



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – First Session

Wednesday, 6th December, 2017

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Hon. Members, there is a message from the Senator of Nairobi City County, Hon. Johnson Sakaja. I will ask the Serjeant-at-Arms to bring in the message so that I will read. In the meantime, we can proceed.

PAPER

Hon. Speaker: Hon. Chair on Trade, do you have the report to table? Okay, Hon. Member of the Committee, Gathundo.

Hon. Charles Thuo: Thank you, Madam Speaker. Pursuant to Standing Order 191 (6), I beg to lay the following Paper on the table of the Assembly, today, Wednesday 6th December, 2017: The first report of the Sectoral Committee on Trade, Tourism and Cooperatives on the induction workshop held from Thursday 16th to Sunday 19th November, 2017 at Sai Rock Beach Hotel in Mombasa County. Thank you, Madam Speaker.

Hon. Speaker: Do we have the report for Finance and Budget? Clerk, proceed.

NOTICE OF MOTION

Hon. Speaker: Hon. Kimemia.

ESTABLISHMENT OF VOCATIONAL EDUCATION CENTERS FOR PERSONS WITH DISABILITIES

Hon. Anthony Gathumbi: I am sorry, Madam Speaker, I have to re-read again because the microphone was not working.

Madam Speaker, I wish to give notice of the following Motion: THAT, aware that the Nairobi City County Persons with Disabilities Act, 2015 (Act No. 9 of 2015) was passed by Nairobi City County Assembly on 2nd December, 2015 and subsequently published on 15th January, 2016; further aware that Section 8 (1), Sub-Section (b) (vii) of the Act provides for the functions of the Board (Nairobi County Board for Persons with Disabilities) which is amongst others, *to encourage and secure the establishment of Vocational Rehabilitation Centre and other institutions and other services for the welfare, rehabilitation and employment of Persons With Disabilities*; noting that Section 13(c) of the Act also provides that, *the relevant County Executive Committee Member shall establish institutions to cater for the visually impaired, physically challenged persons, hearing and mentally challenged persons to cater for vocational education, skill development and self-reliance*; further noting that a number of Public Primary Schools in Nairobi County operate Special Unit classes without a clear progression plan; concerned that there are limited Village Polytechnics and Home Craft Centre established by the County Government of Nairobi City for Persons With Disabilities as mandated by the Constitution of Kenya, 2010 under paragraph no. 9 of Part 2 of the Fourth Schedule; this Assembly urges the County Executive move with speed to establish Centers for Vocational Education, skills development and self-reliance for Persons with Disabilities in Nairobi City County and ensure inclusive education within the existing pre-primary and childcare facilities. Thank you, Hon. Speaker.

Hon. Speaker: Thank you very much. Before I go to the next Order, the Chairperson on Education, Hon. Millicent--- a Member of that Committee to take that statement? We don't have Members of Education Committee in the House? Deputy Speaker.

Hon. John Nyumu: Thank you, Madam Speaker. Let me take the responsibility, I am a Member of that Committee. As you know we are adjourning the Assembly, we will give the answer during the first sitting of the next session. Thank you.

Hon. Speaker: That was a Notice of Motion? Sorry. Clerk, proceed.

STATEMENTS

Hon. Speaker: Hon. Wilson Ochola.

CONSTRUCTION STATUS OF DRIVE-IN ROAD ALONG MATHARE NORTH ROAD IN UTALII WARD

Hon. Wilson Ochola: Hon. Speaker, pursuant to Standing Order 45(2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Roads, Transport and Public Works regarding the construction status of Drive-In road along Mathare North road in Utalii Ward.

Hon. Speaker, the said road was earmarked for upgrading but the contractor abandoned the works barely three months after taking site due to non-payment.

Hon. Speaker, the cost for upgrading the stretch of the said road was quoted at Ksh.50 million and according to the contractor, the amount of work he had done before downing his tools was Ksh.8 million which he wanted paid before he could continue with the construction works.

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

- i) Plans, if any, to have the road completed; and
- ii) Why it took the County long to make payments due to the contractor.

Thank you, Madam Speaker.

Hon. Speaker: Chairperson on Trade? Member of the Committee? Who is the vice Chair? Hon. Member, you know we are not in class, so can you do me a favour.

(Laughter)

Hon. Member: Sorry, Madam Speaker. As you are aware that we are adjourning the House until February next year, we will give response the first week after recess, thank you.

Hon. Wilson Ochola: Hon. Speaker, I don't think that is valid because the road connecting Mathare North and three other Wards is in pathetic state. I need the Chair on Transport to have a meeting with the CEC concerned so that we can get response before January next year.

Hon. Speaker: Hon. Ochola, I think the vice Chair was just being honest that we are going on recess, but may be what we can do as a House to assist is to request you and the Chair to have a meeting with the CEC and be able to look at the issue, but the response will come the first week as he says. He will brief us whether you were able to come up with concrete solutions on the same. Chair?

Hon. Member: Madam Speaker, I concur with that, thank you.

Hon. Speaker: Thank you. Is that okay, Ochola?

Hon. Wilson Ochola: Yes.

Hon. Speaker: Hon. Warutere.

OPERATION OF THE COUNTY PUBLIC SERVICE BOARD SPECIFICALLY ON EMPLOYEE MANAGEMENT

Hon. Peter Warutere: Hon. Speaker, pursuant to Standing Order 45(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the operation of the County Public Service Board, specifically on employee management.

Hon. Speaker, the County Public Service Board in dispensing its duties, issued disciplinary proceedings and interdictions against various County employees. However, the affected employees obtained an appeal stopping the interdictions from the County Human Resource Management and Advisory Committee. The Board as time and again refused to obey such reprieves to reinstate the affected persons in contravention of Labour Laws and its laid down procedures. For instance, in the case of interdiction of James Hillary Wambugu of PIN No. 197601234173, Mr. James Muindi Njogu of PIN No. 19910011595 and Mr. Tom Elisha Odera of PIN No. 19910000930 who remain out of work despite their successful appeals to return to work.

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

- i) Reasons for the delay by the County Public Service Board in reinstating the employees whose appeals are successful such as the above;
- ii) Table the Board's internal procedure documents on disciplinary procedures and measures the Board has taken to ensure smooth handling of all claims and counter-claims in work disputes;

- iii) Measures taken against Board members or persons flouting Labour Laws and laid down procedures in handling of employee related disputes.

Hon. Speaker: Chair, Labour.

Hon. Peter Wanyoike: Thank you, Madam Speaker. I remember very well that the Committee on Labour and Social Welfare had recommended that these workers should be reinstated, but we will take up the matter and report back two weeks after recess.

Hon. Speaker: Hon. Warutere.

Hon. Peter Warutere: Hon. Speaker, I concur with what the Chair is saying but the matter is a little bit urgent. I hope the necessary offices could link up to ensure that by the time we are back from the recess, we will have the answer.

I have another response to a Statement, if you could allow me, Madam Speaker.

Hon. Speaker: Yes, but in a minute. Chair, as it is concerning somebody's welfare and the Constitution in the Bill of rights is very clear on how we manage some of these things, I will request the Committee that even as we go for recess the Committees are still working. So, the Committee with the Member who has requested the Statement can meet the Board and initiate a process so that come next year, it will be in advanced stage to assist these people. Chair, is that okay? Yes, Leader of Majority.

