



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Third Session

Tuesday 1st December, 2015

The House met at 2.30 p.m.

*(Hon. Deputy Speaker (Mr. Kennedy Ng'ondi) in the chair)*

### PRAYERS

**Hon. Deputy Speaker:** Hon. Members, I am made to understand there is lack of quorum in the House. I direct the Serjeant-At-Arms to ring the bell for ten minutes.

*(Quorum bell rings)*

**Hon. Deputy Speaker:** Serjeant-At-Arms, may you proceed to ring the bell for further five minutes.

*(Quorum bell rings)*

**Hon. Deputy Speaker:** Order, Members! Clerk, we may proceed.

### PAPERS

**Hon. Deputy Speaker:** The report of the Sectoral Committee on Culture and Community Services on consideration of Nairobi City County Public Participation Bill, 2015 (Assembly Bill 10 of 2015). You may proceed.

### CONSIDERATION OF NAIROBI CITY COUNTY PUBLIC PARTICIPATION BILL, 2015

**Hon. Janet Muthoni** (Nominated Member): Pursuant to Standing Order 180 (6), I beg to lay the following Paper on the table of the Assembly today, Tuesday 1<sup>st</sup> December, 2015. The Report of the

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Sectoral Committee on Culture and Community Services on consideration of Nairobi City County Public Participation Bill, 2015.

**Hon. Deputy Speaker:** Thank you. The Report of the Sectoral Committee on Planning and Housing on the consideration of Nairobi City County and Community Neighborhood Association Engagement Bill, 2015 (Assembly Bill 12 of 2015). Hon. Chairperson.

### **CONSIDERATION OF NAIROBI CITY COUNTY AND COMMUNITY NEIGHBORHOOD ASSOCIATION ENGAGEMENT BILL, 2015**

**Hon. Member for Korogocho Ward** (Mr. Maxwell Ochar): Thank you, Mr. Speaker. Pursuant to Standing Order 180 (6), I beg lay to lay the following Paper on the table of the Assembly today, Tuesday 1<sup>st</sup> December, 2015. The Report of the Sectoral Committee on Planning and Housing on the consideration of Nairobi City County and Community Neighborhood Association Engagement Bill, 2015 (Assembly Bill 12 of 2015). Thank you

**Hon. Deputy Speaker:** Thank you, Hon. Chairman. The Report of the Select Committee on Powers and Privileges on the investigations into the alleged misconduct of Hon. Samuel Ndung'u Njoroge, MCA, Hon. Peter Imwatok, MCA, and Hon. Martin Mugo Kanyi, MCA. You may proceed. Order, Members!

### **INVESTIGATIONS INTO THE ALLEGED MISCONDUCT OF HON. SAMUEL NDUNG'U NJOROGE, MCA, HON. PETER IMWATOK, MCA, AND HON. MARTIN MUGO KANYI, MCA.**

**Hon. Rosemary Wairimu** (Nominated Member): Pursuant to Standing Order 180 (6), I beg lay to lay the following Paper on the table of the Assembly today, Tuesday 1<sup>st</sup> December, 2015. The Report of the Select Committee on Powers and Privileges on the investigations into the alleged misconduct of Hon. Samuel Ndung'u Njoroge, MCA, Hon. Peter Imwatok, MCA, and Hon. Martin Mugo Kanyi, MCA.

**Hon. Deputy Speaker:** Thank you.

*(Hon. Member spoke off the record)*

**Hon. Deputy Speaker:** Declined. Welcome, Hon. Nyang'wara.

**Hon. Member for Viwandani Ward** (Mr. Samuel Nyang'wara): Thank you very much, Mr. Speaker. We wanted your direction under Standing Order No. 1 concerning--- we cannot assume that everything is well when we know that our Governor is mourning. May be you could give Members time to eulogize the late father of the Governor. I beg your indulgence.

**Hon. Deputy Speaker:** Thank you. Hon. Members, indeed it is a sad moment for the Nairobi County Assembly given that our Governor lost his dad. Presumably, we would have had at least one minute silence, and through the request of Hon. Nyang'wara, as you are aware, the Speaker is always blind until the eyes are opened by a Member. I direct that we give a one minute silence by way of standing. Thank you.

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*(Hon. Members stand and observe one minute silence)*

**Hon. Deputy Speaker:** Thank you, Hon. Members. We may proceed. Majority Leader.

**Hon. Leader of Majority** (Mr. Elias Otieno): Thank you, Mr. Speaker. As you are aware and Members of both sides are aware, our Governor has lost his father. Yesterday, we agreed that we are going to constitute a Committee which is going to fundraise for our Governor. So, after the Assembly, I request all Members to remain behind for us to constitute the committee, thank you.

## STATEMENTS

**Hon. Deputy Speaker:** Noted. Under Order No. 7, Hon. Shadrack Juma had requested a Statement from the Select Committee on Planning regarding illegal construction of riparian land in Baba Dogo Ward and I believe the report should be ready. Then we are also waiting for response on the Quids Enterprise which was requested by Hon. Warutere. Is the report ready? Okay you may proceed.

**Hon. Member for Laini Saba Ward** (Mr. David Kitavi): Thank you, Mr. Speaker. This is a response to a Statement requested by one Hon. Peter Warutere, MCA, from the Chairperson of the Select Committee on Budget and Appropriations.

**Hon. Member for Roysambu Ward** (Mr. Peter Warutere): Point of Order.

**Hon. Deputy Speaker:** Granted.

**Hon. Peter Warutere:** Mr. Speaker sir, I had requested the Clerk of the Assembly to present the Statement. I have not even internalized the Statement because I have exams today. I wanted the Statement to come tomorrow so that I can internalize the same as I get from the Chair.

**Hon. Deputy Speaker:** May be you directed the request to the wrong office, Hon. Warutere. You are supposed to make a request from the office of the Clerk.

**Hon. Peter Warutere:** Mr. Speaker, I was called by the particular Clerk who was in charge of this Statement and I declined. I told him to present the Statement tomorrow.

**Hon. Deputy Speaker:** So, you are not ready?

**Hon. Peter Warutere:** I am not ready to receive the Statement.

**Hon. Deputy Speaker:** Thank you. I direct the office of the Clerk to slot in the same tomorrow at 2:30 p.m.

*(Hon. Kitavi spoke off the record)*

**Hon. Deputy Speaker:** Which one is that, Hon. Member?

**Hon. David Kitavi:** Planning.

**Hon. Deputy Speaker:** Okay, you may proceed.

### **RESPONSE TO STATEMENT REGARDING ILLEGAL CONSTRUCTION OF RIPARIAN LAND IN BABA DOGO WARD**

**Hon. David Kitavi:** Thank you, Mr. Speaker sir. This is a response to a Statement requested by Hon. Shadrack Juma, MCA.

**Hon. Deputy Speaker:** Order! *Mheshimiwa* Thuo, please have your seats. Order, Hon. Thuo!

**Hon. David Kitavi:** From the Chairperson of the Sectoral Committee on Planning and Housing. Mr. Speaker sir, on Tuesday 22<sup>nd</sup> July, 2014, Hon. Shadrack Juma, MCA, pursuant to Standing Order 41 (2) (c), requested for a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding illegal construction on riparian land in Baba Dogo Ward. He further asked the Chairperson to inquire into and report on:

- i. How and who approved the building plans

**Hon. Deputy Speaker:** Hon. Chairman, you may just proceed to the findings.

**Hon. David Kitavi:** Thank you, Speaker. I wish to report to the Assembly as follows: The County Executive Committee Member for Urban Planning, Lands and Housing, through the Director for Planning, Compliance and Enforcement, informed the Committee that there was no communication from NEMA restricting the development of plot No.LR11880/3/11. He further informed that the development plans on the said plot were approved on 11<sup>th</sup> of October, 2012 by the then City Council, and on 30<sup>th</sup> April, 2014 by Nairobi City County Government Technical Committee respectively.

