



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Thursday 15th July 2021

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

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

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

I understand we have the quorum. Proceed to the first Order.

NOTICE OF MOTION

Hon. Speaker: There is a notice of Motion from Hon. Kennedy Oyugi. Proceed.

REINTRODUCTION OF CHEQUES IN DISBURSEMENT OF BURSARY FUNDS

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. I beg to give notice of the following Motion:

THAT, aware that since the establishment of the County Government in 2013, the Nairobi City County Government has set aside a certain amount of money in the budget to help the needy and bright students to access education through the bursary programmes, where such students apply for these bursaries and they are disbursed to the schools' accounts by the County Government, this has enabled many students to access education across the County; further aware that the County Government resolved to use electronic fund transfer in disbursing bursaries instead of using cheques with the view to address the problems experienced in the past where funds meant for the needy students went into the wrong hands; concerned that introduction of vouchers in the disbursement of bursaries has faced a series of challenges where monies deposited in various schools accounts could not be verified by the County accounts department due to discrepancies between the vouchers and the electronic transfer system; further concerned that various schools have received the county monies without clear accountability records; this Assembly urges the County Executive to reintroduce the use of cheques in disbursement of funds, which is reliable and dependable compared to the voucher system. Thank you.

Hon. Speaker: Chair, Education Committee?

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Hon. Kennedy Oyugi: Mr. Speaker, this is a notice of Motion that I am doing on behalf of the committee through the Chair.

Hon. Speaker: Noted. There is another notice of Motion by Hon. Jagero but unfortunately, she is not on Zoom. Proceed to the next order.

STATEMENTS

Hon. Speaker: There is a response from Hon. Millicent.

RESPONSE TO A STATEMENT REGARDING OWNERSHIP OF ANDERSON HALL WITHIN KENYATTA GOLF COURSE

Hon. Millicent Okatch: Thank you, Mr. Speaker. This is a response to a statement requested by Hon. Mwangi Njihia, through the Chair of Planning[committee]. On Tuesday 20th February---

Hon. Speaker: Hon. Member, kindly be close to your mic so that you can be audible.

Hon. Millicent Okatch: On Tuesday 20th February 2018, Hon. Mwangi Njihia, MCA, rose on the floor of the House pursuant to Standing Order 45 (2) (c) and requested the Chairperson Planning and Housing Committee for a statement regarding ownership of Anderson Hall that is within Kenyatta Golf Course. The Member further asked the Chairperson to inquire into and report on;

1. Ownership status of the hall; and
2. Whether the hall is under the County or the National Government.

Hon. Speaker, the committee wrote a letter to the County Executive Committee Member responsible for Lands, Urban Renewal and Housing, on 21st March 2018 where the contents of the request were outlined.

Further, the CECM for Lands, Planning and Housing, delivered a written response on the same with several other responses to the Committee on 17 September 2020, vide letter referenced CECM/L/CK/050/20JWK.

Hon. Speaker, the Hon. Mwangi Njihia having been given the response virtually by the Committee Clerk, gave his feedback as having been satisfied with its contents.

In this regard, Hon. Speaker, I wish to report to the Assembly that the hall is domiciled under LR. No. 209/13684 in Mbagathi Hospital. It is used and managed by the defunct City Council of Nairobi. In the year 1999 it was taken by the National Government under Mbagathi Hospital, operating as a pediatric wing of the hospital. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Njihia? Is he on Zoom? Hon. Millicent, had you shared the response with the Hon. Member?

Hon. Millicent Okatch: I did.

Hon. Speaker: I believe he is content.

Hon. Millicent Okatch: Yes, he is.

Hon. Speaker: Next response.

RESPONSE TO A STATEMENT REGARDING ALLOCATION OF PLOT NUMBER NAIROBI BLOCK 109/2384 AND SP09

Hon. Millicent Okatch: The next response is a statement requested by Hon. Mark Mugambi, through the Chairperson of Planning committee.

