



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Wednesday 11th April, 2018

The House met at 2.30 p.m.

(Hon. Temporary Deputy Speaker Mr. Anthony Gathumbi in the Chair)

PRAYERS

QUORUM

(Quorum bell rang for 10 minutes)

PAPERS

Hon. Temporary Deputy Speaker: Majority Leader?

Hon. James Kariuki: Mr. Speaker sir, pursuant to Standing Order 91(6) I beg to lay the following paper on the table of the Assembly today Wednesday 11th April 2018, the report of Select Committee on Appointment on vetting of nominee for the position of County Secretary.

Mr. Speaker sir, pursuant to Article 229 (7) of the Constitution of Kenya I beg to lay the following paper on the table of the Assembly today Wednesday 11th April 2018, being the report of the Auditor General on the financial statements of the Nairobi City County Assembly Service Board Mortgage scheme fund for the year ended 30th June 2013.

Mr. Speaker sir, pursuant to Article 229 (7) of the Constitution of Kenya I beg to lay the following paper on the table of the Assembly today Wednesday 11th April 2018, being the report of the Auditor General on the financial statements of the Nairobi City County Assembly Service Board Car Loan scheme fund for the year ended 30th June 2017.

NOTICE OF MOTION

Hon. James Kariuki: Hon. Speaker I beg to give notice of the following Motion, that this Assembly adopts the report of the Select Committee on Appointment on vetting of nominee for the position of County Secretary laid on the table of the Assembly today Wednesday 11th April 2018.

STATEMENTS

STATEMENT REGARDING QUALIFICATIONS OF COUNTY DIRECTOR OF INVESTIGATIONS

Hon. Geophrey Majiwa: Thank you Mr. Speaker. Pursuant to Standing Order 45(2) (c) I wish to request for statement from the Chairperson of Sectoral Committee on Labour and Social Welfare regarding the competence of qualifications attached to the office of the County Director of Investigations.

Hon. Speaker, the office of County Director of Investigations is overstepping its mandate and this has led to gross violation of the rights of residents. The officers under the directorate have gone beyond their call of duty, perform duties that fall under the Directorate of Criminal Investigation in the National Police Service.

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

1. Terms of reference and duties of the office of the County Director of Investigations; and
2. Whether they are limited to the Nairobi County government or the roles are similar to the roles performed by the Director of Criminal Investigation in the central government.

Mr. Speaker my question explains itself and the answers must satisfy...

Hon. Temporary Deputy Speaker: [Hon] Majiwa just sit down. You can't debate now. Chairman of Labour [committee]?

Hon. Pater Gitau: Thank you Mr. Speaker, I will take the undertaking and give a response within two weeks.

Hon. Temporary Deputy Speaker: Are you Ok [Hon] Majiwa with two weeks?

Hon. Geophrey Majiwa: Mr. Speaker two weeks has been a culture in this House and I think some of these things need two to three days because I think these are documented issues and when we require the answers it should be at least one week not two weeks.

Hon. Peter Gitau: Thank you Mr. Speaker, the Hon. Member should know that we have to write a letter to the Executive and we have to give a notice within seven days so that we can sit with them for the response. So I think two weeks is appropriate.

Hon. Temporary Deputy Speaker: Chairman I think I concur with you. It is two weeks Hon. Majiwa please.

Hon. Geophrey Majiwa: Thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Herman Azangu?

STATEMENT REGARDING DELAYED DISBURSEMENT OF BURSARY CHEQUES

Hon. Herman Azangu: Thank you Mr. Speaker, pursuant to Standing Order 45 (2) (c) I wish to request for a statement from the Chairperson of Sectoral Committee on Children, Early Child Education and Vocational Training regarding the delay in disbursement of bursary cheques by the County Executive.

Hon. Speaker in December 2017 the County government through the office of Member of County Assembly issued bursary forms for various needy students in the County. Some students who applied for the funds have been denied access to education due to lack of fees and there is no clear communication from the County Executive on the same.

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

1. Reasons for delay in processing and disbursement of the cheques;
2. When does the County Executive intend to distribute the bursaries funds as the schools are supposed to open for second term by the end of April; and
3. Measures the County Executive has put in place to avoid delay in processing bursary cheques in future. Thank you.

Hon. Samuel Mwangi: Mr. Speaker sir let me say that just like the CEC said there at Charter Hall when she committed to make sure there are bursary cheques by 20th of this month. But what as a Committee could do is to have to do the undertaking by writing. I am sure by 20th we shall have the cheques ready, thank you.

Hon. Herman Azangu: Mr. Speaker the Member is not in order because saying by word of mouth that they are going to disburse the bursaries while the students are at home is a disaster. We want him to confirm whether and when he is going to give the forms. Can he confirm?

Hon. Temporary Deputy Speaker: I agree with the Member. Give us timelines please.

Hon. Samuel Mwangi: Mr. Speaker sir let me say we shall bring written confirmation and that by 20th we shall have all the cheques ready.

Hon. Herman Azangu: I think the Member is not in order because he could have a written document which we could rely on. He is just talking and I don't know if the Chief Officer or the CEC can confirm what he is saying. Also I want to know if he has a document which tell us he is going to disburse the cheques. He is supposed to give me the date. He is not a Chief Officer to say 20th. We want the report from the Chief Officer of Education.

Hon. Temporary Deputy Speaker: Hon. Azangu I think he has given us a date of 20th and he has also given us two weeks. I will request you to take the two weeks but the two weeks will be just after the 20th! So that is a discrepancy! Can you give us a good date, not two weeks?

Hon. Samuel Mwangi: Mr. Speaker this is a matter we have been following as a Committee and when we say 20th I mean we are going to have the cheques. I shall have a written communication next week.

