



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Tuesday 20 February, 2018

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

COMMITMENT OF COUNTY INTEGRATED DEVELOPMENT PLAN TO THE VARIOUS SECTORAL COMMITTEES

Hon. Speaker: Hon. Members, Standing Order 219 provides that *'Pursuant to the provisions of Section 126, the Public Finance Management Act, 2012, the County Executive Committee Member responsible for Planning shall at least in every five years prepare to submit to the Assembly the draft County Integrated Development Plan.'* Standing Order 219 (2) further provides that *'The Speaker shall cause the draft County Integrated Development Plan to be laid before the County Assembly, upon which it shall be deemed to have been committed to each Sectoral Committee without question put.'*

Hon. Members, upon laying and committal, each committee shall deliberate upon the County Integrated development Plan (CIDP) according to its respective mandate and within 21 days submit their views to the County Finance, Budget and Appropriations Committee. Hon. Members, the County Finance, Budget and Appropriations Committee shall then consider and review the County Integrated Development Plan and make recommendations to the Assembly, taking into account the views of the Sectoral Committees, the Executive Committee Member in charge of Planning and the views from the public.

Hon. Members, Standing Order 219 (6), in keeping with the strict timelines of consideration of the CIDP, provides that, *'Within 90 days following the submission of County Integrated Development Plan by the Executive Committee Member in charge of Planning, the Assembly shall consider and may, by resolution, adopt the County Integrated Development Plan with or without amendments.'*

Hon. Members, the CIDP now stands committed to the various Sectoral Committees as per their mandates of consideration and timely reporting. It is so directed.

I will allow the Hon. Members to walk in.

VISITING DELEGATION FROM THE SWEDISH SCHOOL, NAIROBI

Hon. Members, our sitting this afternoon is graced by a delegation from the Swedish School Association of Kenya who have paid us a visit to learn from our workings and operations as a devolved unit of the Nairobi City County Government within the Devolved Governance Framework.

The delegation from the Swedish School is comprised of teachers and students from years 7, 8 and 9 who have hopefully interacted and engaged with the relevant departments of the Assembly. From myself and on behalf of the Assembly, I wish you all a warm welcome. Feel welcome and enjoy your experience with us.

Hon. Members, we will welcome them with our tradition.

(Applause)

Thank you very much. Next Order.

PAPERS

Hon. Abdi Hassan: Thank you, Madam Speaker. Before I lay the Paper, I want to relay good information to our Special Elect Members that the lawyer whom we send to the court has gotten a stay order. So, they can stay put.

(Applause)

Pursuant to Section 126 (3) of the Public Finance Management Act, 2012, I beg to lay the following Paper on the table of the Assembly, today, Tuesday February 2018: The County Annual Development Plan for the fiscal year 2018/2019.

Pursuant to Section 118 (4) (a) of the Public Finance Management Act, 2012, I beg to lay the following Paper on the table of the Assembly, today, Tuesday February 2018: The Budget Review for the fiscal year 2016/2017.

Pursuant to Section 59 (1) (b) of County Government Act, 2012, I beg to lay the following Paper on the table of the Assembly, today, Tuesday February 2018: The Annual County Public Service Board report for the financial year 2016/2017.

Pursuant to Section 108 (1) of County Government Act, 2012 and Standing Order 219 (1), I beg to lay the following Paper on the table of the Assembly, today, Tuesday February 2018: The County Integrated Development Plan for the financial year 2018-2022.

Thank you, Madam Speaker.

Hon. Speaker: Thank you. I will commit the documents to Budget and Appropriations Committee Chair.

STATEMENTS

STATEMENT REQUEST ON DISCIPLINARY ACTION PROCEDURES OF THE COUNTY PUBLIC SERVICE BOARD

Hon. Geophrey Majiwa: 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 Labour and Social welfare regarding disciplinary action procedures of the County Public Service Board specifically on employees management.

Hon. Speaker, the County Public Service Board took its mandate amongst others, to generally engage in fair Labour practices in its management of the County employees. However, there are increasingly prevalent cases of employees suspended or dismissed from service whose dismissal are overturned by court or on appeal and yet the Board refuses or neglects to return them to service, as in the case of one of the employee, Ms. Rosemary Githara of Service Number 19980011461. Hon. Speaker, in the statement the Chairperson should inquire and report:

1. The reason as to why the Board has refused to reinstate the affected employees whose appeals were successful such as Mary Githara's;
2. What consequences has the Board or its members suffered for derailing the course of justice or to flouting labour laws and laid down procedures in the handling of employee related disputes.