On Thursday 21st February 2019, Hon. Mark Mugambi, MCA, rose on the floor of the House pursuant to Standing Order 45 (2) (c) and requested the Chairperson of Planning and Housing Committee for a statement regarding the allocation of plot number Nairobi BLOCK 109/2384 and SP09, covering an approximate area of 0.0247 hectares, which was an open space that was earmarked as a playground and a parking space.

According to the member, an unknown developer had gone ahead and evacuated the said piece of land, which poses hazardous risks to the residents since the pit is filled with water after the short rains. The Member further asked the Chairperson to inquire into and report on:

1. Who was allocated the said piece of land, which was earmarked for public use;
2. Whether the County Executive is aware of the unregulated construction of buildings without County's approval in the area;
3. Whether the County Executive is aware of suspicious people aiding land owners to acquire land illegal approvals without proper procedure;
4. Whether the land in question is a government land or a private property; and
5. Measures taken by the County Government to curb such incidences in the county.

Hon. Speaker, the Committee wrote a letter to the County Executive Committee Member responsible for Lands, Urban Renewal and Housing, on 28th February 2019 where the contents of the request were outlined.

Further, the CECM for Lands, Planning and Housing, delivered a written response on the same with several other responses to the Committee on the 17th September 2020, vide letter REF: CCM/L6/CK/050/20.

Hon. Speaker, the Hon. Mark Mugambi having given his response virtually by the Committee Clerk, gave his feedback as having been satisfied with the contents.

In this regard, Hon. Speaker, I wish to report to the Assembly that plot number SP09, Umoja 1, was allocated to Zacharia Ogongo, vide allocation letter number HDD/1993/64PA/CAM1, dated January 1994. The area of the said plot is approximately 0.50 hectares as indicated in the allotment letter and not 0.0247hectares as stated in the statement. The said plot is an infill plot, meaning that it was planned in an area which was initially an open space. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Hon. Mark? Is he on Zoom? Hon. Millicent, had you shared the report with him?

Hon. Millicent Okatch: Yes, we have.

Hon. Speaker: Was he content?

Hon. Millicent Okatch: Yes.

Hon. Speaker: Remember that at the end you have to table the report.

Hon. Millicent Okatch: Yes, I will

Hon. Speaker: Do you have another response?

Hon. Millicent Okatch: I do.

Hon. Speaker: Proceed.

RESPONSE TO A STATEMENT REGARDING OWNERSHIP STATUS OF NAIROBI BLOCK 134/1518

Hon. Millicent Okatch: Thank you Mr. Speaker. This is a response to a statement requested by Hon. John Kamau, MCA.

Hon. Speaker, on Thursday 25th October 2018, Hon. John Kamau rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of Planning and Housing Committee for a statement regarding ownership status of Nairobi BLOCK 134/1518.

According to the Member, the said block of land has allegedly been grabbed by a private developer in Komarock Ward thus denying the area residents the right to access. The Member further asked the Chairperson to inquire into and report on:

1. Who allocated the said parcel to the private developer; and
2. Measures put in place by the County Executive to reclaim the grabbed land.

Hon. Speaker, the Committee wrote a letter to the County Executive Committee Member responsible for Lands, Urban Renewal and Housing, on 30th October 2018 where the contents of the request were outlined.

Further, the CECM of Lands, Planning and Housing, delivered a written response on the same with several other responses to the Committee on 17th September 2020, vide letter REF. No. CCM-L/CK/050/20.

Hon. Speaker, the Hon. John Kamau was facilitated with this response virtually by the Committee Clerk and was further invited to a sitting of the committee on Monday 22nd March 2021, but failed to turn up or give his feedback. In this respect, the Committee resolved that the response should be tabled to offload the backlog of pending statements.

In this regard, Hon. Speaker, I wish to report to the Assembly that the Chief Valuer conducted official searches from the Ministry of Lands and Physical Planning and they have yielded in no result on the plot in question. This is an indication that the property is not registered. Thank you.

