



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Second Session

Thursday 7<sup>th</sup> June, 2018

The House met at 2.30 p.m.

*(Hon. Temporary Deputy Speaker (Mr. Kennedy Obuya) in the Chair)*

#### PRAYERS

**Hon. Temporary Deputy Speaker:** Serjeants-At-Arms let the Hon. Member leave the floor and ring the bell for 10 minutes.

*(Quorum bell rung for 10 minutes)*

**Hon. Temporary Deputy Speaker:** Order Hon. Members, Clerk you may proceed!

#### COMMUNICATION FROM THE CHAIR

##### VISITATION BY PUPILS FROM KASSAM SCHOOL

**Hon. Temporary Deputy Speaker:** Hon. Members, we have been visited by pupils from Kassam School students of class four you are most welcomed.

*(Applause)*

#### NOTICES OF MOTION

**Hon. Temporary Deputy Speaker:** Hon. Kiriba!

**Hon. James Kiriba:** Thank you Mr. Speaker, I beg to give notice of the following Motion: That aware that the payments of legal fees has for long been a cash cow for unscrupulous lawyers and their co-conspirators within the County Legal Service sector;

Noting that just last year, the Deputy Registrar of High Court slashed legal fees of Ksh.1.1 billion demanded by Momanyi and Associates Advocates, and which the previous County Government had agreed to settle having initially paid Ksh.60 million as part payment, to Ksh.1.3 million.

Deeply concerned that the foregoing merely demonstrates the rot that has been brought about by unscrupulous lawyers and law firms launching spurious and exaggerated claims of legal fees, which often times got settled by collusion from County employees.

Recognizing that the County still faces a huge debt bill owed to lawyers and law firms, which the Governor has now subjected to review, establish their veracity via the newly constituted pending bills Taskforce. Keeping in mind that if drastic action is not taken, and keeping in line with the Country's overall renewed spit to face corruption and theft of public monies head on to weed the County unscrupulous law firms and lawyers, the County will continue to hemorrhage money at the hands of unscrupulous individuals in legal profession, this Assembly resolves that the County Executive undertake a fresh audit of all law firms and lawyers, it has contracted and still contracts to date for purposes of weeding out unscrupulous lawyers and law firms that have consistently been mentioned in corrupt claims meant to steal public funds, whether in Nairobi County or anywhere else in the Republic.

**Hon. Temporary Deputy Speaker:** Hon. Minority Whip! Notices of the Motion right!

**Hon. Peter Imwatak:** Thank you Speaker, allow me to say good afternoon to every Member of the County Assembly and you in particular the Speaker of the day. I have two notices of Motion and I will appreciate every Member of this County Assembly would be very keen to listen to it, so that you prepare as you wait to discuss it.

First, Hon. Speaker, I beg to give notice of the following Motions that; Aware that the Nairobi City County as the seat of the Country has been on a steady decline in the last two decades. As evidenced by the failing infrastructure and crucial public amenities; Deeply concerned that most of the development that has taken place in the Nairobi over the last two decades has been unplanned and some developers both residential and business have failed to take cognizance of laid out City plans by subsequence City administration, including the newly established County Government. Regretting that the result of the foregoing is the evolving chaos that now characterized life in the City.

Realizing, that if nothing is done, the steady declined spells is doom for the County as a whole given that Nairobi City County Contributes roughly to 60% of the republic of Kenya GDP. Appreciating that the County Government of Nairobi in conjunction with the National Government has embarked on ambitious program for the rebuilding of the City known as Nairobi regeneration program; Noting that the program kicked off with the creation of a multiagency taskforce, chaired by the Cabinet Secretary Hon. Najib Balala and comprising officer from both levels of Government as well as the stakeholders who made a commitment to restore Nairobi to its former glory.

Further, appreciating that this program carries great potential for the restoration of the City to global standards, this Assembly resolves to fully support the efforts of National Government to rejuvenate Nairobi

City and will take any legislative or policy Measures to make that possible when they are called upon. I table the notice of Motion Bwana Speaker.

Second, Speaker I beg to give a notice of the following Motion: That aware that the Urban Areas and City's Act 2011 ("the Act") as much as we are the opposition, we give alternatives to the Government. The Act broadly provides for the classification of governance and management of urban areas and Cities. Noting that Section 12 of the Act vests all powers of County Government in the Management of a City, but the City should be administered on behalf of the County Government by a Board constituted in advance with the section 13 of the Act and a Manager appointed pursuant to section 28 of the same Act.

Deeply concerned, that roughly six years since the establishment of the County Government, the implementation of the Act remains a mirage despite the glaring need of framework provided by the Act, in restoring and regenerating the City and its environs.

Recognizing that in cities as Kisumu the beacon of hope of the country if I may add, the public has petitioned the high court to copy the County Government of Kisumu to constitute the City Management Board signifying the crucial roles this Board can play in the success of any City as enshrined in the enabling law.

