



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Wednesday 18th September, 2019

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. John Kamangu) in the Chair)

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, please ring the bell for ten minutes as there is no quorum and then we can proceed from there. Please don't allow Members to go out; we want to attain a quorum yet Members are walking out. It is unfortunate that you are allowing them to go. Hon Members please be seated so that we can get the quorum, then you can go after we have attained quorum. Thank you. Hon. Mbono, take your position!

(Quorum bell was rung)

I think we have attained the quorum. Clerk, please proceed.

PAPERS LAID

Hon. Deputy Speaker: Hon. Wakarindi? Vice-chair? Any member Trade Committee? Do you have any paper to lay today? Proceed.

Hon. Jeremiah Themendu: Thank you Mr. Speaker. Pursuant to Standing Order No. 215 (2), I beg to lay the following paper on the table of the assembly today Wednesday 18th September 2019; Joint Report of the Sectoral Committees on Trade, Tourism and Co-Operatives, and Planning and Housing on the consideration of petition by Dandora I Total stall market traders on the demolition of their structures. Thank you Mr. Speaker, I beg to lay.

Hon. Deputy Speaker: Thank you Hon. Themendu. Clerk proceed, next.

STATEMENTS

Hon. Deputy Speaker: The chairpersons of the various committees should be notified that the statement appearing on the Order Paper under notice No.2 are due for response. The respective chairperson to give an undertaking to give a response on a definite date. Please note that all the chairpersons in the House or the vice-chairs and all the committee members that the responses that we have are long overdue. so take a definite date for the response by next week please. I direct that by next week on Tuesday you have to be prepared with the responses.

If you look at the Order Paper, we have all the responses that are required to be tabled by Tuesday. Thank you. Clerk proceed.

MOTION

Hon. Deputy Speaker: Chairperson Water and Sanitation Committee? Vice-chair, any member Water Committee? Proceed *Mheshimiwa*.

Hon. Peter Wanyoike: Thank you Hon. Speaker. Hon. Speaker I rise to move the following motion--*(Inaudible)*

Hon. Deputy Speaker: Please add the volume; it is low. You can't be heard, move to the next mike.

ADOPTION OF REPORT ON THE CONSIDERATION OF THE SESSIONAL PAPER NO. 3 OF 2018 ON THE
WATER AND SANITATION SERVICES POLICY

Hon. Peter Wanyoike: Hon. Speaker, I beg to move the following Motion;

THAT, this Assembly adopts the report of the Sectoral Committee on Water and Sanitation on the consideration of the Sessional Paper No. 3 of 2018 on Water and Sanitation Services Policy, laid on the Table of the Assembly on Wednesday, 7th August 2019.

Hon. Speaker, the Sessional Paper No.3 of 2018 on the Water and Sanitation Services Policy was tabled in the County Assembly on Tuesday 4th December, 2018 for approval in accordance with Section 8(1) (e) of the County Governments Act, 2012. The Sessional paper was thereafter committed to the Sectoral Committee on Water and Sanitation for consideration and report to the Assembly.

Hon. Speaker, the Policy gives effect to Article 43(1) (b) & 43(1) (d) of the Constitution of Kenya 2010, which provides that access to reasonable standards of sanitation & clean safe water in adequate quantities, is an economic & social right to every person.

Hon. Speaker, the Fourth Schedule of the Constitution of Kenya, 2010, has devolved the provision of Water and Sanitation Services to County Government.

The Water Act, 2016, has aligned the institutional framework for Water and Sanitation Services to the Constitution. To achieve this, the County Executive is required to work closely with other stakeholders as provided in the Water Act. The key stakeholders include National Government, Cross County Governments, catchment and riparian communities, regulatory agencies, development partners and the private sector.

It is for this reason that the Nairobi County in conjunction with the Nairobi City Water and Sewerage Company came up with the Water and Sanitation Services policy to guide the County in effective provision of quality Water and Sanitation Services to the City residents and forwarded to the County Assembly for approval.

In view of this, the County organized a consultative forum with the County Assembly Water and Sanitation Committee as well as Nairobi City Water & Sewerage Company Ltd to deliberate on the content of the Draft Policy during the period between 14th to 21st February 2019.

Hon. Speaker, Pursuant to Article 196 of the Constitution of Kenya, the Committee was able to write to various stakeholders for their written memorandum on 9th April 2019.

