



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Wednesday 5th April 2023

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Malyun Abdi) in the Chair]

PRAYER

Hon. Temporary Speaker: You may be seated, Hon. Members.

QUORUM

Hon. Temporary Speaker: Clerk, confirm if we have quorum.

(The Clerk-at-the-Table confirmed there was no quorum)

Serjent-at-Arms, please ring the bell for ten minutes.

(Quorum bell was rung)

Serjent-at-Arms, please ring the bell for another five minutes

(Quorum bell was rung)

We have quorum. Clerk, proceed.

STATEMENTS

BUSINESS APPEARING BEFORE THE ASSEMBLY FOR THE WEEK

Hon. Temporary Speaker: Hon. Emily Oduor.

Hon. Emily Oduor: Thank you, Hon. Speaker. Pursuant to Standing Order No 47 (2) (a), on behalf of the Assembly Business Committee, I rise to give the following Statement regarding the business appearing before the Assembly for the week beginning Wednesday 5th April 2023.



Hon. Speaker, the Assembly Business Committee met on Tuesday 4th April 2023 to allocate business for week for consideration by this Assembly. In that regard, Hon. Speaker, allow me to brief the Assembly as follows:

1. That, today, Wednesday 5th April 2023, under Order No 8, this Assembly will consider the report of the Select Committee on Public Investments on the consideration of the report of the Auditor General on the financial statements of the Nairobi City Water and Sewerage Company Limited for the year ended 30th June 2018 that was tabled in the Assembly on 23rd March 2023. The Committee Chair shall be moving the Motion
2. Further, on Thursday 6th April 2023, under order No 8, the Assembly shall be considering the Motion by Hon. Eutyclus Mukiri, MCA, urging the Executive to: -
 - i. Conduct an assessment on the number of water hydrants in the County and conduct continuous routine inspection and repair of the water hydrants;
 - ii. Construct/ install water hydrants in all informal settlements that lack water hydrants; and
 - iii. Immediately submit the Fire Rescue and Service Policy and Bill to the County Assembly for approval.
3. On Tuesday 11th April 2023, the Assembly will be considering the Motion by Hon. Anthony Kimemia, MCA, urging the County Executive to urgently rehabilitate and modernize all the existing County social halls and streamline their management to ensure that youths across the County are engaged and mentored to develop and manage their arts and talent in the country. Subsequently, Hon. Speaker, I urge Members of this Assembly to familiarize with the aforementioned Motion and prepare accordingly for debate through the help of our Research department. Details of the Motions can be obtained in the Notice Paper, being the last page of today's Order Paper.
4. Hon. Speaker, the Assembly Business Committee shall be informing this Assembly every Wednesday through its designee, the allotted business during the Statement hour for timely preparation.
5. The Assembly Business Committee will again meet on Tuesday 11th April 2023 at the rise of the Assembly to consider business for the subsequent week. Members are highly encouraged to generate business through the respective committees with the help of committee clerks and Tables and Journals office.

Hon. Speaker, I now wish to lay the Statement on the Table of the House. Thank you, Hon. Speaker.

REQUEST FOR STATEMENT REGARDING CONSTRUCTION OF RESIDENTIAL BUILDING ON LR NO. 1214

Hon. Temporary Speaker: Thank you. Hon. Jared Akama

Hon. Jared Ondieki: Thank you, Madam Speaker. Pursuant to Standing Order No 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Urban Planning and Housing regarding the construction of a residential building on LR No. 1214 by CBA Mutua Property Group Limited along Mombasa Road in Imara Daima Ward.

Hon. Speaker, Section 3 (a) of the Nairobi City County Inspectorate Act, 2017 establishes that the Inspectorate Services, which reads together with the Section 6 (1) (a) of the same Act, highlights the functions

of the Inspectorate to carry out inspections within Nairobi County in order to ensure compliance with the set standards in respect to functions of the County Government as specified under part 2 of the Fourth Schedule to the Constitution.

Hon. Speaker, the private developer has allegedly hired goons who have been obstructing the inspection visits on LR. No 1214 by the County Enforcement Officers. These hired goons have been violently attacking the Inspectorate Officers, who have subsequently reported the matter to the Reuben Police Post at Kwa Reuben Ward and at the Investigative Unit in City Hall.

