



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Third Session

Wednesday 29<sup>th</sup> April, 2015

The House met at 2.30 p.m.

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

#### PRAYERS

**Hon. Deputy Speaker** (Mr. Kennedy Ng'ondi): Hon. Members, I am made to understand that we lack of quorum in the House. I direct the Serjeant-At-Arms to ring the bell for 10 minutes.

*(Quorum bell rings)*

**Hon. Deputy Speaker:** Order Members! We can proceed, Clerk.

#### COMMUNICATION FROM THE CHAIR

Hon. Members I wish to make the following communication; Hon. Members the Chair wishes to note and appreciate the zeal with which Members have leveraged Statements to obtain information and answers from the Executive on crucial issues affecting residents of the County.

However, Hon. Members the Chair also wishes to note with concern that the Assembly is spending far much more time on Statements as opposed to dispensing of other substantive business before the House.

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It is for that reason that the Chair now directs as follows regarding Statements:-

Hon. Members, Standing Order No. 41 provides as follows;

1. Notwithstanding Standing Order 37 (Sequence of Proceedings), there shall be time to designed Statements Hour, every Thursday, commencing not later than 3.00 p.m.
2. During the Statements Hour;
  - a) A Member of the County Assembly Business Committee designated by the Committee for that purpose shall, every Thursday or on the last sitting day, for not more than ten minutes, present and lay on the Table, a Statement informing the County Assembly of the business coming before the County Assembly in the following week;
  - b) The Leader of the Majority party, or the Leader of the Minority party as the case may be, or their designees may make a Statement relating to their responsibilities in the County Assembly or the activities of a Committee; and
  - c) A Member may request for a Statement from the Committee Chairperson relating to the matters under the mandate of the Committee and the Speaker may either appoint a day for the Statement or direct that the Statement be issued on the same day.

The importance of the foregoing is to ensure order in dispensing with Statements. The Chair has previously allowed requests for Statements and Responses to be read daily during Plenary, a situation that has seen other substantive business suffer prolonged delays in consideration, necessitating a rethink of this matter.

You are therefore advised that henceforth, commencing tomorrow, **Thursday 30<sup>th</sup> April, 2015**, Statements request and responses shall only be dispensed with on Thursdays as per Standing Order 41. Members are therefore advised to give their requests on time to the Clerk's office for processing before such requests are made on the floor of the House.

Henceforth, the Speaker shall therefore not tolerate any Member seeking to make a Statement request or a Response before Thursday of each week.

It is so directed.

## POINT OF ORDER

Hon. Members, a Point of Order is an important instrument of the Assembly. All Members have the rights to raise a Point of Order. The purpose is to bring to the attention of the House that some aspect of agreed Parliamentary norms is being violated.

Towards that end, the Chair notes with appreciation Members great grasp of the Standing Orders, Practice and procedure of the Assembly. However, the Chair has similarly observed that there is increasing flagrant abuse of the Standing Orders, Practice and Procedure. This is especially so as regards Points of Order.

This happens when a Member purports to have a Point of Order, but makes a flawed representation that only succeeds in interrupting proceedings or causing a disturbance.

Irrelevant Points of Order and repetitions will hence forth not be tolerated during Plenary. Members are encouraged to familiarize themselves with the relevant Standing Orders and their interpretations before rising to raise a Point of Order on a Matter. The Speaker shall hence forth enforce this requirement strictly. It is so directed.

## DELAYED REPORTS AND BILLS FORWARDED TO COMMITTEE

Hon. Members, the Chair has noted with great concern that some Committees are taking longer than necessary or required by the Standing Orders and relevant statute to process Bills and Reports forwarded to them.

These undue Committee delays have greatly occasioned delays with the Plenary's duty to dispense with Business. Hon. Members, I wish to refer you to the Standing Orders 121(5) on Bills forwarded to Committees and procedure for dispensing with the same, and 180(6) on Committee Reports. The Chair shall henceforth enforce those provisions strictly. It is so directed, thank you.

## PETITIONS

**Hon Deputy Speaker:** Hon. Members to bring to your attention, the following Petitions are pending:-

Petition presented by Hon. Amos Mbuthia on behalf of residences of Githurai Ward on grabbing of the Public Social Hall, football pitch and land meant for dispensary. The Petition was laid on 17<sup>th</sup> June, 2014 and the due date was 16<sup>th</sup> August, 2014, Pursuant to Standing Order 202.

The other Petition presented by Hon. Nelson Masiga on behalf of residences of Eastleigh South Section 3 Sewerage Slum Eviction, the Petition was laid on Wednesday 22<sup>nd</sup> October, 2014

and the due date was 20<sup>th</sup> December, 2014 Pursuant to Standing Order 202 Thank you. The Chairman Town Planning Committee.

**Hon. Member for Imara Daima Ward** (Mr. Jairus Atenya): Thank you Mr. Speaker sir, we are still working on the Petition and we are soon completing it, but if we are given two weeks we will be able to complete it thank you.

