



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – First Session

Tuesday 22nd November 2022

The House met at 2.30 p.m.

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

PRAYER

QUORUM

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

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

Hon. Temporary Deputy Speaker: We have the quorum. Please continue, Clerk.

PAPER

Hon. Temporary Deputy Speaker: Honorable Majority Leader!

REPORT OF THE AUDITOR GENERAL ON NAIROBI CITY WATER AND SEWERAGE COMPANY LTD
FOR THE YEAR ENDED 30TH JUNE 2021

Hon. Stazo Omang'ala: Madam Speaker, I beg to lay the Report of the Auditor General on Nairobi City Water and Sewerage Company Limited for the year ended 30th June 2021. I beg to lay

(The Paper was laid on the Table)

Hon. Temporary Deputy Speaker: Clerk!

NOTICE OF ADJOURNMENT ON A MATTER OF URGENT COUNTY IMPORTANCE ON THE RISING
INSECURITY IN THE COUNTY

Hon. Temporary Deputy Speaker: Hon. Palapala!



Hon. Alvin Palapala: Thank you, Madam Speaker. I rise pursuant to provisions of Standing Order No. 36 to move a Motion of Adjournment on definite matter of urgent County importance, being the rising insecurity in the County.

Hon. Temporary Deputy Speaker: For avoidance of doubt, let us read Standing Order No. 36 (1) on Adjournment. It reads:

(1) Any Member at any time may rise in his or her place to seek leave to move the adjournment of the County Assembly for the purpose of discussing a definite matter of urgent County importance.

(2) A Member who wishes to take leave to move the adjournment of the County Assembly shall at least two hours before the rise of the Assembly.

(3) Unless there are twenty Members to rise in place to support.

Do we have the 20 Members to support your Motion, Hon. Palapala? May you rise, Members?

(Several Members stood in their places)

Clerk, are they 20 Members?

(Clerk-at-the-Table confirmed the number)

Hon. Temporary Deputy Speaker: Thank you. I will call the mover on Order No.8.

NOTICES OF MOTION

Hon. Temporary Deputy Speaker: Back to the business now, I call upon Hon. Waithera Chege to give a Notice of Motion.

ESTABLISHMENT AND DESIGNATION OF MORE PARKING SLOTS FOR TAXICABS AND PICKING AND DROPPING AREAS FOR ONLINE TAXICABS

Hon. Waithera Chege: Thank you, Madam Speaker. I beg to give notice of the following Motion;
THAT, aware that Article 186 (1) of the Constitution of Kenya, 2010 and Paragraph 5 of the Fourth Schedule of the Constitution provide for the functions and powers of the County Government on County Transport, including County roads, street lighting, public road transport, traffic and parking; further aware that the city has designated preferential parking zones and bus terminus through the city, with parking restrictions in each zone; noting that recent years have witnessed a marked increase in the number of vehicles in the County; concerned that there are limited number of parking slots specifically for the taxis in the Central Business District, making it difficult for motorists to get slots especially during working hours; further concerned that some of the available parking slots are in a dilapidated state, giving motorists options of using private parking services thus denying the County revenue. noting that some areas designated as parking slots have been converted into walkways; further noting that Section 55 of the Nairobi City County Transport Act prohibits taxicab operators from parking upon any roadway other than within a taxi zone; acknowledging that a good percentage of County revenue is from parking services; this Assembly therefore urges the County Executive to establish and designate more parking slots for taxicabs, picking, and dropping areas for online taxicabs within the Central Business District and revamp the existing ones in order to ease the pressure on

the available spaces, providing efficient parking services to taxi cabs and boost revenue collection for the County.

Should I proceed, Madam Speaker?

Hon. Temporary Deputy Speaker: Honorable Member, you also have a Notice of Motion on strategy and program on climate change, right?

Hon. Waithera Chege: Yes.

Hon. Temporary Deputy Speaker: Proceed.

DEVELOPMENT OF POLICY ON CLIMATE CHANGE

Hon. Waithera Chege: Thank you, Madam Speaker. I wish to give notice of the following Motion:

THAT, aware that Article 42 of the Constitution of Kenya, 2010 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of present and future generations; further aware that climate change is a complex social and scientific issue, which is characterized by uncertainty and is a global nightmare with consequences that are already quite visible across the globe; cognizant that Article 12 of the Paris Agreement espouses the agreement of climate change education, training, public awareness, public participation and public access to information; noting that climate change education exposes mitigation and adaptation at both local and global level, critical, creative thinking and capacity building that will enable youth to engage in information, inquire, understand, ask critical questions and take what they determine to be appropriate action in response to climate change; concerned that human activities have substantially been increasing the atmospheric concentrations of greenhouse gases, this in turn enhances the greenhouse effect that will result in additional warming of the earth's surface and atmosphere and may adversely affect natural ecosystems and human kind; acknowledging that Climate Change Act, 2016 provides that the County Government shall, in performance of its functions, integrate and mainstream climate change actions, interventions and duties set out in the Act and the National Climate Change Action Plan into various sectors. The County Government in development, updating and approval of County Integrated Development Plan and county sectoral plans, mainstream implementation of National Climate Change Action Plan taking into account National and County priorities; further acknowledging that Paragraph 10 of the Fourth Schedule of the Constitution of Kenya, 2010 provides that the County Government is to implement specific National Government policies on natural resources and environment conservation; now therefore, the County Assembly urges the County Executive to:

- i. Develop strategies and education programs on adaptability to climate change within the County;
- ii. Develop a policy on climate change; and
- iii. Implement the National climate change plan across the sector in the County.

May I proceed, Madam Speaker?

Hon. Temporary Deputy Speaker: Thank you, Hon. Waithera Chege. We also have a notice of Motion by Hon. Fathiya Mohammed. Hon. Waithera Chege, did you wish to conclude on your notice of Motion?

Hon. Waithera Chege: Yes, Madam Speaker

Hon. Temporary Deputy Speaker: Okay. Proceed.

DEVELOPMENT OF STRATEGIES AND MEASURES TO REHABILITATE ALL COUNTY PARKS

Hon. Waithera Chege: Thank you, Madam Speaker. I wish to give notice of the following Motion:

THAT, aware that Paragraph 4 of the Fourth Schedule of the Constitution of Kenya, 2010 provides for the functions and powers of the County Government as amongst others, cultural activities, public entertainment and public amenities, include county parks, beaches and recreational facilities; recognizing that parks and green spaces occupy a critical space in the urban environment, providing for opportunities for recreation and wellness as well as environmental management opportunity for recreation and wellness; observing that in furtherance of this critical role, the Nairobi City County currently retains, operates and maintains various parks and green spaces including, Uhuru Park, Central Park, Michuki Memorial Park, Jeevanjee Gardens, Jamhuri Gardens Park, Uhuru Gardens, etc.; acknowledging the rehabilitation of urban parks and green spaces in Nairobi City County was a presidential legacy project, which needed the full support of the County; concerned that the status of some of the parks and green spaces has waned over the decades and maintenance, management and renovations have not kept pace with growth in the urban population and demands for use of the parks by city residents; further concerned that the negligence and poor state of disrepair of the facilities and amenities, as such of the parks, have become hideouts for criminals; noting that while the previous administration through the Nairobi Metropolitan Services (NMS), invested heavily in the renovation of Michuki Memorial Park, Uhuru Park and Central Park, which investment will greatly boost the use of the park, with ever-greater numbers expected to visit the refurbished parks on a daily basis. The same has not materialized for various other parks in the County such as Jamhuri Park and City Park, which remain in a state of disrepair; this Assembly therefore resolves that the County Executive urgently develop strategies and measures to rehabilitate all County parks across the County with a view of restoring them to:

- i. Modern aesthetic for recreational areas;
- ii. Botanical spaces;
- iii. Facilities for outdoor events; and
- iv. All such related undertakings as are essential to modernize and beautify the parks.

Thank you, Madam Speaker. Signed by the Member for Nairobi South Ward.

Hon. Temporary Deputy Speaker: Thank you, Hon. Waithera Chege. Let me call upon Hon. Fathiya Mohammed to give us a Notice of Motion.

CONSTITUTION OF THE COUNTY POLICING AUTHORITY

Hon. Fathiya Mohammed: Thank you, Madam Speaker. I would like to give Notice of the following Motion:

THAT, aware that Section 41 of the National Police Act, 2011 establishes the County Policing Authority for each county, comprising of: -

- a) the Governor or a member of the County Executive Committee appointed by the Governor, who shall be the chairperson;
- b) county representatives appointed by the Inspector-General, who shall comprise the heads of the National Police Service, the National Intelligence Service and the Directorate of Criminal Investigations at the county level;

- c) two elected members nominated by the County Assembly;
- d) the chairperson of the County Security Committee;
- e) at least six other members appointed by the Governor, from among the following categories of persons ordinarily resident in the county: -
 - (i) the business sector;
 - (ii) community based organizations;
 - (iii) women;
 - (iv) persons with special needs;
 - (v) religious organizations; and
 - (vi) the youth.

Acknowledging that Section 41 (3) of the same Act requires the aforementioned names once nominated to be vetted by a County Security Committee and subsequent approval by the County Assembly; appreciating the functions of the County Policing Authority as stipulated in Section 41(9) being inter-alia to develop proposals on priorities, objectives and targets for police performance in the County, monitor trends and patterns of crime in the county including those with a specific impact on women and children; promote community policing initiatives in the County; deeply concerned with the high rise of insecurity in the County and country at large such as broad day muggings, robberies and to some extent murder; now therefore, this Assembly urges the County Public Service Board to urgently advertise, recruit and forward the names of the nominees for the County Policing Authority, pursuant to Section 41 (1) (e) of the Police Service Act, 2011 for vetting and subsequent approval by the Assembly as a way of augmenting policing initiatives in the County.

Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Fathiya. I now call upon Hon. Dickson DNG to give a notice of Motion.

