



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Wednesday 5th July 2023

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Doreen Mugambi) in the Chair]

PRAYER

Hon. Temporary Speaker: Hon. Members, you may have your seats.

QUORUM

Hon. Temporary Speaker: Serjeant-at-Arms, ring the bell for ten minutes since we have not achieved the quorum.

(Quorum Bell was rung)

Hon. Temporary Speaker: Serjeant-at-Arms, ring the bell for a further five minutes.

(Loud consultations)

Order, Hon. Members! Clerk, proceed.

[The Temporary Speaker (Hon. Doreen Mugambi) left the Chair]

[The Temporary Speaker (Hon. Diana Mwangangi) took the Chair]

PAPERS

Hon. Temporary Speaker: Leader of Majority? I can see here that there is a Paper to be laid by the Leader of Majority, is there anyone who has instructions to lay on his behalf? Clerk, can you confirm? No one.



Chairperson, Health Services Committee, you are to lay the next Paper. Anyone with instructions to lay this Paper for the Health Committee? The report of the Sectoral Committee on Health Services on the site inspection visit to Mama Lucy Kibaki Hospital to investigate the increased cases of medical negligence.

Hon. Members, it seems like we now have the respective Hon. Members to lay the Papers.

NAIROBI CITY COUNTY EXECUTIVE STATE AND PUBLIC OFFICERS
CAR LOAN AND MORTGAGE SCHEME FUND REGULATIONS, 2023

Hon. Temporary Speaker: The Nairobi City County Executive State and Public Officers Car Loan Scheme Fund Regulations, 2023 to be laid by Hon. Waithera Chege. Kindly proceed.

Hon. Waithera Chege: Thank you, Madam Speaker. Pursuant to Section 11 of Statutory Instruments Act, 2013, I beg to lay the following Paper on the Table of this Assembly, today, Wednesday 5th July 2023:

The Nairobi City County Executive State and Public Officers Car Loan and Mortgage Scheme Fund Regulations, 2023.

(The Paper was laid on the Table of the Assembly)

Hon. Temporary Speaker: Thank you, Hon. Waithera Chege. Health Committee?

REPORT ON SITE VISIT TO MAMA LUCY KIBAKI HOSPITAL

Hon. Lily Kidenda: Thank you, Hon. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Wednesday 5th July 2023:

The report of the Sectoral Committee on Health Services on site visit to Mama Lucy Kibaki Hospital to investigate the increased cases of medical negligence.

(The Paper was laid on the Table of the Assembly)

Hon. Temporary Speaker: Proceed to the second one.

REPORT ON SITE INSPECTION VISIT TO PUMWANI MATERNITY HOSPITAL

Hon. Lily Kidenda: Thank you, Hon. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Wednesday 5th July 2023:

The report of the Sectoral Committee on Health Services on-site inspection visit to Pumwani Maternity Hospital to determine the status of the said health facility for corrective action in regards to its operations in service delivery to the citizens of the County.

(The Paper was laid on the Table of the Assembly)

Hon. Temporary Speaker: Clerk!

NOTICE OF MOTION

Hon. Temporary Speaker: Chairperson Health? Clerk and the Serjeant-at-Arms, kindly coordinate with the Hon. Member.

(Notice of Motion dropped)

STATEMENTS**REQUEST FOR STATEMENT REGARDING CLEANING OF STREETS
AND GARBAGE COLLECTION IN NAIROBI SOUTH WARD**

Hon. Waithera Chege: Thank you, Madam Speaker. I wish to request for a statement pursuant to Standing Order No. 47 (2) (c) from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the cleaning of streets and garbage collection services within the County, specifically in Nairobi South Ward.

Hon. Speaker, Article 42 of the Constitution of Kenya, 2010 provides that every person has a right to clean and healthy environment, including the right to have the environment protected for the benefit of present and future generations through legislative as well as other measures.

Additionally, Madam Speaker, Section Five of the Nairobi City County Solid 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 the quality of that environment.

Hon. Speaker, the County Government has employed officers who are mandated for the day to day cleaning of streets as well as other public areas in the wards across the County. In addition, the County has put in place mechanisms for garbage collection around the County. However, in recent weeks, we have witnessed increased uncollected solid waste in the streets of Nairobi South Ward and in most of the wards in the County.

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

- i. Whether the County Government has officers responsible for cleaning of streets and garbage collection in the wards across the County;
- ii. List of officers responsible for cleaning of streets and garbage collection in Nairobi South Ward;
- iii. The contacts and work stations of the officers responsible for cleaning of streets and garbage collection in Nairobi South Ward;
- iv. Report on the last time when the Nairobi South Ward streets were clean and garbage collected; and
- v. Measures the County Executive is taking to ensure streets in Nairobi South Ward are cleaned and garbage collected.

