



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 22nd September, 2020

The House met at 2.30 p.m.

[Hon. Deputy Speaker (Mr. Geophrey Majiwa) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Clerk, confirm whether we have quorum. Can we proceed now?

STATEMENTS

STATEMENT REQUEST REGARDING THE ALLEGED CLEARING OF TREES AT MBAGATHI HOSPITAL

Hon. Abraham Njihia: Thank you Hon. Speaker. Pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement for the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the alleged clearing of trees at Mbagathi Hospital.

Hon. Speaker, Article 69 (1) (b) of the Constitution provides and emphasis the need for preservation and protection of the environment, particularly it places the responsibility of the state work towards achievement and maintenance of the tree cover of at least 10%.

Further, the Second Part of the Fourth Schedule of the Constitution states that counties are responsible for control of pollution through policies and legislations on greening and beautification. However, Hon. Speaker, a couple of weeks ago, we have witnessed the cutting down of trees at Mbagathi Hospital. This contradicts the constitutional provisions and national efforts towards ensuring clean air through increasing tree coverage.

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

1. Reasons for cutting down of the indigenous trees in an important institution such as Mbagathi Hospital;
2. Measures being put in place to have the cut trees replaced; and

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3. Action taken by the County Executive to avert such action in future

Thank you Hon. Speaker. Do I go to the second one? I seek your indulgence.

Hon. Deputy Speaker: The Chair Transport and Public Works? Any member from that committee?

Hon. Abraham Njihia: Hon. Speaker

Hon. Deputy Speaker: That was Environment Committee?

Hon. John Muthiga: Thank you Mr. Speaker, 14 days.

Hon. Deputy Speaker: Are you comfortable, Hon. Njihia?

Hon. Abraham Njihia: Hon. Speaker, I am comfortable but I request my able Chair to move with speed because we need the tree shades at Mbagathi Hospital as patients' rest under those trees. Unfortunately, somebody cut all those indigenous trees. I will wait for the 14 days but I am hoping that you will be able to do it in a week or so.

Hon. Deputy Speaker: Thank you. Can you proceed to the next statement?

STATEMENT REQUEST REGARDING THE INCREASING INCIDENCES OF INSECURITY IN THE
COUNTY PARTICULARLY IN WOODLEY WARD

Hon. Abraham Njihia: Thank you Hon. Speaker. Pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement for the Chairperson of the Sectoral Committee on Transport and Public Works regarding the increasing incidences of insecurity in the county.

Hon. Speaker, cases of mugging at Dagoretti Corner and its environs are on upward surge and are now becoming the order of the day. Victims have been reporting such incidences to the office of the Director of Criminal Investigation but there has been less outcome hence emboldening the perpetrators. The area near the defunct Nairobi City Council houses for instance, has become the hotspot of these criminal activities.

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

1. Efforts been made to have street lights installed at the defunct Nairobi City Council houses and along Joseph Kang'ethe Road
2. Measures being put in place to install high masts right at water bowsers parking lot, near Karandini Market Relocation Centre; and
3. Measures the County Executive and Nairobi Metropolitan Services are putting in place to ensure proper lighting is provided in a timely manner to ensure security to the residents of the county.

Thank you Hon. Speaker.

Hon. Deputy Speaker: Chair Transport and Public Works? Is there any member online? How many days you want to give a response?

Hon. Peter Wanyoike: Thank you Mr. Speaker. Let me take an undertaking on behalf of Hon. Wambui. I will give the response after two weeks.

Hon. Deputy Speaker: Hon. Njihia are you okay with two weeks?

Hon. Abraham Njihia: Hon. Speaker I am okay.

Hon. Deputy Speaker: Thank you, next is Hon. Redson Otieno.

STATEMENT REQUEST REGARDING THE POOR STATE OF ROADS IN THE COUNTY AND IN PARTICULAR NGEI WARD

Hon. Redson Otieno: Hon. Speaker pursuant to Standing Order No. 45 (2) (), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the poor state of roads in the county and in particular Ngei Ward.

Hon. Speaker, the contractor who had won the tender to construct Kibichoi Road in Ngei Ward left site after allegedly receiving the first certificate of payment. The abandonment of the said road midway has left it in more deplorable state and has continued to hamper free and seamless movement of people and vehicles.

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

1. Reasons for the unnecessary delays by the contractor in completing the Kibichoi Road; and
2. Measures the County Executive and Nairobi Metropolitan Services are putting in place to ensure the stalled road is completed in a timely manner.

Hon. Deputy Speaker: Is the Hon. Deputy Majority Leader, Hon. Wanyoike taking the request? Give Hon. Wanyoike the mic.

Hon. Peter Wanyoike: Thank you very much Mr. Speaker. Let me take an undertaking and give the response after two weeks.

Hon. Deputy Speaker: After two weeks, are you comfortable?

STATEMENT REQUEST REGARDING THE DEPLORABLE STATE OF SEWAGE SYSTEM IN THE COUNTY AND IN PARTICULAR NGEI WARD

Hon. Redson Otieno: Yes. Last statement, Hon. Speaker pursuant to Standing Order No. 45 (2), I wish to request for a statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the deplorable state of sewage system in the county and in particular Ngei Ward.