REGULATIONS FOR EFFECTIVE IMPLEMENTATION OF PUBLIC PARTICIPATION

Hon. Davidson Ngibuini: Thank you, Madam Speaker. A point of correction, my name is Davidson and not Dickson. I wish to give notice of the following Motion;

THAT, aware that Article 196 of the Constitution of the Republic of Kenya, 2010 provides that the County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its committees; further aware that Section 87 of the County Governments Act, 2010 provides for the principles of public participation, which includes reasonable access to the process of formulating and implementing policies, laws and regulations, including the approval of development proposals, projects, budgets, the granting of permits and establishment of specific performance standards; noting that Section 115 of the Act provides that public participation in the County planning processes shall be mandatory and be facilitated through provision to the public of clear and un-ambiguous information on any matter under consideration in the planning process, including clear strategic environmental assessment, clear environmental impact assessment reports, expected development outcomes and development options and their cost implications; concerned that there appears to be little improvement in overcoming the challenge faced in citizen participation due to resource and capacity constraints, pure bureaucratic coordination, late and bulky communication as well as a limited understanding by both local officials and citizens regarding the

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

new roles and mechanisms for participation; perturbed that lack of timely information, feedback mechanisms and poor coordination of public participation meetings has negatively affected conduct of public participation in this County; noting that serious limitations in terms of access to these timely information and the lack of adequate civic education has resulted in citizens not taking part in public participation events; acknowledging that the County Assembly enacted the Nairobi City County Public Participation Act, 2016 which provides for regulations for effective implementation of this Act; this Assembly urges the County Executive to urgently develop regulations to provide for two things;

- i. The mandatory sharing of wards specific documents to be discussed in public participation forums in advance and in concise and easily understandable manner to enable members of the public peruse documents and adequately prepare for the public participation forums; and
- ii. Mandatory virtual public participation in all County Government public participation operations across this city to complement the usual physical public participation forums.

Hon. Temporary Deputy Speaker: Clerk, proceed.

STATEMENTS

Hon. Temporary Deputy Speaker: Hon. Jared Akama.

REQUEST FOR STATEMENT REGARDING ALLEGED NON REMITTANCE OF FEES BY OUTDOOR ADVERTISEMENT AND SIGNAGE COMPANIES

Hon. Jared Ondieki: Thank you, Madam Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding alleged non remittance of fees owed to the County Government by various outdoor advertisement and signage companies operating in the County.

Hon. Speaker, the Nairobi City County Outdoor Advertising and Signage Control Relations Act, 2018 sought to review and match outdoor advertising and signage fees with the current rates in order to help the County enhance its revenue collection.

Hon. Speaker, there has been allegations relating to outdoor advertisement and signage companies which are operating in cohorts with officers working at the County Executive. This mischievous behavior continues to deprive the County of the much-needed revenue since these particular companies do not pay any approval fee to the County Government.

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

- i. The names of all outdoor advertising and signage companies giving billboards in Nairobi;
- ii. A comprehensive list of the total number of outdoor advertising and signage companies operating in the County and its directors;
- iii. A comprehensive list of newly erected billboards in the last twelve months, its directors and total amount of fee paid to the County Government;
- iv. The amount each outdoor advertising and signage company owes the County Government for the last five years and the total amount owed to the County by all the companies in the same period;

- v. The organogram of the particular department of the County Executive supervising and overseeing operation of the outdoor and advertising signage companies; and
- vi. The reason the Executive continues to issue the outdoor advertising and signage companies approval despite the huge debt owed to the County and the existing policy framework in place to recover all the fees owed to the County Government.

Thank you very much.

Hon. Temporary Deputy Speaker: Thank you. I now call upon the Chairperson for Lands, Planning and Housing.

Hon. Alvin Palapala: Thank you, Madam Speaker. We will do our investigations and report to the House in two weeks.

Hon. Temporary Deputy Speaker: Thank you. Hon. Moses Kitema.

REQUEST FOR STATEMENT REGARDING THE DILAPIDATED ROADS IN KWARE WARD

Hon. Moses Kitema: Thank you, Madam Speaker. My name is Moses Kitema. Allow me first to thank the good people of Kware Ward for electing me to represent them in Nairobi City County.

Pursuant to Standing Order No 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works, and Water and Sanitation committees regarding the dilapidated roads, especially Jenzi Road in Kware Ward.

Madam Speaker, the Nairobi County Government recently awarded a contract for construction of Jenzi Road in Kware Ward. However, the contractor begun excavations and abandoned the road midway.

Madam Speaker, the sewer line for Jenzi Road is also in a dire state since the sewer lines have flooded the road making it impassable and also dangerous for the people living within Kware Ward.

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

- i. Report on the status of construction of Jenzi Road in Kware Ward;
- ii. Whether the County Executive has set aside a budget to ensure the road construction is completed;
- iii. Plans the County Executive has put in place to ensure that there is sewer line system in Kware Ward; and
- iv. Measures the County Executive has deployed in managing the sewer line in the County, and especially in Kware Ward.

Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you. Chairperson for Transport and Public Works?

Hon. Musango Maithya: Thank you, Madam Speaker. As the Chair for Public Works, I request for 21 days so that we can inquire on the situation of the road. I know this particular road and the pathetic state it is in.

Hon. Moses Kitema: I wish to inform the honorable Member that we shall have gone for Christmas in 21 days. Therefore, he is misleading the House

(Laughter)

Hon. Temporary Deputy Speaker: Chairperson, please give the correct period.

Hon. Musango Maithya: It is good to speak the truth, I will respond by January, I request for 14 days Madam Speaker.

Hon. Temporary Deputy Speaker: I now call upon Hon. Silas Matara.

REQUEST FOR STATEMENT REGARDING ADVERTISED ROAD PROJECTS BY THE NMS

Hon. Silas Matara: Thank you, Hon. Speaker. Pursuant to Standing Order No 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Transport and Public works regarding the advertised road projects by the Nairobi Metropolitan Services (NMS).

Hon. Speaker, in the financial year 2021/2022, the NMS advertised road construction projects in the 85 wards in Nairobi County. 65 road projects were completed by the procured contractors however due to unforeseen reasons, 20 ward construction projects were shelved and were never constructed. Dandora II road project was among the 20 wards whose construction failed to take off, hence stalled.

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

- i. The report of the status of the awarded contracts and whether they were transferred back to the County Government;
- ii. Whether the County Executive has set aside a budget for the construction of the roads in the 20 wards that were left out; and
- iii. Plans the County Executive has put in place to ensure all pending road projects initiated by the NMS are completed.

The second statement. Pursuant to Standing Order 47 (2) (c), I wish to Request for a Statement from the Chairperson of the sectoral committee on---

Hon. Temporary Deputy Speaker: Hon. Silas Matara, we need to give the Chairperson time to respond.

Hon. Silas Matara: Most obliged, Hon. Speaker.

Hon. Temporary Deputy Speaker: Chair, Transport committee?

Hon. Musango Maithya: I ask to be given 30 days to bring the report.

Hon. Silas Matara: Hon. Speaker, with all due respect to honorable Chair, this is a matter that requires urgency, and it is my wish that the Chair treats it as such. We are alive to the fact that the NMS is exiting in the next few days. 65 wards in Nairobi were awarded contracts and the programs have already been executed. The 20 wards, including my ward were not awarded the projects. The budget is going to be uploaded in the coming week and the Executive will advertise for new projects. This is going to be unfair to the residents of the remaining wards such as Roysambu, Dandora I, Dandora IV and even Umoja I and II wards, amongst many others. It is totally uncalled for the Chair to say 30 days, taking into consideration that we are going for our long recess and resuming in February. It would be prudent if he handled the matter within seven days from today.

Hon. Temporary Deputy Speaker: Honorable Chair.

Hon. Musango Maithya: Madam Speaker, as you know, the transition programmes are underway, that is the reason as to why I am asking for 30 days.

Hon. Silas Matara: I think the Chair did not understand what I said. The budget is going to be uploaded soon and new projects are going to be advertised. Therefore, it is going to be unfair if they do so without giving priority to the 20 wards.

Hon. Temporary Deputy Speaker: Hon. Silas Matara, please address the Chair and not the Chairperson.

Hon. Silas Matara: Most obliged, Hon. Speaker.

Hon. Musango Maithya: I request for seven days.

Hon. Silas Matara: Most obliged.

(Point of information)

Hon. Temporary Deputy Speaker: Majority Whip.

Hon. Moses Ogeto: Hon. Speaker, the Chair for Transport has said that he will give a response within 7 days, and as per the Standing Orders, it is clear that we need to invite the Executive within the same 7 days. So, can the Chair be serious and realistic. As I sit down Madam Speaker, I want to congratulate you for having being appointed to the Speaker's panel. Thank you.

(Applause)

Hon. Temporary Deputy Speaker: Thank you, Majority Whip. Hon. Silas Matara, the Chair has responded by saying that he will bring the report

Hon. Silas Matara: Madam Speaker, with all due respect to the Whip, the Chair has already made an undertaking and is on record that he is going to deliver within 7 days. Whether the Chair plans to summon the Executive or request them to appear before the Committee, is his business. The Whip is a Member for Kilimani Ward, his road has already been done. So, I do not know what interest he has on these remaining 20 wards. The people who elected us are demanding for roads, and it is a matter of urgency.

Hon. Temporary Deputy Speaker: Thank you Silas Matara, let us go to your next Statement.

(Point of information)

Hon. Kennedy Oyugi: Thank you, Madam Speaker. Allow me to inform the House that the Majority Whip is right and wrong. He is right in the sense that this is a House of tradition and therefore it is not possible for a Chair to purport or lie to the House that he is going to get a report from the Executive within one week. It is not possible because we have one week to summon the members of the Executive and another week for preparations. Also, my Whip is wrong in this sense---

Hon. Temporary Deputy Speaker: Hon. Member, I think that we have ruled on that matter and if the Chair is okay, that is his decision.

Hon. Kennedy Oyugi: Madam Speaker, I am---

Hon. Temporary Deputy Speaker: Please respect the Chair and take your seat.

Hon. Kennedy Oyugi: Madam Speaker, I have been in this House long enough and I know what I am saying. It is wrong.

(Laughter)

(Point of information)

Hon. Temporary Deputy Speaker: I now call upon the Majority Whip.

Hon. Moses Ogeto: Hon. Speaker, I had to run to the secretariat to assist me to be in a position to substantiate, as Hon. Oyugi has said. With due respect, Hon. Speaker because I know that you have made a ruling on this matter, Standing Order No 1 gives you express authority to determine a matter which will protect our standing Orders and the Constitution of the Republic of Kenya. It is prudent that any statement under Standing Order No. 47 (d) expressly states that a CEC member must appear before a committee to explain the status report of the progress of Hon. Matara. I request that we do follow the Standing Order. Thank you.

