



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Thursday 25th May, 2017

The House met at 2.30 p.m.

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

PRAYERS

Hon. Temporary Deputy Speaker: I am informed that there is no quorum, Serjent- at- Arms ring the bell for 10 minutes.

(Quorum bell was rang for 10 minutes)

Hon. Temporary Deputy Speaker: Searjent- at- Arms we have quorum, stop ringing the bell please.

STATEMENTS

THE LOSS OF A VEHICLE BELONGING TO NAIROBI CITY WATER AND SEWERAGE COMPANY

Hon. Temporary Deputy Speaker: Hon. Members, we have the Chairperson of the sectoral Committee of Sanitation who will give a response to a statement requested by Hon. Elkana Mauti regarding the loss of a vehicle belonging to Nairobi City Water and Sewerage Company.

Hon. Member for Njiru ward (Mr. Kenneth Thugi): Madam Speaker, on the statement requested by Hon. Mauti, we served the Member yesterday in the Committee and we agreed that on the said loss of the car from the Nairobi City Water & Sewerage Co, the evidence brought before the Committee is that the

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vehicle does not belong to the NWSC so the Committee has no mandate to investigate assets that belong to private institutions. Thank you.

Hon. Member for Kwa Reuben ward (Mr. Elkana Mauti): Madam Speaker, I am very perturbed when the Member says that we agreed. I am worried, we agreed on what? We did not agree with them because one, they were coercing and harassing me in the Committee. Two, Madam Speaker, I realized that there was...

Hon. Temporary Deputy Speaker: Hon. Member, can you substantiate on the word 'harassing'? How were you harassed?

Hon. Elkana Mauti: Madam Speaker, it was not physical. Even from their talk, we even differed.

Hon. William Abuka (Nominated Member): You cannot measure 'talk'.

Hon. Elkana Mauti: We are Hon. Members who can know by body movement or body texture. So we did not agree. For one, there was no question that was answered.

Hon. Kenneth Thugi: Madam Speaker, according to the report that we received from the Nairobi Water & Sewerage Company through the Chief Officer, the logbook for the said vehicle is registered under Nacharu Foreign Company. It is not registered under the Nairobi City Water Company and that is why we are saying as a Committee to the Nairobi Water & Sewerage Committee, we do not have a mandate to investigate on private assets. We have the copy and he also has the copy and if you can give me a minute I could take you through the---

Hon. Temporary Deputy Speaker: Hon. Elkana, you can sit down now so that we can get information from the Chair. Please, Hon. Mauti, take your seat.

Hon. Kenneth Thugi: Madame Speaker, the response via letter dated 23 May, 2017 submitted by the Chief Officer responsible for environment, energy and water, the vehicle registration number KCD 806Y belonged to Nacharu Foreign Company Limited and not the Nairobi City Water & Sewerage Company as alleged by Hon. Mauti. The log book of the said vehicle has been duly availed and attached as tangible evidence. Madam Speaker, further to that, when we go into interrogating Hon. Mauti's allegation we requested him to provide proof that the said vehicle belonged to Nairobi City Water & Sewerage Company and he was unable to prove his sentiments. So, the submission from the Committee is that they unanimously concluded that his insistent claims remained unproved and that the response that was submitted by the Chief Officer responsible for environment, energy and water sanitation was satisfactory to the best of our knowledge.

Hon. Temporary Deputy Speaker: Hon. Elkana, I can see from the report that this vehicle registration number KCD 806Y does not belong to the Nairobi City Water & sewerage Company. Do you still want any other response, Hon. Member?

Hon. Elkana Mauti: Madam Speaker, number one, according to their report they have done internal investigations of the company. Why did they do internal investigations if the vehicle does not belong to you and as they have said they do not investigate private vehicles? However, the Company has stated clearly that they have done internal and external investigation. For what? Madam Speaker, we would like to know how this vehicle was found on our premises.

Hon. William Abuka: Point of Order.

