



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Thursday 2nd July, 2015

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Chairman Planning, you are poorly dressed, you are not a musician unless you want to and record some music. Can we proceed!

COMMUNICATION FROM THE CHAIR

SCUFFLE INVOLVING TWO MEMBERS DURING THE PLENARY PROCEEDINGS

Hon. Speaker: Good afternoon, Hon. Members? Communication from the Chair: Hon. Members you will recall that on Monday 29th June, 2015, there was a scuffle involving two Members during the plenary proceedings of the County Assembly. The Hon. Maurice Akuk, MCA, then addressed the Assembly and alleged that he had been slapped by Hon. Alfred Ambani. The Chair then committed to issue a report on the same matter.

After investigation, I wish to report the following; Hon. Members, the regulation of conduct and breach of order in the Assembly is provided for by the Standing Orders No.104, 105, 106, 107. From the investigation the Chair established that the Hon. Alfred Ambani conducted himself disorderly contrary to the Standing Order 104(1) (c). The Member in question conducted himself unnecessarily aggressively to the detriment of order and the peaceful conduct of business.

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Hon. Members, I wish to remind you that the Standing Order 104(2) provides as follows:

104 (2) The Speaker or the Chairperson of Committees shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the County Assembly-

(a) On the first occasion, for the remainder of that day's sitting;

(b) On the second or subsequent occasion during the same session, for a maximum of three sitting days including the day of suspension,

(3) If on any occasion the Speaker or the Chairperson deems that his or her powers under this Standing Order are inadequate, the Speaker or the Chairperson may name such Member or Members, in which event the procedure specified in Standing Order 109 (Member may be suspended after being named) shall be followed.

Hon. Members, the subsequent procedure by naming a Member is clearly detailed under the Standing Order 104 (3) and 105. Hon. Members, I wish to note that this incident was very unfortunate. The Chair takes threats of violence against any Member seriously and will not hesitate to take extreme measures to ensure it does not happen. Indeed as is the case elsewhere, in orderly societies, gross disorderly conduct has no place in the County Assembly. The foregoing in the case knowingly raises a false Point of Order persistently making serious allegations without, in the Speaker's opinion, adequate substantiation and any form of misconduct.

Hon. Members as you have been warned, the onus is on all of us to ensure we conduct ourselves in a manner that fosters tranquility and the orderly conduct of business. The Hon. Ambani is a diligent and valiant Member of this County Assembly. I therefore wish to let this serve as a warning. Hon. Ambani is asked to apologize and desist in future from occasioning such serious breaches of order, Hon. Ambani.

He is not in the Assembly; he will be notified whenever time will come for him to apologize so that we can continue with our business. As I said earlier yesterday, it is very unfortunate for some Members who are grownup to be using abusive and insulting words in the Assembly. This will not be accepted. You may not like Alex Ole Magelo but respect the Chair. I may not like you but I respect you as a Member of the County Assembly.

There was another communication which was supposed to be delivered to you, Hon. Members but somehow these officers are really a bit confused. Thank you. *(Laughter)* Actually that is the reason. Hon. Members, when it comes, I will read it to you please. I sincerely apologize for the sabotage. It has come. Hon. Hashim, take your seat please!

Hon. Members the continuation of the communication--- Order, Hon. Members! Order Chairperson of Trade!

VISITORS OF THE HON. MEMBERS

Hon. Members, the Speaker appreciates the Members often have visitors who call on them at the Assembly for various matters. Indeed, the Chair has directed before that proper measures be taken to ensure thorough screening of visitors in light of the very existing threat of terrorism and other items associated with bad things the Assembly faces. Further to my earlier direction, I wish to communicate as follows--- Order, Hon. Members! Order! Hon. Manoh Mboku, allow us please to continue. We are going to a recess and you can---

Therefore, I direct that all guests to the Assembly access the precincts via the main entrance opposite KICC. Upon inquiry of entry, the Serjeant-At-Arms shall co-ordinate with the Members whose guests they will be serving before permitting entry. Members are at will to visit with their guests the lobby next to the restaurant. Entry into the precincts shall be strictly limited due to security reasons. Serjeants-At-Arms are directed to ensure no unauthorized guests access the Assembly via the back entry at any time. No outsiders are allowed into this area.

PENDING STATEMENTS

Hon. Members, the Chair has on several occasions reminded Members and Chairpersons of pending Statements and the need to expedite their conclusion. Yesterday, I committed to follow up on the matter and report back today. I wish to communicate as follows: Hon. Members, for the second session, the Chair has learnt that we still have 10 pending Statements, for the third session there are 10 inadequate responses, 10 pending and 89 responses have been received and given while 7 are waiting tabling. Details of the same are attached to this communication.

I hereby direct that all the pending Statements from the second session be dispensed by Tuesday 21st July, 2015. Failure to which the Select Committee on Implementation will take up this matter and report back to the Assembly on the sanctions to be imposed on the defaulting Committee and County Executive Committee Member. The Chairs are therefore advised to expedite the conclusion of all pending Statements and report on Tuesday 21st July, 2015. The Chair commits to follow up on the foregoing and will report again on 21st July, 2015. Thank you.

STATEMENTS

Hon. Asha Abdi (Nominated Member): Thank you, Mr. Speaker sir. I would like to respond to the Statement asked by Hon. Erastus Mburu, MCA. I beg to respond as follows---

Hon. Speaker: Order! Order please, Hon! --- Just wait a little bit. Hon. Members, the following Members had requests for Statements: Hon. Jaffer Kassam.

STATEMENT ON RESETTLEMENT OF DEEP SEA SLUM RESIDENTS IN PARKLANDS WARD

Hon. Member for Parklands Ward (Mr. Jaffer Kassam): Thank you, Mr. Speaker sir. Pursuant to Standing Order 41(20) (c) I wish to request for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the resettlement of Deep Sea Slum residents in Parklands Ward.

