



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Tuesday 7th June, 2016

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I have the following communications to make. Honorable Members, welcome back from the recess. It is my sincere hope that you had a wonderful and fruitful break.

Hon. Members, as we commence the Second Part of the Fourth Session, I wish to remind you of the business before us. Firstly, we are currently in the budget making period, whereby the Assembly is considering for approval estimates for the financial year 2016/17. As you are aware the deadline is 30th June, 2016 and the Committees are requested to expedite the process.

Secondly, we will also be considering pending business from the First part of the Fourth Session. These include Motions, Statements, Bills and Petitions. Committees with pending reports are advised to expedite conclusion of the same.

Hon. Members, you are therefore encouraged to continue working with the diligence you have exhibited in executing your mandate for the benefit of Nairobi residents.

On a positive note this is the last period we are using Charter Hall and we are planning to move to our new Chamber immediately after the short recess in July and we have already gotten a guest between July 3rd to 18th Hon. Members.

Once again, I warmly welcome you back from the recess as we commence the Second part of the Fourth Session.

Thank you and welcome once again and God bless you and the people of Nairobi.

Hon. Maxwell Ochar: Thank you Mr. Speaker. I have a response.

RESPONSE TO A STATEMENT REQUESTED BY HON. PETER IMWATOK.

I don't know whether you will allow me to read it or to wait for Hon. Imwatok to be in the House.

Hon. Speaker: You are at liberty to go ahead. It is the property of this Assembly.

Hon. Maxwell Ochar: Thank you Mr. Speaker.

Hon. Speaker sir, On Tuesday, 13th October, 2015, Hon. Peter Imwatok, MCA, pursuant to Standing Order 41 (2) (c) requested the Chairperson of the Sectoral Committee on Planning and Housing for a Statement regarding the Kenya Railways relocation plan unit constructed in Makongeni/Mbotela. The Member argued that the World Bank plans to build relocation units in Makongeni and Mbotela.

He further asked the Chairperson to inquire into and report on:-

- i.) Who approved the construction of the said units on the Railway corridor contrary to the law;
- ii.) Whether the County engineer in charge of the project is aware of cracks that have developed on some of the units and measures to deal with the same;
- iii.) Table environmental report on the construction and whether the project met the threshold for environmentally sound buildings;
- iv.) Table the name of the resident engineer on the project;
- v.) Whether the County Government has already issued an occupation certificate for the said units despite cracks developing all over the buildings.

Mr. Speaker sir, the Committee wrote to the Executive requesting to be furnished with a written response to the statement requested by the Hon. Member. The Committee also held a meeting with the Chief Officer Urban Planning on Wednesday 6th April, 2016 to provide further clarifications. The Committee also visited the site on 19th October, 2015.

In this regard, Mr. Speaker sir, I wish to report to the Assembly as follows;

Report on the Kenya Railways relocation plan unit constructed in Makongeni/Mbotela

Mr. Speaker sir, the Committee was informed that the project is funded by the World Bank and the clients are the Ministry of Transport and Kenya Railways Corporation. The project is composed of residential units, business stalls, footpaths and underpasses on a ten (10) meter wide space of railway reserve from Mukuru to Kibera.

Mr. Speaker sir, the Chief Officer further stated that the project followed the due process of obtaining an approval from the County Government (approval number: CPP AA 038). The constructions consist of bedsitter units of up to two floors. Currently, there is no ongoing construction although houses at Mbotela are fully occupied while those at Makongeni are half way occupied.

Mr. Speaker sir, during the Committee site visit, it was observed that there were visible cracks on the walls of the said units and that the cracks might have been caused by the tremor emanating from the trains moving on the rails close to the units. The Committee further observed that the units were unsuitable for habitation given their closeness to the railway in the event a train derailed. To this end, the Committee advised the Executive to take up the matter with the appropriate authorities and see on how to address the challenge.

Thank you, Mr. Speaker. I wish to table this document before the House.

Mr. Speaker, as we told the House that we are going to finish up all the business before us because we had so many responses, I have another one from Hon. Nancy Luchiri who is not in the House Mr. Speaker. Can I seek your direction?

Hon. Speaker: Please, go ahead.

