then the Chairman is bothering because we both agreed that this is not sufficient and we talked about it.

Hon. Speaker: Hon. Marion which parts were not sufficient?

Hon. Marion Githinji: The work plan, if you look at the budget of 2015/2016 financial year the work plan that they are giving of 161.1 million is repetitive. If you look at 2015/2016 the work plan and the budget they have given of 161.1 million for them to execute this banning of the second generation, which is in the second last copy, the strengthening of the enforcement team and get suppliers and retailers and quality assurance controls establish policy framework with communities and learning institutions, undertake needs survey. They are like eight of this points that are just repetitive. They are all basically saying the same thing but different wordings, so that was the thing that I pointed out with the Committee about that for them to justify the 162 million to say that's what they are waiting for, for them to implement this work plan.

Hon. Speaker: Hon. Chairperson she has a genuine concern.

Hon. Ronald Milare: She has a very valid concern Mr. Speaker, and we had a meeting with her and agreed in principle that all concerns will be addressed by the Executive. I have just laid the response which we received from the Executive and we have also done a further letter to the Executive for more clarity on the issues she has raised and therefore, I did not want to respond to her queries through the resolution of the Committee which we are in agreement with. I wanted an official documentation from the Executive which we'll lay ones we get it.

Hon Speaker: Can you give an undertaking on that regard?

Hon. Ronald Milare: Yes we have done a letter and maybe next week they will be responding to our queries, but we are in agreement with her concerns and she is very valid.

Hon. Speaker: Ok, Hon. Karen and then Hon. Mauti!

Nominated Member (Hon. Karen Wanjiku): Thank you Mr. Speaker sir, I have a concern about the Alcohol Board. You have told us that the sub-County Board has observed the two-third rule, but you have not told us about the County Board. You have told us that we have NACADA and the rest and four Members of the Public appointed by the Governor, is the two-third rule observed in that Alcohol County Board. Thank you.

Hon. Speaker: Hon. Chair!

Hon. Ronald Milare: I think Hon. Speaker; the Member should then come up with a request for statement so that we can tackle that issue. I cannot respond to her because that's a new query.

Hon. Member for Harambee Ward, (Mr. Ronald Milare): ...Clarity on the issues she has raised and therefore I did not want to respond to her questions through the resolutions of the Committee which we are in agreement with, I wanted an official documentation from the Executive which we will lay once we get it.

Hon. Speaker: Can you give an undertaking on that regard?

Hon. Ronald Milare: Yes we have done a letter and maybe in the next we will be responding to her questions but we are in agreement with her concerns and she is very valid.

Hon. Speaker: Ok Hon. Karen and then Hon. Mauti.

Hon. Nominated Member, (Ms. Karen Wanjiku): Thank you Mr. Speaker sir, I have a concern about the alcohol, that Board, you have told us that the Sub-County Board has observed the two third rule but you have not told us about the County Board because you have told us that we have NACADA and the rest and four members of the public appointed by the Governor. Is the two thirds rule observed in that Alcohol County Board?

Hon. Speaker: Hon. Chair.

Hon. Ronald Milare: I think Hon. Speaker the Member should then come up with a request for Statement so that we can tackle that issue because I cannot respond to it because it is a new question.

Hon. Speaker: Very well Hon. Karen if you can do that for the benefit of the Chair so that he can bring you a proper report I thank you. Hon. Mauti.

Hon. Member for Kwa Reuben Ward, (Mr. Elkana Mauti): Mr. Speaker I want to inquire from the Chairman whether chang'aa is a second generation liquor and also to give us a clarification or identification of the second generation liquor because what we are seeing being done is not what is expected. As we are aware or with simple knowledge we have, we have liquors like Tusker, Guinness all of them when they reach the ground, they call them second generation liquor, we would like to know from the Chairman whether they are following what is being done or they just say second generation liquor.

Hon. Speaker: The Hon. Chairperson.

Hon. Ronald Milare: Mr. Speaker I think the same applies to the Hon. Member because they are bringing in new issues which are not... they should actually interrogate the response as requested by the Hon. Member.

Hon. Speaker: Very well Hon. Mauti you can bring in a Statement in regard to that next week.

Hon. Elkana Mauti: Mr. Speaker this is very simple, we would like him to give us examples, you cannot give us a Statement minus clothes. You should clothe your Statement.

