



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Wednesday 29th July, 2015

The House met at 2.30 p.m.

(Hon. Speaker (Mr. Alex Ole Magelo) in the chair)

PRAYERS

Hon. Speaker: Searjent-At-Arms to ring the bell for ten minutes.

(Quorum bell rings)

Hon. Speaker: Searjent-At-Arms to ring the bell for another final five minutes.

(Quorum bell rings)

Hon. Speaker: Order, Hon. Members!

COMMUNICATION FROM THE CHAIR

QUORUM AT COMMENCEMENT OF THE COUNTY ASSEMBLY

Hon. Speaker: Good afternoon, Hon. Members? This just more of an observation and also inform you that the Standing Order on Quorum of the County Assembly:

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Quorum at commencement of the County Assembly

31 (1) A quorum of the County Assembly or of a Committee of the whole County Assembly shall be a third of its members.

(2) If there is not a quorum present when the Chair is taken, at the time appointed for a meeting of the County Assembly, immediately after the saying of the prayer, the Speaker shall order the bell to be rung for ten minutes, and if no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the County Assembly forthwith to the next sitting.

Hon. Speaker: Hon. Members, I have a lot of challenges but we have resolved now is to be starting our plenary sessions at exactly 2:30 p.m. so, it is important for us to be here at 2:30 p.m. so as to avoid Members coming early and the rest not coming then forcing us to adjourn meetings. It will be unfair for Members who are always punctual. Thank you.

NOTICE OF MOTION**ILLEGAL DUMPING OF GARBAGE**

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Thank you, Mr. Speaker. I beg to give notice of the following Motion; THAT, aware that Article 42 of the Constitution of Kenya, 2010 states that every person has a right to a clean and healthy environment; further aware that pursuant to Paragraph 10 of part 2 of the Fourth Schedule of the Constitution, the County Government is mandated to implement specific National Government policies on environmental conservation; concerned that there has been increase in illegal dumping along various County roads, residential places especially in informal settlements posing health hazards to residents of Nairobi City County; acknowledging that the issue of garbage collection has been a persistent challenge since the days of defunct Nairobi City Council; this Assembly adjourns pursuant to Standing Order No. 30 to discuss challenge of garbage collection and disposal in the County as a matter of definite urgent County importance.

Hon. Speaker: Very well, Hon. Osman Adow. We will come to this at Order No.8, thank you.

STATEMENTS

Hon. Speaker: Hon. Diana Kapeen.

STATEMENT REGARDING FUNDS ALLOCATED TO WARD DEVELOPMENT FUND

Hon. Member for South C Ward (Ms. Diana Kapeen): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Ward Development Fund regarding funds allocated to the kitty for various projects.

Hon. Speaker, since inception of the Fund through an Act of the County Assembly, 2014, not much has been achieved. Whereas some effort has been made to implement the Fund through projects, a lot remains to be done. For instance, the Select Committee is yet to appraise the Assembly on the use of the allocation of the Fund for the financial year 2014/2015. Funds for the financial year 2015/2016 were allocated and passed in the Budget. How different will the use and absorption of these funds be given prior to the experience we've had.

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

- i. The outstanding balance from the amount of money allocated to the Ward Development kitty for the year 2014/2015 and reasons for poor absorption
- ii. List of successfully completed and ongoing projects in all the 85 Wards across the County funded by the Ward Development Fund kitty
- iii. Whether the Ward Development Fund Management Committee signs on the projects before award and if not, how will payments be made for projects and approved by the Committee as provided for in the Act.
- iv. Outstanding amounts allocated for the administration of the Fund and what percentage has been used by the Ward Development Fund Committee.

Thank you, Mr. Speaker.

Hon. Speaker: Very well, Hon. Kapeen. Hon. Chairperson, Gari.

Hon Member for Nairobi West Ward (Mr. Maurice Gari): Thank you, Mr. Speaker; we will give response by next week on Thursday.

Hon. Speaker: Next week, Thursday at 2:30 p.m. Hon. Ken Oduru.

Hon Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the ongoing construction of a building near a culvert, opposite Down Stream Car wash in Lucky Summer Ward.

Hon. Speaker, there is an ongoing construction of a building near culvert of 900mm that drains water which has blocked the flow of water from the Down Stream Car wash.

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

- i. Approval on the ongoing construction of the building
- ii. Measures the County Executive is taking to stop the ongoing construction near the culvert

Thank you.

Hon. Speaker: Hon. Chairperson, Planning and Housing.

Hon. Member for Imara Daima Ward: (Mr. Jairus Arenya): Thank you, Mr. Speaker sir. I beg to be given one week to respond.

