



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Tuesday 20th March, 2018

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, ring the bell for five minutes.

(Bell was rang)

Order, Hon. Ngengi! Go to the bar! Proceed, Clerk.

NOTICE OF MOTION

Hon. Osman Adow: Thank you, Madam Speaker. Before I read my Notice of Motion, I would like to bring to your attention on Standing Order No. 31 (1): *“Unless the Speaker, for the convenience of the County Assembly otherwise directs, the County Assembly shall meet at 2.30 p.m. on Tuesday, Wednesday, and Thursday.”* This is not happening, Madam Speaker.

Now I will go to my Notice of Motion---

Hon. Speaker: Wait. Yes, I want to tell the Whips, from now onwards I will be walking in at 2:30 p.m. If there are no members, I will adjourn the House. It is up to the Members.

WASTE MANAGEMENT PLAN IN BUILDING APPROVALS

Hon. Osman Adow: Thank you, Madam Speaker. THAT, aware that solid waste management in the County pose a great environmental 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, refuse dumps and solid waste disposal as a County function; concerned that the implementation of solid waste management faces numerous challenges especially from residential areas due to lack of proper designated area for holding waste; further concerned that improper solid waste management is an emerging health threat to the residents of Nairobi County, the environment and well-being of the City; acknowledging that solid waste management is a collective responsibility that require all the generators to ensure the environment free from health risk; noting that most residential buildings and estates in the County have no designated waste collection area; this Assembly urges the County Executive to ensure all building plans with more than four stories to incorporate solid waste management chutes in their architectural plans and building with less than four stories to incorporate a designated solid waste holding area for temporary collection henceforth.

Thank you, Madam Speaker.

STATEMENTS

Hon. Speaker: Hon. June Ndegwa. Is she in? Hon Jeremiah, do you have a statement?

STATEMENT STATUS ON MAINTENANCE AND INSTALLATION OF STREET LIGHTS

Hon. Jeremiah Themendu: Madam Speaker, I had a statement brought here last year, 6th December to the Chair on Transport concerning:

- i. Reasons why the County Executive has not been periodically maintaining street lights in public institutions in the Wards;
- ii. Reasons why the County Executive has not been able to install new street lights in some parts of the Wards that are poorly lit;
- iii. Number of vehicles that are currently operational in the sector per section; and
- iv. Reasons why there is no consistent supply of maintenance materials in the sector.

Madam Speaker, they called me on 23rd January 2017 and they came with verbal response. I told them to go back and come with response. From then till now, they have not communicated to me. The problems are still there and nothing has been done.

Hon. Speaker: I am about to call for responses, let us see whether one of the response will be yours, Hon. Themendu. If not, we will request the Chair of the Committee to tell us what really happened.

Hon. Osman, you have a statement? Proceed.

STATEMENT REQUESTON ON REHABILITATION OF SOCIAL HALLS IN EASTLEIGH NORTH WARD

Hon. Osman Adow: I have two, Madam Speaker. Pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Culture and Community Services regarding rehabilitation of Social halls in Eastleigh North Ward.

Hon. Speaker, social halls were allocated funds in the last financial year for rehabilitation. For instance, Eastleigh North Social Hall was allocated Ksh. Five million and up to now, no rehabilitation work has commenced.

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

- i) When the County Executive is planning to rehabilitate the social halls in Eastleigh North Ward.

Hon. Speaker: Hon. Njihia. Put on your microphone.

Hon. Abraham Njihia: Hon. Speaker, I request the Member to give me two weeks. In fact this morning we were discussing about the same halls. I will be able to respond in two weeks. Thank you.

STATEMENT REQUESTON ON DELAYED PAYMENT OF COUNTY EMPLOYEES

Hon. Osman Adow: Madam Speaker, two weeks is okay. I will read the second one. Pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Finance, Budget and Appropriations regarding delayed payments--- It looks like I have been given a wrong statement. That is not what I asked.

Hon. Speaker: Was it on the issue of community services regarding rehabilitation of social hall?

Hon. Osman Adow: No. The statement I had written and what I was given is different. So, I will postpone it until further notice.

Hon. Speaker: Was it on the issue of social halls?

Hon. Osman Adow: No, it is the same statement but it was not directed to Budget and Appropriations on employees' salary. I wanted to know why officers were holding on to files instead of passing them on within the Executive. Right now, it is only contractors and suppliers who are moving files from one office to the other.

Hon. Speaker: Okay, it is here. Can you be given by Serjeant-at-Arms so that you proceed with it properly?

Hon. Osman Adow: Yes, it is the same but it has been allocated wrongly here. The one I was given earlier was correct but what I was given to sign is different.

Hon. Speaker: Deal with the clerks tomorrow.

Hon. Osman Adow: Thank you, Madam Speaker.