Hon. Temporary Deputy Speaker: Thank you, point taken Majority Whip. Let us go to Hon. Silas Matara.

Hon. Silas Matara: Thank you, Hon. Speaker. I forgot to congratulate you on your appointment as the First Panelist, as I also occupied the seat in the last regime. This is a House of rules and procedures and we follow traditions. Case being that, once the Speaker has pronounced on an issue, then that matter comes to finality. Therefore, going forward, stand firm on your pronouncement and let it be.

(Applause)

In regards to Standing Order No. 1, when you have a special issue such as emergency or issues that have never happened, then you have the leeway in your own wisdom to make a ruling. The subject matter of my issue was that the NMS contracts are coming to an end in a few days and we have never experienced such in the County, new projects are going to be advertised and we are also going for recess. When we allow the Chair to take 30 days, then it will be detrimental to the people who voted in these Members. Let me not belabor on that issue and move to my second Statement.

REQUEST FOR STATEMENT REGARDING STALLED BOREHOLE PROJECTS

Hon. Silas Matara: 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 drilling of seven boreholes that were advertised through a tender on 6th May 2022 by the Nairobi Water and Sewerage Company, whose projects have stalled, including the one in my ward Dandora II.

Hon. Speaker, it is very important that the County comes up with a framework to ensure that when contracts are advertised, then they should be awarded to reliable contractors to prevent stalling of projects in light of the many that have stalled in the preceding financial years.

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

- i. Whether the performance period of the contractors last;
- ii. Whether the County Executive has any plans to re-advertise the said tender;
- iii. Efforts being made to address the challenges of water shortage in the County;
- iv. Measures the County Executive in conjunction with Nairobi Water and Sewerage Company have put in place to ensure water is accessible in adequate quantities for the residents of the County.

Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: I now call upon the Chair for Water and Sanitation. The Vice Chair? Where are the Members of Water and Sanitation?

Hon. Moses Ogeto: I report on behalf of the Chair, that a response will be done in two weeks. Last week we spoke about having the chairpersons and vice chairs present in the House.

Hon. Temporary Deputy Speaker: Thank you, Majority Whip. Actions to be taken on the chairs and vice chairs.

(Applause)

Hon. Temporary Deputy Speaker: I now call upon Hon. Robert Alai.

REQUEST FOR STATEMENT ON ALLEGED IRREGULAR AND FRAUDULENT
DISPOSAL OR TRANSFER OF PROPERTY ON LR NO. 209/6612

Hon. Robert Alai: Thank you, Madam Speaker. I would like to make the House aware of the Standing Order No. 242 that this House needs to have functioning audio and visual equipment. It is very sad that periodically or regularly, we see the sound going on and off, which means some parts of the HANSARD might be lost. I urge you to help us on that. As the Vice Chair of ICT, we can act on it as fast as you direct.

Pursuant to Standing Order No 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Urban Planning and Housing on the alleged irregular and fraudulent disposal or transfer of LR NO. 209/6612. The property is at Mariakani Estate along and or within Mkoma Road in South B.

Hon. Speaker, the Chairperson should proceed to inquire, investigate and report on:

- i. Criteria used to transfer the said property to Local Authority Provident Fund (LAPFUND) from the defunct City Council of Nairobi or the Nairobi City County Government;
- ii. The procedure used to institute the transfer, whether it was irregular, unlawful, null and void, since on the face of the transfer instrument, it was executed on the 18th March 2013 long after the City Council of Nairobi ceased to exist as an entity;
- iii. Whether the process of the alleged sale and transfer of the estate, which was conducted on the 18th March 2013 was executed without following the due legal process since the City Council of Nairobi was subject to transitional process, which entailed two phases. Phase I being the period from 2012 to March 2013 and phase II being from the general election up to the three years, hence such kind of sale and transfer ought to have official permission or approval for action or sanction to authorize the sale and transfer;
- iv. Whether the former officials of Nairobi City Council, who signed a transfer and logged with the Registrar of Finance, had sought permission of The Transition Authority, Ministry of Devolution, Commission of Revenue Authority and or the Ministry of Local Government in charge of matters relating to intergovernmental relations, and if the signature of George Aladwa Omwera had legal effect, as the Office of the Mayor ceased to exist on 18th March 2013, the signature of the Chairman of Finance Committee had legal effects since Finance Committee had ceased to exist, the signature of the Director Legal had any legal effect since the department ceased to exist, and whether the

- signature of Roba Duba had legal effect, as purported to be the Town Clerk was then the MP for Moyale and Mr. Joshua Aduma MP Nyakach Constituency;
- v. Whether the alleged amount of debt worth for consideration of Kshs. 1,550,000, which is a paltry figure, given the nature and extend of the estate which is made up of 240 housing units covering the area of 10.13 acres;
 - vi. Reasons why the independent valuer was not engaged to give an independent valuation report rather than relying on the Council valuers, who were dedicated to undervalue the property to benefit the officials of the City Council of Nairobi and the LAPFUND, who seem to have conspired;
 - vii. Whether Article 10 of the Constitution of Kenya, 2010 and the Public Participation Act in matters of making the decision affecting the public in this matter, why Mariakani Estate Community Organization was not involved;
 - viii. Whether any alleged transfer of lease concurred with Section 58 of the Urban Areas and Cities Act, and if not, why the Committee should not recommend the revocation of the alleged allocation on the said parcel of land, and any person involved in the fraudulent disposal of the same be recommended for criminal charges in a court of law.

Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Alai. I now call upon the Chair for Lands and Housing.

Hon. Alvin Palapala: Thank you, Madam Speaker. Depending with the work we have ahead of us and what Hon. Alai has said, I will not say I will bring the report after two weeks, may be in next year when we open the Assembly. This is not a report worth doing a shady job on.

(Applause)

Hon. Temporary Deputy Speaker: Thank you, Hon. Chair. I now call upon Hon. Mark Thiga.

REQUEST FOR STATEMENT REGARDING STALLED CONSTRUCTION OF UPENDO HOSPITAL IN HOSPITAL WARD

Hon. Mark Thiga: Thank you, Hon. Speaker and congratulations. Pursuant to Standing Order No 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the stalled construction of projects in the County, and in particular Upendo Hospital in Hospital Ward.

Madam Speaker, Article 43 of the Constitution of Kenya, 2010 provides for the right to the highest attainable standards of health, including right to health care services. It is unfortunate that Hospital Ward residents and its nearby environs cannot access medical services due to the stalled construction of the said health center. Upendo Hospital has for more than seven years stalled due to lack of budgetary allocations and proper follow up from the County Executive to ensure its completion.

Madam Speaker, health centers in Nairobi serve a very important role in ensuring that all residents, especially at the ward level access medical attention. However, due to the delay in the completion of the said hospital, there is a laxity in service delivery with regards to the health sector.

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

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

- i. A detailed report on why the construction of the said hospital has stalled;
- ii. The company that was awarded the tender and how much was paid to the contracting firm vis-à-vis the approved certificate of payment;
- iii. Whether the County Executive has allocated any budget towards ensuring full completion of the project; and
- iv. Steps that the County has taken to ensure that all stalled projects are completed.

Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you. I now want to announce that all the mics are fully functional and operational. I call upon the Chair for Health.

Hon. Maurice Ochieng: Thank you, Madam Speaker. Before we give the undertaking, I wish to inform the House that there is an outbreak of cholera. I ask the Members to sensitize your people in the wards. There is also a big problem on shisha, but on that one, we will bring more information. I ask to be given 14 days to respond to the Statement

Hon. Temporary Deputy Speaker: Thank you. Clerk!

ADJOURNMENT ON A MATTER OF URGENT COUNTY IMPORTANCE ON RISING INSECURITY IN THE COUNTY

Hon. Temporary Deputy Speaker: Hon. Palapala.

Hon. Alvin Palapala: Thank you, Madam Speaker.

AWARE that cases of insecurity in the County has been on the rise in the recent past, with cases such as muggings, stabbings, snatching at gun point and robbing being on the rise in the County; concerned that such cases have been reported to take place in broad daylight, with notorious areas being at the Archives area, Koja Bus Stage, Globe Roundabout, OTC, and Rive Road; disturbed that insecurity rise in the Central Business District and other parts of the County has greatly hindered business operations and other social economy activities; acknowledging the need for both the National and County governments to jointly mitigate on the rising insecurity; this Assembly resolves to adjourn to discuss insecurity in the County and propose through Member's contributions some of the best ways to deal with the matter forthwith.

I beg my friend, Hon. Akama to second the Motion.

Hon. Temporary Deputy Speaker: Hon. Akama.

Hon. Jared Ondieki: Thank you, Hon. Speaker. The Chair has ambushed me to second this Motion. It is very crucial and I rise to second it. I want to believe that as leaders of Nairobi, we know that this is a concern that the city is becoming like a certain city in the Philippines.

Therefore, it is my urge that the relevant authorities move with speed to restore security in the city. This is an international city, and now that we are going to the festive season, this is the time we expect to receive many tourists. So, it is important, not only looking at the touristic aspect, but the people of Nairobi must be protected so that they can continue with their daily activities without looking back. I second, thank you.

(Question proposed)

Hon. Temporary Deputy Speaker: Hon. Mark Mugambi Macharia.

Hon. Mark Mugambi: Thank you, Madam Speaker. I know of a lady who was mugged along archives and I thought it was a hype that was on social media. This is a very timely Motion that needs to be passed by the Assembly and also executed as soon as possible. We should guarantee our voters safety within the CBD and have the Executive move with speed to ensure safety for business and pedestrians. Recently, over 300 youths were employed, and if well trained, can be of help here. They are doing a commendable job of arresting the unlawful boda boda operators and I hope that they use the same energy to curb these vices within the city. I therefore ask the Members of this House to support to this Motion so that we can end this matter once and for all.

I would wish that the Executive be pushed to map areas and see how best to help the street urchins roaming around. During the last Assembly, we found some of them carrying feaces in nylon papers and threatening people with them if they did not part with what they wanted. So, for Nairobi to continue to be the city under the sun, then we need peace and security. I beg to support

Hon. Temporary Deputy Speaker: Thank you. Hellen Awuor Okello, your microphone is on. Hon. Majority Whip.