Hon. Speaker: That is next week on Wednesday.

STATEMENTS DUE FOR RESPONSE

Hon. Speaker: Hon. Members, the following statements are due for response today, Wednesday 29th July 2015;

1. Statement requested by Hon. Diana Kapeen from the Chairperson of the Sectoral Committee on Culture and Community Service regarding the fire outbreaks in Nairobi City County especially in South C Ward.
2. Statement requested by Hon. Maurice Gari from the Chairperson, Sectoral Committee, Trade and Tourism, Cooperative and Justice and Legal Affairs regarding the hawkers who ply their business along Langata Road, opposite Nyayo Stadium.
3. Statement requested by Hon. Samuel Kagiri from the Chairperson of the Sectoral Committee on Early Childhood Education and Vocational Training, regarding the number of public schools in the County.

Hon. Members, there will be a response for the Statement requested by the following;

1. Hon. David Mberia from the Chairperson of Select Committee on the Ward Development Fund regarding the progress of the implementation of the Fund.
2. Hon. Alexina Mudi from the Chairperson of Select Committee on Culture and Social Services regarding operation of Free Town Bar which is located 200 meters away from Kihumbuini Primary School in Kangemi.
3. Hon. Nelson Masiga from the Chairperson of the Select Committee on Budget and Appropriation regarding some money promised by the China Government to Nairobi City County.
4. Hon. Osman Adow from the Chairperson of Sectoral Committee on Agriculture, Environment and Natural Resources regarding the garbage collection in Eastleigh North Ward.
5. Hon. James Maurice Gari from the Chairperson of Sectoral Committee on Water and Sanitation regarding the persistent lack of water supply in Nairobi West Ward.

Hon. Maurice Gari: Thank you, Mr. Speaker. I have a response on a Statement requested by Hon. David Mberia but I cannot see him in the House.

Hon. Speaker: Hon. Members, with your indulgence, I will ask whether you would like to hear the response because this is for the interest of the Members in regards to the Ward Development Fund. Hon. Mberia can interrogate it at a later stage. Proceed.

Hon. Maurice Gari: Thank you, Hon. Speaker. Response to Statement requested by Hon. David Mberia, MCA. On Tuesday, 2015 the Member for Karen Ward rose on the floor of the Assembly and requested a Statement from the Chairperson, Select Committee on Ward Development Fund on the progress of implementation of the Fund.

Mr. Speaker, in the Statement Members sought to know the following;

- i. The progress report on activities that the County Ward Development Fund Management Committee has undertaken since the inception of the Fund;
- ii. What is the status of the Nairobi County Ward Development Fund Committee;
- iii. Whether any payment in respect of the allowance for the Ward Committee Members has been paid to date and how much;
- iv. The progress on proposed training of Ward Development Fund Committees.

The matter was subsequently referred to the Select Committee of Ward Development Fund. Mr. Speaker, sir, the Committee consequently wrote to the Chairperson of the County Ward Development Fund Management Committee requesting to furnish them with information to enable the Committee prepare adequate response.

Mr. Speaker, I wish to report to the Assembly as follows;

- i. **On the progress of the activities and milestone the County Ward Development Fund has undertaken since the inception of the Fund.** The Committee received the information that cash flow projection was prepared and submitted on 10th July, 2014.
- ii. **On Status of the Fund** – An account was opened for the Fund and signatories approved. Seven members of the secretariat were appointed on 26th May, 2014 and four County Management Members were appointed, vetted and gazetted via gazette notice No. 2492 of 17th April, 2015. The County Management Committee Members were inducted from 12th to 15th March, 2015 and the Ward Administrators were inducted between 1st and 2nd August, 2014 and the Ward Development Fund Committees have been gazetted and trained on 15th, 16th, 18th 14th and 30th January, 2015 respectively. The regulations were developed, drafted and tabled in the County Assembly Select Committee on delegation legislation, procurement project identification and holding forums and submissions done between September, 2014 up to April, 2015. The County Management Committee approved the project for the Ward Development Fund on 14th October to 16th May,

2015. Bid documents were prepared and tender opening and evaluation of 103 documents were forwarded to the Procurement Department on 23rd February, 2015.