#### **Ownership of the plot**

The CEC Member stated that the plot No.LR11880/3 is owned by Ms. Vaculag Properties Ltd and the plot No.LR11880/11 is owned by Greens Plan Development Ltd. However, the Director stated that the Department visited the area and noted that the particular plot that outreaches to the river is plot No.LR11880/11.

#### **Measures being put in place by the County Government to protect the wetland**

The CEC Member recommended that all structures falling within six meters from the river bank be disapproved, demolished and repossessed from the flood-prone part of the plot.

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

**Hon. Deputy Speaker:** Thank you, Hon. Chair. On Statements? Hon. Mboku.

**Hon. Member for Zimmerman Ward** (Mr. Pius Mbono): Mr. Speaker, I made a request for Statement from the Health Chairman in the month of March regarding the status of the Community Health Workers. Mr. Speaker, I have never seen the response, bearing we are breaking for recess.

**Hon. Deputy Speaker:** Which Committee?

**Hon. Pius Mbono:** Health.

**Hon. Deputy Speaker:** Do we have Chair for Health?

**Hon. Member for Nairobi South Ward** (Mr. Manoah Mboku): Thank you, Mr. Speaker. I stood here last week and said that we have communicated the same to the Executive but they have never replied. There are about four Statements pending that Members had requested. We wrote to the Executive to reply, but up to now, we have not gotten a reply. I stood here last week requesting for a direction so that we can see what to do.

**Hon. Deputy Speaker:** Okay, well noted, Chairman.

*(Speaker consults with the Clerk)*

**Hon. Deputy Speaker:** Chairman for Health, at least you have been given up to Thursday, 2:30 p.m. Thank you. Hon. Elkanah.

**Hon. Member for Kwa Reuben Ward** (Mr. Elkanah Mauti): Thank you, Mr. Speaker sir. I had requested a Statement from the Committee of Labour, but up to now, I have not been served with the response. I am requesting to be served with the report so that I can clarify to the Assembly.

**Hon. Deputy Speaker:** Thank you. The Vice Chairperson of Labour?

**Hon. Member for Dandora 1 Ward** (Mr. Peter Wanyoike): Thank you, Mr. Speaker. I think the Statement was read last Thursday and we pledged to give concrete report may be on Thursday.

**Hon. Deputy Speaker:** The coming Thursday?

**Hon. Peter Wanyoike:** Yes.

**Hon. Deputy Speaker:** Well noted. So, the Hon. Member, you must be present in the House on Thursday. Hon Imwatak.

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatak): Mr. Speaker, on the same, I requested a Statement on the issue of insurance for the staff of the County from the Labour Committee last week and I was assured as a matter of urgency today on Tuesday I will be given a reply, but I am not seeing on the Order Paper. On the same, Mr. Speaker, I don't know, through your guidance, if it is prudent for me to mention this on what happened yesterday at Strathmore.

**Hon. Deputy Speaker:** This is not the right time, Hon. Imwatok.

**Hon. Peter Imwatok:** Thank you. The (INAUDIBLE) your take Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Wanyoike.

**Hon. Peter Wanyoike:** Thank you, Mr. Speaker. We have not yet received the response from the Executive.

**Hon. Deputy Speaker:** What is the problem?

**Hon. Peter Wanyoike:** We have written a reminder so that we can be served with the Statement.

**Hon. Deputy Speaker:** May be you do a follow up then at least you bring the response before the Plenary on Thursday.

**Hon. Peter Wanyoike:** We will do that.

**Hon. Deputy Speaker:** Thank you. Hon. Isuha.

**Hon. Member for Kangemi Ward (Mr. Peter Isuha):** Mr. Speaker, I requested a Statement from Planning Committee regarding 33 plots in Kangemi which were grabbed. The reason why I requested for the Statement is that there is urgent program from Water Department concerning water kiosks and drainage which are supposed to be put in every Ward. I also got approval from Athi Water to construct several (INAUDIBLE) in my Ward. There is no way those plots can be constructed because it has been grabbed. So, I thought maybe it was an urgent issue which was supposed to be handled by Planning Committee and were given an undertaking of two weeks but up to now, I have not received any information.

**Hon. Deputy Speaker:** Vice Chair for Town Planning?

**Hon. Member for Korogocho Ward (Mr. Maxwell Ochar):** Thank you, Mr. Speaker. We got the response last week, but the response was inadequate. The Speaker directed that we should go clause by clause when there is a question in the Assembly. We turned it back so that we can get a concrete answer which I think by Thursday, everything will be okay.

**Hon. Deputy Speaker:** Chairman, please, you should not be thinking, you are supposed to be sure. Can you commit yourself that you are going to bring the report?

**Hon. Maxwell Ochar:** Mr. Speaker, the answer comes from the other side of the Government.

**Hon. Deputy Speaker:** But you must make at least an effort to make sure that the report is before the House on Thursday.

**Hon. Maxwell Ochar:** I will, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Nyang'wara.

**Hon. Samuel Nyang'wara:** Mr. Speaker, I equally asked a Statement from the---

**Hon. Deputy Speaker:** Chief Whip, can you get seated.

**Hon. Samuel Nyang'wara:** Mr. Speaker, two months ago, I requested a Statement from the Committee on Labour and Social Services concerning the security that was put along Uhuru Highway manning 'nyasi ya Kidero.' Up to now, I have not gotten the response.

**Hon. Deputy Speaker:** Thank you. Labour Committee, please can you respond.

**Hon. Peter Wanyoike:** Mr. Speaker, we have not yet received the response from the Executive. We will respond when the response will be given.

**Hon. Deputy Speaker:** When? You can't just wait without even knowing the timeline.

**Hon. Peter Wanyoike:** We will write a reminder later so that they can serve us with the report.

**Hon. Deputy Speaker:** Please, can you fast-track so that we can get the response by Thursday.

**Hon. Peter Wanyoike:** Let us see if it will be possible by Thursday.

**Hon. Deputy Speaker:** Thank you.

*(Hon. Nyang'wara spoke off the record)*

**Hon. Deputy Speaker:** Order, Hon. Nyangwara! Can you sit down *Mheshimiwa* Ochola? You may proceed, Hon. Nyangwara.

**Hon. Samuel Nyang'wara:** Mr. Speaker, the manner in which the acting Chair of Labour is responding to this issue is wanting. He cannot say here that he is not sure when he is going to bring the report. When a whole Chairman can stand here and pretend that let's see if we can answer on that Thursday yet it has taken two months since I asked this particular question. This is a Committee that was reshuffled; I think the Majority Leader would have reshuffled the entire Committee, Mr. Speaker. I don't see the reason why that question should not come here. I was pushing---

**Hon. Deputy Speaker:** Order! Hon. Majority Leader.

**Hon. Majority Leader:** Mr. Speaker, some people are saying they don't understand what he is asking about because they don't know whether it is Labour Committee or Rabour. We don't have that Committee called Rabour in this House, we have Labour Committee. Mr. Speaker sir, may be that is the reason why they don't understand.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order! Hon. Nyang'wara! Do we have a Member of Labour Committee who may be having some kind of information? Please, can you get us some insight on the question from Hon. Nyang'wara.

**Hon. Member for Utalii Ward (Mr. Wilson Ochola):** Thank you, Mr. Speaker sir for giving me this opportunity. First, we don't have Rabour, we have Labour. Second, he was a former Member of Labour which the question he asked two months ago, he was a Member of Labour. I think he knows everything which he is not supposed to ask in the House, thank you. Even the information he is asking, he is very much aware that the Executive are still working on it and very soon we are getting the report. The latest will be on Thursday, Mr. Speaker sir.

**Hon. Deputy Speaker:** Hon. Members that brings the attention of the House--- Order please! Hon. Ochola has just said here very clearly that at the time Hon. Nyang'wara was putting the question before the Plenary, he was a Member of the Labour Committee. So, in line with the Standing Orders, it was not right but you will get the response, Hon. Nyang'wara by Thursday, 2:30 p.m. Thank you.

