



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Tuesday 6th October, 2016

The House met at 2.30 p.m.

(Hon. Temporary Deputy Speaker (Mr. Maurice Akuk) in the Chair)

PRAYER

Hon. Temporary Deputy Speaker: Serjeant-At-Arm, kindly, ring the bell for the next ten minutes.

(Quorum bell rings)

Hon. Temporary Deputy Speaker: Hon. Members, it has been brought to my attention that irrespective of ringing the bell for ten minutes, we still do not have enough quorum. So, I will use the Standing Orders to kindly request Serjeant-At-Arm to further ring the bell for another five minutes before we adjourn.

(Quorum bell rings)

Hon. Temporary Deputy Speaker: Hon. Members, I am informed we have a Quorum, so you can please instruct the Serjeant-At-Arm to stop ringing the bell.

PETITION

Hon. Temporary Deputy Speaker: Hold on, Hon. Member. I think we have a petition by Hon. Shadrack Juma on behalf of the people of Baba Dogo. Are you aware of it?

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): Yes.

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Hon. Temporary Deputy Speaker: Could you present it, please?

Hon. Shadrack Juma: Thank you, Mr. Speaker. I want to lay the Petition on behalf of residents of Baba Dogo Ward.

PUBLIC PETITION BY RESIDENTS OF BABA DOGO WARD

We, the undersigned citizens of Kenya, who are residents of Nairobi City County, draw the attention of Nairobi City County Assembly to the following:

THAT, aware that the Constitution of Kenya under Article 37 and Section 15 and 88 of the County Government Act, 2012 provides the right for citizens to petition the authorities or the County Government on any matter.

THAT whereas, as residents of Baba Dogo Ward, we wish to express our concern regarding the irregular ownership and use land LR.No. 336/64 originally land LR.no. 336/12.

THAT whereas, aforementioned parcel of land, which is public land was allocated to a private developer, Unicom Investments Ltd of P.O Box 4254 Nairobi, for a leasehold period of 99 years with effect from 1st August, 1911 which lease expired in the year 2010. Before the expiry of the lease, Unicom Investments Ltd had in 1999 transferred the said land to Avi Marketing Investments Ltd of P.O Box 32705 Nairobi.

THAT whereas, the said parcel of land was supposed to host public utilities within Baba Dogo Ward upon expiry of the lease. The County Government is yet to reclaim the land even after the leasehold by the private developer expired. Further, the private developers had never put any development on the said land since it was purportedly allocated to them in 1911, as such, the land is currently idle and unknown persons have already begun dumping solid waste on the said land hence posing a health hazard. In addition, the lease has not been renewed in favour of any of the private developers.

And whereas, residents of Baba Dogo Ward lack basic social amenities such as health center, a market, a community hall, amongst others due to unavailability of public land to construct the said facilities.

Therefore, your humble petitioners pray that the Nairobi City County Assembly intervenes and ensures that the County Government of Nairobi repossess land LR Number 336/64 originally land LR Number 336/12 and use it for the establishment of public utilities such as a health centre, market, community hall within Babadogo Ward. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you Hon. Juma. In this regard, having submitted the petition according to the Standing Order number 195 for this Assembly to consider your petition we will first have it committed to the Planning Committee. Do we have any Member or Chairman of the Planning Committee here? We commit this to your Committee for further deliberation and we expect some--- that's

Chairman for Planning. We commit this to your Committee and we hope that you will further deliberate on it and we expect some answers from your Committee within the next one month. Will that be okay with you?

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker, I am just getting to the Assembly I've not got you right please.

Hon. Temporary Deputy Speaker: There is a petition presented to this Assembly by the people of Babadogo in regard to an idle land the parcel number is there so according to the Standing Orders we have committed this to your Committee and we need a response in the next sixty days not one month.

Hon. Maxwell Ochar: Most obliged Mr. Speaker.

