



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Thursday 22nd February, 2018

The House met at 2.30 p.m.

[Hon. Deputy Speaker (Mr. Kamangu Nyumu) in the Chair]

PRAYER

QUORUM

Hon. Deputy Speaker: Hon. Members we don't have a quorum, can the bell be rang for 10 minutes please?

(Quorum Bell rung for 10 minutes)

Hon. Members, I think we have the quorum. Members be attentive please and take your positions.

STATEMENTS

STATEMENT REGARDING THE DISBURSEMENT OF MONIES FOR THE FREE MATERNITY SERVICES TO COUNTY HOSPITALS

Hon. Deputy Speaker: Is Hon. Wanyoike around? We go to the second one. Hon. Mwangi Njihia. Hon. Njihia, can you request from there? Proceed.

Hon. Abraham Njihia: Hon. Speaker pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the disbursement of monies for the free maternity services to County hospitals.

Hon. Speaker, the National government rolled out free maternity services programme on 1st of June 2013 through a Presidential Declaration to encourage women to give birth at health facilities under skilled personnel. The policy aims at reducing maternal complications as well as maternal mortality.

Hon. Speaker the National government has been allocating billions yearly for implementation of the programme. The said billions are channeled through the County government. However, it is emerging that Nairobi City County government has not been dutifully remitting monies meant for the programme thereby nearly crippling the provision of this important service in County hospitals such as Mbagathi District Hospital which are owed millions in unreimbursed arrears.

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

1. Amount of monies remitted by the County Executive to County hospitals under the free maternity service programme;
2. Reasons for delays in timely remittance of the said monies annually by the County Executive; and
3. When the County Executive plans to remit Ksh. 75 million owed to Mbagathi District Hospital which is in Woodley/Kenyatta Golf Course Ward in unremitted free maternity programme monies.

Signed by Hon. Mwangi Njihia, MCA Woodley/Kenyatta Golf Course Ward.

Hon. Deputy Speaker: Chairman Health, Vice Chair, any member?

Hon. Anita Thumbi: Thank you Hon. Speaker. We request for three weeks, kindly.

Hon. Deputy Speaker: Hon. Njihia, are you comfortable?

Hon. Abraham Njihia: Hon. Speaker, I am not comfortable because [the purpose] of this [statement] was just the County Executive to confirm when they will remit this Ksh. 75 million which is owed to Mbagathi Hospital. It is just a matter of confirming, and then from there we know what to do next.

Hon. Deputy Speaker: Hon. Anita.

Hon. Anita Thumbi: Thank you Hon. Speaker, two weeks.

Hon. Deputy Speaker: Comfortable with two weeks?

Hon. Abraham Njihia: Hon. Speaker, with your indulgence two weeks is 14 days. I think this is very unfair to me.

Hon. Deputy Speaker: Hon. Mwangi Njihia, the Committee is in Mombasa, so I don't think it is important for Anita to commit herself and I don't know why she is here as a member of that Committee! It was lucky that she is around.

Hon. Anita Thumbi: Thank you Hon. Speaker, the Health Committee will be in Mombasa from 1st March. We are still in Nairobi, thank you.

Hon. Deputy Speaker: Hon. Abraham?

Hon. Abraham Njihia: Hon. Speaker, the Member here has confirmed that the Committee of Health is not in Mombasa. So I think Mr. Speaker you are misleading this House telling us that the Committee is in Mombasa and if the Committee is in Mombasa, Hon. Speaker, we have the leadership of the House here who can respond to that.

Hon. Deputy Speaker: Hon. Osman Adow.

Hon. Osman Adow: I want to inform the Member that the rules and the regulations require that you give a one week notice to the Executive if you are to meet them. So it will require one week first of all writing to them for them to accept. You can't get any information within less than a week. That is all I wanted to inform my colleague there.

Hon. Abraham Njihia: I stand guided, Hon. Speaker.

RESPONSE TO A STATEMENT REGARDING THE STATUS OF JOSEPH KANG'ETHE ROAD IN WOODLEY
WARD

Hon. Deputy Speaker: Thank you for accepting. We have two responses; from Transport Committee, one from Hon. Njihia and the other one from Hon. Ochola. Chair Transport.