Thank you, Madam Speaker.

Hon. Speaker: Hon. Chair, Labour. He is not in? Is the Vice in or any member of the Committee, Labour? Yes, Leader of Majority?

Hon. Abdi Hassan: Thank you. Madam Speaker, the Labour Committee right now is in Mombasa with the County Public Service Board and the PSC. Please give them three weeks and I will undertake that they will provide that answer.

Hon. Speaker: Hon. Majiwa, you are okay with that?

Hon. Geophrey Majiwa: Madam Speaker, these are issues that have been pending for a very long time and you understand as a resident of this City that members of staff once they are subjected to this treatment have no pay and live in people's houses for which they must pay rent. Their children must go to school and if you continue suspending these issues giving more time for us to consult and we do not give them results, then it means we are subjecting them to suffering. I am trying to imagine that the Leader of Majority will be able to get this report within a week, three weeks is a long time.

Hon. Speaker: Hon. Leader of Majority.

Hon. Abdi Hassan: Madam Speaker, two weeks.

Hon. Speaker: Okay. Hon. Jared Akama.

STATEMENT REQUEST ON DECENTRALIZATION OF FIRE-FIGHTING SERVICES ON THE WARD LEVEL

Hon. Jared Ondieki: Thank you very much. Hon. Speaker, pursuant to Standing Order 45(2) (c), I wish to request for a statement from the Sectoral Committee on Culture and Community Services regarding decentralization of fire-fighting services on the Ward level. Madam Speaker, there have been rampant cases

of fire disasters in the County especially in the informal settlements. Madam Speaker, in the statement the Chairperson should inquire into and report on:

1. Measures being taken to decentralize fire stations;
2. Measures the County Executive has put in place to ensure efficient and effective response to the fire disasters in the County.

Thank you.

Hon. Speaker: Chair, Culture.

Hon. Abraham Njihia: Thank you, Hon. Speaker. Three weeks.

Hon. Speaker: Chair, now we have changed to three weeks, I hope the Majority Leader did not start the trend.

Hon. Abraham Njihia: In fact, Madam Speaker, this morning when you were in our Committee, we were deliberating on the same about fire disaster in Nairobi and we have come up with an elaborate plan of visiting those areas. Madam Speaker, in fact this morning it was in our table and I think three weeks will be enough for us, it is not an easy job. Thank you.

Hon. Speaker: Hon. Jared.

Hon. Jared Ondieki: Madam Speaker, the Hon. Chairperson must understand that I hold him in very high regard but he does not understand the word disaster is categorized as an emergency. Madam Speaker, in one way or the other help, especially when it comes to issues of this tendency of Chairpersons standing and giving us two, three weeks. Having said that, what I am trying to say and tell the Chairperson is that we are talking about an emergency. I come from a Ward where I have over 6000 people who are IDP's. We lost lives when around 5 people died and therefore, when we are coming from that point, I think the Hon. Chair must understand that fire is a disaster.

Madam Speaker, deliberately in my statement when we look at No. 2 in terms of the inquiries, I have deliberately asked that we look at the measures we put especially when it comes to disasters and I don't want us to limit ourselves to just fire. For instance, I am a Member of a very serious Committee called Agriculture and in that Committee we have realized that this City has been affected by army worms. I want to believe that is also an emergency and it is a disaster in waiting in terms of food security. Madam Speaker, we are also interested in knowing what measures have been put especially in the health sector---

Hon. Speaker: Hon. Jared---

Hon. Jared Ondieki: Madam Speaker, I am just trying to emphasize the aspect of emergency when it comes to disasters.

Hon. Speaker: Hon. Jared, on Standing Orders regarding Statements when you now bring in new issues it does not become a statement any more. I will ask Hon. Njihia to deal with the issue of fire because that is what was within your statement and Hon. Njihia. I will agree with Hon. Jared, don't forget just the other day in Southlands we had issues, so I will give you two weeks to be able to navigate and see how you can assist. Hon. Njihia is that okay, two weeks?

Hon. Abraham Njihia: Most obliged, Hon. Speaker.

Hon. Speaker: Okay. Hon. Peter Wanyoike? Hon. Nicholas Okumu, if Wanyoike is not in.

