



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 13th October, 2020

The House met at 2.30 p.m.

[Hon. Speaker (Mr. Benson Mutura) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Clerk, confirm whether we have quorum. I have been informed that we have quorum. Clerk proceed.

PETITION

A PUBLIC PETITION BY A RESIDENT OF BABA DOGO ON IRREGULAR OWNERSHIP AND USE OF LAND L. R NO. 7879/9

Hon. Speaker: I understand there is a petition from Hon. Ogeto.

Hon. Moses Ogeto: Thank you Hon. Speaker. I wish to present a public petition under Standing Order No. 208 by a resident of Baba Dogo on irregular acquisition of L. R No. 7879/9.

I, the undersigned citizen of the Republic of Kenya who is a resident of Nairobi City County, draw the attention of Nairobi City County Assembly to the following:

That, aware that the Constitution of Kenya under Article 37 Section 15 and 88 of the County Government Act 2012, provides the right for citizens to petition the authorities or county government on any matter; That, whereas, as a resident who lives along Baba Dogo Road Kasarani district in Nairobi City County in the Republic of Kenya, I wish to express my concerns regarding the irregular ownership and use of land L. R No. 7879/9.

That, whereas, the aforementioned parcel of land which was fraudulently allocated to a private developer, Berkshire Holdings Limited, for the fire station, Nairobi City Council officials proceeded to fraudulently transfer the parcel of land which was meant for surrender to the Nairobi City Council for public use, mainly the fire station.

That, whereas, the said parcel of land was supposed to be used to build a fire station along Baba Dogo Road, Kasarani Constituency in Kasarani district which would have benefited the residents if the right procedure was followed and surrender for a public use, specifically for a fire station was adhered to. Further,

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the private developer has never put any development on the said land which excludes the public utility which was meant for a fire station.

And whereas, residents who happened to be living in the area lack social amenities such as health centres, markets, community halls amongst others due to the irregular allocation of land without considering the members of the public and the facilities thereon.

Now therefore, your humble petitioner prays that:

The Nairobi City County Assembly intervenes to ensure that the County Government of Nairobi accesses the irregular acquisition of the land L. R No. 7879/9 and the loss that the Nairobi City County has incurred due to land rates by the private developer, and set standards of bringing up public utilities within the area especially a fire station that will ease any fire break out within the same locality.

And your petitioner will forever pray.

Hon. Speaker, I want to present this petition on behalf of Mr. Francis Oduthe, the petitioner from Baba Dogo. Thank you Mr. Speaker.

Hon. Speaker: I think that is a weighty issue and I direct the Chair of PAC to look into those allegations and give a report. Is the Chair around?

Hon. Wilfred Odalo: Thank you Hon. Speaker. The matter is weighty and it involves a number of players. One month is appropriate, thank you.

Hon. Speaker: You can liaise with the Chair Planning as you work on the report.

(Hon. Warutere spoke off record)

Hon. Speaker: You are not on mic.

Hon. Peter Warutere: I think if you want to speak on that matter, it should not go to PAC. Matters land I don't think it should be PAC dealing with it but it should be dealt by the Lands Committee.

Hon. Speaker: I had requested the Clerk to advise me and he told me that the matter also touches on audit queries. PAC and Planning can therefore work hand in hand so that they can be able to inform the House. Next order!

PAPERS

Hon. Antony Mburu: Thank you Mr. Speaker. Pursuant to Standing Order 96 (1), I beg to lay the following Paper on the Table of the Assembly today Tuesday 13th October 2020

The report of the Sectoral Committee on Labour and Social Welfare on vetting of nominee to the Nairobi City County Public Service Board. I beg to lay.

(The paper was laid)

NOTICES OF MOTION

ADOPTION THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON VETTING OF NOMINEE TO THE NAIROBI CITY COUNTY PUBLIC SERVICE BOARD

Hon. Antony Mburu: Thank you Mr. Speaker. Hon. Speaker, I beg to give Notice of the following Motion: That this assembly adopts the report of the Sectoral Committee on Labour and Social Welfare on vetting of nominee to the Nairobi City County Public Service Board laid on the Table of the assembly today 13th October 2020.

Hon. Speaker: Thank you, next order!