Hon. Mark Macharia: Thank you Mr. Speaker. Response to a statement requested by Hon. Abraham Mwangi Njihia from the Chairperson of the Sectoral Committee on Transport and Public Works. Mr. Speaker, on 7th December 2017, Hon. Abraham Mwangi Njihia rose on the floor of the Assembly pursuant to Standing Order No. 45 (2) (c) and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a statement regarding the status of Joseph Kang'ethe Road in Woodley Ward.

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

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

Plans to repair Joseph Kang'ethe Road

Mr. Speaker, the Committee was informed that as a result of the coming into force of the Constitution 2010, the former Transition Authority published a gazette notice reclassifying roads in the country. In this notice, Joseph Kang'ethe was classified under Class 'D' urban roads. In view of the above, the Committee was informed that the Class 'D' roads were under the jurisdiction of the Kenya Urban Roads Authority (KURA). Therefore, KURA is responsible for its maintenance.

The Committee was further informed that in attempt to address the matter, the County Executive had written to KURA informing them of the Member's concern.

Measures that have been put in place to ensure proper signage is done on the road

Mr. Speaker in this regard, the Committee was informed that as mentioned earlier, KURA is responsible for maintenance of the said road including proper signage and it is well informed of the same concern. The Committee requested the CEC in charge of Transport to follow up with KURA to ensure that the concern raised by the Member in regards to the said road are addressed.

Mr. Speaker Hon. Abraham Njihia was satisfied with the response given by the CEC Member. A copy of the detailed response has been given to one Hon. Abraham Njihia who requested for the statement and a further copy is hereby attached.

Mr. Speaker I beg to lay this statement. Thank you.

Hon. Deputy Speaker: The second one, Chair Transport.

Hon. Mark Macharia: Yes Mr. Speaker, is it the response for Hon. Wilson Ochola?

Hon. Deputy Speaker: Hon. Njihia, are you comfortable with that?

Hon. Abraham Njihia: Hon. Speaker, it is true the acting Chairman of Transport and the committee responded to my statement, it is true the road was classified as class B (urban areas) which is under KURA and they told me they wrote the letter on the same. I followed with KURA and am happy to report to this House that the road was advertised in the local newspapers last week for repairs. So am satisfied with the response, chair.

RESPONSE TO STATEMENT REGARDING THE STATUS OF CONSTRUCTION OF THE DRIVE-IN ROAD

Hon. Deputy Speaker: Thank you. Chair, Transport for the second one.

Hon. Mark Macharia: Mr. Speaker, thank you once again for this opportunity to respond to a statement requested by one Hon. Wilson Ochola requested from the Chairperson of Sectoral Committee on Transport and Public Works.

Mr. Speaker on 6th December 2017 Hon. Wilson Ochola rose on the floor of the Assembly pursuant to Standing Order 45 (2) and requested for the Chairperson Of Sectoral Committee on Transport and Public Works for a statement regarding the status of construction of the Drive-in road along Mathare North in Utalii Ward.

In the statement the Member requested the Chairperson should inquire into and report:

- 1) Plans if any to have the road completed; and
- 2) Why it took the county long to make payments due to the contractor.

Mr. Speaker the committee wrote to the County Executive Committee Member responsible for Public Works, Roads and Transport on 13th December 2017 inviting him to a meeting of the committee that was held on 25th January 2018 at the County Assembly pursuant to Standing Order 45 (2) (d).

The purpose of the meeting was to enable the CEC Member to furnish the committee with the response of the statement requested by the member. In this regard I wish to report to the Assembly as follows:

1) Plans if any to have the road completed

Mr. Speaker the Committee was informed that the construction of Drive-in road in Utalii road received a budgetary allocation during the financial year 2015/2016. The contract was awarded to Loniko Construction Company limited at a contract sum of Ksh. 31, 310,745. It was to be executed within a period of six months. The project commenced on 25th august 2016 with earthworks and excavation done. Subsequently the contractor issued the first certificate amounting to Ksh. 8, 495, 250 within the stipulated contract period. However to date payment for the said certificate has not been done as a result the contractor has since suspended works awaiting payment by the County. The County Executive Member assured the Committee the contractor will resume the works upon settlement of the pending payment.

