



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – First Session

Tuesday 1st November 2022

The House met at 2.30 p.m.

[Hon. Speaker (Mr. Kennedy Ng'ondi) in the Chair]

PRAYER

PETITION

PETITION BY MARY WANJIRU GICHURU REGARDING JOB DISMISSAL BY NAIROBI CITY WATER AND SEWERAGE COMPANY

Hon. Speaker: Hon. Members, this afternoon before the Assembly, my office received a Petition from a former employee of the Nairobi City Water and Sewerage Company. It reads as follows:

I, the undersigned citizen of Kenya, who is a resident of Nairobi City County, draw the attention of the Nairobi City County Assembly to the following:

THAT, aware that Article 185 of the Constitution, 2010 vests the legislative authority and oversight of the county governments in the county assembly;

FURTHER AWARE THAT, the Constitution of Kenya under Article 37 and Section 15 and 88 of the County Governments Act, 2012, provides the rights of citizens to petition the authorities of the county government on any matter;

THAT, aware that this Petition is presented in line with Article 37 of the Constitution of Kenya, 2010 and Section 15 (1) of the County Governments Act, 2012;

THAT, I, the above named person, Elizabeth Wanjiru Gichuru, a resident of Nairobi City County, was employed by the then Nairobi City Council on 25th February 1999. I worked diligently at Nairobi City Council for five years up to 22nd April 2004, when I was seconded to the Nairobi City Water and Sewerage Company Limited under by then terms and conditions of the service;



THAT, on 23rd October 2013, I was accused by Nairobi City Water and Sewerage Company, together with two others, of malpractices in performance of our duties, accusations which were baseless and could not be substantiated;

THAT, despite having responded to the notice to show cause, I was later summarily dismissed from service;

THAT, consequently, the Ministry of Labour appointed a counselor to try and arbitrate in my case, who made a recommendation for my reinstatement back to service, but my employer willfully and/or maliciously failed to comply with;

THAT, this Hon. House is the only available redress in pursuit for justice, and I feel that I was dismissed unfairly without any valid reason;

THAT, whereas I confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give satisfactory response, and that all the matters in respect of which the Petition is raised is not pending before any court of law or constitutional body;

THEREFORE, your humble petitioner pray that the Nairobi City County Assembly intervenes and ensure that I be reinstated back to work under similar terms and conditions as I held before I was dismissed and the Nairobi City Water and Sewerage Company be compelled to pay the petitioner all my salary due in arrears;

Your petitioner will forever pray.

Presented by the Hon. Speaker on behalf of Elizabeth Wanjiru Gichuru, a resident of Nairobi City County.

Hon. Members, I direct that the Committee on Labour and Water have a joint sitting and table a report before the Assembly within a period of 21 days. Thank you.

(The Clerk-at-the-Table consulted the Clerk)

Hon. Members, I am advised that because of more time the committees may need time for investigations, I extend the number of days to 45 days.

STATEMENTS

Hon. Speaker: Hon. Robert Alai.

REQUEST FOR A STATEMENT REGARDING THE DETERIORATING STATE AND OPERATION OF NAIROBI CITY MORTUARIES

Hon. Robert Alai: Thank you, Hon. Speaker, I have a request for a Statement in regards to the situation at the Nairobi City Mortuaries.

Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the deteriorating state and operation of Nairobi City Mortuaries, that is Mama Lucy, Mbagathi and City Mortuary.

Hon. Speaker, concerns have emerged on the efficiency, capacity and operations of Nairobi City Mortuaries in offering their services such as embalming, storage and issues of burial permits. Allegations of

undignified handling of bodies, insufficient cold storage and demoralized workforce remains a big challenge faced by the facilities as service delivery and decency to the deceased.

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

1. The capacity of the facilities cold storage spaces and the condition of the machines and their maintenance record
2. Whether there has been budgetary allocation in each of the facilities in the last financial years and how the same has been utilized
3. Examine whether the facility is understaffed and the reason for the demoralized workforce
4. Whether the officers working in the facilities are adequately facilitated with protective equipment
5. Method of payment of mortuary fee and any outstanding payments to the mortuaries
6. Plans that the sector has put in place to cope with the rising demand for services at the facilities.

Hon. Speaker: Thank you Hon. Alai. I need confirmation from the leaders of Majority and Minority whether we have the Chair of the Health Committee. Can you help the Hon. Member?

Hon. Maurice Ochieng: Thank you, Mr. Speaker Sir. First of all, let me congratulate you for being the Speaker. Since the Statement which has been asked by the honorable Member seemingly looks very urgent, I will respond within two weeks---

Hon. Speaker: Honorable Member, can you introduce yourself.

Hon. Maurice Ochieng: Thank you, Mr. Speaker, I am Maurice Ochieng Onyango, the Chairperson of Health Committee.

(Applause)

Hon. Speaker: Can the House confirm the same because we may be dealing with an impersonator.

(Laughter)

Who are the Members of the Health Committee? Hon. Member, please, kindly clarify.

Hon. Davidson Ngibuini: Thank you, Hon. Speaker. I would like to confirm that indeed the Hon. Maurice was elected unanimously this morning as the Chairman of the Health Committee.

(Applause)

Hon. Speaker: Honorable Chair, congratulations. You have given a commitment to the House that you will present the report within a period of 14 days. Is that okay?

Hon. Maurice Ochieng: Yes, Mr. Speaker.

Hon. Speaker: Thank you.

(Point of Order)

Hon. Speaker: Mheshimiwa Ogeto.

Hon. Moses Ogeto: Hon. Speaker, I rise on a Point of Order under Standing Order 59 (h) on a Motion on Privilege.

Hon. Speaker, First, I want to inform you that where we are seated, the painting which was done is really affecting me and may be the honorable Members of this House. I don't know if I am the only one affected here, but I can hear my friend, Hon. Odalo is sneezing here and may transfer to us a disease.

(Laughter)

Hon. Speaker, on another Motion on Privilege, I want to persuade you to allow us to discuss this issue of our parking. We are unable to park in this city because the parking which belonged to us has been taken by Judiciary. It is very unfortunate that Members move around looking for parking. Under your guidance, I request my counterpart, Honorable Minority Whip to second me on this Motion on Privilege so that we can dispense these issues. Do we need this House to be painted everyday so that it affects us and also Members suffering from lack of parking? I call upon my counterpart to second.

Hon. Mark Mugambi: Thank you, Hon. Speaker and the Majority Whip. As I second the sentiments of our senior Honorable Whip, I think it will be in order for us as leadership to move with speed and try to reclaim our parking. It has been locked because of the past mistakes.

This Assembly cannot be crucified because of the mistakes of the second Assembly. Before the negotiations with the Supreme Court, it will be prudent this House does a letter to the Executive side to allocate Members parking within these parking spaces nearer to the Assembly, starting with the opposite side, outside Jubilee Insurance and also parking adjacent to this building so that Members could at least have an easier way of managing their time. Most of us are affected, we waste a lot of time looking for spaces. As we all know, getting a parking slot within the CBD is quite a hassle.

Hon. Speaker, I think we can do a first aid measure by first making sure the Members have allocated parking spaces around. Also, let us move with speed to try and sort the bad blood between this House and our big brother the Supreme Court so that we can reclaim back our parking. Thank you, I beg to second.

Hon. Speaker: Thank you, Hon. Members, I would direct---

(An Honorable Member spoke off the record)

Hon. Speaker: Order, Hon. Member! I am on my feet. Honorable Members, the Standing Order No. 250 on exemption of business from Standing Orders in regard to the request of the Hon. Majority Whip, I really appreciate his concern, and I would allocate time immediately we dispense off the Order Paper before the Assembly today. Is that in order?

Hon. Members: Yes.

Hon. Speaker: Thank you. We may proceed.

(Hon. Ogeto spoke off the record)

Hon. Speaker: Thank you, it is in order. Hon. DNG

(An Honorable Member spoke off the record)

Hon. Speaker: Majority Leader?

Hon. Davidson Ngibuini: Thank you, Hon. Speaker---

Hon. Speaker: Hon. DNG, hold a bit.

Hon. Peter Imwatok: Hon. Speaker, thank you for allowing me to give a statement. Hon. Speaker, I believe across the aisle we have about 70% of chairpersons elected. I implore upon this House that the chairpersons must be present in the House. The time of a chairperson being called but he/she is in the corner of the Chamber is long gone. A chairperson who is hiding from the Members or from the House, or afraid to be seen or speak, then he/she does not deserve to be a chairperson.

