



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Third Session

Tuesday 22<sup>nd</sup> September, 2015

The House met at 2.30 p.m.

*(Hon. Speaker Mr. Alex Ole Magelo on the Chair)*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### RESUMPTION OF SITTINGS

**Hon. Speaker:** Hon. Members, the communication from the Chair, resumption of sittings;

Hon. Members welcome back from the recess. It is my sincere hope that you had a wonderful and fruitful break. Hon. Members as we resume our sitting for the third part of the third session I wish to remind you of the business before us. It is important that we carry out our duties with a lot of dedication and zeal for the benefit of residents of the County of Nairobi. We will be considering pending business for the second part of the third session. This includes Motions, Bills, Statements and Petitions. Committees with pending reports are advised to move with speed to expedite conclusion of the same.

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

## ASSENT TO BILLS

Hon. Members as you are aware the Assembly has passed several Bills which were subsequently forwarded to the Governor for assent. I wish to report that 7 Bills were duly assented by His Excellency the Governor and copies of the same submitted to the office of the Clerk. These are:

1. The Nairobi City County Alcoholic Drink Control and Licensing Bill no. 2014. Date of assent was 15<sup>th</sup> May 2014
2. The Nairobi City County Betting Vetting Lotteries and Gaming Bill 2014 on 5<sup>th</sup> May 2014
3. The Nairobi City County Supplementary Appropriation Bill 2014 which was assented on 15<sup>th</sup> May 2015
4. The Nairobi City County Appropriation Bill 2014 which was assented on 30<sup>th</sup> June 2014
5. The Nairobi City County Supplementary Appropriation Bill 2015 on 25<sup>th</sup> June 2015
6. The Nairobi City County Appropriation Bill 2015 on 30<sup>th</sup> June 2015
7. The Nairobi City County Petition to County Assembly Procedural Bill 2015 on 9<sup>th</sup> July 2015

Once again I warmly welcome you back from the recess and as we resume sittings for the third part of the third session. I thank you

## PAPERS

### NAIROBI CITY COUNTY ANNUAL DEVELOPMENT PLAN FY 2015/2016

**Hon. Leader of Majority** (Mr. Elias Otieno): Thank you Mr. Speaker, pursuant to section 126(3) of the Public Finance Management Act 2012 I beg to lay the following paper on the table of the Assembly today Tuesday 22<sup>nd</sup> September 2015 the Nairobi City County Annual Development Plan for the financial year 2015/2016, I beg to lay Mr. Speaker

**Hon. Speaker:** The able Leader of Majority, this is committed to the Budget and Appropriation Committee, thank you

## NOTICE OF MOTION

### MOTION TO REVERT COUNTY FACILITIES RUN BY INDIVIDUALS BACK TO MANAGEMENT OF THE COUNTY GOVERNMENT

**Hon. Carolyne Muga** (Nominated Member): I am giving this notice of Motion on behalf of *Mheshimiwa* Andrew Mbau. Mr. Speaker sir I beg to give notice of the following Motion:

THAT aware that the provision of public infrastructure and services which are a fundamental prerequisite for economic growth and development as well as creation of employment, acknowledging that the County Government is facing myriad of challenges in provision of public employment and services to the residents of the County, concerned that most of the County Government facilities such as public toilets, public parking are managed and operated by private individuals who pay the County Government, noting

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that such facilities can create employment opportunities to many youths in the County, this Assembly urges the County Executive to revert all the County facilities run by individuals back to the management of the County Government and establish mechanisms on the management of the facilities which are a source of revenue and creation of employment to youth. Thank you.

**Hon. Speaker:** Very well!

## STATEMENTS

### STATEMENT REQUEST ON JAMBO PAY LIMITED CONTRACT TO AUTOMATE REVENUE COLLECTION IN THE CITY

**Hon. Speaker:** The Hon. Hashim Kamau

**Hon. Minority Chief Whip** (Mr. Hashim Kamau): Thank you Mr. Speaker, pursuant to Standing Order 41(2) (c) I wish to request statement from the Chairperson of Select Committee on Budget and Appropriations regarding the automation of revenue collection in the County.