**Hon Deputy Speaker:** Chairman these statements in question one was supposed to be due on 16<sup>th</sup> August 2014 and we are in 2015 May, the other one was supposed to be due in December 2014 and we are in May 2015.

**Hon. Jairus Atenya:** You know very well Mr. Speaker sir, while we were working on the Petition we went to recess, so there was no way we could have worked on it and that is why we have resumed.

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

## PAPERS

**Hon. Jairus Atenya:** Thank you Mr. Speaker sir, I want to lay a Report on Nairobi City County Regularization on Development Bill.

Mr. Speaker sir, the Committee exercises oversight role on the work and administration of the following two departments:

1. Lands and
2. Planning and Housing.

Mr. Speaker sir on Wednesday 4<sup>th</sup> March 2015 the Nairobi City County Regularization of Development Bill of 2015 sponsored by the County Executive, was read a first time and thereafter committed to the Sectoral Committee on Planning and Housing for Consideration pursuant to Standing Order 121.

**Hon Deputy Speaker:** Order Chairman! You have the cover note on your booklet.

**Hon. Jairus Atenya:** Yes I do.

**Hon Deputy Speaker:** Yes, that is all that we want.

**Hon. Jairus Atenya:** Which one?

**Hon Deputy Speaker:** On the first page.

**Hon. Jairus Atenya:** Thank you Mr. Speaker sir, Pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly, today Wednesday 29<sup>th</sup> April, 2015.

The First Report, of the Sectoral Committee on Planning and Housing on the consideration of the Nairobi City County Regularization Development Bill of 2015. I beg to lay the paper.

**Hon Deputy Speaker:** Thank you Chairman, Chair Budget.

**Hon. Member for Embakasi Ward** (Mr. Michael Ogada): Thank you Mr. Speaker, Pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly, today Wednesday 29<sup>th</sup> April, 2015.

**THE REPORT OF SELECT COMMITTEE ON BUDGET AND APPROPRIATIONS OF  
THE NAIROBI CITY COUNTY SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR  
2014/15.**

**Hon. Deputy Speaker:** Chairman, you have two? Proceed. Agriculture Committee Chairperson Hon. Amutavi.

**Hon. Member for Upper Savannah Ward** (Mr. Benson Amutavi): Good afternoon Members. Pursuant to Standing Order 180 (6) I beg to lay the following papers on the table of the Assembly today Wednesday 29<sup>th</sup> April, 2015. The 13th report of the Sectoral Committee on Agriculture, Environment and Natural Resources on the consideration of the Nairobi City County urban agriculture promotion and regulation Bill 2015.

**Hon. Deputy Speaker:** Hon. Mumo please. There is a Notice of Motion, Chair Budget.

**Hon. Mr. Michael Ogada:** Thank you Speaker. I beg to give Notice of the following Motion that this Assembly adopts the report of the Select Committee on Budget and Appropriations on the Nairobi City County Supplementary Estimate for the financial year 2014/2015 laid on the table of this Assembly today 29<sup>th</sup> April, 2015.


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

**STATEMENTS**

**Hon. Deputy Speaker:** Hon. Jackie Nyangala.

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**Hon. Jacqueline Nyangala** (Nominated Member): Thank you Mr. Speaker. I stand on a personal statement. I would like to talk about the roundabouts in Nairobi County. I particularly want to talk about the roundabout in Westlands. I want to give a brief background of the roundabout in Westlands. I used to live on ring road Westlands on Lantana Road about the year 2000. I met a Mr. Ralph Runyan who was consulting for the Ministry of Roads and he was telling me that Nairobi does not need roundabouts. I was asking him why? I tried to call today the Ministry of Roads but I was told Mr. Runyan has passed on, God rest his soul in peace.

He talked so much about the roundabouts and now I understand why. The reason being, one could not actually go to Sarit--- I used the Westlands round about every day for 4 years to come into town for work. The traffic wasn't so bad but it was not good. In the recent years I try as much as possible not to use Westlands or go to Sarit Centre. I only use the roundabouts on Sundays in the morning at nine. It is impossible to go to Sarit Centre.

I want to bring this up because it is good to give credit where it is due. On Saturday last week, I actually drove to Sarit Centre through Muthithi Road. I went to Sarit, I came out and at Parklands Road there was no traffic. There was no time in the last 15 years I ever saw that road without traffic. I want to say it was a good thing to block that roundabout. I went down round and came to Woodvale Grove and even the parking boys who are always there looking for people to give parking and extort money from residents of Westlands were not there. There was a lot of parking and that was 11 o'clock in the morning.

I want to laud the work of the Executive because at the Westlands roundabout, it was a pleasure to go to Sarit Centre. I want to say well done, thank you.

*(Applause)*

**Hon. Deputy Speaker:** Thank you Hon. Jackie Nyangala. It is just a statement and with the leave of the Speaker maybe two Members can appreciate and maybe give an observation if they have the same feeling. Hon. Jaffer Kassam then another one Member.

