



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – Second Session

Thursday 23<sup>rd</sup> March 2023

The House met at 2.30 p.m.

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

#### PRAYER

**Hon. Speaker:** Hon. Members you may take your seats.

#### COMMUNICATION FROM THE CHAIR

##### HOUSE LEADERSHIP

**Hon. Speaker:** Hon. Members, I wish to convey a communication in regard to the House leadership.

Hon. Members, the House leadership is critical in discharge of business in this House as stipulated under Standing Order No.22 and 23, which recognizes various leaders in the House. These are basically leaders designated by various political parties and coalitions represented in the Assembly in order to champion their agenda. I am glad that our current leaders have provided wise counsel that has brought us this far.

In addition, Hon. Members, I want to recognize the critical roles played by the Chairpersons of the Select Committee on Public Accounts and Select Committee on Finance Budget and Appropriations, who have demonstrated wealth in leadership skills and playing a critical role in the support of the House leadership. These two Committees are critical in the operation of County funds and ensuring that the funds are prudently spent.

In this regard, going forward and for the convenience of the House, and during the term of this Third Assembly, the chairs of these two committees, namely, Hon. Wilfred Odalo and Hon. Chege Mwaura be incorporated in leadership. This will apply a critical role in the House leadership.

*(Applause)*

Accordingly, I request all Hon. Members to seek their wise counsel, engage them regularly and give them necessary support equivalent to the need basis.

Hon. Members, I urge the two to listen and address the concerns of all Hon. Members on behalf of the County Assembly of Nairobi irrespective of their affiliate parties. The House so stands guided.

*(Applause)*

## PAPERS

**Hon. Speaker:** The Chairperson, Select Committee on Ward Development Fund? Hon. Member, are you the Chairperson? Serjeant-at-Arms, kindly assist the Hon. Member. You may proceed!

**Hon. Member:** Thank you, Hon. Speaker. Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of the Assembly, today, Thursday 23<sup>rd</sup> March 2023:

The report of the Select Committee on Ward Development Fund on the Second Induction Workshop held from Thursday 2<sup>nd</sup> to Sunday 5<sup>th</sup> March 2023 at Maxland Hotel, Kiambu County.

Hon. Speaker, I beg to lay. Thank you.

*(The Paper was laid on the Table)*

**Hon. Speaker:** Thank you, Hon. Member. Where is the Chairperson on Public Investment Committee?

**Hon. Hashim Kamau:** I am here.

**Hon. Speaker:** Hon. Hashim, you may proceed.

**Hon. Hashim Kamau:** Thank you, Mr. Speaker. Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of the Assembly, today, Thursday 23<sup>rd</sup> March 2023:

The report of the Select Committee on Public Investments on the consideration of the report of the Auditor General on the financial statements of the Nairobi City Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June 2018.

*(The Paper was laid on the Table)*

**Hon. Speaker:** Thank you, Hon. Member. Clerk!

## NOTICE OF MOTION

**Hon. Speaker:** Chairperson, Public Investments Committee.

**Hon. Hashim Kamau:** Hon. Speaker, I beg to give notice of the following Motion:

THAT, this Assembly Adopts the report of the Select Committee on Public Investments on the consideration of the report of the Auditor General on the financial statements of the Nairobi City Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June 2018, laid on the Table of Assembly, today, Thursday 23<sup>rd</sup> March 2023. Thank you.

**Hon. Speaker:** Clerk!

## MOTION

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

**Hon. Speaker:** Hon. Perpertua!

**Hon. Perpertua Mponjiwa:** Hon. Speaker, I beg to move the following Motion:

THAT, this Assembly adopts the report of the Sectoral Committee on Children, Early Childhood Education and Vocational Training on the proposed partnership between the County Government and the Kenya Institute of Special Education (KISE), laid on the Table of the Assembly this Thursday, 23<sup>rd</sup> March 2023.

Hon. Speaker, the Sectoral Committee on Children, Early Childhood Education and Vocational Training received a request from Kenya Institute of Special Education for a meeting courtesy of Hon. Carrington Heho, MCA Njiru Ward. The Institute was seeking for collaborative partnership and good working relationship with the County Assembly and the County Government at large.

