



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Wednesday 26th August, 2015

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ngondi) in the chair)

PRAYERS

Hon. Deputy Speaker: Hon. Members, it has come to the attention of the Chair that there is lack of quorum in the House, Serjeant-at-Arm, can you ring the bell for ten minutes.

(Quorum Bell rings)

Hon. Deputy Speaker: Hon. Members, there is still lack of quorum in the House, let us ring the bell for another five minutes.

(Quorum Bell rings)

Hon. Deputy Speaker: Hon. Members, we are set to go now that we have the quorum in the House.

COMMUNICATION FROM THE CHAIR

Hon. Deputy Speaker: Order, Hon. Mutiso! Kindly sit, please. Hon. Owera, you have to come back.

I would like to bring to your attention that we have Bernadette Mill of United Kingdom Parliament who is present in the House. She is up there at the gallery. *(Applause)* She is in charge of political analysis and she is in a senior position. Welcome Madam Mill. Thank you.

PAPERS

CONSIDERATION OF THE NAIROBI CITY COUNTY DISASTER AND MANAGEMENT BILL, 2015, BILL NO. 4.

Hon. Member for Harambee Ward (Mr. Ronald Milare): Hon. Speaker, pursuant to Standing Order 180 (6), I beg to lay the following paper on the Table of the Assembly, today Wednesday 26th, 2015: The Report of the Sectoral Committee on Culture and Community Services on the consideration of the Nairobi City County Disaster and Management Bill, 2015, Bill No. 4.

Hon. Deputy Speaker: Thank you, Hon. Chairman.

STATEMENTS

Hon. Deputy Speaker: Hon. Members, under Order No. 7, Hon. David Kairu requested a Statement from the Chairperson of Sectoral Committee on Justice and Legal Affairs regarding private towing land rovers which operate within Industrial Area. Under the same Order, Hon. Herman Azangu requested a Statement from the Chairperson of Sectoral Committee on Health Services regarding the appointment of the Board Committee Members in Mbagathi, Mama Lucy and Mutu-ini Hospitals. Under the same Order, Hon. Maurice Gari requested a Statement from the Chairperson of Sectoral Committee on Housing and Planning regarding an extension of a house in plot No. 105/5 in Swara Estate in Nairobi West.

The Chairperson, Sectoral Committee on Justice and Legal Affairs. The Vice Chairperson? As we bypass that, let us go to Order No. 7 (b). Chairperson for Health Services, is the response ready?

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Hon. Speaker, regarding what you have just mentioned about Mbagathi, Mama Lucy and Mutu-ini Hospitals?

Hon. Deputy Speaker: This was requested by Hon. Azangu on the issues of Health Services on the appointments of Board Committee Members in Mbagathi, Mama Lucy and Mutu-ini Hospitals.

Hon. Manoah Mboku: We have never had such a Statement, Mr. Speaker.

Hon. Deputy Speaker: Hon. Njoroge Kairu.

**STATEMENT REGARDING THE APPOINTMENT OF BOARD COMMITTEE MEMBERS IN
MBAGATHI, MAMA LUCY AND MUTU-INI HOSPITALS**

Hon. Member for Woodley/ Kenyatta Golf Course Ward (Mr. Njoroge Kairu): Thank you very much, 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 Health Services regarding the appointment of Board Committee Members in Mbagathi, Mama Lucy and Mutuini Hospitals.

Hon. Speaker, in mid-August this year, the Board Committee Members of the aforementioned hospitals were appointed, however, the working relationship between the employees and the Board is not conducive for the hospitals to offer quality services to the Nairobians.

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

1. Which law was used to nominate and select the hospital Board Members
2. The position of the Board and the qualification of the members
3. Were the procedures followed when appointing the Board Members

Thank you.

Hon. Deputy Speaker: Chairperson for Health.

Hon. Manoah Mboku: Mr. Speaker, indeed what the Member has requested is very important. As a Committee, we were never consulted regarding these appointments. We don't know what happened yet the Act is very clear as far as the appointment of Boards in our facilities is concerned. So, as a Committee, we are not aware and we were never consulted. We are going to do as much as we can as a Committee to bring to this Assembly that response probably in the next two-three weeks, Mr. Speaker.

**STATEMENT REGARDING PRIVATE TOWING LAND ROVERS WHICH PATROL WITHIN
INDUSTRIAL AREA.**

Hon. Deputy Speaker: Thank you. It is directed, the first week after the recess.

Hon. Member for Land Mawe Ward (Mr. Herman Azangu): Hon. Speaker, pursuant to the Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding private towing land rovers which patrol within Industrial Area.

Hon. Speaker, these private owned towing land rovers have been soliciting money from the residents by harassing them and taking vehicles illegally using master keys.