**Hon. Karen Wanjiku:** Point of Order.

**Hon. Deputy Speaker:** Declined. Hon Chief Whip!

**Hon. Majority Chief Whip (Mr. David Mberia):** Mr. Speaker, the Statement regarding the fake wheelbarrows is yet to be tabled in this House. You ordered the other day that, that Statement should be brought to this House. We are still waiting for the response, thank you.

**Hon. Deputy Speaker:** The Chairman for Environment, please. Order!

**Hon. Peter Imwatok:** I am the Chairman, Mr. Speaker. I am sitting for the Chairman.

**Hon. Deputy Speaker:** Are you the vice Chair?

**Hon. Peter Imwatok:** Member and designated vice Chair and Chairman.

**Hon. Deputy Speaker:** So, we don't have both the Chair and the vice Chair?

**Hon. Peter Imwatok:** Interim Chair.

**Hon. Deputy Speaker:** Thank you, you may proceed.

**Hon. Peter Imwatok:** Mr. Speaker, the Statement in regards to the wheelbarrows, I think this is the most sought Statement in this Assembly and we are ready and prepared to bring this Statement to this Assembly so that we put this case to rest. Most of the Members each day say the wheelbarrows are fake but if you go to the stores, there is no even one wheelbarrow. So, what we are saying, we want to bring this Statement this Thursday to the Assembly---

**Hon. Deputy Speaker:** Order, Hon. Imwatok!



**Hon. Peter Imwatok:** Mr. Speaker, this Thursday we will avail the Statement.

**Hon. Deputy Speaker:** Whip, can you sit down please.

**Hon. Member:** Point of Order.

**Hon. Deputy Speaker:** Declined, Hon. Member. Please, *Mheshimiwa* Imwatok, you must take the business of this House very seriously. Please, can you just sit down? Hon. Whip.

**Hon. Majority Chief Whip:** Mr. Speaker sir, I believe majority of Members here took the wheelbarrows to their Ward offices but we have never used them. We want the report; some of us have information that those wheelbarrows have no label of Kenya Bureau of Standards.

**Hon. Majority Chief Whip** (Mr. David Mberia): ---We want the report, some of us have the information that those wheelbarrows have no label of Kenya Bureau of Statistics [Standards] and we have documents to table; we want the report so that we can challenge in this House.

**Hon. Deputy Speaker:** Thank you Hon. Whip, you already put a request please. Hon. Imwatok if you are giving an undertaking in regard to a statement requested get this House very seriously.

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatok): Mr. Speaker I am getting this House seriously as I said. On Thursday we are giving the statement so that we rest this case to peace and kindly those---

**Hon. Deputy Speaker:** That is OK. Hon. Member.

**Hon. Member:** Mr. Speaker I did request for a statement to the Committee on Education regarding the issue of ECD and they made a commitment that today they were supposed to give a response.

**Hon. Deputy Speaker:** Chairperson for Education Hon. Kitavi

**Hon. Member for Laini Saba ward** (Mr. Boniface Kitavi):Mr. Speaker sir indeed the report that the Hon. Member is asking is ready only that it was not on time to put on the Order Paper so we take a commitment to respond to his statement tomorrow.

**Hon. Deputy Speaker:** Tomorrow 2.30 thank you. Hon. Majority, ooh, Hon. ---

**Hon. Nominated Member** (Ms. Marion Githinji): Thank you Mr. Speaker once again there is a statement of mine that has not been answered on El-Nino and Mr. Speaker I would like you to make a ruling on when it is going to be answered, tomorrow or Thursday because by the time we come back it will have been overtaken by events, El-Nino will be over.

**Hon. Deputy Speaker:** Hon. Chairperson for Water.

**Hon. Marion Githinji:** No it is Culture-under disaster.

**Hon. Deputy Speaker:** OK disaster [is under] Culture. Ronald Milare vice chairperson for Culture  
Hon. Oscar Lore

*(Applause)*

**Hon. Member for Mathare North Ward** (Mr. Oscar Lore): Thank you Mr. Speaker, I think we will bring the report on Thursday 2.30 p.m.

**Hon. Deputy Speaker:** OK Thursday 2.30 p.m., is it ready? You can confirm to the House if it is ready.

**Hon. Majority Leader** (Mr. Elias Otieno): Thank you Mr. Speaker I think there is a concern directed to Committee on Environment, there is random employment within the Wards and we don't know who are employing these people from our Wards. So Mr. Speaker I need to get response from these two Committees of Labour and Environment, thank you.

**Hon. Deputy Speaker:** Order Majority Leader maybe you want an instant answer or something which could be recorded because you need to bring your response in form of a statement.

**Hon. Elias Otieno:** Mr. Speaker I think I need an answer because if it is a request for statement it will take time because we are just closing by Thursday so I need an answer because the Labour committee are very much aware of those employment going on.

**Hon. Deputy Speaker:** The vice Chair of Labour Committee do you have any information in regard to his question?

**Hon. Member for Dandora Area 1** (Mr. Peter Wanyoike): Thank you Mr. Speaker I don't know why the Majority Leader is just asking the statement without having it written---

**Hon. Deputy Speaker:** Are you able to respond---

**Hon. Peter Wanyoike:** Yes Mr. Speaker what I can say is we are not aware.

**Hon. Deputy Speaker:** You are not aware, please sit down.

*(Point of Order)*

**Hon. Nominated Member** (Ms. Karen Wanjiku): Thank you Mr. Speaker sir, the vice Chair is right. We only follow the rules and procedures of this House. We write statements, we ask for responses and that is how it should be, thank you.

**Hon. Deputy Speaker:** Thank you Hon. Karen. Hon. Chief Whip but don't be controversial!

**Hon. David Mberia:** Mr. Speaker you are entertaining the Leader of Majority to break the rule---

**Hon. Deputy Speaker:** Order, order Chief Whip, order!

**Hon. David Mberia:** The Leader of Majority is much aware that you must seek statement with approval of Speaker of this County Assembly.

*(Applause)*

Mr. Speaker I think in this House there are more animals who are bigger and fatter than others; why should you call the vice Chairman to come and respond?

**Hon. Deputy Speaker:** Please Hon. Whip can you withdraw your statement? Please Ochola can you sit down.

**Hon. David Mberia:** Mr. Speaker I withdraw the statement but next time as the Chair you must follow the rules and procedures of this County Assembly.

**Hon. Deputy Speaker:** Thank you. Clerk you may proceed. OK thank you let's get one---

**Hon. Peter Imwatok:** Mr. Speaker let me be sober enough to say what I want to say. I don't think if what you have asked here is an observation of different departments. Number one, when Majority Leader said there is rampant employment in this County, it was an insight to show us that, is there really unemployment? But Mr. Speaker as a member of Environment Committee, today this morning, we have summoned two Chief Officers before the Committee to explain to us why after this place was built, the pebbles are over and also to understand if really these people are employed in the department of environment, whether we have a budget to it in the last financial budget.

Mr. Speaker the worrying trend here, the Chief Officer of Environment was inside the precinct of this House and never appeared before the Committee. That is the state of unlawfulness we have in this County. I think what the Majority Leader is asking is true. If an opponent from my Ward can employ people in the County and me as Elected Member of Makongeni Ward I cannot bring anyone even for donkey job---

**Hon. Deputy Speaker:** Thank you Hon. Imwatok that gives you at least enough reason why you should put your request in an official and orderly way. Thank you. Hon. Member

**Hon. Member for Clay City Ward** (Mr. Erastus Mburu): Hon. Speaker three months ago I requested a statement from Transport Committee regarding an area which was encroached in my area. After waiting for all that period shockingly yesterday the developer removed the perimeter wall which he had used to encroach the land and to my surprise what I saw was a three storey building branded a name of a certain supermarket. So in front of this House I had requested for a statement, I believe we don't require statements anymore because I believe the people of Clay City will get an opportunity to be offered employment because the Committee never did its work. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** So you have withdrawn your request for statement, thank you.