On Thursday, 2nd June, 2015, Hon. Nancy Luchiri, MCA rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson of the Planning and Housing Committee for a statement regarding encroachment on a road reserve which is a public land by a petrol station and a bar in Kawangware.

She further asked the Chairperson to inquire and report on;-

- 1) Approval of construction of the petrol station and the bar on a public land; and
- 2) Measures the County Executive is taking to end the encroachment of road reserves in in the County.

Mr. Speaker sir, the Committee wrote to the County Executive on 5th June, 2015 requesting to be furnished with a written response to the statement requested by the Hon. Member. The Committee further invited to its meeting the Chief Officer Urban Planning on Wednesday 6th April, 2016 to provide further clarifications.

In this regard, Mr. Speaker sir, I wish to report to the Assembly as follows;

That,

1. Approval of construction of the petrol station and the bar on a public land

Mr. Speaker sir, the Chief Officer Urban Planning informed that the development is on a private plot L.R. Dag/Riruta 4286. When technical officers visited the site, the developer didn't have copies of approvals on the site hence an enforcement notice number 5263 was issued on 10th June, 2015. However, the developer later presented copies of approvals including change of use Ref. CPD/PIS/14727/14727/PA & building plans reg. EZ 340. In addition, the officers (survey officers) established that there was no encroachment on public land

2. Measures the County Executive is taking to end the encroachment of road reserves in in the County

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker sir, the Chief Officer Urban Planning informed us that there are concerted efforts to safeguard public land through legislation and surveillance, Mr. Speaker. Mr. Speaker sir, I beg to lay this response in the House.

Hon. Speaker: Very well Hon. Chairperson Planning and Housing.

Hon. Maxwell Ochar: Thank you.

Hon. Speaker: Hon. Members, the following statements are due; Hon. Mike Obonyo requested a statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the improper use of the Nairobi City County Logo. Number two, statement requested by Hon. George Ochola from the chairperson of the Sectoral Committee of Labour and Social Welfare regarding the shortage of ambulance drivers within the County, statement requested by Hon. Erastus Mburu from the Chairperson of the Sectoral Committee on Transport, Roads and Public Works regarding the installation of street public lights in Clay City Ward and statement requested by Hon. Elkan Mauti from the Chairperson of the Sectoral Committee on Ward Development Fund regarding the lack of implementation of amendment of Ward Development Fund Act 2014, Hon. Members.

Yes Hon. Chairperson of the Sectoral Committee on Works.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru): Thank you Mr. Speaker sir. The statement which was requested by Hon. Erastus Mburu, there was a response that we tabled but it was an ...So since then we have been passing the same, so I am requesting for another one week so that we can get the whole details of the report. Thank you sir.

Hon. Speaker: Hon. Erastus, Clay City Ward.

Hon. Member for Clay City Ward (Mr. Erastus Mburu): Thank you, Mr. Speaker. Mr. Speaker this Committee is playing with the mind of my fellow MCA's. This issue, I requested for the statement last year

around October, it has taken 8 months and you know the nature of the electorates especially a time like now that we have some few months to the general elections. I can wait, but the people I represent are running out of patience. So Mr. Speaker, this Committee is playing with the minds of so many MCA's here. I don't know whether the House is a position to disband this Committee, it is doing no good to us.

Mr. Speaker even the other day I was unable to go to a certain area where a pole was mounted for the last, this year September it will have clocked two years. What explanation do I have for the electorates? This is serious; I think you people are not in a position to give us the services we deserve---

Hon. Speaker: Order, Hon. Member! Hon. Warutere.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Allow me, Mr. Speaker, to add on the same. About 6 months ago, we raised a question on a building that was being constructed at Embakasi, I passed there about 3 days ago and I noted the same people are adding a second floor. This means, whatever we do here is not taken seriously or somebody is probably sleeping on the job. If we made some recommendations, and then we have a working Government, then it is the work of the Executive to ensure the Enforcement arm of this County does its job and does it well. Otherwise, I think somebody is sleeping on the job.

