



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – First Session

Thursday 3rd November, 2022

The House met at 2.30 p.m.

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

PRAYER

Hon. Speaker: Honorable Members, you may be seated.

Hon. Members, can one Member report on the progress on the parking lot?

Hon. Member: Hon. Speaker, Honorable Members, I was at the premises and it is still closed with a chain. They have parked their vehicles inside but they are not allowing us to park inside. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Minority Leader, are you aware of the same?

Hon. Anthony Karanja: Yes, Hon. Speaker. Some Members have brought their concerns to me. Let me say that they are now disrespecting this County Assembly. I communicated with the Governor yesterday and he assured me that we will be able to park there. I do not know what is happening. This County Assembly is not supposed to suffer. I would request, with your permission, that we take matters in our hands now.

(Applause)

The gate is locked with a small padlock. We need to negotiate with them when our vehicles are parked inside, not when they are parked outside. Members of this House have had their vehicles towed or clamped outside here because they have nowhere to park.

Hon. Speaker, I want us to be decisive on that matter or we give them a final alternative before we make a hard decision about that parking.

Hon. Speaker: Thank you, Honorable Member. Next Order

PETITIONS

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GRABBING OF PUBLIC LAND L.R. NOS. 239 PLOT NO.209/21524 AND PARCEL NO. 180

Hon. Speaker: Honorable Members, my office received a Petition by traders of Wakulima Market in Central Ward on Grabbing of Public Land L.R No.239 on Plot No.209/21524 Nairobi, Block 41 Parcel No. 180 between KPCU and Wakulima Market Within Nairobi City County.

We, the undersigned citizens, who are traders of Central Ward, Starehe Sub-county in Nairobi County, draw the attention of the County Assembly of Nairobi to the following:

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

THAT, Article 62 of the Constitution mandates the county government to hold in trust public land on behalf of county residents;

THAT, the Kenya National Land Use Policy 2017 recognizes the need for social development that takes cognizance for provision of basic infrastructure and services;

(Honorable Members stood at the Bar awaiting to be allowed into the Chamber)

Honorable Members, you may proceed to sit.

(Several Members walked into the Chamber)

THAT WHEREAS, Section 5 (e) of The National Land Commission Act 2012 requires the Commission to initiate investigations into present or historical and injustices and recommend appropriate redress;

THAT WHEREAS, Section 116 of the County Governments Act, 2012 imposes an obligation on the county government and its agencies to deliver services within its designated area of jurisdiction, and Section 117 (1) (a) provides that the County Government shall give priority to basic needs of the public to ensure that all members of the public have access to basic services;

THAT WHEREAS, the traders of Wakulima were given a notice on 14 October 2011 to vacate by 1st November 2022 by Forward Travelers Servicing with Credit Co-Operative Society and Baraka Parking Agencies Limited, a private developer running unlicensed parking at exorbitant rate, citing that the land belongs to the them;

THAT WHEREAS, the private developer has been constantly threatening people who are agitating for the plot to be returned to public. Furthermore, despite its original lease ending in 2026, they intercepted with a fake lease, which is now in force, hence did not consider the current needs on the ground neither the traders' plight nor public interest;

THAT, the invasion, grabbing, closure and building with impunity on a public access road, blocking the road totally, amplifies the insensitivity and impunity of the said Agency;

THAT WHEREAS, plots L. R Nos.239, Plot No.209/21524 NAIROBI Block 41, and Parcel No.180, are the plots which were specifically mentioned in condition. These plots, which are the subject of this petition, are to be surrendered to the local government and extension to Wakulima Market Traders;

THAT WHEREAS, petitioners confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

AND THAT, all the matters in respect of which the petition is raised was in court but was dismissed due to lack of substantive prayers, hence not pending before any court of law or constitutional body.

- a) HEREOF, your humble Petitioners Pray that the County Assembly of Nairobi intervenes and ensure that:
- b) The National Land Commission and all the relevant bodies furnishes the Nairobi City County with the deed plans for plots L R Nos.239, Plot No.209/21524 NAIROBI Block 41, and Parcel No.180 to facilitate and solve the dispute herein;
- c) The traders be protected from any further resettlement by the Nairobi City County Executive. The Nairobi City County Executive to acquire adjacent land to expand the market instead;
- d) The Nairobi City County Government, in conjunction with the relevant organs, to bring down the illegal structure being on the said plots: and
- e) The Nairobi City County Government secure the said plots and hold it in trust on behalf of the traders. And your Petitioners will forever pray.

Thank you, Honorable Members. I commit this to the Planning and Lands Committee.

(Honorable Members stood at the Bar awaiting to be allowed into the Chamber)

Before I proceed, Honorable Members you may sit down.

(Several Members walked into the Chamber)

PETITION BY MARY WANJIRU GITHARA REGARDING JOB DISMISSAL DUE TO ALLEGED FORGERY OF OFFICIAL DOCUMENTS

Hon. Speaker: Honorable Members, my office received a petition from the undersigned citizen of Kenya, who is a resident of Nairobi City County. This has drawn the attention of the County Assembly of Nairobi to the following:

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County Governments in the County Assembly;

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

FURTHER AWARE THAT, the Constitution of Kenya under Article 37, and Section 15 and 88 of the County Governments Act, 2012, provide the right for citizens to petition the authorities or the county government on any matters;

THAT, I, the above named person is a resident of Nairobi City County, employed by Nairobi City Council on 28th September 1998 as a Clerical Officer III in Education Department, where I worked diligently and honestly. I was later promoted to Procurement Officer II after I furthered my Education;

THAT, on 17 April 2014, I was served with a show cause and suspension letter, which I responded to, but on May 2nd 2014, without any further communication, I was dismissed from service since I was accused of manipulating the minutes of Tender Evaluation Committee, making them unreliable;

THAT, my case was treated by malice in an attempt to unjustifiably terminate my services, and out of the five members of the Tender Evaluation Committee, I was the only one terminated. I was arraigned in

court but the case was withdrawn due to lack of evidence, and the Government didn't lose any money from the allegations;

THAT, this Hon House is the only available redress in pursuit of justice as I feel that I was dismissed and taken to court unfairly without any valid reason(s);

THAT WHEREAS, I confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response. The matter in which the petitioner has raised is not pending before any court of law or constitutional body;

HEREFORE, your humble Petitioner pray that the County Assembly of Nairobi County intervenes and ensure that:

- a) I be reinstated back to work under similar terms and conditions held before I was dismissed; and
- b) The Nairobi City County be compelled to pay the Petitioner all her salary due in arrears.

And your Petitioner will forever pray.

Honorable Members, I am made to understand that this is the second time at this Petition has been brought before the Assembly, I would like the Minority Leader to tell the House more before we commit it to any further interrogation or action. Thank you.

Hon. Anthony Karanja: Thank you, Hon. Speaker, you are right, this is the second time that this Petition has been brought to this House. If the Members have listened carefully, Mary Wanjiru is appealing to this Assembly as the last resort for her to get her rights. Besides being a procurement secretary and an officer who has been working for this county for a long time, I believe that it is important for this Assembly stamps its authority to show the people of Nairobi that they have teeth to bite. She was sacked on 24th April 2014. The disciplinary committee and all the processes and her chances for defending herself on this matter were squandered, and she was dismissed permanently. She received her termination letter after two weeks.

Hon. Speaker, this is not the normal procedure, it shows a lot of malice and interests in this case. Something that she forgot to write in the Petition is that, because of the magnitude and the information that was contained in the minutes of that day, on Monday, Mashujaa Day of 2014, Mary Wanjiru, her husband, her nine-year-old child and her house help were driving to Nairobi, and when they reached Membley, they were shot at, eleven bullets were shot at her car. She was the target, four bullets landed on her and ripped off her fingers and seven bullets landed on her husband's body and he died instantly. Luckily, the daughter and the house help were unharmed. Ten days later, her husband was buried and she had to leave ICU in order to bury her husband. She stayed for another three months on a wheel chair.

Hon. Speaker, she has gone to court, to the Public Service Commission, to the County Public Service Board but they have been taking her round and round. Public Service Commission has recommended that she be reinstated her job under the same terms and conditions. The case that she was accused of did not have evidence and the County withdrew the case for lack of evidence. She is appealing to this County Assembly to stand with her. It is good for this Assembly to know that there are so many such cases that have happened during the year 2014-2015. This was not the first case of a staff member being shot dead along the roads of Nairobi. We also know of other cases where such happened and it is upon us to make sure that we protect our people who are victimized or those who have been used as goons in the powerful games of this County trying to conceal corruption.

Hon. Speaker, it's my appeal to this House today, to stand and give a resolution and an ultimatum to the County Public Service Board to expedite such cases, especially when staff have gone to court and when all avenues of justice have been exhausted and the determination has been done in their favour. I would like, as an Assembly, to give a stand and be counted that we resolved that Mary Wanjiru is returned to work with immediate effect.