Hon. Speaker, the Kenya Institute of Education is a semiautonomous government agency of the Ministry of Education, which was established in 1986 through the Legal Notice No. 17 of 14<sup>th</sup> February 1986. The institute is governed by a council and headed by a director, who is the Council Secretary. It is located in Kasarani Ward, Thika Super Highway Exit 8 off Kasarani - Mwiki Road.

Hon. Speaker, the Committee held a meeting with the Institute Management on 9<sup>th</sup> March 2023 at the Institute's precincts. During the meeting, the Committee was taken through the establishment and the role of the institution in details. This report contains the deliberations between the Committee and Management of the Institute. The Committee also had a tour of the institution's various facilities and services offered, including rehabilitation area, gym area, physiotherapy equipment area, hydrotherapy services area, amongst others.

Hon. Speaker, if I may continue, the key point to note is that the institution offers the following services, for the benefit of Members to understand: training of teachers and other personnel to support the education and training of persons with special needs and disability, including the use of Kenyan sign language, which according to the Constitution, it is the third official language. The management promised to train at least two people from each ward on use of Kenyan sign language.

*(Applause)*

The Institute offers research services on various topical issues, advocacy and information dissemination on various topical issues such as parental empowerment and engagement in nurturing potential of children with special needs and disabilities.

On assessment of learners for school placement, the institution is leading in matters of special needs and disability assessment across the country and East Africa and production of educational materials and assistive devices for learners with special needs and disability.

On habilitation and rehabilitation of person with special needs and disability, the institution offers the following services – Hon. Speaker, it is important that the Members listen to this:

1. Physiotherapy and occupational therapy to person with special needs and disability;
2. Vision therapy, orientation and mobility for acquired disability and sensory integration;

3. Speech therapy; and
4. Hydro therapy- This is when you heal through water.

When you look at the charges, they are very minimal as they were charging as little as Kshs.100 per patient.

The training of officers of the County Government such as Early Childhood Education teachers, especially Special Needs Education and Disability Mainstreaming to enhance inclusivity and service delivery within the County. Just to breakdown this sentence, Hon. Speaker, they suggested that if the Executive partners with them, they are willing to train our ECDE teachers on matter special education and how to handle children.

The Kenya sign language is mandatory in accordance with the provision of the Constitution of Kenya 2010. Like I had earlier said it was being offered at the Institution, therefore, the County Government may sponsor some of its staff to learn the language either on regular class or have a tailor-made class for better service delivery.

Hon. Speaker, the Kenya Institute of Education said that you can give the names of the staff and even Members of the County Assembly can send some few people so that they can learn the Kenyan third language, which is sign language. Sometimes we might have a televised Motions or issues on the floor of the House, it is important to have someone next to you communicating to Members and Kenyans at large in sign language. They were willing to do that. Through this collaboration and partnership, they will do that free of charge. The institution may support the County Government learning materials from local environment for early childhood development and education, including materials for children with special needs. I can go on and on, but let me leave it at that

Our recommendations were:

1. The County Executive Committee Member responsible for Talent Skills Development and Care to develop a MOU for partnership between the County Government and Kenya Institute of Special Education within three months upon the approval of this report by the County Assembly.
2. This Assembly to approval the aforementioned area of partnership between the County Government and Kenya Institute of Special Education to be part of the partnership agreement among other areas to be identified.

Hon. Speaker, the Committee has confidence that the implementation of these recommendations will go a long way in improving the status of the County Early Childhood Development and Education for all our pupils, including with those with special needs to embrace inclusivity across the 85 wards in the County.

Hon. Speaker, I hereby call upon my good friend, Hon. Katile to second this Motion.

*(Applause)*

**Hon. Diana Mwangangi:** Thank you, Mr. Speaker. The Chairperson of Education Committee has dissected and presented this report in the best way possible. As a Member of the same Committee and having attended the meeting between the Committee and Kenya Institute of Special Education, I will say that the proposed partnership will be an asset to this Assembly.

Hon. Speaker, many are the times when even at the ward level, our MCA are confronted by challenges of parents who have children living with disabilities and do not know what to do with them. Our partnership with Kenya Institute of Special Education will ensure that we get a road map of how to deal with those children and their parents within our communities. Most importantly, I will support this Motion because as far as communication is concerned, the institute is ready, as the Chairperson as said, to train two members from our respective wards with sign language and also to train the staff of this Assembly and this County Government on the use of sign language, which happens to be a great component of communication as far as the official languages of this country are concerned. With that, Hon. Speaker, I beg to second.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, the House is at plenary. Hon. Kimemia, your mic is on.