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

1. Who is the owner of these towing land rovers and who has contracted them

2. Which authority do they use to illegally arrest and take vehicles without concern of the owners
3. Measures put in place by the County in curbing such behaviors and tendencies.

Thank you.

Hon. Deputy Speaker: Thank you. Hon. Maurice Gari.

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Thank you, Mr. Speaker. Pursuant to the Standing Order 41 (2) (c), I wish to request for a Statement---

Hon. Deputy Speaker: Okay, I am grateful for the concern, thank you. Who is the Chairperson of Justice and Legal Affairs? Do we have the Chairperson for Justice and Legal Affairs? Vice Chair?

Hon. Maurice Akuk: Hon. Speaker, standing in for the Chairperson of Justice and Legal Affairs, kindly give us one week after the recess.

Hon. Deputy Speaker: Thank you.

STATEMENT REGARDING THE EXTENSION OF A HOUSE ON PLOT NUMBER 105/5, SWARA ESTATE, NAIROBI WEST WARD

Hon. Maurice Gari: Thank you, Mr. Speaker sir. Pursuant to Standing Order 41(2)(c) I wish to request for a Statement from the Chairperson of the Sectoral Committee of Planning and Housing regarding the extension of a house on plot number 105/5, Swara Estate, Nairobi West Ward. Mr. Speaker sir, an extension of a house is considered to be a development which requires an approval by the City Planning Department. The planning laws require that any person intending to undertake any form of development must first obtain approval from the Department. Mr. Speaker, in the statement the Chairperson should enquire into and report on;

1. Whether the construction of the extension was approved and tabled the approval plans and the name of the officer who approved the plan.

Hon. Deputy Speaker: Chairperson for Planning.

Hon. Jairus Atenya: Thank you, Mr. Speaker sir. I beg to be given one week after the recess.

(Discussions between Hon. Kapeen and Deputy Speaker)

Hon. Deputy Speaker: Please repeat.

Hon. Jairus Atenya: You know, Mr. Speaker sir, you were busy there with Hon. Diana Kapeen. I requested to be given only one week after the recess to act on this.

Hon. Deputy Speaker: Okay, thank you. Proceed on responses. Hon. Akuk.

Hon. Maurice Akuk: Hon. Speaker, I request you to please call back Hon. Gari because there is a Bill that is appearing on the Order Paper and I have seen him just leave the Assembly.

Hon. Deputy Speaker: Serjeant-At-Arms, kindly, call back the Hon. Chairperson for the Ward Development Fund and get the responses from---

PERSONAL STATEMENT

GRATITUDE TO THE HON. MEMBERS

Hon. Member for Umoja II (Mr. Kingsley Odida): Thank you, Mr. Speaker for catching my eye. I am on Standing Order number 80 to express a personal statement which is generated for the period that started around 6th to 16th. Mr. Speaker, I want to express my utmost gratitude to the Hon. Members of this House. During that time between the 6th and 16th, my family was grieving because we had lost a loved one and these Hon. Members through a public plea that I sent to them they were able to stand by me.

It is because of this that I sought your indulgence, Mr. Speaker, for me to express my gratitude and utmost thanks to all these Members for standing by me in love and support in form of finances and in kind. Mr. Speaker, the love that was shown by these Members is something that I have not experienced for quite a while and it is because of this that I stand here to express my utmost gratitude and a big thank you to all the Members that supported me financially and in kind. Mr. Speaker, if you will allow me, I want to go quickly through the list of the Members that contributed---

Hon. Deputy Speaker: That is not possible, Hon. Member. Take your seat, thank you.

Hon. Kingsley Odida: Okay, Mr. Speaker. Again, I am grateful to all the Members, they know themselves, but I will do another communication through the channel that I lused. Thank you, Mr. Speaker, thanks to all the Members and may God bless you.

Hon. Deputy Speaker: Thank you. Hon. Chairperson for Health, we expect a response regarding the epidemic situation of cholera in the County.

Hon. Karen Wanjiku: I am here on behalf of the Chairperson, I have the response ready. This is a response to a statement requested by Hon. Shadrak Juma, MCA, from the Chairperson of Health Services

Committee. Hon. Speaker sir, on Monday 11th June, 2015 Hon. Shadrak Juma rose on the floor of the Assembly pursuant to Standing Order 41(2)(c) and requested the Chairperson of the Health Services Committee for a statement regarding the epidemic situation of cholera in the County. In the statement the Member sought to know the following;

1. Current records of the fatalities in Nairobi County,
2. Measure employed by the County Government to contain the cholera outbreak and its spread;
3. Plans that the County Executive has put in place to analyze all water sources feeding the County so as to disinfect them.