2) Why it took too long to make the payment due to the contractor

Mr. Speaker the Committee was informed that the County had been experiencing cash flow problems and thus the contractor was yet to be paid. Further the roads sector was in consultation with the finance sector to ensure that the payments is expedited once the cash flow issues are settled and the contractor would be on site. The Committee was generally concerned about the delays in payments of the contractor working with the County because many projects in the Ward have stalled. The Committee urged the CEC Member to expeditiously hold a meeting with the finance sector in a bid to have the contractor paid so that the works can resume in the Ward. Hon. Wilson Ochola was satisfied with the response given by the CEC Member, a copy of the detailed response has been given to Hon. Wilson Ochola who requested for the statement and a further copy is hereby attached to this report. I beg to lay this statement, thank you.

Hon. Deputy Speaker: Hon. Ochola?

Hon. Wilson Ochola: Mr. Speaker sir it is somehow true we sat with the CEC but I am not yet satisfied with the statement because you find they were saying there was no money to complete the first certificate. I think we should not put this House in pretense. It is work which has taken more than five years but which was supposed to take 6 months and therefore I would like to ask the Chairperson of the Transport that despite the fact we agreed the payment was going to be done so that the work can be completed, they took time and the contractor went back to the site and they promised that in a weeks' time he would be paid, but now we are going into one month and the contractor has not been paid. Mr. Speaker remember when the contractor is back to the site the work has to be paid, the tractors are using fuel yet this man has not received any payment and I understand there are some payments which are going on. I don't know the

category they are following to pay. I would like the acting Chairman of Transport to give the House the exact date when the payment is going to be done. Thank you.

Hon. Deputy Speaker: Chairman, Roads?

Hon. Mark Macharia: Thank you Mr. Speaker, I was in constant communication with you Hon. Ochola in regards to this matter and I can attest that only a few of the contractors have been paid and those contractors who were paid were for the bus terminuses. The Committee went on site visits and as you are aware the Governor had stalled all the payments because we cannot pay all the certificates that had been raised yet the Committee has not gone to the site to see whether the certificates that had been raised was work done or it a ghost project.

In Kiswahili, "*hatuwezi lipa hewa*". So that is why the Transport Committee has been vigorously on the ground. We have made several site visits and I can attest that this road is among the roads that we are currently doing site visits so that we can at least expedite on the second lot of the payments and I have already indicated and communicated that to him.


So Hon. Wilson Ochola it is my request that you be patient because yours is not an isolated case. I believe most members in this Assembly have so many stalled projects and you saw the Governor say that the cash flow is improving; it is my hope that I, as the acting Chair of Transport Committee that we are going to sort out this mess that we inherited from the previous regime and streamline the operations.

You will find that there are several members that had projects in their Wards and the contractors didn't have any interest in bidding for the said projects. But now they have been advertised and they are coming because they have seen a white smoke in this leadership. It is only a matter of time although I cannot give a certain date that we can be able to make the payments. But what I can promise is that I will try as much as possible together with my able Committee to see the next lot that is going to be paid so that we can have your contractor paid because I have spoken with you, and you told me he had already gone back to the ground. So we shall try and pay for the first certificate that he raised, so that the road can be completed, thank you.

Hon. Wilson Ochola: Mr. Speaker I have understood what the Member is trying to say, that they cannot pay *mahewas* and all the rest. We are not denying that. The Hon. Mark Macharia knew very well that the contractor abandoned this contract because of nonpayment and therefore the contractor went back to the site. So Mr. Speaker I beg to know from the Chairman, they are saying they are going to the site. Are they waiting for this man to run away due to nonpayment then they go to find somebody who is not there? Because I remember when I spoke to the engineer Karanja and the *waziri*, they called the contractor and told him to go back to the ground. What am asking is, the contractor went back to the ground, it is now three weeks. This man does not have money to pay the workers which means it will take this Transport Committee maybe one month, two weeks; this man will still run away again.