The statement is signed by myself, representing Nairobi South Ward. Thank you, Madam Speaker.

Hon. Temporary Speaker: Is the Chairperson of the Environment Committee in the House? Hon. Matara, how long will you take to respond to this statement?

Hon. Silas Matara: Present as always, Madam Speaker. Thank you for this opportunity. With regards to the statement requested by Hon. Waithera Chege, I commit to respond 7 days after the short recess. Thank you.

Hon. Temporary Speaker: Hon. Sospeter? Hon. Waithera Chege I can see you are on your feet?

Hon. Waithera Chege: Madam Speaker, I thought that you are calling me to reply.

Hon. Temporary Speaker: Are you comfortable with the timing?

Hon. Waithera Chege: The time is admissible, but I want to remind the Hon. Chair that I would want a substantive report by the time he will be bringing the report to the House. Thank you, Madam Speaker.

Hon. Temporary Speaker: Chairperson, Environment, I believe you have heard what the Hon. Member has said. She needs a substantive report; the work is on your Committee to do the necessary as requested by Hon. Waithera Chege.

Hon. Sospeter Mumbi, you have a statement.

REQUEST FOR STATEMENT REGARDING CONSTRUCTION OF SEWER SYSTEM
BY PRIVATE ENTITIES ALONG THOME SHEPHERD ROAD, MARURUI AREA

Hon. Sospeter Mumbi: Hon. Speaker, my statement is on construction of sewer in Roysambu Ward. Pursuant to Standing Order---

Hon. Temporary Speaker: You are not audible, Hon. Sospeter. For purposes of your request to be heard, kindly be audible.

Hon. Sospeter Mumbi: Hon. Speaker, I think my problem is my height. I think I am audible enough now.

Pursuant to Standing Order No. 47 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the construction of the sewer system in the County, particularly by private entities along Thome Shepherd Road, Marurui area in Roysambu Ward.

Hon. Speaker Article 43 (1) (b) of the Constitution of Kenya, 2010 entitles every person to accessible and adequate housing and to reasonable standards of sanitation. Part One of the Fourth Schedule of the Constitution apportions the Water and Sanitation function to counties. Hence, Nairobi County is responsible for the provision of this service across the County. However, there is lack of adequate sewer infrastructure to satisfy the demands of this important service. Currently, there is no legal frame work in which the County can engage with private individuals on entities for the development of sewer infrastructure to complement for the inadequate facilitation of the County.

Hon. Speaker, public participation is at the center of development in the country. The aim of this important process is to ensure that people who are to be affected by any development project, raise their concerns if any with regards to the effects of projects or provide information for better execution of the projects.

Hon. Speaker there is a sewer project at Marurui area in Roysambu Ward that was undertaken by a private entity and there are allegations that it was not done according to the requisite standards and without consulting the people in the area. In addition, the said project was done on a public space.

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

- i. Whether the project implementers were issued with approval by the County Executive and other authorities to carry out the project;
- ii. Whether the project implementers took into account the interest of the residents along Thome Shepherd Road; and
- iii. Whether the sewer line met the requisite standards in terms of quality and whether the firm which undertook the project are technically competent to carry out such work.

Thank you, Hon. Speaker.

Hon. Temporary Speaker: Chair.

Hon. Moses Ogeto: Madam Speaker, first and foremost, congratulations. I believe it is a statement which is supposed to be responded to. You can give us fourteen days.

Hon. Temporary Speaker: Hon. Sospeter, fourteen days?

Hon. Sospeter Mumbi: I am okay with that, Hon. Speaker.

Hon. Temporary Speaker: Thank you very much. We have response to statements now. The first one to proceed is the Chairperson of Transport.

RESPONSE TO STATEMENT REGARDING DILAPIDATED GNCA ROAD IN KWARE WARD

Hon. Musango Maithya: Hon. Speaker, on 22nd November 2023, the Hon. Moses Kitema, MCA, rose on the floor of the Assembly pursuant to Standing Order No 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a statement regarding the dilapidated roads, especially GNCA Road in Kware Ward.

In the statement, the Member requested that the Chairperson require into and report on:

- i. A report on the status of construction of GNCA Road;
- ii. Whether the County Executive has set aside budget to ensure the road construction is completed;
- iii. The plans the County Executive has put out in place to ensure that there is a sewage system in Kware Ward; and
- iv. Measures that the County Executive has developed in managing sewage in the County, especially in Kware Ward.

In this regard, Hon. Speaker, I wish to report to the Assembly as follows:

Hon. Speaker, the Committee wrote to the Ag County Secretary on 22nd May 2023 inviting him to inform the CEC Member for Mobility and Works to a meeting of the Committee that was held on 25th May 2023. However, the Committee was not satisfied with the measures put in place to have the road constructed. The Committee therefore requested the CEC Member to prioritize the road in the FY 2023/2024 Budget Estimates and furnish the Committee with the report at a subsequent meeting that would be scheduled by the Committee. The said meeting was held on 26th June 2023.

