



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fourth Session

Thursday 5<sup>th</sup> November 2020

The House met at 2.30 p.m.

*[Hon. Temporary Deputy Speaker (Mr. John Kamangu) in the Chair]*

#### PRAYERS

#### QUORUM

**Hon. Temporary Deputy Speaker:** We have quorum, Clerk proceed.

#### STATEMENTS

REQUEST FOR A STATEMENT REGARDING THE DILAPIDATED DRAINAGE SYSTEMS IN THE COUNTY PARTICULARLY IN BURUBURU PHASE III AND MAGUNGA COURT IN HARAMBEE WARD

**Hon. Anthony Gathumbi:** Thank you very much Mr. Speaker. Hon. Speaker, pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the dilapidated drainage systems in the county and particularly in Buruburu Phase III and Magunga Court in Harambee Ward.

Hon. Speaker, drainage blockages occasioned by floods have become a perennial problem in the county and unless quick action is taken, it is going to be costly to the county to reconstruct or do complete overhaul of the drainage systems. The ongoing rains continue to wreak havoc and destroy the already worn out drainage system in Buruburu Phase III and Magunga Court. This has resulted to stalled vehicles and inflexible traffic jams, impassable roads and potholes that have turned into hollows, fallen trees and collapsing and run-down houses where electric appliances and other household valuables have been destroyed by flood waters.

Hon. Speaker, in light of Article 42 and 43 (1) (b) of the Constitution of Kenya 2010, which provides for the rights to a clean and health environment and reasonable standards of sanitation, immediate attention and consideration is needed.

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

1. Reasons for the delayed construction of proper drainage systems in the county particularly in Buruburu Phase III and Magunga Court;
2. Short term measures the Nairobi Metropolitan Services has put in place to control and manage perennial floods;
3. Measures put in place to mitigate communicable diseases brought about by floods;
4. Long term plans the NMS is putting in place to create alternative drainage routes;
5. The time frame within which the repair works of the old drainage systems and broken down roads in Buruburu Phase III and Magunga Court will commence; and
6. Whether the youth in Harambee Ward will be engaged in the drainage construction works

Thank you very much Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Kimemia. Chair Transport? Vice Chair? Any member Transport?

**Hon. Mary Mwami:** Thank you Mr. Speaker sir. I would like us to be given two weeks.

**Hon. Temporary Deputy Speaker:** Hon. Kimemia, are you comfortable with two weeks?

**Hon. Anthony Gathumbi:** Mr. Speaker, I am requesting for one week.

**Hon. Temporary Deputy Speaker:** Hon. Ariviza, Hon. Kimemia says one week is enough.

**Hon. Mary Mwami:** One week is not enough because we need to write officially to the Executive and by the time they can do everything, a week is always good. May be we can say seven working days so that we give them time to do the work.

**Hon. Temporary Deputy Speaker:** Are you comfortable with seven working days which is almost ten days?

**Hon. Anthony Gathumbi:** Thank you very much Mr. Speaker. I will take ten working days.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Kimemia. Hon. Wanyoike you have a statement, proceed.

REQUEST FOR A STATEMENT REGARDING THE PERENNIAL CHALLENGES FACING WATER  
SUPPLY IN THE COUNTY PARTICULARLY DANDORA I WARD

**Hon. Peter Wanyoike:** Thank you Mr. Speaker. Pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the perennial challenges facing water supply in the county particularly Dandora I Ward.

Hon. Speaker, recent years have experienced inadequate supply of water across the county which has forced the Nairobi City Water and Sewerage Company Limited to ration the distribution of this important commodity.

Hon. Speaker the residents of Dandora I Ward are undergoing undue suffering due to inadequate water supply. This is despite the Nairobi City Water and Sewerage Company Limited developing a schedule on rationing of water across the county.

In addition, most water pipes in the area are blocked and leaking making it difficult for the residents to access the limited water available. Furthermore, some of the estates in the Ward have access to water without genuine water meters from the company. Further, most plots owe the County Government a lot of unaccounted for money in form of water bills from the time of the defunct Nairobi City Council.