(Point of Order)

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Hon. Osman Adow: Mr. Speaker I think issues of payment should be addressed to the Finance department and not the Committee of Transport because we don't make payments. Payments are made from Finance department.

Hon. Wilson Ochola: Mr. Speaker, Hon. Adow is misleading the House and he knows very well. The Transport Committee Chairman has just quoted that they have paid for the roads. This means the Transport Committee is part of the payment. If they do not cite the payment, it is not going to be done and that is why I am talking to the Chairman. The rain is about to start, I would like the Chairman of Transport or the acting Chair to give the road priority. The road is in a pathetic state. I will wait but not for long, thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Ochola, you are out of order because what you had requested has already been answered.

Hon. James Kariuki: Thank you, Mr. Speaker; I think it is not in order for the Hon. Member to attack the Committee on Transport. He has asked for ample time for the documents to be sorted out. It is a matter of urgency and we do agree with you but kindly let the Committee pursue the payment for you through the Executive. Thank you, Mr. Speaker

Hon. Deputy Speaker: Hon. Waithera.

PAPERS

Hon. Waithera Chege: Thank you, Mr. Speaker sir. Pursuant to Standing Order No. 228 (1) and 222 (2), I beg to lay the following Paper on the table of the Assembly, today, Thursday 22nd February 2018: The Supplementary Budget Estimates for the recurrent and development expenditure for the County Assembly Service Board for the financial year 2017/2018 and the projections for 2018/2019 and 2109/2020.

Mr. Speaker sir, pursuant to Standing Order No. 228 (1) and 222 (2), I beg to lay the following Paper on the table of the Assembly, today, Thursday 22nd February 2018: The Nairobi City County Executive program based supplementary budget for the financial year 2017/2018. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Next Order!

MOTION

Hon. Deputy Speaker: Hon. Gari, you can move to the next one, I think there is a mistake somewhere.

Hon. Maurice Gari: Mr. Speaker, I beg to move the following Motion: THAT, aware that Section 102(f) of the County Governments Act, 2012 provides for the principles of planning and development facilitation in a county---

Hon. Jeremiah Themendu: Point of Order.

Hon. Deputy Speaker: Jeremiah Karani.

Hon. Jeremiah Themendu: Mr. Speaker, I had requested for a statement from the Transport but they have not responded.

Hon. Deputy Speaker: It is not in the Order Paper. Next Tuesday, it will be answered.

Hon. Maurice Gari: Mr. Speaker, I think Members should go back again for induction, we should understand these things very well. If a Motion is being read, any Member should not purport to interrupt. Today again, we have set a very bad precedence when we laid Papers after Notices of Motion and Statements.

Hon. Deputy Speaker: It is at the Speaker's discretion, Hon Gari.

DEVOLVING PLANNING COMMITTEES TO THE WARD LEVEL

Hon. Maurice Gari: Mr. Speaker, THAT, aware that Section 102(f) of the County Governments Act, 2012 provides for the principles of planning and development facilitation in a county, amongst which is the need for planning to serve as a basis for engagement between County government and the citizenry, other stakeholders and interest groups; further aware that Section 105 of the said Act provides that a County Planning entity shall be responsible for, amongst other things, ensuring meaningful engagement of citizens in the planning process; observing that Section 115 of the County Governments Act, 2012 provides that public participation in the County planning processes shall be mandatory; noting that the planning function as traditionally exercised by successive defunct Nairobi City Councils and indeed the first County Government of the Nairobi City County was centralized and did not include as many stakeholders as possible nor the public from the grassroots; recognizing that Section 48 of the County Governments Act, 2012 empowers the County Government to further decentralize its functions and provision of services to, amongst other decentralized units, the Wards within the County established under Article 89 of the Constitution and section 26 of the said Act; realizing that for Nairobi City County to realize true bottom-up planning that delivers development to the grassroots through robust participatory mechanisms, a new way of implementing the planning function must be sought; this Assembly urges the County Executive to consider devolving Planning Committees to the Ward level, with the creation of Ward Planning Committees made up of four (4) persons or as appropriate from various sectors, to endear greater public participation and help foster inclusive urban planning across the City.

