



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Tuesday 11th April 2023

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Dianah Mwangangi) in the Chair]

PRAYER

QUORUM

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

(The Clerk-at-the-Table confirmed there was no quorum)

Serjent-at-Arms, please ring the bell for ten minutes.

(Quorum bell was rung)

Serjent-at-Arms, please ring the bell for another five minutes. Hon. Ogeto, you can help us to get four more Members.

(Quorum bell was rung)

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

Clerk, let us proceed.

PAPER

REPORT ON INQUIRY REGARDING ABSORPTION OF INSPECTORATE OFFICERS EMPLOYED BY
THE NAIROBI METROPOLITAN SERVICES (NMS)

Hon. Temporary Speaker: Chairperson, Labour [Committee].

Hon. Mary Kariuki: Madam Speaker, pursuant to Standing Order 196, I be to lay the following Paper on the Table of the Assembly, today Tuesday 11th April 2023:

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The Report of the Sectoral Committee on Labour and Social Welfare on the inquiry regarding the absorption of Inspectorate officers employed by the Nairobi Metropolitan Services (NMS).

NOTICES OF MOTION

ADOPTION OF REPORT ON THE INQUIRY REGARDING ABSORPTION OF INSPECTORATE OFFICERS EMPLOYED BY THE NAIROBI METROPOLITAN SERVICES (NMS)

Hon. Temporary Speaker: Chairperson, Labour Committee.

Hon. Mary Kariuki: Madam Speaker, I beg to give notice of the following Motion:

THAT, this Assembly adopts the Report of the Sectoral Committee on Labour and Social Welfare on the inquiry regarding the absorption of Inspectorate officers employed by the Nairobi Metropolitan Services (NMS), laid on the Table of the Assembly on Tuesday, 11th April 2023.

CONVEYANCE OF COURTESY REQUEST TO THE SENATOR OF NAIROBI CITY COUNTY TO ADDRESS THE COUNTY ASSEMBLY

Hon. Temporary Speaker: Hon. Anthony Kiragu.

Hon. Anthony Karanja: Thank you, Madam Speaker. I wish to give notice of the following Motion and I would beg the attention of the Majority Whip because he is not listening yet it concerns him and his party.

Hon. Temporary Speaker: Majority Whip, be attentive.

Hon. Anthony Karanja: THAT, aware that Article 6 of the Constitution of Kenya, 2010 provides for the two levels of governments, at the national and county levels, which are distinct and interdependent and required to conduct their mutual relations on the basis of consultation and cooperation; further aware that Article 93(1) of the same Constitution establishes the Senate with its role provided for in Article 96, which includes but not limited to representing counties and serving to protect the interests of the counties and their governments at the national Level; noting that Article 183 (1) of the Constitution requires the County Executive to inter-alia, implement within the county, national legislation to the extent that the legislation so requires; further noting that Section 118(1) of the County Governments Act, 2012 permits the county governments to enter into an agreement with the National Government, another county or an agency of the National Government, in order to provide or receive any service that each county participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purpose of any of the participating counties; appreciating that the ongoing initiatives by the National Government such as; affordable healthcare, food security, affordable housing, manufacturing, business start-ups and youth empowerment programs; further appreciating that Standing Order No. 28 of the Nairobi City County Assembly Standing Orders provides that, *“The Speaker may, in consultation with the Leader of the Majority Party and the Leader of the Minority Party, allow the Senator of the County or a visiting Governor or other such visiting dignitary to address the County Assembly on such occasions as may be appropriate.”* That notwithstanding; this Assembly resolves that a courtesy request be conveyed to the Right Senator of Nairobi City County, Sen. Edwin Sifuna, requesting him to address the Third Assembly of Nairobi City County at his earliest convenience on the under listed issues amongst others: -

- i. The State of the County with regard to the domestication of the National Government programs at the County level and how such can benefit the residents of the County;
- ii. How the Senate can facilitate the full reversal of earlier transferred functions from the County to Nairobi Metropolitan Services (NMS) since revenue collections as a function is yet to be fully reversed to the County Government of Nairobi;
- iii. Linkages and partnerships that the National Government or its agency can engage the County Government of Nairobi for effective service delivery;
- iv. Consolidation of leadership and arbitration of problems bedeviling the County; and
- v. Any other issue that may be of importance for the County Government of Nairobi City County and its residents.