- iii. **On the Current Status of the Nairobi County Development Ward Committees** – The Ward Development Committee’s first group was gazetted on 1st August, 2014 and was trained on 15th, 16th and 18th of August. The second group was gazetted on 12th September, 2014 and was subsequently trained on 30th January. The status is that the Ward Development Fund Committees are fully constituted and functional.
- iv. **On whether any payment in respect to allowances for the Ward Committee has been paid to date and how much** – As per June 2015 the Ward Development Fund Committees are yet to be remunerated pending the SRC response to the CEC finance and economic planning via letter Ref NCCSCCFEB/88 regarding the approved rate. Pending payment will therefore be released as soon as SRC responds to the said letter.
- v. **On the progress of the proposed training of Ward Development Fund Ward Committees** – The Ward Development Fund Committees were trained on 15, 16th and 18th August, 2014 and the last group was subsequently trained on 30th June. Attached is the Sectoral progress report of the activities and milestone the County Development Ward Committee has taken since the inception of the Fund.

Mr. Speaker, there is an attachment here at the back of the letter, however for me; I am also not satisfied with this Statement. According to how the CEC Finance is behaving, it has become a cat and mouse game. That is why I even got to the point of writing a censure Motion against the CEC Finance because we cannot continue like this, he cannot continue putting the whole of Nairobi in the dark and these people are squandering money here. Even if we have to threaten so that we can get the funds then let us do that and get the Fund because that Fund belongs to the people of Nairobi.

It does not belong to the Executive Members.

Hon. Speaker: Order, Hon. Gari! Hon. Members, you have heard the Chairperson, the Chief Whip who had requested, the Statement was not there but we found it prudent for Members to consume what is there. So, Hon. Members wait for the Chief Whip to come and interrogate the report. What is it Hon. Kagiri? Order! Let’s be Orderly please. Which response? Okay, the one from the Culture from Hon Alexina Mudi. Hon. Members please, if you want to use your phone use it outside, stop making phone calls in the Assembly. Hon. Chairperson, Order, Hon. Chief Whip!

RESPONSE TO A STATEMENT REGARDING THE OPERATIONS OF FREETOWN BAR LOCATED 200 METERS AWAY FROM KIUMBINI PRIMARY SCHOOL IN KANGEMI.

Hon. Member for Harambee Ward (Mr. Ronald Milare): Thank you, Hon. Speaker. On Tuesday 17th March, 2015, the Hon. Alexina Mudi rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested for a Statement regarding the operations of Freetown bar which is located 200 meters away from Kiumbini Primary School in Kangemi.

In the Statement, the Member sought to know;

1. The reason why the liquor license was issued to the bar owner despite the proximity to a primary school contrary to the law
2. The measures the County Government is taking to prevent licensing of bars to operate near schools.

Mr. Speaker, the Committee wrote to the County Executive on 7th April, 2015 requesting to be furnished with a comprehensive report on the above issues and further they conducted a site visit to get firsthand information on the same.

In this regard, Mr. Speaker Sir, I wish to respond as follows;

- 1. The reason why the liquor license was issued to the bar owner despite the proximity to a primary school contrary to the law**

Mr. Speaker, the Chief Officer of Trade, Tourism and Cooperatives responded that business premises is located at a commercial area along the main road, Murang'a Road in Kangemi opposite Kiumbini Primary School. The building under the trading name has been operational since 1950's as liquor joint though under different occupants. The area has a total of three liquor outlets namely, JJ, Cools Bar and Free Town Bar. Freetown Bar has been operating as a liquor outlet for the last three years with NACADA License though the Bar was also inspected and licensed by the County Government. The Committee was informed that the major concern from the School administration was on the old trucks and lorries parked outside their fence which has been attracting drunkards who urinate around posing a health hazard to the School.

- 2. The measures the County Government is taking to prevent licensing of bars to operate near schools.**

Mr. Speaker Sir, on Wednesday 24th June, 2015, the Committee met with the Chief Officer in charge of trade Tourism and Cooperatives who stated that the Sub-County Licensing teams go out to inspect bars after an application form has been filled out as per the Nairobi City County Alcohol and Licensing Act to make sure that all conditions are met. Attached, find a copy of the application form given to all bars owners.

The Nairobi City County Alcohol and Licensing Act, 2014 and guidelines policy document 2014 provides checklists and how the inspection should be carried out. The guidelines give the Sub-County Committee direction when inspecting the bars and this covers the status and operation for the bars near schools. The Committee checks on whether the bars were previously licensed by NACADA and also looks at the standards and if there are any complains the bar is closed.

Committee observations.

Freetown bar was inspected and licensed by the County Government. Hon. Speaker I beg to lay this response, thank you.

Hon. Speaker: Hon. Chairperson, can you repeat the last sentences

Hon. Member for Harambee Ward (Mr. Ronald Milare): From where?

Hon. Speaker: Your own final---

Hon. Ronald Milare: Observations?

Hon. Speaker: Yes.