Hon. Speaker, the Committee on Transport and Public Works in its response dated 2nd July, 2014 stated that the County Executive was to seek for information from Kenya Urban Roads Authority on how to resettle the residents of the Deep Sea Slum to pave way for construction of the four lane road between Waiyaki Way and Thika Super Highway.

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

- i. How the residents of the deep sea slum will be resettled and when.

Thank you, Mr. Speaker.

Hon. Speaker: Hon. Chairperson Sectoral Committee on Public Works.

Hon. Deputy Speaker (Mr. Kennedy Ngondi): The Chairman is not in but I can stand for the Chairman as a Member; the first week after recess, Mr. Speaker sir.

Hon. Speaker: Very well. Hon. Paul Kados.

STATEMENT ON RECONSTRUCTION OF KANGUNDO BY-PASS ROAD LINK

Hon. Member for Mihango Ward (Mr. Kados Paul Muiruri): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of Sectoral Committee on Transport and Public Works regarding the reconstruction of Kangundo By-pass Road link in Mihango Ward.

Hon. Speaker, in the financial year 2012/2013, Mihango Ward was allocated Ksh.120 million to reconstruct the by-pass road link yet the reconstruction has not begun.

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

- i. Measures being put in place to ensure that Kangundo By-pass Road link recommences reconstruction
- ii. If there are any plans for this road to reach Kangundo Road through Kayole and Matopeni Spring Valley Ward.

Thank you, Mr. Speaker.

Hon. Speaker: The Chairperson of Transport and Public Works.

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Thank you, Mr. Speaker. Two weeks after recess.

Hon. Speaker: What did you say?

Hon. Maurice Gari: Two weeks after recess.

Hon. Speaker: Hon. Ronald Milare.

STATEMENT ON PROPOSED CONSTRUCTION OF THE ROAD LINKING EASTERN BY-PASS WITH KANGUNDO ROAD

Hon. Member for Harambee Ward (Mr. Ronald Milare): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of Sectoral Committee on Planning and Housing regarding the proposed construction plan of the road linking Eastern By-pass with Kangundo Road in Mihango Ward.

Hon. Speaker, the said road was proposed to be continuous from Kangundo Road to 60 meters into Eastern By-pass. The proposed road had been earmarked to pass through six farms, namely; Buruburu Farm, Gatua Farm, Mathare Traders Farm, Kibigo Farm and Njiru-Githunguri Farm.

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

- i. Whether the sub division of the subject farms begun and who approved the sub division plans.
- ii. Whether the continuity of the road exists and if the road was effected.
- iii. If the proposed road has buildings and which accounting officer will incur the cost of demolishing the said buildings if the road has been interfered with.

Hon. Member for Imara Daima Ward (Mr. Jairus Atenya): Thank you, Mr. Speaker; I beg to be given two weeks.

(Laughter)

Hon. Speaker: That means the first week after recess, on Thursday.

STATEMENT ON STRUCTURES ON THE SIDE OF THE ROAD LINKING EASTERN BY-PASS WITH KANGUNDO ROAD

Hon. Ronald Milare: Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of Sectoral Committee on Planning and Housing regarding structures on the side of the road linking Eastern By-pass with Kangundo Road in Mihango Ward.

Hon. Speaker, the said road passes through Kayole Matopeni Ward, Shamverjee Quarry, Orbit High School and DoD Land in Embakasi. There is lot of ongoing constructions along this road

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

- i. Whether the said road is permanent or temporary
- ii. Whether there are plans to demolish the structures along the road if the road is permanent
- iii. If there are any plans for a road passing through the DoD to Mihango from Kayole

Hon. Jairus Atenya: Thank you, Mr. Speaker sir; two weeks--- (*Laughter*) ---after recess because the Committees will continue, that is why I am saying two weeks.

Hon. Speaker: What the Chairman is saying, after recess, on Thursday, you bring the report.

Hon. Jairus Atenya: Hon. Milare, again? You have not finished your Statements? You finished the one for DoD? Hon. Manoah Mboku.

STATEMENT ON THE POSITION OF DIRECTOR OF PUBLIC HEALTH, NAIROBI CITY COUNTY

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of Sectoral Committee on Labour and Social Welfare regarding the position of Director of Public Health, Nairobi City County.

Hon. Speaker, aforementioned post fell vacant after the former Director of Public Health resigned and it has not been filled to date. Mr. Speaker, as you know Public Health sector is a vital one since it deals with the prevention of diseases like cholera, distribution of condoms, eradication of bedbugs and general sanitation in the County.

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

- i. When the position of Director of Public Health will be filled

Thank you.

Hon. Speaker: The Chairperson, Labour and Social Welfare. Order, Hon. Chairman, please, be properly dressed. Can you remove your sunglasses, please!

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Thank you, Mr. Speaker. As you well know we are going for recess, two weeks after recess, we will respond.

Hon. Speaker: Hon. Chege, that is total disrespect to the Assembly by coming to the Assembly when you are not properly dressed. It is wrong. Okay, Hon. Chairperson, Labour.

Hon. Wilson Ochola: Mr. Speaker, on the Statements or Manoah Mboku's Statement?

Hon. Speaker: Manoah Mboku, MCA, Nairobi South asked for a Statement.

Hon. Wilson Ochola: I had said that the first week after recess, we will respond.

Hon. Speaker: Very well.

Hon. Wilson Ochola: Thank you.

Hon. Speaker: Hon. Ogeto.

STATEMENT ON THE DETERIORATION OF ROADS IN KILIMANI WARD

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of Sectoral Committee on Planning and Housing regarding the deterioration of roads along plot LR No. 209/374/1 in Kilimani.