Hon. Speaker Jambo pay limited signed a contract with Nairobi County Executive to automate all revenue collections from June 2014. The contract aimed at easing payments for services and streamlining revenue collection thus reducing revenue pilferage in manual collection.

The similar contract has been advertised that a reputable bank manages cash collection and stem traffic at the County cash office.

Hon. Speaker in the statement the Chair should enquire into and report on

- I. What will be the commission payable to the bank
- II. Whether it is the same request by the Kenya Commercial Bank when they were buying the Equity loans
- III. Relationship between the bank and Jambo pay limited and whether it will be duplication of duties
- IV. Whether there are better reasons for contracting the bank apart from managing cash collection and stemming traffic at the cash office. Thank you

**Hon. Speaker:** Very well Hon. Chief Whip, Minority. Hon. Chairperson for Budget and Appropriation? As you are aware this item has popped up in the Assembly several times and the Assembly doesn't seem to get any answers. We have no Chairman or any---Clerk---

Hon. Members the Chairperson is not there. Is there any Member?

**Hon. Member for Woodley Ward** (Mr. David Kairu): Thank you very much Mr. Speaker sir, let us be given two weeks.

**Hon. Speaker:** I decline to offer two weeks. This statement must be on the floor of the Assembly next Thursday, 2:30pm. I thank you. Hon. Patrick Ngaruiya Chege

### **REQUEST FOR STATEMENT ON THE TENDER ADVERTISEMENT ON SOLID WASTE COLLECTION AND TRANSPORTATION ZONES IN THE COUNTY**

**Hon. Chief Whip Minority:** On behalf of Hon. Ngaruiya. Pursuant to Standing Order 41(2)(c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Agriculture Environment and Natural Resources regarding the tender advertisement on solid waste collection and transportation zones in the County.

Hon. Speaker on 25<sup>th</sup> August 2015, the County Executive advertised for tenders on regular solid waste collection and transportation zones. However, the tenders were to be accompanied by tender security of Ksh. 1,000,000 noting most youths, women and persons with disabilities may not afford the amount which will be contrary to 30% rule.

Hon. Speaker in the statement the Chairperson should inquire into and report on;

1. Criteria used to zoning of the County Regular Solid Waste collection and transportation and why the County Executive charged an exorbitant amount of Ksh. 1,000,000 for tender security.

Thank you.

**Hon. Speaker:** Very well. Chairperson for Sectoral Committee for Agriculture, Environment and Natural Resources Hon. Adan?

**Hon. Member for Makina Ward** (Mr. Alhad Adan): Thank you Mr. Speaker. I just want to propose that we be given till Thursday.

**Hon. Speaker:** Very well Thursday. The Hon. Maurice Akuk you have more than one statement?

### **REQUEST FOR STATEMENT ON NEW DUMPING SITES NEAR NAIROBI DAM IN HIGHRISE WARD**

**Hon. Member for Nyayo Highrise Ward** (Mr. Maurice Akuk): Yes Mr. Speaker sir. Mr. Speaker sir pursuant to Standing Order 41(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources regarding the new dumping sites near Nairobi Dam in Highrise Ward.

Hon. Speaker the Kenya National Youth Service through its program to clean the City slums has opened a new dumping site near Nairobi dam which has become a concern to residents near the area who fear for their health.

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

- 1) Reasons for turning the Nairobi Dam area into a dumping site
- 2) Who authorized the dumping of waste at Nairobi Dam area
- 3) Measures the County Government is taking to restore the Nairobi Dam to its original state

**REQUEST FOR STATEMENT ON USE OF UNDUGU PLAYING GROUNDS BY THE KENYA NATIONAL YOUTH SERVICE TO DAMP SOIL EXCAVATED FROM THE ROAD CONSTRUCTION IN NYAYO HIGHRISE WARD.**

Hon. Speaker I have another statement. Pursuant to Standing Order 41(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Labour---

**Hon. Speaker:** Order Hon. Members! Consult in low tones please.

**Hon. Maurice Akuk:** Regarding the use of Undugu playing grounds by the Kenya National Youth Service to damp soil excavated from the road construction in Nyayo Highrise Ward. Hon. Speaker sir, the Kenya National Youth Service have been using the Undugu grounds to damp soil excavated from the road construction in Highrise Ward and this has made the grounds inaccessible.