Hon. Ronald Milare: Freetown bar was inspected and licensed by the County Government as per the law.

Hon. Speaker: Very well, Hon. Members. Yes, Hon. Nyangwara.

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Mr. Speaker, the question was very clear as to why the County Government issued a license for this bar to operate knowing very well that the constitution require bars to be allocated far away from the school compound.

Hon. Speaker: I think Honorable Chairperson, if we can remember the Governor of Nairobi County issued an order that no alcoholic bars near or around schools including kiosks. Hon. Chairperson.

Hon. Ronald Milare: Hon. Speaker, to enforce the 200m rule in Nairobi is not practical. If that was to be enforced to the later, then over 70% of the bars will be closed down.

Hon. Speaker: That is right.

Hon. Ronald Milare: So, this matter will require change of the law or make sure that---

Hon. Speaker: Order, Hon. Chairperson! Surely, are you telling us that our children are going to be near bars because there is some law? I was expecting you to say that you have asked the CEC to have that bar closed.

Hon. Ronald Milare: Then, Hon. Speaker it will apply across over five thousands outlets that have been licensed which are within the 200m proximity.

Hon. Speaker: Hon. Adow

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Mr. Speaker, as you have said, the Chairman should actually say that even if it means closing all the 5000 bars, if they are near schools, they should be closed if that is the law. They should not give us excuses please.

Hon. Speaker: Yes, *Mhesimiwa* Tabitha.

Hon. Tabitha Ndigirigi: (Nominated Member): Thank you, Mr. Speaker sir. If it is the matter of closing all the bars, even the kiosks which are allocated in Nairobi West should be closed. So, I am supporting the Chair.

(Loud consultations)

Hon. Speaker: Order, Hon. Tabitha! Hon. Tabitha, you are out of Order. Hon. Kapeen.

(Loud consultations)

Hon. Speaker: Order!

Hon. Member for South Ward, (Ms. Diana Kapeen): Thank you, Mr. Speaker sir. With your permission, that is why political parties should look at what they bring in in their top up.

(Loud consultations)

Hon. Diana Kapeen: I have said it.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! Order! Order! Order, Hon. Kambi!

Order, Hon. Members! One more person standing will be out! Order, last warning! Order, Hon. Mumo and Hon. Alexina!

Hon. Members, once again, I want to ask you to be on orderly pace in the Assembly. That is why we want bars closed around institutions including the Nairobi County.

Hon. Members, please let us conduct our debate in an orderly manner. Whether you accept or not, you stand up; not standing up and screaming. I think the Maasai's know how to scream more than you, you know.

(Laughter)

We can scream more? So, Order Members! Order! What is it that made you ladies scream? Hon--- Order, Hon. Karen! I did not ask you.

Hon. Members, let us be orderly and let us do our business in an orderly manner. This is a debate, it is not a war. Order, Karen! I respect you a lot but please let us go in the same pace because you are a good citizen. Order, Hon. Members! Can we start

(Loud consultations, several Members rose on Points of Order)

Hon. Member: Mr. Speaker, kindly protect me.

Hon. Speaker: Order! I have not finished, sit. Order Members! Hon. Kapeen, can you repeat what you said here so that we can understand.

Hon. Diana Kapeen: Yes, Mr. Speaker sir, I will repeat. I said and I don't have a better word for saying because even when the arguments are being done in Parliament and in the Senate they say the gender top up and I don't I have said it with any reference to anybody. I have said, in future our political parties should look at what they put in the gender top up. Mr. Speaker sir I'm a product of nominations---

(Loud consultations)

Hon. Speaker: Order, Members! Now, I have understood. Sit down! Hon. Members, Order! Hon. Members, surely, Order members!

(Speaker consults the Clerk)

Hon. Speaker: Order Members! You know always that to consult is one of the best methods in a civilized world. In civilized world, even if we are told to be tolerant to ladies, we are going to be very tolerant indeed.

Hon. Members there are two things that have happened here. One, is the word gender top up--- Order!

(Loud consultations)

Hon. Members, let us respect each other. There are two things that have happened here momentarily. One; is the top up--- Hon. Mumo, the last warning!

Now gender top up, that is a parliamentary language. Number two, the language Diana used at that moment, I will call it unparliamentarily because she was answering a Statement brought in by Hon. Tabitha and I said earlier Tabitha was out of order, that I thought I said. So those are the two things that have happened. So, Hon. Diana with due respect your immediate response was a response that had emotions and as articulate as you are, I would ask you to withdraw the word 'political parties top up' but the 'gender top up' is a parliamentary language. Do we agree with each other? Thank you

Hon. Diana Kapeen: Thank you, Mr. Speaker sir. I want to particularly state that I was not referring to any political party or any other person, I was answering that Hon. Member and I withdraw. For the ladies who feel that I offended them, honestly, I am a product of that top up at one time. Thank you.