Therefore, I implore upon all the chairpersons to take the front rows of the Chamber at any given time so that when statements are asked, they are available to respond; starting from the Chair of Health who was at the far corner. I am also seeing four others behind me. They should be at the front for all Members of the House to see them. This also applies to their vice chairpersons. We want chairs who are proactive. If the Chair is not active, the vice chair must take initiative to be more proactive than the Chair. In that event, with time, we will change the vice chair to be the chair. *Si ni kweli?*

Hon. Members: Yes.

Hon. Peter Imwatok: Thank you so much, Hon. Speaker,

Hon. Speaker: Thank you. Hon. DNG.

(An Hon. Member spoke off the record)

Hon. Speaker: Declined. Hon. DNG.

REQUEST FOR A STATEMENT REGARDING ROGUE CITY COUNTY ASKARIS AND ENFORCEMENT OFFICERS

Hon. Davidson Ngibuini: Thank you so much, Hon. Speaker. This is my request for a Statement regarding rogue City County askaris and enforcement officers in Woodley/Kenyatta Golf Course Ward and across the City of Nairobi.

Hon. Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the constant harassment of business owners and members of the public by the City Inspectorate across the County.

Hon. Speaker, the Constitution of Kenya, 2010, grants the citizens of this Republic comprehensive rights and fundamental freedoms. The City Inspectorate Department is tasked with enforcement for order to prevail within the City County of Nairobi. The procedure and conduct of these officers is enshrined under the Nairobi City County Inspectorate Act, 2017.

However, my officers received several complaints by traders as well as the general public pertaining to harassment and manhandling of residents by the county askaris from the City Inspectorate tasked with enforcement. Despite them having valid documentation at their business establishment and residences, there are increasing cases of arbitrary arrests, harassment and extortion of these traders and residents by the City Inspectorate, thus infringing on their rights and fundamental freedoms as residents of Nairobi.

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

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

1. How often the enforcement officers undertake refresher courses and trainings, and when the last training and refresher course took place;
2. Failure by the officers to be in uniform and failure to carry identity cards and display of the same on the chests during enforcement;
3. Disciplinary action being taken by the County Executive for such ruthless officers;
4. The procedure and circumstances for conducting arrests by the enforcement officers;
5. Why enforcement officers use force in undertaking their mandate and whether they are aware of the provisions of Section 23 of the City Inspectorate Act, 2017;
6. Measures that the County Executive is undertaking to cease the infamous and ruthless handling of residents and traders by the City Inspectorate officers; and
7. Whether the County Executive has a clear extortion preventive framework and accountability structure, and new modus operandi in place.

That is the end of my request for Statement, Hon. Speaker.

(Applause)

Hon. Speaker: Hon. Members, I don't know whether we will be putting the cart before the horse, but again I don't know if there is any Member who has got information in regard to this Committee on Justice and Legal Affairs. My office has not received official communication as who is the Chairperson.

Hon. Member: Hon. Speaker, there is a Chairman.

Hon. Speaker: I am not aware.

Hon. Jared Ondieki: Thank you, Hon. Speaker, I want to bring to your attention that the Committee has a chairman, not only a chairman but a serious one. My name is Jared Akama Ondieki, the elected Chairman of this serious Committee.

Mr. Speaker, I first want to break from the tradition of the previous Assembly that we used to give two weeks, we have to go with the pace of our Majority Leader; he is very fast. Unfortunately, I don't know whether people from Teso do run, but according to his operations--- What I am trying to say, Mr. Speaker is that---

Hon. Speaker: Hon. Member, are you trying to bribe the Majority Leader? Your statement is not clear.

Hon. Jared Ondieki: I withdraw and apologize. Hon. Speaker, what I am saying is that we want to break from the previous tradition set by the previous House of giving two weeks. Because we want to move with speed, I want to give an undertaking that we will give a report over the same within a week. Thank you, Hon. Members for bringing business in the House very fast.

Hon. Speaker: Hon. Member, I don't think it is appropriate, the timeline cannot be practical given that what has been outlined must be communicated to the Executive. To get a clear position on this, you must give them notice of not less than seven days. So, kindly let it be not later than 21 days so that you can be able to work within that period.

Hon. Jared Ondieki: Mr. Speaker, I totally agree with you, but based on the urgency of the matter-

--

Hon. Speaker: We don't mind you bringing it next week or even tomorrow, but you must also follow the law.

Hon. Jared Ondieki: Most obliged and thanks for your guidance.

Hon. Speaker: Thank you. Next Statement is from Hon. Redson Otieno.

(An Honorable Member spoke off the record)

Hon. Members, we must be practical. The Committee has not even had its first sitting, which will also have to come out with the structure on how to work out issues of the Committee. So, whether he is in agreement or not, we need to be factual. Hon. Redson.

REQUEST FOR A STATEMENT REGARDING INCREASED CASES OF MEDICAL NEGLIGENCE IN THE
COUNTY HEALTH FACILITIES

Hon. Redson Onyango: Thank you, Hon. Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a statement from the Chairperson of Sectoral Committee on Health Services regarding increased cases of medical negligence in the County health facilities.

Hon. Speaker, Article 43 (1) (a) of the Constitution of Kenya, 2010 provides every person the right to the highest attainable standards of health, which includes the right to health care services, including reproductive health care. However, many incidences of medical negligence continue to be witnessed despite the fact that the Nairobi City County Government prides itself on having competent and skilled health workers.

Hon. Speaker, the recent incidence at Mama Lucy Hospital, which saw a mother of twins lose life as a result of negligence after undergoing a caesarean section is hurting. The case of Kenyatta National hospital where a two-year old with a fork jembe lodged in his head died describes a dysfunctional state of broken healthcare system that need urgent attention.

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

1. Detailed report and chronology of events that led to the loss of life of one, Ms. Maureen Anyango;
2. What the hospital has since done to the family of the deceased as part of taking responsibility for breach of duty and causing injury to the family;
3. Challenges the County health facilities face in provision of high quality health care services; and
4. Measures that the County Executive is putting in place to cases to prevent recurrence of medical negligence in all County health facilities.

Hon. Speaker: Thank you, Hon. Redson Otieno, you may be seated. Do we have the Chair designate of Committee on Health?

Hon. Maurice Ochieng: Thank you, Mr. Speaker Sir. We will report back within 21 days because we need to do site visit to investigate the allegations.

Hon. Speaker: Hon. Member, can you withdraw the word 'allegation'. The honorable Member is concerned, he is raising issues and not allegations.

Hon. Maurice Ochieng: I withdraw and replace with 'concerns' of the Member.

Hon. Speaker: Hon. Regi, you may proceed with the other Statement.

REQUEST FOR A STATEMENT REGARDING DELAYED COMPLETION OF EARMARKED ROAD PROJECTS

Hon. Redson Onyango: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a statement from the Chairperson of Sectoral Committee on Transport and Public Works regarding delayed completion of earmarked road projects in the County, particularly Sokoni and Kibicho road projects in Ngei Ward.

Hon. Speaker, concerns have been raised regarding prolonged delays in completion of road projects in the 85 Wards, which were being implemented by the defunct Nairobi Metropolitan Services in the financial year 2020- 2021.

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

1. Reasons the contractors left site and abandoned road projects mid-way;
2. Reasons the contractors failed to erect billboards or put up road works sign before commencement of construction works;
3. Timelines for completion of Sokoni and Kabicho roads projects; and
4. Measures that the County Executive is putting in place to ensure all pending road projects in the County are completed in good time.

Thank you.

Hon. Speaker: Thank you. I am made to understand that we still don't have the Chair for Transport and Public Works. May be by close of the day tomorrow, we will be blessed with one, but I am certain that we have the Majority Leader who will do an undertaking on behalf of the Committee. I will direct that the Majority Leader brief the first sitting of the Transport as soon as they convene and relay the same information to the Chairman of the Committee. Honorable Majority Leader, can you please commit?

Hon. Peter Imwatok: Thank you, Chair, I commit to brief the Committee. I was calling the Whips to know whether they are doing election tomorrow. I affirm that they will be doing election at 9:30. a.m. Definitely by tomorrow afternoon, we will have a substantive Chair and Vice Chair of Transport and Public Works.

Hon. Speaker: Thank you, Hon. Majority Leader. Clerk, you may proceed.

MOTION

Hon. Speaker: Hon. Nasra.

CONDUCT OF BUILDING SAFETY AND STRUCTURAL AUDIT OF ALL THE RESIDENTIAL BUILDINGS

Hon. Nasra Nanda: Thank you. Hon. Speaker, Hon. Members of the County Assembly, I stand before you today with intention of moving the Motion under the subject: the conduct of Building Safety and Structural Audit of all the residential buildings in the County.

