



REPUBLIC OF KENYA

## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – First Session

Wednesday, 11<sup>th</sup> September, 2013

The House met at 2.30 p.m

*(Mr. Speaker in the Chair)*

#### PRAYERS

#### STATEMENTS

#### STATEMENT ON REHABILITATION OF NAIROBI CITY PARK

**Hon. Member for Korogocho Ward** (Mr. Maxwell Ochar): Mr. Speaker, I wish to give the following statement which was asked in this House on 28<sup>th</sup> August 2013 by Hon. Abdi Hassan. Hon. Abdi Hassan requested a statement pursuant to the Standing Order number 41(2c) on 28<sup>th</sup> August 2013. Mr. Speaker sir, I have the following to deliver:

The sectoral committee on Physical Planning, Housing and Lands was established under the provisions of Standing Order number 191 and is mandated among other things to investigate into and inquire into and report all the matters related to their mandate, management, activities, administration, operations and estimates of the assigned departments. Pursuant to the provisions of Standing Order number 41(2c) on 4<sup>th</sup> September 2013, Hon. Abdi Hassan requested for the following statement from the chairman of the sectoral committee on Physical Planning, Housing and Lands;

1. Whether the chairperson of the committee was aware that a contract worth 2.2 billion to rehabilitate Nairobi City Park was awarded to the Aga Khan Trust for culture.
2. Which criteria was used to pick the said investor?
3. To table a copy of the said agreement and
4. Why was the term of the said agreement varied from 6 years to 25 years?

The sectoral Committee on Physical Planning, Housing and Lands at its meeting held on 29<sup>th</sup> August resolved that the executive member for Physical Planning, Housing and Lands committee gives a report in response to the issue raised here above. The office of the Executive Committee for Physical Planning, Housing and Lands gave a report dated 4<sup>th</sup> September 2013 in response to the said issue as follows:

1. The Executive member was not aware of the contract of Ksh2.2 billion with the Aga Khan Trust for culture and rehabilitation of the Nairobi City Park. The relationship that existed was a literal agreement on resource funding and technical assistance between the government of Kenya and the Aga Khan Trust for culture. The resource funding and technical assistance was collaboration between the government of Kenya and the Aga Khan Trust for culture to rehabilitate Nairobi City Park from its current deterioration to global standards and make it enjoyable to the citizens under adequate security.
2. The Aga Khan Trust for culture is a non-profit making agency network and it was not an investor but a provider of funding and technical assistant to the government of Kenya and the agreement was between the two agencies and was not regulated by the Public Procurement and Disposal Act of 2007. This was a literal agreement on financial and technical assistance between the government of Kenya and Aga Khan Trust for culture, approved by the cabinet on 29<sup>th</sup> November 2012 for technical assistance for comprehensive rehabilitation of City Park. Aga Khan Trust for culture was a cultural agency of the Aga Khan Development Network dealing with promotion of social progress and improving the living conditions of the low income groups. Aga Khan Trust for culture had undertaken a similar project in collaboration with the governments in many other countries.
3. The agreement is hereby tabled.
4. The only agreement known to this office as attached had no indications of any variations.

Mr. Speaker sir, I wish to table this response together with the relevant documents and the Hon. Member, Mr. Hassan has been served with the same documents, Mr. Speaker Sir. That is the answer.

**Hon. Speaker:** Very well, thank you very much. Hon. Hassan.

**Hon. Leader of Minority (Mr. Abdi I. Hassan):** Mr. Speaker sir, thank you for giving me this opportunity. I want to say that it is very unfortunate that I have just received the report. I need some time to analyze the report. I will analyze and ask more questions tomorrow at the same time, Mr. Speaker.

**Hon. Speaker:** Tomorrow, 2.30pm.

**Hon. Leader of Minority:** As I said Mr. Speaker sir, Standing Order 91 (2b), Mr. Speaker sir as the Minority leader, my care and duty is to protect the interests of Nairobians. Mr. Speaker sir, my care and duty is to become the voice of Nairobians in this Assembly. I wish to state here that as a minority, we

cannot stand here and leave the Nairobians to be tampered with by anybody in this County. On that I want to assure you as the minority leader, that the minority group is fully behind your leadership and nobody, Mr. Speaker sir, should intimidate you. (*Applause and loud consultations*) Mr. Speaker sir, protect me. I am standing here in my capacity as the Leader of Minority and I should be protected to make my statement, Mr. Speaker sir. (*Loud consultations*)

**Hon. Speaker:** Order! Hon. Pius! Hon. Members, this has caught me flat footed but I just want to read Standing Order number 41, that the leader of the majority or the leader of the minority party as the case may be or their designees may make a statement relating to their responsibilities to the County Assembly for the activities of their committees.

**Hon. Leader of Minority:** So, Mr. Speaker sir, Hon. Manyala should understand as a minority leader of this County, I have a responsibility and I have to state my responsibilities before this Assembly. The moment you were elected as the Speaker of this County, you became the property of Nairobi City County Assembly, you don't belong to any party. (*Applause*) Mr. Speaker sir, your work is to be impartial and you should not be intimidated by anybody in this Assembly, on that I want to give you my total support. Thank you, Mr. Speaker sir.