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

- i. A comprehensive report on whether the said developer was issued with a permit and requisite approvals to construct the said building; and
- ii. Measures the County Executive has put in place to ensure the enforcement officers are not harmed while conducting their work.

Thank you, Madam Speaker.

Hon. Temporary Speaker: Chairperson, Committee on Urban, Planning and Housing.

Hon. Alvin Palapala: Thank you, Madam Speaker. Yesterday, I was corrected by the Majority Leader to use the word “other matters” instead of “other things”. We have other matters that are before the committee, but because Hon. Akama has told me it is urgent, I beg for 14 days.

Hon. Temporary Speaker: Hon. Jared Akama.

Hon. Jared Ondieki: Hon. Speaker, I am surprised because I was seated here with him and we had conversation and he promised to have all this done in 8 days. He assured me that he would request for 8 days and that is why I am surprised with that change in tune. Madam Speaker, I will be comfortable if you gave the ruling of 8 days because this is a matter of making inquiries. Thank you.

Hon. Temporary Speaker: Chairperson, Committee on Urban Planning.

Point of Order

Hon. Temporary Speaker: Minority Leader.

Hon. Anthony Karanja: Thank you, Hon. Speaker. You need to advise the Chair of Justice not to have informal communications with the Chair of Planning on such an important matter that touches on the Assembly. They cannot agree and then ask the question here. If there was such a leeway, they should have agreed to have it done outside there. Thank you.

(Laughter)

Hon. Temporary Speaker: Well noted, Minority Leader. Hon. Jared Akama, are you okay with the 14 days given by the Chair?

Hon. Jared Ondieki: Madam Speaker, I was hoping that you do not open debate, I was trying to inform for the purpose of that harmony. He is my friend and I was just sharing because of the aspect of friendship. However, in this case Madam Speaker through your wisdom, I am requesting that you order the response to be given in 8 days. It is very urgent and of concern because as we speak, some of our enforcement officers are afraid of going out there to do their job and it costs the County in terms of revenue collection and law and order.

Hon. Temporary Speaker: Thank you. Chairperson, Planning and Housing please consider those grievances and give us ample time for the response.

Hon. Alvin Palapala: Thank you, Madam Speaker. Since he is my good friend, we can work with 8 days.

Hon. Jared Ondieki: Thank you very much, Madam Speaker.

REQUEST FOR STATEMENT REGARDING NOISE POLLUTION CAUSED BY
CONSTRUCTION OF RETAIL SHOPS ON LR. NO 209/113228

Hon. Temporary Speaker: Hon. Rex Omolleh, you have a Statement to issue?

Hon. Rex Omolleh: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding noise pollution caused by the construction of retail shops on LR. No 209/113228 along Langata Road.

Hon. Speaker, Section 13 of the Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2009 stipulates that no person shall operate construction equipment, including but not limited to any no person shall operate construction equipment (including but not limited to any pile driver, steam shovel, pneumatic hammer, derrick or steam or electric hoist) or perform any outside construction or repair work so as to emit noise in excess of the permissible levels as provided in the regulations.

Hon. Speaker, noise pollution caused by construction sites can potentially contribute to poor quality of life, subsequently causing impartial or total loss of hearing, ear pain or discomfort, poor sleep quality and change in behaviors such as irritability, anger and frustration. Hon. Speaker, the residents of Nairobi west have been complaining of the noise pollution being caused by the ongoing late night constructions since it is causing a lot of health problems, especially for the children.

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

- i. A comprehensive report on why the County Executive has allowed the private developer to construct at night; and
- ii. Measures the County Executive has put in place to ensure that the other private developers do not break the law safeguarding the health of residents of Nairobi West.

I wish to request for another statement from the chairperson of the sectoral committee on Planning and Housing ---

Hon. Temporary Speaker: Please, can the Chairperson of Environment and Natural Resources respond before you proceed to the next one? Chairperson of Environment and Natural Resources.

Hon. Peter Imwatok: Madam Speaker, as a Member of the Environment Committee, my Chair and Vice Chair are perambulating somewhere outside the country. I ask that we give a reply in six months

(Laughter)

Hon. Rex Omolleh: Madam Speaker, it seems the Majority Leader is the private developer of this construction site. I beg that you protect me and my electorates so that I can get a response within two days.

Hon. Temporary Speaker: Majority Leader, that is not ample time [two days] for a Member of the Assembly. Please give reasonable time so that the Member is content.