STATEMENTS

Hon. Speaker: Members, we are confirming whether all Members who had requested for statements are here. The first statement is from Hon. Redson on Zoom or we can start with Hon. Odalo who is in the House.

REQUEST FOR A STATEMENT REGARDING THE IMPLEMENTATION OF CONSTRUCTION OF MARKETS IN THE COUNTY ESPECIALLY NGUMBA MARKET IN MABATINI WARD

Hon. Wilfred Odalo: Thank you Mr. Speaker for this opportunity. Pursuant to Standing Order 45 (2) (c), I wish to request from a statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Co-operatives and the Select Committee on Implementation regarding the implementation of construction of markets in the county and especially Ngunba Market in Mabatini Ward.

Hon. Speaker, it is alleged that the contractor who was awarded the contract to construct Ngunba Market left the site immediately he was paid.

Hon. Speaker, markets are vital especially in the facilitation of exchange or transaction of goods and services.

It is important therefore to have all county markets and in particular Ngunba Market as construction of this market will not only bring orderliness but also enhance revenue to the county by minimizing the stock brokers behind the scenes and malpractice in the market area.

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

1. The name of the contractor given the tender for Ngunba Market and why the construction stalled;
2. Efforts being made by the County Government and the NMS to complete the construction of the market;
3. Measures being instituted by the County Government and the NMS to ensure the implementation of the construction of county markets particularly Ngunba Market; and
4. The timelines for the construction of the said market.

Thank you Mr. Speaker.

Hon. Charles Thuo: The Chair is not present. I will converse with him and see whether we can respond in one week's time. Hon. Speaker it is also worth noting that the committee on Trade will be having a physical meeting hopefully tomorrow with the Executive. If the member can be available we can, maybe, raise some of the issues in that meeting.

Hon. Speaker: I don't know whether you have finished all the formal request, you know you have to invite him formally. If that is the case, Hon. Member, are you contented?

Hon. Wilfred Odalo: Yes, I do. But it is also important to notify the former Majority Leader that our schedules are a bit busy. You cannot invite a member to attend a meeting through the assembly. I concur with one week. But Mr. Speaker, the Implementation Committee also should be part of it. Thank you.

Hon. Speaker: Next is Hon. Redson on Zoom. ICT, were you able to get him?

REQUEST FOR A STATEMENT REGARDING UNAPPROVED CONSTRUCTIONS IN THE COUNTY BY PRIVATE DEVELOPERS ESPECIALLY IN NGEI WARD

Hon. Redson Otieno: Pursuant to Standing Order 45 (2) (c), I wish to request from a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding unapproved constructions in the county by private developers especially in Ngei Ward.

Hon. Speaker, it is the requirement in law that developers need to acquire the requisite approvals from both the County Government and National Agencies, for instant, building plans approvals. National Construction Agency (NCA) and National Environment Management Authority (NEMA) approval is important in ensuring that constructions are properly vetted to avert any possible disaster especially when buildings collapse.

However, Hon. Speaker, it is of great concern that the constructions are taking place in the county allegedly without requisite approvals. For instance, the ongoing construction on plot L. R No. 2018/329.

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

1. Present information and documentation on the ownership and approvals and current search with regards to the said piece of land; and
2. Steps that the County Government and the Nairobi Metropolitan Services are putting in place to ensure that constructions in the county adhere to the requisite law regarding approvals.

Thank you.

Hon. Speaker: Chair of Planning and Housing? If he is not in, Majority Leader give an undertaking.

Hon. Peter Wanyoike: Thank you Mr. Speaker. I will contact the Chair Planning and respond back within two weeks.

Hon. Speaker: I did not hear what you have said.

Hon. Peter Wanyoike: I am saying, Mr. Speaker, that I will get in touch with the Chair Planning and respond in two weeks.

Hon. Speaker: Hon. Redson, are you contented with two weeks?

Hon. Redson Otieno: It is okay, Mr. Speaker.

REQUEST FOR A STATEMENT REGARDING ILLEGAL CONSTRUCTION ON PLOT NO. L.R.208/2809 IN DAGORETI NORTH

Hon. Charles Thuo: Thank you Hon. Speaker. Pursuant to Standing Order 45 (2) (c), I wish to request from a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the illegal construction on Plot No. L. R 208/2809 in Dagoretti North.

