



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – First Session

Thursday 30<sup>th</sup> November, 2017

The House met at 2.30 p.m.

*(Hon. Speaker (Ms. Beatrice Elachi) in the Chair)*

#### PRAYERS

**Hon. Speaker:** Is Hon Kiragu around?

#### STATEMENTS

##### STATEMENT REGARDING PILED UP GARBAGE WASTE BESIDES SOWETO RIVER

**Hon. Speaker:** Hon. Nicholas Okumu.

**Hon. Nicholas Okumu:** Thank you Madam Speaker. I have a statement, Hon. Speaker pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding piled up garbage waste besides Soweto River along Embakasi, Soweto Bridge in Lower Savannah Ward. Hon. Speaker the garbage heap has been accumulating in the river bank since the beginning of the year. This has not only fortified the river but also poses serious threats to the residents of Lower Savannah and its environs.

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

1. Why the County government has not being collecting waste along and around the rover bank since the beginning of the year; and
2. What measures have been taken by the County Executive to address the matter in order to end the dumping of the garbage along the river?

Thank you.

STATEMENT REGARDING A DAMAGED PART OF THE ROAD ADJACENT TO EMBAKASI-SOWETO BRIDGE

I also wish to request for another statement. Hon. Speaker pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding a damaged part of the road adjacent to Embakasi-Soweto Bridge in Lower Savannah. Hon. Speaker, the damaged section of the road has for months been causing immense traffic congestion along the road and frequent accidents especially during this rainy season.

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

1. Why the County government has not repaired the damaged part of the road; and
2. What measures have been taken by the County Executive to rehabilitate the part of the road.

STATEMENT REGARDING ILLEGAL DUMPING OF SOLID WASTE AND RAW SEWAGE AT JACARANDA GARDENS

Thank you Madam Speaker. And finally to a more fundamental statement, pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources, Water and Sanitation regarding illegal dumping of solid waste and raw sewage at Jacaranda Gardens on 27<sup>th</sup> November 2017.

*(Applause)*

Hon. Speaker the residents of Lower Savannah Ward around Jacaranda Gardens are currently experiencing foul smell and have been exposed to waste related ailments and infections hence posing a serious threat. Hon. Speaker, one of the promises that this regime made was to make Nairobi clean. As we speak today, word has it on the street Hon. Speaker that actually a County government Executive was spotted in Lower Savannah dumping human faeces.

Hon. Speaker you and I know that whatever we consume is good but the end result is very toxic. Today as we speak even the youth in that particular area cannot go about their businesses, the children are exposed to diseases including cholera. We are asking the County government Hon. Speaker, to own up.

Hon. Speaker in that particular statement the Chairperson should inquire into and report on:

1. Who authorized the illegal dumping of sewer in the Garden?
2. Measures taken to clear the waste and hold all those responsible into account; and
3. Whether anyone has been arrested for the lapse and the action against them

Hon. Speaker, we are saying as the residents of Lower Savannah, it is very demeaning, it is very inhuman, and it is uncouth. Who does that to its own electorate? Hon. Speaker I think it has come to a time whereby we should separate between the issues of NASA and Jubilee. Because today whatever happens in Lower Savannah is affecting people from both political divide.

*(Applause)*

Last night I couldn't sleep because all the residents were on my case and we are giving the County government 24 hours to clear the human waste that was disposed at jacaranda Grounds. Failure to which, we are giving notice tomorrow that the entire Lower Savannah will come and dispose the human waste that

was disposed at Lower Savannah here at City Hall, so that all of us can experience what the traders, children and parents of Lower Savannah are feeling. Thank you Madam Speaker.

**Hon. Speaker:** Hon. Member you know I have given you, but you know you have to stick to statement when you are reading statements. I will say this, that the last statement I believe we are in the Chamber and as parliamentary, we don't give threats. But I know the County government.... Chairman this is a very weighty matter I don't know what you are going to do because I am also very worried about the children who have closed school and we pray to God that cholera will not affect them there. So the Chairperson as you deal with the statement the last one that we have just talked about we had also another one on the same, the issue of garbage. So the Chairperson---

**Hon. John Kamau:** Thank you, Madam Speaker, for garbage may be one week and I request the Member maybe next week we will have cleared River Soweto. On the other hand the dumping at Jacaranda maybe in the next 24 hours I am going to push the CEC we see what we will come up with Madam Speaker. Thank you.

**Hon. Speaker:** Thank you Chairman. The Member for Savannah are you okay with 24 hours?

**Hon. Nicholas Okumu:** I prefer 12 hours but since he has talked about 24 hours, I will be contented with that. Thank you Madam Speaker.

**Hon. Speaker:** Thank you. Chairman, 24 hours kindly for the sake of the children in Lower Savannah. Chair Roads?

**Hon. Mark Ndun'gu:** Madam Speaker, we request to be given until Tuesday because we are from a site visit. We request that we be given until Tuesday please.

**Hon. Speaker:** Tuesday?

**Hon. Nicholas Okumu:** Thank you Madam Speaker, that is in order.

**Hon. Speaker:** Hon. Francis put your mike up and click on it again.

#### STATEMENT REGARDING THE DILAPIDATED STATE OF STREET LIGHTING IN DANDORA PHASE IV

**Hon. Francis:** Thank you Madam Speaker. Pursuant to Standing Order 45 (2) (), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the dilapidated state of street lighting in Dandora Phase IV. Hon. Speaker, street lighting in Dandora area IV is a completely in a pathetic state. This has culminated into challenges facing the residents of Dandora Phase IV key among them being a spate of insecurity in the area..