Hon. James Kariuki: Mr. Speaker sir on the issue of bursary, it affects all members of this House, not the Chairman alone or the Hon. Azangu. This matter has been deliberated on severally and we are actually pushing 20th as the deadline. So, I don't think it is in order to dwell on a matter which you were personally present when we were pushing for the date as 20th and we actually discussed it up in Mombasa

in the Liaison Committee and the same date was repeated by the CEC. So we are hoping that it doesn't go beyond 20th.

Hon. Temporary Deputy Speaker: Thank you, now because he has given an undertaking and *Mheshimiwa* Azangu I think you are going to take that so that we continue. *Mheshimiwa* Azangu are you OK?

Hon. Herman Azangu: Mr. Speaker I will respect your ruling. I will concur with the Liaison Committee which sat in Mombasa while the children are suffering in Landmawe slums. I think you will do something faster so that we can appreciate. I know most of the Members here are suffering. Thank you.

Hon. Temporary Deputy Speaker: Chair of Education make sure by Tuesday it is here, thank you very much. Next order!

Mheshimiwa Jayendra Malde to Legal [committee], do you have a response to make?

Hon. Maurice Gari: Mr. Speaker I requested a statement and I have seen you have approved but it is not in your list there.

Hon. Temporary Deputy Speaker: I will ask we proceed, I will come back to you. It is noted.

Hon. Maurice Gari: Mr. Speaker is it in order to skip the sequences of the Order Paper?

Hon. Temporary Deputy Speaker: Please let's proceed. That is my ruling. Jayendra.

STATEMENT REGARDING LACK OF ENFORCEMENT RULES BY INSPECTORATE DEPARTMENT

Hon. Jayendra Malde: Mr. Speaker sir, on 21st February 2018, Hon. Osman Adow rose on the floor of the Assembly pursuant to Standing Order No. 45 (2) (c) and requested the Chairperson of Justice and Legal Affairs for a statement regarding the lack of enforcement of traffic rules by the Inspectorate Department in the Nairobi Central Business District.

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

1. The mandate of the County Traffic Marshals;
2. What can be done to curb lawlessness by bus and matatu drivers in the city; and
3. What measures have been put in place to minimize traffic offences and to reduce traffic snarl-ups in the Central Business District.

Mr. Speaker sir, the Committee wrote to the Chief Officer responsible for Security Compliance and Disaster Management on 21st March, 2018 inviting him to a meeting of the Committee on 29th March 2018. The purpose of the meeting was to enable the Chief Officer to furnish the Committee with a response to the statement requested by the Member. In this regard Mr. Speaker sir, I wish to report to the Assembly as follows:

(1). Mandate of the County Traffic Marshals

Mr. Speaker sir, the Committee was informed that the mandate of the Traffic Marshals is to ensure that there is a smooth flow of traffic to directing motor vehicles, manning signalized junctions within the CBD that are not in the main transport corridors such as Uhuru Highway, Mombasa Road with the aim of bringing order and sanity.

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The Committee was further informed that the Traffic Marshals enforces the County by-laws on obstruction, general nuisance of double parking, overlapping and other related traffic offences. In addition Mr. Speaker sir, the traffic marshals deter crime through their visibility in their various area of coverage; the traffic reflector jackets enhance the image of the County government. Members of the public especially visitors can easily seek assistance to get to their intended destinations whenever they are unable to navigate in the City streets.

(2). Measures to curb lawlessness by bus and matatu drivers

Mr. Speaker sir, the Committee was informed that there is need to have a lot of sensitization to the bus and the matatu drivers on the need to comply with the County by-laws and other related laws. Already some saccos have been organizing for such forums to create awareness to the drivers on the need to comply with the laws.

Mr. Speaker sir, the Committee was further informed that there was deployment and rotation of the Traffic Marshals in key areas to deter the public transport crews from violating the laws. That job rotation enhanced the reduction of traffic offences as it deters the so called empires that are as a result of officers being in one area of deployment for a long duration.

In addition, Mr. Speaker sir, Traffic Marshalls enforce on any form of non-compliance and taking the drivers accountable for offences committed by alleging them in court to face the due process of the law.

(3). Measures put in place to minimize traffic offences and reduce traffic snarl-ups in the CBD

Mr. Speaker sir, the Committee was informed that deployment of traffic Marshals at strategic points within the CBD and creation of sectors headed by Sector Commanders is necessary to reduce traffic snarl-ups. Further, the Committee was informed that regular meetings with saccos and personnel is geared towards harmonizing operation issues and sensitization of the matatu crews on the need to comply with the existing laws.

Mr. Speaker sir, arrest of drivers is underway through their saccos and taking them to court has commenced. This is meant to curb violation of law and enhance traffic flow. Flow of working tools is underway; rain coats, gumboots and umbrellas to be procured and be issued to ensure officers are working regardless of the weather conditions. The process of procuring the tools has already been initiated.

In addition Mr. Speaker sir, sanitization of drivers through their saccos and also the public through the media to adhere to designated picking and dropping points. This will practically minimize traffic offences and ease traffic flow.

Mr. Speaker sir, Hon. Osman Adow was satisfied with the response given by the Chief Officer. Mr. Speaker sir, a copy of the detailed response has been given to Hon. Osman Adow who requested for the statement and a further copy is attached to this report.

Mr. Speaker sir, I beg to lay this statement. Thank you very much.

Hon. Osman Adow: Thank you Mr. Speaker. I think the Committee did a good job and they answered the questions as I had asked but I am yet to see the result because in the City Hall it is always we will do but you never see what is being done.

I would say that everybody is aware of the laws and what is supposed to be done as drivers. There is no need for sensitization, it has been done for the last sixty years and has never worked. What is needed is the enforcement part and that is the only thing that will work. But the Committee did a good job and I am happy with it. Thank you.