Mr. Speaker, the Committee wrote a letter to the Chief Executive, Health Services and copied to the Executive Committee Member for Health and the County Secretary on 15th June, 2015 where the contents of the request were outlined. Further, the Chief Officer delivered a written response to the Committee in a letter dated 22nd June, 2015. In this regard, Mr. Speaker sir, I wish to report to the Assembly that;

1. The cholera outbreak in Nairobi started on the 26th December, 2014 and so far it has affected all Sub-Counties. The cases confirmed are 115 and 23 deaths.
2. The City County has adopted a multi-sectoral approach in implementing the following strategies to address the outbreak.
3. They are establishing coordinating committees at the County and Sub-County levels and creating capacity of all health workers in both public and private facilities;
4. Case definition, outbreak detection and case management and ensuring that the outbreak confirmation team is facilitated with adequate laboratory diagnosis supplies;
5. Identifying contact tracing structures and systems for response;
6. Ensuring prompt availability of essential resources for response to facilitate optimum quality of care in case management;
7. Creating awareness to cholera case definition and control measures;
8. Promotion of improved sanitation and hygiene practices.

The following measures have been implemented under 7 intervention areas and I will read them quickly,

- a. Outbreak detection; that is through training and sensitization of health workers on case definition;
- b. Outbreak confirmation through training and sensitization of laboratory officers in private and public facilities on case confirmation;
- c. Surveillance through active case search on both community based information and facility based data;
- d. Case management through 6 cholera treatment units have so far been operationalized, mainly Mathare North Health Center, Mbagathi Hospital, Mama Lucy, Kibera South, Bahati Health Center and Umoja I Health Center;

- e. Health Education, advocacy meetings with stakeholders, social mobilization committees, barazas and meetings and use of mass media, TV and radio, newspapers and tweets;
- f. Environment sanitation, provision of safe water for drinking by Nairobi Water Co., community led total sanitation, cleaning of open drainage and colonization of stagnant water. Unblocking of sewer blockage by NWS&Co. and youth employed by Nairobi City County.

Some challenges were that 60% of the population live in informal settlements and also upsurge of cases after 30 days. There was also another challenge of poor environmental sanitation, heavy rains broke sewer channels and water systems and the last challenge was about sanitation, management in the informal settlements and low latrine coverage. Hon. Speaker, a copy of the detailed response has been given to Hon. Shadrack Juma who requested for the statement. Hon. Speaker, I beg to lay this statement. Thank you.

Hon. Deputy Speaker: Hon Shadrack Juma!

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): Thank you. Mr. Speaker---

Hon. Member for Member Nairobi West (Mr. Maurice Gari): Point of Order.

Hon. Deputy Speaker: Not granted.

Hon. Shadrack Juma: Sit down.

Hon. Deputy Speaker: Give the Member time to respond to the Statement please! What's the Order about? Please can you sit, Hon. Gari.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Hon. Shadrack, as much as we really respect and appreciate our culture and religion, it is not tantamount to wearing bathroom slippers to this Hon. House, diminishing the intent---

Hon. Deputy Speaker: Please, Hon, Can you address the Speaker.

Hon. Elizabeth Manyala: Mr. Speaker, the Member is not properly dressed especially wearing slippers in this House. I have been in Somalia several times----

Hon. Leah Mumo (Nominated Member): Point of Information.

Hon. Deputy Speaker: Order, Hon. Mumo! Please take your seat, Serjeant-At-Arms, can you confirm the attire of the Hon. Member.

Hon. Elizabeth Manyala: I've been in Somalia several times even when they are going to the Mosque, they don't wear this---

Hon. Deputy Speaker: Your concern has been noted Hon Manyala, give the serjeant-At-Arm time to confirm. Hon. Members the Serjeant-At-Arm concur with the Member Hon. Manyala that the Member is not properly dressed. Please, Sergeant-at-Arms can you send---- Thank you.

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

Hon. Temporary Deputy Speaker (Mr. Maurice Akuk): Order, Members! Response to Hon. Paul Kados from the Chairperson of the Sectoral Committee on Transport and Public Works, regarding the reconstruction of the Kangundo Bypass Link Road in Mihango Ward. Chairperson, Transport or any Member from the Committee with a response?

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker, the response is ready but Mr. Kados is not in the House.

Hon. Temporary Deputy Speaker: If I may get it from you, do you have the response with you?

Hon. Maxwell Ochar: Mr. Speaker, it was given to one of our Members and I know because the Chairman called me on his way to Mombasa. We sat on the response yesterday and the response is ready for sure.