**Hon. Speaker:** Hon. Manyala, point of order.

**Hon. Member for Kayole South Ward (Ms Elizabeth Manyala):** I rise on a point of order number 80, is the Hon. Member in order to mislead the House by beating about the bush? If he is indeed the minority leader and he wants to issue a statement, he should have published it and provided us with it so that we know actually what he is trying to insinuate (*Loud consultations*) Can the Hon. Member tell us why he is spreading rumors in this House in respect to what he is trying to tell people yet he is misleading us? Thank you.

**Hon. Speaker:** Hon. Diana Kapeen.

**Hon. Member for South C Ward (Ms Diana Kapeen):** Mr. Speaker sir, can the Nairobi leader tell us, because we are not aware that the Speaker- (*Loud consultations*) Standing Order number 80! Is the Minority Leader insinuating that the Speaker is under siege from one side, because we are not aware that he is being intimidated by anybody?

**Hon. Speaker:** Hon. Imwatok and then Hassan

**Hon. Member for Makongeni Ward (Mr. Peter Imwatok):** Mr. Speaker-

**Hon. Speaker:** Hon. Member do not hold the microphone, put it back, we now have better quality microphones.

**Hon. Peter Imwatok:** Mr. Speaker, I must say that this is an improvement for the County Assembly of Nairobi because we have a microphone holder now. I am on Standing Order number 83; although the Minority Leader wants to give a statement as the personal leader of the minority side, the Standing Order

83 is very clear as per the content of the speech of the order number quoted by the minority leader. It seems there is a substantive motion to discuss the Speaker's conduct, Mr. Speaker (*Loud consultations*)

**Hon. Speaker:** Hon. Hassan, please.

**Hon. Leader of Minority:** Mr. Speaker sir, I do not know if some Members have a problem with English. I have not discussed the conduct of the Speaker in this Assembly. It is out of order for Imwatok to insinuate that I was discussing the conduct of the Speaker.

**Hon. Peter Imwatok:** The content of the speech of the Leader of Minority was very clear as if the Speaker is under siege from one quarter. When you read Standing Order number 83, it says- (*Loud consultations*) "*Neither the personal conduct of the Governor, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the County Assembly shall be referred to adversely, except upon a specific substantive Motion of which at least three days' notice has been given.*"

There is debate here! There is a point of order! (*Loud consultations*) and he should shut up! (*Loud shouting*) Mr. Speaker it is time the members of the minority-

**Hon. Speaker:** Order Members!

**Hon. Peter Imwatok:** Must accept to tolerate what they cannot change-

**Hon. Speaker:** Order Members! Hon. Members, it has been a very tough week for you, for me and for the County Government. The Hon. Hassan rose to give a statement as the Minority Leader which is under the Standing Orders (*Applause*), but I want to assure the Hon. Members that I am not under any siege (*Applause*) and indeed when we reach the bridge, I will cross it like a warrior, (*Applause*) but I know my duties are clear, I have the confidence of the House of Nairobi County Assembly (*Applause*) Hon. Members let us do what we know and how we know best. Yes, I know indeed there are one or two people who had broken, but I- (*Applause*) thank you (*Loud consultations*) proceed. (*Loud shouts from some members*) Can we proceed with the motion?

**Interim Clerk (Mr. Jacob Ngwele):** Order number 8.

**Hon. Speaker:** Order number 8, please! (*Loud consultations*)

**Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga):** 'Hawa wanaogopa nini?' (*Loud consultations*)

**Hon. Speaker:** Order Members! Order! Let that lie down please (*Loud consultations with laughter from some Members*)

**Hon. Nelson Masiga:** Thank you, Mr. Speaker for giving me this opportunity. Last week, same day, I had asked for a statement from the committee on Budget and Appropriations and I was told that I

was going to be given the response today. I am asking; where is the response? *(Speaker consults with the Clerk)*

**Hon. Speaker:** Hon. please can you repeat? *(Loud consultations)* Order Members! Can we please hear him?

**Hon. Nelson Masiga:** Sir, last week same day as today, I had asked for a statement from the chairman of the Budget and Appropriations Committee and was told today I was going to receive a response. I am asking where is the response? Thank you.

**Hon. Speaker:** Clerk? *(Loud consultations)* hold on, let's dispense off with Hon. Masiga. Hon. Masiga, the chair of the Budget and Appropriation Committee is not here. We can bring it up and I will ask the Chief Whip, Hon. Mberia, welcome back, get in touch with the chairman of the Budget and Appropriation Committee to bring the answer for Hon. Masiga. The Hon. Nyang'wara Nyang'wara.