Hon. Speaker: Proceed. The Hon. Jackline Nyangala's response from the Sectoral Committee of Planning and Housing regarding the Kijiji next primary school. Hon. Chairperson, Hon. Jackline said she could wait for next week's response, what do you say? (Acknowledgment from Chairperson), thank you so can we move to the one for Hon. Maurice Gari from the Chairperson Sectoral Committee on Planning regarding the proposed building Shell petrol station along Langata road on plot No. 20927306.

Hon. Member for Korogocho Ward, (Maxwell Ochar): Mr. Speaker, we have two responses for Mr. Gari and Mr. Gari is not in the House

Hon. Speaker: You can go ahead.

Hon. Maxwell Ochar: We are allowed to read...

Hon. Speaker: The Statement is a property of the House.

Hon. Maxwell Ochar: Response to Statement requested by Hon. Maurice Gari from the Chairperson of the Sectoral Committee on Planning and Housing.

Hon. Speaker: The Assembly.

Hon. Maxwell Ochar: Mr. Speaker sir on Thursday 2nd July 2015, Hon. Maurice Gari, MCA, pursuant to Standing Order No. 41(2)(c) requested the Chairperson of the Sectoral Committee on Planning and Housing a Statement regarding the construction of a proposed building behind Shell petrol station along Langata Road on plot No. 209/27306.

Mr. Speaker, he further asked the Chairperson to inquire into and report on:

- i. Authorization from the said development on riparian land,
- ii. Individual responsible for the said approval,
- iii. The number of units meant to be put up on the said land.

Mr. Speaker, the Committee wrote to the County Executive Member responsible for Lands, Planning and Housing on 6th July, 2015 and requested to be furnished with a written response to the Statement requested by the Hon. Maurice Gari.

Mr. Speaker sir, in this regard, I wish to respond to the Assembly as follows:

The County Secretary responded vide letter ref. CBD/ADMIN/0065BN/JWK dated 3rd September, 2015. A summary of the report is as follows:

The County Executive informed the Committee that they received an application for the development permission registration number CBF-AC718 by Abafaa Hi-tech-Auto garage (Westwood Villas) P.O. Box 101000357 Nairobi through their agent Peter K. Muraya. There being no planning objection to the development, they approved the development application for No. 54 flat on 1st March, 2013.

Mr. Speaker sir, the Planning and Housing Committee visited the area on 28th July, 2015 and observed that indeed there were containerized shops on the road reserves, some of the containers had been occupied while others were unoccupied.

Mr. Speaker, copies of this response from the County Secretary have been attached herein for reference. I beg to lay the response, thank you. All the copies are here, Mr. Speaker, so you can peruse them.

(Hon. Ochar consults the Speaker)

Mr. Speaker, another response from Mr. Maurice Gari. I would leave the question so that I go to the answer so that we save time because we have so many today.

The Committee wrote to the County Executive Committee Member responsible for Lands, Planning and Housing on 6th July, 2015 requesting to be furnished with a written response to the Statement requested by Hon. Maurice Gari.

In this regard, I wish to respond to the Assembly as follows:

- i. **On the construction proposed building behind Shell Petrol Station along Langata Road on plot LR 2092736**

Mr. Speaker, the summary of the response is as follows:

The County Executive informed the Committee that they received an application for the development permission registration number PF-AC-718 by Abafaa Hi-tech-Auto garage---

Hon. Speaker: Hon, you are supposed to give us a report on the proposed construction of shops along Langata road on plot number 2020/1457.

Hon. Maxwell Ochar: Mr. Speaker, there is a mix up there, let them sort out and then they give me the correct one.

Mr. Speaker, the rest will be read out by my colleagues, I distributed among ourselves.

Hon. Speaker: But what about this one for the shops?

Hon. Maxwell Ochar: Let them sort out here on the table and I will give right away. We have them, Mr. Speaker.

(Hon. Ochar consults the Clerk)

Mr. Speaker, I am informed the other one was left in the table room. So we shall---

Hon. Speaker: Can we have it here?

Hon. Maxwell Ochar: Yeah. you might have it and I don't have it---

(The document is laid)

RESPONSE TO A STATEMENT REGARDING THE CONSTRUCTION OF PROPOSED SHOPS ALONG LANGATA ROAD ON PLOT LR/20/145/7

Yes, Mr. Speaker, let me start afresh so that everybody can get what is inside.

