



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Thursday 8<sup>th</sup> November, 2018

The House met at 2.30 p.m.

*(Hon. Temporary Deputy Speaker (Mr. Evans Otiso) n the Chair)*

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Serjent-at-Arms, please ring the bell for 10 minutes.

*(Quorum bell was rung for 10 minutes)*

You can know stop ringing the bell. We have the quorum and we can proceed.

PAPERS

Hon. Temporary Deputy Speaker: The Chairperson, Sectoral Committee on Energy and ICT.

Hon. Osman Adow: Thank you Mr. Speaker. Pursuant to Standing Order no. 191 (6), I beg to lay the following paper on the Table of the Assembly today, Thursday, 8<sup>th</sup> November 2018;

Report of the site visit to the Nairobi City County data centre to assess its operations and automation of services. Thank you.

*(Hon. Adow lays the paper on the Table of the Assembly)*

Hon. Temporary Deputy Speaker: Thank you. Next order.

## NOTICE OF MOTION

Hon. Temporary Deputy Speaker: Chair, Sectoral Committee on Energy and ICT.

Hon. Osman Adow: Hon. Speaker, I beg to give notice of the following Motion. That the Assembly adopts the report of the site visit to the Nairobi City County data centre to assess its operations and automation of services laid on Table of this Assembly today, Thursday, 8<sup>th</sup> November 2018.

## STATEMENTS

## RESPONSE TO A STATEMENT REQUEST BY HON. SAMORA MWAURA REGARDING THE INADEQUATE ROAD CONSTRUCTION MACHINERY IN THE COUNTY.

Hon. Temporary Deputy Speaker: Chair, Transport, you have a response for Hon. Samora. Is Hon. Samora in the House? You can proceed if you have the statement.

Hon. James Mwangi: Thank you Mr. Speaker. This is a response to a statement requested by Hon. Samora Mwaura, MCA, from the Chairperson of Sectoral Committee on Transport and Public Works.

Hon. Speaker, on 2<sup>nd</sup> October, 2018, Hon. Mwaura Samora, rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a Statement regarding the inadequate road construction machinery in the County. In the Statement, the Member requested that the Chairperson should inquire into and report on:

- i. What measures have been put in place to ensure that more equipment like backhoes are bought to serve the people of Nairobi; and
- ii. What the County is doing to ensure the equipment operated in the County are mechanically sound, fueled and available.

Hon. Speaker, the Committee wrote to the County Executive Committee Member responsible for Public Works, Roads and Transport on 17<sup>th</sup> October 2018 inviting him to a meeting of the Committee that was held on 25<sup>th</sup> October 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 to the Statement requested by the Member.

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

*What measures have been put in place to ensure that more equipment like backhoes are bought to serve the people of Nairobi*

Hon. Speaker, the Committee was informed that Nairobi City County has 4 graders out of which one is operational. The respective conditions of the graders are as follows:

- a) Grader Fleet No. G12, registration No. 47CG064A has mechanical problems which involves defective steering wheel, worn out tires and require service and a new battery. To have all these repairs done, Ksh. 1,190,000 is required. The reported that the LPO for this is yet to be issued.
- b) Grader Fleet No. G13, Reg. No. 47 CG 276A is operational;

- c) Grader Fleet No. G14, Reg. No. 47CG 277A has mechanical problems and requires replacement of a seal retainer, bushing, ring and wedge at a total cost of Ksh. 173, 810.34 as per the quotation given by Achelis Limited;
- d) Grader Fleet No. G11, Reg. No. KAT 509X had mechanical problems and was taken to Panafric Vehicles dealer for repair. It was withheld due to outstanding debt of Ksh. 8.8 Million for repair of **County's bulldozer for Environment Sector.**

Hon. Speaker, regarding measures that the County has put in place to ensure that equipment are purchased, the CECM informed the Committee that the County has budgeted for procurement for the following in the current financial year 2018/2019:

- Two (2) 20 tons tippers
- Two (2) 3 tons pick-ups
- One (1) Back hoe excavator
- One (1) vibratory drum roller
- One (1) pneumatic roller
- One (1) grader
- Procurement of modern asphalt plant and pothole patching machine for timely road maintenance.

Further, the Committee was informed that the Sector also gets equipment support from partners including the Nairobi Metropolitan Services Improvement Project.

*What the County is doing to ensure the equipment operated in the County are mechanically sound, fueled and available.*

The Committee was informed that the underlisted are the measures that the Count is putting in place to ensure availability of equipment:

- a) The County hires more operators to supplement the current number;
- b) The County hires additional equipment to supplement those owned by the County;
- c) The County engages the Fleet Department and Supply Chain Management to fast track repair of defective equipment; and
- d) The Sector continues to engage Fleet Management Department in a bid to address occasional instances of lack of fuel.

