



**NAIROBI CITY COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Third County Assembly – Second Session**

**Tuesday 5<sup>th</sup> December 2023**

The House met at 2.30 p.m.

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

**PRAYER**

**Hon. Temporary Speaker:** Hon. Members, you may now be seated.

**QUORUM**

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

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

Pursuant to Standing Order 37 (2), I direct the Serjeant-at-Arms to ring the bell for 10 minutes.

*(Quorum Bell was rung)*

I again direct the Serjeant-at-Arms to ring the Bell for another five minutes.

*(Quorum Bell was rung)*

*(Loud consultations)*

Order, Hon. Members! Order! The House is fully constituted.

Under Standing Order 43 No. (2), I direct that we consider Order No 8 and No. 9 first. I have tampered with the sequence of proceedings. Clerk!

**BILLS**

*(First Readings)*

THE NAIROBI CITY COUNTY CIVIC EDUCATION BILL, 2023  
(ASSEMBLY BILL NO. 9 OF 2023)

*(Order for First Reading read and committed to  
the Culture and Community Services Committee)*

THE NAIROBI CITY COUNTY FOOD SAFETY AND FORTIFICATION  
BILL, 2023 (ASSEMBLY BILL NO. 10 OF 2023)

*(Order for First Reading read and committed to  
the Health Services Committee)*

**PETITION**

**Hon. Temporary Speaker:** Hon. Joseph Ndung'u!

*Point of Order*

**Hon. Temporary Speaker:** What is your point of Order, Hon. Hashim?

**Hon. Hashim Kamau:** Thank you, Madam Speaker. On the Orders 8 and 9 on First Readings---

**Hon. Temporary Speaker:** Which Standing Order?

**Hon. Hashim Kamau:** Standing Order 148. I am seeking direction from you on the interpretation of Standing Order 148 on the issues of Bill being read the First Time. As you know very well, we are going on recess the day after tomorrow, and we will be in another Session when we come back. Bills read in the First Session, if they have not gone for a Second Reading, they have to be published again and read again. What is the purpose of allowing the Bills to be read the First Time and whereas it will be published again in the coming Session? I was just seeking your interpretation as to the direction of Standing Order 148. Thank you.

**Hon. Temporary Speaker:** Thank you for your notification, Hon. Member. We are doing this because the Bill has been on the Order Paper for the longest time. We just have to read, and if it is Standing Order No. 148, we are going to revisit it again, and I will give direction regarding the same. Thank you. Hon. Member for Kiamaiko Ward!

ALLOCATION OF PUBLIC LAND TO AN INDIVIDUAL  
WITHIN NAIROBI CITY COUNTY

**Hon. Joseph Ndung'u:** Thank you very much, Madam Speaker. Before I read this Petition, I would like to declare interest, pursuant to Standing Order No. 98, because I am also an interested party in this matter.

Therefore, I will read it.

A public Petition pursuant to Standing Order No. 214 by residents of Ghetto Village, Kiamaiko Ward in Mathare Sub County, on the allocation of public land to an individual within Nairobi City County.

We, the undersigned citizens of Kenya, who are residents of Ghetto village, Kiamaiko Ward in Mathare Sub County within Nairobi County, draw the attention of the Nairobi County Assembly to the following:

AWARE THAT, Article 185 of the Constitution vests the legislative authority and oversight of county governments in the county assembly;

THAT, Article 62 of the Constitution mandates the county governments to hold in trust public land on behalf of county residents;

THAT, the Kenya National Land Use Policy, 2017 recognizes the need for social development that takes cognizant for provision of basic infrastructure and services;

THAT WHEREAS, Ghetto Village was established in the late 1970s as a decanting site for the victims of deadly fire that swept across Huruma village. It comprises of 1,050 households. The residents of the village are among the people who were allocated plots on what is currently now as Huruma Fire Victims 1 village. These residents were requested to reside in the said plots while the government sought for more land. This has not been undertaken.

THAT WHEREAS, in 1995, the defunct Nairobi City Council, Huruma Community, Pamoja Trust, Intermediary Technology Development Group, COOPI and Shelter Forum entered into a partnership to undertake slum upgrading and survey services. The programme was to be done by COOPI. In this regard, an MoU was signed between the then Mayor of Nairobi, His Worship Joe Aketch and the Huruma Network of villages i.e Ghetto, Mahira, Redeemed, Kambi Moto and Gitahuru, which were accordingly declared as Special Planning Areas.

