



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Tuesday 15th November, 2016

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Alex Ole Magelo) in the Chair)

PRAYER

Hon. Speaker: Honorable Members who are coming in now, you can come in and take your biometrics as you move out. Order Hon. Members! Be orderly. Can we begin business?

COMMUNICATION FROM THE CHAIR

ON CONCLUSION OF PENDING STATEMENTS

Honorable Members, welcome back from the short recess. It is my sincere hope that you had a wonderful and fruitful break.

Honorable Members, as we commence the last Part of the Fourth Session, the Chair wishes to remind Hon. Members and Chairpersons of pending statements and the need to expedite their conclusion as we near the end of the Fourth Session.

Indeed the Chair has before issued several Communications regarding pending Statements not concluded and directed that Chairpersons conclude with the same expeditiously.

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Hon. Members, it is unfortunate that the Assembly still has pending statements from the Second Session of the Assembly. The Chair has often implored Chairpersons of Committees to double their efforts to ensure statements are responded to satisfactorily and in a timely fashion. We need further improvements in this regard.

Hon. Members, the Chair has record of all pending Statements from the Third and Fourth Sessions as well, and wishes to guide as follows.

All pending Statements from the Second, Third and Fourth Sessions are to be completed by Thursday 24th November, 2016. Chairpersons are therefore directed to invite CECs or Chief Officers to respond to all pending Statements by Thursday 24th November, 2016.

Accordingly, Hon. Members with pending Statements are advised to attend Committee Sittings where CECs and Chief Officers or other officers of the County Executive will have been invited to respond to their specific requests for statements for purposes of thrashing out all emerging issues around a request for statement and to obtain satisfactory answers.

Hon. Members, after Thursday 24th November, 2016, the Chair will not entertain requests for additional information on statements where the concerned Member did not attend the specific Committee meeting in which officers of the Executive were invited to respond to his or her statement in order to obtain as much information as possible from the concerned CECs, Chief Officer or Departments of the Executive.

Hon. Members, Chairpersons and Members with pending requests are advised to strictly observe this directive, so that we have no pending statements when the Assembly officially adjourns for the long recess as per its Calendar.

The Chair commits to follow up on the forgoing and will report again in a weeks' time.

It is so directed. I thank you.

PAPERS

Papers laid? The Hon. Leader of Majority? We suspend that, waiting for the Leader of Majority. We can proceed on other Assembly matters.

STATEMENTS

The Hon. Ngaruiya Chege?

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Thank you Mr. Speaker for giving me the opportunity. I request for a statement.

Hon. Speaker, Pursuant to Standing Order 41(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the status of the roads in the County.

Hon. Speaker, there was a plan for the County Executive to have graders for the construction and maintenance of roads in the Wards. Unfortunately some roads in the County are not well maintained and it is allegedly due to non-functional graders. The County is incurring huge expenses while hiring graders to maintain the County roads instead of repairing its stalled graders.

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

- i. The number of functioning graders in the County;
- ii. Reasons as to why two graders were repossessed by Acheli's Kenya LTD;
- iii. State the amount of money paid in hiring the private graders to grade County roads and the amount of money required to repair the stalled graders at the highways; and
- iv. Measures taken by the County Executive to ensure that all the County roads are motorable and passable;
- v. Action taken by the County Executive to ensure that Highways, Electrical and Engineering department competes for tenders on road construction and public works at the County with other commercial contractors.

Thank you.

Hon. Speaker: Thank you Hon. Ngaruiya. The Chairperson for Transport and Public Works, Hon. Oduru.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Hon. Speaker sir. I will give a comprehensive report on the same in two weeks.

Hon. Speaker: Very well Hon. Oduru. Can we proceed with the earlier order? Papers laid? The Hon. Leader of Majority.

Hon. Leader of Majority: Thank you Mr. Speaker. I am sorry for coming late. Nyangwara, you already crossed the floor again? I think you are not supposed to be in this House because according to the party, you are already expelled.

Mr. Speaker, pursuant to article 229 (7) of the Constitution, 2010, I beg to lay the following paper on the Table of the Assembly today, Tuesday, 15th November 16, 2016; Report of the Auditor General on the financial operations of Nairobi City County Assembly for the period 1st July 2014 to 30th June 2015. I beg to lay.

There is another paper. Pursuant to article 229 (7) of the Constitution, 2010, I beg to lay the following paper on the Table of the Assembly today, Tuesday, 15th November 16, 2016; Report of the Auditor General on the Financial Statement of the County Government of Nairobi City for the year ended 30th June 2015. I beg to lay.