This Assembly therefore, resolves that the County Executive Committee urgently takes the necessary measures pursuant to section 13 of the Urban Area and Cities Act 2011 and appoint a Nairobi City Management Board. I beg to lay the laws of Motions Bwana Speaker, thank you.

## STATEMENTS

**Hon. Temporary Deputy Speaker:** Hon. Kirima!

**Hon. James Kiriba:** Thank you Mr. Speaker sir, pursuant to Standing Order 42 (c), I wish to request for statement from the Chairperson of Sectoral Committee on Trade Tourism and Co-operative regarding alleged prostitution activities going on in around Club 207 located in Lavington in County.

Hon. Speaker, the Club only allows entry to singles and therefore does not admit couples or anyone who is officially dressed. Hon. Speaker in the statement the Chairperson should inquire and report on:

- (i) Activities carried out in lodge Club 207 in Lavington;
- (ii) Whether it is residential or commercial premises and if commercial, is it a club, brothel or a massage parlor; and
- (iii) Which office issued the license if any who did the inspection?

Mr. Speaker sir, for the sake of sanity in our environment this club is located in a residential area.

*(Consultation)*

**Hon. Temporary Deputy Speaker:** Moses Ogeto!

**Moses Ogeto:** Thank you Mr. Speaker, I believe there was a first ruling that was made in this Assembly that whenever a Member ask for a Statement they have to consult the Hon. Member of that area. I am perplexed my Deputy Majority Leader is asking for a statement from my area.

Mr. Speaker I believe this is a House of rules and procedures and there is a ruling that was made before this Assembly. So, I believe that he could have consulted me before he requested for this Statement before this House.

**Hon. James Kiriba:** Mr. Speaker sir, it is very sad for an energetic leader in the name of Hon. Member who is actually a family Member, Christian, father and a very responsible leader in this Country. To sanction.....

**Hon. Temporary Deputy Speaker:** Order Hon. Members!

**Hon. Peter Imwatok:** It is wrong for the Deputy Majority to talk ill of a Member who just rose up on what this House has ruled before. Kindly it is not in good taste for our own respect as Members of this House.

**Hon. Temporary Deputy Speaker:** Hon. Whip and Hon. Member for Kilimani as the Chair I am not aware of such ruling and it is going to be debated on the goodwill.

**Hon. Maurice Gari:** Point of Order

**Hon. Temporary Deputy Speaker:** Yes Hon. Gari!

**Hon. Maurice Gari:** Mr. Speaker, for the spirit of this Assembly you are bringing a very bad precedence of which somebody can look on something in your Ward and come and say it here so that he can go to solicit money. Mr. Speaker, we all represent various Wards and I cannot come here to ask questions in your area. Mr. Speaker that should be stopped.

**Hon. Temporary Deputy Speaker:** Hon. Member for Nairobi West you are imputing improper motive.

**Hon. Maurice Gari:** Mr. Speaker that is the motive the Member has. You cannot come and ask a question from someone's Ward and he was not elected there Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Member you have to withdraw!

**Hon. Maurice Gari:** Withdraw what, Soliciting money. I will not withdraw. You are bringing a very bad precedence in this House which should end.

**Hon. Temporary Deputy Speaker:** Hon. Member for Nairobi West you stand advised we do not....

**Hon. Maurice Gari:** I withdraw the word soliciting money. But that is a very bad precedence and it should end.

**Hon. Temporary Deputy Speaker:** Yes, Hon. Adow!

*(Point of Order)*

**Hon. Oman Adow:** Mr. Speaker, first of all I don't think there is such a ruling that was made as alleged by the Minority Whip. Secondly, we were elected from a Ward but we represent the people of Nairobi, you are called a Member of the County Assembly of Nairobi and you represent the whole of Nairobi, you can ask questions regarding Nairobians from any corner of this City. I don't think that you are limited only to ask questions from your Ward only. So, that I don't think it is proper for the Member to say that he must be consulted when any Member sees that there is problem that he wants to address and that affects the whole of Nairobi. Thank you.

**Hon. Charles Thuo:** Thank you Mr. Speaker. The Hon. Member for Kilimani has correctly stated that this is a House of rules and procedures. I only wonder why he does not want to follow the same procedures and rules because Mr. Speaker when somebody says that they should be consulted when people want to ask about issues in their Wards, how do you consult them? Do you write to them because this is House of

rules and procedures? When this Assembly wants to communicate, we have our Clerk who writes to people. So what are they saying? That we should have the Clerk write to them every time we want to ask questions?