(Statement deferred)

Hon. Speaker: Hon. Members, I have quite a number of responses and I hope the Chairs have those responses. Since Hon. Waithera is not in, the Chairman on Environment can hold on that response. Response to statement for Hon. Osman from the Chairperson on Culture, Hon. Njihia.

Do you have the response to the statement regarding wrong stationing of liquor establishments?

Hon. Abraham Njihia: Hon. Speaker, I don't have the response today but I promise by tomorrow 2.30 p.m. I will deal with the statement.

Hon. Speaker: Tomorrow 2.30 p.m. is okay. Response to the request for Hon. Jayendra Malde which was directed to the Chairperson of Sectoral Committee on Transport and Public Works regarding street lighting in Parklands/ Highridge Ward.

Hon. Mark Macharia: Hon. Speaker, I beg to respond to that statement tomorrow since we don't have the report now.

Hon. Speaker: You are the Vice Chair?

Hon. Member: I am the acting Chair. Standing Order 168 says, once a chairperson has been discharged from his or her mandate, the committee is supposed to go for another election.

Hon. Speaker: You haven't done the election yet?

Hon. Member: We haven't done the election, so I am still the acting Chair.

Hon. Speaker: Hon. Mwangi Njihia, you had requested a statement to the Committee of Planning and Housing regarding plot LR No.209/1197/3. Chairman Planning, is he in? He is not in. Hon. Members, I want to request the leadership, in absentia, that since we changed and tabled names of [new] committee [members] they must abide with the law and do what is rightful so that the committees are approved. We don't want to go in that confusion we are in now. The law is clear. I request all committees, especially those whose chairs were de-whipped to reorganize and do elections again.

The response of Hon. David Mberia? He had requested the Chair on Budget on the procurement plans of 2017/2018. Yes, Hon. Mberia.

Hon. David Mberia: Thank you, Madam Speaker for giving me this opportunity. There is a statement I sought last year before we went for the long recess from the Chairperson of Lands, Planning and Housing. We are in March but as I indicated earlier, I am ready to wait for this response even for one year. But I haven't even been called by the Committee probably to shed light on what I know about the public utilities across Karen Ward. There is a tendency of chairpersons walking out of the House immediately when we reach the statement time and I believe with your wisdom, you need to rule on that. How long is a statement supposed to stay before a response?

Hon. Speaker: Thank you Hon. Mberia. I want to agree with you. I remember your statement on the utilities in Karen and we agreed with the Chair since he requested for more time. I think he was to go to the ground and look at the issue. Since I can't see the Chair around, I will request the Member of that Committee to request the Chair to kindly ensure that we have that response end of Wednesday so that we dispose it. It was a matter that needed urgency and I want to urge the leadership to sit down and agree how we run this House. It should not become a House where we just say things. We believe this is a House of rules and procedures; it is a House of records; any public member of Karen can come and look at the response and see how to engage the issues they want to raise. We have donors who would wish to support you. They would want to know the challenges. So let us not make the House as a place where we come and do things and walk out. I am urging the leaders of both sides to assist. Hon. Mberia. The Chair will ensure we have response by tomorrow.

Are the chairs strict with CECs? You are answerable to your CECs in this House but if you're not sitting down with your CECs then you will carry the burden of questions while they are far away. You will be carrying a lot and not be giving us the correct answers that we need in this House. I am urging the chairs that when you are in this House, you're standing in for the CECs. We are requesting to get the response from the very many statements. We have 20 statements that need responses; in fact 22. *Mheshimiwa* David Mberia?

Hon. David Mberia: Madam Speaker, you can as well do on the one on Budget and Appropriation Committee. Kindly, rule on the statement on Budget and Appropriation Committee.

Hon. Speaker: I saw the Chair here; I also saw the Deputy. I am wondering how they all left.

Hon. David Mberia: The Chair went through that door and the Vice went through another one.

(Laughter)

Hon. Speaker: If he comes back I will make a ruling on that. As I proceed, I want--- Hon. David Ayo, you had something to say?

Hon. David Ayo: Thank you Madam Speaker, I rise on the same point because as per the Standing Orders, I had the same problem in Gatina Ward. I made the same statement, asking the Chair of Planning to observe the public amenities in Gatina Ward. I did the statement through your office and I would like you to rule on the same kindly.

Hon. Mary Mwami: Thank you, Madam Speaker, I am rising on a concern because I can hear you discussing on statements and budgets. Madam Speaker, we as Members of this House are quietly suffering because of something to do with our budgets at home and within. This is because we have been here almost six months and we are not able to get our mortgage and car loans and then when we get them some of the people given to us as lawyers, the ones gazetted from the very beginning, are unable to handle our cases so well.

They are demanding from some of us are as much as Kshs.200,000. I would like you to do something about it because we think 200,000 is quite a large percentage of what we will be able to get. Thank you so much, Madam Speaker.