Hon. Speaker: Thank you very much Hon. Leader of Majority.

THE NAIROBI CITY COUNTY PUBLIC NUISANCE BILL, 2016 (ASSEMBLY BILL NO. 7 OF 2016)
(SECOND READING)

Hon. Nyangwara, this is your Bill. You are using somebody else's card? Order!

Hon. Leader of Majority: Mr. Speaker, it is because he is not one of us.

Hon. Speaker: Order! Please.

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Thank you Mr. Speaker. I beg for your indulgence to differ this particular Motion to tomorrow because there are some researches I am yet to complete.

Hon. Speaker: I will give you the benefit of doubt and an opportunity. This appears in tomorrow's Order Paper.

MOTION

Establishment of Nairobi City County Solid Waste Management Authority

The Hon. Pius Otieno.

Hon. Member for Sarangombe Ward (Mr. Pius Otieno): Thank you Mr. Speaker.

THAT, aware that solid waste management which is a function of County Government remains a serious challenge to the Nairobi City County Government and residents; concerned that the implementation of waste management faces numerous challenges ranging from inadequate capacity to handle the challenge, corruption within and beyond the County Government, cartels and lethargic nature of County staff and citizenry faced with apathy and collective irresponsibility for waste management; acknowledging the solid waste is an emerging health threat to both levels of government and underscoring its effect on the

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lives of the people living in Nairobi, the environment and well-being of the City, this Assembly urges the County Government of Nairobi to establish a County Entity or Corporation to be known as Nairobi City County Solid Waste Management Authority with a view to provide leadership and regulate the Sector.

Mr. Speaker, and Hon. Members alike, as you all know, Nairobi was once referred to as the City in the Sun. but currently, probably there is no right adjective found in Nairobi to describe this City in so far as solid waste management is concerned.

Mr. Speaker, you will remember at one time, the founding President of the Republic of Tanzania, the late Julius K. Nyerere, informed his citizens that there was no need of travelling all the way from Tanzania going to Europe to go and marvel at the civilization that was there. He instead challenged his citizens to come to Nairobi and see the civilization by then. I am sure today, if Julius Nyerere resurrect from where he is resting, he will be surprised with the kind of Nairobi that he would see. It is one Nairobi that is littered with filth. It is one Nairobi that there is no serious co-ordination of waste management. It is one Nairobi that everywhere there is noise.

Mr. Speaker, I am aware that this did pass Solid Waste Management Act but it is as a result of the lethargic nature of the stuff, it is because of the laziness that we are seeing and it is the manifestation of people not taking their work seriously to see to it that the law that we passed in this House is actually implemented and we are living to the spirit and to the letter of that law.

Mr. Speaker, I want to believe and this House will also believe that solid waste management is not just a matter of collecting waste from Sarangombe and transporting it to Dandora. That one is not solid waste management. I believe that solid waste management is a bigger term. Solid waste means garbage, sludge, water or sewerage, gaseous material from anywhere. Solid waste management would entail technologies associated with the control of generation handling storage, collection, transfer, transportation, processing and disposal of solid waste. And all these can only be achieved if there is a serious legal framework, if there is serious laws, if there serious regulations and those regulations must be backed up by or must be enforced by a serious institution.

Mr. Speaker, why am I standing here to move this Motion that calls for establishment of Nairobi Solid Waste Management Authority? Why I am vouching for this institution is simply because one, Nairobi City County is overwhelmed by this waste. Every activity has been decentralized and those other institutions cannot breathe yet they still have opportunities and we still have the space and we can ensure that we devolve or we transfer this particular function to a County entity because after all, even County Government Act itself gives us that opportunity to devolve our functions further to that particular level that we think is practicable.

I want to refer you to Public Finance Management Act, section 182 (1) that clearly says that a County corporation maybe established or dissolved only with the prior approval of County Executive Committee which may be given only after taking into any account recommendations of the County Treasury regarding the financial implication of establishing or dissolving the County corporation. It further says the regulation shall prescribe the criteria to be used in establishing or dissolving County Corporation and the regulation shall be tabled in the County Assembly for approval.

Hon. Members, I want you to imagine a Nairobi of the past where water services was still being distributed or managed by the defunct Nairobi City Council. How was the situation by then?

Then come back home, compare that situation with the current situation where water service is being distributed or being undertaken by Nairobi Water and Sewerage Company. I am sure in the past it was very bad unlike today where Mr. Gichuki has slightly improved water services, that is the kind of scenario that I am looking at. Nairobi City has an authority that has been mandated by the law that has originated from these Members. That is the kind of situation that I want in solid waste management.

