



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Second Session

Wednesday 4<sup>th</sup> July, 2018

The House met at 2.30 p.m.

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

#### PRAYERS

#### QUORUM

**Hon. Speaker:** Please ring the bell for 5 minutes.

*(Quorum bell was rang for 5 minutes)*

**Hon. Speaker:** Hon. Members, since there is no quorum we will have to adjourn, so can we stand up please?

*(Loud consultations)*

**Hon. Member:** Some Members are outside!

**Hon. Speaker:** Where are they? *(Loud consultations)* I'll give them 5 minutes. You are the same Members who complained that we start without quorum so I do not see why again we are complaining. So, ring the bell for another 5 minutes.

*(Quorum bell was rung for another 5 minutes)*

#### COMMUNICATION FROM THE CHAIR

##### PUBLIC ACCESS TO MEETINGS OF SELECT COMMITTEES

**Hon. Speaker:** Hon. Members, I have a communication to make. This is a communication to the Hon. Member of Nairobi West Ward who rose on a Point of Order. Hon. Members as you all may recall, on Thursday 14<sup>th</sup> June, 2018 the Hon. Moses Gari Member of Nairobi West Ward rose on a Point of Order pursuant to provisions of Standing Order 187 seeking direction from the Chair on the public's access to meetings of the select Committee and by extension non-committee members. Hon. Members, the right Hon. Member in his submission registered his dismay of being denied the privilege to attend the proceedings of

the Public Accounts Committee on Wednesday 13<sup>th</sup> June, 2018 as an *amicus curie* and pursuant to the Assembly's Standing Orders accordingly.

Hon. Members, you will also recall that the Chair undertook to give direction on the matter before the House. Hon. Members, Article 196 of the Constitution of 2010 compels the County Assembly to one, conduct its business in an open manner and hold its sittings and those of its committees in public. Further to that Article 196(2) provides that a County Assembly may not exclude the public or any media from any sittings unless in exceptional circumstances the Speaker has determined that there are justifiable reasons for doing so.

Similarly Hon. Members, the same is reiterated by Standing Order number 190(1) which provides that all committee proceedings shall be open to the public unless in exceptional circumstances the Speaker has determined that there are justifiable reasons for the exclusion of the public. Hon. Members, committees are an extension of the House and one conducting its oversight legislation and representation role is highly advised to abide with the afore-mentioned provisions.

That notwithstanding, Hon. Members, there are exceptional circumstances where select Committee meetings may be conducted behind closed doors. Hon. Members, accordingly I direct as follows; That pursuant to provisions of Standing Order 191 all the committee chairs be seeking the Speaker's authority to the Committees intention to conduct closed door meetings forthwith with justification therein for the same at least a day before the sitting of such meeting. It is so directed. Thank you.

## STATEMENTS

### OWNERSHIP OF PLOT NO. LR 8222028 IN UPPER SAVANNAH

**Hon. Speaker:** Hon. Stazo.

**Hon. Stazo Angila:** Thank you, Hon. Speaker. Pursuant to Standing Order 45(2) (c) I wish to request for a statement from the Chairperson of the sectoral Committee on Planning and Housing regarding ownership of plot number LR Nairobi Block 822028 in Upper Savannah. Hon. Speaker, the said plot is an access road to an informal settlement known as *Vumilia* slum has been under public use but a private developer has since laid claim of ownership and is currently developing it thus disenfranchising the local community from accessing and using it. Hon. Speaker, in the statement the Chairperson should enquire into and report on;

1. Ownership status of the said block and documents showing proof of ownership and how the private developer attained approval to develop the said property.

**Hon. Speaker:** Chair, Planning. Hon. Mwami.

**Hon. Mary Mwami:** Thank you, Madam Speaker. The Chair is out of Chamber and I am also a Member of that Committee of Planning. You have heard the Hon. Member wants to follow the right process so Madam Speaker, we can give him like 2 weeks. Thank you, Madam Speaker.