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

1. Reasons for not supplying adequate water to the residents of Dandora I Ward despite having a schedule on the same;
2. Measures that the Nairobi City Water and Sewerage Company Limited is taking to ensure that all estates in Dandora I Ward have genuine water meters from the company;
3. Steps that the County Executive has taken to ensure that the blocked and leaking water pipes are unblocked, repaired and when; and
4. Measures that the County Executive and Nairobi Metropolitan Services are putting in place to audit these water bills and develop mechanisms to rectify.

Thank you Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. Chair, Water? Hon. Kiriba can you hear me?

**Hon. James Kariuki:** Mr. Speaker, give us two weeks.

**Hon. Temporary Deputy Speaker:** Hon. Wanyoike, are you comfortable with two weeks?

**Hon. Peter Wanyoike:** Thank you. Hon. Kiriba, proceed. You have a response for Jayendra Malde. Is Hon. Malde online?

**Hon. Jayendra Malde:** Yes, Mr. Speaker.

#### RESPONSE TO A STATEMENT REGARDING WATER RATIONING IN THE COUNTY BY THE NAIROBI CITY WATER AND SEWERAGE COMPANY

**Hon. James Kariuki:** Thank you, Mr. Speaker. I rise to respond to a statement from Hon. Malde, MCA.

Hon. Speaker, On Thursday 25<sup>th</sup>, June, 2020, Hon. Jayendra Malde, MCA, rose on the floor of Assembly pursuant to Standing Order 45(2) (c) and requested for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the water rationing in the County by the Nairobi City Water and Sewerage Company Limited particularly Parklands/ Highridge Ward.

In the Statement, the Member requested that the Chairperson should inquire into and report on;

1. Reasons for not supplying adequate water to the residents of Parklands/ Highridge Central Ward despite having a schedule on the same;
2. Measures the County Executive is taking to ensure that the blocked and leaking water pipes are unblocked, repaired and when; and

3. Measures the County Executive is taking to ensure that the residents of Parklands/ Highridge and the County at large received adequate water supply without delay.

Hon. Speaker, the Committee wrote to the County Executive Committee Member responsible for Water and Sanitation requesting 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:

Reasons for not supplying adequate water to the residents of Parklands/ Highridge Central Ward:

Hon. Speaker, the Committee was informed that as the Member acknowledge, there was a shortage of water in the County which necessitated implementation of a rationing schedule to ensure equitable distribution of water to all Nairobi residents.

Water was being supplied to the residents of Parklands/ Highridge Ward between Monday to Thursday weekly as in the schedule availed in the company's website.

Customers who reported to the regional offices were compensated for supply lost through the company's water tankers.

Measures the County Executive is taking to ensure that the blocked and leaking water pipes are unblocked, repaired and when

Hon. Speaker, the Committee was informed that;

The leakages or blockages reported by residents were repaired within 36 hours by the regional technical teams.

Air valves along the pipe network had been installed at various points to prevent blockages caused by air locks within the pipe. Old and dilapidated pipes have been replaced in various areas to reduce the frequency of leakages.

Measures the County Executive is taking to ensure that the residents of Parklands/ Highridge and the County at Large received adequate water supply without delay

Hon. Speaker, the Committee was informed that the ongoing Northern Water Collector Tunnel Project in Muranga County projected to be completed by December 2020 was expected to increase water supply to Nairobi County by 140,000 m<sup>3</sup> per day upon completion and will enhance the company's capacity to supply adequate water to the residents of Parklands/ Highridge and Nairobi at large.

Hon. Speaker, Hon. Jayendra Malde was invited to the Committee's virtual meeting and was satisfied with the response forwarded by the County Executive Officers from the Water Sector

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

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

**Hon. Temporary Deputy Speaker:** Thank you, Hon. Kiriba. Hon. Malde, are you comfortable with the response?

**Hon. Jayendra Malde:** Yes, Mr. Speaker, I am satisfied.

**Hon. Temporary Deputy Speaker:** Thank you. Clerk, proceed.  
(Point of Order)

What is the point of order, Hon. Nyangaresi?