(Applause)

We need to tell the Executive that it will not be business as usual. We know what has been happening and we will not allow it. We took an oath to protect and preserve the people of Nairobi, the Constitution and the people of this country. I would not like to go into much details, but I would like to appeal to this Assembly to look into this Petition and to be ready to make right the things that had gone wrong in this County. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Kiragu. Honorable Members of the previous Assembly, may you rise on your feet please. Can you confirm to the Assembly that you are aware of the case of one Mary Wanjiru, the Petition before this House?

(Several Members stood on their places in affirmation)

Who has an issue? Hon. Majiwa, please.

Hon. Geophrey Majiwa: Thank you, Mr. Speaker. I wish to confirm that I am aware of this matter and that it has overstayed in these corridors.

Hon. Speaker: Thank you.

Hon. Jared Ondieki: Mr. Speaker, I equally want to confirm that I am aware of the matter and I do not know why these Assembly's resolutions are disregarded. We dispensed this matter with the former Chair of Labour Committee and we did a follow up to the level of the Human Resources. The resolutions of this House must be taken seriously. I therefore confirm.

Hon. Mark Mugambi: Thank you, Hon. Speaker, I beg to echo the sentiments of Hon. Jared Akama. We have a big problem in this County Government. You remember during my first speech, I insisted that Bills, Motions, regulations and everything else that is passed in this Assembly does not go beyond our corridors. Nothing is taken into consideration or implemented.

Hon. Speaker, you need to stamp your authority, starting with this matter. Can we as an Assembly take a disciplinary action to those that disregarded the resolutions of this House that was unanimously passed for reinstatement of the said staff. I think we should have started on the right footing so that we send a warning shot to all other officers that disregard what we pass here. We need to stamp our authority, thank you.

Hon. Speaker: Honorable Members of the previous assembly, allow me now to instruct the Clerk to get the numbers of those Members who are in concurrence that this Petition was before the House in the previous Assembly and a decision was made and a directive was given so that this could inform further action.

Hon. Member, you want to inform the Speaker? You are allowed.

(Point of information)

Hon. Kennedy Oyugi: Thank you, Hon. Speaker. The information I want to give the House is that, there is a blame game which is being labelled on the members of the Executive. I want to disagree. In this Assembly, we have the Implementation Committee. What has this Committee done vis-à-vis the resolutions that has been passed in this House? If there is failure on the part of the Implementation Committee, we should not blame the Executive. Let us also accept the blame as Members of the County Assembly. What is the work of the Implementation Committee? Before we blame the Executive, let us also blame ourselves. Mr. Speaker, that is the information that I wanted to give.

Hon. Speaker: Thank you. Honorable Members, you may proceed. Remain standing Honorable Members. Please.

Hon. Catherine Opiyo: Thank you, Hon. Speaker, Sir. Let us do justice to Mary, she has suffered a lot. I support the Minority leader, let us do justice to her. Thank you.

Hon. Speaker: Honorable Members, who have just walked in, including the Majority Leader, the Honorable Members of the previous Assembly are standing in solidarity with the petitioner, one Mary Wanjiru.

Hon. Kamau Fiunifu: Thank you, Hon. Speaker. I would also like to echo the sentiments of Hon. Kennedy Oyugi that we need to indict the Committee of Implementation because all the resolutions that are passed in this House, it is up to that Committee to see to it that the various resolutions are acted on amicably and fully. It is time that we name the Members in that Committee.

I also believe that since we have not yet done elections as far as the chairmanship of that Committee is concerned, we must make sure that we have a chairman who knows what he is doing so that we can be able to resolve these matters.

Hon. Peter Imwatok: Thank you, Hon. Speaker. When I was coming in, I was asking myself, what is up today that my leader was standing? So, I also stood because as per parliamentary practices, when the Speaker is on his feet, all of us must be seated. With the explanation, it is alright in solidarity with this lady, and we should support this debate as a House. We should be allowed to sit so that we can deliberate as an Assembly.

I agree that indeed Mary was a good procurement officer, we can attest that she even lost her husband and she is now disabled courtesy of the same. We should give her back what belongs to her at her prime age so that she can be able to raise her kids. I support the Petition fully because it was brought before this House which found that there was injustice committed to her. May we serve justice to her as a widow and her kids.

Hon. Speaker: Thank you. Honorable Members, I want to bring this to conclusion because the previous Petition had already been committed to the Labour Committee. We want to bring this to a close by voting. Standing Order No.77 allows me first to take a vote by way of ayes and nays. Honorable Member, you may be seated.

Hon. Members of the Third Assembly, allow me to put a question on the Petition of one Mary Wanjiru Githara regarding her dismissal that her prayers as contained in the Petition---

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

The Clerk wants to take us a long route on the review of the report; already the House has reviewed the report. The Majority and the Minority Leaders and the Whips are in agreement. Honorable Members, let us kindly take the vote.

(Hon. Moses Ogeto spoke off record)

Hon. Speaker: Overruled.

Hon. Moses Ogeto: Hon. Speaker, I have been a parliamentarian in this House since 2013, it is good that we have stood in solidarity. It is good to set a precedence in this House where the report of the Labour Committee gave light to this lady. The only problem which is remaining is the implementation part of it.

Hon. Speaker, this House has all powers under Article 195 of the Constitution to summon all relevant officers including the County Public Service Board to ask them why this has been happening. They are going to present a budget to us, we shall ask them what is the budget for. I was here yesterday when you read this Petition; best practice of this House is not about nays or ayes, but about ensuring that the dignity of this House is respected.

Hon. Speaker, one time I told Hon. Elachi that, let us not set bad precedencies which will close this House. I am urging you, Mr. Speaker, that this Petition be committed to the Implementation Committee so that the same Petition will be tabled before this House within 60 days.

(Applause)

Hon. Speaker, this will give us all the powers that are enshrined in the Constitution. It is going to be unfortunate if we go the route of the 'ayes have it' because any Member can bring a petition in future and would always want us to pass it.

With due respect, Hon. Speaker, I am begging you that the precedence that is set in this Standing Order be brought to book. I am not challenging you but begging that we follow the right procedure so that we can help this lady. With those few remarks, I do my submissions.

Hon. Speaker: Thank you Honorable Member. Honorable Members of the County Assembly of Nairobi, the honorable Whip has just told us what is supposed to happen as required by law. The same law was followed to the letter sometimes back, and now we find ourselves in a situation where we are dealing with the second Petition. The first one had gone through all the process which is anchored in the Constitution. The Petition was committee to the Labour Committee and was dispensed. It was then committed to the Committee on Delegated Legislation. We are here again with the same case of one Mary Wanjiru Githara.

Hon. Mark Mugambi: Thank you, Hon. Speaker. Using the wisdom of my counterpart, Hon. Ogeto, I think the issue does not lie within the Assembly. I also wish to disagree with the issue raised by Hon Kennedy Oyugi. This Petition came in the last Assembly and was dispensed with, the only limitation is the action part by the Executive. This should not make us bring another Petition to this House. I think it would be in order if we can summon the officers that disregarded implementation of the resolutions, as I had said earlier. They will be forcing us to zero graze. We pass Motions, Bills and other things here, and no action is taken.

Hon. Speaker, I think we should form an ad hoc committee to look into this so that we can know who or which office did not take action on the resolutions passed by this House.

(Applause)

I think that is why I said somebody has to carry the blame and act as an example so that in future, Motions and Bills passed in this House will be implemented as soon as possible. We are not here to pass things as if we are story book writers. Thank you.

Hon. Speaker: Thank you. Let us close this debate.

Hon. Anthony Karanja: Hon. Speaker, I think it is important that this Assembly stamps its authority. Every committee is a representative of this Assembly. A resolution was made by the Labour Committee to reinstate Mary Wanjiru back to work, the courts pronounced themselves on this matter, the Public Service Commission also pronounced themselves on the matter, the only department that is dragging its feet is the County Public Service Board in reinstating her.

My suggestion is very simple, let us not get into a network of taking back this case. This is an exceptional case that even the courts withdrew the charges that cost her sacking. We are dealing with a widow who lost her husband based on her work in this County. We are dealing with children who may be can no longer go to school because their mother was a dedicated staff of his County. I appeal to this House to stamp authority one time, not something that they are going to do often. When somebody has gone through all those processes, the PSC, the courts, the Committee, the Assembly, I think it is only fair that we pronounce ourselves and give the County Public Service Board an ultimatum to reinstate Mary to work with immediate effect.

(Applause)

Failure to which, we will summon them to explain why they have been delaying on implementing the matter as was resolved in this Assembly. In the meantime, let us have Mary Wanjiru back to work, I think that is most important. I sat with her when she had come to your office, I wish you could listen to her story. It is not even worth listening to, most of you won't listen to her story to the end, it is so sad.

