



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Thursday 17th March, 2016

The House met at 2.30 p.m.

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

PRAYER

Hon. Deputy Speaker: Hon. Members I am made to understand there is lack of quorum in the House and I therefore direct the Serjeant-At-Arm to ring the bell for 10 minutes under the Standing Order No 31.

(Quorum bell ringing for 10 Minutes)

Order Members! I have been notified that the quorum is enough in the House. Clerk! You may proceed.

STATEMENTS

Hon. Deputy Speaker: Hon. Shadrack Juma!

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): Thank you Mr. Speaker, Pursuant to Standing Order 41 2 (c) I wish to request for a statement from the Chairperson of Sectorial Committee on Planning and Housing regarding the Status of the Land LR. No. 336/64 originally land LR No. 336/12 in Baba Dogo Ward.

Hon. Speaker, the lease of the said parcel of land which was surrounded by the defunct Nairobi City Council to Baba Dogo Community to construct a market, a Social Hall and a Polytechnic was issued in the year 1911 and has since expired.

Hon. Speaker, in the statement the Chairperson should enquire into and report on the status of the ownership of the piece of land and the reason why the said project has not commenced and measures taken by the County Executives to ensure faster implementation of development of the projects identified in various Wards within the County. Thank you, Mr. Speaker.

Hon. Deputy Speaker: The Chairperson for planning!

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you Mr. Speaker, indeed the lease of the plot as expired and in fact we should move with a lot of speed. Therefore, give us Thursday, next week. We bring the response Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Azangu! Order Azangu please, let us hear maybe something from Hon. Shadrack briefly.

Hon. Shadrack Juma: To be sure enough maybe next week is Easter and I don't know when it will be starting. Thank you.

Hon. Deputy Speaker: What is it Hon!

Hon. Member for Kasarani Ward (Mr. Martin Waweru): Mr. Speaker, this is the same Committee which gave us the report of 2014 and gave us the statement this year. How sure are we that we will get this report in time because last time they said they will give the report in two weeks' time and it took them 18 months to deliver the report? How sure are we that we will get the report in two weeks' time?

Hon. Deputy Speaker: Let's give them benefit of doubt since they have committed themselves to give the report in one week's time. Hon. Azangu, you may proceed!

Hon. Member for Landi Mawe Ward (Mr. Herman Azangu): Thank you Mr. Speaker, Pursuant to the Standing Order 41 2 (c) I wish to request for statement from the Chairperson of Sectoral Committee on Labour and Social welfare service regarding the promotion and salary of staff at the City County Engineering Department.

Hon. Speaker, there is a concern that the staffers at the Nairobi City County Engineering Department are having challenges in terms to promotions and salary increments, for example Mr. Aggrey Mbuya Kahawa Man Number 504-70968, Motor vehicle Electrician serving as head in City Engineering Department.

The juniors are getting a higher salary than their seniors and no promotions have been awarded in the recent past.

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

1. Reasons for the delay in processing promotion for the staff;
2. Time lines by the County Executive in settling the salary increment and
3. Measures taken by the County Executive to ensure that there is equity in payment of salaries in the Department

Thank you Mr. Speaker sir.

Hon. Deputy Speaker: The Chairperson for Labour!

Hon. Member for Lower Savanah Ward (Mr. Alfred Ambani): Give us two weeks we will have responded to it.

Hon. Deputy Speaker: Thank you. Hon. Peter Imwato, you had a notice of Motion, we grant you an opportunity to present it.

Hon. Member for Makongeni Ward (Mr. Peter Imwato): Thank you Mr. Speaker, in your wisdom to give me a chance to present this Motion which was verbal given a directive yesterday by the Speaker.

Mr. Speaker aware that the protection of the forest in the riparian reserves is crucial to the preservation of life and the environment; deeply concerned that increasingly the County is witnessing the cutting down of indigenous trees along major roads such as Jogoo, Ngong Road and many other Estates across the City ostensibly to pave way for billboards and other advertisement; noting that if not mitigated the County risks destroying whatever little forest cover remains within the County; this Assembly adjourns pursuant to Standing Order 30 in Order to discuss the preservation of the County's forest cover, especially trees along major roads and estates as a matter of urgent County importance.

I beg to lay Mr. Speaker the said Motion. Can I ask my fellow Members of the Assembly led by the Chief Deputy Minority Leader to support the Motion because it is very crucial? If you go to Ngong Road and Jogoo Road you will see the extent of destruction of the environment.

Hon. Member for Makongeni Ward (Mr. Patrick Ngaruiya): Thank you Speaker, I take this moment to second this Motion because it is a very important Motion, I don't know how we are going to approach it, whether I can debate or you direct the House. Which is the best way forward, so that we can at least start on it? Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Karen!

Hon. Karen: Mr. Speaker sir, indeed it is a very good Motion but we have to follow the Standing Orders No. 30 (3) which says "*If the Speaker is satisfied in terms of paragraph (2) and not less than twenty*

other Members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved” Mr. Speaker sir, you are in support but we have to rise. Thank you.

Hon. Deputy Speaker: I think at least you are putting the cards before the House Hon. Karen because after the mover gets a seconder that is when at least we get 20 Members to rise on their feet, so maybe Hon, Ngaruiya can you conclude on your point of secondment first.

Hon. Patrick Ngaruiya: So thank you for that direction Mr. Speaker, yes indeed we need to debate on this urgent matter and I second this particular Motion. Thank you.

