



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Tuesday 19th April, 2016

The House met at 2.30 p.m.

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

PRAYERS

Hon. Deputy Speaker: It has been brought to my attention that there is lack of quorum in the House I direct the Serjeant-At-Arms to ring the bell for ten minutes under Standing Order number 31.

(Quorum bell is rung)

Hon. Deputy Speaker: Hon. Members let's get to business. There is quorum in The House. Clerk, we may proceed.

STATEMENTS

Hon. Deputy Speaker: Hon. Alex.

Hon. Member for Mugomoini Ward (Mr. Alex Otieno): Thank you Hon. Speaker. This is a response to a statement requested by Hon. Shadeack Juma, MCA from the Chairperson of the Sectoral Committee on Water and Sanitation.

Hon. Deputy Speaker: Is the Member in the House? Thank you, you may proceed.

Hon. Alex Otieno: Hon. Speaker, on Wednesday 16th March, 2016 the Hon. Shadrack Juma, MCA rose on the floor of the Assembly pursuant to Standing Order number 41 (2c) and requested the

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Chairperson of Water and Sanitation for a statement regarding the delay in connection of water tanks and water pipe network in Mikigeni and Laundry Estate in Babadogo Ward.

The Chairperson was to inquire into and report on:

1. The reason for delay by Nairobi City Water and Sewerage Company in connection of sewer lines and pipes in the said estate
2. Measures being taken by the County Executive to ensure smooth operations and maintenance of pipe network and sewage infrastructure within the County

Mr. Speaker sir, the Committee wrote to the County Executive Committee Member responsible for Environment, Energy and Water on 17th March 2016 requesting to be furnished with a written response to the statement by the Hon. Shadrack Juma. In this regard, I wish to report to the Assembly as follows:

- a. The water network structures in the area were developed without an approved water network being put in place as required. The residents laid individual connection with poor quality materials which passed very frequently and easily damaged by vehicle loading due to the poor designs and a long distance of the spaghetti pipe normally experienced airlocks hence customers experience supply failure because water is rationed in the City. This has resulted to inconsistent supply to the customers. Nairobi Water and Sewerage Company has scheduled to do proper water network in the current financial year 2015/2016. It is expected the work will be complete before the end of this financial year.
- b. There is no approved sewer network in the area. The sewer connections in the area were laid by the customers using PVC pipes without the approval and supervision of Nairobi City Water and Sewerage Company due to the workmanship and quality of materials used. There are occasioned damages leading to frequent blockages and bursts. It should also be noted that it is the responsibility of the developers to advance the sewer infrastructure for the estates and then handover to the company for operations and maintenance.
- c. Measures in place to ensure smooth operations and maintenance of pipe network and sewage infrastructure within the County. The County Executive is closely monitoring the implementation of water and sewage maintenance projects implemented by Nairobi City Water and Sewerage Company that has identified Mikigeni, Laundry among other areas particularly in Eastlands that require overhaul of the sewer reticulation in order to improve service delivery. Mikigeni and Laundry Estate sewer network will be scheduled for overhaul in the budget for 2016/2017 financial year.

Mr. Speaker sir, I beg to lay this response to you on 19th April, 2016. The report has been discussed by the concerned Member through our normal meeting. I think Hon. Shadrack Juma is positive to the reponse.

Hon. Deputy Speaker: Hon. Shadrack Juma.

Hon. Member for Babadogo Ward (Mr. Shadrack Juma): Thank you Mr. Speaker. First is to thank the Committee for the good work. Immediately after requesting for the statement the next three days engineers were at Babadogo and they have already started fixing the pipes at Mikigeni. I am satisfied Mr. Speaker.

Hon. Deputy Speaker: Thank you. The Chairperson for Transport and Public Works.

Hon. Member for South C Ward (Ms. Diana Kapeen): Thank you Mr. Speaker.

Hon. Deputy Speaker: Is Hon. Petronilla in the House?

Hon. Diana Kapeen: Thank you Mr. Speaker. On Thursday 10th February, 2016 Hon. Petronilla Nafula rose on the floor of the Assembly pursuant to Standing Order 41 (2c) and requested the Chairperson of Transport and Public Works for a statement regarding the introduction of yellow boxes on major junctions in the CBD. In her statement she sought to know why there has been a delay by the County Executive in sensitizing motorists and Nairobi residents and whether there exists a policy guiding motorists in the use of the yellow boxes.

Mr. Speaker sir, the Committee wrote a letter to the CEC Transport and Public Works on the 15th of March, 2016 where the contents of the request were outlined. Further, the Chief Officer delivered a written response to the Committee on a letter dated 24th March, 2016. In this regard, I wish to report to the Assembly that:

1. There has been no delay in sensitizing motorists and Nairobians on the use of the newly introduced yellow boxes on the CBD roads. There has been sensitization carried out by way of mainstream media. It has been done through Nation Media. KTN, Citizen, K24 and Inooro FM where officers from the County explain how to use the yellow boxes. In the exercise it clearly explains that a yellow box is a road marking that is supposed to ensure motorists do not block each other at a junction thus causing obstruction. Motorists are supposed to obey all road signs and markings.
2. On whether there exists any policy guarding the use of yellow boxes the response is that section 38 of the Traffic Act cap 403 prohibits obstruction on roads and the yellow line initiative is meant to enhance compliance. This is law hence there is no need for a policy and this is already prescribed in the Traffic Act.