Response to a Statement requested by Hon. Maurice Gari from the Chairperson of Sectoral Committee on Planning and Housing.

Mr. Speaker sir, on 2nd July, 2015, Hon. Maurice Gari, MCA, pursuant to Standing Order 41 (2) (c) requested the Chairperson of Sectoral Committee on Planning and Housing a Statement regarding the construction of a proposed shops along Langata Road on plot LR/20/145/7.

He further asked the Chairman to inquire into and report on:

- i. Whether the County Government transferred the road reserve to a private ownership, why and when,
- ii. Individual responsible for authorizing the development of containerized shops on road reserves
- iii. Evidence of approval for the said development

Mr. Speaker sir, the Committee wrote to the County Executive Member responsible for Lands, Planning and Housing on 6th July, 2015, requesting to be furnished with a written response to the Statement requested by Hon. Member of Nairobi West.

In this regard I wish to respond as follows:

On the construction of proposed shops along Langata road on plot LR 20/145/7: The County Secretary responded vide letter ref. UBH/ADMIN/002362/BNG/JSK dated 25th August, 2015.

A summary of response follows; the County Executive stated that they do not have records of approval of buildings or containerized shops on the said plot LR number 209/145/7 because they do not have a building plan on the said plot. They have written to the Chief Officer, Security and Disaster Management to have the illegal container structure placed on the road reserves removed by officers on the ground.

Mr. Speaker, copies of the response from the County Secretary have been attached herewith for reference. Mr. Speaker sir, I beg to lay this response on the table of the Assembly.

Hon. Speaker: Hon. Alex.

Hon. Member for Mugumoini Ward (Mr. Alex Ouda): Thank you, Mr. Speaker. The Statement read by the Chairperson, Planning and Housing is misleading this House. The Planning Department have an enforcement section headed by Assistant Director and in case of any demolition, they are the same people

that normally demolish any structure that has got no approval. If they can give a Statement that they are not aware and they are the planners of Nairobi City County, what are they doing within Nairobi City County?

Mr. Speaker, on the said building, Hon. Gari is my neighbor and the construction is actually going on and there is an advertisement written there, 'one stop shop'. So, the construction is going on and the Chairperson, Planning should also visit the place to ascertain this. When giving a Statement to this Hon. House, we are supposed to be giving the correct Statement, something that one can see or can stand to be counted. Thank you.

Hon. Speaker: Hon. Chairperson.

Hon. Maxwell Ochar: Mr. Speaker, I do not refuse visiting the area because we all work for the people of Nairobi City County. Mr. Speaker, on the Statement given, letters are attached and may I inform the Member that things have changed. We do not have enforcement officers in our Department. We have a Department of Disaster Management where the enforcement officers are. So, we have to write to them so that action is taken. If at all anything is happening and the Assembly is notified, we have time to go there so that we summon the officer in charge to tell us why. What he has told us is contrary to what is happening on the ground. We are not defending anybody here. Thank you, Mr. Speaker.

Hon. Speaker: Yes, Mburu.

Hon. Erastus Mburu: Thank you, Mr. Speaker. It is very demoralizing and very painful when a Member rises on the floor requesting a Statement and especially on the Committee on Planning. Even if you go back to the Hansard, there are so many Statements that have been requested by the Members in regards to issues of land in Nairobi County. I think the Vice Chairperson is lying here and I believe when Hon. Gari requested a Statement, it is because the Honorable's hands are fully tied and the only area he can run to is through the Committee on Planning so that he can get the said assistance. I have a case in my Ward, Clay City and I requested a Statement from that same Committee.

They visited that site along Kasarani-Mwiki Road and they found that the site was fenced. I do not know whether these Committees are always compromised on the ground. The other day, I requested a Statement because someone has grabbed the same parcel and construction is ongoing. Do they get on the ground when the contractor is on the second floor? Mr. Speaker, this Committee is taking the work of other Hon. Members for granted and I believe that even if the Members were to vote they would vote that this Committee be disbanded. We have cried so many times because every Member is complaining. Whenever you request a Statement from this Committee, they just do a shoddy job and on the ground, the public has the perception that the Member of that area has been compromised by the contractor to grab those parcels of land and the construction to continue, which is totally wrong.