Hon. Hassan Abdi: Thank you, Madam Speaker. On the same, the Labour Committee last Assembly recommended that the said members of the staff be reinstated but the County Service Board has not acted on the same, I think it will be wise, Madam Speaker, to ask the Chair of Implementation Committee to follow up on the matter instead of referring the matter back to the Labour Committee.

Hon. Speaker: Thank you. Yes, Whip.

Hon. Peter Imwatok: I must recognize that the current Chair on Labour was with me in the Labour Committee in the last Assembly. We discussed this issue and I want to add my voice on the same. As the Majority Leader is saying, it is prudent for the Implementation Committee to take this issue because there were issues which were coming up; some of the appellants had reached retirement age. When it comes to the issue of retirement and you have an appeal, you have to be compensated for the years you have been out of service. I think the Implementation Committee is best placed to handle this issue, Madam Speaker.

Hon. Speaker: Thank you. I will request the Member that we shall refer it to the Committee on Implementation since it is a process that has been followed through. Follow up to get the answers before we end the year so that next year we clear. If there were persons who have retired, we will see how the Executive will ensure that they are paid. Yes, Hon. Warutere.

Hon. Peter Warutere: Hon. Speaker, allow me to add something on that matter. If for sure this is a matter that has been in this Committee before, I think there is a problem with the Service Board. I would urge that as they are doing their interrogation as the Committee, they should start the process of winding up the Service Board which looks like it is not discharging its mandate. It is high time we now start constituting a new Board since the old one has outlived its usefulness.

Hon. Speaker: Hon. Member, you know very well the Board is sort of an autonomous body, therefore, you have the privilege and powers to ask them questions. I don't think the Executive will have the power to cancel their contracts until it comes to an end but I agree that it is important for the



Implementation Committee and you to meet the Board and see how--- I believe it is not just James and Tom but maybe there are many other staff who are going through similar challenges. So, let us put it to rest. Your next Statement.

INSURANCE OF EARLY CHILDHOOD DEVELOPMENT EDUCATION CENTERS IN THE COUNTY

Hon. Peter Warutere: Hon. Speaker, pursuant to Standing Order 45(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Children, Early Childhood Education and Vocational Training regarding the insurance of Early Childhood Development Education Centers (ECDECs) in the County.

Hon. Speaker, there is need to have all ECDECs in the County insured against calamities such as fire, burglary and malicious damage that can be occasioned by violence amongst others.

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

- i) Whether all ECDECs in the County have been insured against all possible catastrophes and, if yes, by which insurance company.

Thank you.

Hon. Speaker: Deputy Speaker, as a Member of Education Committee, will you respond to it?

Hon. John. Nyumu: Thank you, Madam Speaker. As I said earlier, since we are adjourning the Assembly tomorrow, I will take the responsibility that that the response will be given the first week of the next session. Thank you.

Hon. Speaker: But I will request the Education Committee not to forget the Matiang'i rules; schools open early and by fifth all schools will be open. I would request that you will meet earlier with the CEC so that you will discuss how all those things can be--- if they are not there, maybe she can give substantive answer to the team whether it is in their plans.

Who is the deputy Chair of Education? Yes, you see we are giving the Deputy Speaker a lot of responsibilities while you are here. It is not good, that is why you are the deputy. Take the responsibility of what is here.

Hon. Member: Thank you, Madam Speaker. We shall give our a report once we come back from recess.

Hon. Speaker: We are not waiting after recess; I have just said that with Matiang'i rules, schools open on 4th. If there is a way the Committee can assist so that when we are going for the recess, you can have some answers. The CEC can follow up.

Hon. Member: Okay, we shall inquire.

Hon. Speaker: Thank you. I want to request the Chairs to take responsibility because you are the ones to run the show. When you know Chair is not there, the deputy Chair to always take charge of the same. Hon Warutere you are okay with that?

Hon. Peter Warutere: Much obliged, Madam Speaker.

Hon. Speaker: Hon. David Mberia.



STATUS OF PUBLIC UTILITY LANDS IN KAREN WARD

Hon. David Mberia: Hon. Speaker, pursuant to Standing Order 45(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the status of public utility lands in Karen Ward.

Hon. Speaker, by planning law, every subdivision of land for development purposes contains provisions for reserving space for public utilities. However, most estates in the City have experienced callous grabbing of said public utility lands leaving areas such as Karen with not a single public utility land despite such provision having been made on various occasions during subdivisions.

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

- i) Status of all public utility lands in Karen Ward as reserved from successive subdivisions since 1963;
- ii) If allocated or grabbed, who authorized the allocation or illegal occupation of public utility lands;
- iii) If any is available as reserved, status of ownership of the said available pieces;
- iv) Measures taken by the County Executive to secure public utility lands across the City and apply them for their intended purposes.

Thank you.

Hon. Speaker: Chair Planning?

Hon. Anthony Kiragu: Thank you Madam Speaker. I have listened to that question. It is a very general question which applies to the whole of Karen Ward. Hon. Speaker, I request that we be given three months after our return to the Assembly unless the Member is asking for a specific identifiable section in Karen or land. This will take time as we are to go through the records of Karen as a Ward, which is also one of the biggest Wards in Nairobi. Thank you.

Hon. David Mberia: I am not a person. I am an Honorable Member of this House and the senior most having been elected councilor once and an MCA twice. It is therefore disrespectful for the Hon. Member to refer to me as any other person. Secondly Madam Speaker, I do not care if the Chairman has to take 6 months to ensure that all the public utility land in Karen Ward is identified. I know that the Chairman is a capable one, but I will not sleep on my job by ensuring that I have done my part of investigations as we head for recess. I will table my report to either concur with the committee or otherwise. Thank you Madam Speaker.

Hon. Speaker: Hon. Member, I would not want to indulge much. Hence Chair, try your best to be within the parliamentary language. A Honorable Member is a Honorable Member. Hon. Mberia, the Hon. Member is the Chair of the committee and I request that both of you to always try to be within that. Chair, we are going on recess as Hon. Mberia has stated that he does not mind waiting upto 6 months and you requested for 3 months, in March we hope that you will present a comprehensive report on the same request so that you are able to satisfy not only *Mheshimiwa* Mberia but also the citizens of Karen whom I believe are the ones suffering. Is that okay *Mheshimiwa* Mberia? Yes Whip, are you on a Point of Order or what?



Hon Peter Imwatok: Madam Speaker with all fairness and justice to the people of Karen, I think that the Executive part is not going on recess. Having tabled this report before the House Madam Speaker, I think that it is prudent that the Clerk's office communicates immediately since by the time we come back from recess then it will already be 3 months. The House will be in a good position to demand for the statement immediately we come back from recess because it will be within the timeframe my Hon. Chair was referring to and not after the recess.

Hon. Speaker: That is what I said. When we come back then he will have cleared the 3 months and so he needs to have given us his answers as he has requested.

Hon. Peter Imwatok: Thank you

Hon. Speaker: Is that okay Chair?