## THE NAIROBI CITY COUNTY PUBLIC PARTICIPATION BILL 2015, ASSEMBLY BILL 10 OF 2015

### AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI TO GIVE EFFECT TO PARAGRAPH 14 OF PART TWO OF FOURTH SCHEDULE OF THE CONSTITUTION TO PROVIDE FOR PUBLIC PARTICIPATION IN THE GOVERNANCE OF COUNTY AND FOR CONNECTED PURPOSES

**Hon. Deputy Speaker:** Hon. Rachael

**Hon. Nominated Member** (Ms. Rachael Kamweru): Mr. Speaker I beg to move that the Nairobi City County Public Participation Bill 2015, Assembly Bill 10 of 2015 be read a second time.

Hon. Speaker public participation means the involvement of individuals, groups that are positively or negatively affected by or they are interested in a proposed project programme, planned legislation or policy in the decision making process in an open accountable and inclusive process.

Mr. Speaker sir, Chapter 11 of Constitution address devolved government and object of devolution and a clearly spelt out in Article 74 and includes promotion of democratic and accountable exercises, give power to self-governance to promote social and economic development.

Why do we need this public participation Mr. Speaker sir? Good public participation helps build better relationships between the public and County government, builds a coalition of support when people are involved in solving their problems and as such the Committee fully supported this Bill, the Committee of Culture fully supports this Bill, since it seeks to address this issue however the Bill requires fine tuning through proposed amendments so that it can meet the intended purpose.

In summary, the Bill addresses the principal objectives of the Bill to provide modalities and platforms for public participation that is under the Constitution and the County Government Act of 2012. It contains provisions on the roles and responsibilities of the County government in facilitating public participation in the County, it contains provisions on community participation and involvement in County affairs and it also brings about citizen participation forums in Wards Sub-County level and citizens participation forums up to the village level.

Mr. Speaker sir, it also provides miscellaneous provisions which deals with setting aside funds, reviewing of feedback and forums on civic education. Mr. Speaker sir pursuant to Article 190(6) (b) the Constitution of Kenya and Standing Order 121, I want to say adverts were done in the local dailies and memoranda were brought, some of the stakeholders that brought the memoranda were National Gender and Equality Commission, the Institute of Social Accountability, Transparency International, Oxfam, Economic and Social Center among others.

Mr. Speaker all the stakeholders were agreeable in principle with the Bill though there are also proposed amendments in certain clauses. Hon. Speaker this Bill is not cast on a stone, it can still be reviewed and the Executive and County Assembly has been doing public participation but this time the public participation will be anchored under proper law so that everything is streamlined.

Mr. Speaker, I beg to move and I call upon Hon. Mauti Elkana to second this Bill, thank you.

**Hon. Member for Kwa Reuben Ward** (Mr. Elkana Mauti): Thank you Mr. Speaker sir, I second the Bill. This is the way our people will get information from the County-what is happening there, what they need. Even us as electorates this is how we get information from ground.

According to the Bill it is going to enable our electorates to air their views to the County government. Some days back the Executive side was calling leaders of the areas or Wards at their grace; like ten people and they call it public participation but this time the Bill is going to guide on how public participation is going to be done. Also we as the Elected and Nominated Members who represent all areas in this country, we are going to be part and parcel of public participation. Whereby we are going to look at what is needed more especially we had disabilities who did not have opportunity to participate in the forum of County governments or to air their views. This Bill will enable them air their views to the County government.

Finally Mr. Speaker the Bill itself has created even the village elders who are supposed to be employed by this County however they have not been employed, I don't know whether the Bill will allow them to be employed so that they will be part and parcel of the Bill. I rest my case Mr. Speaker.

*(Question that the Bill be read for the second time proposed)*

**Hon. Member for Mlango Kubwa Ward** (Mr. Andrew Mbau): Mr. Speaker I'm in support of the Bill; this Bill is long overdue, this Bill creates rule of engagement between the *wanjikus*, the leaders and the government. This Bill gives *wanjiku* a chance to be heard and also for the leaders it is mandatory to put into consideration *wanjikus* suggestion. I would say this Bill creates a symbiotic relationship of all the persons and institutions involved in a certain project. This Bill reduces cases of public picketing because the public would feel that they were involved in the implementation and coming up of certain projects, so I'm in support.

*(Point of Order)*

**Hon. Deputy Speaker:** Point of Order on what Hon. Gari? On Standing Order *namba ngapi?*

**Hon. Member for Nairobi West ward** (Mr. Maurice Gari): Mr. Speaker I fail to understand *wanjiku*, is *wanjiku* a parliamentary language?

**Hon. Deputy Speaker:** Yes it is.

**Hon. Maurice Gari:** It is in which *katiba*, is it in the Constitution?

**Hon. Deputy Speaker:** Order Hon. Gari, *wanjiku* means the nation or the people of the nation

**Hon. Maurice Gari:** Does it have any clarification in the Constitution?

**Hon. Deputy Speaker:** Hon. Karen

**Hon. Nominated Member** (Ms. Karen Wanjiku): Thank you Mr. Speaker sir, I'm *wanjiku* but *wanjiku* here stands for common mwananchi. Mr. Speaker sir, I stand here to support this very noble Bill and I want to support it from informed perspective. We all were in Hilton Hotel and Oxfam did a very good job by letting us understand what we did not understand from this Bill and from what we understood we came up with some amendments of which we will bring here according to the procedures of this House.

In short I want to say that according to Article 1 of the Constitution, it says all sovereign power belongs to the people of Kenya and that means they have given them the power of decision making, power to participate and this Bill gives them this chance. We have been doing these public participations and we were not doing them in the right manner and that is why this Bill comes to help so that no common mwananchi, no *wanjiku* takes us to court because we would have followed the law. This Bill gives us the guidelines on how to perform a public participation. This Bill promotes the objectives of devolution as written in Article 174 of the Constitution.

Mr. Speaker sir the main objective of devolution was to bring services near the people, to help the common mwananchi to be involved in decision making, to participate. This one will help them participate well in Finance Bill, in budgeting, in some of the Bills that involve common mwananchi. This will help common mwananchi to be involved in participating in the issues that directly affect them.

Mr. Speaker sir as I finish, in the memorandum of objects and reasons this Bill contains provisions on community participation and involvement in County affairs. It provides for amongst others the culture of democratic governance, participation by local community, and affirmative programmes.

This participation starts from the smallest units, from locality to the Sub-County. Mr. Speaker sir I beg to support, thank you.

**Hon. Deputy Speaker:** Thank you. Hon. K'Otieno

**Hon. Member for Sarangombe ward** (Mr. Pius K'Otieno): Thank you Mr. Speaker and also I extend my gratitude to the mover or drafter of this Bill because if you keenly look at the County Government Act, it had contemplated that by almost two years ago all County Assemblies across the country could have prescribed the form on how public participation would be conducted.

But I'm very happy that Nairobi City County Assembly has seized the moment and they have actually lived to their responsibility and to one of their legislative functions.

Having said that, I want to believe that public participation in essence is giving the people---

(Loud consultations)

Mr. Speaker who is in charge?

**Hon. Deputy Speaker:** Can you proceed. Please proceed. Hon Karen kindly please give this Member the time. Proceed.

**Hon. Pius K'Otieno:** What I want to say Mr. Speaker is that this Bill that has been brought on the table by Hon. Kamweru is actually overdue; it is overdue in the sense that not that the County government asked us now to prescribe a form of public participation but from a perspective of political philosophy I only want to believe that any country or any society that gives its people an opportunity to participate in the day to day or welfare processes of that particular jurisdiction is a country that is alert to the needs of its people.

When the people were sending us to this particular House they couldn't have done that without participating and this Bill will in as much as people are not participating directly but it will give the people latitude either to express their grievances, their disappointments or to record what they like.