**Hon. Member for Viwandani Ward (Mr. Samwel Nyang'wara):** Thank you, Mr. Speaker, I only needed some clarification, because my good friend the Hon. Leader of Minority had not actually finished contributing- *(Loud shouting)* and it is- *(Loud shouting)* Can you protect me, Mr. Speaker?

**Hon. Speaker:** Order! Order Members! *(Shouting)* Order Members!

**Hon. Samwel Nyang'wara:** Mr. Speaker, they are---

**Hon. Speaker:** Hon. Nyang'wara can you ask your question?

**Hon. Samwel Nyang'wara:** Mr. Speaker, is it in order for the Hon. Member to tender a claim on the floor of this House without sustaining? The Hon. Minority Leader said here that his work is to protect and it has come to our side Mr. Speaker and we felt that your office must have been intimidated. We actually want to know because we also want to protect your office *(Shouting from the minority side)*

**Hon. Speaker:** Order Members! Order! Hon. Members! Order! Last warning! Once again I stand here to plead with you that we respect each other at this particular moment. We are all brothers and sisters *(Loud consultations)*

**Hon. Member:** Yes we are!

**Hon. Speaker:** And I will leave it to you to decide *(Loud shouts)* Order Members! One thing I don't know whether I am the subject of discussion? I can walk out and a Member comes here *(Loud consultations)* Hon. Members, if I am the subject of discussion, the only best thing I can do is to walk away and a Member comes here; if you are discussing the conduct of the Speaker. So we can now rest because I don't know where this is now coming from, Hon. Members. Maxwell, only two and we finish. Maxwell *(Loud consultations)* Hon. Maxwell.

**Hon. Maxwell Ochar:** Mr. Speaker, we have a lot of pangs in our hearts when we hear that you are being threatened and some people or some Hon. Members trying to say that they are here for you. You

are, Mr. Speaker- (*Loud consultations*) -and you are defended! (*Loud Shouts*) Mr. Speaker, you are in that seat and being defended by the Constitution and not a single individual! And that person who thinks he can defend you, Mr. Speaker, he is wrong! We want to know categorically what happened and if we don't know then I think there is no motion which will go on in this House! We want to know how Mr. Speaker was threatened! (*Loud consultations*)

**Hon. Speaker:** Order members! Order! Order Members! Standing Order 81(1), anticipation of a debate; *"it shall be out of order to anticipate the debate of a bill which has not been published and such in the gazette by discussion, upon a substantive motion or an amendment by raising the matters, subsequent matters of the bill upon a motion of adjournment of the County Assembly, it shall be out of order to anticipate any debate"*, Hon. Members, can we go to the next motion please? Hon. Members! I will take only one please! One!

**Hon. Elizabeth Manyala:** Thank you, Mr. Speaker sir. I rise on a point of order number 84; retraction and apologies, *"A Member who has used exceptionable words and declines to explain and retract the words or to offer apologies for the use of the words to the satisfaction of the Speaker shall be deemed to be disorderly and shall be dealt with in accordance with the rules pertaining to disorderly conduct."*

Thank you, Mr. Speaker. (*Loud Consultations*) he has stood and he has not substantiated on what he has stated, Mr. Speaker sir. Is the Member in order to-

**Hon. Speaker:** Next order please! Next order!

**Hon. Elizabeth Manyala:** -to question my English when he knows that I have a masters degree in Rural Sociology and Community Development yet he has none! (*Loud consultations*)

**Hon. Speaker:** Order! Order Members! (*Loud consultations*)

**Hon. Elizabeth Manyala:** I rose on a point of order number 84 and I ask the Member to apologize; he has to apologize! Point of order number 84; he is misleading this House and he has to apologize!

**Hon. Speaker:** Next order please.

**Interim Clerk:** Order number 8; motion (*Loud consultations*)

### **RESUMPTION OF MOTION ON LAND OWNERSHIP DOCUMENTS**

**Hon. Speaker:** Order Members! Order! The Hon. Kennedy Onduru. Hon. Onduru. You know- order Members! In regard to your motion, resumption of debate interrupted on Thursday September 5<sup>th</sup> afternoon sitting, question to be proposed, that is where we reached. Hon. Members, I now propose the question that **WHEREAS** most of the plot owners in Nairobi City County do not have the legal documents to their properties, which has largely fuelled the culture of land grabbing and duplication of ownership; further **AWARE** that the Department of City County Planning cannot generate adequate revenue through approval of plans and construction of properties built on such land thereby leading to collapse of such illegal

structures and the subsequent loss of lives; **CONCERNED** that city residents who do not have legal titles to their properties cannot access bank loans and other opportunities; this Assembly urges the County Executive Committee to immediately fast track issuance of valid allotment letters, Title Deeds or lease certificates to all the deserving residents of Nairobi City County. Hon. Members. Hon. Masiga.

