



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Wednesday 14th June, 2017

The House met at 2.30 p.m.

(Hon. Temporary Deputy Speaker (Ms. Karen Wanjiku) in the Chair)

PRAYERS

Hon. Temporary Deputy Speaker: Hon. Members we now have a quorum, we can proceed.

STATEMENTS

Hon. Temporary Deputy Speaker: Under statements, we have one from Hon. Daniel Mutiso, a statement to be responded to regarding the collapse of a building in Ngei Ward. Do we have Hon. Mutiso in the House? If Hon. Mutiso is not there, we can go to the next statement. Hon. Shadrack Juma had asked a statement regarding recent floods that wreaked havoc across the City. I think that is not recent but if we have Hon. Shadrack--- Do we have Hon. Shadrack in the House? We can proceed. Hon. Marion Githenji asked for a statement regarding the collapse of a building and walls in the County. Is she in the House? We can proceed to the next order.

BILLS

SECOND READINGS

THE NAIROBI CITY COUNTY CHILDCARE FACILITIES BILL, 2017

ASSEMBLY BILL NO. 6 OF 2017

Hon. Temporary Deputy Speaker: Hon. Ngaruiya?

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Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Thank you Speaker. Hon. Speaker, I beg to move that the Nairobi City County Childcare Facilities Bill, 2017 be read a second time.

Madam Speaker, the Children Act, cap 586, Laws of Kenya, provides for the rights of children and seeks to enhance the welfare of children in Kenya. It is in this spirit that the committee admits that this proposed legislation will intensely aid in promoting and providing for childcare facilities---

Hon. Temporary Deputy Speaker: Hon. Members, please don't go out. Kindly let's stay in the House. These are very important Bills and I don't want to send somebody home because you are already going. Kindly stay in the House. We are going to do it very fast. Proceed.

Hon. Ngaruiya Chege: I was saying that it is in this spirit that the committee admits that this proposed legislation will intensely aid in promoting and providing for Childcare Facilities Bill, 2017, in Nairobi City County. Hon. Speaker, as such the committee fully supports the Bill since it seeks to address these issues. However, the Bill requires fine-tuning through proposed amendments so that it can serve the intended purposes. In summary, the Bill addresses the following;

- 1) The principle objective and purpose of this act is to provide a legal framework for registration, licensing and inspection of childcare facilities to protect the well-being of children while away from their parents, allowing parents and guardians of children who cannot take care of them because of work or other reasons to leave them in safe stimulating and learning environment.
- 2) The Bill vests in the department responsible for educating the duty of licensing childcare facilities and ensuring that they conduct their businesses in a conducive or a safe environment and maintain the premises in a state that is safe for children.
- 3) The Bill requires persons intended to set up childcare facilities to meet some minimum standards with regard to status and hygiene of premises, number of staff to children ratio and qualification of staff at the facility among others. Madam Speaker, as a County we have not employed ECD Teachers who are qualified. This Bill brings that into mind. We have to employ qualified staff in the ECD facilities.
- 4) The Bill further imposes obligations on the childcare facilities to keep and maintain up-to-date records of children at the facility specifically immunization records, emergency contacts, daily attendance registers, to provide healthy food and in adequate proportions to the children, to sanitize the playing areas and facilities and ensure any playing equipment is of right size and free of any hazards.
- 5) The Bill also grants parents of children at the facilities certain rights among them the right to know the kind of punishment the children may be subjected to at the facility, right to enter the premises anytime while the children are there and the right to be shown the license of the premises. Madam Speaker, you realize that most of our children are being abused and this particular Bill is going to take good care of the children such that they are not abused in those promises.

- 6) This Bill shall not result in expenditure of public funds. Probably Hon. Members of this House could be worried whether there is any form of finances that is involved. But there are no finances involved and I therefore allow the House to find that this particular Bill can be of very importance especially in this County knowing that we are moving into the 21st century and we are moving very fast.

Therefore it is upon this House to grant leave so that at least we can pass this particular Bill to allow our children and the children of the residents of this great County that opportunity that we take good care and ensure that in most of these child care facilities we have equipment, facilities that are of equal rights to these particular children. Therefore Madam Speaker, I beg to move and call upon Hon. Muiruri to second. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you Hon. Ngaruiya.

Hon. Member for Clay City Ward (Mr. Erastus Muiruri): Thank you Madam Speaker. I second the Bill.

(Question proposed)

Hon. Temporary Deputy Speaker: Members it is your time to debate. I now call the mover to reply.