THAT WHEREAS, approvals for plans to develop Ghetto village for 550 decent houses was issued on 12<sup>th</sup> November 2009 and the residents began activities of making the area more aesthetic. In a sad turn of events, it came to the notice of the residents that without knowledge of and disclosure from anyone or government, a huge chunk of the land had secretly changed ownership and given to Francis Mbau Murigi;

THAT WHEREAS, a letter dated 12<sup>th</sup> February 2005 had been written to Commissioner of Lands by the then Director for City Planning, Mr. Tom Odongo seeking revocation of the title deed that was irregularly awarded for plot No. 209/12290, the letter was not acted upon. This turn of events came as a shock to the residents.

THAT WHEREAS, although the upgrading works are ongoing albeit at a slow pace, the residents feel shortchanged and unfairly treated since the land was greatly reduced to only a quarter of its original land size. In addition, the residents feel ill neglected for the Ministry of Lands to allocate County land without consulting and notifying the residents;

*(Hon. Alvin Palapala spoke off the record)*

**Hon. Temporary Speaker:** Order, Hon. Member! Please, let the Hon. Member be listened to in silence. Hon. Joseph, continue.

**Hon. Joseph Ndung'u:** Thank you for your protection, Madam Speaker.

*(Loud consultations)*

**Hon. Temporary Speaker:** I have directed that he be listened to in silence. Please, let him finish.

*(Applause)*

**Hon. Joseph Ndung'u:** THAT WHEREAS, the import of the MoU that was signed was to achieve the following:

- i) To protect the residents against arbitrary eviction and demolitions;
- ii) To encourage investment and housing development;
- iii) To allow owners to leverage equity for credit;
- iv) To allow for provision of infrastructure and public services;
- v) To guard against gentrification and loss of land by the poor;
- vi) To guard against use of land for speculative purposes; and
- vii) To ensure that subsidies to the urban poor remain with the urban poor.

THAT WHEREAS, through Kenya Informal Settlement Slum Improvement Programme (KISIP) and World Bank, Ghetto Village and other informal settlements were to benefit through its infrastructure and obtaining of land ownership documents programme, but the organizations pulled out on realizing that the land had been hived off and allocated to a private person;

THAT WHEREAS, we confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

AND THAT, all the matters in respect of which the petition is raised is not pending before any court of law or constitutional body;

THEREFORE, our humble prayer is that, the Nairobi City County Assembly:

- a) Intervenes and orders for the for the reversal of the allocation of the land to private person, Francis Mbau Murigi and directs that the title deed be revoked; and
- b) Direct the Department of Lands to register the title to the legitimate owners i.e Ghetto Lands and Housing Cooperative Society, the umbrella body under which all residents are registered members.

And we forever pray.

Presented by me, Hon. Ndung'u Joseph Karanja, on behalf of the Ghetto village residents and, by extension, all residents of Nairobi County. Thank you so much, Madam Speaker.

**Hon. Temporary Speaker:** The Petition is committed to Planning Committee, and I therefore direct, under Standing Order 221, the Chairperson Planning, you have 45 days to table a report regarding the Petition.

Clerk, proceed.

**PAPERS**

**Hon. Temporary Speaker:** The Chairperson of WDF Committee.

**Hon. Mwaura Samora:** Thank you, Madam Speaker. I have responses here for Hon. Members, but I am not sure whether they are around. One is response for Hon. Peter Maina, MCA, for Ruthimitu Ward, and I cannot see him.

**Hon. Temporary Speaker:** Vice Chair, it is a report that you have, you should just lay.

**Hon. Mwaura Samora:** Thank you.

**Hon. Temporary Speaker:** Chairperson, Environmental and Natural Resources? Vice Chair? Vice Chair, WDF.

REPORT OF WDF ON WORKSHOP HELD FROM 3RD TO 6TH 2023  
AT NYALI BEACH AND SPA HOTEL IN MOMBASA COUNTY

**Hon. Mwaura Samora:** Thank you, Madam Speaker. Pursuant to Standing Order 135, I beg to lay the following Paper on the Table of the Assembly, today, 5<sup>th</sup> December 2023:

The report of the Select Committee on Ward Development Fund (WDF) on its workshop held from 3<sup>rd</sup> to 6<sup>th</sup> 2023, at Nyali Beach and Spa Hotel in Mombasa County.

*(The Paper was laid on the Table)*

**Point of Order**

**Hon. Temporary Speaker:** Hon. Waithera Chege!

**Hon. Waithera Chege:** Thank you, Madam Speaker. I think in your list you have jumped one Paper to be laid by Planning Committee. The clerk can confirm that. It is available, it is in the sequence, and it is supposed to be laid by Chairperson Planning, who has left that mandate to be taken over by Hon. Nixon.