Hon. Speaker: Thank you very much, Hon. Diana Kapeen, you are a good citizen.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker, thank you for giving me this chance. I want to stand on Standing Order No. 80 on Personal Statement. Aware that last week it should not go unnoticed as the biggest County in this Country hosted the finest man on earth; that is Barack Obama. I would wish to say that this House was honored---

(Loud consultations)

Kindly I am on Standing Order No. 80, Personal Statement.

Hon. Speaker: Order Hon---

Hon. Member for Viwadani Ward (Mr. Samuel Nyangwara): Mr. Speaker, I beg your protection. Is the Member in Order to stand on Standing Order No. 80, to issue a Personal Statement when we were actually on a debate concerning a question that was brought to this House some time back? Mr. Speaker, we even know some time back you gave instructions that whoever wants to stand on Standing Order No. 80, should actually submit to your office two hours before the Assembly kicks off.

Hon. Speaker: Very well. Hon. Imwatok is very articulate on that and I was just about to tell him he is out of order. Next Order.

(Laughter)

Hon. Speaker: Hon. Warutere.

Hon. Member for Roysambu Ward (Mr. Peter Muriithi Warutere): Mr. Speaker, about two months ago---

Hon. Speaker: Hon. Warutere!

Hon. Peter Muriithi Warutere: Yes about two weeks ago. Mr. Speaker, I raised a question on composition, management and operationalization of a company by the name of Quilds---

Hon. Speaker: Chairman of Budget---

Hon. Peter Muriithi Warutere: I need your indulgence here because I have never been given the response.

Hon. Speaker: He is supposed to bring it.

Hon. Peter Muriithi Warutere: Can I get my response, Mr. Speaker?

Hon. Speaker: Go ahead.

Hon. Peter Muriithi Warutere: So I asked a question on the composition, management and operationalization of a company by the name of Quilds but it has about 2 months and no answer is forthcoming. I think this question was put to the Chair of Budget and therefore, I am seeking your indulgence on this particular matter.

Hon. Speaker: Hon. Chairperson, Hon. Warutere, the Chairman of Budget has just walked out; I would like that Statement to be brought to this Assembly next week on Tuesday, by the Chairperson of Liaison Committee.

Hon. Peter Muriithi Warutere: Thank you.

Hon. Karen Wanjiku: Point of Order!

Hon. Speaker: We have not dispensed off, let Alexina Mudi first of all, her answer was done and we just need to find out whether she is satisfied with it. Hon. Alexina.

Hon. Alexina Mudi (Nominated Member): Thank you, Mr. Speaker sir. I have listened very keenly and very carefully to the feedback from the Chairman, so concerned. As much as I would want to say, it is well, I want to rethink again my decision by saying, even if it is in order as per the documented paper for the bars to be given these licenses to operate within the said length from the schools, Mr. Speaker the laws are made by human beings. It can still be revisited because when this law was laid down then, I want to believe the schools were very scarce and the schools were not as many as per today.

Therefore, I am going to request if possible the Executive can be involved revisit the decision so that the bars should be gagged and we should actually know which bar and which situation and which area. At least this one will be helping our children as parents and leaders of this County. Thank you, Mr. Speaker.

Hon. Speaker: Very well. Hon. Karen Wanjiku.

Hon. Karen Wanjiku: Thank you, Mr. Speaker sir. Point of Order No. 79 is very clear that; *any Member may raise a Point of Order at any time during the speech of another Member stating that the Member rises at a Point of Order and that Member is required to state the Standing Order upon which the Point of Order is based.* Mr. Speaker, I am standing on Standing Order 74, desiring to address you.

Hon. Speaker: Order, Hon. Karen!

Hon. Karen Wanjiku: That is 74, Mr. Speaker sir. I want to address you, Mr. Speaker.

Hon. Speaker: Order Hon. Karen! Order No. 74 does not; you only come to discuss or contribute addressing straight to the Speaker.

Hon. Karen Wanjiku: Let me use 79. I want to thank Hon. Kapeen because she has realized the mistake she has made and apologized to us. But I want to make something very clear in this House, we are Hon. Members and according to the Constitution of Kenya 177---

Hon. Speaker: Order, Hon. Karen!

Hon. Karen Wanjiku: Mr. Speaker, we are competent Members of this House.

Hon. Speaker: Order, Karen! Please Karen.

