



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Thursday 27th October, 2016

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Order Hon. Members, the Serjeant-At-Arms to ring bell for 10 minutes.

(Quorum bell rang for 10 minutes)

Order Hon. Members, we now have quorum, we go straight to business.

PAPERS

Hon. Speaker: The Hon. Chairperson for Health Hon. Manoah.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you Mr. Speaker, pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly today Thursday 27th October 2016, report of Sectoral Committee on Health Services on the study visit to the Republic of Rwanda, thank you.

Hon. Speaker: Hon. Members the report of Sectoral Committee on Culture and Community Services, the consideration of Mau Mau Veterans Association seeking recognition by the County Government, the Hon. Chairperson for Culture and Community Services.

Hon. Member for Harambee Ward (Mr. Ronald Milare): Hon. Speaker pursuant to Standing Order 202(2) I beg to lay the following paper on the table of the Assembly today Thursday 27th October 2016, report of Sectoral Committee on Culture and Community Services on the consideration of the Mau Mau Veterans Association seeking recognition by the County Government.

NOTICES OF MOTION

Hon. Manoah Mboku: Thank you Mr. Speaker once more. I beg to give notice of the following Motion, that this Assembly adopts report of Sectoral Committee on Health Services on the study visit to the Republic of Rwanda laid on the table of the Assembly today Thursday 27th October 2016, thank you.

STATEMENTS

Hon. Speaker: The Hon. Carol Muga requested a statement from the Chairperson of Health Services regarding the persistent lack of water and medical supplies in Jericho center in Jericho Ward.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you Mr. Speaker I arise on behalf of Hon. Carolyne Muga, MCA Special Elect, a request for statement. Pursuant to Standing Order 41(2) (c) I wish to request for a statement from the Sectoral Committee on Health Services regarding the persistent lack of water and medical supplies in Jericho health center in Jericho Ward. In response to a statement of similar nature but different facts requested by Hon. Ronald Milare, a report was tabled on 19th April 2016 in which the County Executive promised to ensure timely medical supplies and restoration of dilapidated amenities across health facilities in the County.

Mr. Speaker sir since this Assembly has considered the budget and made provision for the foregoing activities and subsequent approval of the same, however to date health facilities including Jericho health center do not have running water and medical supplies occasioning endless suffering and headache for residents of Jericho who regularly access the facility for services.


Mr. Speaker sir in the statement the Chairperson should inquire into and report on:

1. Why there is persistent lack of water and medical supplies in Jericho Health Centre
2. Confirm status of budget implementation as regards health centers and dispensaries across the County
3. Measures put in place by the County Executive to ensure availability of essential health services at this facility by residents of this County. Thank you Mr. Speaker.

Hon. Speaker: Thank you Hon. Ochar for representing Hon. Carolyn Muga. Hon. Chairperson of Health.

Hon. Manoah Mboku: Thank you Mr. Speaker, a similar question was on the floor of this House and we responded on it yesterday, I request the Hon. Member Munga to share that response that Hon.

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Leah Mumo had requested. The issue of water lacking in our facilities, the Hon. Chair of Water is around here and can respond to that if possible.

Hon. Speaker: Hon. Manoah am told that the statements are different because there are different hospitals.

Hon. Manoah Mboku: Mr. Speaker it...

Hon. Samuel Nyangwara: Mr. Speaker I don't see the reason as to why this particular Chairman wants to run away from this particular statement. This Chairman is notorious of bringing reports here in this Assembly from outside the country when our facilities ...

Hon. Speaker: Order, order, order... that is un-parliamentary language. I may ask you to withdraw it please.

Hon. Samuel Nyangwara: Mr. Speaker I beg to withdraw but I will replace with kinder words. The Chairman of Health on numerous occasion has been bringing reports from outside the country for this Assembly to pass on the floor. I fail to understand as to why he does not want to commit himself with the issue we have here in Nairobi. Like now he has just stood on the floor telling us he has a report from Rwanda, the other time he had a report from Britain...

Hon. Speaker: Order Hon. Nyangwara, honestly I think the Hon. Manoah is one of the most articulate Chairpersons of this County Assembly. However as we proceed I will use my discretion to ask the Chairperson of Water and Health to investigate this and report and if possible you jointly tackle because here there is issue of lack of water and of course other health issues. So I direct that the Chairperson for Water who is also very able and Hon. Manoah to tackle it. Please give us an undertaking as to when you can bring back this statement, thank you.