Hon. Temporary Deputy Speaker: Accepted.

Hon. William Abuka: Madam Speaker, I do not know whether it is in order to carry the whole House to listen to a debate that we are completely not involved in. We do not know the questions, we do not know the answers, and we are just listening to things being thrown left, right and center. Could we be favoured by availing us this communication? Some of us are approaching 80 years, if the question was asked in 1920 then how are we supposed to remember the content of that question surely. How do we know what is being responded to and the content of the response? Can we please be favoured and be availed with the information that is flying in the face of Hon. Members so that maybe at some point we may interject and respond also or even give some views.

Hon. Temporary Deputy Speaker: Okay. Hon. Abuka, the Hon. Member Elkana Mauti wanted a response regarding the loss of a vehicle allegedly belonging to the Nairobi Water & Sewerage Company. Hon. Elkana, it is very clear that the work of that Committee is to investigate and they have arrived with the answer that the car does not belong to the Nairobi Water & Sanitation Company. So we do not need any more answers? Hon. Members, we can proceed to the next statement.

Hon. Temporary Deputy Speaker: Order Hon. Members! Order Hon. Maxwell! Hon. Mauti you can now sit. We have finished with this. Order! It is very clear from the Committee that the vehicle registration number--- Order Hon. Member, this is your last warning. I am going to throw you out of the House!

Hon. Elkana Mauti: *(Rose to his feet)*

Hon. Temporary Deputy Speaker: Hon. Members, the statement is very clear. I am going to throw you out Hon. Elkana. The statement from the Committee of Water is very clear, that the vehicle registration number KCD 806Y does not belong to Nairobi City Water and Sewerage Company and they have attached

copies of the evidence and how they investigated on the issue. We should therefore not go on with this because the question has already been answered. Let us go on to the next statement.

DEMOLITION OF KISOKS ON DENNIS PRITT RAOD AND YAYA BYPASS

Hon. Temporary Deputy Speaker: Next statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives to give a response to a statement requested by Hon. Marion Githinji regarding the demolition of kiosks on Dennis Pritt Road and Yaya by-pass on Friday 29th July, 2016. Do we have Hon. Marion in the house? Hon. Abuka, are you standing on behalf of the Chair for Trade? Hon. Waruetera proceed.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Madam Speaker, thank you for restoring my dignity as the bonafide Chairman of Trade Committee. On Wednesday 3rd August 2016, Hon. Marion Githinji MCA---

Hon. Temporary Deputy Speaker: Order Member!

Hon. Peter Warutere: Can you allow me to do my work? Hon. MCA rose on the floor of the Assembly pursuant to Standing Order number 41 (2) (c), and requested the Chairperson of the Trade, Tourism and Cooperatives for a statement regarding the demolition of kiosks on Dennis Pritt road and Yaya bypass on Friday 29th July 2017. As stated, she had a few questions and I will go straight to the findings

Hon. Temporary Deputy Speaker: Hon. Member, did you serve Hon. Marion with the response?

Hon. Peter Warutere: Yes, she has it

Hon. Temporary Deputy Speaker: Hon. Member, are you satisfied with the response? Proceed!

Hon. Peter Warutere: In the statement, the Hon. Member sought to know the following;

1. Reasons for the demolition of kiosks without notice?
2. Why did the County Executive collect revenue by way of stipulated fees if the structures were illegal?
3. Measures taken by the County Executive to ensure that goods confiscated from traders are given back to them?

Madam Speaker, the committee wrote to the County Executive Committee Member responsible for Trade on 4th August 2016 requesting to be furnished with a written response to a statement by the Hon. Member Marion Githinji. In this regard Madam Speaker, I wish to report to the Assembly as follows; The County Executive Committee member for Trade Industrialization, Cooperative Development and Tourism responded through the acting County Secretary via a letter NSC/2016 as follows; THAT, the enforcement

mandate and demolition of illegal structures does not fall under the sector therefore they are neither responsible nor are in a position to ascertain whether a demolition notice was issued or not.

