



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Tuesday 9th May, 2017

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ng'ondi) in the Chair)

PRAYER

Hon. Deputy Speaker: Order, Hon. Members! It has been brought to the attention of the Chair that there is lack of quorum in the House. Under Standing Order No.31 (2), I direct the Sergeant-at-Arm to ring the bell for ten minutes.

(Quorum bell rung)

Hon. Deputy Speaker: Order, Hon. Catherine! Order, Hon. Members! You have a lot of time to converse after the Assembly. Sergeant-at-Arm, we now have quorum, we may proceed.

Hon. Catherine, I will give you time to express your joy or dissatisfaction after the nomination exercise. The technical team, please address the issue of the microphones.

COMMUNICATION FROM THE CHAIR

WELCOMING MEMBERS FROM RECESS

Hon. Deputy Speaker: Hon. Members, I have a communication to make on resumption of our sittings.

Hon. Members, it is my hope that you had a fruitful recess. Today marks the commencement of the final part of the fifth session of the first Assembly of the Nairobi City County as per our Assembly calendar.

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Hon. Members, kindly permit me to welcome you back to this August House as you prepare to dispense your mandates for the remainder of the session. The Assembly embarks on this session with zeal and focus aiming to clear any pending business before it accordingly. We will be dispensing with all pending Statements, Committee Reports and Bills as a matter of priority. We will also be concluding any pending Motions and prioritizing new businesses as it arises. Chairpersons of Committees are therefore encouraged to put their best foot forward to ensure this Assembly meets its obligations as it is expected of us by the public in the remainder of this session.

Hon. Members, the Chair therefore wishes you a warm welcome. As you settle down from recess, I beseech you to embark on facilitating the Assembly in dispensing its mandate with enthusiasm you have exhibited in the past. I appreciate you for your commitment. Thank you and God bless you.

PAPERS

Hon. Deputy Speaker: Hon. Members, we expect the Leader of Majority to lay the Third Quarter Expenditure Returns for financial year 2016/2017. It seems we don't have the Hon. Majority Leader in the Assembly. Do we have the deputy, Oscar Lore? Order Members! You are out of Order! The hon. Majority won the nomination exercise, so he has no reason to be gone. Thank you. We have the Minority Whip, Hon. Hashim who will be doing the undertaking on behalf of the Majority, Thank you Hon. Hashim.

Hon. Minority Chief Whip (Mr. Hashim Kamau): Thank you, Mr. Speaker. Pursuant to Section 166 of the Public Finance Management Act, 2012, I beg to lay the following Paper on the table of the Assembly, today, Tuesday 9th May 2017: Third Quarter Expenditure Returns, of the financial year 2016/2017 Mr. Speaker!

Hon. Deputy Speaker: Thank you. Hon. Members, now the Third Quarter Expenditure Returns for financial year 2016/2017 is on and I may be the Clerk will do a great honour by making sure that at least Members have the same on their tablets. Thank you.

BILL

OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION BILL, 2017(ASSEMBLY BILL NO. 8 OF 2017)

A BILL FOR AN ACT OF NAIROBI CITY COUNTY ASSEMBLY TO PROVIDE REGULATION OF AN OUTDOOR ADVERTISEMENT AND SIGNAGE WITHIN NAIROBI CITY COUNTY AND FOR CONNECTED PURPOSES.

(First reading)

Hon. Deputy Speaker: I hope at least you had visited the website and you are actually in line with the Order 8 which is the Nairobi City County Outdoor Advertising and Signage Control and Regulation Bill, 2017(Assembly Bill no. 8 of 2017). Welcome, Hon. Majority Leader.

Hon. Maxwell Ochar, since you are the Vice Chair of the Planning Committee and I am just about to commit the Bill to the Planning Committee, kindly take the responsibility that the Bill is worked on and dispensed off in good time.

Hon. Member for Korogocho Ward (Mr. Maxwell Ocha): Thank you, I will.

Hon. Deputy Speaker: Thank you.