Hon. Samson Ooko: Is it me? I have heard you mention my name? I can wait.

Hon. Moses Ogeto: Thank you, Madam Speaker. I want to thank the Member for Lindi Ward for allowing me to debate on this Motion before him. I want to congratulate Hon. Palapala for bringing this Motion amidst the insecurity in the city. The National Government came up with a slogan saying “*kazi ni kazi*” and the Members of the UDA encouraged the youth to think that *kazi ni kazi* is even robbing people in within the city.

I believe that with time the Kenya Kwanza Coalition will drop the slogan to something better. When these young people rob people, they say it is *kazi*. Our President and Deputy President said *kazi ni kazi*, so stealing is part of work. They need to come up with a slogan that will accommodate everyone like that one ODM party has which is ‘forward together’.

(Loud consultations)

(Point of Order)

Hon. Temporary Deputy Speaker: Order Majority Whip! Please.

Hon. Mark Mugambi: Hon. Speaker, the Majority Whip needs to withdraw and apologize on behalf of the President and the Deputy President.

(Applause)

Our *kazi ni kazi* slogan does not accommodate laziness. Stealing cannot be put under *kazi ni kazi*. Those are just lazy youths that do not want to toil. Hustlers are not people who are stealing from others but hardworking Kenyans working to put meals on their tables. Actually, it is the hustlers who are being harassed by these lazy boys in the streets.

Hon. Temporary Deputy Speaker: Thank you, Minority Whip. Can we proceed, please?

Hon. Moses Ogeto: Thank you, Madam Speaker---

Hon. Temporary Deputy Speaker: For you to bring people who are not here, then a substantive Motion is needed. So, please take your seat Majority Whip,

Hon. Moses Ogeto: Hon. Speaker---

Hon. Temporary Deputy Speaker: Withdraw and apologize.

Hon. Moses Ogeto: Hon. Speaker, I wish to ask the House if they do not know the slogan that UDA party is going by. Let me withdraw 'kazi ni kazi' and replace it with 'work is work'. I withdraw.

Hon. Speaker, we cannot run away from the responsibilities that the Kenya Kwanza Government implored to the youths of this nation. The security officers were disarmed and taken to court for dealing with serious criminals. The Deputy President of the Republic was on television saying that the officers should wait for their reports at the DCI Office. This is not rocket science. These are the Special Forces used to kill criminals, and Hon. Mofire can attest to this House that the Special Forces are the only ones capable of dealing with these criminals. These criminals have guns and ride on motorcycles. They have now entered the City Centre. The Special Forces and the police should be allowed to deal with these criminals.

My counterpart said that they have also enrolled children to these acts. Some of them come from our neighboring country Tanzania. I hope I am not made to apologize for that. Most of the street beggars are not residents from Kenya. Let it be clear so that the inspectorate department moves with speed to deal with them.

Hon. Speaker, as I finish, the slogan of having Nairobi as the city under the sun must be realized, and as Members, we will bring good Motions which will empower our youths and persuade them not to engage in crime. With those few remarks, I beg to support the Motion

Hon. Temporary Deputy Speaker: Thank you, Majority Whip. I want Members to give their suggestions so that I give the direction. I now call upon Hon. Emily Oduor.

Hon. Members: Hon. Jera.

(Loud consultations between Members)

Hon. Emily Oduor: I think it is gender. Next was him, but maybe the Hon. Speaker realized that---

Hon. Temporary Deputy Speaker: Hon. Jera, you are next.

Hon. Emily Oduor: Thank you. I will give you my slot next time. I stand to support this Motion but before I continue, there is a language that was used by the Minority Whip. We do not have urchins, that is not the proper language to be used in the House. We have street families and street children. When we refer to them as urchins then I do not think that it is the right word. I felt a bit offended by that.

Secondly, we all know that security was not devolved and it is still under the National Government. However, that does not remove that responsibility from the County and specifically the Executive. When we talk about security, then most of us tend to think that it is only within the city center whereas there are some estates where you cannot walk past 7 o'clock in the evening. As our security agents try to control insecurity within the city centre and the bus stops, they should continue the same at the estates because they know that they have been moved out of the CBD and back into the estates. I am a victim of insecurity in this Assembly. A month ago I lost my side mirror but I am fortunate that they did not attack me. I hope that we do not leave this to the security agents.

With that, I thank Hon. Palapala for this good Motion and congratulations Madam Speaker for the good job you are doing. As time goes, I believe that you are going to be one of the best Speakers that we have had in the House. Thank you. I support.

Hon. Temporary Deputy Speaker: Thank you. I now call upon Samsam Jera Ochieng

Hon. Samson Ooko: Thank you, Hon. Speaker. Let me first congratulate Hon. Palapala for this Motion. As I rise to support, I wish to inform the House that I am the Member for Lindi Ward, which is a slum. It is one of the most insecure wards in Nairobi because youths steal from people during the day. The rate at which thuggery is done within my ward is dangerous. As we move forward, we want to ask the police to organize meetings with the locals and patrol while serving the people when called upon. We have heard of cases where the police are the ones hiring guns to these gangs and it makes us question where we are heading as a country.

Hon. Speaker, the most insecure places are our institutions such as primary and secondary schools where kids aged between 14-19 years are. When you look at them, they look so innocent yet they are the same people who rob people and show no mercy. They have no fear because of lacking families and they can kill anyone anytime. Our concentration should be put on these children because I believe that most of these habits are coming from the schools. I am sure that by so doing, then we will reduce insecurity in a big way.

I am sure that most people will be traveling home in the near future and they will leave their homes closed. This is the time that the police should act and protect property otherwise some of them will come back from visiting the rural area only to find their houses broken in to and left with nothing. I beg the authorities to come out strongly on this otherwise in less than 30 or 40 days from today, we will have lost many lives as a result of mugging, thuggery, shooting and stabbing.

Therefore, Hon. Palapala, as you put it up, consider the entire Nairobi County's slum areas and not only the City Centre. Otherwise, this is a very wonderful motion that I must support.

Hon. Temporary Deputy Speaker: Thank you. Due to the interest of time, please take three minutes. Hon. Mwangangi Diana Katile.

Hon. Diana Mwangangi: Thank you, Madam Speaker. I must admit that you are doing well and I hope that I will do the same when I take the Chair. To the Motion, Hon. Palapala, this is a very timely. It is a Motion that will actually say a lot in terms of whether we mind our city or not. Indeed, as the Governor likes to point out, we look forward to a city of order and dignity, a city with security whereby you can walk while taking on phone and it won't be snatched any minute, or a city where a woman can go to Marikiti Market early in the morning and not going to be stabbed on her way back home.

I have heard a number of contributions being made, Mheshimiwa Jera mentioned that some of the firearms being used are actually owned by the police. Therefore, I would firmly propose that we have controls in the police stations to ensure that firearms aimed at enforcing security do not end up serving an opposite purpose and also to ensure proper controls on firearm ownership and licensing so that they are controlled in terms of usage.

We should also engage the youth constructively because some of the youths engaging in these acts are operating from a point of desperation and financial impoverishment. These are our young brothers and sisters hence we should push for ways they can be engaged to have economic empowerment so that they are not desperate to the extent that they think that money from someone else's pockets is what they can use to pay their rent.

Thirdly, I wish to propose for a mild method of counseling. We can talk to them and show them that there is more to life than the way that they have chosen.

I end my contributions because of time and urge all Members to continue supporting this Motion as it will make strides to help end the crisis that is being witnessed in the city. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you. I now call upon Hon. Absalom Onyango.

Hon. Absalom Onyango: Ahsante, Madam Spika. Ningependa kushukuru Mheshimiwa Palapala kwa kuleta ajenda mzuri. Lakini lazima tujulize ni kwa sababu gani vijana wanahangaisha watu Nairobi? Madam Spika, serikali ya leo ni serikali ambayo hajali vijana. Mheshimiwa Rais alipochukua mamlaka, alisimamisha kazi kwa vijana. Mkifikiria, wale vijana wako juu ya mawe wanakula nini? Agenda sio mambo ya polisi ila kupatia vijana ajira. Tusiongee, mara ooh serikali. Hapana! Vijana hawana kazi, na hapa *City County* ya Nairobi ukitembea saa hii, unapata ni wazee wakifagia na ni kazi ambayo vijana wanapaswa wafanye. Kwa hivyo tusitaje serikali ilhali jibu ni vijana wapatiwe kazi ili waache kuibia watu.

Nataka kusema kwamba Disemba hii serikali isipoweka mikakati mizuri, basi itakua jambo la kusikitisha hapa Kaunti ya Nairobi. Vijana wako njaa na wanaketi juu ya mawe. Suluhisho ni wapewe kazi. Hivyo tu. Ahsante, Madam Spika.

(Applause)

Hon. Temporary Deputy Speaker: Thank you. Hon. Hellen Awuor Okello.

(A Hon. Member spoke of the record)

Hon. Temporary Deputy Speaker: If you have requested, I have no reason to deny you. I am guided by the gadget here, please. Order!

Hon. Hellen Okello: Thank you so much, Madam Speaker. It is very unfortunate that today we are talking about security. It takes me back to the early 90's when women used to fear walking because of a group scaring us with contents in a polythene bag if we did not give them something. Last week, I was in Eastleigh around 3 p.m. when a group of three men on a motorcycle passed me like they were after somebody, it was scary. I believe that action must be taken. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Hellen. I now call upon Kamau Thuo

Hon. Kamau Fiunifiu: Congratulations, Hon. Speaker on the good work that you are doing. I would also wish to congratulate the Member for Kitisuru and Mugumoini for such a timely Motion, Mr. Speaker.

Hon. Temporary Deputy Speaker: It is Madam Speaker.

Hon. Kamau Fiunifiu: Sorry, I am biased towards saying, Mr. Speaker Sir.

As much as security function is a National function, the County has a role to play. Hon. Speaker, Nairobi is the Capital City of Kenya and an international hub to the big organizations like UN Habitat. Insecurity is not good for the city and our economy. Just a week or two ago, we witnessed an incident in Parklands Ward when Kenyans of Asian descent were being evicted from their property. Those Kenyans called the Gigiri, Spring Valley and Parklands police stations but there was no response. I think that there is a laxity with our security officers and something must be done. I stand here to urge that National Government to look into the issues of the police force and have them motivated to do their work.

