



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Thursday 23rd February 2023

The House met at 2.30 p.m.

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

PRAYER

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

QUORUM

Hon. Temporary Speaker: Clerk, kindly confirm whether we have quorum.

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

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

(Quorum bell was rung)

Hon. Temporary Speaker: Members, let us proceed.

COMMUNICATION FROM THE CHAIR

Hon. Temporary Speaker: Hon. Members, I have the following communication to convey:

ORGANIZATION OF THE COUNTY EXECUTIVE

Hon. Members, the office is in receipt of Executive Order No. 1 of 2022, H.E. the Governor, Johnson Arthur Sakaja on organization of Government dated 22nd December 2022. The communication provides details of functions and office holders of all sectors and sub-sectors and established office of the County Executive.

Hon. Members, in this regard, the Clerk is hereby directed to furnish copies of the said Executive Order to all sectoral committees for noting. In addition, Hon. Members, you are urged to get a copy for

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

yourselves in order to familiarize with the organization and functioning of the offices at the County Executive to assist you in the day to day undertaking of your duties and roles.

ACCESS TO THE PRECINCTS OF THE ASSEMBLY

Hon. Members, during the orientation process, we were sensitized that the precincts of the Assembly is a gazetted and privileged estate where access is controlled pursuant to the provisions in the Speaker's Rules that require access of visitors upon clearing with the security and being issued with the relevant badges. It has however been brought to my attention that some of you are producing badges for Ward office staff without adherence to the proper channels. May it be noted that it amounts to forgery and it is strongly discouraged and should cease forthwith. Accordingly, Hon. Members, such badges can be issued by the Office for the Clerk who is the authorized officer for that matter. To this effect, the Clerk is hereby directed to issue a communication to all Members requesting for the names of the said staff for the purpose of issuance of proper authorized badges.

Hon. Members, in addition, it is notable that some of you bring more than two visitors to the precincts of the Assembly contrary to the Standing Orders and the Speaker's Rules. Occasionally, the Assembly orderlies have found these visitors in unregistered offices and areas within the Assembly and unattended by the host Member. It should therefore be noted that a Member shall only be allowed to bring up to two visitors in the precincts of the Assembly and the said Member shall be responsible for the orderly conduct of the visitors. In addition, such visitors shall be admitted only through the public entrance for proper vetting and issuance of the visitors' badges to the visitors they wish to visit. The Serjeant-at-Arms are hereby directed to enforce these directives and take action in accordance with the Standing Orders and the Speaker's Rules on access control.

You are so guided. Thank you, Hon. Members.

MOTIONS

STRATEGIES AND PROGRAMMES ON CLIMATE CHANGE WITHIN THE COUNTY

(Resumption of Debate interrupted on Thursday 1st December 2022)

Hon. Temporary Speaker: Hon. Waithera Chege, this is a resumption of your debate. Hon. Members, you may now debate on Hon. Waithera's Motion.

Hon. Jared Ondieki: Thank you very much, Madam Speaker. I am cognizant that this is the first time that I am addressing this House this year. I wish to wish everybody a happy and productive new year.

Madam Speaker, I rise to second this motion based on the fact that we are aware of what is happening in the world. The issue of climate change has been of great concern and I cannot fail to add my voice when given the opportunity. Cities like Nairobi are known to be emitting gases which affect the climate in a big way. As leaders, I want to believe that it is important that we give a voice.

From the onset, I am sure that Hon. Waithera Chege has a good intention. The only thing that I want to urge is that over time we must ensure that these kind of motions become policies. Issues of climate change and the Climate Action Plan should be entrenched in the daily governance such that we have cities or

governments allocating funds in the budget to address issues of climate change. I want to believe that this is what Hon. Waithera Chege wants to achieve.

The civil society used to be very active in terms of promoting issues of mitigation especially on climate change. I am disappointed that the subsequent regimes have suppressed the civil societies. Therefore, over time we are realizing that the issues of championing for mitigation on climate change has gone low. We hope that with this regime, the civil society will not face the hurdles they have been facing in addressing the issues of climate change.

All of us are cognizant of what is happening with the climate change. Today, we are experiencing heat and lack of rain, which has caused hunger. All this is as a result of climate change. In a nutshell, what I am saying is that when these things are mentioned, we should take them with a lot of seriousness.

