



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Tuesday 2nd August, 2016

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ng'ondi) in the Chair)

PRAYERS

Hon. Deputy Speaker: Hon. Members, it has been brought to the attention of the Chair that there is lack of quorum in the House. I direct that under Standing Order number 31(2) that the bell be rang for 10 minutes by the Serjeant-At-Arms.

(Quorum bell rang for 10 minutes)

Hon. Deputy Speaker: Kindly, allow Members to come in. Please Hon. Kambi we are in the Assembly! Order Hon. Odalo! Hon. Member we may proceed, there is quorum in the House.

PAPERS

Hon. Nancy Luchiri (Nominated Member): Pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly on Tuesday 2nd August, 2016. The Report of the Sectoral Committee on Culture and Community Services on inquiry into and modality aimed at enhancing capacity of the Nairobi City County Liquor Board and site inspection to the Nairobi City County Liquor Board Offices South C Estate. Thank you.

NOTICE OF MOTION

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Hon. Nancy Luchiri: Hon. Speaker I beg to give notice of the following motion that this Assembly adopts the report of the Sectoral Committee on Culture and Committee Services on inquiry into and modality aimed at enhancing capacity of the Nairobi City County Liquor Board and site inspection, to the Nairobi City County Liquor Board Offices, South C Estate. Laid on the table of this House on Tuesday 2nd August, 2016. I beg to proceed with the Motion thank you.

Hon. Deputy Speaker: Hon. Elizabeth Manyala do you have any Notice of Motion?

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Thank you Mr. Speaker, I wish to give a Notice of Motion on the following: That aware that article 4 3 section 1 (d) of the Constitution of Kenya 2010 states that every person has a right to clean and safe water in adequate quantities, further aware that paragraph 11 (b) of the part 2 of the Fourth Schedule of the Constitution stipulates that the County Government is to provide County Public Works and services including water and sanitation services, concerned that most parts of the County especial in the informal settlement lack clean safe and sufficient and affordable water, which has led to the introduction of untreated water supplied business within the County.

Hon. Elizabeth Manyala:...acknowledging that Nairobi City Water and Sewerage Company has continuously rehabilitated various sources of its water to ensure clean and adequate water supply, noting that the increasing population in the County implies increasing demand for basic amenities such as water supply, this Assembly urges the County Executive to drill public boreholes in all the 85 Wards to ensure availability of adequate clean and safe water for the residents of Nairobi City County. Thank you.

Mr. Speaker I have another Motion and I wish to give the notice as follows: That aware that Article 43(c) of the constitution of Kenya 2010 states that every person has a right to be free from hunger and have adequate food for an acceptable quality, further aware that effects of global warming climate change has been felt globally leading to food shortage especially in Africa and Kenya in particular, concerned that early warning systems for humanitarian frameworks have largely focused on rural context leaving urban areas vulnerable to food and nutrition uncertainty. Acknowledging that early warning system provides vital information for emergency preparedness and response as well as emergency mitigation and long term development this Assembly urges the County Executive to establish various early warning and surveillance centers in the Wards to ensure broad implementation for monitoring mechanisms towards saving vulnerable urban population for food and nutrition and uncertainty. Thank you Mr. Speaker.

Hon. Deputy Speaker: Thank you. Clerk can you proceed? Hon. Members we expect a Notice of Motion from Hon. Karen. There is a kind of mix-up and immediately they get the Motion we shall give her an opportunity to read it. Thank you.

STATEMENTS

Hon. Deputy Speaker: Hon. Members under order 7 we have request for statements which are due for responses. Statement requested by Hon. Chege Mwaura for Chairperson of Sectoral Committee on

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Labour and Welfare regarding public dismissal of some County Inspectorate employees by the Governor for alleged failure to resign in a general lack of order in the CBD. The Chairperson for Labour

Hon. Member for Utalii ward (Mr. Wilson Ochola): Thank you Mr. Speaker sir, the response was supposed to be today and indeed we have not yet received communication from the Executive and in due course maybe on Thursday we beg to lay the response please.

Hon. Deputy Speaker: Thank you Hon. Chairman. Statement requested by Hon. Samuel Nyangwara from the Chairperson of Committee on Trade, Tourism and Cooperatives regarding the United Nations Conference on Trade and Development (UNCTAD) meeting held at KICC from 17th July to 22nd July 2016. The Hon. Chair for Trade?

Hon. Member for Mabatini ward (Mr. Wilfred Odalo): Thank you Mr. Speaker, we received a response but it was a bit light, we shared with *Mheshimiwa* Nyang'wara so we sent it back to the Executive, we are requesting for more time two weeks from now. Thank you.

Hon. Deputy Speaker: Two weeks must be a bit exaggerated and unacceptable. Hon. Chairman kindly fast-track the report and get back to the Assembly in good time by next week on Tuesday. Chairman please, next week on Tuesday. Hon. Karen your Notice of Motion is ready.