Mr. Speaker, the spirit of bringing this Motion before the Assembly is to devolve the Planning department. Last year before elections, we had a lot of buildings collapsing because the defunct Council was collaborating with rogue developers. In the last Assembly, we had a lot of issues. The blame game always lies on MCAs. Anything that happens in the Ward is MCA. If it is fire, a building collapsing or a bad road, it is MCA to blame. I saw the need for the Executive to create a committee which will supervise constructions in each Ward. The area MCA should also sit in that committee.

Mr. Speaker, yesterday, I saw my Ward Administrator collaborating with rogue developers building structures which have not been approved. A building can be approved up to third floor but through collaboration with the Sub-County Administrators and Sub-County Commanders, they extend other floors on top without our knowledge. If anything happens, the first phone calls will be from the residents reporting that a building has collapsed and they need help.

Mr. Speaker, I urge this House to consider this thing. I am urging the Implementation Committee to move with speed in creation of this committee. If approval comes from the City Hall to the Ward level, it must be inspected by that Committee to know which type of building, how many floors and the owner of the building.

There is a building which collapsed in downtown, the owner ran away. He was arrested in Uganda. If we can be involved from the grassroots to the level of issuance of the certificate, it will be very much in order. If anything happens in any Ward, the committee in that Ward will be held responsible.

Mr. Speaker, I urge former Mayor, His Worship, Hon. Majiwa to second this Motion, thank you.

Hon. Geophrey Majiwa: Thank you, Mr. Speaker. As I second the Motion, it is important to also make a few comments. We know very well that the Licensing Department of the City County had already been decentralized and revenue is collected from the Ward level and it is going on very well. What I don't understand is why they did not think it wise to decentralize even the development. We have a situation where Members come and ask questions regarding ownership of properties that have already been developed.

Hon. George Majiwa: Some developers have decided to put their development on public land and open spaces within the Wards and you find Members fighting with them after the development has been approved. These officers who approved the plans sit in City Hall and do not go down there and if they do, they sit in restaurants with the so called developers.

Mr. Speaker I think it is wise that we call upon the Executive to set up a team that will be overseeing these approvals within the Ward levels first before they are brought to the County level so that members are in a position to identify them. This morning, I was in a meeting in my Ward with developers and factory owners. The factory owners were asking me about fire station. There are rumors that somebody has grabbed the fire station. What they did not know is that one of them is the grabber long before I even became the Mayor and when I tried to question it, and then I was told that the Planning had approved that. It even became a very big issue to an extent that the said grabber tried to report me to the CID stating that I was interfering with his property.

The owner of the property who grabbed the fire station was not present and therefore his colleagues who were not aware of the situation were asking. I reminded them that it is their brother who has that fire station and I sent them to him asking that he returns the fire station which he has already developed. So, a situation where members have an opportunity to question these things before they are developed will help us a lot by saving us a lot of trouble with the developers. We want them to develop but do not want to fight with them throughout.

The department of City Planning has become the law. They believe that they are superior to anybody in this County and that whatever they approve is approved and whatever they disapprove is disapproved. They are law unto themselves and unless we tame them then development in this City will remain in their hands. Remember that they are individuals and not institutions. They are going to do their own things and at the end of the day the people whose names will remain are the elected and nominated members in this House.

Our names will go down and not the names of the officers there. We are the ones who make laws here. We have to make a law that somehow will tame them even if they use their expertise to approve some of these things. They have to give us an opportunity to know what it is that they are doing so that we can

question where it is wrong and accept where it is right. Mr. Speaker, I beg to support this Motion. I believe that it is a good thing that we are doing. Thank you

(Question proposed)

Hon. Deputy Speaker: Hon. Members, debate is on. Herman Azangu

Hon. Herman Azangu: Thank you Mr. Speaker sir. I rise to support the Motion. This is because in my Ward, buildings are coming up without my knowledge and that of the people who sit in my office. Ward Administrators do not even collect garbage in my area but look for areas where buildings are being developed. I support the Motion because this Committee will help to oversight what the Executive is doing. In my Ward, if you want to get an approval for putting up a building then you have to talk to the Ward Administrator and the County Administrator. I believe that this will curb corruption and I support.

