



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Tuesday 16th February 2021

The House met at 9.30 a.m.

[Hon. Speaker (Mr. Benson Mutura) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Clerk, confirm if we have quorum.

(The Clerk-at-the-Table confirmed there was quorum)

We can proceed.

PAPERS LAID

Hon. Peter Wanyoike: Thank you Mr. Speaker, pursuant to Standing Order 131(4), I beg to lay the following paper on the table of the Assembly, Today 16th February 2021; The Report of the Sectoral Committee on Environment and Natural Resources on the Consideration of the Nairobi City County Public Nuisance Bill 2020. I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Thank you. Next order.

STATEMENTS

REQUEST FOR STATEMENT REGARDING TWO BLOCKS OF LAND FR341/49, LR NO 27683/1, LR NO. 27683/2, AND FR341/48, LR NO. 27683/156, LR 27683/240, THAT HAVE ALLEGEDLY BEEN GRABBED BY PRIVATE DEVELOPERS IN PIPELINE WARD

Hon. Stephen Gikonyo: Hon. Speaker, pursuant to Standing Order 45(2)(c), I wish to request for the statement from the Chairperson of Sectoral Committee on Planning and Housing regarding two blocks of

land FR341/49, LR No 27683/1, LR No. 27683/2, that is block one and then FR341/48, LR No. 27683/156, LR 27683/240, that have allegedly been grabbed by private developers in Pipeline Ward.

Hon. Speaker Article 62 (2) of the Constitution of Kenya 2010, states that public land shall vest in and be held by a County Government in trust for the residents of the county and shall be administered on their behalf by the National Land Commission.

Hon. Speaker, poor land planning, non-enforcement of planning laws, corruption and uncoordinated construction have contributed to perennial interference and misuse of public spaces in the county. Unless such public spaces are reclaimed by the county and properly managed, residents will be unable to enjoy the benefits that come along with such spaces.

In view of the foregoing, the Nairobi Metropolitan Services and the County Executive need to reclaim all grabbed public spaces and convert them into the best interests of the public and County.

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

1. The history and ownership of the two blocks of land FR341/49 and L.R No. 47683/1, L.R No. 27683/2, FR341/48, L. R No. 27863/156 and L.R No.27683/240 in Pipeline Ward;
2. Whether public participation was conducted before allocating the said two blocks of land to the private developers;
3. Measures that the Nairobi Metropolitan Services and the County Executive is putting in place to ensure that the land is repossessed in a timely manner in order to facilitate the construction of the intended public utilities in the area.

I beg to lay the statement.

Hon. Speaker: Thank you. Chair Planning or any Member to give an undertaking?

Hon. Peter Imwatok: I happen to be a Member of the Planning Committee and as you are aware that my Chair is under incarceration and we are yet to elect a new Chairman which I believe the Majority Party is consulting wisely and probably we will do the same, Hon. Speaker.

I want to request the Member to give us two or three weeks because of the challenges that we have of the Chair until we get a new Chair. We will be able to come back to you in two weeks' time if it is agreeable with you because you have read a very lengthy statement today. I hope you will be of great assistance to this Committee as the new Chair comes in. I beg to do an undertaking.

Hon. Speaker: Hon. Gikonyo, are you contented?

Hon. Stephen Gikonyo: I request to be given response in one week's time. As you know the NMS are constructing in various wards, I would like to be also counted. Seven days will work for me because they can hold the meeting via Zoom and have may be one physically.

Hon. Speaker: Hope you understand that he was giving you an advice as a Member. As the Minority Whip, there are some predicaments they are in. Kindly bear with them, may be two weeks will be enough.

Hon. Peter Imwatok: Thank you, Chair. Two weeks will be okay. Today is on Tuesday, at least by Thursday next week. Relax, we know your problem, we will sort it out.

MOTION

Hon. Speaker: Chair of Transport? Is he around?

ADOPTION OF THE REPORT ON INVESTIGATION INTO THE ALLEGED UNCONVENTIONAL CONSTRUCTION OF A BRIDGE ALONG POKOMO LANE IN INDUSTRIAL AREA

Hon. Peter Wanyoike: Thank you, Mr. Speaker. I wish to move the following Motion:

THAT, this Assembly adopts the report of the Sectoral Committee on Transport and Public Works on investigation into the alleged unconventional construction of a bridge along Pokomo Lane in Industrial Area, laid on the Table of the Assembly on Tuesday, 24th November 2020. I call upon the Minority Whip to second. Thank you.

Hon. Peter Imwatok: Mr. Speaker, I stand to second the Motion.

(Question proposed)

Hon. Speaker: Can we have Hon. James Wambui on Zoom? ICT can you be able to get hold of James Mwangi Wambui? If not Mary Ariviza; either of them on Zoom. ICT if you are experiencing some challenges let me know. I can hear you, proceed.

Hon. Mary Mwami: The report has been laid before the House sir. I am a Member of the Transport and Works Committee, and we had a very delicate issue touching two great women of our County. One was a constructor of the bridge and the other one felt aggrieved because once the bridge was under construction, the water started going into her house and other residential houses that are there. She had already put cables in the ground so that there would not be mud going into the residential place.

Therefore, we suggested that the bridge should continue to be constructed and also the person that is making the bridge should be able to make sure that the water is curved in such a way that it does not go into built houses that belong to our Nairobians and are in the same area.

Therefore, the two women are doing a great job but we said, she must as she constructs, take care of the residential people so that the water does not go into their houses. You know when you build a house in Nairobi and you bought a piece of land and water goes in you will incur very great loses.

Therefore, the bridge should go on but at the same time, the constructor must make sure that the water is not [flowing] in people's homes. That is what we agreed, Mr. Speaker sir. Thank you so much but I support the report that has been laid before us.

Hon. Speaker: Thank you. Can I have James Mwangi, ICT? Mover, can you reply?

Hon. Speaker: Mover, can you reply?

Hon. Peter Wanyoike: Thank you Mr. Speaker. I would like to talk about the Motion a little for purposes of the HANSARD. In August 2020, the committee on Transport was in receipt of a letter via office of the Clerk; an email from a business woman by the name Salama who operates a company along Pokomo Lane in Industrial Area near G4S offices in two amalgamated plot with side gates. Pokomo lane lies between Witu Road and Nyayo Stadium round about at Shimo La Tewa Road.

Mr. Speaker, the committee visited the site whereby the businesswoman had requested Nairobi County to develop a portion of a road whereby later the County gave a contractor and they started to have conflict. With that, I would therefore like to move and thank all those who have supported the Motion and the committee for coming up with this report. Thank you Mr. Speaker

Hon. Speaker: Thank you. Members, we are experiencing some technical hitch with the ICT. I therefore defer putting the question as majority of the Members are on Zoom and we will not be able to tell who is in support or not of the Motion.

ADJOURNMENT

Hon. Speaker: There being no other business, the House stands adjourned to today at 2:30 p.m. Thank you.

The House rose at 10.10 a.m.