Further, the CECM pointed out that the Sector had prepared requests for release of funds to have existing equipment repaired and procure new ones. He stated that both are at various stages of processing.

The Committee expressed reservation regarding hiring of equipment since the money could be used to bring the existing ones into use to which the Sector concurred. In this regard, the Committee recommended that the Sector to prioritize purchase of own equipment for seamless construction and maintenance works in the County.

Regarding inadequate fuel for the equipment, the Committee was informed that unlike before when the equipment had to a centralized place for fueling, the County has entered a contract with Vevo Energy to have the fuel drawn from three of their branches in the CBD and shipped to specific locations of the equipment upon request.

However, it was noted that the amount (Ksh. 11M) per month for fuel was not adequate for operating a fleet of over 490 vehicles and equipment.

The Committee recommended that the County to review the contract with Vevo to have the machines fueled at their nearest station. Further, the amount allocated for fuel be increased to at least Ksh. 50M to have the County vehicles and equipment operate optimally and efficiently.

The Committee, however, noted that the delays to have the faulty machines restored to order was at the Finance and procurement stages. In view of this, it was resolved that the Chief Finance Officer, Head of Procurement and Head of Procurement be invited to a meeting of the Committee. The said meeting was held on 6<sup>th</sup> November 2018.

#### *Submissions from the Finance and Economic Planning Sector*

On 6<sup>th</sup> November 2018. Hon. Speaker, the Committee met the Finance and Economic Planning Sector and was informed that the Procurement Department was finalizing on release of Local Purchase Orders (LPOs) to service providers and suppliers. There Department committed to have the LPOs ready by closure of business on the day the meeting was taking place.

On their part, the Finance and Economic Department committed to expedite the payment of the LPOs once the LPOs are released to the service providers and suppliers.

The Committee further requested the Finance and Economic Planning to expedite the payment of the outstanding Ksh. 8.8 million to Panafric Vehicle Dealers for the repair of bulldozer under custody of the Environment Sector. This is intended to ensure that the grader number KAT 509X is released for works in the County.

Hon. Speaker, Hon. Mwaura Samora was satisfied with this response.

Hon. Speaker, a copy of the detailed response has been given to Hon. Mwaura Samora who requested for the statement and a further copy is hereby attached to this report.

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

Hon. Temporary Deputy Speaker: Thank you Hon. Chair I hope you have furnished him with the respond. Is there any other Hon. Member with a statement which is due? Next order.

### MOTION

#### CONSERVATION OF ENVIRONMENT FROM MEDICAL AND HAZARDOUS WASTE

Hon. Temporary Deputy Speaker: Mover! Hon. Gari do you have something. Hon. John Kamau!

Hon. John Kamau: Hon. Speaker, I beg to move the following Motion that, aware that Part2 of the Fourth Schedule to the Constitution of Kenya 2010 provides for the functions of the County Government which include amongst others, control of air pollution and implementation of specific National Government policies on Natural Resources and environmental conservation.

Further, aware that Section 5 of the Nairobi City County Solid Waste Management Act, 2015 provides that every person, within the County is entitled to a clean and healthy environment and has a duty to safeguard and enhance the quality of the environment.

Deeply concerned, that there has been careless disposal of waste such as medical waste, asbestos and harmful chemicals to the environment and more particularly Nairobi River.

Noting that, the asbestos wastes have hazardous material, with extremely fine fibers that can remain suspended in air for hours and if handled without caution, may cause serious chronic health problems such as asbestosis, lung cancer and mesothelioma.

Acknowledging that the County Government in partnership with the National Government through a multiagency taskforce is working towards the restoration and transformation of the County into an environmental friendly area; Further acknowledging that the National Environmental Management Authority (NEMA) has established guidelines on disposal of asbestos waste and other waste treatment;

This Assembly urges, the County Executive to enforce the control of highly hazardous materials such as asbestos in all buildings, in accordance with the NEMA guidelines on safe management and disposal of asbestos and establish robust regulations within sixty (60) days, for effective conservation of the environment including water bodies, such as Nairobi River from medical waste and other harmful chemical wastes as provided in Sections 10 and 38 of the Nairobi City County Solid Waste Management Act, 2015.

Hon. Speaker, first I would like to appreciate the National Government and the County Government in ways that they put guidelines on how they can manage and have a clean greener City in Nairobi County. Furthermore, noting that the National Government in partnership with the County Government have put clear guidelines of how we are supposed to dispose our waste.

Hon. Speaker, noting that the industrial waste, the sewerage, domestic waste, agricultural waste and all other harmful and hazardous materials they all end up into Nairobi River. We end up spending a lot of money as the National Government and County Government they usually end up making budget of cleaning Nairobi River.