Hon. Speaker, there have been several construction activities undertaken on the said plot and this has led to destruction of roads due to overloaded trucks carrying construction materials from the site, for example, Jabavu Road

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

- i. Measures the County Executive is taking to prevent the roads from degrading and repair the damaged roads.
- ii. Table the approval plan for the said piece of land

It has gone against our culture, especially our African culture where the plans are being approved up to twenty. I want also to know why the same Executive has also married the Chinese Government in this because they only do these to Chinese and not Africans. Thank you.

Hon. Speaker: That one is for the Chairperson for Planning.

Hon. Jairus Atenya: Thank you, Mr. Speaker sir. Since I have the bulk of the work to do, I beg to be given three weeks.

Hon. Speaker: Order! What did you say?

Hon. Jairus Atenya: I have said, since I have a lot of work to do, I beg to be given three weeks after recess.

Hon. Speaker: Order! Hon. Ogeto, what are you saying?

Hon. Moses Ogeto: Mr. Speaker sir, if he is saying that he wants to report to this Assembly after three weeks, by then the roads would have been depleted completely. I would wish to direct the Chairperson to report immediately after recess. That road is in a mess and that is where you pass, Mr. Speaker. There are a lot of potholes because of ongoing construction. That road is in a mess, we want to get clear guidelines because there is no way a road can be made today then tomorrow, a developer is destroying that road.

Hon. Speaker: He has two weeks to report back to the Assembly. Yes, Hon. Leader of Majority.

Hon. Leader of majority (Mr. Elias Otieno): Mr. Speaker, I think Chairman of Planning should be serious because we are going for recess today and the remaining days, he is going to Chair the Committee meeting. What is he going to do? Let him just go and do investigation for those days then he reports after the recess. So, he should not need three weeks after the recess.

Hon. Speaker: I agree with you, Hon. Majority and all Members agree that after the recess because you have two weeks to work on it. You are very able Members of the Planning. Now, Hon. Members, as I had earlier--- Order, Members!

Hon. Members, in my Statement earlier on gross misconduct and the findings of the report that was brought before us in regards to the Hon. Ambani. I will read the last part that says that Hon. Ambani is a diligent and valuable member of the County Assembly, and therefore the Chair will let this serve as a warning for him to apologize to this Assembly and desist in future from occasioning such serious breaches of order. Hon. Ambani.

Hon. Member for Lower Savannah Ward (Mr. Alfred Ambani): Thank you, Mr. Speaker. I stand before you. I did that because I was feeling like my family was going to die because of not being fed and I would lack rent. I apologize and whoever did that, may God bless him.

Hon. Speaker: Thank you. Next Order! Hon. Milare, there is a Statement that you have not done. Order, Hon. Members! The following Members will give responses--- What is it, Hon. Manoah Mboku?

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): You had directed on Tuesday that we respond on Hon. Kagiri's Statement regarding City Hall Annex. I have a response.

Hon. Speaker: Hold on. Where is Hon. Shadrack Juma with a Statement from the Chairperson of Agriculture, Environment and Natural Resources regarding the state of Dandora Dumpsite in Nairobi?

Hon. Member for Upper Savannah Ward (Mr. Benson Amutavi): Good afternoon Members? Mr. Speaker sir---

(Loud consultations)

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

Hon. Benson Amutavi: Members give me ample time; I have a lot of work to do here today.

Hon. Speaker: Order!

Hon. Benson Amutavi: *Wacha zako.*

Hon. Speaker: What is that?

Hon. Benson Amutavi: Mr. Warutere is confused, Mr. Speaker sir.

(Loud consultations)

Hon. Speaker: Order!

RESPONSE TO A STATEMENT REGARDING THE STATE OF DANDORA DUMPSITE

Hon. Benson Amutavi: Let me start with the response for the Hon. Shadrack Juma from Baba Dogo Ward.

Hon. Speaker: Order, Hon. Ochola George!

Hon. Benson Amutavi: Hon. Speaker sir, on Thursday 11th June, 2015, Hon. Shadrack Juma rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested my Committee for a Statement regarding the state of Dandora Dumpsite in Nairobi. He asked two questions which I want to respond to. The Committee wrote to the Chief Officer and a copy to the County Executive---

Hon. Speaker: Order, Hon. Chairperson please!

(Laughter)

(Hon. Speaker leaves Chair)

(Hon. Deputy Speaker takes on as chair)

Hon. Deputy Speaker: The Chairperson for Environment, you may proceed.

Hon. Benson Amutavi: Thank you, Mr. Second Speaker.

Hon. Deputy Speaker: Order please!

Hon. Benson Amutavi: Thank you, Mr. Speaker sir.

(Laughter)

Hon. Deputy Speaker: Order! Can you withdraw that reckless Statement?

Hon. Benson Amutavi: I withdraw the Second Speaker, sir. Mr. Speaker sir, the Committee wrote to the Chief Executive Officer and the County Executive Committee Member for Water, Energy, Forestry, Environment and Natural Resources on the 15th June, 2015 requesting to be furnished with a written response to the Statement by Hon. Shadrack Juma. The Chief Officer responded through a Ref. letter CO (E&F 1/33/140) dated 19th June, 2015.

In this regard, Mr. Speaker sir, I wish to report to the Assembly that;

a. Plans put in place to ensure proper management of solid waste

Mr. Speaker sir, the Committee was informed that the following plans have been put in place by the County Government to ensure proper solid waste management;

1. **Waste collection:** To ensure waste collection, the County has been subdivided into 9 waste management zones and the integrated solid waste management programme. The decision to establish the zone was driven by the need to bring in accountability in waste collection. In

the previous system, several private companies, youths as well as the community based organizations engaged in activities of collecting waste at a fee. It was expected that they would transport the waste to the final disposal site. However, majority of them chose to dispose the waste they collect from homes and business premises in rivers, open grounds and even on road borders. The situation damaged the image of the County and also poses health hazards to residents to this end.