Hon. Deputy Speaker: Clerk can you confirm? Thank you. Order Hon. Members! Under Standing order No. 30 (3) I am satisfied that this is of a matter of urgency and for that reason; I direct that the Motion comes immediately after Motion No. 8 thank you.

Hon. Members under order No. 7 the House expect to receive the following responses this is in regard to statement requested by Hon. Thuo from the Chairperson of Sectorial Committee on Planning and Housing regarding the grabbed Plot LR. No. 9156 in Gigiri, Karura Ward! Are you ready? You may proceed.

Hon. Members you will allow the Hon. Chairperson for planning to proceed because this is now the second time the statement is appearing in the Order Paper. So maybe the good friends of Hon Thuo may convey the same message to him. Proceed!

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Thank you Mr. Speaker sir. On 12th June 2014 Hon. Kamau Thuo, MCA rose on the floor of the Assembly pursuant to standing order number 41(2c) and requested the Chairperson of Planning and Housing Committee for a statement regarding the grabbed plot of LR Number 91/56 in Gigiri Karura Ward. He further asked the Chairperson to inquire into and report on:

1. How the land was transferred to a private developer
2. The officers involved in illegal allocation of public land to private individuals
3. Listed owners of the land after the transfer
4. When the land was registered at the County and the rates paid
5. Whether the County Government is aware of illegal transfer of land, LR Number 91/56
6. Measures being put in place by the County Government to recover this particular public utility and others within Karura Ward that have been illegally transferred

Mr. Speaker sir, the Committee wrote to the County Secretary on 19th June, 2014 and requested to be furnished with a written response to the statement. The County Secretary responded vide a letter ref CECM/LHUP/PTO/00235/2014 dated 1st July, 2104. In this regard Mr. Speaker, I wish to report to the Assembly as follows:

That, report on LR Number 91/56 Gigiri, Karura Ward.

Mr. Speaker sir the Committee was informed that the plot block number 91/56 is a registered private property belonging to Scorpion Properties Limited Company through a certificate of lease issued in the year 2006. The Scorpion Properties Limited has a leasehold of a period of 99 years with effect from 1st July, 1989 as per the certificate of lease.

According to the records of the subject the plot was allocated to Simeon Mwema Mukala in 1990 by the then Nairobi City Commission as un-surveyed plot Number A Gigiri off Limuru road. Simeon Mwema sold the plot to Robert Otachi in May 2000 who later transferred to Scorpion properties limited on 12th April, 2006 as unsurveyed land block 91/56. Second the ground rent evaluation for renting shows that the land is for residential purpose and rates have been paid to date.

Mr. Speaker sir the Committee Was further informed there has been contention that prior to alienation of the subsequent survey and registration of the land it was earmarked for the purpose of establishing of a fire station. This precipitated several exchange of correspondence between the defunct City Council of Nairobi and the then lands office but without change of status of ownership of the plot. The County Government has permitted national land commission to interrogate the said alienation in the context of finding any new information that may assist in final decisions. In the meantime the land is treated as private without any prejudice.

Mr. Speaker sir, the Planning and Housing Committee on 25th June, 2014 visited the area and established as follows: the block 91/56 was at the time under commercial use with temporary structures and a show room on the side. There was an adjacent plot that was allegedly curved out of plot 91/56 and was empty without any activity.

Mr. Speaker sir, the Planning and Housing Committee reviewed the response and resolved that the subject plot is being treated as a private property and therefore the Committee opted to let the National Land Commission look into and accordingly advice the County Government on The way forward.

Mr. Speaker sir, a copy of the response from the County Secretary has been attached herewith for ease of reference. I beg to lay this response, thank you.

Hon. Deputy Speaker: Thank you. Hon. Members, Hon. Thuo is not in the House and I think the report is now the property of the Assembly. You may interrogate the report though I know at least you didn't get the copies in good time but from what the Hon. Member has read if you so happen to have an issue with the report then you are at liberty. Hon. Kitavi.

Hon. Member for Laini Saba Ward (Mr. David Kitavi): Thank you Mr. Speaker. I am rising in regards to--- many times we get communication from the Chair regarding Chairmen not being able to give reports or statements in good time. Right now, you've just told us to interrogate the report at our own time. Yesterday the Chair was to make a communication regarding the ipad issue today. When it came to time for communication I didn't hear anything. So, this issue of reports is becoming quite hectic for Members to read all the reports that are pending. If we had these gadgets they would aid us a lot in interrogating reports

fully. Please can you make a communication as to what the Chair committed yesterday to tell us today? Thank you Mr. Speaker.

Hon. Deputy Speaker: Thank You Hon. Kitavi. In regard to your request, the Chair was not in a good position to respond to your concern. Maybe we'll do this next week on Tuesday, thank you. Hon. Mwalimu Jack.

Hon. Member for Githurai Ward (Mr. Jackson Ngare): Mr. Speaker sir, I rose on Point of Order number 80 yesterday regarding the same. It is as a result of that, that Hon. Kitavi is concerned. You personally have also made the same commitment in the past that iPads will be delivered within two weeks of that time you spoke.

(Applause)

This is on record. We want to know the right position so that we know what to do, which direction to move and when. Thank you.

Hon. Deputy Speaker: I have given at least a commitment in regard to that Hon. Jack. We are going to give you an official position on this on Tuesday next week 2:30 p.m. Hon. Imwatok.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker, last year I requested for a statement from the then Chairman of Labor Committee before we went for recess.

Hon. Deputy Speaker: Order! Order!

Hon. Peter Imwatok: I withdraw that Mr. Speaker.

