

NAIROBI CITY COUNTY ASSEMBLY

Hon. Jatta Cassau
PCA (L.S.P) M.H.



FIRST ASSEMBLY - SECOND SESSION



EIGHTH REPORT OF THE
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS
ON

SITE VISIT TO KANGUNDO ROAD, KOMAROCK WARD REGARDING
THE INTENDED DEMOLITION OF JUA-KALI PREMISES SITUATED
ALONG THE SAID ROAD.

Clerk's Chamber
City Hall
NAIROBI
2014

AUGUST,

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1.0 PREFACE

Mr. Speaker Sir,

The Committee on Justice and Legal Affairs is established under Standing Order 191 to; among other functions oversee all matters related to Constitutional affairs, the administration of law and justice, including the ethics, integrity and anti-corruption and human rights, including inspectorate and enforcement.

1.1 Committee Membership

The Committee on Justice and Legal Affairs comprises the following members:

1. Hon. Jaffer Kassam, MCA - Chairperson
2. Hon. Moses Nyangaresi, MCA - Deputy Chairperson
3. Hon. Peter Migwi, MCA
4. Hon. Stephen.K Thuo, MCA
5. Hon. Muchiri Mwaniki, MCA
6. Hon. Maurice Akuk, MCA
7. Hon. Elkana Mauti, MCA
8. Hon. Martin Karanja, MCA
9. Hon. Jacqueline Awino, MCA
10. Hon. Martin Karanja Kingeth, MCA
11. Hon. Njoroge G. Maina, MCA
12. Hon. Jackson Kiama, MCA
13. Hon. Elias Otieno, MCA
14. Hon. David Mberia, MCA
15. Hon. Hashim Kamau, MCA
16. Hon. Mercy Kariuki, MCA
17. Hon. Jane Muasya, MCA



1.2 Acknowledgement.

Mr. Speaker Sir,

The Committee on Justice and Legal Affairs wishes to thank the offices of the Speaker and the Clerk of the Nairobi City County Assembly for the support extended to it in the execution of its mandate. The committee wishes to acknowledge and express its appreciation to Kangundo Road Traders for the information they provided to the Committee during the site visit.

Mr Speaker Sir,

It is my pleasant duty and privilege, on behalf of the Committee on Justice and Legal Affairs, to present the Committee's Report on the site visit to Kangundo Road Light Industry Jua-kali Association, Komarock Ward, to the House for adoption pursuant to standing Order 180.

Signed.....

Hon. Jaffer Kassam
(Chairman)

Date.....

20/5/2014

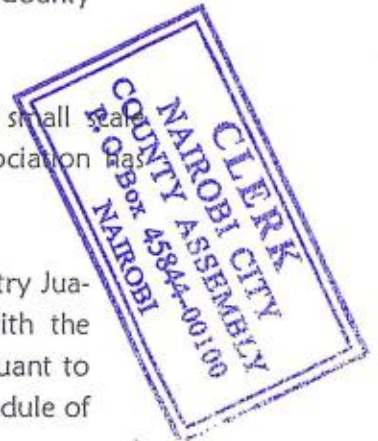
2.0 KANGUNDO ROAD LIGHT INDUSTRY JUA-KALI ASSOCIATION, KOMAROCK

2.1 Background

The Committee received a letter dated 17th February, 2014(annex 1) from Kangundo Road Light Industry Jua-kali Association, Komarock, in collaboration with Embakasi Community Poverty, Eradication Project, Komarock, regarding the intended demolitions of Jua-kali premises situated along the said road by the City County Askaris.

Kangundo Road Light Industry Jua-kali Association consists of a group of small traders based in Komarock Ward within the Nairobi City County. The Association built structures for the traders along Kangundo Road in Komarock Ward.

The Committee on Justice and Legal Affairs visited Kangundo Road Light Industry Jua-kali Association on 17th March, 2014 in order to familiarize themselves with the challenges facing the Association and how the issues could be dealt with pursuant to the mandate of the Committee of enforcement as contained in the second schedule of the standing order.



2.2 Objective

The objective of the visit was to listen to the complaints of the Association regarding the intended demolitions of Jua-kali premises which are situated along the said road, and make appropriate recommendations for implementation.

