



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fifth Session

Thursday, 21<sup>st</sup> June, 2017

The House met at 2.30 p.m.

*(Hon. Temporary Deputy Speaker (Ms. Karen Wanjiku) in the Chair)*

#### PRAYERS

#### QUORUM

**Hon. Temporary Deputy Speaker:** I have been notified that there is no quorum, Serjeant-At- Arms please ring the bell for 10 minutes. *(Quorum bell rang)*

**Hon. Temporary Deputy Speaker:** Hon. Members, we now have quorum and we can proceed.

#### STATEMENTS

**Hon. Temporary Deputy Speaker:** Hon. Members, the Chairperson of Committees will give a response to statements requested by Members. Do we have the Chairperson of committees?

**Hon. Ronald Milare:** Yes, there are there but we do not have statements.

**Hon. Temporary Deputy Speaker:** Okay, Hon. Milare you have the microphone.

**Hon. Ronald Milare:** Thank you, Madam Chair, I have the responses with me. However, the responses have been overtaken by events but for purposes of recording I wish to table the same.

**Hon. Temporary Deputy Speaker:** Proceed.

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**Hon. Ronald Milare:** Thank you.

*(Hon. Milare tables the response to statements)*

**Hon. Temporary Deputy Speaker:** Next order?

**Evictions, Resettlement and Demolitions Bill, 2017 (Assembly bill no. 10 of 2017). Second Reading.**

**Hon. Temporary Deputy Speaker:** Do we have Hon. Masiga with us? Did he send somebody? We can proceed to the next order. Hashim, what is it?

**Hon. Hashim Kamau:** Thank you Madam Speaker. In fact he had indicated that the Motion will come tomorrow and I was to indicate the same to the House Business. Thank you.

**Hon. Temporary Deputy Speaker:** The Bill will come in the Order Paper tomorrow. Thank you. Let us proceed to the next order.

**MOTION**

**Inquiry into the Status of the Eastleigh Social Hall, Eastleigh North Ward**

**Hon. Member for Harambee Ward (Mr. Robert Milare):** Thank you Hon. Speaker. I beg to move the following Motion; that this Assembly adopts the report of the Sectorial Committee on Culture and Community Services on the inquiry into the status of the Eastleigh social hall, Eastleigh North Ward laid on the table of the Assembly on Tuesday 13<sup>th</sup> June, 2017. Hon. Speaker, the Committee received a complaint letter from Eastleigh residents community association regarding the status of Eastleigh social hall dated 30<sup>th</sup> May 2016 and in order to ascertain issues raised in the complaint letter, the Committee resolved to meet all parties mentioned in the letter before making appropriate recommendations. We conducted a site visit on the 22<sup>nd</sup> June 2016 to the affected area and observed the situation on the ground and came up with the following observations.

1. The private developer demolished the Eastleigh social hall and put up a storey mall
2. The private developer did not officially hand over the Eastleigh social hall to the defunct Nairobi City Council
3. The fourth floor which was allocated to the Eastleigh social hall lack basic utilities like lifts and access ramps for Persons with Disabilities (PWD's) and the elderly
4. It lacked electricity, clean sanitary facilities and there were not enough rooms for indoor games to replace the ones in existence before the agreement to bring down the old social hall

Hon. Speaker, we also observed that the sanitary facilities on the fourth floor which were allocated to the Eastleigh social hall were in awful state of disintegration. The Committee met the complainant (the Residents' Community Association) on Monday 8<sup>th</sup> August 2016 who gave their submissions to the Committee. The Committee further had a meeting with the Chief Officer for the Sector, the County Chief Valuer and the County Executive senior council on the 2<sup>nd</sup> August 2016. We noted the following;

1. That despite most of the officers who had been invited being staff of the defunct Nairobi City Council, they did not have any information regarding the agreement. We noted further that the public was not involved when the defunct Nairobi City Council came up with the PPP with the Marchais limited
2. The agreement to hand over the entire first floor to replace Eastleigh social hall in a public ceremony by Marchais was not captured or written in the agreement
3. The agreement did not specify what facility the Marchais limited were to install in the newly refurbished social hall
4. The Executive was negligent in enforcing the terms of the public private partnership that resulted in the agreement not being affected as agreed and signed by the parties.