Hon. Elizabeth Manyala: Point of Order Mr. Speaker.

Hon. Peter Imwatok: Kindly protect me Mr. Speaker.


Hon. Deputy Speaker: You are protected. He has withdrawn.

Hon. Peter Imwatok: I withdraw Mr. Speaker and I ask for your protection because the question I am going to ask is very sensitive that's why Points of Order might be many. I asked a question based on the insurance policy of more than 11000 County staff. To date despite the numerous calls I received there is no response which has ever come to this Assembly. Kindly Mr. Speaker, give guidance as to when this statement will be replied to as to how much is the cost of the insurance policy for the entire staff of the County and which company was given this job to provide the service.

Hon. Deputy Speaker: Hon. Chair for Health do you have anything to say in regard to the Labor Committee?

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Thank you Mr. Speaker. We are working on that and we will give a comprehensive report next week on Thursday.

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Hon. Deputy Speaker: Thank you.

Hon. Member for Kahawa Ward (Mr. Amos Mbuthia): Thank you Mr. Speaker. I requested a statement from the Committee on Health---

Hon. Deputy Speaker: Order Hon. Members! I think we are on the report which was requested by Hon. Thuo. Okay we may move. We had a request from Hon. Erastus Mburu directed to Transport and Public Works regarding the rotation of graders in all 85 Wards. Is Hon. Erastus in the House? Okay, thank you.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Mr. Speaker sir. On Thursday 18th February 2016 Hon. Erastus Mburu rose on the floor of the Assembly pursuant to Standing Order number 41(2c) and requested the Chairperson of the Transport and Public Works Committee for a statement regarding the rotation of Graders In All 85 Wards. In the statement the Member sought to know the following:

1. The criteria used in determining the grader's rotation in the Wards
2. What measures have been taken by the County Executive to ensure that all the Wards get grader services

Mr. Speaker sir, the Committee wrote a letter to the Chief Officer Transport, Roads and Public Works and copied to the Executive Committee Member for Transport, Road and Public Works and the acting County Secretary on 22nd February, 2016 where the concerns of the request were outlined. Further the Chief Officer delivered a response to the Committee on a letter dated 22nd march 2016. In this regard Mr. Speaker, I wish to report to the Assembly that:

To ensure equitable provision of grading services a program has been developed covering all Wards that have gravel and earth road and the following criteria is used:

1. Requests are sought from various residencies through their Members of County Assembly as well as their residents' associations which are received and recorded for planning purposes.
2. Site inspection is then carried out to establish the need for grading the scope of works and the period within which grading will be undertaken.
3. To determine the number of days a grader is to be allocated the sector looks into the extent of the works whereby the larger the area or the scope the grader is allocated more days.
4. They availability of graders also dictates how graders are allocated. For instance in January one grader was operational while in February three were operational. Bearing in mind that Nairobi City County has several roads in need of grading and that it can only be done during the dry weather. The sector decided to allocate a maximum of three days for a grader with an exception of which is expensive. They allocated five days so as to cover as many roads as possible in the months of January, February, and March and partially in April. For the Wards

which have very few gravel earth roads, few days for a grader are allocated e.g. Kilimani and Westlands areas.

Thank you, Hon. Speaker sir.

Hon. Deputy Speaker: Hon. Erastus.

Hon. Member for Clay City Ward (Mr. Erastus Muiruri): Thank you, Mr. Speaker. I want to commend the Committee for the good job they did. However, I have an issue which they have not fully tackled; for the grader, we agree that they have responded well, but they ought to have mentioned--- apart from the grader, a grader in most cases is accompanied by a kind of a tractor which is used to make deep trenches. Also, I would like the Committee to furnish every Member with the program so that, if for example it is Hon. Imwatok's turn, he can prepare those people whose road will be affected. This is part of what people need to see from us as politicians. Grading is part of what *wananchi* expect from us. I believe some of the Members have been suffering in silence.

By the time I raised that question, there was a road in my Ward which was in a dilapidated state. I made several trips to Highway section and also wrote several letters but there was no answer coming from that side. At some point, I had to cough money from my own pocket and bought quarry chips and refilled those potholes because these are the roads that we as MCAs use on daily basis. I commend you for that but I request to furnish all the MCAs with the program and put it in our pigeon holes. In some instances, a grader can be slated to work on roads in Clay City Ward but when that material day comes, you might hear that the Governor is having a certain occasion in another Ward, so the grader is diverted yet you had programmed yourself to me with those who are operating the grader and also talk to *wananchi*.

Another issue, I had also requested Statement regarding so many security poles which have been erected in various Wards. Some have taken almost one and half years and there are no lights which have been mounted. You wonder if the Procurement department has slept and not working on the delivery of those light. We should also furnish the MCAs because they know the number of poles which are in his/her Ward. We are politicians, and if you visit an area and it happens there is a pole, they will ask if they are going to buy a flag to mount on those poles. When it reaches that point, it will appear you are losing ground and connection with your people.

The able Chair and the entire Committee which has been doing a good job for the entire County, please, you know a how single security light brings an impact. It reduces insecurity. Push the Executive so as to get the security lights. There is one in Clay City, specifically Clay Works Factory, that pole by this year September; it will have stood for two years without security light. Furnish us with the time frame when they will be but into a working condition. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Akuk.

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Thank you, Mr. Speaker for the opportunity to make a contribution to this Statement. I have heard from the Chairman of this Committee that they have a schedule of how this grader is going to be provided to each and every Ward. But I would like to report to this same House that it is unacceptable to finally get the grader which I got last week after begging it for a whole year. I have more than 50 letters asking for this grader and finally when it comes, I am asked to fuel it. I was given a new grader. We were trying to repair the mess that was created by the NYS on Undugu Grounds.