Hon. Karen Wanjiku: She has spoken about the gender top up and I have a right to speak. She has spoken about top up

Hon. Speaker: Order, Hon. Karen! We dispensed of with the matter. You are actually out of order.

Hon. Karen Wanjiku: So I don't have a right to speak, Hon. Speaker.

Hon. Speaker: You have a right to do whatever you want to do, but I am telling you accordingly, that matter is put to rest.

Hon. Karen Wanjiku: But we should be respected, Mr. Speaker sir. Thank you.

Hon. Speaker: Hon. Kagiri.

RESPONSE TO A STATEMENT REGARDING GARBAGE COLLECTION IN EASTLEIGH NORTH WARD

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Mr. Speaker, I have a Statement to respond to, which was requested by Hon. Osman Adow on behalf of the Chairman of Environment and Natural Resources.

Hon. Speaker, on Wednesday 29th May 2015 the Hon. Osman Adow, MCA rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources for a Statement regarding garbage collection in Eastleigh North Ward. He further asked the Chairperson to inquire and report on the efforts being made by the Department of Environment and Forestry to address the issue of garbage collection in Eastleigh.

Mr. Speaker the Committee wrote to the County Executive on Tuesday 5th May, 2015 requesting to be furnished with a written response to the Statement by the Hon. Member. The Committee received a response from the Chief Officer, Environment and Forestry vide letter ref. CO (EF) 1/33/110 dated 11th May 2015. The Committee also held a site visit to Eastleigh to ascertain issues raised in the Statement request. Subsequently, the Committee held a meeting with the Director Inspectorate on Thursday 22nd July, 2015 to deliberate on the measures being taken by the anti-dumping enforcement unit to stop increased cases of illegal waste dumping in Eastleigh and the entire County.

In this regard Mr. Speaker sir, I wish to report to the Assembly as follows:

1. The state of waste generation and collection in Eastleigh

Mr. Speaker, arising from the information submitted by the Executive, the Committee was informed that Eastleigh is a rapidly growing area in Nairobi both in terms of population and business. This growth has resulted into a high generation of solid waste. This information was corroborated by the Committee's own findings during the site visit. Indeed, the Committee noted that the area is in a deplorable environmental state with streets littered with uncollected garbage. A majority of garbage originate from business premises particularly hotels operating in the area.

Miraa traders also contribute immensely in the generation of waste in the area since they dump the remains of the substance along the streets and in the middle of the newly constructed roads. The Chief Officer, Environment and Forestry mentioned the following as the major generators of the waste in the area;

1. Unregistered CBOs led by Mwalimu Daniel and Charles;
2. *Miraa* dealers;
3. Patrick Hassan's Restaurants;
4. Mukuria Malls; and
5. Street families.

2. The efforts made by the Department of Environment and Forestry to address the issue of garbage collection in Eastleigh.

Mr. Speaker sir, the Chief Officer Environment and Forestry informed the Committee that County Government procured additional trucks to manage the increased volume of waste generated in Nairobi, with specific references to Eastleigh. The said the Chief Officer stated the Department has increased waste collection in the area but unfortunately, the efforts were not bearing tangible results.

To this end, the Department would be instituting the following measures:

1. Stringent enforcement of waste related laws that would lead to arrests for those involved in illegal waste dumping;
2. Prioritize the allocation of waste collection vehicles to Eastleigh;
3. Liaise closely with the Sub-County staff to ensure environmental management activities are prioritized at Sub-County level; and
4. Awareness creation to various groups currently generating and handling solid waste in Eastleigh. This will be emphasized during monthly and weekly clean ups. The recent clean-up was held on Thursday 22nd July, 2015.

Mr. Speaker, the Director of Inspectorate informed the Committee that the Inspectorate officers within all Sub-Counties under the Sub-County commander are responsible for enforcing all rules including rules on illegal dumping.

With respect to Eastleigh, the Inspectorate officers have embarked on routine patrols both at day time and at night to apprehend any person involved in illegal dumping. However, the Environment and Forestry Department has not designated waste collection points making it difficult to enforce anti-dumping rules.

Mr. Speaker, the Committee has recommended that Environment and Forestry Department officially designate waste collection points in the entire County to make it easier for enforcement of anti-dumping rules. The Committee will also hold accountable the Executive on its aforementioned promises regarding waste collection in Eastleigh. Mr. Speaker, I beg to lay the response. Thank you.

Hon. Speaker: Hon. Adow.

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Mr. Speaker, I am very disappointed but I am not surprised. First of all, I don't know what that Committee was doing because it looks like it is dysfunctional. This week there were so many Statements requested through that Department, but each time they come to give out answers, their Chairman and Deputy are always absent and they are nowhere to respond to any of their Statements.

