



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Tuesday 4th April 2023

The House met at 2.30 p.m.

[The Speaker (Hon. Kennedy Ng'ondi) in the Chair]

PRAYER

Hon. Speaker: Hon. Members, you may be seated.

QUORUM

Hon. Speaker: Hon. Members, the attention of the Chair has been drawn to lack of quorum in the House. I direct the Serjeant-at-Arms to ring the bell for ten minutes as required by Standing Order No. 37 (2).

(Quorum bell was rung)

(The Clerk-at-the-Table confirmed there was quorum)

The attention of the Chair has been drawn to the realization of quorum in the House, we may proceed.

COMMUNICATION FROM THE CHAIR

RESUMPTION FROM SHORT RECESS

Hon. Speaker: Hon. Members, good afternoon. I have the following communication to convey:

Hon. Members, may I take this opportunity to welcome you all from the short recess. I believe you had fruitful moment with your constituents. Feel welcomed to today's afternoon Sitting, which is appropriately convened pursuant to the approved Second Session Assembly Calendar.

Hon. Members, at the time of adjournment for the just ended short recess, the committees were at various stages of undertaking various activities related to their respective mandates including inconclusive consideration of Statements, Petitions, site inspection visits, Bills amongst others. I want to call upon all the chairpersons to take stock of all pending business in their respective Committees with a view of concluding

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in order to bring to the attention of the Assembly for consideration. In addition, may I also call upon the Select Committee on Liaison under the leadership of the Deputy Speaker, who is the Chairperson, to continue providing the much needed co-ordination and support to the Committees for them to effectively meet their objectives. In this regard, we shall also be caucusing as the Assembly Leadership from time to time to monitor and assess progress in as far as the institutional goals and objectives are concerned.

Further, Hon. Members, we are convening at the height of the budget cycle that involves consideration of various documents that have legal requirements and timelines. As we resume, the key business related to budget making include consideration and processing of the County Integrated Development Plan (CIDP), the County Annual Development Plan (CADP), the County Fiscal Strategy Paper (CFSP), the Budget Estimates and the relevant legislations. May I once again call upon the chairpersons to take the foregoing into consideration while approving the respective quarterly work plans. The Select Committee on County Budget and Appropriations and the Budget Office is called upon to step up their support to sectoral committees during this period in order to achieve optimal processing and oversight over budget policies.

Hon. Members, I nonetheless wish you well in your engagements in both committees and plenary as we commence this part of our Calendar.

You are so guided. I thank you, Hon. Members.

PAPER

NAIROBI CITY COUNTY INTEGRATED DEVELOPMENT PLAN 2023-2027

Hon. Speaker: Hon. Majority Leader, please.

Hon. Peter Imwatok: Hon. Speaker, pursuant to Section 126 of the Public Finance Management (PFM) Act, 2012, Section 108 of the County Government Act, 2012 and Standing Order No. 225, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 4th April 2023:

The Nairobi City County Integrated Development Plan 2023-2027.

I beg to lay, Hon. Speaker.

(The Paper was laid on the Table)

Hon. Speaker: Thank you. I commit it to the Committee of Budget and Appropriations.

NOTICE OF MOTION

INSTALLATION OF WATER HYDRANTS IN THE INFORMAL SETTLEMENTS

Hon. Speaker: Hon. Eutyclus Mukiri.