STATEMENT REQUEST ON HEALTH CENTER BUILT BY DONORS ON A PUBLIC UTILITY

Hon. Nicholas Ouma: Thank you, Madam Speaker. Pursuant to Standing Order 45(2) (c) I wish to request for a statement from the Chairperson on the sectoral Committee on Health Services regarding a health center in Lower Savannah that has been built by donors on a public utility land at the invitation of the community.

Hon. Speaker, the facility has been in existence between partnerships, African Evangelistic Enterprises being one of them. The donor agent, African Evangelistic Enterprises has taken advantage of the community and has gone ahead and acquired the allotment letter fraudulently and now they own the land in question.

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

1. Proof of document that the land was allocated to African Evangelistic Enterprises;
2. The agreement signed between African Evangelistic Enterprises and the County Government;
3. Any supportive document detailing the ownership.

Thank you, Madam Speaker.

Hon. Speaker: Majority Leader, that statement seems a bit weighty; can you see how to manage it?

Hon. Abdi Hassan: Thank you, Madam Speaker. With your indulgence, two weeks is okay.

Hon. Speaker: Hon. Okumu.

Hon. Nicholas Ouma: Thank you, Madam Speaker. I know we have the two weeks tendency but it is okay, I will agree with that.

Hon. Speaker: Hon. Chairs, I am hoping that we will always be abiding and if we do not have the results it is always good to come back and inform the House.

Hon. Mwangi Njihia, I can see you have two statements.

Hon. Abraham Njihia: Yes, Madam Speaker.

Hon. Speaker: Proceed.

STATEMENT REQUEST ON DEPLORABLE STATE OF STREET LIGHTING

Hon. Abraham Njihia: Hon. Speaker, pursuant to Standing Order 45(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the deplorable state of street lighting in most parts of my Ward which is Woodley. It has been in a deplorable state for the past four months thus rendering security and mobility of people dangerous.

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

1. Measures the County Government has put in place to ensure street lighting in major streets like Joseph Kangethe, Kinagop Road, and Old Kibera Road are restored.

Thank you.

Hon. Speaker: Chair, Transport. Vice Chair? Osman, are you a member of the Committee?

Hon. Osman Adow: I am a Member of the Committee but now we do not have a Chair.

Hon. Speaker: Proceed.

Hon. Osman Adow: Yes, I am a Member and I think since it requires one week to write to the Executive to reply and for us to deliberate each one of these, give it two weeks.

Hon. Speaker: Okay. Hon. Njihia.

Hon Abraham. Njihia: Hon. Speaker, some of these answers do not need two weeks. This is because some need to have lights put and I don't think that you require two weeks to have that done.

Hon. Speaker: I agree, Hon. Njihia. You are also a Chairman and I am wondering---

Hon. Osman Adow: Madam Speaker, we have put this question many times to the Executive and they tell us that they have not received any money to buy bulbs and other materials. The problem is with the Finance department. We hope that we will get an answer from them within two weeks.

Hon. Abraham Njihia: It is okay, Madam Speaker. I will wait for two weeks. Do I proceed to the second statement?

Hon. Speaker: Proceed, Njihia

STATEMENT REQUEST ON OWNERSHIP STATUS OF ANDERSON HALL

Hon. Abraham Njihia: Hon. Speaker, pursuant to Standing Order 45 (2c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the ownership status of Anderson Hall within Kenyatta Gold Course.

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

1. Ownership status of the said hall?
2. Whether the hall is under the County Government or the National Government?

Thank you, Hon. Speaker.

Hon. Speaker: Chair Planning? A member of the Committee? We do not have a member? Yes Hon. Muturi

Hon. Daniel Muturi: Two weeks, Madam Speaker.

Hon. Speaker: Did you understand the question from Hon. Njihia?

Hon. Daniel Muturi: I think he is curious about the ownership of the said hall.

Hon. Speaker: Whether it is National or County?

Hon. Daniel Muturi: Two weeks, Madam Speaker. The Planning Committee will be away for about a week and a half and that is why I request for that time

Hon. Speaker: Okay. I thought that time was less but since you are good, I oblige as the Speaker. I give you two weeks

Hon. Daniel Muturi: Thank you, Madam Speaker.

Hon. Speaker: Hon. Waithera Chege.

STATEMENT REQUEST ON THE STATUS OF WATER SUPPLY IN THE HEALTH FACILITIES WITHIN NAIROBI SOUTH WARD

Hon. Waithera Chege: Thank you, Madam Speaker. Pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairpersons of both Sectorial Committee on Health services and Water and Sanitation regarding the status of water supply in the health facilities within Nairobi South Ward.