Mr. Speaker, you are aware that I brought a Statement here requesting three Committees to investigate how these grounds could be brought back to his former self so that we actually have our youth play soccer again. But when this grader came, they gave me for six days, but within these six days, the grader was coming in at 11:00 a.m. or midday and by 2:00 p.m. it leaves. I asked myself, how we can a grader scheduled to work in our area for 12 hours be doing 2 to 3 hour work and on Thursday of that week, they never came because they said they did not have fuel.

When they finally came on Saturday, which I really recommend because they work on Saturday, what we have as the former Undugu grounds today has not been finished. What I was told is to request for the grader again. It has taken me over a year to request, in the next one year, I might not be in this Assembly. Could you please reprimand this Committee Chairman and tell him we are not in the business of just providing Statements here without the Committee going to ascertain or confirm what grader has been doing in Highrise in six days yet we have not achieved. A soccer pitch is 90m by 30m, it is not a road. Please, Hon. Chair, ask the Committee to visit Nyayo Highrise. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Mwalimu Ngaruiya.

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Thank you, Mr. Speaker for giving me this opportunity. I think this Chairman of Public Works is not serious with his work because he does not take this Chief Officer in charge of this particular docket head on. We need somebody who is serious. There is no way we can be having one grader for five years. What is that docket doing to procure other graders? Sharing one grader in 85 Wards has been very hectic to most of us. We need to change the way things are being done here.

By saying he is going to come up with a schedule that he cannot present to this Assembly. He is misleading this House. I believe what we are going to do is that---

(Hon. Gari stands on a Point of Order)

Hon. Deputy Speaker: Point of Order granted. Hon. Gari.

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Mr. Speaker, do we subject this Statement to debate? I can see Members debating a Statement here.

Hon. Deputy Speaker: Hon. Gari, this is not a debate.

Hon. Ngaruiya Chege: Refer to your Standing Order, Hon. Gari. Mr. Speaker, what I am saying is that, much as the Chairman is telling us there is a schedule---

(Hon. Oduru stands on a Point of Information)

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

Hon. Ngaruiya Chege: Yes, let him inform me.

Hon. Kennedy Oduru: Mr. Speaker sir, I would like to inform my good friend that the program for the schedule is attached on the document. It has already been planned; we are only planning to distribute it to the Members.

Hon. Deputy Speaker: Hon. Chairperson for Roads, for the sake of Members, would you please clarify on the question of this extortion of fuel from Members where they are told to fuel the tractor.

Hon. Kennedy Oduru: You will give me time on that, Mr. Speaker sir, because it is the first time that I am getting this one from Hon. Akuk. I have to do an inquiry into that.

Hon. Ngaruiya Chege: Thank you Chair. At least we need that schedule and we are very serious on this. We also want the Chair to be very serious especially when it comes to graders.

Hon. Deputy Speaker: Hon. Manyala, please sit down, I will give you time.

Hon. Ngaruiya Chege: We need more graders. I think as a Budget and Appropriations Committee, we had requested for more graders.

Hon. Deputy Speaker: Hon. Ngaruiya, you are becoming a bit irrelevant.

Hon. Ngaruiya Chege: That is why I am saying, we need to dwell on that thing and we need these particular people when they come to your Ward, they do work that can be seen. Thank you.

Hon. Deputy Speaker: That has been noted. Hon. Manyala.

Hon. Member for Kayole South Ward (Mr. Elizabeth Manyala): Mr. Speaker, it is very sad that this particular department is functioning, even us in Labour Committee when we put them head on asking why monitoring and evaluation of the projects are not taken seriously, they always say that they have lack of resources or man power. Having said that, looking at the report which has been tabled today, Hon. Members, I think it is only prudent that we are furnished with that report so that we can interrogate it line by line because it is affecting our Wards.

Talking about erected poles which have now become white elephants in our Wards, it has taken two years. I, personally was pro-active, I even spoke with the Chief Engineer of Kenya Power and he told me that they need to collaborate so that Kenya Power can do their work of installing cables.

I have even put them together with the Chief Engineer Kenya Power and arranged a meeting on the same but it seems they are either overwhelmed or something is amiss so the same is trickling to the Committee of Public Works so we don't know who is fooling who. It is high time that this Committee should sit, call the entire line sector so that they serve us well otherwise we are having a deadlock here. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon Members the House is in kind of agreement that there is bone of contention on the report, not negatively but positively. It has generated at least a lot of concern and I would kindly request the House maybe one of the Members to come up with a Motion so that the House can deliberate on the same and make a resolution, thank you Member. Hon. Kenneth Irungu had a made a request to the Committee on Tourism, Cooperative and Agriculture and Environment and Natural Resources regarding Kware Road market dumpsite in Pumwani Ward. Do we have Hon. Kenneth Irungu in the House? Hon. Chairperson for Trade? The Vice Chair Trade? Hon. Member? The Chairperson for Agriculture?

Hon. Peter Imwatok: This is unelectable Chairman Mr. Speaker, but just sitting in for the Chair who is also the Chair---

Hon. Deputy Speaker: Order Member! For how long are you going to do this because for the whole of this year the Chairperson for Agriculture has never been before this House?