Thank you Mr. Speaker.

Hon. Deputy Speaker: Hon. Petronilla.

Hon. Petronilla Nafula (Nominated Member): Thank you Mr. Speaker sir. I received the response, and I am happy that immediately I asked the question, two days after they started putting sign boards which have really helped. I am happy about that.

Hon. Deputy Speaker: Thank you, Hon. Ronald Milare. You had requested a statement from the Planning department on the operations of Jericho Health Centre. Is the report ready? You had made a request?

Hon. Member for Harambee Ward (Mr. Ronald Milare): Yes, to the Sectoral Committee on Health Services.

Hon. Deputy Speaker: It is indicated the Committee on Planning and Housing regarding the operations of Jericho Health Center.

Is it a mistake on the typing, and this was directed to the Health department?

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you Mr. Speaker. On Tuesday 22nd March 2016 Hon. Ronald Milare, MCA rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the chairperson of Health Services Committee for statement regarding the operation of Jericho Health center.

In the statement the Member sought to know the following:

1. Status of the Danida pending casual laborers and the fate of three casual laborers with accrued debt not paid
2. Reasons for lack of essential supplies such as gloves, syringes, Jik, cotton, bandages and
3. Measures put in place by County Executive to improve staff welfare and ensure the funds are received from the County Executive to facilitate the operations of the health center

Mr. Speaker the Committee wrote a letter to the County Secretary and copied to the Executive Member for Health and Chief Officer, Health Services on 24th March where the contents of the request were outlined.

Further the Chief Officer delivered written response to the Committee on letter dated 4th April 2016. In this regard I wish to report to the Assembly as follows:

1. Status of the Danida pending casual labourers dues and fate of the three casual laborers with accrued debt not paid

Mr. Speaker Jericho health center like the other health facilities has been receiving financial support that is Health Sector Services Fund (HSSF), funds being 5% user fee from the government and donor support (Danida).

The health center received the funds in June and September 2015 from Danida and user fee respectively. These funds have since been fully utilized. Mr. Speaker the other three casual laborers that Jericho health center had engaged and were being paid from using these funds

however due to duplication of the funds the health center has not paid them the February dues cumulatively totaling Ksh.26, 589.

After consultation with the laborers in question the services were temporarily stopped until the health facility receives new funds to pay the one month arrears and it engage them.

2. Reasons for lack of essential supplies such as gloves, syringes, Jik, cotton, bandages at Jericho health center

Mr. Speaker the County Government procures drugs from KEMSA who distributes to the health facilities according to the quantity ordered. However rarely health facilities are supplied optimally resulting in stock out due to delayed payments by KEMSA. The supply has been irregular thus frequent stock outs in the health facilities. Further Mr. Speaker Jericho Health Center received their last supply from KEMSA in December 2015. This being the only health facility in Eastlands region that offers 24 hour outpatient services these drugs and other supplies that were received have depleted. They have since placed a new drug order. Furthermore there are other stock supplies, non-pharmaceutical items like gloves, emergency drugs that are not or inadequately supplied by KEMSA that the health facility procured directly using HSSF funds and other funds from Danida support. Due to the unavailability of this fund the health facility has been unable to purchase thus the shortage.

3. The measures put in place by the County Executive to improve staff welfare and ensure the funds are received from the County Executive to facilitate the operations of the health center

Mr. Speaker the County Executive outlined the following measures:

- a) The sector adopted the program based budgeting where all the spending entities will present their budgets for consideration
- b) The sector has written to the Ministry of Health seeking clarification on why some health facilities were excluded in the February 2015 disbursement of HSSF funds for July, August and September of FY 2015/16. Further to the clarification the sector requested for the release of the funds for the health centers that missed February schedule.
- c) The sector is lobbying for prompt and regular payment of KEMSA for drugs supplied in order to ensure constant timely medical supply.

Mr. Speaker as I table this we have shared this information with the Hon. Milare and indeed he agreed with the Committee on predicaments the Committee is having. As we speak right now Danida has stopped its support to the County because the County has not complied with the regulations as the funds being given to the County by Danida are supposed to go directly to the facility but this is not the case; these funds are utilized at the County thus the facilities don't get this funds directly the way it is supposed to be done. Details of this information is here in this response, thank you.

Hon. Deputy Speaker: Hon. Member you need to tell the House how much money has been diverted into other use and how much was the allocation.

Hon. Manoah Mboku: Mr. Speaker the amount being given by Danida has not been specified, we don't know how much, but we know Danida supports the County with a lot of money.

Hon. Deputy Speaker: Then you can't allege that same money has been diverted and put into other uses when you don't know.

Hon. Manoah Mboku: Mr. Speaker there is official communication from Danida that they have stopped supporting the County Government because the money they give the County is not directly given to the facilities and that is why they have stopped. The letter is with the Minister.