Hon. Speaker in the statement the Chairperson should enquire into and report on:

1. Why there is no routine repair and maintenance of broken down street lights; and
2. Why the erected posts have not being connected to the electric grid.

Thank you very much Madam Speaker.

**Hon. Mark Ndun'gu:** Madam Speaker, Thursday next week.

**Hon. Speaker:** Thursday next week?

**Hon. Mark Ndun'gu:** Yah.

**Hon. Speaker:** Member, Hon. Otieno? Deputy Speaker, Hon. Kamangu? Deputy Speaker you have several statements, so what you will do, you will read one and then I ask Chair and then we proceed with the next.

**Hon. John Nyumu:** One by one?

**Hon. Speaker:** Yes

**Hon. John Nyumu:** Thank you Madam Speaker. Hon. Speaker pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the tarmacking of roads in Nairobi especially in Ruai Ward. Hon. Speaker, the defunct City Council of Nairobi and the Nairobi City Executive have tarmacked and continue to tarmack various roads in City estates except in places such as Ruai which despite generating considerable income for the County doesn't have even a single tarmacked service road.

Hon. Speaker, by estimate the greater Ruai area needs about 20 Km of tarmacked roads to facilitate ease of doing business. The community has been willing to create a joint partnership for the muramimng of some roads by providing materials and the County to provide equipment. Hon. Speaker, in the statement the Chairperson should enquire into and report on:

1. Plans if any to tarmack service roads in areas that currently have none such as Ruai Ward;
2. Whether the County can explore mechanisms to tarmack at least a total of 20 Km for various selected service roads in Ruai Ward so that residents can enjoy movement of goods and services and give it a priority;
3. Possibility of partnership between the County government and residents associations or communities to murram service roads to motorable condition.

Thank you Madam Speaker.

**Hon. Mark Ndungu:** Madam Speaker Thursday next week.

**Hon. John Nyumu:** Thank you very much Hon. Speaker I have heard what he has said. Hon. Speaker, pursuant to Standing Order 45 (2) c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the health hazards associated with the hosting the main sewer for Nairobi City County. Hon. Speaker, residents of Ruai have had to contend with high prevalence of malaria and other related ailments associated with hosting the sewers with little action form the City County government to eliminate the said hazards.

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

1. Measures put in place by the County Executive to deal with the mosquitoes breeding in the sewers and other such hazards;
2. Plans by the County to instill temporary measures to help residents fight the malaria scourge such as supply of subsidized mosquito nets; and
3. Ongoing and existing measures the County Executive has put in place for curing projected environmental hazards since the construction of the said sewers.

Thank you Madam Speaker.

**Hon. Chairman Environment:** Thursday Madam Speaker.

**Hon. Speaker:** Thursday?

**Hon. Chairman Environment:** Yes Madam Speaker.

**Hon. John Nyumu:** Thank you madam Speaker I have heard what the Chairman has said, Thursday is not far. Hon. Speaker, pursuant to Standing order No. 45 (2) c),--- I seek protection from the Hon. Whip since he is making a lot of noise. Hon. Speaker pursuant to Standing Order 45 (2) c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Health Services and Dispensaries. Hon. Speaker through the Constituency Development Fund (CDF) the residents of Ruai benefitted from the construction of a Maternity unit and dispensaries three years ago. However the

maternity and the dispensaries have never been properly equipped to date. For instance, the maternity has no medical supplies, no doctors, nurses despite the potential to serve nearly 3,000 members if operationalized.

A list of supplies needed has been shared with the relevant County departments for action by residents and the response is pending. Hon. Speaker in the statement the Chairperson should inquire into and report on;

1. When the County Executive plans to operationalize the maternity in Ruai Ward;
2. Plans by the County Executive to equip all dispensaries with medical supplies and make the operational 24/7; and
3. Reasons for the prolonged delay in equipping such critical but dormant health facilities for the benefit of the residents across the City.

Thank you, Madam Speaker.

**Hon. Peter Warutere:** The matter looks like it is a little bit tricky Madam Speaker and therefore I am requesting for two weeks so that if we can go and inspect the facilities, work on the questions that he has raised. Therefore I think two weeks will be adequate.

**Hon. Speaker:** Chair, you know very well that within the calendar of the Assembly we shall be leaving God willing on the 7<sup>th</sup> of December for a very long recess.

**Hon. Peter Warutere:** The truth of the matter is I want to confirm what you are saying Madam Speaker but you as well know as much as I do that a week cannot dispense off this matter. This is a matter that we need to sit down with the Deputy Speaker so that at least we can give him an adequate answer. My assumption is that we have enough business next week, we are visiting Mama Lucy Hospital, Pumwani Hospital, and we are visiting four different hospitals next week. So our diary is filled completely and therefore we will try to see may be tomorrow if we can get some space for next week. But I want to be truthful; a week to me will not be adequate.

**Hon. Speaker:** Chair are you telling us that your diary is so full, the people of Ruai are gonna wait until the diary of the Chair of water is done and then they get the answer on that one? No.

**Hon. Peter Warutere:** Not really. But with your permission you allow us to probably give you up to Thursday but in the event that we will not be done with then at least we ask for extension.

**Hon. Speaker:** That is okay.

**Hon. Peter Warutere:** Thank you very much.

**Hon. Speaker:** But I am hoping on Thursday we can have an answer for the people of Ruai. You know it is not *Mheshimiwa* asking, it is the people of Ruai and I believe some of them might be listening to us. So you are answering as the Chair of ---

**Hon. Peter Warutere:** Thank you Madam Speaker.

**Hon. John Nyumu:** Thank you Madam Speaker. I have heard what the Chairman has said and I don't even mind being given the last tour because it is very important and my people are suffering. Thank you.