We suffer there on the ground that we have been given money for the construction to continue. So, Mr. Speaker, this Committee is supposed to take our work seriously. Thank you, Hon. Speaker.

Hon. Speaker: There is a Point of Order, Majority Leader.

Hon. Majority Leader: Mr. Speaker, I do not think whether we will be fair to this Planning Committee because as much as some people are always blaming the Committee, they should also blame themselves. I sit in this Committee and these are the same Members who come to the Committee and tell them, just hold on because we are still negotiating with the person who is building.

(Applause)

Right now as we are speaking here, we should not pretend, even the one of Hon. Gari, I think last Monday, several Members went to that place and Gari himself was not there and he knew very well that people were going there. So, these Statements, they are just coming here to intimidate the developer to go and negotiate with them. After they do not get what they want they are coming back here to blame the Committee. Mr. Speaker, we are not going to allow that. Thank you.

Hon. Speaker: Hon. Chege Ngaruiya.

Hon. Chege Ngaruiya: Mr. Speaker, what I am hearing from the Majority Leader is that the Members of this Assembly are corrupt. This is not true. Members come here seriously requesting for Statements and when the Majority Leader supports this particular Committee to remain, then it means even he is part and parcel of that particular cartel who goes visiting these particular areas---

(Loud consultations)

Hon. Speaker: Order, Members!

Hon. Chege Ngaruiya: Mr. Speaker, can you protect me.

Hon. Majority Leader: Point of Order.

Hon. Speaker: There is a Point of Order.

Hon. Majority Leader: Mr. Speaker, I have not said the word 'corrupt' in this House. Secondly, I have not mentioned the Members of this House. Those who are asking for Statements, after that they have gone to negotiate; if they do not succeed they come to ask those questions again. I have not mentioned any Member of this House; please do not put words in my mouth.

Hon. Speaker: Hon. Members! I do not want us to raise temperatures in the Assembly, but there is one thing that I must tell you which I personally encountered on Monday. Hon. Members, you remember last week we made a resolution on the floor of this Assembly that on Monday at 11.00 a.m. we are all supposed to go to three places. When we went to Nairobi West, we were less than 30. The Member of the area did not even come.

The Chairman of Public Accounts Committee whom we were supposed to go with to Kilimani, went to a meeting at the Foyer. The Chairman of Water Committee did not come with this Committee for us to proceed to Loresho. The Deputy Speaker and I, and other Members who are here went to Nairobi West and did our job. What we are saying here is that Hon. Members, we would like to be very serious. If that day, and you saw it in the papers yesterday of our visit down there and the report should be ready by next week about that area. But what about the Members who bring their Statements here and when we want to do an action, they disappear. What are we supposed to say about them? I want to sincerely bear with the Members whose Statements have delayed but we have also devised another way. At least, like today, we have about 10-15 responses. Every day, we will be having that so that we will be able to have completed before we go for recess.

I want to tell you this, Hon. Members; the Governor himself has undertaken to be furnished with all the pending Statements in his office so that he can take action against the CEC who is delaying the answers on the ground. But now when we come to Hon. Gari's issue, Mr. Chairman, there is an issue here. The Planning Department has said that they have no records of the property and they know that there is something going on. Why have they not brought it down while still I saw it myself, even on Sunday because I go to a church, House of Grace, which is next to the place? How come it has not been brought down? You even saw in the papers today that Members of the County Assembly being accused in regard to plots at Jamuhuri Estate.

No Member of this County Assembly I am aware of is involved in those shoddy deals. Members of the County Assembly do not allocate land to themselves. Therefore, it is important for the Planning Department Chairperson to reign on. I had a meeting this morning with the Vice Chairman and one of the directors, S. G. Mwangi in regard to that. I asked him which Members have they mentioned that are dishing out land in Jamuhuri Estate?

Therefore, Hon. Members, we have a problem with the Executive and let us say it here on the floor. But then, the rest of the things, I agree with the Hon. Leader of Majority. Members, like you know your question is coming up and you are not even in the Assembly. You are not at the site. I am going to sit down again and plan for the visit of where we were supposed to go, and I hope you will be there. But I will only arrange after we have met with the relevant Chairpersons of the area because they are the ones who will bring the report on the floor. I am happy because the Planning Department is ready with their report on the T-Mall area. They are ready with it; it is only typing and having it on the floor.

