



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Thursday 4th August, 2016

The House met at 2.30 p.m.

(Hon. Temporary Deputy Speaker (Mr. Samuel Nyang'wara) in the Chair)

PRAYER

Hon. Temporary Speaker: Hon. Members, we don't have a quorum. I direct the Serjeant-At-Arm to ring the bell for the next 10 minutes.

(Quorum bell is rung for 10 minutes)

Hon. Members, we still don't have a quorum. And as per the Standing Order No. 32, I am supposed to give 10 minutes. The other 5 minutes if at all you will convince me, I will add the five minutes because it is not a must that I add the 5 minutes. Yes Hon. Chair for Planning.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker for your kindness, we beg you to give us some more minutes so that we can have the quorum.

Hon. Temporary Speaker: Still the Hon. Chairperson has not convinced me because the Whips of this House who are supposed to whip Members to this House are not in the House. What will make the Chair understand that these Members will be on the floor of this House?

Hon. Maxwell Ochar: Mr. Speaker, I have sent some 10 messages and I can see that it is bearing fruits. Even Mr. K'Otieno who is the Chair is up there coming. And you can see the president of the ladies is also here. She has come in.

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Hon. Temporary Speaker: Yes, the Hon. President for the ladies?

Hon. Maxwell Ochar: Mr. Speaker, she is in the House.

Hon. Temporary Speaker: Who?

Hon. Maxwell Ochar: Elizabeth Manyala.

Hon. Temporary Speaker: Yes, Hon. Member.

Hon. Margaret Sewe: Mr. Speaker sir, I am worried you may have forgotten my name. You are referring to me as Hon. Member. I hope your database is working well. Mr. Speaker, please allow us to deliberate on this. Don't punish us for the few who are on the way coming. They have assured us they are coming. They have some little meeting outside. Let us deliberate on these issues that make us sit here for the Members who have been waiting for this session. Thank you.

Hon. Temporary Speaker: Okay. As you were deliberating, I have just been informed that we have a quorum and I may allow the Clerk to proceed.

PAPERS

Hon. Chair for Labor?

Hon. Member for Dandora Area 1 (Mr. Peter Wanyoike): Thank you Mr. Speaker. Pursuant to Standing Order 180 (6), I beg to lay the following Paper on the Table of the Assembly today, 4th of August, 2016. The report of the Sectoral Committee on Labor and Social Welfare on the consideration of the Sessional Paper No 1 of 2016 of the Nairobi City County Strategic Plan 2015-2025. Thank you Mr. Speaker.

Hon. Temporary Speaker: Welcome. The Hon. Chair, Sectoral Committee on Culture and Social Services? Yes Madam Chair.

Hon. Janet Kimondo: Thank you Mr. Speaker. Pursuant to Standing Order 202 (2), I beg to lay the following paper on the Table of the Assembly today, Thursday, 4th August 2016. The report of the Sectoral Committee on Culture and Community Services on the petition by Pubs, Entertainment and Restaurants Association of Kenya, Nairobi Branch, regarding the payment of licenses by bar operators. Thank you Mr. Speaker.

Hon. Temporary Speaker: Thank you.

NOTICES OF MOTION

Hon. Chair for Labor?

Hon. Peter Wanyoike: Hon. Speaker, I beg to give Notice of the following Motion. That this Assembly adopts the report of the Sectoral Committee on Labor and Social Welfare on the Consideration of the Sessional Paper No. 1 of 2016 on the Nairobi City County Strategic Plan 2015-2025 laid on the Table of the Assembly today 4th August 2016. Thank you Mr. Speaker.

STATEMENTS

Hon. Temporary Speaker: Hon. Peter Isuha.

Hon. Member for Kangemi Ward (Mr. Peter Isuah): Hon. Speaker, pursuant to Standing Order No. 41 (2) (c), I wish to request a statement from Chairperson of Sectoral Committee on Planning and Housing regarding intended grabbing of parcel of land L/R no. 5875/2 in Kasarani, off Thika Road.