Hon. Speaker pursuant to Standing order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the lack of sewer system in Ruai despite hosting the main sewer for the greater Nairobi even City Hall and insufficient water connection to residential households.

**Hon. John Nyumu:** Hon. Speaker the greater Ruai area does not have a single connection to a sewer line with households having to invest in septic tanks and sock pits despite the area experiencing a population boom, housing developments and hosting sewer for the entire Nairobi City County.

Hon. Speaker in the statement the Chairman should inquire into and report on:

1. Plans if any to develop a sewage system in Ruai for residents to benefit from hosting the main sewers for Nairobi City County;
2. Plans by the County to repair and replace all water pipes laid in colonial times in the early 1970s to forestall health attendance hazards to such and
3. When the County plans to connect households to many water supply pipes for residents; and especially to a place in Ruai called Whitehouse area.

Thank you very much Madam Speaker for having given me this chance.

**Hon. Speaker:** Chair, Water?

**Hon. Leah Supuko:** Madam Speaker today the chorus is that all answers will be given on Thursday and I also wish to say that all the requests from the Member are very weighty; it cannot be on Thursday. We actually met the Nairobi Water one week ago and we intend to have a retreat with them very soon, next month, and it is not only a problem to the Member's area; it is generally a problem in whole of Nairobi County. So maybe the Member can be patient enough so that we meet the Nairobi Water and we can as well even come up with solution of water and sewage in Nairobi generally, thank you Madam Speaker.

**Hon. Speaker:** Deputy Chair, while it is an issue of the whole of Nairobi it will be important that as you go for your retreat- because I can see it is an issue that needs a lot of consultation- you ensure the Deputy Speaker is on that retreat and get his answers from there. And you will come back to this House to tell us if he was in the retreat and if any of his issues were touched on.

**Hon. Leah Supuko:** Madam Speaker it is very interesting because the Member sits in the Water Committee so he will be able to tackle more of this problem. He is welcome to the retreat because anyway he is a member of the Water Committee.

**Hon. Speaker:** But in the end, since it is a Nairobi issue, we would want to understand what the plans for Nairobi from the retreat are. So we will still request the House to have a summary of your response on what you plan for Nairobians on the water pipes and the designs and how we will change the colonial pipe. Thank you. Are you done?

**Hon. John Nyumu:** Yes Madam Speaker but there is something I want to add. I would request the chairs of various committees to be serious in whatever statements you're making here because some of the answers were are getting are insufficient. I don't mind someone giving three weeks but you must provide best responses. We have had someone say two weeks then he extends it to three weeks-we must be very serious with what we are doing as a County. In this case of Ruai, Madam Speaker we have heard of many problems from sewage to roads, water and health. All these are very important to human beings. Therefore I'm requesting the committees involved to be serious on these matters because Ruai people

have been very uncomfortable with sewers and they have never been given a chance to have that sewer line. Thank you very much, I wish them well.

**Hon. Speaker:** The Chair, Budget, yesterday I requested that you come with the response of *Mheshimiwa* Mwangi Njihia and I hope you have the response now.

**Hon. Robert Mbatia:** Thank you Madam Speaker, I have the response. Hon. Speaker on Wednesday 8<sup>th</sup> November 2017, the Hon. Mwangi Njihia MCA rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of the Committee on Finance, Budget and Appropriations for response to a statement regarding bank accounts for the Nairobi City County government.

In the statement the Member requested that the Chairperson should inquire into and report on:

1. How many bank accounts the County Executive operates;
2. Bank reconciliation report as at 30<sup>th</sup> June 2017 for all the accounts; and
3. List of all pending bills for the FY 2016/2017

Madam Speaker the Committee wrote to the County Treasury to seek for the answers on the raised issues. Having received the responses, the Committee held a sitting with the County Executive Committee member for Finance and Hon. Mwangi Njihia on Wednesday 15<sup>th</sup> November to consider the response.

At the meeting the Committee found parts of the response presented unsatisfactory and requested for additional information from the County Executive which was subsequently submitted on Monday 27<sup>th</sup> November 2017.

The Committee together with the Hon. Member who requested the statement considered the response and noted that it answered all the issues, some satisfactorily and some not. In this regard I wish to report as follows to this Assembly:

1. How many bank accounts the County Executive operates

The County Executive reported that they currently operates 31 bank accounts

2. Bank reconciliation report as at 30<sup>th</sup> June 2017 for all the accounts

Madam Speaker I want to report to this Assembly that I have attached on this report the bank reconciliation report.

3. List of all pending bills for the FY 2016/2017

The list of all the pending bills has been attached and it is noted that the pending bills at the end of the previous financial year stood at sh. 56.51 billion;

However I wish to report that during the consideration of the response to the statement to the Hon. Member, the Committee noted a number of issues that it would be undertaking further investigations and reporting to this County Assembly accordingly. Some of the issues that were raised include:

- i. The number of bank accounts operated by the County government and how the same relates to the provisions of the law especially the PFM Act regulations 82 2015;
- ii. The approval of loans facility undertaken in the year 2014 and its implementations and the request to rescind the same approval; and
- iii. The accumulations of the pending bills over the time

Hon. Speaker I beg to lay the response.

**Hon. Speaker:** Thank you chair. Hon. Njihia?

**Hon. Abraham Njihia:** Thank you Madam Speaker. On question 1, I was satisfied although it raised the fears that I had. I don't know whether I can elaborate a bit. Madam Speaker I think this County is governed by the law and we are not supposed to have so many commercial banks accounts; the Committee said the County operate 32 bank accounts. Some are duplication and the law says all the money collected by the County government should be channeled through internet banking and whatever is paid by the County government should be done through the same.