As I conclude, Madam Speaker, when the budget was being passed, we agreed that the County was going to give employment to the young people in our wards. Most of the people who carry out these criminal activities are our young people. So, as a County, we should start by employing the young people.

Madam Speaker, because we have an investigation and intelligence department in this County, maybe they can help the National Police Service by giving timely intelligence to the police stations and security officers. We should also go back to our informal settlements and empower the *wazee wa kijiji* because we are told that security starts with you and me. The honorable Member for Lindi has said that his ward is the most insecure ward in the city. I do not know whether that is true or not but because he is a member of the ward, then I agree. It is time that we empower the *wazee wa kijiji* and very soon we are going to see the results.

Madam Speaker, I wish to pass my condolences to the family of Githua Keagan, a young man aged 24 years from Ridgeways, who was mugged and later killed by 3 bodaboda guys. We are losing very young people. With those few remarks, I thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Fiunifu. I instruct the Serjeant-at-Arms to make sure Members do not leave the Chamber. We are losing quorum yet we are discussing a serious matter. Please, Members should not leave. I now call upon Silas Matara Ongwae.

Hon. Silas Matara: Hon. Speaker, I was almost calling the mover to respond. As much as we would like to deliberate on this matter, we must be alive of the fact that security matters are functions of the National Government. Our role borders on transport facilities, provision of lights and provision of infrastructure to make the environment not enabling to people who commit these crimes

Lastly, if it is an issue on the security of Members, then ours is to petition the National Police and Parliament so that they are able to--- I beg for your attention, Hon. Speaker. This is a National Government function and we can only petition the Parliament to call and request members of the police service to present themselves to parliament to answer these issues, especially on the security in Nairobi. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Jeremiah Themendu.

Hon. Jeremiah Themendu: Thank you, Madam Speaker, for giving me this chance. I think that insecurity in Nairobi is not about CBD but all over our wards. I think even if my Majority Whip is not here, I would like to say that we cannot blame any side concerning the insecurity in Nairobi. This is because it is the responsibility of every citizen to make sure there is security where they live by reporting to the police. What I would like to say is that, you cannot say that when our President said *kazi ni kazi*, he never meant stealing is part of work.

I would like to propose that the police officers and our Inspectorate Department should come together and have meetings in our wards to identify areas which are not secured and come up with strategy to protect our people. In my ward, you cannot go two days without hearing someone has been stabbed, which is very dangerous. They happen mostly when people are going to work around 5.00 a.m. These victims are the breadwinners in their families.

I concur here with my friend Hon. Matara, I think it is the responsibility of the National Government or parliament, but it is not wrong as Hon. Palapala has done a good job in bringing this Motion because it is timely. Everyone is scared, you cannot go without turning back to seeing who is following you.

Madam Speaker, I support this Motion although I do not know where we shall implement it because it is not our responsibility. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Themendu. I call upon the mover to reply.

Hon. Alvin Palapala: Thank you, Madam Speaker. First, I stand guided, I know it is a National Government matter, but I want to congratulate my Governor. When these things started happening, he engaged the National Government immediately. What I am trying to tell you, honorable Members is just to strengthen the National Government so that it is not about Palapala or Hon. Akama, but about our families.

I want to congratulate all the Members who supported this Motion. We are heading to Christmas festivals. As my honorable Members have said, it is going to be worse than what we have seen. What we want is our Governor to engage the National Government so that we can have proper security within Nairobi and not only in the CBD. I stand guided, Madam Speaker. Thank you.

Hon. Temporary Deputy Speaker: Thank you. Hon. Members, having concluded the Motion of Adjournment on definite matter of urgent County importance, being the rise of insecurity in the County, moved by Hon. Alvin Palapala pursuant to Standing Order No. 36, which does not require putting a question, the Chair having heard all your concerns, wish to direct the following:

THAT, the Majority, Minority and their Whips urgently join his Excellency the Governor and pay the courtesy visit to the Inspector General and discuss on the proposed interventions. The Leader of the Majority is to issue a Statement on Thursday at 2.30 p.m. pursuant to Standing Order 47 (2) (a) and report to the House the outcome of the meeting.

(Applause)

Also the Assembly Business Committee to prioritize the Motion by Hon. Fathiya on the establishment of the Policing Authority for debate tomorrow at 2.30 p.m. to enable timely implementation. Thank you, Hon. Members.

(Point of Order)

Hon. Temporary Deputy Speaker: Hon Matara.

Hon. Silas Matara: I am standing on a Point of Order under Standing Order 33 (3), which speaks of the extension of time of the Assembly so that we can be able to handle the rest of the business in the Order Paper. Hon. Speaker, I call upon Hon. Kimondo to second the Motion on the extension of time.

Hon. Francis Kimondo: Thank you, Madam Speaker, I stand to second the same.

(Question proposed)

Hon. Temporary Deputy Speaker: Honorable Members, debate.
The mover to reply.

Hon. Silas Matara: Thank you, Hon. Speaker, I would like to thank all the Members who have contributed silently to the Motion of extension to Assembly time. With those few remarks, I beg to reply. Thank you.

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Clerk!

MOTION

Hon. Temporary Deputy Speaker: Hon. Mwaura Samora.

ROLLING OUT OF THE AUTOMATED WATER READING METERS
FOR NAIROBI WATER & SEWERAGE COMPANY LTD

Hon. Samora Mwaura: Thank you, Madam Speaker.

AWARE THAT, Article 43 of the Constitution of Kenya, 2010 provides that every person has the right to clean and safe water in adequate quantities; further aware that paragraph 11 (b) of Part 2 of the Fourth Schedule of the same Constitution bestows water and sanitation service as one of the County Government's devolved function; acknowledging the existence of Nairobi City Water and Sewerage Company (NCWSC), which was incorporated in December 2003 under the Companies Act cap 486 as subsidiary of Nairobi City County, with the main responsibility of providing and managing water and sewerage services in Nairobi City County; further acknowledging that the said company is mandated to provide its services to a projected population of 5.9 million, according to the Nairobi City County Integrated Development Plan (CIDP) 2018-2022; concerned that some parts of the County still experience water shortage, some artificial as a result of illegal connections, undetected pipe breakages amongst other, leading to low revenue collection by the company; disturbed that high non-revenue water remains one of the biggest challenge in addressing the County's daily demand of 810,000 cubic meters as only 526,000 cubic meters of water, being 65% is what the residents receive; noting the need for the County Government to introduce smart digital water meters that have low pressure sensor alarm, able to detect and alarm any water leakage and able to support prepay capabilities and reduce operational cost; this Assembly therefore resolves that the County Executive in liaison with the Nairobi Water and Sewerage Company, moves with speed to introduce and roll-out digital water meters in the County and have such intervention prioritized in the subsequent Annual Development Plan for timely implementation.

Madam Speaker, we all know that most government essential services have been digitized like power, money transfer and many others. Water is one of the most essential service, not only in this city but across the country. So, it is timely that water consumption is digitized through metering. Digitizing water meters will have a wide range of advantages and it will help in fighting water cartels that we know they have taken over the County and they usually cause artificial water shortages. How do this digital water meters help fight this water cartel?

First, if you remember when electricity meters were digitized, they revolutionized the way we consume electrical power in our homes. This means you only pay what you have consumed. So, if we digitize water meters it means the moment that I do not have water in my house, I am not paying anything, which means Nairobi Water and Sewerage Company will not earn any revenue from me if am not served with water. This will inspire the Company to make sure that I have water so that I can pay. What happens currently, whether you have water or not there is always these monthly water estimates sent to you. Meaning, even if I do not have water, the company will still earn from me. But if the meter is digital the company will not earn

from me until I get water in my tap. This will inspire Nairobi Water to fight cartels who are causing about 70% of the shortages in the city.

Secondly, apart from helping the consumer to pay for what they have used, digital meters will help the company earn more revenue because there will be more connections in homes. These homes will pay hence helping in the improvement of revenue collection.

Thirdly, Madam Speaker, there is something called water accountability, which is the mathematics between the water we get from the water sources like Ndakaini and Sasumua and the amount of money that the company generates. This will enable us to account if the company is making a profit or not. This can only be achieved through digital meters.

Fourthly, Madam Speaker, there are many private companies and other organizations that in the past have expressed the willingness to work with Nairobi City County in making digital meters a reality. But because of vested interests, some people will like the water metering process in Nairobi to remain analogue for their own benefit. I believe it is high time this House, which represents the interests of Nairobians, to adopt this Motion and push the Executive and Nairobi Water Company to implement and make sure that all water meters are digital. We are not trying to reinvent the wheel here, it has been done by the private companies in Machakos, Embu, Kirinyaga and Kilifi counties. I do not want to mention the countries across the world which have digitized water metering.

Madam Speaker, I would like to urge you and Members of this House to adopt this Motion and help Nairobians not to be overcharged and being taken advantage of by water cartels, and to make the company that is owned by the Nairobi County profitable and accountable for the water that we get from the main sources of water like Sasumua and Ndakaini dams.

With that, I would like Members to contribute and support this Motion so that we can do our mandate, which is to protect the interest of Nairobians. I would like to ask my friend, Hon. Akama to second this Motion.

Hon. Jared Ondieki: Thank you, Madam Speaker for this opportunity. I would like to congratulate my friend, the one and only grand imperialist in this House, Hon. Samora for this wonderful Motion.

I want to look at this Motion from three aspects. First, is the aspect of revenue. We understand that Nairobi Water at the moment is challenged in terms of revenue and the high wage bill. For a company like the Nairobi Water to be able to sustain itself, then a lot of emphasis must be put when it comes to revenue. I want to believe that having this kind of meters and modernizing the company in terms of this wonderful digital meters, it will enhance its revenue collection. Therefore, it is a well thought idea.

Secondly, on the aspect of these meters, having the opportunity to go for benchmarking somewhere and seeing how these meters work, they are able to detect any tampering of the pipes. If they are going to help in that aspect, it is going to enhance safety of our water.