**Hon. Nelson Masiga:** Shukrani, Bwana Spika, kwa kunipa fursa hii kuchangia mada hii. Ninaamini mada hii ina umuhimu sana eneo langu, ambalo naamini ya kwamba limekuwa shina kubwa katika eneo kubwa la Eastleigh ambapo mambo haya yanafanyika. Unakuta ya kwamba ni watu zaidi ya watatu wanaopigania kiwanja kimoja wakisema ya kwamba wameweza kupewa kile kiwanja. Mimi naunga mkono mada hii ambapo waziri anayehusika na mambo haya anahimizwa aweze kutafuta mbinu ya kuweza kusuluhisha mambo haya ili jiji la Nairobi liweze kuwa jiji ambalo kila mtu anatamani kuishi ndani. Ni lazima mambo haya yatekelezwe na kudhibitishiwa kufuatana na ramani ambayo imeweza kuwekwa kupitia sheria. Shukrani, Bwana Spika.

**Hon. Speaker:** Hon. Kambi

**Hon. Member for Dandora Area II Ward (Mr. Stephen Murathi Kambi):** Thank you, Mr. Speaker. I rise to support the motion, bearing in mind that we all know the importance of land especially in Nairobi County and we know what has been happening especially due to identification of letters of proof of land ownership.

It would be of great importance if we as the first County of Nairobi City County in our administrative duties ensured that land grabbing is a thing of the past. For that to be a thing of the past, Mr. Speaker sir, we must have genuine and recognized letters of ownership unlike allotment letters that were being issued by the defunct City Council where you used to find that a single plot has got five allotment letters; all of them are genuine and all the claimed owners have been paying rates to the Council and the rates were being accepted. So, of great importance, Mr. Speaker sir, is that we review this and at least we guard the property of our people in this County. So, I support. Thank you, Mr. Speaker sir.

**Hon. Member for Dandora Area III Ward (Mr. Charles Thuo):** Thank you, Mr. Speaker sir, for those who have forgotten my name, I am Charles Thuo or Kathundo. I rise to support this motion. It is of great importance, knowing the importance of land to Africans. It is of great importance that the owners of land should be having proper documents and I just wanted to issue a word of caution that whoever is concerned, must- and I think the committee on Physical Planning and Lands is going to look at this so that we do not give a blank check to the County Executive Members to be issuing documents left, right and center.

I was seeking direction whether we should direct the committee on Planning to take up this issue because we know the people who work in this County; we are not new to these offices, Mr. Speaker and we know the dealing that happens in the Lands office. It is of great importance that as we pass this motion, we take great care so that we don't give a blank document to someone to start giving his cronies and relatives and girlfriends land.



What is happening is that most people who have land have built, have invested millions of shillings in that land without documents. I am thinking of a situation where someone wakes up tomorrow to find that someone else has a document to that property. That is a scenario that can happen and something that has happened in Dandora where the issue of property documents and property ownership is very sensitive and it has led to loss of lives in this County. So, as I support this motion, it is my humble request to this Assembly that they are going to look into that. Otherwise this is a very good motion, the mover really has the interest of Nairobians at heart. Thank you, Mr. Speaker sir. *(Applause)*

**Hon. Leader of Minority:** Thank you, Mr. Speaker. I rise to support this motion. The motion is long overdue and I request the Members instead of bringing a motion, that the motion should be changed to be a Bill, Mr. Speaker sir, in one month's time. Just passing a motion is just urging the County Executive to undertake this thing but we want a Bill, a County Bill that will mandate him to undertake this work.

From my Ward in Eastlands, we are facing a nightmare because of this document, Mr. Speaker sir; people are killing each other, there is a lot of double allocations there because of papers which were being produced by the defunct City Council of Nairobi.

Mr. Speaker sir, I want your attention; Kambi is distracting the Speaker. We are aware that this County is losing a lot of revenue because of lack of paper and we are also aware that we are facing crunch because of financial problems. This motion, Mr. Speaker is long overdue. If these legal documents are prepared and given to people, this County will get billions of money from property owners in this County.

Mr. Speaker sir, as you are aware, His Excellency the President has started issuing Title Deeds to the people of Coast. I think issuing Title Deeds and being a clerk is a noble thing as long as the people of Kenya benefit from clerical work. I think that is noble work to do. We are urging the County Executive Members in charge of Physical Planning and Lands to take this issue with the great importance it deserves. With those few remarks, I beg to support.

**Hon. Member for Mukuru Kwa Reuben Ward (Mr. Elkana Mauti):** Thank you, Mr. Speaker, I support this motion because there is a lot of grabbing of land. I quote; in 1996 August, the National Assembly passed a Bill for all those people whose land was taken to be paid and they were paid. We hear, Mr. Speaker, that there are some people who were allocated that land; that is land grabbing. In Embakasi, we have Embakasi township phase where we are having problems.

There was an order for the people of that area to be given allotment letters. After a given duration, the Executive member stopped. I will table the evidence next week. The Executive member wrote a letter to stop the giving out of allotment letters which is very illegal. We wonder; are we in Nairobi? Are we Nairobians or are we people from outside Nairobi? I ask this in fact to support this motion fully for our people to benefit more and especially for the low class people to benefit.