**Hon. Temporary Speaker:** The Chairperson of Planning has just left, and I have not seen any communication saying that. There must be an official communication. Go on Chair.

**Hon. Nicholas Okwacho:** Can I go on and lay?

**Hon. Temporary Speaker:** Yes. Next time, there must be official communication.

REPORT ON PETITION REGARDING GRABBING  
OF LAND IN SOUTH B SHOPPING CENTRE

**Hon. Nicholas Okwacho:** Okay, thank you, Madam Chair.

Pursuant to Standing Orders 196 and 221, I beg to lay the following Paper on the Table of the Assembly, today, Tuesday 5<sup>th</sup> December 2023:

The report of the Sectorial Committee on Land Planning and Housing on a Petition regarding the grabbing of land LR No. 209/12621 by a private developer in the South B Shopping Centre in Nairobi City County.

Thank you.

**Hon. Temporary Speaker:** Thank you. Clerk!

### NOTICES OF MOTION

#### DEVELOPMENT OF NAIROBI CITY COUNTY VIRTUAL ARTISAN BUREAU

**Hon. Temporary Speaker:** Hon. Samora Mwaura!

**Hon. Samora Mwaura:** Thank you, Madam Speaker. I would like to give notice of the following Motion:

AWARE THAT, Article 55 (b) of the Constitution of Kenya, 2010 requires that the state take measures, including affirmative action programmes to ensure that the youth have the opportunities to associate, be represented and participate in political, social, economic, and other spheres of life;

DISTURBED THAT, over 60% of youths in the County were recorded to be unemployed, as per the 2019 Census Report, with at least 82.7% of the jobs in Kenya being categorized in the informal economy (Jua Kali), according to the Kenya National Bureau of Statistics 2014 report;

ACKNOWLEDGING THAT, the need for the deliberate efforts by the County Government to promote small micro and macro enterprises in the County through the provision of a virtual platform that will enable County residents access artisan services vetted and licensed by the County Government;

APPRECIATING THAT, with a County Virtual Services Bureau, residents in the County will be able to remotely access, inquire, and seek artisan services such as; plumbing, electrical, carpentry, welding, painting, among others from the registered and vetted service providers, a formal county portal system;

THIS ASSEMBLY URGES the County Executive to develop a Nairobi City County Virtual Artisan Bureau that will vet, license, and link artisans to those who require their services for promotion of the economy in the County.

Thank you.

#### SOLID WASTE COLLECTION AND POSTING OF COLLECTORS' SIGNAGE ON THE PREMISES IN THE COUNTY

**Hon. Temporary Speaker:** Hon. Sospeter Mumbi?

**Hon. Sospeter Mumbi:** Thank you, Hon. Speaker. The subject of my Motion is solid waste collection and the posting of collector's signage on the premises of the County. I wish to give notice of the following Motion:

AWARE THAT, Section 5 of the Nairobi City County Solid Waste Management Act, 2015 provides that every person within the County is entitled to a clean and healthy environment, and has a duty to safeguard and enhance quality of the environment;

FURTHER AWARE THAT, Section 16 and Section 26 of the same Act provides that the County may directly or indirectly undertake collection of solid waste from the streets and public

places, and for application of licenses to collect and transport solid waste by any collector from the chief officer in charge;

ACKNOWLEDGING the need by the owners and occupiers of any premises which generate solid waste to ensure collection of such waste, indicating the collectors name, business registration number, and waste collection license number for compliance;

THIS ASSEMBLY URGES the County Executive to conduct registration of all solid waste collectors in the county through a public notice and encourage the placing of signage at the entrance of all residential story buildings indicating the solid collector's name, business number, and collection license number to ensure compliance, as annexed below.

We have a sample having collector's name, client name, business registration number, and solid collection license. Thank you, Hon. Speaker.

**Hon. Temporary Speaker:** Thank you. Clerk!

## STATEMENTS

### REQUEST FOR STATEMENT REGARDING STALLED BOREHOLES CONSTRUCTED BY THE DEFUNCT NMS IN KIAMAİKO WARD

**Hon. Temporary Speaker:** Hon. Joseph Ndung'u?

**Hon. Joseph Ndung'u:** Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding stalled boreholes constructed in the County by the defunct NMS, particularly in Kiamaiko Ward.

Hon. Speaker, Article 43 (d) of the Constitution provides that every person has a right to clean and safe water in adequate quantities, and Part II of the Second Schedule of the Constitution apportions Water and Sanitation services as functions of the county government.

In recent years, parts of the County have been experiencing water shortages or a complete lack of the commodity. For instance, Kiamaiko Ward has experienced a lack of water supply for several months now, this is despite the fact that the defunct NMS had identified the problem and began drilling three boreholes to alleviate the problem. One borehole was completed, but it is yet to be commissioned for use, while drilling of the other two stalled.