**Hon. Member for Parklands Ward** (Mr. Jaffer Kassam): Thank you *Bwana* Speaker. I am hundred percent agreeing with Hon. Jackie that since that roundabout was blocked the movement is very smooth and you can go all the way into the Westlands shopping centre and come out within less than 5 minutes. I think this was very good and I highly appreciate. We have got sentiments from so many business people who operate there, the people from the market and many other stakeholders. That was something which we appreciate and we hope that it continues and develops into a good--- and put for us some bridges where people can actually cross the road. Thank you very much, I do appreciate and agree with the Hon. Member as I represent that area. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. You want to contribute? Okay fine the learned---

**Hon. Member for Kayole South Ward** (Ms. Elizabeth Manyala): I just want to also echo the sentiments of Hon. Jackie since I live along that Ring Road roundabout. The traffic was quite bad and now it is---

*(Loud consultations)*

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

**Hon. Elizabeth Manyala:** Protect me Mr. Speaker.

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

**Hon. Elizabeth Manyala:** Protect me Mr. Speaker because Hon. Mumo is not---

**Hon. Deputy Speaker:** Order! Order! Order Jackie!

**Hon. Elizabeth Manyala:** Hon. Mumo is not sitting like a lady. She's just swapping her legs all over which is---

*(Loud consultations)*

**Hon. Elizabeth Manyala:** --- which is a bit---

**Hon. Deputy Speaker:** Order Manyala! Order!

*(Loud consultations)*

**Hon. Leah Mumo:** Point of Information.

**Hon. Deputy Speaker:** The permission is not granted

**Hon. Leah Mumo:** I want to respond---

**Hon. Deputy Speaker:** No! No! No! Order! Order! I have not given you---

*(Loud consultations)*

**Hon. Deputy Speaker:** Order! Order! Order Hon. Kambi!

**Hon. Leah Mumo:** Point of Information.

**Hon. Deputy Speaker:** Okay can you respond? Hon. Nyangala can you sit down?

**Hon. Leah Mumo:** Thank you Hon. Speaker. One, I want to ask Hon. Manyala, from the time I came here I know she lives in Kayole. There are no roundabouts there. When did she start living in Westlands? Two---

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

**Hon. Leah Mumo:** Two, the way I sit and the way I even stand is none of her business because I sit according to my comfortability. If I am comfortable swapping my legs and I am not exposing any part of my body, that's none of her business.

**Hon. Deputy Speaker:** Thank you that is observed.

*(Laughter)*

**Hon. Deputy Speaker:** Order!

**Hon. Elizabeth Manyala:** Thank you, Mr. Speaker.

*(Hon. Mumo stands on a Point of Order)*

**Hon. Deputy Speaker:** Not allowed.

**Hon. Elizabeth Manyala:** Thank you, Mr. Speaker, I don't know why the Hon. Member---

**Hon. Deputy Speaker:** Please, can you proceed!

**Hon. Elizabeth Manyala:** ---me being a lady, she wants to know where I live. I cannot offer anything because I am not a lesbian but the Hon. Member---

**Hon. Deputy Speaker:** Please, can you withdraw. Order Manyala! Can you withdraw that?

**Hon. Elizabeth Manyala:** I withdraw.

**Hon. Deputy Speaker:** Order Manyala! Can you have your Chair?

**Hon. Elizabeth Manyala:** I just wanted to echo that statement. With the removal of that roundabout, the business is quite booming in that area, there is a lot of traffic flow within the area and I think it is a good practice. We are replicating the good practices that Addis Ababa has, they don't have roundabouts. I hope very soon we will move from Ring Road to Lusaka and Bunyala hoping that it will be the same. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Clerk can we proceed? I only gave two Members, what is it Hon. Member.

**Hon. Member for Eastleigh North Ward (Mr. Osman Adow):** I have a Statement.

**Hon. Deputy Speaker:** No, we are past Statements. Oh you can proceed, we are still on Statements. Order Hon. Kambi!



**Hon. Osman Adow:** Thank you, Mr. Speaker, I have a Statement to make; pursuant to Standing Order 41(2) (c), I wish to request for a Statement from the Chairperson of Sectorial Committee on Agriculture, Environment and Natural Resources regarding garbage collection in Eastleigh North Ward. Hon. Speaker, Eastleigh has the highest number of restaurants and businesses in the County.

It is apparent that the Department of Environment has failed in its duty of garbage collection in Eastleigh. Hon. Speaker, there are several registered youth groups and organizations that collect garbage from restaurants and businesses in Eastleigh but deposit them on the roads and drainage systems which cause blockages; In the Statement, the Chairperson should inquire into and report on; the efforts being made by the Department of Environment to address the issue of garbage collection in Eastleigh. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Member. Hon. Shadrack, we have Chairman on the Floor, proceed.