Mr. Speaker the people who are mandated by this Assembly to look at all issues pertaining to our work are the committees, there is no single item that can come up on this floor that does not have a specific committee that deals with it. And in case there is such, the Standing Orders states that anything that is not provided for, the Speaker rules on that. So Mr. Speaker ---

**Hon. Moses Ogeto:** I am on a Point of Order No.4 Mr. Speaker, which for the spirit of this House, it is very clear that whenever new County Assembly is elected the Governor by Notice in the Kenya Gazette and the County Gazette shall appoint a place and a date for the first sitting of the County Assembly. Then when you go to Clause 4 of the same, it is very clear pursuant to Article No. 74 of the Constitution. *“That, there shall be a member elected in each electoral Ward which he will represent his views of his people”*---

**Hon. Temporary Deputy Speaker:** Hon. Ogeto. Order Member I am on my feet! Order Member for Kilimani! The Chair is on his feet. Hon. Members, Hon. Ogeto you are right but the same Standing Order also guides us, the Standing Order No. 45 (c), says; *“That a Member may request for a statement from the Committee Chairperson relating to matters under the mandate of the Committee”*. So Hon. Member for Kilimani you stand guided. You may proceed.

**Hon. Charles Thuo:** Thank you Mr. Speaker. As I was saying---

**Hon. Temporary Deputy Speaker:** Order Hon. Members!

**Hon. Charles Thuo:** As I was saying Mr. Speaker before I was rudely ---

**Hon. Temporary Deputy Speaker:** Hon. Thuo I have already guided. Hon. Kiriba please proceed.

**Hon. James Kiriba:** Mr. Speaker, *tukitumia lugha ya nyumbani*---

**Hon. Temporary Deputy Speaker:** Hon. Member for Dandora, Hon. Charles Thuo you are out for order!

**Hon. James Kiriba:** *Bwana Spika, Tukitumia lugha ya nyumbani ni vizuri Mwakilishi wa Kilimani ajue ya kwamba ni jukumu ya kila mzazi kuchunga jamii.*

**Hon. Peter Imwatok:** He is also out of order Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Overruled, proceed Hon. Kiriba.

**Hon. James Kiriba:** Thank you Mr. Speaker, guide me because I am receiving threatening messages over the phone about the same from the Hon. Member. May be he is a shareholder. Hon. Speaker pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Co-operatives regarding the alleged prostitution activities going on in Lounge Club 207 located in Lavington in the County.

Hon. Speaker the Club only allows entry to singles and therefore does not admit couples or anyone who is officially dressed. Hon. Speaker in the statement the Chairperson should inquire into and report on:

1. Activities carried out in Lounge Club 207 in Lavington
2. Whether it is residential or commercial premises and if commercial---

*(Loud consultations)*

Mr. Speaker protect me.

**Hon. Temporary Deputy Speaker:** Order Hon. Members! Hon. Member for Nairobi West!

**Hon. James Kiriba:** I am very sad---

**Hon. Temporary Deputy Speaker:** You are rising to speak, Hon Member you have not— Proceed Hon. Kiriba.

**Hon. James Kiriba:** Hon. Speaker in the statement the Chairperson should inquire into and report on:

1. Activities carried out in Lounge Club 207 in Lavington
2. Whether it is residential or commercial premises and if commercial, is it a club, a brothel or a massage parlor?
3. Which office issued the license if any and who did the inspection?

With my request Mr. Speaker sir I beg to sit.

**Hon. Temporary Deputy Speaker:** Hon. Members--- Just hold on Minority Whip. Hon. Members I would give guidance on this. Hon. Kiriba and Hon. Member for Kilimani, I am giving directive that you have a sitting with the relevant committee Chair and deliberate on this.

*(Hon. Peter Imwatak spoke off the record)*

**Hon. Temporary Deputy Speaker:** Chairman I have given--- Hon. Members I have given guidance that the two Members---

*(Loud consultations)*

Hon. Members I have given directives, Chair Culture you take the responsibility.

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order Members! I am on my feet. Hon. Members this is a House of rules and procedures. It doesn't matter who is sitting on the Chair. Hon. Gari, Hon. Member for Nairobi West, I am cautioning you lastly and I am serious about this. The Chair for Culture will handle the matter.

*(Loud consultations)*

You stand guided. Clerk you may proceed. Hon. Gari you have to get out of this Assembly till the end of the day. And let no Member leave now. Proceed Hon. Kiriba.

**Hon. James Kiriba:** Mr. Speaker sir, pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson for the Sectoral Committee on Justice and Legal Affairs regarding the state of cases in this County. Hon. Speaker sir, the County has over the years been entangled in protracted legal battle which has led to enormous amounts of money in legal being incurred by the County.