THAT, aware that Section 56 of the Physical and Land Use Planning Act, 2019 gives the County Governments powers within their areas of jurisdiction to amongst others, prohibit or control the use and development of land and buildings in the interests of proper and orderly development of its area, and to ensure proper execution and implementation of approved physical and land use development plans; concerned that according to a report by the National Construction Authority published in 2018, cases of

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

collapsed residential buildings in the County have been on the rise, with 85 cases of collapsed buildings having been reported in the prior five years with an estimated number of 200 lives lost and over 1,000 injuries as a result; further concerned that most residential buildings in the County have not complied with the building standards and regulations, hence subjecting occupants to risks as a result of poor ventilation, risky electrical, water & sewerage reticulation, weak structures with visible concrete cracks and neglected repairs, hence posing an imminent death trap; acknowledging the need for a multi-agency approach between the National and County Governments in assessing the suitability of buildings in the County for habitation as a proactive way of preventing and mitigating such disasters; this Assembly therefore resolves that the County Executive, in conjunction with the National Construction Authority, conduct a building safety and structural audit of all the residential buildings in the County with an aim of highlighting the risks and recommending ways to address the identified risks.

Thank you, Hon. Speaker.

Hon. Speaker: You need to give insight of your Motion, you have up to 15 minutes.

Hon. Nasra Nanda: Thank you, Hon. Speaker and Hon. Members for your kind attention as I address this Motion before you.

Hon. Speaker and Honorable Members of this Assembly of Nairobi, I would like to remind you that on 29th of September, we took an oath to the people of this great County to ensure that their rights are protected as per the Constitution. Article 28 of the Constitution of Kenya says that every Kenyan has a right to live with dignity with respect to a Kenyan's right to have not just safe but a habitable living environment.

I believe that this is one of those fundamental freedoms each Kenyan should have. I am deeply concerned and I urge this honorable Assembly to be deeply concerned and also take action to support this Motion because as it stands, out of 14,895 buildings in the County of Nairobi, as per the report prepared by the Nairobi Building Inspectorate in 2018, only 2,194 buildings are safe. This means therefore that the remaining average of around 12,000 buildings are unsafe and deathtraps to our citizens. This could potentially end up in injuries, causing irreparable harm or worse, death of our citizens.

This is not a situation unique to a particular ward, this is an issue facing Eastlands, Huruma, Buruburu, Baba Dogo, Umoja and several respective wards within this County. For this reason, it is not one person's problem but every Kenyan's problem. It would be unfair and unjust if honorable Members today do not stand up to fight for their respective citizens.

Fundamentally, what are the issues before us? The first is that, the buildings lack structural integrity and are not ingrained or incorporated with safety in mind. The second is that, despite this lack of structural integrity, the buildings continue to exist despite being non-compliant. The third is that, in the building of these buildings, what was noted substantially is that developers and other contributors within the built environment are utilizing substandard materials, which then effect the quality of the building.

This has a disastrous effect on our citizens because ultimately, that contains the risk that any person occupying such building is waiting for an imminent death. For example, in 2016 in Huruma, a six storey building collapsed after heavy rainfall simply because the people tasked with building that building did not look at the weak foundation, and as a result of this negligence, 51 occupants died and over 100 people were injured. Huruma is only one example of several.

As I indicated in my Motion, over 200 lives have been lost and over 1000 people have been injured. Let not that be in our hands, let us not let that continue because we were either weak or did not care about the safety and integrity of those buildings which affect our people.

I stand here today as a citizen of this great Republic and County and also as honorable Member, to let you know that you swore that oath to defend your citizens and to ensure things are done the right way. So, I ask and humbly request all of you to support this Motion so that all buildings undergo a structural audit to ensure that anyone and any entity which is non-compliant is held accountable and given one month to comply with any safety issues that they need to comply with.

I also ask that in the event that this is not done, serious consequences need to be taken upon those who are failing to comply with the law. The law is therefore a reason, and we are informed that whether you are so big or no matter who you are, the law is still above you.

Thank you, Hon. Speaker and honorable Members of the Assembly.

Hon. Speaker: Honorable Member, can you ask a Member to second your Motion.

Hon. Nasra Nanda: Thank you, Hon. Speaker. I therefore invite Hon. DNG to second the Motion.

Hon. Davidson Ngibuini: Thank you so much, Hon. Speaker. Honorable Members, order and dignity is the top priority for our Governor, we have heard him say this often. Nairobians deserve dignified homes and orderly living.

Moreover, Hon. Speaker, safety at home and while at office should be a key priority for our County Government. Hon. Speaker, we must ensure that our people are safe at all times, and we must also ensure that we will not be yet another case study, that Nairobi will not be highlighted on television after another building collapses.

We are duty bound as Members of Nairobi City County to protect our constituents, and this is the time to get to work and tighten this rope. Allow me to say that prevention is better than cure. Let us proactively ensure that these buildings that Hon. Nasra is talking about are marked safe for occupancy. Remember these are our relatives, our friends, our children in those buildings. So, let us ensure that they are safe.

In this endeavor as we move forward, let us also ensure that these occupancy certificates are legitimate. Let us ensure that there will be no more haphazard and under the table issuance of occupancy certificates by the officers in charge. So, Hon. Speaker, it is my pleasure to support the Motion and second it.

(Applause)

(Question proposed)

Hon. Speaker: Hon. Members, plenary.

Hon. Moses Ogeto: Thank you, Hon. Speaker. First and foremost, I want to congratulate Hon. Nasra for bringing such a Motion before this House. This is a very good attempt, she has even defeated us the so called seniors of this House, by ensuring that she has brought a great Motion.

Hon. Speaker, I support this Motion on two principles. What she is requesting is that the County Executive and the National Construction Authority (NCA) ensure safety and structural audit of all residential buildings. There was a report that was published in 2016 by state department of public works. They did a

survey of 2,000 buildings, and out it, over 400 buildings were unsafe. That was around the year 2016. Most of these unsafe buildings are in the Eastern part of the City; that is Eastlands. There, people just build without---

Hon. Speaker: Order, Hon. Member! I know you are a representative of Nairobi City County Assembly. Is that true?

Hon. Moses Ogeto: Yes, Hon. Speaker. I am only---

Hon. Speaker: Why do you want to profile a section of the City?

Hon. Moses Ogeto: Hon. Speaker, it is good to be honest before the House. The only places where these houses are built without following due procedure is where Hon. Jeremiah Themendu and Hon. Paul Kados come from. If you go to the upper part of Nairobi, they try following procedures. In this report, they were specific, they said the sides of Eastlands was a junk. People from there don't even follow traffic lights. They are not civilized in a manner that---

(Loud consultations)

Hon. Speaker: Hon. Member, kindly do not run away from the fact that you are a member of Nairobi County Assembly. You are not an Hon. member of Kileleshwa or Kilimani.

Hon. Moses Ogeto: Hon. Speaker I want to put it very clearly because if you go to where the Leader of Majority comes from, even your safety is at risk. It is good to be honest so that---

(Point of Information)

Hon. Speaker: Granted.

Hon. Peter Imwatok: Hon. Speaker, I want to inform the House and the Majority Whip that the place he is trying to profile in almost all mayors of this city - from Dick Wathika, Ndirangu, Majiwa, Joe Aketch, George Alandwa, Dick Wawerum the immediate former Majority Leader of this House (Abdi Guyo), current majority Leader - comes from Eastlands. Eastlands is the peak of Nairobi. The former Speaker of this assembly, Benson Kangara Mutura came from Eastlands, Hon. Speaker (Kennedy Ng'odi), Deputy Speaker, Paul Kados, comes from Eastlands.

Eastlands is a home of brains. Be informed that being affluent does not commiserate with the capacity of medulla oblongata. Thank you Mr. Speaker.

(Point of Order)

Hon. Member: Is the honorable Member from Kilimani right in insinuating that only the people from the western side are civilized? I beg that he withdraws the sentiments.

Hon. Speaker: Honorable Member, it is not about part or region of Kenya but Nairobi.

Hon. Moses Ogeto: Hon. Speaker, we are talking about safety of our buildings in the city. According to a report that was given by Dr. Nyakiogora in 2016, safety of buildings is required. I want to remind the honorable Member that even the Leader of Majority has talked about leaders of this city coming from Eastlands and you can see how they have messed this city. It is not a priority for a leader to come from Eastlands because they only mess this county.

Hon. Speaker, even the former Governor came from Eastlands and he messed this---

Hon. Speaker: You are not supposed to discuss the conduct of a member of this society who is not in this House to defend himself. Kindly, can you withdraw or you bring a substantive Motion.

Hon. Moses Ogeto: Hon. Speaker, I withdraw but Hon. Speaker---

Hon. Speaker: There is no but.

Hon. Moses Ogeto: I want to bring the substance of this Motion into reality.

Hon. Speaker: Can you withdraw the statement?

Hon. Moses Ogeto: Hon. Speaker, I have withdrawn.

Hon. Speaker: Thank you. Proceed.