Hon. Temporary Deputy Speaker: Next response, Planning Chairman. Any response, Vice-Chair, a member? So, we move on.

Hon. Mark Macharia: Mr. Speaker I think the House lacks quorum.

Hon. Temporary Deputy Speaker: Which Standing Order are you standing on? Sit down. You are out of order. Response to Hon. Samora, can we have the Water and Sanitation Chairman, member? There is a response that is required from Hon. Patrick Karani. Are you the Chairman? Go ahead member, sorry.

(Point of Order)

Hon. Temporary Deputy Speaker: *Mheshimwa Akama*, sit down.

A STATEMENT REGARDING THE ILLEGAL DUMPING OF SOLID WASTE IN CLAY CITY WARD

Hon. John Muthiga: Thank you Mr. Speaker. On 6th December 2017, and Mr. Speaker this is the problem that we have been having, I have been having this response from December but because of quorum sometimes we were not able to table the same. Mr. Speaker, we request you to whip the Members in the Assembly so that we don't have all these statements piling from December last year.

Hon. Mwaura Samora MCA rose on the floor of the House pursuant to Standing Order No. 45 (2) (c) and requested for----

Hon. Temporary Deputy Speaker: Hon. Ronaldo please have a seat.

Hon. John Muthiga: Pursuant to Standing Order No. 45 (2) (c) and requested for a statement from the Chairperson of the Sectoral Committees on Environment and Natural Resources and Health Services, the Member requested for a statement regarding the illegal dumping of solid waste in Clay City Ward.

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

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

Mr. Speaker the Committee wrote to the County Executive Committee Member responsible for Environment, Water, Energy and Natural Resources on 13th December, 2017 inviting him to a meeting of the Committee that was held on 24th January, 2018 pursuant to Standing Order No. 45 (2) (c, d) to deliberate on statements. The Committee further wrote to the County Executive Committee Member for Health Services inviting him to a meeting of the Committee that was held on 31st January 2018.

Hon. Mwaura Samora, MCA was also invited to the said two meetings pursuant to Standing Order No. 45 (2) (e). In this regard, I wish to report to the Assembly as follows:

(1). Measures put in place by the Nairobi City Water and Sewerage Company to provide adequate and planned sewerage infrastructure in the Ward and when this will be implemented

Mr. Speaker, the Committee was informed that in the financial year 2012-13 Athi Water Service Board laid down truck sewer lines along major river valleys traversing Kasarani and Ruaraka. The projects undertaken were; the Ruiru Outfit Trunk Sewer, Gathara-ini North Sewer, Gathara-ini South Sewer, Clay City Trunk Sewer and Ruaraka Trunk Sewer.

Consequently Mr. Speaker, in the financial year 2016-2017, the Nairobi City Water and Sewerage Company undertook the designing of lateral under three different packages in Kahawa West and Githurai 45, Zimmerman and Roysambu, Clay City and Mwiki areas. These preliminaries works were done, are now complete and the entire construction works are estimated at 4.5,862,114.43.

The committee was further informed that the company is currently sourcing for funds for phase I of the construction which will cater for Clay City area and the work will commence as soon as finances are available.

(2). What steps have been taken by the County to tame rogue County Officers who go collecting bribes from flats owners and turn a blind eye on the unfolding health menace?

Mr. Speaker, the meeting was informed that the Environment and natural resources sub-sector has already requested H.E the Governor for creation of Special Enforcement Unit at least at Sub-County levels with adequate facilitation to specifically major on environmental matters.

Similarly Mr. Speaker, the sub-sector is in favour of detachment of enforcement of environment and environmental laws from the mainstream County Enforcement structures to promote undivided loyalty to the sub-sector as opposed to the current scenario where reporting procedures and command structures sometimes undermine the priorities of the sector.

Mr. Speaker, the County Executive Committee Member responsible for Health Services stated that the sector had not received any complaint about such officers within Clay City Ward. He added that the sector was also not aware whether the alleged rogue officers were County Public Officers and as such they would investigate and if found culpable deal with the said officers in accordance with the laid down disciplinary procedures for public servants.

Mr. Speaker, the meeting was also informed that the Health Services sector had issued a total of 113 notices against illegal sewer discharges in Nairobi at large and most of the cases were already in the City Court at different levels... The Committee was assured that the sector would use its enforcement team to carry out inspection within the County to ensure compliance with the set standards.

Mr. Speaker, a copy to the detailed response has been given to Hon. Mwaura Samora and a further copy is hereby attached to this response. Mr. Speaker, I beg to lay this response, thank you.

Hon. Temporary Deputy Speaker: Thank you very much. Hon. Samora? Chairman it seems like you had two responses; from Hon. Samora and from Hon. Jayendra Malde? Chair Environment in my record you had two responses.

Hon. John Muthiga: Yes Mr. Speaker.

Hon. Temporary Deputy Speaker: Is Hon. Samora around? Hon. Members, I am going to agree with the Chairman Environment that we should take this House seriously because if you request for statement and then you don't appear when it is being answered, it diminishes the strength of this House. So, I request Members please ensure that you are around when statements are being responded to. Continue Hon. Chairman.

Hon. John Muthiga: Thank you Mr. Speaker. This is the same scenario on 14th February 2018 Hon. Jayendra Malde, MCA rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c), and requested for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources. The Member requested for a statement regarding the status of garbage collection within Parklands/Highridge Ward. In the statement the Member requested that the Chairpersons should inquire into and report on:

- i. Number and status of the garbage collection trucks and their allocation to all the Sub-Counties;
- ii. Provide the schedule of garbage collection especially within Highridge Ward;
- iii. Urgent measures the County Government has put in place to collect the existing garbage heaps within the above stated Ward; and
- iv. What long term measures has the County Government put in place to end the garbage/waste menace in the Ward.

