



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – Second Session

Tuesday 21<sup>st</sup> March 2023

The House met at 2.30 p.m.

*[Hon. Temporary Speaker (Ms. Malyun Abdi) on the Chair]*

#### PRAYER

**Hon. Temporary Speaker:** Hon. Members, you may now be seated.

#### QUORUM

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

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

Sergeant- at- Arms please ring the bell for ten minutes.

*(Quorum bell was rung for ten minutes)*

Sergeant- a-t Arms please ring the bell for another five minutes.

*(Quorum bell was rung for five minutes)*

We now proceed, Clerk.

#### COMMUNICATION FROM THE CHAIR

##### VISITING DELEGATION FROM THE PARLIAMENT OF NAMIBIA'S STANDING COMMITTEE ON IMPLEMENTATION AND COORDINATION

**Hon. Temporary Speaker:** Hon. Members I have the following communication to convey; firstly, Honorable Members our sitting this afternoon is graced by Members of Parliament of Namibia's Standing Committee On Implementation and Coordination who are here with us on bench marking exercise with its counterparts from Kenya National Assembly.

Accordingly, Hon. Members, I wish to recognize the presence of:

1. Hon. Victoria Mwambao Kauma – *(Applause)* Member of Parliament of the Republic of Namibia representing Rundu Urban Constituency since 2015. She is currently the vice chair of the National Council and chairperson of the National Council Standing Committee on

Implementation and Coordination. She is also a Member of the ruling The South West Africa People's Organization (SWAPO), the party National Executive Committee.

2. Hon. John Musialela Likando – *(Applause)* is a Member of Parliament of the Republic of Namibia at the National Council from 2015 to date representing Kabbe South Constituency, vice chair for the committee of whole council and vice chair for the Standing Committee on Implementation and Coordination as well as the chairperson of the Standing Committee on Home Affairs, Constitution and Legal Affairs. Mr. Likando is a Member of the ruling SWAPO party central committee.
3. Hon. Peter Kazngominja – *(Applause)* Is a Member of the National Council of the Republic of Namibia serving his second term as the representative of Aminius Constituency from 2015 to date. He is the Vice President of NUDO (National Unity Democratic Organization) and the party Chief Whip in the House.
4. Hon. Malenia Ndjaho – *(Applause)* He was first elected to the Parliament as a Member of Fifth National Council representing Karibib Constituency. He is the currently the Chairperson of Standing on Agriculture, Environment and Natural resources.
5. Hon. Hans Nambondi – *(Applause)* He is a Member of the National Council of Parliament of the Republic of Namibia representing Oshikoto region. He was a Member of the National Council Standing Committee on Gender, Youth and ICT; and also the Chairperson of the National Council Standing Committee, Health, Labour Affairs and Social Welfare.
6. Hon. Alfeus Kaushiweni Abraham – *(Applause)* He is a Member of the National Council of the Parliament representing Ondangwa Rural Constituency. He is the chairperson of the Standing Committee on Transport, Infrastructure and Housing as a Member of the ruling SWAPO party.
7. Hon. Olivia Tuyenikelao Hanghuwo – *(Applause)* She is a Member of the Parliament of the Republic of Namibia representing Ohangwena region. She is currently the Chairperson of the Standing Committee on Education, Science, ICT and Youth Development and a Member of the Parliamentary Joint Rules Committee. She is also a Member of Inter-parliamentary Union (IPU) Namibian branch and Member of South African Development Community Parliamentary forum (SADC-PF), Namibia group.

In addition, accompanying the delegation is a member of the technical team being:

8. Mr. Barney Keruombe – *(Applause)* He is Director in the Directorate of Specialized Service.
9. Mrs. Moono Matengu – *(Applause)* Support staff, Committee Services.
10. Bernard Mwira – *(Applause)* Support staff, Office of the Vice Chair of the National Council.

Hon. Members, on behalf of the Nairobi City County Assembly family, I wish to extend a warm welcome to the Members and staff of the Parliament of Namibia Standing committee on Implementation and coordination; may your endeavors benefit the residents of your great country. Feel welcomed and enjoy your experience in Nairobi. Thank you.