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

1. List of the panel of lawyers and the cases they have litigated over;
2. Data on cases and their respective duration;
3. Number of cases won by the County and those lost, and those still active in court; and
4. Cost implications in the County coffers

*(Point of Order)*

**Hon. Temporary Deputy Speaker:** Hon. Thuo what if the point of order?

**Hon. Charles Thuo:** Point of Order Mr. Speaker sir! Thank you Mr. Speaker sir. Mr. Speaker sir we like you and you are a man of integrity. But Mr. Speaker, this is a House of rules and procedures and it is not right to restrict Members to the confines of this House for now because we have other duties. Mr. Speaker sir personally I have not completed the budget making process. I have a deadline of the next one hour---

**Hon. Temporary Deputy Speaker:** Hon. Thuo we would like you to quote under which Standing Order and Hon. Members we have as Nairobi County Assembly one of the most digitized Assembly. It is not proper when we shout yet we have judges within your reach, the infrastructure that we have as a House is up to date, kindly please press your button. I will see and give you time. Thank you.

**Hon. Charles Thuo:** So Mr. Speaker, can I leave?

**Hon. Temporary Deputy Speaker:** Hon. Kiriba please proceed.

**Hon. James Kiriba:** Kindly Members have time by allowing the statement so that we move to the next item. Hon. Speaker the request---

Hon. Speaker pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee of Justice and Legal Affairs regarding the state of cases in the County.

Hon. Speaker sir, the County has over the years been entangled in protracted legal battles which have led to enormous amounts of money in legal fee being incurred by the County.

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

1. List of the panel of lawyers and the cases they have litigated over;
2. Data on cases and their respective duration;
3. Number of cases won by the County and those lost, and those still active in court; and
4. Cost implications in the County coffers

Mr. Speaker sir I beg to sit.

**Hon. Temporary Deputy Speaker:** Chair for Justice.

**Hon. Jayendra Malde:** Three weeks' time please.

**Hon. Temporary Deputy Speaker:** Hon. Kiriba.

**Hon. James Kiriba:** Much obliged.

**Hon. Temporary Deputy Speaker:** Hon. Ogeto, your statement.

**Hon. Moses Ogeto:** Thank you Mr. Speaker as much as I know the cartel mentioned by the Deputy Leader of Majority to cartel my Ward--- Hon. Speaker pursuant to Standing Order---

**Hon. Temporary Deputy Speaker:** Hon. Ogeto you are a senior member of this House, that is unparliamentary, please withdraw.

**Hon. Moses Ogeto:** Mr. Speaker, I have said what?

**Hon. Temporary Deputy Speaker:** Members of cartel.

**Hon. Peter Imwatok:** Just to support my colleague, it is a widely used language----

**Hon. Temporary Deputy Speaker:** .....and is not allowed within parliamentary language. So why do you use it in parliamentary business?

**Hon. Moses Ogeto:** Thank you Mr. Speaker. I withdraw.

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

**Hon. Moses Ogeto:** Thank you Mr. Speaker. Hon. Speaker pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Select Committee on Budget and Appropriation regarding the expenditure by the County Executive between January to April 2018. Hon. Speaker the current regime has spent monies to offset arrears incurred by the previous administration and it is not clear whether the payment conformed to the guidelines in the County government debt management strategy as provided in Section 123 of Public Finance Management Act of 2012.

Hon. Speaker in the statement, I wish to request the Chairperson to inquire into and report on:

1. Report indicating payments made during the period aforementioned and the respective recipients of the payments.

Thank you hon Speaker as much as some Members have invaded my Ward...

**Hon. Temporary Deputy Speaker:** Chair, Budget? Hon. Karani?

**Hon. Patrick Karani:** Thank you Chair, we will respond in two weeks' time.

**Hon. Temporary Deputy Speaker:** Hon. Moses?

**Hon. Moses Ogeto:** Mr. Speaker because this is something that is captured in the ...

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Hon. Thuo? Seargent-at-Arms? Get seated. Hon. Charles Thuo this is a House of rules and procedures. Your point is noted. Use the necessary procedure. Hon. Catherine? Hon. Members? Hon. Catherine, your conduct I direct your conduct to be discussed by the Powers and Privileges Committee chaired by the Speaker herself. Proceed.

**Hon. Peter Imwatok:** Kindly Speaker as you said, Point of Order 113 speaks about conduct of debate especially 'e', 'g' and 'c'. Speaker Standing Order 113 discusses about gross disorderly conduct of the Member and I have just seen you stopping the same Member who was quoting the same Standing Order. He should have been out of this House long time ago. Because you have given directive already there is no need of reading this Standing Order.

**Hon. Temporary Deputy Speaker:** Hon. Minority Whip you have invoked a very serious matter and I would not wish as the Speaker to go into that direction but if need be then we will do it. Hon. Ogeto proceed.

**Hon. Moses Ogeto:** Mr. Speaker I was saying that on the two weeks, I am very specific in my statement. I wish members of the public get the same statement because it is something on Integrated Financial Management System and it is a printed thing which can be done in one week. I believe maybe he may report on Thursday.

**Hon. Patrick Karani:** Mr. Speaker next week the Budget Committee will not be around. They will be considering the budget estimates. That is why am pushing for the other week, thank you.