Hon. Speaker sir, the land LR no. 5875/2 which is a public land has been illegally grabbed by M/S Uchumi Supermarket Company Ltd, M/S Kasarani Mall Ltd and Solio Construction jointly.

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

- i) Proof of ownership of the said parcel of land by the aforementioned company and Board's resolution from Uchumi Supermarket to purchase the said parcel of land
- ii) Whether M/S Uchumi Supermarket Company Ltd subsidiary company of M/S Kasarani Mall Ltd and provide memorandum of registration for proof.
- iii) Whether Jacob Samuel had given the land as a gift to ROYSA Committee Self-help Group
- iii) Whether the Government of Kenya at one time intended to acquire the same and whether the process was duly executed fully
- iv) How M/S Kasarani Mall Ltd got approval of proposed boundary mall registration number EZ673 on 14th January 2011. Provide the proof of ownership and letters of payment of the land.
- v) Whether there was Caveat Emptor advertised by Uchumi Supermarket in the local daily print media claiming ownership and warning buyers and strangers from encroaching into the said parcel of land
- vi) Whether there was illegal retail advice through Nairobi Law Monthly from M/S Hamilton Harrison advocates to Uchumi Supermarket claiming the authenticity of Uchumi's title
- vii) Measures being taken by the County Executive to recover the public land for public utilities development.

Mr. Speaker sir, I also have a complaint from the same Committee. I remember when I requested for a statement for some parcels of land in my Ward which were grabbed. They were supposed to report back to the Assembly and it is now 3 months and they have not reported back. Thank you.

Hon. Temporary Speaker: Hon. Chair, can you respond on the same?

Hon. Maxwell Ochar: Thank you Mr. Speaker. I think we are going to answer my brother in two weeks' time. And concerning the pending statements, I think there is an order from the Speaker. So, all the pending statements will be in this Assembly by Thursday next week. That one was very clear because it was directed yesterday. Thank you Mr. Speaker.

Hon. Temporary Speaker: Hon. Member for Kawangware, are you aware that there was a direction from the Speaker's Office yesterday?

Hon. Member for Kawangare Ward (Mr. Fredrick Njoroge): *(Inaudible)*

Hon. Temporary Speaker: Then you are out of order. You cannot ask a question when you know that your question will get a response. Hon. Shadrak Juma.

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): Thank you, Mr. Speaker. Hon. Speaker, pursuant to Standing Order 41(2)(c) I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport, Roads & Public Works regarding ongoing construction on plot LR number 7879/26 for a proposed Industrial Park. Hon. Speaker, the County Government launched a lighting project in Baba Dogo Ward but unfortunately a construction company while doing some road works has interfered with the connections to the junction of Baba Dogo Rd. Hon. Speaker, in the statement the Chairperson should enquire into and report on;

1. Whether the County Executive is aware of the existence of the said damage on the lighting project
2. The measures being taken by the County Executive to ensure all damages done by known companies are repaired.

Hon. Temporary Speaker: Thank you. Hon. Chairperson for Transport.

Hon. Member for Lucky Summer Ward (Mr. Kenneth Oduru): Thank you Hon. Speaker. We will get the Hon. Members response in two weeks' time. Thank you very much.

Hon. Temporary Speaker: Are you okay with two weeks?

Hon. Fredrick Njoroge: Yes.

Hon. Temporary Speaker: Okay. Please proceed.

