



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Sixth Session

Thursday 24th February 2022

The House met at 2.30 p.m.

[Hon. Temporary Deputy Speaker (Ms June Ndegwa) in the Chair]

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Clerk, check if we have enough quorum?

(Clerk-at-the-table confirmed there was no quorum)

Serjeant-at-Arms, kindly ring the bell for ten minutes

(Quorum bell was rang for ten minutes)

Hon. Temporary Deputy Speaker: Go ahead, Clerk.

MOTION

Hon. Temporary Deputy Speaker: Hon. Ogeto.

Hon. Moses Ogeto: First and foremost, Madam Speaker, this is my first Motion presenting before you. I believe it will go smoothly.

DEVELOPMENT OF FRAMEWORK TO INTEGRATE CLIMATE- SMART ACTIONS AND INCREASE TREE COVER
IN THE COUNTY

THAT, aware that the Climate change Act, 2016 being an Act of Parliament is intended to provide for regulatory framework for enhanced response to Climate change, to provide for mechanism and measures to achieve low carbon; further aware that Nairobi in particular is gradually becoming vulnerable to the effects of climate change as a result of increased construction of buildings whose approvals by the County

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Government do not expressly obligate developers to set aside reasonable amount of space for tree cover; cognizant that the existing planning framework and building regulations need to integrate tree cover as key component for all prospective property developers whereby they must comply before constructions are approved and certificates of compliance issued; noting that effects of climate change are real and lack of enough tree cover in the City will in the long run result into devastating effects that will impede the future generations from enjoying the benefits accruing from the natural environment; deeply concerned that little or lack of vegetation cover increases air pollution which reduces quality of health and lowers the life expectancy; observing that a clean and healthy environment is a right of every person; this Assembly urges the County Executive in conjunction with the Nairobi Metropolitan Services (NMS), to urgently develop a coherent and unified framework that makes it necessary for all property developers and constructions within the City to strictly integrate climate-smart actions and obligatorily set aside reasonable amount of space to be used to enhance tree cover/vegetation in the City.

I have little contribution to this Motion. Madam Speaker, before the construction of the Nairobi Expressway, which starts from Jomo Kenyatta International Airport (JKIA) all the way to James Gichuru Road in Kangemi, this City had beautiful trees. You can imagine all the trees in that stretch were felled.

Madam Speaker, as you go to Eastern parts of Nairobi, you will realize that tree cover is very minimal. This increases health hazards. The life expectancy in those sides is low because there is no conducive and health environment due of lack of vegetation cover. The same has been extended to various parts of the City, starting from where I come from, Kilimani. High rise buildings have started to come up. Ten years ago, Kilimani had thick vegetation cover, but in the current situation, private developers in conjunction with Nairobi City County then, which is now under the NMS, are approving cutting of trees in order to construct buildings but don't replace the trees. It is becoming hazardous. When contractors come to sites, they destroy trees completely.

When the President was inspecting the Expressway, he said that media should focus on Uhuru Park where trees have not been cut. This is the spirit of this Motion. Any trees that have been cut in this City must be replaced.

When His Worship, the former Mayor was in office together with the former town Clerk, John Gakuo (may his soul rest in peace), it cannot be forgotten that they ensured that this City had a lot of trees. When you walk around the City, you will find that the trees were planted under is tenure. There was policy that was set by the defunct City Council that ensured trees were planted in pavements and various parts in this City, especially in the CBD. When the sun is hot in the City, members of the public will find shade to relax and breathe fresh air. Motor vehicles we use emit smoke which pollute the air. The carbon dioxide produced can be absorbed by the trees so as to produce oxygen which we can breathe.

Life expectancy in urban areas has reduced drastically compared to rural areas. People who are suffering, for example one of our colleagues who passed sometimes back, was suffering from this serious disease. The environment is not favouring us. It is interfering with our immune system. When the immune system is interfered with because of the surroundings we are living, it becomes dangerous.