Hon. Speaker, there is an ongoing illegal construction without proper approvals on the said plot number and despite several notices on the stoppage of the same, the illegal construction the private developer has been adamant on the same. According to the records from the county, the developer is not the legal owner of the said parcel of land.

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

1. Whether there was any submission for approval for the development of plot No. L. R 208/2809 including the submission of ownership documents;
2. Whether search documents were verified;

3. Whether there were notices for the stoppage of construction and if yes, why they have not been enforced;
4. Whether there was an approval to move the gate for the said plot from Likoni Close to Likoni Road; and
5. Measures taken by the County Executive in conjunction with Nairobi Metropolitan Services to curb the increasing of illegal construction of illegal structures in the county and specifically on Plot No. L. R 208/2809 in Kilimani Ward.

Thank you Hon. Speaker.

Hon. Speaker: I understand that the Chair of Planning is online.

(Point of Order)

Hon. Speaker: What is the Point of Order?

Hon. Moses Ogeto: Hon. Speaker, I am on a Point of Order No. 95 on conflict of interest. I am persuaded to ask why the Member for Dandora is asking a question for Dagoretti North. I would like him to declare interest since he comes from Embakasi Constituency, I don't know whether from west or north. There was a precedence that was set in this House by Hon. Njihia and Hon. Waithera, and therefore I am requesting to know why he is asking for Dagoretti North. I have tried to consult and found that I am the only member from Dagoretti North in this House. Let him be precise on where so that the statement is clear.

Hon. Speaker: I have got you. You know that any Member in this House is allowed to ask any question irrespective of the area. But in the deliberations I will beseech them to consult you so that you can be part and parcel of the report. Any member is at liberty to ask any question.

Hon. Moses Ogeto: Hon. Speaker, I want to give my submissions under Standing Order No.1.

Hon. Speaker: Order, Member! I have already made a ruling.

Hon. Moses Ogeto: I am not challenging you, Hon. Speaker. We respect precedence and rulings which have been set. By any chance you have made a precedence, we will continue using that same precedence. Much obliged.

Hon. Speaker: I will be a bit lenient with you because I am here to be inducted, but I have made a ruling. Chair of Planning on Zoom.

Hon. Anthony Karanja: Hon. Speaker, I hope I am audible enough. May I get confirmation that I am audible?

Hon. Speaker: Yes, proceed.

Hon. Anthony Karanja: Hon. Speaker, I think the Statement by the two Members is very weighty. I would request that we take some time and sit down and see how we are going to approach the issue of Planning. There is a lot of confusion in the planning sector. A lot of illegalities are happening. The fact that we are meant to be meeting on Zoom in the Assembly and in the committees is hampering our capacity to answer some of those questions.

Hon. Speaker, I want to request that we rethink the operations and engagement between the Assembly and the NMS. A few months ago when the Assembly tried to summon staff who have been transferred to the NMS, we were told that it is too early. I would like you to give us direction on our engagement and whether we are able to summon and question them because they are fully in charge of the planning

sector. We would request that we be given some time so that we will be able to answer these questions when we are clear about our role and engagement of these members of the NMS. I am not sure whether this Assembly has been able to summon any member from the NMS. So, I would seek your direction so that we do not promise Members to respond in two weeks, one week or three weeks and then we will not be able to deliver. Thank you.

Hon. Speaker: Chair, it would have been good if you had set a timeframe so that if there are challenges in between, may be you can liaise with my office and see how we can be able to encounter some of those things. Give a timeline so that we work on it.

Hon. Anthony Karanja: Let me request for two weeks, but the Committee will need your help so that we are able to respond to these issues.

Hon. Speaker: Member, two weeks? You understand there are challenges.

Hon. Charles Thuo: I also wish to--- *(off the record)*

Hon. Speaker: You are not on mic.

Hon. Charles Thuo: Thank you, Hon. Speaker. I do not have a problem with the two weeks and also I do not have a problem with engaging the Member of the area, he is my friend. We are going to consult, there will be no war in that. Thank you so much.

Hon. Speaker: Thank you. Statement from Hon. David Okelo?

REQUEST FOR A STATEMENT REGARDING ENCROACHMENT ON COUNTY ROADS BY MEMBERS OF PUBLIC

Hon. David Okelo: Thank you, Mr. Speaker for giving me this opportunity. First and foremost, I want to congratulate you for being elected the third Speaker in this super County Assembly of Nairobi.