Hon. Speaker: Thank you, Mary. I get your concern and I will request for those who are still looking for their loans and even those who have gotten--- but I will request the team that handles the loans and mortgages to come and brief us on what is the percentage. I believe there is a law that is very clear with the scales of how much you are supposed to charge every Member and I think it is within 2.5% and it should not even exceed Ksh.35, 000 if you are getting about Ksh.5 million. So, I would want to ask the Members of that Committee to come so that we look at the concern and see where the problem is and why the lawyers are fleecing money from Members. We have to be within what the law says. For me, the issue is, are we within the scale or have we decided to hike it so high? So, I will look at that, Mary, and I would request the committee to give us a report in this House tomorrow.

Any Member of that Committee? Loans and Mortgages? Leader, do you want to follow up? Just bring us the scales because what Mary is requesting is to know what the scales we use are when giving loans and mortgages to Members. So, that one is something within us. It is not going to the Executive. It is easier to bring just the scales so that Members can know.

Hon. Moses Ogeto: Thank you, Madam Speaker. We will furnish the House with that since it is within our borders. We will do that by tomorrow. Thank you.

Hon. Speaker: Thank you. So, Mheshimiwa Jared had requested the Chairperson on Culture, Njihia on decentralization of firefighting services. Do you have the answers?

Hon. Abraham Njihia: Hon. Speaker, I have been away on an official duty and maybe I seek your indulgence. Tomorrow, Wednesday, I can give a conclusive report on the same.

Hon. Speaker: Okay. The Chairperson on Labor and Social Welfare. Is it you Mwangi? Are you also the Chair of Labor?

Hon. Abraham Njihia: Okay. Hon. Speaker, in fact it is in my docket. I had come here with the statement but unfortunately the Member had been away. And once he is back, I will be able to give the report because it is ready.

Hon. Speaker: Okay. We have a statement. Chairperson of Transport is not around. Yes, Hon. Ngesa?

Hon. Francis Ngesa: Thank you very much, Madam Speaker. Today, people have been speaking about statements and I observed something in this House, most of the chairpersons have been talking of two weeks; two weeks that never end. Madam Speaker, I requested for a statement from last year November concerning Osogo Road in Dandora phase 4. Madam Speaker, I have walked from office to office asking for the status of this road or how they are going to repair it. Up to date, I am getting no response and it forced me to seek advice from you today on what to do so that they repair that road.

Hon. Speaker: Which office?

Hon. Francis Ngesa: I have moved from Chief Officer for Road's office to the procurement office and they are singing the same song telling me that they are doing something. Madam Speaker, my people are being mugged in that area. The road is very pathetic and I am really requesting you with all your powers to help me on this one. Thank you.

Hon. Speaker: Okay. I don't want to promise but I will make sure we meet the whole team because I might promise and they say they will do the road and they might not. But let us meet the team first to see whether they have that motivation of ensuring the road is done. It may be that they don't have incentive or maybe there are resources at the moment. The best is whether they do have that motivation. So, we will meet them together with you. Is that okay?

Hon. Francis Ngesa: I met the Chief Officer and he told me that there is money. So I am wondering why they are not doing that road.

Hon. Speaker: He said there is money?

Hon. Francis Ngesa: Yes, there is money.

Hon. Speaker: Then we will use a different route.

Hon. Francis Ngesa: Thank you very much.

Hon. Speaker: Okay. Hon. June Ndegwa?

Hon. Juliet Ndegwa: Thank you, Madam Speaker. I would like to request for direction. I had a request for a statement. Can I do it now?

Hon. Speaker: Let us do it last because we had passed the process. We just finish with the response and then I will call you in to finalize.

Hon. Juliet Ndegwa: Thank you.

Hon. Speaker: Mheshimiwa Mberia.

Hon. David Mberia: Madam Speaker, the Budget and Appropriation Vice Chair has just walked in. Probably he can shed light on my response.

Hon. Speaker: Vice Chair, thank you for coming back. There is a statement that Hon. David Mberia had requested on appropriations regarding procurement plans for the year 2017/2018 and budget utilization report. Do you have the response?

Hon. Patrick Karani: Thank you, Madam Speaker. I don't have the response. We have been quite busy, Madam Speaker, since that time the Budget Committee together with the Executive have been handling County Integrated Development Plans. We have been engaging the sectors. We have been handling Annual Development Plans. Currently, we are handling Supplementary Budget. The Committee and the Executive have been really engaged. I will follow up with the---

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

Hon. Moses Ogeto: Madam Speaker, with due respect, I am on a Point of Information. The Vice Chairperson for Budget and Appropriation Committee, is he trying to communicate to this House that they are busy until they cannot attend to the statements of this House? There is no way a vice chairperson can purport not answer to a response requested two weeks ago. Madam Speaker, when you finish with that, I will stand on a Point of Order on Standing Order 228 which will give a ruling on the same.