Hon. Ngaruiya Chege: Thank you Hon. Members. Silence means we are in consent, this allows the passage of this Bill to the second reading and I believe that this Bill will be of great importance to this County whereby we are going to employ qualified ECD Teachers and get enough facilities for our children because it will also ensure that our childcare facilities are not in a particular plot were there are no facilities to play. So I want to thank Hon. Members and I believe you will see the importance of this Bill when it comes to practice. Thank you.

Hon. Temporary Speaker: Thank you Hon. Member.

(The Bill was read a Second Time)

THE NAIROBI CITY COUNTY SPORTS MANAGEMENT BILL 2017, ASSEMBLY BILL NO. 9 OF 2017

**A BILL FOR AN ACT OF THE NAIROBI CITY COUNTY ASSEMBLY TO PROVIDE FOR THE
MANAGEMENT, PROMOTION AND REGULATION OF SPORT IN NAIROBI CITY COUNTY AND FOR
CONNECTED PURPOSES**

Hon. Temporary Deputy Speaker: The mover of the Motion.

Hon. Member for Dandora I Ward (Mr. Peter Wanyoike): Thank you Madam Speaker. I beg to move the Nairobi City County Sports Management Bill 2017 to be... Madam Speaker the Nairobi City County Persons' with Disability Act 2017 provides for the rights and rehabilitation for persons with disability to achieve equalization of opportunities for persons with disabilities...

Hon. Temporary Deputy Speaker: Hon. Member, which Bill are you moving? We are in the second reading of the Nairobi City County Sports Management Bill 2017, Assembly Bill No. 9 of 2017. Are we on the same page Hon. Member?

Hon. Peter Wanyoike: Yes Madam, it is the same. Hon. Member please can you see the Clerk.

(Hon. Peter Wanyoike consulted the Clerk)

Hon. Temporary Deputy Speaker: Hon. Members, we are waiting for the Chair to consult, I am giving him one minute otherwise we will go to the next agenda. Hon. Members, we are deferring Motion No. 9 to tomorrow. Thank you, we go to the next order Clerk.

MOTION

Hon. Temporary Deputy Speaker: The Chairperson Sectoral Committee on Water and Sanitation?

Order, Members! Chair, the microphone is on.

INSPECTION VISIT TO NORTHERN WATER COLLECTOR TUNNEL PROJECT, NGETHU TREATMENT WORKS AND NDAKAINI DAM

Hon. Member for Mugumoini Ward (Mr. Alex Ouda): Madam Speaker, I would like to move the following Motion:

THAT, this Assembly adopts the report of the Sectoral Committee on Water and Sanitation on the inspection visit to Northern Water Collector Tunnel Project, Ngethu Treatment Works and Ndakaini Dam held in Murang'a from 17th-18th February, 2017, laid on the table of the Assembly on Wednesday, 7th June, 2017.

Madam Speaker, the Committee visited Ndakaini Dam, Ngethu Treatment Works and Northern Water Collector Tunnel Project to assess the facilities and construction works underway.

In summary, water remains a scarce commodity and there is need for all water catchments to be protected for posterity and as envisaged in the National Water Act, 2016. As much as posturing more partnership and collaborations between the National and County Governments, the City residents should also be sensitized on the need to conserve water. As you are all aware that Nairobi has a water problem, the construction of the Northern Water Collector Tunnel Project will improve water supply to the Nairobians. This is why the Committee found it prudent to visit the Northern Water Collector Tunnel to assess the

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project. In actual sense, the work is very encouraging and if you may allow me, I will read the recommendations of the report.

- i. There is need to sensitize residents on the need to conserve water that remains a scarce commodity.

(Loud consultations)

Madam Speaker, protect me please.

Hon. Temporary Deputy Speaker: Order, Members! This is a very important Motion. Hon. Thuo, please have your seat! Order, Member! Hon. Susan, last warning! Proceed.

Hon. Alex Ouda:

- ii. The Water Catchment areas should be protected for posterity and as envisaged in the National Water Act, 2016
- iii. The ongoing Northern Water Collector Tunnel Project should absorb more interns from engineering, sociology and other disciplines for purposes of learning. As such, the interns from outside the jurisdiction of Murang'a County should also be considered for such internships.
- iv. More partnership and collaborations between the National and County Governments come in handy to aid in the construction of additional dams to manage the water deficit experienced in the City. This is because the ongoing NWCT Project will still have a deficit upon its completion.