**Hon. Speaker:** Yes, Hon. Stazo.

**Hon. Stazo Angila:** Hon. Speaker, 2 weeks is a lot of time because this is an access road from the informal settlement so 4 days is okay.

**Hon. Speaker:** Hon. Member, 4 days... Okay, Hon. Thumbi give me your thinking.

**Hon. Anita Thumbi:** Thank you, Madam Speaker. As from tomorrow the Planning Committee will be in Mombasa and I feel the earliest we will start is by Monday. Madam Speaker, I do not want to lie to the House that the process can take like 4 days, that is a lie. We have to say the truth and the Hon. Member has to give us the report in exactly 2 weeks. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Thumi, is the Committee going with the Executive or only the members?

**Hon. Anita Thumbi:** It is going with the Executive, Madam Speaker. Thank you.

**Hon. Speaker:** Hon. Stanzo, I will give the Committee one week instead of 2 weeks. Since you are going to Mombasa together you can go and also resolve and see whether you can deal with the matter.

**Hon. Anita Thumbi:** Thank you, Madam Speaker. We will update the Committee and the Chair.

**Hon. Speaker:** Is that okay Hon. Stanzo?

**Hon. Stanzo Angila:** Yes.

**Hon. Speaker:** Whip, can you stand in for the leader.

#### HOUSE BUSINESS FOR WEEK BEGINNING 4<sup>TH</sup> JULY TO 10<sup>TH</sup> JULY 2018

**Hon. Chege Mwaura:** Thank you, Madam Speaker and I rise on the behalf of the Leader of Majority. Pursuant to Standing Order 45(2a) that on behalf of the Assembly Business Committee I rise to give the following statement regarding the Business Committee appearing before the Assembly for the week beginning 4<sup>th</sup> July 2018 to Tuesday 10<sup>th</sup> of July. Madam Speaker the Assembly Business Committee met on the 3<sup>rd</sup> of July, 2018 this week at 4:30 p.m. to prioritize the business of the House and in that regard, allow me to brief the House as follows;

That today 4<sup>th</sup> of July Wednesday the House will consider the motion by the Hon. Peter Imwatak MCA resolving to fully support the efforts of the National Government to rejuvenate Nairobi City and will take any legislative or policy measures to make that possible when called upon.

Further, on Thursday 5<sup>th</sup> July 2018 there will be a second reading of the Nairobi City County Sports Management Bill 2018; Bill number 3 of 2018 and its subsequent committee of the who to consider the said Bill.

Hon. Speaker, on Tuesday 10<sup>th</sup> July 2018, the Assembly will be considering the motion by the Hon. Pius Mbono MCA urging the County Executive to rehabilitate these streets/lanes and utilize them to provide space for street vendors within certain strict parameters per planning requirements and operating timelines for instance from 5:30 p.m. to 5:30 a.m. at least two days a week etc.

Finally Madam Speaker, the Assembly business committee will meet on the Tuesday of 10<sup>th</sup> July 2018 at the rise of the House to consider the business for the rest of the week and members shall be informed accordingly. Madam Speaker, I now wish to lay the statement on the table of the House this afternoon. I thank you.

**Hon. Speaker:** Chair Education, do you have a response for Hon. Osman Khalif?

**Hon. Millicent Mugadi:** Thank you Madam Speaker. I will let *Mheshimiwa* Oyugi answer that. We have been having an issue with the response to the said House Member because every time we bring a response he is never there. I request that everybody who asks for a response or statement should avail themselves so that we do not pile those responses in our files. Thank you.

**Hon. Speaker:** The Hon. Member said that you had given him the response and he was satisfied. I want you to read it to the House. Hon. Kennedy, are you the one?

**Hon. Kennedy Oyugi:** Yes

**Hon. Speaker:** Proceed

#### STATUS OF SCHOOL FEEDING PROGRAM IN ECDE CENTERS IN NAIROBI CITY COUNTY

**Hon. Kennedy Oyugi:** Thank you Madam Speaker. On Wednesday 14<sup>th</sup> February 2018, Hon. Osman Khalif MCA rose on the floor of the Assembly pursuant to standing order 45 (2c) and requested for a statement from the Chairperson of the sectorial committee on Children, Early Childhood Education and Vocational Training regarding the status of the school feeding program in early childhood development educational center's ECDs in the County.