Hon. Eutyclus Mukiri: Thank you, Mr. Speaker. I wish to give notice of the following Motion:

THAT, aware that the functions of Firefighting Services and Disaster Management are vested in the County Governments, pursuant to provisions of Part Two of the Fourth Schedule to the Constitution of Kenya; further aware that informal settlements are generally characterized by poor infrastructural development, including lack of access roads and in the majority of cases, informal settlements face fire disasters with late response from the County Fire and Disaster Management team; concerned that even where some assistance

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is provided, firefighting equipment generally arrives too late after the fire has consumed properties or wiped out the entire settlement; observing that the County Government has in the recent past purchased a number of quad bikes to improve the response time when there is a fire outbreak in the informal settlements. However, several of the bikes have not been functional in the informal settlements due to their small capacity for carrying water and lack of hydrants within the settlements to refill them; noting that the National Government in conjunction with the Ministry of Water, Sanitation and Irrigation, embarked on the construction of the Northern Collector Tunnel in 2015, that is set to pump 140 million litres of water daily into Nairobi and other environs, therefore improving the supply of water in the County and specifically in informal settlements; realizing that Nairobi City County has a number of water hydrants distributed within the County, however, majority of them are inaccessible or not functioning; now therefore this Assembly urges the County Executive to:

- i. Conduct an assessment on the number of water hydrants in the County and conduct continuous routine inspection and repairs of water hydrants
- ii. Construct/install water hydrants in all the informal settlements that lack water hydrants; and
- iii. Immediately submit the Fire Rescue and Services Policy and Bill to the County Assembly for approval.

Thank you, Mr. Speaker.

Hon. Speaker: Clerk, next Order.

STATEMENTS

Hon. Speaker: Majority Leader, what is it?

Hon. Peter Imwatok: Hon. Speaker, during the statement time, the Standing Orders allows the Majority Leader to make any comprehensive--

Hon. Speaker: Kindly, make reference to the Standing Order because under Order No. 7, we have the approved statements.

Hon. Peter Imwatok: This is very important, Hon. Speaker.

Hon. Speaker: But we need terms of reference.

Hon. Peter Imwatok: Hon. Speaker, allow me for just a second before you rule me out.

Hon. Speaker: You may proceed.

A MINUTE OF SILENCE FOR THOSE WHO PASSED ON DURING THE DEMONSTRATION PERIOD

Hon. Peter Imwatok: Thank you, Sir. I have tried to sit here and wait for the Order Paper to come to a conclusion, but it will be so unfortunate for me just to keep quiet. Hon. Speaker, the statement that I want to put before this House is to ask you humbly that this city of Nairobi has passed through a tremendous challenges the last two weeks. We have lost citizens and children in the demonstration. We also must acknowledge what the two principals of this country have done.

Therefore, Mr. Speaker, I request you humbly to ask this House to observe a minute of silence for those who passed on during this period. Then, thereafter, we can also give respect to His Excellence William Ruto and His Excellence Raila Amolo Odinga. We affirm our support as the citizens and representatives of Nairobi.

(Applause)

Kindly, Mr. Speaker, if you allow us to observe a moment of silence for those citizens who have passed on.

Hon. Speaker: Hon. Majority Leader, for purposes of prayers, we cannot deny such opportunity because it involves a word of prayer. Hon. Members!

(Members stood for a moment of silence)

Hon. Peter Imwatok: Amen.

Hon. Speaker: Thank you.

Hon. Peter Imwatok: Hon. Speaker, maybe just to affirm it all, I want to say on behalf of the Azimio Coalition Party in this House that we are fully aware that Nairobi is the Capital City that was mostly affected. We are fully behind our Party Leader and the entire principals of Azimio to engage His Excellency William Ruto on bringing amicable solution to myriad of our problems that are affecting our county so that we can have peace and tranquility.

Thank you, Minority Leader for walking in. I was making the point that Nairobi is a city of power and we have passed numerous challenges in the last two weeks. We thank God that His Excellency William Ruto and His Excellency Raila Amolo Odinga found it fit to have a bipartisan way of making sure that the country is together and, more so, that Nairobi is at peace for the good of business and for our people to continue with their lives.

Therefore, thank you, Hon. Members for standing up for a moment of silence for those who lost their lives. We pray that such a thing cannot happen again in this country. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you, Majority Leader. It is quite in order because Nairobi is the most affected. Thank you for embracing peace, Hon. Members.