Mr. Speaker initially Members thought that probably this is a Bill that will send them home; no, it is not a Bill that is seeking for members of the public to collect signatures or to petition this House so that Members will be sent home but it is just a Bill that wants Members either on legislative, on policy or anything that affects their day to day lives.

Mr. Speaker 340 BC before the birth of Christ one of the greatest philosopher, known as Aristotle the father of democracy in Greece did contended---*nimeenda mbali sana, sindio Sinaich*--- did contended that if the people of Greece, the people of Athens, the people of Peloponnesian when they were fighting a war known as the Peloponnesian war those people were given opportunity to determine if they wanted to go to that war. And that is what now this Bill is calling for. Are we going to give the people of Nairobi the opportunity they were given by *inaudible* to determine if the Athens were going to fight the Peloponnesian war so we are also going to give them opportunity are they going to participate in budget making process or they are not going to be given opportunity to participate in the budget making process. Mr. Speaker I have a lot but I cannot say because if I say---

**Hon. Deputy Speaker:** Hon. Manyala

**Hon. Member for Kayole South** (Ms. Elizabeth Manyala): Thank you Mr. Speaker sir, as much as I support the Bill because devolution is the statutory transfer of powers from the national government to the County and the tenets of devolution is pegged on three principles and one of them is negotiation, consensus building and public participation. And I think today Nairobi County is making history but even before I talk about the Bill today I want to refer to what my able Hon. K'Otieno has said about Aristotle. Actually it was Plato. During that war it was Plato when his two uncles were killed during the Athenians. I'm a philosopher and a philosopher is somebody who has wisdom and who knows. Go and refer on Plato and the republic and you will see. Don't mislead the House.

Having said that Mr. Speaker looking at the Bretton Woods and how the programs were supposed to be conducted and trickle up to the grassroots the community development using beetle and beetle analogy they used larger nuclear as opposed to leads up modal approach and using the Bill of rights will ensure that public participation will at least curb those who are called the Sankwenyas or gate keepers who they surround---

*(Point of Order)*

**Hon. Leader of Majority** (Mr. Elias Otieno): Mr. Speaker I think it is just copy and paste because she is trying to undo Hon. K'Otieno.

*(Laughter)*

**Hon. Deputy Speaker:** Thank you

**Hon. Elizabeth Manyala:** Mr. Speaker I'm not trying to outdo Hon. K'Otieno, I just want to put facts right because I'm a philosopher and I know Plato in the republic during Peloponnesian war. His two uncles died during the war, it wasn't Aristotle.

**Hon. Deputy Speaker:** Hon. Manyala you are right proceed.

**Hon. Elizabeth Manyala:** Yes. So Mr. Speaker using the analogy of public participation even if we refer to political system by David Histon whereby we have gatekeepers who during public participation are the one who converged; they are the ones who are called to participate denying *wanjiku* the right to be heard, the right to participate makes programs that we have especially in the County to become white elephant.

It is envisaged that with this Bill everybody will be brought into, we will do public participation and mobilization and everybody will find space and will participate effectively in determining what they want and what they want to be done in matters that is pertaining to community development. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Carol Muga

**Hon. Nominated Member** (Ms. Carolyne Muga): Thank you Mr. Speaker---

**Hon. Deputy Speaker:** I hope you will have to save us from the philosophers.

**Hon. Caroline Muga:** I will not indulge the House with the Platos and the heathens, I will speak for the Wanjikus, Achieng', Otieno, Masiga and the rest.

**Hon. Deputy Speaker:** Thank you.

*(Laughter)*



**Hon. Caroline Muga:** Mr. Speaker I stand here to support this Motion. This Bill was one of the Bills we should have passed at the beginning of this Assembly when we were elected because this Bill encompasses the very essence of devolution. We were devolved so that the people may participate in governance at every sphere, at every level of governance. So I want to strongly support this Motion and I pray that even as we will go to the Committee of the whole House, that we will be able to adequately look at this Bill with a critical eye and a fine tooth comb that we may give the people of Nairobi what they deserve in matters of making decisions in this County. Thank you.

**Hon. Deputy Speaker:** Thank you Hon. Member. May be the last speaker. Hon. Nyangwara you had spoken, let me give Hon. Gari and then we close by Hon. Masiga.

**Hon. Member for Nairobi West, (Mr. Maurice Gari):** Thank you Mr. Speaker, this guy is just a heckler. Mr. Speaker I can read the mood of the House and I think it is in order if you can call the Mover to reply. Thank you.

**Hon. Deputy Speaker:** Hon. Masiga.

**Hon. Member for Eastleigh South, (Mr. Nelson Masiga):** *Shukran Bwana Spika, kwanza nashukuru mwandishi na aliyekuja na wazo hili la kuweza kutengeneza Mswada huu kwani sisi akina Masiga, akina Odhiambo, tuna fursa ya kuweza kuchangia katika maendeleo ya nchi au County kwa sababu unapata kwamba kulingana na Katiba ya nchi hii, inaweza kumpatia mwananchi fursa ya kuweza kuchangia.*

*Hivyo basi ninaamini kwamba inaweza kuambatana na sharia za nchi hii na zile vipengee ambazo zinavyofaa katika Sura Nne ya Katiba na ninaamini ya kwamba kuanzia sasa hivi tukishapitisha Mswada huu, haitakuwa Mswada Nyumba hii mbali itakuwa Mswada ya wananchi ambao wanaishi katika County ya Nairobi na wale waja wetu watahukuru zaidi kwa sababu kila kitu kitakuwa na uawazi na itakuwa wanafahamishwa vyema na wataweza kuhusika vilivyo. Shukran Bwana Spika.*

**Hon. Deputy Speaker:** Hon. Kitavi kama Mkamba. But you rose on the platform of Mkamba so.

**Hon. Member for Laini Saba, (Mr. Boniface Kitavi):** Mr. Speaker I cannot take that very kindly coming from your Chair of authority and I would beg you withdraw that statement Mr. Speaker.

**Hon. Deputy Speaker:** I can only withdraw if you are not a Kamba.

**Hon. Boniface Kitavi:** I am here as a Leader of more than 2000 different tribes.

**Hon. Deputy Speaker:** Thank you Hon. Kitavi, you may proceed.

**Hon. Boniface Kitavi:** Mr. Speaker please do not behave like Socrates or Plato that was just... Thank you Mr. Speaker sir, as I support this Bill, I am sure, gone will be the days where officers would decide what they want for the people, gone will be the days when public participation forums would appear

more like burial ceremonies where people do not make their comments to be heard. This is a Bill that is going empower our people to decide what kind of developments they would want.

In the past Mr. Speaker sir, we have witnessed projects that were not relevant being implemented simply because there was no public participation. Therefore Mr. Speaker sir, the coming future days are bright where people will have ownership of projects that are dear to them. Where people will voice their concerns to people and they will be listened to. We anticipate that through this Bill, the citizens of this County will be able to make informed choices. As I support the Bill, it has been a common knowledge that people are consulted, when people give their views they become more empowered to even safe guard projects that are directed to them.

We do not expect to see small advertisement of public participation forums in newspapers which have got very minimal circulation , because this Bill states out clearly how public participation should be conducted using all manner of communication channels to be able to reach to the people. We are looking forward in the future where this County of Nairobi will even have a radio station where the common Wanjiku can call in and inquire about a particular issue that's of their concern. I am sure we are on the right track Mr. Speaker sir, to be able to engage more of our people for them to make more informed choices. As I conclude, looking at the mood of the House if you could kindly call the mover to reply.

**Hon. Deputy Speaker:** I honour that, may the mover reply!

**Nominated Member** (Hon. Rachael Kamweru): Hon. Speaker, I am very grateful for the support that we have given on this Bill, and more so the Committee of Culture and everyone represented here. Nairobi County Assembly has shown that they are not the kind of leaders that left their people go into their deep sleep after elections only to kiss them back after five years. This has really shown that they want their citizens to be empowered and Nairobi County will enter into the books of history having the will to let their people know what's happening.