Then also on correction, the Leader of Majority and no Member has been implicated in any corruption in this Assembly. Therefore, I do sincerely say that we are clean. We are only frustrated but we only need to stand up for these things. I thank you and let's proceed. Yes, Hon. Ngaruiya.

Hon. Ngaruiya Chege: Thank you, Mr. Speaker. It seems then if the Majority Leader never said that anybody is corrupt but the insinuation itself whereby a Member is seeking for a response and on the other hand, he is taking his time so that they can negotiate, that is in itself soliciting for some bribes and in that, Mr. Speaker it is very wrong.

So, Mr. Speaker, the reason as to why I usually champion for the disbursement of this Committee is because we need people who are bold enough to face the Executive. We are not here at the mercy of the Executive. We need to do our work and our work is oversight. We need answers. And if it means that whatever responses we need in this House, it means we are investigating the same Executive, then we have no objection. We need people who can face head-on, not people who are compromised like the Chairman and his Members. So, what we need is that we want a situation whereby Members who are strong enough, who are clean---

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

Hon. Maxwell Ochar: Mr. Speaker, I think the Hon. Member is out of order because for one, you have ruled on this and maybe, he is a teacher who does not learn the language. The language you spoke here was very clear and the Member is still saying that we are corrupted. And again, he is the Deputy Minority Leader. He has his Members on this Committee. If he feels that he can do better than one of his Members, then he should extract one and take to another Committee so that he can do the replacement with him because what we are doing is above board.

Mr. Speaker, it is the truth and above that we sometimes get a lot of problems with the sitting Members. After requesting for the Statement, when we go to visit there, he is not there and he will tell you definitely that I am not going, you just go. I am giving you so and so to lead you there. What does that mean? It means what my senior Elias Otieno has said here. Again, Mr. Speaker, I wish you should put a stop on this so that we proceed on. If not, we are not going to complete this today.

Hon. Speaker: Order, Hon. Members! We need to proceed because we have so many responses; about 20 of them. One minute please, because you have already taken your time.

Hon. Ngaruiya Chege: Thank you, Mr. Speaker. What the Chairman is saying here, it seems he has failed and they should admit that. Why are we beating about the bush? Your Committee and your Members have failed this House and we cannot continue like that. Thank you.

Hon. Speaker: There is a Point of Order from Kamweru.

Hon. Rachael Kamweru (Nominated Member): Mr. Speaker, it is very unfortunate that he puts every Member of that Committee--- I am a Member of the Planning Committee and a woman of integrity.

Hon. Speaker: Order, Hon. Members!

Hon. Rachael Kamweru: Mr. Speaker, it is very unfortunate that my leader here can come and say the Committees should be disbanded because they have failed. My leader here, one time wanted his things done for Kahawa West Market, he brought in the report to intimidate Members in his area.

(Hon. Ngaruiya Chege leaves the Assembly)

Mr. Speaker, the Member knows exactly what he does and has courage to stand here and say---

(Loud consultations)

Hon. Speaker: Order, Members! Order!

Hon. Rachael Kamweru: Mr. Speaker, the said Member does what he is saying, it is very unfortunate.

Hon. Speaker: There is a Point of Information.

Hon. Maurice Akuk: Mr. Speaker, thank you very much. I don't intend to interrupt my colleague, Hon. Rachael Kamweru, but, Mr. Speaker sir, I find it to be very wrong for the Member who was on the floor because Hon. Rachael Kamweru was on a Point of Order. The Member who was on the floor has just walked out. This is being done when you, the Speaker of Nairobi City County Assembly, is sitting on that chair.

Hon. Speaker: I saw that.

Hon. Maurice Akuk: That is serious disrespect and that Member should be referred to the Powers and Privileges Committee. That is totally wrong and I thought I should inform the House that we should not be treated to such circus. Thank you.

(Applause)

Hon. Speaker: Very well. Clerk; take note that the Member would be referred to the Powers and Privileges Committee. Hon. Kamweru.

Hon. Rachael Kamweru: Mr. Speaker, what we are saying is we have to stop if there are sideshows that are going to be played on behalf of the Planning Committee. If they know of an individual in that Committee that does that, they should not put all of us together. Mr. Speaker, I want to say that it is unfortunate that my leader, Deputy Leader of Minority, has walked out because he knows he has some of that character. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Hon. Leader of Majority.