Madam Speaker, the committee wrote to the County Executive Committee Members for culture, social services, ICT and E-Government education, children and youth affairs, gender affairs on the 18<sup>th</sup> requesting to be furnished with a written response to the statement sought by the Hon. Member. In this regard Hon. Speaker, I wish to report to the Assembly that the response was as follows;

That Nairobi City County is committed to the issues related to equity and improvement of learning environment for learners including those with special needs. The rationale is that children with improved health will participate and perform well in education resulting in acceptable levels of attainment in terms of physical growth hence the need for school feeding programs in the ECD learners as catalysts of good access, equity and transition to the levels of education.

#### The status of the school feeding programme:

That currently, pre-schools attached to public schools were benefitting from school feeding programs sponsored by UN World Food programme and Feed the Children. That they were 91 in number of schools funded and 72 in number of schools in the feed schools.

#### Whether there were funds set aside for the said programme and if yes, what happened to the funds?

That the schools were under cash transfers to schools models where schools received capitation from the two organizations based on enrollment at the rate of Ksh. 9 per child per term and an additional of Ksh. 2 for fruits and vegetables. These food items were brought and managed by school board of management with the help of school meals committee who are involved in the processes of tendering food items independently with close supervision of both partners and the Nairobi City county educational officers. That the school boards must strictly adhere to the guidelines by World Food Programme and Feed the Children;

That there were 24 number of stands alone ECD centers popularly referred to as day nurseries which were not attached to primary schools and that their feeding programme was managed and financed by parents through ECD school management committees and that the menu was balanced and approved by the education department. Thank you Madam Speaker, I believe the Hon. Member was served with the same copy.

**Hon. Speaker:** That is okay

**Hon. Kennedy Oyugi:** Thank you

**Hon. Speaker:** Proceed Clerk

**MOTION**

**Hon. Peter Imwatok:** Madam Speaker, I have a response on behalf of the Chair of water committee. I am a sitting Member of the committee. With your indulgence, can you allow me to read it? Has it has been overtaken by events?

**Hon. Speaker:** Yes

**Hon. Peter Imwatok:** Let me go straight to the ---

**Hon. Speaker:** Proceed with your motion.

**SUPPORTING EFFORT TO REJUVENATE NAIROBI CITY COUNTY**

**Hon. Peter Imwatok:** The Clerk was aware of this and I don't know why she forgot. It is also in the Order Paper and I withdraw that. Madam Speaker, that aware that Nairobi City County as the seat of the Country has been on a steady decline over the last two decades as evidenced by failing infrastructure and crucial public amenities. Deeply concerned that most of the development that has taken place in Nairobi over the last two decades has been unplanned and some developers bought residential business and failed to take cognizance of laid out city plans by subsequent city administrations including the newly established County Governments. Regretting that results of the foregoing are evolving chaos that now characterizes life in the City. Realizing that if nothing is done, this steady decline spells doom for the Country as a whole given that Nairobi County contributes to roughly 60% of the public GDP.

Appreciating that the County Government of Nairobi in conjunction with the National Government has embarked on ambitious programme for the rebuilding of the City known as Nairobi regeneration programme; noting that the programme kicked off with the creation of a multi-agency task force chaired by Tourism Cabinet Secretary Najib Balala and comprising of officers from both levels of Government as well as stakeholders who made a commitment to restore Nairobi to its former glory. Further appreciating that this programme carries great potential for the restoration of the City to global standards. This Assembly resolves to fully support the efforts of the National Government to rejuvenate Nairobi City and will take any legislative or policy measures to make that possible when called upon.