Hon. Speaker, residents of Kiamaiko Ward are undergoing undue suffering due to lack of clean water supply. The lack of water has affected the operations at Kiamaiko abattoirs and thousands of households in the area. This poses a health hazard not only to the residents of Kiamaiko but also across to the County and beyond.

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

- i. Efforts being made to address the challenges of water shortage in the County, and mores specifically Kiamaiko Ward;
- ii. Steps that the Nairobi Water and Sewerage Company is taking to ensure that all the stalled boreholes are completed; and

- iii. Measures, the County Executive, in conjunction with the Nairobi Water and Sewerage Company have put in place to ensure water is accessible in adequate quantities for the residents of the County.

Thank you, Madam Speaker. I do have another statement, Madam Speaker.

**Hon. Temporary Speaker:** Let me commit the first one to the Chair and let him respond.

**Hon. Joseph Ndung'u:** Alright. Thank you.

**Hon. Temporary Speaker:** Chair Water?

**Hon. Redson Onyango:** Thank you, Madam Speaker. We are requesting for two weeks after the recess because I understand we are going for long recess this coming Thursday.

**Hon. Temporary Speaker:** Hon. Joseph.

**Hon. Joseph Ndung'u:** I agree, Madam Speaker. Thank you.

**Hon. Temporary Speaker:** Your next statement?

REQUEST FOR STATEMENT REGARDING OWNERSHIP OF LAND  
BORDERING MATHARE SUB-COUNTY OFFICES IN KIAMAIKO WARD

**Hon. Joseph Ndung'u:** Pursuant to Standing Order No. 47 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the ownership of County public lands, specifically the land bordering Mathare Sub-county offices in Kiamaiko Ward, which is not registered.

Hon. Speaker, in Planning Law, a provision is made for guidelines, master plans or location and designing public land for the construction or use of any public land for the purpose that benefits the citizens.

Hon. Speaker, the case on alleged encroachment of public land in Kiamaiko Ward next to Mathare Sub-County offices by a private developer whose details are in public record is appalling, and the County Government needs to investigate the matter.

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

- i. Status of ownership for the said piece of land;
- ii. Whether the County Government has given lease to the said private developer; and
- iii. Steps that the County Government is taking to map out revert and protect County public lands from perennial encroachment.

Thank you, Madam Speaker.

**Hon. Temporary Speaker:** Chairperson, Planning and Housing Committee? Vice Chair?

**Hon. Nicholas Okwacho:** Madam Speaker, on behalf of Planning Committee and the co-chair, give us two weeks after recess.

**Hon. Temporary Speaker:** This is a House of rules and procedures; we do not have a co-chair in the Standing Orders.

**Hon. Nicholas Okwacho:** As a Member of Planning Committee, we request for two weeks after recess.

**Hon. Temporary Speaker:** Thank you. Hon. Member, are you okay with that?

**Hon. Joseph Ndung'u:** I agree, thank you, Madam Speaker.



REQUEST FOR STATEMENT REGARDING ALLEGED SALE  
OF POISONOUS, STALE AND UNFIT FOOD FOR HUMAN  
CONSUMPTION AT QUICKMART SUPERMARKET

**Hon. Temporary Speaker:** Hon. Hashim Kamau.

**Hon. Hashim Kamau:** 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 Health Services on the alleged sale of poisonous, stale and unfit food for human consumption across various supermarkets in the County, specifically Quickmart Supermarket.

Madam Speaker, Article 43 (1) (c) of the Constitution provides for the right of every citizen to access adequate food of good quality at all time and in dignity through production or purchase. Section 6 (1) (c) of the Food, Drugs and Chemical Substances Act, prohibits the sale of wholesome poisonous or adulterated food and any personal sale of any food that has in or upon it any poisonous or harmful substances or is wholesome or unfit for human consumption or consist in whole or in part of any filthy, disgusting, rotten, decomposed, deceased or foreign matters, or (d) the adulterer shall be guilty of an offense.

Madam Speaker, there have been many complaints from Nairobi residents that Quickmart Supermarket, and particular Kilimani Branch has allegedly been selling poisonous and unfit food for human consumption, mostly cooked and perishable foods. It is alleged that once food is cooked even if it is not sold for the day, they reheat it or print stickers extending the expiry dates and eventually sell it to customers, posing serious health issues including death once consumed.