**Hon. Antony Gathumbi:** Thank you very much, Hon. Speaker, I want to support the report. I am very attached to issues of special education. In the previous Assembly, I also brought a Motion on the issue of children with disability. I raised that the children with disability be included in our public schools. At that time, I meant that the public schools should be facilitated to ensure that children with special needs be included and be taken care of. In addition, to make it cheaper because it is very expensive to bring up a child who has special needs.

It is important the vocational training on the proposed partnership between the County Government and Kenya Institute of Special Education be adopted because there is need to bring close children with special needs and ensure that their voice is heard. Thank you.

**Hon. Mark Mugambi:** Thank you, Hon. Speaker. First, allow me to congratulate Hon. Hon. Perpetua Mponjiwa and the Committee on Education for this report. It is a well thought report because these are some of the groups that as a nation, we have looked down upon them.

Hon. Speaker, I think even this House needs to have at least one sign language interpreter person. Maybe because the Clerk is here and through you as a Chair of the Board, might think of employing a sign interpreter within this precincts of the Assembly. We might find we have people that are abled differently who want follow our proceedings but do not understand what we discuss here.

On the same wavelength, Hon. Speaker, I am bringing a Bill also on these issues of people who are abled differently, for instance, the children living with autism and other conditions. I want the County Government of Nairobi to at least build classrooms that is favorable to these children and also employ care givers because the Nairobians are facing quite a hard task, especially those who have children who are suffering from autism or these other conditions. Their medical attention and education require huge amounts of money because they need specialized attention. So, as a County, we need to also think about that. I will be bringing the Bill as soon; I understand it is being drafted. I would like Members to support the same. With this, I beg to support.

**Hon. Fathiya Mohamed:** Thank you, Hon. Speaker. I rise to support this Motion by the Chairperson Education, who has really put it well and has dissected it. I also support that the Institution of Special Education offers a consultancy in construction of buildings that ensure accessibility of person with disability. In Kenya, the numbers of children with special needs are really rising and the parents are coming out, it is

not like the way it used to be before. It is well timely and we need to support this Motion. The parents are now more aware and these children who have special needs are now like the other children and they need same institution that we have. Thank you.

**Hon. Speaker:** Hon. Akama, your mic is on.

**Hon. Jared Ondieki:** Thank you, Hon. Speaker for this opportunity. I rise to support this important Motion brought by my Chair, Education. I really want to congratulate her for the good work and being elaborate on this matter.

Hon. Speaker, the only thing I can say is that this Motion seeks to recognize to empower and equip our children with special needs. By having this partnership with Kenya Institute of Special Education, I think we will be setting the pace. We are not doing very well especially at the County level in term of recognizing and supporting these children with special needs. So, this is a step, Hon. Speaker, and that is why I rise to support.

**Hon. Deonysias Mwangi:** Thank you, Hon. Speaker. I also rise to support the Motion. First of all, I would like to thank the Chair, Education and the Committee that came up with this report. We have been calling on parents of children with special needs to release them to integrate with other children, especially in normal schooling. But there is a scarcity of caregivers and teachers who are trained to take care of these special needs children. Also, there is lack of equipment and materials that are needed to support these children. The fact that this Motion and this report proposes to have teachers and care givers trained to support these children in every ward is something that is commendable. Because it gives every child an opportunity to enjoy life and live like a normal child, and other reasons that have been indicated in that report, I support the motion.

**Hon. Speaker:** Hon. Members, from the screen, there are no further requests. Allow me to call the mover of the Motion to reply.

**Hon. Perpetua Mponjiwa:** Thank you, Hon. Speaker. I want to acknowledge with gratitude the offices of the Speaker and the office of the Clerk for the logistical and technical support you accorded the Committee when we visited KISE. I also want to acknowledge Members of our secretariat, led by my good clerk, Mr. Wasike and his team for giving us all their unending support whenever we needed.

I also with gratitude want to thank this Assembly for the support in consideration of adoption of this report. One, Dr. Temple once said, and I quote; *"I am different but not less"*. A child with special need is just different, it does not mean they are less. I beg to reply.