Hon. Deputy Speaker: Hon. Mary.

Hon. Mary Ariviza: Thank you Mr. Speaker sir for this opportunity to be able to contribute on this debate on decentralization of planning and especially on the buildings. I was brought up in Nairobi from class 5 and I have seen this City deteriorate every time, especially in some areas. For instance, Lavington used to be called Lavington green and I don't think it needs to be called that because it is no longer green. It has got high buildings haphazardly brought up and so on.

Secondly, the other problem that I find is mixing up offices with residential areas. This helps in bringing a lot of insecurity in this City because there are specific areas for offices and residential areas. Nowadays, you do not find that kind of a thing. Just as Hon. Gari said, we as Hon. Members are not consulted and we just find buildings and offices coming up in our wards. I stand to support this. However, there needs to be real structures where people in the Wards will not be tempted to bring up buildings that are not necessary. There is need to have checks both ways in that one checks the other. We have Assistant Chiefs and local representatives making laws and bringing up structures that are not necessary and so it is good to check both ways. This is long overdue. Let us not make plans in City Hall and force them down on the throats of people mixing up residential areas with offices.

Kilimani area where I happen to vote used to be very nice and now, we really don't know which is which. It looks like there are more offices than there are residential areas. Poor planning is evident because we don't seem to have residential areas neither do we have areas for offices. It is very necessary that the people concerned and their leaders have an input in what is put up in a particular place.

Thirdly, on the issue of collapsing buildings, I think about Mathare North, there are people who have put up buildings that have gone up to the 6th floor. I remember one member of our church lost 3 children in the buildings which collapsed in Mathare North. If the area MCA had been involved then some of these buildings would not be there. The rule is that you should not put up a building beyond four floors but they

have a way of building more floors with less room. Let us reinforce and put in place rules that will curb this. Thank you and I stand to support this Motion.

Hon. Deputy Speaker: Hon. Pius

Hon. Pius Mbono: Thank you Mr. Speaker. I rise to support this Motion. It is true that there are so many buildings coming up in our areas. We have had some of these buildings collapse and every finger is pointed at us. Two years ago, the Planning Department formed a technical committee with the mandate of going round to check all the buildings. I believe that this committee is a cartel. This is because they engage themselves with these approvals on the ground and when you ask who is giving the contractors and owners of these buildings the go ahead to build, the Ward Administrator says that we should ask the Sub- County Commander.

When you ask the Commander he then takes you round. Sometimes it reaches a time the builders who are our voters, they ask how we were elected just the other day and now we are persecuting them. Sometimes we are put in a delicate situation because the voters probably see us as if we are persecuting them or we need something from them which is not good.

So as a matter of urgency, I would support that we have those Members that will be going round checking on what is going on, and reporting to us. I also agree that public participation is poorly done. Three or four weeks ago public participation was done so that everything that was collected from the Members is included in CIDP but the participation is done at Sub-County level and the place the place is far hence not convenient for Members.

For the one that was done in Roysambu, which is not in my Ward, only five Members attended. Mr. Speaker I was forced to do a similar participation this week because of so many questions that were raised. So, I feel that we have the same for Members so that their reports would be scrutinized and probably we reduce the collapse of these buildings. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Obuya!

Hon. Kennedy Obuya: Thank you Hon. Speaker, I beg to support the Motion in the spirit of devolution as Section 48 of the County Government Act of 2012. This is a good idea that is long overdue. It should have happened many years ago not only in the planning sector, but in the services sectors too, like how our able Governor had done in decentralizing garbage collection. This is a matter of necessity and I would encourage Hon. Members to fully support this Motion.

The people who are elected and represented in informal settlements have a big challenge and this programme will not only monitor the rise of informal settlement, but will also help the County Government of Nairobi to actualize decentralization interest. I beg to support Mr. Speaker sir.

Hon. Deputy Speaker: Hon. Kiriba!

Hon. James Kariuki: Thank you Mr. Speaker sir, I rise to support and I also want to remind our able Members on the role of the Majority Leader and in his absence his Deputy. I am sure he knows why I am saying this and may I add am the deputy in his absence in the House takes charge. In fact he is the Minority Leader and he is not misplaced by sitting there.

