



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Tuesday 19th February, 2019

The House met at 2.30 p.m.

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

PRAYERS

Hon. Deputy Speaker: Clerk proceed, I think we have a quorum.

PAPERS

Hon. Deputy Speaker: Chair Livestock.

Hon. Joseph Komu: Hon. Speaker, pursuant to Standing Order 191 (6), I beg to lay the following paper on the table of the assembly today, Tuesday 19th February 2019: The Report of the Sectoral Committee on Agriculture, Livestock and Fisheries on a workshop that was held on 9th to 10 November 2018. I beg to lay.

Hon. Deputy Speaker: Proceed.

Hon. Joseph Komu: Hon. Speaker, pursuant to Standing Order 191 (6), I beg to lay the following paper on the table of the assembly today, Tuesday 19th February 2019: The Report of the Sectoral Committee on Agriculture, Livestock and Fisheries on the site inspection visit to Neema, Kiamaiko Dandora, Njiru and Kayole abattoirs. I beg to lay.

Hon. Deputy Speaker: Powers and Privileges, proceed.

Hon. Naftaly Mathenge: Hon. Speaker, pursuant to Standing Order 191 (6), I beg to lay the following papers on the table of the assembly today, Tuesday 19th February 2019: The Report of the Select Committee on Powers and Privileges on the inquiry into the unethical conduct of the Hon. Members and allegations of bribery of members of the Sectoral Committee on Labour and Social Welfare and the Sectoral Committee on Justice and Legal Affairs. I beg to lay.

Hon. Deputy Speaker: Clerk, proceed.

NOTICES OF MOTIONS

DEVELOPMENT OF THE COUNTY SPORTS PLAN

Hon. Grace Muthami: Hon. Speaker, I beg to give Notice of the following Motion: AWARE that Section 8 of the Nairobi City Government Sports Management Act 2017, provides that the director in charge of sports in the County shall prepare the County Sports Plan which shall include measures to be taken in promotion of sporting activities in the County, measures to be taken in the integration of sports plan as stipulated in Section 8 (3) of the same Act; FURTHER AWARE that, the Nairobi City County Sports Management Amendment Act, 2018 establishes the Nairobi City County Sports Management Board with a mandate of overseeing the operations, promotions and management of sports activities in the county; CONCERNED that a number of sports talented youth in the County are not able to sustain a livelihood due to limited sports driven opportunities; appreciating that there is need for the County Executive and the County Sports Management Board to develop and implement appropriate strategies, policies and programs to mitigate joblessness among the sports talented youth in the County; this Assembly urges the County Executive in liaison with the County Sports Management Board to urgently develop and forward the Assembly Sports Plan for the County with integrated strategy plans for promotion of sports talents in the County for Assembly approval.

I beg to lay.

Hon. Deputy Speaker: Thank you, Hon. Muthami. Chair of Agriculture.

ADOPTION OF THE REPORT ON THE SITE INSPECTION VISIT TO NEEMA, KIAMAIKO AND DANDORA-NJIRU
ABATTOIRS

Hon. Joseph Komu: Hon. Speaker, I beg to give notice of the following motion; THAT this Assembly adopts the report of the Sectoral Committee on Agriculture, Livestock and Fisheries on the site inspection visit to Nehema, Kiamaiko and Dandora-Njiru abattoirs laid on the table of the Assembly today, Tuesday 19th February 2019.

Hon. Deputy Speaker: Thank you Chair. Chairperson of Powers and Privileges.

ADOPTION OF THE REPORT ON THE ON THE INQUIRY INTO THE UNETHICAL CONDUCT OF HON.
MEMBERS AND ALLEGATIONS OF BRIBERY

Hon. Naftaly Mathenge: Hon. Speaker, I beg to give notice of the following motion; THAT this Assembly adopts the report of the Select Committee on Powers and Privileges on the inquiry into the unethical conduct of Hon. Members and allegations of bribery of Members of Sectoral Committee on Labour and Social Welfare and the Sectoral Committee on Justice and Legal Affairs laid on the table of the Assembly today, Tuesday 19th February 2019.

Hon. Deputy Speaker: Clerk, proceed.

STATEMENTS

Hon. Deputy Speaker: Hon. Herman Azangu.

REQUEST FOR STATEMENT REGARDING STATE OF ROADS IN LAND MAWE WARD

Hon. Herman Azangu: Hon. Speaker, pursuant to Standing Order 45 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral committee on Transport and Public Works regarding the state of roads in the County specifically, the missing link road between Enterprise Road and Rioko Rd in Land mawe Ward.