Secondly, about the Statement on Eastleigh, my friend here the Member of that Committee only read to us what we already know. I had informed them that there is a lot of waste in Eastleigh which he also confirmed. Also, I informed him that there was no enforcement which he repeated the same thing. I also told him about those businesses in the area that are doing dumping which he also acknowledged.

He also said that the department said that we are only going to do this and that but we are not seeing any results yet and nothing is going on the ground. The dumping still goes on and clean-up that was done sometimes back it was much more enforcing than it was now. So there is somebody who is in the office writing an essay as a reply which we are supposed to be happy with it and get satisfied and then we think that is the end of it.

Mr. Speaker, I think you should ask the clerks here to supply us with the trash bins so that we can dump this reports in them. If that is not going to happen I think, if you allow me to drop it and step on it, I think it will be a good response to this kind of response Mr. Speaker. Thank you.

Hon. Speaker: Yes, Hon Nyangwara.

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Mr. Speaker, the Member who has just left the floor is actually behaving in unparliamentary way. You cannot step on a report that has been prepared by a Committee of this House. I want to request the Chair to take a disciplinary action knowing very well that we are using tax payer's money to print these documents and bring them on the floor.

Hon. Speaker: Order Hon. Adow! Order! Hon. Members, Hon. Nyangwara you are right but Hon. Adow did not mutilate the paper, he was just demonstrating on the issue of garbage in the City and to add unto that, he does not see the trucks that collect garbage in his Ward. Hon. Kagiri.

Hon. Samuel Kagiri: Mr. Speaker, the Hon. Member together with the Committee of Environment and Natural Resources visited his Ward on his request.

Hon. Speaker: Order, Hon. Kagiri! Order, Hon. Chairperson Order! First of all, that is not what is within the Standing Orders. If he visited the area with you or not, the point is about the garbage in Eastleigh--- No, Hon. Kagiri, Chairperson in fact you should go to your Standing Orders and the Assembly rules and regulation, that moving around with the Committee was of no consequence. What he wants even after removing the garbage it's still there, so what does that say? Answer his question properly.

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Okay, he could have allowed me to finish what I was talking about because Mr. Speaker, the issue of garbage has been a problem in this City and if you look around this City you will find whatever we are talking about. We agree that it is a problem and it came from the Executive. Our enforcers of the law do not do their work. We

specifically understand how some of these issues should be handled and we have met with the Chief Office of Environment severally on these issues of garbage collection in several areas of this City. Garbage trucks were bought and you will find most of them have broken down. There is a big issue about---

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

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Mr. Speaker sir, I think the Chairman should be taking an undertaking on when he is going to come up with this report and feedback to this Assembly and not lecturing us Members in this Assembly. Thank you, Mr. Speaker sir.

Hon. Speaker: Yes Hon. Maich.

Hon. Member for Njiru Ward (Mr. Kenneth Thugi): Thank you, Mr. Speaker sir, I was to respond to a Statement request by Hon. Gari but the Member is not in the House. He told me to respond to the Statement tomorrow if you allow.

Hon. Speaker: Very well, tomorrow.

(Hon. Speaker exits, Hon. Maurice Akuk takes the Chair)

RESPONSE TO A STATEMENT REGARDING MONEY PROMISED BY CHINA GOVERNMENT TO THE NAIROBI COUNTY GOVERNMENT

Hon. Member for Komarock Ward (Mr. Samuel Irungu): Mr. Speaker, on behalf of the Chairman of Budget, I want to respond to a Statement requested by Hon. Nelson Masiga. It is a fairly short Statement, so I beg the patience of Hon. Members.

Mr. Speaker, on Tuesday 23rd June, 2015 the Hon. Nelson Masiga, MCA rose on the floor of the Assembly pursuant to Standing Order number 41 (2) (c) and requested the Chairperson of Budget and Appropriations Committee for a Statement regarding some monies promised by China Government to the Nairobi County Government.

In the Statement, the Member requested the Chairperson to inquire into and report on:

1. The exact figure promised to the Nairobi City County Government
2. Whether the monies promised were a loan or grant
3. The terms and conditions of monies if it was a loan

Mr. Speaker, the Committee wrote to the County Treasury to seek answers for the issues raised and details have been attached to this report. From the correspondence received from the County Treasury and arising from discussions of the Budget Committee, I wish to highlight the following:

In August 2013 during the state visit of President Uhuru Kenyatta to China he was accompanied by his Excellency the Governor Dr. Evans Kidero.