Mr. Speaker, the Committee wrote to the County Executive Committee Member responsible for Environment, Water, Energy and Natural Resources on 22nd March 2018 inviting him to a meeting of the Committee that was held on 28th March, 2018 pursuant to Standing Orders 45 (2) (d) to deliberate on the statement. Hon. Jayendra Malde, MCA was also invited to the said meeting pursuant to Standing Orders 45 (2) (e).

In this regard, Mr. Speaker, I wish to report to the Assembly as follows;

(i) Number and status of the garbage collection trucks and their allocation to all the Sub-Counties

Mr. Speaker, refuse collection trucks have been devolved to the seventeen Sub-Counties of Nairobi. Attached is a copy of the detailed breakdown of the distribution of garbage collection trucks in the seventeen Sub-Counties. Some trucks were grounded due to mechanical breakdowns, and the Chief Mechanical Engineer had been asked to expedite the repairs. Further, it was mentioned that all tippers and skip loaders would be dedicated to centralized operations and markets.

Mr. Speaker, attached is a status report of all the waste collection trucks, nature of their defects, and where possible, estimated cost of repair. The list also includes heavy plant & equipment used in the waste management process.

(ii). Provide the schedule of garbage collection especially within Highridge Ward

Mr. Speaker, the County Executive Committee Member responsible for Environment, Water, Energy and Natural Resources stated that the Environment Officer in charge of Westlands Sub-County in consultation with the Sub-County Administrator and other stakeholders prepared a schedule for waste collection within the Sub-County as shown below. The schedule is routinely revised to suit waste generation trends, and availability of resources to collect the same.

Day	Area
Monday	Parklands- wastlands market, the mall and Waiyaki Way
Tuesday	Waiyaki Way
Wednesday	Mountain View
Thursday	Kangemi and Parklands- Westlands Market & Mall
Friday	Karura and Highridge
Saturday	Kitisuru
Kindly note that Westlands CBD is attended to on a daily basis	

(iii). Urgent measures the County Government has put in place to collect the existing garbage heaps within the above stated Ward

Mr. Speaker the meeting was informed that the County Government has robust measures to address the waste management problem in all Sub-Counties. Plans to engage different state agencies in a ten-day program to remove waste accumulations in Nairobi are at an advanced stage. The program dubbed Operation Garbage Out will be rolled in early April 2018, and will run for a period of 10 days.

(iv). What long term measures has the County Government put in place to end the garbage/waste menace in the Ward

Mr. Speaker, the CEC Member informed the meeting that he County Government is currently evaluating tender documents for waste collection and transportation for all the Sub-Counties. It is envisaged that, once completed, the process will see competent and well equipped contractors assigned waste collection and transportation contracts to sustainably serve the people of Nairobi.

Mr. Speaker, a copy of the detailed response has been given to Hon. Jayendra Malde, MCA and a further copy is hereby attached to this report.

Mr. Speaker, I beg to lay this response. Thank you.

Hon. Temporary Deputy Speaker: Thank you Chairman. Hon. Jayendra?



Hon. Jayendra Malde: Mr. Speaker sir, I was called by the Committee and was satisfied with the answer. But again, in the Ward, the garbage is a menace and people are not collecting garbage in my Ward. I request the Chairman to do the needful.

Hon. Temporary Deputy Speaker: Chairman?

Hon. John Kamau: Thank you again. Mr. Speaker, in my report, we have said that since the Member is from Highridge Ward, The Ward Administrator and the Sub-County Administrator are supposed to be liaising between themselves for the garbage to be collected.

Mr. Speaker, it is logic that if there is a garbage that needs to be collected, there is a Ward Administrator, there is Sub-County Administrator and if you feel that your garbage is not collected, liaise with the Ward Administrator for the garbage to be collected. If you all bring these questions to the Assembly and we leave the potential bit of it in our Wards, we are going to complain until end of this year. So, I would urge the Members, since those people are employed by the County government and put specifically there to look into our needs, it is prudent to liaise with them. Thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you.

Hon. Jayendra Malde: Mr. Speaker sir, I had liaised with the Ward Administrator and the County Commanders but the garbage people are not coming to collect the garbage. We need help because the Ward is a high-end area. I am getting messages every day asking me what I am doing in the Ward. I am satisfied with the report but the menace is going on.

Hon. Temporary Deputy Speaker: Hon. Peter Wanyoike.

Hon. Peter Wanyoike: Thank you Mr. Speaker. I have two responses. One for the Minority Whip and another for the Deputy Minority Whip who are not in the House but we are in agreement. We invited them to our Committee and they were satisfied with the response. Let me start with the response for Hon. Imwatok.

Mr. Speaker, on 6th December 2017, Hon. Peter Imwatok, rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of the Sectoral Committee on Labour and Social Welfare for a Statement regarding the number of staff currently employed by the County Executive and the provision of health insurance to the said staff.

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

- i) Number of employees; permanent and pensionable and contracts if any;
- ii) Name of the insurance company offering the health cover to the employees;
- iii) List of all insurance companies that have transacted business with the County Executive for the past three years; and
- iv) The names of the brokerage companies involved.

Mr. Speaker, the Committee wrote to the County Executive Committee Member for Devolution and Public Service Management on 13th December 2017 inviting her to a meeting of the Committee that was held on 24th January 2018 at the County Assembly pursuant to Standing Order 45 (2)(d) but the meeting did not materialize.

The Committee further wrote to the County Secretary on 30th January 2018 inviting him to a meeting of the Committee that was held on 6th February 2018 at the County Assembly pursuant to Standing Order 45 (2)(d).

Mr. Speaker, in attendance, was the Hon. Peter Imwatok who requested for the said Statement, the Ag. County Secretary, the Director Human Resource Management and three other officers from the Sector.

The purpose of the meeting was to enable the County Secretary to furnish the Committee with the response to the Statement requested by the Member.