Hon. Leader of Majority: Mr. Speaker, I want us to put this thing to rest today because all the time they are just blaming Planning Committee yet they know very well they are bringing those things here to go and negotiate. He knew very well the reason when I said they are bringing those things just to intimidate the developer, after that, they are going to say that thing is on the floor. I can remember very well last Monday, about four days ago, you, Mr. Speaker and other people went to Langata Road. The Member who raised questions here was not among the people who went there. Why, yet he was the one who was feeling bad about that development which was going on?

So, let us not use this Assembly to intimidate anybody in your Ward; that is very wrong. Most of them here, Mr. Speaker, I can tell you 100%, most of these Statements are brought here just for formality for them to go and negotiate. As Implementation Committee, I think we are going to implement whatever the Planning Committee brought here today because there is no way we are going to close our eyes because of some few people. There is no way he was the one who was talking and he walked out. He knew we are going to open the Pandora box. That is very wrong, Mr. Speaker. So, they should not blame Planning Committee all the time.

Hon. Speaker: Thank you. Order, Hon. Members!

(Hon. Speaker leaves the Chair; Temporary Deputy Speaker, Hon. Maurice Akuk takes the chair)

Hon. Temporary Deputy Speaker: Hon. Members, let us proceed on with the Statement responses.

Hon. Rachael Kamweru: Mr. Speaker, response to the Statement requested by Hon. Mulatya for the Planning Committee.

Mr. Speaker, on 14th July---

Hon. Temporary Deputy Speaker: Hon. Rachael Kamweru, please bear with us, I understand there was a sequence that we were to follow.

Hon. Rachael Kamweru: We were on the Planning and we had not finished.

Hon. Temporary Deputy Speaker: Planning had not finished?

Hon. Rachael Kamweru: Yes.

Hon. Temporary Deputy Speaker: I am aware that Planning was giving all their responses this afternoon. Today was your day, proceed on.

RESPONSE TO A STATEMENT REGARDING CONSTRUCTION ALONG OLD AIRPORT NORTH ROAD IN TRANSAMI AREA

Hon. Rachael Kamweru: Mr. Speaker, I just want to thank these Hon. Members today for applauding for my award. I will continue with the Statement.

Mr. Speaker, on 14th July, 2014, Hon. Mulatya, MCA, rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson for Planning and Housing on the following:

- i. Ownership of perimeter wall as well as residential Houses that are being constructed in his area.
- ii. Whether the constructions were approved by the County Department of Planning and Housing.

Mr. Speaker sir, the Committee wrote to the County Executive Committee Member responsible for Lands and Housing on 16th July, 2014, requesting to be furnished with written responses to the Statement requested by Hon. Mulatya.

In this regard, Mr. Speaker, I wish to report to the Assembly as follows: the County Secretary responded vide letter No.UBHADMIN2002372BNG/JSK dated 23rd September, 2015.

Summary to the response is as follows;

The County Executive site visit revealed several constructions on the ongoing along the Old Airport North Road near Transami area, though they are unable to give details of the approvals unless provided with particular plot No. of the interest.

Mr. Speaker sir, the Planning and Housing Committee visited the said area on 21st July, 2014, and observed that indeed there were a lot of sprouting development that were going on without the acquisition document of the site. The Committee further observed that there were other houses under construction that did not conform to the set construction standards, hence endangering the lives of the people working in the site and the passersby. Mr. Speaker, copies of the responses from the County Secretary have been attached herein for reference.

Mr. Speaker sir, I beg to lay this response, thank you.

Hon. Temporary Deputy Speaker: Thank you. Is Hon. Alex Mulatya in? Please, proceed.

Hon. Member for Kwa Njenga Ward (Hon. Alex Mulatya): Thank you, Mr. Speaker. As per the response to the said Statement, I am very much disturbed on the way the Chairperson has just said that they don't have approval documents for the constructions which are already going on around that area. I really wonder what the department is doing about it because it is just matter of going there and doing a thorough check on the documentation because I understand in case of any kind of construction, the approval document and the ownership of that document to that plot must be at the site. So I fail to understand whether this is an already half-baked response and I don't know how a Committee can table such a response whereby they are talking about they don't know how those constructions were approved.