During the visit the Governor managed to sign a Memorandum of Understanding of 200 million dollars, that is, Ksh.17 billion with a Chinese company to facilitate construction of infrastructure within Nairobi County. It is important to inform the House that this was merely an MOU with no monetary attachment whatsoever. It is also paramount to enlighten Members that an MOU is merely a formal alternative to a gentleman's agreement which expresses the convergence of win between two parties indicating a common line of action. To date, the contents of the MOU are yet to be actualized.

Mr. Speaker, the money was supposed to be a loan but no loan terms were negotiated as only the MOU had been signed. The County Treasury and indeed the Budget Committee is not privy to where 18 billion Kshs which was heavily broadcasted by the media came from. However, it was the case of trade between Kenya and China stood at that amount in 2013. The trade figure between the two Countries continues to grow. Hon. Speaker, I beg to lay this Statement, thank you.

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

Hon. Nelson Masiga: *Shukrani, Bwana Spika. Baada ya kuweza kuchachawizwa na Kamati hii, naweza kustaabiana na wao kwa sababu nimeweza kuelewa na kupata mengi zaidi ya ripoti hiyo. Shukrani, Bwana Spika.*

Hon. Temporary Deputy Speaker: You are welcome. Hon. Kagiri.

Hon. Samuel Kagiri: Mr. Speaker, on 9th of June last month, I requested for Statements from the Committee on Budget and Appropriation. They were supposed to be responded to in two weeks. Now it is a month plus and I have not gotten a response. I still had a Statement from the Committee on Transport on the same date and I have not gotten the response. I seek indulgence from you, Mr. Speaker, thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Kagiri. I was just about to go into that because there are Statements that are pending in response and one of them is yours so, we are going to actually find out from the various Committees why they have not responded to these Statements.

The following Statements are due for response today, Wednesday 29th July, 2015. I am made to understand that the Trade Committee is ready with the response, please proceed.

Hon. Member for South C Ward (Ms. Diana Kapeen): Thank you, Mr. Speaker; actually it's not a response the Hon. Chair for Trade Committee requested me to stand in on his behalf. The Committee has not managed to get a response from the Executive but it has visited the site. They visited the site yesterday so they are pushing for the response from the Executive and the answer will be given to the Hon. Gari.

Hon. Temporary Deputy Speaker: If you can confirm, is this the statement that Hon. Gari requested regarding the hawkers plying the Langata Road along Nyayo Stadium areas?

Hon. Diana Kapeen; Yes, it is Hon. Gari inquiring about the hawkers in Nairobi West.

Hon. Temporary Deputy Speaker: When do you think it will be due?

Hon. Diana Kapeen: The letter was written last Tuesday and it is a tradition for a week so there is a possibility the statement will be answered on Thursday next week.

Hon. Temporary Deputy Speaker: Thank you, Hon. Kapeen. The other statements are, statement requested by Hon. Diana Kapeen from the Chairperson of the Sectoral Committee on Culture and Community Services regarding the fire outbreaks in Nairobi City County especially South C Ward. Is the Chair in the House? Any Member from the Sectoral Committee on Culture and Community Services? Well, I will rule that we give them one more week to provide us with the Statements.

The other statement requested by Hon. Samuel Kagiri from the Chairperson of the Sectoral Committee on Children, Early Childhood Education and Vocational Training regarding the number of public schools in the County. Do we have the Chair in the House?

Hon. Karen Wanjiku (Nominated Member): Chairman, I am a Member of Education Committee and we have not yet been given the response by the Executive but it will be ready by next week on Thursday.

Hon. Temporary Deputy Speaker: Can we confirm that it will be ready next week on Thursday?

Hon. Karen Wanjiku: Yes.

Hon. Temporary Deputy Speaker: Thank you. I am informed by the Clerk that Hon. Adow you had stood up to move a Motion of adjournment and you were given an opportunity to do that after the statements. Please proceed on.

Hon. Osman Adow: Mr. Speaker, I think we are having a little problem. The leadership of the House look like they have found jobs somewhere else and they are never in the House. That translates into no quorum in this House all the time. Even my seconders, I asked around 5 or 6 people to second and they have all gone. I would like to rise on Point of Order number 32 that there is no quorum in the House.

Hon. Temporary Deputy Speaker: Clerk, could you confirm that please? Hon. Adow we agree with you there is no quorum so can the Serjeant-At-Arms ring the bell for the next 5 minutes. Members after ringing the bell for the past 5 minutes we still do not have quorum so the Assembly stands adjourned until tomorrow 2.30 p.m.

The House rose at 4.00 p.m.