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

- i. Why Quickmart Supermarkets have been allowed to sell food that is stale and unfit for human consumption, contrary to Section 61 (1) (c) of the Food, Drugs and Chemical Substances Act;
- ii. How do these supermarkets practice management of good food hygiene in the process of outsourcing, processing, storing, selling and disposing of food, especially perishable and cooked food;
- iii. Plans put in place by the County Executive on how to detect and deal with rogue supermarkets that sell poisonous foods that is unfit for human consumption to Nairobi residents, contrary to the Food, Drugs and Chemical Substances Act; and
- iv. Measures that the County Executive is taking to curb mushrooming supermarkets that sell expired, stale and poisonous foods in the County.

**Hon. Temporary Speaker:** Chairperson, Health Services? Any Member?

**Hon. Ami Ambala:** Madam Speaker, as a Member of the Health Committee, I would like to request for two weeks after recess.

**Hon. Temporary Speaker:** Hon. Member?

**Hon. Hashim Kamau:** Madam Speaker, I had talked to the Chairman of the Health Committee in private and he had indicated that he is ready to give a response by tomorrow. Thank you.

**Hon. Temporary Speaker:** We disregard any private communication; this is a House of procedures, Hon. Member.

**Hon. Hashim Kamau:** I was only informing the House, Madam Speaker, but I am okay with the two weeks after recess.

**Hon. Temporary Speaker:** Thank you.

RESPONSE TO STATEMENT REGARDING ILLEGAL RELEASE  
OF IMPOUNDED VEHICLES BY COUNTY OFFICIALS

**Hon. Temporary Speaker:** Thank you. Chairperson Justice and Legal Affairs Committee, you have a response for Hon. Nicholas Juma to table.

**Hon. Jared Ondieki:** Thank you, Madam Speaker. I have a response to a Statement requested by Hon. Nicholas Juma. Pursuant to directives outlined in Standing Order No.47 (2) (c) on the floor of the Assembly on 13<sup>th</sup> September 2023, Hon. Nicholas Juma raised a concern regarding the purported illegal release of impounded vehicles by County officials stationed at various County impounding yards. This concern was specifically raised concerning yards located in Industrial Area, Eastleigh, Ngara, Kombo Munyiri, Ngong Road, South C and B, and Nairobi West where vehicles were being released under mysterious circumstances. The Chairperson of Justice and legal Affairs Committee was requested to provide a report regarding this matter.

In response to this enquiry, the Committee was tasked to investigate and report on the following:

- i. Clarification regarding the existence of a transparent and explicit procedure for releasing impounded motor vehicles within the sector;
- ii. Examination of circumstances leading to the release of the impounded motor vehicles without the payment of requisite fines and notice;
- iii. Evaluation of plans implemented by the sector to automate fines and penalties payment system to prevent revenue discrepancies; and
- iv. Review of measures initiated by the County Executive to rectify the ongoing situation.

Hon. Speaker, on 18<sup>th</sup> October 2023, the Chief officer for security and Compliance appeared before the Committee and addressed the concerns raised in the statement. Further on 2<sup>nd</sup> November 2023, the Chief Officer for Revenue Administration appeared before the committee and addressed the concerns raised in the statement. Hon. Nicholas Juma was in attendance during the two meetings. The committee received the response and confirmed the satisfaction of Hon. Nicholas regarding the provided information.

Hon. Speaker, just to confirm that Hon. Nicholas Juma was present and he can affirm that he was satisfied with the response given by the two Chief Officers. In presenting this report to the assembly, I submit the following findings:

***Existence of clear and transparent procedure for vehicles' release;***

Hon. Speaker, the Committee was informed that the Security and Compliance Sector entrusted with the enforcement of the County laws and policies to manage traffic flows and

maintain order within the City, outlined the existence of standing operating procedures tailored to the sector's operations. These procedures adhered to County laws and regulations and delineates the steps for impounding and releasing vehicles from the yards.

The information complied include:

1. Multiple reasons for vehicles impounding such as parking and traffic violations.
2. A detailed procedure for vehicles release encompassing proof of ownership, identity, verification and payment confirmation of release to the County Revenue Clerk. This is as far as the compliance team is concerned.

***Circumstances permitting vehicles release without payment of fines and penalties;***

Hon. Speaker, the Committee was informed of two scenarios ---

**Hon. Temporary Speaker:** In the interest of time, Hon. Chair, summarize the report.

**Hon. Jared Ondieki:** I am finishing.

The Committee was informed of two scenarios;

1. Court orders following challenges to impoundment
2. Directives from the authority particularly the Governor's---

**Hon. Temporary Speaker:** Chair Transport, you were to respond to a Statement, you cannot leave the House without notice.