As I have seen, out of this motion, we are going to control a lot of demolitions whereby the grabbers, already you know these are the people who own Kenya, use their money to demolish the structures belonging to the poor people. These structures are the poor people's homes! I think we will



support this motion. We shall give the mandate to the Ward representatives of the areas to supervise and see that our people are the ones who will be given the allotment letters. This is in order to seal the loopholes for corruption which is rampant in this County. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Kamweru.

**Hon. Rachael Wanjiku Kamweru** (Nominated Member for Embakasi West): Thank you, Mr. Speaker, for my maiden speech. Mr. Speaker, I am in support of this motion because it is frustrating that this has been transferred from the Council to this County. It is one of the frustrating issues especially getting just a lease certificate. If you want a lease certificate, you can get it after one year. There is a lot of corruption in offices, Mr. Speaker.,

As policy makers, I am in the committee of Planning, Mr. Speaker, it is not for us to keep on saying we are frustrated but to offer solutions. I want to offer a solution whereby we have a charter that has timelines on this. What I mean is that this is a digital County and being a digital County, we have to put these things online and do a tracking system whereby if we tell the Executive we should get our leases, our allotments within two weeks, we should be able to track from the time you put in your request up to the 14<sup>th</sup> day and if that is not done, then a red flag turns in your computer.

So, for me the solution is to go online, when it comes to this because at the end of the day, you will be able to track the progress, because it is really frustrating. I support the policy and let the people in-charge have online tracking so that they can know whether a particular allotment has been done or not. If not done, a red flag is raised, that is my suggestion and I support.

**Hon. Speaker:** Hon. Manoah Mboku.

**Hon. Member for Nairobi South Ward** (Mr. Manoah Mboku): Mr. Speaker, thank you. I rise to support this motion with two points. Number one is that special consideration should be given to our County Health facilities and our County Primary Schools. Mr. Speaker, you realize that most of our facilities like health clinics and dispensaries have been grabbed because they don't have proper documentation. I wish this motion, as I support, will give special consideration to our health facilities and schools.

Number two; that, special consideration should be given to those people who stay in slums because if this motion succeeds, Mr. Speaker, then they are going to be exposed to danger because they will be evicted from their land or where they stay currently, by the so called land grabbers because the land grabbers think faster than those people who stay in the slums. If this motion sails through, then special consideration should be given to those people who stay in slums, otherwise, I support the motion.

**Member for Ruai Ward** (Mr. Daniel Mbugua Mari): Thank you, Mr. Speaker sir. I rise to support the motion bearing in mind that as a County Government, we are crying because we don't have money even to pay our workers, but considering a place like Ruai in the eastern part of Nairobi, if this motion goes through, we are going to bring in close to 2 million plots to this County Assembly. If you project that into money, we are talking of Ksh2 billion in collection of rates from one Ward, two Wards or three in the eastern part of Nairobi. So I rise up to support and also empower our people to have proper documentation

that they can even take to the banks and get loans. So, I rise up to support. This thing should have happened even yesterday, so that we move forward. Thank you.

**Hon. Speaker:** Hon. Imwatok.

**Hon. Peter Imwatok:** Mr. Speaker, I wish all motions could be of this substance because all the land grabbers are up to support this motion. I stand to oppose this motion based on the fundamentals, ideals and beliefs which are there in this Country, because Nairobi is known to be a grabbing zone for a long time in particular with regard to the issue of leases.

I beg, if this thing could have really come in this Assembly as a Bill, so that we can stipulate exactly who deserves to have a plot in this County. You can understand that this County has a Lands Commission and you cannot abduct the responsibility of the Lands Commission in conjunction with the County Government. Yet that is what I am seeing, if we allow this in the House of rules and procedures to proceed. It is an avenue for most land grabbers, some of them who are Members of the County Assembly, I am sorry to say, and I have no apologies to make. They are running to give out Title Deeds as clerks as I said, and will repeat. I have no apologies to make.

We must understand that, if somebody has a plot for 99 years in this country and has not even developed one stem of maize crop and is still renewing that lease, it is absurd, Mr. Speaker. I want just to put across that when you talk about the land issue in Nairobi, in particular Makadara constituency and in particular my Ward, there are a lot of challenges; people are always running up and down, morning and evening looking for plots, even the churches. So, if we just give a blanket cheque for the County Executive from any Department, we are going to give this County a problem where people will be fighting in plots every morning every day. So I stand to oppose this motion and to request this Assembly to take it seriously. The County Executive Members plus the committee on planning should come up with a Bill that will have all the checks and balances that regard land in this County.

**Hon. Speaker:** Hon. Bishop.

**Hon. Member for Kayole North Ward (Mr. Peter Migwi Gichohi):** Thank you, Mr. Speaker. I would like to take the same position taken by my brother Imwatok. I am surprised by the speed at which the Members of this Assembly are supporting this Bill, I believe the members in the Planning---

**Hon. Speaker:** Order Member! Please, stick to the motion.

**Hon. Peter Gichohi:** The motion; thank you. I believe the plan for land settlement in this City has been deliberate and it has been done by design. Our County cannot even account for what they own. I don't believe even if anything happened, they have Title Deeds to claim what they say they own. Just like I have heard from the Hon. Members, they cannot even prove ownership of their health facilities, schools and maybe even this facility; City Hall.