Mr. Speaker, last time, machines were bought from a company known as Foton. Up to date, I am sure the Statement that was sought by the Deputy Speaker has never been replied, and if it was replied to, then it must be half-baked information because there is a lot of conflict of interest going on in that department of Environment with Treasury. Any person who works in Environment is even living a better life than Hon. Member of this House because they keep on chasing pending bills, cheques that have not been cashed, and at the end of the day, they make a kill. They would probably go home with millions of shillings at the expense of people living in Nairobi.

Mr. speaker, I am urging this House, if we want to make amends to the issue of solid waste management, let us urge the County Government to form a corporation that will not only look in to the issues of waste. I am looking it at a longer term perspective that at the end of the day, this Assembly will pass a policy on energy. Issues of energy have been devolved to the County Government, assume that this waste would be recycled into energy and this energy would be used to serve the people around Dandora or wherever place we are going to put this recycling plant. Are we not going to create employment for over 1,000 or 5,000 youth who are living in Nairobi and are depending on us on handouts? Are we not going to improve the status of this City? Are we not going to address the issues of climate change? Hon. Members, I see many people in national broadcasters making noise on the way the can actually transform this City but none of them has got that corporate mindset of addressing solid waste management.

Mr. Speaker, this County Government Act is very clear, we are not doing anything outside the blues but we are only trying to look at those practical issues that are applicable. I refer you, Hon. Members, to Section 6 of the County Government Act; it clearly says that, County Government is an entity that is exercising constitutional authority. *"A County Government shall be a body corporate with perpetual succession and shall have all the powers necessary to discharge its functions"* This means, even if today

we pass this law, we shall be urging the Committee on Implementation that is being led by the Majority Leader and the Committee led by Hon. Amutavi that for us to make serious impact, let us bring an amendment to that Act of the County Assembly known as the Nairobi Solid Waste Management Act so that we contemplate for this institution. This institution shall come up with regulation even for those people who keep on littering Nairobi shall be imposed a small fee. If someone knows that you will be charged for littering the City, definitely, this person is not going to litter.

I refer you to another Section; it says, *"To ensure efficiency in the delivery of service and carrying out of a function for which a County Government is responsible, the County Government may establish--"* This is the gist of the matter. The County Government may establish a company, firm or other body for the delivery of a particular service or carrying on of a particular function. This particular Government may contract any person, company, firm or other body. We have different private partners who are interested in the business of solid waste management. These people are not interested in improving our livelihoods neither are they interested in cleaning the City, what they are interested on is making claims that they are not justified and they will push for their invoices until they are paid. It is the corruption eating at the core of this Government. When I was born here in 1977, waste was being collected by the defunct City County itself, they were overwhelmed and contracted private garbage collectors and it is happening to date. Private collectors are not in the business of solid waste management as I said before; they are collecting garbage from one point to the other.

Solid waste management is beyond collecting garbage from Dandora, but it also means putting in mechanisms that can enable us have that sustainable solid waste management. The raw materials from these wastes would even be used to make poles, generate electricity, and make baskets. In my Ward, we say *taka ni pato*. That is the approach that I would wish Hon. Members to take. If we would be in agreement and pass this Motion, I will be visiting two serious Committees; Implementation and Environment so that we share. If it will be possible, Budget and Appropriation should be involved so that this Motion will attract allocation of some money. Whenever they say that the County Government has failed, they are not saying that Kidero has failed because the County Government is the Executive and the Assembly. They are also saying that as MCAs we have failed. Let us seize the bull by its horns and pass a supplementary budget that should be used to establish this institution.

With many remarks, I beg to call upon--- I still have four minutes. Thank you so much, I thought my time was over. I now call upon Hon. Kagiri to second the Motion. Thank you, Kagiri.

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Thank you, Mr. Speaker for this opportunity. I wish to second the Motion by Hon. K'Otieno. I want to refer back to a Bill that we passed in this Assembly for solid waste management. I tend to concur with my colleague that this Bill will better be implemented by an entity owned by the County like Nairobi Water and Sewerage Company. We pay a lot of money to waste collectors. The City is overwhelmed by waste. I support the idea by my fellow Member that we have a separate entity that has a separate management that is going to deal with waste management. This can be an income generating activity.