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Hon. Peter Imwatok: Hon. Speaker, I am speaking on behalf of the Committee, which I am not allowed to, it is only the Chair who is supposed to talk on behalf of the Committee. But as a Member, I will report to the Chair that we have given a maximum of two weeks and a minimum of ten days to respond.

Hon. Temporary Speaker: Thank you. I hope you are satisfied.

Hon. Rex Omolleh: That is okay, Hon. Speaker.

REQUEST FOR STATEMENT REGARDING CONSTRUCTION OF BUILDINGS IN THE COUNTY
SPECIFICALLY ALONG LANG'ATA ROAD

Hon. Rex Omolleh: Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Urban Planning and Housing regarding the construction of buildings in the County, specifically along Lang'ata Road.

Hon. Speaker, Section 3 (c) of the Urban Areas and Cities Act, 2012 purposes that it is important for participation of residents in the governance of urban areas and cities. Further, Section 10 of the Nairobi County Public Nuisance Act, 2021 provides that no person shall attach, erect or permit erection of any object alongside any streets in a such a manner as to protrude over or into a street without a permit from the County.

Hon. Speaker, Nairobi County has greatly seen a sudden increase of construction of commercial buildings in parts of the city. However, some of these commercial buildings are being constructed encroaching on the road therefore causing traffic snarl-ups in various parts of the city.

Hon. Speaker, the developers have constructed retail shops on plot No. LR No. 209/113228, which has encroached on Lang'ata Road therefore causing traffic jam along the busy road, which is not only nuisance but illegal.

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

- i. Comprehensive report on whether the said developer was issued with a permit and requisition approvals of the said building;
- ii. Measures the County Executive has put in place to ensure that there is no road encroachment during construction of commercial and residential buildings; and
- iii. Regularization measures that the County Executive has put in place to ensure that all buildings are compliant with the law.

Thank you.

Hon. Temporary Speaker: Chairperson, Urban Planning and Housing.

Hon. Alvin Palapala: Madam Speaker, I beg for two months because we have other matters before the Committee. I do not want to lie that I will bring the response after seven days, I don't want to make the House happy. Thank you for understanding.

Hon. Temporary Speaker: Hon. Member, are you satisfied?

Hon. Rex Omolleh: Madam Speaker, the rate at which the building is causing chaos in my ward, I cannot wait for two months. Let the Chair be honourable enough and give me a timeline that is workable with the emergency it deserves.

Hon. Alvin Palapala: Madam Speaker, it is what I said; two months.

Hon. Temporary Speaker: Chairperson, Urban Planning and Housing, you know there are parliamentary practices of two weeks or even three weeks, but two months is a long duration for a Member to wait. Give ample time that the Member can be comfortable with. Thank you.

Hon. Alvin Palapala: Madam Speaker, then give us three weeks. I think the Hon. Member is now happy, he is even smiling.

Hon. Rex Omolleh: Madam Speaker, if the Chair of Planning has a lot of work, he can sit at least three times a day and take two weeks to give us a report. This is a matter of emergency and children are getting sick.

Hon. Temporary Speaker: I think due to the work plan and the many Statements that have been issued in House, give him three weeks for you to get a comprehensive report for the Statement that you have requested.

(Hon. John Omolleh spoke off the record)

Hon. Temporary Speaker: Address the Chair, please. I am the Chair.

Hon. Rex Omolleh: I am trying to consult if we can have two and half weeks.

Hon. Temporary Speaker: There is no consultation behind the Chair. You have already brought the matter to the House and we are expecting ---

Hon. John Omolleh: Madam Speaker, I agree with the three weeks.

Hon. Temporary Speaker: Thank you.

REQUEST FOR STATEMENT REGARDING STORM WATER MANAGEMENT IN THE COUNTY

Hon. Temporary Speaker: Hon. Kennedy Swaka.

Hon. Kennedy Swaka: Hon. 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 storm water management in the County, specifically Gatina Health Centre.

Hon. Speaker, Article 43 of our Constitution, 2010 guarantees every citizen the highest attainable standards of health, which includes the right to health care services, including the right to reasonable standards of sanitation. The ongoing long rains have exposed the dangers that people go through as a result of lack of proactivity on the part of the County Executive to put in place measures of mitigation on the effects of flooding.