Madam Speaker, this motion is very clear on what we are to achieve and I am happy to say that this is the third time that I am moving it. I also wish to say thank you to both sides of the divide as we have quorum to discuss this motion on behalf of the people of Nairobi. Madam Speaker, this motion truly captures the spirit of the President of the Republic of Kenya in his Four Agendas.

In the spirit of the handshake, the side of the opposition is coming up with such motions that will bring sanity in this City in support of the Government. Also appreciating that in the recent budget passed, for the first time in the history of this County that the National Government allocated in its annual budget more than Kshs.800 million for Nairobi River cleanup. His Excellency the President of Republic of Kenya Uhuru Muigai Kenyatta and his Government deserves a pat [on the back] that at least we can see Nairobi River, which is a beacon of aesthetic appeal to the City, is cleaned.

Madam Speaker, I was privileged those days when I was in Government to travel the world. Rotterdam City in Netherlands is called City under the Dykes. But you see we are privileged that Nairobi

River passes across the City. How I wish that this Nairobi River will one day be part of beautification program for this City. If it is clean, we will all appreciate that appeal coming from a natural resource like Nairobi River.

The reason why I brought this Motion is to tell Nairobians we are fully behind the regeneration program and we will support His Excellency the President of the Republic of Kenya to make sure that Nairobi takes a different angle from 1965.

Madam Speaker, without much ado, let me welcome my senior to support because this Motion is premise on the understanding that we are working for Nairobians. Let me welcome Chege Mwaura to second this important Motion.

**Hon. Chege Mwaura:** Madam Speaker, having just got in, I really appreciate my counterpart for giving me this opportunity to be part of the Motion but I will respectfully request that he pushes the baton to somebody else who may be has a better understanding. He read my move, I have looked at the Motion and I have some reservations and I will be lying if I support. He is my good friend and he knows that I do not want to stand and oppose. Somebody once said in matters friendship he will always swim any day with the current, but on matters principle! I will request you to allow somebody else, with tremendous respect, to second his Motion

**Hon. Peter Imwatok:** Madam Speaker, thank you. I now officially have my card. I respect Chege Mwaura for standing on his principles. It is worth to note that the statement that he just said before this Assembly was premise on the communication from the Leader of Majority in the House Business Committee where I sit with my colleague. We agreed this is a matter of importance to this County. Supporting the President, Uhuru Kenyatta has no question of principality, it is a question of ideology that we believe on the Big Four Agenda of the President and neither of us, in Jubilee and ODM can at any given time rise--- I am happy that the people's President is currently in India courtesy of His Excellency Uhuru Muigai Kenyatta who knows the worth of the people's President. Having said that, I know we are together.

I welcome brilliant young man, my deputy, Hon. Ogeto to second the Motion.

**Hon. Moses Ogeto:** Thank you, Mr. Speaker. It is good my colleague here who is also my boss to know that it is good to take someone through the notes before he stands up. He ambushed him and he had just arrived in the House.

Hon. Speaker, I stand to second the Motion. The president is very categorical; he seeks to ensure that Nairobi has been rejuvenated to become the best City in the world. Looking at the motive of the Motion and the President's agenda, the President wants to create jobs for 3 million people. Nairobi being the capital City and has a population of over 5 million people, at least half of the jobs should be given to Nairobi residents. Nairobi rejuvenation program also talks about the healthcare and education. The Governor the other day launched free meals for ECDE children, this is the dream behind the President's idea. The president has ensured newborns will be given NHIF for free. This Motion tries to make Nairobi a leading County so that people from as far as where I come from, Kisii and Isiolo can come and benchmark. The Motion is good and I request the Hon. Members that are in this House to realize that Nairobi needs to be on its toes and start moving. I would be very happy when people will come as far as from South Africa and South America and benchmark what the President is doing for this City. I beg to second this Motion. Thank you.