Hon. Speaker, the Railway Training Institute and the Police Band health centres are understaffed and in a deplorable state with no equipment and water supply, this has hampered efficient provision of services in the said facilities to the locals.

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

1. What measures the County Executive has put in place to ensure the facilities are optimally staffed?
2. Measures out in place to address the perennial water shortage within the facilities?
3. Plans if any to have the dilapidated facilities renovated?
4. Plans put in place to ensure that the maternity wing at the Plains View health centers is properly equipped?
5. Measures put in place to ensure that the said health centers have sufficient medical supplies?

Hon. Speaker: Chair Health? Chair Water?

Hon. Paul Kados: Thank you Madam Speaker, I need to weeks to answer. Hon. Chege is a member of Water Committee and she has never raised that issue with the Committee. Two weeks will do, Hon. Speaker

Hon. Speaker: Hon. Member, you are discussing issues on South B and your electorates are watching. I prefer that you have one answer. I believe that the question was for both Health and Water and so while Water Committee is planning themselves, I want the Health Chairman to follow up with that statement and ensure that there is water in maternity. Chair, I give you two weeks but the Chair for Health can follow up and if not, I will ask the Majority Leader to take charge on the health matter because it is weightier. We have a few responses to statement sought by Hon. Nicholas Okumu and hope that today the Chair for Environment is present. Welcome back Chair.

Hon. John Muthiga: Thank you, Madam Speaker. While I was away, my deputy, a person whom I respect, did not know that Environment department has two sectors and when this report was being read, I hear it was said that there are grammatical misinformation.

Hon. Speaker: Order, Chair!

Hon. John Muthiga: Madam Speaker, I am trying to say...

Hon. Speaker: I know but I also want you to appreciate your deputy because he was honest. Since you are here today, proceed with the report.

Hon. John Muthiga: I am responding to what he doesn't know and I wish to tell him today. When he was reading the clause on water, maybe he did not know that the Environment department is divided into two and that is Water and Natural Resources. That is why we have two CECs. Madam Speaker, I have two reports here with me. He tells me that he usually takes tablets and on the said date, he did not.

Response for Hon. Nicholas Okumu, MCA, lower Savanna. On 30th November, 2017 Hon. Nicholas Okumu rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested for two statements from the Chairperson of the Sectoral Committee on Environment and Natural Resources.

The Member requested statements regarding illegal dumping of solid wastes and raw sewerage at Jacaranda Gardens on the night of 27th 2017 and the piled garbage wastes besides Ngong River along Embakasi Soweto Bridge in Lower Savana Ward respectively.

RESPONSE TO A STATEMENT ON ILLEGAL DUMPING OF SOLID WASTES AND RAW SEWERAGE AT JACARANDA GARDENS

Madam Speaker, as a Committee we own this document. In the first statement, the member requested that the Chairperson should inquire into and report on:

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

Madam Speaker, in the second statement, the Member requested that the Chairperson should inquire into and report on:

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

Madam Speaker, the County Executive Committee Member responsible for Environment, Water, Energy and Natural resources on 1st December, 2017 was invited to a meeting of the Committee that was held on 7th 2017 pursuant to Standing Order 45 (2) (d) to deliberate on the statement.

Hon. Nicholas Okumu, MCA was also invited to the meeting pursuant to Standing Order 45 (2e). In this regards Madam Speaker, I wish to report to the Assembly as follows;

A statement regarding illegal dumping of solid waste and raw sewerage at Jacaranda Gardens on the night of 27th November, 2017 and who authorized the illegal dumping of sewer in the gardens:

Madam Speaker, the Committee was informed of dumping of raw sewer at Jacaranda reportedly on the night of 27th was illegal and therefore not authorized by anyone in the sector.

Measures taken to clear the waste and hold those responsible to account:

Madam Speaker, the Committee was informed that the solid waste and raw sewerage was cleared and disposed off appropriately. Further, the Committee was informed that the Committee Environmental surveillance team is on high alert to ensure nonoccurrence of such unfortunate dumping. The Sector is also employing actions of sanctifying the contaminated ground to arrest possible adverse effects on environmental and Public Health in the affected area.

Madam Speaker, whether anyone has been arrested for the lapse and actions taken against them:

The Committee was informed that to date no arrest has been made but the matter is under investigation particularly by anti-dumping unit of the sector and once the perpetrators are apprehended, appropriate actions should be instituted against them.

Madam Speaker, Hon. Okumu requested the Committee for a detailed inquiry on question 1 and 3 and report to the Assembly immediately when it resumes from recess in February, 2018.