**Hon. Moses Ogeto:** Mr. Speaker it is good they will be factoring the budget estimates but what I am requesting is so simple. It will go to three weeks if we allow this.

**Hon. Patrick Karani:** You know the time I am talking about Mr. Speaker is from 19<sup>th</sup> that is when you will receive the information, Hon. Ogeto.

**Hon. Moses Ogeto:** Mr. Speaker I am glad that he has now committed himself on actual date because Nairobians want to know what was spent from January to April this year and this date is on computer. There is no power in the whole of the County; that is a crisis. There is no water in our wash rooms because there is no power. That is why we want to know if the County is able to pay its subscribers because we are subscribers too.

**Hon. Temporary Deputy Speaker:** Yes Hon. Minority Whip.

**Hon. Peter Imwatok:** Mr. Speaker allow me to delve into Standing Order 43 (2). It speaks about if a message is received from the Governor or Senator of a County at the time when the County Assembly is not in session the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the County Assembly on the day the County Assembly next sits.

As I read this order which as senior member of this House we have never amended under the Rules and Procedures Committee and it stands. Therefore Mr. Speaker we asked on Tuesday the same question pertaining to nominee of the Deputy Governor of this great City. And as I said as we gave the seven day ultimatum we are now giving the House to follow the House rules and procedures that we want to get a

communication which was given to this House through the Speaker's office while we were in recess. Therefore Speaker I will request you to invoke your wisdom to give a directive on this.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Minority Whip, by Tuesday you will get guidance.

### MOTION

**Hon. Member:** Decorum. The Hon. Osman, South C Member has just walked in the House and he is not properly dressed. Yes, it is allowed you can come in Islamic attire but as you can see he is not properly dressed, thank you.

**Hon. Temporary Deputy Speaker:** He is properly dressed. Hon. Member of South C if you are not in shoes! The Serjeant-at-Arms can confirm that and report. Hon. Ayo proceed.

**Hon. David Ayo:** Thank you Mr. Speaker I beg to move the following Motion; THAT aware that the number of riparian lands in the County have been grabbed and developed without proper approval, further aware that a number of Members of the County Assembly have raised issues on grabbing of riparian lands by private developers, appreciating that health riparian vegetation helps to reduce erosion and maintain stable stream channel, further appreciating that a number of interventions have been initiated by various actors like the National Environmental Management Authority and the previous County administration in a move that appeared a little too late, disturbed that a number of unfit establishment and storey buildings in the County have encroached the reserved riparian lands attracting devastating disasters like collapse of buildings leading to loss of lives and property.

Further disturbed that the level of encroachment on riparian lands has seen the County experience flash floods and clogging of drainage systems in major parts of the County. This Assembly resolves that the County Executive moves with speed and conduct an assessment of all the riparian lands in the County and forward a comprehensive report of riparian lands and the development status within 60 days.

Hon. Speaker I would like to bring to the attention of this August House that section 60 (1) (e) of the Constitution of Kenya provides for the sound conservation and protection of ecological sensitive areas in Kenya.

I would like to bring to attention of this August House ...

**Hon. Temporary Deputy Speaker:** Hon. Ayo please hold. Hon Member of South C I have established a communication from the Serjeant-at-Arms that you're not properly dressed. Please step out.

*(Loud consultations)*

Proceed Hon. Ayo. Hon. Ndungu, what is your Point of Order?

**Hon. Paul Ndungu:** Mr. Speaker are we discriminating Muslims in this House of rules and procedures or you want us all to be Christians?

**Hon. Temporary Deputy Speaker:** Hon. Ndung'u you are out of order. All Members here were taken through a workshop and we were taught on parliamentary etiquette and code of dressing. We are all aware that we practice different faiths. As much as we are different faiths we were advised properly on the code of dressing and there is no Member who can come...you are out of order. I had made a decision and guidance. Proceed.

**Hon. David Ayo:** Thank you Mr. Speaker, just to debate on this I would like to remind this House that in 1999 when the Director General of NEMA wrote to the PS of Lands instructing the PS to revoke all the title deeds that were allocated to all the riparian lands, water and wetlands. He further directed that any building that was on riparian land was to be demolished and removed. It was so directed...

**Hon. Moses Ogeto:** Mr. Speaker am on a Point of Order No. 32 about the dress code of Members and the mover of the Motion, when you look at him he is well dressed. Even his style...if you have given a ruling...

**Hon. Temporary Deputy Speaker:** Hon. Member for Kilimani you are out of order. The mover is properly dressed. Proceed Hon. Member

**Hon. David Ayo:** Thank you Mr. Speaker for your protection. I know that he is my senior and that is why he likes to bully me around. Hon. Members, this is a very important Motion and I would like for your attention. It is for the good of our children and the generations to come. People have encroached riparian lands and built houses which will one day collapse and cause disaster in our nation. Let us be attentive and debate on this so as to build our nation. Mr. Speaker sir, I was bringing to the attention of this House that in 1999 the Director General of NEEMA directed the PS of Lands to revoke all title deeds that had been allocated to people who had grabbed the wetlands. He further directed that any building---

**Hon. Catherine Opiyo:** Point of Order.

**Hon. David Ayo:** Can I proceed?

**Hon. Catherine Opiyo:** Mr. Speaker sir.

**Hon Temporary Deputy Speaker:** Point of Order Madam Catherine. Order Hon. Catherine! You have just walked in. Hon. Ayo, proceed.