Hon. Speaker: Hon. Millicent, did you share the report with him?

Hon. Millicent Okatch: We tried to get Hon. Kamau but he did not attend. We then shared with him virtually.

(Point of Order)

Hon. Speaker: What is the point of order?

Hon. June Ndegwa: Hon. Speaker, we said sometime back that if a Member---

Hon. Speaker: Be louder.

Hon. June Ndegwa: Sorry about that. We said as an Assembly that when a Member is not present, then we cannot accept the response. I stand guided. We are not sure as to whether they actually accepted the response.

Hon. Speaker: I believe the Committee has showed that they tried to get hold of the Member. When you request for a statement, you should also make a follow up for closure of such matters. This is not a done deal. Therefore, if he has issues, then he can raise them at a later date.

Do you have another response Hon. Millicent?

Hon. Millicent Okatch: Yes.

Hon. Speaker: Proceed.

RESPONSE TO A STATEMENT REGARDING APPROVAL STATUS OF DEVELOPMENT PLANS IN THE COUNTY

Hon. Millicent Okatch: Thank you, Mr. Speaker. This is a response to a statement requested by Hon. Frederick Okeyo.

Hon. Speaker, on Thursday 15th November 2018, Hon. Fredric Okeyo, MCA, rose on the floor of the Assembly, pursuant to Standing order 45(2) (c) and requested the Chairperson Planning and Housing Committee for a Statement regarding the approval status of development plans in the County.

According to the Member, following the recent wave of demolitions of buildings and structures erected on the public spaces spearheaded by the Nairobi Regeneration Programme Committee, there is underscored need to appraise the County's Development Plan's approval framework.

The Member further asked the Chairperson to inquire into and report on:

1. The number of development plans that have been approved since November 2017 to date;
2. Whether the County is accruing any benefits in monetary terms from the approval and the revenue received during the stated period; and
3. Whether the approvals are done so far adhere to County Zoning Policies.

Hon. Speaker, the Committee wrote a letter to County Executive Committee Member responsible for Lands, Urban Renewal and Housing, on 19 November 2018 where the contents of the request were outlined.

Further, the CECM for Lands, Planning and Housing delivered a written response on the same with several other responses to the Committee on 17 September 2020 vide Ref No. CECM-UP&L/CK/050/20(jwk).

Hon. Speaker, the Hon. Fredrick Okeyo has been given this response virtually by the Committee Clerk, who gave his feedback as having been satisfied with its contents.

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

The number of development plans that have been approved since November 2017 to date

There were 7,380 building plans during that period.

Whether the County is accruing any benefits in monetary terms from the approvals and the revenue received during the stated period

The revenue collected in the same period of November 2017 to date is Kshs. 2,761,082,289

Whether the approvals done so far adhere to County Zoning Policies.

1. The provision of affordable housing is one of the government's Big 4 Agenda;
2. In line with this, we have approved several developments not only above the permitted zoning policy but also with a waiver on the submission fee. This will encourage developers to put up more houses within the County, hence meeting the government target;
3. This has motivated other developers to emulate the same in other residential areas hence sometimes not adhering to the policy. However, we are in the process of reviewing our policy to factor in the gaps in the densities and the demands created by market forces.

Thank you, Mr. Speaker.

Hon. Speaker: Hon. Okeyo? Hon. Millicent, I want you to go back to the Committee and tell them *pongezi*, we can see that they are doing a good job of trying to clear the backlog. I can see one side of the leadership is here, make sure that even those other committees can also bring their reports. We have been getting some responses which are almost zero typed, we get responses after two weeks, now those two weeks are not forthcoming with the report. So, thank you.

Is the Chair of Education around? Who is giving the response?