**Hon. Benson Amutavi:** Mr. Speaker sir, I want to repond to the Hon. Member from Eastleigh. I was in Eastleigh two days ago at night. In Eastleigh you can only...

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Hon. Members! Chairman, proceed.

**Hon. Benson Amutavi:** I felt that, when I go to Eastleigh in the night it would be easier for me to take very few hours to know what is happening there. The Hon. Member is quite right about what he is saying about Eastleigh. We have a problem with the traders which I will urge you, as a Hon. Member to assist us as a Department we go organize and talk to your people. After work, they should try to reorganize their places by collecting the dirt that have accumulated during the day and put in one place so that that the County workers can have an ample time to collect the garbage and take it to Dandora. Thank you.

**Hon. Deputy Speaker:** Hon. Shadrack. Order please for your indulgence please. The Member is on the Floor, please!

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

*(Loud consultations)*

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

**Hon. Shadrack Juma:** I am rising on a Point of Order, Standing Order No. 80 on Personal Statement.

Mr. Speaker, I have been requesting Statements from the Chairman of Planning concerning riparian land on my area. It is almost one year since I was sent by people of Baba Dogo, so I am wondering whether they sent me here to be asking questions and not getting replies. The other question, I asked the

Chairman of Health concerning bedbugs. The bedbugs issue is no longer a matter of Baba Dogo but almost everywhere. Almost every County Representative is now tackling the bedbug issue.

Mr. Speaker, I sometimes get demoralized if I will be asking questions here, then told two weeks to get the reply but it goes to a month and now to years. Mr. Speaker, I really ask you to ask the two Chairmen to meet you in your office so as to tell you what is happening.

**Hon. Deputy Speaker:** Thank you, Hon. Member. The Chairman Town Planning, the Chair reprimands you to take seriously the issue of the Hon. Member.

**Hon. Jairus Atinya:** Thank you, Mr. Speaker sir, I am aware of the issue by the Member for Baba Dogo but the report we were given by the Executive was not concrete, that is why we are still working on the--- we are waiting for the report from the Executive. Mr. Speaker, please give me your ear. The report that we got from the Executive was not satisfying, so we had to return the report. Given time, we will give the report in two weeks' time.

**Hon. Deputy Speaker:** Chairman, you are aware of the calendar of this Assembly, so when you talk of two weeks' time, this Assembly will be on recess.

**Hon. Jairus Atinya:** When we come from recess.

**Hon. Deputy Speaker:** The first week?

**Hon. Jairus Atinya:** Yes.

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

**Hon. Member for Karen Ward (Mr. David Mberia):** Thank you, Mr. Speaker sir. I think the Chairman of Town Planning and the entire Committee are not serious. This Committee has never taken---

**Hon. Stephen Kambi:** Point of Order.

**Hon. Deputy Speaker:** Granted. Order Hon. Masiga!

**Hon. Stephen Kambi:** Mr. Speaker sir, I seek your attention, it is very careless for a senior Member---

*(Hon Mberia stands on a Point of Order)*

**Hon. Deputy Speaker:** Order Hon. Member!

**Hon. Stephen Kambi:** No! No! I am entitled to this and I am in order. I have not used any intimidating words. It is very careless---

**Hon. Deputy Speaker:** Order Whip! Order Hon. Kambi!

**Hon. Stephen Kambi:** Thank you sir.

**Hon. Deputy Speaker:** Order! Can you sit down please!

**Hon. Stephen Kambi:** I won't, let me first finish what I am saying. If the Chairmen are out of order, I will withdraw and apologize, but until then---

**Hon. Deputy Speaker:** Order Hon. Kambi!

**Hon. Stephen Kambi:** You are a good citizen sir.

**Hon. Deputy Speaker:** Order Hon. Member! You are communicating to the House but can you please use Parliamentary language.

**Hon. Stephen Kambi:** Fair enough. You know you are a respected man inside this and outside the Assembly precincts. We acknowledge and appreciate that but Mr. Speaker sir the word careless is neither harmful nor insulting. It is actually the opposite of care. The Hon. Majority Whip is a senior Member of this House and he is out of order because he cannot substantiate the lack of seriousness of a serious Committee like the Town Planning Committee. No. No. No. I am on a Point of Order.

**Hon. Deputy Speaker:** Order Hon. Kambi! I didn't expect this to attract debate. Hon. Members the Chairman gave an undertaking based on the question requested by Hon. Shadrack.

**Hon. Stephen Kambi:** Mr. Speaker, are you going to entertain this impunity because I am just a Member of the Assembly?