Madam Speaker, I am looking forward to seeing this motion passed. I urge my counterpart, Hon. Waithera Chege to ensure that this becomes a policy entrenched in the daily governance of Nairobi County with an allocation of budget because this is a very key issue which is affecting our society today. For the purposes of future generations, just as Hon. Waithera has captured, that we should ensure that we leave a better environment for the coming generations so that there is continuity of life. If you do not address the issues of climate change, I am sorry to say that the future will be extinct. Leadership is supposed to preserve the future. I want to believe that this motion is addressing the same.

I had the privilege of addressing a climate change platform in Berlin and I remember vividly this old man from Machu Picchu in Peru for his concern for his grandchildren and the kind of life they live because the plateaus which were capped with ice are diminished. Even the clove production had gone down. We should borrow from this old man that we must be concerned about the future generations. I am happy to support this motion because it talks of us leaving an inheritance through addressing the issues of climate change.

Madam Speaker, I support. Thank you.

Hon. Temporary Speaker: The mover to reply.

Hon. Waithera Chege: Thank you, Madam Speaker. Allow me to guide you using Standing Order No. 1, you can use your powers because there are some members who wanted to participate in this debate and they are looking at me as if I am the one who has told you not to allow them. I know Hon. Auma and the Minority Leader, Hon. Kiragu had requested to participate I am seeking your guidance.

Hon. Temporary Speaker: They have to request because my eyes have not caught the Members. Hon. Members, if you wish to contribute, please request. Hon. Kiragu.

Hon. Anthony Karanja: Thank you, Madam Speaker. I would like to air my views on this important motion. I would like to support and urge the County Executive, just like my colleague Hon. Akama has said, that we need to escalate these motions to policies and laws. I would like to urge the Executive to start with this and move from the board rooms, which I had requested before, and get on the ground and plant trees and actualize these things to come with lessons to our generations. We are holding the future for our future generations in terms of environment and taking care of this planet.

I would like to support this motion and challenge the mover of this motion to make it a bill which should be supported and implemented in this County. Thank you.

Hon. Temporary Speaker: Hon. Members, the systems are down, if you want to support the motion please raise your hand. Hon. Ami.

Hon. Ami Ambala: Hon. Speaker, I rise to support this motion. Indeed, climate change is a huge issue worldwide right now. In Kenya, we are having a serious drought, which is a direct result of this climate change. Zimbabwe right now is about to be hit by a cyclone, which I think it has never happened in that area.

It is important that more education is needed. The policy which is going to be brought by this motion will be very critical for our future generation. Thank you, Madam Speaker.

Hon. Temporary Speaker: Hon. Karanja.

Hon. James Karanja: Thank you, Madam Speaker, I rise to support this motion. Having come from a workshop where we discussed about climate change recently, it is true that Kenya and all over the world is really suffering the effects of climate change. Just as the Leader of Minority has just said, it is important that this motion is escalated to become a Bill then to an Act. Thank you, Madam Speaker.

Point of Order

Hon. Kennedy Oyugi: I rise on a Point of Order to alert the House that there was a Member who was in the House without obeying the decorum, but unfortunately, the guilty ones are always afraid so he has flown out.

Hon. Temporary Speaker: Thank you. Hon. Fathiya Abdilahi.

Hon. Fathiya Mohamed: Thank you, Madam Speaker. I rise to support the Motion which is timely and thank Hon. Waithera Chege for bringing such an emotive Motion. Climate change which is very emotive especially for us who are coming from the North Eastern. Right now, as you know, we are really the ones who are hardly hit as we are losing people and livestock lives due to drought. So, I would like to urge the Hon. Members to support this Motion and understand that it is something that is needed and more so very emotional. I rise to support it as it is very practical. Thank you so much.

Hon. Temporary Speaker: The mover to reply.

Hon. Waithera Chege: Thank you, Madam Speaker. Allow me to first of all thank the Chair of Environment Committee, who held a brief the other day. I am also aware that Members of Environment Committee are in Mombasa. Secondly, allow me to thank also the leadership of this House, we have had some consultations on this most important agenda and we are in agreement that this motion is not only a county motion. Based on the functions, yes, it is a county motion, but the consequences that we are going to face are more so international.

Madam Speaker, allow me to start by quoting His Excellence the President the last one week when he was addressing the Members of the fourth estate, where he indicated that six million Kenyans today are facing drought because or as a result of climate change. Therefore, Madam Speaker, as the Members of this House agree with me that we should prioritize climate change as an agenda that is taking not only Nairobi and Kenya but the world at large in areas where we should not be.