Order No. 7 on Statements, Mheshimiwa Paul Wachira!

REQUEST FOR STATEMENT REGARDING ALLEGED INCREASED CASES OF CHOLERA

Hon. Paul Kariuki: Thank you, Mr. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding alleged increased cases of cholera, especially at St. Joseph's Health Center in Ngando Ward.

Hon. Speaker, Article 43 (1) (a) of the Constitution provides that every person has the right to the highest attainable standard of health, which includes rights to health care services, including reproductive health care. Article 43 (2) also provides that a person should not be denied emergency medical treatment.

Hon. Speaker, so far 47 cases have been reported at St. Joseph's Health Center since cholera broke out in the County. It is therefore very important for the County to immediately come out with the framework to ensure cholera is contained and controlled as it poses a health hazard to the residents of Nairobi County.

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

- i. Status of cholera outbreak in the County, especially in Ngando Ward, which has experienced the highest number of cholera cases;
- ii. Measures the County Executive is taking to ensure that the residents get safe and clean water;
- iii. Way forward regarding the challenges the whole sector is currently facing in regards to health, especially on cholera outbreak in Nairobi; and
- iv. Steps that the County is taking to ensure that cholera outbreak is contained and controlled.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. The Chairperson of Health Committee, kindly give the undertaking on the period of time you would want to respond to the concern of the Member, please.

Hon. Lily Kidenda: Thank you, Hon. Member for your concern, and I would like to register in this House that it is a major concern in the Health Committee. Realizing the magnitude of what it entails how it is affecting our citizens, I would like to commit, on behalf of the Health Committee that you will give us a week to give you a detailed report and another week to be able to get the extra communication. I realize that it is not something that we can say, "give us 21 days" because health is key to us and mental health is truly at the root of what we should be taking care of urgently. Thank you, Hon. Speaker.

Hon. Speaker: Thank you.

REQUEST FOR STATEMENT REGARDING STRUCTURAL ENCROACHMENT OF PUBLIC LANDS AND ROADS

Hon. Speaker: Hon Redson Otieno!

Hon. Redson Onyango: Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee of Lands, Planning and Housing regarding structural encroachment by Dream Bean Hotel in the Central Business District.

Hon. Speaker, Article 62 (2) of the Constitution of Kenya, 2010 provides that public land shall be vested in and be held by a county government in trust of the people resident in the county and shall be administered on their behalf by the National Land Commission. In doing so, the county government is required to take any steps to safeguard encroachment of public land. Hon. Speaker, structural encroachment occurs when a property owner builds or structures extend into a public land or road. There have been numerous complaints from residents of Nairobi regarding several establishments encroaching on public lands whereby some premises go beyond their property line knowingly and intentionally.

Hon. Speaker, Dream Bean Restaurant situated in the Nairobi CBD, has illegally constructed its restaurant encroaching on a public road, there is a federal road behind the premises. However, the owner of the premises has encroached on that federal road to set up seats and chairs for their customers.

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

- i. Whether the County Executive issued construction approvals to Dream Bean Restaurant;
- ii. Reasons to us why the County Executive has not taken any action against the proprietors for encroaching on public land yet the facility is near City Hall; and

- iii. Measures the County Executive has put in place to ensure that private developers do not encroach on public land.

Hon. Speaker: Thank you. The Hon. Chairperson on Sectoral Committee on Lands, Planning and Housing, kindly give an undertaking.

Hon. Alvin Palapala: Thank you, Mr. Speaker. Because we have other activities that we are undertaking and we are yet to finish, I beg for three weeks.

Hon. Speaker: Hon. Member, are you comfortable within the timelines the Chairperson has requested?

Hon. Redson Onyango: I am not comfortable, even this is a commitment.

(Applause)

Hon. Speaker: I think that is not a good reason to guarantee you that.

Hon. Alvin Palapala: And also as my Committee, we do not want to do a shoddy work. We don't want to say two weeks then we bring here a shoddy work.