2. **Waste disposal:** to ensure proper disposal of solid waste. The County Government has taken the following initiatives. They have hired heavy plant equipment used to compact incoming solid wastes, clear space for more waste and helping clearing access roads within Dandora Dumpsite. The County Government has been purchasing hardcore for placement of access roads within the dumpsite to ensure garbage trucks don't get stuck in slug while finding their way into designated disposal cells. A contractor is currently at Dandora Dumpsite erecting a masonry wall around the dumpsite and constructing two guard houses at the two gates to the dumpsite. This will help in securing the dumpsite and ensure that waste is dumped at the designated areas.

Mr. Speaker sir, the Chief Officer informed the Committee that in February 2015 a high powered delegation headed by His Excellency the Governor visited the City of Fukuoka in Japan to get a fast hand experience in semi-aerobic final disposal system that could be implemented in Nairobi. In this regard, the County Government received a consent letter from Kenya Civil Aviation outlining the plans they would require from the County Government before the implementation of the proposed disposal system in Ruai.

The County Government has also written to the National Environment and Management Authority (NEMA) seeking an Environmental Impact Assessment license to contract the facility. The Department of Environment and Forestry has since written to the lands docket of the County Government regarding the matter and is still awaiting response on the same. Once the dumpsite is relocated, the land currently hosting the dumpsite will be rehabilitated to this and the Committee shall closely follow up on the issue to ensure implementation. Mr. Speaker sir, I beg to lay this response. Thank you.

Mr. Speaker sir, I still have more responses. I have another response for Hon. Kamweru.

Hon. Deputy Speaker: Give the Member time to respond and comment. Hon. Shadrack.

Hon. Shadrack Juma: Thank you Mr. Speaker. I hereby thank the Chair and the Environment Committee for the good work and I would urge them to ensure that they keep those who are in the Environment Department on toes because the City is very dirty and there are many obstacles that they have reported. Mr. Speaker, I am okay with the report but I urge them to do something as we have seen the issue of beautification being taken into a lot of consideration. Thank you, Mr. Speaker.

Hon. Benson Amutavi: Thank you *Mheshimiwa*. I like people who understand quickly. Mr. Speaker sir, I have other responses for Hon. Leah Mumo and I think she is absent. After she reads, I think we can sort it outside the Assembly. I don't have an issue with her. My last response will go to Hon. Kamweru Rachel, my learned fellow.

On Thursday, 12th June, 2014, the Hon. Rachel, MCA, rose on the floor of the Assembly, pursuant to Standing Order 41 and requested the Chairperson of Sectoral Committee of Agriculture, Environment and Natural Resources for a statement regarding the proposed power plant to be built in Dandora Ward. She further asked the Chairperson to enquire into and report on the technology proposed, measures being taken, the anticipated monthly profit, the criteria to be used to employ the employees, the grants included in the project, and how much will be used to build the power plant.

Mr. Speaker sir, the Committee wrote to the County Secretary with a copy to the County Executive Committee Member for Water, Energy, Environment and Natural Resources on the 18th June, 2014, requesting to be furnished with a written response to the statement by Hon. Rachel. The County Secretary responded through a letter reference CO1/33/373 dated 23rd June, 2014. The Committee responded on the floor of the Assembly on Wednesday 1st July 2014. However, the Honorable Member contested the facts in the response arguing that an MOU had been signed between the County Government and the German firm.

The Speaker directed that the Committee make further enquiry into the matter and provide a deadline response on the following issues; Ascertain if an MOU was entered between the County Government and the German firm, the terms of the MOU and when the project is expected to commence and how the firm is expected to employ its employees.

The Committee held a meeting with the County Executive Committee Member responsible for Water, Energy, Forestry and Natural Resources and respective Chief Officer on 14th July 2014, and requested to be furnished with a copy of the MOU. The Committee was furnished with a copy of the MOU via a letter Ref: LADLA/K1/422E/14, dated 31st July, 2014. The Committee found the MOU contradicting and self-defeating since a *prima facie* analysis showed that enabling provisions of the MOU had expired and resolved to seek further clarification from the Executive on the validity of the MOU. The Executive delayed in the response to the clarification sought necessitating the Committee to hold a subsequent meeting with the Chief Officer responsible on Wednesday 11th March 2015.

Mr. speaker sir, I wish to report to the Assembly as follows; That whether an MOU was entered between the County Government and the German firm arising from the document tabled before the Committee and oral submission by the Chief Officer, found out that, indeed, there was an MOU entered between the County Government and the firm referred to as Sustainable Energy Management Company. A copy of the MOU is attached to this response. However, provisions of the MOU requiring that a formal agreement be entered so that the project that could commence had collapsed. The salient features and terms of the MOU are as follows:

- 1) The agreement was to last for a period of not less than 25 years.
- 2) The investment was to be inclusively financed by suitable energy Management Company based on reasonable equity and loan commitments as well as insurance coverage by Lloyds London for design and performance for the installation. The plant was designed to convert a daily input of approximately 1,000 tons of all kind of waste and the output to be 70 megawatts per hour of electricity which would be contracted and delivered to bulk traders continuously on a 24/7 basis.

- 3) That besides cleaning the environment, the SEM power plant would create local employment for approximately 250 people directly on site.
- 4) That before the signing of the agreement envisaged in the MOU, SEM will submit a visibility study of the project based on the local Nairobi-Kenyan context that would have indicated the viability and sustainability of the project to the satisfaction of the County Government.
- 5) The County Government would commit itself not to engage in any binding arrangements with any other party for the same purpose of generating energy from waste within six months of signing the MOU.
- 6) Within six weeks after signing the MOU, parties shall ensure that SEM will receive a feed in license and appropriate and a dedication notice of land, minimum 50m² from the City to start financing.
- 7) The parties will have entered into informal agreement and in respect of the project within 90 days from the date of execution of the MOU. The date of executing the MOU was on the 26th November, 2013.