Mr. Speaker, I would also like to propose that people be charged for the waste. That would be possible if we have a separate body that deals with waste. We have no value for the money that is paid to waste collectors because the City looks unmanageable. The income generated from waste is huge and this has been proved from other countries where recycling is done in a very organized manner. Without repeating much of what my fellow friend has said, I wish to second this Motion.

(Question proposed)

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you, Mr. Speaker sir. I stand to support the Motion. This is a very important Motion. I come from a Ward that is near Dandora Dumpsite and it has negative effects to our people. In most times, there have been issues of *kunguni* within our areas---

Hon. Speaker: Order, Hon. Chairperson! What is *kunguni*?

Hon. Kennedy Oduru: Bedbugs.

Hon. Speaker: Yes, speak English.


Hon. Kennedy Oduru: Bedbugs are being caused by huge dumping site at Dandora. If it can be recycled properly, we will be getting clean water even for drinking, and manure. Bottles can also be recycled to produce glasses. I concur with the Motion and dearly supporting this and if put into place, we will generate income. Thank you.

Hon. Member for Umoja I Ward (Mr. George Maina): Thank you, Mr. Speaker for catching my eye. I beg to support this very nice piece of Motion from very brilliant mind. I would wish to advice my good friend Hon. Pius that maybe you would have brought an amendment to the Solid Waste Management Act that we passed the other day so that we can incorporate the authority.

Mr. Speaker, I would like to seek your indulgence; we have brought a lot of Bills, nice Motions but it is high time we stop bringing in Motions and Bills because they are never implemented. We do a lot of PR here by bringing in nice Motions but they are never implemented. There is nothing much that is happening in this County. We are going to debate much but it will never be implemented just like the rest. Mr. Speaker, it is high time you stop signing these Motions. We think of something else to do. You talk to I.E.B.C we go for an early election. Thank you, Mr. Speaker.

Hon. Speaker: Hon. G. Maina--- Order, Hon. Chairperson Lands! First of all, were not doing nothing, we are doing what brought us to this Assembly. It is our responsibility to give tools of trade to the County Government that is why the residents of Embakasi brought you here. Let it be seen that you have done your bit. Those who don't want to do, they will stand to be counted in August 2017. Furthermore, we will not ask I.E.B.C to go for election. We have just a few months to go but I will encourage you to continue bringing Bills and doing what we are supposed to do. The person who will refuse to implement at one stage, I will ask the Clerk of the Assembly to publish a paid up advert of what the County Assembly of

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Nairobi has done for the people of Nairobi to realize we have done a b c d. So, Hon. Member, you are in order and Hon. Pius Otieno is in order to bring this wonderful Motion on the floor of the Assembly. Thank you.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker for giving me this opportunity to air my voice on this Motion. This is a wonderful Motion and one of the best Motions ever brought to this House. I think the Constitution gives us an opportunity to give the way forward to the Executive on what they are supposed to do. Because the Bill on waste management has passed in this House, today this Motion has been crafted to help that Bill. I rise to support this Motion. As you put it, Mr. Speaker, you are right that the Constitution gives us means and ways of giving the Executive what to do. The best example is Nairobi Water and Sewerage Company which was part and parcel of the defunct Nairobi City Council. Nairobi Water and Sewerage Company is doing better than us ten times. This is the way to go.

There are a lot of cartels in the department of Environment and a bold step is needed in order to make it the department we can count on. I am privileged to be a Member of Implementation Committee which is headed by the Majority Leader. We will do our best to make sure implementation of the Motion, if passed, is done. A lot of money will be collected and many people will be employed. Thank you.

Hon. Osman Adow: Thank you Mr. Speaker, this is a wonderful Motion but I will oppose it. My friend K'Otieno I think has very good ideas but I am not convinced that any new body that is coming will do anything differently than what the Environment Department is currently doing. I don't know what new stuff they will bring because the Environment Department already has all the ideas that he has mentioned. Production of electricity, employment of youth, everything has already been incorporated into the Bill that we passed. A new entity that we will have no control over, just like the Nairobi Sewer and Water Company. Right now we cannot look in their books. We have no control so if another body that is created and is going to be collecting lots of money that we cannot look into their books on how they collect and spend I think it will be a very big loss to the Nairobi County Government. That should not be allowed. The wage bill of the Nairobi County Government currently is close to 60% and legally it should be at 35%. Creating another body that will be eating into the wage bill will totally put us into legal problems that we cannot handle.