(Applause)

Hon. Speaker: Hon. Members, you are aware in my earlier communication that I raised concern on the effectiveness of various committees and the timelines they are able to submit committee reports and even respond to statements. So, may be three weeks could be extraordinary given that the assignment, one, the proximity of the location of the property is just across the road. Two, you are able to reach out to the management in good time, you don't need any facilitation. So, can you fast track this in under a week?

Hon. Alvin Palapala: Mr. Speaker, why do you want me to lie before this Assembly? I am saying what is possible.

Hon. Speaker: Hon. Speaker, your references are not parliamentary. We do not have the word "lie"

Hon. Alvin Palapala: Let me state between two and three weeks

Point of Order

Hon. Speaker: Permission granted.

Hon. Peter Imwatak: Can the Chair for Planning substantiate the term "his committee is dealing with other things." Does the committee deal with things or matters before it?

Hon. Speaker: You have been corrected. The committee deals with matters.

Hon. Alvin Palapala: Can the Majority Leader tell me what he understood when I used the word "things"

Hon. Speaker: Hon. Alvin, kindly take in the advice appropriately. Are you dealing with things or matters?

Hon. Alvin Palapala: Matters.

Hon. Speaker: Yes. So, in under 14 days?

Hon. Alvin Palapala: Okay, 14 days.

Hon. Speaker: Thank you. Are you comfortable, Hon. Member?

Hon. Redson Onyango: Yes, I am now comfortable.

Hon. Speaker: Hon. Members, learning is a continuous process and we can learn from mistakes. Today, the Majority Leader has highlighted on the parliamentary language, we deal with matters, not things. Thank you for your observation, Hon. Majority Leader. Hon. Minority Whip

Hon. Mark Mugambi: Thank you, Mr. Speaker for catching my eye. My issue is more of a concern as to whether the issues we raise here in plenary are taken seriously. As you are aware, we do not have parking. It was proposed that Members of the House be given the slots adjacent to these building for use as parking lots. As you step out of this building, Hon. Speaker---

Hon. Speaker: Hon. Member, just make a statement then we will pick it up from that.

Hon. Mark Mugambi: Well guided. Thank you.

Hon. Speaker: The Hon. Whip has made a statement in regards to the parking lot for Hon. Members. I hope that is captured by the Clerks-at-the-Table. We will allocate time to have a discussion around it. Thank you. Clerk.

MOTION

REHABILITATION OF THE COUNTY SOCIAL HALLS

Hon. Speaker: Hon. Anthony Kimemia.

Hon. Peter Imwatok: Hon. Speaker---

Hon. Speaker: Yes, Hon. Majority Leader.

Hon. Peter Imwatok: In the spirit of collective responsibility and the fact that Hon. Kimemia comes from Makadara Constituency where I also come from, I wish to say that Hon. Anthony Kimemia is not feeling well as far as I am concerned and being the father around here, I beg for your indulgence to allow me proceed as this is a matter of interest for Makadara Constituency, Harambee Ward, Makongeni Ward and all its environs in the larger Eastlands, except Mathare, Mabatini and Githogoro.

Hon. Speaker: Hon. Majority Leader, you are out of order! The Standing Order expressly gives an opportunity where there is a lacuna in law. I wish there was a Member present in the House with a written permission from the Member on the said Motion. Any member?

Hon. Peter Imwatok: It is on WhatsApp.

Hon. Speaker: It must be approved by the Speaker. Hon. Members, I have the right to defer the Motion to a later date, which will be committed to the House Business Committee for allocation. Seems like Motion No. 8 was the only agenda on the Order Paper.

(Motion differed)

ADJOURNMENT

Hon. Speaker: Therefore, the House stands adjourned to 2:30 p.m. tomorrow. At the rise of the Assembly, Members of the House business to have a sitting.

The House rose at 3:23 p.m.