Madam Speaker, His Excellency the President the other day said, that one of the consequences that Kenya is going to face as a result of climate change is that the current Government is realigning, rerouting and reorganizing the current budget. Which means that we are going to have a budget that was going to build

more schools, a cancer centre, or buy a lot of equipment that will help this country move forward in terms of our health care, going into discussing and starting consultations of the issues of climate change.

Madam Speaker, if you may ask almost of the whole of the House the definition of climate change, most the people seated here including myself will probably tell you that it means warmer temperatures. When I look at the UN definition of climate change, they are not only taking about warmer temperatures, but they are also talking about human activities that are causing climate change.

When Hon. Matara was moving this Motion, we agreed that we are going to base this motion on the activities that human beings are using today to cause the result of climate change. Allow me to mention the issue of oil, gases and coal. If you burn oil, gas and coal today, it will generate something called greenhouse gases. These greenhouse gases produce carbon dioxide and methane. Carbon dioxide comes, for example, as a result of burning of forest. The other day we were watching the TV when the Aberdares was on fire. The production of carbon dioxide will bring in a blanket that will hold gases into the air and therefore affecting the climate of not only this country but also even in the US where I see a lot of fires in most of the areas there.

Madam Speaker, if we go down further, if you wake up in the morning in Nairobi, there is a lot of traffic in all the roads. The production of smoke is as a result of burning of this oils and gases and that is why we are calling them the concentration of fossil oils. These fossil oils will also generate something called methane. If you look on how methane is produced, Nairobi is full of garbage. If you walk along the roads, it does not matter which ward, you realize there are a lot of garbage along the road. Landfills has been quoted as one of the activities that is bringing methane gas not only in Nairobi.

Therefore, for Madam Speaker, this motion would not have come at a better time than now, where people from morning to evening are experiencing warmer temperatures. I want to go deeper into this debate and ask that how are we as Assembly and the County Government also reorganizing ourselves. Today temperatures are warm and tomorrow there will be heavy rains, you will start seeing a lot of flooding in our roads. Are we preparing ourselves so that all those trenches and drainages are opened so that we do not experience flooding. Flooding and scarcity of water has been mentioned in the UN report as a result of also climate change.

The other day in the Standard Newspaper, I saw a photo of a Kenyan from Mandera crossing over to Ethiopia to look for water. Water scarcity is a huge ingredient into climate change agenda, and if we do not caution our residents here in Nairobi, I am sure that there is no ward in this City today that it is experiencing a 100% supply of water. Therefore, the reason why His Excellency the President is talking about rerouting the budget, as we underline the rerouting of those budgets, let also work on making sure that once this budget is rerouted, we are also increasing consumption and supply of water within Nairobi.

Madam Speaker, climate change is not a small debate, it is a debate that we can talk about from morning to evening and we might not exhaust it. All is not lost because one of the things that we are asking is that we invest properly. We have the SDGs and the Paris Agreement, which is actually taking shape now. This is the time when His Excellency the Governor should pick this agenda. On that note, allow me to thank both Hon. Kiragu and Hon. Akama because we have already drafted the Bill. In fact, this is the session that was keeping us from moving to the next step because we cannot bring the Bill when the Motion is ongoing. So, we want to request His Excellency the Governor because I have already told Hon. Matara as the Chair

of Environment Committee, we are having World Bank United National Environmental Program on board to support this Bill that we have already drafted.

However, Madam Speaker, this House must rise up and agree that climate change will not only affect us seated here today, it is affecting everybody. If it is affecting the budget, then it will affect any resident of this County.

Madam Speaker, allow me to reply by saying I thank each and every Member of this House for not only supporting this Motion, but also committing to support the next steps that are coming in the building and working on the bill that is coming on board. Thank you, Madam Speaker. I beg to reply.

(Applause)

(Question put and agreed to)

Hon. Temporary Speaker: Clerk!

ESTABLISHMENT OF A FREE PUBLIC EDUCATION RESOURCE CENTRE AT UHURU PARK

Hon. Temporary Speaker: Hon. Perpetua Mponjiwa!

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker. I rise to move the following motion:

THAT, aware that the functions of public entertainment and public amenities including county parks, recreation facilities and sports activities and facilities are vested in County Governments pursuant to paragraph 4 of Part Two of the Fourth schedule to the Constitution of Kenya 2010; noting 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; appreciating the rehabilitation of Uhuru Park, Uhuru Gardens, Central Park Jeevanjee Gardens and Hon. Michuki Memorial Park; recognizing that Nairobi residents need to continue accessing the newly refurbished Uhuru Park both for rest and recreation, this is Assembly urges the County Executive to establish a public resource centre (mini-library) at the newly refurbished Uhuru Park to act as an open source library stocked with reading materials for all age categories, a free area for board games and other appropriate indoor amenities that shall be accessible by all members of the public free-of-charge.