**Hon. Jared Ondieki:** Hon. Speaker, let me finish because it looks like Hon. Redson is in a hurry to leave the House. So, if you allow me, I will summarize.

***Sector's plans for automation of fines and penalties payments;***

Hon. Speaker, the Committee was further informed that while revenue collection falls outside the sector's purview, the sector acknowledges its responsibility to prevent revenue discrepancies and agrees that automating County system, especially in invoicing and payments, is an effective strategy to curb loss of County revenue.

***Measures implemented by the County Executive to address the situation;***

Hon. Speaker, the Committee was finally informed that the sector operates under explicit instructions, thus the County has taken the following measures in order to address the said challenge:

1. Designated impounding yards serves as holding grounds;
2. Implementation of checks and balances to avoid unilateral transaction initiations and completions; and
3. Deployment of officers from Investigations and Information Analysis Unit to scrutinize payments, documents and processes.

Hon. Speaker, I beg to respectfully submit this response. Thank you.

**Hon. Temporary Speaker:** Hon. Nicholas Juma, are you satisfied with the report?

**Hon. Nicholas Okwacho:** Madam Speaker, I can confirm that I attended the Committee sittings, and indeed the Chief Officer Security and Compliance and the Chief Revenue Officer attended too. We interrogated and I was satisfied with the report, which has been tabled in this House.

**Hon. Temporary Speaker:** Thank you.

PROGRESS REPORT ON IMPLEMENTATION AND PAYMENT  
OF INFRASTRUCTURE PROJECTS BY THE DEFUNCT NMS

**Hon. Temporary Speaker:** Chairperson, Transport and Public Works, you have a progress report on a Statement.

**Hon. Musango Maithya:** Thank you, Madam Speaker. I am going to lay a progress report on Statements requested by Hon. Paul Ndung'u and Hon. Silas Matara regarding implementation and payment of infrastructure projects by the defunct Nairobi Metropolitan Services (NMS).

Madam Speaker, as a Committee we held a meeting with the CECMs and the Chief Officers and we concluded that we are going to hold a meeting with the Senate Committee on Public Works and the National Government on the way forward.

**Hon. Temporary Speaker:** Hon. Chair, you are done?

**Hon. Musango Maithya:** Yes, I am done.

**Hon. Temporary Speaker:** Okay. Chairperson, Water and Sanitation Committee.

**Hon. Redson Onyango:** Hon. Speaker, on Wednesday 9<sup>th</sup> August 2022, Hon. Joyce Kamau---

**Hon. Temporary Speaker:** Hon. Chair, I think the Member is not around. You will just Table the response, and if there is any issue, she will write to the Committee.

**Hon. Redson Onyango:** Well guided.

**Hon. Temporary Speaker:** Thank you. Chairperson WDF.

**Hon. Samora Mwaura:** Thank you, Madam Speaker. I have two committee responses for Member for Uthiru/Ruthimitu Ward and the Member for Highrise Ward.

**Hon. Temporary Speaker:** Hon. Chair, both of them are not present, you will Table the statements, and if they have any queries, they can write to the Committee.

**Hon. Samora Mwaura:** Thank you, Madam Speaker. Chairperson, Environment and Natural Resources.

**Hon. Silas Matara:** Thank you, Hon. Chair for this opportunity. Let me congratulate my colleagues for finding time today to attend the plenary because we have been having quorum challenges.

I would like to Table responses for various Statements requested by several Members. Some are present and some are absent. I am going to start with Members present, I have several.

RESPONSE TO STATEMENT REGARDING OUTSTANDING  
PAYMENTS TO GARBAGE CONTRACTORS

**Hon. Silas Matara:** One is a statement requested by Hon. Jared Akama. Hon. Speaker, on Wednesday 9<sup>th</sup> November 2022, the Hon. Member rose to the floor of the House pursuant to Standing Order No. 47 (2) (c)---

**Hon. Temporary Speaker:** Before you respond to the Hon. Member, you have several statements that need to be tabled now that the Members are not around like Hon. Rex Omolleh and Hon. Fiunifiu---

**Hon. Silas Matara:** In that same line of thought, Hon. Speaker, I thought it would be wise if I responded to the Members who are present, and then later I am going to table for the Members who are absent.

As I had earlier said, in the Statement, the Member requested that we inquire into and report on:

1. The list of contractors paid during the financial year 2021-2022 and those with pending payments;
2. Reasons the County Executive has not paid the garbage contractors who have rendered their services to the County
3. Measure the Executive is putting in place to ensure County creditors are paid in time.

Hon Speaker, the Committee wrote to the Executive Member for Green Nairobi inviting him to a meeting held on Wednesday 9<sup>th</sup> November 2022. Hon. Speaker the meeting was to deliberate on the Statement by the Member.