Hon. Speaker, Article 43 (1) (b) of the Constitution provides that every person has the right to accessible and adequate housing and to reasonable standards of sanitation. Hon. Speaker, Suntek Company which won the tender for construction of sewer infrastructure in Ngei Ward has since abandoned the site after allegedly receiving part of the payment. The perennial spillages are occasioned by incomplete sewer works which continue to pose health hazard to the residents of the area and its environs.

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

1. Reasons for the prolonged delays by Suntek Company to complete the sewer works as planned; and
2. Measures the County Executive and Nairobi Metropolitan Services are putting in place to ensure that the sewerage system is completed in time to serve the residents

Hon. Deputy Speaker: Chair Water and Sanitation? Any Member of Water and Sanitation?

Hon. Member: Thank you Hon. Speaker, two weeks.

Hon. Deputy Speaker: Two weeks? Are you okay.

Hon. Redson Otieno: It's Okay.

Hon. Deputy Speaker: Thank you. We go to the next. Hon. Charles Thuo should be online.

Hon. Charles Thuo: Hon. Speaker.

Hon. Deputy Speaker: Proceed, proceed Hon. Member.

STATEMENT REQUEST REGARDING THE POOR STATE OF THE ENVIRONMENT AT THE KIAMAIKO
ABATTOIRS

Hon. Charles Thuo: Hon. Speaker I have a statement to request.

Pursuant to Standing Order No. 45(2) (c) I wish to request for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the poor state of the environment at the Kiamaiko Abattoirs. Hon Speaker Kiamaiko slaughterhouse has continued to be a health and environmental hazard to the residents and have mushroomed near the facility. There have been deliberate efforts by the National Environment Management Authority and the National Ministry on Environment and Forestry to have the slaughterhouse relocated to Njiru Ward. However, the relocation exercise is allegedly being derailed by the sole proprietors of the slaughterhouse; who are hesitant to move to the new grounds for fear of losing their businesses. Hon. Speaker in the statement the Chairperson should inquire and report on: -

1. The reasons the owners of the slaughterhouse are adamant to relocate to the new grounds in Njiru; and
2. The measures that the County Executive are putting in place to ensure environmental sustainability in Kiamaiko and its environs.

Therefore, I request, Hon. Speaker.

Hon. Deputy Speaker: Chairman

Hon. John Muthiga: Thanks once again Mr. Speaker. This issue has been around for quite some times now. So Mr. Speaker I request for 10 days so that at least we can dispense with this matter. Thank you.

Hon. Deputy Speaker: Are you okay Hon. Thuo? Are you okay with the proposal by the Chairman Environment?

Hon. Charles Thuo: Hon. Speaker, am okay with the ten days. Thank you.

Hon. Deputy Speaker: You are okay with ten days. Fair enough. Thank you. Next order.

MOTION

JOINT MANAGEMENT AND SHARING OF REVENUE FROM THE NAIROBI NATIONAL PARK BETWEEN
COUNTY AND NATIONAL GOVERNMENT

Hon. Deputy Speaker: Hon. Silas Matara

Hon. Silas Matara: Thank you Hon. Speaker. I would like to move this Motion. The Motion is about management and sharing of revenue from the Nairobi National Park.

That aware that under article 186(1) of the Constitution of Kenya and the Fourth Schedule, the functions and powers of County Government among others cover cultural activities, public entertainment and public amenities including public park recreation facilities. Further aware that paragraph seven of the Fourth Schedule provides for the function of County Governments, which includes regulation of local tourism.

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Acknowledging that the Nairobi National Park has attracted tourists, both locally and internationally because of its strategic place and richness in various species of wildlife. Concerned that despite the park being located in the County, the management and operations of the park are under the National Government which is against the spirit of the fourth schedule to the constitution.

Further concerned that the County does not share any revenue from the park. Noting that the Intergovernmental Relations Act 2012 provides for the establishment that national and county government coordinate summit which provide forum for consultation and cooperation between the two levels of government. This Assembly urges the County Executive to engage the National Government with a view to jointly manage the operations of the Nairobi National Park and sharing of revenue from the park between the national government and the County government.

Hon. Deputy Speaker: Secunder.

Hon. Silas Matara: I propose Hon. Pius to second the Motion.

Hon. Pius Mbono: I've done it.

(Question proposed)

Hon. Deputy Speaker: Members. I can see Mary Ariviza through the zoom.

Hon. Mary Mwami: Thank you Speaker. I would like to say that the Motion is very good in that Nairobi City is the only city in the whole world that has got a national park nearby and yet this national park we really don't know what is going on there. Sometimes we are not able to even participate and say this should be done and this cannot be done in the city of Nairobi because it looks like it is out of our place.

I would like to say that it's good if we know how much comes in, how much goes out and in some proportional percentages, we can have part of the sharing; therefore, taking care of the environment, taking care of our animals along with the national government through the Kenya Wildlife Services.