*(Applause)*

## PAPERS

**Hon. Temporary Speaker:** Chairperson on Children Early Childhood Education and Vocational Training.

**Hon. Lily Kidenda:** Hon. Speaker, pursuant to Standing Order No.196 I beg to lay the following Paper on the Table of the Assembly today Tuesday 21<sup>st</sup> March 2023:

The report of the Sectorial Committee on Children, Early Childhood Education and Vocational Training on the report on the Joint Induction workshop with a County Executive Education Sector held from 13<sup>th</sup> to 18<sup>th</sup> of December 2022, at Travellers Beach Hotel Mombasa County. I beg to lay.

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

Hon. Speaker pursuant to Standing Order No. 196 I beg to lay the following Paper before the Table of the Assembly today Tuesday 21<sup>st</sup> March 2023:

The report of the Sectorial Committee on Children Early Childhood Education and Vocational Training on the report of the proposed partnership between the County Government and the Kenya Institute of Special Education (KISE). I beg to lay.

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

## NOTICES OF MOTION

**Hon. Temporal Speaker:** Chairperson of the Children Early Childhood and Education.

ADOPTION OF THE REPORT ON THE PROPOSED PARTNERSHIP BETWEEN COUNTY GOVERNMENT AND THE KENYA INSTITUTE OF SPECIAL EDUCATION (KISE)

**Hon. Lily Kidenda:** Hon. Speaker, I beg to give notice of the following Motion: That this Assembly adopts the report of the sectorial committee on Children, Early Childhood Education and Vocational Training on the report on the proposed partnership between the county government and the Kenya Institute of special Education (KISE) laid on the Table of the Assembly today Tuesday 21<sup>st</sup> March 2023.

**Hon. Temporary Speaker:** Hon. Anthony Kimemia.

SPECIAL AUDIT ON THE COMPLIANCE AND OPERATIONS OF THE BUILT ENVIRONMENT AND URBAN PLANNING

**Hon. Anthony Kimemia:** Thank you very much. Hon. Speaker, I wish to give notice of the following Motion; that aware that Paragraph 8 of Part Two of the Fourth Schedule to the Constitution of Kenya provides for the functions of the County Governments which include planning, housing and land survey and mapping. Further aware that the Nairobi County urban planning and housing department has suffered critical management issues, organizational deficiencies and unfavorable social economic conditions that have led to poor urban planning and development. Concerned that lack of efficient enforcement of buildings and planning legal framework has led to environmental degradation, haphazard physical developments, and increased level of pollution across Nairobi and disaster such as collapsed buildings. Further concerned that the sector of land, urban planning, renewal, housing and project management is under staffed and the available offices are not adequately facilitated to undertake their duties which may have contributed to

increasing disaster where Nairobi residents have lost their lives and property due to unscrupulous standard building and construction works approved by the sector. Noting that even with such blatant failure, no one has been held responsible to date for the endless disasters that bedevil the city due to lack of accountability within the planning department that fuels approval of substandard and illegal construction works, except knee jack revamp reaction of interdiction and dismissals. Realizing that if nothing is done urgently to revamp the sector, the city risks continued avoidable loss of lives through disaster this Assembly resolves that the County Executive in conjunction with the Office of the Auditor General conduct a special audit on the compliance and operations of the built environment and urban planning sector with a view to establish an effective, efficient and reliable department that can better plan and organize the city and report within 6 months upon approval of this Motion.

Madam Speaker, I have another notice of Motion before me and I wish to read it.

#### COMPREHENSIVE PUBLIC PARTICIPATION ON PROPOSED PROJECTS IN EASTLANDS

**Hon. Anthony Kimemia:** Hon. Speaker, I wish to give notice of the following Motion: That aware that Paragraph 8 of Part Two of the Fourth Schedule to the Constitution of Kenya 2010 provides for the functions of the County Government which include planning, housing and land survey and mapping. Further aware that paragraph 14 of Part Two of the Fourth Schedule of the Constitution provides for the function of ensuring and coordinating and the participation of communities and location in governance at the local level and assisting communities and locations to develop administrative capacity for the effective exercise of the function and power and participation in governance at the local level and the county government. Acknowledging that the county government developed an urban renewal programme, which is anchored in the Nairobi Integrated Urban Development Master Plan that identified the need to redevelop old developments and their related social and physical infrastructure within the County. Noting that the County Government has prepared the Eastland's urban renewal masterplan with the support of the World Bank and the state department for housing and urban development especially focusing on the redevelopment of the Eastlands area. Concerned that the County Government has advertised tenders for proposal for design, finance, building and sale of affordable housing through a joint venture in the nine identified areas such as Lumumba, Jericho, Woodley and Ziwani estate amongst others without adequate public participation. Further acknowledging the effort by the County Government to fulfil the provision of Article 43 of the Constitution on the right to accessible and adequate housing. This Assembly urges the County Executive to undertake a comprehensive public participation on the proposed projects in the identified area to address pending questions by the residents before commencing the works.