Madam Speaker, I come from a ward which is highly challenged in term of water shortage. It happens that the piping comes across Kibera, the water cartels there have specialized in the aspect of breaking in to the pipes and illegally tapping the water. With this kind of meters, they will be able to detect tampering along the pipelines. Efficient action will be taken for the purpose of ensuring that these cartels are curbed. Therefore, with this kind of thinking, I second this Motion. Thank you

(Question proposed)

Hon. Eutyclus Mukiri: Thank you, Madam Speaker. As I rise to support this wonderful Motion by the Member for Clay City Ward, as a county we are moving toward digitization and this is a very noble idea that I will urge Members to support whole-heartedly. This is because digitization is the future of this County. The Governor said in his address that clean water is part of what is going to restore Nairobi's dignity. Therefore, this is a wonderful Motion and I beg to support. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you. Hon. Davidson.

Hon. Redson Onyango: Thank you, Madam Speaker. As I begin to support this Motion by Mheshimiwa Samora, I have vested interest having raised the request for Statement that is due---

(Several Members walked out of the Chamber)

Hon. Temporary Deputy Speaker: Serjeant -at-Arms, no Member should move out because of the quorum.

Hon. Davidson Ngibuini: As I was saying, I have vested interest into this matter and have raised a request for Statement that is due for response from the Water Committee. This is move in the right direction.

Madam Speaker, digitization is the key, and this Motion is extremely timely especially at a time when our people are not getting water even during the water rationing days. In the spirit of fair business practice, Nairobians must know how much we consume per day. As a custom of Nairobi Water and Sewerage Company, you must know how many liters have been issued to you and that must correlate in your billing system.

The analogue way that the Nairobi and Sewerage System Company has been operating cannot tolerated in this day and age. We have people receiving zero drops of water, who are still accruing bills which accumulate every month. How is that possible? I ask this House based on what billing system are we basing our billing on estimates? That is not the way to go in 2022. Surely, Madam Speaker, if you do not work, can you accrue a salary? If we do not sit can we accrue our allowances? So, how is it that Nairobi water and Sewerage Company is billing people and it is not providing any water to them?

Madam Speaker, the Nairobi Water and Sewerage Company does not have a water monitoring mechanism, what they have are two systems, one which is placed in Langata and the other one is placed in our ward towards the Show Ground, that is able to test the water pressure. They cannot tell you what you have consumed to your house. We need a water monitoring system. These digital water meters proposed by Hon. Samora are the way to go and in tandem with our role of oversight in this hallowed House. The people of this great City of Nairobi demand us to ensure that there is accountability that is entrenched in the County Executive. Not by us going for meetings and pleading with the management of Nairobi Water and Sewerage System, that is not who we envision. This County Executive runs its business or conduct its affairs.

We want to put in place a full prove digital and automated system that cannot be tampered with. So, by the time the Nairobi Water and Sewerage Company is sending you a bill, for sure it is what you have consumed. Madam Speaker, I fully support this Motion. *Ahsante*.

Hon. Temporary Deputy Speaker: Thank you. Hon. Robert Alai.

Hon. Robert Alai: Hon. Speaker, thank you for the opportunity. Water is a very critical resource in this County, and it is very sad that we have not been able to supply enough water to the City County of

Nairobi. Against a demand of a close to 1 billion liters a day, we are only supplying less than half of that; 450 to 500 million liters a day. It is not good that the County lives this way.

Apart from this appropriate Motion, I think as a County Assembly, we must move with speed and see that the Northern Collector Tunnel is finished and operationalized so that we are able to meet the needs of Nairobi Water demands.

I see the digitization of water system as a critical part of this as it will help in upgrading for the users and the decision makers to understand what amount of water we use for our domestic needs. What amount of water do we use in our factories and in other areas in this City? So, with a digital water system, we can even incorporate digital purification system in to those same facilities. Nairobians now consume most water from boreholes and they think that the water is safe. It is not safe because it is full of fluoride and it is affecting the born structure of the children and even the older people in this society. We need to protect the people of Nairobi, and digitalization is a good start to this. I support this motion, Hon. Speaker. *Ahsante*.

Hon. Temporary Deputy Speaker: Hon. Kimondo.

Hon. Francis Kimondo: Thank you, Madam Speaker. In support of this Motion, I rise to highlight a few points on the same. After digitization, leakage and overflow issues will have been sorted and fixing of any issue will be a little bit faster. In terms of privacy, I believe with the digital meters, customers will be having their privacies, as the Nairobi Water staff won't be going to people's hosues for the meter reading, as it will be done digitally as the way the power token is working.

Encouraging water conservation and knowing how much water is consumed, regularly allows the consumers to make necessary water usage adjustments thus saving money on the water bill. Also, paying for whatever the customer consumes will save the customer's money.

Therefore, I rise to support good initiative by Hon. Samora Mwaura. Thank you.

Hon. Temporary Deputy Speaker: Hon. Lily Kidenda.

Hon. Lilly Kidenda: Thank you, Madam Speaker, I join the other Hon. Members to congratulate you for the good job that you are doing. I rise to support this Motion by Hon. Mwaura Samora. I want to say that this is totally long overdue. All of us who have lived in this City know that the water system of this City was planned for less than a third of those who use it today. If we do not quickly and urgently implement this digital water meters, we will continue to suffer. Has one Member has said, a lot of Nairobians are now using borehole water, which is untreated.

We are also suffering from cartels, people who use all manner of ways to sell water that belongs to the Nairobi City. We have water shortages, both real and artificial, illegal connections and as Hon. Mwaura has said, undetected pipe breakages. Any time I see a broken pipe, I take it upon myself to report it urgently. I like to request that this matter be treated with urgency that it requires to save the lives of the people of Nairobi, and particularly the young generation. I support this Motion and commit to be part of that which will actualize for Nairobians. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you. Hon. Gerald Mukuru

Hon. Gerald Mukuru: Thank you, Madam Speaker for the chance you have given me to support this crucial Motion. It is high time that we should be dealing with these water cartels. Most of the things that are befalling us today is as a result of carwashes and water vendors, whom mostly are likely to be the cartels.

They are the people who deny our people access to clean water. The cholera outbreak the Chairman of Health talked about, when people do not have access to clean water, we are all vulnerable to those diseases. Many times we find ourselves not responsible, as Madam Kidenda has said, when we see those breakages along the roads and streets, we do not report. As long as we are getting water at home, that does not concern you. I think we should be all responsible for our deeds,

Many boreholes were dug the other day but still there is water shortage. The mover of the Motion has said that 65% gets to Nairobi. Where is the 35% going? I think there is a big crime involving water. We should inform our police to go and check where leakages are and were those quacks are taking the opportunity to help themselves at the expense of our residence in this great city of ours. If we combine our forces, I think we can achieve more and people in this city will have access to clean water and in good time. Thank you, Madam Speaker. I do support.

Hon. Temporary Deputy Speaker: Thank you. Hon. Rose Masitsa.

Hon. Rosemary Shitote: Thank you, Madam Speaker for giving me opportunity to support this Motion. First, I want to thank the people Makina and Kibra as a whole, for electing me to come and represent them. During the campaigns, there was a slogan, '*bila mama ni shida*'.

We have water shortage in my ward, in fact, we get water twice a week and the population of Kibra and Makina is high. So, I am here to support this Motion and we need to move with speed to protect the people of Nairobi, especially in the slums. I, therefore, support the Motion.

(Applause)

Hon. Temporary Deputy Speaker: Thank you. Hon. Rose

Hon. Perpetua Mponjiwa: Hon. Speaker, I rise to support this Motion by Hon. Samora. Indeed, it is quite unfortunate that in this time and era people, especially in my experience having stayed in Kileleshwa for almost 15 years, we can at times shower using a bucket. The issue of water shortage in Nairobi based on the current population right now, is actually bordering human rights because it is an issue that needs to be looked at seriously.

Hon. Speaker, we do not need to go for benchmarking abroad and also Nairobi water doesn't need to go for benchmarking abroad, there are cooperations right now that are using digital meters and the Kenya Pipeline is one of them. That is why you rarely see oil leakage yet they have structures across the Country. The Kenya Pipeline has good digital meters, well commissioned and monitored. This will help Nairobi Water as corporation to increase revenue collection, save on wastage and also curb sabotage from the cartels.

So, I support this so that I do not continue showing with the bucket in that upper place of Kileleshwa. In Pipeline Estate, there are people who live up to the fifth floor of storey buildings and carry bucket on their backs. I support this motion. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Hon. Joy Muthoni.

Hon. Joy Mwangi: Thank you, Hon. Speaker for giving me this opportunity. I am standing here to support this Motion that has been brought by Hon. Samora. I first congratulate you for being there, you are taking the task very well.

Secondly, I want to thank my biggest political party, UDA for giving me this chance to be in this House for the next five years. It is not a joke to be given a chance to represent the people of Nairobi, the Capital City of Kenya. I am hoping to deliver and play my very best when it comes to serving the people of Nairobi.

Thirdly, I want to support this Motion. For the last seven years, I have been pushing for agendas that will help the people of Nairobi, and one of those areas is water. Water is a basic need that every single person in this country needs to survive, whether it is for drinking, showering or cooking. There are some areas in which the parastatal has not been able to handle well and are wasting lot of water in this County of Nairobi and Kenya in general. Those need to be handled well.

Fourthly, anything that is touching on health must be supported in all ways. I have been to Mukuru Kwa Njenga and I have seen many water pipes passing within sewer lines. If I am put in the same situation as those people who consume those waters, then I will not accept. As Hon. Members, we should not allow our people to continue living in such a situation. Let us stop these illegal connections once and for all and do our best to make sure people get access to water in the right manner as possible. Thank you.

(Applause)

Hon. Temporary Deputy Speaker: Thank you. I now call the mover to reply.

Hon. Samora Mwaura: Thank you, Madam Speaker. I would like to thank Members for the overwhelming support they have shown to this Motion. It is a Motion that is basic, and I believe as Members have said, in this era, every aspect of our lives and service delivery is being digitized. Water has been left behind and it is high time as Members of this House to make sure that this happens. Someone highlighted that there is a government corporation, the Kenya Pipeline that is using digital meters, that is why you do not hear of oil spillage, leakages or vandalism from the pipeline because of the digitization of their meters.