On the other hand you will find that all the factories lined up along Nairobi River that empty their raw sewage into the river.

Hon. Speaker, in 2015 the County Government passed the Nairobi City County Solid waste Management with a view of providing guidelines on how we as a county are supposed to manage our County. Section 10 of the Nairobi City County Solid Waste Management states that the County Executive Committee Member shall by regulation divide solid waste generated into the County into various categories depending on their physical and chemical characteristics and provide for necessary manner of handling of such waste so as to generate the health and safety of all including but not limited to the waste handlers and as well as the well-being of the environment.

Hon. Speaker, industrial and chemical wastes are handled in the County by being piled together with domestic wastes that we generate from our houses. All these wastes end up in Dandora dumpsite and once the emission goes up in the air then it causes harm to our bodies. Mr. Speaker, it has been proven that a majority of County Government schools and hospitals have asbestos tiles as roofs therefore in this spirit, I urge this House to pass these resolutions to safeguard our environment and natural resources not only for the present time but for the generation to come. In this regard, I call upon my friend Hon. Imwatoke to second the Motion. Thank you.

Hon. Peter Imwatok: Thank you Honourable Speaker and the Chair for environment for allowing me to second this Motion before the House. First of all I must say that it is great that you are leading the pack not only as the Chair but also looking at the broader perspective of what ails our County. Ordinarily most Chairs tend to think that it is the Members who are supposed to bring such Motions but here you have hit the roof by bringing this Motion. Honourable Speaker, this is a very important Motion and as you are aware, this City controls at least 60% of the GDP of this Country and about 95% of industries reside within the Capital City of Nairobi. The colonial schools, hospitals and dispensaries were built with asbestos and scientific research has shown that asbestos is one of the most hazardous materials invented. This House is obliged to protect the health of all Nairobians and the visitors who come to the City.

Mr. Speaker, if you saw the news yesterday, a company named *Bachu* was mentioned as one of the companies discharging waste where residents reside, in your Ward. I propose that before we handle issues long-term then we must have a short term solution. The short term solution is very clear. There are those industries such as *Sunflour*, *Bachu* and *Wea industries* operating with a lot of impunity in the County and because of that, we must start from your Ward if possible so that you set a good example of protecting your citizens. I want that after we are done with your Ward then we go to another Ward so that we ensure that the citizens are protected.

*Kayole Primary, Joseph Apulo Primary and Kangemi primary* are some of the schools built on asbestos and my question is, are our pupils safe? Therefore I want to second my Chair by saying that this Motion is important and we must support it as a House and follow up with the Implementation Committee to make sure that every institution with asbestos be removed as per the standards set by the international community. Lastly Hon. Speaker, we must have short term plans for those industries that discharge waste to our people. Let us sermon them before the Committee and if that fails we open a pandoras box so that the entire Assembly be part of the committee. We need to know on what basis is *Bachu industries* discharging waste to the community. Where is Nairobi Water and the County Government? I beg to second this Motion Honorable Speaker. Thank you.

Hon. Temporary Deputy Speaker: Thank you Honourable Member

*(Question proposed)*

Hon. Kennedy Obuya: Thank you Mr. Speaker sir, I want to commend and applaud the Hon. Chair of Environment and Member for Komarock. This is indeed a Motion that requires every man and woman of sound mind to stand with. I stand in support of the Motion and it is regrettable that we have a Nairobi City County Solid Waste Management Act 2015. To date my good friend the outgoing Hon. Whip **has said ...** *(Loud consultation.)*

With a lot of humility I have been privileged to have travelled to many continents of the world, the last one was in Germany in Europe. With a few colleagues of mine we managed to visit part of Dortmund city where mining was being done and how they reclaimed that part of the city to a global city in realization of the global warming challenges.

Hon. Speaker it is high time if we have a Bill that was enacted in 2015 and we still have asbestos in our schools it is very regrettable. As a representative of second largest Ward that host industries in this City I support this Motion and I call upon all members to support the Motion, thank you.