Hon. Speaker: *Mheshimiwa* Patrick Karani.

Hon. Patrick Karani: Madam Speaker, I want to make it very clear that we are really devoted to make sure the business of this House is running smoothly. We are trying to engage the Executive and they are working on it. You know, Madam Speaker, sometimes the other side are also overwhelmed and they are pleading with us---

Hon. Speaker: Yes Hon. Mary Mwami.

Hon. Mary Mwami: Thank you, Madam Speaker for understanding me. I was not sure whether it was an order or a clarification. I want our Hon. Member not to purport that the other side is overwhelmed. Those people are employed to do their job and they are supposed to do their job. How have you known that they are overwhelmed? We are supposed to do our duty in this side and we pass it to them and if we need clarification from them, they need to give us. But for you to come and cover for them and say that they are overwhelmed, we need to know what is this overwhelming them unless they are tired of their jobs they need to go home. Thank you, Madam Speaker.

Hon. Patrick Karani: I am not defending the Executive, Madam Speaker. What I am saying is that we have been engaging the Executive continuously for three weeks as a committee and even today I have walked in late because I was enquiring about the same matter and they have told me they are working on it. Probably next week, we shall be able to table it.

Hon. Speaker: Chair, you want to tell this House that the Executive is overwhelmed and the issues that we are doing right now are for the Executive, they are not for us? It is for the Executive to move. So if they want some of these things to move, are we having one person in an office? I believe we have different departments and officers working in those offices. I know the work of the CEC is very clear, he does policies and so he cannot therefore purport again to be the one doing the approvals. We have the accountants, the chief officers and other officers.

For us, we know we are engaging the CEC because the CIDP is under him but he has other officers who are under him, I don't think he is the one who sits and writes the response. I believe he advises on how the responses will be written, let us be honest here. And you know the President said that if they are unable to work, they go home. We have young people who are looking for jobs.

(Applause)

Yes, you don't make our House to stand because of the others; I will not allow that here. What I want is the response of Mberia tomorrow and I know that you are overwhelmed on this side but you are overwhelmed because of two things, if you follow your strictness, they will work. They have brought their

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things late and have to be passed hurriedly; it is not right for the House. So, you go back and put pressure on them, we want the response. They cannot tell us that they are overwhelmed. That is why the Governor has given them an opportunity to work and they should not let down our Governor. We want people who are going to work in this County. So, we need this response tomorrow. Is it okay?

Hon. Patrick Karani: Thank you, Madam Speaker.

Hon. Speaker: Hon. Francis, you are still on me?

Hon. Francis Ngesa: Thank you for your wise decision, that is the problem that we have been having in this House. I don't think if it is right for a Member who has been appointed to chair a committee to come here and tell us that they are overwhelmed, that is very funny of him and I don't think he should use that word. That is the same problem that I am having, I talked to a member of a committee and he told me the same thing and that is why I went to that office.

Please with your wisdom we need to get things moving, we are one year in to office and I have done nothing for the Dandora people, every day they make a lot of noise. Madam Speaker, please you need to stamp authority. Thank you very much.

Hon. Speaker: Hon. Mwangi Macharia, what is it?

Hon. Benson Macharia: Madam Speaker, allow me first to say thank you for giving me this opportunity. Madam Speaker, let us not pretend as if we are not aware of the dynamics of this House especially the Executive part. Madam Speaker, one of the challenges that we have encountered is that some of our members are absolutely rude to the Executive Members and that is why you find Executive Member is very reluctant to implement this project. I had a problem with lighting in my Ward and I had to go there as a Member of the County Assembly and my case was sorted out. I did not have to yell or threaten them or ask for statements.

So, Madam Speaker, in the defense of my able Vice Chair of the Budget Committee, we do realize that it is a Government in transition and we are yet to pass the Supplementary Budget, we are yet to actually go through a thorough audit of all the projects that were done and organize who is doing it. So, if a project in your Ward is not done, kindly I am pleading with you do not go there chest thumping but just see the relevant people.

(Hon. Ogeto spoke off record)

Hon. Speaker: Yes, Hon. Ogeto.

Hon. Moses Ogeto: Madam Speaker, is my colleague Macharia using parliamentary language? Is he trying to lecture the Hon. Member? It is unparliamentarily language. We cannot allow him to stand and lecture our colleague before the House; there is a problem in Dandora.

Hon. Speaker: Hon. Benson, are you lecturing your fellow Hon. Members?