Hon. Deputy Speaker: Thank you. Hon. Milare

Hon. Ronald Milare: Thank you Mr. Speaker it is true we interrogated the response at Committee level and we agreed on the way forward; however I wish to urge the sector to move with speed and address the issues because the pertinent issues need to be addressed as urgently as possible so I want to leave it at that for now and I thank the Committee for doing a good job.

Hon. Deputy Speaker: Hon. Member, now that Danida has suspended by way of not giving money to this organization, what has the Committee done towards this?

Hon. Manoah Mboku: Mr. Speaker indeed today we had a successful meeting at the Committee and we agreed that we come up with a Bill because there is this PFM Act which has it that all the funds must come through the County and when they come through the County it is used, so we have agreed as a Committee that we come up with a Bill so that we resolve this matter instead of coming to the County Danida takes it to the facilities. I think that will help Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Member. Hon. Members under Order 7 we have the following statements which are due for responses today on 19th April 2016: statement requested by Hon. Dianah Kapeen from the Chairperson of Sectoral Committee on Water and Sanitation

Hon. Member for Mugumoini Ward (Mr. Alex Ouda): Thank you Mr. Speaker, we have not received the response from the Executive but I can assure the House that come Tuesday next week same time the response will be ready.

Hon. Deputy Speaker: Thank you. The Chairperson, Justice and Legal Affairs regarding improper use of Nairobi City County logo

Hon. Member for Kilimani ward (Mr. Moses Ogeto): Mr. Speaker we are awaiting response from the Executive, we will be able to respond on Tuesday

Hon. Deputy Speaker: Chairperson, Agriculture, Environment and Natural Resources regarding the legitimate sand and ballast selling business along Popo road?

Hon. Petronilla you may sit, I am made to understand the statement was referred to the Liaison Committee and when they were supposed to be sitting but there was lack of quorum for that reason the statement is not done yet. Hon. Jacky

Hon. Jacqueline Nyangala: Thank you Mr. Speaker I requested for statement last year in November about the activities near Nairobi Primary School and we have not received response to date, however I have noticed that the County took out all the structures so I don't know if they have done the investigation because they said they were doing investigations. So I would like to know what the response is, thank you.

Hon. Deputy Speaker: Hon. Chief Whip, please make sure we are having a Motion of adjournment which requires a quorum in the House. Can you mobilize your people to come back please? The Chairperson for Planning Hon. Atinya, the Vice chairperson. Hon. Kambi Stephen.

Hon. Member for Dandora II Ward (Mr. Stephen Kambi): Thank you Mr. Speaker sir. Mheshimiwa Jackie, we are still working on your statement and we request ample time may be two months---

(Loud consultations)

Hon. Deputy Speaker: Order Hon. Kambi! Please just sit. Can we get at least a serious and sincere position on the request of the Member? Hon. Mumo please. Order Mheshimiwa Kambi please.

Hon. Leah Mumo (Nominated Member): Thank you Hon. Speaker. Hon. Jackie, we are working on it as soon as we come back from Meru, we are going to give her the feedback. It is in the process.

Hon. Deputy Speaker: The feedback should be before the House before next week on Tuesday at 2.30 p.m. Thank you. You want to inform who? Declined. Hon. Ngaruiya.

Hon. Ngaruiya Chege: Thank you Mr. Speaker, I had requested for a statement from the Chairperson of Culture on fire fighters in the County and it is not in the Order Paper and this was a on

serious note since so many houses were burnt on that particular time. I think kindly we need your indulgence so that the Chairman can be kept----

Hon. Deputy Speaker: The Chairperson Culture please.

Hon. Member for Harambee Ward (Mr. Ronald Milare): Hon. Speaker, I believe it is upon the Table Office to slot it in for response because we are ready with the report.

Hon. Deputy Speaker: Can you confirm and ascertain the---

Hon. Ronald Milare: We are ready with the report Mr. Speaker; it is upon the Table Office to slot it in for----

Hon. Deputy Speaker: So the Clerk should take up the issue and at least the response to come on the Floor next week. Hon. Michael Ogada.

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you Mr. Speaker. Mr. Speaker sir, I did ask for an extension of 14 days about tabling the Strategy Paper but unfortunately the Committee had got too much work, we had about 5 papers to work on. So we were not really able to finish working on the document. So we are requesting if we could be allowed to table it on Tuesday next week.

Hon. Deputy Speaker: Thank you Hon. Chair for Budget. The request has been granted. Hon. Majority Leader we will have to go back to papers laid.

PAPERS

The Leader of Majority (Mr. Elias Otieno): Thank you Mr. Speaker. Pursuant to Standing Order No. 180 (6) I beg to lay the following paper on the table of the Assembly today Tuesday 19th April 2016; the report of the Select Committee on Budget and Appropriations on the Annual Development Plan 2015-16.

Pursuant to Standing Order No. 180 (6) I beg to lay the following paper on the table of the Assembly today Tuesday 19th April 2016; the report of the Select Committee on Budget and Appropriation on the consideration of the report of the Comptroller of Budget on the County Budget implementation for the financial year 2014-15 and the full year revenue and expenditure report from the County Treasury. I beg to lay.