Hon. Temporary Deputy Speaker: But it is not in the House? Thank you. The response for Hon. Moses Ogeto from the Chairperson of the Select Committee on Budget and Appropriations regarding revenue collection on approved building construction in Kilimani Ward. Hon. Chairman, please.

Hon. Member for Embakasi Ward, (Mr. Michael Ogada): Mr. Speaker I have the response with me. My Committee did look at the response and according to the Committee, they are satisfied that the response is good enough. I gave a copy to Mhesimiwa Ogeto and he told me that the response is not good enough and beside that, Hon. Ogeto is also not in, so maybe you could guide me further.

Hon. Temporary Deputy Speaker: I do believe that if you have the response ready, it is a response to the Assembly, please, proceed on. Yes just proceed on and if at all he is not satisfied with your response outside the Assembly, we will clarify whatever he is not okay with and we will find time for that but for today, please give the response.

Hon. Member: Point of Order.

Hon. Temporary Deputy Speaker: Not granted.

Hon. Michael Ogada: Thank you, Mr. Speaker sir. On Tuesday of 21st July, 2015, the Honorable Moses Ogeto rose on the floor of the Assembly pursuant to Standing Order No. 41 (2) (c) and requested the Chairperson of the Budget and Appropriation Committee for a Statement regarding revenue collections and approved budget for building constructions in Kilimani Ward. In the Statement, the Member requested that the Chairperson should inquire into and report on;

- i) Amount of revenue collected from June, 2014 to June, 2015 and,
- ii) How the revenue collected from the building plans contribute to the development of Kilimani Ward.

Mr. Speaker sir, the Committee wrote to the County Treasury to seek answers on the issues raised. The Committee at its sittings held on Tuesday, 18th August, 2015 interrogated the response and noted that it was satisfactory for presentation in the Honorable Assembly.

In this regard, I wish to report to the Assembly as follows;

- i) That the County managed to raise Ksh.10.6 million on the approved building construction in Kilimani Ward, and,
- ii) The provision of Section 109 of the PFM Act, 2012 are explicit that, all County revenues have to be banked into the County Revenue Fund. The amounts collected from all the Wards are therefore requisitioned from the County Treasury Revenue Fund and spent as per the approved annual budget. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Chairman.

Hon. Temporary Deputy Speaker: The following Statement is due for response today Wednesday 26th August 2015: A Statement requested by Hon. Abdi Hassan from the Chairperson of the Sectoral Committee on Labour and Social Services regarding the establishment of public offices in the County. Chairman, Labour Services, is he in? Deputy chair? Any representative from this Committee? I hope you are aware of the Statement

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Thank you, Mr. Speaker. The Chairman is not around but we will be able to give a comprehensive report after one week, thank you

Hon. Temporary Deputy Speaker: After one week we will be on recess, could the response be brought tomorrow please?

Hon. Elizabeth Manyala: I do oblige, thank you, Mr. Speaker

Hon. Temporary Deputy Speaker: Thank you. Do you have any Statement? Well Hon. Ogeto is in the House, a response has just been made in regard to your Statement, the Budget Committee. I believe you were served by that and could you properly put on your tie please, and if you have anything to add please approach--

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Mr. Speaker sir, I want to register my dissatisfaction by Hon. Michael. Mr. Speaker sir, even when that Statement was brought to me, I just told the Clerk that I didn't agree with the answer. I wondered how the Chairman can put a signature on something which he has no material facts.

Mr. Speaker, when the Statement came before me, they were talking about 10 plots in Kilimani; it is only one plot which was charged Ksh. 3.5 million, Mr. Speaker, when you go to the ground, the constructions in Kilimani are over 200 and I'm not talking about a small construction; I'm talking about 20, 40 rising buildings. I'm not satisfied with that report, let him go back and get the material facts right because if those are the Statements which we can get before this Assembly, then we have no business in this Assembly. We are being hoodwinked by the Executive, I rest my case. I'm not satisfied, Mr. Speaker sir

Hon. Temporary Deputy Speaker: Hon. Member, if I may know from you and if you could please tell the House are you not satisfied with the earlier Statement request. Or are you not satisfied with the response they have collected.

Hon. Moses Ogeto: Mr. Speaker sir, I'm not satisfied with the response being given by the Executive and it happens that the Chairman of Budget put his signature on the same and he knows very well where we can get only Ksh.10 million in a year. Is he in this other side of the black cotton soil where they wallow through buildings being approved...Mr. Speaker, that is where they can get a certificate.

Hon. Temporary Deputy Speaker: Could we have a response from the Chairman of Budget please, and I can see the Hon. Deputy Chair of Panning also with intention to reply, so please wait for the Budget Chairman.