I would request that we leave this matter to the Lands Commission and I urge caution when we are handling this issue. I think if we walk fast enough, we are going to find ourselves in an even worse situation

than we are in at the moment. However, I consider it wisdom not to ask a lost person the way because in the first place he does not know where he is. So, I believe we should urge the County to account for what they own, before we ask them to sort out the mess of the greater Nairobi.

**Hon. Speaker:** Hon. Bishop, the Member brought the motion to safeguard the land of the County before it goes to the Lands Commission and take note that in the devolved government it is now the County government and the Lands Commission that will deal with the land in each County.

So the Member was asking for those who are already on the land to be given their Title Deeds or lease certificates. As you are aware, if you go to Housing and Planning Department for example, you will come across the difficulties which the Member has brought here for your deliberation and approval. Thank you. The ladies are not standing? We want the input of our Hon. Members (Ladies). Okay, Hon. Bishop.

**Hon. Peter Gichohi:** Thank you, Mr. Speaker for that clarification, but I am seeing the request is to the County Executive Committee. I am not aware of such a committee, Mr. Speaker. Do we have a County Executive Committee?

**Hon. Speaker:** I think there is a correction there, it is supposed to be the County Committee Member not Committee only. It actually says, to fast track the issuance of legitimate papers, but that can only be done in conjunction with the new Lands Commission.

**Hon. Member for Embakasi Ward (Mr. Michael Ogada):** Mr. Speaker I rise to support this motion. My friend Hon. Imwatok has suggested that the people who are supporting this motion are land grabbers, but it is very factual that today if you go to all the high rise estates- Mr. Speaker, I beg for your attention-

**Hon. Speaker:** Actually correction, I need to correct myself, the functions of the Executive are actually the functions of a County Executive Committee. So, the Member is in order. Thank you. Hon. Member, proceed.

**Hon. Michael Ogada:** Mr. Speaker, I was just making my point, that if you look at the high rise estates in this County namely Lavington, Buru buru, Kileleshwa and Muthaiga, all of them are surrounded by informal settlements. The right to housing is a fundamental right to citizens as enshrined in the Constitution. Mr. Speaker, once more I feel disadvantaged---

**Hon. Speaker:** Just proceed.

**Hon. Michael Ogada:** I am saying that all the posh estates we have in this County are surrounded by informal settlements, in Kiswahili we call them 'vijiji'. If today we were to get money to go down to develop the Wards, you will be surprised that we are going to invest billions of Kenya shillings from this County and then the following day you will see court orders. You will see injunctions and this County will just run down the drain. When Hon. Imwatok was talking about the National Lands Commission, I recalled something.

The other day we passed the Finance Bill. What did we empower the Executive to do? We empowered the Executive to collect rates in Nairobi City County. The place of residence is here; the place of jurisdiction we are talking about here is Nairobi City County, where we represent people. So, Mr. Speaker, I would like to support.

There was one incident in my Ward Embakasi, where CDF invested a lot of money, little did they know that the land they were investing in had a dispute and the whole lot of classroom plus administration block were pulled down. It was really a sympathetic case, Mr. Speaker. I would want to say that if we are going to fast track this in terms of putting up a Bill, so be it and I am there to support and I support, Mr. Speaker.

**Hon. Speaker:** Hon. Ndigirigi

**Hon. Tabitha Ndigirigi** (Nominated Member for Nairobi West): Thank you, Mr. Speaker. I would like to support the motion by Standing Order number 86. The reason why I am standing here is because I am coming from Lang'ata constituency, Mitumba village which was demolished without notice and without consideration. I know the reason why it was being demolished. So I am requesting you, Mr. Speaker, to request the chairman of the Committee for Planning to take up this issue as quickly as possible so that we can resettle our people because they are already on the road; they are landless already and there is nobody on the land they were evicted from. The land belongs to the City Council. Thank you, Mr. Speaker sir.

**Hon. Member for Karura Ward** (Mr. Stephen Kamau Thuo): Mr. Speaker, thank you. I rise to support the motion although briefly and also to say that I am supporting this motion but I am not a land grabber. Mr. Speaker, there is a member who has just stood here and said that land grabbers are supporting this motion; I want to add again my voice...

**Hon. Speaker:** Come again Hon. Member; there is a member...?

**Hon. Kamau Thuo:** There is a member who stood here, Mr. Speaker, although at that time you were not attentive, and said that land grabbers are supporting this motion. (*Coughs*) I want to stress on one thing, which is eviction. We have been having illegal evictions by this County Government. I urge the respective Executive Member to stop the forceful evictions of residents of Nairobi, especially in the slums. I also want to tell them that in fact in the Jubilee Government; in our manifesto we have put it clearly that we will come up with good legal framework to empower the residents of Nairobi to even have Title Deeds.