Thank you Madam Speaker. I hope that I do not tire you because I have one more notice of Motion.

#### REHABILITATION AND MODERNIZATION OF ALL THE EXISTING COUNTY SOCIAL HALLS TO DEVELOP AND MANAGE YOUTH TALENTS

**Hon. Anthony Kimemia:** Hon. Speaker, I wish to give notice of the following Motion: That aware that Article 55 of the Constitution of Kenya 2010 provides for the state to take measures including affirmative action programmes to ensure that the youth have opportunity to associate, be represented and participate in political, social, economic and other spheres of life, access to employment and are protected from harmful

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cultural practices and exploitation. Further aware that Part Two of the Fourth Schedule of the Constitution provides for the functions of the County Government, which includes ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity of effective exercise of the functions and powers and participation in Governance at the local level. Concerned that there is joblessness amongst the youth with talent in the County which has negative impact on the economy as it forces to depend on small working class thus stretching family resources. Further concerned that most counties social halls are in a deplorable condition due to negligence and desertion by the county government which has contributed to lack of talent, nursing venue for youth within the county. Noting that creative act and talent sector is greatly overlooked and appreciated window of opportunity in the county where youth with talent can be mentored to discover, develop and build up their capacity. Further noting that unemployment among young people fuels frustration and desperation and in response, some of the youth turn to socially and legally unacceptable vices such as violence, substance abuse and even suicide, which have negative repercussions on the young people and contribute to growing insecurity, moral and psychological instability in the society. Acknowledging that in many developed countries, creative acts such as films, music, dance, and painting amongst others have proved to be well paying and good revenue earnings. This Assembly urges the County Executive to urgently rehabilitate and modernize all the existing county social halls and streamline their management to ensure that youth across the country are encouraged and mentored to develop and manage their acts and talents in the County. Thank you Madam Speaker, that is all.

**Hon. Temporary Speaker:** Clerk!

#### MOTION

**Hon. Temporary Speaker:** Hon. Nasra will read the Motion on behalf of Hon. Waithera Chege

#### REHABILITATION AND MODERNIZATION OF COUNTY PARKS

**Hon. Nasra Nanda:** Thank you Madam Speaker. I would first like to start by taking this opportunity to welcome our friends and counterparts from Namibia. Karibuni Kenya and thank you so much for joining us. I move the following Motion before the assembly on rehabilitation and modernization of the county parks across the county. That aware that Paragraph Four of the Fourth Schedule to the Constitution of Kenya 2010 provides for the functions and powers of County Governments as amongst others cultural activities, public entertainment and public amenities including county parks, beaches and recreational facilities. Recognizing that parks and green spaces occupy a critical place in the urban environment, providing opportunity for recreation and wellness as well as environmental management promotion and sustainability for urban communities. Observing that in furtherance of this critical role of the Nairobi City County currently retains operates and maintains various parks and green spaces including Uhuru Park, Central Park, Michuki Memorial Park, Geevanjee Gardens, Jamhuri Park, Uhuru Gardens. Acknowledging the rehabilitation of urban parks and green spaces in Nairobi City County was a presidential legacy project, which needed the full support of the County. Concerned that the status of some of the parks and green spaces has waned over the decades as maintenance, management and renovation have not kept pace with growth in the urban population and demands for the use of the parks by city residents. Further concerned that the negligence

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and poor state of this repair of the facilities and amenities at some parks have become hideouts for criminals. Noting that while the previous administration through the Nairobi Metropolitan Services NMS invested heavily in the renovation of Michuki Memorial park, Uhuru Park, Central Park which investment will greatly boost the usage of the parks with ever greater numbers expected to visit the refurbished parks on a daily basis. The same has not materialized for various other parks in the County such as Jamhuri park, City park which remain in a state of disrepair. This Assembly resolves that the County Executive urgently develop a strategy and measures to rehabilitate all county parks across the County with a view of restoring them to;

- a) Modern aesthetics for recreational areas
- b) Botanical spaces
- c) Facilities for outdoor events
- d) All such related undertakings as are essential to modernize and beautify the parks

I now lay this Motion before the Assembly and request Hon. Davidson DNG to second the Motion. Thank you.