Madam Speaker, in the statement regarding piled waste besides Ngong River, along Embakasi Soweto bridge in Lower Savannah Ward respectively.

Why has the County Government not been collecting waste along and around Ngong River along Embakasi Soweto Bridge since the beginning of the year?

Madam Speaker, the CEC Member stated that collection of solid waste in this particular area and indeed the entire City has been a continuous exercise but various actions including Nairobi City County own fleets, hired contractors and Private Service Providers.

Currently, Nairobi City County has 60 waste collection trucks. Unfortunately only 22 are operational due to breakdown and delays in exercising the necessary repairs. Fueling has also been compromised in optimal utilization of available trucks.

Madam Speaker, in view of the above, the inter-governmental Committee on Nairobi City re-generation has prioritized Nairobi River rehabilitation program and soon there will be a greater collaboration between County Government and various National Government agencies in the reclaiming protection and management of Nairobi River.

Madam Speaker, the Committee was informed that the sector has sought the indulgences of His Excellence the Governor on straightening the enforcement on Environmental matters in the City by the way of delinking the unit from the mainstream enforcement arms of the County for the purposes of promoting undecided dedications to the Environmental tasks among other measures.

Madam Speaker, a copy of the detailed response has been given to Hon. Okumu and further it is hereby attached to these reports. Thank you, Madam Speaker.

Hon. Speaker: Hon. Okumu!

Hon. Nicholas Ouma: Thank you, Madam Speaker, Indeed Chairman, while you were away this House was treated to a circus and I just want to find out if the Vice Chair still holds the view that he does not understand this report neither is he satisfied, so that when I respond, I will know this is a deliberation of the Committee and indeed he has now accepted the report as it is. Thank you, Madam Speaker.

Hon. Speaker: Vice Chair!

Hon. Francis Ngesa: Madam Speaker, it should be appreciated that we come from different political divide that is a fact that we cannot run away from and we must appreciate divergent opinions from different people. The fact that we are reading a report does not mean that I have to be 100% in agreement with it. It does not allude to the fact that a mistake was committed that is why it was brought to this House and we come from different political divide. If it is something that is affecting my party, I have to stand by my party and that is my stand. I will not be a slave of a Committee thank you.

Hon. Speaker: Before you put your Point of Order, Hon. Osman which I will give you--- Okay what is your Point of Order before I communicate?

Hon. Osman Adow: What is the dumping of waste in a field has got to do with political parties?

Hon. Speaker: Hon. Vice Chair, it is unfortunate that you are the Vice Chair. In a Committee, we don't go with our parties. When you are in the leadership with the Committee, you lead the Committee based on what the Committee agreed. That is the challenge, so if you know you are the Vice Chair, you will always find yourself caught with the party then it is good to talk to your party leader and see how we can change

that. In the Committee, you have to agree but if you don't agree you can also do a minority report that is based on that committee. So, anyone can do a minority report either whether you are from Jubilee Party or NASA if you don't agree with your Committee. But if you are the Vice Chair, the Standing Order says you have to stand in for your Chairman and you know when you are giving in the report you are giving in for the whole Committee.

So I want to really beg you in a humble way that when you stand in as the Vice Chair regardless of your party, always read in what the Committee has agreed. But when the Chair is not there, you are the Chair. If you feel it is tedious you have the right to talk to your leaders and they can see what to do. Are we in agreeable with that Hon. Members? Have you finished the second response Chair? Before that Mary Ariviza, do you want to say something?

Hon. Mary Mwami: I really didn't understand what the Chairman of that Committee was trying to read to us. Does it mean that Nairobi County allows the dumping of waste in a field? He didn't really come out to really bring out that should not happen or it should never have happened and should never be allowed in the future to happen.

Secondly, the person who was responsible for dumping was not mentioned. They were supposed to have investigated and bring into this House and tell us who it was and which measures were taken against the culprit because they were several lorries. In fact, it was said to be around thirteen lorries. So, can we really get a better statement and answers because it is like we are being taken around as if we don't have good mental capability that our medulla oblongata are not working?

(Laughter)

Hon. Speaker: I think when the Chairman started, he said it was illegal but maybe the issue of 13 and 7 do not dwell in that. But I think he pronounced that it is illegal and that is what is in the report. Chair, you can answer those few questions that Mary has asked as you proceed with your second response.