Hon. James Mwangi: *Asante sana bwana Spika. Ningetaka kuchangia hii hoja ambayo pia kwangu mimi inanitia homa sana kwa sababu mimi nimezaliwa upande kuna hiyo mto and mto yenyewe isha haribiwa sana maanake kuna watu wengi sana wanapeleka kinyesi kwenye hiyo mto. Wameweka kemikali za madawa kwenye hiyo mto. Inaniweka uchungu sana manake tulikuwa tunaogelea kwenye hiyo mto na sasa hivi huwezi ogelea kwenye hiyo mto.*

*Sasa mimi naskia niko na machungu sana manake hiyo mto isha haribiwa, haiwezi tumika tena. Halafu tena tukienda kwenye mashule kuna asbestos na pia hospitali za Kaunti. Kwa hivyo hilo ni jambo ambalo linakera watu na watu wengi sana hawaelewi maana ama hajui asbestos ni nini.*

*Hiyo maradhi ya saratani tunaomba sana zikaje zikatolewa manake watu wengi wanafariki kiholela holela bila kujua haya maradhi yanatoka wapi. Tukichangia haya mambo tunaomba sana Bwana Spika tujaribu kuondoa hayo maradhi tukijua tunangalia watu wengi wakitoa hizo asbestos wanapeleka kwenye vitongoji za Mathare, wengine wanapeleka vitongoji za Gatina na kila mahali. Tunaomba tuondelewe haya maradhi ambayo sasa inadhuru watu wetu.*

*Nakumbuka tukiwa shule tulifunzwa kuhusu haya mambo ya asbestos na pia wenye kampuni walifungwa maisha kwa sababu walitumia fibre ambazo zina asbestos. Kwa hivyo mimi nachangia na naomba tufwatilie kwa utaratibu na tutafute kufungu ili kusaidia wananchi. Mtu akipatakana akitumia hizo asbestos kwa njia yenye haifai atafungwa kifungu ambayo itafanya kila wengine waelewe. Ni hayo tu Bwana Spika.*

Hon. Temporary Deputy Speaker: Thank you Hon. Member. Emily Wanjiru Waitthaka.

Hon. Emily Waitthaka: Thank you Mr. Speaker. I remind you again that my name is Wanjiku not Wanjiru. I rise here to propose this Motion and again I congratulate my Chair for Environment Mr. Kamau **for bringing it in time. In fact as we all know Nairobi River is already polluted and can't be used for domestic purposes.** Let us also remember that asbestos has very serious hazardous effect.

Hon. Temporary Deputy Speaker: Hon. Member the Motion has already been proposed. You are either supporting or not supporting.

Hon. Emily Waitthaka: Sorry I am supporting this Motion especially knowing that Nairobi River has been polluted so much by those people who pour in the raw sewage. Asbestos is a very hazardous thing to be put in the river knowing that people cannot use it any more. The river is already polluted and if there are ways to curb this I wish it could be done now and with immediate effect. I rise to support, thank you.

Hon. Temporary Deputy Speaker: Thank you Hon. Member. Hon. Leah?

Hon. Leah Supuko: Thank you Mr. Speaker sir. I also rise to support the Motion and join my colleagues in supporting this Motion which is well thought. I want to congratulate the Chair of Environment **and I don't think there is any** Member in this House who cannot support such Motion because we all want to live healthy and so I support.

Hon. Temporary Deputy Speaker: Thank you. Hon. Maurice Gari.

Hon. Maurice Gari: Mr. Speaker, I rise to support this Motion. The issue of garbage and waste management has become a disturbing issue in Nairobi County for long. I have seen a lot of companies being contracted to do this work forgetting to put measures on how County Government can manage on its own. I want to share with the Chairman one of the experience whereby I travelled to Arusha where they manage their garbage very well.

Mr. Speaker, the previous month His Excellency the Governor introduced clean up exercise but I **don't see that spirit** going down very well. Measures should be put in place or a Bill should be passed in this Assembly that sets a day in a month and make it mandatory for clean up as the case in Rwanda. All businesses, schools and public institutions must be closed in order to participate in the exercise. We can bring **Motions but they can't be tangible enough, but if we bring a** Bill it will be more effective. There is also need to set up a plant where we can do recycling. When we went to Arusha, we brought a report back on how they manage their wastes. In Arusha you cannot even find a paper on the roadside and people are disciplined. I wish to support this and encourage the Chairman of Environment to come up with a Motion that sets a day so that when go we will be remembered. Thank you, Mr. Speaker, I support.

Hon. Temporary Deputy Speaker: Thank you, Hon. Gari. I now call upon the mover to reply.

Hon. John Muthiga: Hon. Speaker, I wish to thank all the Members for their support of the Motion. I have noted what my designated Minority Whip has said that we need short term measures to tackle this problem. On what Hon. Gari has said, we are going to bring a bill to make sure that we set a day for every citizen to participate in cleaning the City. I also believe the Executive will move with speed to implement what this Hon. House and what these Hon. Members have passed today. I beg to reply, thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Member.

*(Question put and agreed to)*

#### ADJOURNMENT

Hon. Temporary Deputy Speaker: There being no other business, the House stands adjourned to Tuesday 13<sup>th</sup> November, 2018 at 2:30 p.m.

*(The House rose at 3:35 p.m.)*