RESPONSE TO A STATEMENT REGARDING STALLED CHILDHOOD DEVELOPMENT PROJECTS THAT WERE TO BE CONSTRUCTED IN ALL 17 SUB COUNTIES

Hon. Kennedy Oyugi: Mr. Speaker, I want to give it on behalf of the Chair. A statement requested by Member of Hospital Ward, Hon. Patrick Musili, from the Chairperson of Education Vocational Training, on the stalled childhood development projects that were to be constructed in all 17 sub-counties. Let me go to the response instead of the questions.

Mr. Speaker, there was a delay in the processing of the payment file from the contractor invoicing through the engineer's certificate to the Chief Officer of Education Social Services and Gender, for payment approval. The payment certificate number one for the five stalled ECDs centers namely; Ayany, Kawagware, Ziwani, Starehe, Tena and Tumaini, was forwarded to the sector in August 2020 when the County had no developing budget.

Since the passage of the approval of the Budget Supplementary II, the sector has proceeded with a payment amounting to Kshs. 14,565,444. The Contractor was facilitated by the County in terms of security.

The valuation certificate has been raised, there has been no retendering of the project and the contractor is advised to apply for the extension of the contract in order to complete the projects. Allocation Kshs 80 million was done to facilitate all the County ECDEs centers on improvement of infrastructure, which includes but is not limited to:

1. Construction of new classroom, toilets and kitchens;
2. Purchase of furniture;
3. Purchase of playing materials; and
4. Installation of handwashing points.

The Sector has also sought additional funds through the Supplementary Budget 1, amounting to Kshs.36 million currently at the COB, to boost the schools' capacity to deal with COVID19. In 2021/2022, the sector has budgeted for the construction of 10 new ECDEs centers.

The sector is committed to the timely payment of all raised payment certificates ongoing ECDEs construction namely; Gatina Mowlem, Mountain View, and Kayole I.

Mr. Speaker, those were the response. The Member was invited together with the Members of the Executive Committee. We deliberated thoroughly on the said issues and at the end there was concurrence.

Hence, the Member was satisfied with the response. Thank you.

Hon. Speaker: Thank you. Is Hon. Musili is in so that we can confirm if that is true? I believe he is not on Zoom also. We can proceed.

MOTION

ADOPTION OF REPORT ON SESSIONAL PAPER NO. 2 OF 2020 ON AIR POLLUTION

Hon. Millicent Okatch: Thank you, Mr. Speaker, I beg to move:

THAT, this Assembly adopts the report of the Sectoral Committee on Environment and Natural Resources on the consideration of the Nairobi City County Assembly Sessional Paper No.2 OF 2020 on Air Pollution, laid on the table of the Assembly, on Tuesday 29th June 2021.

Hon. Speaker, Nairobi has experienced rapid development in the last 30 years. This growth trend has resulted in deterioration of the City air quality, causing a threat to the environment and the health and wellbeing of Nairobi City County residents, visitors and its neighbours.

Although the air quality measurement conducted in Nairobi City County are few and most are short term, and thus are not comparable to WHO guidelines for ambient air quality. They clearly point to the need to address the serious impact of air pollution. Air pollution has been linked to numerous illnesses including asthma, strokes, heart disease, and dementia.

Hon. Speaker, the children respiratory illness in the parts of Nairobi City County is also attributed to increasing levels of air pollution. Quite a number industries degrade our Environment on daily basis through emissions of harmful gases into our atmosphere or dumping of wastes in the Nairobi River.

It is evident that the emissions of gases such as carbon dioxide, nitrogen oxide, methylene and chlorofluorocarbon, into the atmosphere, do not only cause global warming and respiratory problems but also deplete the ozone layer that protects us from the harmful ultraviolet rays.

Hon. Speaker, the development of Nairobi air quality policy forms part of strategy development to reduce the growing challenge of air pollution through the support of enabling factors and identifying priority key sectors. The priority sectors identified are transport, waste management, industry, housing, energy, road construction, and agriculture.