Hon. Peter Imwatok: Mr. Speaker we should also understand the enormous task of the Chair who is---

Hon. Deputy Speaker: Hon. Chair please could you take your seat because you are not taking this House seriously

Hon. Peter Imwatok: Thank you Mr. Speaker if you could allow me---

Hon. Deputy Speaker: The Vice Chair of Liaison Committee Hon. Kitavi, are you in the House? Please take up this issue of the Agriculture Committee. Order Hon. Member please, find out what is happening with the Agriculture Committee. It is becoming inactive, the Chair is never in the House to respond to issues, he can't keep on delegating each and every day.

Hon. Boniface Kitavi: Mr. Speaker it is very unfortunate, much obliged.

Hon. Deputy Speaker: Hon. Members allow me to recognize the presence of the Hon. Members from Mombasa County and these are Members from Committee on Health, they are up there at the gallery led by [Hon.] Kibwana Baya who is the Chairperson. Could you please wave to Members of Nairobi Assembly?

(The Guests sitting in the gallery stood up and waved to Members)

(Applause from the floor)

Hon. Members under Order 7 the following responses for statements are due for response today 3rd March 2016; statement which was requested by Hon. Elkana Mauti from Chairperson of Sectoral Committee on Ward Development Fund regarding the lack of implementation on amendments on Ward Development Fund 2014; statement which was requested by Hon. Kennedy Oduru from the Chairperson of Sectoral Committee on Planning and Housing regarding the allocation of land for public utility in Lucky Summer Ward and statement requested by Hon. Tabitha Ndigiriri from the Chairperson of Sectoral Committee on Planning and Housing regarding the continuity grabbing of land in South C Ward.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Chairman, Mr. Speaker the one which was listed there from the Lucky Summer Ward from Hon. Onduru we did give a statement on Tuesday; there is a small gap which was left and that one we have not received the response. It is something which we wrote back to the Executive last week and I think we should be given two more weeks because it is a heavy one.

Hon. Deputy Speaker: Which roman is that?

Hon. Maxwell Ochar: The one for Hon. Onduru, Lucky Summer.

Hon. Deputy Speaker: The other one for Tabitha Ndigiriri?

Hon. Maxwell Ochar: That has not come but we are following.

Hon. Deputy Speaker: Thank you. The Chairperson for Ward Development Fund, Hon. Gari Maurice?

(Hon. Deputy Speaker consults with a Member)

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Thank you Mr. Speaker. Response is due next week on Tuesday.

Hon. Deputy Speaker: Order Chairperson for Ward Development Fund, what have you said?

Hon. Maurice Gari: Mr. Speaker we will respond next week on Tuesday.

Hon. Deputy Speaker: Thank you. Clerk?

Hon. Member for Highrise ward (Mr. Maurice Akuk): Hon. Speaker I stand here to seek your guidance because sometimes last year I did make a request through a statement to the Committee of Water and Sanitation, it was issues regarding the Nairobi Dam restoration and when they brought in a reply. I was very clear that I was not satisfied with the report. Even though I belong to this Committee I still find myself disturbed that they haven't responded to my statement as agreed before this House that they will go back and find a better resolution to what I had asked for, thank you.

(Point of Order by Hon. Elizabeth Manyala)

Hon. Deputy Speaker: On the issue of Hon. Akuk? OK.

Hon. Elizabeth Manyala: I don't think the Hon. Member is giving us a satisfactory answer here because he is a Member of that Committee also and being a Member in that Committee he is also mandated to inquire into, so he should be proactive.

Hon. Deputy Speaker: Order! Order Hon. Elizabeth! Order *Mheshimiwa* Akuk! Maybe Hon. Elizabeth Manyala you didn't get the Hon. Member clearly. Yes he is a Member of the Committee, the Standing Order allow him to do that Hon. Elizabeth.

(Deputy Speaker consults the Clerk)

Hon. Manyala, the Hon. Akuk is in order and we will give a communication in regard to his concern on Tuesday after consulting with the Committee, thank you. Before we move to order 8 we had bypassed response which was requested by Hon. Kenneth Irungu because the Chairperson for Trade was not in the House. The chairperson for Trade, are you ready to give response in regard to issues raised by Hon. Irungu Mwangi? Order Peter Imwatak!

Hon. Member for Mabatini Ward (Mr. Wilfred Odalo): Mr. Speaker thank you, let's respond to it on Tuesday, thank you.

Hon. Deputy Speaker: It was due Hon. Member! Hon. Irungu

Hon. Member for Pumwani Ward (Mr. Kenneth Irungu): I have no objection Mr. Speaker but since my copy is there, maybe he doesn't have a copy, can you use my copy so that you read from it.

Hon. Deputy Speaker: Thank You Hon. Irungu, given that you have no objection, you have given the Member at least an chance to maybe to prepare himself and he will respond in good time on Thursday. Hon. Member what is it?

Hon. Member for Kahawa Ward (Mr. Amos Mbuthia): Mr. Speaker I had requested for a statement regarding the Kahawa West Health Center and up to date the statement has not been responded.

Hon. Deputy Speaker: The Chairperson of Health, are you in the House? The Vice Chairperson? OK Hon. Karen you may proceed and give clear position on that.

Hon. Karen Wanjiku (Nominated Member): Thank you Mr. Speaker, we are looking at it and it will be ready by Wednesday.

Hon. Deputy Speaker: Thank you Hon. Member your report will be ready so make sure you are present on Wednesday. Thank you. Clerk.

MOTION

Hon. Deputy Speaker: Hon. Members as you are aware this Motion was interrupted yesterday, several Members had opportunity to contribute towards this Motion.