Hon. Deputy Speaker: Thank you Hon. Majority Leader. We now move to Order No. 6. The Chair for Budget.

NOTICE OF MOTION

Hon. Mr. Michael Ogada: Thank you very much Mr. Speaker sir. I beg to give Notice of the following Motion; that this Assembly adopts the report of the Select Committee on Budget and Appropriations on the consideration of the report of the Comptroller of Budget on the County Budget implementation for the financial year 2014-15 and the full year revenue and expenditure report from the County Treasury laid on the table of the Assembly today Tuesday 19th April 2016.

Thank you once again Mr. Speaker. I beg to give Notice of the following Motion; that this Assembly adopts the report of the Select Committee on Budget and Appropriations on the Annual Development Plan 2015-16 laid on the table of the Assembly today Tuesday 19th April 2016. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Chairperson of Budget and Appropriations. Hon. Members, we now move to Order No. 8 on Motions.

PROCEDURAL MOTION

The Leader of Majority: Thank you Mr. Speaker on the Order No. 8, Procedural Motion. That pursuant to the provision of Standing Order No. 25 (4) this Assembly resolves to alter the County Assembly calendar and adjourn until Tuesday 26th April 2016. Mr. Speaker, due to Members travelling to Meru for the Devolution Conference from tomorrow, I beg to ask Members to pass this Procedural Motion so that they can have time to travel to Meru until next week Tuesday 26th April 2016. Thank you. Mr. Ngaruiya I beg if

you can second this Motion because I know you are always opposing it but today you can come and second the Motion.

Hon. Ngaruiya Chege: I am not opposing it, I am seconding the Motion. So kindly Mr. Speaker, I stand here to second the Motion. I think it is very important that this Assembly adjourn for that very important meeting which is going to be held in Meru and I believe all Members this time round they will be very keen to see whether devolution is working or not. It is our duty as Members of County Assembly to ensure that devolution is working. Thank you, Mr. Speaker.

(Question is proposed)

Hon. Hashim Kamau: Mr. Speaker, I stand to support the Motion but I have a plea that in future when Governors invite us for those meetings let them cater for the expenses for the Assembly. The reason that I am saying this Mr. Speaker, out of the 2,500 invited guests, 2,000 are MCAs; 80 % of those who are going to participate in that conference. Unfortunately Mr. Speaker, we are nowhere in that programme. So our participation is nil. So my plea is that let in future, the Executive cater for the expenses of the Assemblies because we are not joyriders. Thank you Mr. Speaker, I support the Motion.

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

Hon. Bishop William Abuka (Nominated Member): Thank you Hon. Speaker. I rise to support the Motion of adjournment. However, I will not agree more with my colleague Hon. Hashim, he just touched on what was troubling my heart that probably the Assemblies are just joyriders in this Devolution conferences. I would have really wanted to know what I am going to do in Meru, other than just driving and hearing what the Governors are presenting to the nation as pertains to their achievements.

Mr. Speaker, I think the County governments have two wings; there is the Executive and there is the Assembly. Any success of devolution of County government must also be equally distributed all attributed to those two arms. There is the role of the Assembly and the Executive and it must be very candidly spelt out on paper including and not limited to giving opportunities to the half leadership of those

aligned to the Assemblies to really say what they have done to affect the successes that the Governors are priding themselves about. Otherwise, power corrupts but absolute power corrupts absolutely. If we create too much space for the Governors to really run away with all this credit then it will not be a problem for somebody by the end of the day or next year or thereafter to discredit the contribution of the Assemblies in the whole work of devolving development to the counties.

Otherwise, Mr. Speaker, I really want to agree with my colleague, that was in my heart that I would want to see in that Devolution Conference my Speaker, Hon. Ole Magelo, my Majority Leader, all the CAF leadership standing to explain to the public what the Assemblies have done to really affect delivery of services to the common *mwananchi* and not what the Governors have done as if the County Governments are only composed of Governors. I think it is very important that we do that. Thank you very much, Mr. Speaker.

Hon. Deputy Speaker: Hon. Ogeto.

Hon. Member for Kilimani (Mr. Moses Ogeto): Mr. Speaker, I think he is inappropriate and I am in support of this Motion. Mr. Speaker, when I see that we are supposed to leave here for the Governor's Conference I would wish you to call the mover to reply. Thank you.

Hon. Deputy Speaker: Hon. Rachel.

Hon. Rachel Kamweru (Nominated Member): Mr. Speaker, I am in support of this adjournment Motion but one thing I want to be clarified in this House is that this particular Conference ends on the 23rd and we are supposed to be there on the 23rd, what happens to our money on the 23rd because we are supposed to come back on the 24th. Could the Speaker's office clarify because we need our money for the 23rd? Thank you. *(Applause)*

Hon. Deputy Speaker: Thank you, Hon. Rachel. I think Hon. Members have contributed towards this Motion and that allows me to now put the question to the provision of Standing Order 25(4). *(Discussions)* Okay, there is a concern on the Mover of the Motion to reply before I put the Motion, it is allowed.