As I said the money collected that is currently forming a huge part of the Nairobi County Government budget will have been lost which will go into an entity that we will have no control. That will be a total disaster. Since I don't see anything the cartels and everything that is currently in the Environment Department we'll simply just pack up and move to that new entity that we have no control. On this basis I oppose this Motion even though it is good. He should, or any of us can bring in amendments to the Bill that has already been passed that can improve on the issues raised, thank you.

Hon. Member for Ngara Ward (Mr. Chege Mwaura): Thank you Mr. Speaker. I need not to talk like this because I am in the panel but having spent a considerable amount of money for state-of-the-art we expect better. Anyway, thank you for the opportunity Mr. Speaker. I rise to support this Motion. This is a

Motion that has been very pertinent in my heart because I once brought a Bill on waste management so that we could change that face. I was advised that there was an Act that needs to be amended. I hope my friend Pius is using this Motion as a route to amend the Act then I am fully supporting it because there are a few things that this Government understands and waste management clearly is not part of it. Surely, we shall make it a campaign issue because it is one of the thorns in the flesh of Nairobian. They have totally failed in bringing ideas. I hope the Governor would have put in Hon. Pius in his team to help come up with better strategies of managing waste.

Having said that, the issue of waste management for me has been said by the mover and even the seconder, there is money and the only way to go about it is to privatize. Whether the company that is going to run it is owned by the County or the County manages the issue of the companies going to deal with garbage or we go jointly that can be the only way. In waste management there is the public, the Government and the private sector in between. Everyone everywhere generates some garbage, solid waste or liquid waste somehow. If there was a way to join all these things together then probably we can be headed to the right direction.

Mr. Speaker if you look at the County's employment 50% or so are in the environmental sector. If we removed this burden from the Central Government and put it as a company and transferred that wage bill to that company and force it to be profitable then I think that will be a very good way of making money and removing the strain from the tax payer especially the Nairobi tax payer. Secondly, the cartels that run this garbage business, the County has failed to deal with them in the last four years. We will be taking them on next year in the elections. Having said that, I think this is a Motion that is timely and it is a good thing that we have done our bit. I agree with your direction as having done our bit. We will have done our bit and then hopefully they can redeem themselves within the 7 months and see the sense of having this thing as part of a proposal that can redeem and give them something to talk about when it comes to the elections.

Having said that Mr. Speaker, I fully support this Motion. I also suggest that it goes ahead and forms the basis for having an amendment in the Act and then it is brought here soonest and we are going to pass it again so that it doesn't fall in the category of what Hon. Maina is saying of things that we pass that don't go anywhere. Thank you Mr. Speaker.

Hon. Zulfa Hakim (Nominated Member): Thank you Mr. Speaker. I rise to fully support this Motion. First of all as a Nairobian and as a leader of this County. Solid waste management has been a thorny issue for Nairobi, I think we all know that. Being a Member of the relevant Committee I can state right here that it has been a challenge even at the Committee level to regulate issues of solid waste. Considering that this will provide a smaller unit that will actually incorporate everybody it will reach down as a small unit like my able MCA for Korogocho just said that it will work because we see Nairobi Water and Sewerage Company actually performing. We see them even providing tanks as a corporate social responsibility.

Mr. Speaker, this corporation will consequently offer the same services for Nairobian which I think is way overdue. We need Nairobian to get the services. Nairobi generates around 3 tonnes of waste every

single day. This department is a bit vast. It is dealing with water issues, environment issues, and natural resources. I think with the establishment of this corporation it will actually assist the department to further devolve their services. We saw the Solid Waste Management Bill. It attracted a lot of controversy. This means that there are cartels just like the Member for Ngara has mentioned. With the right regulations I think we'll be able to crack down on the cartels.

I want to congratulate Hon. K'Otieno at this point for finding it in his wisdom to bring this very important Motion. As a human rights person and an advocate for women and children in this County it is time that waste management is dealt with. I think this Motion will provide the best ideologies and it will implement what we normally advocate for in this House. Thank you Mr. Speaker.

Hon. Karen Wanjiku (Nominated Member): Thank you Mr. Speaker. I beg to support this Motion. What I want to say is that the City has become a City in the garbage. It is no longer the beautiful City we knew that everybody wanted to visit and every investor wanted to come to. Actually the issue of environment is under the County in schedule 4 part 2g. It is actually under health not environment. Part 2 of our Constitution, 2g "the functions, the powers of the County refuse removal, refuse dumps and solid waste disposal" therefore the County cannot run away from its responsibility which it has already done. That is why we need a different Government come 2017 because this Government has failed and especially in environment. This one is not debatable Mr. Speaker sir. Everybody can see it. Even abroad, some of those people cannot come to invest because of the garbage and the bad reputation of our City which was beautiful.