Secondly, I have a statement to make. Hon. Speaker, pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the encroachment on County roads by members of the public.

Hon. Speaker, encroachment by the public is rampant along Huruma Service Lane II that serves Salama Primary School, Huruma Primary School and Huruma Secondary School. This infringement continues to pose security threats, particularly on the lives of school going children who are many at times waylaid by masqueraders who mushroom along the perimeter wall of the schools to allegedly engage in drug peddling business.

Hon. Speaker, education is key to success, and as such, school going children deserve a conducive environment for a better learning.

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

1. A comprehensive report on the security status of the aforementioned schools and its environs vis-a-vis the allegedly drug peddling business and surge in criminality;
2. Measures being instituted by the Nairobi Metropolitan Services (NMS) and the Executive to get rid of members of the public who have encroached the perimeter wall of the school; and
3. Effort being put by the NMS and the County Executive to ensure County roads that have been invaded by the members of the public are dully cleared to facilitate pedestrians and motorists.

Thank you.

Hon. Speaker: Do we have the Chairperson of Transport? Is he online? Any Member who wants to come to the rescue of the Chair?

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. I will liaise with the Chair and tentatively we can agree on one month.

Hon. Speaker: Hon. Okelo?

Hon. David Okelo: This matter is touching on school going children, it is a weighty matter that cannot wait for one month. I think even the Member is in Planning committee.

Hon. Speaker: The issue touches on county roads, so it goes to Transport [committee].

Hon. David Okelo: Thanks, Mr. Speaker, but one month is too long for this weighty issue.

Hon. Speaker: Member, kindly get in touch with your Chair so that you are able to---

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. If the Member is not contended with the 30 days, I think 21 days would be appropriate.

Hon. Speaker: That is in order. Next Order.

MOTION

PERENNIAL LAND GRABBING IN THE COUNTY

(Resumption of Debate interrupted on 13.10.2020 Morning Session)

Hon. Speaker: I understand this is the resumption of the debate. The Motion had been moved and Hon. Ogeto was seconding the Motion. So, you can proceed from there.

Hon. Moses Ogeto: Thank you, Hon. Speaker. In the morning there was technical problem when I was giving my sentiments on this Motion. I don't want to take much time because I believe my time would have elapsed.

Hon. Speaker, the spirit of this Motion was clear that as a result of politicians and business elites allegedly giving bribes and engaging in corruption--- Chapter Six of the Constitution Article 75 touches on our integrity. The Speaker on session that time was the Mayor when such engagement on these lands started. This House, through Public Accounts Committee has passed a resolution that the public property shall entirely be given to the clinic. This Motion is touching on our integrity. Mr. Speaker, I believe today you will make a determination of the same. The Member of Parklands/Highridge Ward had threatened to resign if the same parcel of land is not going to be taken back to the health facility.

Hon. Speaker, in July 2020, General Badi, who is in charge of the NMS went there and said the parcel of land belongs to the public. His Excellency Mike Mbuvi Sonko in 2019 also said the same parcel of land is for the public. In the last Assembly, the issue of this land was brought before the floor of this House.

The mover of this Motion is indulging this House that the County Executive and the NMS move urgently and get this land, including for the school and the clinic. It will be wrong if we violate Article 75 of the Constitution which touches on our integrity. Few individuals in this House are beneficiaries of the same property. The NMS should ensure full implementation of this Motion. I beg to second the Motion.

(Point of Order)

Hon. Kennedy Oyugi: Mr. Speaker, the Hon. Member has just said that some of the Members of this House are beneficiaries of the said land. Could he clarify to the House and probably name the said Members. Thank you.

Hon. Speaker: Is it true that you mentioned that there are some Members who are beneficiaries?

Hon. Moses Ogeto: Hon. Speaker, as I started giving my submissions, I said in the morning when Hon. Geophrey Majiwa was the Speaker that he was the Mayor when this piece of land was transferred from the Highridge Clinic to private property. The Member needs to clarify to us what transpired when he was the Mayor. I am not ashamed of that.

Hon. Speaker: Order, Hon. Member! I want us to be on the same page. Are you trying to say that the Hon. Member was involved in the process of transferring or you want clarification from him?