Hon. Manoah Mboku: Mr. Speaker thank you, I think after recess we will be able to respond, however Hon. Nyangwara is feeling pained of being discharged from Health Committee...

Hon. Speaker: Order, order, please don't go there! Is that OK with you Hon. Alex Otieno?

Hon. Alex Ouda: Mr. Speaker yes

Hon. Speaker: Thank you. Hon. Members I will go straight to... order, order Hon. Members!

Hon. Speaker: No, you are not allowed to. Order! Order, Hon. Members! We go to Order No.10: Adjournment of the Assembly in accordance with the calendar of the County Assembly. I will call upon the Leader of Minority to move the Motion of Adjournment.

(Loud consultations)

Hon. Speaker: Hon. Members, Order! You cannot all press this. Order, Hon Members! Go ahead, Hon. Leader of Minority. Order!

Hon. Leader of Minority (Mr. Abdi Hassan): Thank you, Mr. Speaker sir. Can I proceed?

(Loud consultations)

Hon. Speaker: Order, Hon. Member! Go ahead.

(Hon. Member spoke off the record)

Hon. Speaker: Order, Hon. Leader of Minority! Can you approach here so that you can ask your question?

Hon. Member for Waitthaka Ward (Mr. Anthony Karanja): Mr. Speaker---

Hon. Speaker: I want to know the Point of Order you are standing on, please.

Hon. Anthony Karanja: Order No. 111, Mr. Speaker.

Hon. Speaker: Just a minute.

Hon. Anthony Karanja: Mr. Speaker, it is apparent---

Hon. Speaker: Order, Hon.! Order!

Hon. Anthony Karanja: Order No. 80, Mr. Speaker.

Hon. Speaker: 80 on what?

Hon. Anthony Karanja: Mr. Speaker, it is on your Standing Orders.

Hon. Speaker: No! You have to bring it two hours before time.

Hon. Anthony Karanja: It is a matter of emergency, Mr. Speaker.

Hon. Speaker: What emergency?

Hon. Anthony Karanja: That is why I want to speak.

Hon. Speaker: Order, Hon. Members! You are a very able Member here and very articulate. You know Standing Order No. 80 is Personal Statement which should have been brought to my office one hour before.

Hon. Anthony Karanja: It is an emergency, Mr. Speaker.

Hon. Anthony Karanja It is an emergency,

Hon. Speaker: You may have to take your seat.

Hon. Anthony Karanja: Mr. Speaker, are we stifling democracy in this House?

Hon. Speaker: Hon. Karanja, take your seat please. Hon. Leader of Majority, Motion of Adjournment. Order, Hon. Mugo!

Hon. Leader of Majority (Mr. Elias Otieno): Thank you, Mr. Speaker. When I was coming in, I saw a stranger standing here complaining about something, my friend self-proclaimed Bishop.

Hon. Speaker: Go ahead, Hon. Leader of Majority.

Hon. Leader of Majority: Mr. Speaker, pursuant to the provision of the Standing Order No. 24 (1), this Assembly adjourns until Tuesday, 15th November, 2016 in accordance with the calendar of the County Assembly regular sessions.

Mr. Speaker, I don't have much to say, that is the reason why we are adjourning because I think the Elected leaders have bursary forms. They have two weeks to go and distribute to their electorates. So, Mr. Speaker, without taking too much, I call upon Leader of Minority to second the Motion. Mr. Speaker, you should not feel intimidated by the so called signatures. Take it from me, if they continue walking out of the Assembly, even in the Committees they should walk out and we give it to the remaining 67 Members who are with us in the Assembly. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Leader of Minority, come to the dispatch box.

Hon. Leader of Minority: Thank you, Mr. Speaker sir. I do second the Motion of Adjournment, Mr. Speaker sir. Because this is House of Rules and Procedures, I don't want to go back to what my able Leader of Majority has said. But we have phase 2, and the members of phase 2 should be very patient because I am also a member of phase 2 with my good friend here, Hon. Ochar and others. Thank you, Mr. Speaker sir.