I thank you, Madam Speaker and beg to move, I feel honoured as this is historic. This day will go down in history as the day that we started the journey of digitizing the water metering system and saving members of public from water issues and indeed across the country because whatever succeeds in the city, is copied across the Country. So, it is a journey that we have started today, and I believe this House will ensure that the Executive side of the County implements it. Thank you.

(Question put and agreed to)

MOTION

IDENTIFICATION OF ALL IRREGULARLY ACQUIRED PUBLIC LANDS ORIGINALLY SET ASIDE FOR PUBLIC UTILITIES AND AMENITIES

Hon. Geophrey Majiwa: Thank you, Madam Speaker. First, I would like to start by congratulating you for fitting into your new shoes appropriately. Let us move this motion.

THAT, aware that the Nairobi City County has had challenges with controlling and or preventing the grabbing of public land by unscrupulous profiteers; noting that numerous estates in the County do not have common amenities and or facilities primarily because public spaces meant for the same were irregularly acquired by developers and re-appropriated for private uses; recognizing that public amenities are a crucial

part of urban planning and provide the necessary spaces for wholesome urban communities; deeply concerned that the rampant grabbing of pieces of land set aside for this purpose means communities have to forego schools, hospitals and other public utilities for private profit making developments; regretting that the County Executive has been unable to crackdown on the rampant grabbing of land meant for utilities despite various attempts to streamline the same; and whereas the Assembly has in the past adopted various measures to have this matter addressed, which have borne little fruit for lack of implementation; now therefore, this Assembly resolves that the County Executive urgently move to identify and map public spaces originally set aside for public utilities from planning approvals and reclaim those that were irregularly acquired by private development, furthermore, the County Executive to liaise relevant national government agencies to compulsorily acquire land where such doesn't exist for purposes of building public utilities and amenities for the people of Nairobi.

Madam, Speaker, it is very sad that as a County, we have set aside a very huge budget for development in this city, but if you ask about the development that has been done, they will talk about, roads, hospitals and schools. It is unfortunate that if it is not re-carpeting a road, repairing a school or painting a social hall that already exist, if you want to create a new one you will never get a space. It is not because the spaces were never planned for, they existed some years back. But due to negligence or greed by some officers who have been in these offices before, these spaces were given out to grabbers who were dishing out money. They forgot the same grabbers were also having families who were giving birth to children who needed spaces to play on.

In the past, the planning conditions provided that if you have a land in this City and you must sub-divide this land for purposes of development, Physical Planning Act provided that you must be able to surrender a portion of that land as public space. This is because the tenants that will come and occupy the development that you are going to put on that land, will have children and they will not be kept in the house. Children must play outside and be a friends with their neighbours. Where will they meet? They need a common area where they can meet and grow up as neighbours. Madam Speaker, it is unfortunate that we do not have these spaces in the city anymore, and even if we have them, they are in areas that are not enough for the residents of those specific areas.

I would like mention a Member from Lindi, who the other day confessed in this House that in Lindi he does not have even a single open space where he can put anything for the public. It is not because it was not planned, it is because it was planned but those who came ahead of us took the advantage of those who were in those offices were greedy and took the money from them and released those spaces.

Madam Speaker, therefore, I am requesting this House to support this Motion. The Governor has put a huge budget on development, part of that budget can be used to acquire spaces that exist within estates whose owners have genuine title deeds through what we call compulsory acquisition because it is provided for in law under the Physical Planning Act, or the Governor to move with speed to recover all public spaces which were originally set aside but fraudulently given out to developers so that we can reclaim. There is no way we are going to listen to stories like we want to reclaim the glory of this city that was there before, the green city in the sun. How can it be green city in the sun when we have no public spaces? We can first start

by acquiring public spaces so that we can talk about parks, playing fields, social halls, and nursery schools, then we can talk of a city that is moving in terms of development.

Madam Speaker, with those few remarks, I want to request Hon. Sospeter to support the motion.

Hon. Sospeter Mumbi: Thank you, Madam Speaker for this opportunity to speak. Let me start by acknowledging the effort put forth by Hon. Majiwa to come up with this Motion. It is a critical or a good Motion, if I may put it right.

My attachment to this Motion is because; one, it is a Motion that captures the interests of all the 85 wards within Nairobi County. If you ask each Member here, everyone is grappling with drug abuse because we don't have playgrounds. We are also grappling with issues of health and issues of ECDs because we do not have spaces where we can set up such facilities. By supporting this Motion, it will go a long way in addressing many issues that have continued to bedevil our society. Human beings are social creatures, we are created to coexist and to socialize. That is why, if I may put it right, we are trying to claim social amenities, which are building our social fabric.

The issues we are facing as a County, when we talk about crime, cholera, unemployment, and no exploitation of talents, they all pour down due to lack of these social amenities. We need to support this Motion and push the Executive to move with speed to realize the benefits that will come with reclaiming these public utilities. We have a budget. I know some of our wards are not going to benefit from the budgetary allocation that has been set by this County because we do not have land. In my ward, we need the health facility but we do not have that space. So, let us support this Motion so that our people can benefit and change their living standards in the wards. So, I beg to second, thank you.

(Question proposed)

Hon. Temporary Deputy Speaker: Hon Jera Samson Ochieng.

Hon. Jared Ochieng: Thank you, Hon. Speaker. I am standing here to support this Motion, but before I do that, I beg to say that when I was sitting in the stones, as Hon. Mataj was saying here, *kwa mawe*, before I was elected, I used to follow the proceedings of this *bunge*. I then believed that Hon. Majiwa was one of the people who were intellectuals, today I want to confirm to you that he is indeed very bright. The Motion he has come up with touches on me directly, I said that Lindi is the only ward without a public school, public health facility and no playground. There is nothing there completely.

There was a land which used to a public market that was grabbed and someone had to put his private school. I have been running around here trying to get means and ways on how I can revert that school back to the community. I need support from this House on how best I can be assisted and supported to revert land back to be public utility so that our children in Lindi, who do not afford to go to private schools can now afford to go there. This Motion has come at the right time. I am pleading the House to fast track this process so that this lands can be brought back to the public.

Therefore, Hon. Speaker, I support this Motion wholeheartedly. Thank you, Hon. Majiwa for this Motion. Thank you.

Hon. Temporary Deputy Speaker: Thank you. Hon. Emily Oduor.

Hon. Emily Oduor: Thank you, Madam Speaker once again. I stand to support this Motion from Hon. Majiwa. For those who were in Nairobi in the early 1970s – I know some of you were born in '90s but some of us were in this City as early as the 70's – We grew up in a different, way we had a place to go and play and our social life was very good. But when I see what my children are currently going through, it is very unfortunate. The land that was meant for children's playground in most of the estates have been grabbed.

The first issue which we discussed here about security, part of the reason why we have a lot of insecurity is because our children are growing up confined into our houses watching violence on television. That is how they pick up this habit because they have nowhere else to go. We are bringing up children that cannot even socialize with other people because they do not interact with other children. Even when we talked about the last Motion that was brought by Hon. Samora, it also comes to this. The reason we do not have water is because the areas which were meant for playground, water pipes passed through. The land grabbers have grabbed those areas and built skyscrapers, leaving us with bursting pipes all the time.

We live in a concrete jungle in this City and we do not have a space even to plant trees. As Hon. Jared has said, we are in a situation where we do not have even public schools, public hospitals and even mortuaries to keep the bodies in this County because of no space. This is very unfortunate because these spaces are supposed to be operated by the County Government, it is like you are a landlord but you do not have land. So, I wonder why we should be called landlord. That is where we are.

I hope once we pass this Motion, the Implementation Committee will take up this issue very first. For those who have been grabbed and houses put up, we are appealing to the Executive to bring down these houses and get back our spaces. We are losing our spaces in Nairobi and everything including our children. With that Hon. Speaker, I support the Motion.

Hon. Temporary Deputy Speaker: Thank you. Hon. Jeremiah Themendu.

Hon. Jeremiah Themendu: Thank you, Madam Speaker for this chance. I first congratulate Hon. Majiwa for the good Motion because it is timely. In the last Assembly, we requested many Statements concerning grabbing of public utilities in our areas, but officers from the Executive side did nothing, maybe because they were collaborators as they were surveyors who demarcated the same. Although they were not the grabbers, but made it easy for the grabbers to own those lands. That is the reason why they did not act. Even if you request many times for the same in this Assembly, nothing will happen.

I support the Motion because we need to work very hard for Nairobians to reclaim those lands back because we are lacking in some areas schools, playgrounds for our children or even market as they were all grabbed. What we can do is to make sure when we are pushing for implementation, we identify those officers because we know them.

In my ward, I have a school known as Bondeni Primary School, which has been encroached on by the land grabbers, and the problem is that the surveyors cannot go there and make sure they stick to their beacons.

I am optimistic that this Fourth Assembly is going to make sure grabbed lands are reverted. Hon. Majiwa was proposing of the national Government they can identify some areas where they can be put. I wonder where we can get extra land because they are all occupied in Nairobi, unless we claim those that have been grabbed. Thank you, Madam Speaker, I beg to support.

Hon. Temporary Deputy Speaker: Thank you. Hon. Robert Alai Onyango.

Hon. Robert Alai: Thank you, Hon. Speaker. I beg to support this Motion as somebody who represents where there is an extreme scarcity of land, even for a playground for our children. If we cannot secure the future of this city by ensuring that we bring up healthy children, then you know that we have failed.

The other challenge that we have is the senior citizens who have decided to retire in this city, they do not know any other life in the villages. You cannot force them to move out of this city. So, it is painful that they cannot get out of their houses and walk. Nairobi developers only think that they can only make money from buildings, so every open space is threatened with buildings.

When I was the chairperson Nyayo Estate, Embakasi, which has 200 hectares, we had 49 open spaces, including 2 reserved for primary schools to be built by Nairobi City County. The other 47 were to be set up for malls, parks, skate parks, basketball and tennis courts, and football pitches. Somebody decided to fill all those open spaces with buildings. This is what is happening throughout Nairobi. We have to value open space and parks. We have to know that we can make money from open spaces So, we have to preserve the open spaces we have in this city, otherwise life is not going to be sustainable. We are going to live unhealthy life of indoors.

With the kinds of buildings we have, which do not have ventilation and so on, people will suffocate, especially when we have issues like Corona Virus, which forced us to stay in our homes for close to two years. I do not think that is fair for the residents of this city not to have parks. As County Assembly, we must move with safe and preserve the open spaces in this city. If we do not preserve them then this city is as good as dead.