Hon. Speaker, Gatina Health Centre is an important facility that provides services to the residents of Gatina, Kabiro and Kilimani wards, yet no measures have been put in place to keep out flooding water from adjacent fields and facilities. The most recent cases almost led to the closure of the facility because it could not be accessed hence denying the people most critical government services and pre-exposing patients and residents to waterborne diseases, especially now that there is an outbreak of cholera.

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

- i. The immediate steps that the County Executive is taking to manage the drainage situation within Gatina Ward, especially Gatina Health Centre;
- ii. Whether the County Executive has plans to erect a perimeter wall with a gate in order to separate the health facility with the adjacent field and keep out storm water; and

- iii. Long term plans that the Executive has put in place to ensure that health facilities in the County are provided with adequate drainage and sanitation facilities.

Hon. Temporary Speaker: Chairperson, Health Services.

Hon. Maurice Onyango: Thank you, Madam Speaker, we request for three weeks. I think the Statement that the Hon. Member is seeking should be a multi-sectoral. We also need to involve the Environment as it is talking about drainages and flooding. Thank you.

Hon. Temporary Speaker: Hon. Kennedy.

Hon. Kennedy Swaka: I think it is in order. Although it is a multi-sectoral, but we can begin somewhere; let us begin at the Health Sector.

Hon. Temporary Speaker: Thank you.

REQUEST FOR STATEMENT REGARDING RECONSTRUCTION OF EASTLEIGH MARKET

Hon. Temporary Speaker: Hon Nicholas Okwacho.

Hon. Nicholas Okwacho: Hon. Speaker, pursuant to Standing Order No.47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Co-operatives regarding the reconstruction of Eastleigh Market in Eastleigh North Ward, Kamukunji Constituency.

Hon. Speaker, markets are crucial components of any economic system. They are places where buyers and sellers interact and exchange goods, services and information. The importance of markets lies in the fact that they play a vital role in generating revenue for an economy. The said market was demolished by the County Executive in 2018 and the land was reverted back to the County Government. However, the County Government has not made any stride towards the reconstruction of the said market, which used to serve the residents of Eastleigh North Ward and Kamukunji Constituency at large.

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

- i. A comprehensive report indicating whether the land was fully reverted to the County Government; and
- ii. Whether the County Executive has any plans to get into a public private partnership to reconstruct the said market.

Thank you, Madam Speaker.

Hon. Temporary Speaker: Chairperson, Trade, Tourism and Cooperatives.

Hon. Deonysias Mwangi: Thank you, Madam Speaker. I and my able committee are requesting to be given two weeks to look into the matter. Thank you.

Hon. Nicholas Okwacho: I am okay with that, Madam Speaker. Thank you.

RESPONSE TO STATEMENT REGARDING PERENNIAL LACK OF WATER IN WOODLEY WARD

Hon. Temporary Speaker: The Chairperson for the Sectoral Committee on Water and Sanitation, you have a response to a Statement.

Hon. Redson Onyango: Hon. Speaker, on Thursday 10th November 2022, Hon. DNG rose on the floor of the Assembly pursuant to Standing Order No.47 (2) (c), and requested for a Statement from the

Chairperson of the Sectoral Committee on Water and Sanitation regarding perennial lack of water in Woodley/Kenyatta Golf Course Ward.

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

- i. When the County Government intends to restore water supply in Woodley/Kenyatta Golf Course Ward;
- ii. Measures the County Executive is taking to ensure that Nairobi residents receive clean and safe water in adequate quantities;
- iii. Whether the County Government in conjunction with the Nairobi City Water and Sewerage Company have put in place proper water and sewerage infrastructure; and
- iv. Measures that the County Executive is taking to ensure that private water vendors operate fairly without causing any artificial shortages.

Hon. Speaker, the Committee wrote to the County Secretary on Wednesday 16th November 2022 requesting for a response. Hon. DNG appeared before the committee and was satisfied with the response. I beg to lay.

Hon. Temporary Speaker: Are you satisfied, Hon. DNG?