Hon. Michael Ogada: Thank you, Mr. Speaker sir. I do agree with *Mheshimiwa* Ogeto, he really raised the same issues he is raising today with me--- What I'm saying, we talked on the corridor which is not very formal and besides that, according to the questions that *Mheshimiwa* Ogeto raised, he wanted the Budget Committee, that is the Chair of the Budget to report on the revenue collected in the month between June and June, that is one financial year.

So, when we went to the system, what I'm reading is what was collected. The only thing he can raise is that these people are not collecting money enough or there is a problem. But actually according to the system, according to the records, what I'm reading is what was collected. So, whatever he is saying when he goes and looks at the buildings and says they are several then that one he can go to the Planning Committee to find out if all those buildings have been approved and have actually paid. But according to the records in City Hall this is what has been collected.

Hon. Temporary Deputy Speaker: So, am I made to understand that that particular Statement request has been satisfactorily answered?

Hon. Michael Ogada: According to the question.

Hon. Temporary Deputy Speaker: Thank you. We will order Hon. Ogeto to put new Statement to the Planning Committee if you don't mind because that particular Statement the chair has ruled was satisfactorily answered as per your request, so if you intend to know more about other buildings please put a new Statement to the Planning Committee, thank you.

Hon. Moses Ogeto: *inaudible*

Hon. Temporary Deputy Speaker: No, thank you, Hon. Member. The Chair has ruled. Hon. Bishop, you have response for the Transport Committee, please proceed.

RESPONSE TO A STATEMENT REGARDING THE RECONSTRUCTION OF KANGUNDO BYPASS LINK ROAD

Hon. William Abuka: (Nominated Member): Thank you very much, Mr. Speaker. Sorry, when you called the Chairman of Transport Committee, I was just scaling the stairs down, am sorry for being late.

Mr. Speaker, this is in response to Statement sought by Hon. Paul Kados. Mr. Speaker sir, on Thursday 2nd July 2015, the Hon. Paul Kados, MCA, rose on floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson of Sectoral Committee on Transport and Public Works for a Statement regarding the reconstruction of Kangundo Bypass Link---

Hon. Member: Point of Order.

Hon. Temporary Deputy Speaker: Not granted.

Hon. William Abuka: Mr. Speaker sir, the Committee responded to the Hon. Member on the floor of the Assembly on Thursday 23rd July, 2015, however, the Hon. Member was not satisfied with the response given and the Speaker directed that the Committee further provide detailed clarification on the following issues:

- I. Provide the timeline on when the construction of Kangundo Bypass Link Road commences
- II. Whether there was a budgetary allocation in the financial year 2014/2015 for Kangundo bypass link construction to reach Kangundo road through Kayole/ Matopeni Road

Mr. Speaker sir, the Committee wrote to the County Chief Officer responsible for Roads, Transport and Public Works and copied to the County Executive Committee Member responsible for Roads, Transport and Public Works requesting to be furnished with a detailed clarification on the aforementioned issues.

The County Executive responded on 7th August, 2015. In this regard, I wish to report to the Assembly as follows:

- a. Provide a timeline on when will the reconstruction of the Kangundo bypass Link Road commences**

Mr. Speaker the Committee was informed that the Roads, Transport and Public Works sector is yet to receive the decision of the Tender Committee as pertains the termination of the previous contract. It will be appreciated but the same decision is awaiting to be communicated to the

contractor and if agreeable to the contractor, the process of retendering for the remaining work will begin.

The Committee was further informed that a disagreement by the contractor could lead to a dispute and the site may be left in abeyance until the dispute is concluded. Therefore the timeline on when the construction of Mihango-Kangundo Bypass Link Road commences will remain uncertain.

b. Whether there was a budgetary allocation in the financial year 2014/2015 for Kangundo Bypass Link Road construction to reach Kangundo road through Kayole-Matopeni Ward

Mr. Speaker sir, the Committee was informed that there was a budgetary allocation in the financial year 2014/2015 for the road to reach Kangundo Road through Kayole-Matopeni Ward by construction of Kayole Spine DOD link road up to Ngong River including the bridge crossing the river. The Committee was further informed that the project has been factored into the current budget as a role over project. There is a remaining stretch of 1.7kilometres from Ngong River up to the end of the construction of the stalled Mihango project which has been factored in the current financial year 2015/2016. Mr. Speaker sir, I beg to lay this response. Thank you.

Hon. Temporary Speaker: Thank you, Hon. Bishop. I can see we have the presence of Hon. Kados and I believe that you have served him with the response and he has gone through it. I am told you are not feeling well but you have nominated another Member to represent you. Serjeant-At-Arms, could you confirm if the Hon. Kados is not properly dressed?

(Hon. Paul Kados leaves the Assembly)

I can tell the Member has obliged.