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

- 1) Why the grounds were used by the National Youth Service to damp the soil
- 2) Measures the County Government/ Executive is taking to restore the grounds to its former state?

**Hon. Maurice Akuk:** My third and final statement Mr. Speaker sir. Pursuant to Standing Order 41(2) (c), I wish to request for a statement from the Sectoral Committee on Water and Sanitation regarding the ongoing Nairobi Dam Restoration program.

Hon. Speaker sir, the Nairobi City County Government has undertaken to rehabilitate the Nairobi Dam to its original condition. However, in the statement, the Chairperson should inquire into and report on;

- 1) The number of casual laborers engaged in the restoration program during the June to September 2015 period
- 2) Why the area residents were not given the opportunity to work in the project?
- 3) The amount of money an individual casual laborer was being paid on a daily basis and the amount of money spent on the entire program
- 4) The composition of the new casual laborers to be recruited and the total number of people to be engaged in the project?

Thank you Mr. Speaker sir.

**Hon. Speaker:** Very well. I will start with the first statement. The Committee of Agriculture in regards to the new dumping site in Nairobi Dam in Highrise Ward. Hon. Adan

**Hon. Alhad Adan:** Thank you Mr. Speaker sir. Due to consultations with the Members, I wish to propose we respond on Thursday

**Hon. Speaker:** Very well. Hon. Chairperson of Labour and Social services regarding the use of Undugu playing ground? Yes Hon. Manyala

**Hon. Member for Kayole South Ward** (Ms. Elizabeth Manyala): Thank you Mr. Speaker. We will give a comprehensive report next week on Thursday.

**Hon. Speaker:** Very well. The third one is directed to the Chairperson Water and Sanitation regarding the ongoing restoration program in Nairobi Dam.

**Hon. Member for Mugumoini Ward** (Mr. Alex Ouda): I would like to have it on Thursday next week Mr. Speaker.

**Hon. Speaker:** Very well, this is encouraging. Now we have the Hon. Alexander Mulatya.

## **REQUEST FOR STATEMENT ON PUBLIC-PRIVATE PARTNERSHIP AGREEMENT ON MAJOR URBAN DEVELOPMENT IN THE COUNTY**

**Hon. Member for Kwa-Njenga Ward** (Mr. Alexander Mulatya): Pursuant to Standing Order 41 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding public-private partnership agreement on major urban development in the County.

Hon. Speaker, the County has entered into a public-private partnership agreement on the construction of a major hospital in Pumwani, upgrading of sunken parking into a storey building and other major urban developments.

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

- 1) Whether the public-private partnership has been effected?
- 2) List of companies involved in the public-private partnership?
- 3) The estimated cost of the projects?
- 4) Contents of the public-private partnerships?

Thank you.

**Hon. Speaker:** Thank you very much Hon. Alex Mulatya. The Chairperson Transport and Public Works Hon Oduru Sirikal.

**Hon. Member for Lucky Sumer Ward** (Mr. Kennedy Oduru): Thank you Mr. Speaker sir. I have consulted with my Committee Members and they have promised that we will present our response next week on Thursday.

**Hon. Speaker:** Thank you very much. The Hon. Leah Mumo. Hon. Manoah you have another meeting behind with Hon. Ogeto

**Hon. Leah Mumo** (Nominated Member): Thank you Hon. Speaker. Pursuant to Standing Order 41 (2)(c), I wish to request for a statement from the Chairperson of the sectorial Committee on Planning and Housing regarding a decision by the Physical Planning Department to approve the ongoing construction of a commercial building on Mutuini Ngong river basin along Langata and Mbagathi road.

Hon. Speaker, the building has been constructed on Mutuini Ngong river basin obstructs the water flow causing flooding when it rains.

**Hon. Speaker:** But she is reading a statement, Clerk is she allowed?

**Hon. Leah Mumo:** The coming of El-nino rains could spell disaster from the residents around the area of the said construction. Hon. Speaker in the statement I want the Chairperson to inquire into and report on:

1. Reasons for clearing the building for continued construction despite of all the evidence point to the illegal construction on the riparian reserves and,
2. Measures the County Executive has taken to avert and El Niño flooding disaster in the area now that the Planning Department has cleared the condemned building

Thank you.