Mr. Speaker sir, the Chief Officer of Environment and Forestry assured the Committee that the Executive has no intention of reviving the MOU. So, to this end, the Committee found that since the enabling provisions of the MOU had lapsed, other clarification sought by the Honorable Member doesn't arise. However, the said Chief Officer indicated that the County Government is engaging other partners such as Japan International Corporation Agency (JICA) to see whether they can assist in recycling waste at Dandora dumpsite using modern technologies. The said engagements are still at initial stages and the Committee shall be following up to any future engagements by the County Government with respect to recycling of waste at Dandora dumpsite to ensure transparency.

Mr. Speaker sir, I beg to lay this response. Let me allow the Honorable Member to put across any question. Are you satisfied?

Hon. Deputy Speaker: Thank you. Hon. Rachel?

Hon. Rachel Kamweru: Mr. Speaker, I am glad that the Chairman has given me a response exactly one year down the line. I brought this 1st of July, today is 2nd July, one year and one day. If that is the efficiency on which we do responses, then it is questionable. But all the same, I am grateful that I have been given a response. If it were not for this question, you can realize that oversight would not have taken place.

Mr. Speaker, if it were not for our oversight, the German company would have still continued with the so called power generation. I am grateful that their MOU lapsed and it lapsed even by the time I was bringing this question but it was being hidden under the table. Mr. Speaker, it took a long time for us to get this MOU to be honest. Members of that Committee can tell you. They were not ready to give the MOU, but I am glad the MOU has been given.

Mr. Speaker, towards the end of my statement, I understand organizations like JICA have been already been communicated to on this issue. Mr. Speaker, my take is that it is a noble idea. It is very good. But let there be transparency and the proper procurement procedures of other companies coming in future.

Because from the reply, I understand that they have they are sort of looking for JICA. Can it also be transparent to other players? And I thank you for this oversight has played properly. Thank you.

Hon. Deputy Speaker: Thank you very much Chairman?

Hon. Benson Amutavi: Thank you *Mheshimiwa*, my learned fellow. I urge other members to be active like Kamweru and try and oversight *tujue vitu vinaenda aje kwa hii* County.

Hon. Deputy Speaker: Chairman, you are on your feet again. That is on?

Hon. Benson Amutavi: I want to give the status of other three responses which will take me not more than 5 minutes to go through. There is a status of response to statements about beautification of Nairobi City which were asked by Hon. Hashim Kamau.

The Committee has just received a response from the Executive through the Office of the Clerk this afternoon via a letter Ref: CO7/2/149SNMWK, dated 1st July, 2015. The Committee has not formally deliberated on it although I have shared a copy of the same with Hon. Hashim through my PA. However, a *prima facie* analysis of the response revealed that some of the critical information requested has not been responded to especially on tendering and budgeting.

Mr. Speaker sir, for the benefit of the Assembly, the Chief Officer, Environment and Forestry is stating as follows;

- 1) That the beautification of the City is a duty of the County Executive although it has been heightened ahead of the visit of the US President, Barak Obama.
- 2) That tenders were issued to 7 contractors who are working on landscaping works along Uhuru Highway, Mombasa Road transport corridors and from Museum Hill interchange to Popo Road junction. However, the Chief Officer doesn't give clear details on the tendering process.
- 3) That there was a budgetary allocation for the beautification in the financial year 2014/15. However the Chief Officer doesn't state the amount that was allocated and how much has been spent so far.

Mr. Speaker sir, the Committee shall be having an urgent meeting on Monday at 11.00 a.m. to deliberate on the matter and revert to the Executive for further clarification. Any information received will be shared by Hon. Hashim. The Committee further undertakes the response on the floor on the first Thursday after recess. Thank you Mr. Speaker, sir. Mr. Kamau, please, I will answer you, do not worry.

The other response is on illegal sand harvesting in South C. Hon. Kapeen? She is not in the House-

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Hon. Member: *(Inaudible)*

Hon. Benson Amutavi: He will respond.

Hon. Karen Githaiga: Point of Order, Mr. Speaker.

Hon. Let me just finish please *Mweshimiwa*---

Hon. Deputy Speaker: Not granted.

Hon. Benson Amutavi: I beg.

Purchase of Working Tools by the Environment Sector- Hon. Chege

Hon. Benson Amutavi: Hon. Speaker sir, the Committee received the first response from the Chief Officer Environment & Forestry dated 10th June, 2015. The Committee shared the response with Hon. Ngaruiya, however the response was not satisfactory since it was not elaborating the following key issues;

1. What was the quotation price of the successful bidder?
2. Who received the delivered working tools and were the said tools certified to be of the required standard? Provide supporting documents.
3. What is the fate of the working tools already distributed to Members of the County Assembly since it was mentioned in the response that substandard goods will not be paid for.
4. When is the supplier scheduled for payment?

In this regard the Committee sought clarification on the issue from the Director, Supply Chain on 16th June, 2015 giving him 7 days to respond on the matter. Mr. Speaker sir, the 7 days expired without the Committee receiving any response from the said Director. As such, the Committee wrote a final reminder yesterday to the Executive for them to respond by Tuesday next week failure to which the Committee shall explore other means within the law in order to get the required information. Thank you, Mr. Speaker, May God bless you.

Hon. Deputy Speaker: Thank you very much. Hashim proceed.

Hon. Chief Whip Minority: Thank you Mr. Speaker sir and my learned friend *Mweshimiwa* Mutavi. Mr. Speaker, unfortunately the Chairperson is aware of the procedure, we are guided by the procedure. He ought to have supplied me with a written response 2 hours before the sitting starts and this did not happen. Mr. Speaker, secondly, he had mentioned that he gave to my PA--- Mr. Speaker, I do not have a PA at City Hall, maybe in California. So, for him to take a response to California to bring it here, I know it will take ages and I know that he does not know where California is.

Two, Mr. Speaker, he has mentioned that the Section has been subdivided into several lots and tendered out to individual contractors. All the contractors are on site. Mr. Speaker, what I asked is if there are 7 contractors who are they and how much were they awarded? That is the question.