PAPERS

Hon. Member for Hospital Ward (Mr. George Ochola): Thank you Mr. Speaker. Pursuant to Standing Order number 180 (6) I beg to lay the following paper on the table of the Assembly today Thursday 6th October, 2016. Report of the Sectoral Committee on Finance, Budget and Appropriation on the first Nairobi City County Budget Conference held from 17th to 20th August 2016 at Lake Naivasha Sawela Lodge. I beg to lay.

Hon. Temporary Deputy Speaker: Hon. Chairman Water and Sanitation. You have another one? Okay proceed.

Hon. George Ochola: Mr. Speaker, pursuant to Standing Order number 180 (6) I beg to lay the following paper on the table of the Assembly today Thursday 6th October, 2016. Report of the Select Committee on Finance, Budget and Appropriation on the annual development plan for the financial year 2016/17 and financial year 2017/18. I beg to lay.

Hon. Temporary Deputy Speaker: Chairman Water please proceed.

Hon. Member for Mugomo-Ini Ward (Mr. Alex Otieno): Thank you Mr. Speaker. Pursuant to Standing Order number 180(6) I beg to lay the following papers on the table of the Assembly today 6th October, 2016. Site visit report of the Sectoral Committee on Water and Sanitation to Ruai treatment plant held on 20th June, 2016. I beg to lay.

NOTICES OF MOTION

Hon. Member for Laini Saba ward (Mr. Boniface Kitavi): Hon. Speaker I would like to give notice of the following Motion: That aware that Article 174 of the Constitution of Kenya 2010 states that objects of devolution is to promote social and economic development and the provision of proximate easily accessible services throughout the country to enhance checks and balances and the separation of powers; further aware that article 81(3) states that the County Assembly while respecting the principle of separation of powers may exercise oversight over the County Executive Committee and any other Executive organ;

concerned that the County Assembly has experienced challenges in getting vital information from County Executive on different matters such as implementing various proposals, Motions, noting that various projects in Wards have stalled thus hindering efficient service delivery to Nairobi City residents, this Assembly urges County Executive to establish a County Liaison Office that will act as center of information between the County Legislature and Executive in the implementation of County Assembly resolutions.

STATEMENTS

Hon. Temporary Deputy Speaker: Hon. Members we have the following statements that will be given to us today and we have one from Leah Mumo. Are You in? Let's proceed.

Hon Leah Mumo (Nominated Member): Thank you Hon. Speaker, pursuant to Standing Order 41 (2) (c) I wish to request statement from Chairperson of Sectoral Committee on Health Services regarding the lack of water and poor management of Jericho Health Center. Hon. Speaker residents of Jericho have complained of lack of water and drugs at Jericho Health Center and poor services at the facility. The facility was closed at 10 pm on 2nd of October 2016 when it is supposed to be open for 24 hours. Hon. Speaker in the statement the Chairperson should inquire into and report on:

- I. Reasons for lack of drugs and water at Jericho Health Center and when will the County supply drugs to the facility.
- II. Why was the facility closed on Sunday 2nd October 2016 and yet is supposed to operate 24 hours
- III. Measures the County has put in place to supply drugs to the facility
- IV. Measures the County Government has put in to ensure the residents get better and timely services at the facility. Thank you.

Hon. Temporary Deputy Speaker: I ask Shadrack Juma to proceed and then we will give the Chairmen time later to give their responses.

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): Thank you Mr. Speaker though I don't have any statement to make.

Hon. Temporary Deputy Speaker: Sorry, these are responses you had requested to make, sorry. Could we have the Chairman of Health Services give us a timeline on when they will respond to Hon. Mumo? Hon. Manoah?

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Mr. Speaker, this issue is a bit urgent and as you are aware the procedure used in getting these responses is tedious because you have to write to the Executive and we have to give them a Notice of 7 days. Mr. Speaker this will take long. I wish you can give directions so that we can immediately have the Executive in the next 3 days that is on Monday we meet them and I will respond on Thursday next week. Thank you.