Hon. Anthony Kiragu: Madam Speaker I wish to withdraw. I meant no ill when I described my colleague as a person. I believe that he is a person before being a Hon. Member and so if he was offended then I apologize and withdraw. However Madam Speaker, the reason for requesting for three months is that there are two other statements that we forwarded to the Executive in the last one month and we have not been able to get a comprehensive answer. I think that one of the departments that the Governor has really patched on is the Planning department. This is a department that has no Chief Officer, this is a department that had its rates unit closed for almost a month. I am therefore requesting for reasonable time and will also request the Executive to give us the report as soon as possible but I am only preparing my colleague that it might take longer than usual. This is a whole Ward, it is big and it is also one of the largest with lots of issues land related. Thank you.

Hon. Speaker: Thank you Chair. I want to close that and hope that Hon. Mberia is satisfied?

Hon. David Mberia: Madam Speaker, as I had stated earlier that even if it takes 6 months, me and my people will wait until we get justice. Madam Speaker, as you have rules, I am okay with the committee tabling the entire report in March next year. Thank you.

Hon. Speaker: Is Hon. David Mbithi around? Is Hon. Mwaura around?

Hon. Samora Mwaura: Hon. Speaker, pursuant to Standing Order 45 2(c), I wish to request for a statement from the Chairpersons of the Sectorial Committee on Environment and Natural Resources and Health services regarding the illegal dumping of liquid and solid waste in Clay city Ward. Hon. Speaker, dumping of liquid and solid waste in both open spaces and within residential areas in Clay City Ward is at a life threatening level. Raw sewage and non-recyclable solid waste is being dumped in open trenches and along the roads posing serious health risks to residents. Hon. Speaker, efforts to seek interventionary mitigation actions from the County Health and Environment officers have borne no fruits.

Hon. Speaker, in the statement, the Chairpersons should inquire into and report on;

1. Measures put in place by the Nairobi City Water and Sewerage Company to provide adequate and plant sewerage infrastructure in the Ward and when this will be implemented?
2. What steps have been taken by the County to tame rogue officers who go collecting bribes from flat owners and turn a blind eye on the unfolding health menace in the Ward?

Thank you.

Hon. Speaker: Deputy Chair, Education? That's your question. *Mheshimiwa* Samuel, did you listen to understand the question?

Hon. Samuel Mwangi: No I did not. Please let him read it again

Hon. Speaker: I will not ask him to repeat because we have very many statements. He is asking about disbursement of bursaries to the needy students in the County with other issues in it?

Hon. Samuel Mwangi: About bursaries, we had a meeting with the CEC and discussed the same. She told us that she is going to give information as soon as we come back. Probably in January. It is work in progress and we are following up on the matter.

Hon. Speaker: I want you to pick that statement and read through so that you understand what *Mheshimiwa* Mwaura Samora was asking and wish that you put all the statements touching on education that have been asked and proceed to sit as a committee before next year. We shall expect your reports when we come back.

Hon. Samuel Mwangi: We shall oblige Madam Speaker.

Hon. Speaker: *Mheshimiwa* Simon

Hon. Samora Mwaura: Madam Speaker, I am not sure whether my colleague got my statement. My question is on liquid waste disposal for the Sectorial Committee on Environment and Health.

Hon. Speaker: *Inaudible*

Hon. Samora Mwaura: Yes. Those are two different committees.

Hon. Speaker: Hon. Mwaura, I had said Hon. Chege Mwaura and so when you stood, I thought you were the Chege who normally shares names with Hon. Chege. You read a statement which was not in between but that is not on Environment. You will have to repeat the whole statement as I try to look for your statement on the Order Paper. Proceed.

Hon. Samora Mwaura: Madam Speaker, do you mean I repeat the whole statement?

Hon. Speaker: Yes

Hon. Samora Mwaura: Hon. Speaker, pursuant to Standing Order 45 2(c), I wish to request for a statement from the Chairpersons of the Sectorial Committee on Environment and Natural Resources and Health services regarding the illegal dumping of liquid and solid waste in Clay city Ward. Hon. Speaker, dumping of liquid and solid waste in both open spaces and within residential areas in Clay City Ward is at a life threatening level. Raw sewage and non-recyclable solid and liquid waste is being dumped in open trenches and along roads posing serious health risks to residents. Hon. Speaker, efforts to seek interventional mitigation actions from the County Health and Environment officers have borne no fruits.

Hon. Speaker, in the statement, the Chairpersons should inquire into and report on;

1. Measures put in place by the Nairobi City Water and Sewerage Company to provide adequate and plant sewerage infrastructure in the Ward and when this will be implemented?
2. What steps have been taken by the County to tame rogue officers who go collecting bribes from flat owners and turn a blind eye on the unfolding health menace in the Ward?

Thank you.



Hon. Speaker: Chair Environment? Deputy Chair? Any Member from that Committee? Who are the members of Environment? Mofire you are a Member?

Hon. Jeremiah Themndu: I am a member in that Committee.

Hon. Speaker: I just remembered it is alias Mofire. Sorry.

Hon. Jeremiah Themndu: Thank you Madam Speaker. Let me take this responsibility on behalf of my Chairman. We shall do the same as other committees because we are going for recess. We shall therefore come with an appropriate answer after the recess.

Hon. Speaker: Hon. Member for Kayole Central. Do you know that you are taking responsibility of the Committee? When you listen to Hon. Mwaura's statement, it is a burning issue. Click on your mic *Mheshimiwa* so that I am able to queue you.

Hon. Jeremiah Themndu: Thank you Madam Speaker
(Laughter)

Hon. Speaker: Hon. Wachira, the best you can do is liaise with the Committee on that statement of the Member and I will ask my Honorable Majority Leader to see how he is going to assist on the same together with the Committee. I know that it is a burning issue, not only in your area but it cuts across. So Majority Leader, can you assist on this issue?

Hon. Abdi Hassan: Much obliged Madam Speaker. I will follow it up. Thank you

Hon. Speaker: Minority Leader. Sorry, Minority Whip

Hon. Peter Imwatok: Thank you. Madam Speaker because my senior the Majority is in the House, I almost questioned the rationale upon the Chairmen appear before the Assembly. Let me read a statement for my counterpart Chege Mwaura. Pursuant to Standing Order number 45 2©, I wish to request for a statement from the Chairperson of the sectorial committee on Children, Early Childhood and Vocational Training regarding the disbursement of bursaries to needy students in the County. Hon. Speaker, the Assembly will be adjourning for a long recess and bursaries have not been released yet schools are reopening in early January.

Hon. Speaker, in the statement, the Chairperson should inquire into ad report on;

- i. Whether the County Executive is planning to release the funds before schools reopen in January?
Signed by Mwaura, Majority Whip. Nairobi City County Assembly.

Hon. Speaker: Deputy Chair?

Hon. Samuel: Thank you Madam Speaker. As I had stood up earlier on the issue of bursaries, we had a meeting with the CEC and it is in progress. We should be in a position to give a direction anytime soon. Thank you.

Hon. Speaker: Whip?

Hon Peter Imwatok: Madam Speaker, I think what my brother Chege Mwaura is raising to my Hon. Member here is a very pertinent issue. During the campaigns, both sides of the coalition were advocating for free secondary education but here my brother is elaborating on early childhood which is the basis of our County Government functions. I wish that the Chair can make an undertaking that as we are on recess, he liaises with *Mheshimiwa* Chege Mwaura to see the CEC in charge and see to it that before we come back for committees, then we have bursaries for our constituents and I know that some from the last

regime are still lying there. It's a matter of reactivating the systems so that these kids can go back to school.