Hon. Karen Wanjiku (Nominated Member): Mr. Speaker I beg to give Notice of the following Motion; that aware that Article 42 of the Constitution of Kenya 2010 states that every person has a right to clean and healthy environment, further aware that Article 43 (1b) of the Constitution states that everybody has a right to reasonable standards of sanitation, concerned that some service providers like hotels and entertainment joints operate without adequate sanitation, infrastructure such as clean toilets, and adequate water supply within the County, noting that poor sanitation contributes significantly to deaths due to diarrhea and can hinder child development by impeding the absorption of essential nutrients and reducing the effectiveness of life saving vaccines, acknowledging that paragraph of Part 2b of the 4th Schedule to the Constitution of Kenya 2010 provides for Water and Sanitation as a function of the County government, this Assembly urges the County Executive to ensure that all public places especially hotels and entertainment joints within the County have proper and adequate sanitation, infrastructure, clean toilets and adequate safe water supply to reduce contagious and communicable diseases that may devastate human health as well as the environment.

(Inaudible)

Hon. Deputy Speaker: Hon. Members and the Serjeant-At-Arms please can you find out how a Member found his way into the plenary with a fire arm. Thank you, can we proceed.

MOTION

Hon. Deputy Speaker: The Chairperson of the Sectoral Committee on Planning?

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you Mr. Speaker. I beg to move that this Assembly adopts the report of the Sectoral of Planning and Housing on the consideration of Session Paper No. 2 of 2016 on the Nairobi Integrated Urban Development Master plan laid on the table of this Assembly on Tuesday 5th July 2016.

Hon. Maxwell Ochar: Hon. Speaker, once the Sessional Paper was committed to the Committee, we invited responsible CEC Member together with other officers who are responsible for development in order to get an insight on its contents.

Before I proceed, let me state that failing to plan is planning to fail. Nairobi City County is not only the Capital City of Kenya, but also an important commercial and industrial hub in East and Central Africa region. However, the City has faced perennial challenges due to other lack of proper planning or disjointed planning and implementation of projects.

Mr. Speaker, some of the challenges the City faces include; traffic congestion, poor infrastructure, expansion of slum areas, insecurity and environmental degradation. Upon scrutiny of the master plan, the Committee established that the plan is a product of various consultation efforts by various stakeholders spearheaded by Nairobi City County Government, Lands and Urban Planning Sector with the support of the Government of Japan through technical support of Japanese International Corporation Agency (JICA). Members of this Assembly and the public were also engaged at various stages of its development.

Mr. Speaker, the plan seeks to address the challenges facing the City through the following interventions among others;

- i. Completion of commuter line and revitalization of commuter train operation
- ii. Introduction of the Bus Rapid Transport (BRT) line along Mombasa Road to Waiyaki Way and other major roads
- iii. Development of new bus and matatu terminus
- iv. Improvement of water distribution network
- v. Development of trunk sewer to cope with the sewerage collection and conveyance.
- vi. Adaption of environmental social, economic and technical friendly waste disposal and management.
- vii. Converting Dandora Dump site into a material recovery and waste treatment facility
- viii. Development of City-wide Air Quality Management Program
- ix. Development of shared fiber Optic Trunk Communication Network
- x. Establishment of common infrastructure for operators, Government Data Center and National Addressing System.
- xi. ICT Literacy Education for citizen Infrastructure Sharing Policy
- xii. Expansion and renovation of the CBD
- xiii. Restructuring Industrial area
- xiv. Beautification of the City

- xv. Support of industry and strategic economic activities, business and development control regulation covering the whole City.

Hon. Speaker, the Committee found the master Plan a bold step towards fixing the challenges that have confronted the City. The plan aims at restoring the City to its lost glory. However, this shall require commitment by all the stakeholders. The County Assembly ought to allocate resources to the project while the County Executive must stick and faithfully implement the plan by committing resources budgeted for the project and seek support from the other development partners.

Hon. Maxwell Ochar: ... Mr. Speaker sir, the Committee recommends that in accordance with the section 8(1e) of the County Government's Act 2012 they simply approve the sessional paper number 2 of 2016 on the Nairobi Integrated Urban Development Master Plan. I urge Members to support this report and as I move this master plan, everything we are doing now in Nairobi will be anchored in the master plan. Even if we are doing the budget, it will be anchored in the master plan. It will be cheaper and easier for all Members in this Assembly to monitor what is happening in their Wards because we have a master plan which will take us through. When you go outside the master plan it will be like a law within the City.

So now I call upon one of us who is a senior Member in this House Mr. Hashim Kamau to come and second the Motion, thank you.

Hon. Minority Chief Whip (Mr. Hashim Kamau): Mr. Speaker, I second the Motion.