**Hon. Speaker:** Hon. Members, point of correction for the benefit of Hon Manyala, actually when you are a Member of a Committee it is important to deal with the issue on that level, although it is not to say that you cannot ask for a statement but I encourage that you do it in your Committee and I want to thank you.

Hon. Chairperson for Planning and Housing this is the thing that you don't take for granted, the El-Niño is coming and we don't know your programme as the Planning Committee.

**Hon. Member for Imara Daima Ward** (Mr. Jairus Atenya): On Thursday.

**Hon. Speaker:** On Thursday, very well. Next Order!

**BILLS****THE NAIROBI CITY COUNTY FIRE AND RESCUE SERVICES BILL, 2015 (ASSEMBLY BILL NO. 3 OF 2015) SECOND READING**

**Hon. Speaker:** Yes Hon. Milare.

**Hon. Member for Harambee Ward** (Mr. Ronald Milare): Thank you Hon. Speaker sir, Pursuant to Standing Order 133 I beg to withdraw the Fire and Rescue Services Bill 2015. Hon. Speaker the Committee proposes the Nairobi City County Fire and Rescue Services Bill---

**Hon. Speaker:** What did you say Hon. Milare?

**Hon. Ronald Milare:** I beg to withdraw the Fire and Rescue Services Bill 2015---

**Hon. Speaker:** To withdraw?

**Hon. Ronald Milare:** Yes, Pursuant to Standing Order 133 and the reason Mr. Speaker sir, as a Committee we are proposing that the Bill which is before the Assembly and awaiting second reading be withdrawn so that it can be aligned with the provision of Nairobi City County Disaster and Emergency Bill 2015 and therefore Mr. Speaker, I request that you direct the Bill to be withdrawn.

**Hon. Speaker:** Okay! Hon. Members, withdrawal of Bills that is in Standing Order 133 (1) "*Either before the commencement of business or on the Order of the Day for any stage of the Bill being read, the Member in charge of a Bill may, without notice, claim to withdraw a Bill*" so it is therefore in order for him to withdraw with the reasons he gave us.

**THE NAIROBI CITY COUNTY DISASTER AND EMERGENCY MANAGEMENT BILL, 2015 (ASSEMBLY BILL NO. 4 OF 2015) SECOND READING**

**Hon. Speaker:** Hon. Milare.

**Hon. Ronald Milare:** Thank you Mr. Speaker, I beg to move the Nairobi City County Disaster and Emergency Management Bill, 2015 (Assembly Bill no. 4 of 2015) be read a second time.

Hon. Speaker, the Nairobi City County has continue to face a rising degree of vulnerability to disaster residents are usually affected in such a manner that their lives and livelihood are seriously disrupted beyond their capacity to cope or withstand using their own resources.

Despite this vulnerability the County so far does not have a comprehensive emergency and Disaster Management legal frame work.



Hon. Speaker, as such the Committee fully supports the Bill since it seeks to address the issue and however the Bill requires fine tuning through proposed amendments so that they can serve the intended purposes.

In summary the Bill addresses the following:

1. The Principal objective of the Bill is to provide a mechanism for responding and addressing disasters and emergencies in the County.
2. Establishes the Emergency Management Council and entities responsible for policy formulation.
3. The Part three of the Bill provides for the preparation of County Disaster Management plan and the role of the County Government in Disaster Management
4. Clause 8 establishes the County Emergency fund
5. Clause 13 provides for the declaration of emergency by the Council.

Hon. Speaker sir, Pursuant to article 196 (b) of the Constitution of Kenya and in the Standing Order 121 (3) the Committee placed an Advert in the Local Dailies calling for representation and amendments from the Public on the Bill.

Following on the notice the Committee received written Memoranda from the following stake holders:

1. Ministry of Defense
2. Kenya Red Cross
3. St. John Ambulance

All the stakeholders were agreeable in principle that the Bill although they proposed amendments to certain clauses. Hon. Speaker sir, the Committee will propose amendments to the Bill in clause 1, 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and the schedule.