I want to thank each and every one who has made this Bill a Success and also to anchoring into Law the policies that the Executive have been following up to the Ward level will now be anchored under this Law. Nairobi County Assembly has shown a way forward, this Bill has not even been moved in the National parliament but Nairobi County Assembly today has set up a mark for its citizenry, I wish you all the best in 2017 and you can quote this Bill when you are doing your elections. Thank you.

**Hon. Deputy Speaker:** Thank you Hon. Kamweru!

*(Question put and agreed to)*

## **AN ACT OF NAIROBI CITY COUNTY ASSEMBLY TO GIVE STATUTORY RECOGNITION TO COMMUNITY AND NEIGHBOURHOOD INITIATIVES ENGAGEMENT BILL**

**Hon. Deputy Speaker:** Mheshimiwa!

**Hon. Member for Korogocho Ward** (Mr. Maxwell Ochar): Thank you Mr. Speaker, I beg to move this Motion that Nairobi City County Community and Neighborhood association engagement Bill 2015 Assembly Bill Number 12 of 2015 be read the second time. Hon. Speaker, the Committee recognizes that paragraph 414 of part two of the fourth schedule the Constitution requires County Government to ensure participation of Communities and locations of Governance and the local level. The Committee therefore supports the engagement of the proposed law since it seeks to fulfill this constitutional requirement notably the association formed shall play a key role in regards to how the County Government engage the public on issues that affect them. The Bill seeks to address the following amongst others;

1. To establish a legal framework for the engagement between the Association and the County Government
2. Provide a structure on how the County Government shall engage the neighborhood association, this will include; environmental conservation, community policing, common user facilities, recreation facilities amongst others.
3. The zoning of the County into areas of influence by particular association
4. Convening of a forum of all associations and officials of the County Government to discuss matters affecting residents and programs of the County.

Mr. Speaker sir, Pursuant to article 196 B of the Constitution of Kenya and Standing Order 121 (3), the Committee placed an advert in the local Dailies calling for any representation and amendment from the public on the Bill. Following the notice the Committee received written memorandum from the following stakeholders; Kaloleni estate residents Association, Fits my Ward, Architectural Association of Kenya, the Institute of Social accountability among others. All the stakeholders were agreeable in principle with the Bill although the proposed amendments to certain clauses are there. The Committee will propose amendments to the Bill in clauses one, two, four, five, six, nine, ten, eleven, twelve, fourteen and sixteen.

Some of the amendments are editorial while others are to cater for the concern of the stakeholders. This Bill will contain some contractors who are fond of fleecing the areas which are poor and low in earning, so this Bill will help our youths in the estates so that they can talk to County Government in equal terms. Not that somebody will come from a very rich area and will do something in that area without the knowledge of the people living in the area. There are some areas the residents association have failed to submit their monies to the County Government of Nairobi, because there's no law and order. With this Bill, everybody will play in an equal field. I beg to move and call upon Mr. Nelson Masiga Marakalu to second this Motion. Thank you.

**Hon. Member for Eastleigh South Ward** (Mr. Nelson Masiga): *Bwana Spika, shukran kwa fursa hii ya kuweza kupendekeza Mswada huu. Naamini ya kwamba Mswada huu unapatia vikundi na vyama vya kule mtaani fursa ya kuweza kuungana na kufanya mambo yao pamoja na serikali ya County. Hivyo basi, itakuwa ni ile hali ya kuweza kuimarisha uhusiano wa County na vikundi mbalimbali katika nyanja ya chini*

*hivyo basi kuweza kuipatia nguvu na kuweza kuwatoa wale walio wezi ambao wamekuwa wakitumia serikali ya County kwa kuweza kuifilisi na kuweza kuipora rasilimali yake hivyo basi kuwapatia wale vijana, akina yahe, akina babu, fursa ya kuweza kuchunga mazingara na kuweza kuangalia miundo msingi wakishirikiana na County yetu ya Nairobi. Hivyo basi, naunga Mswada huu mkono. Asante Bw. Spika.*

**Hon. Deputy Speaker:** Thank you Hon. Masiga.

*(Question proposed)*

Hon. Members. Hon. Gari.

**Hon. Member for Nairobi West Ward (Mr. Maurice Gari):** Mr. Speaker, it is unfortunate, we have not seen the copies of this Bill which we want to discuss. So, I will urge the Member who has just come and read the Bill to talk to the relevant office, Table and Journals, so that we can know what we are discussing because we are now laymen on this. Thank you.

**Hon. Nelson Masiga:** Mr. Speaker sir, I think when the Bill came here during the first reading, every Member was given a copy of this Bill.

**Hon. Deputy Speaker:** Thank you. Can we proceed? Hon. Gari, copies are normally circulated on the first reading. Maybe you are just kind of not responsible in keeping your records. Order Gari, please, can you sit down? Hon. Maxwell, please sit down. Nyangwara sit down. Hon. Karen?

**Hon. Karen Wanjiku:** Thank you Mr. Speaker sir. I want to support this Bill. We were indeed supplied with the copies and I have mine here. Probably the Hon. Member has not visited his pigeon hole. Mr. Speaker sir, we have seen that in the communities, when you mention the neighborhood associations, when you mention community policing, when you mention *nyumba kumi* initiative, this is the way the community arrange themselves in the communities.

**Hon. Deputy Speaker:** Order Hon. Members. Serjeant-At-Arm, please don't allow any Member to get out of the House. We are having Committee of the Whole Assembly. Hon. Mutiso, kindly come back. Hon. Mutiso, this is the order by the Chair. Please come back. Serjeant-At-Arm, don't allow him to leave the House.

**Hon. Karen Wanjiku:** Can I Proceed Mr. Speaker sir?

**Hon. Deputy Speaker:** You may proceed.

**Hon. Karen Wanjiku:** Thank you Mr. Speaker sir. Mr. Speaker sir, we have seen the importance of these associations, of these initiatives, especially regarding security because, as representatives of the people, we cannot go to the localities to arrange the community. But the communities are responsible enough to arrange themselves and therefore the County Government, through this Bill, has an obligation to

support the community, to help them, to facilitate them so that from the smallest unit of devolution, the Wards, they can be able to live amicably together and we can have social order. Thank you. I support.

**Hon. Deputy Speaker:** Hon. Alex.

**Hon. Alex Otieno:** Thank you Mr. Speaker sir. I think this Bill is going to bring sanity within the Nairobi County. It will bring checks and balances. We have other groups that are not even checked. We can find that a certain group forms a group, they start collecting funds, they put barriers, and they block everything without anybody checking on their activities. So, if the County of Nairobi can also be considered to be checking on these groups, I think there will be sanity within the estates where we live.

You would find that there are other groups that form a group, come up with their own rules that are not even recognized, are not even checked and they say that this is how we want it and this is how you should do it. Some people have even zoned Nairobi while in the City County, the zoning is no longer there. You would find that the other groups, especially if you go to these sides of Eastland, Mr. Speaker, you will find that a group is coming up telling you that you cannot build this, you cannot do this and nobody ever checks their activities and the much they are collecting...so many people have been swindled a lot of money because there is no any other body that checks these groups. With those few remarks, I support the Bill and this is the right time. We were supposed to have brought the Bill by yesterday. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Racheal Kamweru.

**Hon. Racheal Kamweru:** Mr. Speaker, I am in support of this particular Bill and the reason why I am in support is the order that it is going to bring in to the County Assembly of Nairobi. Mr. Speaker, we know of some neighborhood associations that have been holding Nairobi County at ransom. Mr. Speaker, this particular Bill brings about engagement of the neighborhood associations and welfare groups within the County. The order will be there. And Mr. Speaker, this particular Bill will also check on the database, database of all registered associations. So, one will not just go register without coming to inform the County Government that they are a registered group under the Societies' Act and we will countercheck.