Hon. Moses Ogeto: Mr. Speaker, he nominated me to respond. He told me that he is satisfied with what Hon. Member Abuka has just read. Thank you.

Hon. Temporary Speaker: Thank you very much, Hon. Ogeto. Hon. Members, I thought it will be important to alert the House on the news just coming in. I am made to understand that the YouTube man, the Javelin thrower, Yego, has just won a World championship Gold Medal. I think we should appreciate that. Thank you.

(Applause)

Clerk proceed.

**THE NAIROBI CITY COUNTY WARDS DEVELOPMENT FUND AMENDMENT BILL 2015, ASSEMBLY
BILL NUMBER 5 OF 2015.**

Second Reading

Hon. Member for Nairobi West (Mr. Maurice Gari): Thank you, Mr. Speaker. I want to ask the House to give us an extension of one week after recess. We have issues with the amendment Bill which we have not tackled. Thank you.

Hon. Temporary Speaker: Could we have a seconder to that request?

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Mr. Speaker sir, I rise to second that request. Thank you.

Hon. Temporary Speaker: So, do I confirm from you Hon. Chairman that it will be available in the first week after recess?

Hon. Maurice Gari: Yes, Mr. Speaker

Hon. Temporary Speaker: Thank you.

MOTION

CONSIDERATION OF COMPLAIN BY OUTDOOR ADVERTISING AND SIGNAGE POLICY

Hon. Member for Imara Daima Ward (Mr. Jairus Atinya): Thank you, Mr. Speaker sir. I beg to move the following Motion THAT this Assembly adopts the report on the Sectoral Committee on Planning and Housing on the consideration of complain by outdoor advertising and signage policy laid on the table of the Assembly on Thursday 13th August, 2015.

Mr. Speaker sir, on the 7th July, 2015, the Sectoral Committee on Planning and Housing received a complaint regarding the outdoor advertising and signage policy from the Outdoor Advertising Association of Kenya urging the County Assembly to look into a number of players put forth by the said complainers which include;

1. Immediate move to cancel the policy,
2. To ensure that any other legislation meets the criteria set legislation
3. Immediately take the necessary measures to avail the implementation of the policy as some of its directive will lead to immense loss of private property.

Mr. Speaker sir, upon the consideration of the petition to the Assembly by the Outdoor Advertising Association of Kenya, the Committee recommended that the County Executive Committee member of the Physical Planning and Housing goes to de-gazette a notice annulling the advert placed in the local daily on

the 3rd of July, 2015 within 14 days from the date of this reports adoption and await of the consideration of Nairobi Outdoor Advertising Signage control and Regularization Bill of 2015.

Mr. Speaker sir, I beg the House to adopt the Motion as I call my first Vice Chairman to come and second the Motion.

Hon. Temporary Speaker: Thank you. I am glad you have a first vice chair and how many more?

Hon. Jairus Atenya: No, my Vice Chair, Mr. Speaker sir.

Hon. Temporary Speaker: Okay, thank you.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker. It depends with where one was sitting in his class and the teacher who taught him. So, Mr. Speaker, I arise to second this Motion because the consideration which we did after the Outdoor Advertisement Association has made a petition to this Committee.

Mr. Speaker, after perusing their hue and cry, we found that they are right because as much as they are players in this field, when the referee comes with red cards in the field without a yellow card, you have to cry foul. So, because there are match commissioners, which is us, they have to appeal to us. I think they were right as much as they were players because I know very well that the Executive is the regulator but they should not break the law when they are regulating for these players to have a play field.

So, I urge this Assembly to adopt this Motion so that they wait until the Bill is passed in this House so that they can start using what they put in the Bill. I rest my case.

Hon. Temporary Speaker: Thank you, Hon. Vice Chairman.

(Question proposed)

Hon. Carolyn Muga: Thank you, Mr. Speaker. As I stand to support this report, it is rather unfortunate that someone can actually put a policy and enforce it without that policy passing this Assembly. I don't know if that is called impunity or it is ignorance, I don't know. But it is about time that this House stamps its authority and showed that we know our mandate. The law is very clear that regulations are put in the newspaper; we have not seen a Bill on Outdoor Advertising. So, how come a regulation is already being enforced and the Bill has not even come to the floor of this Assembly.

So, I urge fellow Members; we must stamp our authority as Members of this Assembly. We must be respected as an Assembly. The Executive must know that any policy of regulations must pass through here that we may scrutinize them. We provide oversight and we need to know what is going on out there. The people who drafted the County Government's Act were not fools to ask that we look at those regulations. So, I kindly urge this House to support this report that, that policy and regulations be put down. They put an advert in the newspaper until a Bill is brought to this floor and we debate on it and it passes due process. Then they can put a law and enforce it out there. Thank you, Mr. Speaker.