*(Applause)*

*(Question put and agreed)*

## MOTION


CONTINUOUSLY ROLL-OUT TRAININGS FOR ALL COUNTY ECDE TEACHERS ON COUNSELING AND SPECIAL CHILD CARE SKILLS

**Hon. Speaker:** Hon. Lily Kidenda.

**Hon. Lily Kidenda:** Thank you Hon. Speaker. I rise to move the following Motion:

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THAT, aware that Article 43 of the Constitution of Kenya, 2010 provides that every person has the right to education; further aware that the Education Act, 2013 mandates respective Counties to implement the right of every child to Free and Compulsory Pre-School Education; recognizing that Early Childhood Development Education lays a lot of emphasis on the holistic development of a child's social, emotional, cognitive and physical needs in order to build a solid and broad foundation for lifelong learning and well-being; acknowledging that among the essential skills for teachers in Early Childhood Development Education (ECDE) are guidance and counselling, coaching, and mentoring; noting that since teachers are dealing with children they must understand and at the same time assist them along in their growth and development; acknowledging that Nairobi City County has about 25,000 pre-primary school learners who enjoy free learning in the 232 ECDE centers. (*The Star 1st September, 2021*); appreciating that the County Executive has budgeted for construction of Early Childhood Development Education Centers in the 17 Sub-Counties with the aim of increasing the number of children enrollment in Early Childhood Education; deeply concerned that it is important for ECDE teachers to be well trained in guidance and counselling in order to impart teacher-trainee-skills and knowledge on how to care for and guide the young children in their academic work, play, interactions with other children and counsel children with special needs and behavioral problems; now therefore, this Assembly urges the County Executive to continuously roll-out trainings for all County ECDE teachers on counseling and special child care skills.

I would like to invite my son and my friend, Hon. Ongwae Matara to second this Motion.

**Hon. Silas Matara:** Thank you, Hon. Mheshimiwa and thank you, Mr. Speaker for this opportunity. I would like first to congratulate Hon. Lily Kidenda for this well-thought-out motion. Therefore, I urge my colleagues, especially the newer colleagues to follow suit and bring business to this Assembly. I would also like to appreciate my fellow colleagues in the Assembly because today we found quorum. It is unfortunate that six months since we were elected, this period we are lacking quorum in this House. So, it is important through your office and the leadership that mechanism should be found in this House going forward because if we start losing quorum in the first year, you can imagine what will happen in the subsequent years.

Going to the import of the Motion, a society is judged by the way it treats the vulnerable members of the society, and children being among them. When went into the polls on August 8<sup>th</sup> and we found ourselves into this House, we promised to take care of the interest of the people who elected. Taking cognizant of the fact that ECDE is a devolved function, it is important that the Members of this House and the members of the Executive put mechanisms in place towards supporting ECDE centers.

Everyone is aware in this House of the current environment in the country and the world over, there is some sought of recession and parents are undergoing hard economic times hence has an effect to the children in those respective houses. ECDE teachers are undergoing depression because of hard economic times, problems in their houses and low wages that they are being paid, stressful parents who get to vent out into their respective schools and lack of facilities in the respective ECDE centers in the primary schools in Nairobi. There is a high number of children in this ECDE centers as compared to the recommended ratio of 35-45 pupils per teacher. Also, these ECDE centers lack support staff. You find that the same teachers are the ones cleaning classrooms and cook for these children. So, the teachers are undergoing stressful situations and at the end of the day, they get to transfer the same to our children.

This Motion is important because if you have the counseling centers and a roll out program to counsel these teachers, it will help in alleviating such problems of the stressful conditions they undergo. Furthermore, in the next budgetary cycle, I would urge the Education Committee through the Chair Budget, to make a provision to have center in Nairobi so that we get to recruit counselors. It is not only teachers who have this stressful conditions, but also even Waheshimiwa here are having the same problem. Therefore, the center will be of help not only to the respective teachers in these schools but also to the employees of the County.

We can also have the centers in the County hospitals or we can create a directorate, a department or an office in the Executive to be able to dispense with the import of this Motion. When that is done, the teachers can be confident, they can be able to learn on how to handle stress and conflict resolution. These are the positive outcomes of the counseling sessions that the teachers are going to have. When that is done after the next one or two years, we are going to have an increase in the performance of the children.