Hon. Moses Ogeto: Hon. Speaker, you were also a councillor during that time. That is why we need a clarification if for real this piece of land was transferred. Hon. Kados was also a councillor, he should tell us the true position of this land. Hon. Peter Wanyoike, Hon. Abdi Hassan Guyo, Hon. Rose Kula, and Hon. Catherine were also councillors, they should tell us how the land was transferred from public clinic to private developer.

Hon. David Okelo: Mr. Speaker, the Member is now putting as if all these Members who were councillors---

Hon. Speaker: Hon. Member, I have not given you a chance. It is Hon. Oyugi on the floor.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. I have never known Hon. Ogeto as a coward human being. He has just said that Members of this House are beneficiaries. You have given him a chance to clarify. He is just beating around the bush. Can he mention the said Members who are beneficiaries of the said land?

Hon. Speaker: He has clarified. Hon. Member, in your submission, you mentioned some officers who are also Hon. Members of this House. May be due to your ignorance, Hon. Members who were councillors were not the Executive. So, you need to go back to your books how those transfers are done. Having said that, I believe in the debate, Members will be able to give you the correct position on how things used to be done.

(Question proposed)

Hon. Speaker: Hon. Members, those who want to debate on the matter and are on zoom I kindly urge them to click on the 'raise hand button' so that I can be able to give them a chance to contribute. Before I give you Hon. Warutere, Hon. Themendu who is on zoom. The ICT people will work on it.

Hon. Jeremiah Themendu: Thank you Hon. Speaker for giving me this chance to contribute on this Motion from Hon. Jayendra Malde, MCA for Parklands Ward. And the issue at hand is very weighty because it touches on land and issues concerning land is very tricky.

You also know very well the planning and housing department has been accused literally of doing fraudulent things like favoritism and blatantly contravening the standards of the buildings and whatever, like for example, Hon. Speaker, I give the example in my area. I have a land which was allocated to developers and the developers in conjunction with the planning department officials decided to extend their beacons and obstructed the road. I raised the statement in the Assembly concerning the same and I would ask even the Planning committee to make sure they have engaged the planning and Housing department on the same.

And why I support the issue of Highridge, or other the Motion from Jayendra Malde, I know there is a private developer who was accused of developing the property that was meant for dispensary or hospital and the issue has been raised even in the media and wherever. And while Hon. Malde is mentioning the politicians and someone who has been informed of the same and in conjunction with people from the planning they decided to grab that land from that area, Parklands.

For now, I would like to support the Motion and support the Nairobi Metropolitan Service to investigate and make sure the processes of issuing the building certificate is looked into and also we know very well, Hon. Speaker, the issue has been affected by corruption because if you go to the county offices when you need the certificate to go ahead and build your plot they bring so many barriers for you to part with something small in order to be given the certificate.

Hon. Speaker the issue of that department should be looked into and investigated by the NMS and County Executive to make sure it is serving Nairobian without any barriers or favoritism. Thank you Hon. Speaker as I support the Motion from Hon. Malde and I thank him for bringing the same at this time.

Hon. Peter Warutere: Thank you Hon. Speaker, as I rise to support this very important Motion by Hon. Jayendra Malde, I think there comes a time when we must make very cognizant decisions on matters that are weighty and I think I would want to persuade this House that this I know for sure is a matter that we had in the last Assembly by the past MCA, a matter that was never dealt on well and I think for us to really deal with this matter and to clear this mess I suggest that we form an ad hoc Committee that will be able to really look into not only this matter, but also other matters that are pertaining to land grabbing.

I stand here as the chair of Health [committee] and I know the issue of clinics is something that I hold deep and dear to my heart and I just want to persuade the Hon. Members here and others joining us virtually to see that we come up with a serious committee that will look into all matters pertaining to land, pertaining to all issues that are public, because for us to really oversight and be seen to be working, we need to ensure that whatever is public goes back to the public.

The best way to go about it I think that would land beyond the Planning committee and any other committee that are involved in this matter, so I suggest that as we dwell on this matter let us form an ad hoc committee that is going to sit down and use a thin brush to really produce on this matter. I rise in support of the same. Thank you.

Hon. Speaker: Hon. Antony Karanja. ICT can you be able to get hold of Hon. Gari. Also look for Hon. Fredrick Okeyo, but in the meantime we can have Hon. Obuya; he is in the House.