**Hon. Deputy Speaker:** Hon. Whip can you sit!

**Hon. Stephen Kambi:** Thank you. Please protect me Mr. Speaker

**Hon. Deputy Speaker:** Order! Order Whip

**Hon. Majority Chief Whip:** What Point of Order did the Member rise on?

**Hon. Stephen Kambi:** Mr. Speaker sir---

**Hon. Deputy Speaker:** Kambi, can you have your seat?

**Hon. Stephen Kambi:** No. No. No Mr. Speaker sir---

**Hon. Deputy Speaker:** I have given the Member an opportunity to speak.

**Hon. Stephen Kambi:** Thank you sir

**Hon. Majority Chief Whip:** Point of Order Mr. Speaker sir!

**Hon. Stephen Kambi:** Are you questioning the Speaker now?

**Hon. Deputy Speaker:** Order Hon. Whip!

**Hon. Stephen Kambi:** Mr. Speaker sir---

**Hon. Deputy Speaker:** Unless you want me to send you out of this House

**Hon. Stephen Kambi:** Kindly do that and you will make us very happy in this House, especially the Members of the Planning Committee. Mr. Speaker sir, in the beginning of the session you gave us a communication and it was very clear that business will not be as it used to be. People need to understand and respect these rules. These are instruments of power; it's not just a *Kamukunji* or a *baraza* that we hold there in the Wards and talk anyhow. We should note that there is a HANSARD and every word that is uttered on this Assembly is recorded for history and future purposes. Mr. Speaker sir, as a Member of the Planning, Lands and Housing Committee I can't allow my name to be tainted knowing that I am a very serious Member. A very serious Member like me and in a very serious Committee---

**Hon. Deputy Speaker:** Hon. Kambi can you take your seat.

**Hon. Stephen Kambi:** He must apologize and withdraw. Thank you very much.

**Hon. Deputy Speaker:** Thank you Hon. Kambi. Hon. Members can you sit down I talk, Hon. Whip. Please get the ears of other Members. Hon. Members I made a communication on the delays of the pending reports and statements. I think the communication covered ultimately every Committee in this reference. I did not expect debate to erupt at this point just because of a Statement requested by Hon. Shadrack and it is for that reason that I direct we proceed. Hon. Amutavi you did not give the timeline of when you are to give the response and you need to take this House very seriously.

**Hon. Benson Amutavi:** Mr. Speaker sir because there is no recess very soon as I know, I will give the response in one week's time.

**Hon. Deputy Speaker:** Hon. Member you are very much aware that this House has got a calendar. Hon. Chairman Amutavi we have a calendar which was passed by this House, please can you be serious.

**Hon. Benson Amutavi:** Mr. Speaker I am serious. I will respond to your question before the House adjourns.

**Hon. Deputy Speaker:** Thank you. Hon. Members, the following request for statements are due for response on 29<sup>th</sup> April 2015. The statement requested by Hon. David Kitavi from the Chairperson of Select Committee on Budget and Appropriation regarding the payment of taskforce on the improvement of performance of public-primary schools and transition from primary to secondary education in Nairobi City County.

Two, is the Statement requested by Hon. Leah Mumo from the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural resources regarding the payment of garbage collectors.

Three, is the Statement requested by Hon. Isaac Ngige from the Chairperson of the sectorial Committee on Transport and Public works regarding road projects that are undertaken under the Kenya Urban Roads Authority (KURA).

Four, is the Statement requested by Hon. Erastus Mburu from the Chairperson of Sectoral Committee on Labour and Social welfare regarding the suspension of the 51 employees.

Chairman Education can you take an undertaking.

**Hon Member for Laini Saba Ward (Mr. Boniface Kitavi):** Thank you Mr. Speaker you caught me unawares. However, this is a statement that I requested a couple of months ago. It is indeed very unfortunate that up to date the Members of this taskforce have not been paid yet the membership of that taskforce comprise of very eminent people of this County. I am talking about Professors, people who have greatly contributed towards education in this County; these are people who sacrificed their time and they could woke up every morning to do their works. They are gazetted Mr. Speaker sir. It is very unfair for a County like Nairobi not to pay these people their dues.

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

**Hon. Boniface Kitavi:** With that Mr. Chairman I urge you to be able to give directions on when these people should be paid money for the work they have done. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Do we have the Chairman for Budget in the House? Do we have any Member of the Budget Committee? Can you do the undertaking?

**Hon. Member for Eastleigh North Ward (Mr. Osman Adow):** About payments to staff I don't know.

**Hon. Deputy Speaker:** A statement was requested and it was directed to the Budget and Appropriation; Payment of taskforce on the improvement of appointing public primary schools and transition from primary to secondary education in Nairobi City County.

**Hon. Asman Adow:** Mr. Speaker I don't know why that was directed to the Budget Committee because we do not---

**Hon. Deputy Speaker:** Order Member then you can take a seat. I direct that you relay this information to the Chair Budget and Appropriation, maybe to give highlights on the same tomorrow at 2:30pm.

**Hon. Deputy Speaker:** Statement requested by Leah Mumo directed to the Environment and Natural Resources. Hon. Chairman, Amutavi? Statement requested by Hon. Leah Mumo from the Chairperson of Sectorial Committee on Agriculture, Environment and Natural Resources regarding the payment of garbage collectors.