**Hon. David Ayo:** Thank you Mr. Speaker sir. It is of essence that we get the history so that you understand where I am coming from and where I am going to. I am making my point and not in any way out of order. Let me build my case so that those who are affected can understand. Anyway, let me continue.

**Hon. Temporary Deputy Speaker:** Hon. Ayo, you are eating on your time. Please proceed.

**Hon. David Ayo:** Thank you so much Speaker sir. Theft of public land in this County and indeed the country is not a foreign phenomenon. It is a fact of life that various parcels of riparian lands in the County have been grabbed and developed without proper approvals and even where approvals have been obtained they are done so fraudulently.

Hon. Speaker sir, you will recall that on several occasions the Assembly had to dispense off with statements from Members regarding grabbing of riparian lands by private developers in their respective Wards. The grabbing has occasioned greater damage not only to neighborhoods but to the environment as well. Health riparian vegetation helps to reduce stream bank erosion and maintain stable stream channel geomorphology. Therefore there is a reason as to why City planners traditionally do not allow for any development on such lands. It is by no miracle that you have buildings sinking and collapsing every way. Hon. Speaker, we appreciate that a number of interventions had been initiated by various actors like NEMA and the previous County administration to forestall this menace. Unfortunately this has not been enough.

Hon. Speaker sir, we also asked how the revocation of thousands of title deeds laid bare to the extent to which well-connected individuals colluded with state to grab public lands including riparian lands. More often than not, the beneficiaries would be offered huge chunks of public lands at times running into thousands

of acres by the powers that be in exchange for political loyalty. This rot was especially adverse in the City. Hon. Speaker sir, that a number of unfit establishments and storey buildings in the County have encroached the reserved riparian lands attracting devastating disasters like collapse of buildings leading to loss of lives and property. This is not something that this August House can actually take for granted.

Hon. Speaker sir, the level of encroachment on the riparian land has seen the County experience flash floods and clogging of drainage systems in major parts of the County. This is something that we must move with speed to cure. It is for these reasons that I move this Motion beseeching Members to act now and make a difference. Let us demand that the County Executive conduct an assessment of all riparian lands in the County and forward a comprehensive report of the riparian lands and their development status within 60 days. Mr. Speaker sir, the report should help us appreciate the nature of the problems and perhaps even help the Governor know where to start in fighting cartels behind this mess in Nairobi. I move the Motion and ask Hon. Malde to second.

**Hon. Temporary Deputy Speaker:** Hon. Malde.

**Hon. Jayendra Malde:** Thank you Mr. Speaker. I beg to second this Motion. Indeed riparian land is to be reclaimed so as to safeguard our wetlands which will help mitigate floods by regulating storm water and aid in water retention.

**Hon. Peter Imwatok:** Point of Order Mr. Speaker. The Standing Order is very clear. You either use English or Kiswahili Mr. Speaker.

*(Laughter)*

**Hon. Temporary Deputy Speaker:** Hon. Jateso. You will have to withdraw.

**Hon. Jayendra Malde:** This is English.

**Hon. Temporary Deputy Speaker:** Hon. Member for Makongeni

**Hon. Jayendra Malde:** *Kwani iko mwarabu?*

**Hon. Temporary Deputy Speaker:** Hon. Member for Makongeni, kindly withdraw.

**Hon. Peter Imwatok:** Mr. Speaker, in short I am trying to tell the Hon. Member to be audible so that we can be able to understand what he is saying.

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

**Hon. Jayendra Malde:** I am speaking in English.

**Hon. Temporary Deputy Speaker:** Request for a microphone Hon. Jayendra. Proceed.

**Hon. Jayendra Malde:** Thank you Mr. Speaker. Recharge underground water systems and averting collapse of buildings that are built on wetlands. We need to propose this Motion and I support it. Thank you Mr. Speaker.

*(Question proposed)*

**Hon. Temporary Deputy Speaker:** Hon. Mwangi Njehia. Hon. Mary.

**Hon. Mary Ariviza:** Thank you Mr. Speaker. That is a very good Motion and I stand to support it.

**Hon. Temporary Deputy Speaker:** Serjeant-at-Arms to confirm. Hon. Paul Ndungu please sit. Order Member from Makongeni!