Hon. Kennedy Obuya: Thank you Hon. Speaker. It is a privilege today since you were elected I have never had an engagement with you in the plenary. Kindly allow me to congratulate you on your election as the third Speaker of the Second Assembly of Nairobi.

Hon. Speaker I am rising to support the Motion and I wanted to congratulate Hon. Jayendra Malde for this good Motion. As the representative for Imara Daima, I am a victim and my constituents have been victims of cohorts between members of the executive, the planning department and cartels. One public primary school in the knowledge of the public is the Mukuru Community Centre that was grabbed by cartels and that was a matter that just ended yesterday; it was under judicial process and am gladly reporting to the

Assembly that as residents of Imara Daima we have taken control of the public school that was grabbed by cartels.

I also happen to have been a victim of cartels this morning, who have grabbed an ECD Centre in Imara Daima and there is an organization, I would say a gentleman, that I want it to go on record, that were trying to gain access of the ground for the gazetted ECD Centre in Imara Daima.

Hon Speaker I went personally with my constituents and we stopped the grabbing. On that note, and on that strength I wanted to take this time and congratulate Hon Malde. I wanted to congratulate the Member and also advise him that this Motion should translate into a proper Bill that would safeguard the residents of this great city of Nairobi. I beg to support this great motion. Thank you.

Hon. Joyce Kamau: Thank you so much Mr. Speaker. I am very surprised that this land still has issues. I remember two years ago we went there with the Governor Mike Mbuvi Sonko to retrieve this land to the county, and then again some few months ago I also saw the General in Parklands to retrieve the same land. So I think this matter is weighty and as an Assembly we can form a committee like Hon Warutere said to look into this issue. Thank you Mr. Speaker.

Hon. Rose Ogonda: Thank you Mr. Speaker. I stand to support the Motion but before I support it I want to put it clear that from 2007 while it was called Kanjo, which has been mentioned by the Deputy Minority Whip, I wasn't there. I joined Kanjo in 2008, he can check in the records, I wasn't there.

While supporting this Motion, I am a victim in my ward. There was a public utility land and it was changed by a developer as a private school, so in my ward, Kware Ward there is no public primary school or secondary school, nor is there any open air market for the women to do the business. So I stand here while supporting this I know that this function was not taken to NMS so it is good to call the Executive because some of the staff are still there to clarify and tell us what happened and let all properties belonging to public utilities in each and every ward be secured. I beg to support.

Hon. Paul Kados: Thank you Hon Speaker. I stand to support that Motion but I would want to ask, some few days or months ago, I saw the General and some members of this House, Malde included, and I also saw Hon. Imwatok there, what transpired? The General was in full army uniform.

Hon Speaker that was not the first time this issue is coming to this House, we had it in the last Assembly, we had it when we were Councillors. It is a high time we conclude this matter once and for all. I am requesting this House to come up with an ad hoc Committee which should have a reference so that the ad hoc committee resolves this matter once and for all. In fact, we should not be year in year out talking about that clinic, it has taken so many years, I remember I met the General about a month or a few days ago and I came and asked my friend Hon Malde here what transpired, because I don't want to go into what I heard, but it is a high time this House takes this matter once and for all, we don't want it to be a cash cow for Members of this House. Thank you Mr. Speaker, I support.

Hon. Fredrick Okeyo: Thank you Hon. Speaker for giving me the opportunity to talk on this matter. My only issue here is to support the sentiments of senior Hon. Warutere, but on the same case, we need an ad hoc Committee, but since it is an issue that has been going on since the days of councillors, I think it should be an enquiry. An enquiry whereby even the old councilors can have a chance of coming and explaining themselves to people on how that land, especially the ones who were in Planning committee and

are currently MCA's; they can be able to explain to Members what transpired during their period. You see, in an enquiry set-up members of the public are allowed to also come and give their evidence, and also Members, former staff, and other people are also allowed. So that is my concern for that. Thank you.

Hon. Speaker: Minority Whip, you want to say something?

Hon. Peter Imwatok: Thank you Hon. Speaker and thank you my senior Majority Whip and senior Warutere, Ogeto and the rest who have spoken. Hon. Speaker it is indeed a question of, are we serious as the senior Member Hon. Kados has mentioned that I was at Parklands in person accompanying the General to repossess this specific parcel of land, for the second time concurrently. Hon. Speaker, I am also privileged to have shared with the so called the current owner of the land.