Hon. John Muthiga: That is why we encourage that when members come to the Assembly, they are not supposed to sleep. Madam Speaker, from what I have read---

Hon. Speaker: Mary, you have a Point of Order?

Hon. Mary Mwami: Madam Speaker, I am very disappointed with the Chair of the Committee to tell me I was sleeping. I have been awake that is why I listened and I have been able to ask the questions.

Hon. John Muthiga: Madam Speaker---

Hon. Speaker: Order, Chair!

Hon. John Muthiga: Madam Speaker, you protect me on this, I have not said that she was sleeping, I said that is why we say when members come to the House they listen but not sleep. I did not say you.

Hon. Speaker: Absolutely. Proceed, Chair.

Hon. John Muthiga: When I was reading, Madam Speaker---

(Hon. Mary Mwami spoke off the record)

Hon. Speaker: Order, *Mheshimiwa Mellab!* You know what to do.

Hon. John Muthiga: Madam Speaker, that was on 1st December 2017 when that scenario happened and it has never happened again. We are approaching March, so Madam Speaker, it is not going to happen again because we are watchful now.

Madam Speaker, to my other response, on 6th December 2017, Hon. Abraham Njihia rose on the floor of the Assembly pursuant to Standing Order No. 45 (2) (c),---

Hon. Speaker: Chair, just one minute. Hon. Okumu, are you satisfied before he proceeds to Hon. Njihia's statement?

Hon. Nicholas Ouma: Thank you, Madam Speaker, I was wondering how comes he is going ahead to read the next statement without me weighing in and actually saying whether I am satisfied or not.

I want to put the same question to him as the Chair as he reads this report, is it a resolution of the Committee? Because as you have seen the Vice Chair is still adamant that indeed he does not recognize the report and you are even able to see that this report is being punctured left, right and center.

I do not know what to tell the people of Lower Savannah. So, I wanted to know from the Chair, was it a resolution of the Committee or was it his own findings?

Hon. Speaker: Hon. Okumu.

Hon. Nicholas Ouma: Yes, Madam Speaker.

Hon. Speaker: The statement comes from the Executive side. The Committee then sits down and goes through the response, and if they agree, they proceed. The Vice Chair did not agree and he has been honest to us. But in future, if he feels that he is not agreeing with that, not him alone; anyone else can do a minority report on the same. Now that they did not do that, we shall proceed.

If you have other issues, you can raise other questions and then the Chair will proceed back to the Executive to the issues that you are now raising. If that is what you want me to grant you, I will. If there are issues you are not satisfied with, you will not question about why the Committee did it because it is the Vice Chair and I have told him what he should do in future. But I have also advised him as the Vice Chair, it is very difficult. It is for you now if you feel you want to continue being the Vice Chair or not because you cannot --- you are there to stand in for your Chair. So, if you are not agreeing with the report that you have been given, then that is another issue.

I want you to just raise a few issues that you feel you want the Chair to go back to the Executive and they would respond back to you. So I give you that opportunity.

Hon. Nicholas Ouma: Thank you, Madam Speaker. I am now reprimanded, I have to agree with the report. But again it is unfortunate that the report does not give a satisfactory answer on the happenings of that particular date. For instance, Madam Speaker, I know it can happen in any other Ward around the City and it is unfortunate that the dumping of human waste happened in Lower Savannah Ward.

I want to tell the Chair that we are agreeing with this report today but in future they should do a better job to bring the culprits to book. For now, I will let the matter to rest and I will do my own explanation to the people of Savannah. I will report to them that the report given by the Environment Committee was not able to establish who authorized the illegal dumping neither was it able to bring the culprits to book. Thank you, Madam Speaker.

Hon. Speaker: Hon. Jared, you are on a Point of Order?

(Hon. Jared spoke off the record)

Hon. Speaker: On what matter?

Hon. Jared Ondieki: First of all, I was surprised by my neighbor here. I don't understand what he is agreeing to. First in that report---

Hon. Speaker: What was not in order?

Hon. Jared Ondieki: I was yet to know the intention of the dumping. What was the intention? I think that one was supposed to be captured in the report. That is why I am saying that I am not sure what my neighbor here is agreeing to, while we are not aware and we have not been informed of what was the intention of the dumping. Thank you, Madam Speaker.

Hon. Speaker: Hon. Mwangi Wambui, are you on a Point of Order?

Hon. Mwangi Wambui: Yes, Madam Speaker.

Hon. Speaker: On what?