Madam Speaker, as we speak now, according to the master plan as far as water is concerned, Nairobi is supposed to be having about 3 big dams but we still have one, this is why we are experiencing water problem within Nairobi. The Northern Water Collector Tunnel Project is very important to Nairobi as the water supply will be improved.

Madam Speaker, I would like to call Hon. Njoroge Kairu to second the Motion.

Hon. Temporary Deputy Speaker: Hon. Kairu, I can't see your request.

Hon. Member for Woodley/Kenyatta Golf Course Ward (Mr. Njoroge Kairu): Thank you very much, Madam Speaker. I want to support what Chairman has said. It is true we visited those areas and the work that is going on is very encouraging. As we were visiting those areas, we were very much concerned with the noise that was going on from the NASA coalition leaders who were saying that the water will kill those areas economically, particularly the people of Murang'a where those tunnels are. The people there were very happy to provide water to Nairobians and they told us to tell NASA leaders that they should not put politics in every activity going on by the---

(Loud consultations)

Madam Speaker, if this water gets to Nairobi, Nairobi will never have any water problem as we are facing today. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Kairu.

(Question proposed)

I cannot see your request, Hon. Irungu. Can you press the button for a request? Serjeant-At-Arms, please assist him.

Hon. Member for Pumwani Ward (Mr. Kenneth Irungu): Thank you, Madam Speaker for another chance to address the House. I have no objection to the Northern Water Tunnel Collector. As a Member whose origin is Murang'a, I have no objection so long as the revenue collected from the water is shared by Murang'a County Government and Nairobi City County. Thank you. I am heading to Murang'a after tomorrow.

(Loud consultations)

Hon. Temporary Deputy Speaker: Order, Members! Hon. Abuka, if you want to talk, please request a chance and I will give you a chance to contribute.

Hon. Kenneth Irungu: Thank you, Madam Speaker for protecting me from the rude interruption. I support, thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Abuka, you want to contribute?

Hon. Nominated Member (Mr. William Abuka): Thank you very much Madam Speaker. I think the need for efficient water supply in the larger Nairobi City County is not something that would need rocket science to arrive at. It is something that naturally the Hon. Members would want to support. I concur with the very able Chair and by extension, the Committee of Water and Sanitation that the dams and the relationship thereof with the hosting counties must be cultivated very well. We do not want a situation where we drink water from people and hosting counties that are also cursing us. Madam Speaker, I just wanted to guide my very honorable colleague Hon. Irungu by saying that when we want to make Murang'a County popular, strong and revenue able, we must either be members of that County Assembly or members of that Executive. We do not have a problem with Murang'a County at all, as long as they can manage their affairs. It would be very absurd to eat Nairobi money and advocate for the growth of Murang'a County from Nairobi Assembly. That is not in order. Thank you very much. I support.

Hon. Temporary Deputy Speaker: Thank you. Hon. Kenneth you cannot contribute once more. Is there any other Member who wants to contribute? You can only contribute once in a Motion. Order Member! Hon. Members, since there is no any other contribution, I call upon the mover to reply. I can see Hon. Erastus and Hon. Anthony.

Hon. Member for Clay city Ward (Mr. Erastus Mburu): Madam Speaker, let me take this opportunity because the indicators are that if we do not extend the Assembly from tomorrow---

Hon. Temporary Deputy Speaker: Hon. Member, are you contributing to the Motion or talking about something else?

Hon. Erastus Mburu: These are the realities and we have to go by them. Thank you

Hon. Temporary Deputy Speaker: Hon. Member, you have to stick to the Motion or rise on a Point of Order.

Hon. Erastus Mburu: Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: Are you on a Point of Order?

Hon. Erastus Mburu: No. No. No Madam Speaker!

Hon. Temporary Deputy Speaker: Can you stick to the Motion if you are contributing?

Hon. Erastus Mburu: I want to echo what my big brother, MCA Irungu has said. I have roots from Murang'a and sincerely speaking, growing up, the rivers which we used to swim in would overflow. Now, trees are being fallen and the river has also gone down. Madam Speaker, it was framed in the media that if the water from Murang'a finds its way to Nairobi then people from Murang'a will experience water shortage. This is true, I know what the people there have been going through and most of the residents do not even have piped water. I don't know whether there was research done to determine whether the water was to be gotten from Murang'a to Nairobi. I urge that this issue be revisited and if there are negative effects on the people of Murang'a then the whole process should be started afresh. Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you.