Hon. Speaker: Deputy?

Hon. Samuel: Hon. Speaker, let me say that as I had said earlier. I know that we are all looking for bursaries for the students we represent. We had made a follow up and the CEC said that she is going to give us a direction anytime soon and so as soon as we get that then even if we are on recess, I am sure we will communicate that to the Honorable Members. We are doing everything we can to ensure that we get the bursaries. Thank you Madam Speaker.

Hon. Speaker: Thank you. I hope Minority, you agree with him. The CEC is an able person and I believe that she will ----

Hon. Peter Imwatok: Madam Speaker, allow me to read my two statements so that I sit down completely.

Hon. Speaker: Proceed.

Hon. Peter Imwatok: pursuant to Standing Order number 45 2 (c) (1), I wish to request for a statement from the Chairperson of the Sectorial Committee on Labour and Social Welfare regarding the number of staffs currently employed by the County Executive and the provision of their Health insurance therein.

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

- i. The number of employees on permanent and pensionable and on contract if any?
- ii. The name of the insurance company offering health cover to the employees?
- iii. The list of all insurance companies that have transacted business with the County Executive for the past three years?
- iv. The name of the brokerage companies involved?

Hon. Speaker: Chair Labour?

Hon. Peter wanyoike: Thank you Madam Speaker. If at all the committees will continue after recess, we will give a response by two weeks from now.

Hon. Speaker: So you will liaise with the Member? Also Chair, ensure that as we come back, you will present to us the results since it is the property of the House.

Hon. Peter Imwatok: Thank you Madam Speaker. I have no doubts for my Chair for Labour. I think that the Majority Leader can attest that when he became the Vice Chair of the Labour Committee, then I was a Member, what transpired despite the fact that Jubilee party was a Minority in this House. We voted for him as the Vice Chair. He is a very competent man. I trust you to bring me a comprehensive answer. Number two Madam Speaker with your authority

Pursuant to Standing Order number 45 2 (c), I wish to request for a statement from the Chairperson of the Sectorial Committee on Planning and Housing regarding the controversy surrounding the ownership of Mariakani Estate. Hon. Speaker, Mariakani Estate was once one of the Counties crown jewels in provision of affordable housing to the City residents. Its transfer to private hands and ownership status remains a mystery to date.

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

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- i. The cumulative acreage or size of the land and or which Mariakani Estate sits on?
- ii. The number of units on the land and the value of the said units 8 years ago?
- iii. Current ownership of the said land and underdevelopment therein?
- iv. Whether there are any leases on the land at to whom?
- v. If there is any ongoing court cases?

Madam Speaker.

Hon. Speaker: Chair

Hon. Anthony Kiragu: Madam Speaker, I request to be given two weeks from the date we will resume. That is a very specific question and I believe it was left half-baked and so I believe that the Hon. Member and my colleague know that the journey is almost finished for that report.

Hon. Speaker: Minority Whip, are you okay with that?

Hon. Peter Imwatok: I agree Madam Speaker but I also want to inform the Chair that this is a very emotive issue that was handled in the last Assembly but reached no conclusion. He needs to save the residents still leaving there. One of them is John Kadenge, he is the famous footballer of legendary status in this Assembly. Chair, I respect you and know that you will do a good job.

Hon. Speaker: Hon. Majiwa?

Hon. George Majiwa: Hon. Speaker, pursuant to Standing Order 45 2 ©, I wish to request for a statement from the Chairperson of the Sectorial Committee on Water and Sanitation regarding the operation status of Nairobi City water and sewerage company.

In the statement, the person should inquire into and report on;

- I. Whether Nairobi Water and Sewerage Company is still a limited company registered under Cap 4 of the Companies Act and if so who are the stakeholders?
- II. Whether they hold annual general meetings as required by law to enable them table audited accounts, declare profits or losses, give dividends to the shareholders as was the tradition in the previous years.

Madam Speaker why I have come with this question is because I was part of the team that formed this company and when we formed it, it was a Limited Company, 100% owned by the City Council then, converted to the City County by the new Constitution. The past few years I have been watching keenly and I don't remember having seen anywhere where there was a general meeting where all the stakeholders of this company were called. When I talk of stakeholders, I know that at the formation of the company the stakeholders were clearly stated in the Memorandum and Articles of Association as the representatives of the people living in Nairobi in all the 85 Wards---

Hon. Speaker: Hon. Majiwa. Are you reading the statement, is that the statement now?

Hon. Geoffrey Majiwa: I am just giving you where I am coming from so that when the Chairman is giving me the answer, he will know what I am talking about because he might not give me the right answer.

Hon. Speaker: But you see, he will give you the right answer. Why I am saying this Hon. Majiwa, the Standing Orders allow you to read your statement so that the Chairman is able to get what you are saying as much as you will give him a copy and then from there we can first ask the Chairman. If there is



anything else to add on the statement I will just give you a chance to add on so that you don't distort for purposes of even the *Hansard*. So first deal with the statement, I ask the Chairman, and then you can add a few on what you are saying after.

Hon. Geoffrey Majiwa: Okay fine. Most obliged.

Hon. Speaker: Thank you. Chair Water, deputy, member of that Committee? Yes Minority Whip.

Hon. Peter Imwatok: Madam Speaker, allow me to take the answer on behalf of the Committee because I am a member of that Committee as the Chair is busy preparing since the entire committee is currently going to host a meeting tomorrow with the entire leadership of the Nairobi Water & Sewerage Company. So allow us to give a comprehensive answer on the ownership of Nairobi Water the first two weeks after the recess, Madam Speaker.

Hon. Speaker: Okay.

Hon. Peter Imwatok: But I will liaise with the Chair if he can--- they are old guards together, Kados and *Mheshimiwa* Majiwa, they are old members of this County. So I will communicate the same to the Chair to get a conversation between the two of them.

Hon. Speaker: I would wish if it can be possible he can be in that meeting as a friend of the committee tomorrow so that all the questions he has asked he can be answered there. *Mheshimiwa* Majiwa is that okay?

Hon. Geoffrey Majiwa: Well I have no other way but to wait. You know normally in this place circles are many, so I only wish that I am not going to go round the circles. Thank you.

Hon. Speaker: But you can join them tomorrow as a friend of the Committee.

Hon. Geoffrey Majiwa: That meeting tomorrow the agendas are clearly set and I might be bringing things that they are not prepared for. That is why--- I saw the message that was circulated to all the Members of the Assembly, but I know the meeting that is tomorrow by now the agendas are already set. So if you go with something, I know the answers that will be given tomorrow are the same answers that I am being given by the Minority Whip, those number of weeks to wait. Because if I am talking about the Memorandum and articles of Association, may be it was amended somewhere along the way, they will be required to look for it and get me the correct answer.

Hon. Speaker: Hon. Majiwa, you know this is a House of records. I don't think you need to have fear, you have a right to go to the Committee as a friend and you have a right to ask a question. The only right that you don't have in that Committee is that if they go into voting or something. But asking questions to the people of Nairobi Water as a member of this House, anyone can be in that Committee and ask. So it will be a bit unfair to say that the answers that the Minority Leader will be giving you will be the same answers in the Committee. But since he is part of the team, maybe he can give you a better answer so that you can trust.