(Question proposed)

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker. As much as I am in phase 2, I wish to support this Motion. When phase one members are going to Mombasa to enjoy themselves, we of phase 2, including my able Minority Leader, will remain doing what we are supposed to do in our Wards. We have a lot of duties. We are not intimidated that we are remaining behind. I am very much comfortable with the phase I was given. I support this Motion so that we can break. It I just like leave. I support.

Hon. Member for Githurai Ward (Mr. Jackson Ngare): Thank you, Mr. Speaker. I rise to support this Motion. It is healthy to work and have a rest. Hon. Maxwell, when he moved a Motion here, did it on behalf of somebody. I would like a clarification from your seat because he said that he is moving a Motion

on behalf of a Special Elect. When did the word Special Elect replace the Nominated? I know IEBC have Nominated Members, not Special Elect. Thank you, I support.

Hon. Speaker: Hon. Jack Wetu thank you but I think you need to see the Clerk for that interpretation because it is there in the IEBC. That is what is normally used. Actually nominated is no more. I thank you. I understand both of them are there but you are a good citizen. Can we proceed?

Hon. Leah Mumo: Thank you Hon. Speaker. I rise to fully support as a phase 1 and I don't feel ashamed. You should not feel intimidated because dogs that bark don't bite. It is just a saying. I didn't call anyone a dog. If you feel that I called you a dog I think then you are a dog.

(Loud consultations)

Hon. Speaker: Order Hon. Mumo!

Hon. Leah Mumo: I rise to support and I can't wait to go to Mombasa and swim. *(Loud consultations)* I am on a Point of Order.

Hon. Speaker: Order Hon. Mumo!

(Loud consultations)

Hon. Speaker: Order! Order!

Hon. Maxwell Ochar: Thank you Mr. Speaker. This is a House of rules and order. We have language of the House. If unparliamentary language is spoken in the House and you leave it unpunished I think this is too bad. We don't have dogs in the House and we don't represent dogs here. Even the public outside there are not dogs. The language of dogs cannot come to a Honorable House. Can the Member withdraw and apologize Mr. Speaker? Thank you.

Hon. Speaker: I think it's very clear Hon. Leah Mumo a very able and articulate Member should have the honours and withdraw the word.

Hon. Leah Mumo: Thank you Hon. Speaker. I rise to tell my Hon. Chair that I didn't mean to call anyone a dog. I don't abuse people but I am going to withdraw due to public demand and replace it with a saying in Kiswahili *ati kelele ya kuku mwishowe ni kuchinjwa*.

Hon. Pius Mbono: Thank you Mr. Speaker. I rise to support this Motion of adjournment. Before we break for this recess I urge the WDF Committee to move with speed together with the Executive. There are some WDF projects that are not advertised and it is getting late. As we break for this recess I urge the Committee to do something and we see that advertisement maybe tomorrow. My fear is that this project might take long to take shape and now that the rains have started things might be bad to our side. I urge the Committee to do something. Thank you Mr. Speaker.

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

Hon. Leader of Majority: Thank you Mr. Speaker. For those who support the Motion--- when I came in I didn't know what people were talking about phase one, second phase I am in third phase. My time will come. I must tell some Hon. Members that it is not business as usual when somebody brings a piece of paper and you just pen your signature there and you expect the person you have been taking signature for is going to be happy. If you people would have been my children It's good that you are not my children. Let those who are going to enjoy staying in Mombasa enjoy. As the Implementation Committee we are going to Kisumu for about 7 days. Those who are going to Mombasa let them go, those who are going to Kisumu lakeside let them go and also enjoy. Those who are going to remain just go and sit with your electorates. The election is around the corner.

Mr. Speaker, yesterday I was watching NTV at night. I saw something written that there are MCAs for hire in Nairobi City County Assembly. In these MCAs for hire I saw the Chief Whip Minority plus other MCAs from the Jubilee side. Every aspirant is hiring you people to go and endorse them. That is not part of the agenda but I must tell them, if I don't watazoea. Thank you Mr. Speaker.

Hon. Speaker: Thank you Hon. Leader of Majority. Pursuant to the provision of Standing Order 24(1) this Assembly adjourns till Tuesday 15th November, 2016 in accordance with the calendar of the County Assembly regular sessions. Thank you. Let's continue with business. Yes Hon. Mbatia.