Hon. Majority Leader: Mr. Speaker, I think the Members are very right but since this has already been facilitated everybody must go to Meru. You should not ask where the money is coming from, Hon. Hashim, because whether it is coming from the Executive or the Assembly side it is the same money. So, you are going to Meru whether you like it or not because the money is in your bank account---

Hon. Chief Whip Minority: *(Inaudible)*

Hon. Deputy Speaker: Order, Hon. Hashim, the request is declined.

Hon. Leader of Majority: The money is already in your bank account so unless you refund the money back--- Mr. Speaker, I also think that this one day Hon. Rachel is talking about is also very important and we are just going to ask the Speaker's office and the Clerk's office to know about this one day because it is from 19th to 23rd, that means it is up to Saturday. Mr. Speaker, you should know that after the Assembly you are going to tell us where this one day is. Thank you.

Hon. Deputy Speaker: Thank you, the concern of the Members are noted. Members, allow me to put the question.

(The question is put and agreed to)

MOTIONS

Hon. Deputy Speaker: Hon. Patrick Ngaruiya.

Hon. Member for Kahawa West (Mr. Patrick Ngaruiya): Thank you, Mr. Speaker. *(Discussions)*

Hon. Deputy Speaker: Order Members, we do not expect mass movement in the House just because the House has been adjourned, we still have a serious Motion before the House.

Hon. Patrick Ngaruiya: This is very important for these Members and it is high time that they supported this particular Motion for the sake of Nairobians. "**Aware** that Section 28(10) of the Public, Private Partnership Act 2013 provides that a contracting authority that intends to finance, operate, equip or maintain an infrastructure facility---"

(Hon. Ndirigi gets to her feet to leave the Chamber)

Hon. Deputy Speaker: Hon. Ndirigi, please could you kindly sit down. There is no walking out.

Hon. Patrick Ngaruiya: "...may enter into a project agreement with any qualified private party for the financing, construction, operation, equipping and maintenance of the infrastructure or development facility. Further **Aware** that the Nairobi City County Government has invested heavily on installing high mast lights to improve security in the County. **Concerned** that most of the installed high mast lights have been vandalized leaving many parts of the County in darkness for a period of time due to poor or slow repair and maintenance of the public street lights. **Acknowledging** that the County has plans to light the

entire city and turn it into a 24 hour economy, this Assembly urges the County Executive to privatize the repair and maintenance of public street lights within the County as a way of improving security and achieving a 24 hour economy in the County”.

So Mr. Speaker, the reason why this Motion is before the House is because of the many problems that Members of this House have faced. Mr. Speaker, the County has invested heavily in installing these masts but when they fail to function it takes a very long time for them to be repaired. Mr. Speaker, some have even stalled for more than 3 years from when we were elected and when you keep asking the Chief Executive and the Chief Officer in charge of the public works and lighting they keep telling you that they have not procured those particular materials so that they can repair those masts. Mr. Speaker, this has shown that the County has no capacity to repair these masts and keep them working for a longer period.

So, I want the MOU that was agreed upon between the Kenya Power and Lighting Co. and the County to be brought forth so that at least we can understand whether indeed they were given that particular opportunity to be repairing those particular masts. We can then have the contact person and the particular company that will be answerable especially when these particular high masts fail to function.

It is not once or twice that Members of this Assembly have come up to request for statements on these particular masts from their Wards because they have failed to function for a certain period of time. Mr. Speaker, the reason as to why this Motion is also here is that some security lights in my Ward failed last year during the December holidays. Mr. Speaker, there is one that failed in 2014 and up to today it has never been repaired. Mr. Speaker, I would therefore urge these particular Members to support me so that we can come up with ways or a company which will be answerable and which will be repairing and maintaining these particular masts for the benefit of the Nairobian and we also keep the 24 hour economy which is a requirement of this particular County and also for the National Government. I therefore call upon Hon. Oduru to come and second. Thank you, Mr. Speaker.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Mr. Speaker sir. I need to correct the Hon. Member, my name is Kennedy but I have a brother by the name Tom who is not a Hon. Member like me. I hope he is not confusing that. Hon. Speaker sir, I beg to second.

Hon. Deputy Speaker: Thank you. Hon. Members I propose---

(Question proposed)

Yes Hon. Adow

Hon. Member for Eastleigh North Ward (Mr. Asman Adow): Mr. Speaker I support the Motion and also I would like to bring up an angle which people are not thinking about. When lights are on then

Kenya Power benefits and when they are off then they also do not get any money. So my question is why is it not in the interest of the Kenya Power and Lightning Company to have those lights on all the time so that they can make money out of it. Therefore if the Motion goes through then I think that they are the best choice to take up the job since it is in their best interests. I support the Motion. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Jack

Hon. Member for Githurai Ward (Mr. Jackson Ngare): Thank you Mr. Speaker sir. I rise to oppose this---

Hon. Deputy Speaker: Come again?