Some of the amendments are editorial while others are to cater for the concern of the Stakeholders. Hon. Speaker, I beg to move and call upon Hon. Pius Otieno to second the Bill.

**Hon. Speaker:** Do we have Hon. Pius Otieno?

**Hon. Member for Sarang'ombe Ward** (Mr. Pius Otieno): Thank you Mr. Speaker, one I would wish to extend my gratitude to the Committee on Culture and Community Services for the good work that they did. I must as well confirm that I was invited for that particular meeting as a person who had interest in this particular Bill and I was seriously impressed by the way the Chairman conducted the business of that Committee.

**Hon. Pius Otieno:** Mr. Speaker, allow me to inform the House that this Bill known as the Nairobi City County Disaster and Emergency Management Bill 2015 falls within the devolved function that has been captured by the Constitution. I know today is not a unique day from those days that we've been legislating or we've been addressing matters that pertains to legislation. In that respect, I want to say that

this Bill is timely because Nairobian or Kenyans in general have been subjected or befallen by several disasters either natural, manmade or those that come as a result of negligence. I even saw you on television last time when a House collapsed. You truly informed the Nairobian that the House that collapsed was as a result of negligence either from the engineers who are doing their jobs, from the *fundis* or from the Nairobi City County Government. That negligence could not be addressed if there could not be a legislative framework that would propose or seek to see in case of a disaster, how do we co-ordinate humanitarian effort?

That is why even in the recent past, you've seen amorphous groups within the City or even in our various villages when fire erupts people would come there in the name of assisting or lending a hand to the people whose houses are burning but the same people come and loot public or people's property. These amorphous groups have left the neighbourhoods empty in the name of assisting them.

I want to inform the House that this Bill is going to come up with a coordinating mechanism that is going to assist people in terms of responding to disasters and providing humanitarian services. These could be food or non-food items. I know even in this Bill there is a section that has given the CEC in charge of matters of disaster to come up with regulations. It is in these regulations that I am looking forward to see that Minister in particular make a clear provision that in case there is a disaster, what form of humanitarian assistance will the County advance to the people whose houses--- the people who have been affected by disaster. Is it food or non- food items?

It is also important for us to understand and know that these functions cannot be done without personnel. These would be the backbone and the cog of this Bill. They will be charged with the day to day running and management over this particular institution that we'll be forming. It will be called the Directorate of Disaster and Emergency Management. These personnel will not come from the blues. These are Nairobian probably who will have a background on disaster management. They will have shown that they have got passion in terms of addressing disaster management or any other thing that would pertain to this activity.

Hon. Members, even as we stand here contributing to this Bill I wish to inform you that in my area alone a week cannot go without a fire incident. I know people are diverse, we are dynamic. There are people who are able and others unable like me and sometimes fire erupts and it gets you off guard. You don't have even a penny, you are as poor as a church mouse so you start running helter-skelter, here and there, you don't know whether to go to somebody called Munyambu, to the Governor's office, or to seek support from Red Cross.

I want that to be a thing of the past. We should have a standard ceiling that if it's a disaster that deals with fire Hon. Members should know that I will go to this particular office and they will assist me in this particular manner. If it is a monetary kind of assistance let us know that it is either one hundred thousand, two hundred thousand, three hundred thousand according to the level or veracity of that particular disaster. Sometimes these disasters have made Hon. Members to be beggars to institutions that they are not

supposed to be oversighting. I am not afraid to say so as long as there will be a mechanism on how Members will be receiving this money or how we are going to channel this particular resource to those particular families. Hon. Members I think that one will be timely and will be the best thing that has ever happened.

This particular Bill lays emphasis on what I will call early warning signs. This is that ability of the personnel or the institution to have an early informed opinion that this disaster is pending. If it is pending then probably a House would collapse because of different reasons that they will cite. This Bill should give them authority to provide an early warning system to those people who might be affected by that disaster so that we can relocate them from point A to B where at least they will be safe. This Bill is also coming at a good time when we are expecting El-Nino rains.