Hon. Benson Macharia: Madam Speaker, I am not doing that. Leadership comes with humility and also comes with respect. If a Hon. Member can go to a whole Chief Officer who has over 20 years of

experience and this is the first or second time that you were elected, then you start threatening him, he will tell you that. Madam Speaker, we have seen a lot of----

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

Hon. Mary Mwami: Are you trying to belittle the other Hon. Member that he is lesser when he goes to demand for his Ward activities because it is the first time and that those people have been in the offices for long? I feel like the Hon. Member is trying to make sure that people are protected on the other side but he is bringing out the issue of not knowing who we are as Assembly and who the Executive are. He has a right of going to any office and indeed any Kenyan has a right of going to any office and demanding for services. I don't think you have any idea that our Hon. Member here went there and he was disrespectful? Just because he went to say that the Dandora Ward is this and this, how did he disrespect? What has that person brought forward for us to know that there was any disrespect?

I think we better use like my fellow colleague has said parliamentary language. He was there and I think Madam Speaker concluded it very well that we are going to do our part this way, and they are going to do their part that way. Of course honour and respect are needed but for the Hon. Member to demand for some services for his people is not disrespect. Thank you.

Hon. Speaker: Hon. Benson, I want you to finalize.

Hon. Benson Macharia: Madam Speaker, I am sorry my fellow Hon. Members misquoted me. All I am trying to say is that as a leader, you have your own ways of doing things and that is why the people of your great Ward elected you here and also that is why your party nominated you. There is just a professional way of doing things and I believe in that professional way. I have seen it working in my area of representation. Thank you.

Hon. Speaker: So you are trying to tell the Hon. Members if they work in a professional way, things will move? Which is true anyway, if you work in a professional way.

Hon. Members, I want to finalize that, Hon. Otieno I have heard you and I believe Hon. Mary has asked a substantive question which I can finalize. I want to go back to the Chair of Budget because it eluded from that discussion that if you want to bring decorum, all members and all Chairmen in this House need respect from our Executive side and if you need services because you are the elected members you need to know how to also work with the Executive side. You are both to work together for your own benefit and for the services of Nairobi.

Chair, we don't want to hear that they are overwhelmed, they are on a salary. We have many people, if you call for an interview today you will be so surprised how 10,000 people will drop those CVs. So let us not go that route, kindly request tomorrow from the officer who is in-charge to give you a response and we will dispose, and it is a very simple response. They have procurement plans, they are already there it is a matter of just sharing with you. I don't think they are creating new ones. So Chair, I believe that one you can do.

Hon. Patrick Karani: Madam Speaker, I would like to bring to the attention of this House that the way the Executive is structured you will find that the Department of Procurement is under the Office of the Governor but it is supposed to be under Treasury.

Department like internal Audit is under the Office of Governor and not Treasury. So you will find there are sometimes administrative challenges that they undergo and also I think the responsibility of this House at some point in future to discuss and deliberate on the organogram for the effectiveness of service delivery. So these are some of the challenges that we are forced to undergo. When the CEC of Finance wants to get reports on procurement plan, he has to request from the County Secretary. The question was directed to CEC Finance. So we admit that there is a problem but with time, we shall be able to fix these structural challenges.

Madam Speaker, I agree with you and I will go back there once I am out here and push them to have the report ready tomorrow. Thank you.

Hon. Speaker: Thank you Chair. Hon. Karani had requested the Committee on Water regarding an MOU that was done between Nairobi City County Government and the Ministry of Water and Irrigation and Athi River Services Board. The Chair is not in so I will defer that so that tomorrow you will get your response.

Hon Njihia you had requested the Committee on Health Services regarding the disbursement of money on free maternity. The Chair Health is also not around.

We have a response requested by Hon. Osman on Justice and Legal Affairs regarding lack of enforcement of traffic rules by the Inspectorate Department. Hon. Malde do you have the response on that? Put on your button for the *Hansard*, you can switch it on.

Hon. Jayendra Malde: Hon. Speaker, I need two more days to complete the investigation that we are doing because my Committee was in Mombasa for two weeks.

Hon. Speaker: On the same or your Committee was in the Mombasa for another issue?

Hon. Jayendra Malde: No on budget issue but Committee on Justice and Legal.

Hon. Speaker: Naftali Mathenge had a request for a statement from the Chairperson on Culture and Social Services. Hon. Chair you remember you had said that you need time? I give you tomorrow to bring a response regarding rehabilitation of Githurai playground.

Kindly, if you know you wouldn't have those statements do not put it on the Order Paper. Hon. June, proceed with your statement.

PERENNIAL FLOODS AND THE DISASTER RESPONSE IN THE CITY

Hon. Juliet Ndegwa: Thank you, Madam Speaker for the opportunity. Hon. Speaker, pursuant to Standing Order 42 (2) (c), I wish to request for a Statement from the Chairperson of the Sectorial Committee on Culture and Community Services, regarding the perennial floods and the disaster response in the City whenever it rains.