The Committee received the response on 28<sup>th</sup> November 2022. In this regard, I wish to report to the Assembly as follows:

***The list of contractors paid during the financial year 2021-2022 and those with pending payments;***

Under the Deed of Transfer of functions which was done by the defunct NMS during that financial year, the list of contractors paid was to be availed when received in the office, and to date, we have never received that list.

***Reasons the County Executive has not paid the garbage contractors who have rendered their services to the County;***

Since the hiring of services of 61 contractors in April, 65% of the backlog waste and illegal dumping points have been cleared. The sector has its own fleets distributed across the County, mostly in markets and roads. The County recently procured 27 tippers that have aided in waste collection.

Hon. Speaker, Hon. Akama was satisfied with the response. A copy of the detailed response---

#### ***Point of information***

**Hon. Temporary Speaker:** Hon. Akama.

**Hon. Jared Ondieki:** Madam Speaker, I am surprised that the Hon. Chair can stand before this House and purport that I was satisfied with the response which was given. I have not even seen the response that he is reading. This is a very bad precedence that a Chair can come with a response and purport that a Member who requested for a statement is satisfied---

**Hon. Temporary Speaker:** Thank you Hon. Akama. Chair, did you invite the Member---

**Hon. Jared Ondieki:** Madam Speaker, this Statement has taken one full year to get a response, and he comes here to lie. I want you to take this very seriously, Madam Speaker.

**Hon. Temporary Speaker:** Hon. Chair, did you invite the Member?

**Hon. Silas Matara:** Hon. Speaker, we invited the Member and subsequently we have had other meetings concerning the same issue.

**Hon. Temporary Speaker:** Did you give him a copy of the response?

**Hon. Silas Matara:** I believe my Clerk gave him a copy, and if it was not delivered to---

**Hon. Temporary Speaker:** Hon. Chair, invite the Member again and give him a copy so that he can scrutinize. If he is not satisfied, you come back with a response that is valid and the Member is satisfied before it comes to the floor of the House.

**Hon. Silas Matara:** Most obliged, Hon. Speaker. Let me move to the next Statement. Hon. Member, we request that you come back to the Committee so that we can adequately respond.

Hon. Speaker, one of the issues was the documents that have not been given back to the County from the---

**Hon. Temporary Speaker:** Hon. Chair, you have many statements to be responded to. Some Members are no around and others have not been provided with the responses So, I am requesting that you recall the entire responses through your committee and invite all the Members who have Statements.

**Hon. Silas Matara:** Hon. Speaker, I think it would be erroneous if we go that direction. I humbly submit to you that I have like eight Statements that I need to responded to. The only Statement that has raised a pertinent issue is the one for Hon. Jared Akama.

**Hon. Temporary Speaker:** Which statements are you then responding to if Jared Akama is saying that he has not seen the response?

**Hon. Silas Matara:** Hon. Speaker, I have eight statements before me.

**Hon. Temporary Speaker:** Who are you responding to?

**Hon. Silas Matara:** I have one for Mheshimiwa Khatemeshi who is in the House. The Member cannot pre-empt a debate; he was invited, the only issue is that he was not given a report beforehand. Also, he has indicated that he was not satisfied. On this, I have responded by saying that one of his issues was touching on the NMS, we have not been able to---

**Hon. Temporary Speaker:** Hon. Chair, kindly summarize the response, and if the Member is not satisfied, she can respond since she is here.

**Hon. Silas Matara:** Hon. Speaker, that is why I am saying that we are going to dispense with his matter at a different sitting. If you allow me, I want to lay another response. Statement requested by Hon. Emmy Khatemeshi who is in the House.

Hon. Speaker, protect the Chair because the Chair of Justice is trying to incite---

**Hon. Temporary Speaker:** Hon. Emmy Khatemeshi, let us give the Chair a chance to give us a brief summary of the response and then you can say whether you are satisfied or not. Let us listen to the Chair in silence, please.

**Hon. Silas Matara:** Thank you, Hon. Speaker. We cannot allow the House to proceed like this Hon. Speaker.

Hon. Speaker on Wednesday 3<sup>rd</sup> May 2023, Hon. Emmy Khatemeshi rose on the floor of the House under Standing Order No.47 (2) (c)---

*Point of order*

**Hon. Waithera Chege:** Hon. Speaker, I am on Point of Order under Standing Order No. 47 (2). Hon. Khatemeshi has confirmed that she was not even given a copy of the response. So, what the Chair is reading is out of order. You cannot respond to a Member who has not seen the report. Can she confirm?