Hon. Speaker, the Committee in its process of considering the Policy observed as follows: -

1. That the Policy was developed by the County government as a response to various perennial challenges facing Nairobi City County such as water problem, poor sanitation services and water and sewer line burst amongst others.
2. The Water and Sanitation Situation in Nairobi has continued to worsen. Like most cities in developing countries, the water and sanitation situation in Nairobi City is characterized by an acute shortage of water and sanitation lines due to increase in population. The last official population was taken in 2009 and at that time, the population was 3,138,369. That number has since grown to approximately 3.5 million. The metro area has over 6.5 million residents. This “Green City in the Sun” has a history dating back to 1899 and continues to grow as rural residents make their way to this big city for employment opportunities. Nairobi has for years managed the water sector formally through the local authority and now the County Government through Nairobi City Water and Sewerage Company Ltd.
3. The problems facing the Nairobians are largely a natural consequence of the colonial legacy and the extent policy and regulatory frameworks that have been in place. In view of the foregoing, and the worn-out of Water and Sanitation pipes, there is an urgent need for Water and Sanitation Service Policy.

Hon. Speaker, the Committee recommends that in accordance with Section 8(1) (e) of the County Governments Act, 2012 and provisions of Standing Order 191(6): - that;

This Assembly approves the Sessional Paper No. 3 of 2018 on the Water and Sanitation Service Policy with the following recommendations; -

1. That present and future projects of the Water and Sanitation program be done within the framework of the Water and Sanitation Service Policy and the recommendations of this report.
2. That the County Executive ensures that all the Joint Venture Agreements/Contracts that were entered into without the presence of a policy are aligned to the provisions of the Sessional Paper No.3 of 2018 on Water and Sanitation Service Policy.
3. That the County manage their own projects and not allow them to be absorbed under the National program, since it is the County that understands the areas that need attention, and that, the County should allocate funds to cater for the same.
4. That the County government submits to the Assembly within 60 days of adopting this report, a Bill establishing a Water and Sanitation Authority, amongst other proposal contained in the Policy.
5. That the policy document be amended as proposed by various stakeholders captured in the report.

Hon. Speaker, the Committee has confidence that the implementation of these recommendations will go a long way in improving the status of the Water and Sanitation Citywide in addition to revenue collection and further guide in giving birth to Nairobi City County Water and Sanitation Services Bill, 2018.

Hon. Speaker I call upon Hon. Warutere to second the Motion.

Hon. Peter Warutere: I second.

(Question proposed)

Hon. Herman Azangu: Thank you Hon Speaker, I think you can call the mover to respond.

Hon. Peter Wanyoike: Thank you Mr. Speaker, let me thank you and acknowledge with gratitude the office of the Speaker and the office of the Clerk of the County Assembly for the logistic and technical support accorded to the committee while considering the policy.

Let me take this opportunity to thank the county executive and Nairobi Water for the good work and also the stakeholders for their effort in developing this policy. Also let me thank this house for the support you accorded. Thank you, Mr. Speaker.

(Question put and agreed to)

COMMITTEE OF THE WHOLE ASSEMBLY

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman, Hon. Silas Matara, took the Chair]

COMMUNITY HEALTH SERVICE BILL

Hon. Chairman: Hon. Members, we are now in the committee of the whole Assembly to consider the Nairobi City County Community Health Services Bill, 2019; Assembly Bill number 5 of 2019 and we will start with the Bill at clause 3.

Clauses 3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22 &23

Hon. Chairman: Sergeant- at- Arms ensure that no one leaves the floor

(Question proposed)

(Question put and agreed to)

Clause 2

(Question that clause 2 be part of the Bill, proposed)

Hon. Chairman: Members?

(Question put and agreed to)

Title

(Question that Title be part of the Bill, proposed)

Hon. Chairman: Members?

(Question put and agreed to)

Clause 1

(Question that Clause 1 be part of the Bill, proposed)

Hon. Chairman: Members?

(Question put and agreed to)

Hon. Chairman: Mover!

Hon. Pius Mbono: Mr. Chairman Sir, I beg to move that the committee do report to the Assembly its consideration of the Nairobi City County Community Health Services Bill 2019; Assembly Bill number 5 of 2019 and its approval thereof without amendments

(Question proposed)

(Question put and agreed to)

(The House resumed)

(Hon. Deputy Speaker in the Chair)

Hon. Deputy Speaker: Mover.

Hon. Silas Matara: Mr. Speaker, I beg to report that the committee of the Whole Assembly has considered the Nairobi City County Community Health Services Bill 2019, Assembly Bill no. 5 of 2019 and approved the same without amendments.

Hon. Pius Mbono: Mr. Speaker sir, I beg to move that the Assembly do agree with the committee in the said report.

Hon. Deputy Speaker: Thank you.

(Question proposed)

(Question put and agreed to)

Hon. Pius Mbono: Hon. Speaker, I beg to move that the Nairobi City County Community Health Services bill 2019, Assembly bill no. 5 of 2019 be now read a 3rd time.

(Question proposed)

(Question put and agreed to)

(The bill was accordingly read the Third Time and passed)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, having transacted today's business, the House stands adjourned till tomorrow 2.30 p.m. Thank you and God bless you all.

The House rose at 3.05 p.m.