**Hon. Benson Amutavi:** Thank you Mr. Speaker. The issue of garbage collectors has been a burning issue since we joined this Assembly. We have had issues of contractors who don't do their jobs and want to be paid. We have had issues---

**Hon. Deputy Speaker:** Chairman, we expect you to get us a satisfying copy of your report. When is this due?

**Hon. Benson Amutavi:** After we come from the recess, Mr. Speaker sir.

**Hon. Deputy Speaker:** Thank you. Transport and Public Works Chairman?

**Hon. Member for Lucky Summer Ward** (Mr. Kennedy Oduru): Thank you Mr. Speaker sir. We wrote to the Executive side in regard to what was asked by Hon. Isaac Ngige and we got the response. We deliberated on the response that we got as a Committee yesterday but we found that it was not detailed. Therefore, we directed our Clerk to do the letter again to the Executive.

**Hon. Deputy Speaker:** The first week after the recess Hon. Chairman.

**Hon. Kennedy Oduru:** Yes.

**Hon. Deputy Speaker:** Thank you. Labor and Social Welfare Committee, the suspension of 51 County employees. Labor? Members of the Labor Committee, we need a communication in regard to the suspension of 51 employees tomorrow.

### **THE NAIROBI CITY COUNTY REGULARIZATION OF DEVELOPMENTS BILL (ASSEMBLY BILL No. 1 of 2015), SECOND READING**

**Hon. Jairus Atenya:** Thank you Mr. Speaker sir. I wish to move that the Nairobi City County Regularization of Development Bill, 2015 be now read a second time. Mr. Speaker sir, the Nairobi City County Regularization of Development Bill, 2015 was committed to Committee on Wednesday, 4<sup>th</sup> March, 2015 to allow members to scrutinize each and consider any representation---

*(An Hon. Member stands on a Point of Order)*

**Hon. Deputy Speaker:** Please give the member time. You can't rise on a Point of Order when a member is reading the Bill. Proceed.

**Hon. Jairus Atenya:** Okay. Mr. Speaker sir, the Nairobi City County Regularization of Development Bill, 2015 was committed to the Committee on Wednesday 4<sup>th</sup> March, 2015 to allow members to scrutinize it and consider any representation and amendment from the public on the Bill pursuant to article 196 (B) of the Constitution of Kenya and Standing Order 121 (3) before reporting to the Assembly. Indeed, the report of the Committee was tabled on 29<sup>th</sup> April, 2015.

Mr. Speaker sir, the Committee held a total of 4 meetings to consider the Bill and representations received including meetings with the County Executive Committee Member responsible for Land and Housing. The Committee further held a joint meeting with different stakeholders.

Mr. Speaker sir, while examining the Bill, the Committee noted that the Bill is well intended although it requires fine-tuning through a proposed amendments so that it can be considered with the Constitution and other existing national policies on development. To this end, the Committee will propose amendment to the Bill in clause 15.

Mr. Speaker sir, the Committee finds the Bill a bold step towards regularization of unregularized developments.

Mr. Speaker sir, I beg members to support this Bill with the proposed amendment. Thank you. Can I call Leah Mumo to second?

**Hon. Leah Mumo:** Thank you Hon. Speaker. I rise to second this Motion.

**Hon. Deputy Speaker:** Hon. Members, allow me to propose the question that,

*(Question proposed)*

**Hon. Nelson Masiga:** *Shukran Bw. Spika. Wacha nichukue fursa hii kwa kuweza kushukuru Kamati ambayo iliweza kupitia Mswada huu. Bw. Spika---*

**Hon. Deputy Speaker:** Order Hon. Janet!

**Hon. Nelson Masiga:** *Naamini kwamba baada ya kutathmini kila kipengee na kukaa pamoja, tuliweza kuafikiana kwamba Mji huu wetu wa Nairobi umeweza kuwa katika hali duni. Haujaweza kuwa na mpangilio kabambe haswa maeneo yetu ya Eastlands ambapo unapata kwamba Kaunti hii inapoteza fedha nyingi zisizoweza kulipwa kodi. Hivyo basi tunapata ya kwamba, tukitaka kuwa na mpangilio kabambe na Kaunti hii iweze kupata kodi ambayo inaweza kunawirisha Nairobi hii, basi tukipitisha mswada huu itakuwa jambo la muhimu hasa wale viongozi kama mimi ambao tunaongoza sehemu za vitongoji ambayo tunawaita makao duni ya wanairobi. Hivyo basi, Bw. Spika, naunga mswada huu mkono nikiamini ya kwamba imefika fursa ya kuweza kuwapatia wanairobi lao. Hivyo basi nitasema sitayakumpatia maji na mawe yapo. Shukrani.*

**Hon. Deputy Speaker:** *Asante sana. Hon. Kambi, halafu Mheshimiwa wa Runda.*

**Hon. Stephen Kambi:** Thank you, Mr. Speaker for giving me your attention. Runda is very far from the *Mweshimiwa* you want to relate it to. I am a resident there and I believe he comes from somewhere called Githongora bordering Kiambu near a village called Kiandutu, *yani*, the jigger village. Back to point, sir.