(Question proposed)

Hon. Deputy Speaker: Hon. Oduru.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Hon. Speaker sir. I stand to support the Motion with the following reasons. First of all, the development control regulations cover the whole City. This is as important as yesterday. I come from an area where buildings are constructed anyhow even on the road sides. There is no proper channel. If this thing takes place properly, it means that there are locations for the paths and even the public facilities will be allocated. It is going to add value to our people.

I will also focus on those people who do not have allotment letters or the authority to own properties. People are just building anyhow and this will assist them to get loans from the recognized banks so that they can develop themselves further. On the introduction of Bus Rapid Transport line along Mombasa Road to Waiyaki Way and other major roads within the City is very good because it is also on development of new bus and *matatu* terminus. This will reduce the congestion within the City which is costing us a lot of money on the transportation line due to traffic jams and unnecessary congestion.

There is also a point on the Dandora Dumpsite into a material recovery and waste treatment facility. This is also good because we have to reform on the specific things. If we have got the mandate of processing all the waste being dumped in Dandora then we make them useful it is going to add value to our

growth as a County. I'll also say a lot about the development of the shared Fiber Optic Trunk Communication Network. This is very important because you see that recently there have been unnecessary digging on our roadsides within Nairobi where people are doing cabling and they don't refill. It is causing a lot of pot holes within Nairobi. As a County we are going to do away with this because we can put this into use. ICT literacy, education for citizen's infrastructure sharing policy is very important.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): We introduced our ICT sector last week in the County Assembly and it is going to add value to our people. Let us all be literate on our ICT. Thank you Mr. Speaker sir.

Hon. Deputy Speaker: Hon. Karen

Hon. Nominated Member (Ms. Karen Wanjiku): Mr. Speaker I want to support this noble Motion. I want to talk about the Notice of Motion that Hon. Elizabeth Manyala has just read regarding the water supply in Nairobi. We have had problems on water supplies especially where I live, it comes only one day. This is Nairobi Mr. Speaker. Imagine that I am a mother of three children and I am in a house expecting to use that water for one day yet there are poor people without containers to fill up the water. Mr. Speaker sir it is time we pass this Motion so that the master plan can be implemented and Nairobians will no longer have problems on water shortage.

When we talk about water then we must talk about the sewerage system. If you visit Umoja estate Mr. Speaker sir then you will see the shoddy job done on the sewerage and this is just one of the examples. I also want to emphasize on land use Mr. Speaker sir. It is good to beautify the City just as it is referred to as the 'City in the sun'. We have a lot of garbage in the City and I want to thank this Committee because they are taking care of the environment. I hope that this City will be clean as it was before. I also want to be directed on whether the master plan will formalize land issues. This is because people are fighting and the youth are dying due to that. An example is the Kirima land saga. We do not have titles and if that is done then we will be happy.

Mr. Speaker I cannot sit down without speaking about the social amenities, health and education. It will be very good to have quality infrastructure in our schools and especially security. If we have a MOU with the National Government then I believe that we can do perimeter walls and add more classes. On health we all know that we are in dire need of good quality facilities and everything that goes with it. Mr. Speaker sir, I beg to support that this Assembly approves the sessional paper number two of 2016 on the Nairobi Integrated Urban Development Master plan. Thank you.

Hon. Deputy Speaker: Hon. Members, are you comfortable? May I call the mover to reply?

Hon. Maxwell Ochar: Thank you Mr. Speaker. I would start by thanking all Members; those Members who have spoken about our master plan and those who are supporting and have not spoken. Mr. Speaker, I would say that the title deeds will be given out when we follow the plans which have been there in the master plan because we have regularized. This will help our people to get title deeds. Mr. Speaker,

educationally as our good lady has said, in Nairobi all the schools were built by the defunct City Council and in fact, if there is any agreement between the National Government and our government, all will be well with us because we know how to build schools and I can say that all schools in Nairobi were built by defunct City Council and if not, it was by the public and not the National Government.

So, Mr. Speaker, I thank all the Members who have supported this and I can assure you that we follow this to the latter, we shall take our City to where it belongs. Thank you Mr. Speaker.

Hon. Deputy Speaker: Thank you.

(Question put and agreed to)

Hon. Members, the following Bills are due for second reading. The Nairobi City County Office of the County Attorney Bill 2016, Assembly Bill no. 4 of 2016. Can we get a clarification from the Chair of Justice and Legal Affairs? We also have the Nairobi City County Animal Control and Abattoir Management Bill 2016, Assembly Bill no. 3 of 2016 from Agriculture. Kindly furnish the House tomorrow at 2:30pm in regard to the status of these Bills.

Hon. Members, there shall be House Business Committee sitting at the rise of the Assembly and the Assembly stands adjourned to tomorrow 2:30pm. Thank you.

(House rose at 3:20 p.m.)