Hon. Members you know 1997/1998 the entire geography was affected by El-Nino. Even human beings were affected. The only things in the planet that were not affected were animals. The reason why they were never affected is because animals have got instincts. They would sense that El-Nino is coming and we should run to a higher ground. Human beings do not have such instincts. That's why we are depending on the skills and on institutions like this to provide us with early warnings so that in case such a thing would happen we can run to a higher ground and we can be safe.

Hon. Members, I ask and urge you that we take our time, interrogate this Bill, provide justifications and give Nairobians at least a new lease of life that in case there would be a disaster, let us have a proper mechanism to coordinate and respond. Let us establish an office that would be in charge of running the affairs of these particular institutions. With those very few remarks I support.

**Hon. Speaker:** Very well Hon. Otieno. Hon. Members, I propose that,

*(Question proposed)*

**Hon. Speaker:** Hon. Imwatok.

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatok): Mr. Speaker, thank you after the President of the poor has spoken, I might lack enough words to explain how delighted I am---

**Hon. Speaker:** The President of what?

**Hon. Peter Imwatok:** Of the poor. His Excellency Dr. Otieno K'Otieno. He is the President of the poor.

**Hon. Speaker:** Order! Order!

**Hon. Peter Imwatok:** Mr. Speaker, thank you for accepting me as the Deputy President of the poor. I think for the first time the Chair of Culture and the entire Committee is making this County a proud County.

**Hon. Peter Imwatok:** Mr. Speaker before I resigned from Public Accounts Committee because the issue of Section of 140 of the PMF Act was very crucial, that is the formation of the emergency account for the County. I am happy now that this Committee has taken the bull by its horns to enshrine it into the law, that we can now establish this fund under the law of our own County. Mr. Speaker as my fellow Member who was speaking said, it is so unfair if a disaster takes place like in my Ward when the House collapsed, we could not really know where to move from there, we had to mobilize people from the Kenya Police, the APs, from the Armed Forces to come for rescue, by the time the County was coming in there was a lot of confusion there.

As per the Constitution, the formation of the County Government Article 11 of the Constitution speaks very clearly, this is a Government, it must have all the institutions in place, now I am happy that this Committee is bringing another institution within the County Government of Nairobi that will take care of all the emergencies within our County. Just to say we have made several laws in this County, may it be now that we are making the Emergency Management Fund Bill Account to be a coffer for a few individuals because the biggest ailment that this Bill is going to cure is the essence of sycophancy and the highest clapper gets this Emergency Fund, Mr. Speaker. We have gone through this before.

I personally I could not clap the most and could not get enough funding when the House collapsed in Makongeni Ward but the biggest clappers who could clap the most, I cannot mention names could get the largest sum of money when the incident took place in their Wards. I believe this Bill will bring equalization within the 85 Wards and more so to the entire Nairobi County.

As I thank the Committee for doing this Mr. Speaker, may I also request that as the County is doing all this, we may do it as a unit and also urge all Kenyans to believe in the County of Nairobi and more so to the County Assembly of Nairobi as you look across Committee to come up with this powerful Emergency Fund Bill because it is a critical step by this County. I believe and I know most Counties will borrow from us. As we pass this Bill today Mr. Speaker, I also want to urge the entire nation on behalf of Nairobians that kindly let's work together and help our teachers to be paid, Mr. Speaker. Thank you.

**Hon. Speaker:** Hon. Diana Kapeen.

**Hon. Member for South C Ward** (Ms. Diana Kapeen): Thank you Mr. Speaker sir. I must acknowledge that the Committee of Social Services has really put forward a very good report in regard to disaster management, Mr. Speaker sir. I come from a Ward that is affected most of the times by floods and I am hoping that with the establishment of the Emergency Fund Bill, we are going to see the benefits. However, we have known in the past that most of the Emergency Funds that are set aside, it is either a fund for individuals to enrich themselves and they don't meet the requirement for the stated purposes.

Mr. Speaker sir, as we debate on the Emergency Management Fund Bill, there is emergency works going on in preparation for El Nino and I must declare that I have interest being a Member of the Transport Committee I beg to contribute because I also have an issue with the Bill. Mr. Speaker sir, there are emergency works being done around the Wards and recently there was an announcement on the Nation TV that we are going to employ a 1,000 youths for the emergency works.