Hon. Speaker: This is directed to our brother, very hardworking Chairperson of Planning. What Hon. Warutere is asking is that, there is a second building on top of a river where Members said the first one was to be brought down. Now, there is a second one being built. What do you have to say about that, Hon. Ochar? I want the Chairperson of the Transport, on Thursday next week, 2:30 p.m. we must have an answer about the poles and lights business on the floor of the Assembly. The time is more than enough.

Hon. Deputy Speaker, you have to enlighten us on why the Speaker appointed the Committee under your Committee to see these buildings that are coming up. You saw the other day a building came down, another building is being built on the one that we said it should be brought down. Remember Nairobians are asking. So you will have to let us know exactly what is happening. Hon. Deputy Speaker.

Hon. Deputy Speaker: Mr. Speaker, thank you. The responsibility which lies with the Liaison Committee in regard to the auditing of houses in Nairobi is ongoing. Hon. Speaker, we are sitting as a Liaison Committee tomorrow to come up with a resolution that we need to have a gazette notice so that Members of the public could know that there is an exercise which is just about to be carried out, thank you.

Hon. Speaker: Thank you, Hon. Ochar Chairperson Planning.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you Mr. Speaker. The issue which Hon. Warutere is raising is true. It came to my notice yesterday. I discussed it with the Executive because we were on recess. He was to give me a report today unfortunately they resumed demolition of the building. He rushed there because some people were bringing a lot of problems so he was not in the

office. I can promise that because tomorrow maybe I will not be in the Assembly. The report will be in this Assembly on Tuesday next week so that the Assembly can discuss the report. Thank you, Mr. Speaker.

Hon. Speaker: Very well thank you. Hon. Alex Otieno.

Hon. Member for Mugomoini Ward (Mr. Alex Otieno): Thank you Mr. Speaker and welcome from the recess. We are not tackling the root cause Mr. Speaker. We keep on roasting the Committees and Chairmen. The problem, the root cause is the Chief Officers. We need to know how we can handle the Chief Officers because the Chairmen of various Committees will only report what has been handed over to them by the Chief Officers. The problem is not the Committees or the Chairmen.

How do we handle these people Mr. Speaker? We need to come out clearly because we keep on singing here. Whatever we are doing here is just a song. We should look for a way how if I present something to the Chief Officer or CEC he or she will act on that problem and that is the time we will forge ahead otherwise we will keep on going around blaming Transport, blaming Planning, blaming Water. We need to know what we can do. Let us handle one sector or two sectors then things will follow.

Hon. Speaker: Hon. Chairperson, Legal

Hon. Member for Parklands/Highridge (Mr. Jaffer Kassam): Thank you Mr. Speaker sir, this is in connection with the response to Hon. Michael Obonyo on the usage of Nairobi City County logo. I wish to sincerely apologize to the Member and to the Chair but I can assure you we have taken up the matter with the County Attorney who has since let us down but we have given him the deadline upto tomorrow midday. Hopefully if everything is there we will be able to present either on Thursday or Tuesday next week.

Hon. Speaker: Very well Hon. Jaffer Kassam. Proceed. Hon. Chairpersons the ones that are not ready please note the statement requested by Members that should now flow so that we are done with previous business as per my earlier communication, thank you.

BILL

THE NAIROBI CITY COUNTY ANIMAL CONTROL AND ABBATOIRS MANAGEMENT BILL 2016,
ASSEMBLY BILL 3 OF 2016

AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO PROVIDE FOR A REGULATORY AND ENFORCEMENT FRAMEWORK AND OTHER MEASURES NECESSARY FROM THE VIEWPOINT OF PUBLIC HEALTH IN ORDER TO ENSURE THE PROPER MANAGEMENT OF ABBATOIRS AND SLAUGHTER AND DRESSING OF LIVESTOCK FOR HUMAN CONSUMPTION AND TO MAKE PROVISION FOR VETERINARY AND HYGIENIC CONTROLS IN SUCH ABBATOIRS AND FOR CONNECTED PURPOSES

FIRST READING

MOTION

Hon. Speaker: Hon. Mberia

(Speaker consulted the Clerk)

Hon. Members the Chief Whip majority has communicated that he was unavailable and this Motion will be referred to House Business Committee for allocation of time.

The House Business Committee meets after the rise of the Assembly. The House is adjourned up to tomorrow 2.30 p.m.

(House rose at 3.20 pm.)