I appeal to this House to forget the protocol; the Implementation Committee has not been formed in this House as we speak. Let us come up with an ultimatum, we ask the Chairman of the County Public Service Board and the Public Service Commission to return her to work with immediate effect.

(Applause)

(An honorable Member spoke off the record)

Hon. Speaker: The Majority Leader is on the floor, Hon. Member.

Hon. Peter Imwatok: Hon. Speaker, I spoke earlier when I entered the House, but as I have listened to my colleagues, there has been a lot of injustices meted on to the Nairobians. As I am speaking to you, another nurse offering critical services, Tabitha Ouma from Busia County, who has been an employee of this County, has gone through what Mary has gone through, being fired without a reason.

She went to the Public Service Commission, the County Public Service Board and came before this Assembly, and they said that she should be reinstated back to work. But the County Public Service Board has refused to direct the relevant department to admit this employee back to work.

As much as I agree with the procedures given by the Majority Whip, this is about a human being, a single mother, a widow taking care of kids without a place to go to in the morning, it is about humanity. My cousin who is a lawyer, helped Tabitha Auma through the Public Service. He is the one helping her with school fees and house rent in Githogoro, where Fiunifiu is a Member of the County Assembly.

Therefore, it is not about the procedure but about the human face that this Assembly has to put to our people. This Assembly should set precedence. We should not follow precedencies which are not human enabling. Mr. Speaker, let this Assembly affirm that any injustice that has ever been committee before, we do not need to follow it, we will set another precedence by affirming our decisions which were agreed by the entire House. If it is question to be put to affirm that the Third Assembly has reaffirmed the same position through a vote, we will. And if anyone defies the same, the Implementation Committee, under Standing Order No. 207, kicks in to create sanctions and make sure that that person takes responsibility.

Hon. Speaker, I also want to beg you respectfully, on behalf of Mary and Tabitha Auma, kindly put the question.

Hon. Speaker: Hon. Kennedy Oyugi, the final one please.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. I want to concur with the leadership, mostly the Hon. Bishop on the resolution that should be adopted by the House. Moving forward for purposes of clarity, allow me to read Standing Order No. 207 on what the Implementation Committee entails so that the Minority Leader may not disagree with me in the near future.

(1) There shall be a select committee to be known as Committee of Implementation.

(2) The Committee shall scrutinize the resolution that the County Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee and examine;

(a) Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented, and whether such implementation has taken place within the minimum time necessary.

I need not to go further than that but for purposes of understanding, I want to reiterate that failure to implement resolutions by the Assembly, be it in terms of Petitions, Motions or debates, is also a failure by the Implementation Committee of the Assembly. It is us who are aiding the Executive by failing to implement whatever we have passed here as a House. Minority Whip, moving forward I want this to sink into your head, it is the Implementation Committee that is supposed to undertake whatever the resolutions passed here is implemented to the letter by the Executive. I squarely blame the Implementation Committee.

Hon. Speaker: Thank you, Honorable Member.

Hon. Geophrey Majiwa: Thank you, Mr. Speaker. We are discussing a sensitive matter here and we need to deal with the seriousness it deserves. This is a House that is meant to make laws, laws can be made through setting precedents. If we set a precedence here, that is a law that has been made because it

will be used in any other case that will come after. I do not see anything wrong if we set precedence on this matter because it is an extraordinary issue, we should deal with it extraordinarily.

Mr. Speaker, addressing what Hon. Oyugi has referred to the Implementation Committee severally, I want to bring to his attention that currently we cannot blame the Committee because it is not been in existence, it is in the process of formation. Putting blame on a committee which has not yet been constituted, will not solve this problem. If there was a committee then and it failed, then we can use that on this case because this is a new case involving this Assembly. I want to believe that if we set a precedence here, we are still doing our representation and legislation job. Mr. Speaker, this is a precedence that we must set. Thank you.

Hon. Speaker: Thank you, Honorable Members. Hon. Majiwa has shed some light on the extraordinary business before the Assembly. Hon. Oyugi has read the Standing Order No. 207 and we are in concurrence with the Standing Orders, no one is disputing this. What the House is asking on this extraordinary business before the Assembly, the Petition which has gone through all the processes and procedures, we need to make a declaration as a House and stand in solidarity with the injustices, setting a precedence.

According to Standing Order No. 1, I am given the authority on matters that are not provided for in the Standing Orders. Honorable Members, allow me to direct that the said staff member, in solidarity, be reinstated immediately.

(Applause)

Hon. Members, can we all stand in solidarity to be counted that we are in agreement with Mary Wanjiru and Tabitha Auma.

(Members stood in their places in solidarity)

(Applause)

Honorable Members, I now direct the Implementation Committee to report to the Assembly on next week Thursday that the members of staff in question have been reinstated by the County Public Service Board.

Hon. Peter Imwatok: Most obliged, Hon. Speaker. We thank you, Honorable Members.

Hon. Speaker: The matter has come to rest. Clerk, you may proceed.

NOTICES OF MOTION

COMPLETION AND PAYMENT OF WARD DEVELOPMENT FUND PROJECTS

Hon. Jeremiah Themendu: Thank you, Mr. Speaker for giving me this chance. I beg to give notice of the following Motion:

THAT, aware that the County Assembly has been appropriating budgets for execution of projects since 2015/2016 financial year including the Wards Development Fund; concerned that despite the allocation of funds, the said capital projects have suffered slowed implementation by the County Executive and thus affected the effective delivery of services to Nairobi residents; noting that the biggest impediment to implementation of projects, including Wards Development Fund projects remains endless delays in the

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procurement process and payment of contractors; realizing that there are numerous projects from the preceding financial years that are yet to be completed, while the Assembly has moved ahead to allocate additional monies for FY2022/2023; further noting that several projects have been repetitively factored in the budget in every financial year for the last seven years; further realizing that most contractors have lost their investments and properties to the banks due to loans borrowed to fund the County projects; further concerned that lack of payments of contractors has contributed to the growing pending bills in the County; this Assembly resolves that the County Executive prioritizes implementation of all pending or incomplete Ward Development Fund projects from FY 2017/18 to FY 2022/2023 including capital projects and ensure payment of completed and certified Ward Development Fund projects and other capital projects across the County.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Honorable Member. Hon. Geophrey.

IDENTIFICATION AND ACQUISITION OF ALL IRREGULARLY ACQUIRED PUBLIC SPACES ORIGINALLY SET ASIDE FOR PUBLIC UTILITIES

Hon. Geophrey Majiwa: Thank you, Hon. Speaker, I beg to give Notice of the following Motion:

THAT, aware that the Nairobi City County has had challenges with controlling and or preventing the grabbing of public land by unscrupulous profiteers; NOTING that numerous estates in the County do not have common amenities and or facilities primarily because public spaces meant for the same were irregularly acquired by developers and reappropriated for private uses; recognizing that public amenities are a crucial part of urban planning and provide the necessary spaces for wholesome urban communities; deeply concerned that the rampant grabbing of pieces of land set aside for this purpose means communities have to forego schools, hospitals and other public utilities for private profit making developments; regretting that the County Executive has been unable to crackdown on the rampant grabbing of land meant for utilities despite various attempts to streamline the same; and whereas the Assembly has in the past adopted various measures to have this matter addressed which have borne little fruit for lack of implementation; now therefore, this Assembly resolves that the County Executive urgently move to identify and map public spaces originally set aside for public utilities from planning approvals and reclaim those that were irregularly acquired for private development. Furthermore, the County Executive to liaise relevant national government agencies to compulsorily acquire land where such doesn't exist for purposes of building public utilities and amenities for the people of Nairobi.

Thank you.

STATEMENTS

REQUEST FOR STATEMENT REGARDING THE COUNTY'S PLANS ON THE MITIGATION OF THE EFFECTS OF CLIMATE CHANGE

Hon. Peter Mwangi: Thank you, Hon. Speaker, my name is Hon. Peter Maina Mwangi, Member for Uthiru Ruthimitu Ward. First, before I read the statement, I would like to make my maiden speech, if you allow, Hon. Speaker.

Hon. Speaker: You may proceed because this is your first time.

Hon. Peter Mwangi: Firstly, I would like to congratulate you, Hon. Speaker, the House leadership, and all the, Hon. Members. Secondly, I want to thank the great people of Uthiru/Ruthimitu Ward for electing me and giving me this chance to represent them in this House. I want to assure my honorable colleagues that I will do anything possible to make a mark for the generation to come and support every Member of this House to make a change in the County of Nairobi.

Hon. Speaker, on the statement, pursuant to Standing Order 47 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the County's plans on the mitigation of the effects of climate change.

Hon. Speaker, the efforts to achieve ten percent tree cover by the year 2022 is becoming a challenge, yet this remains key in the reduction of emissions of greenhouse gases in Nairobi, and particularly in Eastlands, where most factories and industries are located. These emissions also pose health risks to residents who reside near these industries. Therefore, it is imperative that Nairobi County join the rest of the players in putting in place measures on the reduction of emissions that cause global warming. Hence climate change has had far-reaching implications on health and the economy. Hon. Speaker, it is crucial to note that climate change is a global phenomenon that requires concerted efforts.