Hon. Speaker, it should be noted that Land mawe Ward lies in industrial jurisdiction where manufacturing and processing plants generate massive revenue for the county government yet it has been neglected in terms of public infrastructure development by the same government. Mr. Speaker, in the statement the chairperson should enquire into and report on;

1. Whether the county has plans for construction of the said missing link brought in the annual development plan even as the budget cycle gains momentum.
2. Whether the county executive has included roads in Land mawe Ward for rehabilitation in their annual work plan for the current or the next fiscal year and whether the residents of Land mawe will see efforts to improve the road infrastructure that will ease mobility.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Chair Transport, is he in? Is the Vice Chair here?

Hon. Mark Macharia: Thank you Mr. Speaker. Hon. Speaker, I request that we be given two weeks.

Hon. Deputy Speaker: Two weeks, are you comfortable with that Azangu? Two weeks?

Hon. Herman Azangu: I will agree with him about the two weeks.

Hon. Deputy Speaker: So two weeks is okay?

Hon. Herman Azangu: Yes.

Hon. Deputy Speaker: Thank you. Hon. Chege.

REQUEST FOR STATEMENT REGARDING INVITATION FOR TENDER BIDS

Hon. Waithera Chege: Thank you Mr. Speaker. I have a request for statement.

Pursuant to Standing Order number 45(2)(c) I wish to request for a statement from the Chairperson of the Select Committee on Finance, Budget and Appropriation Committee regarding invitation for tender, tender bids NCC/REWT/T/339 of the financial year 2018/2019 and NCCEDU/10/209 of the financial year 2018/2019, NCCDU/T/337 of the financial year 2018/2019, NCCEDU/ICT/RFP/091 of the financial year 2018/2019 published by the County Government in the local dailies and its website on the 5th of February, 2019. Hon. Speaker, the County Government has published the said adverts calling for;

1. Bids for tenders on construction of a box culvert in different in Wards;
2. Construction of completion of ECD block in Gatina Primary School; and
3. Supply, delivery and distribution of milk for ECD children in Nairobi City County schools and supply installation configuration, customization, testing, commissioning and maintenance of an integrated city revenue management system respectively.

Hon. Speaker in the said publication, the bidders are asked to submit their bidding documents by February 15th 2019. In the statement the Chairperson should inquire into and report on;

- a. Whether the County Executive adhered to the provision of the Public procurement and disposal Act 2016 which requires that the bids be submitted at least within two weeks given the magnitude of the tenders

Hon. Deputy Speaker: Chair Finance and Budget? Vice Chair? Any member who can stand on behalf of the Budget committee? Proceed.

Hon. Daniel Ngengi: Hon. Speaker, we request for two weeks if it's acceptable to Hon. Chege

Hon. Deputy Speaker: Hon. Chege, are you comfortable with two weeks?

Hon. Waithera Chege: Hon. Speaker, this is a yes or no question and the deadline was on Friday. You only need an hour to cross the road to the Executive and so I don't see the need of waiting for two weeks

Hon. Deputy Speaker: Hon. Ngengi

Hon. Daniel Ngengi: Hon. I beg that we give a reply on Thursday next week

Hon. Deputy Speaker: Come again?

Hon. Daniel Ngengi: Thursday next week

Hon. Deputy Speaker: Two days

Hon. Daniel Ngengi: Next week Hon. Speaker

Hon. Deputy Speaker: Thursday next week?

Hon. Daniel Ngengi: Yes

Hon. Deputy Speaker: This one or the other one?

Hon. Daniel Ngengi: This week Hon. Speaker

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

Hon. Waithera Chege: Fair enough Hon. Speaker. May I proceed to read the second statement?

Hon. Deputy Speaker: Proceed.

REQUEST FOR STATEMENT REGARDING DISPLACEMENT OF TRADERS ALONG KANGUNDO ROAD IN RUAU WARD

Hon. Waithera Chege: I am still requesting for a statement Hon. Speaker. Pursuant to Standing Order 42 (c) I wish to request for a statement from the Chairperson of the sectoral committee on Trade, Tourism and Cooperatives and Planning, Lands and Housing regarding displacement of traders along Kangundo road in Ruai Ward.