Hon. Peter Imwatok: Madam Speaker as you are aware out of the 85 elected leaders in the last Assembly, less than 30 came back to this Assembly. The essence as to why tomorrow we are having a meeting with the entire management of the Nairobi Water as the Water Committee is to acquaint ourselves with the operations of Nairobi Water and Sewerage Company as a Committee. So the questions our senior Hon. Member is asking is very valid. As you put it well tomorrow we will allow all *amicus curie* to appear



before this committee in Naivasha and to ask any relevant question that you feel that is more pertinent to this company. Because we want take this company as a committee to a different level of service delivery, it is not a profit making. So therefore, *Mheshimiwa* Majiwa I assure you as a member of this Committee and then a member of the PIC, we have all those records and we can produce, if there are any historical questions then we can also advise us on the same.

I beg to ask you to come tomorrow before us, to invite you officially on behalf of the Committee as a friend of the Committee to come and share with us more information you have about the management, about the registration, about the transfer of shares, the ownership of the shares of the company so that we can have also an understanding with our fellow members. Thank you Madam Speaker.

Hon. Speaker: Thank you very much the Minority Whip. I believe *Mheshimiwa* Majiwa, he has answered you as you would have wished.

Hon. Geoffrey Majiwa: He has answered me Madam Speaker, but I must put it to you that I believe so much in the authority of your Chair that is why I was comfortable getting these answers here because there is an authority which I needed to stump on that question. But if you go that direction, I will oblige. Thank you.

Hon. Speaker: I have given you the authority, he has assured you and if there is anything that you don't get any answer, we will allow you to bring it back to the House after that.

Hon. Geoffrey Majiwa: Thank you.

Hon. Speaker: Hon. Abraham Mwangi. Proceed, and please read all the statements that you have.

Hon. Abraham Njehia: 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 water supply in Dagoretti City Inspectorate Training School. Hon. Speaker, for more than a decade now the training staff headquarters have not had water in their taps, this is despite the compound being less than five kilometers from the offices of Nairobi Water and Sewerage Company and a County borehole next to the facility.

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

1. Measures taken to reconnect water supply in the staff quarters and when will this be done; and
2. Efforts put in place to rehabilitate the water pipe in the borehole to enable it adequately serve the training school as well as the surrounding residents.

Madam Speaker with your permission, may I go to the second statement?

Hon. Speaker: Let us just get the Chair but I think both questions are under the same department. Chair Water Committee; do we have a member of the Committee?

Hon. Peter Imwatok: My fellow committee members are busy packing for Naivasha Madam Speaker because they have a very serious meeting in tomorrow. I was holding brief for the Chair and the Vice-Chair. It is so sad to hear that our staff are living in a place without water. We are taking it as a priority as a committee, I will communicate to the Chair and the entire committee while in Naivasha to take that statement very seriously and give you the first response for the opening of the Assembly that we can assure you and possibly we can even do a site visit because I know that area is next to--- it is your Ward?



We can do a site visit here Madam Speaker to ascertain exactly why so. It is about 500 metres away the offices of Nairobi Water our staff are living without water. Thank you.

Hon. Speaker: *Mheshimiwa* proceed to the next statement I think that one he has answered you properly.

Hon. Abraham Njehia: Thank you Madam Speaker. With your permission, 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 garbage collection in Toi market in Woodley Ward.

Hon. Speaker, there are tons of uncollected garbage around the market and the traders and the residents fear the cholera outbreak resulting from the same if the situation is not dealt with as soon as possible.

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

- iii) Steps put in place to routinely collect garbage in this area and the scheduled collection days; and
- iv) Whether there is an earmarked garbage collection point and plans in place to install garbage bins.

Thank you.

Hon. Speaker: Member of the Committee of Environment? I know Hon.--- Okay Hon Jeremiah.

Hon. Jeremiah Thendu: Thank you Madam Speaker. As I said before, I shall liaise with my Hon. Chairman and we come up with the answer. I know it is ongoing because I have so many statements concerning the garbage collection. So the answers will come at least later, Madam Speaker.

Hon. Speaker: Okay. *Mheshimiwa* Njehia I know I had requested the Majority Leader to assist us in all that. I believe you will also pick on that one. So do your last statement.

Hon. Abraham Njehia: Thank you Madam 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 repair, status of Joseph Kang'ethe Road in Woodley Ward. The said road has numerous potholes rendering it unfit for use by motorists, cyclists and pedestrians hence dangerous for all the road users.

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

1. Plans if any to have the road repaired; and
2. What measures have been put in place to ensure proper signage is done on the road to avert avoidable accidents.

Thank you Hon. Speaker.

Hon. Speaker: Chair Transport? Deputy Chair?

Hon. Mark Macharia: Sorry Madam Speaker, I believe I missed some of the statements; I was out to the washrooms. I would request any other Member from the Transport Committee may be *Mheshimiwa* Obuya because he has heard the statement, kindly to respond to it.

Hon. Speaker: *Mheshimiwa* Obuya just---

Hon. Kennedy Obuya: Madam Speaker this is a little bit complicated because I happen to have gone to cloakroom as well. But because I like taking responsibility, I request the Hon. Member to give us time up to the first week of the next session, kindly the Hon. Member bear with us. Thank you Madam Speaker.



Hon. Speaker: *Mheshimiwa* Njehia, are you okay with that?

Hon. Abraham Njehia: Madam Speaker, on the issue of potholes, I think the CEC's are not going on recess and the officers will be there. So what I expect when I come back after recess, may be what I would like to hear from the Committee is that my road is in good shape Madam Speaker.

Hon. Speaker: Majority Leader, I would wish you stand in for that committee since it is an issue also that is across the whole of Nairobi.

Hon. Abdi Hassan: Thank you Madam Speaker. I will follow it up with the relevant department. Thank you.

Hon. Speaker: *Mheshimiwa* Hussein? *Mheshimiwa* Daniel Muturi?

Hon. Daniel Muturi: Madam Speaker pursuant to Standing order No. 45 (2))c, I wish to request for a statement from the Chairperson of the Sectoral Committee on Culture and Social Services and not from Planning and Housing as indicated regarding the rehabilitation of Joseph Kang'ethe Grounds in Woodley, Kenyatta Gold Course. Madam Speaker the Grounds are in dilapidated state thus rendering it unfit for use by the residents.

Madam Speaker, in the statement, the Chairperson should inquire into and report on:-

- v) Reasons why the County Executive has neglected the grounds;
- vi) When the County Executive plans to restore the grounds to acceptable standards.

Thank you Madam Speaker.

Hon. Speaker: Transport?

Hon. Mark Macharia: Madam Speaker I think *Mheshimiwa* Daniel's statement is meant for the Culture Committee and not Transport. Thank you.

Hon. Speaker: Rehabilitation, Planning and Housing? Is that where it lies Muturi? I believe it is a Planning and--- You have two statements, so they are all intertwined together but one I think goes to Planning. Your statement is regarding rehabilitation of Joseph Kang'ethe, isn't it? And I can see it is--- Okay, I think it is a mistake of those who put it there. Culture, those who deal with sports and culture? *Mheshimiwa* Njehia?

Hon. Abraham Njehia: Hon. Speaker, I think we are going to--- In fact Joseph Kang'ethe falls under my jurisdiction and I think I will move very fast. I will start engaging the management, the Executive from tomorrow Madam Speaker and when we come back from recess, the Member will get a comprehensive report on the same Madam Speaker.