With that few remarks, I humbly beg to second the motion. Thank you, Hon. Speaker.

*(Question proposed)*

**Hon. Speaker:** Hon. Members.

**Hon. Perpertua Mponjiwa:** Thank you very much, Hon. Speaker. I would like to appreciate Hon. Lilly Kidenda for this good Motion. Indeed, all of us need a sane mind, and it start with the children. We have different backgrounds and different issues and when we take our children to school, they might be carrying our negative energies to school. So, the teachers at the ECDE centers need to be taken through counseling so that they know how to handle our children. That is the reason as to why we currently have even assessment books in the ECDE centers for PP1 and PP2, where a teacher can rate a child based on their performance in class, in sports and in different ways even on how they interact while in school.

*(Hon. Speaker left the Chair)*

*(Hon. Deputy Speaker took the Chair)*

I think this Motion has come in handy and once we take our Teachers for training, they will be able to know not only how to handle children with special needs, but also know whatever perturbs a certain child and correct it at an early age. Swahili speakers, led by Hon. Kimemia and Hon. Kiogora, will tell you, *samaki mkunje angali mbichi*. In our times, we were being *kunjwad* by being caned. But in these recent times, you talk to a kid and get to know what the problem is and how you are going to solve it. That is what is called counseling. I really support this Motion, Hon. Speaker. Thank you.

**Hon. Deputy Speaker:** Hon. Jeremiah Themendu.

**Hon. Jeremiah Themendu:** Thank you, Hon. Speaker for giving me this chance to support the Motion as it is timely. We need to look at the early childhood with open eyes because when we say that we are supporting education in this County, we are meaning well because we can start that early and preparing our children for higher education. Education is the basic need in our country



Therefore, I would support that we give those teachers from those ECDE special trainings. Last year we employed those who had certificates and diplomas. I know they are well equipped but they need such specialized skills.

We have money we set aside for those ECDEs, but it is like there are some which were neglected, I urge that there should be uniformity in the distribution of those funds. As we do the budgeting, we make sure we have the budget to the same.

Hon. Speaker, when I was campaigning, I told my people that what I am going to take seriously is education. I even started by lobbying to construct those ECDE classrooms. I have done one in Imara Primary School and I am preparing to do another one in Bondeni Primary School. I think the County Executive shall do the necessary to make sure that those ECDE teachers are well equipped to ensure the child is being taken care of. Thank you.

**Hon. Deputy Speaker:** Hon. Jera.

**Hon. Samson Ooko:** Thank you, Hon. Speaker. I rise to support this Motion by Hon. Lily Kidenda. As I have heard from the Hon. Member that we have 232 ECDE centers in Nairobi and 25,000 learners get free education from these institutions, I beg to bring to your attention that my ward Lindi is under beneficiary. Moving forward – and this is why am supporting this motion – I would request and equally beg that when you are putting up these ECDE centers, kindly consider Lindi as part of the wards in Nairobi City County. It is very important to put up such facilities and at the same time consider equity in the distribution of these facilities. We have 85 wards, at least each ward should have an ECDE center.

Ho. Speaker, when teachers are trained, facilitated and trained very well on counseling, discipline and guidance of our kids, they will equally go and train our kids and transform these wonderful kids so that we can have a very stable and disciplined future in Nairobi. When these kids are trained in terms of disciplinary matters, counseling and guidance, be assured that we have a future that is well disciplined and we are a having a future that we can depend upon. This is because the foundation of our education starts down there at ECDEs. Believe me, when you have stable ECDE centers then you are sure of having a wonderful primary, secondary and university learners. Therefore, we are sure of having a well secured future and kids we can depend upon to make our dreams be fulfilled.

In this regard, I want to appreciate this wonderful mum, Hon. Lilly Kidenda for this wonderful motion. I beg to support. Thank you, Sir.

**Hon. Deputy Speaker:** Thank you, Hon. Jera. Can I call the mover to reply? Mover.

**Hon. Lily Kidenda:** Thank you, Hon. Speaker. I would like to appreciate the support that this House has given towards this Motion. This is something very close to my heart as an educator. Allow me to define what mental health is and why we feel it is critical to have guidance and counseling in our schools. It is a condition that affects one's thinking, action, mood and the interactions that negatively impact them and also their environment.