Hon. Moses Ogeto: Hon. Speaker, my majority Leader is the one who has named these people and I have withdrawn but there is---

Hon. Speaker: Why do you want to dilute the Motion?

Hon. Moses Ogeto: Hon. Speaker, the Motion is talking about the safety of buildings. Parts of Kilimani, Kileleshwa, Kitusuru, Parklands, Karura, some parts of South C and some in Harambee are places of some safety. For places where we have problems of safety it is the national Parliament which created the problem by issuing double title deeds.

Let us be honest Mr. Speaker, when you come to the side that we represent, they have title deeds but in Eastlands they do not have title deeds. This is what is hindering the safety. In the Nyakiogora's report, he was very specific that most of the houses have been built on riparian land and swamps. We must stop this. Our friends from Eastlands should stop grabbing land because that is the only way that we can guard our safety. Let them stop grabbing riparian land.

Hon. Speaker, I think that the safety audit which will be approved by this House should be directed first to Eastlands before it comes to our side which is a bit organized, in order to ensure that these safety procedures have been taken. With those few remarks, let us also ensure that the residents of Nairobi are safe with their title deeds so that they can build their houses in the right places. I beg to support this Motion.

Hon. Diana Mwangangi: Thank you Mr. Speaker. Hon. Members. I rise to support this Motion. I want to make a few points. First, we want to do an audit but these structures do not just appear but are constructed up to a point where they become buildings and they are occupied. One of the recommendations should also be to ensure that there is constructive and constant monitoring and evaluation of these structures right from inception. This will ensure that the materials have been checked at every level or at each floor and eventually we will have a safe building.

Secondly, the audit - Hon. Nasra I believe - should also be done on ongoing projects apart from the completed ones. This will capture the monitoring and evaluation part; we do not have to wait for the structures to be completed and then we come to audit. We can arrest the problem at that ongoing stage.

Thirdly, there is an important note there that the audit should be extended to cover the commercial buildings. Our residents spend their evenings in the residential buildings but spend their days in the commercial buildings. Even as we want our residential buildings to be structurally sound, we should also ensure that the commercial buildings are structurally sound so that we are safe both at home and in the work place.

Fourthly, I would like this honorable House to disregard some of Hon. Ogeto's remarks because when we take that angle then we might miss the object of this Motion. It is not about Eastlands or Westlands or wherever. Our objective is to ensure that residential and commercial buildings are all structurally sound.

You mentioned NCA and the Executive, NEMA is also involved in approving these constructions. When one is constructing a building, you have to seek NEMA approval and they will arrest the cases of building on riparian land as mentioned by Hon. Ogeto and we will have safe buildings.

Hon. Ogeto, I am a Wakili from Eastlands and as the Majority Leader stated, Eastlands *tuko na brain*. Thank you, I support the Motion.

(Applause)

Hon. Peter Imwatok: Hon. Speaker, it is with pride when I see my minorities standing in this chamber as if they have been here for more than five years. They are all from Eastlands; even Hon. Nasra. In the history of this assembly it will be written that the first Motion was moved by Hon. Nasra in the Third Assembly, congratulations.

(Applause)

Hon. Katile, thank you for taking the bull by its horns. It is working for us minorities. To the entire House, it is great to have such a Motion before this House. It is not about Eastlands or Westlands, I remember that there was a school that collapsed when students were leaning somewhere in Dagoretti. There is also a house which has been constructed next to G-pot on the road reserve, its basement parking is on the road. I went with the Majority Whip in his own ward. Is that Eastlands? Insecurity is insecurity, safety is safety; it does not matter its magnanimity.

Hon. Speaker, I want to implore other Members that Hon. Nasra has done us proud. This will go in history that you are trying to safeguard the safety and interests of all Nairobians. I am from Eastlands, in a 10x10 house built in 1902 in Makongeni. But I have never seen a house which has been built with a corner facing the other corner. If it is 45 degrees, it is 45 degrees---

Hon. Speaker: Hon. Majority Leader, your two minutes are over. You had only two minutes. Remember you had already given me---

Hon. Peter Imwatok: Hon. Speaker, I have moved a Procedural Motion in this House and whenever the Majority Leader stands, he has enough time to speak.

Hon. Speaker: No. But you had already ...

Hon. Peter Imwatok: On an individual Motion! I read a procedural Motion.

Hon. Speaker: You may conclude.

Hon. Peter Imwatok: Hon. Speaker, I want to say to honorable Members that let us stand firm. What needs to be done, let us do it with all the agility we can. Because this Motion is not about you and me, it is about our children's children. Assume you are taking your kid to a school which has not been properly constructed and then you are called while in the chambers that it has collapsed, how would you feel? It does not matter where you come from.

I congratulate Hon. Nasra, I urge the entire House to pass this Motion without hesitation. Thank you.

Hon. Speaker: Hon. Chris Githinji!

Hon. Paul Wachira: Hon. Speaker sir I am using his card because I do not have mine. I am Hon. Paul Wachira, Kayole North. I rise to support the Motion by Hon. Nasra without been discriminatory of wherever we come from. Whichever laws we are to pass in this House should also consider the people who

approve those buildings. I would like to inform Hon. Ogeto that we use the same people that they use to approve buildings.

We should also audit the people who approve the construction of such buildings as we audit the structures that are been built. Thank you so much.

Hon. Ochieng Jera: Thank you Mr. Speaker sir. My name is Ochieng Jera. First of all, let me concur with Hon. Nasra for the wonderful Motion and the wonderful debate that is going on. I want to agree with the Majority Whip because the Hon. Majority Leader is claiming that only good leaders come from Eastlands. I am wondering Majority Leader, those people that come from the sides of Kibera, what do you give them? Because there are so many leaders coming from that side of Nairobi.

When you claim that the best Speaker, the best Governors and the best mayors came from Eastlands, are you like insulting the leadership that is coming from other areas? You must withdraw Majority Leader because we are all leaders elected by people. I am sure that we have leaders who are coming from these sides, who are brave enough, eloquent enough and you have seen it yourself. For example, Hon. Ogeto our Majority Whip. We have many leaders here, like Hon. Alai who has just contributed here---

Hon. Speaker: Honorable Member, you are out of order. Are you contributing to the Motion?

Hon. Ochieng Jera: Sorry Mr. Speaker sir, I am really perturbed because the Hoorable Member---

Hon. Speaker: No, you are out of order. Please concentrate on the Motion.

Hon. Ochieng Jera: Okay Mr. Speaker, I am sorry. I want to appreciate Hon. Nasra for what she has done. I come from Kibera where houses are built without any plans, 90% or more of our houses are mud houses. We should consider having a legislation whereby our people in Kibera should also be allowed to up nice houses for their families.

When you go to Kibera you will be told that these houses cannot be put up because the land belongs to certain people. It is time that we are allowed to put up nice houses for our people. You cannot mention here that you come from Kibera because you will be told that you are as dirty as your houses are. But our minds are not dirty. We have clear minds. The only problem that we have is that we have bad houses.

I think when you are redrafting the message, consider Kibera as part of Nairobi. Thank you Mr. Speaker.

Hon. Alvin Palapala: Thank you Mr. Speaker. my name is hon. Alvin Olado, Chairman-Elect, Planning Committee. I want to congratulate the Members of that committee and I believe it will be a vibrant committee.

I want to comment about the zoning policy. Most of these approvals are being done and laws are not being followed. That is why we are having cases of houses being built improperly in Nairobi because they have not followed the zoning policy. I congratulate Hon. Nasra for her first Motion. As the Planning Committee we will do our oversight work. Most of these things are being done because we are not doing our oversight work as honorable Members especially in the previous county assembly.

I believe in the current assembly as we will do our job and we will not be having the problems that we are facing. Thank you.

(Applause)

Hon. Deonysias Mwangi: Thank you Mr. Speaker. As I said during my maiden speech, I am Deonysias Mwangi Waithera representing the people of Githurai Ward. First, I want to start by congratulating and saluting Hon. Nasra for the Motion. On safety of buildings. If we pass this Motion, I believe we can secure the people we represent.

This Motion does not only touch on the unprofessional contractors and substandard materials but when we talk about the safety of buildings, we also talk about buildings which are on the riverside, road reserves and buildings on public land. As an assembly we can amend or bring laws on this because unfortunately when we have a case of a collapsed building, you find that it is only the owner of the building who faces the consequences. But the people who approve the plans are officers of this county.

We should make tough laws and the Planning Committee should sit regularly in order to come up with regulations. We can even make laws –I believe I am still in order – if the requirements for any person to build for example, if the building is supposed to have a toilet, the building is also supposed to have security lights. If every building in Nairobi has security lights, I believe even the money used to put street lights can be used for other things.