Hon. Speaker, Article 42 of the Constitution of Kenya, 2010 provides that every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures. The Nairobi City County Air Quality Act, 2022 also gives effect to Paragraph Three of Part II of the Fourth Schedule of the Constitution of Kenya, 2010.

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

- i. Measures that the Sector has put in place to curb and mitigate the emission of greenhouse gases and mitigate the effects of global warming and climate change; and
- ii. Measures that the County has put in place to regulate emitting factories and their specific roles toward mitigating the same, if any.

Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Redson Otieno.

REQUEST FOR STATEMENT REGARDING REGULATION OF GARBAGE COLLECTION AND DISPOSAL

Hon. Redson Otieno: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a statement from the Chairperson of Sectoral Committee on Environment and Natural Resources regarding regulation of garbage collection and disposal in the County, particularly in Ngei Ward.

Hon. Speaker, this Assembly passed the Nairobi City County Solid Waste Management Act, 2015 to provide a regulatory framework for garbage collection and disposal. The Act is quite specific on modalities and mechanisms the County can deploy to effectively and efficiently manage waste. However, the existing challenges of lack of clearly demarcated collection points in the Wards affect the effectiveness of the process.

Further, despite some areas having collection points, delayed collection leads to piling of hazardous waste that cause pollution when it begins to decompose.

In addition, the waste transportation trucks further pollute the environment by transporting waste uncovered. While on transit, these waste from the trucks fall off onto the roads in estates and major highways.

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

- i. Comprehensive report on the extent of operationalization of the Nairobi City County Solid Act, 2015 in light of collection, transportation and disposal of garbage in the County; and
- ii. Measures the Executive is putting in place to ensure there are adequate trucks in the County to regularly carry away garbage from collection points in the Wards.

Thank you.

Hon. Speaker: Thank you. Hon. Kamau Thuo.

REQUEST FOR STATEMENT REGARDING A FOOD MARKET ALLEGEDLY OPERATING ILLEGALLY AT
PARKLANDS POP IN CENTER.

Hon. Kamau Fiunifiu: Thank you, Hon. Speaker. First, I would wish to congratulate you on your election, and also other Members of the leadership who were elected. My good name is Fiunifiu Kamau Thuo, a name you know. I am a human being, and I am becoming every other day. I am a trained information scientist and practicing agro forester.

I would like to take this opportunity to thank my maker and also thank the residents of Karura/Muthaiga Ward for giving me an opportunity to be their representative in the Third Assembly of Nairobi.

Hon. Speaker, allow me also to make my maiden statement on the floor of this House.

Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives regarding a private wholesale and retail food market that is alleged to be operating illegally at Parklands Pop in Center.

(Honorable Member walked out of the Assembly)

Hon. Speaker: Order, Hon. Member! you have just requested a Statement, you are not supposed to walk out before the Chair for the Committee makes a commitment.

(The Honorable Member returned to his seat)

Hon. Kamau Fiunifiu: That is bad for a ranking Member to disturb an honorable Member making a Statement.

(Laughter)

Hon. Speaker, there has been complaints by traders operating at City Park Market regarding a private wholesale and retail market going by the name of Witemere, that operates on Tuesdays, Fridays and Sundays. It is alleged that the said market is using deceptive business practices to gain a competitive advantage.

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

- i. Whether the Sector is aware of the existing private market operating at Parklands Pop in Centre and efforts being put in place to ensure fair market competition;
- ii. The measures that the Sector has put in place to provide adequate water and sanitation at the City Park Market along Limuru Road;
- iii. Reasons the Sector has failed to close down Witemere, the private market, even after numerous petitions to the County Government by the City Park informal traders, that the said market was also operating on a public road and road reserve which cause human and vehicular traffic: and
- iv. Measures the Sector is putting in place to ensure the City Park Market acquires the intended rental status that will in turn increase revenue for the County Government of Nairobi.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Honorable Members, the Statement requests will be directed to various committees. Under Order 7 (i) and (ii), the Chairperson of Environment and Natural Resources to give an undertaking within which period he can respond to the Statements.

Hon. Silas Matara: Thank you, Hon. Speaker for this opportunity. First, I would like to congratulate you on your election as the Speaker of this Third Assembly, and also take this opportunity to congratulate all my colleagues for their election and those like myself, who have been re-elected to this Third House. I would like to thank God and the great people of Dandora II, my family and all those people who voted me to be a Member of Dandora II Ward for the second time.

I give a commitment of three weeks, as the Chair of the Environment Committee.

Before I forget, I thank my party Jubilee, the Azimio Coalition and the leadership of this House, for my election as the Chair of Environment Committee. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: On (iii), the Committee on Trade, Tourism and Cooperatives. Who is the Chairperson?

Hon. Deonyias Mwangi: Thank you, Hon. Speaker for this chance. Allow me to first thank the Members of the Trade, Tourism and Cooperatives Committee for electing me to be their Chairperson. I pledge to deliver as per my capability. I give commitment to the Hon. Member that I will report in three weeks' time. Thank you, Mr. Speaker sir.

Hon. Speaker: Thank you, Chairperson. Clerk, next Order.

MOTION

Hon. Speaker: Hon. Paul Kados.

SUB-CONTRACTING OF YOUTH SACCOS FOR SOLID WASTE MANAGEMENT

Hon. Paul Kados: Thank you, Hon. Speaker, I beg to move the following Motion:

AWARE THAT, Article 42 of the Constitution of Kenya, 2010 provides that every person has a right to a clean and healthy environment; further aware that Paragraph 2 (g) of Part 2 of the Fourth schedule of the same constitution provides for refuse removal, refuse dumps and solid waste disposal as a County function; acknowledging that Section 5 of the Nairobi City County Solid Waste Management Act, 2015 provides that every person within the County is entitled to a clean and healthy environment; further acknowledging that Section 16 of the same Act dictates that the County Government may directly or indirectly undertake the collection of solid waste from the streets and any other public spaces within the County; deeply concerned that despite the aforementioned provision, solid waste collection in the County remains a great challenge, more so at the ward level, which has seen organized youth groups resulting to collection of solid waste in the estates at a fee; appreciating that such informal opportunities have deterred many youths from drugs and substance abuse, crime and hopelessness arising from unemployment; further appreciating the need by the County Executive to empower such registered youth outfits through award of contracts for solid waste management service in the County to enable them earn a livelihood; this assembly therefore resolves that pursuant to provision of Section 38 of the Nairobi City County Solid Waste Management Act, 2015, the County Executive to urgently develop regulations that would enable award of Solid Waste collection service contracts granted to registered Youth SACCOs and Community Based Organizations(CBOs) at the Ward level to enable residents access effective solid waste management services.

Hon. Speaker, the Nairobi County has 17 constituencies and 85 wards represented by Members of the County Assembly. Like most cities, Nairobi City is faced with the challenge of solid waste management. Poor waste management coupled with rising urban pressure, has heightened the risk of Environmental degradation in the City of 4.4 million people.

The importance of proper waste management practices cannot be overstated. Solid waste management has been an issue facing the society since time immemorial. Waste collection and disposal being a devolved function, its execution is wanting since heaps of domestic waste and non biodegradable waste are not uncommon across the city. Therefore, residential areas had to look for alternative waste to manage waste.

Hon. Speaker, the defunct Nairobi City Council previously collected most of the waste generated in the city. Residents of the city paid waste collection levy, which was factored in the water bills, and a metal bin was provided to collect household waste and then emptied at least once a week. However, several amendments to the City Bylaws between mid-'80s and early 90's, saw the charge dropped and Nairobi City Council had to provide these services funded by dues from other sources. This proved unsustainable as the demand for municipal services grew and the council slowly abandoned the role of waste collection, particularly in the rapidly growing estates.

Hon. Speaker, to salvage the situation, the Government adopted a public-private partnership (PPP) model where business entrepreneurs would bid for tenders to collect and transport household wastes and drop it at the Dandora Dumpsite.

Hon. Speaker, faced with a mirage of challenges from unemployment to skyrocketing inflation, young people have had to improvise and look for ways to make ends meet, thus came the opportunity on waste collection, since the County Government take weeks to make rounds collecting the waste.

Hon. Speakers, organized groups have taken the role of waste collection from residential areas and disposal to designated dumping sites, and the landlords have put in place a system where tenants pay a small fee monthly to cater for waste disposal expenses. Subsequently, the youth groups provide plastic bags to each household at end of the month. The youth groups make around using mikokoteni to collect the waste bags. This has provided a golden opportunity for these young people as they get a chance to earn a living. It is an area greatly overlooked yet full of potential.