In view of the foregoing, we wish to make the following recommendations:

1. Marchais Limited to allocate first floor which is allocated to the Eastleigh social hall and officially hand over to the Nairobi City County Executive to enable the hall be used in a more meaningful manner and for the intended purposes i.e. indoor games, meeting places for youth and women, groups among others.
2. The County Executive should fast-track the process of installing electricity and water connection in the social hall. The Executive should further establish whether power bills incurred by the rest of the tenants in the building are footed by the County. In the event that this is so, the County Executive should immediately stop payment to the institute and recovery measures from Makeys Limited for all sums paid on behalf. Further, the County should sanction the officers responsible for the act of gross-negligence.
3. The County Executive urgently negotiate with Makays Limited to install a lift and ramp in the building to enable the elderly and persons with disability access the social hall.
4. The County Executive urgently procures furniture to be used by youth and women groups meeting on the first floor to be allocated to the Eastleigh Social Hall.
5. The County Executive staff in the social hall urgently work towards improving the hygiene and sanitary facilities as they are used by them.
6. The County Executive takes firm measures to ensure that the ownership of the social hall does not change hands from the public to private entities at the end of the partnership agreement.

Finally, in the future, proper stakeholder consultation must be undertaken prior to entering into a public-private partnership and the County Executive must be keen. With those few remarks, Mr. Speaker, I wish to call upon Hon. Nancy Luchiri to second the Motion.

**Hon. Nancy Luchiri:** Thank you Mr. Speaker, what our Chairman of Social Culture has stated is very true. Indeed, the Nairobi City County Government has failed in terms of facilitating social development through public participation. The team that is coming after the elections should also expand and come up with a Bill that will engage the Executive committee towards facilitating and retaining the wishes of the common *mwananchi*. So, I would wish to second the Motion.

**Hon. temporary Speaker:** Thank you Hon. Luchiri.

*(Question proposed)*

**Hon. Temporary Deputy Speaker:** Very well. I now call the Mover to reply. Sorry, I had not seen your request, proceed Hon. Alexina.

**Hon. Alexina Mudi:** Thank you Madam Speaker. We have not even gone through the report, if we are supposed to support it at least we need to go through it and we see what we are supporting or opposing, Madam Speaker. Thank you.

**Hon. Temporary Deputy Speaker:** Is that a Point of Order? I thought you were contributing Hon. Member. If you have seen the report Members, it has been sent on your tablets. The Members who have seen the report can contribute. Thank you.

**Hon. Osman Ibrahim:** Thank you Madam Speaker. I do support the report. The Social Hall is in my Ward. It is still very difficult to actually get to the agreement that the County signed with the developer because after questioning the developer, he says that there is no such a thing in the agreement that he should quit the facility on the first floor. Whereas he has put the facility that has been requested on the fourth floor, his family keep saying that the agreement was for the first floor but there is no such a document to support or substantiate those allegations.

So it has been so difficult following up because the Department of Justice and Legal Affairs is not forthcoming with the documents that are required to peruse this kind of agreement. It has become a kind of punishment to the developer because everybody is going to his office and saying that there is such and such but at the same time when you try to do the investigation the documents are not forthcoming. I think the department should have tabled that agreement for us to be able to make any meaningful comment on it.

**Hon. Temporary Deputy Speaker:** So Hon. Member, are you supporting or opposing the Motion?

**Hon. Osman Ibrahim:** I do support it but they should further interrogate so that we are able to see the documents and whatever the public is claiming versus what the developer is saying so that we can have a balanced report. Thank you.

**Hon. Temporary Deputy Speaker:** Very well.

**Hon. Hashim Kamau:** Thank you, Madam Speaker, I stand to support the Motion and the way it has been put by the mover of the Motion, is that we are at mercy of the owner of the building. My opinion is that another statement or observation could be added that we take the building, so that the over the building and distribute the shops as a County, instead of us now waiting the owner of the building, to give us the Hall.

The other thing that is disturbing Madam Speaker, is that we went to PP agreement with somebody unfortunately the County has no copy of that PP agreement. Likewise Madam Speaker I support the Motion.

**Hon. Temporary Deputy Speaker** Thank you, May be Chairperson should shade some light on issues arising on this Motion. I call upon the mover to reply!

**Hon. Ronald Milare:** Thank you Hon. Speaker, I just want to thank the Members for supporting the Motion. However, I want to concur with my two colleagues, who have spoken actually we had a difficult time to get information from the Executive, because none of them seem to have any idea of what the agreement entailed.

Therefore, it was something that we need to look into as a County because I believe we got a raw deal from this agreement. So I concur with what Hon. Hashim has suggested, that we need to look into this afresh, so that if it is necessary the County should take over the entire building and may be compensate, the developer because I think as a County we got a raw deal out of the agreement.

With those few remarks I want to thank Members for supporting and I hope maybe for posterity we will not repeat the same mistake thank you Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Chairperson.

*(Question put and agreed to)*

## ADJOURNMENT

Hon. Members, the Assembly is adjourned until next session tomorrow at 2.30 p.m.

*(House rose at 3.06 p.m.)*