Hon. Speaker, I am aware as Ogeto was being questioned by my Hon. Senior Member here on the integrity of who is questioning the ownership of this land including our very own House, it is something that is driving us to an ad hoc committee or an inquiry. This is because at a point at which we left High Ridge we had several meetings. Thereafter, we agreed that High Ridge clinic belongs to the people of Parklands and Hon. Malde can attest to this. There were several occasions it was also agreed that High Ridge has to be done a Three Level Hospital for those who demolished the hospital.

Hon. Speaker, I am not aware today if that has changed and incase it has changed, then it is upon this House under your guidance it is not only High Ridge. We must come up with an ad hoc committee of 11 or 15 Members, which you have to share, to give us the powers of two weeks as a matter of urgency by Thursday, so that this committee can start inquiring into anomalies on public utilities and public land, which exchanged hand without a procedure.

Hon. Speaker, we went deep into the way the council had resolved the giving out of this land, it is not only a clinic, even a hospital was demolished and also a school was demolished. Therefore, I think some of us are privy to a question that Hon. Ogeto asked. Who are the culpable Members but for the purpose of immunities and privilege of the Assembly, we might not be quick to mention our own before the HANSARD.

But, Hon. Speaker if we say today there is an inquiry by an ad hoc committee through your wisdom you can declare before this Assembly that on Thursday we table the names, me and my counterpart will table those names. On that, speaker, we will also table those documents before that committee on inquiry who got what from this land and when, and specific dates and names because we have them.

Hon. Speaker we cannot sacrifice the people of Parklands because of the four individuals or the four people in the County. Mark you Speaker, Parkland Highridge Hospital was also used by the elite squad of the Presidential escort that is where they are being treated. When we went to repossess this land Hon. Ogeto can attest that we were told we want to be witness... but that day Malde had written a resignation letter and he wanted to resign as an MCA of Parklands but we were informed if this witness resigns but it happened that we repossessed the land and he never resigned up to date.

Therefore Hon. Speaker, this is a matter of urgency that I urge this House as the wise men have spoken the elders before us like Hon. Kados. We are talking about land in this Country, honestly Speaker you know you cannot delete Hon. Kados from talking the issue of land. If Kados says let us now form an ad hoc committee, it is a serious matter we cannot ignore it. We must be serious and form this ad hoc committee

this Thursday Hon. Speaker in your wisdom if you allow us so that this committee does not only look at the High ridge.

There is a school in Muthaiga which has been wiped out by a developer. What *Mheshimiwa* Thuo was bringing in his statement it is not a statement; somebody took a public land and went with it. When you go to South C someone is building a mall in a public land. These are things an ad hoc committee can look into in a period of one or two months and bring a comprehensive report after asking all the witness to appear and then the NMS, the County Government and National Government. More importantly, some of this land – even the land Commission had revoked the title deeds of High Ridge, South C, Muthaiga Primary School but private developers are still on it.

Hon. Speaker, therefore under your guidance I also second my voice to the Majority whip and other Members who have spoken, that you give us a chance of two whips by Thursday afternoon will deliver you the Members of the ad hoc committee. Those Members of the ad hoc committee must be people of integrity who are ready to deliver real substances the people of Nairobi. This is because you will find that people come in an ad hoc committee in a view of who benefit what and who gets what. We want the Nairobians to benefit Hon. Speaker. I beg to second and I can confirm before this Assembly that given a chance we have authentic documents to place before that committee mentioning names including even our own before this Assembly. Thank you Hon. Speaker.

Hon. Speaker: Thank you, very well said. ICT you will get in touch with Hon. Doris but in the mean time I can have Hon. Oyugi who is in the House.

Hon. Kennedy Oyugi: Thank you Mr. Speaker, and in a very few words I want to concur with my colleagues who have spoken before me and I would to support the Motion and at the same time I want to support the formation of the ad hoc committee.

However, I would want to wonder around, I am told that the matter had already been discussed and the PAC made recommendations. My question is what happened with the implementation team of the Assembly. Secondly, a Member has just said that two years ago a delegation was led by the Governor of Nairobi to the same place and he went there to repossesses the land. Two years down the line, nothing has happened.