**Hon. Davidson Ngibuini:** Thank you so much Madam Speaker for this opportunity. I rise in support of this Motion, and as a passionate Member of the entertainment industry please allow me to make a few remarks before I sit. Indeed Hon. Speaker our parks are critical installations and they must be treated as such. I participated in the Nairobi Festival in December last year. I must say that Uhuru Park for example is a beautiful place that should be opened to the public.

As at December last year, the Governor mentioned that Uhuru Park is 80% complete. We need to know the status of that park for example, has any development taken place since December, and when will it be open to the residents of this great city. These parks are prime income earners and I believe the County Executive need to treat them as such because this county desperately needs revenue in order to continue providing the much needed services to Nairobians. For example, garbage collection, water, sewer bursts. If the County Executive takes it seriously, they will be able to allow green spaces to be accessed by Nairobians and at the same time boosting our cash flow coffers.

As I conclude Madam Speaker, let this Motion not end up as just a paper in this honorable House; we want to see it being implemented by the County Executive. I second the Motion.

**Hon. Temporary Speaker:** Thank you Members.

*(Question proposed)*

**Hon. Temporary Speaker:** Hon. Members, you may now debate.

**Hon. Anthony Kimemia:** Thank you very much Madam Speaker. I want to recognize the presence of our guests from Namibia and to welcome them to Nairobi.

Madam Speaker, the Motion speaks for itself; we are speaking about the rehabilitation of our parks. As Mheshimiwa Waithera Chege rightly puts it, our parks are in a poor state and as the Motion indicates, this was the legacy of the previous President and now looks like an insult. The County should not neglect what the previous government was trying to do for the people of Nairobi. I support the Motion and would like to urge Hon. Waithera to include the facilities that we have in our wards. We have large tracts of land in our wards which we can be convert into facilities such as parks which are going to help our people. Parks beautify places because of the trees planted there; we will ensure that we plant more trees in these parks. Thank you Madam Speaker, I support the Motion.

**Hon. Temporary Speaker:** The mover! Hon. Minority Leader, you can contribute I did not see your request.

**Hon. Anthony Kiragu:** Even my colleagues here want to contribute. If the system is not working, we can use the old method of raising our hands. Hon. Speaker, I would like to support this Motion with a rider. First, I would like to congratulate my brother Hon. DNG for his newly found American accent as he was contributing.

Hon. Speaker, I would like to say that this is a good Motion but like I have always urged my colleagues that we need to do more research as we do our Motions. It does not need a lot of research to know that Jamhuri Park falls under the ministry of agriculture and City Park is under the Kenya Forest Service. They were taken from this county sometime back by the former President. I understand that City Pak is under a budget and is going to be rehabilitated.

However, I would like to take cue from my colleague Hon. Anthony Kimemia and urge Hon. Waithera Chege to include parks in our wards which may include reclaiming some of the lands that were supposed to be parks and have been grabbed by private developers. We have a shortage of green spaces and I would like to caution the people who are already in the process of grabbing the plot where Nakumatt Ukay Center used to be. As we speak, there are people who are doing landscaping in preparation for construction. Hon. Speaker, this is a green space which is next to a river and that is why Nakumatt had to give way for the green space. We urge the Executive to protect, upgrade, maintain and to refurbish these parks.

Hon. Speaker, we also have parks like Jevanjee Gardens whose works started years ago and has stalled. We have Uhuru Park which has used billions of shillings and is almost complete but has not yet been opened. I am glad that my brother has mentioned it but I did not hear him urge the county to open it for the public. The public have nowhere to go. May be if Uhuru Park was open yesterday, my brothers and sisters would not have time to demonstrate in the city, they could have converged there and did their thing there.

*(Applause)*

That way Hon. Speaker, we would have saved time and we would have ensured that this county did not lose close to Kshs. 20 billion yesterdays. It is very sad; we lost Kshs. 50 million in parking, Kshs. 20 million in auxiliary services. We only collected Kshs. 15 million shillings for a county that collects on average Kshs. 100 million shillings a day. I urge that as we refurbish these parks, we need to open Uhuru Park and request that anybody who would like to picket or demonstrate, they can use it for such.

Hon. Speaker, I support this Motion but I ask through Hon. Nasra, that Hon. Waithera will do more research to beautify it more so that we would be able to have a very strong document that can even have a budget and a timeline for every park so that we can have a green city; *itawork*. Thank you.