Hon. Jackson Ngare: Mr. Speaker, I rise to oppose this Motion

Hon. Deputy Speaker: Okay. You may proceed

Hon. Jackson Ngare: We must put so many things into consideration before we bring such a Motion. We have a department at highways on lighting services with a budget and there are so many people involved while the mover of this Motion has not told us where we are going to take these people. Are we going to sack them or not? Nairobi has 85 wards and if Kahawa West Ward has a problem with thieves who vandalize the cables then we should not spread it to the rest of Nairobi.

When we say that we are going to privatize this department then we need to have facts from the Transport Committee who after going to the ground come up with a report telling us whether that department has failed or not. This department is in the process of purchasing materials so as to enhance our work and when I call them to come to Githurai for service they come but I do not know why they don't go to Kahawa West.

Mr. Speaker, let us rethink this because the money that is spent on this electrical installation and service department is enormous and if the County is able to invest a lot as the mover says on the high masts then I do not think that they can be defeated to serve. We should remove the thieves from Kahawa West and not try to privatize the project. Thank you Mr. Speaker.

Hon. Deputy Speaker: Hon. *Wakili*

Hon. Member for Mutuini Ward (Mr. Martin Karanja): *Asante sana Bwana Spika. Nimesimama hapa mbele kuunga mkono mswada huu. Ningetaka kwanza kusema kwamba, mimi kama mwakilishi wa Mutuini, Dagoreti South kuna maswala ambayo nimekutana nayo---*

Hon. Deputy Speaker: Order Hon. Kinsley. Please give the Member time to contribute

Hon. Martin Karanja: *kuna maswala ambayo hayajanifurahisha kama mwakilishi wa wanna Wadi yangu. Mswada kama huu unapoletwa mbele ya bunge ni vizuri sisi kama Waheshimiwa tuwe na mwelekeo na objective na tusione kana kwamba Mheshimiwa ambaye ameleta mswada huu ili kujinufaisha. Nimefurahi kwa sababu tumenukuu sheria ambayo ni public and private partnership act of 2013. Kwa sababu sheria hii ilikua na mtazamo ya kwamba serikali yenyewe haiwezi kufanya mambo ambayo wananchi wanahitaji na katika harakati hio, nikaona ni vizuri kuungana na wale ambao tunaita private investors.*

Bwana spika, hivi leo nimekua katika kituo cha reli cha Kenya na nikawa na mazungumzo na wale ambao wanasimamia kampuni ile. Ni thahiri shahiri ya kwamba kampuni ya Kenya Railways Corporation ni kampuni ya serikali kuu, lakini kwa vile ambavyo waliangalia mambo kadha wa kadha ya kwamba hao hawawezi fanya kupeana services kwa wanairobi, wakafanya lile jambo ambalo linaitwa privatization na wakapatia kampuni ambayo tunajua kama Rift Valley Railways. Bwana Spika sio kwamba Kenya Railways Corporation walishindwa kufanya kazi, lakini ni kama kwamba waliona ni kama majukumu waliokua nayo ni mengi na wakaonelea ni vizuri wapatie private sector RVR.

Nimesimama kuunga mswada huu mkono Bwana Spika kwa sababu Nairobi City County imeshindwa kuangalia maswala ambayo yanahusu kuangaza Counti ya Nairobi. Mimi kama Mheshimiwa, juzi nilipata marafiki zangu wa Kenya Power na wakaniwekea mataa ambayo nambari yake ni thelathini na walisema yakwamba wao hawatahusika katika maintainance ya mataa yale. Nina shaka ya kwamba Nairobi City County na department ambayo iko ya electroniki kama wataweza kulishughulikia kwa sababu limekua na mataa matano hapo mbeleni na bila shaka vile Mheshimiwa amesema kwamba hawajaweza kushughulikia mataa matano kwa miaka ambayo ni matano sasa. Swali langu ni je, sisi ambao tumepatana na marafiki wa Kenya Power na tukapata mataa kuongezeka katika Wadi zetu, kama Nairobi City County haitaweza kushughulikia yake mataa machacche hapo mbeleni basi itawezaje kushughulikia mataa ambayo yameongezeka kwa kiwango ambacho kimezidi elfu mbili, elfu tatu. Ninaomba sisi kama

Waheshimiwa tuunge Mheshimiwa mwalimu mkono kwa sababu mswada huu utaweza kutunufa sisi wote. Nashukuru.

Hon. Deputy Speaker: Hon. Jacky

Hon. Nominated Member (Ms. Jacky Nyangala): Thank you Mr. Speaker. I would like to support the Motion and contrary to what Mheshimiwa Jack is saying about thieves, that I am not sure about. Where I live it is very dark. I gather from the Majority Leader who is the Ward representative that the contractor has been awarded the tender and we need to have lights. Mr. Speaker you are not listening but I support.

Hon. Deputy Speaker: Thank you, Hon. Irungu!

Hon. Member for Komarock Ward (Mr. Samuel Irungu): Mr. Speaker, I rise to support this Motion, I beg your attention.

Hon. Deputy Speaker: You may proceed! You will make me send Hon. Ogada out, Hon. Member you may proceed!

Hon. Samuel Irungu: Hon. Speaker, I want to inform his House that we are passing Motions here, we also come here to approve budget but it is all in vain. May I inform this House that the Transport and Publics Works Committee, allocated a 100 million in the last financial year, the right word is not to privatize but to outsource the repair of this street light and public lighting.