Mr. Speaker sir, I noticed with a lot of concern that half of the 1,000 labourers are located in my Ward that is South C, and I also noticed that I have been allocated some new trucks probably from the Fund, I don't know if the Fund is already functional, and here is where corruption comes in. According to the law, if you have emergency works you have to use the local people from the neighborhood. In South 'C' I don't know where the department got people but we have a lot of labourers so I am hoping that all loopholes will be sealed. I would also like to enlighten my fellow MCAs that the Emergency is already on given that the number of labourers that are in that Ward. However very few of them are aware that something is happening on the ground, so as I support the Bill and the good contents in it, let us look at the loopholes that will come with the Bill, Mr. Speaker sir. I beg to support. Thank you.

**Hon. Speaker:** Thank you Hon. Diana. Did you say that you have been allocated 1000 labourers in your Ward?

**Hon. Diana Kapeen:** I said that I was allocated 400 labourers for unblocking drainages Mr. Speaker sir.

**Hon. Speaker:** Only in your Ward?

**Hon. Diana Kapeen:** I don't know whether any other person have them but I have 400 labourers working in South 'C' Ward who are not residents of South 'C', I don't know where they came from so I am looking at this Emergency Fund as being somebody else's cash cow.

**Hon. Speaker:** Very well. Chairman, take note of that. Hon. Oduru find out how one area has 400 workers and other areas don't have. Hon. Manyala. Sorry Hon. Manyala, Hon. Karen I beg your pardon.

**Hon. Karen Wanjiku** (Nominated Member): Thank you Mr. Speaker sir. Mr. Speaker sir I want to take this moment to support this Bill and I am not supporting it because it has been brought here. I have read the contents and I have looked at the objectives, very good objectives if they are implemented. I will give an example of 2(a); objectives and the purpose of the Act, that the 'that the purpose is to establish an efficient structure for the management of disasters and emergencies by promoting co-operation amongst agencies', Mr. Speaker sir.

This is very important; we need efficiency when managing these disasters when they happen in our County. I want to echo what Hon. Kapeen has said, we have been told that there is an Emergency Fund of which to me and to the other Members it is illegal, because there was no Bill and no policy to support it. Now I am happy we will have a legal County Disaster Management Fund and I am very happy with the Chairman of Culture.

When I was reading these two Bills, the Disaster Management Bill and the Fire one, I thought they are the same. My question was why are we having two Bills? And now I thank the Chairman and his Committee because they have come up with a proposal to harmonize the two Bills which maybe according to Karen's proposal will read; the Nairobi City County Fire and Rescue Service Disaster Management Bill to

deal with the two things. I don't know whether we want it to look like the Sonko Rescue Team or something like that or we want to remove the Sonko Rescue Team or emulate it, or even make it even stronger because we have seen what they have been doing in Nairobi.

Mr. Speaker I must say that we have seen a lot of fires in our slums, we have seen many Houses collapsing but this Bill should not be misused by the people of Planning for example by not approving buildings. When those buildings collapse, they kill people. So we don't want to contradict this Bill or misuse it by saying that now we have money for disaster management so people should sleep on their job, we are not going to approve buildings anymore, when we hear that El Nino is coming, we are not going to do anything, we are not going to do anything about drainage systems because after all we have this fund that will help us in managing our disasters.

**Hon. Karen Wanjiku:** I pray that the objectives of this Committee, this Bill will be implemented and it will meet the purpose that it was intended, thank you Mr. Speaker Sir.

**Hon. Speaker:** Thank you Hon. Karen can I have Hon. Manyala!

**Hon. Member for Kayole South Ward** (Ms. Elizabeth Manyala) thank you Mr. Speaker, I rise to support this Bill because it is indeed very well documented and actually once it is passed it will help to mitigate the problems that we have been facing at the Ward level. However, I want to propose that since our youths are the ones who the system has marginalized and they are idle in the Wards especially Kayole South has youth who have who have dropped out of school and have joined the worst form of child labour such as Gaza boys.