Hon. Speaker, Hon. Waithera Chege, Member of County Assembly for Nairobi South Ward, played an instrumental role in the development of the draft air quality policy. She is the sole inventor and mover of the Motion on air pollution, which was consequently adopted in the Assembly on the 29th of September 2020. In her Motion, she pointed out how the Capital City is undergoing environmental degradation on how this has caused enormously illnesses including asthma, strokes, heart diseases and dementia.

Hon. Speaker, to counter these challenges, Hon. Waithera urges the Government of Nairobi City County to come up with a sound legal framework to address the problems to provide an institutional and legal framework as well as cure the gaps experienced in similar pieces of legislation to provide endemic problems caused by air pollution.

Hon. Speaker, in view of the above, the committee recommend that the Assembly approve the Nairobi City County Sessional Paper No. 2 of 2020 on Air quality with the following recommendations:

1. That the past, present and future undertaking in regards of air quality be done within the framework of the sessional paper No.2 of 2020 Nairobi City County Air Quality Policy and the recommendation of this report; and
2. That County Government should, with the Assembly enact a Nairobi City County Air Quality Bill to provide a comprehensive legal framework for the air quality.

I now call upon Hon. Imwatok to second the Motion. Thank you.

Hon. Peter Imwatok: Hon. Speaker, thank you for giving me an opportunity to contribute and second this Motion. Hon. Millicent Okatch has spoken well in regards to the mover of the agenda, who is Hon. Chege Waithera. I remember it was last year when we had a very heated debate on some companies in her ward neighbouring Viwandani, if I am not wrong. She was very particular on how to come up with a policy that will enforce this issue of air pollution.

Mr. Speaker, indeed it is a vision that is being cultivated in a manner that a Member can follow to the latter on what she believes in comes to reality. I am looking forward that after this Sessional Paper is adopted on recommendations on the Committee where I sit. We promised Mheshimiwa Waithera Chege as

a Committee of Environment, that we will push until she achieves the vision of having a Bill on the same that may regulate our County.

Hon. Speaker, as you can see, our city is growing rapidly on daily basis in terms of population index, in terms of development of infrastructural agenda and also political agenda. If the BBI could have gone through by now Mr. Speaker, you are aware that you could be having 12 additional wards. That shows that in every sphere of development in our county there is a rapid development, this encompasses also industrialization.

When industrialization started in Brazil, Asia, and USA, we did not know that it will come with a lot of issues such as cancer, tuberculosis and others. Currently, if you go to Kenyatta Hospital, the rate at which people are being treated for cancer and tuberculosis is very high. I remember when we went for a site visit to that particular company at Hon. Waithera's Ward - despite the fact that we want to earn revenue and create employment - we must also mind our peoples' health and their future.

Mr. Speaker, it was very disappointing because as a committee we recommended the closure of that company but about one month down the line, the company was up and running again. It was so disappointing. The role of this Assembly under your guidance, Mr. Speaker, is to protect the interest of 4.5 million Nairobians, not only from my ward but also Hon. Waithera's Ward. It is not only Hon. Waithera's residents who worked in that company but from different wards in Nairobi.

Hon. Speaker, I commend Hon. Waithera being the mover of this agenda and the entire Environment Committee, headed by Hon. John Kamau. This is the only Committee that can execute its agenda in the absence of the Chair who delegates duties to the Members. Hon. Millicent Okatch is a Chair of many committees in the absence of the chairs, that is why we say in the next election she will not be barred from this side of the majority of this House because I have already trained Members together with my leader here to be chairs. You can see that she tabled a report on Planning articulately talking about Kshs.3 trillion, I am sure on the other side it is a challenge.

Hon. Speaker: I am not so sure that you have a training school.

Hon. Peter Imwatok: Hon. Speaker, you are the beacon of training on our side and our chairlady always standing for our Chair.