Hon. Speaker: Hon. Muturi, are you okay?

Hon. Daniel Muturi: Yes I am okay Madam Speaker.

Hon. Speaker: You have a second statement? Do you have a statement to the Transport Committee?

Hon. Daniel Muturi: Madam Speaker I had the pleasure of meeting the Transport Committee and I think they responded to my statement.

Hon. Speaker: Okay

Hon. Speaker: Thank you Madam Speaker. Hon. Otieno Ngesa? Hon. Nicholas Okumu? Hon. John Kamangu? That is a statement that is now supposed to be responded to and the statement was on



Transport and Public Works on the issue of tarmacking the roads in Nairobi County, Ruai Ward. Do we have the response? Hon. Mugambi.

Hon. Mark Macharia: Yes Madam Speaker. We have the response for Hon. John Kamangu, MCA Ruai Ward. Madam Speaker on 30th November 2017, Hon. John Kamangu, MCA rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c), and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a statement regarding the tarmacking of roads in Nairobi especially in Ruai Ward. In the statement the Member requested that the Chairperson should inquire into and report on:

1. Plans if any to tarmack service roads in the 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 of various selected service roads in Ruai Ward so that the residents can similarly enjoy faster movement of goods and services; and
3. Possibility of partnership between the County government and the residents association or communities to murram service roads in Wards to motorable conditions.

Madam Speaker the Committee wrote to the County Executive Member responsible for Transport and Public Works on 1st December 2017 inviting him to a meeting of the committee that was held on 5th December 2017 at the County Assembly pursuant to Standing Order No. 45 (2))d).

Madam Speaker in attendance was Hon. John Kamangu who requested for the said statement. The purpose of the meeting was to enable the CEC Member to furnish the committee with the response to statement requested by the Member. In this regard Madam Speaker, I wish to report to the Assembly as follows:

Plans if any to tarmack service roads in the areas that have none such as Ruai Ward

Madam Speaker, the Committee was informed that the Nairobi City County has a total road network of 3,600Km with 50% paved, 20% graveled and the rest 30% earth roads. The County needs an annual budget of 29.648 Billion to make the roads motorable and be in good condition.

Madam Speaker, the Committee was informed that the available budget of 3.522 billion for roads in Nairobi is only able to build with 10% of the road network in the County. However, the committee was assured that Ruai will be one of the priorities in terms of road improvement once funds are available.

Whether the County can explore mechanisms to tarmack at least a total of 20 Km of various selected service roads in Ruai Ward so that the residents can similarly enjoy faster movement of goods and services

Madam Speaker, the total cost of tarmacking 20Km of road is approximately 1 billion at a rate of 50 million per kilometer and at the moment the County does not have a budget to carry out the works.

Possibility of partnership between the County government and the residents associations or communities to gravel roads in Wards to motorable condition

Madam Speaker, the Committee was informed that the County does not have any objection to forming partnerships with the residents associations or communities to murram service roads in the Wards to motorable condition. But Madam Speaker, the said partnership must be formal and structured with clear timelines whereby the residents provide the labour, land and equipment as well as materials for the work while the County government will provide the technical support in terms of cost estimates for the works, preparation for the construction details, removal of the encroachments and supervision.

Madam Speaker, Hon. John Kamangu was satisfied with the response given by the CEC Member. A copy of the detailed response has been given to Hon. John Kamangu who requested for the statement and a further copy is hereby attached to this report. Madam Speaker, I beg to lay this statement. Thank you.

Hon. Speaker: Deputy Speaker? Is the Member satisfied?

Hon. John Nyamu: Thank you Madam Speaker, yes I have heard what was discussed yesterday and since they have come up with another budget of Kshs 3.5 billion I would request 1% to come to Ruai because the roads there are in a very bad shape and of the rest issues am comfortable with. But only 1% I am demanding to be brought back to Ruai, thank you.

MESSAGE

Hon. Speaker: Thank you Deputy Speaker. Hon. Members I will alter the Order Paper based on Standing Order 41 (2) to go back to two orders that we had previously jumped and one of it is the message from the Senator of Nairobi County and he says:

MCA DEVELOPMENT PRIORITIES

(HON. JOHNSON SAKAJA, SENATOR - NAIROBI COUNTY)

Kindly receive and relay my warm compliments to all the Members of Nairobi City County Assembly. I officially congratulate all the Members on their election to the County Assembly and look forward to interacting with them.

As I give my first address to the County Assembly of Nairobi in the days to come I am confident in their ability to play a significant role in the transformation of our beloved County.

My role as the Senator of Nairobi as defined in Article 96 of the Constitution is to represent the County of Nairobi and to serve, protect the interests of Nairobi as well of those of its County Government. A great part of this interest is obviously the development needs of the people of Nairobi.

I believe that the Members of the County Assembly have been elected at the level closest to the people, have a very clear understanding of the specific development needs within their Wards. It is my duty to understand these needs and champion these developments from both the National and County governments for the benefit of the people of Nairobi.

In light of this I will need each and every Member of County Assembly from both the majority and minority parties to list their top five development priorities in their respective Wards. Kindly facilitate this to be done within the shortest time possible and I look forward to working closely with your esteemed office as well as with all the Members of Nairobi City County Assembly in the service of people of Nairobi, thank you. Sakaja Arthur Johnson, MP, Senator of Nairobi.

Hon. Speaker: Next I will ask the Hon. Obuya who has a petition to read it.



PETITION

GAZETTEMET OF HEALTH FACILITIES MANAGEMENT COMMITTEES

Hon. Kennedy Obuya: Thank you Hon. Speaker. Pursuant to Standing Order 208 Public Petition, I want to submit a petition to the Chairman, Public Health and the CEC Health, Nairobi City government.

We the undersigned citizen of Kenya who are citizens of Imara Daima Ward in Nairobi City County draw the attention of Nairobi City County Assembly to the following:

That aware that Article 43 and the Fourth Schedule part 2 (c) of the Constitution of Kenya protects every person's right to clean and healthy environment and right to primary health care.

That whereas Article 85 of the Constitution vests the legislative authority and oversight function at the County level at the County Assembly.

That whereas the Kenya health policy of 2014-2030 recognizes the right of communities to manage their own health affairs and to further their development.

That whereas clause 20 (a) and (b) of the Health Act 2015 mandates the County department of Health to engage in developing and promoting public participation in the planning and management of local health facilities so as to promote broad ownership, and ensuring and coordinating the participation of communities in the governance of health services at the County level so as to promote participatory approach in health care and governance.

That whereas the management committees of health centers in Nairobi rights to exercise their duties and responsibilities are being hindered by lack of gazzement by the County.

That whereas the Health Facilities Management Committees (HFMC) play a vital role in health care and promotion of the interests of the communities through public participation in management of health centers in Nairobi

That whereas one of the core mandates of the health management committees is to manage, account for hospital through the health services sector fund is channeled, however because they are not legally gazette, they cannot act as signatories in the banks and therefore rendering them incapable of managing the account and affecting delivery of key health services. We know that for period of one year no new HFMCs have been gazetted.

That whereas it is a function and duty of Nairobi City County to promote primary health care and community public participation in Nairobi, we note that our communities continue to suffer due to the non gazette of the HFMC.