Mr. Speaker, I beg to support the Motion. Thank you.

Hon. Emily Oduor: Thank you Hon. Speaker. First, it to congratulate Hon. Nasra for bringing this Motion. It is a very important Motion that she has brought here today. I am going to make it very short because I can see the mood of the House. Most Members are waiting to talk about the issue of parking.

The first thing that we need to do is to push the Executive because all these things are happening because somebody from the Executive side is not doing his or her work especially the planning department. There must be stages in building and as the planning department they need to inspect what is being constructed. But they do not do that and that is why these houses end up collapsing. The buck stops with the Executive.

I would also like to say that this does not only happen in Eastlands. Hon. Ogeto, I think along OTC there was a building which collapsed killing several people. This is happening all over Nairobi although Eastlands has been very notorious in this. This is because of land grabbing and as it has been said earlier, most mayors of Nairobi County came from Eastlands. I would like to say this, and please forgive me if you think that this is wrong, they contributed to the land grabbing---

Hon. Speaker: Honorable Member, you are out of order.

Hon. Emily Oduor: Thank you.

Hon. Speaker: Honorable Member, please try to contribute on the Motion, concentrate on the Motion.

Hon. Emily Oduor: I am sorry. I was not saying that they are grabbers, they are great people.

Finally, Mr. Speaker, looking at the mood of the House--- Mr. Speaker, please protect me from the Majority and Minority Leaders.

Hon. Speaker: You started the war, so you can as well--- You may proceed.

Hon. Emily Oduor: I am requesting that the mover be called to reply so that we can go ahead and discuss the issue of parking which is a major issue affecting this House. Thank you.

Hon. Speaker: If any Member has an issue, this is your chance. Who is the honorable Member who has never spoken before the floor of the assembly? Hon. Kimondo, the independent candidate from Mukuru kwa Njenga.

(Applause)

Hon. Francis Kimondo: Thank you Mr. Speaker sir. I am the ward representative for Kwa Njenga, Embakasi South. I would like to support the Motion and I would like to contribute to a few issues especially the county by-laws that have been there before. I believe there were certain regions that buildings were supposed to go for three or four storeys but nowadays due to corruption in this county, they are building the storeys they want.

The county government should accredit the materials and the engineer should inspect floor by floor as buildings are being constructed. Nowadays due to the lack of networking between the area MCA through their oversight role, most of the buildings have collapsed and let us down.

I urge this county to oversight the same and make sure that everything goes by the rule, not by the pocket. Thank you Mr. Speaker sir.

Hon. Speaker: Honorable Members kindly allow, for the sake of other businesses, for Hon. Nasra, to reply.

Hon. Nasra Mohamed: Thank you Hon. Speaker. I would like to take this opportunity to first thank all the honorable Members of this County Assembly starting with the Majority Leader who emphasized that safety is a responsibility of us all. I would also like to thank the Majority Whip who touched on an important area which I had overlooked; that is the riparian land. I do concur that this is an issue that also need to be concluded.

I would also like to applaud and thank my fellow learned friend Hon. Katile who emphasized on a number of things including inspecting of on-going projects, commercial buildings and also incorporating NEMA. Thank you for your point. Hon. Paul, I also like your contribution on considering individuals as part of the structural audit process. This is much appreciated.

Hon. DNG, I really liked your point on dignity, which is the basis of all of us as honorable Members so that we can support and promote our people and their interests; thank you very much. Hon. Jera, I would like to emphasize that Kibera was, is and will always be part of Nairobi, there will never be a day that Kibera will not be considered as part of Nairobi, and Kibera people are people of Nairobi, thank you. Hon. Palapala, Mr. Chairman, I would like to thank you so much for your encouraging words and also your point on---

Hon. Speaker: Hon. Member, remember that you had exhausted all your time...

Hon. Nasra Nanda: Thank you, allow me to conclude. I would like also to thank Hon. Palapala for his contribution and Hon. Deonysias as well and lastly, Hon. Kimondo. Thank you all for your contributions, I beg to reply. Thank you so much.

(Applause)

Hon. Speaker: May be for future reference Hon. Nasra, if you acknowledge the Honorable Members who have contributed to your Motion, before the question has been put and passed, then it can turn to be the other way round. Next time please, the Motion before the House is the business of every Member in the House.

(Question put and agreed to)
(Applause)

MOTION

DEBATE ON THE ADDRESS BY THE GOVERNOR
(Resumption of Debate on the Third allocated Day)

Hon. Peter Imwatok: Hon. Speaker, that, the thanks of the county assembly be recorded for the exposition of public policy contained in the address of the governor, laid on the table of the assembly on Wednesday 19th October, 2022.

Hon. Speaker, I would like to bring to the attention of the entire House that this is the last day of this debate as prescribed by the law that states we should debate the Governor's speech for three days concurrently and I believe for those Members who had not had the opportunity to contribute, this is your moment and I ask my---

Hon. Speaker: Order! This is just a resumption of the debate.

Hon. Peter Imwatok: Sorry, thank you.

Hon. Jared Akama: Thank you Hon. Speaker for giving me this opportunity. I request that as I contribute to the Governor's speech, that I also give my maiden speech.

Hon. Speaker, I have been elected by the people of Mugumoini Ward for the second time and I want to give special thanks to them. I would like to congratulate you for being elected as the Speaker, including the leadership of this House. For those who are wondering where is Mugumoini, Mr. Speaker, it is the largest ward in Nairobi and it is the only ward in the world within the city with a national park. If you have a privilege of visiting the park, know that you are in Mugumoini Ward.

Equally I want to give my dedication that the speech of the Governor was a fair speech in the sense that it did not have populist kind of notions because what he indicated in his speech is actually achievable. Some of the things which captured my attention were; one, the issue of fire incidences in this city. In the previous assembly we had allocated for centralized firefighting service. That every sub-county of the 17 sub-counties to have a fire station or basically have fire fighting machine within the sub-county for the purpose of quick response.

Mr. Speaker, some of us represent informal settlements and we have been affected adversely because by the time these fire-fighting vehicles come from Nairobi or Ruaraka, much destruction has already been done. My take on this point is, let us as the assembly follow up and emphasize on decentralization of fire-fighting equipment and ensure that every sub-county has these machines.

Mr. Speaker, the Governor also indicated something which is very crucial; the feeding programme. The only thing that he never indicated is how this programme is going to be sustained. It is key that we need to feed our children. From experience, whenever we introduce such a programme, we experience enrollment because we cannot have a situation where we are sending our children to school on empty stomachs. I remember last time the former Governor Mike Sonko, introduced a milk programme. The programme never went far because sustainable mechanisms were not put in place. I hope that even as the Governor is thinking about this noble idea, as an assembly let us have a sustainable programme which is going to last for a long time.

Mr. Speaker, the Governor equally mentioned the issue of bursaries. This is very crucial because many parents are challenged. He also indicated that the bursaries will be distributed before every term. We normally have a challenge whereby we do apply for bursaries and they take one year. I am looking forward to see the mechanism which is going to be put in place to ensure that there is fast disbursement of bursaries because they are very crucial in supporting parents to take their children to school.

Mr. Speaker, the Governor also mentioned the issue of Ward Development Fund, it is in the heart of every elected Member of this House. I want to believe that if it is taken seriously – Mr. Speaker I was doing my calculations and realized that if every ward has one project every year multiply by the 85 wards, those are 495 projects. These projects can make a big impact in terms of job creation, in terms of---

Hon. Speaker: Hon. Member, you are guided by the lights, your time is up. Kindly, conclude.

Hon. Jared Akama: Mr. Speaker, what I am saying is that it was good speech if only it can be implemented to the latter. Thank you so much.

Hon. Lily Kideda: Thank you Hon. Speaker for giving me the privilege to make my maiden speech even as I contribute to the Governor's address. My name is Lily Kideda and I am very grateful to be part of this assembly. Congratulations to all honorable Members and all the leaders that have been elected. I would like to honour God for giving me this privilege even as I honour my party and the leadership.

I would like to add my voice to the speech of my Governor and would like to say that it was an excellent, brilliant, concise and passionate speech. I believe he was committed to what he said. It is said that 'when there is a will, there will always be a way'. If we work together as an assembly together with the Governor, we can achieve many of the things that he highlighted.

I am convinced that because he invited the leadership of God by acknowledging God that he will be supported from areas that many of us are not aware of. We can hold him to his commitment 'to make Nairobi work'. We can also hold him for saying that he will work with each one of us.

Allow me to talk to some of the things that were very close to his heart. At the risk of repetition, I would like to talk about the feeding programme. One of the honorable Members mentioned that our jurisdiction does not extend to primary school feeding programmes but is limited to early childhood education. This gives us a unique position as a House and as leaders because what you do to a child in early childhood education, create a foundation that will make that child who they will be.