Hon. Temporary Deputy Speaker: So do we get it from you that your response will be on Thursday?

Hon. Manoah Mboku: Next week.

Hon. Temporary Deputy Speaker: Thank you. Hon. Members, the following statements are due for response today and we could we have the Transport Chair giving us a response on statement requested by Hon. Shadrack Juma.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru): Thank you Mr. Speaker sir. I have a response for Hon. Shadrack Juma who is just sitting next to me. Hon. Speaker, on Wednesday 3rd August 2016 Hon. Shadrack Juma, MCA rose on the floor of the Assembly pursuant to Standing Order 41 (2c) and requested the Chairperson of the Sectoral Committee on Roads, Transport and Public Works for a statement regarding the ongoing construction on plot No. LR. 7879/26 for a proposed Industrial Park. According to the Member, the County Government launched a lighting project in Baba Dogo Ward but unfortunately a construction company while doing some road construction work has interfered with the connections from Dawanol to the junction to the BabaDogo Road. The Member further asked the Chairperson to inquire into and report on:

1. Whether the County Executive is aware of the existence of the said damage on the lighting project; and
2. Measures been taken by the County Executive to ensure all road projects done by the County and have been vandalized by unknown companies are repaired.

Mr. Speaker sir, the Committee wrote a letter to the Chief Officer Transport and Public Works and copied to the Executive Committee Member for Transport, Road and Public Works and the Acting County Secretary on 9th August 2016 where the content of the request were outlined. Further the County Executive Committee Member for Transport and Public Works delivered a written response to the Committee through a letter dated 30th August 2016. In this regard Mr. Speaker sir, I wish to report to the Assembly the follows:

1. Whether the County Executive is aware of the existence of the said damage on the lighting project

The response is; the Transport and Public Works sector has visited the site and assessed the damaged street lighting infrastructure. The estimated cost of repairing the defects is Ksh. 141,752.

The issue raised is measures being taken by the County Executive to ensure all roads project done by the County and have been vandalized by known companies are repaired. The response is the Transport, Road and Public Works sector has instructed the company implicated in the damage to repair the affected lights. They have further instructed the Inspectorate Department to take an appropriate action if the construction company fails to carry out the repairs within seven calendar days. I beg to table this response Hon. Speaker sir.

Hon. Jacqueline Nyangala (Nominated Member): Point of Order Mr. Speaker, No. 32. Mr. Speaker sir, according to the Order Paper there are some Motions that are very important for most of us to debate on and I think there is no quorum right now. Thank you.

Hon. Leah Mumo (Nominated Member): Point of Information!

Hon. Temporary Deputy Speaker: Over ruled, what do you want to inform the Hon. Member?

Hon. Leah Mumo: The House, because I think it is deliberate that the Members knew very well that we had a session and they didn't come because they wanted. So I don't think we should stop we should continue

Hon. Temporary Deputy Speaker: I have understood you Hon. Jacky Nyangala and I would kindly, request the Clerk to confirm if we have the quorum because this has been raised by Members and we cannot ignore it. Kindly let the Serjeant-At-Arm ring the bell again for 10 minutes as we try to get the quorum.

(Quorum bell rung for 10 minutes)

Hon. Temporary Deputy Speaker: Serjeant-At-Arm are you aware that under Standing order 32 (3) you are not allowed to let those Members to go out.

Hon. Karen Wanjiku (Nominated Member): Am going to the toilet!

Hon. Temporary Deputy Speaker: Hon. Member under Standing Order No. 32 having been brought to my attention, that we lack quorum in the Assembly it has been confirmed to me that after the ringing of the bell for about 8 to 10 Minutes, we still do not have enough quorum and under the same Standing Order 32 (2) (a) we adjourn the Assembly to the next sitting. That will be on Tuesday at 2.30 p.m. next week.

(House rose at 15.20 p.m.)