(Deputy Speaker consults the Clerk)

We had Hon. Alex Otieno who was the mover, he had at least a balance of three minutes. We had William Abuka who was the seconder six minutes, we had Jacqueline Nyangala 9 minutes, Kamau Thuo 8 minutes, Pius Otieno 8 minutes, Elizabeth Manyala 8 minutes, Carolyn Muga 8 minutes, Oduru 9 minutes and Magdalene Mbogori 9 minutes. These were the Members who contributed to the Motion and the Motion was disrupted due to lack of quorum, maybe among the listed Members who had contributed if you have any point to add to your previous contribution at least the Standing Order allows you to do so. No any Member to give further contribution? I so direct the mover to reply!

Hon. Member for Mugomoini Ward (Mr. Alex Otieno): Thank you Mr. Speaker I would like to take this opportunity to thank all Members who contributed positively towards the Motion. As you are all aware to rotate staff is healthy for any employee. Even in the Assembly here we had our Clerks rotated. Those who were clerking other Committees were moved from Committee A to committee B and that is very healthy. So I thank all Members for supporting the Motion so that we can achieve what we are actually required to do, thank you so much may God bless you.

Hon. Deputy Speaker: Thank you. Order Hon. Elizabeth!

(Question is put and agreed to)

Hon. Deputy Speaker: Hon. Members, I had earlier indicated that I will allocate time for adjournment for urgent matter and I had directed the Motion comes up after Order No. 8 and we had got a seconder. I am going to give the floor to three Members or at most four Members to contribute on the same.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker aware that I have been a Member of Agriculture, Environment and Natural Resources Committee in this County for the last 3 years and also aware that I was born in Eastlands in particular the many years Railways quarters in Makongeni. Mr. Speaker I woke up about 2 weeks ago passing through Jogoo Road, I remember I vied for the seat first in 2007 while I must appreciate that there was nothing as far as monetary is concerned where I used to take all my campaigners to Burma for lunch not like nowadays I can afford by extension to go to Kosewe.

Mr. Speaker there is one tree that made me feel--- I used to go to Burma and take *matumbo*; that is intestines with *ugali* and later we come and rest under that tree. It was so disturbing to wake up one morning to find that an indigenous tree was cut down to pave way for a bill board for Magnate Ventures.

Mr. Speaker as I was travelling along Ngong Road, the same predicament was waiting my eyes along Ngong Road near Coptic Hospital; the entire indigenous trees around there were swept off in one

night by a razor or a hack saw. Looking at this incidence going on without interruption of this County Assembly, it means our kids and our children to come will never have an opportunity to see the pride of those indigenous trees in this County, Mr. Speaker.

Therefore I believe we cannot sit down and watch and in particular as we debate this Motion, I want to bring this to the attention of the new Chief Officer for Environment and Natural Resources to be answerable enough for us to understand who gave authority to these advertisement companies to cut down all the indigenous trees for the visibility of their advertisement. It is a serious crime against the UN and Environmental statutes that guide the forestry and there are also some Acts in this County which guides which tree should be cut at what level, Mr. Speaker. By the way what they did to these trees was so inhuman it was disrespectful to the trees that our heroes and heroines like Wangari Mathai fought so hard to conserve in this County.

Mr. Speaker I believe this House through passing this important Motion will institute and I will bring to this House the same Motion because I am doing an investigative journalism to know which company, who in particular gave authority to cut down these trees and I believe the same support this Assembly will give will also bring the same names including the officers who are charged with this responsibility. Thank you.

Hon. Deputy Speaker: Thank you Hon. Imwatok. Hon. Bishop Abuka.

Hon. William Abuka (Nominated Member): Mr. Speaker I don't want to express confusion while standing to support the Hon. Members concern about environment degradation and the beauty of our City because indeed on Sunday afternoon I had to call the Environment sector to find out why some very beautiful trees were going down on Ngong Road. In fact some of the trees while being cut you would feel pain they would look like a human being standing strong and beautiful and very secure that attracts everybody's attention.

I had to call the CEO and even the Ministers to ask why this is happening and the information they gave me was half convincing, that JICA has entered into partnership with the Kenyan Government to dual the Ngong Road so that it is expanded for easy carriage of motor vehicles. I think that information ought to have reached the County Assembly Members and the entire Government for that matter so that at least the pain that we have about the destruction of environment can be balanced by the ease of access to the City centre.

I think going forward that kind information should be communicated promptly so that the Members do not get themselves confused and complaining about issues which they could have otherwise supported. But otherwise the destruction of environment the way we saw and the way the Members brought it, is very painful and there ought to be some way of managing it better than I saw. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Mheshimiwa Asha.

Hon. Asha Osoo (Nominated Member): *Nashukuru Bwana Spika pia nimependa kuongezea katika Mswaada huu hata mimi nilikuwa na wasiwasi na nilikuwa pia nimehuzunika kwasababu mimi natembea katika hiyo barabara nikitoka sehemu za Kibra kuelekea mjini. Nilishangaa asubuhi kupita pale ile miti yote iko chini. Nilishuka chini na nikauliza ni nani ambaye alipeana ruhusa ya kukata miti ile kwa sababu kuna watu wanapanda maua pale, kutokea juu mpaka chini City Mortuary.*

Wale watu ambao wajitafutia riziki yao kwa sababu ya kuuza yale maua. Nani ambaye anafanya kitu kama kile ambapo watu wale wanajitafutia riziki wakati huu hawawezi kupata riziki yao. Na sisi pia tunaka tuambiwe katika Nairobi County ni nani alipeana ruhusa ya ile miti kuuzwa kwa sababu hata kuna malori yanabeba ile miti. Lakini nikaambiwa ni upanuzi wa barabara kuelekea hadi kushikana na ile ya Naivasha Road, upanuzi. Hatukatai maendeleo lakini tunataka tupatiwe notice ama tuambiwe kwa muda ambao unaofaa ndio watu wetu wasiathirike. Pia tuangalie mazingira yasiharibike kwa sababu ukitoka mjini ukielekea unaona kama unaingia mji mwingine. Ile dalili ya pale, sehemu imebadilika wale watu ambao wanakaa pale wanajisaidia pia wameathirika.