I want to add a twist to the feeding programme We need to partner with the health sector to make sure that the kind of feeding that our children are given is such that nutrition is taken care of. If we start from the basics without worrying too much about what is under our jurisdiction, it will automatically flow down to us.

Mental health in our schools, in our early childhood institutions is a critical thing that we need to bring to the attention of the Governor to help him understand that poverty is not necessarily a thing of the stomach, the lack of proper knowledge is a poverty that none of us deal with. What our children are consuming is proper to them not only to fill their stomachs but also to build their capacity. Indeed, poverty goes beyond meals. If the home environment is not conducive, consider yourself having poverty. I would like to add that the Governor should consider including counselling programmes within the schools that are under our

jurisdiction. Mental health is key and is very close to our hearts as the Health Committee. I pray that this will be considered.

Allow me to speak about illegal dumping. I have witnessed that any dumping does not happen overnight. Generally speaking, it starts with the little something, and we sit and wait until it becomes a mountain, and then we speak to it. I would like to say that if the Governor is convinced that this is the way it should go – somebody talked about zoning – Nairobi should be zoned such that there are hot lines that people can call and report illegal dumping before it becomes a mountain. They can be put in specific locations and people empowered to follow on any information that comes through. Where there is a will, there will definitely be a way.

I notice that my time is up and I would like to say that for those who are privileged to vet the cabinet, that you will make us proud by being focused, honest and doing your research and giving us...

Hon. Speaker: Hon. Member, your mike is switched off.

Hon. Simon Mugo: Hon. Speaker, my name is Kimani Mugo. First, I want to congratulate you on your election as the Third Speaker of the Assembly of Nairobi. This is my first time here; I represent Zimmerman Ward. I am an Accountant by profession CPA (K) and I am a holder of MBA which I did in Tokyo, Japan. Having been elected in Zimmerman Ward, I know that I carry their aspirations.

On the Governor's speech, previously even before we were sworn in, I had a chance to look at some of the things that the previous MCAs have been doing. Most specifically highlighted by the Governor was the Ward Development Fund. It was a good address talking about the Ward Development Fund, but looking at the previous regime, this has been a tall order. I requested for a statement to see what has been done in the last five years in my ward, and to my surprise, there is not even one single project that was paid.

Therefore, I hope that this Assembly is also going to secure some funds, which will be secured not to be used in any other development apart from Ward Development Fund so that Members can also be able to have some tangible projects at the Ward level. The impact at our ward level would mean that for us to go for the next elections we will be having something to tell the people. We do not have to be at the mercy of the Governor to show what we have done at the level of our ward.

The other thing I was able to note in the speech of the Governor is waste management. As you know, in my Zimmerman Ward waste and garbage are a menace and if this can be able to be tackled well am sure we can be able to see Nairobi's progress in terms of waste management.

The other thing that attracted my attention in his speech is about public land. In my ward I have a place called Gethaine and Zimmerman Estate. We do not have a public space not because it was not there, but because it has been grabbed by these people operating in this City Hall. It is my desire also that this Assembly will come to its realization that we audit all the spaces that were located for the public, even if it is through enforcement to acquire these spaces so that MCA can space where we can be able to build a social hall, health centers, and other development like early childhood nurseries for our children.

This is because some reports have been there even in the national dailies that these small children who are supposed to be provided for ECE centers walk up to 3 or 4 km to access the nearest primary education centers in our wards. If the Governor can put his word to action and reclaim some of these public lands, we can be able at least to deliver on some of our mandate which we have promised the people of this city.

The other thing that is core in my manifesto is about the youth. As you know Mr. Speaker, this county is operated by very old people. We have been visiting the Executive side and in my ward the people who are doing the general road cleaning are people who are supposed to be going for retirement. However, we have not seen any recent recruitment of the youths. It is my desire that this County Assembly can also with the help of senior Members introduce some Bills to audit how these people were employed by the County Executive.

We will be able to see if there are people who did not have the qualification required. We can be able to give the old people a good retirement and at least we can be able to hire our own. Thank you so much, Hon. Speaker and because of time I want to appreciate it was a good speech and we are looking forward to seeing how it will be implemented. Thank you

Hon. Speaker: Hon. Munuve as the last speaker. *(Several Members pressed the button to speak)*

Honorable Members, we have another Motion. We want to dispense with this or we allocate tomorrow. How many Members would want to rise on their feet? kindly come up on your feet?

(Twenty-one Members rose to their feet)

Hon. Members, with your numbers the Motion stands disrupted for the next day tomorrow. Hon. Member you may proceed.

(Applause)

Hon. Joel Kimanzi: *Asante Mheshimiwa musemaji, mimi ni Joel Munuve mjumbe wa Kariobangi North kata hiyo ya kazikazini. Kwanza nataka kuzungumizia maswala ambayo Mku wa Mkoa huu aliyo zungumizia na kuna maswali mawili ambayo ni nyeti kwangu ya kuzungumuzia. Jambo la kwanza aliyo zungumuzia ilikuwa mambo ya kutoa taka. Na katika kata yangu ya Kariobangi kwa sababu ya ukosefu wa kuwa na aridhi ambayo ina weza kuweka takataka zile, takataka zote zawekwa barabarani. Kwa hivyo ningependa ninukuliwe siku ya leo kwamba hatutaweza kufikia au hatutaweza kusafisha Nairobi hii, iwapo hatutaweza kuchukua aridhii ambazo zilikuwa za uma ambazo zimechukuliwa au zimerithiwa na watu wengine.*

Ya pili, napenda kuzungumizia mambo ya programme ya lishe kwa sababu ni jambo ambalo liko karibu sana na roho yangu. Katika kata yangu tuko na shule mbili za uma shule ya kwanza yaitwa Kariobangi North ya pili inaitwa Marura. Shule ya kwanza iko na wanfunzi 2302 na shule ya pili iko na watoto 700. Na hali katika kata hii tuko na shule ambazo ziko katika zehemu zingine kwa sababu kuna kama zile za kibinafusi na kuna zile sa mashirika

Na shule hizi zote zinaingia takriibani 36, na watoto ambao wako katika shule hizi zote tukijumuisha wanaingia 7893 na hawa ni watoto wa wazazi katika mkoa wetu, wazazi ambao wana piga kura katika mkoa wetu. Itakuwa ni vibaya sana kwa sababu kama sisi kaunti tutakuwa tuki shugulikia shule za uma pekeyake unaona watoto karibu 8000 wata kosa lile lishe. Kwa hivyo yangu ningependa nipendekeze kwamba wakati tutapitisha mswada huu wa lishe basi tukumbuke pia kuna watoto wengine ambao wazazi wao niwapiga kura wa eneo hii au mkoa huu na ambao pia wako na shinda wanafaa kupata lishe hili.

La mwisho, ningepeda kuchukuwa fursa hili kuwashukuru watu was kata yangu ya Kariobangi Kaskazini kwa kunichagua katika Bunge hili na vilevile ninge penda kushukuru Mwenyezi Mungu kwa kunipa fursa ya kukuja katika bunge hii kama mtu wa kibinafusi. Ningependa kuwahimiza wote, kwa sababu zote ni waheshimiwa siku ya kuapishwa niliona wenzangu wakibeba bibilia na zote tukaapa. Na bibilia hii au Quaran ni vitabu ambavyo ni vitakatifu na ni vitabu ambavyo vinafaa kuheshimiwa. Kwa hivyo ningependa ndungu zangu waheshimiwa wacha tuendeshe shunguli zetu katika bunge hii na njia ya unyenyekevu na vilevile njia

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

ya kupatiana heshima kwa sababu zote tume changuliwa au zote tulichaguliwa katika vyama tofauti. Kwa hayo machache ningependa kusema asanteni sana na Mwenyezi Mungu awabariki. Asante sana Mwenyekiti.

(Applause)

MOTION RAISING QUESTION OF PRIVILEGES PURSUANT TO STANDING ORDER 59(H) REGARDING THE COUNTY ASSEMBLY PARKING LOT

Hon. Speaker: Thank you. Hon. Members I now direct that Motion No. 9 appear in the Order Paper tomorrow. This will give the honourable House to deal with the Motion on which a Member may move without notice, Standing Order 59 (h), Motion raising question of privileges as raised by the whip regarding the parking lot.

Honorable Members, you may be aware of the issue to do with events that have already been overtaken by events. It has already been applied, there is nothing much we can do about it. Can we deal with this parking issue, Honorable Members? Seargent-at-Arms please bring the Members to order! Hon. Emily! Majority whip!