MOTION

INSPECTION VISIT TO KIMONDO ROAD, KWARE WARD

Hon. Deputy Speaker: Chairperson, Sectoral Committee on Transport & Public Works, kindly press on your button. You are on.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduro): Thank you, Mr. Speaker sir. I beg to move the following Motion. THAT, this Assembly adopts the report of the Sectoral Committee on Transport, Roads and Public Works on the inspection visit to Kimondo Road, Kware Ward, laid on the table of the Assembly on Thursday, 16th March 2017.

Mr. Speaker sir, the Sectoral Committee on Transport, Roads and Public Works made some resolution at the beginning of this Assembly that it will be conducting an inspection visit to County roads to assess the status of roads in the City. In Pursuit of this resolution, the Committee conducted a visit to Kimondo Road, Kware Ward on Tuesday 25th October, 2016.

The Committee compiled a report out of the site visit with a recommendation aimed at improving status of Kimondo Road. As I invite the Hon. Members to pass the said report, I request the House to support the exercise of the Committee's mandate by making a resolution for implementation of the said recommendation so that in the long run, residents of Nairobi City County can have access to improved and quality roads.

Hon. Speaker sir, I therefore call upon Hon. Clarence Munga to come and second the Motion.

Hon. Deputy Speaker: Munga, put on your microphone.

Hon. Member for Kabiro Ward (Mr. Clarence Munga): Thank you, Mr. Speaker. Let me take this opportunity to second the Motion, plus the recommendations made by the Committee. I remember, we visited the Kimondo site and ascertained the situation there. So, I stand to second this Motion.

(Question proposed)

Hon. Deputy Speaker: Hon. Alexina, your microphone is on. Samuel Kagiri.

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Thank you, Mr. Speaker for this opportunity. Mr. Speaker, I have taken some time to go through the report. First of all, the road being talked about here is known to all of us. We share the road. It is not just in Kware Ward, it is between Pipeline and Kware Wards. I would say this is an outdated report because if you look at the issues discussed here, they date back to June, last year. It is one year since the report was discussed here. We just fixed a date of March 2017 here and start presenting a report which has no value. This report talks about when the report was given and I would say that it has no basis. It is just a date which was fixed here. I don't think we even need to discuss this report. It does not present the true picture of what is happening on the ground.

Let the Committee visit to be able to present the true picture on the ground so that we can discuss the matter as it is. This report shows nothing. So, I don't see the basis of us discussing this report. It is actually a shame to bring us a report that was done in June last year and change the date. Let them go back to the ground and bring us the true picture on the ground. I beg that we don't discuss this report because it has no basis, and am sure, Mr. Speaker, you know the situation on the ground because this is a report that touches on you.

Hon. Deputy Speaker: Thank you. Hon. Kagiri, the report is now owned by the Assembly, it is upon the Members to decide whether to throw it out or manage it at this point. Hon. Warutere? Your mic is on! Hon. Jacqueline?

Hon. Jacqueline Nyangala (Nominated Member): Thank you, Mr. Speaker, I would like to agree with Hon. Kagiri. If the report is valid up to and until June 2016 and we are almost getting to June 2017, I think it be in order to ask the Committee to bring the correct report, thank you.

Hon. Deputy Speaker: Hon. Alfred Ambani?

Hon. Member for Lower Savanah ward (Mr. Alfred Ambani): I am sorry Mr. Speaker, my mic has a problem

Hon. Deputy Speaker: Hon. Asha Abdi Sosso

Hon. Asha Sosso (Nominated Member): Thank you, Mr. Speaker sir. As you have said that it is the property of the Assembly, so it is the Assembly to decide on the matter because I can see there is no time to go to the ground. People have just started politics and something to do with the ground will not make sense. So, it is the House to decide on what to do with the report, thank you.

Hon. Deputy Speaker: I think Members, if you were keen enough when the Chair was reading out the report and the recommendations, our concentration should actually come from the recommendations because there was an indication of commitment that the road was to be given to Kenya Urban Roads as a way of undertaking to manage and to complete the road. So, the Committee had actually recommended that the County Executive moves with speed and avail funds to Kenya Urban Roads Authority to complete the rehabilitation of Kimondo Road after the previous contract was terminated. So maybe Chairman, you would just have highlighted on this in your report so that Members are in the know. What is the current

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position now, Hon. Oduru? Has the County Executive released funds towards the completion of the road or what is the current status?