Three, Mr. Speaker, the sub-sectors were indeed provided for in the 2014/2015 financial budget as to how much was allocated to that sector and how much is going to be used by these contractors. Four, Mr. Speaker, I did not hear him mention the 500 casual workers that were employed and how much they are going to be paid. Five, there are about 5000 flag posts---

Hon. Deputy Speaker: Hon. Hashim, in that order you feel that the response is insufficient?

Hon. Chief Whip Minority: Yes, indeed, Mr. Speaker.

Hon. Deputy Speaker: Hon. Chairperson, can you do an undertaking of an elaborate response.

Hon. Chief Whip Minority: Mr. Speaker he has mentioned that I am going to get a response the first week after recess.

Hon. Deputy Speaker: Can he confirm that?

Hon. Benson Amutavi: Mr. Speaker, I thank my Learned fellow because he heard it right.

Hon. Deputy Speaker: Hon. Members, due to the constraints of time I wish to suspend all the pending statements under Order 7 so that we move to the next Order. The pending statements shall be read out the first week after we resume from the recess. Thank you, Hon. Members, we will move to Order 10 and then revert again to the Committee sitting that is under Order number 9. Clerk, can you read it out.

MOTION OF ADJOURNMENT

Hon. Leader of Majority: That pursuant to the provision of Standing Order number 25, this Assembly adjourns until Tuesday, July 21st, 2015 in accordance with the calendar of the County Assembly's regular sessions. Mr. Speaker, without wasting time may I call Hon. Hashim Kamau to come and second and Hashim, you must be updated by your PA whether there is anything in the office. Thank you.

Hon. Chief Whip Minority: Thank you, Mr. Speaker, the Assembly Service Board will recruit a PA for me. Mr. Speaker, I second the Motion for adjournment since some of us who love to travel abroad, this would be the time to take that opportunity. Mr. Speaker, we are also in the fasting period and you will give us an opportunity to prepare a celebration which will invite all the Members. In that regard, I second the Motion. Thank you.

(Question proposed)

Hon. Deputy Speaker: Hon. Gari.

Hon. Maurice Gari: Mr. Speaker, we are somehow tired, I think you can call the Mover to reply we go for recess.

Hon. Deputy Speaker: Order, Hon. Member. What do you mean by tired? Please can you expound on what you have just said? That is being irresponsible.

Hon. Maurice Gari: Mr. Speaker, we are tired, we have worked for too long. I think it is time we go on recess, we want to travel back home and we want to see our parents, those whose parents are alive and those who are here and for the Muslims, they go and fast. So, can you call the Mover to reply and then we break.

Hon. Deputy Speaker: Hon. Karen.

Hon. Karen Wanjiku: Thank you, Mr. Speaker sir. I want to support because we do not have an alternative, we are going on recess. However, Mr. Speaker, we have so many things pending and I will give you the example of those statements that have been pending. You have heard *Mweshimiwa* Kamweru saying that her Statement has stayed for more than one year and in fact, I do not know what we are doing here. Mr. Speaker, if a Statement can stay for one year and you are very happy saying that you are going home and others are going abroad.

Mr. Speaker, as a Nairobiian and a leader of this County, I would have liked to know, for example our environment in Nairobi County. It is so dirty that I do not even know how we are going on recess. How will we tell Nairobiians where the 17 trucks went that were bought with a lot of money? Mr. Speaker sir, they are subjecting us to a lot of trouble, but because we do not have another choice because definitely you will not put a question, we will go home, Mr. Speaker.

Hon. Deputy Speaker: Hon. Irungu.

Hon. Kenneth Irungu: Mr. Speaker, I support this Motion for two reasons. Mr. Speaker, one, there is a very big disaster in Nairobi, the taking of illegal liquor. Mr. Speaker, as you are aware, his Excellency the President declared yesterday that we should fight this menace and in Komarock and Embakasi Central Sub Counties where I belong with *Mweshimiwa* Manyala, this is going to be a thing of the past.

Secondly, Mr. Speaker, the Ward Development Fund projects; we are aware that they are actually on the last stages where the contractors are signing contract agreements and if we are given the opportunity, I think in the next two weeks we will be able to roll out the projects and when we come here we will not be

holding papers. We have held papers in our bags for so long until people are calling us, *Wabunge wa karatasi*, but if we are able to roll projects at least we will have something to talk about. Mr. Speaker, I support.

Hon. Deputy Speaker: May the Mover reply.

Hon. Leader Majority: Mr. Speaker, let me take this opportunity to congratulate the President of this Republic of Kenya for being the best in Africa. *(Applause)* May I also take this opportunity to thank Members for accepting to go home because even today you can see these are just empty chairs, it is like everybody is tired. However, I do not think we are adjourning because there are people who want to go abroad as alleged by the Minority Chief Whip. I think it is in our calendar, it is a routine and the National Assembly is going to do the same and all the other Counties are doing the same.

Mr. Speaker, with those few remarks, may I also give Muslim brothers as they are going to wait for Mohammed to be born. *(Loud consultations)* Maybe I do not know the *utaratibu* ---okay, the Muslims are going to eat. You know, they are just cheating us that they are not eating.

(Laughter)

Hon. Deputy Speaker: Order!

Hon. Leader Majority: Mr. Speaker, I was with Hashim Kamau at the breakfast at Kahawa House and he took tea and a pancake so I do not know how these people are controlling their---

Hon. Deputy Speaker: That's an individual attitude, Hon. Member.

Hon. Leader Majority: Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you very much. Clerk!

COMMITTEE OF THE WHOLE ASSEMBLY

Hon. Chair Mr. Maurice Akuk: Hon. Members, we are now in the Committee of the Whole Assembly and we are considering the Nairobi City County petition to County Assembly procedure Bill, Assembly Bill number 5 of 2015.