3.0 SUBMISSIONS BY THE PARTIES

3.1 Mr. Michael Thiong'o - Complainant,

During the site visit to Kangundo Road on 17th March, 2014, the Committee met with the representatives of Kangundo road Light Industry Jua-kali Association, Komarock, at the Kangundo Road Playground.

They were led by their leader, Mr. Thiong'o who introduced himself as the representative of the traders and the Patron of Kangundo Road Light Industry Jua-kali Association in Komarock.

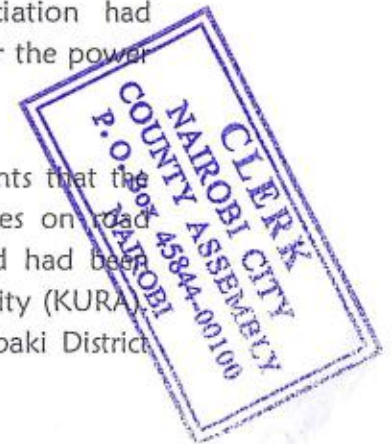
1. He thanked the Committee on Justice and Legal Affairs for taking time to respond to their plea as such a public hearing by legislators had never occurred in the area and submitted as follows:-

- That the Kangundo Road Light Industry Jua-kali Association, Komarock consisted of a group of small scale traders totaling to one hundred and twenty (120) members who are mainly the youth and the women. The objective of the Association is mainly to protect the interests and welfare of the small scale traders along Kangundo Road. There exists equality as all tribes are represented in the Association hence there was no political favoritism in the Association.
 - He requested the Committee to fight for the rights of the Jua- Kali Artisans because some of the projects of the youths had been sponsored and the youths were working towards cooperating to build structures yet the City County had intentions to demolish those structures. In the event of demolition, it would impact negatively on the investment put up by the youth and women of the above group including the Jua-kali sheds which had greatly contributed to income generation of the youth in the said group.
2. He further went on to show copies of their receipts of payments to the City County Askaris and licenses of the youths who had sought permission from the County Government before putting up the said projects. He submitted copies of the various receipts of traders signed by the Assistant Director c/o Director of Housing Development Department (annex 2).
 3. When asked how the Association became aware of the intended demolitions of their projects, Mr. Thiong'o answered that whereas no written notice of demolition had been given so far; some officers from the Inspectorate Department drove into the Ward and took pictures of the Jua-Kali structures along the said Road. Thereafter Mr. Alphonse Kamau, the Divisional Commander of the Constituency warned them that the projects-situated along the road were illegal and that the City County Askaris would demolish them.
 4. On the issue of whether the area Member of the County Assembly (MCA) was aware of the intended demolitions, Mr. Thiong'o replied that the MCA would not manage alone as he had also not been informed, and that that the whole Committee had a better chance of defending them.

3.2 Hon. Samuel Irungu, (MCA), Komarock Ward

Hon. Irungu appeared before the Committee on Wednesday, 14th May, 2014 and submitted as follows:-

- He began by stating that he was not aware of the site visit by the Committee on Justice and Legal Affairs along Kangundo Road which is part of his Ward.
- He mentioned that the area in dispute, earmarked for the intended demolition, was a road reserve and a power way leave. That some private developers in the name of Kangundo Road Light Industry Jua-kali Association had constructed some permanent structures on road reserves and under the power way-leave.
- He further explained that there was a notice given to the residents that the County Government was against building of permanent structures on road reserves and under power way leaves and that Kangundo Road had been earmarked for future expansion by the Kenya Urban Roads Authority (KURA). He stated that one of the said roads was behind Mama Lucy Kibaki District Hospital and thus the structures posed a security risk.
- Hon Irungu presented to the Committee a copy of a letter (Annex 3) written by the secretary, Kiambu Dandora Farmers Company Ltd and copied to him regarding the illegal occupation on LR NO. 11379/3 in Dandora. He stated that he had presented a proposal to the Governor to clean up the area in order to arrest insecurity and address public health nuisance arising from dereliction and to adapt the space for temporary use to support a local youth Self Help Project.
- He also presented a copy of a letter (Annex 4) he had written to the Governor to request the Governor's office to create a plan that provides for construction of a bus terminus/ car park next to Mama Lucy Kibaki Hospital along Kangundo Road, upon which commuter services companies can partner with Nairobi City County for efficient service delivery and hospital parking from the Central Business District (CBD) to Mama Lucy District Hospital and its environs.
- He commented on the allegations made by the Kangundo Road Light Industry Jua-kali Association that some politicians were behind the intended demolitions after which he presented a copy of a letter (Annex 5) written to the Governor by the Chairman, Komarock Residents, Mr. Mark Mogere regarding concerns affecting Komarock and complaints against grabbing and development of land along road reserves and under the power way leave and lack of public utilities.