Bwana Spika tunataka kujua kwa muda wa haraka, hatutaki kuambiwa itachukua muda gani kwa sababu tumechukua jukumu ya kuacha vikao vingine ndio tuendeleo na Mjadala huu. Tunataka tujue ni nani ambaye aliyeorodhesha miti kukatwa kwasababu tunaambiwa ukikata mti mmoja upande miwili, imekatwa mingi. Kwa hivyo ni nani atagharamia kupanda ile miti na kwa haraka kwa sababu kwa saa hizi tuko na kiangazi na hakuna mvua, miti ile itamea kwa vipi tunataka kuelezwa kwa haraka iwezekanavyo. Asante, Bwana Spika.

Hon. Deputy Speaker: Hon. Mburu. I have said Mburu.

Hon. Member for Clay City Ward (Mr. Erastus Mburu): Yes, good thank you. Mr. Speaker I long for the days of KANU regime when we used to have a slogan, '*momonyoko wa udongo*'. In those times if you were to fell a single tree you had to plant two. And also come of the slogans within these precincts. We normally refer to this City as 'green City'. Are we still on that slogan of green City when some people are pocketing money by felling trees at the expense of just making a few shillings in their pockets? Mr. Speaker look at the road heading to Toyota Kenya's workshop, we used to have very big trees where those big birds known as marabou would enjoy the sun. Nowadays after the Kidero grass, those trees are no longer there.

Mr. Speaker if you might have happened to be at the top floors of the KICC building, you can watch how green Nairobi is. But with the continued felling of trees by those companies let me tell you Mr. Speaker some few years to come even our children will no longer be enjoying the cool breeze especially at Uhuru Park because were it not for Wangari Mathai, nowadays Uhuru Park would be having very tall buildings. So Mr. Speaker I am in support of the Motion and those culprits before they fell another tree, they should be held accountable for that. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Alex.

Hon. Member for Mugumoini Ward (Mr. Alex Otieno): Thank you, Mr. Speaker sir. Greening is very important, Mr. Speaker. Most of us have visited Rwanda and we have seen how Rwanda is green and

we Kenyans we have not developed the concept of greening. Even in most of the roads like Langata Road we are not expanding it, but the cutting of trees is going on and that one tells you that there is somebody within the Nairobi City County that is colluding with some of these business men to cut the trees so that Nairobi is no longer called the Green City in the sun.

Mr. Speaker, this issue needs a serious attention. As we talk, some of them are to the positive like for example the one we are talking about, Ngong Road, because we are all aware that Ngong Road is being dualled from City Mortuary up to Ngong, up to Karen. That one, we can reason.

Mr. Speaker, the destruction of trees and grass is rampant. Recently, we have been talking of Kidero grass. Now, if you move along Uhuru Highway up to Nyayo, the grass is divided into two; one on the right and the other one on the left hand side because of the motorbikes running across the grass. And that one tells you that we as Nairobians are not serious about the environment as has been said by one of my colleagues.

A place like Uhuru Park, had it not been for the late Prof. Wangari, we could be talking of something else Mr. Speaker. So, I actually support this one and urge those who are in the authority to act very fast so that we can reclaim the green City in the sun.

Hon. Deputy Speaker: Hon. Karen being the last speaker.

Hon. Karen Wanjiku: Thank you Mr. Speaker sir. We have just been informed about Ngong Road and that the road is being expanded and that is okay. About Jogoo Road and Langata Road, we must say here today that the Department of Environment has failed us and we have even seen the Chairman of Environment in this Committee and the Committee itself has failed us. Because if they are working, they should be having a site visit there and stopping that. I believe we have power and I believe Hon. Imwatok is one of the Committee Members. We have should have a site visit and stop the cutting of trees immediately at Jogoo Road and Langata Road and the other places. But in Ngong Road, we need roads because roads bring development. We transport our products through the roads. We cannot refuse development but we say the Committee on Environment has slept and the Environment Sector in Nairobi has slept as a whole. Thank you.

Hon. Deputy Speaker: Hon. Imwatok.

Hon. Peter Imwatok: Mr. Speaker, I must say thank you to the Hon. Members of this great Assembly for being there for Nairobians and generation and our children's children to come. Mr. Speaker, indeed as *Mheshimiwa* Karen said, if indeed Ngong Road is being expanded, what about Jogoo Road where I come from? What about that tree that I used to take a rest under after taking fried *matumbo* in Burma? What about that one in Langata Road?

It is a serious thing Mr. Speaker and as a Member of the Committee, I want to promise my fellow Members that in the coming week, we must make sure we go there as a Committee to see and to know who is doing this. And also immediately asking you to give you directives so that we can summon the

relevant officers of the County to explain to us as a Committee what really transpired in regards to the same.