In this regard, Mr. Speaker, I wish to report to the Assembly as follows:

(i). Number of employees; permanent and pensionable and contracts if any

Mr. Speaker, the Committee was informed that the total number of employees in the County Executive is twelve thousand six hundred and thirty seven (12,637); 996 being Board Appointees, 13 seconded from the Teachers Service Commission, 11 State Officers, 2,316 Devolved staff and 9,301 Local Authority staff.

Mr. Speaker, the Committee was further informed that all the employees who were previously on temporary terms, probation, contract and seconded have been confirmed as permanent and pensionable having attained the required qualifications.

(ii). Name of the Insurance Company offering Health Cover to the employees

Mr. Speaker, the Committee was informed that Nairobi City County Executive has three Medical Insurance covers for its employees being administered by the following Providers:-

- i) AAR Insurance Kenya Limited with effect from 1st January to 31st December, 2018;
- ii) The National Hospital Insurance medical scheme (NHIF Civil Servants Scheme) for devolved members of staff until June, 2018 when they shall be included in the County Medical cover for the 2018/2019 Financial Year;
- iii) The National Hospital Insurance Fund (NHIF National Scheme) which is a statutory membership for all employed persons. Employer deducts NHIF contributions from the income of all employees and remits to NHIF together with the payroll by product.

(iii). List of all Insurance Companies that have transacted business with the County Executive for the past three years

Mr. Speaker, the Committee was informed that there are three Insurance Companies the Executive has transacted business with in the last three years namely:-

- i) AAR Insurance Kenya Limited
- ii) African Merchant Assurance Company Limited
- iii) Cooperative Insurance Company Limited

(iv). Names of the Brokerage Companies involved

Mr. Speaker, the Committee was informed that there are no Brokerage Companies involved in provision of Insurance for the County Executive.

Mr. Speaker, Hon. Peter Imwatok was satisfied with the response given by the County Secretary.

Mr. Speaker, a copy of the detailed response has been given to Hon. Peter Imwatok who requested for the Statement and a further copy is hereby attached to this report.

I beg to lay this Statement. Thank you

Hon. Temporary Deputy Speaker: Thank you, Chairman.

Hon. Peter Wanyoike: Mr. Speaker, I have another response to a statement requested by Hon. Ogeto.

Hon. Temporary Deputy Speaker: Go on.

Hon. Peter Wanyoike: Thank you. Mr. Speaker, on 1st March 2018, Hon. Moses Ogeto, rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of the Sectoral Committee on Labour and Social Welfare for a Statement regarding the recruitment of the County Constables and Fire Fighters by the County Public Service Board (CPSB).

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

- i) Whether Section 68 of the County Government Act, 2012 was adhered to in the process; and
- ii) What the applicants are going to do at the Dagoretti recruitment centre given that no applicants were shortlisted.

Mr. Speaker, the Committee wrote to the County Public Service Board on 12th March 2018 inviting them to a meeting of the Committee that was to be held on 22nd March 2018 at the County Assembly pursuant to Standing Order 45 (2) (d).

The purpose of the meeting was to enable the County Public Service Board to furnish the Committee with the response to the Statement requested by the Member.

The Board submitted a written response to the Statement and requested to reschedule the meeting to the week of 9th April 2018 since they were carrying on interviews for Chief Officers from 20th March 2018 and other official engagements.

In this regard, Mr. Speaker, I wish to report to the Assembly as follows:

(i). Whether Section 68 of the County Government Acts 2012 was adhered to in the process

Mr. Speaker, the Committee was informed that all applications received are kept for a specific period and that the same are available for inspection by any person as required under Section 68 of the County Governments Act 2012.

(ii). What the applicants are going to do at the Dagoretti recruitment center given that no applicants were shortlisted

Mr. Speaker, the Committee was informed that the County Public Service Board conducted the initial physical assessment to identify those who are fit to be considered as Constables and Firemen/Women. The

recruitment exercise was the initial process to identify the candidates whom the Board will consider for appointment.

Mr. Speaker, Hon. Moses Ogeto was satisfied with the response given by the County Public Service Board.

Mr. Speaker, a copy of the detailed response has been given to Hon. Moses Ogeto who requested for the Statement and a further copy is hereby attached to this report.

Mr. Speaker, I beg to lay this Statement. Thank you

Hon. Temporary Deputy Speaker: Thank you very much Chairman. It is good that you have mentioned that you agreed with the person who asked the question. I want to say that it is good practice that the people who asked questions be in the House because it is being captured in the *HANSARD*. Members, I ask that if you ask for a statement then be available to listen to the response. Thank you very much. A statement sought by Mwangi Njehia to the Chairman Health. Is the Chairman or any member in to give a communication? There is also a statement requested by Hon. Mwangi Njehia. Do you have it?

Hon. Abraham Njihia: Hon. Speaker, I will need your indulgence on whether it is the statement that I am requesting for today or it is in response of the responses?

Hon. Temporary Deputy Speaker: You have a statement Hon. Mwangi Njehia and you are also expecting a response from the Chairperson for Health. I wish to start with the statement from you.

Hon. Abraham Njihia: Thank you Hon. Speaker. I will go straight to my statement. Pursuant to standing order 45 (2c0, I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the parking of broken down vehicles at Ngumo state in Woodley ward.

Hon. Speaker, owners of broken down vehicles have abandoned their vehicles at Ngumo stage and along the rails stretching from Shadrack Kimalel secondary and primary school to Mbagathi secondary and primary school thus making it difficult for school going pupils and other road users to access different points along the road.

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

1. Measures put in place by the County Executive to have the 40 vehicles towed away from their present location; and
2. Measures put in place by the County Executive to prevent future dumping of broken down vehicles along the said area and other places in the County.