**Hon. Silas Matara:** Hon. Speaker, where is it in our Standing Orders that a Member must be given a copy?

**Hon. Emmy Isalambo:** Thank you, Hon. Speaker. I was invited, but I don't know how the report looks like. How can I respond to a report that I have not even scrutinized and see whether what I requested is in the report?

**Hon. Silas Matara:** It is important as Members of this House to know where it is indicated in our Standing Orders that a Member has to be given a report before it is tabled. A report is a document for the House, the Member is requested to attend the Committee meetings---

**Hon. Temporary Speaker:** Hon. Chair, if the member is not satisfied with the report, you will recall her to the Committee---

**Hon. Silas Matara:** I have not even read the report, Hon. Speaker. With all due respect, how do you allow a Member to say that he/she is not satisfied while I have not even read it? That is not even the issue, the issue is that she says she has not received a report but it is not mandatory that the Member is given a report. The report is a document that is to be tabled on the floor of the House. The Member is only requested to attend the Committee meeting, and if they are satisfied, it is captured in the Committee's report. If you can allow me to read the response and it is captured that she was not satisfied, then at that point---

**Hon. Temporary Speaker:** Did she say that she was satisfied when she attended the committee meeting?

**Hon. Silas Matara:** Hon. Speaker, I have not read the Statement, why are we pre-empting something? This is the document of this House, how can Members have an input on a document which has not been tabled before this House? This is a House of rules and procedures. The Hon. Member has indicated after I have read his response that he was not satisfied.

*(Hon. Waithera Chege spoke off the record)*

Which Standing Order, Hon. Speaker? Read to the House.

*(Loud consultations)*

**Hon. Temporary Speaker:** Order, Hon. Members! Hon. Chair, was the Member satisfied in the Committee Room?

**Hon. Silas Matara:** The Member was here, Hon. Speaker, she responded to the committee that she was satisfied.

**Hon. Temporary Speaker:** On Standing Order 47 (f)---

**Hon. Silas Matara:** Hon. Speaker, you asked me a question and I am responding in affirmative. I have it captured in my report. Hon. Emmy Khatemeshi was satisfied and she said this in front of the Committee. How then can she now come to the floor of the House and say that she was---

**Hon. Temporary Speaker:** I direct that you table the report now the way it is, Hon. Chair.

**Hon. Silas Matara:** That is why I am saying we have to be guided by the rules and procedures. This is the Statement and she accepted it.

**Hon. Temporary Speaker:** Table it, Hon. Member.

**Hon. Silas Matara:** Okay, thank you. Let me proceed to the next---

*(Loud consultations)*

Where is it in our procedures that you have to sign? Hon. Speaker, guide the House properly. There is no---

*(Hon. Members spoke off the record)*

Which one? Hon. Speaker, let not these Members confuse the House, the member was satisfied.

**Hon. Temporary Speaker:** Chair, proceed.

**Hon. Silas Matara:** Thank you, Hon. Speaker for guiding the House properly. I am going to go to Table the Statement requested by Hon. Victor Omondi who is not in the House. Hon. Fiunifiu, Hon. Redson Otieno, and Hon. Lex Omole are not in the House, I am also going to Table their responses.

Hon. Speaker, when you look at these statements, most of the Members, apart from the one for Hon. Akama have confirmed that they are satisfied with the reports. That is why I have said Hon. Akama will come back to the Committee so that he can give his views where he has pertinent concerns.

*(Hon. Jared Ondieki spoke off the record)*

Hon. Speaker, protect me from the Member.

Thank you, Hon. Speaker for guiding the House properly. It is also important that you take note that most of these Members who are saying that they are not satisfied, have been requested by the Committee to appear in our meetings severally. When you see a Chair tabling eight reports in one sitting, Hon. Speaker, we have been having challenges of requesting these Members to attend Committee meetings, and even attending plenary sittings is a problem.

Hon. Speaker you need to guide especially the new Members that they have to attend Committee meetings if they have been invited, especially when the Executive has been invited in those meetings so that they can be adequately responded to.

With those few remarks, I beg to lay these responses, Hon. Speaker. Thank you.



**BILL**

*Second Reading*

THE NAIROBI CITY COUNTY CLIMATE CHANGE BILL, 2023  
(ASSEMBLY BILL NO.4 OF 2023)

**Hon. Temporary Speaker:** I defer Order No. 10 to the next sitting.

*(Bill deferred)*

**ADJOURNMENT**

**Hon. Temporary Speaker:** There being no other business, the House stands adjourned till tomorrow, 6th December 2023 at 2.30 p.m.

*The House rose at 4.00 p.m.*