Madam Speaker on question 2 about reconciliation, I was given that report whereby on the 31 bank accounts only 2 were signed. So there is this financial order 030, I don't know why they are fearing because on the 32 or 31 accounts it is only 2 that are signed. I don't know about the rest. Of the 28 accounts there are some that borrowed overdrafts, I don't know why.

On question 3 about liabilities I was very categorical that I wanted the list of 4 liabilities that we have. But if you go through the report tabled, that is just a summary of the liabilities. I will need to have further statement may be now or after the recess but basically I am not satisfied with the report, thank you.

**Hon. Speaker:** Chair, I was told the report was 400 pages. I know I request the technical team to help us summarize but I am expecting the whole report to be tabled because it is a public document and the Member can either go through to help him understand some of the issues he is raising or for any other Member who would feel like. As much as I had requested for this, let the technical team pick the key issues and the report can be tabled for those Members who want to read to do so. But again he has raised some concerns so you can help him understand the issues he has raised.

**Hon. Robert Mbatia:** Thank you Madam Speaker, I want to concur with some of his concerns and I want to note that now the report is with the Assembly and it is public so every other Member can peruse through and confirm of his worst fears.

Secondly we saw some flaws and in my summary I indicated that moving forward we have work to do. Our work is well cut out as a Committee. As we oversight we need to rein in on some flaws that have been happening. I also want to inform my Hon. Member that when he asks for the pending bills, in accounting terms only a summary can be brought but he needs to ask for further information so that he be given the further details.

**Hon. Speaker:** Thank you chair, Hon. Njihia?

**Hon. Abraham Njihia:** Madam Speaker I agree with the Chairman of Budget but on the liabilities it's true we held a meeting on 15<sup>th</sup> with the CEC Finance and we agreed they bring all the liabilities. In fact



we held around 3 meeting with them, which were on 15<sup>th</sup>, 27<sup>th</sup> and even today. We agreed in general that the report that was given is not satisfactory. We agreed to deliberate on the same further, thank you.

**Hon. Speaker:** Thank you *Mheshimiwa*. I will agree with the Chair, that is a very weighty issue and I am hoping that since the CECs are still new in their dockets and they have to sit down with their directors we will give them at least one month and we are hoping that next year we will get serious comprehensive reports so that chairs can table and the Assembly to assist the Executive on these matters. I believe there is a lot the Assembly can do in order to move issues. I believe next year they will have settled and you will be able to get conclusive answers on the same. Thank you.

Hon. Members I will invoke Standing Order 41 (2) to change the sequence so that Hon. Kiragu is able to give us a notice of Motion before we move to next order. So Hon. Kiragu under Standing Order 41 (2)...

### NOTICE OF MOTION

**Hon. Anthony Karanja:** Thank you Madam Speaker, thank for your indulgence for my lateness. Madam Speaker I beg to give notice of the following Motion; Aware that part 11 of the County Government Act 2012 provides extensively for the County planning flowing from devolved functions of the County governments and part 2 of the Fourth Schedule of the Constitution. Further aware that part 5 of Urban Areas and Cities Act 2011 provides for integrated County Planning, a task which are obligations on the County such as County integrated Development Planning, County Sectoral Plans, County Spatial Plans amongst others. Noting that Nairobi has over the years metamorphosed with an ever increasing population and greater demand for housing and consequently for physical planning services. Deeply concerned that physical planning throughout the City has largely not kept pace with the ever changing City landscape and demand for housing especially as regards to City zoning policy with areas that had initially no proper public infrastructure such as sewage system not allowed to have multi-dwelling developments. Further, noting that currently many parts of Nairobi are experiencing immense development pressure which population growth rate is particularly exerting pressure on the low density neighbourhoods. Bearing in mind that Nairobi city has not had a comprehensive plan since metropolitan growth strategy of 1973 which expired in 2000. Underscoring that its expiry calls for urgent review of the zoning policy formulated in 1970s when Nairobi had a small population which has since tripled tenfold, recognizing that the zoning policy is not reviewed to allow the development of affordable multi-dwelling housing to meet demand in low density neighbourhoods, the housing crisis will continue to grow. For instance, the rezoning of zone 4 including Spring Valley, Riverside, Kileleshwa, Kilimani, Thnomson and Woodley and zone 5 which includes Upper Springvalley, Kiuna, Loresho and Lavington/Bena estate and zone 15 which include Dagoreti. Observing that since both the National and County governments have already heavily invested in infrastructure development in the said zones, it is prudent that zoning policy be reviewed to reflect existing circumstances and allow the County government to benefit from more housing in the said areas.

**Hon...** This Assembly urges the County Executive to amend the zoning policy to allow for multi-dwelling developments in areas that public infrastructure as developed by the County and National Government allows.

Madam Speaker, I would like to bring to the attention of this Assembly about the expiry of the plan that was done last in 1973 to the year 2000. I believe it is urgent and it is our time to make sure that we plan this City. Thank you.

**Hon. Speaker:** Next Order.

## MOTION

### APPOINTMENT OF MEMBERS TO THE COMMITTEE ON CAR LOAN AND MORTGAGE SCHEME FUND

**Hon. Speaker:** Majority Whip.

**Hon. Chege Mwaura:** Thank you, Madam Speaker. I rise to at least change to Motion after my good Deputy Speaker making a joke that he recently opened a shop for receiving questions from Ruai. So, let us now shift gears and go to Motions.