Thank you Hon. Speaker.

Hon. Temporary Deputy Speaker: Chairman Transport to make an undertaking or any member for Transport. Is the Vice Chairman in? *Mheshimiwa* Roaldo Mark?

Hon. Osman Adow: I have seen the Vice Chair here but I do not know where he has disappeared to.

Hon. Temporary Deputy Speaker: Go on.

Hon. Osman Adow: Two weeks is good enough, as always.

Hon. Abraham Njihia: I will wait for a response from the Committee member. But I am also disheartened because just a moment ago I wanted to leave the Chambers but I was told that I cannot leave the Chambers---

Hon. Temporary Deputy Speaker: You are out of order sir!

Hon. Abraham Njihia: And before---

Hon. Temporary Deputy Speaker: The question is, are you in agreement with the two weeks?

Hon. Abraham Njihia: Mr. Speaker, the Vice Chairman was seated right here

Hon. Temporary Deputy Speaker: He will be communicated to by the Member

Hon. Abraham Njihia: Thank you Hon. Speaker

Hon. Temporary Deputy Speaker: Thank you very much. Chairman Gari, did you have a statement? He also left. Next order.

MOTION

Hon. Temporary Deputy Speaker: Mover

Hon. Abraham Njihia: Hon. Speaker, before we go to the Motion---

Hon. Temporary Deputy Speaker: You are out of order! Please have a seat *Mheshimiwa*. That is my ruling Mwangi Njehia.

(Hon. Abraham Njihia talking in the background, inaudible)

Hon. Temporary Deputy Speaker: You cannot argue with the Speaker *Mheshimiwa* Njehia. Continue *Mheshimiwa* Adow.

Hon. Osman Adow: Thank you Mr. Speaker. I think we should follow the leadership of the House who are absent from the House all the time and only come in to sign and leave. I don't understand why the rest of us should not do the same.

Going to my Motion, that aware that the solid waste management in the County pose a great environment and health challenge. Further aware that paragraph 2,G of part two of the fourth schedule of the Constitution of Kenya 2010 provides for refuse removal and solid waste disposal as a county function. Concerned that implementation of the solid waste management faces numerous challenges especially from the residential areas due to lack of proper designated area for holding solid waste. Further concerned that improper solid waste management has an emerging health threat to the residents of the Nairobi County, the environment and well-being of the city; Acknowledging that solid waste management is a collective responsibility that requires all generators to ensure that the environment is free from health risks; Noting that most residential buildings and estates in the County have no designated waste collection and holding areas. This Assembly urges the County Executive to ensure all building plans that are more than four storeys to incorporate solid waste management issues in their structural, architectural plans and buildings with less than four storeys is to incorporate a designated solid waste holding area for temporary collection.

Mr. Speaker, the issue of solid waste management has been a thorny issue in Nairobi and I believe that this is one solution that might help. When you go anywhere around the world, you find that buildings manage their wastes before collection and I don't see why Nairobi should be any different. Incorporating the garbage shoots in tall buildings will ensure that garbage is collected at source and does not end up on our streets and sewers. I urge the County Government to ensure that the existing buildings be forced to provide for such assistance so that garbage trucks can go from door to door collecting garbage rather than having them dumped on the streets and sidewalks for collection.

Hon. Temporary Deputy Speaker: Order Chairman Warutere! Have a seat.

Hon. Osman Adow: ... and that trucks be used for that purpose because this will go a long way in helping *Mheshimiwa* for Environment in handling garbage issues. With those few remarks, I urge my colleague Mr. Komu to second the Motion.

Hon. Temporary Deputy Speaker: *Mheshimiwa* Komu:

Hon. Komu: Thank you Hon. Speaker. I stand to second this Motion largely because it is practical. Most members from this House have been complaining of garbage that is lying in the Wards and it would create proper management from the source. Ideally it will be clear to start imposing the responsibility on the producers of this garbage. If restriction is done on every contractor then it will create easier management of the garbage and will go further in terms of reducing the cost and the County government will have a way of coordinating activities so that in one way, we will be sharing the cost of garbage collection with the producers. Thank you Hon. Speaker. I beg to second.

(Question proposed)

Hon. Temporary Deputy Speaker: Members. Hon. Kennedy

Hon. Kennedy Obuya: Thank you Mr. Speaker sir. I rise to support the Motion. Fellow Hon. Members, I want to come to terms with the challenges that we have as a Government. This Motion is indeed well timed and as a Government I think that we should have done this much earlier as a matter of necessity. I beg to marshal Hon. Members to agree with the mover of the Motion and support it. Hon. Speaker, I was privileged with a few other colleagues to travel to Europe. We managed to visit a few industries and got to know how solid waste management is normally done. We realized that indeed we are lagging behind. Nairobi City Government is a Government that recorded the highest level of revenue collection.

I would urge the leadership of this Government Hon. Speaker that we prioritize on matters that are in respect to global challenges like solid Waste Management. In that respect Hon. Speaker, I beg to support thank you.

Hon. Temporary Deputy Speaker: Thank you. Abraham Mwangi Njihia *Mheshimiwa*!

Hon. Abraham Njihia: *Mheshimiwa Spika, nasimama kuunga mswada huu mkono. Katika Jiji la Nairobi, kuna takataka nyingi zinazotoka katika majumba ya ghorofa. Kama tungekuwa na sheria wakati tunapojenga majumba haya na wakati tunapopitisha nakala za kujenga, kila jumba lingekuwa na mahali pa kuweka takataka. Nafikiri tunaweza kupiga hatua kwa niaba ya wakaaji wa Nairobi. Kwa hivyo Mheshimiwa Spika, nasimama kuunga mswada huu ambao utatusaidia kama wakaaji wa Nairobi kuhifadhi Jiji la Nairobi. Ahsante.*

Hon. Temporary Deputy Speaker: *Mheshimiwa* David Ayo!