Hon Davidson Ngibuini: Thank you so much, Madam. Speaker. Yes, I am satisfied with the response. I request for your permission to pass a rider as I reply. The response was adequate but water supply still remains a challenge in Woodley Ward. We are still engaging with the Nairobi Water and Sewerage Company and we have agreed that the areas that are getting zero water distribution are being supported via water bowers at an affordable rate of Kshs. 2,500. I have also engaged the MD in person and he said that the Northern Collection Tunnel is underway, but for now our people are still struggling. I am happy with the Statement

Hon. Temporary Speaker: Thank you and well noted. Chairperson of the Sectoral Committee on Water and Sanitation, you still have another response.

RESPONSE TO STATEMENT REGARDING PERENNIAL LACK OF WATER IN THE COUNTY

Hon. Redson Onyango: Hon. Speaker, on Thursday 24th November 2022, Hon. Mukiri rose on the floor of the Assembly pursuant to Standing Order No.47 (2) (c), and requested for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding perennial lack of water in the County, especially Kahawa Ward.

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

- i. Steps that the County Executive has taken to restore water supply in Kahawa Ward;
- ii. A report on the status of pipes installation project and when the County Executive intends to implement the project fully; and
- iii. Measures that the County has put in place to ensure that the water-rationing schedule does not prejudice some areas.

Hon. Speaker, the Committee wrote to the Acting County Secretary on Tuesday 13th December 2022 requesting for a response. The Committee never received any response. The Committee further wrote to the Managing Director of Nairobi City Water and Sewerage Company, CECM for Green Nairobi and Chief Officer

for Water and Sanitation for a meeting on Monday 27th February 2023 for them to appear before the Committee on Tuesday 7th March 2023 at the County Assembly, pursuant to Standing Order No 47 (2) (d). The purpose of the meeting was to enable the officers to furnish the Committee with a response to the Statement requested by Hon. Mukiri, MCA.

Hon. Speaker, the Managing Director for Nairobi City Water Sewerage Company, (CECM) for Green Nairobi and the Chief Officer for Water and Sanitation appeared before the committee on Tuesday 7 March 2023 to respond to the Statement. Further, Hon. Mukiri, MCA appeared before the Committee on Tuesday 7 March 2023 and was furnished with the response and he was satisfied.

Hon. Speaker, I beg to lay.

Hon. Temporary Speaker: Hon. Eutyclus Mukiri.

Hon. Eutyclus Muriuki: Thank Madam Speaker. Yes, I appeared before the Committee before the MD, CEC, and the Chief Officer and I was satisfied. Steps were taken toward improving the same. Thank you.

RESPONSE TO STATEMENT REGARDING CONSTANT HARASSMENT OF TRADERS AND MEMBERS OF THE PUBLIC BY THE CITY INSPECTORATE

Hon. Temporary Speaker: Chairperson Sectoral Committee on Justice and Legal Affairs, you have a Statement to reply.

Hon. Jared Ondieki: Thank you, Madam Speaker once again. Hon. Speaker, on 2nd November 2022, Hon. Davidson DNG Ngibuini rose on the floor of the Assembly pursuant to Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Justice and Legal Affairs for a Statement regarding the constant harassment of traders and members of the public by the City Inspectorate across the County.

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

- i. How often enforcement officers undertake refresher training and when the last training took place;
- ii. Failure by the officers to be in uniform and carry identity cards and the display of the same during enforcement;
- iii. Disciplinary actions being taken by the County Executive for such ruthless officers;
- iv. The procedure and circumstances for conducting arrests by the enforcement officers;
- v. Why the enforcement officers use force in undertaking their duties and whether they are aware of provisions of Section 23 of the City Inspectorate Act, 2017; and
- vi. Measures the County Executive is taking to cease the infamous, ruthless handling of residents and traders by the City Inspectorate officers.

Hon. Speaker, the Committee wrote to the Ag. County Secretary and the County Chief Officer for Security and Compliance on 22nd February 2023 inviting them to a meeting of the Committee that was scheduled to be held on 28th February 2023 at the County Assembly, pursuant to Standing Order 47 (2) (d). The purpose of the meeting was to enable the County Chief Officer for Security and Compliance to furnish the Committee with the response to the Statement requested by Hon. Davidson DNG Ngibuini.

Hon. Speaker, the County Chief Officer for Security and Compliance appeared before the Committee on 28th February 2023 but the Committee rescheduled the meeting to a later date, as the Member who requested for the Statement was not available and also to allow the response to be submitted officially

through the Office of the Clerk. The County Chief Officer for Security and Compliance subsequently appeared before the Committee on Tuesday 28th March 2023 to respond to the statement. Hon Davidson DNG Ngibuini was furnished with a copy of the response and informed the Committee that he was satisfied with the same.