Madam Speaker, I rise, pursuant to the provisions of regulation 6 of the Public Finance Management and Nairobi City County Assembly Car Loan and Mortgage Scheme Fund Regulations, 2017; this Assembly approves the appointment of the following Members to the Assembly Committee on Car Loan and Mortgage in addition to the Membership contemplated under regulation 6. The Members that have been proposed are:

1. The Hon. James Kariuki, MCA
2. The Hon. Margaret Mbote, MCA
3. The Hon. Catherine Ann Akinyi, MCA
4. The Hon. Fuad Hussein, MCA

They will join the Members that are contemplated in the regulation 6. For the avoidance of doubt, allow me to also mention that these Hon. Members include:

1. Majority Leader, Hon. Abdi Hasan
2. Minority Leader, Hon. Elias Okumu
3. Chief Whip, Chege Mwaura
4. Minority Whip, Hon. Peter Imwatok.

This regulation, just for the benefit of Members, has three members of staff whose names I will read them once they are here.

Madam Speaker, as I move this Motion, allow me to apologize to this House for delaying in bringing this important Committee into action because when we were doing the avalanche of the first Committees, we had not considered it very well in terms of numbers. We thought it was like a Sectoral Committee. Initially, the numbers that we had posted were over and beyond the required numbers.

I would like to urge Members to support this Motion. Since it is a Committee that deals with Members and staff car loan and mortgage, we have decided that we shall not use majority and minority strengths but have equal number of Members from both sides for the benefit of the whole House.

Further to that, Madam Speaker, I would also wish Members to internalize with the regulations contained in the Car Loan and Mortgage scheme. If you need a car loan, what are the procedures needed? We want this scheme to be friendly as possible and to fast track so that Members are not delayed in the process of approval. I believe there is a checklist that is given to whoever wants to access these loans.

I would like to urge Members to be careful on extravagance and try to maintain their livelihoods within their means. It is not free money, you will still pay. We don't want our Members to be constrained when it comes to paying.

Finally, I request may be with time because we are going for long recess, if there was a way we can do induction for members to understand how to deal with their finances more better and invest, it will be of good benefit. I thank the House for being patient and urge them that in due course, we are going to balance other Committees that are remaining so that when we start the New Year, we are ready.

With those many remarks, I request my counterpart in the Minority side to second me and also to reply because I had requested for a meeting somewhere. Thank you, Madam Speaker.

**Hon. Speaker:** Majority Whip.

**Hon. Peter Imwatok:** Madam Speaker, allow me to second the Motion. My brother, Hon. Chege Mwaura has spoken very well about this Committee. Personally I am a beneficiary of the loan. I am back to this Assembly as a second term MCA. I believe by inauguration of this Committee, every Member must go with speed, aware that this loan must be paid within 60 months of our existence in this House.

Madam Speaker, as you had put it yesterday, you will be part of this Committee to make sure all Members who have interest in this Committee come on board. As we are going for recess, for easy access of this facility, we need all Members to move with speed because the repayment period matters a lot.

As I was walking in, I talked with Assembly staff member who said that we have done good because they have heard the names of the Members of the Committee and he is eager to drive a small car if we have this Committee. That shows this Committee is very important not only to the Members of the Assembly, but also to our staff who most of them are young.

Madam Speaker, I don't want to waste time but I ask the entire Assembly to approve these names without much ado. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Whip. I want to propose and I will read the names. I know you wonder why I always say that. Parliament sits like a high court; you can sue and you can be sued. If you are presenting anything, you must read all the names because anyone can decide to go to court. We also have the media and media can only pick few names and leave the rest, one will go to go to court and wonder why one is managing scheme fund and yet you were never tabled on the floor of the House regardless whether the regulation says. That is why we read names in the floor of the House and it also gives you the privilege to be safeguarded under the Powers and Privileges Act.

*(Question proposed)*

As you said, I will only join in to ensure it picks and I will hand it to the Committee to do their work because they are the ones to do. Mine is to process.

Hon. Gari, you want to speak on it.

**Hon. Maurice Gari:** Thank you, Madam Speaker; I think Members will be happy today. Most of them ran to banks and took loans at interest rate of 16% yet we had our money here. This Committee was supposed to be formed on the day the Committees were formed but I have heard they had bulky work to do. I am disturbed because three months have elapsed and again there is long recess from December to early February. So, I don't know what will happen yet the requirements are very hectic. I hope when you sit down with the entire team, you will come up with easy regulation to get the money. Most of us don't have title deeds. If you have a car of Ksh.5 million, where will you take? It will be a waste of time.

I hope, with your wisdom, Madam Speaker, you will sit with the entire team so as to save the Members who borrowed from the banks. Can you buy off their loans so as to assist them with this burden because they are earning peanuts? Most of us came here after using our monies on campaigns and now some of us want to own homes and others want to drive. You cannot elect me to be MCA and still expect me to go to the stage and board *matatu*. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Hassan, you want to speak on this?

**Hon. Hassan Mohamed:** Thank you, Madam Speaker. I think most of the people, as my colleague has said need to drive cars, own homes and have a good lifestyle. We shall overcome all these challenges, thank you.

**Hon. Speaker:** Hon. Nicholas Okumu.

**Hon. Nicholas Okumu:** Thank you, Madam Speaker, I rise to support the Motion but there is one thing I want to bring to your attention. Recently, for those who watch the news, we saw what happened in Nyeri County where all the Members of the County Assembly decided to go to the Clerk's Office and eject him on the assumption that the Clerk was the one who had put up the ceilings that were hindering them from getting the car loan and the mortgage. It is in that respect that I want to urge the Hon. Members who are going to sit in this Committee to look at the ceilings. When you ask me to produce a title deed and I come from the slums of Lower Savannah, where do I get that title deed or that log book to be able to present as a surety. My assumption is that my surety is my pay slip.