Hon. Waithera Chege, once again, thank you and the entire House. Let us support this Session Paper so that we can go to the next level and get a Bill which will go in history that we did something for Nairobi on air pollution. I beg to second, Hon. Speaker.

(Question proposed)

Hon. Kennedy Obuya: Thank you, Hon. Speaker. I rise to support the report as a representative of an area that has a large zone of industries, that is Imara Daima Ward. Air pollution is a serious offence not only to the residents of Imara Daima, but also to the global community. I want to applaud and appreciate the Committee on Environment, Hon. Millicent Okatch, and Hon. Waithera Chege, my good neighbor. It is a high time that as the Nairobi City County Government that we move with speed because this is a matter of priority.

I was going through the document and it is so sad that every year we lose a number of people through air pollution. This is very wanting. As a representative of Imara Daima, I have had instances where

we have had engagements with our constituents with my good neighbor Hon. Waithera Chege on a number of issues. But because there is no proper Bill that governs and that has proper punitive measures to deter developers in Nairobi from polluting our environment, it is very challenging for the Executive side to put measures.

I am calling upon fellow Members and the Executive to concede and process this good document so that the authorities in charge of air pollution would have a proper document and a legal background that would help them to control air pollution in Nairobi which contributes the highest national GDP. In the 21st Century in Imara Daima and the neighbouring Viwandani Ward, we still have industries that emit effluence to our rivers.

Hon. Speaker, in the interest of time I know many Members would like to contribute, I second this beautiful document. Thank you.

Hon. Speaker: For record purposes you are not the one who was seconding but you are supporting.

Hon. Kennedy Obuya: I stand guided, Hon. Speaker.

Hon. John Muthiga: Thank you, Mr. Speaker. First, I would like to thank Hon. Millicent Okatch and Hon. Imwatak for contributing and seeing the fundamental issues that this policy is going to do for Nairobians. When we sat down with Hon. Waithera, we talked about how we are going to manage air quality in our city. From time immemorial there has been air pollution in Nairobi.

Mr. Speaker, when you look at the neighboring countries like Tanzania--- (*technical hitch*) There are so many contributors of air pollution. These are; exhaust pipes of vehicles that we drive, there are people who burn tyres, and all this goes to the air. God gave us clean air but as human beings. we have contributed to polluting this air. We are supposed to have clean air for Nairobians. Therefore, Mr. Speaker, I rise to support. Thank you.

Hon. Speaker: I now give this opportunity to the mover of the Bill Hon. Waithera Chege. Before that, ICT team, there are Members who want to contribute i.e. Hon. James Mwangi, Hon. Emily Waithaka and Hon. Laura Mwendu, so please work on that so that we can be able to have a smooth transmission. Hon. Waithera, proceed.

Hon. Waithera Chege: Thank you, Mr. Speaker for giving me this opportunity to support this report on air pollution. However, before I start, allow me to thank you as the Speaker of this House for attending all meetings that were held both in Mombasa and Nairobi on this specific agenda not forgetting the leadership of both sides, they have been part of those meetings.

Specifically, Mr. Speaker, allow me to thank the United Nations Africa office for the consultation that we have had with them along this process together with Stockholm Institute, Strathmore University and the Environment Compliance institute who have played a key role in the development of this document. It has not been easy as you have seen. Allow me also to thank the Committee of Environment led by the Chairman Hon. Kamau who has been very pertinent in the development of this document, Hon. Okatch, the mover of the Motion today and the seconder Hon. Imwatak.

Mr. Speaker, it is very important to note that we started this debate way back in 2019 and we are almost seeing the fruits of the work that we started. If you look at the research that was done by World

Health Organization(WHO), it shows that almost 1.9 million Kenyans are suffering from respiratory diseases as a result of air pollution and the highest number of these people reside in Nairobi.