Having said that, I want to thank everyone who has contributed and believe also the media should help us in fighting this because the information we have is that some are using these trees for economic gain. If indeed it is for purposes of expanding the road, there are schools which are using wood but some people are now trading on these trees making timber out of it, making chairs, tables out of it. As my brother was saying, it is better to destroy one and plant ten. Thank you.

Hon. Deputy Speaker: Thank you Hon. Members for finding time to contribute on the Motion of adjournment and Hon. Clerk, could we move to Motion number 9?

MOTION

Hon. Peter Imwatok: Mr. Speaker, once again, thank you. As you said sometimes I am a substantive standing for my able Chairman who is also the president of the youth for the largest party in the Country, in Nairobi, the capital City of Kenya. Mr. Speaker, I was just given by my able Vice Chairperson to read this statement on behalf of the Committee on Environment and Natural Resources that the report of the Sectorial Committee on Agriculture, Natural Resources on the status of waste management within Nairobi City County---

Hon. Deputy Speaker: Order Hon. Imwatok! Can you please move the Motion?

Hon. Peter Imwatok: Mr. Speaker, allow me to move the Motion on the report of the Sectorial Committee on Agriculture, Natural Resources on the status of waste management---

Hon. Deputy Speaker: Do you have the Order Paper?

Hon. Peter Imwatok: Mr. Speaker, I beg to move the report of the Select Committee on Agriculture on enquire into the ongoing destruction, pollution of Ruaraka River laid on the table of the Assembly on Wednesday 10th February 2016.

Hon. Deputy Speaker: Order Hon. Imwatok! Please visit the desk of the Clerk to give you instructions.

Hon. Peter Imwatok: Mr. Speaker, I am confused because I am reading the same thing vis-à-vis what I am told not to read. Let me take word by word because I am too bright and that is why I like putting it in summary.

Mr. Speaker, I beg to move the following Motion. That this Assembly adopts the report of the Sectorial Committee on Agriculture, Environment and Natural Resources on the status of waste management within Nairobi City County laid on the table of the Assembly on Wednesday 10th February 2016. Am I right Mr. Speaker?

Hon. Deputy Speaker: Thank you. You may call the seconder to second your Motion.

Hon. Peter Imwatok: Mr. Speaker, I have not finished to lay the report. If you allow me to read it.

Hon. Deputy Speaker: You can just highlight on the report. You don't have to read the whole report.

Hon. Peter Imwatok: Mr. Speaker, the Committee received complaints from residents of Baba Dogo Ward alleging that there was an ongoing pollution of Ruaraka River. No. 2, the Committee conducted a site visit to the affected area. Mr. Speaker, the Committee further resolved that the policy recommendations in this report should apply to other rivers with the County since they face similar challenges. No. 4, during the enquiry, the Committee observed as follows. That Ruaraka River is one of the vital natural resources of the County and the river source of water for domestic use by the majority of County residents. Despite this importance, the river is highly polluted especially in Baba Dogo.

Mr. Speaker, the Committee recommends that the County Government together with other responsible Government agency should proceed as soon as possible and conduct an audit of all buildings within Baba Dogo Ward and the entire County which have been encroached on for immediate demolition and evacuation. Owners of the said building should be prosecuted and County Government officials who may have approved construction of the said building should face disciplinary action.

Recommendation number 2, that all leaking sewage lines either privately owned or owned by the Nairobi Water and Sewerage Company should be identified and repaired to avoid emission of raw sewer into the rivers. Private companies and individuals who discharge waste into the river especially Baba Dogo Ward should immediately be stopped and those responsible for heinous act prosecuted.

Recommendation number 3, the County Should embark on cleansing of all rivers in order to restore them to their natural status within a period of three months and table report to the County Assembly on the exercise upon completion. Signed by Hon. Chairman, the president of the youth, Nairobi County, ODM. Thank you Mr. Speaker:

Hon. Deputy Speaker: Order Hon. Imwatok. Please don't bring party issues here. This is a serious business. Can you proceed and withdraw such reckless statement?

Hon. Peter Imwatok: Mr. Speaker, this statement is not reckless but it is my believe. I withdraw.

Hon. Deputy Speaker: Take this House very serious. Can you call someone to second your Motion? Order!

Hon. Peter Imwatok: Mr. Speaker, can I call Mr. Shadrack Juma to come and second?

Hon. Shadrack Juma: Thank you Mr. Speaker. I second the report in that my Ward is highly affected and I would urge the County to move with speed and implement what the Committee has requested. Thank you, Mr. Speaker.

(Question proposed)

Hon. Deputy Speaker: Hon. Karen.

Hon. Karen Wanjiku: Mr. Speaker sir, I am here to support this Motion because we are talking about protecting our Environment Mr. Speaker sir. Most Nairobians have a tendency of draining sewages into our rivers. That behavior should stop and according to the recommendations of the Committee, this will make others with such behavior or the ones who tend to do that to stop. Mr. Speaker sir, looking at all the Hon. Members around here, I believe they want us to pass this Motion. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Members, may I call the mover to reply given that it seems all the Members are in agreement with the Motion.

Hon. Peter Imwatok: Thank you Mr. Speaker. Everything I move is in agreement. I must say thank you Member for accepting a recommendable job by our Committee. Indeed we made a site visit there. The place is pathetic Mr. Speaker and we are also putting the officers on notice, those who are doing enforcement in antidumping department. They should move with speed. They should not go there and pick what belongs to their pocket and leave the County in disarray. I beg to reply.

Hon. Deputy Speaker: Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Members the Assembly stands adjourned to Tuesday next week 2:30 p.m. Thank you as you enjoy your weekend.

(House rose at 4.05 p.m.)