Hon. Kennedy Oduru: Mr. Speaker sir, the County Executive has not released funds towards this. This is our worry and that is why we have recommended that the County Executive moves with speed and avail funds to Kenya Urban Roads Authority. That is on the last page which is on recommendation. There are no funds which have been released to the urban roads.

Hon. Deputy Speaker: Hon. Kagiri, can you please engage the Chairman a bit

Hon. Samuel Kagiri: Mr. Speaker I want the Chairman to be true to us and tell us when did they recommended this money to be availed? As he speaks concerning issues of Kenya Urban Road Authority to go and undertake the road was way back in July. So, what steps have they taken? They just went and inserted a date of 2017 here. They didn't do another follow up to know where the funds were availed, or what has been the hindrance. They just brought a report. I think the Committee did a mistake to just come up and fix a date of 2016 whereas they know the last time they were on this issue was July/ August. So they should not just come and fix a date on a report here and present it to the Assembly and purport as if they have done the right thing. As I know myself and I have engaged the Finance Department, the Governor, the Deputy Governor, the funds have never been availed until today. The issue of saying they recommended yet they recommended 8 months back, it does not have any meaning to have this thing being with us here.

The committee should tell us when they last engaged and followed up on the money they are talking about and KURA should have undertaken the road. Thank you.


Hon. Deputy Speaker: Thank you. From that, Hon. Oduru, I direct your Committee to engage the Executive. Hon. Oduru, I am on the floor please! To engage the CEC Member for Transport Committee and let us get the current status of Kimondo Road and what the Executive is doing about it. Then now at least you may bring back the current position, not necessarily in form of the report. Hon. Oduru, on Thursday. That is in order.

Hon. Kennedy Oduru: Hon. Speaker sir, it is in order. But I just wanted to make a point of correction to Hon. Kagiri. He has said that we have fixed the date that is not reason because if you look at page 9 on the inspection of Kimondo Road, it was not done in March but it was conducted on Tuesday 25th October 2016. So there is no point of Hon. Kagiri is arguing that we fixed the date of March this year. On March this year, we tabled the report here. So it was not last year as he has stated.

Hon. Deputy Speaker: Thank you. Hon. Maxwell Ochar.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker. I think it is prudent for the Hon. Member to tell us the situation right away because right now we as the Committee members of Transport Committee, we don't know the situation right now. We want to know so that when we go there, we go with full knowledge of the road at the present. Thank you.

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Hon. Deputy Speaker: So what you are asking the Assembly is to be granted permission to go and visit the site again?

Hon. Maxwell Ochar: Not really. But the Hon. Member, Mr. Kagiri who comes from the same area can tell us because the thing is before the House. He can tell the House---

Hon. Deputy Speaker: Hon. Maxwell Ochar, we don't have the thing here, we have the report.

Hon. Maxwell Ochar: We have the Committee report.

Hon. Deputy Speaker: Those things are ongoing in records.

Hon. Maxwell Ochar: I withdraw, Mr. Speaker and put the Committee report.

Hon. Deputy Speaker: Thank you. Hon. Members, from the request of Hon. Kagiri that we suspend the report of the Committee until we get the current status, I direct under Standing Order No.50 (3), I will not put the question, I will actually defer putting the question to the next sitting that should be next week on Tuesday same time. So Hon. Oduru as the Chair of Transport Committee, kindly move with speed at least make a commitment that you are going to get us the true picture, status and the position of the Executive by Thursday afternoon hours.

(Motion deferred)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, I want to make a request to the House Business Committee that at the rise of the Assembly you do sit to program our business for tomorrow, Thursday and Tuesday next week. I wish you well as you go home in the evening. The Assembly stands adjourned to tomorrow, 10th May, 2017 at 2.30 p.m. Thank you.

The House rose at 3:05 p.m.