The County Government ought to promote such activities, as it is a way of improving livelihoods. Such groups organized into youth circles should be awarded solid waste management service contracts. In the long run, such groups have the potential to evolve into or give birth to chamas and investment groups. The financial impact of the awarding of these contracts shall trickle down to their household and at the ward level.

Hon. Speaker, I am confident that the implementation of this proposed Motion will go a long way in improving the livelihood of the youths through awarding of contracts for solid waste management services at the ward level.

Hon. Speaker, I call upon Hon. Kimemia to second this Motion. Thank you, Mr. Speaker.

Hon. Antony Gathumbi: Thank you very much, Mr. Speaker for this opportunity. I also thank the sponsor of this Motion for having accorded me this time to second this work of genius. Before I second the Motion, want to thank Almighty God for having given me this opportunity, being the fourth time that I am representing the great people of Harambee Ward as their MCA and as Chairman of CDF respectively. I also want to thank my spouse from whom I get the most important advice, and also to congratulate you, Mr. Speaker, for being elected and the Members of this Assembly for having being elected in this House. I know it was a rigorous exercise. So, thank you for that opportunity.

I call this a work of genius from our Deputy Speaker because it is the first time I am hearing a Motion where garbage collectors at the ward level are given an opportunity to be contracted by the County. They will get their money, promote themselves and get themselves out of drugs, stealing and other bad stuff they do. The job of garbage collection has become a preserve of cartels and the rich. To have it brought up to the ward level is a great thing and it will go a long way to help our youth to have something in their pocket, educate themselves and also they are going to improve the economy of our County and the country at large.

Thank you very much, Deputy Speaker, Hon. Kados for thinking about our youths. In my ward, I have so many CBOs and youths, some registered and some not registered. If they get to hear about this contracting, I know most of them are going to get registered. They are going to be very happy and pick up this business. Thank you very much for creating this opportunity for our people. If it is doable to have our youth contracted, I think the County should give them a greater percentage. This is there in the Constitution; it provides for it.

So, I want to second this Motion and urge everyone to support the Member. Every Member in this House has a ward, whether you are nominated or elected, you have your youths who collect garbage. We need give it the drive, and ask the Implementation Committee not to sleep on their job but to have it implemented at the County level. Thank you and God bless you.

(Applause)

Hon. Speaker: Honorable Members, before I propose the question, I have gone through the Motion and I would advise the honorable Member, the Deputy Speaker, just pray that no honorable Member pick up the Motion and generate it into a Bill because this is a Motion which should be brought to the Assembly as a Bill. It is a good Motion.

(Applause)

(Question proposed)

Hon. Members, plenary. Hon. Bosire Naomi.

Hon. Naomi Bosire: Thank you, Hon. Speaker for giving me this opportunity to speak on this Motion. First, I wish to thank Hon. Paul Kados Kiguathi for articulating this so well.

Hon. Speaker, only half of the estimated 3000 tonnes of waste that is generated on a daily basis in Nairobi County, is collected and the rest remain uncollected. Most urban areas have insufficient waste collection and disposal systems. Waste transportation in Nairobi is done by lorries and handcarts, making disposal of waste a challenge.

Hon. Speaker, the County Government has a robust legal constitutional framework guiding solid waste management, but it is characterized by inconsistencies. As Members of the County Assembly, we are obligated to ensure reasonable exploitation, utilization and conservation of the environment, and provide the resident of Nairobi with a clean healthy environment.

Hon. Speaker, cognizant of the role that youth play in driving Kenya's economy growth, we need to continue to create awareness on the value of waste and promote sustainable waste management solutions by involving the youth. Young people can take advantage of waste management solutions as a new frontier of job and wealth creation and suitable economic growth through waste management and entrepreneur innovation that poster sustainability. To access this opportunity, they need the support of the County Government. Investing in solid waste management to create job opportunities for the youth ---

Hon. Speaker: Honorable Member, are you reading a report?

Hon. Naomi Bosire: No. I have a reference, Mr. Speaker. I am supporting the Motion.

(Laughter)

Hon. Speaker: Okay.

Hon. Naomi Bosire: Hon. Speaker, investing in solid waste management to create job opportunities for the youth across the city can be realized through the County Government to create funds towards training on collection and safe solid waste management, where the County will be able to assist in overseeing the works.

Hon. Speaker, I humbly request this Assembly to adopt this Motion so that we can create employment and make use of local resources using skilled workforce among the youth SACCOs and community-based organization in the County. I support the Motion, thank you.

(Applause)

Hon. Speaker: Thank you. Yes, Honorable Majority Whip.

Hon. Moses Ogeto: Thank you so much, Hon. Speaker. First and foremost, I want to sincerely congratulate Hon. Kados by ensuring that this Motion has reached this Assembly today.

Hon. Speaker, when you stood up, you categorically said that he needs to make this Motion a Bill. You realize the Government of Kenya Kwanza promised that they will give jobs to the youth. As I was going through the report, the rate of unemployment in Kenya is affecting the youth. I believe that the Kenya Kwanza Government should ensure that Hon. Kados has ensured this Motion becomes a Bill, so that we can attach it to financial implications. That is why Hon. Kimemia said that that the Implementation Committee, which is chaired by Leader of Majority and deputized by the Leader of Minority, ensures that this Motion is fast-tracked.

Hon. Speaker, I have a small *kijiji* next to the State House. But when you go to Kawangware, where my friend, Hon. Njogu represents, the garbage which has been dumped there is very dangerous. The moment we engage the youths to be part and parcel of the solutions of collecting garbage in this city, then the green city in the sun will happen.

Hon. Kados shared with me today that at Hon. Jeremiah Themendu's ward, there are youths who are picking garbage from the Nairobi River, but there is one contractor who is paid only to pick that garbage from the Nairobi River and take it to Dandora. This is very unfortunate, Hon. Speaker. The moment these youths realize that this is their source of income, then that is when they will turn this city into a green city in the sun.

Hon. Speaker, I believe that before the end of this financial year, that is on June next year, Hon. Paul Kiguathi Kados will bring a Bill before this House and we ensure that we attach it to the budget. I beg to support this Motion.

(Applause)

Hon. Speaker: Thank you. Honorable Members, on my screen, I have 17 requests in support of the Motion. I would respect the order of sequence, as I am going to read: Hon. David Ngibuini, Hon. Samora, Hon. Antony, Hon. Jeremiah, Hon. Silas Matara, Hon. Nasra, Hon. Mwangangi, Hon. Absalom, Hon. Shadrack, Hon. Mukiri, Hon. Sosepeter, Hon. Carrington, Hon. Jared Akama and Hon. Kennedy Odhiambo. That will mark the conclusion of the contribution today.

Hon. Davidson Ngibuini: Hon. Speaker, I rise in support of this Motion. Indeed, there is a huge opportunity in this sector of garbage management. I believe by empowering youth in our wards, we will be creating employment, which is much needed and which the Majority Whip has alluded to.

As a Kenya Kwanza faction, we absolutely and unanimously will support this Motion up until the time it becomes a Bill. I do believe by doing so, we will also be creating employment and tackling social vices which have afflicted our youths in this great City of Nairobi and in many areas. When you crisscross, you will find many youths who are always drunk and high every day. By engaging them in proactive income-generating activities, we will be ensuring that we move them out of disillusionment and hopelessness, and ensuring that they do not give up on life.

I do believe that by engaging youth in garbage management will ensure that we keep them busy, and most importantly, we will be allowing them to earn a living that is sustainable, instead hustling every day without knowing when will the next coin be found. Something that I love about garbage management is that, it can be done by any young person regardless of their academic background.

These youths will also clean up our drainages, something worth to note. Our drainages are often clogged. Two days ago, it has been raining, if you come to Woodley/Kenyatta Golf Course Ward, for example, you will find areas whose drainages clogged hence causing flooding. If we have this Motion implemented, we will ensure that our young people will unclog those drainages, and we will have a city with an order and dignity, as envisioned by our Governor. This is a stone that has the ability of hitting two birds at once.

I want to propose that, in addition to what Hon. Kados has stated in his Motion, the awarding of solid waste collection service contracts to registered welfare groups as well. This is because the registered welfare groups are easier to form than the CBOs and SACCOs. I think that should be considered as we work to make this a Bill.

Finally, as this solid waste management program is being rolled out, the County Executive must engage all area MCAs to coordinate the same in our wards.

(Applause)

This needs to be done in the same fashion as the way is done in the distribution or disbursement of bursaries, where we need to provide the list of these groups. We need to coordinate and be hands on to ensure that they are being given to the most venerable youth groups in our specific areas.