So it is important that the concerned Minister and also the Inspectorate Department of this County stops the illegal and forceful evictions of residents of Nairobi. Mr. Speaker, most of the people who are evicted are the people who live in the slums, but the who is who in this country; those people who have money, grab anything they want; it takes them a short time to have papers that say they own a certain piece of land. With those few remarks, I support this motion and I support it fully, thank you.

**Hon. Speaker:** Two more, Hon. Maxwell and Hon. Ogeto.

**Hon. Member for Korogocho Ward (Mr. Maxwell Ochar):** Thank you, Mr. Speaker for giving me this chance to contribute. Mr. Speaker, this motion is timely and I would have supported it but I am now opposing it. I am opposing it because, Mr. Speaker, as you know, I sit on the Planning and Lands Committee and I am the Deputy Chair. With due respect, I ask Hon. Members to debate this motion with a lot of soberness and maturity so that we get to the bottom of this matter.

Mr. Speaker if we pass this motion today, I can tell you, while standing here and without looking over my shoulder that the Planning Department cannot even account for their properties; the Lands Department cannot even tell us what this County Government of Nairobi owns, yet we have requested them to do so several times. For me, I would say we should bring back this motion as a well crafted Bill with the support of the legal department. If we can get some legal help, I know we can get a Bill to the House Mr. Speaker.

The truth at this time is that the Planning Department including the Housing is rotten; because in one department the Director will tell you something totally different from what the other Director in the other department will tell you. They will take you round in circles. I want these Hon. Members to deliberate on this with a lot of soberness. Don't look at what you stand to gain; don't look at what your brothers are going to gain and don't look--- if you want to correct the mess in this County of Nairobi, let us go slow.

I wish this motion can be taken back to the Planning Department so that we come up with a Bill which is inclusive for everybody because we are ready to invite everybody and each and every person of that committee so that they provide their input. Thank you, Mr. Speaker.

**Hon. Member for Kilimani Ward (Mr. Moses Ogeto):** Thank you, Mr. Speaker sir. I beg to support this motion since my Ward is affected. I support simply because most land grabbers in Nairobi have taken residents of Nairobi for a ride, especially in Lavington Grill where members of the public have even grabbed a road which was categorically specified as a public road.

I also beg to support this motion, because, as you may realize, residents of Nairobi just construct houses without planning especially in my Ward. I have all sorts of victims of circumstances who have built houses without any approvals thereby interfering with a natural river's flow.

I also support this motion, because, as you may understand, near Elgeyo Marakwet road in my Ward, members of my Ward who call themselves tycoons have also grabbed a road reserve. I beg to support this because we need to get proper guidelines and we need to have also boundaries within which people should build and their plans should be approved by authorities in this County. Mr. Speaker sir, I beg to support.

**Hon. Speaker:** Hon. Members, I now call the mover of the motion to reply.

**Hon. Kennedy Onduru:** Thank you, Mr. Speaker sir, thank you Hon. Members for your good contributions. It is my pleasure this afternoon, that the motion itself has been supported by many of us. I thank you very much for your contributions even though there were some few Hon. Members who were opposing it but there is something they have to realize; because when we are talking about the County

Government; what is a County Government? There are rules which are guiding the actions of the County Government. We are a government, let no one deceive us that we are still under the City Council, and our role is to correct the wrong deeds which were there before. How can we do this?

We have to act as fast as a government. I concur with whatever Hon. Maxwell said about the departments; these are departments within our County Government. We cannot hold our horses and there is a department which is not performing its duties. Why don't we pass this motion, then action will be taken if that is the case. So we cannot--- another thing I want to comment on Hon. Members, in my case like Lucky Summer because I was referring definitely to my Ward; my Ward has got a serious issue on this.

There are several structures and none of the owners, have legal documents to date. Most of them have allotment letters from the County Government which are not even known or recognized by the County Government. So we are losing a lot of revenue yet we need this revenue so that we can pool our own resources within the County. How do we pool resources?

So Hon. Members, it is my great concern that whenever we are discussing something, we have to take it seriously. This is a serious issue because this one has contributed to loss of several lives especially due to houses which are being constructed without approved plans. People are just building without the proper supervision from our Department of Engineering which is causing the collapse of the buildings and consequently the loss of lives of our people who in this case are our electorates. Do you want us to lose our electorates, if we don't act on this?

The other thing I want to comment on, because you are all mature, is that it was just some few days ago when our people were taking their children to school and you know what exactly happened; these people were asking for bursaries especially in my Ward. Could it be that there are some legal documents that they can use to approach banks for loans to pay the school fees? So do you want us to educate our people? It is a very important motion and I think that if there is anywhere you feel it can be amended, I take the opportunity to guarantee you that your amendments will be considered because it is very important for all of us in this House to support the motion. So I beg to stop there, thank you very much.