Hon. Mwangi Wambui: Madam Speaker, I am a Member of the Environment Committee and I remember that Hon. Okumu came on that day and he was satisfied and the whole Committee was satisfied. Also, the Vice Chair was there and we agreed as a Committee

Madam Speaker---

Hon. Speaker: Yes Hon. Member can you--- just a minute. You need to cue in so that I can give you the mic.

Hon. Member: Can I borrow [mic]?

Hon. Speaker: Yes you can.

Hon. Member: Is the Committee of Environment in order to claim that they furnished Hon. Okumu with the information regarding the answer he was seeking yet the question that he put to the Environment Committee is a product of the House? I feel it is in order for the Environment Committee to furnish the entire House not only Hon. Okumu. Madam Speaker, I am seeking your indulgence on this because a number of us have got issues with the answer. So, I don't think it is fair for the Environment Committee to close the debate. Thank you.

Hon. Speaker: Hon. Member, the Environment Committee is not closing this debate. You know in a committee you sign against your name. Did you sign this report, Hon. Members? Because I have realized, you know when you question you forget that you have a report, it is signed and it is good. Therefore, before even your Chair gives us a response, did you sit and went through your response before you brought it on the floor of the House.

Yes, Vice Chair.

Hon. Francis Ngesa: Madam Speaker, I wanted to be clear that the Committee sat with Hon. Okumu, I was present in that meeting. The fact is that we still don't know who did this. But the report that has been read was agreed upon by the Committee. What you have advised is that I would have written a different report. But as it is, I am the one who signed it and we agreed as a Committee.

Hon. Speaker: Thank you. We have finished that debate. Proceed on the second response.

(Hon. Nicholas Ouma stood on a Point of Order)

Hon. Speaker: Hon. Okumu what is the Point of Order?

Hon. Nicholas Ouma: Thank you, Madam Speaker. I have just noticed that the copy of the report that I was furnished with is not signed and there is no list of members.

Hon. Speaker: That is the statement.

Hon. Nicholas Ouma: Yes, but this is the response. I am hoping the list of the members of the Committee should be attached.

Hon. Speaker: Not on your statement. As the Vice Chair has said, you went to the Committee and I know there is a list you signed when they were explaining to you your response. So when it comes to the House, it is your response. You don't need to have the list of the Committee members on your response. I have finalized because the Vice Chair has said that you were there, he signed the report himself and we have finished that.

Hon. Nicholas Ouma: Thank you, Madam Speaker, for making that correction.

Hon. Speaker: Proceed, Chairman.

RESPONSE ON A STATEMENT ON GARBAGE COLLECTION IN TOI MARKET

Hon. John Muthiga: Thank you my able Vice Chairman. You know how to correct mistakes that you did last time. May be today you have taken your tablet. Madam Speaker, on 16th December 2017, Hon. Abraham Njehia rose on the floor of the House pursuant to Standing order 45 (2) (c), and requested for a statement from the Chairperson of the Environment Committee and Natural Resources, the Member requested for a statement regarding garbage collection in Toi Market in Woodley Ward.

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

1. Steps put in place to routinely collect the garbage in this area and the scheduled collection day;
2. Whether there is a marked garbage collection point; and
3. Plans put in place to install garbage bins.

Madam Speaker, pursuant to Standing Order 45 (2) (b) the Committee wrote to County Executive Member responsible for Environment, Water and Natural Resources on 13th December 2017 inviting him to a meeting of the Committee that was held on 24th January 2018 to deliberate on the statement.

Hon. Abraham Njehia was also invited to the meeting pursuant to Standing Order 45 (2) (e). In this regard I wish to report to the Assembly as follows:

Steps put in place to routinely collect garbage in this area and the scheduled collection day: Madam Speaker it was brought to the attention of the Committee that some individuals in the market management committee allow some waste from outside the market to be brought in and deposited alongside the waste emanating from within at a fee.

Madam Speaker, the committee was informed that the environment and natural resources subsector had taken the following short and long term measures to improve waste management not only in Toi market but also in the entire City.

Short term measures: Nairobi City government own fleet capacity: The sector had developed its own solid waste collection and transportation trucks to all the sub counties for ease of optimal utilization. The Sub-County Environmental Officers will therefore be duly in charge of utilization of trucks assigned to them.

Devolution of the fuelling system of trucks-the sector is in the process of facilitating the Sub-County Environmental Officers to manage the fuelling of the respective trucks.

Facilitating of repairs upon breakdown of waste collection trucks: The sector headquarters management will continue fast-tracking repairs of the tucks since this cannot be left to Sub-County Environmental Officers.