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Hon. Temporary Speaker: Hon. Bishop.

Hon. William Abuka: Thank you very much, Mr. Speaker for noticing me once again. Mr. Speaker, I can only raise two issues. The first one will not be an issue but an observation. There are only three ways of making real good money the world over. Number one, you can make real good money by selling sugar. Number two, you make real good money by selling drugs. And number three, you can make real good money undisputed by selling space or media, billboards included. And it is not lost anyway. It doesn't call for rocket science. The easiest way to become a billionaire overnight, to be in the media and strategically so and do it in such a way that it attracts the attention of people, you will make good money.

City Hall knows this. Relegating the billboards, direction of these advertisements, and these people doing all manner of publicity on the byways or highways, is sure a good opportunity that City Hall can make real good money and sometimes even collect more than the rates can provide. It is not lost. It is something that can happen. I have been a media man. I have been a public relations practitioner, media liaison, a person running a huge media company and I can tell you that erecting one billboard by the roadside for three or six months, one needs to use not less than Ksh.2.5 to Ksh.3 million. You can imagine if there are about a hundred or three hundred in the City, which is far less than what is there, how much money can we make? That sector ought to be regulated. We can get a lot of money.

I remember about 18 years ago I wrote to City Hall and offered my services to help regulate Outdoor Advertising for City Hall and the response was positive although I didn't take up the offer. Let me tell you that that is where there is money. I rise to support this report that this Assembly ought to be in the picture on how much City Hall wants to collect. The method we are going to use to collect that and the set target that we are going to reach in those collections. I think it is something that all of us need to see clearly and support what the Chairman of Planning has brought here to this floor.

Mr. Speaker, this is long overdue. Why am I saying long overdue? It is because just about December or January this year, I cannot remember exactly, we had complains all over when we were hearing that KERA is charging some people, KURA is getting some revenue from the outdoor advertisers and everybody else was getting a piece of what is due for us while we are probably standing aloof or ignorant of our rights. I think it is high time that a policy or rather a bill was brought here. It is something that is communicated properly. Stakeholders are roped in to supporting the mind of City Hall on revenue collection, strategic advertising methods and proper way of handling even other interested parties like KURA and KERA who are also fighting to get a piece of that cake unduly and unfairly.

So, Mr. Speaker, I think all of us as Members of the County Assembly ought to support this and support it knowing that it is a sector that can really help generate a lot of money for us. Revenue stream that can help us put out serious development. Thank you.

(Applause)

Hon. Temporary Speaker: Yes Hon---

Hon. Member for Ruai Ward (Mr. Daniel Mari): Thank you, Mr. Speaker sir for giving me this opportunity to contribute to this most important Motion. Mr. Speaker sir, as everybody in this House knows, it has become a custom for the Executive that anytime, any day, they have become used to breaking laws and because nobody is asking them, they go scot free. But this time round, I think we have to applaud the Committee on Planning because of the work well done and for sure if this House stands with the Committee and its recommendations, we are going to bring back sanity in the Department of Planning. Why am I saying this? The CEC in-charge of Planning and Housing is a man who knows the law. He is a man who know what it takes for a Bill to become an Act, how regulations are brought into the House. But here he goes down and circumvents around the law and publicizes policies or regulations without the scrutiny of the Committee and the Assembly. I can call this the highest order of wickedness.

So, I ask the Members, for us to regain the lost glory, it is the highest time to stand firm and call for degazetement of the policy they advertised and subject the same to the scrutiny of the Assembly. So, Mr. Speaker sir, I beg to support this Motion powerfully. Thank you.

(Applause)

Hon. Temporary Speaker: Hon. Manyala.

Hon. Elizabeth Manyala: Thank you, Mr. Speaker sir. I am looking at the report or the Motion but I am finding a lot of gaps. Today is 26th August, 2015, yet there was a petition that was brought or tabled on on 3rd July, 2015. I think this Committee has a tooth that is supposed to be biting, not a tooth that is supposed to be cajoling and lobbying because I am looking at the weighty matter here because the petition was immediately to cancel and abolish the policy which was enforced illegally and violates the County Governments Act which they have even said here. They have within their powers to come up with a conclusion.

I wonder why it took another one month for them to come up and give this recommendation. And even if they give this recommendation to this House, what conclusion have they come up with as a Committee they have derived or have either agreed to immediately cancel and abolish the policy or they have ensured that the legislation that was made does meet the criteria. --and if not, what have they done because it is like we are---

Hon. Temporary Deputy Speaker: Do you want to be informed?