Hon. Peter Imwatok: Hon. Speaker, I have been waiting patiently because this afternoon as I was driving with you from Osewe where we had been invited for a good African dish it was a concern even to you how to resolve this issue of the parking. Indeed, on the issues of the paint we have had some cough, some are healing and I am told it is already done. Thank you for your direction, Mr. Speaker.

Now let us come to the gist of the matter. In the history of this parliament since 2013, we have never missed having a parking lot for the Members of the County Assembly. This is disrespect, dishonor, displeasure and all the terms you can use to describe how some organizations or organs of government take our institution as an independent institution.

Hon. Speaker, in 2013 when we were sworn in we were well advised that there are two parking attached to the Supreme Court. One parking belonged to the Supreme Court and the second one belonged to the County Government of Nairobi and it was gazetted as part of the precinct of this House.

Hon. Speaker, under the Powers and Privileges Act we do not want to beg what belongs to us. What was gazetted ought to belong to the County Assembly. As you aware 10 years down the line after devolution was born, it is only the County Assembly of Nairobi that has never gotten a space enough to put up offices for the County Assembly Members. All County Assemblies have offices for County Assembly Members within the headquarter of the County and their respective wards.

In our initial plan, we thought this space from the Supreme Court which belongs to us could be a place where we can expedite a budget on it and build a four-storey building that will occupy all the Members of the Nairobi City County Assembly and underground parking commiserate to the one at the Catholic Church.

Hon. Speaker, the more we keep quiet the more the Supreme Court operatives are taking us for a ride. I remember last week you talked about just a security officer in charge of the Supreme Court and the kind of language he was expressing to the Speaker, until you told him you were the Speaker of Nairobi, not the Speaker of Isiolo, Tana River of 26 MCAs, or Turkana; the second largest Assembly in the Republic of Kenya. A mere Security Officer was talking as if he owns heaven.

Hon. Speaker, it is time we take actions and I will not be the first Majority Leader to lead a House without parking for Members *(Applause)*. This one can only be possible if we work as a unity to reclaim what is rightful ours. If we say today the Minority and Majority leaders are going to lead the entire Assembly to

reclaim our assets which belong to the County Assembly for the last 10 years so be it and lets all be united to the last person.

(Applause)

I would like to suggest to Mr. Speaker this afternoon: may it be upon us the legend of this Assembly to close the entire Supreme Court with our cars. If that will make us to get our parking lots, so be it because, Members, this is not right. Initially on that parking lot you do not need to pay somebody to look after your car, but now Members are paying parking boys to look for their cars. In the previous Assembly the Sergeant - at -Arms were deployed to this parking to watch over our cars.

Hon. Speaker, I implore this House, after this we are going to have House Business Committee. If the House leadership plus the Speaker can sit and make a communique out of a kamukuji that is binding to the entire House that on Thursday at 8.00 a.m. we are going to make sure that we are going to get back our parking. I do not believe that there are padlocks from heaven that have locked that parking; we are used to these things Speaker; fire with fire, it gives us some respect.

Hon. Speaker, if Members are agreeable and I want to request you to call a Kamukuji possible tomorrow for all Members to address the plight of the parking. Whatever we shall resolve in a Kamukuji, if every Member will have to borrow a car because I am aware some of us do not have cars so far. This is because we have not achieved getting loans and mortgages and the grant is not yet ready, then let us borrow from our s, friends, brothers, sisters, Uber drivers and we come and close the Supreme Court so that they can give what belongs to us. This is because we want to know at what point did Supreme Court parking change hands when we were on *sine die*.

Who made it change hands. How did it change hands for the last ten years? We have been informed that there are two parking, one belongs to Supreme Court and the other to the Assembly. Which one was gazetted and at what point did it change hands? Before we are explained; we would like to ask Martha Koome, a believer in the law of equality and justice that it is important to give these people their rightful share.

As we negotiate, kindly for the Fourth state who are here let them write this: that we are asking Martha Koome the Chief Justice of the Republic of Kenya to ask her officers to allow the Members of the County Assembly to continue parking their cars at the parking pending any other negotiation.

Hon. Speaker, we also put on notice the members of the Executive who are very keen to respect the national arms of government than respecting their own institutions. This squarely goes to the lands department. At what point did this parking lot change hands and becomes the Supreme Court parking? If there were transactions, they ought to have come from this House.

Hon. Speaker, I remember this House appropriated billions of money between Equity bank and KCB bank. The value of that land today -If the Supreme Court was given by anybody, it must commiserate in terms of money in the county government and more to the County Assembly because it is a gazetted precinct of parliament of this House.

Therefore, Hon. Members and Speaker I pledge with you if possible we have a kamukuji tomorrow where you call all the Members and it becomes a binding resolution. When we come on Thursday, you come to the Chamber we decide to take back our parking by closing the entire Supreme and let it be news. Then everyone will see that Matha Koome and the team are stealing from us the parking, which we have been using for the last 10 years. We are not fighting anyone; we are just asking what is right for our Members.

Personally, am ready to lead with my county vehicle and other taxis and close the Supreme Court. Thank you, Speaker.

(Applause)

Hon. Antony Muthoni: Thank you, Hon. Speaker and my names are Antony Maragu, Member of Karen. I believe in the Motion that is on the floor of the House but it is rather unfortunate that we the honorable Members of the County Assembly are going to be seen as if we are begging for what is rightfully ours and I appreciate that the Majority leader is going to spearhead and be at the forefront as we move to reclaim what is ours and I think I am in support and whatever resolution that the House Business committee is going to make we shall follow.

I think we stand in solidarity with Thursday issue if no further communication comes. Thank you, Hon. Speaker.

(Applause)

Hon. Jeremiah Themendu: Thank you, Hon. Speaker, from 2017 when I was here I found that parking was ours, and what I would like to say here is that the majority of the land is occupied or owned by the County of Nairobi. That land is ours and I would like to say if it is Thursday let it be Thursday and we should come very early in the morning, enter the parking and then we wait for the repercussions after that.

If we cannot claim what is ours by whatever means, then it is to say that we have surrendered. That is what I can say because when we came back again to this Assembly we found that we could not access that parking. I did not know what happened but I think we can come together all of us being led by our leadership. I remember there was a time we had a problem in this Assembly with COB and we entered their offices all of us wearing suits, no one even bothered to chase us away and our grievances were addressed also even the issue of this parking shall be addressed, by the relevant authority if we go and demand right that rightfully belongs to us. Thank you very much, Hon. Speaker.

Hon. Absalom Onyango: *Asante Bwana Spika, ningependa kuchangia hio hoja najua imekuwa changa moto sana kwa hii Nairobi. Ukitembea hapa inje, NMS walikula parking yote kuweka barabara watu watembe. Waheshimiwa wanaumia bwana Spika. Hiii jambo tumeongea siku mingi bwana Spika. Ni wewe utoe order tuchomoke tuende tuchukue hio kiwanja. Na kama kiwanja siyo ya County Assembly of Nairobi tuambiwe hiyo si parking yetu tutafute parking ingine. Even if it is tomorrow, we are ready asante Bwana Spika.*

Hon. Member: Thank you Hon. Speaker for this opportunity. Mr. Speaker I would like to say that there is a day I came to this House and as soon as I arrived and parked my vehicle around there, our Minority leader was calling us to come and remove our cars from that end because they were going to be clamped because the president was going to visit that area.

Mr. Speaker, we have a big problem. I have been in Nairobi and just as our Majority Leader whom I respect so much because of his leadership he is portraying so far said; in Nairobi you have to understand the language of *fujo*. As our Majority leader has said, I am already, even Hon. Hashim has left me Kshs. 1000 with me and I will add more money so that we can afford to buy the scissors because the last time I checked there they had closed with a chain. I asked our Minority Leader Bishop and he told me that we are the custodian of that title.

Mr. Speaker, let us speak the truth. If the honorable Members here are the custodian of the title and they want to stay in that land I think we should evict you forcefully. As I said the language they understand is *fujo*. Therefore, Mr. Speaker, we request you with our Majority Leader to sit down for that Kamukuji and plan for us, and on Thursday, we are going to come and close with our vehicles. I will have cut that chain,

Mr. Speaker. If you and our Majority Leader here give me an order, I will cut that chain and park our vehicles there. Thank you, sir.

(Applause)

Hon. Kennedy Swaka: Thank you Mr. Speaker. I am Kennedy Swaka, MCA Gatina Ward. I take this opportunity, Mr. Speaker, to contribute to this Motion. As you know what is rightfully ours is rightfully ours and we have no time to beg. This is the second injustice that the Supreme Court is giving us after the verdict of the general election.