I would like this House to go back to the HANSARD and see that we had passed, in the report of last year. Mr. Speaker, this is a City that is not ready to work for Nairobians, you do remember last year Nairobi City County signed a contract with Kenya Power and today if you go to majority of our streets they are duplicating what Nairobi County has already done.

Avery perfect example, Mr. Speaker is if you go to the street that is next to Toyoyo Camp in Makadara they are already electing concrete poles when the Nairobi County has done the whole of that site.

Look also back in last year, we allocated this sector 280 million to buy materials and make sure that every public lights, that are not working are repaired. Mr. Speaker, I think, it is only remaining a few months before we go to the elections and yet we are not following the right truck.

Therefore, let the Department come and follow this and make sure that even if we pass this Motion today let it not be waste of Taxpayer money to sit here and pass Motion and budget that cannot be implemented.

Mr. Speaker, this is the highest impunity, when we come here to pass budget and yet nothing is followed. I therefore, support this Motion and this is one thing that the Implementation Committee led by the able Majority Leader that needs to follow it strictly, to make sure it is followed later.

Hon. Deputy Speaker: Thank you! Hon. Members we are concluding. Could you allow us to have the last one?

Hon. Member for Kabiro Ward (Mr. Clarence Munga): Thank you Mr. Speaker, let me stand actually to oppose this Motion....

Hon. Deputy Speaker: Hon. Jack please sit down, you had already contributed.

Hon. Clarence Munga: Let me stand to oppose this Motion.

Hon. Deputy Speaker: Decline Hon. Jack! Hon. Member you may proceed!

Hon. Clarence Munga :Thank you Mr. Speaker, and I am standing to oppose this Motion because of what the Mheshimiwa is saying, actually is under the act of PPP which is talking about operate and maintain. He is telling us to contract somebody, to come and operate and maintain it for us.

Mr. Speaker, we are actually inviting cartels in our County. Under PPP we have various clauses that actually we can observe, first there is this clause of build operates and maintain. You give someone to build, operate and maintain and then we get some resources.

There is this other concept of build operates and transfer this is where we tell someone to build that toilet operates for a certain time and then it will be transferred to the County Mr. Speaker. So under what the Mheshimiwa is saying is telling us actually to build, and then leave it to someone to operate and maintain it. Actually under this Acts Mr. Speaker, we will be inviting cartels in our County and it will be very expensive for us to maintain these lights Mr. Speaker.

So, I oppose on that, although it is a good initiative under this certain clauses and under PPP we can actually see where we can fit in. Mr. Speaker, how he has actually put it will be very expensive for us. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Thuo.

Hon. Member for Karura Ward (Mr. Kamau Thuo): Thank you Hon. Speaker, for the opportunity and I am in support of this Motion because this is to disqualify what my Colleague Hon. Munga has just said here, and I must say that is misplaced and he should go through the Motion and once again I seek to understand what this Motion is saying.

Hon. Speaker, I will contribute as follows, that Nairobi City County Government is not in the business. It is called businesses not lighting the City as such and this motion gives us an opportunity to give the experts who are in that sector of electricity to operate and also to elect various posts in Nairobi.

So Mr. Speaker, personally I fully support this Motion and we should give credit where it is due and give Kenya Power and Lighting an opportunity to come and manage the lighting in the City County of Nairobi. Thank you Hon. Speaker.

Hon. Speaker, I beg to continue.

Hon. Deputy Speaker: Please you may proceed!

Hon. Kamau Thuo: Thank you, Hon. Speaker I urge the rest of the Members to support this particular Motion for the benefits of Nairobians thank you.

Hon. Deputy Speaker: Thank you, Hon. Nyangwara!

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Thank you Mr. Speaker, I stand to oppose this particular Motion and I would like the Members to read line by line as far as this particular Motion is concerned so that they can understand what is cooking in this Motion Mr. Speaker.

Mr. Speaker, in anything that this County Government is doing as far as Public Private Partnership is concerned there should be money that is been generated out of it, and what the Private Partnership does they come in a kind of a way to manage that particular resources of money so that they can be paid out of it.

Mr. Speaker, if you look at the lighting system in the City like the one we have in our Wards, Members of Public don't pay even a single cent simply because they are getting that light. This is money that we actually budgeted here in this County and it is money that we give to the department in this Government and these departments have not failed us Mr. Speaker.

If at all it has failed then somebody somewhere is sleeping on the job, so there is no way we can partner with another company from outside and we don't have money to pay that company Mr. Speaker. Therefore, I want to request Members if we actually passed this particular Motion, then we are going to do the service to the people of Nairobi and we are going to lose a lot of money if at all, the County Government is going to take this particular advice knowing very well that Motion we passed here on the floor it is an advice we give to the County Government and Executive whereby they can take it or not, but I am foreseeing a situation whereby some people in the Executive are going to take this one as a move to steal from the County Government itself Mr. Speaker.

So we cannot allow this one to happen since we will be losing a lot of money through the offices in the County Government, because this particular lighting system is not generating any income. What are we going to share with the partners in this Mr. Speaker? I beg to oppose this Motion.