Apart from this, we need to ensure that the County Executive allocates these funds such that we do not employ young people and then their funds or payments are diverted into other sectors and needs that may arise from time to time. This will also ensure that payments to this youth are done promptly. It will be a very big move because the current contractors that the Government has been contracting to do this collection of garbage, you will find that their payments are not being paid or are delayed. So, when we implement this, let us ensure that our youth are not going to knock on our ward offices doors saying, "Tafadhali, *Mheshimiwa ulinipatia kazi lakini sijawahi lipwa kwa miezi sita.*"

Hon. Speaker, that said and done, I beg to support this Motion. *Ahsante.*

Hon. Speaker: Thank you. Honorable Members, the Chair is persuaded by the Minority Whip that honorable Members representing the Liaison Committee, that is the Chairs of various Committees, will be heading to Mombasa for induction programme. So, they will be given privilege to contribute to the Motion before they leave for Mombasa. Therefore, I rescind my earlier communication directing order of sequence to the contribution of the debate. We need to give first priority to the Members of the Liaison Committee.

(A honorable Member spoke off the record)

No! Honorable Member, you will have to respect that, please.

Hon. Mark Mugambi: Thank you, Hon. Speaker. I think you could have just let my Member put his input since he was already on the floor---

Hon. Speaker: That is kind of you, honorable Minority Whip. He has donated his time, you may proceed.

Hon. Samora Mwaura: Thank you, Mr. Speaker for the honour. First, let me take this opportunity to congratulate you for being elected the Speaker, and all the Members. Secondly, to say a very big thank you to my constituents, the people of Clay City in Kasarani Constituency, for giving me a second chance in this

House. It is a honour that and I will forever be indebted. Thirdly, let me congratulate the Deputy Speaker for this very serious Motion. Indeed, as the Majority Whip said, it is in line with Kenya Kwanza Government of giving hustlers the opportunities that was denied by the previous governments.

Those people who have been in this City Hall for a long know that the Garbage collection sector is the sector that is riddled with cartels and big-money competition. This will be an opportunity to kill two birds with one stone. First, to do away with the cartels by dealing them with death blow. Secondly, to give our youths an opportunity to earn a living. Like in my ward, I have more than a hundred CBOs and youth groups, and already they are doing the work of collecting garbage. So, if you just legislate and bring a structured way of engaging them, you will be empowering the youth and also reducing the burden on our side as elected leaders. This is an opportunity for us, and it is line with Kenya Government's intention of giving the power to the youth.

Thirdly, I think this Motion deserves to be made to a Bill, but the biggest challenge we have in this County, as Members have said, is the implementation of laws. As a House, we do our work, we come up with beautiful Bills and Motions, but when it comes to implementation, I think that is where this House needs to find its modus operandi of making sure things are done according to the resolution of this House. For example, two days before, Members discussed and expressed their opinions on the issue of parking. We resolved that the parking belongs to us, but as you can see, we still cannot access that parking. That debate was actually in the media and the Chief Justice and the Supreme Court are aware of it but they just chose to ignore. Apparently, there seems to be no consequences for ignoring the resolutions of this House.

Hon. Speaker, I would like to ask you, the House leadership and the Members, to come up with a way of making sure that whatever Bills and Motions we pass here, are implemented so that it helps the people of Nairobi. For example, a Motion like this one if implemented can provide jobs for millions of young people in Nairobi. If it can work in Nairobi, it can be mirrored across the 47 counties and be one of the ways of making sure that we have employment.

Just to bring statistics to your attention, Mr. Speaker, unemployment in Kenya right now is at 44%. We have a population of 50 million people in Kenya, out of that population, we have a workforce of around 25 million. Out of that, 44% don't have employment, meaning most cannot afford basic needs. So, if this law is taken seriously and measure are put in place to ensure that it is implemented, I believe it will be one of the best gifts that this Third Assembly will give to Nairobians and to Kenyans. With that, I beg to support. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Hon. Dabar.

Hon. Dabar Mohamed: Thank you, Mr. Speaker. First, I would like to congratulate you. It is my first time to speak. I support this Motion by Hon. Kados. I come from Eastleigh North, the richest and the dirtiest ward in Nairobi. By devolving that work, it will be an opportunity for the youth get jobs and also solve the garbage menace in Nairobi. Implementation part should be put into more consideration. I doubt if there is a Member who doesn't support this Motion. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Hon. Nasra.

Hon. Nasra Nanda: Good afternoon, Hon. Speaker and honorable Members of this Assembly. This afternoon, I would like to first start by congratulating and applauding Hon Paul Kados's efforts in raising this issue. As a Member of this Assembly, I am deeply moved and passionate about environmental issues as well as community issues. So, this particular motion is close to my heart.

As a starting point, I would like to say that I support this Motion on three grounds. The first is that, climate change is a big problem for the people of Kenya. And one of the key contributors of climate change issues is the toxins that are released when waste is dumped. In this regard, Hon Kados has touched on a key issue which is going to be discussed next week at COP 27, where Kenya will also be championing the voice of Africa. This could not have come at a better time. Hon Kados, thank you very much.

(Applause)

The second reason why I endorse this Motion is because not only does it seek to solve a solution with respect to garbage, but also incorporates working with communities and working with the youth to find an alternative solution to the garbage problem, which ensures that it is owned by the communities that have garbage in those spaces. So, it is important consideration because if the community is involved in solving a problem, then it is not just us who are working on solving this issue as representatives, but them as a society or a community who are also owning the solution that will ensure that they live with dignity, as discussed by the Governor in his speech, that our aim is to create a dignified Nairobi where it is clean, green and improving the lives of our people. For this second reason, thank you so much, Hon Kados.

The third reason and my final one is that, when we come up with solutions, we need to think more holistically because we are not working only with laws, we are working with Kenyans who do not understand the complexities of enforcing the law. So often, a lot of our solutions discriminate or exclude big chunks of our society because they do not understand what we are discussing on the floor. We need to ensure that youth are brought on board, community based organizations are involved and welfare organizations are part of this conversation. What we are saying is, everyone should be included in ensuring a better Nairobi, better solutions and also that our people are generating revenue.

I would like to end by saying that I fully support this Motion. I also urge that this Assembly encourages Hon. Kados to push this to be a Bill. More than happy to assist Hon. Kados on the same. I would urge this Assembly not to stop there but also to push for regulations so that as the Delegated County Legislation Committee, we can ensure that that regulation supports the Bill for a better and clean Nairobi. Thank you so much.

(Applause)

Hon. Speaker: Hon. Heho

Hon. Carrington Heho: Mr. Speaker, I rise on the floor of the House in support of the Motion. Number one, when you say that the Motion is good, you opened up a gate and you reached a pivotal point whereby I think we have reached a point of no return in saying goodbye to the archaic laws and punitive acts in garbage collection.

Before I came to this esteemed House, Mr. Speaker, I used to work as a cohort in Kazi Mtaani Program, which was rendered and paralyzed by the Executive Office of the President. They felt that the expenditure could not be met by the said government.

Now, in support of the Motion, I understand that it is going to offer employment opportunities to our youth. It will be in utmost service provision to the people of this great city. It will decentralize the programs from one central garbage collection point whereby it trickles down into the respective wards. It will bring a balance to clean environment because from the ward that the Majority Whip comes from, that is where there is a concentration of those people who were contracted to collect garbage and to centralize it.

When the Deputy Speaker will move this Motion into a Bill, we can only have a few addendums. One, when the said groups and the CBOs are made up, where we can have them having sensitization on disposal of clinical wastes, because they can have preexisting conditions such as HIV and AIDS, which can be transmitted. So, it will be important to have that captured in the Motion. I rise to support, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Heho.

Hon. Kamau Fiunifiu: Thank you once again, Mr. Speaker, I rise to support this Motion. I must say the provision in the Constitution on the clean and healthy environment is not just a mere suggestion, to me, I would say that waste is a resource. It depends on how we as communities and we in government, interact with the waste.

Mr. Speaker, I have a suggestion that the Hon. Kados, and thank you so much for moving this Motion. If as a county, we are able to first of all tackle the waste that comes from the market, we will be in a position to tackle 10% of the waste problem in Nairobi. I urge that we do not need to transport waste from markets because this is green waste. We can encourage young people when the regulations are out, that this waste can be turned into organic fertilizer. This will go a long way in helping communities and young people get their livelihoods.

Mr. Speaker today as I speak, there is a legal framework as far as forests are concerned. Years back, the communities were involved in destruction of forests, but as we speak, an example of Karura Forest, there is a legal framework, Forest Management and Conservation Act that provides that forest have to be managed by the Government through Kenya Forest Service and communities through CFS. If we give communities an opportunity to own the garbage, we will have eradicated this menace of garbage all over the city.

A week ago, the Hon Member for Kiamaiko said that when you go to Klimani, Runda or Muthaiga, you will not see garbage. It is because the resident associations in those various estates have taken upon themselves to manage their garbage. So, I would want to inform them remember for Kiamaiko, there is no County Government lorry of machinery that collects garbage in Runda, it is the people who have organized themselves. Runda is more organized, but when you go to Githogoro, there is a lot of garbage because as communities, we do not have a structured way of how we go about garbage.