**Hon. Speaker:** Hon. Members, I now put the question that **WHEREAS** most of the plot owners in Nairobi City County do not have the legal documents to their properties, which has largely fuelled the culture of land grabbing and duplication of ownership; further **AWARE** that the department of City County Planning cannot generate adequate revenue through approval of plans and construction of properties built on such land thereby leading to collapse of such illegal structures and the subsequent loss of lives; **CONCERNED** that city residents who do not have legal titles to their properties cannot access bank loans and other opportunities; this Assembly urges the County Executive Committee to immediately fast track issuance of valid allotment letters, title deeds or lease certificates to all the deserving residents of Nairobi City County. Hon. Members, will as many as are of that opinion say "aye" and as many as are of the contrary opinion say "nay". The "ayes" have it.

*(The question was put and agreed to)*



**Interim Clerk:** Order number 9; motion.

**Hon. Member for Laini Saba Ward (Mr. Bonface Kitavi):** Thank you, Mr. Speaker sir. **WHEREAS** section 95(1) of the County Government Act mandates each County Government to formulate a County Communication Framework in order to facilitate public communication and access to information in the form of media with the widest public outreach in the County; **AWARE** that our standing orders also provide for the establishment of a County Assembly Broadcasting Unit for purpose of broadcasting the Assembly Proceedings; **ACKNOWLEDGING** that public participation which is an essential element of governance as enshrined under article 10 and 17 in the constitution has not been actualized due to lack of a County Communication Framework; **CONCERNED** that to date no media house covers the proceedings of this Assembly or affairs of the County Executive leading to information “gaps” and distortion of facts; this Assembly urges the County Executive Committee to immediately formulate the County Communication framework and establish a County Media center/ station.

I call upon ‘mheshimiwa’ Ngaruiya to second the motion and before he comes, I would also like to put a few statements here; we are aware that a lot of information is not flowing to the public and public participation has been very low. Very many residents of Nairobi do not actually understand what Nairobi County is doing and most of them have limited understanding of what devolution is all about.

Establishing a working media center will provide an avenue for many Nairobians to be informed. We are all aware that information is very vital; we all need to know what is happening in this County. It is through establishment of a Media center that elements like transparency and accountability shall be enshrined. We all need to have our leaders engage the citizens in a media that is working, we need---

**Hon. Speaker:** Order Hon. Ogeto!

**Hon. Bonface Kitavi:** ---to have citizens being engaged where they can be able to give their input in terms of plans that Nairobi County is having; in terms of understanding what the process of budget entails, but with the lack of a media center, many people miss out on this information. It is indeed important that citizens are engaged to give input in the development plans that we have including issues of road construction in our Wards; issues of maternal health and anything that is of vital importance.

You are aware that we have got so many media houses, fm stations including the Chinese stations but we don’t even have a Nairobi County fm station where we can engage with our electorates and inform them of what is happening. Counties are the bedrock of service delivery; it is time that we asked our electorates what they want for this County.

In the few weeks that have just passed, there was a huge outcry from even the Members of this Assembly with regard to not knowing what the integrated development plan is all about simply because there was no medium for them to access that information. Time has come when issues of public participation should be taken seriously and we need to engage the public so that we can push the development of this County forward. I now ask ‘mwalimu’ Hon. Ngaruiya to come and second the motion, thank you very much.



**Hon. Speaker:** Order Hon. Ogeto! Hon. Ngaruiya; order Hon. Ogeto order!

**Hon. Member for Kahawa West Ward (Mr. Patrick Chege):** Thank you, Mr. Speaker, for protecting me. I rise to second this motion on the basis that it is long overdue, that one of the leading Counties, that is Nairobi City County, up to now has not established a media center. We feel like we are lagging behind. We need this media center so that at least we can be seen with regard to how we are conducting the business of the House. Mr. Speaker, when you look around the quorum is not there...

**Hon. Speaker:** Order Hon. Member! Are you contributing or what?

**Hon. Patrick Chege:** *(Laughs)* I am contributing---

**Hon. Speaker:** Second, your business there, is to second.

**Hon. Patrick Chege:** What I am saying is that we are lagging behind and this is something that we should have established yesterday.

**Hon. Speaker:** Order! Excuse me, have you seconded the motion?

**Hon. Patrick Chege:** Yah!

**Hon. Speaker:** Is it on record that you have seconded the motion?

**Hon. Patrick chege:** I have seconded, but I was making some contributions.

**Hon. Speaker:** There is a point of order there.

**Hon. Ogeto:** Thank you Mr. Speaker sir, seemingly I am standing on a point of order number 32 which categorically states the quorum during proceedings of the Assembly. Mr. Speaker sir, as you may realize, there is no quorum in this House and I beg---

**Hon. Speaker:** Order Member! Clerk ring the bell. Thank you for notifying the Speaker of the issue of quorum. You are a good citizen. *(The bell was rung)* Now Hon. Members, we will continue tomorrow since there is lack of quorum.

*(The House rose at 4.23pm due to lack of quorum)*