Hon. Deputy Speaker: Thank you, the last one Hon. Karen.

Hon. Karen Wanjiku (Nominated Member): Thank you Mr. Speaker sir, I beg to oppose this Motion and I want to give my reasons. Supporting this Motion means that the County Government has

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failed and Mr. Speaker sir, we have not failed because we are not doing very badly. When we look at the lighting we are not doing very badly, we are trying and doing our best what we need to do now is to do enforcement and make sure that the City staffs are working because when I am looking at it, how many will loss employment Mr. Speaker sir.

We don't know where this people will go, will they become thieves or where will they go? As legislators we cannot make discriminating policies we have to consider everyone. Again I want to give an example of what we did in the Health Committee, the County Government partnered with Cambridge for food handling, and what happened? They did not go far because it was not well planned. We need to bring polices that are well thought and implementable. This Motion Mr. Speaker sir, looking at it with a legislator's eye it is not implementable, I beg to oppose.

Hon. Deputy Speaker: Hon. Jack, please, declined. I had given indications that Karen will be the last speaker. Hon. Akuk, is it very special?

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Mr. Speaker sir, it is just that it has been long since I stood before this House and made my contribution. First of all, thank you very much for letting me have this opportunity. It is very disappointing to read such a Motion. I am standing here to oppose it, and unless one did not quite get what this Hon. Member is trying to put across, it is dangerous for this County. Whatever he is asking for is based on a model of PPP. PPP has about 16 models, and my able colleague tried to explain them though he mentioned them as Clauses yet they are not, they are models of operations of PPP. My able Member of the Speaker's Panel also did indicate to you that in a PPP, it is actually a requirement that there is money being generated for person being partnered to at least acquire benefit out of it.

Mr. Speaker sir, one of the models we are operating in this County that probably he is not aware of in a PPP model is the Jambo Pay. I would like to let this Member understand that operating and maintaining public light yet we are the ones paying for the bills is not practical; that will not be a PPP. If it was supposed to be a PPP, we would have had this person coming to operate and manage these particular projects and also paying Kenya Power. He is asking us to allow Kenya Power to do the operations and maintenance. It is not practical because you are aware that Kenya Power has also in its capacity introduced some public lighting including my Ward. I have over 65 poles with Kenya Power maintaining yet we are the ones paying the bills. You are also aware that he is in the Budget Committee, Mr. Speaker sir.

We have been unable to sweep money to the Central Bank of Kenya because one of the reasons which as he sits in that Committee---

Hon. Deputy Speaker: Order, *Mheshimiwa* Nyang'wara!

Hon. Maurice Akuk: He is aware that we are paying Kenya Power Ksh.2 million per day because of the public lighting.

Mr. Speaker sir, by bringing another person to operate and maintain just because we cannot keep up with the lighting of this City, will indicate that we are bringing another party that we are going to pay extra charges to only maintain our infrastructure yet we will be paying extra monies and then again at the end of the day, we will be paying Kenya Power the electrical bills. This will be an added cost to this County.

On top of it, my able colleague, Hon. Karen mentioned to us that our able employees will be losing jobs. The problem is not with the lighting up of these things. It is a good Motion, we want a 24 hour economy, it is agreeable to. He should go back to the procurement to assist people, like Engineer Njuguna who heads my area, who have made a big queue for procurement of this repair stuff but they have not been provided for. So, to come up with PPP model or act and then phrase it in this framework, I think he is challenged in whatever he was trying to put across. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Njoroge as the last one.

Hon. Member for Woodley/Kenyatta Golf Course Ward (Mr. Njoroge Kairu): Thank you, Mr. Speaker sir. I want to join my colleagues to oppose this Motion. Passing this Motion is doing injustice to our County that we have invested heavily. What we need to ask ourselves, why are we not supplying these things that are needed so that we will be able to maintain the lights? Mr. Speaker, if you look at Kenya Power, they were given a certain amount of money by the National Government, and up to date, even themselves have not assisted the County in lighting those lights. In my view, let us try to improve what we have because we have invested heavily. Thank you very much, Mr. Speaker sir.

Hon. Deputy Speaker: May the mover reply.

Hon. Ngaruiya Chege: Thank you, Members. I would like to thank everyone who has contributed, both who have supported and who have opposed.

As I reply, I want to say that my people of Kahawa West are not thieves. These are people who need lights to do business. If there is 24 hour economy where it is practical is in Kahawa West. I want to ensure that these people do their business on day to day basis. Mr. Speaker, Kenya Power was given that project, there was an MOU, but they have not brought that thing into our minds so that at least we can be in a position to be liaising with them especially on the ground to understand them better on this issue. I am not challenged; I want to say that if this Motion is going to fail, then it means my people of Kahawa West will continue to be in darkness for the rest of the five years I will be in power. Thank you, Mr. Speaker and thank you, Members.

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

(Question put and negatived)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, there will be a House Business Committee at the rise of the Assembly at the foyer. The House stands adjourned to next week, Tuesday 16th at 2:30 p.m. thank you.

(The House rose at 4:00 p.m.)