However, Sir, my hand had been up because of the another reason but I don't know whether you will allow me because this is online and this virtual meeting sometimes you want to put a point but you are not noticed. Because my hand was up because of the abattoir issue which also comes under Agriculture Committee, which I am chairing and so I would like for us to put it Environment/Agriculture Committee so that we meet together.

Hon. Deputy Speaker: Hon. Mary we are past that now, please stick to the current matter on the floor.

Hon. Mary Mwami: But I want to support this Motion.

Hon. Deputy Speaker: Thank you. Hon. Members on the Zoom, dial the 'raise-hand' icon if you want to contribute. Hon. Members since we have no any other Member who want to contribute, can I know call the mover to reply.

Hon. Silas Matara: Thank you Hon. Speaker I would like to give a few notes before I get to reply. Management of Natural Resources are critical source of revenue for the National Government and County Government. If properly managed it could be potential to the Communities around the Natural resources. The sharing of revenue is critical to the financing of various progress for both National and County Government.

Hon. Speaker, the question that we have to ask ourselves as Members is, is the Nairobi National Park a natural resource? The answer is yes and if it is yes, it means when you get to read the Petroleum Act 2019 and Wildlife Management Act 2019 the same Communities that live around where the natural resource is - if you look at the Northern Counties like Turkana -the Communities there are sharing the revenues from the oil with the National Government. National Government get seventy-five per cent the Communities get five per cent and the County get twenty per cent.

We realized in Nairobi we have several challenges, which can only be partly be meet with increased financial allocation from the National Government. When we get to start this conversation with the National Government concerning sharing of revenue raised from the Nairobi National Park, it is going to help the County to meet its obligation.

Hon. Speaker, when we look at the Maasai Mara at Narok County they are benefiting from Maasai Mara National Park. The only reason as I have heard the conversation from your colleagues who were in former Nairobi City Council, you had tried to push the National Government to share revenue. However, the attempt failed may be because we understand you used to address your concern by raising chairs and hitting each other maybe, that is how you tried to address the issues there.

However, nowadays with the new dispensation of Members of the County Assembly I think we are going to start this conversation with a lot of decorum. The Constitution provides for formulation and implementation of mechanism and policies to address the above as a County Government function. In exercise of this function this National parks were inherited from the defunct Councils. Even the Maasai Mara was inherited from the Narok Council back then.

Hon. Speaker, unfortunately there are Counties like Makueni, Kajiado which do not get revenue from the various National parks in their areas but that does not disallow us as Nairobi to accrue some benefit from the resource that is provide from Nairobi National park. There is also a challenge from various discussion that I have heard from Members with regards to where the ownership of Land that Nairobi National Park.

We realized that part of it almost is a big land where the National park is based is in Kajiado. When that time comes and if those counties sees to it is important that they get to request sharing of the same benefit from National Government it is there business. However, for us Nairobi you realize when someone comes from the West and Asian countries and come to visit Kenya and they come to Nairobi National park they know that they are coming to the only National park that is in the capital city in the world. And unto that Hon. Speaker, I think it is proper as we Hon. Members we get to lay claim from the resource and possibly, for the management to having an input in the way the Nairobi National park is managed.

I know it is going to be possibly a huge task because from experience when it comes to distribution of resources from National Government it becomes a challenge. Even if you realize the dispute has been there with regards to the revenue sharing formula and the National Government get a whole share almost seventy per cent but still releasing it to county is a problem. Therefore, I know with this Motion the Executive involved with all the stakeholders is going to be a big task but myself I am up to the task and with other Members we are going to make sure that whatever benefit that is rightful for Nairobians it is done and I believe the time is now.

Hon. Speaker, there is no law enabling the same and I believe this can be a platform or forum where the discussion can be started from our County with the County Executive and also with NMS and other stakeholders with regards to achieving the desired result. Hon. Speaker you realize that all the National parks in Kenya are managed by the KWS apart from Maasai Mara. The reason is the Narok County; the Communities around it fought for the management of the Maasai Mara National park, and that is why KWS and the National Government had to let it go.

Therefore, I know that in Nairobi, we do not have warriors who are able to fight but I know with proper structured formal engagement we can be able to achieve. Hon. Speaker, I know we need to engage constructively with all the stakeholders to ensure that we demand what is rightfully ours and what is rightfully for Nairobi for the various programmes that we have for Nairobi once we get revenue because the National Government gets billions from the National park.

When we look at the Constitution Sections 5 which talks about the environmental issues and if you go to Article 64 or 69 it talks about the state ensuring that they get equitable share resources from the Natural resources. This can be able to create a market because as a county we can be able to urge Nairobians to visit the National park having the knowledge that the end of the day they will get to benefit from the resources that the Nairobi National park generates. With that, I beg to reply. Thank you Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Matara I would want to congratulate you for this bright idea but also I would like to give you a word of advice that as you work on your Motion do not always try to portray those who were in the office before you as failures. This is because you have brought it at the right time and at the right forum. The constitution has provided for you this avenue to bring it but do not try to insinuate it as others were throwing chairs and why they did not do it. That is demining those who were serving during those days; I hope you get it.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Members there being no other business, we adjourn the Assembly to Thursday 24th September at 2:30 p.m.

The House rose at 3:50 p.m.