Regarding the revenue collected from these illegal structures, the sector has not been collecting revenue from un-approved structures as this is against the law. Madam Speaker, the Chief Officer responded that the sector is not responsible for the eviction and therefore the whereabouts of the confiscated goods cannot be addressed by the trade sector but is better dealt with the Compliance Enforcement department. Madam Speaker, the Chief Officer mentioned that the sector will stick to its mandate and enable good business environment. Madam Speaker, the Committee after deliberating on the response resolved that the statement be re-directed to the compliance department and a letter thus has been written requesting them to respond to the issues raised by Hon. Marion's statement accordingly. I beg to lay this response.

Hon. Temporary Deputy Speaker: Hon. Marion.

Hon. Marion Githinji (Nominated Member): Thank you Madam Speaker. I first asked this question after I had written a letter seeking a response from the Committee of Environment and I was advised to take it to Trade while on the floor of the House. On the issue of the collection of revenue, I showed receipts of payments being made to the County by the same traders of Denis Pritt which they have been paying. Since the sector is not responsible for eviction, whereabouts of the goods and returning of the same to the affected traders cannot be guaranteed, is a very careless statement to make. To tell me that you don't know where the goods are and you are in charge of Trade then I don't know who I am supposed to ask. In fact this is a very rude response to a statement.

Hon. Temporary Deputy Speaker: Hon. Warutere

Hon. Peter Warutere: That indeed we have a serious deficiency in the side of the Executive, and this informs the decision as to why we need to change this particular Government.

Hon. Temporary Deputy Speaker: Hon. Member, you are not answering the question. We are talking about the goods that were confiscated.

Hon. Peter Warutere: I want to affirm what Hon. Marion has said.

Hon. Member for Korogocho ward (Mr. Maxwell Ochar): Madam Speaker the Hon. Member on his feet should withdraw his statement and apologize because this issue does not amount to how the government will change to another government. It was a statement asked by the Hon. Member of this house. She should be answered according to the rules and regulations of this house, so I think he is out of order, he should apologize and this is a serious matter.

Hon. Temporary Deputy Speaker: Hon. Warutere stick to the statement, kindly.

Hon. Peter Warutere: [I can't] purport to be giving a better statement than this one, Hon. Marion has said she has evidence that revenue has been collected by the county. This statement does not emanate from Warutere. It does not emanate from the chairman of Trade. This statement is coming from the Chief Officer, the buck stops with the Chief Officer. If there is a mistake, it is not Warutere's and therefore am saying Hon. Marion is right to say...

Hon. Temporary Deputy Speaker: Hon. Member are you saying you are not able to answer this question, as the chair?

Hon. Peter Warutere: Am reading a statement that is coming from...

Hon. Temporary Deputy Speaker: Hon. Member can we talk about confiscated goods. We have been told about the receipts, we know they have been paid. Tell us about the confiscated good

Hon. Peter Warutere: When the Chief Officer who is in charge of the department...

Hon. William Abuka: Madam Speaker allow me to sincerely appreciate the wisdom of the substantive chair of Trade and the Clerk therefore to give him the wisdom they had to give him and the mandate to read that statement. Hon. Warutere, with all his excellence, he has taken over to read that statement and I thought you will know what to do with that statement. The moment that statement landed in his hand he became the chairman, the representative, the image and likeness of Trade committee. Whatever was the content of that statement he owns it 100%. To come and misrepresent...

Hon. Temporary Deputy Speaker: Hon. Member, as a member you should be helping the chair with the respond. I believe you sit in the committee. You should not be complaining but helping the chair with the response. Hon. Member

Hon. Willam Abuka: What am saying Hon. Chair is we cannot disown our committee? If the statement was inadequate the best we could have done is to go back to the people that wrote it and say this was not sufficient response for the house. But to come here, read it and run away from it is, one, to disrespect the committee and, two, to disrespect this house. I think the chairman should go back to owning this statement and say this is what we have and we stand by it. If there are inadequacies we shall handle it at committee stage.