In this regard. Hon. Speaker, I wish to lay the report. Thank you.

Hon. David Ngibuini: Thank you, Madam Speaker, indeed I am very happy with that response. I would like to report to this honorable House that we had a rogue Sub County Commander who was transferred out of our sub county because of that malpractice. Our people are now peaceful. We have small elements but we are dealing with that on a day-to-day basis.

As I sit, Madam Speaker, I would also like to say that this House is extremely powerful and honorable Members should not tire in raising issues that are affecting the ward because as you can see from this request for a statement, we were able to get things done and issue sorted. Thank you.

Hon. Temporary Speaker: Thank you very much. Clerk!

MOTION

ADOPTION OF REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENT OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY

Hon. Temporary Speaker: Chairperson of Public Investment.

Hon. Hashim Kamau: Thank you, Madam Speaker for the opportunity. If we go to the second page of the Order Paper, there is a notice there. The Assembly resolved on Tuesday 21st February 2023 as follows: That each speech in a debate on a report of a committee, a sessional paper, or any other report submitted to the Assembly, be limited as follows: A maximum of sixty (60) minutes for the mover.

Madam Speaker, I was intending to use the 60 minutes to move the Motion, but after consultation with Hon. Peter Maina, I will only use 5 minutes. Madam Speaker, I beg to move the following motion:

THAT, this Assembly adopts The Report of the Select Committee on Public Investments on the Consideration of the Report of the Auditor General on the Financial Statement of the Nairobi City Water and Sewerage Company Limited for the Financial year ended 30th June 2018, laid on the table of the Assembly on Thursday 23rd March 2023.

Madam Speaker, the mandate of the Public Investment Committee is provided for under Standing Order 204 (5) of our Standing Orders, is examination of the accounts, reports and workings of the public investments, and in the context of autonomy and efficiency, examine whether the affairs of the County Public Investments are being managed in accordance with sound financial or business principals and prudent commercial practices.

Madam Speaker, this report of the Auditor General was committed to Public Investments for consideration and reporting. Article 229 (8) of the Constitution provides that within three months after receiving the report of the Auditor General, Parliament or the County Assembly shall debate and consider the report and take appropriate action.

Madam Speaker, it is on this basis that the Committee has considered and adopted the said report, and thus today urge the County Assembly to adopt it. While considering the report, the Committee met and interrogated the management of Nairobi City Water and Sewerage Company. Moreover, the committee

received a written submission from the witnesses. I want to take this opportunity to thank the entire Committee for its hard work and commitment, which made the taking of evidence and production of this report a success.

The audit report submitted by the Auditor General included queries on various aspects of the financial operations of the Nairobi Water and Sewerage Company and they include among others--- If Members could go to the actual report, I want to highlight those issues starting from page eight. The first issue was failure to disclose the material uncertainty about the foregoing concerns, trade and other receivables. Another issue was the amount due to related parties, property, plant and equipment, and no-revenue water. Those are among the issues that the Auditor General raised.

Madam Speaker, the Committee made several observations, which are clearly highlighted in that report. The Committee further made the following recommendations – I will not highlight all of them because of time. One of the issues that the Committee made recommendations is that, the management must provide a progress report on its commitment to debt recovery. This will mean the establishment of debt recovery units within the firm to ensure an efficient and effective mechanism for debt recovery.

Other issues that the Committee came up with is that, the management should put up a clear policy framework in place to guide the management on criteria for debt recovery, procedures on how some debts were written off, and terms of penalties and violations thereon. Those recommendations, Madam Speaker, are on the back of the report. If members could go there, we could save time. All assets should be repossessed to the company since it is a County Government cooperation mandate to provide water and sewerage services to the County residents as per the Constitution.

The Nairobi Water and Sewerage Company should cooperate with other parties to ensure that the tripartite agreement, which is an agreement between the Nairobi Water and Sewerage Company, Athi Water, and the defunct City Council. It is reviewed because it had been long overdue since meaningful considerations were made. This is essential to fostering a clear assignment of roles and responsibility.