Mr. Speaker, I am in support of this neighborhood association engagement Bill because they will be taught on how to petition the County Government. So, instead of first going to court, it will be very clear that they will have first-an engagement on petition and conflict resolution within the mechanism of the County Government before people run to court. Hon. Speaker, we have been losing a lot of money from neighborhood associations that have always been going to court and once this particular Bill passes, before they run to court they will have rules of engagement for them first to petition, have the mechanisms for petition and once the mechanism for petition and engagement has failed, that is when they are able to run to court. Hon. Speaker, I am in total support because we need a County that has order.

Mr. Speaker, you know very well that Nairobi is zoned. They are zoning on how to collect garbage. They are zoning on how we live depending on what area you come from, depending on whatever zone you come in. the rules of engagement will be very clear. I support this Bill.

**Hon. Deputy Speaker:** Hon. Chief Whip as the last.

**Hon. Chief Whip, Majority:** Thank you Speaker for the opportunity. I am in support of this Bill. It is a good Bill and it is going to bring sanity to these associations. One in particular is called Karengata Association which has been a law and a state to itself. These associations have been paying rates to themselves for years making it very difficult for the council and the County Government to take service to the people. I believe it is a good Bill and it will bring a lot of sanity to these associations. Some of them block roads. They put barriers and say you can't pass here, who are you and who do you want to see? Some of these question, Mr. Speaker sir, we don't need them. And I believe the drafter of this Bill knew that the other day the County of Nairobi won a case against Karengata Association and I believe that the association is now paying rates to the County Government of Nairobi. I support the Bill.

**Hon. Deputy Speaker:** Thank you. Hon. Members may the mover reply.

**Hon. Maxwell Ochar:** Thank you Mr. Speaker. First of all, I would thank all Members who spoke and those who have not spoken because of time, and I would thank you sincerely because of the attitude you have towards this Bill. Mr. Speaker, I would not forget to thank the Committee of Planning who have worked tirelessly on this including the Majority Leader who is my member. Mr. Speaker, it is a noble Bill which will bring sanity to this City. Because of this, I would not talk much because the Members have spoken. I would thank you members, and the Committee of Planning. Thank you.

**Hon. Deputy Speaker:** Thank you Hon. Ochar.

*(Question put and agreed to)*

**The Nairobi City County Community Neighborhood Associations Engagement Bill 2015, A Bill For An Act Of The Nairobi City County Assembly To Give Statutory Recognition To Community And Neighborhood Initiatives In Complementing County Government Service Delivery To Enable Structured Cooperation Between The County Government, Residents And Businesses And To Generally Regulate And Facilitate The Activities Of The Associations And To Give Further Effects To Article 10 Of The Constitution As Regards The Principles Of Participation Of The People And For Connected Purposes, 2<sup>nd</sup> Reading.**

## **SECOND READING**

**Hon. Deputy Speaker:** Thank you. You may proceed Hon. Majority Leader.

**Hon. Majority Leader:** Thank you Mr. Speaker for giving me this opportunity. Mr. Speaker, I don't think we can go to the Committee of the Whole House since we don't have a quorum. There is no way we

can pass any Bill without a quorum in this House. If I am not wrong, just ask your Clerk whether there is a quorum in the House.

**Hon. Deputy Speaker:** Thank you. May I hear from Hon. Kagiri?

**Hon. Samuel Kagiri:** Mr. Speaker I think the Standing Order requires quorum at the onset of the Assembly so I think we are going to a new session— *(Laughs)*

**Hon. Deputy Speaker:** Thank you Hon. Kagiri. Hon. Mheshimiwa Manyala.

**Hon. Elizabeth Manyala:** Thank you Mr. Speaker. I am just perturbed by what Hon. Majority is trying to anticipate about the debate because when we started we had quorum and I think the business is still running.

**Hon. Deputy Speaker:** Thank you Hon. Manyala. May be the Majority Leader was just pre-empting on the Second Order, that is Order Number 10 which is a Committee of the Whole Assembly and it does require a quorum at the sitting when we are reverting to the Committee of the Whole Assembly. Order Ochola please! Okay Hon. Members as you are aware the Standing Order requires when we revert to the Committee of the Whole Assembly at the start we need a quorum which we don't have. For that I give direction that we move to Order No. 11. That is a Motion, thank you. The Motion number 10 to appear in the Order Paper tomorrow at 2:30 p.m. as the first Motion being Order No. 8.

## MOTION

**Hon. Karen Wanjiku:** Mr. Speaker sir, I beg to move the following Motion,

THAT, aware that Article 26 of the Constitution of Kenya provides that every person has the right to life; further aware that the Fourth schedule of the Constitution gives the mandate of Health Services including County health facilities to the County Governments; concerned that cancer is the third killer disease in Kenya, killing more people than tuberculosis, malaria and HIV/AIDS combined; recognizing that there has been a lot of health education and screening of cancer being conducted in the Country without significant help from the National Government; noting that treatment and care of cancer patients has been a nightmare in this County as there are inadequate facilities to cater for the same, this Assembly urges the County Government to set up a cancer center to help ameliorate the crisis.

Mr. Speaker sir, we have noted the problem and the menace that cancer has caused in this Country and particularly in Nairobi which is our County. That is where all Kenyans come for treatment. We only have Kenyatta and some few other private hospitals that do chemotherapy, radiation and all the other things that the cancer patients require. We have minimal facilities for cancer treatment. We have witnessed many *Harambees* for cancer patients and unfortunately we lose most of those people. They are our fellow Kenyans, brothers and sisters, and parents. Right now in this Hon. House, we have Members who have family Members and friends who are affected. We are all affected or infected. If you don't have cancer, at least you know somebody who has cancer; you have a relative with cancer. Therefore, we really need a

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Cancer Centre especially in Nairobi County that will help these people, a facility where we will have the oncologist, radiologist, psychologist and all those under one roof.

Mr. Speaker sir, when we went to India as the Health Committee we made some proposals to the Kerala State Government and they told us if you have facilities in Kenya and enough infrastructure, we don't mind bringing machines and experts to operate those machines. I believe that when we have infrastructure, we'll have so many partners to help us because even HIV is not talked about because ARVs are there for free, people are given food for free. Cancer drugs are very expensive and cancer is a very painful disease. Because of time I want to call the seconder of this Motion, Hon. Alex. Thank you.

**Hon. Member for Mugomo Ini Ward** (Mr. Alex Ouda): Thank you my dear Karen. Mr. Speaker, this is a very noble Motion as you are all aware of cancer nowadays. I'd rather get HIV but not cancer because I'll be given treatment free. With cancer you'll not get free treatment. As I stand here, I also have a family Member that is suffering from cancer and now I spend about 16,000 every week for the cancer treatment. I am feeling it and I feel it is very painful. We thought that a place like Mama Lucy and even Mbagathi could have cancer facilities so that Mama Lucy could take care of the eastern part of Nairobi and Mbagathi takes care of the western part of Nairobi. In Nairobi we only have Kenyatta which takes care of the whole Country as a referral hospital. You go for cancer treatment and you will be told to book and you will be seen after six months. It is terrible and I feel that we could also have cancer awareness. Most of us discover cancer when it is at its fourth stage. At that stage you will only get drugs to sustain you but you will not be cured.

This is a very important Motion and if we can pass it and it be implemented, most of us will be relieved. Even if you start counting here you will find that one or two Members out of ten have a cancer patient. I tend to think this is a very important Motion and the County government of Nairobi in liaison with the National Government should move with speed and see that facilities like Mama Lucy and Mbagathi are facilitated so that the cancer patients can get treatment at affordable fee if not free.

With that Mr. Speaker, I support, thank you.