Hon. Peter Warutere: Madam Speaker allow me to navigate through the circus...

Hon. Jacqueline Nyangala (Nominated Member): Thank you, point of order. I would like to apologize on behalf of my committee and my chair. Can we defer this and give another response later.

Hon. Temporary Deputy Speaker: Hon. Members, as chair of this assembly today I refer that statement to Tuesday next week. Let Hon. Marion say something before I give further directions.

Hon. Marion Githinji: Madam Speaker this statement has been overdue for 8 months. The shenanigans of this sectoral committee of Culture is neither here nor there. This statement must be given today. Sorry committee of Trade. I can see they have a lot of circus and not addressing the issues of the people of Kilimani. The goods have been overtaken by events because the goods are already perished wherever they are. First and foremost the committee had said the issue was not in their jurisdiction; that was one of their answers. They are busy fighting against each other and not addressing the issues and we cannot fight again. Let them just say they are not able to address it and this issue of revenue collection is what I want to know. These traders have been paying; the issue for the committee of Trade is that they have been paying revenue. That is what I would prefer to be deferred because the part of goods has been overtaken by events.

Hon. Temporary Deputy Speaker: Thank you Hon. Member. I now give my direction. The committee of Trade, please put your house in order and as chair as you have claimed, can you take the responsibility of the committee. I want that respond next week Tuesday and must be done thoroughly.

**UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT MEETING HELD FROM 17TH TO
22ND JULY 2016**

Let's us go to the next statement. The chairperson of sectoral committee on Trade, again. They give response to statement requested by Hon. Samuel Nyang'wara regarding United Nations Conference on Trade and Development (UNCTAD), meeting held at KICC from 17th to 22nd July 2016. Do we have Hon. Nyang'wara here? Ok, the chair of the committee to proceed.

Hon. Jacqueline Nyangala: Thank you Madam Speaker, this response was done in the last session, I was the one reading it and Hon. Nyang'wara was in the chair so he said that he cannot respond when he was in the chair; however I had no problem with it. But the day I read the statement he was sitting in the chair so am not sure since he is not here, maybe we can find out from him if he is fine with the response I gave.

Hon. Temporary Deputy Speaker: May be Hon. Hashim is standing in for him.

Hon. Chief Whip of the Minority (Mr. Hashim Kamau): Thank you Madam Speaker on behalf of Mheshimiwa Nyang'wara, he is satisfied with the response and he is happy with the committee and the Chair Hon. Peter Warutere. Thank you.

Hon. Temporary Deputy Speaker: Thank you. So we can go to the next statement. The following statements are due for response; a statement requested by Hon. Shadrack Juma from the Chairperson of

the Select Committee on Ward Development Fund regarding construction of Baba Dogo Road to the River Ruaraka in Baba Dogo Ward. May be the Chair can tell us when the response is ready, Chair Ward Development Fund, any member for the Ward Development Fund?

Hon. Member for Kariobangi North Ward (Mr. Michael Wainaina): The response is not ready Madam Chair but on Tuesday next week we are going to give the response.

Hon. Temporary Deputy Speaker: Thank you. Statement requested by Hon. Jack Kiama from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the implementation of water tanks projects in Kayole II Ward.

Hon. Kennedy Thugi: Madam Speaker, the statement that was requested by Hon. Jack Kiama we dispensed off with it before we broke for the short recess and the member was satisfied and he came to the committee to confirm that he is satisfied. The Committee of Water and Sanitation is one of the best performing committees and you never hear much from members whenever they request for their statements. They are well responded to and satisfied. On the issue of water, I think it is a problem of drought, within a short time the taps will be running with flowing water. Thank you.