(Applause)

Truly, it is really painful; maybe I talk a bit about the verdict of a general election because it has been concluded. My learned friends presented views in the Supreme Court and they termed it hot air. They just under rated their presentation and humiliated them before the people and they were not going to agree with them thinking that this is their country. This is a country for us all. They do not have the final saying in this country, Mr. Speaker. We are ready even if it is now to go and take what is rightfully ours. We have good marshals and if you give me an opportunity, right now I will bring all of Gatina Ward to claim what is theirs on behalf of who elected us to present them. Thank you, Mr. Speaker.

Hon. Hamisi Maleya: Thank you Mr. Speaker sir. I rise in support of this Motion and I fully support what our Majority Leader has said. During all my time in Nairobi, I have known that parking to be part of this Assembly and from the look of things Hon. Matachi Absalom is well aware and he can advise us because that parking has been part of his survival in Nairobi

(Laughter)

I fully support and say that kindly, Hon. Speaker, give directions because the sooner the better we claim our parking. I rise to support, thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Emily you do not have to walk to the chair to be given an opportunity, next time. You may proceed!

Hon. Emily Oduor: Thank you, Hon. Speaker. I rise here to support that Motion. Unfortunately, I have been a culprit in operating in this Assembly without parking. Last week I lost my side mirror which is not cheap. Secondly I would like to ask our Supreme Court, if someone gives you a gift as an advocate, lawyer, as someone who keeps the law the first thing I expected the Supreme Court to ask who is the owner of this land you are giving me? They did not, they just decided to lock it up and told us to go to hell.

I will be there on Thursday to park my car and someone is not going to tell me that is hot air. If that hot air is in the balloon, we are going to pick it. Honorable Members we should all stand for our rights and if possible let us get our voters. I cannot spend one hour trying to look for parking. I am supposed to walk her and get my parking.

If we let this go and let the Supreme Court take our land, the next time we go for a long recess in December, I will not be surprised when we come back and find a lock here because they have extended the Supreme Court to this House. That is what exactly they are going to do, so let that not happen. Next time you will be told to have meetings God knows where because the Supreme Court feel that this is a very important place, it looks very fashionable and classy and they want to make it part of theirs. This greediness must stop and it starts with CJ Martha Koome.

Hon. Speaker: Hon. Member who had not yet contributed, I will give you time.

Hon. Samora Mwaura: Thank you, Mr. Speaker, for allowing me to contribute to this very important Motion. I will support the Majority Leader in saying that we must claim what is ours by all means. I will give an example. In the last Assembly I happened to be the Chair of the Education Committee and somebody somewhere in the Executive was trying to play with bursary money. What we did was we mobilized 15 Members and we stormed the COB Office. We stood our grounds and the money was released and it was done.

Therefore, I believe if we do what the Majority is saying and on top of that we do what the Members are saying that we even cut that padlock, I believe the Chief Justice and her millions will actualize realize what we are saying. This is because it is a shame that as Members of the County Assembly, the county controls the parking of the entire City and when I come here from home where I am sent here to represent the people I spent a whole hour trying to look for parking. It is a shame that Members' cars are being clamped and I will put some share of the blame on the Executive side of Nairobi County as a whole because it is not in order for the Executive to clamp Members' cars and they know they are no parking and we do not have designated parking. After all, it has been stolen by the authority that is supposed to be the custodian of the law in the land which is the Supreme Court. Therefore, I stand to support and I will be at the forefront to not only bring my car on Thursday but also myself. Thank you.

(Applause)

Hon. Maurice Onyango: Thank you Mr. Speaker sir, I rise to support the Motion of Majority Leader. It is quite embarrassing when you find honorable Member's vehicle has been clamped and taken to down to the stores. Another thing as Hon. Samora has indicated is that we have to blame the executive mostly the chief officer for planning because they are the custodian of lands within the County. I will be there on Thursday and if necessary I will leave my vehicle there for at least three days. Thank you,

Hon. Geoffrey Majiwa: Thank you, Hon Speaker. Let me first take this opportunity to thank you for your election as the Speaker of the Nairobi County Assembly. I also take this opportunity to thank the entire leadership that won their elections in various positions.

Hon. Speaker, on this subject matter we are discussing, we are using energy that is supposed to do better things than discuss this here. Why am I saying this?

Hon. Speaker, it is known that this land belongs to us and we have been using it from the time this Assembly was initiated. I think somebody woke up one morning and went and locked that gate. In matters of development of parking in this city, we are an authority. I do not see even Supreme Court becoming an authority in matter of development. If it is a matter of security, then it is the Kenya police; it is not the Supreme Court so I do not understand why the Supreme Court is engaging us in the matter that is not within their mandate.

I am getting concerned that we are losing the authority that we have because we have not exercised it. This is because you needed to sermon officers from the Executive who was in this docket, to tell us the correct position. In addition, after that, you have enough security, Sergeants and you can even sermon some from the Executive to go there and remove the chain from the gate and let the vehicles park inside there. The following day you find somebody interfering we have the powers to arrest, we can even arrest those Supreme Court officers and put them in our cells down here. Let the Chief Justice come for them if they have those powers. They are engaging us to do what we are not supposed to be doing here. Thank you.

(Applause)

Hon. Emmy Isalambo: Thank you Mr. Speaker, for giving me this opportunity and thank you for your election as our Speaker. We cannot engage so much and I concur with what Hon. Majiwa has said what we have the authority and since you are the Hon. Speaker just give us direction and we have our voters whom we can summon to come here as you know they are just waiting for our words.

Foremost, I was given a car by my husband for the first time to come with it. I always knew from my late sister that our parking was always on the Supreme Court side. When I entered there I was so shocked because I was asked I was and when I told them I am an MCA and they said they do not know us.

It was very shocking because we are here discussing the same matter and I felt so embarrassed with my husband, but we are ready now to act and we want to be the Wangari Mathais as we shall lead the front. We are here as women and they should see as so. We can lounge there for three days and we will not go, we shall have our water, packed bread and we shall stay there until you say it is enough.

Hon. Speaker just tell us the time because we want to go there. We should go there very early as we are going to be the first ones there so that when this hot air and wild goose will find us there. Thank you Mr. Speaker sir for giving me this opportunity.

(Applause)

Hon. Chris Mutumishi: Hon. Speaker, I would like to take this opportunity to congratulate you so much for your election as the Speaker of this House, the Third Assembly.

First, let me thank the Almighty God for giving me this opportunity to serve the people of Komarock and my parents for giving me hope from a young man to a leader. I thank my Komarock people for voting me in as their MCA. For your information, Mr. Speaker sir, Hon. Chris Mutumishi is a super MCA because he has got two MCA nominated - Hon. Nancy and Hon. Joy - so I thank God so much for that.

On the side of Motion on parking of this honorable Members, it is very unfortunate that we look like we are requesting to park our cars as MCAs. I would like to say this: if it is possible on Thursday we are ready to wake up very early in the morning because we are disappointed. My car side mirror was also stolen which is very unfortunate. Let us get respect from the Judiciaries which is an arm of Government. I wonder why they did so.

In this country and mostly in this county why should the MCAs be so disrespected to an extent for even speaking about parking? Who are we and why are they treating us as not leaders? That is why in these sittings we are not paid our allowances because of the ignorance of this SRC. This is very serious.

Mr. Speaker sir, this must stop, and for your information Hon. Members, if Mr. Speaker can allow we are even ready to sleep there. Thank you so much, Mr. Speaker, and I beg to support that Motion.

(Applause)

Hon. Musango Maithya: Thank you, Mr. Speaker, for giving me this time. My name is Musango Maithya elected MCA from Pipeline ward, and am speaking for the first time in this House. First, I would like to congratulate you on your election as our Speaker. I thank people of Pipeline for electing me as their MCA. I am supporting what we are saying that we go and claim what is ours ...

Hon. Speaker: Hon. Member do not quote me; I have never said anything, please.

Hon. Musango Maithya: Sorry Mr. Speaker. I withdraw, but I am saying that I am congratulating you for being elected as our Speaker in this House. What am saying is that together with the Members we get together and claim what is ours. Thank you for giving me this time.

(Applause)

Hon. Speaker: Honorable Members, on the issues of parking for Members of the County Assembly allow me to direct the leadership of the Assembly, the office of the Speaker, Majority Leader, Minority Leader, the Clerk, our Chief Sergeant -at -Arms to convene a meeting tomorrow at 8.00 a.m. in the morning to find a lasting solution to this and communicate the same through the office of Majority Leader in the Assembly at 2.30 p.m. in afternoon. Is that okay hon Members? We shall get you a substantive and lasting solution to this.

ADJOURNMENT

Hon. Speaker: At the rise of the Assembly, I direct the House Business Committee to have a sitting at the extreme right as you enter the plenary. Again the Appointment committee is to have a sitting at 9.30 a.m. tomorrow.

The House stands adjourned to 2.30 p.m. tomorrow.

The House rose at 5.08 p.m.