Hon. David Ayo: Thank you, Hon. Speaker for this opportunity that you have given me. I rise to support this Motion. My colleague who is the author of the Motion has indeed introduced a very wonderful Motion and I urge all Members, who are seated here to support this wonderful Motion.

Indeed there is a problem in this City if all of us could join hands and enforce the very wonderful laws that we put or rather we introduce in this House, we would be having a very better environment to live in. Surely or rather just to echo his words that the garbage that is all over is posing a great threat unto our

society. If I may refer or take an example like where I come from in my Ward, if you could actually step in Gatina Ward you will agree with me that we would not have a place to live in future, because we have garbage all over. Our brother the Chairman of Environment has just been on the floor of the House trying to persuade the Members that the people who are concerned with the environment are working. I will not disagree, I want to assure you that my brothers, things as we speaker are not in order since there is garbage all over.

Therefore, we need to support Motions like these ones so that we can save our City from this menace. So, indeed some of us had a privilege to travel to Rwanda, whereby if you go there my brothers and remember Rwanda had just come from the war in 1994. If you go to Rwanda, Kigali my brothers you will actually agree with Hon. Adow that we need to put very stern measures that so we can save our City. Not only will our City learn even other cities will learn from us. So, I beg to support this Motion that we need to come up with laws that with guide us. Therefore as I support. I also want to urge the Environment Committee to take the laws we pass in this parliament seriously because we have good laws and you Members don't actually enforce these laws that is why we have these problems. With those few remarks, I beg to support. Thank you.

Hon. Temporary Deputy Speaker: Thank you. John Nganga Mukiri!

Hon. John Mukiri: *Ahsante sana Mheshimiwa Spika, kwa nafasi hii umenipa ya kuweza kuchangia huu mswada. Mimi kama mwakilishi Wadi wa Mutu-ini nasimama kuunga mkono huu mswada kwa sababu ni kama janga la kitaifa. Kama vile Mheshimiwa Ayo ametaja kuhusu mambo ya Rwanda, katika Wadi yangu vijana wanafanya hiyo shughuli. Na kijana tuko naye mahali pale ni wa kutoka Rwanda na amesaidia sana vijana wetu.*

Bw. Spika, ukitembea saa hii Wadi yangu, kuna vijana wamejenga ukuta kutumia chupa za plastiki. Hawatumii simiti yoyote ila mchanga na plastiki ambazo zimeyeyushwa. Vijana hao wakiungwa mikono wanaweza enda mbali. Wanasaidia sana watu kule vijijini. Kama tunaweza chukua jukumu la kutumia hizi pesa za kukusanya takataka na kupeleka Dandora. Tuweze kuwa na nafasi ya kuhamasisha watu wetu kule mashinani na tukichukuwa jukumu hilo, watu wataweza kutupa takataka mahali inayofaa.

Kwa hivyo, Bw. Spika, naomba tuwe na wakati wa kuwahamasisha watu wetu na kuwaonyesha jinsi ya kutupa takataka. Tusije tukarudi pale na hizi vitu zikawa mzigo kubwa na kuondoa inakuwa shida. Mtu anaweza kuwa akichoma takataka na kupuguza hii kazi kubwa tunayoongelea. Vijana kama hao katika mitaani wangesaidiwa na watafutiwa machine ya kutengeneza hizo vitu, ata hizi barabara zinazotusumbua wangepanya.

Nashukuru Gavana wetu kwa maana amekuwa akiongea kuhusu vijana na kuwashughulikia waweze kufanya kazi kuokota takataka.

Kwa hivyo, naunga mkono huu mswada na pia tuunge mkono kabisa ili tuweze kufika mashinani na tuweze kuwahamasisha watu jinsi ya kutupa takataka. Ahsante, Bwana Spika.

Hon. Temporary Deputy Speaker: Mheshimiwa Mbugua Kabiro!

Hon. Mbugua Kabiro: Thank you, very much Hon. Speaker, for this opportunity I would also want to contribute to this Motion which has been brought by my able Chairman of ICT. My contribution is basically to support this Motion; it is a Motion which we should have adopted like 10 or 50 years ago when Nairobi was beginning to be what it is.

Currently, it is a systemic challenge that is facing many developing City world over and it is not only a problem for Nairobi it is a problem that we are facing in other Cities especially in Africa, in places where infrastructure was not well thought out to accommodate the kind of population that are living within these cities. Just taking a good example is the rainy situation which faced us like one month ago all those plastic bottles that we have been using in our shops and in our homes they found themselves inside the drainage, a situation which leads to clogging of drainage and has so far caused flooding in many places because of poor drainage.

It is a situation that we could have avoided if this Motion came in the previous Assembly, I was not there though. When you see these flowing bottles we ask a question who owns this waste. I think what the Member is providing is an avenue for us to know who basically owns this waste. When we see a bottle floating we should know it's from which shop and which building, if they are contained from a source then we will be able to know this person as basically contained his waste and he has deposited it at the right place through the right avenues.

I also think that his Motion should also be extended to existing buildings to help them to set apart within their buildings especially those which are four floors and above and even those which are lower. To just set apart a section in their establishment to contain this waste and to manage them from the source because I have seen it is basically touching on the buildings which are upcoming.

So, I think that most of the CBDs are occupied by buildings which are more than four floors and when we are legislating I think we should do this in some parts of Nairobi which have up-coming buildings. Even in this exciting City, we should actually endeavor to implement such and I would actually ask that the scope of the Motion should probably be extended since I know am late in editing the Motion.

The garbage issue is something that should have been dealt with long time ago; even I have seen the Chairman of Health and Environment. Most of the questions which are being asked on the floor of this House in regard to waste, disposal, collection and trucks have a problem, it is the same story.