Madam Speaker, I am aware that this is not the first time that this House has been asked or the Committee has been asked to give a statement regarding mitigation measures that the County has put in place to deal with the disaster such as floods. Unfortunately, the problem keeps reoccurring since no mitigation measures have been put in place firmly to deal with the foreseeable disasters such as floods.

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

- i. Whether the County has sufficient fund for disaster Management and their usage over the preceding financial year since 2013;
- ii. What measures the County has put in place to deal with the recurrent foreseeable disasters such as floods;
- iii. What is the County preparedness for the disaster in light of recurrent of hazards;
- iv. What are their attempts and mitigation measures whenever disasters like this strike; and
- v. Action that is being taken currently against developers who have encroached on riparian lands causing blockage of rivers and drainage systems.

Thank you.

Hon. Speaker: Chair Culture, I know this is a statement that was also requested last week even though Hon. June has elaborated on more. The last one was to the Sectoral Committee on Environment. So when you are answering, I want you to ensure you look at the other statement which was requested last week and see how you will compile all the answers together. Yes *Mheshimiwa* Osman.

Hon. Osman Adow: Madam Speaker, I think that question should be directed to Roads and Public works since the drainage system comes under that department. Thank you.

Hon. Speaker: Yes. That is why I have asked the Chair to relook at what is requested, so, when answering the question, I want a conclusive response on all so that when we are replying Hon. June and the other Member, we don't repeat it again because they are similar. I would rather have one more critical elaborated response that will come back. Hon. Njihia!

Hon. Abraham Njihia: Hon. Speaker, bearing the weight of the matter, I think it is something that needs to be looked at in about three Committees. We require two weeks. I know it is a disaster and based on what we are undergoing, it would be my wish to respond on the same maybe within a week. The Executive have to be given seven days' notice before they can come to our meetings. It has been a norm that we are giving two weeks mostly because we are told one week the Executive have to be given notice to attend and then for sitting we call Members, that is what we undergo. So, Hon. Speaker on this weighty issue, am requesting two weeks.

Hon. Speaker: Hon. Chair, who gave you the rules and regulations that we are supposed to give seven days? Did this House pass such a rule and which regulation do we need to read to get that because this is a House of rules? Which is this that says seven days?

Hon. Abraham Njihia: Hon. Speaker, when I was seated here, I was going through Standing Orders. I can find it unless guided but that has been the norm because we are usually told seven days. We are told that the Executive cannot attend our meetings unless they are given seven days to attend and I don't know why.

Hon. Speaker: I ask again, who said?

Hon. Abraham Njihia: It is the Office of the Clerk because they write those letters. For example, we have been looking at Social Halls as we have a weighty issue on Eastleigh Social Hall.

We have been looking for time to go and look at it but we are told that we cannot go there until the Executive is given a week. Maybe the Office of the Clerk can tell us where they got the seven days. Hon. Speaker, as you have seen, no chairman can stand here and say by one week. This is because it is not possible.

Hon. Speaker: Hon. Mary. Did you have something to say before I proceed?

Hon. Mary Mwami: Yes, Madam Speaker. I feel that it will be good if you add budget and procurement to this. This is an all-round problem. I am in two committees where we always talk about people who have not been paid. There is a building at Yaya Centre where one is functional and the other not paid for. I am told that the cost for pulling down the other block is quite expensive and will incur more expenses than if it were to remain where it is. I am driving to the fact that there are too many people who have done jobs with Nairobi County and are never paid and when that happens, they are disgruntled—

Hon. Moses Ogeto: Point of Order, Madam Speaker.

Hon. Speaker: She is on a Point of Order. Let her finish her point.

Hon. Mary Mwami: Let me finish.

Hon. Moses Ogeto: Madam Speaker, this is a House of rules and procedures. It is good that my colleague sticks to whatever is before this House. It is not procedural to start mentioning Yaya Centre here. Instead help Hon. Njihia on how the statement should be responded to before the House. Thank you.

Hon. Speaker: Thank you. Mary, I was also wondering where Yaya centre is coming in from? Are you linking it to---

Hon. Mary Mwami: Hon. Ogeto is the MCA for Kilimani area and he is very protective. I voted in Kilimani Primary school

Hon. Speaker: I don't think he is protective, Hon. Mary.

Hon. Mary Mwami: I have an interest---

Hon. Speaker: I want you to withdraw---

Hon. Mary Mwami: I was giving that as a parallel example.

Hon. Speaker: Mary, I want you to withdraw that statement that he is protective

Hon. Mary Mwami: Okay. I withdraw. He loves his constituency and talks well of it. When we continue to bring in people to work for us and we do not pay them on time, they may do things that are impossible for us to move forward.

(Laughter)

Hon. Speaker: Mary, I don't understand what relationship it has with what we were discussing.