Mr. Speaker, before I sit down, I want to tell Hon. Kados that this should not be just a mere Motion, we should go to an extent of even forming a Nairobi City County company that is that is fully owned by this County to manage to manage garbage, the way we have the Nairobi Water Company. This company will be

able to entrench good practices at the ward level. At the end of the day, we will have given the communities and the young people a responsibility to manage their waste,

With those few remarks, Mr. Speaker, I beg to support this Motion fully. Thank you.

(Applause)

Hon. Speaker: Thank you. Honorable Nicholas Juma. Your microphone is on. You are ready to contribute? I can't get you.

(Hon. Nicholas Juma spoke of the record)

Hon. Whip.

Hon. Mark Mugambi: Thank you, Hon. Speaker. I think whoever said old is gold, we have been proven right by our Mugabe, Paul Kados, for these well thought Motion.

(Applause)

It is not only going to give a form of employment to our youth, but will go a long way in sorting the waste menace that is being faced in this County. Aware that in a day, we produce between 3,000 to 5,000 tons of solid waste within Nairobi. I think if this Motion sees the light of day, it is going to, by far, assist in collection and separation of these wastes. Actually, it goes along with, just like what Hon Samora has said, our Kenya Kwanza manifesto, that was advocating for youth being used to separate these wastes at the ground level before we do the recycling plant in Dandora. It will greatly help these youths. Also, as we plan to set up the solid waste recycling plant within Dandora, it will have found us the steps or miles ahead, having started at the ward level by separating this waste.

I therefore thank our senior for these well thought Motion. In the same line, Hon Speaker, I will be bringing my own Motion next week, whereby I will be urging the Members to support me as I look forward on a golden handshake to the elderly staff within the Environment Sector, which also has a correlation with this Motion, whereby we be allowed to at least employ 20 youth per ward for the cleaning of the drainages.

Being aware that when it rains, you cannot pass long our roads, they cease to be roads and in turn temporarily assume the status of rivers within this great city. Therefore, I beg to support this Motion. Thank you.

(Applause)

Hon. Speaker: Honorable Member, your mic is on.

Hon. Member: Thank you, Mr. Speaker for this opportunity. Congratulations, Hon. Kados, I acknowledge the effort that you put together in coming up with this Motion, it is a very critical one.

Now, benefits that comes with this and why I support it; one, it gives us an opportunity for the first time to decide on the environment around us. For a number of years, we have had our environment being dictated by someone who is not even a member of our neighborhood. So, having young people in this process means they will have an upper hand in deciding or rather, facilitating a clean in a healthy environment around our community.

Two, in terms of employment, I like the idea because it will go a long way in creating employment for our young people, and more importantly, even probably extend a mandate of the said young people. Apart from collection of waste, where do we have other avenues? When you look at the reduction area, where are these opportunities under reduction and the reuse? So again, we are going to explore opportunities in that category. And more importantly, even the cleaning of our area, probably we can extend our mandate. We used to have Kazi Mtaani. How about probably looking at a way of extending this mandate? Apart from collection, we have them do something else in the community.

Number three, why I like it the most, the class of people that are to be engaged in this process. Remember, these are people who are probably dropouts, some who never got formal education in a way. These are the characters or the people who have been involved in this process. So, having this idea, it will go a long way in encouraging these people.

The other thing is the bottom up approach, I think I like the idea. These young people will have an avenue to discuss and decide how they want to run their community. The other thing is also self-regulation, which I see an opportunity. What we have done in the past or with the current setup, the County Government has to come on board to streamline the collection of waste. They have to offer enforcement by putting up a number of structures just to curb people from dumping. But then with this kind of structure, it means these young people have been involved in this process, it out of their passion. No one is going to condition the community to comply on certain roles, because it's it will be a community driven process.

The other thing is also the teamwork that will come with this Motion in the sense that within like your ward, instead of having individuals collecting, maybe on Monday, we have a group that offers garbage collection, come Tuesday, we have a different group that is offering services, and so forth throughout the week. We have different groups running garbage collection within the area. But then with this structure, what it means, you are going to harmonize all these collectors and have them under an umbrella body. Using that umbrella body, you will have a designated day and designated points where these people will operate from. Again, that will go a long way in addressing this issue. Minority Leader, I commend that.

Cleaning tools are critical. We can have that come as a package under that so that these people are made to facilitate cleanup exercises within our area. As a County will give that mandate to them. How it is right now? I remember during Governor Kidero's time; the County had tried to come up with cleanups on monthly basis. They didn't work because they were not community driven. But then within the structure, we can look for a way where we can entrench cleanup exercises and condition these young people to be facilitating. Thank you very much for that, I support.

Hon. Antony Maragu: Thank you so much, Mr. Speaker, for according me this opportunity to give my contribution in support of the Motion by our Deputy Speaker. If you remember yesterday in my maiden address in the House, I commended him in absence. Seeing that being the senior most in his House as a Member, he has shown as an example and is leading from the front in the fight to ensure that we bring the youth to feel part of this Government. Indeed, he has spoken for most of us. I may be able to speak for those of us who are reading from the Azimio manifesto. Top of our priority was to ensure that we look for job opportunities for young people. I may not be able to speak for the government of the day, but here we have a golden opportunity to ensure that we put our youth to work.

Someone ones said that insanity is doing the same thing, the same way, over and over again, and expecting different results. The insanity we have in this County, Mr. Speaker, number one is the current program on how we are dealing with our waste and garbage collection. We have entrusted it to people who are ineffective, and they have now come together and formed themselves into groups, which we are calling cartels. Here, we have a silver bullet to deal with that once and for all.

The other insanity, Mr. Speaker, is the issue of us being in the leadership during campaigns and promising our young people that when we come here, we will fight to ensure that they get job opportunities. We will ensure to seek an opportunity where we can have them active and in a productive manner for them to earn a living. This Motion provides us an opportunity to make through our promises. I am sure most of us ran on that manifesto, that when we come here, we are going to look for opportunities for the youth.

The third insanity, Mr. Speaker, has been us or those who are sat in this House before who have allocated huge sums of money from our taxpayer to pay the ineffective companies that have been contracted to deal with our waste. I can assure you, Mr. Speaker, if we take the route that our Deputy Speaker is proposing, you can be sure that the cost of managing garbage in our city will come down significantly.

Therefore, Mr. Speaker, I support. I am reminded of a group in my ward called Kizimbani, who have not found the waste as just waste, as one of the Members has indicated. They have seen a resource in that waste in that whenever they move around and they collect the waste, you visit their site next time they're using the plastics to make some nice vases that I have personally purchased. If these young people are empowered, we will see them eventually proceed to build companies that can be corporate and employ even more people.

Therefore, Mr. Speaker, we are proud as a youth of this Assembly. Even from the youth caucus, our Deputy Speaker, we are proud of you. Thank you so much, and I implore that all of us support this.

(Applause)

Hon. Speaker: Hon. Madam Njeri, your mic is on.

Hon. Agnes Njeri: Thank you, Mr. Speaker. First, let me introduce myself. My name is Agnes Wamboi Oduor, special elect Member. As I rise to support this Motion, first and foremost, I want to thank the Almighty God for giving me this opportunity to serve in this August House.

Secondly, I want to thank my Party Leader for electing me to this House. Hon. Speaker I also congratulate you for being elected as the Speaker of this Assembly. I also want to take this opportunity to congratulate all my colleagues for making it in this House.

Hon Speaker, as I support this Motion, as a mother, I have a passion to help young people realize their potential. Societies worldwide have been championing for establishment of youth organizations as an avenue of addressing socio economic challenges as well as well as nurturing skills and talents among our young people. Some of the benefits of engaging in youth organization activities include enabling our young people to develop important personal and interpersonal skills, it also empowers them economically. It reduces the risk of engaging in unsafe activities such as use of drugs and alcohol, and develop employable skills, as well as managerial skills.

Mr. Speaker, Sir, women have many avenues of accessing money, we have chamas, the government supports us, and we have a women owned banks. So, we are able to access money in many ways. I feel like the youth have been overlooked. The Government of Kenya identified the challenge of lack of funds for the youth groups to do business with government. This was addressed through establishment of Youth Entrepreneur Development. The fund was mandated to provide loans to youth owned enterprises, provide market support to youth enterprises, facilitate youth enterprises to develop linkages with large enterprises, and provide business development services to youth owned enterprises.

Environment is a devolved function under the constitution of Kenya. Furthermore, the Nairobi City County Solid Waste Management Act, 2015 makes provision of solid waste collection services. So, further devolving it to the wards, we will achieve clean wards, employment and the communities will own it and be responsible for *the* cleaning. For that reason, I support the Motion. Thank you.

(Applause)

Hon. Speaker: Thank you. You're sleeping? Concentrate, the mic is okay.

Hon. Chris Mutumishi: Mr. Speaker, sorry. I would like to take this opportunity to thank Hon. Kados, I have been calling him my father for several days since I came to this Assembly. Today, you have given us an opportunity to speak about our youth. Thank you so much. I support of this Motion.