It is unfortunate that the people pushing for annexation and grabbing of pieces of land in this city are very senior in this County Executive. We know them and we still want to promote them to a very senior jobs in this city, which is not fair. They have to give space for new thoughts and new ideas. We have to ensure that the city is sustainable.

I have three pieces of land in Kileleshwa meant for the public. If you go to the Registrar of Lands and Survey of Kenya, they are now listed as private properties. A country will never forget. So, those three pieces of land will be recovered whether I am life or dead. That is the promise I give to the people of Kileleshwa, that we are going to recover the open spaces and two of them are going to stay to be open spaces as long as we live in Kileleshwa. One of them is going to serve as the second primary school to the people of Kileleshwa.

Madam Speaker, I beg to support. Thank you.

Hon. Temporary Deputy Speaker: Thank you. Hon. Mwangi Joy Muthoni.

Hon. Joy Mwangi: Thank you, Madam Speaker. Hon. Majiwa, thank you for this Motion. Back in February 2019 in Komarock Ward, five men, who did not have uniform and came with a private car, arrested me while I was fighting a land grabber. I was asking questions because that land grabber was building on a public space where children have been playing all along since Komarock was built in the late 1980s. That has been happening in Komarock for decades. When Komarock was being designed by the Kenya Building Society and the defunct City Council, the City Council provided the land free while the Kenya Building Society built the houses under a mortgage deal so that the Nairobi City Council could collect land rates. It was a good

deal. Ten schools were supposed to be built, but only two were built. Today, as we speak, the fire station that was supposed to be built in Komarock was never built up to date. A very powerful politician grabbed the land whereby the fire station was supposed to be built.

Whenever you fight these land grabbers, the government will end up fighting you back instead of it protecting. I thank God for having a very caring MP within my area who came and recurred me when I was arrested, that is Hon. Major Donk from Embakasi Central. We went to court and the construction was stopped. But still, the children cannot access that land to play. That is what is happening in Komarock ever since. Some parents stop children from playing because they use the spaces as parking lot and yet that is a playground. Also, kiosks, private schools, private churches, an institution or private houses are built in the open spaces meant for playgrounds or public hospitals. We might fight this, Madam Speaker.

I wish to support this Motion with my full force because I am a witness of what has happened in Komarock. We used to play back then football and basketball, but right now when you go there is no space, people are playing PlayStation and Xboxes, those are the game of today. Thank you.

Hon. Temporary Deputy Speaker: Thank you. Hon. Thuo Fiunifu

Hon. Kamau Fiunifu: Hon. Speaker, thank you once again. I would first urge honorable Member for Kileleshwa, there is nowhere you are going because you will fight until you resolve those matters in your ward. For Hon. Joy, take heart and welcome to the city.

Hon. Speaker, I would also want to congratulate the honorable Member for Baba Dogo and honorable Member for Roysambu for the Motion we are discussing today. I would want to believe that this is not just any other Motion because we had countless motions passed in this Assembly and nothing seems to happen. But I can promise as a Member of the Planning, Housing and Lands Committee that we will also take up this matter. As much as we would not be able to recover all the lands that has been grabbed, but let it go down in history that we have had a list of shame. Any senior person who has served in previous government sitting on what public land, let it go on record and captured that you are a grabber of public land.

Hon. Speaker, I would also want to urge the Planning Committee to consult the Ndungu's report as it is the bible on all assets that have been taken off from this county. It is also time that this Assembly is furnished with the assets register of this County. We need to know how much land this County Government of Nairobi owns and how much land that belongs since this County has been grabbed. I have heard that the Members of this Assembly saying that Nairobi is become a jungle. This City Hon. Speaker is being choked the lands of this Assembly---- Hon. Speaker, Hon. Mponiwa is interrupting me, kindly protect me.

Hon. Temporary Deputy Speaker: You are protected.

Hon. Kamau Fiunifu: Thank you, Hon. Speaker. I was saying that this city is fully choked and we need to recover these green spaces. I think we also need to consider a green space policy and pass it in this Assembly. As we speak, Karura Forest is being overwhelmed over the weekend by Nairobian who troop there. The numbers are overwhelming because there is nowhere else that residents of this great city can go. So, it is high time that this House resolves to support this Motion and we see resolutions being made and results so that we have a city of order, Mr. Speaker.

Hon. Temporary Deputy Speaker: You have been saying, Mr. Speaker, I do not know if you cannot differentiate between Mr. and Miss.

Hon. Kamau Fiunifiu: Hon. Speaker, sorry. I am not profiling you and I am not biased in any way, it is only that my mind needs to process that it is Madam Speaker who is sitting on that Chair. I respect you, Hon. Speaker.

Lastly Madam Speaker, I would want---

Hon. Temporary Deputy Speaker: Hon. Thuo, in the interest of time, let the mover reply.

Hon. Kamau Fiunifiu: Thank you, Hon. Speaker.

Hon. Geophrey Majiwa: Thank you, Madam Speaker, probably it might not be clear what this Motion is looking at as a benefit to the people of Nairobi. Madam Speaker, if you look at the trends of urban-rural migration that is taking place in Nairobi currently, mostly it is lack of open spaces. Any Nairobiian today when they get some sizeable amount and they think they want to go to live with their children where there is fresh air, you will hear they have bought land in Kitengela, Thika, Kikuyu or Kiambu. Why yet this is the Capital City where everybody came from their villages to come and look for greener pastures? The pastures in Nairobi are no longer green because we have no open spaces. These open spaces mean a lot to our social fabric, that is why when they were taken away, Nairobi will never be the same again.

However, we have given a promise to the people who elected us that we are going to work for them and we must start by action to make sure that these spaces are brought back. I remember many years back in the estates when several families had no opportunity to afford television, people used to watch the news in the social halls. You could find in the evening at seven o'clock our parents going to social hall to watch the news. That cannot happen today.

Madam Speaker, many people have not known that during school holidays, we do not have a lot of traffic jam in the city. During the school session, you find you have a lot of traffic jams. This is because there are specific schools that are only found on one end of the city and not on the other end. Why is it so? This is because that who were meant to be of the high class remain so and those who were meant for low class remained so. There is no room for improvement that you can say that you can build a school in Baba Dogo that can be compared to a school that is in Kilimani. So you find that those in the middle class who can afford slightly high cost schools, have to drive their children from this end to the other end to find those good schools. These are the challenges that we are facing because we do have no space for expansion.

Madam Speaker, the other day we heard the president talk of 20 markets that need to be put up in this city. As we all know, market is a devolved function. That means, it is the Governor of Nairobi has the responsibility to ensure that these 20 markets are built in this city. You ask yourself, where are those spaces? Those spaces are not there. We have to struggle to make sure we provide space as elected leaders so that the 20 markets that the people of Nairobi were promised, the government will not give the excuse of saying they had the money but there was no land. We are the ones who are responsible for making that land available. Therefore, we have to support this Motion to ensure that the Governor by all means – that is why I gave an opposition that the Physical Planning Act provides for compulsory acquisition where there is no public land.

Hon. Themendu said that there is no open space even where you want to buy. No, it is not everywhere as there are some estates where you find someone was lucky enough to buy big size of land just for speculation and it is fenced. If you follow up, you will find it was not public space but somebody

bought land speculating to put up a project, which they have not. So, the government has the machinery and money to force that particular person to sell that land to us so that we can at least put up a market or social hall there. This is money for development, which we have budget for. It is the only thing the Governor can do for the City of Nairobi.

Madam Speaker, for lack of trust because I know a lot of these spaces were given out by people who are sitting in the offices at the Executive side gave many of these spaces out. I was only imagining that we can allow the Clerk of the County Assembly to engage a private surveyor before this matter is taken up by the Implementation Committee, who can identify these parcels of land and give us a list of wherever they are so that when we try to implement this Motion, we implement something that we know. I am sure if we say we leave it to the Executive again who sold them to tell us where they are, they will take us round in circles. We are not going to get these parcels of land where they are lying. But if we engage a private person, we are going to get value for money and we will be able to know exactly which ones are public and have been grabbed. Some are public but were grabbed by the same officers and are the ones who are doing business on them. Like we have one notorious person, who was a Director of Planning in this City. If you drive around the town, you will find so many parcels of land fenced, and if you ask it belongs to who, you will be told it belongs to so and so. So, if they are the ones who grabbed them when they were in these offices and the ones that are remaining in these offices today, maybe they are the ones who employed them and left them here. It is not going to be possible to get these parcels of land available. If we engage a private person for purposes of identifying them and making them available to us so that we know this is what we want to recover, it will be good for us.

Madam Speaker, with those few remarks, I thank all the Members and beg to move.

Hon. Temporary Deputy Speaker: Thank you, Hon. Majiwa.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

INVITATION OF MEMBERS OF THE COUNTY ASSEMBLY BY THE GOVERNOR FOR A TOUR OF REHABILITATED UHURU PARK

Hon. Temporary Deputy Speaker: Honorable Members I have the following information to convey from His Excellency Johnson Sakaja:

Honorable Members, my office is in receipt of the letter referenced NCC/GOV/ADM/1/2022/306 dated 18th November 2022 from His Excellency the Governor. In the letter, the Governor invites all the Members of the County Assembly of Nairobi for a tour of rehabilitated Uhuru park on Wednesday 23rd November 2022 from 10.00 a. to 12.00 p.m.

Honorable Members in the cause of the Second Assembly, this House approved the Motion of the Closure of Uhuru Park to facilitate its rehabilitation by then implementing agencies, i.e. the Nairobi Metropolitan Services (NMS), which has since handed back all functions of the County Government. Therefore, it is within our oversight mandate to go and witness transformation that has been instituted in the said facilities since public funds were utilized in the process of rehabilitation.

Honorable Members, this is therefore to inform you of the said invitation to request you to proceed to the tour of the said County facility requested by the Governor.

ADJOURNMENT

Hon. Temporary Deputy Speaker: Honorable Members, there being no other business, the House stand adjourned until tomorrow 23rd November 2022 at 2.30 p.m. The Assembly Business shall meet at the rise of the Assembly at the Chamber's boardroom. Thank you.

The House rose at 5.53 p.m.