**Hon. Deputy Speaker:** Hon. Alex you have not noted whether you are seconding the Motion or not.

**Hon. Alex Ouda:** I said I second. I started by the word seconding Mr. Speaker.

**Hon. Deputy Speaker:** For our records and HANSARD.

**Hon. Alex Ouda:** I second Mr. Speaker.

*(Question proposed)*

**Hon. Magdalene Mbogori** (Nominated Member): Thank you Mr. Speaker. I rise to support this very important Motion. I want to congratulate my colleague for bringing this Motion in this Assembly. I hope



it will be implemented as soon as possible. I support because cancer is one of the biggest killers in Kenya. Statistics have shown that there are different kinds of cancer and it has become one of the biggest killers. Cancer has no age, tribe or race. It affects each and every one. There is nothing specific that you do so that you can be affected by it. It can affect anybody at whatever age. One of the things that this Motion will do is to make sure that we have at least a Centre that can detect it early. For cancer treatment, what we have come to learn is that the detection is the most important because cancer has stages. The earlier it is detected, the better it is for the person who is suffering from it.

I stand here to support and I thank Karen for this Motion.

**Hon. Deputy Speaker:** Thank you. Hon. Kamweru.

**Hon. Rachael Kamweru** (Nominated Member): Hon. Speaker, I am in support of this particular Motion. For me it is not just a cancer centre but a comprehensive cancer centre. The reason why I would go for this comprehensive cancer Centre is because the moment you are diagnosed with cancer, be it of the breasts, Leader of Majority was waiting for that, cancer---

**Hon. Deputy Speaker:** Order! Order! Order! Majority Leader don't engage the Member when she's on the floor.

**Hon. Rachel Kamweru:** Cancer of the breast, prostate and cervical, this is not a joke. The moment you are diagnosed with all types of cancer, even throat or stomach cancer, whatever kind of cancer your life starts changing but if the County Government of Nairobi sets up a comprehensive cancer centre it no longer becomes a challenge as a terminal disease because from the onset of diagnosis to the end your life will be more bearable.

Hon. Speaker, most of the cancer centers we have are private. It is so expensive to go into the private sectors. This has come in at the right time. As we are setting up funds we should make sure that there are funds set aside for the comprehensive cancer centre in the budget. I am happy the Majority Leader is here for the Implementation that this is taken very keenly. It will not be a threat. With this, we've all gone for benchmarking all over the world, we can have partners to partner with us and make sure that Nairobi as a County has its own facility. This will not only help Nairobians but Kenya at large. We know Kenyatta Hospital and the rest are within the County. For the County of Nairobi I totally support this Motion, thank you.

**Hon. Deputy Speaker:** Hon. Elizabeth.

**Hon. Member for Kayole South Ward** (Ms. Elizabeth Manyala): Thank you Mr. Speaker sir, I rise to support this Motion. We are aware that health has been devolved and that the fourth schedule of the Constitution--- if we only put that all our level four hospitals to have a one-stop-shop whereby cancer treatment can be done then I think we will move a step ahead. Cancer is not a joke, it is a killer disease and most of our people are going to India to look for further treatment because our facilities here are

overstretched. We are looking at it in that if we set all our level four hospitals as centers then we will even be able to attract people from other Counties or even other Countries in the East and Central Africa to come instead of going to India to seek further treatment and boost our economy as a County. If we do this then we will have something to write home about.

I think it is a high time that the County Government should look into it. If they don't have enough capacity they can still network, collaborate with like-minded organizations which Hon. Karen is telling us like Kerala University even Apollo Mendata are there and are ready to collaborate and network with us so that we can have a one stop shop where we can address this menace.

Apart from that, if we cannot handle the cancer patients well then we can set up a kitty. In Tanzania I understand when their populace is sick they are referred to hospitals in India and the Government pays for them. If the County of Nairobi can also emulate the good practices being done in our neighboring Countries in the meantime then I think we'll have something to write home about. Without much ado, I wish to support the Motion.

**Hon. Deputy Speaker:** Hon. Majority Leader.

**Hon. Leader of Majority** (Mr. Elias Otieno): Mr. Speaker, I rise to support the Motion. It is very common and very expensive in this Country to treat cancer. We need to move very fast and bring those cancer centers and make them cheaper for those who cannot afford to go to India to those hospitals. The kind of food we are eating nowadays like the meat where the cow was treated yesterday and slaughtered today so the medicine is still in the meat, same for chicken for those who like it like the ones rolling in Tom Mboya Street. Those who love chips take away; I know those are the kinds of things that are giving us cancer.

Mr. Speaker, you know as men prostate cancer nowadays is more prevalent. Even in this Assembly you can see Snaich is---

**Hon. Deputy Speaker:** Order! Order hon. Member! Please, don't go there.

**Hon. Leader of Majority:** Mr. Speaker, may you call the mover to reply, thank you.

*(Laughter)*

**Hon. Deputy Speaker:** I think it will be irresponsible for the Majority Leader to paste the business community along Tom Mboya in bad light because our Members and even the Members of the public normally visit those cafeterias to--- you will be taken to court my friend. Hon. Jack please as the last spokesman.

**Hon. Member for Githurai Ward** (Mr. Jackson Ngare): Thank you Mr. Speaker sir for giving me this opportunity to contribute to this Motion. As you call the mover to reply when I sit, I will urge the National and County Governments to actually look at the disease that are chronic and very disturbing to Kenyans

like TB. With TB the Government has done very well. The treatment for TB is free. The provision of ARVs for HIV/AIDS is free. Cancer is actually in the same rating. Once cancer invades a family, that becomes a cash cow. The disease drains the family of its resources slowly until the family is totally crippled.

I urge that when this is implemented the facilities are actually 100% free facilities because this is the only way we can feel that we are being supported in this area. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** *Mheshimiwa Tabby.*

**Hon. Tabitha Juma** (Nominated Member): Thank you Mr. Speaker for giving me this opportunity to add my voice to this debate. I rise to support the Motion. Mine is just to put an emphasis since most of the things that I wanted to say have been highlighted by Members who came before me. I would like to emphasize that when we are putting up this cancer centre we should put more emphasis on the issue of children who are suffering with cancer. It is very painful when you visit Kenyatta Hospital and you look at the kids who are suffering there. They don't have enough medicine, no sufficient and effective cancer treatment equipment. I urge the Government of Nairobi County as they put up the cancer centre to put more emphasis on the children.

I would also like to urge the County Government to consider partnering with other organizations or Countries. There are so many countries that are willing to walk with Kenyans in this path. I remember when I visited Northern Ireland Government last year in Belfast, we went around to the hospital to Belfast Cancer Centre. When you walk there you will not even think that you are in the hospital. They are so organized, the facilities are effectively monitored and handled. They have a lot of equipment and they were willing to partner with the Country if only our Government would approach them. When we are doing this I urge them to consider such partners. They can even go ahead and invite other organizations as we know Kenyans are very co-operative individuals. When you call them to such a worthy cause I am sure they will answer to the call. We can even set up a fund and invite individuals and organizations that are willing to walk with us in this path so that they can give their support.

With those few remarks I beg to support.

**Hon. Deputy Speaker:** Thank you, may the mover reply.

**Hon. Karen Wanjiku:** Thank you Mr. Speaker sir. I want to thank all Members who supported this Motion verbally and the ones who supported even if we could not all speak. Indeed, cancer is not a killer disease as many people say. That is the difference between cancer and HIV. When detected early with a PET scan machine it can be healed. This is what we want to do with these cancer centres. We want to save lives because that is a Constitutional right of a Kenyan, of a Nairobian. Today being world AIDS day---

**Hon. Deputy Speaker:** Order Hon. Member! Yours was very simple you had all the time when you were moving the Motion to contribute to your Motion and build it up. Now is the time to give a vote of thanks.

**Hon. Karen Wanjiku:** Yes Mr. Speaker sir. Today being the world AIDS day, this is very important because we know very many HIV patients have an opportunistic disease which is cancer and TB. I want to thank all Members as we pass this Motion today to respect this day, thank you.

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Before the House adjourns, Members are reminded to remain back and form a Committee in regard to organizing a funeral service for the late dad to Dr. Evans Kidero. Again, at the rise of the Assembly we'll be having House Business Committee at the foyer. Hon. Members the Assembly stands adjourned to 2:30 p.m. tomorrow in the afternoon.

**(The House rose at 4.43 p.m.)**