CLAUSE THREE

Hon. Chair Mr. Maurice Akuk: Hon. Members I propose that clause three as amended be part of the Bill. Hon. Members I propose the question that clause three sub-clause A be part of the Bill. The mover please.

Hon. Member for Parklands/H/Ridge Ward (Mr. Jaffer Kassam): Thank you Chair, I wish to propose an amendment as per the Order paper that the sub-clause 3 A of the Bill be amended by adding the word Brail. Hon. Chair the word Brail will enable people with disability of eyesight to be able to read that particular petition, thank you Mr. Chair.

Hon. Chair Mr. Maurice Akuk: I propose the question that clause three sub-clause A be amended as proposed. I now put the question, Members!

Hon Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you Mr. Speaker I support the amendment because we want to be conscious about the rights and the welfare of persons living with disability.

Hon. Chair Mr. Maurice Akuk: I now put the question that Clause 3 sub-clause A be amended as proposed.

(Question put and agreed to)

Hon. Chair Mr. Maurice Akuk: Hon. Jaffer!

Hon. Jaffer Kassim: Hon. Chair I also propose the following amendments; that B that sub-clause 3 E of the Bill be amended, deletion of the whole definition and substituting therefore the following marginal note to be read "be properly bound if it contains more than one sheet". C, that sub-clause 3 K of the Bill be amended by the deletion of the word "not" at the beginning of the clause so that as to start and have the letter affidavits. D, that the sub-clause 3 N of the Bill be amended by deleting the words "not only cover" and substituting therefore the following Marginal "not shall seek prayers only in respect of". Thank you Chair.

Hon. Chairman, (Mr. Maurice Akuk): I propose the Question that clause 3 sub clause E be amended as proposed. Members!

Hon. Pius Otieno: Thank you Mr. Speaker, I support the amendment simply because by doing the said amendment, it will ensure that the petitions are put in Order, they are collated and there would be no chances probably losing even a single leaf of paper. Thank you.

Hon. Chairman: Thank you, I now put the question that,

(Question put and agreed to).

Hon. Jaffer Kassam: Thank you Chairman, clause 4. That the sub clause 4(3) of the Bill be amended by deleting the words seven by replacing it with the word seventeen.

Hon. Chairman: Hon. Chairman we are still on clause 3, we have not finished clause 3, sorry.

Hon. Jaffer Kassam: Thank you *Bwana* Chair, sorry for that. I propose that the sub clause 3K of the Bill be amended by the deletion of the word not at the beginning of the clause so as “to start” have the letters affidavits.

Hon. Chairman: I propose the Question that clause 3 sub clause K be amended as proposed. Members!

(A Member acknowledges)

(Question put and agreed to).

Hon. Jaffer Kassam: Hon. Chair I propose that sub clause 3N of the Bill be amended by deleting the words “Only cover” and substituting therefore the following marginal note “Shall seek prayers only in respect of” thank you.

Hon. Chairman: I propose the Question that clause 3 sub clause N be amended as proposed. Members.

Hon. Pius Otieno: I support.

(Question put and agreed to).

Hon. Chairman: I now put the Question that clause 3 sub clause N as amended be part of the Bill.

(Question put and agreed to)

Hon. Chairman: I propose the Question that clause 3 as amended be part of the Bill.

(Question put and agreed to)

CLAUSE 4

Hon. Chairman: I propose the Question that clause 4 sub clause 3 be part of the Bill. The Mover.

Hon. Jaffer Kassam: Hon. Chair I propose that the sub clause 4(3) of the Bill be amended as per the Order Paper deleting the word seven and replacing it with the word fourteen.

Hon. Chairman: I propose the Question that clause 4 sub clause 3 be amended as proposed. Members.

Hon. Karen Wanjiku (Nominated Member): I support.

Hon. Chairman: I now put the question that clause 4 be amended as proposed.

(Question put and agreed to)

Hon. Chairman: I now put that clause 4 sub clause 3 as amended be part of the Bill.

(Question put and agreed to)

CLAUSE 5

(Question that clause 5(1) be part of the Bill proposed)

Hon. Jaffer Kassam: Thank you Chair, I proposed that the sub clause 5(1) of the Bill should be amended by adding the following marginal notes after the words County Assembly and the Clerk of the County Assembly "in writing notify the petitioner that the petition is in order and has been forwarded to the Speaker"

(Question of the amendment proposed)

Hon. Pius Otieno: I support Mr. Speaker as it is the best practice of ensuring that the petitioner also receives communication on whatever has transpired from this House. I support

(Clause 5(1) as amended agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

(Question, that clause 5 as amended be part of the Bill, proposed)

(Question that clause 6 be part of the Bill)

Hon. Jacqueline Nyangala (Nominated Member): Mr. Chairman I support

(Question that clause 5 as amended be part of the Bill, put and agreed to)

CLAUSE 6

(Question that clause 6 be part of the Bill put and agreed to)

THE SCHEDULE

Hon. Member for Hospital Ward (Mr. George Ochola): Chairman I know I have been overruled by time but this is a House of rules and what we have by us is clause 5 then we go to schedule but I'm not seeing clause 6 so kindly may we know what 6 reads

Hon. Chairman: I stand guided that clause 6 did not have any amendments but it is part of the Bill if you have the copy--- are you satisfied Hon. Member?

Hon. George Ochola: I am Chairman

Hon. Chairman: Thank you

(Question that the schedule be part of the Bill proposed)

Hon. Chairman: Do you have an amendment?