Mr. Speaker sir, I want to say that the issue of wage bill will not come in when we establish this new Waste Management Authority. As it is the environment and the garbage collection is paid for but not done. That money will be used by this Authority to make us manage our garbage well. Going to the Constitution, the Bill of Rights speaks about the environment and I will read. Article 42 of our Constitution says that "every person has the right to a clean and healthy environment which includes the right: a. to have the environment protected for the benefit of present and future generations through legislative and other measures particularly those contemplated in article 69" I'll read that "b. to have obligations relating to the environment fulfilled under article 70" Mr. Speaker sir, article 69 reads "obligation respect of the environment. The state shall: a. ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources and ensure the equitable sharing of the accruing benefits." I'll go to f. "the state shall establish systems of environmental impact assessment, environmental audit and monitoring of the environment." g. "eliminate processes and Activities that are likely to endanger the environment and utilize the environment and natural resources for the benefit of the people of Kenya. I'll read " the people of Nairobi, the capital City of Kenya and every person has a duty to cooperate with the state organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources"

Mr. Speaker sir, we have implications. The County Government of Nairobi for example does not follow the law. It does not make sure that Nairobians have a clean environment. The implications in the

Constitution chapter 70, I will read article 70 “enforcement of environmental rights. If a person alleges that a right to a clean and healthy environment recognized and protected under article 42 is being or is likely to be denied, violated, infringed or threatened the person may apply to a court for redress in addition to any other legal remedies that are available in respect to the same matter.” As we continue to read you will see the implications if we are not looking at a right that is environment. It is a right and we are not going to beg for cleanliness. As you can see in schedule 4 part 2 on health, the environment department was put under health. Why? Because this is about life. We are not going to beg for this. We should establish this Waste Management Authority so that it can help us because the County has failed. It can help us to manage. About what the Hon. Member said, that the Motions and the Bills that we’ve passed here are not being implemented it is true but we are not looking at this Government. We’ve lost hope in this Government. What we are looking at is the work we are doing as the County Assembly of Nairobi. If the County Executive fails we have not failed. We have done our work and the Nairobian know it. If this County Government is not going to implement the next County Government will do it. I am very sure. We are not going to lose hope. We will pass this Motion and if possible we are going to amend the Solid Waste Management Act so that they can go hand in hand and we can save some money. I beg to support.


Hon. Speaker: The mover of the Motion to reply.

Hon. Pius Oteino: Thank you Mr. Speaker. I also extend my gratitude to all the Members. One thing I wish to address, Hon. Adow is not here. He said that Hon. Members do not have the opportunity to control this institution that we are creating. The business of Hon. Members is not to get involved either directly or indirectly in management of these entities. If you keenly look at the Public Finance Management Act section 185 and it reads like this: “Annual reporting by the County Treasury on County corporations.” This entity that we are seeking to establish is also a County corporation. It says “Not later than 4 months after the end of each financial year the County Treasury shall prepare and submit to the County Assembly a consolidated report summarizing the extent of County Government involvement on investment in the funding of all County corporations and County Government linked corporations for the financial year. The report in subsection 1 shall include information on the date of incorporation and object of the County corporation, the amount of money, amount of County Government shareholding directly or indirectly in the County corporation and those other staff that have been enumerated up to point 4”

Basically Hon. Members even as I congratulate you for your contribution it is important even for us to appreciate that if you look in the County Government’s Act it clearly says that if you act as if you are a Member of the County Executive you are likely to lose your seat. Even this entity that we are proposing is not a private entity. The law clearly says that there can be shareholders. For this case I know Nairobi County would be the biggest shareholder then those other people who will be interested in solid waste management will buy shares. What is the need of having good roads, those lorries if we cannot have a coherent and a serious approach towards solid waste management?

Hon. Members I urge you in unison. Let us pass this Motion so that come next week we start pushing the CEC for Finance and the County Attorney to bring us regulations that will enable us to have

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this entity so that one or two months down the line we shall also be seeking for a supplementary budget of approximately 1 billion that will see to it that we have this company and heads start rolling.

With those many remarks, thank you Mr. Speaker so much and thank you Hon. Members.

(Question put and agreed to)

Hon. Speaker: Hon. Members there will be a House Business Committee at the rise of the Assembly. Thank you and good afternoon. The House is adjourned until tomorrow 2:30 p.m.

(The house rose at 3:48 p.m.)