Madam Speaker, if I jump to another recommendation, it is that the management is obliged to plant more trees, particularly in the water catchment areas. This will mitigate the impacts of adverse weather conditions. The management should prioritize investment on how to maximize the groundwater, for instance in drilling several boreholes. The management will benchmark with other best-performing cities around the world to adopt modern technologies aimed at increasing the water supply. Also, the company should adopt a home water based sensitization strategy on ways to conserve and minimize water wastage. This is aimed at sensitizing the use and especially the household on the necessity to reduce the wastage of water. The management should also strictly adhere to PFM regulations regarding project timelines.

Just to mention a few as an overview, Madam Speaker, we know the mandate of the company and the responsibility of the Auditor General. May I now take this opportunity to call upon Hon. Daniel Oria to second the Motion.

Hon. Daniel Odhiambo: Thank you, Madam Speaker, I rise the second the Motion. As a committee, the management should embrace and adopt the regular audit of the water connections. The management should put up measures on how to identify, report, investigate, and punish the water cartels. Water cartels are among group of people who constantly commit economic crimes and must pay punitive fines once caught.

The management should collaborate with other investigative agencies such as EACC to DCI to reduce the water shortages occasioned by the notorious water cartels.

Secondly, the company should adopt simple accessible methods of revenue collection as opposed to complex methods and the use of programs, otherwise known as sequence. I therefore, second the Motion.

(Question proposed)

Hon. Temporary Speaker: Jera Samson Ochieng.

Hon. Samson Ooko: Thank you so much, Hon. Speaker. I am a Member of this Committee. The Chairman has deliberated so much about the work we did as a Committee. I want to tell the House that the Auditor General came up with a bulky document that the Committee was to scrutinize. We went through one page after the other and we identified so many things that we asked the Nairobi Water Company. It is important to tell this House that as a Committee, we were pleased by the report. I sincerely thank the team from the Auditor General for the work they did.

Equally, when we called upon the leadership of the Nairobi Water and Sewerage Company, they came. We asked so many questions about the report and I am happy that they gave us answers that we asked them. Meaning that the report that is being laid today here, I am certainly very sure that it is accurately done. In that regard, Chair, the report entails a lot that I cannot read one by one because the Chairman has done that, but I must take this opportunity to appreciate and thank few individuals. Allow me to appreciate my Chairman, Hon. Hashim (*Applause*) He is a man and a half; he sat down with his Vice Chair, Hon. Dan Oria until very late. We went through each page and I am happy here that the report you are laying here today is accurately done.

Another person I must appreciate here is our Clerk. He kept us informed in every area of reasoning that we wanted his support and the documents we needed. I must also appreciate our Speaker because she is a Member of this wonderful Committee. Hon. Speaker, when we were getting lost somewhere on matters of law, you could advice. May God bless you as continue working in this Committee.

I want to tell Members of this wonderful House that the report we are laying before you today has been thoroughly scrutinized by the Members of Public Investments Committee. And therefore, mine is only to second and support this document here and wish the House to adopt it. Thank you so much, Madam Speaker, thank you so much Hon. Members and thank you so much my Chairman and Vice Chairman for the work well done. Thank you so much.

Hon. Temporary Speaker: Hon. Hamisi Suleiman Maleya.

Hon. Hamisi Maleya: Thank you, Madam Speaker, I rise to be guided on how and when the report should be adopted in this House. I have listened keenly to the Chairman as he read the findings. He claimed that the job was perfectly done. As a House, we have not gone through or seen the report. How do we just adopt a report that has just been laid on the floor? I have seen the Members of the Committee praising each other for the good job done yet as a House, we have not gone through.

(Applause)

I rise on the floor to oppose the report since I have not gone through. Thank you, Madam Speaker.

Hon. Temporary Speaker: Hon. Eutyclus Mukiri.

Hon. Eutyclus Mukiri: Thank you, Madam Speaker, I rise to support this report because I have been going through it since I came around 3 p.m. I think there are some good recommendations by these honorable Committee, for example, the introduction of digital water meters. This will go a long way to curbing the wastage of water. I think it is a good report. Thank you.

Hon. Temporary Speaker: Hon. Gitau Stephen Ndegwa.

Hon. Jered Ondieki: Sorry, Madam Speaker I am using Hon Ndegwas' card. I also rise to support this report. I am a Member of this Committee and I want to believe that I am one of the longest, other than my former Chair here, Hon. Stazo Omung'ala in the previous Assembly.