Hon. Jaffer Kassam: Yes Mr. Speaker I propose an amendment as per the Order Paper that in schedule "a" that the Bill be amended by adding the letter "T" to the word "herefore" to read "therefore your humble" thank you

(Question of the amendment proposed)

Hon. Karen Wanjiku: I support

(Schedule as amended agreed to)

(Question, that schedule as amended be part of the Bill, put and agreed to)

CLAUSE 2

(Question that clause 2 be part of the Bill proposed)

Hon. Tabitha Akinyi (Nominated Member): Mr. Speaker I support

(Question that clause 2 be part of the Bill put and agreed to)

TITLE

(Question that title be part of the Bill proposed)

Hon. Jaffer Kassam: Hon. Chair I propose that the long title as per the Order Paper be amended adding the words “and section 88 of the County Government Act” appearing immediately after the words “petition a County Assembly” thank you

(Question of the amendment proposed)

Hon. Pius Otieno: I support Mr. Speaker because that section also calls for County Assembly to prescribe a procedure and there is no need of proscribing two procedures within a County Government because the Assembly is a County Government and the Executive by extension is also a County Government so this one petition shall serve that one purpose, thank you Mr. Speaker

(Title as amended and agreed to)

(Question, that title as amended be part of the Bill, put and agreed to)

CLAUSE 1

(Question that clause 1 be part of the Bill put and agreed to)

Hon. Chairman: The mover.

Hon. Jaffer Kassam: Thank you Mr. Chairman...

Hon. Chairman: The mover of the Motion is Hon. K’Otieno I believe. You were just proposing the amendments I believe.

Hon. Pius Otieno: Thank you Mr. Speaker---

(Hon. Chairman consults with the Clerk)

Hon. Chairman: Hon. Jaffer, please approach the bench

Hon. Jaffer Kassam: Thank you Hon. Chair. Mr. Speaker sir I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County petition to County Assembly Procedure Bill 2015, Assembly Bill 4 of 2015 and its approval thereof with amendments, thank you Mr. *Bwana* Chairman,.

Hon. Chairman: I will put the question which is that,

(Question put and agreed to)

(The House resumed)

[Hon. Deputy Speaker in the Chair]

Hon. Maurice Akuk: I will put the question which is that; the Committee does report to the Assembly its considerations; the Nairobi City County Petition to the County Assembly Procedure Bill 2015, Assembly Bill No. 4 of 2015 and its approval thereof with amendments. Thank you *Bwana* Chairman.

(Question put and agreed to)

(The Deputy Speaker returns to the Chair)

Hon. Deputy Speaker: Thank you. You may be seated.

Hon. Maurice Akuk: Hon. Mr. Speaker sir, I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Petition to the County Assembly Procedure Bill 2015, Assembly Bill No. 4 of 2015 and approved the same with amendments.

Hon. Deputy Speaker: Excuse me, the mover of the Bill?

Hon. Pius Otieno: I want to extend my appreciation and gratitude to the Committee of Justice and Legal Affairs, to the Chairman and to the entire membership that did set aside their time and generally to the House because this exercise that we were doing was not our own exercise it has been prescribed in the County Government Act Section 16 and Section 88.

If you go to the Constitution of Kenya, it also gives the rights to its citizens to petition the County Assembly, the National Assembly and the Senate. So this exercise was just to give a minimum standard and prescribe a procedure as to how Members can as well petition this Assembly. Thank you to the House and I also thank those Members who sat us through this process to ensure that we come to an end. Thank you Chairman.

Hon. Deputy Speaker: Order, briefly. Hon. K'Otieno, can you come?

Hon. Pius Otieno: Even as I still come back Hon. Members, I wish again to reiterate that probably we shall be the first Assembly prescribing this procedure and Mr. Speaker; I beg to move that; the Assembly do agree with the Committee in the said report. Thank you.

Hon. Deputy Speaker: Thank you Hon. Members.

(Question put and agreed to)

Hon. Deputy Speaker: Next Order.

Hon. Pius Otieno: Hon. Speaker I beg to move that the Nairobi City County Petition to the County Assembly Procedure Bill 2015, Assembly No. 4 of 2015, be now read a third time.

(Hon. Deputy Speaker consults the Clerk)

THE 3rd READING

Hon. Deputy Speaker Thank you Hon. Members.

(Question proposed)

Hon. Jaffer Kassam: Thank you Mr. Speaker sir. I wish at this point to congratulate ourselves as Hon. K'Otieno said because we will be the first County Assembly passing the Bill on petition procedures which has been missing and causing a lot of anxiety with our constituents. Like today I was in an informal settlement; Deep Sea where they wish to petition against a road which is being constructed and passing through the informal settlement.

So this will go a long way in putting us on track and having the views of our electorates being heard in a proper and procedural way and so many other issues which come in our day to day workings. So with this, Hon. Speaker I wish to support and I hope it will go a long way in assisting us in running our day to day affairs. Thank you Mr. Speaker sir.

Hon. Deputy Speaker Thank you.

(Question put and agreed to)

A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO GIVE EFFECT TO ARTICLE 37 OF THE CONSTITUTION AND SECTION 15 OF THE COUNTY GOVERNMENT ACT ON THE RIGHT

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**TO PETITION A COUNTY ASSEMBLY TO MAKE PROVISION FOR THE PROCEDURE OF
EXERCISING THAT RIGHT, TO ENHANCE PUBLIC PARTICIPATION IN THE COUNTY ASSEMBLY
MATTERS, AND FOR CONNECTED PURPOSES;
3RD READING.**

MOTION

Hon. Deputy Speaker: Granted:

Hon. Karen Wanjiku: Point of Order 32 Mr. Speaker we have no quorum. I think we can continue when we come back from recess.

Hon. Deputy Speaker: Thank you Hon. Karen. It is noted. Clerk, can you confirm? The Serjeant-At-Arms, eight minutes.

(The quorum bell rings)

Hon. Deputy Speaker: Thank you. Hon. Members we were not able to raise the quorum. Hon. K'Otieno, please take your seat. Hon. Members under Standing Order No. 25, this Assembly stands adjourned to July 21st 2015, in accordance with the Calendar of the County Assembly regular Session. Thank you.

(House rose at 4.40 p.m.)