Hon. Robert Mbatia: Thank you Mr. Speaker. I rise on a Point of Order Number 87. It is a duty of every Hon. Member here to have responsibility of giving factual information. This is not for the Hon. Members but I want to urge even the Members of the Fourth Estate to be very factual as they are reporting. Today in the dailies, and I know the Hon. Members have read, it appears that Public Accounts Committee in the report that we recently tabled the day before yesterday appears in the dailies that we gave a clean bill of health to the e-payment system of this County Assembly. That is not factual.

These Hon. Members were present. It is in the HANSARD. We only said that we gave evidence of the proceedings as they were happening in the meetings and after that in our conclusion if the Members of the Fourth Estate have that report we said that we are asking for an audit, a special audit from the Auditor General to establish whether it is credible or not. As of now the information that is in the dailies is not factual. It is not true. We have not credited neither have we discredited it. Thank you Mr. Speaker.

Hon. Speaker: Hon. Chairperson, is it the one that was on the Star Newspaper?

Hon. Robert Mbatia: Yes Mr. Speaker.

Hon. Speaker: Hon. Members I also read the same story. I want to ask the publishers of the Star Newspapers to correct that impression that the Members of the County Assembly will be sued for defamation. I also read the report and there is nowhere where that entire story for the Star and by the time we come back for recess that Newspaper called Star who is very good in publishing good reports of

development of the County Assembly. Please we need an apology and at the same time we need proper reporting. If you didn't get the proper report please you can get it from HANSARD which is online. Therefore, it is with great respect I ask the Star Newspaper to correct. I also ask our brothers and sisters from the Fourth Estate please report accurately. Since we came here we have not had any war. Let's not create a war where it's not supposed to be.

These Members, most of them came to me asking why we are going to be sued for defamation. I didn't hear anywhere where Jambo Pay has given us letters to indicate that they had been given a clean bill of health by Anti-Corruption Commission. And if they have they should bring it to us. They know the procedures to that effect. Therefore I order that that Newspaper by the time we come back from recess to have had that one the paper the same way and the size of what they reported and report correctly. Therefore, that is ordered. Proceed.

MOTION

Decentralization of Fire-Fighting Services to the Ward Level

Hon. Alex Otieno: Thank you Mr. Speaker sir.

That aware that Paragraph twelve (12) of Part two (2) of the Fourth Schedule to the Constitution of Kenya, 2010 devolves the responsibility for firefighting and disaster management to the County Governments, further aware that the County Assembly enacted the Nairobi City County Disaster and Emergency Management Act, 2015 which requires the County Government to put in place adequate measures to respond to disasters such as fire out-breaks whenever they occur, noting that Nairobi City County frequently experience fire disasters especially in the informal settlements, which fires cause considerable property damage and immense suffering to citizens, deeply concerned that most firefighting equipment such as fire engines and personnel are stationed within the Central Business District(CBD) thus making it difficult for timely response to fire disasters since the CBD is always congested due to heavy traffic while the informal settlements lack appropriate roads to ensure efficient movement of the fire-engines whenever the fire disasters happen, this Assembly urges the County Executive to decentralize fire-fighting services to the Ward level to ensure timely and effective response to fire disasters whenever they occur.

Mr. Speaker, as mentioned here, movement from the fire station up to railway roundabout can take 2 to 3 hours during the rush hours. And Mr. Speaker, mostly all our engines are centralized at the old Nation Centre. Mr. Speaker, you find that when fire breaks in a place like Dagoretti or Kibra or even Kawangware. Mr. Speaker, the engine takes about 4 to 5 hours before it reaches the venue. So, if the fire engine can be decentralized to Sub-County level, this process of putting off fire will be fast and ensure that the fire outbreak is handled within the shortest period.

Mr. Speaker, we are about to receive new engines; about six of them. These are not things that you can stoke. That we use one until it is exhausted before you use the next one. We need to put all these engines into use so that we can assist the Nairobian. So, I would like to urge Members to support this

Motion so that we decentralize fire firefighting to allow Nairobians benefit from the new engines that we are about to receive. As you are all aware, this is the first County Assembly. If we can pass this Motion, Nairobians will remember these Hon. Members for passing the Motion on decentralization of fire engines. So, I urge all Members to support it and also urge the Executive to see that it is implemented to the latter. With that, I call upon Hon. Alexina to second the Motion. Thank you.