**Hon. Moses Ogeto:** Hon. Speaker, I am on a point of order under Standing Order No.56 (h) on the question of privilege. Today is a good day but a sad day in this Assembly. You can even see the Sergeant-at-Arms is struggling to give us some sanitizers which are almost empty.

Hon. Speaker, as you are aware COVID19 needs cleanliness and this Assembly needs to have serious sanitizers. It has come to my attention when I was going to gents there was no water. I can assure you that even in the office of the Speaker when I was trying to access it yesterday, there was no water.

Hon. Speaker, I am requesting that you give directions on the same. I also wish, under Standing Order No. 1, whereby you are supposed to give directions on constitutionality whereby the court pronounced itself on 16<sup>th</sup> of October last month announcing on the lifting of gazette notice 5072 of 24<sup>th</sup> July, 2020.

Hon. Speaker, on a report that was tabled before this Assembly on 23<sup>rd</sup> July 2020 and on a court Order under the decree of the court which was given before the court and I would want to make it clear on 28<sup>th</sup> May 2020 on a judgment which was issued by the court on 16<sup>th</sup> of October, 2020.

In the court, it pronounced itself that this House and the Board approved the name of one Edward Gichana of which I have the report and this House pronounced the same. As for the same officer, I have not seen him since the court pronounced it.

Hon. Speaker when you invoke Standing Order 1 on constitutional matters and this House is a House of rules and procedures and because we are not the Chair of the Board and I would wish the chair of the Board could pronounce himself on these circumstances whereby Standing Order 1 talks about that the Constitution must be respected and the courts of this Republic must also be respected.

Hon. Speaker, some court orders in this House have been respected while others are not. Therefore, Hon. Speaker, I would wish you pronounce yourself on such matters of importance starting with our health in this House and secondly on constitutionalism on such cases which have been pronounced at the High Court of the Republic. Hon. Speaker, those are my submissions.

**Hon. Temporary Deputy Speaker:** Thank Hon. Nyangaresi, I need to do further consultation because I have heard you very clearly. The orders must be respected, but I need to consult widely because I am not aware of those court orders. I am sure the Board chair will report back because it has been reported in the House. Thank you. Do you have another one again?

**Hon. Moses Ogeto:** Hon. Speaker, in the Standing Order 1 it is very clear and I would wish you give communication and a timeline on the same even if it is on the second of next week on Tuesday or even next month. It depends on your time and it must be addressed and again you have not addressed the issue of COVID19 and sanitizers, which are been used in this House.

**Hon. Temporary Deputy Speaker:** Thank Hon. Nyangaresi, the entire questions that you are asking me lies entirely on the Board and I have said I need to consult widely which is properly noted and maybe it will be reported back as soon as possible thank you Hon. Nyangaresi. Clerk, proceed!

**MOTION**

**Hon. Temporary Deputy Speaker:** Chair of Education, Hon. Ariviza proceeds.

**Hon. Mary Mwami:** I do not know and I need your guidance because I have a report, which is different.

**Hon. Temporary Deputy Speaker:** This is a Motion. If you do not have a Motion, please I need one who has a Motion. Who has a Motion now? Proceed.

**Hon. Moses Ogeto:** Hon Speaker, there is precedence by Hon. Benson Mutura that if the Member of the same Motion is not before this House, no Member should move the Motion on behalf of her. Hon. Speaker, I am not seeing her or is she on Zoom? Again it is good precedence that those Members who move Motion, since this House is big, can be coming to this House to move such Motions.

Hon. Speaker, the precedence that was set on Tuesday should apply today again. Let us not do double standards.

**Hon. Temporary Deputy Speaker:** Thank you and it properly noted. Chairperson, Committee on Education? The vice-chair, Education? So the matter is deferred to another day.

*(Motion dropped)*

**ADJOURNMENT**

**Hon. Temporary Deputy Speaker:** Since we have no any other business, Hon. Members the House stands adjourned until Tuesday 10<sup>th</sup> November at 9.30 a.m. Thank you God bless you.

***The House rose at 3.10 p.m.***