Acquisition of additional fleet capacity: In 2017/2018 financial year, the sector had requested for purchase of additional trucks and equipment. This may perhaps be achieved either through purchasing or leasing.

Nairobi County hired capacity: Similarly for hired contractors, the sector had taken the following measures:

- i. Improvement in contract management to ensure that the 28 solid waste collection and transportation contractors adhere to contractual obligations for optimal productivity
- ii. Fast-tracking processing of payments within 14 days after the end of the month after consideration and forwarding the document to Finance and Economic Planning sector for further action.
- iii. Advertising for new contracts ahead of the expiring ones
- iv. Advertised 17 contracts specifically for sweeping and assembly of the resultant waste in designated collection points for ease of collection.

On part (c), there were two broad categories of private service operators namely private service providers and community based organizations.

Nairobi City Government has continued to facilitate operation of both PSPs and CBOs to provide service across the City to supplement the effort of the other category of the services providers. Currently there are over 50 PSBs and over 100 CBOs that operate in the City.

Madam Speaker those were the short term measures.

Long term measures:

- i. Collection and transportation plan. This component focuses on improvement of the County government solid waste management collection and transportation capacity.
 - ii. Reduce, reuse, recycle and intermediate treatment plant. This component focuses on minimization of waste fractions that have evenly to end in final disposal facilities as well as sustained public education to promote environmental friendly practice and attributes.
 - iii. Final disposal plan. Unsorted waste ought to be disposed in properly designed and managed facility. Initially the planned decommission of current Dandora dumpsite and construction of sanitary landfill in Ruai. Due to some objection by stakeholders the County government is exploring possibility of establishing an alternative facility that employs acceptable technology.
1. Whether there was an earmarked garbage collection point and plans in place to install garbage bins.

Madam Speaker, the meeting was informed that the actual place where waste accumulates in Toi market is a collection point, however the point just like many other markets in the City, needs to be properly developed and managed to enable proper containment of the waste.

The environment and natural resources sub sector is liaising with other relevant sectors including land and trade to ensure all considerations are done before commitment of resources in this noble endeavor.

Placement of garbage bins commonly referred to as Kips in Toi market has not been considered mainly because the capacity of the currently available Kips cannot handle the waste there. Madam Speaker

a copy of the detailed response has been given to Hon. Abraham Njihia and a further copy is hereby attached to these reports, thank you.

Hon. Speaker: Hon. Njihia, that is a very long response but I believe you have understood more.

Hon. Abraham Njihia: Hon. Speaker, it is true that I was called by the Environment Committee not once but twice. When they called me on first day, there were some allegations which I could not concur with and I had to take the Chairman and some Committee Members to the ground whereby they were alleging that the garbage was not from that market, it was brought to the market at a fee. We found out that the garbage was in fact from the market and I want to thank the Chairman because he took all the measures. The garbage has since been removed and maybe in due course or future, we have a big land which can fit those bins. But for now the kind of work they did was good, in fact they removed approximately 67 trucks of garbage. So I want to say thank you to the Chairman, thank you Speaker.

Hon. Speaker: Thank you. We have another response. Chairperson on liquor, do you have response for Hon. Wanyoike?

Hon. Abraham Njihia: Thank you, Hon. Speaker, as I promised last week that the report will be ready, it is ready and I can go through it.

RESPONSE TO A STATEMENT ON THE ACCOUNTS OF THE NAIROBI LIQUOR LICENSE BOARD

Hon. Speaker, on Wednesday 8th November 2017 Hon. Peter Wanyoike, MCA rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested Chairperson of Culture and Community Services Committee for statement regarding accounts of the Nairobi Liquor---

Hon. Speaker: Just a minute, is Hon. Wanyoike in the House?

Hon. Abraham Njihia: Hon. Speaker, he is not in the House. He is in Mombasa.

Hon. Speaker: Then we will have to wait because he needs to be in the House when the statement is being replied or when you are reading those responses. Just hold on, we will deal with it when he will be in the House as per the Standing Orders.

(Statement deferred)

Hon. Kimemia is not around and therefore, I will also defer his Motion. It will come the day he will be in the House. I know he is in Mombasa.

ADJOURNMENT

Hon. Speaker: Hon Members there being no other business, the House stands adjourned to tomorrow, Wednesday, 21st February, 2018 at 2.30 p.m. The House Business Committee will meet after this.

(The House rose at 4.06 p.m.)