Hon. Shadrack Juma: Hon. Speaker, pursuant to Standing Order 41(2)(c) I wish to request for a statement from the Chairperson of the Committee on Agriculture, Environment and Natural Resources regarding maintenance of the environment in the County. Hon. Speaker, the budget of the financial year 2015/2016 considered 10 youths from each Ward to help in conserving the environment by ensuring that it

is clean. Unfortunately the project has stalled especially in Baba Dogo Ward where the youth who engaged in the cleaning of the environment have not been paid their dues to date. Hon. Speaker, in the statement the Chairperson should enquire into and report on;

1. Reason as to why the project has stalled and the youth involved in the project have not yet been paid their dues;
2. Measures being taken by the County Executive to ensure that the project resumes since the residents of Nairobi should live in a clean environment and bearing in mind that it was factored in the current financial year. Thank you.

Hon. Temporary Speaker: Hon. Chairperson for Environment, Agriculture and Natural Resources. I can see Hon. Kitavi, Hon. Pius K'Otieno. We have what we call collective responsibility.

Hon. Pius K;Otieno: But I would be responding.

Hon. Temporary Speaker: It is not responding, it is a matter of replying on behalf of your friend. You can inform him to bring the answer on the floor of this House. Yes, Hon. Member from Mugumoini.

Hon. Member for Mugumoini Ward (Mr. Alex Ouda): Thank you, Mr. Speaker sir. As the Chairperson of Water and Sanitation and on behalf of my colleague, Mr. Speaker, we will give the undertaking of 2 weeks on behalf of the Chairperson.

Hon. Temporary Speaker: Fair enough. Hon. Members, the following statements are supposed to be issued. Statement requested by Hon. Samuel Kagiri from the Chairperson of the Sectoral Committee on Transport and Road and Public Works regarding the contract to rehabilitate Kimondo Rd in Pipeline Ward. Hon. Chair, are you ready with the answer? Is the Hon. Kagiri in? Hon. Kitavi.

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Thank you, Mr. Speaker. I think it will be in order for the Chairperson to proceed and respond to the requested statement.

Hon. Temporary Speaker: Hon. Vice Chair.

Hon. Kenneth Onduru: Mr. Speaker, I beg to differ. Being given that duty it is the first time and maybe Hon Kagiri was not informed. So, Mr. Speaker, let us give him the benefit of doubt to give him time.

Hon. Temporary Speaker: Hon. Chairperson--- Yes, Hon. Pius Otieno.

Hon. Pius Otieno: Thank you, Mr. Speaker. I want you to delve into this matter very seriously because once a statement has been requested before the House, it becomes the property of this House

and not the property of the said Member who had asked for that response. However, I would also inform you, Mr. Speaker, that Hon. Kagiri does not need to be told that he has a response today because the Standing Order is very clear that today being a Thursday in the afternoon all Hon. Members are supposed to be here and nobody is supposed to whip them because that is the position of the Standing Order. So, Mr. Speaker, even as you make your decision please delve into that wisdom.

Hon. Temporary Speaker: Thank you, Hon. Pius K'Otieno. In fact the position you have given is exact by our Standing Orders. Hon. Karen.

Hon. Karen Githaiga: Thank you, Mr. Speaker sir. That is the Standing Order but since it is the first time and the Hon. Member has just been called. Something happened, so Mr. Speaker sir, I pray that you give him more time. Thank you.

Hon. Temporary Speaker: You are out of order, Hon. Karen. However, the reason that you have just given concerning an urgent matter that the Member left here to go and attend, I will think about that one. Yes, Hon. Marakalu, I do not know--- I am sorry, Masiga Nelson.

Hon. Member for Eastleigh North Ward (Mr. Nelson Masiga): Mr. Speaker, I want to add my voice on to what you are going to say that the precedent was set here that if a Member who asked the question on the floor is not in the first time, he is given an opportunity the next time. So, the precedent which was set here should not be taken lightly and we should consider the precedent that was set in the first place.

Hon. Temporary Speaker: Thank you Hon. Nelson Masiga. There has not been a precedence given on the same, that Members be given extra time or one or two days when they are not in the House, to attend to this Assembly as per the Constitution or our Standing Orders. Indeed, it is very true that on Tuesday, 2.30 pm, Wednesday and Thursday each and every Member of this Assembly is supposed to be in this House. So it can never be an excuse that a question cannot be answered if the Member is not in.