Hon. Alexina Moddy: Thank you Mr. Speaker sir. As the Motion stands, it is quite interesting and unfortunate that you will realize the firefighting system or mechanism is only based in the City Centre whereby it is supposed to serve Nairobians all the way from Njiiru to Dagoretti to Kitengela and the furthest of Kikuyu on the other end.

Mr. Speaker sir, it would be so prudent if somebody somewhere in an office could look at it. And the people who are suffering more are those who are staying in the slum areas whereby if you expected a firefighter to reach a slum estate, some lives and property would already be consumed. And it is unfortunate that it is like the fire is attracted to the slums.

Mr. Speaker, if this House, the Nairobi legislators can actually look into this and consider that every Sub-County must have its own firefighter and emergency kit, the Nairobians will actually be spared from the children burned in the houses because the firefighters came late, when the fire has already caused the damage that cannot be reversed. I therefore stand to second and support this Motion. Thank you.

(Question proposed)

Hon. Moses Ogeto: Thank you Mr. Speaker sir. My colleague and my Chairman for Water has done a great importance to this City by bringing this Motion. Mr. Speaker, you realize that when this fire equipment machines are just stationed in the fire station. There is one maybe in Industrial Area and another one in another place next to Starehe Constituency. When there is a call of fire in Kibera or in Kawangware, it can take even 20 minutes. Mr. Speaker, 20 minutes of fire can destroy property worth millions.

Hon. Moses Ogeto: ...so that the losses that are being incurred on the slum dwellers--- Mr. Speaker not forgetting the area where I come from, Kilimani. You will find that when these machines are decentralized, the properties which are destroyed by fire reduce. This Mr. Speaker will create more efficiency and therefore that is why we are always saying that development should go back to the people and not at the Central point. If all this is enhanced then the people of Nairobi will feel great importance.

I heard the Governor speak today on the 100 vehicles which are collecting garbage. Let this Motion be a benchmark for him. If indeed we have 100 vehicles collecting garbage then why can't each vehicle go to the various Wards? Mr. Speaker you realize that Nairobi has 85 Wards and we urge the Governor to consider all the areas. It is true to say that cleanliness has improved especially in the CBD unlike in the

slums. Let these 100 vehicles be decentralized to the 85 Wards and ensure that every Ward at least has a vehicle and that will help in terms of service delivery.

One time when we were flagging off machines at Uhuru Park, Nairobi County received around two firefighting engines and six motorbikes. You realize that in Nairobi we only have 17 constituencies. One cannot afford to park two vehicles at the Central Business District because that is the only place where we have to park fire engines yet the other vehicles are being displayed in showrooms. That does not make sense. Let those vehicles be decentralized to the impassable areas such as Kibera and Kawangware so that we can all benefit from these small resources. This will help us avoid the emergency kitty which is being used carelessly by agents of corruption. Let this money be put together and ensure that the fire equipment's are brought to the Wards. I support Mr. Speaker.

Hon. Speaker: I now call the mover of the Motion to reply

Hon. Alex Ouda: Thank you Mr. Speaker. I would like to thank the Members for supporting this important Motion. As said earlier, Nairobi City County has the networks. It's not necessarily that we have to construct a depot since we have public utilities, we can pick a central school and just have a simple shed. This is because we will be able to use what we have at hand. For example, in Langata area, if one of their public schools is Uhuru Gardens is chosen then we will put a simple shed and have a fire engine packed there. Even in Eastland's if a school like St. Michaels or St. Patrick's is picked then a shed will be put and have the vehicle packed there as well. You only need a simple office for the personnel's to man that engine. If that is done in the whole of Nairobi then all of these problems of firefighting will reduce. So Mr. Speaker I thank all the Members and urge through your office to see that the Executive implements this to the latter so that Nairobiian's can also feel we are working for them because they elected us to come here and represent them. By so doing I think they will appreciate what we are doing within this Honorable House. So Mr. Speaker I thank all the Members. Thank you.

(Question put and agreed to)

MOTION

Hon. Speaker: Hon. Members it is a little bit surprising that the Chairperson for Public Health was here a while ago and is not with us right now. Since this is an Assembly Motion, the Chairperson is reprimanded and given warning that this should never happen again because as you are all aware, we cannot remove it. It will come on the floor on Tuesday of the 15th or it goes back to the House Business Committee. I think it should go back to the House Business Committee for allocation. I thank you.

(The House rose at 3:45 p.m.)