Mr. Speaker, we do all know the relevance and the importance of the Regularization Bill. For a long time Nairobians have been investing in properties, but they have not been given legitimate documents as proof of ownership. Mr. Speaker sir, with the Regularization Bill, I being a resident of Embakasi – there is also a Runda B in Embakasi in Dandora, I understand what our people have been going through. Mr. Speaker, with this Bill we will be able to assist Nairobians invest accordingly as well as create value on their properties.



Mr. Speaker sir, with the Regularization Bill we also expect to see improvements in the housing because with legitimate documents investors and homeowners can have collateral to engage with financial institutions and improve on their structures as well as ensuring that Nairobians get what is rightfully their due. Mr. Speaker sir, I support this Bill in totality especially being a resident and being elected by the people of Eastlands. We know the importance of this Bill and with the Regularization Bill we will avoid scenarios whereby an investor wakes up and builds a House without approval or any plans.

With the Regularization Bill we are certain that the catastrophes that we have been having in the County of Houses collapsing are going to be a thing of the past because once people get the legitimate document of ownership then for certain there will be more confidence when applying for letters of building approval at the County level so as to supervise the ongoing constructions. Mr. Speaker sir, with those few remarks I beg to support and I urge my fellow Members to do that as well. Thank you, sir.

**Hon. Deputy Speaker:** Hon. Thuo.

**Hon. Member for Karura Ward** (Mr. Kamau Thuo): Mr. Speaker, thank you so much. At times this House has some elements that would want to distract people from our core mandate. I do not want to dwell on some trivial issues and sideshows exhibited by--- Hon. Speaker, I rise to support this particular Bill because it means good for Nairobians and it gives the leadership of Nairobi an opportunity to plan a better Nairobi. Mr. Speaker, I know this Bill means good for the residents of say, Kiambu in Dandora because the planners will be sent there and at least they can come for benchmarking in Runda. They can also come for benchmarking in Githogoro.

Hon. Kambi loves mentioning Githogoro but I can tell you that we own those properties and the County is not coming to regularize anything. Mr. Speaker, I know the beneficiaries will be some of the people of Kiandutu in Dandora whose property will be regularized. Mr. Speaker that is why I am saying we are here to help some of us to come back because this is a lifeline. This particular Bill is a lifeline to some politicians in this House namely Hon. Kambi and Hon. Warutere who also hosts one of the biggest slums in this City. So, I support it in totality and welcome you to established residents like Muthaiga, Runda and Evergreen you come and see how things are planned. With those few remarks I support this Bill, Mr. Speaker in totality, thank you.

**Hon. Speaker:** Hon. Ngaruiya.

**Hon. Patrick Ngaruiya:** Mr. Speaker, thank you for giving me the opportunity to respond and support this Bill. If it is going to be implemented to the letter and it is going to be implemented without favour, I believe it is such a Bill that is going to help Nairobians especially those Nairobians who live in informal settlements, especially Nairobians who live in areas that have never been regularized. Mr. Speaker, I also wish that while implementing this particular Bill, we do not favour certain areas. I believe

we look at Nairobi as a whole because there are so many areas that are facing challenges and it is true indeed that the County is losing a lot of revenue because of this particular situation.

It is indeed true that the County has also lost a lot of land to private developers and individuals but kindly, Mr. Speaker, this particular Bill has several challenges. I wish we are taken for another round before it goes to the 3<sup>rd</sup> reading, that Members of this Assembly who represent these Nairobians are taken through the Bill. It is not a Bill that can only be passed and then we are asked what we have done. Mr. Speaker, kindly through the Chair, it is very important that these Members are taken through the Bill section by section so that at least they can understand indeed what we have passed for the Nairobians. Thank you, Mr. Speaker.

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

**Hon. Pius Otieno:** Thank you, Mr. Speaker. First I want to support this Bill and echo the sentiments that have been presented. I want to start by saying that the right to housing is a fundamental right that has been pronounced in various international instruments and in over 100 Constitutions all over the world. However, this right to housing is one of those serious rights or second generation rights that I want to say that many Governments especially Governments in Sub Saharan Africa have never paid or given them a serious thought to ensure that the people living in Sub-Saharan Africa can afford decent and affordable housing, members of their jurisdiction can get habitable housing and these Houses must also meet international standards.

Allow me now to zero in to this regularization Bill. Many people in this House have spread different propaganda in as far as this Bill is concerned. I want to remind fellow members that there's nowhere in this Bill that it has been written in black and white that probably Houses would be demolished.

This Bill does not seek to demolish any structure but it seeks to regularize those Houses that were irregularly constructed and never went through serious bureaucratic process before they were put up. This process is important because it is also going to accelerate one of the fundamental rights, the right to own property. If these Houses will remain as they are today, they are not regularized even members of the public or owners who own these Houses will not have a genuine document that they can table anywhere and claim ownership over these structures.