Madam Speaker, yesterday, I was speaking with my colleague, Hon. Emily Oduor, who sits at the Speaker's Panel. She told me that nowadays if you go to various areas in Kajjido, there is a lot of vegetation cover and people are enjoying the environment unlike people in the City, where you can only find good

vegetation in Uhuru Park and City Park. When you walk around in the City, you will realize that trees have been cut down and they are not replanted. These trees were created by God The late Wangari Mathai said that we must ensure that our environment is safe for us. If we are not going to make that legacy remain, then this City in the next few years, without planting trees, will be very dangerous. Those who have travelled to Dubai will notice that they are planting trees in a desert.

Madam Speaker, the policies that we create today will increase our life expectancy. We want to live longer and we do not want to have diseases which are airborne and which can be controlled on what we do in this world.

With those few remarks, I call former Mayor of the defunct Nairobi City Council, the Deputy Speaker of Nairobi City County Assembly, to second this Motion. Thank you, Hon. Speaker.

Hon. Geoffrey Majiwa: Thank you, Madam Speaker. I rise to second this Motion, and as I do that, I want to congratulate Hon Ogeto for such a thoughtful Motion. When you travel outside Kenya, the only beauty that you meet are people outside Kenya referring to Nairobi as the green City in the sun, but when you come back to Nairobi, it is not quite a green city in the sun but something slightly different. As much as effort has been made to make sure that the City becomes green, a lot has not been working. Many years back, it used to be a green city in the Sun. This is something that those of us who have been in City leadership for a while, tried again to revive the green City in the sun some years back. As Hon. Ogeto has puts it, during the time we worked with our late brother John Gakuo as the Town Clerk of the City, may his soul rest in peace, we tried to plant a lot of trees in the City. Along our major roads like Mombasa Road, Jogoo Road, Waiyaki Way, Langata Road, etc., trees were planted all over and it looked very beautiful then. I cannot say it is unfortunate, but it is an event that is also beneficial to us that the Government decided to expand our roads, and during this expansion, there was an oversight that is a requirement for environment keeping that when you cut one tree, there is always a requirement that you need to look for a way of planting two, to cover for the one you have cut down. But this has been observed in the City, even with the good developments that we have had in matters of road construction. We have seen trees cut down and no replacement is done, this has left the city open and vulnerable. Environmentally, the City has not been doing well. It is important that Hon. Ogeto brought this motion at a time. We are in an election year and it is important to think about our environment as city residents. That is why this motion is very important for us as Nairobian at this time because we can create an opportunity for our city developers to do something that is within the law so that when developing your property, there is a condition that is given to you that you must also be able to take care of the environment around you.

Madam Speaker, I remember some years back during the defunct Nairobi City Council, we had passed some by-laws, which were requiring developers to ensure that as they bring their building plans for approval, they were also required to indicate what plans they had with regard to beautification of their frontage. Everybody who was developing a property was supposed to beautify their frontage so that beautification of the city would be a responsibility of the developers. This has not worked so well, and I think it is because the by-laws became absolute and now we are working under the new Constitution. That is why this motion is very important to remind our developers that anytime they want to do development in the city, they must think of the environment. I think it is more beautiful when you put up a development and the trees are around there than putting a development that is standing alone like in a desert.

So, Madam Speaker, I want to congratulate Hon. Ogeto for this Motion and I second. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Ogeto for this. As Members debate, I would like them to go deeper into not only the aesthetic beauty and cleaning of the environment, but also remember places like Switzerland where they plant fruit trees that even the poor people continue eating as they move along.

(Question proposed)

Hon. Temporary Speaker: Members can now debate. Hon. Jagero

Hon. Millicent Jagero: Thank you, Madam Speaker. I want to thank Hon. Moses Ogeto for this motion. It is important for land and property owners to use trees to beautify their areas. Nowadays, developments do not have spaces where children can play, recreational spaces and parking yet it is a requirement in law. Therefore, Hon. Ogeto's motion will enable them realize that. If you look at the Express Way that is being built by the Chinese, they have put flowers everywhere and has enhanced the beauty of that road. Just as it's done in Switzerland, fruits should be grown along the roads for the poor to feed on when hungry. I support this motion.

Hon. Temporary Speaker: Thank you. Hon. Akama.