However, considering that this particular question actually touches on that particular Member's area of representation, I think I will allow this question to be responded to on Tuesday, 2.30 pm next week. Chairperson, much obliged, thank you so much. Statement requested by Hon. George Ocholla from the Chairperson, Sectoral Committee on Labour and Social Welfare regarding the shortage of ambulance drivers within the County. The response should appear in the Order Paper next week on Tuesday, 2.30 pm.

Hon. Members the following request for Statement are due for response today Thursday 4th August, 2016. Statement requested by Hon. Pius Mbono from the chairperson of Sectoral Committee on Transport and Public Works regarding allocation of Matatu terminus behind Kenya Archives around Tom Mboya Street.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Hon. Speaker sir, on that request we did a letter to the concerned, NNK. It was indicating that we need to meet them on Monday therefore we are expecting them on Monday whereby we will have a consultative meeting. Based on that we wrote to the Executive and we have not yet got any response, we are requesting your Hon. Chair if possible we give a response on Thursday next week thank you.

Hon. Temporary Deputy Speaker: Hon. Pius Mbono! On Thursday next week! Statement requested by Hon. Hashim Kamau from the Chairperson of Sectoral Committee on Water and Sanitation regarding the process of recruitment of Board of Directors of Nairobi City Water and Sewerage Company Limited. Hon Chair!

Hon. Member for Mugumoini Ward (Mr. Alex Otieno): Thank you Mr. Speaker, the report is not ready and we will give the report next week Mr. Speaker. We are following...

Hon. Temporary Deputy Speaker: On Tuesday! You should give an undertaking to bring the answer.

Hon. Alex Otieno: Let us have it on Wednesday Mr. Speaker!

Hon. Temporary Deputy Speaker: Wednesday next week at 2.30 p.m. Hon. Hashim Kamau Wednesday at 2.30 p.m. Hon. Hashim Kamau! He is not in! Chair as you have said 2.30 p.m. on Wednesday next week. Statement requested by Hon. Osman Adow from the Chairperson of Sectoral Committee on Transport and Public Works, Trade, Tourism and Cooperative regarding the unlicensed business operating along Nkubu Road in South C Ward. Yes, Hon. Chair for Trade and Tourism!

Hon. Member for Roysambu Ward (Mr. Peter Warutere): We are yet to get the response from the Executive so therefore with your indulgence we are asking for one more week probably before Tuesday.

Hon. Temporary Deputy Speaker: Can you clarify!

Hon. Peter Warutere: I am saying that we haven't yet got the response from the Executive and we were meant to visit the same people, could you probably add us an extra seven days that was a request from the Chairman.

Hon. Temporary Deputy Speaker: An undertaking to bring the answer in this House!

Hon. Peter Warutere: Yes!

Hon. Temporary Deputy Speaker: When?

Hon. Peter Warutere: Thursday next week!

Hon. Temporary Deputy Speaker: Much obliged and so directed. The Hon. Chair for Transport and Public Works!

Hon. Kennedy Oduru: Thank you Hon Speaker, We did a letter to the Executive and we are still waiting for the response and we own it with the Trade Committee so, exactly as he has suggested that you will get the response on Thursday, I think we shall also bring it on Thursday.

Hon. Temporary Deputy Speaker: Are you going to bring each a response or you will have a joint sitting?

Hon. Kennedy Oduru: It is a joint sitting and this is what I meant. What he has just stated is what we are saying is that we shall consult our sector so that we can compile one report in a joint meeting this is what I meant.

Hon. Temporary Deputy Speaker: I so direct, you have a joint meeting then you bring the response on Thursday next week.

Hon. Kennedy Oduru: Thank you sir!

MOTION

Hon. Temporary Deputy Speaker: Hon. Chair for Planning!