Mr. Speaker, I talked about the areas of development that a child needs to secure at the earliest points of their lives, their social, emotional, cognitive and physical balance. Many of our children today come from families that struggle within themselves. But if our teachers are aware of how to model a child to understand that they are special and no one can tell them that anyone is special than them and that they

have the same opportunities as others, then they will have a secure future. Cognitively, a lot of our children suffer from anxiety because nobody has taught them that it is okay to say no. I want to say to this house that out of every five Kenyans, someone has suffered mental health disorder or is suffering currently. A lot of this was borne because of the dysfunctionality between the ages of zero to seven.

I have a child that I am working with right now that could not walk straight because they felt that they had nothing to give the world. This damage was done at home by a father who would never listen to the child. Today, I have a young man who is standing straight and growing to understand that who he is anchored on the fact that he is fearfully and wonderfully made in the image not of his father but the image of God, which is the privilege of each one of us sitting in this House.

Hon. Speaker, as an educator and a mental health practitioner, I want to say that our ECD centers are the only places that this dysfunctionality can be interrupted and our children can be helped to by-pass these disorders that sometimes are inflicted at home. If we carry these into our ECDs, then we are exposing our children. Dysfunctionality that a child comes into between the ages of zero to seven generally manifests itself between the age of 10-28. Today, I can tell you that there are young women and men who are sleeping around hating themselves hoping that someone will acknowledge them because they gave. Yet they give from an empty vessel that does not help. Emotionally, some of these children are loners in schools and teachers are struggling to understand where in the world did this come from.

Friends and Hon. Members, I pray that today we will decide to empower our ECD schools and allow our teachers to be equipped to nurture our children to grow to be the best that they can be because if this is not done at an early age, then some of these children will never come to the place to be able to grow into who they were made to be. I appeal to all of us to vote so that we may make a difference in the lives of our children and make a difference in the lives of our nation, going forward. Thank you, Mr. Speaker. I beg to reply.

*(Applause)*

**Hon. Deputy Speaker:** Thank you, Hon. Kidenda

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Next Order.

## MOTION

### PUBLIC PARTICIPATION ON THE PROPOSED URBAN RENEWAL PLAN

**Hon. Deputy Speaker:** Hon. Kimemia.

**Hon. Antony Gathumbi:** Thank you very much, Hon. Speaker. I wish I had half the eloquence Madam Kidenda has. My Motion is on public participation, and I will go ahead to read.

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 Governments, which include Planning, Housing and land survey and mapping; further aware that Paragraph 14 of Part Two of the Fourth Schedule to the Constitution provides for the function of 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 for the effective

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exercise of the functions and powers and participation in governance at the local level under the County Government; acknowledging that the County Government developed an Urban Renewal programme which is anchored in the Nairobi Integrated Urban Development Master Plan (NIUPLAN) 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 Master Plan with the support of the World Bank and the State Department for Housing and Urban Development, specifically focusing on the redevelopment of the Eastland's area; concerned that the County Government had advertised tenders for proposal for design, finance, build and sale of affordable housing through a joint venture in nine (9) identified areas such as Lumumba, Jericho, Woodley and Ziwani Estates amongst others without adequate public participation; further acknowledging the effort by the County Government to fulfil the provisions 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 areas to address pending questions by the residents before commencing the works.

Mr. Speaker, I would like the House to know the definition and benefits that come from public participation. Article 147 (2) of the Constitution of Kenya states that it is one of the key national principles and values of devolution. This must be understood because in various court cases where the Government without public participation took action had the cases ending in failure. It is important to understand that public participation is the pillar of our Constitution.

Public participation is a process through which interested or affected members of the public or community are provided an opportunity to participate and influence public and government decisions. It ensures that residents participate in the governance of a county or a government. There are various benefits of public participation and as we know, it is very important and necessary because it ensures that the public can influence the various decisions made by the government and that people have a say on government action and policies that could impact their lives. There are various results that come out of public participation such as better understanding of issues and needs, getting feedback from the people.