- Hon. Irungu further presented a copy of a letter (Annex 6) written by the Chairman and the Secretary General, Komarock Residents Association to the Chairman for the Commission on Administration of Justice in the office of the Ombudsman and copied to Kenya Power and Lighting Company regarding lack of response to official communication on an impending disaster due to land grabbers connivance with some county officials and local civic leaders to construct permanent structures under a high voltage power line on the land supposed to be an electricity way-leave.
- He also presented a copy of a letter (Annex 7) written by Dr. Julius Ogato, Medical Superintendent in charge of Mama Lucy Kibaki Hospital to the Director of Planning for Nairobi County requesting the Planning Department to create a plan that provides for a bus terminus along Kangundo Road and that an alternative route should be provided for Kenya Power and Lighting's Way-leave for them to re-route the overhead voltage power lines which were currently passing there.
- He also presented a copy of a letter (Annex 8) written by the Governor to acknowledging receipt of his letter regarding planning to construct a bus terminus /car park next to Mama Lucy Kibaki Hospital. The Governor wrote that he had forwarded the matter to Eng. Christine Ogut, the Chief Officer responsible for Transport and Public Works who would inform him on the way forward.

4.0 COMMITTEE FINDINGS

Arising from the visit, and both oral submissions by the complainants and the area MCA, the Committee made the following observations:

1. That it is true that the local Residents had constructed permanent structures under the power way-leaves and on road reserves;
2. There was no consultation by local traders with the City Planning Department before constructing structures along the road. There was no documentations to that effect;
3. Enforcement mechanisms had not been put in place to deter unauthorized people from subdividing the spaces and purporting to allocate them on behalf of the County Officials;

- 4. There was no written notice of the intended demolition to Kangundo Road Light Industry Jua-kali Association though the structures constructed under power way leaves were not safe to the residents; and
- 5. That indeed it is true the unplanned building structures constructed by the Association under the power way leaves will pose a security risk and environmental hazard to the residents.



5.0 COMMITTEE RECOMMENDATIONS

The Committee urges the Assembly to resolve as follows:

- 1. The structures constructed under power way-leaves or on road reserves should be demolished as failure to which may cause a lot of damage to the local residents.
- 2. The County Government should move with speed to provide a parking/bus stop in the said area in order to provide efficient transport to Mama Lucy Kibaki Hospital and accommodate huge traffic along the road to the said hospital considering that a new mortuary is under construction. This will also serve to reduce instances of insecurity as the area will be cleared of all illegal structures;
- 3. The County Government should consider identifying and setting aside a fraction of County Public Land to be used by youth/self-help groups in the affected area, or else who will be required to submit proposals on the use of such land for consideration.
- 4. Enforcement mechanisms should be put in place to deter unauthorized people from subdividing Public land and purporting to allocate them on behalf of the County Officials; and
- 5. Pursuant to the provisions of Sec. 98 of the County Government Act 2012, the County Government should organize Civic Education and sensitization programmes to enhance the awareness of residents as well as traders in the area of county policies and processes together with the penalties for non-adherence to the same.

XXXXXXXXXXXXXXXXXXXXXXXXXENDXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be easily accessible to all relevant parties.

2. The second part of the document outlines the procedures for handling any discrepancies or errors that may arise. It is important to identify the cause of the error and to take appropriate steps to correct it. This may involve reviewing the original records and consulting with the relevant personnel.