**Hon. Diana Mwangangi:** Madam Speaker, thank you for giving me this opportunity to support this Motion, although I want to start by welcoming our fellow Waheshimiwa from Namibia. *Karibuni sana Kenya*.

Firstly, I would like to support this Motion because for the last 30 years or decades that I have lived in Nairobi, I have been able to observe the difference of how Nairobi used to look back then and right now; the situation that has happened for the last 30 years in Nairobi as it was used to be called the beautiful city under the sun.

However, today the urbanization is more advanced than the beautification that used to be in Nairobi. That is why I am supporting this Motion and let us support it based on even the local community when it comes to social and public facilities. Let the beautification be on a community level. For that reason, I support this Motion. Thank you.

**Hon. Deonysias Waithera:** Thank you Madam Speaker, I had pressed my gadget but Majority Leader has said what I was supposed to contribute. However, I just want to welcome our counterparts from Namibia, thank you.

**Hon. Carrington Heho:** Thank you Madam Speaker. I rise firstly in support of the Motion because it is not only the President legacy that lays on the beauty of our Country. It is equally the national legacy because Kenya is known for its natural beauty and that is why we have other parliamentary Members from Namibia visiting us.

Secondly, through rehabilitation we can be able to increase the well-versed natural resources of land to equate it as an asset through rehabilitating them into parks. If you happen to visit our great County of Nairobi we have landfills that are dotted all over the County namely in Mihango ward, Spring Valley in Matopeni Ward and Members can attest to that.

If this this landfills can be filled up for the space to be become parks it will be prudent even in escalating our green economy.

Finally, it is equally the legacy of the President Dr. William Samoi Ruto who was taking about amplifying the waterfront economy through the rehabilitation of riparian lands and rivers that are dotted across our county namely Nairobi River, Ngong River and other tributaries. If we can rehabilitate those, they will equally impact our great county in beautification and rehabilitating the same parks. Madam Speaker thank you and equally remind you that am in support of the Motion, thank you.

**Hon. Samuel Kago:** Madam Speaker, I need you to protect me from my colleagues here. Thank you Madam Speaker, first I wish to welcome our Members, our Africans from Namibia *Karibuni sana*. I wish to second this Motion however; I wish to also backup my colleagues that this Motion about creation of national parks needs to be extended to our Wards. For example, in my ward there is a 45 acres of land set aside for such things like forest and parks. However, we are risking to lose the land to cartels. Madam Speaker, I would also request that Madam Waithera to make that small amendment so that it can be extended to our wards.

Secondly, coming from background of tourism, tourism it is the second largest exchange earner for Kenya. Having this parks up and running also help us in bringing more revenue to our county and help us in doing more project for this great country of ours. Thank you Madam Speaker.

**Hon. Nasra Nanda:** Thank you once again Madam Speaker for this opportunity. I am grateful to stand before this honorable Assembly to speak on behalf of Hon. Waithera Chege. I would like to, first of all, thank all the Hon. Members who contributed to this Motion and gave their insight and inputs on how we can improve this Motion together.

In speaking on behalf of Hon. Waithera Chege I would like to say this Motion is a necessary first in a series of many steps that we need to take as a County. Therefore, I would like to urge our Hon. Members to work with Hon. Waithera Chege in supporting those next steps.



Today as I stand before you, I would like to reiterate that one of the key things I see as an opportunity is the need to take to the Executive that the Ward Development Fund to include an environmental project for each ward. That should ensure there is a separate budget allocated for environmental preservation which could be preserving urban spaces within the ward and rehabilitating existing spaces or ensuring that among other priorities climate change and environmental preservation is a key priority in a ward and the budget reflect the same.

As I stand before you, I would like to end by saying that urban parks are good and just not for the money, which is a key component however urban parks ensure that we have better air quality in the city and also we have a space where children can play and people can go and relax and rewind and that we will have a healthier population who can then work better to invest in a dignified Nairobi.

With those closing remarks I would like to say thank you all once again, I stand before you presenting this Motion, and I ask you all to vote for this Motion. Thank you very much Madam Speaker.

*(Question put and agreed to)*

### ADJOURNMENT

**Hon. Temporary Speaker:** Hon. Members, the House stands adjourned until tomorrow at 2.30 p.m. and Assembly Business Committee to meet at the rise of the Assembly. Thank you.

**The House rose at 3.54 p.m.**