Hon. Deputy Speaker: Hon. Kiriba...

Hon. James Kariuki: Thank you Mr. Speaker sorry for that interjection, but it is important to note in future so that it will not repeat itself and I rise to support. However, with caution we have seen funny structures coming up in our Wards and in case of fires we have a burden.

Mheshimiwa called the fire brigade but due to poor planning the fire brigade could not access the fire. This is a mistake that should have been corrected during the times of former Mayor *Mheshimiwa* Majiwa. No fire brigade can go to the slums today especially in areas like Kawangware, Kangemi, Riruta, Kibera where the informal settlements are.

You will find that our office there is working but I don't know how the plans are processed because I don't know if they [officers] usually visit the site. So as I rise to support I do it with caution that unless these Committees are formed, the planning will never be based on information from the ground but rather on the fees paid by that particular applicant.

That fee that is paid is called revenue but it can be dangerous to our society. Look at land grabbing whereby the land grabbers will always bring a plan but because there is no information it is going to be approved by the experts. This is because the expert is not going to visit the ground and ascertain the fact for themselves. You will find that they will keep on approving even wrong drawings and maybe because of the Chicken Gate business that happens besides it.

As I stand to support I wish to say that I had a problem when I was doing my structures in South B. Our former Member of South B sent his gangs to stop my construction. These are monies we borrowed from banks to undertake the development. We need to deal with total caution when we appoint members to these Committees. Thank you and I beg to support.

Hon. Deputy Speaker: Hon. Emily!

Hon. Emily Oduor: Thank you Mr. Speaker, and thank Hon. Members. I would like to support this Motion. First of all we have all noticed that in Nairobi we have actually no free space. It is like we have a cartel that walks around the City looking for any space to grab. As Members of this County we have left our work to a group called buyers be aware, whereby they are so strong out there because they identify buildings that are poorly built and actually it is like they are running the City.

If you saw, I think two weeks ago they were on one of the buildings that was illegally constructed. Some floors were added on top of the original plan. So let us stand up to our responsibilities and stop this grabbing of land and plan construction of Houses.

I believe most elected leaders here don't have even a space for an ECD. When the original plan was done in the 1960's every estate had some space for a school and all these spaces have been grabbed. So I think if this Committee is formed I hope they will be able to work because we would not want to pass this Motion and then they join the cartel. So if we pass this Motion we hope that our Members and the Ward Administrators will not form another cartel to look for these pieces of land to grab.

So with that I support this Motion and before I sit down I would like to bring to your attention Mr. Speaker sir that we have no quorum in the House and this is a very important Motion. So I don't know what you are going to do about it? If I look at the Majority side they are less than 10 so I don't know if we can go on with this discussion with this type of quorum in the House. Thank you, Mr. Speaker sir.

Hon. Deputy Speaker: Serjeant-at-Arms can you ring the bell for 5 minutes please.

(Quorum bell was rung)

Hon. Deputy Speaker: Hon. Members, thank you Emily for noticing that there is no quorum. Before we adjourn because of quorum, I would like to give some directions on these estimates. The Standing Order 228 (1) provides that the County Government shall submit to the County Assembly for approval supplementary budgets in support of money spend under 135 of the County Assembly Act 2012.

Pursuant to Standing Order 222 (3) upon being laid before the County Assembly the estimate shall be deemed to have committed to each Sectoral Committee without question put for each such committee to deliberate upon according to their respective mandates.

Standing Order 222 (4) provides that each Sectoral Committee shall consider discussing and reviewing the estimates according to its mandates and submits its report and recommendation to the Budget and Appropriation Committee within 21 days after been laid before the County Assembly.

Hon. Members, Budget and Appropriation Committee shall discuss and review then estimates and make recommendation to the County Assembly taking into the account the recommendations of the Sectoral Committee reviews of the CEC responsible of Finance and Economic Planning. It is ordered by me Hon. Kamangu Nyumu.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members since we have no quorum I have no other alternative other than to adjourn this Assembly up to Tuesday 27th February, 2018 at 2.30 p.m.

(The House rose at 4.00 p.m.)