Mr. Speaker, I represent Harambee Ward, which constitutes Jericho and Jericho Lumumba where the County is planning to undertake affordable housing and urban renewal. The feeling of the people on the ground is that they have not been adequately involved in this project. That is why I am asking the Assembly to urge the Executive to undertake a serious public participation exercise. As we speak, they have started the process of procuring contractors and developers, and it is very alarming. This is my third term as a Member elect for Harambee Ward and I can tell you that it was very hard for me to make it to the Assembly this term because of the propaganda that was flying around saying that I had signed a document to have houses sold and bring people's houses down. Therefore, this time I am not taking any chances and will work for the people from the Assembly where my power is bestowed.

I ask my colleague, Mheshimiwa Silas Matara to second my Motion. Thank you.

**Hon. Silas Matara:** Thank you, Hon. Speaker for this opportunity. I would like to congratulate my senior Member, Hon. Kimemia for doing the work he was elected for.

Before seconding the motion, I wish to inform the House that public participation is a requirement of law that is anchored in the Constitution. The Planning Committee, through the direction of the Speaker or the

Clerk, should table in this House evidence as to whether public participation was done. If it was not done, then there is no discussion on the advertisement of these projects. This is how we end up with white elephants because through public participation, people are able to know the cost-benefit analysis of these projects. If public participation was not done, then how can we ascertain that the funds that are going to be used to implement these projects was done due to the needs of the people? Maybe they are comfortable in the houses that they are living in.

As public leaders, we are not supposed to make decisions for the people. Just as Mheshimiwa said, there is a lot of propaganda that follows these projects and that is why you find it hard for some Members to go to the ground because of the questions involved such as, what is the cost of the project? How many bedrooms is each unit going to have? Who are going to be first considered? Are the projects vendor driven? Is the County supporting the projects because there is a contractor behind the scene? We can only be able to identify these after public participation is done. If it is not done, Hon. Speaker, you realize that we are risking litigation issues and the effect of that is that projects are going to stall. We have markets that were done by the National and the County Government, and to date, they have never been used because public participation and identification of the beneficiaries was not done.

We cannot pass a budget as an Assembly and it gets used without the people who elected in this House have their input in whatever project that we are planning to do. It is quite unfortunate that we wait for the Executive to continue with these projects in conjunction with the National Government and get to raise questions later on. It therefore follows that it is our responsibility as the Members of this Assembly to make decisions on behalf of the people who elected us that we should issue direction that if public participation has not been done, then the project stall till that requirement of law is executed and implemented and the report be tabled to the floor by the Planning Committee.

The Governor said that Nairobi County must work, and implementation of these projects is important but not as important as the identification of the needs of wananchi. Thank you, Hon. Speaker. With that, I beg to second.

**Hon. Deputy Speaker:** Thank you, Hon. Matara.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Jera.

**Hon. Samson Ooko:** Hon. Speaker, thank you for this opportunity as I rise to support a motion well documented by my senior, Hon. Kimemia. After having public participation, Mr. Speaker, we want to be assured that the report coming from that is followed to the later. There is no need of community members to have public participation and someone somewhere decides to make a different report contrary to what the people have spoken about. There must be a follow up to the later and nobody is allowed to change what members have spoken about.

When members say that they want houses to be put up in particular wards because they have enough space, you find that houses are put up but the beneficiaries are people from elsewhere. People in positions of power will bring their people and eventually get the houses instead of the people who should be the rightful beneficiaries. Thank you.

**Hon. Deputy Speaker:** Hon. Member, kindly raise your hands if you have made a request. Proceed, Hon. Sospeter. Serjeant-at-Arms, kindly assist him.

**Hon. Sospeter Mumbi:** Thank you, Hon. Speaker. It is unfortunate that during Hon. Kidenda's Motion, I tried to press the button to support the Motion but it wasn't working.

That notwithstanding, I rise to support the Motion by Hon. Kimemia on public participation. My understanding is that public participation or in project management, it follows a given sequence:

One, here is conceptualization of an idea – For an idea to be conceptualized, it borrows largely from the spirit of the public. Any development that is being carried out by the government, individual or by the county government that is touching on the public, then the public has to be involved.

Two, designing and planning of that development – This calls for public participation so that the public can understand how that development is planned to ensure that their issues have been taken into consideration.

Three, implementation – When a project is being implemented, it calls for public participation.