I would like to appeal to your office and to the County Assembly that we extend an invitation to the Senator to address us, for the first time since election, and to address the various issues that will form the basis for future Public Accounts Committee which he chairs in the Senate. I would want to believe that the Majority Whip has listened carefully and will do what needs to be done, especially now that the County is peaceful and he has time. He was very busy every Monday and Thursday, now he has time. I would request that he comes to this House and address us. Hon. Speaker, thank you.

Hon. Temporary Speaker: Thank you, Minority Leader.

STATEMENT

REQUEST FOR STATEMENT REGARDING DEVELOPMENT OF COMMERCIAL PROPERTIES ON PUBLIC UTILITIES' LAND IN MIHANG'O WARD

Hon. Temporary Speaker: Hon. Jared Akama.

Hon. Jared Ondieki: Thank you, Madam Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson from the Sectoral Committee on Planning and Housing regarding the development of commercial properties on public utilities' land in Mihang'o Ward.

Hon. Speaker, plots LR No. 5908/495, LR No. 5908/496, FRI No. 648/4, LR No. 5908/8/180, FRI No. 361/1 and LR No. 5908/695 in Mihang'o Ward, where they were identified during the defunct County Council and set aside for public utilities through Minute 10 of Municipality Bylaws of the Town Planning Committee meeting held on 9th December 1982. They were to host a secondary school, a primary school, a nursery school and other public utilities. Hon. Speaker, today, the mentioned plots have been allegedly grabbed by private developers known as Utamu-Utawala Estate, who have constructed commercial plots on them.

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

- i. How plots LR No. 5908/495 and LR No. 5908/695 in Mihang'o Ward were transferred to the private developer;
- ii. Whether the County Executive is aware that plot LR No. 5908/8/180, FRI No. 361/1 was initially set aside for the establishment of a primary school and a neighborhood park;
- iii. Whether the County Government is aware of illegal transfer of plot LR No. 5908/495 and LR No. 5809/695;
- iv. The officers involved in the illegal allocation of public land to private developers;

- v. The current owners of the listed parcels;
- vi. Measures being put in place by the County Executive to recover these public utilities and others within Mihang'o Ward that have been illegally transferred.

Thank you, Madam Speaker.

Hon. Alvin Palapala: Thank you, Madam Speaker. I don't know whether this is the only committee that Mheshimiwa keeps asking questions and the committee is handling other matters, he is the one who has brought these statements. May be he can give us two months.

Hon. Temporary Speaker: Mheshimiwa Akama is quite in order to request for the Statement. Chairman, Planning, kindly commit the time that you will take to respond.

Hon. Alvin Palapala: We have talked with him and he agreed that two months is okay.

Hon. Jared Ondieki: Madam Speaker, I have great respect for my senior. I have known him to be a serious Chairman by the way he conducts business in this House. But apparently, it is coming out clear that the more you stay in this House the more you neutralize that respect you have been given. I don't want him to go that direction.

Madam Speaker, what I am asking is a very serious issue, it is a concern to the Nairobians, especially when you hear something to do with public spaces where our children utilize them and the Chairman takes it lightly, it is like he is not concerned about the future of these children.

Madam Speaker, through your wisdom, I am begging that you give him that privilege of timeline through the Chair because it seems like he is confused. Thank you, Madam Speaker.

Hon. Temporary Speaker: Chairperson, Planning, can you give reasonable and practical timeline.

Hon. Alvin Palapala: Madam Speaker, the Hon. Member has said that I am confused. Do I look like I am confused? I am not confused. This is not parliamentary.

(Laughter)

Hon. Temporary Speaker: Chairman, Planning, in the interest of time, will you make a commitment on the time you will take?

Hon. Alvin Palapala: Okay. Two weeks.

Hon. Temporary Speaker: Hon. Akama.

Hon. Jared Ondieki: Madam Speaker, I want to withdraw, he is a man I respect. I am happy that he has seen light after realizing that we are talking about the children and the future of this country. Two weeks is much in order. Thank you.

Hon. Temporary Speaker: That is okay. Clerk, let us proceed.

MOTION

REHABILITATION OF THE COUNTY SOCIAL HALLS

Hon. Temporary Speaker: From what I have been informed and from what I can see, Hon. Antony Kimemia, who is supposed to move this Motion is not in today. So, I refer this back to the House Business Committee for reallocation.

(Motion deferred)

ADJORNMENT

Hon. Temporary Speaker: That forms the point at which we adjourn this House until tomorrow, Wednesday 12th April 2023 at 2.30 p.m.

The House rose at 3.15 p.m.