*(Question proposed)*

**Hon. Emily Odour:** Thank you Madam Speaker, I stand here to support this Motion. All of you are aware of what we are experiencing of late especially in some of our estates because of the poor planning whereby houses have been coming down and people losing their lives. Some of these houses were built without any good planning or they were not approved or they were either approved by some cartels - let me use that word - and therefore it has become very difficult for the County Government to take control. So with this regeneration of the City, we hope and we know much is going to be done. I am aware so far that some of the things that are being done by the Governor and the effort he is putting and I would like to congratulate him especially if you travel to Mombasa road you can see what he has done there.

If we pass this Motion and we have the two people working together both the National Government team and our Governor I believe we are going to make Nairobi great and we shall be proud Members of this County and also we shall leave something better for our children in future. With that Madam Speaker, I support this Motion.

**Hon. Speaker:** Hon. Mellab!

**Hon. Mellab Lumalah:** Thank you Madam Speaker. Nairobi is a cosmopolitan City whereby we have so many people here from different diversities. The population of Nairobi which has been around 4 million has now come to about 6.5 million people. It should be the best place to call home. I really stand up to support this Motion because whenever anyone comes to Nairobi, like tourists, and they land in Nairobi they don't find it the same as the way people have been talking about.

Initially Nairobi used to have a routine cleaning whereby even when you walked at night you could see people cleaning. This no longer happens apart from the effort from the regeneration program that is taking over now. I also support by saying it will be very good also to involve the leadership because from each area if everyone comes out we will be doing a good service to support the Governor on cleaning. We don't have to wait for the Governor to come out and call for a program so that all of us can show up. But leaders can stand up and put themselves together and agree which area to start. Especially those areas which are really affected by the dumping sites and the sewerage lines that are blocked we can also change Nairobi and give ourselves the green garden that we have always been dreaming of.

With the program that is going on let us demarcate people according to their groups. If the Governor can work hand in hand with the youth and give them their department on how they can contribute in the environment and checking on Nairobi that will also serve well. As well as women in the Community while we the leaders, can be now oversight and directors of what to do.

As we link up with the National Government we also have to have a proper way on how they will come in and how will they link up, so that when we put in resources we should see the results and if it does serve to be given the allocation or not.

I also pray the budget is going to be given for Nairobi to make it a better place and a green City that everybody is dreaming of. A dream of this County where everybody from all regions would always say I prefer to visit Nairobi even if it one day; the dreams should come back.

This is can happen when we have enough resources and when we partner both locally and internationally plus our able Government to support our Governor because he can't manage by himself. Also, we should look out for sabotage because a lot of it is going around. Like today we were unable to move

around because of the *boda-boda* strike that made the visitors who were here think that being in Nairobi is a hell for them. So while we do this and lay down proper structures Nairobi will become to a better place, I support the Motion.

**Hon. Speaker:** Hon. Mary!

**Hon. Mary Mwami:** Thank you Madam Speaker, I stand to support this Motion Nairobi been a City in the sun has degenerated over the year and I have said this here again. When I saw this Motion that wants to renew Nairobi with the help of the National Government I support it a 100%. However, we need proper structures that will set in place so that we know how we will be able to relate as a County and National Government towards this.

We need a renewal of a City that attracts tourist, safety measures which includes setup of CCTV so that when we walk in this City we don't feel unsafe. Nairobi also houses UN, Habitat. It is also a great City and we are likely to lose some of this great organization that create employment for our people to other Cities. I was privileged through this County Assembly to visit Uganda last week and Kampala is doing very well and we visited Kampala Authority. I tell you can't find a paper in Kampala because it is properly managed and there is no rubbish dumped anywhere in that place. We also went to Gikomba because we bought a few things and it is also clean so we can also alter our games so that we don't lose trade and tourists to these other places. I support the Motion.

**Hon. Ann Akinyi:** Thank you Madam Speaker. I also rise to support this Motion and I would like to borrow from what my able Minority Whip has just mentioned. I have also been privileged to travel here and there in and out of the country and if you look at how our country is placed strategically, we are the only city in, I think, in the world that has a national park right at the city. We have few parks maybe apart from New York which has Central Park. We actually have facilities that would potentially make the city great in terms of attracting tourists and even investment. We house both national parks and we also have big corporates that are housed in the city. So there is potential for tourism and also investment and big corporates to house.