Hon. Member for Krongochi Ward (Mr. Maxwell Ochar): Thank you Mr. Speaker, I beg to move that this Assembly adopt the report of Sectoral Committee on Planning and Housing on the site visit to Maringo/Hamza Ward to ascertain the status of land LR. No. 209/4401/R laid on the table of this Assembly on Tuesday 5th July 2016. Hon. Speaker, the matter was brought before the Committee by one of the Committee Members requesting the Committee to investigate into the use of the Land LR. No. 209/4401/R, located in Maringo/Hamza Ward.

The Member had alleged that land which is a public land and serves as a plain ground for the Neighbourhood schools was being converted to Commercial use with traders constructing modern stalls and Kiosks.

Mr. Speaker in order to ascertain the issues raised the Committee conducted an inspection site visit to the said land on 16th February, 2016 to ascertain the issues raised by the Member. The Committee was accompanied by the area MCA who happens to be a Member of Planning.

Hon. Speaker during the visit, the Committee found out as follows:

1. That the LR. No209/4401/R was initially an open ground however a section of the area residents proposed that the land was ideal for a market.
2. That the traders in the area have constructed a road reserve hence narrowing the road and causing traffic congestion and in some incidences road accidents.
3. There were unidentified people constructing modern kiosks on the land who claim to have been award a tender by the County Government under the Ward Development Fund.

4. There were proposal that land be used for constructing a Children Centre.

Mr. Speaker, the Committee made the following observations:

1. That currently there is no market in the area and the people have resulted to construct kiosks on road reserves hence narrowing the road and causing traffic congestions and sometime accidents.
2. That the open ground LR. No. 209/4401/R land which is an open ground owned by the County Government is ideal for a market and would provide more job opportunities for area residents and youths.

Mr. Speaker, in order to get the view of the Executive on the matter the Chief Officer for Lands wrote a letter Ref: land/ 05/108/216/cwk dated 24th May, 2016 which informed as follows:

1. That the land currently belongs to the Nairobi City County Government as it has not been leased out for a private use.
2. That the plot was initially planned as opened spaces with the estate as per the development plan that is PDP for Makadara.
3. That part of the land was later allocated to Rescue Center as Plot Number B

Hon. Speaker in view of the above the Committee urges the Assembly to resolve as follows:

1. That Land LR. 209/4401/R which is an open ground space be divided into two plot i.e. Plot A and the existing Plot B. Plot A be used for construction of a modern Market while Plot B be used for the construction of a Rescue Center.
2. That all open spaces within the County should be surveyed and clearly demarcated to prevent them from being grabbed.

Mr. Speaker the People of Makadara and Hamza were there, they were many and we agreed with them that they really need the open market. I therefore urge Members to support this report and I move and call upon Hon. Njuguna Mwangi to second. Thank you.

Hon. Member for Maringo/Hamza Ward (Mr. Njuguna Mwangi): Thank you very much Mr. Speaker, I stand here to second the utterance from my friend and comrade and currently hoping he is going to take over the Chairman of Planning because of what we are undergoing in the Committee of Planning. Mr. Speaker this was a very sensitive issue, it is one way of empowering our people. We had resorted to create employment in this County and the people of Makadara need to be empowered. You are aware that the County Government has not been able to empower our people through employment and this is one way as you have heard to empower our people. In regard to this am asking the whole House to support this so that we can empower people, reduce road carnage on the streets of this City and also we will have given this County a political mileage and be seen to be doing something. Thank you.

(Question proposed)

Hon. Nominated Member (Ms. Karen Wanjiku): Thank you Mr. Speaker I beg to support this Motion and the reasons; we have seen that the submissions by the Chief Officer for Lands in (ii), he has said the plot was initially planned as open space within the estate as the part development plan for Makadara. Therefore we cannot encourage private developers to come there and this is the way people grab land that is meant for the public. Again from the Committee findings we see that traders in the area have constructed on the road reserves hence narrowing the road and posing traffic congestion and in some instances road accidents. As a County we cannot allow this to happen; we need a market as the people have proposed. If the people of Makadara want a market they should have it, I beg to support this Motion and it should be done urgently to avoid road accidents and congestions.