Hon. June Ndegwa: Thank you Madam Speaker. That is what I wanted to ask. Can we first finish the disaster management request for statement then we can discuss about Yaya? If you don't mind Madam Speaker.

Hon. Speaker: I think it is finalized. Hon. Njehia said that he needs seven days and so I want us to--

Hon. June Ndegwa: Madam Speaker to be honest and considering that we have been sent here by the people of Nairobi. If a building went down today, are you telling me that we are going to wait seven days for us to be able to get the debris and people out? I think that this is something that needs immediate action and steps taken. Let us know if we have money or not. Are we going to wait for floods to come and sweep us away and next year we get to decide if we have monies for disaster? Madam Speaker, it is sad when kids get lost in floods and Ward members come here complaining about the same in their respective Wards.

Hon. Speaker: Okay. You are now anticipating debate on the same. Since it was a statement, let me rule on it. First of all, this House has never passed rules and regulations that you can use for disaster fund. The first step is for us to ensure through the Chair budget that you bring forth the rules and procedures that are there for a disaster fund so that we are able to be given a go ahead by the Comptroller of Budget and receive funds. Or else, it will be very difficult and we will not even blame the Governor because he cannot withdraw these monies without a regulation. Let the House and the budget teams follow up and ensure that we have those regulations. Yes Chair

Hon. Patrick Karanja: Madam Speaker, we are in the process of initiating the process and establishing the fund

Hon. Speaker: So how long do we give you to ensure that the rules and regulations are brought to the House?

Hon. Patrick Karanja: Madam Speaker that is the sole responsibility of the CEC Finance as per PFM Act and already it is in his in-tray. Thank you

Hon. Speaker: Yes Hon. Moses Ogeto

Hon. Moses Ogeto: Madam Speaker, my colleague the Vice Chairperson is saying that it is upon the CEC and yet the PFM Act does not make the CEC not to do a disaster emergency kitty immediately. It is very clear. Let the Chairperson tell us that the kitty has already been developed then the subsequent regulations be passed before this Assembly. This cannot take even a day. Madam Speaker, this is a House of rules and procedures. We have a disaster that does not need regulations. What if the regulations come when Jesus comes before this House?

Hon. Speaker: Chair?

Hon. Patrick Karanja: Madam Speaker, I want to bring to the attention of Hon. Ogeto that the emergency fund is provided for in the PFM Act. It doesn't need to be established. The law states that when an emergency comes, there is a budget provided for to a tune of Ksh. 90 million. If an emergency occurs then the County Executive is authorized to spend the money and after that, they are to table to this House how they have spent the money. That does not limit this House to come up with rules and regulations on how the fund can be managed. As far as the committee and kitty is concerned, the money is already provided for in the budget and the rules and regulations are yet to be brought to this House for consideration. Thank you.

Hon. Speaker: Chair, you know that there is no money that can be spent by the Executive without the County Assembly giving a nod and when you tell us that the money is already there. What is the 2.5% of your Ksh. 30 billion budget that you passed in 2017? Isn't it a lot of money? How come not it is just Ksh. 90 million that you feel is in the account? The best thing you can do for this County is for you to bring the rules and regulations so that you give the Executive powers to withdraw the money.

So, I am saying that for us to respond to all these responses is for you to get us the rules and regulations passed so that when someone asks for a statement as that of June, we will be able to unlock all of that. Therefore, we are requesting the committee to assist the House to ensure that these statements are answered with actions. You don't need to answer that. Follow up. I know that the CEC is committed. Kindly request him to forward the same before the House. Next Order.

Hon. Moses Ogeto: Point of Order.

Hon. Speaker: Hon. Ogeto, what is it now?

Hon. Moses Ogeto: Madam Speaker, I am still on Point of Order 228. Madam Speaker today is a good day for me because there is a Vice Chairperson for this Committee called Budget and Appropriation Committee. Madam Speaker, there is a supplementary budget which was tabled before this House and even

up to today our electoral Ward offices are unable to be served with tea because of one Budget and Appropriation Committee Chairperson. Madam Speaker, the supplementary estimates in 228(3) are very clear on the Standing Order and it has referred us to 2(2) which talks about the timelines of the supplementary budget. Madam Speaker, I raised this but unfortunately they were in Mombasa enjoying and not serving the Nairobians and...

Hon. Speaker: Order, Hon. Ogeto! Where were they enjoying?

Hon. Moses Ogeto: Madam Speaker, I remember well that they did not get approval from this Assembly to go to Mombasa and do things which are not concerning this Assembly. I am aware of that. So, Madam Speaker, I am requesting the Chairperson to respect the timelines which are on the Standing Orders and which are also in the PFM Act and to tell us when he is tabling the supplementary budget because the money that the Governor is spending currently, even for this disaster, is not approved before this Assembly meaning that the Governor will at one time say that he had tabled the supplementary budget but the Assembly did not pass it which makes us have a problem.