Hon. Speaker, I wish to bring to your attention that the structures that the said traders use to trade their merchandise were demolished and currently lack space to operate. Hon. Speaker, it should further be noted that the public land LR. No. 118/1609 in Ruai is not currently in use and the traders may use the same in the short-term.

Hon. Speaker, in the statement the Chairpersons should inquire into and report on;

1. Whether the said traders can be given authority by the County Government to carry out their trading activities on the said unutilized piece of land?
2. Whether there are any plans by the County Government to construct markets in Ruai to accommodate the traders in the long-term?

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Chair Planning?

Hon. Anthony Kiragu: Thank you Hon. Speaker. I want to bring to your attention that Hon. Chege Waithera is a member of our committee and I would have preferred that she brings the statement directly to

the committee. Secondly, I think that she is misdirecting this committee to the Planning committee because trader matters should be directed to the Trade Committee.

Hon. Deputy Speaker: I wanted you to finish with your part that I ask for the other part, period.

Hon. Anthony Kiragu: I have not heard any question in her statement that should go to the Planning committee. She asked whether we have plans to relocate, honestly that is not a Planning issue. To relocate traders or give land temporarily is a Trade issue unless I did not hear correctly, but I wish she ask the two questions again and I believe you can be able to decipher that from where you're sitting.

Hon. Deputy Speaker: Hon Chair of Planning we have an issue of land and if you want Hon. Waithera to read again she can do the same for you to understand. But we have an issue of land and that is squarely in your sector.

Hon. Anthony Kiragu: The issue is not ownership of that particular piece of land. It is about giving it to traders temporarily for use.

Hon. Deputy Speaker: Chair, just say one or two days.

Hon. Anthony Kiragu: I will be able to give respond in two days.

(Loud consultations)

Mr. Speaker please protect me from people who are heckling when I am on the floor!

Hon. Deputy Speaker: Proceed.

Hon. Anthony Kiragu: Thank you. I will be able to give a response in seven days and I will redirect the question to the relevant office if need so that I come up with a proper response.

Hon. Deputy Speaker: Thank you. Chair, Trade? Vice chair?

Hon. Jeremiah Themendu: Hon. Speaker, thank you. I think we shall reply to Hon. Chege in two weeks' time.

Hon. Deputy Speaker: Hon. Waithera, are you comfortable with three weeks?

Hon. Waither Chege: Before I declare that I am comfortable, I need to remind my colleague, Hon. Kiragu that the challenges that Nairobi is having today is because of lack of planning. So, the question is properly before the committee.

Hon. Deputy Speaker: Thank you Hon. Waithera. Hon. Ngesa Francis.

REQUEST FOR STATEMENT REGARDING ALLEGED OPERATION OF ILLEGAL CLINICS IN THE COUNTY

Hon. Francis Ngesa: Thank you very much Mr. Speaker. I need to ask for a statement. Pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Health Services regarding the alleged operation of illegal clinics in the county, specifically the recent case of the late Human Rights Activist, Caroline Mwatha, who alleged passed on while undergoing an abortion in a clinic in Dandora. Hon. Speaker, the said case has exposed how quacks are continually exposing the lives of Kenyans in Nairobi to danger by operating illegal health facilities without requisite qualification and providing low quality health services. Hon. Speaker it is therefore worrying how such clinics continue to operate without the attention of the authorities while noting that article 26 (4) of the constitution permits procurement of safe abortion under special circumstances, especially when the life an expectant mother is at risk, in the opinion of a qualified medical practitioner.

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

1. Why the county government has allowed unlicensed unregistered clinics, i.e. the Njiru clinic to operate in the county,
2. A list of all licensed clinics in the county, especially in Dandora Ward IV,
3. What measures the county executive has put in place to ensure that all health facilities operating in the county are licensed and registered.

Thank you Hon. Speaker.

Hon. Deputy Speaker: Chairperson, Health? Vice Chair? Any member? Hon. Nyangarisa, proceed.

Hon. Moses Ogeto: Yes, Hon. Speaker. Give us two weeks.

Hon. Deputy Speaker: Two weeks. Are you comfortable?

Hon. Francis Ngesa: Yes, Mr. Speaker. I hope it will be two weeks because the matter is weighty.

Thank you.

Hon. Deputy Speaker: Thank you.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, there being no other business the House stands adjourned to tomorrow, 2:30 p.m. The House Business Committee members should meet immediately at our usual place. Thank you and God bless you all.

The House rose at 3.09 p.m.