Hon. Temporary Deputy Speaker: I can see the Hon. Members of this House are in ...yes Hon. Member for Hospital ward.

Hon. Member for Hospital Ward (Mr. George Ochola): Thank you Mr. Speaker. First of all I want to thank the Chair for Planning and the Committee at large for a good job which they have done. We are all aware that we have scarcity in jobs and even if it happens to be you'll find there are criteria which will be needed and that is education which mostly hinders almost 60% of our people who didn't go to school but are more in entrepreneurship. The recommendations and findings which they have come with of building a market will indeed create employment for our people and even create development within the area. If we go to issue of road encroachment I wish that let the precedent be set in this Nairobi City county where the roads needs to be protected because for any developed area we must have a good infrastructure in and out of the area and therefore I beg to support the Motion.

Hon. Temporary Deputy Speaker: Yes Hon. Maggy Sewe.

Hon. Margaret Sewe (Nominated Member): Mr. Speaker this concerns me because I come from Makadara and I would want to put my support to that Motion because this will be killing two birds with one stone in the sense that as we will be expanding the roads, we will also be settling traders and workers and this will give us an upper hand in terms of terms of entrepreneurship and development of women and youth. It's time we really consider and speed up some of this Motions that help us create employment, settle woman and youth and bring orderliness in the City. I support thank you.

Hon. Temporary Deputy Speaker: Hon. Chair for Transport.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Hon. Speaker sir. I stand to support this. It is quite critical and urgent action needs to be taken towards this because whatever the Committee of Planning has done is a recommendable job and why am I saying this? With their own observation which states that there were unidentified persons contracting plots on land who claimed to have been awarded tender by the County Government under the Ward Development Fund. This is very serious. People do assume, and if clearly we have known that these people are unidentified people who

approved all these things, can we take action so that they can be arrested because there are several people who are just acting like this and grabbing lands in each and every town. Can we take action Hon. Speaker sir? With those few remarks I beg to support. Thank you.

Hon. Temporary Deputy Speaker: Yes Hon. Alexina Mudi.

Hon. Alexina Mudi (Nominated Member): Thank you Mr. Speaker for this opportunity to echo my voice in this development that is coming ahead of us. First and foremost I have to compliment the Committee of Planning and I do believe with what they have done in Makadara. I believe they will do it further extending it to the entire Nairobi so as to make sure that at least the same is applicable in other constituencies. When you look at it we are so happy especially as mothers this is going to be Rescue Center for youth and same time we have market for other people. And I believe the street hawkers from the same area at least will have a reason to smile and say the market has come home to be with us here and the Rescue Center will take care of our children who are loitering left right center without anything to do. As we always believe an empty mind is a devil's workshop; we thank you so much and we believe you will continue to do the same from where we come from, you will continue to do the same for entire Nairobi and Nairobi will be seen as rolling out the purpose and intend of the leadership of the city and I therefore support. Thank you.

Hon. Temporary Deputy Speaker: I call the mover to reply.

Hon. Maxwell Ochar: Thank you Mr. Speaker, am very much delighted especially when I hear the voices of the ladies honorable members because as the word have it they are the ones who knows better than you and I, they know better the suffering of the children than anybody else. After we have done with this in our last conclusion we said that all open spaces within the County of Nairobi should be surveyed and clearly demarcated to prevent them from being grabbed. If not so then we will as Nairobians lose any land which can be used to build public amenities. With those few remarks I thank all Members for those who spoke and those who have not spoken, I can see many brothers willing to speak but because of time of time, I thank everybody. Thank you.

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Hon. Members, the House stands adjourned till Tuesday, 2:30 p.m.

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