I think as a House we should also try and see what measures we should put in place so as to operate a more like a state corporation that can handle the garbage issue for Nairobi as an independent organization that can handle the issue of waste collection and management.

So, this will enable us to move from considering waste as a disaster and then we can recycle and make it a valuable resource. The company can operate like the way Nairobi Water operates with audited accounts and then we check. I think that's a way to go and in many other things that we continually face as questions within this House. We should solve them by either creating or establishing cooperation that entirely deals with it and then we make sure that they work very effectively. I support this Motion thank you.

Hon. Temporary Deputy Speaker: I noticed that *Mheshimiwa* John Kamau you also want to contribute but I wanted to give you a last chance but I realized Francis Otieno Ngesa wants to contribute let me give him a chance first. *Mheshimiwa* Francis Otieno Ngesa!

Hon. Francis Ngesa: Thank you very much, Hon. Speaker, I am seeing everybody is standing here to support the Motion which I really doubt they know what they are doing. First, in Chapter 42 of the Constitution if I can read it gives every person has a right to clean and healthy environment which includes

the right to have the environment protected for the benefit of the present and future generation through legislative and other measures.

Hon. Speaker, I come from Dandora whereby at the end of the day everybody who picks the garbage in Nairobi dumps it there. I really don't know why everybody is supporting this without considering that Dandora also needs a clean health and environment. As I stand here I am very sorry and I wish not to support this Motion thank you.

Hon. Temporary Deputy Speaker: Go on.

Hon. Member: I beg through your wisdom, Hon. Member for Dandora Area IV should be advised that this is a good Motion that is not only meant for Dandora but residents of Nairobi. I believe he has a copy and has read and understood. It is not meant to injure the rights of his constituents. Thank you, Hon. Chair.

Hon. Temporary Deputy Speaker: Thank you. Hon. Jeremiah Karani.

Hon. Jeremiah Themendu: Thank you, Mr. Speaker for giving me this opportunity---
(Hon. Member spoke off the record)

Hon. Temporary Deputy Speaker: Sit down! We can't have two Members standing.

Hon. Jeremiah Themendu: Thank you, Mr. Speaker for giving me this opportunity. I rise to support this Motion. We have many problems affecting almost all the Wards in our County. What we can do now is to support this Motion because garbage is piling everywhere and has affected our children since they have no place to play.

Recently in my Ward, we had breakout of cholera which was caused by garbage. When we were elected we promised people that we are going to protect them from diseases, lack of water and lack of basic needs. So we have to make sure our areas are clean. In the budget allocation, Environment department had the highest allocation of money. We need to wake up and make sure that everyone in his position should do his job and make sure every sector is performing.

Garbage collection sector has few garbage trucks because of lack of payment yet others come to claim for money for work not done. We should not stay idle and expect the garbage to be collected. Members should make sure that these Motions that we are passing are implemented. We should not be complaining about garbage collection every time. I support the Motion, thank you.

Hon. Temporary Deputy Speaker: Thank you very much. Hon. John Kamau.

Hon. John Kamau: Thank you, Mr. Speaker. I rise to support the Motion. We have been having problems in terms of garbage collection. When a Member comes to the floor of the House to challenge other Hon. Members to have one collection point of garbage, I think that is a move in the right direction. Being the Chair of the Environment, I have encountered so many questions about what are we doing about garbage. If you go to Eastleigh, the National Government together with the County Government constructed roads from the former KBS, Madiwa to Eastleigh Section III. Residents dump garbage on the road. It is high time we implement laws to ease garbage collection. I urge every Member to pass this Motion.

Hon. Member for Dandora Area IV, we know that all garbage from Nairobi County goes to your place. It is only these laws that will benefit your people. The Environment department has been spoiling roads in

your Ward, for example John Osogo Road. So, the garbage to be transported should have one collection point.

Mr. Speaker, people are speaking about Rwanda. We are supposed to be speaking about Nairobi where we can make our laws and be successful like any other countries. In Ethiopia, they did not have solid waste management system but after the tragedy they had, they were bold enough to make their laws---

Hon. Temporary Deputy Speaker: Hon. Obama, please have your seat.

Hon. John Kamau: --- they made sure that they had factories to manage their solid wastes. We need to rally behind this act so that we stop speaking about garbage and concentrate on other things. People should know that we as Committee on Environment with the help of the Members are going to make sure that garbage is a thing of the past.

Hon. Temporary Deputy Speaker: Thank you, Mr. Chairman for the passionate contribution. I think we are through with the debate---

Hon. Francis Ngesa: Mr. Speaker, I want to challenge Hon. Obuya. I went to school and I know how to read and write and understand things, that is why I went to Chapter 42 of the Constitution that gives everybody, including Dandora people clean and healthy environment. Everyone here is talking about collection point, where are we going to dump this garbage? When this dumpsite is removed from Dandora Area iv, I will support but today I am very sorry I will not support. Thank you.

Hon. Temporary Deputy Speaker: I now call the mover to reply.

Hon. Osman Adow: Thank you, Mr. Speaker. I thank Members who have passionately supported this Motion. Hon. Member for Dandora Area iv, I agree with your sentiments. I had people of Dandora at heart when I came up with this Motion. I want well managed system that works for you, that is why I brought this Motion. I hope Members will support it. Thank you.

(Question put and agreed to)

(Applause)

Hon. Temporary Deputy Speaker: Hon. Members, we had a response from Chair of Planning for Mwangi Njihia on status of Anderson Hall LR No. 29112973 in Woodley. I direct the Chair of Planning to respond to this tomorrow without fail. Thank you.

ADJOURNMENT

Hon. Temporary Deputy Speaker: The House stands adjourned to tomorrow, 12th April 2018 at 2:00 p.m. Thank you.

(The House rose at 4:35 p.m.)