Over the weekend me. Speaker, together with Hon. Obuya we had a chance to sit down with the residents of Imara Daima and you would be shocked that even as we are talking today there are women and children who are admitted in hospitals because of air pollution as a result of Powerex Company that is located along Road C in Nairobi. There is also Edible Oils Company right behind Panari Hotel and the East African Company that has been mentioned in a report by NEMA. These three companies have even been given a check list of the things they need to fulfil in order for them to reopen, this was done in 2020.

However, it is important for me to mention that corruption has taken center stage in making sure that these companies fulfil all those requirements that were laid down by NEMA. It is unfortunate because Hon. Imwatoke has mentioned about the case study that we did last year where NEMA was in defense of those companies. We were forced to go to the Environment Tribunal Mr. Speaker for us to get justice. These companies have penetrated NEMA properly and we are not going to sleep until this matter is properly resolved.

I want to take you back, Mr. Speaker, to the Constitution of Kenya 2010 where the only right to give information in a court of law without the need to demonstrate that the issue happened, is found in Article 70; *'The Enforcement of Environmental Laws and Roles'*. Article 70 sub-article 3 says that; *'any case on environmental matter that is taken before any court of law in this country, the applicant does not need to demonstrate that the issue happened'* – that is not me but the law of this country.

Mr. Speaker, when you go back to Article 42, it guarantees every Kenyan the right to clean environment. It is very clear that it is not only Nairobi South Ward today but even other Wards. For example, in Korogocho and Viwandani Wards, World Health Organization is saying that they are experiencing three times air pollution in those areas. We have institutions that have the power and mandate to deal with these issues, and it is our right as Members of this Assembly to come up with laws that will guide this County because air pollution is properly and squarely before us as the County Government.

Mr. Speaker, I want to take you back to the beginning of this year, in Eagle Plains Estate in Nairobi, a pregnant woman gave birth to a premature baby because of air pollution. When I look at the statistics, we are told that thousands of women give birth to premature babies every year. In the year 2019, according to our research documents, five thousand woman gave birth to premature babies. That is not a small number.

Mr. Speaker, I wish also to remind this House that air pollution does not understand boundaries. If for example, there is air pollution in Mlolongo in Machakos County, Nairobi will also be affected. So, even as we come up with these laws, we are also considering the issues of intercountry air pollution.

Mr. Speaker, it is also important to note that we got consultation help from Strathmore Institute. It has played a key role in the development of our policy. When we had the prepublication meeting, a lot of issues came up. Because the NTSA was a key stakeholder in that meeting, we are asking that they follow the law by making sure that only vehicles with age limit of seven years are imported. The biggest source of air pollution in Nairobi comes from fumes from those vehicles.

Mr. Speaker, as I summarize, I want to say that if you go to any informal settlement in Nairobi, the biggest source of pollution is wood pollution. People are using charcoal and firewood for cooking. The report of World Health Organization also says that the highest number of people who are affected in the

informal settlement by air pollution are women and girls because they are the ones doing the cooking day in day out.

As we pass this report today, I wish to urge this Assembly that we are moving into developing a legal framework for the same. That this legal framework be a guidance so that we start seeing action.

I wish to thank some of the staff members of the County Government because since the time we started working on this document, we have gone with them to the ground. The UN gave us a vehicle that used for testing air.

The results that we did in 2020, even the complainant up to date has not received the results. As we come up with this document, let us make sure that action is taken on companies that are polluting the air. Thank you, Mr. Speaker, I wish to support the report.

Hon. Speaker: Thank you so much. I congratulate you for the effort you put on this, and even those other entities like the UN and the Strathmore University. It is quite encouraging to realize that there some other professional bodies that are willing to work with the Assembly to enrich some of the debates and the Bills. Congratulations.

Hon. Laura Mwendu, proceed.

Hon. Laura Mwendu: Ahsante, Bwana Spika. Nataka nichangie mjadala huu unaohusu hewa safi mjini Nairobi. Ukiangalia wakaazi wa mtaa wa Dandora, mahali taka zote zinatupwa, kuna waadhiriwa wengi wa magonjwa hasa ugonjwa wa kifua. Lazima tufuate sheria ya kudumisha hewa safi. Ahsante.