The pace of urbanization in Sub-Saharan Africa is growing at an alarming rate, and if Nairobi City County remains the hub of East and Central Africa then Nairobi as a County should be a City that can compete with Cities like Barcelona, Johannesburg and Lagos. It is very unfortunate sometimes when I hear Members saying if this Bill comes we shall shoot it down, some want to shoot it down before reading and understanding the details and understanding the spirit and the content of that Bill, some are shooting it down because others are saying so, they are forgetting that they were sent here by members.

In Sarang'ombe where I represent I have no business with this Bill because we live in informal settlements but sometimes it pains me most especially for those old men who put their monies into this investment. People from Dandora all over Eastland's and when this Bill comes into the House we say we

are shooting down, then what is our mandate? I am urging this House tomorrow when this Bill comes we debate it with sober minds. There are people who have invested their money whether they are Kikuyu's, Luhya's, Luos, let us give them a humble opportunity that will enable them to own these properties so that they can as well take loans in future and develop their businesses. I seek to sit down and support. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Jackie as the last contributor!

**Hon. Jacqueline Nyangala:** Thank you Mr. Speaker, I am here to support the Motion, I would like to say that it has come to our attention as Nairobi residents that there're so many disorderly matters that have happened in this County since independence. It is about time we put order in this County and the only way we will do that is to get this Bill on and we move on. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you! Hon. Members the two Members kindly come back. May the mover reply.

**Hon. Jairus Atenya:** Thank you Members for supporting this Bill, thank you Mr. Speaker sir.

**Hon. Deputy Speaker:** Hon. Members allow me now to put the question that,

*(Question put and agreed to)*

An Act of the County Assembly of Nairobi City to provide for the regularization of unapproved developments and for connected purposes, second reading.

**Hon. Deputy Speaker:** Hon. Chairperson for Agriculture Environment and Natural Resources. Kindly allow the Clerk to read the order first! Chairperson!

**THE NAIROBI CITY COUNTY URBAN AGRICULTURE PROMOTION AND REGULATION BILL  
2015 ASSEMBLY BILL NUMBER 2 OF 2015, SECOND READING.**

**Hon. Benson Amutavi:** Thank you, Mr. Speaker Sir. The Nairobi City County Urban Agriculture Promotion and Regularization Bill was read the first time on Thursday 26<sup>th</sup> March, 2015 and thereafter committed to the Sectoral Committee on Agriculture Environment and Natural Resources for consideration pursuant to Standing Order 121, this follows the re-introduction of the said Bill in the same form pursuant to the previous provision of Standing Order 134(3) since the Bill had elapsed during the previous session before undergoing the second reading.

**Hon. Deputy Speaker:** Order Hon. Chairman! You ought to read the title of the Bill and call for the seconder.

**Hon. Benson Amutavi:** The Nairobi City County Urban Agriculture promotion and regularization Bill 2015, Assembly Bill Number two of 2015. Thank you Mr. Speaker, I beg to continue from where I left.

**Hon. Deputy Speaker:** Can you call for a seconder.

**Hon. Benson Amutavi:** The Committee placed a notice in the local dailies calling for any representational amendments from the Public and the Bill pursuant to the Article 196 (B) of the Constitution of Kenya and Standing Order 121 (3). Following the notice, the Committee received written Memoranda from various stakeholders. All the stakeholders who represented their Memoranda were agreeable in principle with the Bill although they proposed amendments to various clauses. The Committee also held a meeting with the County Executive Committee Member responsible for Agriculture Livestock and Fisheries and the Legal Adviser to the Governor, to get the views of the County Executive on the Bill, particularly on clauses that were of concerned to the Committee. While examining the Bill the Committee noted that the Bill was Constitutional since it aims at implementing the previous provisions of paragraph four of part two of the Fourth Schedule to the Constitution and that if passed it will help the promotion of ---

**Hon. Member for Mabatini Ward (Mr. Wilfred Odalo):** Point of Order.

**Hon. Deputy Speaker:** Granted.

**Hon. Wilfred Odalo:** Mr. Speaker I am rising on Standing Order No.32, there's lack of quorum. Thank you.

**Hon. Deputy Speaker:** Can the Clerk confirm?

**Hon. Benson Amutavi:** Thank you Member but I am almost through, thank you Mr. Speaker.

**Hon. Deputy Speaker:** Order Hon. Member! Can the Clerk confirm whether there's quorum in the House! Sergeant-At-Arm to ring the bell for eight minutes.

Order! Order Hon. Chairman! Can you wait for 8 minutes---

*(Quorum bell is rung for 8 minutes)*

Hon. Members there is lack of quorum in the House and under Standing Order 32(2) (a) on the interrupted business of the day, the Bill will resume tomorrow at 2.30 pm. The House stands adjourned to 2.30 pm tomorrow.

***The House rose at 4.19 pm.***