Madam Speaker, in a nutshell let the Budget and Appropriation Committee commit before this House to tell us when they are willing to table the report of the Supplementary Budget before this House to unlock whatever is coming up. Madam Speaker, you see, Hon. June is being asked about the disaster and he is telling us about regulations. Madam Speaker, you need to lock this for us so that we will be the ones asking what is happening in the Government because currently you cannot question the Governor on why he is using the money because he has tabled the same supplementary report before this House.

So, Madam Speaker, in your ruling and decision I am requesting the Chairperson of the Budget and Appropriation Committee to commit because he started telling us that he is meeting with the Executive, I don't know whether he has been employed by the Executive to work on their behalf...

Hon. Speaker: Order, Order Hon. Ogeto! You know very well that it is a Committee that has quite a lot on its plate, the Budget Committee. Chair, since I don't want to spend a lot of time on this, and I know if I put you on the mic we shall have a debate with the Minority Leader which I am not willing to do. I want to rule so that we proceed to our next Motion and I will rule as follows. You can sit and listen to my ruling now.

Hon. Robert Mbatia: Madam Speaker, I wanted to highlight on the ultimatum from the Hon. Member, that this House passed an Appropriation Act, we have an Act, so we are not spending outside the law and we have a budget in place. However, the Hon. Member has little knowledge in finance management.

Hon. Speaker: Order, Chair! Yes, Mary.

Hon. Mary Mwani: Madam Speaker, to the Hon. Member with all due respect, I think the supplementary budget comes before the main budget. We are aware that you went to Mombasa to discuss

the main budget instead of discussing the Supplementary Budget and personally I have nothing against your being in Mombasa, but I think you should have been able to work on the Supplementary Budget and finish it off so that the County can have money to run its activities. However, you went ahead to ask the Assembly to give you money to go and discuss the main budget which is a good thing but it was done upside down. So, what the Hon. Ogeto is saying is please can we have the Supplementary Budget tabled here. How you are going to do it I don't know but I don't think you need to go to Mombasa again but you need to have it. Thank you.

Hon. Speaker: Chair, I will rule as follows. Within this week we must finalize the Supplementary Budget. It is true the law is very clear, Article 135 of the PFM Act is very clear, you go and read from 1 to 7 and you will see where the problem is. We passed an Appropriation Bill which was supposed to be passed by the last regime which never happened so it was not our Appropriation Bill. The law says that in two months when the Governor comes a new regime comes in he brings in a supplementary budget and before that, I know the Governor is still within the two months, the only challenge he might face is the PFM Act 135(4) or (5) either of the two that says that you cannot spend 10% of the same. So the challenge will be, have you spent 10% or is he within the limit and you know that is not the problem of the Governor. The Governor brought his Supplementary Budget and we are now making him go through what he is not supposed to go through. So I order that we finalize that Supplementary Budget and that should be the last question the Minority Whip should be asking me on the same and therefore, Clerk proceed.

MOTION

Hon. Speaker: Hon. Pius.

REHABILITATION OF STREETS AND LANES

Hon. Pius Mbono: Thank you, Madam Speaker. THAT aware that Article 175(b) of the execution on the principles of a devolved government provides that County Governments shall have reliable sources of revenue to enable them govern and deliver services effectively; noting that street vendors commonly referred to as hawkers have the potential to contribute immensely to the City's revenue streams and to create job opportunities if the sector is well managed; deeply concerned that frequent violent confrontation between city *askaris* and hawkers has not solved the challenges associated with the sector and has only worsened the situation; further noting that various backstreets and avenues remain under-utilized in terms of the potential for street vending, e.g. Arrow Lane, Gaborone, Taveta and links Upper Kirinyaga and lower Kirinyaga Roads; this Assembly urges the County Executive to rehabilitate these streets and lanes and utilize them to provide space for street vendors within certain strict parameters per plan requirements and operative timelines for instance, from 5.30 p.m. to 5.30 a.m. at least two days a week.

Madam Speaker, we must agree that since the inception of Nairobi we have a business group called hawkers and through all the years and all the successive Governments have been in collision with hawkers which sometimes leads to street battles and even result in fatal incidents. Madam Speaker, because I believe that there are no proper engagements that have been put in by the Government to handle this said group---

QUORUM

Hon. Member: Madam Speaker, I am afraid we do not have enough quorum.

Hon. Speaker: Ring the bell for 5 minutes.

(Quorum bell was rang)

(Motion deferred)

ADJOURNMNET

Hon. Speaker: The Members can stand to adjourn. I want to tell the Members that whenever a Motion is on the floor of the House, you must wait until the Motion is done. The House adjourns to tomorrow the 21st March, 2018 at 2.30 p.m.

(The House rose at 4.30 p.m.)