In my ward, Komarock, I have seen youth struggling. People talk about this garbage collection, but because of cartels who have decided to own, our youths can't get jobs because of that. I thank God today that we have a father figure in the House who has given us this Motion, we truly agree to support this.

As Mutumishi, I would like to say the National Government promised to give work to the to the youths. This is the best opportunity to speak about our youths. I beg to support I beg to support this Motion. Thank you.

(Applause)

Hon. Emmy Isalambo: Thank you, Mr. Speaker. My mic is on?

Hon. Speaker: Members, maybe a minute each.

Hon. Emmy Isalambo: Okay. Thank you Mr. Speaker, Sir, for giving me this opportunity. Thank you, our Deputy Speaker, Mr. Kados, you've done a wonderful thing, this is so exciting. Imagine these youths having something of their own. Most of them have never owned anything, even a company. So to me, it's going to boost them and show that we love them. It is such a good Motion.

First of all, when they know how to invest and how to go about it, they can even look for opportunities and do proposals, I am sure we will have sectors that will take them for induction or for seminars where they will get expertise on how generate income through waste. They can make products out of wastes. We will have big companies that will come and invest a lot.

So, let us give them a support them by making them own the project. They will employ each other. As a mother, seeing them wearing protective clothing that will protect them from infections, will make me happy. They will be able to raise healthy families. We as Azimio Party had this project in our manifesto. Thank you, Hon. Kados. We look forward to being implemented. Thank you so much, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. Honorable Member.

Hon. Paul Kariuki: Mr. Speaker, Sir, my name is Paul Wachira Kariuki---

Hon. Speaker: Is that your mic?

Hon. Paul Kariuki: I am using his card because I don't have a card yet.

Hon. Speaker: Declined.

(Laughter)

Hon. Paul Kariuki: Most obliged, Mr. Speaker.

Hon. Speaker: Hon. Absalom.

Hon. Absalom Onyango: Ahsante, Bwana Spika. Kwanza, ningependa kumshukuru Mheshimiwa Kiguathi. Ingekuwa jambo la kusikitisha sana kama sisi vijana hatungeongelea mjadala huu. Bwana Spika, sisi tunatoka katika vitongoji duni. Wale vijana ambao wanafanya *garbage collection*, wanaitisha shilingi kumi ama ishirini. Hiyo ni pesa ambayo haifai mtu kupewa. Tungeomba serikali ya Kaunti iweze kuajiri wale vijana kazi. Kwa sababu gani? Mambo ya *garbage collection* ina changamoto katika Jiji Kuu la Nairobi. Wale wakora ambao wameshika hiyo *department* wanapora kupora. Kwa hivyo, ningepomba tupatie vijana nafasi waende wafanye hiyo kazi na wapate malipo ili waweze kujimudu.

Ukienda Korogocho, utapata kikundi kinachojiita 'Comb Green' Vijana hao wanafanya kazi katika mtaro. Wanatoa watoto ambao wametupwa na watu ambao wamekufa, lakini hawalipwi. Ningepomba Mheshimiwa Kados usukume mswada huu ili itupeleke mbele kama vijana, na tutakuwa *loyal*. Ahsante, Bwana Spika.

(Applause)

Hon. Speaker: *Mheshimiwa* Themendu.

Hon. Jeremiah Themendu: Thank you, Hon Speaker for this chance. I first congratulate my senior, Hon. Kados. I would like to inform him that opportunities are not trickling down for the youth at the ward level. We advocated for the same as we were campaigning. I would like to say that my ward started the same project, I even helped them register those CBOs. Today, they are collecting beyond my ward, I think even up to the Deputy Speaker's ward, and also Utawala and Donholm wards.

So, Hon Speaker, I think it's a good time. We have suffered with Hon. Kados when those youths were being chased away by county askaris. They were being denied where to take the garbage. When we intervened, we were we introduced to collection centers. We have like three or four collection centers; one is in the armed forces area. Hon Speaker, I think you also come from Easlands. If we motivate those youths, crimes will reduce. They will earn money from collecting garbage hence supporting their families

Hon Speaker, this Motion is timely. I urge the County Government to move with speed and develop that regulation and enable the County to award the contracts to the youth. I think they will be able to take the garbage to Dandora Dumpsite. I support the Motion. Thank you.

(Applause)

Hon. Speaker: Thank you. Let us have one Member from each side. Hon. Member.

Hon. Eric Murigu: Thank you, Mr. Speaker for giving me this opportunity. I just want to let this House know that this Motion that has been brought before this House is very important. If you know or you have noted that when we talk about waste management, it does not only refer to collecting it, it refers to collecting it, transporting it, treating it, analyzing it, and disposing it. If you have noted the six avenues that I have said, they can make a lot of businesses and also create a lot of jobs. They can even minimize the cost of living. By minimizing the cost of living, one, there'll be no air pollution. Two, our water will be clean, our environment is clean and our soil will also not be contaminated. That means, there will be less infections and also less transmitted diseases.

Mr. Speaker, you have heard of diseases in our own level. In our main hospital here, Kenyatta Hospital, there are a lot of diseases, and a lot of human errors that are made. I want to say before this House, these things are all collectively brought by the reason of poor waste management. The environment sector, should, at least, choose a team. I have not traveled so much, Mr. Speaker, but I want to tell you that the best country in the world that manages to collect 60% of its weight. And then it does what I've said, collecting it, transporting it, retaining it, analyzing it, and then disposing it off. It is Germany. Mr. Speaker, if you give us an opportunity, I can take the Chairman for Environment to Germany. We can make Nairobi a better place than Germany.

(Applause)

Mr. Speaker, I have just been informed that in this House, I cannot be able to show you a photo of the situation I am at in at my ward. The technique that has been used here before, we are not ready to use it. And just as you said, this is your House, Mr. Speaker. I have noted that you want us to prosper. And just as my brother has said there, problems cannot be solved by the same level of thinking that created them. *Lazima akili ya juu.*

Mr. Speaker, for garbage to be collected, it was like someone coming to get a tender. I come from Dagoretti. Someone is coming from Embakasi East to collect garbage in the Dagoretti, Riruta Ward. Sometimes, that person doesn't even collect that waste, he comes a lorry full of garbage, he passes by there and then goes back to Dandora without collecting the garbage in Riruta.

Mr. Speaker, I would request you to support our Chairman for Environment so that these youth groups can be able to be given these jobs at our ward level, and we are able to manage them. Mr. Speaker, I supporting this Motion. Thank you.

(Applause)

Hon. Speaker: Chair, Environment.

Hon. Silas Matara: Mr. Speaker, thank you for this opportunity. First, I would like to congratulate our able Deputy Speaker for this well thought out Motion. From the look of things and from the deliberations of this House, you realize that Members are in support of it. In the interest of time, I am only going to mention three things.

One, is the issue about cartels. You realize this is a capital intensive engagement. When you talk about the youth, they can be able to collect. But when it comes to transportation of the same refuse to the Dandora Dumpsite, it is going to be a herculean task. In that respect, Hon. Speaker, in the last Assembly during the tenure of the NMS, they procured a lot of trucks. So, it is my prayer that the Executive and also

the honorable Member develop a Bill, and urging the Executive that all the trucks that were procured by the NMS, to be devolved to all the wards in the County, such that when this program is going to be put in place, when the youth collect the garbage using the handcart, they're going to utilize the transport facilities owned by the County.

Secondly, Hon Speaker, a mechanism should be put in place to allay the fear of cartels registering these same Saccos and youth groups so that they can be able to have proxies in handling these businesses.

Lastly, Hon Speaker as the chair of Environment [committee], I can assure and commit to this House, that when this issue will come to the table of my Committee, together with my able Members, we are going to ensure that the Executive is put into task in implementation of this Motion. We also being informed by a colleague here is pushing for formation of a company like Nairobi Water. Just a point of information, in the last Assembly, I came up with such a proposal, but from the look of things, in the last regime, the people who are in power had vested interests in the garbage collection and disposal. So, it is also my prayer that the current regime will not put its hand in investing in the garbage sector.

I have communicated with all the rest of the Members who have not contributed that I contribute on their behalf and support this Motion as the last Member

Hon. Speaker: Thank you. Mover of the Motion, you may now reply.

Hon. Paul Kados: Thank you, Hon. Speaker. Let me start by acknowledging all Members of this Assembly, and also acknowledging the Speaker and the Clerk and his officers for having accorded me the support in drafting this Motion

Finally, my gratitude to all of you and everyone who is here and those who have left. Hon. Speaker, I beg to reply. Thank you

Hon. Speaker: Hon Members having concluded the debate on the Motion No.8, I now put the question.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Honorable Members, the House stands adjourned to next week, Tuesday 8th November 2022 at 2:30 p.m Thank you.

The House rose at 5:08 p.m.