Hon. Speaker: Hon. Leader of Minority, Hon. Ogada.

Hon. Michael Ogada: Thank you, Mr. Speaker. I would like to add my voice on this wonderful document. I appreciate the work Hon. Waithera Chege has done to come up with this document. I remember being involved in most of her meetings throughout the whole of last year and this year. It is a document which has gone through a long process. We invited all the relevant experts and they have given us a lot of insight.

Previously, Mr. Speaker, I did not know what air pollution is all about. When I saw heavy dust passing or a vehicle emitting smoke, then I knew there was pollution. But I never knew even when you are seated in a place like this, there is a lot of air pollution. Until when I attended those meetings at Strathmore University and many other places, where we discovered that there is equipment which measure everything, then I realized wherever I was sitting was a polluted area.

I therefore thought that it was necessary for a document like this to come about because as you see currently, His Excellency the President of the Republic is moving across the city opening new dispensaries and hospitals. It is as a result of the problems that most of the residents of the city are facing. When you look at it in detail, you will realize it is as a result of air pollution within those areas. The focus of His Excellency the President and the Government is mainly in slums. So, it tells you that air pollution in slums is serious, that is why you will find many sick people are around those areas. You cannot compare the rate of sickness in Mukuru and Kibera with Lavington. There is difference because at least there are some precautions that have been taken in upmarket areas.

As Members of this County Assembly, the only noble thing we can do as people's representatives, is to come up with documents, policies and laws that will make it serious offence for people who mess the environment, to take charge and be responsible. This policy document comes in handy and it is going to cure that.

Mr. Speaker. Rwanda was just a mess around fifteen years ago. But, Mr. Speaker, you can bear me witness that when you go to Kigali currently, walk across that city and somebody promises you Kshs. 50,000 you bring him a piece of paper in the streets, it will take you almost five hours looking for that piece of paper. In Nairobi, it will not even take you three seconds to get a piece of paper. That tells you it is a policy. It is being strict and following the law.

Hon Waithera has been passionate about this. When you raise those issues around here, they tell you there are no guidelines, policies or laws that guides them. This is what this House decided to cure by coming up with a policy document that is going to help to protect the lives of our citizens. Even if you look for jobs and give them wheelbarrows to go and do business, at the end of the day they will spend all that on medication. You are really not helping them. So, I think what we are doing here today is a noble thing such that when somebody goes and get some little cash, it will be used properly for education and other things, instead of taking everything you get for medication.

When we pass this, it is going to be upon our Executive wing to make sure that they implement it to the later. We have had issues with implementation from the Executive, we pass documents but they don't see them being important. I urge the Executive to take this document serious so that they help us save lives and save Nairobians from this mess. Everything starts with Nairobi, once we pass this document, tomorrow you will see it being passed across the country. We will have saved the whole country. I beg to support.

Hon. Speaker: Thank you. I don't see any other request from my end. May I now call the mover to reply.

Hon. Millicent Okatch: Thank you, Mr. Speaker. Before I reply, I wish to thank everybody for the support. I also want to thank Hon. Waithera for the good work. I thank my leaders, both the Minority Whip and the Minority Leader, Hon. Obuya, my Environment Committee Chair, and the Committee Members. I also thank you, Hon. Speaker.

I beg to reply that this Assembly adopts the report of the Sectoral Committee on Environment and Natural Resources on the consideration of the Nairobi City County Assembly Sessional Paper No.2 of 2020 on Air Pollution. Thank you.

(Applause)

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon Members, there being no any other business, the session stands adjourned to Tuesday 20th July 2020 at 9.30 a.m. There may be a holiday, but we are not yet sure. If it will be there, we will communicate to the House and the sitting will be on Thursday 22nd July 2021. Thank you.

The House rose at 3.40 p.m.