This Bill once it has been assented to, such groups can now be incorporated or coopted so that they can get meaningful Income Generating Activities (IGA's) or something that can give them a sense of belonging that they would feel part and parcel of the society, so that they are not alienated. It is very sad when we are hearing that mitigation or work is happening especially in South C, where 1000 or 400 labourers are coming from one area and in Nairobi County we have 85 Wards. So we are wondering why is equity or equitable distribution of resources is not being adhered to, that's a food for thought for this Assembly that we need to---

**Hon. Speaker:** Order Hon. Members!

**Hon. Elizabeth Manyala:** We need to bring every Ward on board because we all come from Wards and we all have youths, we all have workforce from our Wards. So if they can Also be utilized so that we can also embrace this worthy course they will have a sense of belonging. Secondly, on disaster management it is prudent that when it is devolved and there's a legal framework then we will have a one stop shop in all Wards whereby like in first world countries we have a service called nine one one (911) , you dial it when there's fire or you are sick or---

**Hon. Speaker:** Order Hon. Nephew

**Hon. Elizabeth Manyala:** ---when there's any calamities that has befallen the neighbourhood anybody can dial that 911 and you would get the services or response at your doorstep. I think it's prudent and I think the Bill has come at a better time that we'll now give services to the Nairobians. Thank you Mr. Speaker.

**Hon. Speaker:** Hon. Manyala Thank you very much, Hon. Thuo Karura!

**Hon. Member for Karura Ward (Mr.Thuo Kamau):** Thank you Hon. Speaker, and I also thank God for another opportunity to represent the people of Nairobi for another session.

**Hon. Stephen Kamau Thuo:** Mr. Speaker I would also want to join the rest of my colleagues in supporting this particular Bill that we are considering as a House because we now have a legal frame work that guides the County and gives a mechanism on how to mitigate on disaster because disaster will always be with us and as a County we need to legislate on laws that will help us to counter such.

I must say that this particular Bill is timely and I invite the rest of the Members to support this Bill so that it can see the light of the day. Further I would want to believe that after the passage of this particular Bill, the Executive arm of this Government of Nairobi will implement this particular Bill to the letter because we have had instances whereby we have passed lots of Bills but there is no implementation.

Mr. Speaker, I would also want to add and say that the Bills that we pass here are like living organisms, they have a life, so I believe the Executive will breathe life to this particular Bill. Another reason why this Bill is timely is that in a few weeks if not months, we are going to experience El Nino and I hope by that time this Bill would have passed and the right structures will be in place so that we can assist Nairobians because El Nino is alive.

Another issue is the issue of fire, we have had fire outbreaks in the City and you hear Members of the County Executive coming up with some figures to give, say traders or people living in slums. I now believe that the Governor will be guided, the whole of the Executive will be guided on how to go about even when giving figures of finances or funding of rehabilitations of say markets or slums that have been affected. With those few remarks, I support fully the passage of the County Emergency Management Fund Bill. Thank you Hon. Speaker.

**Hon. Speaker:** Thank you Hon. Members. Hon. Members I now put the question that---, sorry, the Mover of the Motion to reply, I beg your pardon.

**Hon. Ronald Milare:** Thank you Hon. Speaker, Members have spoken and they have spoken very favourably in support of the Bill and so mine is to thank Members for their valuable contributions. I hope, as the Member for Karura has intimated that once we have done our part as a House, it will be upon the Executive to follow through the implementations. So I just want to thank Members and I thank you Mr. Speaker.

*(Question put and agreed to)*

**THE NAIROBI CITY COUNTY DISASTER AND EMERGENCY MANAGEMENT BILL, 2015 A  
BILL FOR AN ACT OF THE NAIROBI CITY COUNTY ASSEMBLY TO PROVIDE FOR THE  
MANAGEMENT OF DISASTERS AND EMERGENCIES IN NAIROBI COUNTY AND FOR CONNECTED  
PURPOSES, SECOND READING.**

**Hon. Speaker:** I beg your pardon, we are still in recess mood anyway. Hon. Members, the Bill is committed to the Committee of the whole House.

**ADJOURNMENT**

**Hon. Speaker:** The House adjourned until tomorrow 2.30 p.m.

*(The House rose at 3.45 p. m.)*