Hon. Jared Akama: Thank you, Madam Speaker. Before I contribute, I ask that I be given a chance to say *pole* and send my sincere condolences on behalf of the people of Mugumoini and the family and friends of Hon. Mellab. She was a great leader and someone who contributed greatly to this second Assembly. We who have been branded rebels have lost a general. May her soul rest in peace till we meet again.

Hon. Speaker, I would also like to support this motion by the Minority Deputy Whip, Hon. Moses Ogeto. A society is always judged by the way it treats its environment, and you cannot talk about environment and social change without bringing up trees. The effects of cutting down trees is evident on the climate change. Therefore, I support this motion in that we need to be sensitive while constructing. The problem we have as Africans is believing and equating development to skyscrapers and building yet development is based on how best you plan.

Hon. Speaker, I wanted to bring to the attention of this House of individuals who take advantage of such great motions and use my areas as an example. From the beginning of this week, we have fought cartels and land grabbers masquerading as beautification agents. It is important that we bring this to the attention of the House because one cannot purport to be beautifying a wall on a 2.5acreage piece of land. We want to send a strong message to the NMS that their work is to protect public as well as the private property. I urge that this motion gets the support for the purpose of ensuring that our environment is better.

Hon. Temporary Deputy Speaker: Thank you, Hon. Akama. I think you can bring a statement next about that particular issue, it is important to note that.

Hon. Jeremiah Themendu: Thank you, Madam Speaker for giving me this opportunity to support the motion, and also congratulate Hon. Moses Ogeto our Minority Whip for the good motion that he has brought in the House.

Madam Speaker, I support the motion and I want to give my input. In my Ward, there are empty spaces and the Executive and the NMS can plant trees because they have staff who can maintain them. The trees are good for our children to play and also give us fresh air. The motion is bringing to our attention that because of climate change, we do not have enough water because we do not have enough trees in our

areas. I concur with the member who said that when we cut one tree, we should plant two. I think it is the Deputy Speaker who said that.

In the city, many roads are being constructed, for example, the Express Highway, and trees were cut to make way for the road. More trees need to be planted in these areas to protect our environment for the present and future generations. Thank you, Madam Speaker. I support the motion.

Hon. Temporary Deputy Speaker: Mover!

Hon. Moses Ogeto: Thank you, Madam Speaker. First, I want to thank you for your encouragement on this motion. I hope that if it is passed, it will see the light of the day. We should ensure that the legislation that we do is for the future generations.

Secondly, I want to thank the Deputy Speaker for seconding my motion and also for enlightening us on what they used to do during his tenure as a councillor and mayor. I want also to thank Hon. Jagero for her input in the motion. I want to thank Hon. Akama for his input in the motion. He has talked about the bypass, if trees can be planted all the way then it will be very beautiful and brilliant. Lastly, I want to thank Hon. Themendu for ensuring that the same spirit is maintained.

Madam Speaker, as I sit down, I want to quote what the late Prof. Wangari Mathai said, “*We have a responsibility to protect the lives of the generations of all species that cannot speak for themselves today. The global challenge of the climate change requires that we ask no less to our leaders or ourselves*”. The quote is very important, and as leaders, we are supposed to speak for those who cannot speak i.e. trees because they cannot speak.

Madam Speaker, in her other quote, “*You cannot protect environment unless you empower the people you inform them, and help them understand that these resources are their own and they must protect them.*” These are Prof Wangari Mathai’s quotes and not mine. We have an obligation to protect our environment. We don’t have a choice as leaders, we don’t have to sit down and watch as the environment is being destroyed.

In the coming years, if we do not protect the environment by bringing good legislation, then history will judge us harshly. With those few remarks, I beg to reply.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: There being no other business, this Assembly stands adjourned until Tuesday 1st March 2022 at 9.30 a.m. I would like to inform you that Hon. Mellab’s body arrives tomorrow at 7 a.m. We shall receive it at Montezuma at 10.00 a.m. We can all congregate there to receive our dear departed colleague together. Thank you.

The House rose at 3:55 p.m.

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