**Hon. Peter Imwatok:** What has he asked because if it is quorum then we have. We can proceed.

**Hon. Temporary Deputy Speaker:** Hon. Paul Ndungu clarify.

**Hon. Temporary Deputy Speaker:** Request for a microphone.

**Hon. Paul Ndungu:** Thank you Mr. Speaker sir and my former captain in the field. Quorum.

**Hon. Temporary Deputy Speaker:** Under which Standing Order?

**Hon. Paul Ndungu:** Standing Order No. 36. I have it here Mr. Speaker sir.

*(Serjeant-at-Arms ring the bell and let no member step out)*

*(Serjeant-at-Arms rings bell for 10 minutes)*

*(Members who want to worship we have a room at the back)*

**Hon. Temporary Deputy Speaker:** Hon. Members, we have quorum now. We can proceed with the Motion. Yes Hon. Ogeto

**Hon. Moses Ogeto:** Mr. Speaker I am on a personal statement on Point of Order number 89. We wanted to go for a short call because our health is in ICU. Members are struggling to access toilets that do not have water because of this failing Government. Nairobi Water Company is under us---

**Hon. Temporary Deputy Speaker:** Hon. Ogeto, you stood on a Point of Order.

**Hon. Moses Ogeto:** Standing Order No.89 on personal health.

**Hon. Temporary Deputy Speaker:** Overruled. You know the rules.

**Hon. Moses Ogeto:** That is why I am saying personal health.

**Hon. Temporary Deputy Speaker:** Hon. Ogeto! Hon. Members. Hon. Mary.

**Hon. Mary Arivisa:** Thank you, Mr. Speaker, sir. I want to say that this is a very important Motion. As a citizen of Nairobi we have seen this City deteriorate from time to time and this is because the areas which are supposed to receive water... Nairobi is a *Maasai* word that means 'a place with great waters'. It had great waters and it had outlets. So, when we have come in with our industrialization what has happened is that we have encroached on the areas that makes the water drain and so when it is flooded the water remains within. I support this Motion in that we have already grabbed most of the land and I ask that we are told which ones are able to be returned even if they have already been constructed on and which are very, very important.

Secondly, there was a headline in the recent years, I cannot remember the specific years but it was in the Standard newspaper that said Nairobi is sinking at 20 inches per year. I don't know whether any one of you noted it. So, if we do not take care of this very many people will sink with the buildings in Nairobi when it sinks. That is why many of the international bodies have got their offices now in Upper Hill, the rest of the City is in great danger. So, I support this that we move quickly so that we can be able to safeguard these areas.

Thirdly, together with this, the people in Planning really need to take care because there are areas worldwide where we could have the same conditions but in those place like Japan and so on, if there is a place that is sinking the buildings are taken care of especially the foundation especially. However here, we just get a plot and we jump in within a second and we have not even dug the foundation and we have ten

storied buildings. Therefore, the Planning Department must take care so that we don't continue to lose our lives and we can then protect this City for future generations. I support the Motion.

**Hon. Temporary Deputy Speaker:** Hon. Jeremiah.

**Hon. Jeremiah Themendu:** Thank you, Mr. Speaker for giving me this chance. I stand to support this Motion, it has come at a good time. The buildings that are on riparian land are putting Nairobians in big problems like for example the building in Huruma which collapsed. I think, in my understanding, the building was built near the riparian area and the soil could not sustain the weight of that building.

The reason I am supporting this Motion is I have read the last paragraph there and I think the House is in that mood; It reads... *"That further disturbed that the level of encroachment on riparian land has seen the County experience flash floods and encroaching of drainage systems in the major parts of the County, this Assembly resolves that the County Executive moves with speed and conducts an assessment of all the riparian lands in the County and forward a comprehensive report of the riparian lands and their development status within 60 days"*. I support that because if we continue to allow those riparian lands to be grabbed we shall now... (Loud consultations)

**Hon. Wilfred Odalo:** Mr. Speaker, Point of Information.

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

**Hon. Jeremiah Themendu:** Thank you. Nairobians shall have a big loss by losing some residents in those buildings.

**Hon. Wilfred Odalo:** Mr. Speaker, Point of Information.

**Hon. Temporary Deputy Speaker:** Hon. Chair of PAC what is your Point of Information?

**Hon. Jeremiah Themendu:** Mr. Speaker, I think the interruptions in this House are becoming too much.

**Hon. Temporary Deputy Speaker:** Hon. Themendu, just hold on a minute.

**Hon. Jeremiah Themendu:** Like for example... (Loud consultations)

**Hon. Temporary Deputy Speaker:** Hon. Themendu, you must agree to be informed, please just take a seat briefly. Hon. Odalo.

**Hon. Wilfred Odalo:** Thank you, Mr. Speaker. I want to inform the Hon. Member who has just taken a seat that the House that collapsed in Huruma was not on riparian land.