Apart from that I think we are the only city that houses an international airport which is not very far from the city like Jomo Kenyatta International Airport (JKIA). If you look at the history of a city like Dubai, it was just sand and nothing else and now it is the number one country in terms of tourism. It is because of how they planned their city. They just put in more time and decided to re-plan themselves and now they are actually the hub. When you want to go to either Asia or Europe and for some reason to most people because Emirates Airline is the number one airline in the world, will go through Dubai to go to other regions.

Kenya is also strategically placed in the East African region. We have our carrier Kenya Airways which is; if you look at it for those who probably would understand is also very well placed in terms of a hub. We can actually use it to attract tourists from Europe, Asia and America into Africa and the rest of the world. With that I stand to support.

**Hon. Speaker:** The mover.

**Hon. Peter Imwatok:** Madam Speaker, I thank the Hon. Members very much across the political divide in particular the members of the ODM side and NASA and also the members of the Jubilee side who are here. Madam Speaker, I think I can sleep today a sound mind that after practicing NRM Resistance from the streets for more than 4 months I can stand here today and bring a Motion before this Assembly in support



of the entire Assembly in supporting H.E President Uhuru Muigai Kenyatta. It will also go on HANSARD that we the people or the elected leaders and the leaders in this Assembly on this side we have no question whatsoever when it comes to supporting the Four Big Agendas of H.E the President Uhuru Muigai Kenyatta whom our own leader has supported wholeheartedly without any condition, without a question.

Therefore, the reason as to why we say thank you to all those who have contributed, those who also supported in silence---

**Hon. Speaker:** Are you on a point of order?

**Hon. Anthony Karanja:** Madam Speaker I think it would not be in order for a Hon. Member of this House to be a member of a banned military organization. I think he needs to withdraw that because that is very serious. NRM is a banned organization that he needs to actually distance himself from.

**Hon. Speaker:** Are you a member of the banned NRM?

**Hon. Peter Imwatok:** Thank you Madam Speaker. I am not a member of the banned NRM but I was saying that we had a resistance section of a political wing during the political campaign time which now with the 'general' being deported then we have no NRM. I was just saying Madam Speaker, it is good to open your heart and say thank you for the President of the Republic of Kenya and on behalf of the people of Nairobi that we support you, that Nairobi is on a wanting gear, and this wanting gear is engaged by the President that we must rejuvenate Nairobi.

I was born in Nairobi Madam Speaker in the early 80s; early means that I can be 1964. When I was born in this city, in particular where I used to live in Makongeni, there was something which we call a *king'ora* which waked me up to go to school. Those days every estate in this city was being cleaned and mosquitos sprayed. Nowadays madam Speaker, only mosquitos in this city are making all private hospitals and even our public hospitals full of people infected with malaria. It shows that we must appreciate the President for coming up with an agenda of rejuvenating Nairobi. For us as Members of this Assembly, we will support the President 100% and if there is any legislation for us to bring to domesticate our support to this National Government on behalf of the county, we will do it.

Lastly Madam Speaker, let me appreciate the Majority Leader and all the members of the Assembly Business Committee who have given a full support for this Motion; that it was important. The National Government can come in; I am happy for Eastlands where I come from, Hon. Members, that the President came and launched rehabilitation for all the roads. When you go to Makongeni, City Stadium Road as we are talking now, the graders are there, they are working sorting up the road. If you go to Maringo, the same thing is happening, Madam Speaker. It shows really that the "handshake" has brought change in my own area and I must support the President on this and his government. For those few remarks members, thank you so much, I beg to reply.

*(Question put and agreed to)*

### ADJOURNMENT

**Hon. Speaker:** Order Hon. Members! It is time to adjourn. Hon. Members, the House stands adjourned to tomorrow 5<sup>th</sup> July 2018 at 2.30 p.m.

**The House rose at 3.34 p.m.**