As a member representing Imara Daima Ward I want to pray before your able Chair that one, the Nairobi City County Assembly intervenes in the matter with a view to help reconvene the sub committee on health to enable it deal expeditiously with the matter.

Two that the Nairobi City County Assembly intervenes in the matter with a view to ensuring that the County Government of Nairobi gazettes the names of health facilities management committees in Nairobi to enable continuous supervision within the health facilities and community. That will ensure there is delivery of vital health services in responsive manner.

Madam Speaker, herein I have annexed and attached copies from Mukuru Community Health Center, the management community which has not been gazetted.



I therefore pray for your guidance and assistance so that service delivery could be effective to the residents of Imara Daima.

Madam Speaker, Mukuru Community Health Center is the only health facility we have in the entire Embakasi South. Embakasi South is a square kilometer of 3.9 with a population of about 900,000 people and this health facility is very key to the entire Embakasi South residents. I therefore pray that this beautiful House considers this petition, thank you so much.

Hon. Speaker: Thank you much. Chair or Deputy Chair, Health?

Hon. Juliet Ndegwa: Madam Speaker I apologize I was out and I didn't hear the full statement. If it is ok with *Mheshimiwa* can you just kindly give me a snippet and I would give you an answer.

Hon. Speaker: Hon. Chair it is a petition and in a petition there are procedures but it will come to your Committee and I will therefore ask the Member to hand it over to the table and the Clerk will, according to the Standing Orders, hand it over to the Health Committee.

MOTION

AMENDMENT OF ZONING POLICY TO ALLOW FOR MULTIDWELLING DEVELOPMENTS

Hon. Anthony Kiragu: Madam Speaker I beg to table this 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 if 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, Thomson and Woodley and zone 5 which includes Upper Springvalley, Kiuna, Loresho and Lavington/Benard 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.

This Assembly urges the County Executive to amend the zoning policy to allow for multidwelling development in areas that public infrastructure as developed by the County and National government allows.

Madam Speaker I just want to give this House a picture of what we found in these zones:

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- i. We found developers who have maintained the status quo. They have built as per the policy that was developed in 1973 that expired in 2000.
- ii. We found approved and complied developments who have implemented what has been approved
- iii. We found approved but implemented contrary to the approvals. In this City you find people who have approval for two storey buildings but have gone further and developed five storey, six storey even 12 storey buildings.

Madam Speaker the zones in question were purely residential but over the years these neighbourhoods have attracted commercial developments such as Yaya center, Uchumi Hyper, Nakumatt Junction, Sarit center, Highridge center etc. these developments have attracted humongous traffic of human and vehicles.

I am urging the County government to rezone these areas to conform to the pressures that are coming. It is very expensive to develop in these areas, part of the reason is each developer is supposed to present their own environmental impact assessment (EAI) reports unlike other areas.

If this Assembly adopts this, NEMA is supposed to give zonal EIA report. This will push the cost of development down and it will enable more people in this City to be able to own properties in these areas. If you drive around Kileleshwa, Lavington, Westlands and those areas you will find there is explosion of high rise buildings. If we continue like that the roads in those areas- the peripheral and reticular roads-are not enough to take care of the number of vehicles we have in those areas.

Madam Speaker we need to rezone so that we consider the infrastructure and allocation we give to these areas. I think it is an open secret that without proper planning we do not even have open spaces within these neighbourhoods. The reason we are experiencing a lot of this buildings is because the government has been offloading a lot of their land for private use. Parastatals like Kenya Railways which have been big land owners in areas of Upper hill, Kileleshwa have offloaded these lands and we have seen developments which are, in my opinion, in the next few years beyond the capacity of these neighbourhoods. For example anybody who is in Kileleshwa, unless you go to Jaffreys which is a few kilometers from that area, we do not have an open space, not even a public park, not even a police station. The number of police stations in these areas is way below the demand and if we continue like that it is going to be a disaster in the next few years.

Previously these areas allowed 8 units per 0.5 hectare, that is average of 64 people per 0.5 hectare. When it was reviewed in 1973, they allowed 16 units that is approximated 320 people in 0.5 hectare.

Madam Speaker it is not a secret that a plot of 200 by 100 has more than 300 to 400 people today. It has buildings that are so high that if we do not plan now it is going to reflect badly on this Assembly.

Madam Speaker it is an opportunity for this Assembly, that for last 17 years nobody and even the then county council had not thought of rezoning and reorganizing our neighbourhoods. I beg to call my colleague, our able Majority Leader to second the Motion.

Hon. Abdi Hassan: Thank you Madam Speaker, my good friend Hon. Kiragu was confusing us. I don't know if he was supporting his own Motion or was opposing the Motion but I suppose he was supporting his own Motion. I stand to support the Motion for just two reasons.

The zoning policy is archaic policy. That policy has been overtaken by events. As we speak now, when this policy was formed, Nairobi had population of 300,000. As we speak now we have more than 4

million population. This policy has formed a conduit for corruption for the planning people. If you go to Kileleshwa, they say you are not supposed to build more than 6 flats but when you pay a facilitation fee the same is allowed.

Madam Speaker that culture must change because we are hurting investors. This policy has to change so that investor can invest. As you are aware Nairobi has a shortage of housing. We have more people and no place to be housed. We need to open up these areas so that the investors can be allowed as my able Chair has said to build multi-dwelling developments.

Madam Speaker when you go to Planning right now and you put your proposal for example Parklands and you want to build 15 storey building, you are going to be told the zoning does not allow that. But if you go around and you use the good office of Majority Leader, or the Chairman or the Speaker using the facilitation the same is being approved. Are we doing the right thing? The answer is no. we have to cap the corruption menace in the Planning department. And the only way is not just by moving this Motion. I will ask my good friend there, *Mheshimiwa* Kiragu to escalate this Motion into a Bill so that it becomes a law to allow investors to invest.

It is not right to hamper the investors from putting multi-dueling houses in those suburbs. With those few remarks, I beg to support.

Madam Speaker, with your indulgence, I want to clarify some matters which were put on social media by the Star. The Star said that the Members boycotted the House. I want to assure them that the Members did not boycott the House. We were having a *Kamukunji* discussing some pertinent matter concerning the Members. And you know the House rules are very clear. If the Speaker says that the quorum bell should be rung for 5 minutes and there is no quorum, the Speaker adjourns the House. So, there was no boycott. When we came, we found that you had already adjourned the House. I want to tell my friend there, Julius, to remove the perception that the House was boycotted.

Madam Speaker, the issue pertaining the loan, I want to tell Members that if you don't have the log book, you can go and agree with the seller and write an agreement with him and deposit that agreement with the Office of the Clerk. They Assembly will pay for the car and we will keep the logbook until the finances of the Assembly is reimbursed. That is what the PFM act says and Members should learn to follow the law. When you pass the laws, it is upon you to follow the same laws. With those few remarks, I beg to support this Motion. Thank you Madam Speaker.

Hon. Speaker: As I propose the Motion, I want to agree with the Majority Leader that it is important to follow the rules that you have passed. So, on the loan issue, kindly follow what he has just said. It will be as easy as that.

(Question proposed)

Hon. Majiwa, you want to speak on this?