*(Applause)*

I have heard a Member say that you are wise; indeed we are seeing wisdom in this House. I want to urge you together with the Committee to kindly remove these ceilings so that we are able to take care of our welfares. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. David Mberia.

**Hon. David Mberia:** Madam Speaker, thank you for the chance. I rise to support the Motion and subsequent approval of the names. Before we went for short recess, Members had requested for *Kamukunji* which would ensure every Member empties out whatever they have in their hearts. I believe before we go for long recess, members will have a chance to have a sitting with you, Madam Speaker, and talk to you freely like a mother. I hope all the issues surrounding the ceilings of this particular loan will settled once and for all. I support the Motion.

**Hon. Speaker:** Hon. Kariuki Kiriba.

**Hon. James Kariuki:** Madam Speaker, as I rise to support the Motion, I want to urge the leadership that it has been overheard that during the last Assembly, the leadership used punitive measures to Members by removing them from Committees so as to suffer when they are paying loans. So, I hope it doesn't repeat itself this time.

**Hon. James Kariuki:** Madam Speaker, on the issue of borrowing, I want to urge my fellow Members to comply with the law. The money is fully consolidated to be Ksh. 5 million per borrower and not two plus five because it amounts to the same thing. It could be an obstacle because I cannot go for a car worth Ksh. 2 million being sold by a manufacturing company unless you want a Honorable Member to ride on a Nissan Sunny which costs at around Ksh. 1.6 million and no land in Nairobi costs Ksh. 3 million. So as much as we want to comply, may you also allow us to first read through. Thank you Madam Speaker.

**Hon. Speaker:** Hon. Mary.

**Hon. Mary Mwami:** Thank you Madam Speaker. It's a great privilege and honor to be part of this House. The debate that is before us is for our welfare. I support the Motion. When we were being inducted, it was said that if we start early then it would be helpful. I urge the committee that we are setting up today to speed up the process so that possibly we start by December so that the deductions start and we are able to get a slightly higher loan unlike if it is to start later in February and so on. I support the Motion and urge them to do the work speedily so that as we go on recess in December January and part of February, we can be able to buy what we need. Thank you Madam Speaker.

**Hon. Speaker:** Thank you very much. Deputy Speaker, can you reply.

**Hon. Deputy Speaker:** Thank you very much Madam Speaker. As I contribute, I would like to take this opportunity to thank the Members who have been given the task to get loans for Honorable Members. I know that we are late but then again, time will tell. I wish to reply that pursuant to the provisions of the public finance management of Nairobi City County Assembly Car Loan and Mortgage Scheme Fund regulations 2017, this Assembly approves the appointment of the following Members to the Assembly Committee on Car Loan and Mortgage in addition to the membership contemplated under regulations 6. Should I read the names?

**Hon. Speaker:** It's okay.

**Hon. Deputy Speaker:** I wish to reply.

**Hon. Speaker:** Yes *Mheshimiwa* Njehia.

**Hon. David Mberia:** Is the Deputy Speaker replying or putting a question Madam Speaker?

**Hon. Speaker:** He is replying and has understood and that is why he has said that he begs to reply.

*(Question put and agreed to)*

Next order1

## MOTION

**Hon. Speaker:** Proceed Hon. Njehia.

**Hon. Abraham Njihia:** aware that commercial sex work in Nairobi City County has been on the rise over the years; further aware that commercial sex work has become prevalent in most Sub-Counties and in the Country; deeply concerned that section 153 and 154 of the Penal code chapter 63 of the Laws of Kenya prohibits men and women from living wholly or partly on earnings or from soliciting through commercial sex work. Further concerns that implementation of the said provisions of the penal code remains unproductive. Noting that the unlawful practice is today happening rampantly and openly within our communities without repercussions of the offenders as provided for in law. This Assembly urges the County Executive to move with speed and robustly enforce the provisions of the law to deter commercial sex work in the County.

Hon. Speaker, I wish that all Members approach this Motion from a parent's perspective. Why do I say this? As the Chairman of Culture and Community services from the time I was elected by this Assembly, I have moved a lot and whatever is there is a shame. Our young girls are living in these brothels. Very prominent people are renting houses and calling them massage parlors and whatever is happening in those places is not anything that I have seen in the recent past. These massage parlors Madam Speaker are being used as brothels. You go there and find women stripping and doing all sorts of things. This vice has moved to the 17 Sub-Counties, by that I mean the 17 constituencies. As parents given the very busy schedules that we attend to leave our teenagers at home and we do not know what they are doing back at home and yet these brothels have come near our areas of residence. Digitalization is also real where people find themselves watching porn on phones.

Madam Speaker if you go to Ngong road opposite Nakumatt Prestige, you will find very good homes. They call it hot and fire and this is where our girls are being taken. Within the City centre there is Keekorok Lounge, Baron, China Centre, Nairobi Women's which is at Kilimani near Ngong road are residential areas which if you enter, and you find the evidence. The first, second and third floors you find the sexual behavior's happening.

We all know that we have limited recreational facilities in the County that actively engage our youth and we are left wondering. When we leave them at home, there is a possibility that they might be led to these activities. An idle mind is the devils workshop and I don't need to explain that to you Madam Speaker or the House because we all know that. This Nation will not only protect this generation from moral decay, but it will also protect the next generation and that to come. I am therefore urging this House to pass this Motion so that we may leave a better generation after us. I now call upon Hon. Mellab Lumalah to second this very important Motion. Thank you Madam Speaker.