**Hon. Jeremiah Themendu:** Mr. Speaker, let me just say that and I repeat what I was just saying earlier, we need to respect this House which you say is a House of rules and procedures. I don't see how when we have some visitors in this Chamber then someone is just shouting. That is not in order, Mr. Speaker. Now, let me say that I am supporting the Motion because it is timely. Even if the building that collapsed recently in Huruma was not built on riparian land, there was a house there before that was earmarked and it was near the riparian land. So, Mr. Speaker, I beg to support the Motion and I think everyone in this House is supporting it. Thank you very much.

**Hon. Temporary Deputy Speaker:** Hon. Matara.

**Hon. Silas Matara:** Thank you, Hon. Speaker. I rise to support the Motion for the simple reasons that one, everyone in this House is alive to the fact that around the world specifically in Kenya everywhere is flooding due to various reasons one of them being climate change and as Nairobians, for the last three

months we know the effects that flooding has done to Nairobi hence causing a lot of loss. Although we have not lost lives, a lot of properties have been damaged and citizens of Nairobi have incurred losses.

Mr. Speaker sir, I rise to support this Motion because most of the effects of climate change are caused by human activities who have built on riparian lands. As we are all aware flooding occurs by simple reasoning that there is a lot of paving around Nairobi, people are building on waterways and there is no escape route for water around Nairobi due to the encroaching of the riparian lands. This has an effect on all the Members and respective Wards that we get to lead.

So, if the County Government will heed to this Motion and institute remedial measures to address the issues of people building on riparian land and also for the building which are already built there, they can institute measures to have them put down and for those areas which have not been encroached on. They need to put measures to deter other people from putting up developments of the same. Therefore, I urge this House to support this Motion for that simple reason. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Sylvia.

**Hon. Sylvia Moseiya:** Thank you, Mr. Speaker. I also rise to support this Motion. Grabbing riparian reserves is not just an environmental issue, it is also a moral issue. So, in the report that will be written and will come to the House, I would want to know if there was allocation of this land to anybody, are they building on land that was given titles or any other sort of legal papers and who gave out these papers...

**Hon. Temporary Deputy Speaker:** Hon. Sylvia, are you supporting the Motion?

**Hon. Sylvia Moseiya:** I said that I am rising to support the Motion.

**Hon. Temporary Deputy Speaker:** Yes, Hon. Rose.

**Hon. Rose Adhiambo:** Thank you, Mr. Speaker. I just want to say that we ladies in this Assembly, we are feeling very bad because our own is very pressed here and the security is very tight as per what you said. Just give us a chance we go to the loo and return to the Assembly. It is not good, Mr. Speaker, we are women and we are not men.

**Hon. Temporary Deputy Speaker:** Hon. Rose, your point is noted but Members be advised, we have cloakroom in the rear, please use them. Proceed. Yes, Hon. Sylvia.

**Hon. Sylvia Moseiya:** So, as I was saying, I rise to support the Motion and I hope that once the report is written they shall tell us how this land was allocated and how it was approved for building. This is not even a queer issue about lands in Huruma or in other low income settlements, it is actually more of a problem in estates like Kileleshwa and Loresho where we cannot even see the river front. So, I rise to support the Motion, we really need this report and it needs to give us the answer of how this land was allocated if at all it was allocated and how it was approved by the County Government of Nairobi. Thank you.

**Hon. Temporary Deputy Speaker:** Mover, please reply.

**Hon. David Ayoi:** Thank you, Hon. Speaker sir. I would like to thank all the Members for a wonderful debate on this matter because it is about our future and I am very sure that it is timely even for the Environment Committee and the Transport Committee. It concerns not only for these committees but it is about our future, the future generation and how... Because actually we are members in this House and we are mandated to legislate. So, I would like to thank you so much for actually debating on this and I beg to reply.

**Hon. Temporary Deputy Speaker:** Hon. Members, I now put the question.

*(The question is put)*

**Hon. Temporary Deputy Speaker:** Hon. Members, the Chair has today noted with great concern Members lack of appreciation of House rules on decorum. Hon. Members, the Minority Whip did remind Members while arising on a Point of Order under Standing Order 1(1)(3). Hon. Members, for your own benefit I wish to reiterate the following: Hon. Members, Standing Orders 113 and 114 provide extensively for gross and disorderly conduct and grave disorderly conduct respectively. Hon. Members, familiarize yourselves with the same, the Chair does not take lightly breaches of the Standing Orders and our rules.

Hon. Members, the Chair had directed that the conduct of Hon. Catherine Okoth be referred to the Powers and Privileges Committee for review. I have since learnt that the said Committee is yet to be properly constituted. Hon. Members, in the alternative I must deal with this matter firmly and I accordingly wish to strongly warn the Hon. Catherine that I will not tolerate such conduct. The said Member is accordingly thrown out for 3 sitting excluding today. It is so ordered.

#### ADJOURNMENT

Thank you, Hon. Members, the House stands adjourned until next week, Tuesday 2.30 p.m.

***The House is adjourned at 4.30 p.m.***