Hon. Temporary Deputy Speaker: We go to the next statement. There is a statement that I had requested and because I am in the Chair, I believe may be the Budget Committee can tell us when they will answer. Statement requested by Hon. Karen Wanjiku from the Chairperson of the Select Committee of Finance, Budget and Appropriation regarding unified taxation of single permits, the fire extinguisher and the billboards fees for traders in the County. Chair Budget, when will you answer this question as a committee? Any member from the Budget Committee?

Hon. Member for Woodley Ward (Mr. Njoroge Kairu): Yes Madam Chair we had the statement but the committee has not dealt with it completely. So by next week we are going to---

Hon. Temporary Deputy Speaker: Which day next week?

Hon. Njoroge Kairu: Before Thursday

Hon. Temporary Deputy Speaker: Hon. Member give a specific day.

Hon. Njoroge Kairu: Thursday it is.

Hon. Temporary Deputy Speaker: Statement requested by Hon. George Ochola from the Chairperson of the Sectoral Committee on Transport, Roads and Public Works regarding the use of County government vehicles in political campaigns by unauthorized person in Hospital Hill Ward, Chair Transport?

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Madam Speaker. What is that yesterday we received a response from the Executive or the CEC concerned. But it was unsatisfactory; therefore we returned it back to them. So we are seeking for an extension of time for the response until next week on Thursday.

Hon. Temporary Deputy Speaker: Right, next week on Thursday Hon. George Ochola will get that response. Statement requested by Hon. Diana Kapeen from the Chairperson of the Sectoral Committee on Planning and Housing regarding the closure of an estate access gate by UMMA university of South C.

Hon. Maxwell Ochar: Thank you Madam Speaker. The response is ready but we have not sat on it because my committee was travelling today but they are quite a number. So by next week Thursday I will bring all the responses for the Planning Committee. Thank you.

Hon. Temporary Deputy Speaker: Hon. Member, note that next week on Thursday is a holiday.

Hon. Maxwell Ochar: Thank you for reminding, me so push it on Wednesday.

Hon. Temporary Deputy Speaker: Thank you. Statement requested by Hon. Peter Warutere from the Chairperson of the Select Committee on Implementation regarding the status of pending projects and failed implementation of county development plans across the city, Chair Implementation.

Hon. Peter Warutere: Madam Speaker, I realized like there were enough issues surrounding this particular statement. It has taken me one year, three months and in the spirit of give and take, I have decided to withdraw that statement. Probably I will pursue it in the next Assembly God willing.

Hon. Temporary Deputy Speaker: Okay very well. Hon. Members, let us go to the next order. Hon. Members, the Culture Committee is deferring their Bill, the Nairobi City County Cultural Heritage Bill 2017 amendments to next week on Wednesday and so we are not going to the Committee of the Whole Assembly.

Hon. Jacqueline Nyangala (Nominated Member): Madam Speaker I would like to make a request to the Culture Committee, there is a memorandum that was sent to the Committee in March that has a lot of amendments. I would like to request if the committee can accept to invite one of the artists, the cultural people to explain the memorandum. It has been forwarded to the committee but if we can have somebody to explain about it next week so that we include everything in the amendments. Thank you.

Hon. Temporary Deputy Speaker: May be we can have a member or the Chair of Culture, please you can mention something about that though we are not going to discuss it here. We are just mentioning something about it, it is very important. I can't see your name, I am seeing Hon. Asha's request.

Hon. Nancy Luchiri (Nominated Member): Thank you Madam Speaker. I would just wish to advise Hon. Jackie as she mentioned about the memorandum, as Culture Committee probably we will sit on that on Monday or Tuesday and we give a way forward since we have not received it, though we are willing to incorporate the amendments that she has stated herein.

Hon. Temporary Deputy Speaker: Thank you Hon. Member. Please do that so that we can work on the amendments on Wednesday together and have a complete document with all the inputs.

ADJOURNMENT

Hon. Temporary Deputy Speaker: Thank you Hon. Members, the House is adjourned till Tuesday next week 2.30. p.m.

The House rose at 3.23 p.m.