Hon. Elizabeth Manyala: No, I don't want to be informed because we are going round the circle.

Hon. Member: Point of Information.

Hon. Temporary Deputy Speaker: Okay! Granted and please state the Order number. She does not want to be informed please state the Order number. Proceed on, Hon. Elizabeth.

Hon. Elizabeth Manyala: Thank you, Mr. Speaker for protecting me. If we really want to execute our mandates and have teeth that bite and crack the whip as Sectoral Committees that are mandated to oversight the Executive, then I think it is prudent that whenever we come up with a report, then we have to come up with a conclusion that follows what the background of the request or the petition is all about. This one is hanging, and even if they are saying that we need to immediately move to cancel, up to now the Committee just investigated and brought it here. It is the Committee which met the CEC twice and knew that the CEC violated. So, what did they agree and the conclusion between them? You have the mandate because it is under the Standing Order No. 191. This is a recommendation you came up with but I am talking about move to cancel because this is something which was done which has violated the County Government Act, which is one of the law that is guiding this Assembly.

So, we need that conclusion so that we may move to the next level. What I am seeing here is just recommendation. If you recommend, then does it come back to your Committee? One month down the line we are going on recess and already they are charging, it is already being downloaded and they are enforcing those laws and the people are crying out there.

Hon. Temporary Deputy Speaker: Hon. Member, can you take your seat please because the recommendation are as what we are about to discuss today and that is what we are about to adopt. So, could you please let us know if you are in support or not supporting the Motion? Hon. Member, are you supporting the Motion or are you not supporting?

Hon. Elizabeth Manyala: The report that I had does not have a full page---

Hon. Temporary Deputy Speaker: Are you supporting or not supporting?

Hon. Elizabeth Manyala: I am not supporting without having a full disclosure of what we are discussing so it is like I have to juggle my mind a bit.

Hon. Temporary Deputy Speaker: Thank you, Hon. Member and please have your seat. Hon. Njoroge, please.

Hon. Member for Woodley/Kenyatta Golf Course Ward (Mr. Njoroge Kairu): Thank you very much, Mr. Speaker sir. Allow me to second the Motion of the Planning Committee.

Hon. Temporary Deputy Speaker: Are you seconding or supporting the Motion?

Hon. Njoroge Kairu: I am supporting the Motion.

Hon. Temporary Deputy Speaker: You are not seconding. Thank you.

Hon. Njoroge Kairu: I am supporting the Motion. Yes, Mr. Speaker sir, thank you very much for giving me this opportunity to support the Motion of the Planning Committee. This Committee has been blamed for long but now they have proved that they are worthy and they can take this County to the next level.

(Applause)

Mr. Speaker, what the Minister did was bad because they have not respected the law. Even if we are not going to nullify what they have done, the people who are concerned will go to court and definitely it will be stopped. For that reason, Mr. Speaker, for us to save the humiliation of this County, it is important for this House to prove that we are serving the purpose of the people of Nairobi. We are aware our mandate; first of all is to legislate, to oversight and representation, Mr. Speaker sir. Our work has not been inspected by the other side and for that reason and without much ado; I want to support the Motion, thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Member. Any other Hon. Member who would like to contribute to the Motion? Proceed, on Hon. Thuo.

Hon. Member for Karura Ward (Mr. Kamau Thuo): Thank you, Hon. Speaker; I believe that Hon. Elizabeth Manyala had a valid point because whatever it is provided in this report is very inadequate. We should have the inserts of that advert that we want to nullify because we don't want to nullify something that we don't understand as a House. It will be very unfair if you are to adopt this report without adequate information on the same. Kindly, Mr. Speaker, consider asking the Chair to provide us with that advert. Kindly, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Thuo, it is a debate and we are debating on this Motion whether to adopt this report or not. Hon. Jack, please proceed on.

Hon. Member for Githurai Ward (Mr Jackson Ngare): Thank you, Mr. Speaker sir. I would like to support this Motion. I would like to put the Chairman of this Committee on notice that as much as he looks after every other thing, he should know the news that are just arriving, like our javelin man has just won.

The City County Depot at Kariobangi has been grabbed and yesterday, there was a fight there and somebody was injured and we don't know whether he is dead or not. So, Mr. Chairman, please take over.

Hon. Temporary Deputy Speaker: Any other Member? The mover to reply.

Hon. Jairus Atenya: Okay, thank you, Mr. Speaker sir. I give thanks to all Members of this House who have given support to this Motion. Owing to Hon. Jack as the Chairman for the Committee, I have now started working seriously and I am going to look on that. Thank you.

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Hon. Members the Assembly stands adjourned until tomorrow afternoon, 2.30 p.m.

(House rose at 4.00 p.m.)