Hon. Anthony Kiragu: Thank you Madam Speaker. I have looked at this document and listened to my colleagues. Nairobi County is big and when they import sand from the Eastern part of this Country they pay. Sand is a resource that is given by God. If water in Murang'a is a resource that was given by God to the people of Murang'a then it is only fair that we compensate them appropriately. However, we need this water in Nairobi and the project should have started as soon as possible Madam Speaker. With that, I support the Motion

Hon. Temporary Deputy Speaker: Hon. Pius

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you Madam Speaker for this opportunity. I stand to support this Motion. It is also important for members to understand that natural resources are to be shared across the Country. There is no County that can fully boast that since that resource is found within their geography then they have exclusive rights to exploit it. The framers of this Constitution did not contemplate a scenario where probably the people living in Nairobi or Kisumu would

exclusively say that Lake Victoria is ours and by that, they have every right to have a 50/50 allocation of resources or proceeds that comes from that particular natural resource. However Madam Speaker, I want to go down into the annals of this Assembly by saying that the rapid urbanization process that we are witnessing in Nairobi City County is so enormous that this project could have been initiated like yesterday.

If you look at some of the challenges facing the world over, it is a fight of space and unemployment that can only be fought by rapid urbanization. People are moving all over from Kakamega, Kisumu, Kiambu, all over! And they are all coming to Nairobi; they are coming to Nairobi because they feel it is only here that they can find greener pastures. This water would be very important in so far as this rapid urbanization process is concerned. It is also important to underscore the fact that Nairobi is a strategic city.

The strategic importance of Nairobi cannot be gainsaid. We all know that Nairobi is the capital city of this Country. Nairobi is the diplomatic seat of this county. UNHABITAT, UNEP, all these places and agencies rely on Nairobi. As for the need of adequate water cannot be gainsaid. I want to say that I am one of the members of that committee that visited that area. In as much as probably there were some differences at the inception of this project, it is also important for us to probably implore the national government that if at all there are some process that were left behind or were never pursued to the fullest it is important that they revisit all these projects but I want to say that it is a good project and I support it madam Speaker.

Hon. Temporary Deputy Speaker: Thank you Hon. Members. Now I want to call the mover of the Motion to reply.

Hon. Alex Ouda: Thank you Madam Speaker, for members like senior member Hon. Irungu, I happen to have attended the meeting of all the stakeholders from Murang'a; almost everybody was there starting from the Governor downwards up to the village elders. Madam Speaker the government through the Athi Water Services Board had taken major projects to the Murang'a people as result of drawing water from Murang'a. All the stakeholders were happy with the project undertaken by the government. If I may just quote a few figures - there was a project undertaken by the government through Athi Water Services Board costing Ksh. 165 million, the second was costing Kshs 95 million, and the third was costing about Ksh. 45 million and the rest.

Madam Speaker the worry is that these members had stormy meeting and everybody agreed and sometimes back we used to have a saying within Nairobi of the 'Murang'a takeover'. If you move along Tom Mboya Street downwards almost all those buildings belong to Murang'a people so you would not like to invest in a place where you will be having problem of having tenants and you lack water. They were all convinced with the project undertaken by the government, and they were compensated.

Madam Speaker going back to the Motion am very grateful to members of the Committee for their insightful and undertaking in line with its mandate and function and also I would also like to thank Members of the Nairobi City County Assembly for the support they have given the Committee of Water and Sanitation

and that is why we have been able to discharge our mandate and duties as expected of us. I would like to thank Members for the support they have given us and more so the Office of the Clerk and my Committee. I thank you for supporting this Motion, thank you.

Hon. Temporary Deputy Speaker: Thank you Hon. Member.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

Hon. Temporary Deputy Speaker: Members before we adjourn, yesterday the Speaker directed that the three reports of the Auditor General tabled on 16th November 2016 committed to PAC and be tabled today for consideration by the assembly. The chairperson PAC and the Committee have disregarded the Speaker's directive and as such I order that pursuant to Standing Order 192 (3) that reads: *The Liaison Committee shall consider reports of Committee that have not been deliberated by the County Assembly and shall report to the County Assembly on the consideration of such reports.*

Therefore I order that the Chairpersons of all Committees- the Deputy Speaker - table the reports in the House tomorrow 15th June 2017 at 2.30 p.m. I further direct that the Labour and Social Services Committee conclude their report on vetting of nominees to the Board of Persons with Disabilities and table it tomorrow 15th June 2017. It is so directed.

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members the house is adjourned to tomorrow 2.30 p. m.

(House rose at 3.24 p. m.)