I fail to understand, supposing an emergency happens especially like now when the El-Nino is coming and already constructed building collapses what will happen, will we know talk of a critical incidence around our Country or in our County. I feel that statement is actually not sufficient and I seek your indulgence for this please.

Hon. Temporary Deputy Speaker: Hon. Mulatya do you have the statement with you? Were you given the statement to read before the Assembly? Do you have the response from one RK Mwema Ms.? If you do have that response, they are asking for a particular plot number they are unable to ascertain from your statement. I just want to know what you are not satisfied with.

Hon. Alexander Mulatya: Yes I am not satisfied because why should they enquire me to provide them with a specific plot number, yet they have the right to use their enforcement team to confirm and check the documentations of the ownership and approval for any construction going on. Which is a law during the construction that, any time when you are doing any kind of construction all the documents must be having a copy within that side, that is what I believe.

Hon. Temporary Deputy Speaker: Hon. Kamweru do you have an answer to that?

Hon. Rachael Kamweru: Mr. Speaker, if you look at the question he had asked in the statement it was so general. I know we have the GIS system of mapping in this County and it was so general, there is no way they would map the entire North road. Mr. Speaker, the said Member is not appreciating that he has gotten the answer according to the answers that we have given that there were ongoing constructions and we have responded to that.

Mr. Speaker, it is not our job to demolish that, it is the Executive, so next time let him--- he was more general but I know we have the GIS mapping system within us. Thank you.

Hon. Alexander Mulatya: Mr. Speaker, I understand the Hon. Member is just going around circles because whether the constructions were approved by the County Department of Planning and Housing, which is not a general question. That in fact is a question whereby certain documents must be attached to this response that is being given here.

When we talk of approved document it means that, land whether it was genuinely acquired by the developer, whether it has an approved plan as per the question there by the developer, whether the developer or the constructor has all the relevant documentation to do such a big construction around there. I have just given an example of a case during this time of El-Nino, what will happen? Should we just sit and say that it was general. This question is actual not general because it touches the documentation, the Quantity Surveyor who did that job and how it was supposed to be carried out. I think my question is very clear and they are just trying to do hide and seek in response to this one.

In fact I beg this Assembly and the Committee at large to be serious and answer such issues, these kinds of construction that are going on in fact even yesterday when I was passing along that area and saw

construction going on there using very shoddy materials anything that cannot be contested in any court of law. So I think Mr. Speaker, Madam Chair should in fact go back and do this assignment properly, thank you.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: I have not given you permission.

Hon. Maxwell Ochar: Mr. Speaker, I want to answer that question.

Hon. Temporary Deputy Speaker: But I have not given you permission.

Hon. Maxwell Ochar: Yes, you have not.

Hon. Temporary Deputy Speaker: Yes please.

Hon. Maxwell Ochar: I think it is my obligation.

Hon. Temporary Deputy Speaker: No hold on. Something has come to my attention and it's very worrying indeed. This is that most of these responses from the Planning Committee and the Members who requested for these responses are not satisfied. Therefore, I will direct as the Speaker that all the Members who had requested for Statements from this Planning Committee should appear in this Committee sitting on Tuesday at 10.00am, so that they can furnish the Committee. No, Tuesday is a Holiday thank you.

They should appear on this Committee meeting on Wednesday at 10.00 a.m. with all the questions and with all that they feel they are not satisfied with, so that the Committee can further interrogate the CEC Member, the Chief Officer and the entire Planning Department on whatever questions you might further have.

Having identified the mood in the House I will kindly refer, the Hon. Chairman of Planning to please defer all your responses to Wednesday afternoon at 2.30 p.m., we will make sure that we try because there is Speaker's Panel meeting on Monday, we will try and slot you enough time to come up with the best responses including the one of Hon. Mulatya on Wednesday afternoon after you have discussed in your Committee.

Hon. Maxwell Ochar: Mr. Speaker I know you are a linguistic man but you cannot say all the responses because some have been dealt with. So, say the remaining ones, including the one for Hon. Mulatya. Thank you.

Hon. Temporary Deputy Speaker: Thank you. Well understood all other remaining responses, I believe when I talk of all I was referring to those that have not been answered too. Thank you very much and I would like to announce in the House that Hon. Andrew Macharia Mbau has withdrawn Motion number 8.

Therefore, the Assembly stands adjourn until Wednesday 21st 2.30 p.m.

(The House rose at 4.05 p.m.)