Hon. Geophrey Majiwa: As I support the same Motion, I think it is a good idea that this has come at this time when the year is just ending so that from the beginning of the new year, we will allow our developers to understand what we mean when we lead people in a City like Nairobi where the population is growing day and night. Madam Speaker, we have what we call the sanctity of a title and the condition of a title deed is placed at the back. When you buy land, you are supposed to read and accept to buy it with the conditions on it. We know we have people in this town who bought land or government houses many years



back. There are old men who refused to retire into the village. They want to live in one acre alone without anybody in their neighborhood. These are the people who have refused to allow the growth of this City. There are young people who are growing up who also want to move from Eastland to this other part of town. It is making their life difficult because these people up here have refused to allow people to grow. So, I support this Motion because it is going to allow our young people to develop and actually own homes in places where they think their dreams allow. Thank you Madam Speaker. I beg to support.

Hon. Speaker: Thank you *Mheshimiwa*. Hon. Wahinya.

Hon. Peter Wahinya: Thank you very much Madam Speaker. I also want to take this opportunity to air my support for this particular Motion. It has increasingly become evident that these big areas called Lavingtons of this world have become a place of major corruption. Some of us who stay in the direction of Dagoreti--- two reasons have come to mind as far as I am concerned. One of them is the corruption business which has been taking place in this part of the world. Because it is currently prohibited by law, what these developers do whenever they want to develop is that money changes hands and these people are allowed to develop in a manner that is not within the law. That tendency has even come into this House. It is only that I may not want to mention anybody but I even have names of some of our Members who are actually benefiting greatly from that business of making money because that area has been zoned in manner that doesn't allow certain things to happen.

The second one is as *Mheshimiwa* Geoffrey has said. Today we have a very fast expanding population in Nairobi. The expansion of the people who are coming here to Nairobi need places to live. These guys up the road are protecting their property because 1 acre is currently going for almost 1 billion shillings. Then they know very well that the minute we introduce multi-dwelling structures in their area, the property will go down by half. The original price most of these people paid is very little or nothing. But today they want to benefit and sell the property at billions of shillings at the expense of the people who are lacking housing in this County. So, we need to support this Motion for two major reasons. One, to stop corruption because the minute it is allowed then there will be no business of changing any money behind doors and to allow our people to find places to live.

Bwana Majiwa has said it very clearly. Eastland is completely occupied. There is no area you can find anywhere to live. And when people on this other side are living on 1 acre land. So, it is time we begin to destroy that marginalization, the segregation of these people in the areas like Kileleshwa must now come to a stop. In any case, if they must live on a 1 acre on their own, they can go further than Nairobi. They can build in Limuru. They can go to Naivasha. Land over there is expansive and most of them have got the financial ability to be commuting by air. They can all buy choppers if they wish. The land that is in Lavington today must be opened to the small man so that we can be near Nairobi because this is where we work. Most of our people cannot go to Naivasha by air. So, for that reason, I strongly support my Leader of Majority that once this Motion is passed, we reintroduce it in the form of a Bill and an Act that will compel any government to implement it as has been read by the Chairman of planning. Thank you Madam Speaker.

Hon. Speaker: Thank you *Mheshimiwa*. Hon. Emily.



Hon. Emily Oduor: Thank you Hon. Speaker. I would like to support this Motion. My main reason for supporting is for our young people. Right now when you look at the prices of the houses in this area that has already been zoned. They are very prohibiting. A young person that has just come from school or college are unable to afford these houses. Because of the zoning, the few that have been built in those areas are extremely expensive. And to allow some of us to afford those homes and to allow our children and grandchildren to afford these homes. I support this Motion. And I believe this should be done as soon as possible. I also support that it is actually going to decrease corruption. People have become so rich in this County because of that. Every time you hear you cannot build on this land because you want to build multi-story. The next thing you hear they are cutting the trees. And you do not know who gave them the license and the next thing you hear they have four or five houses in the same complex. So, to avert corruption and also to make our people be able to afford houses in those areas, I support the Motion and this zoning should stop. Thank you Madam Speaker.

Hon. Speaker: Hon. June Ndegwa.

Hon. June Ndegwa: Thank you Madam Speaker. I would also like to support this Motion because I did a study when I was in the university and we were looking into Columbia and specifically Bogota. They were actually able to zone out the city of Bogota and it became a very beautiful city because they set standards. They were able to differentiate between what houses will be built in what area and recommend what other houses or tall story buildings to be built in different areas. And having said that, we cannot also not crucify the people who own land in these places. I am sure a couple of Hon. Members also own land there. And as we are zoning these areas, let us put it in mind that it is for the benefit of the people of Nairobi. It is for the benefit of this City. It is for the benefit of the young people who also want to own land and property in these areas. Thank you Madam Speaker.

Hon. Speaker: Hon. Melab.

Hon. Mellab Lumalah: Thank you Madam Speaker. Before I say I support, I would like to thank Hon. June. You just reminded them that Mellab is here, one of the residents of those high profile Lavington areas who would feel very bad when someone is discussing this Motion in this House whereby you feel you are doing this because you don't own one or you don't know the goodness of staying in secluded areas like those ones. But now I will come to say because you are serving the interest of Nairobi people, I support the Motion. And I would like to have as many neighbors as possible with the good rates they can afford to join the zoned areas. Now, what am I saying? I am saying this because I support this Motion. These people who live in those high-profile areas have gone around to make sure that all the sewages and sewer lines have been directed to the areas that they don't care about. At the side of Kawangware, Gatina and other areas we receive all the wastages from these areas. They made sure that they diverted the sewerage lines because they don't want to interfere with their environment.

Secondly, when it rains, when you are in those sides, you will always see the direction of the water whereby I don't think it was done like that before but something has been done by them to avoid their areas being flooded and the other areas they don't care about to experience such. On the issue of reviewing the rates, we would want those houses to be of accommodative rates whereby anybody who comes here can afford to stay in such zones. Madam Speaker, I support it. Thank you.



Hon. Speaker: Mover.

Hon. Antony Kimemia: Thank you Madam Speaker. The Motion is to open up the zones so that we can allow people to comply. I take up the challenge from the Majority Leader to escalate this Motion into a Bill and remind him that I have the capacity, the will and the resources and the environment to make sure that this becomes a Bill. One of the biggest obstacles in development is the County Planning Department. Madam Speaker, as the Chairman of the Planning Department, I can tell you for free that one of the most lucrative areas are the zones we are hoping to open up and it is for obvious reason why officers would want to be posted in those areas. This Motion is going to cure all that. So, I support and I am happy and I have confidence that my colleagues are able to see through this. And I also urge those people who for lack of a better word broke the law and build those multi-dwelling skyscrapers. They should reimburse the County and pay as everyone should do. This will be captured in the regularization Bill and they should be made to pay so that this County can recoup its investment in the infrastructure they have invested in. so, thank you Madam Speaker and I hope my colleagues are able to see through this. Thank you. I beg to reply.

Hon. Speaker: Thank you very much *Mheshimiwa*. As I stand to put the question, I just want to tell the House that is one thing I think people in those areas have been crying about. Some have small houses and people are looking upon them. This House is very powerful. You can try and do a few things to help Nairobians.

(Question put and agreed to)

ADJOURNMENT

Hon. Members, it is time to adjourn. This House adjourns to tomorrow 2.30 p.m.

(The House rose at 4:30 p.m.)