In this regard, Hon. Speaker, I wish to report to the Assembly as follows;

A report of the status of the construction of the GNCA Road;

The committee was informed that Nairobi City County has not awarded a contractor a contract for the construction of the GNCA Road in Kware Ward.

Whether the County Executive has set aside budget to ensure the road construction is completed;

The committee was informed that the county had not set aside budget for the construction of the said road during the 2022/2023 Budget. However, the sector had allocated funds to the construction of the said project in FY 2023/2024 Budget Estimates that was approved by the County Assembly on Thursday 29th June 2023. In the said estimates, GNCA Road has been allocated Kshs. 30 million.

The sector assured the Committee that once the necessary operation and post budget approval procedures are completed, the County Executive would embark on implementation of all road projects as contained in the budget, including the GNCA Road.

Plans that the County Executive has put in place to ensure there is a sewage system in Kware Ward;

The Committee noted that the sewage functions does not fall under the scope of the mandate of Mobility and Works Sector. However, the CEC Member for Mobility and Works had reached out to his counterpart responsible for Green Nairobi to address the issue of sewage in Kware and removal of garbage deposited on the GNCA Road.

Hon. Speaker a copy of the response has been shared with Hon. Moses Kitema, MCA, who requested for the statement and a further copy is hereby attached to this report. The Member is satisfied with the response Madam Speaker.

Madam speaker I beg to lay this statement. Thank you.

RESPONSE TO STATEMENT REGARDING HARASSMENT OF HAWKERS OPERATING WITHIN THE CBD

Hon. Temporary Speaker: Chairperson Sectoral Committee on Justice and Legal Affairs, response to a statement requested by Hon. Mwaniki Kwenya regarding harassment of hawkers operating within the CBD. Chairperson, Justice? Vice Chair or anyone with instructions to proceed? Yes, Hon. Ami Ambala.

Hon. Ami Ambala: Thank you, Madam Speaker. On the 4th of May 2023, Hon. Mwaniki Kwenya, MCA, rose on the floor of the Assembly pursuant to Standing Order No. 47(2) (c) and requested the Chairperson of the Sectoral Committee on Justice and Legal Affairs for a statement regarding harassment of hawkers operating within the Central Business District in the County.

In the statement, the Member requested that the Chairperson should enquire into and report on:

- i. Whether the County Executive is in the process of formulating regulations to streamline the operations of hawkers in the County;
- ii. The procedure applied by the County Inspectorate officers on confiscating merchandise belonging to hawkers; and
- iii. Measures that the County Executive is putting in place to ensure that Inspectorate officers enforce County laws without harassment and ill treatment of hawkers.

Hon. Speaker the County Chief Officer for Security and Compliance appeared before the Committee on the 21st June 2023 to respond to the statement and Hon. Mwaniki Kwenya was present in the meeting.

In this regard, Hon. Speaker, I wish to report to the Assembly as follows:

Whether the County Executive is in the process of formulating regulations to strategize the operations of hawkers in the County;

Hon. Speaker, the Committee was informed that the County Executive is in the process of formulating regulations to streamline the operations of hawkers within the County. The Committee was also informed that a comprehensive plan is being put in place to end the cat and mouse game between hawkers and the enforcement officers when they seek to arrest---

Point of Order

Hon. Temporary Speaker: Yes, Majority Whip.

Hon. Moses Ogeto: Madam Speaker, I am on a point of Order under Standing Order. No. 33. There is no quorum in the House and it is improper to proceed with the proceedings of the House when we don't have a requisite quorum. Thank you, Madam Speaker.

Hon. Temporary Speaker: Clerk. Majority Whip are you sure you quoted the right Standing Order? You want the House to adjourn, isn't it?

Hon. Moses Ogeto: Madam Speaker, if I did not quote the right one, I think it is around thirty something. But what I am saying is simple, there is no quorum. Madam Speaker, give me some seconds I check my Standing Orders. It is Standing Order No. 37.

Hon. Temporary Speaker: Let me confirm if we do not have quorum first.

QUORUM

Hon. Temporary Speaker: Majority Whip, indeed we have confirmed that the numbers are not enough to make the quorum. I request the Serjeant-at-Arms to ring the bell for ten minutes to see if we will get quorum before taking any other step.

(Quorum Bell was rung)

Majority Whip, today you do not even want to whip the Members.

(Hon. Moses Ogeto spoke off the record)

No, it's okay, let us wait for the ten minutes to be over.

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, I must admit that the Majority Whip has won, we have not attained the quorum. Therefore, the House stands adjourned until tomorrow, Thursday 6th July 2023 at 2.30pm.

The House rose at 3.27 p.m.