Again Hon. Speaker, about a month or so ago General in full regalia of the army attire was also there, lead a delegation with a view to repossess the said land and nothing has happened to date. I know, Mr. Speaker, this begs my questions whom are we dealing with that...*(Laughter)* how powerful is this developer *(Laughter)* and who is behind this developer, that a Major General in full regalia leading a delegation of Nairobi leaders to repossess the land and nothing has changed and I am told the construction is ongoing? What language does the developer speak? I therefore, Mr. Speaker support that we form an ad hoc committee and I do not want to blow my own trumpet but I would love to be in that Committee so that I ask the said developer who are you and who is behind you. Thankyou.

(Laughter)

Hon. Speaker: Hon. Members, before we go Hon. Doris, the issue of the ad hoc committee has been can-versed by the two whips the majority and minority. I would wish to notify you that under Standing order 205 (1) *The Assembly may, by a resolution establish an ad hoc committee for purposes of inquiring*

into a matter or matters specified in the resolution. Section (2) A: notice of Motion for the establishment of an ad hoc committee shall not be admissible unless presented together with a written recommendation of the Liaison Committee.

Therefore, the two whips, I think you stand now to be guided on what you are supposed to do in case of an establishment of ad hoc Committee. Therefore, let us get back to Hon. Doris! Hon. Maurice!

Hon. Maurice Onyango: Thank you Mr. Speaker, let me also echo my voice on the issue of land grabbing, being an MCA who comes from Westland this issue has been on and off. I can remember back in early 2000 when we had Mheshimiwa Ngumo who fought for the same land. In 2013 we had also Hon. Tim Wanyonyi who was also an MP for Westlands, he also fought for the same piece of land to be taken back to the community. I was also wondering how powerful this developer is, because recently we saw 'General' and our MCA wanted to resign.

Recently when I was passing there I saw the same developer going on with the construction. I want to see the clinic going on and it is a very essential facility, more so we in the field of health it is very essential to the community. Therefore, I urge this House to move with speed so that we can have an ad hoc Committee. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. May I call the mover, to reply since there is no one else is requesting.

Hon. Jayendra Malde: Thank you Hon Speaker, first I would like to congratulate you as the Speaker of the Second Assembly. Thank you very much Hon. Speaker. I would like to thank my colleagues who had seconded my Motion, the Deputy Minority Whip Mheshimiwa Moses Ogeto, Hon Jeremiah Themendu Morefire, Hon. Peter Warutere, Hon Kennedy Obuya, Hon Joyce Muthoni, Hon. Rose, Hon. Kados, Majority whip, Hon. Fredrick Okeyo, Hon. Imwatok minority whip, Hon. Oyugi and Hon. Maurice, I thank you all for supporting my motion.

Hon. Speaker, as I reply I would like to thank the Hon. Member for supporting this Motion. As a member of the Select Committee on Implementation which is mandated to scrutinize Assembly resolutions and follow up on the implementation of such resolutions.

Hon. Speaker, the implementation of this Motion will ensure that all county owned facilities have their title deeds and the lands are well utilized for the betterment of the residents of this great County.

Hon. Speaker, with passing of this resolution, I believe the Nairobi Metropolitan Services under General Badi will move with speed to implement this Motion as this Motion will go a long way to bring back sanity on utilization of public spaces and land. I challenge Members today and plead that it is time our voices are heard and it is time to stop these perennial land grabbers from stealing from the public.

Specifically, the Nairobi Metropolitan Services will;

1. Conduct an audit on all public land within the Planning and housing department.
2. Conduct investigations into the grabbed public spaces dating from 2010.
3. Where necessary proceed to evict the private developers from the spaces and repossess the land back to the public.

Hon. Speaker, with those few remarks, I beg to reply. Thank you.

(Question put and agreed to)

MOTION

Hon. Speaker: The Motion by Hon. Waithera to be deferred to Thursday, this week. Is that in order, Member?

Hon. Waithera Chege: Most obliged, Mr. Speaker.

Hon. Speaker: Thank you.

(Motion deferred)

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other business, the Assembly stands adjourned to Thursday at 2.30 p.m. Thank you.

(The House rose at 4.20 p.m.)