(Applause)

**Hon. Mellab Lumalah:** Thank you Madam Speaker and thank you Chair. I stand here humbly to support the Motion. This Motion is touching on the society and as we all know according to the Constitution of this Country, prostitution is illegal though indigenous men and women use this exercise as business and on tour as tourists. Young men and girls have been involved in this vice and they did not just come to learn about it. It was through exposure and the surrounding that we live in. others associate this activity with poverty and you wonder how many people are poor and are not indulging in the same. What if the whole Country is to exercise in this? I think we would not have a community. However profitable it is to some

families, it is eroding off our African morals especially in the City where we are cosmopolitan and with different cultures. I am proud to say that some people have come out to make sex immoral and yet it is a very sweet and nice thing that I know that everybody in this House enjoys except and excluding none. Sex becomes bad when it is exposed unnecessarily because it is supposed to remain sacred.

The study that was done by UNICEF some year's back found out that even small boys and girls who beg on the streets when given money go back to the slums pay the same money to women in exchange of sex. It is on record that also some girls lure young men to have sexual involvement with them and then they are given money. Also, women who are also neglected by their husbands, those lazing around and school girls who just want easy money and goodies for themselves. The report found out that parents are encouraging this so that the young girls and boys can bring food home which is very bad and overwhelming. In July 22<sup>nd</sup> 2015, this same issue was captured in the newspaper. In May 14<sup>th</sup> 2017, it was published that sex is now a business that is openly being carried out and you will think that someone is in the market selling tomatoes.

You wonder where we get children who are insane and deformed. How do you bare children who come out of a dirty activity and not in the right way? The conception of a child needs to be done in the right state of mind. These are some of the things affecting this generation. Look around and ask yourself if the community that we have is the same as that which we used to have. Girls have been dropping out of schools because they hear from their friends and think that having money, make up and good shoes is through the streets. If you drive along Koinange Street you see women running towards your car and when they see you with a woman, they get mad. Those women are our children and students whom we think are in schools reading. Kilimani area is vulnerable and as my Chair said, brothels have come out. People have refused to rent out houses and are putting other activities in them. In the evening between nine and four, you will find men holding up billboards citing massage here. My question is why massage isn't done in the daytime so that we also attend. These children are vulnerable to diseases.

As a parent, I am here and my children are in school. I am worried of what they are doing. They share stories and develop excitement over it not knowing that it can bring their life to an end. I stand to beg my colleagues to support this Motion and see how better we can bring back morals into our community. Thank you Madam Speaker.

*(Question proposed)*

**Hon. Speaker:** Hon. Kimemia

**Hon. Antony Kimemia:** Thank you very much Hon. Speaker. I don't need to say much. The proposer and the Chair have said much. I can't help to notice that most of our male colleagues walked out when this debate started. I hope that they are not walking out in protest. As one of the members said, sex as written in the good book has been allowed and God has given it to us to procreate and enjoy. It is the law that sex should not be used for business as is being used today along Koinange Street. I happen to have an interest along Koinange Street in some restaurant. When the business begun, we could not get the right people coming to our businesses because the girls outside the premises could not allow our members to come in. We therefore had to involve the police and the County *askaris* to get them away from the business premise.

Madam Speaker, I support that the law be followed and that the business that is ongoing be stopped. I also want to remind the Chairperson that I brought a statement....

**Hon. Speaker:** Hon. Kennedy!

**Hon. Kennedy Obuya:** Thank you Madam Speaker, it is interesting my history teacher once taught me that the passions used to toss to two great events, good harvest and great sex. I concur it is great but as a Christian and a father of teenagers, I believe most of us are parents I don't have a choice but to concur and pray that we pass the Motion.

Hon. Speaker, I also want to bring to your attention that as the world commemorates the day of people are living with disabilities, we need to go back home at least identify people living with disabilities in your areas share a moment with them. Thank you so much Madam Speaker.

**Hon. Speaker:** Hon. James!

**Hon. James Kiriba:** Thank you Madam Speaker, I rise to support the Motion and I also urge the Hon. Chairman to work hand in hand with these bar owners' and we converge along the way to serve the situation. We are sad that they admit children who are under age bars. Madam Speaker, right across my door there is one bar and I see these girls outside there. I beg to support and I wish for strong measures to be taken to save the society.

**Hon. Speaker:** Hon. Leah!

**Hon. Leah Nakanae:** Thank you Madam Speaker, I stand to support the Motion first, because I am a parent of two girls and it is good that the mover of the Motion is in the Chair Culture Committee. This problem starts from the bars and places that people smoke shisha. So I think as a mover of the Motion who is the Chair of Culture Committee, we can hold hands and try solve this problem.. Therefore, I beg all the Members of this House because I believe we are all parents to support the Motion. Thank you Madam Speaker.

**Hon. Speaker:** Hon. Mary!

**Hon. Mary Ariviza:** Thank you madam Speaker, we know that prostitution has always been there even in the Bible Rehab was a prostitute. However, she is an ancestor of Jesus Christ but she changed once she met the Children of God and that is what made her change. Sometimes Circumstances forces some people to go in it, but also I want to state that not all the prostitutes are from poor families.

Where Hon. Njihia comes from is an upper middle class area but you will find that there are so many bars in Hurlingham up to Yaya Center towards Adam Arcades in Kilimani Ward. I have lived in that area for a long time and I have been seeing this. So it is very important for us to know that while we are not saying that people cannot be prostitutes, but for it to be brought into residential areas and then we have these bars with modern names all over the place is wrong and it is going to affect our society.