Hon. Speaker, creating a free public library and recreational facility in Uhuru park will have a significant impact on the people of Nairobi because it will not only improve the wellbeing, psychological and social needs but also open up opportunities despite one's financial constraints.

I therefore urge this House to unanimously support and pass this because as they say, a reading nation is a growing Nation. In this case, a reading city is a growing city. I hereby call upon Hon. Oyugi to second this Motion. Thank you very much.

Hon. Kennedy Oyugi: I second.

(Question proposed)

Hon. Temporary Speaker: Members, you may now debate. Hon. Diana Katile!

Hon. Diana Mwangangi: Thank you, Madam Speaker. I want to support this motion and before I do so, I would like to thank Hon. Perpetua for bringing this motion for an issue that looks so obvious but it is not. This mini library is important in the sense that it will improve literacy levels through access to books. I would

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

like it to go on record that they should not only have access to hard books only but also those in soft. Therefore, if resources are being provided then there should be an e-library and also the physical library that we are used to. This will also serve as an area of socializing as it will connect people to people.

The other limb of this motion that I see is the establishment of a free area for board games which will serve as a recreation centre. Another importance of this library will be for students living around those areas and are not living in conditions favorable for studies and research. For that, this will be an important area for them.

With those few sentiments, I support the motion.

Hon. Emily Oduor: Thank you, Madam Speaker and also to Hon. Perpetua for bringing this motion. As the Chair of Education, you have the children's interest at heart. Hon. Members, if you look around at the people who were born and brought up in Nairobi in the 80's and early 90's, we had spaces where children would go and play games. There were also mobile libraries where they would go borrow books, read and return, like in Burururu. I used to live there with my sister and I did that, but now if you take a walk there you find that the mobile libraries are occupied with bars leaving our children with not many options but to go to the bars. When you look across Nairobi then you realize that most spaces have been taken by private developers.

Secondly, some of these children are very talented and if given the opportunity, this could make a future for them. They could do this up to the international level but as of now, we have children who are skilled but do not have access to these games or sport. Not all children are born to be academic giants. Some might not be academic book wise but are good in board games and other sports. So, if this is open for them then we will be opening opportunities for these children so that they get to know that life does not end with grade A or B in Kenya. These facilities are there but in the private members' club such as Karen Club yet not all can access them. This is a good motion, Hon. Perpetua. I could have said more but with those few remarks, I support the motion.

Hon. Temporary Speaker: Hon. Lily Kidenda

Hon. Lily Kidenda: Thank you, Hon. Speaker for this privilege. I rise to support this motion. I am excited at this privilege. As an educator, I would like to congratulate Hon. Perpetua and the management of the City of Nairobi. When we hear that more than 3 parks have been rehabilitated, my only request to Hon. Perpetua is that she extends this beyond Uhuru Park. Yes, Uhuru Park is the state of the art park that we have but knowledge should not be restricted into one space. I would like to have this motion expanded to include our recreational spaces where our children and the adults can go to safely and be able to grow in knowledge and have equal opportunity, not only through reading physical books but also e-books, as Hon. Katile mentioned.

As we debate this motion, a budget should be tagged onto this to help buy books, promote and restock as we grow these libraries. Indeed, we need exposures as libraries and game areas have become a preserve of the few who can afford to go to these fancy places. I believe that by coming to this Assembly, we have come to hold hands as Nairobian's and leave no one behind. Everyone must be exposed to knowledge and that learning can be continuous. Often times in this space we think that once we finish a certain level of education that we are done. We need to have things like newspapers and TVs that can be on at specific

times like during news. Every Kenyan should be exposed to news to detail for us to be open, to support one another, understand our needs and to grow as individuals.

I rise to support this motion and propose that it be expanded to include those things that are critical in the journey of learning. Thank you, Madam Speaker.

Hon. Temporary Speaker: Mover to reply.

Hon. Perpetua Mponjiwa: Hon. Speaker, the motion speaks for itself and I am grateful to the Hon. Members in the House. I beg to reply. Thank you very much.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: There being no other business, the House stands adjourned until Tuesday 28th February 2023 at 2:30 p.m. Thank you, Hon. Members.

The House rose at 4:00 p.m.