Hon. Speaker, it is also important to bring to the attention of this House the importance of this audit reports, they are actually meant to give a light on whether the company or the subject in question is moving to the right direction. I want to report that out of the investigations we have done, we are making good progress as far as the company is concerned. Having said that, there are quite number of things which were rising out of the report, especially with aspect of non-revenue water. I think it will be important that the company takes into the consideration because non-revenue water denies the company resources which are needed for them to able to develop and even provide services to the Nairobians.

I also notice things which have been recurring over a period of time, especially with the issue of wage bill. We would like the company to seriously take the issue of wage bill very serious because a bloated wage bill ends up consuming the entire amount of revenue collected and that actually hinders the services expected from this company.

I am happy the are things that we used to struggle with in the subsequent years, especially with issue of acting directors, it has been addressed in the subsequent years out of the report we are seeing. When we put people in acting capacity, their capacity to deliver is actually curtailed. I want to support this and I am looking forward for this company to improve better so that Nairobians can continue enjoying water services. I therefore rise to support, Thank you.

Hon. Temporary Speaker: Hon. Jeremiah Karani Themendu.

Hon. Jeremiah Themendu: Thank you, Mr. Speaker for catching my eye. I rise to support the report because I was part of the interrogating committee which held some meetings, even with the Acting Managing Director and departmental heads. We went through the report, did scrutiny and we captured all that were there. We found out that even the company itself had debts which they incurred from the members who are retired from the water company and from the defunct County Council. The company inherited those debts from the defunct County Council of Nairobi. The report was okay although there were some queries. When the Committee goes through such a report, it is a report of the whole Assembly. So, men and Women sat down and went through the report and made sure that everything was okay. I support the report, Thank you.

Hon. Temporary Speaker: Member of Upper Savannah Ward.

Hon. Stazo Omung'ala: Thank you, Madam Speaker. I would also like to support the Motion but before I do so, I would like to inform you that I hold a priority card at the moment in the House, so, I am not supposed to press this thing for many times as the Deputy Majority Whip.

Madam Speaker, I would like to commend the Committee for the report well done. As an immediate former Chair of PIC, they have done a good report. I think for us to be fair and just to the Committee so that this thing doesn't recur because there is a tendency of audit queries recurring from one financial year to the other, the work is well cut out to the Implementation Committee and the implementers. They need to implement whatever the committee has noted so that now going forward, things like non-revenue water should at least go down so that we hold these people into account.

On the issue of people acting for long and Nairobian's not knowing when a person is serving or not, this goes to the management of the Nairobi Water. They have a tendency of not giving you correct answers because someone is acting. With that few remarks, I beg to support.

Hon. Temporary Speaker: Hon. Rex Omolleh.

Hon. Rex Omolleh: Hon Speaker, Thank you. I rise to support this Motion. We have a lot of challenges in terms of water issues in Nairobi. As a Member of this Committee, we sat down and went through this report bit by bit and I am satisfied beyond reasonable doubt. I also tend to differ with my colleague, General, in terms of saying he has not gone through the report. This report was laid in the Assembly on 23rd of March and it has been available for everyone to go through and understand it. I think the Hon. Member is may be acting out of ignorance because every report is always laid at the entrance of the Assembly and we tend to go through those reports before coming into the House. I support this Motion. Thank you very much.

Hon. Temporary Speaker: The Mover to reply.

Hon. Hashim Kamau: Thank you, Madam Speaker. I beg to reply and I wish to acknowledge with gratitude the offices of the Speaker and the Clerk of the Assembly for the logistical and technical support accorded to the Committee while conducting the site visit. Appreciation also extends to the Nairobi Water and staff and office of the Auditor General, who helped the committee to come up with this report. Much thanks to the Members of the Committee and the secretariat for their dedication, untiring commitment and valuable contributions while coming up with this report. Thanks to the Members who are in the House currently, thanks to the Members who contributed and finally my gratitude to the Assembly for the support in consideration of the adoption of the report. I beg to reply.

(Question put and Agreed to)

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, there being no other business, the House Stands Adjourned until tomorrow, Thursday 5th April 2:30 p.m. Ramadhan Mubarak to all Muslim brothers and sisters, may Allah accept all our Ibada's and fasting. Thank you.

The House rose at 3.55 p.m.