Roma was destroyed because of immorality and if you want a County or a society to get destroyed go the immoral way. I would like to beg all of us that apart from us doing what we are doing here, it is very important for us also to pray for our children and also have them taught from home because a child who has got teaching from home are able to withstand such peer pressures. I go to church also along valley road and I have had the privilege of counseling some of those prostitutes when they go to church on the eve of a new year and they have been able to change.



So we are needed to bring them up and be able to bring some ways of being able to be helped. So that they can leave prostitution because some of them are forced into it, like that one who was taught by an aunt at the age of 16 years and now she could not make it because it was very difficult because she was 35 years and no longer beautiful. |

Therefore, we need to set up a kitty in that Committee Hon. Njihia where the social welfare of the town can have a kitty which can help some of the prostitutes who want to be rehabilitated. Otherwise, if we leave it like that they may still go on with it. It is very important for us also to note that psychologically, when a woman or a man is degraded that is when they go to a place where they sell their bodies. For instance, when soldiers want to degrade people they use rape them and do all kinds of things. So when a person goes to an extent of selling their body so that they can get what they want, whether they are Hon. Members of the society it is a psychological problem.

Therefore, I know this can be done such that not only in the County of Nairobi but the National Government need to make sure that we have Counselors in schools, in churches so that our Children are brought up morally right from very beginning because some of them are not there because they are from poor families. I know because I have counseled those who are from upper middle class and they still do that and it is a psychological issue.

So I beg to support this Motion saying that the penal code should be enforced and we should support our Government in upholding the law on this while we know that prostitution is there. We must not just pretend that it is not happening we must support them and be able to support the society at large and those of us who stand for moral issues and be able also to keep aside those who are also involved in this rights.

We should set aside some money or even have a counseling center here in Nairobi where they can come in and be able to be counseled, because these are the very children who will contract diseases like HIV and even unwanted pregnancy. Like the one that I had Counseled had two children whom she didn't know the father but now she is very well because she is doing marketing selling solar lamps and even she has brought other five prostitutes from the street in Hurlingham. Therefore, that is the particular area so Hon. Njihia this is a good Motion I support it and I beg the House also to support it as well thank you.

**Hon. Speaker:** Thank you Mary. Hon. Mbote!

**Hon. Margaret Mbote:** Good afternoon Madam Speaker. I rise to support this Motion because when we think of prostitution, we think of a very wide destruction of the Nation and also we think of the family that have no guidance and even direction. Unwanted pregnancies come from prostitution and it's an abomination according to the Bible. As a person who runs a children home where I come from most of the children that we get are out of prostitution and these mothers have nothing. They get babies and they are not able to look after them.

So the children they come to us to ask for help in Children's home. We take the children where they can be helped to release them because. When their mothers are engaging in prostitution they don't get enough money to look after their children in terms of maintenance and even their education. The money they get for the night is not enough and the following day they are still much indeed of our support.

So I really support the Chairman of Culture when he comes up with this kind of Motion because sometimes we think only ladies can bring this kind of Motion, but I am very happy with the Chairman of Culture because he has brought this Motion as a man. I believe one of the Members said they are like protesting but I don't think that they are although I think this is not a bad thing because we are mothers, fathers and we have children at home and even right now we don't know where they are since they have closed the school and it is very painful to know that your children are going to that way.

For us to see that this is catered for it is good also to look at areas of counseling them and rehabilitating the mothers or whoever is doing this with a small fund the County government can put aside, this can be done. The mothers and children can be guided also because they get into this thing unknowingly but circumstances force them to do it.

Therefore, I support this Motion as we find out how better we can do this and help these young mothers and fathers and maybe we can put all our efforts to look at the future if we don't have this kind of practices. We have a future because we need this children, young men and women and if we don't guide them and take care for them we will not have any future generation or good leaders and even teachers. I therefore support the Motion Madam Speaker.

**Hon. Speaker:** Thank you *Mheshimiwa!* Gatune!

**Hon. Antony Gatune:** Thank you Madam Speaker for giving me this chance, without many words I would like to say that going by the mood of the House with your help, you may call the mover so that we can put this matter to an end. Thank you.

**Hon. Speaker:** Not because of Gatune, because he was the last speaker.

**Hon. Abraham Njihia:** Thank you Madam Speaker, first of all I would like to thank the House with its massive support and first of all I would like to thank my seconder Hon. Mellab it is a job well done. Hon. Antony Kimemia has already left the House, Hon. Obuya Kennedy thank you, Hon. James Kiriba has left, and Hon. Mary thank you. You even reminded me of somebody in the Bible called Rehab and also for your counseling Hon. Mbote. Thank you so much.

I would like to take this opportunity to thank those Members who have not had a chance to contribute and also those who have not yet made up their minds. I think as we go to vote they will be touched and support this Motion. As I conclude with a quote which by one former president of South Korea who passed on in 2009 he said, *"Let us make future generations remember us as proud ancestors just as today we remember our forefathers"*. Thank you Madam Speaker.

**Hon. Speaker:** Thank you Chair! Hon. Members I hope you imagine the grave matter of this Motion before I put the question? That, within the residence today Nairobians are unable to come out with their children in the evening because of this challenge. I am hoping the Chair with the team you also have the right to go and visit and do your enforcement as a Committee, so that even as we take it to the Executive they should understand that it is a grave matter for most parents and the residence in the areas that we are living today. So Chair and your Committee you also have a responsibility to ensure it happens.

*(Question put and agreed to)*

**ADJOURNMENT**

Hon. Members let us stand to adjourn; the Assembly adjourns to Tuesday, 5<sup>th</sup> December, 2017 at 2.30 p.m.

*(The House rose at 4.36 p.m.)*