Four, monitoring and evaluation – At this level, you have the public involved.

Five, sourcing – The public is also involved here.

Why Public participation?

One, it sensitizes and enlightens the public on the said development project;

Two, it provides a platform where the public can share their input as the project is expected to benefit them or address an issue that is facing them;

Three, it provides an opportunity where the public can record their grievances with regards to the project;

Four, it connects the members of the public with the implementers i.e. the public is aware who or where to direct their concerns during the implementation process;

Five, it facilitates a smooth implementation and sustainability plan. Hon. Speaker, it is very critical for us to ensure that the public is fully involved; and

Six, it assists in apportioning duties so that the public is aware of what is their role in the said development project vis-à-vis the other stakeholders.

I support the Motion and request this House to look into the concerns raised by Hon. Kimemia so that public participation realizes its fruits. Thank you very much, Hon. Speaker.

**Hon. Deputy Speaker:** Hon. Themendu.

**Hon. Jeremiah Themendu:** Thank you, Hon. Speaker for catching my eye. I rise to support the Motion. I feel for Hon. Kimemia because according to my understanding, he was not involved when the planning of that project was being done. The residents of Jericho, Lumumba, Woodley and Ziwani estates will feel left out when the projects will be implemented. I know Hon. Kimemia is in a very difficult situation because he does not have information of what is going on.

I support public participation and when it is being done, every stakeholder should be involved. In future, projects such as the urban renewal or the construction of houses being done by the National Government, public participation need to be done. People are asking so many questions on how they can access the development projects being done by the National Government. Thank you.

**Hon. Deputy Speaker:** Hon. Katile.

**Hon. Diana Mwangangi:** Thank you, Mr. Speaker for this opportunity. I rise to support this Motion as moved by Hon. Kimemia and seconded by Hon. Matara because public participation is entrenched in our Constitution, it is a constitutional right. If there is anything to be done for the people of this country, they must be involved. The essence of public participation as has been mentioned by the speakers who have preceded me, it ensures that the beneficiaries own the project. Without having the public participation, they will not understand the structure, the form and the essence of that project.

This is a good motion, and as presented by the mover, there appears to be an issue in his ward and other beneficiaries of such projects. As Hon. Matara has ably pointed out, there is need for interrogation on whether the processes involve public participation because it is a key component which ensures there is success or failure. If it was not done, then the beneficiaries will not be able to associate themselves with the fruits of the specific projects at hand. With that, Mr. Speaker, I associate myself with the sentiments of the previous speakers and I beg to support. Thank you.

**Hon. Deputy Speaker:** Hon. Perpetua.

**Hon. Perpetua Mponjiwa:** Thank you very much, Hon. Speaker. I rise to support this motion by Hon. Kimemia. Like it has been said by the speakers here, matters public participation is a mandatory requirement in our Constitution, 2010. Therefore, it is an irreducible minimum that you cannot do any project that involves members of the public without involving them. There are matters that have gone to court severally concerning projects and have been dismissed by the said courts because there was no public participation that was conducted in such areas. The PFM Act, matters budget and projects to deal with water have severally been dismissed by courts and the process done afresh because there was no public participation that was conducted.

This motion has come in handy because it is like a red flag warning the project owners, which I believe is the Government of Kenya in conjunction with the County Government because they are the owners of the land. It is a warning to them to involve members of the public because it is their constitutional right to be heard and they get to know what is happening in their areas, if some of them will be absorbed and how long the project will take because they deserve it. Thank you.

**Hon. Deputy Speaker:** Hon. Members, there are no other requests. I call the mover to reply.

**Hon. Antony Gathumbi:** Thank you, Mr. Speaker. Even having been the mover, the sentiments of my colleagues surpass what I thought I could say. I am very grateful to my colleagues, the office of the Speaker and the office of the Clerk for ensuring that this motion gets to the floor of this Assembly.

I want also to thank most profusely Hon. Matara who has seconded the motion. He has added value to the Motion when he spoke about the Planning Committee. I want to emphasize that the Planning Committee should ensure that public participation is undertaken and a report brought to this House to show the same. He also spoke about how people are interested to know what kind of houses are being constructed and the amenities to be put. These are issues that are coming out.

Hon. Sospeter, thank you very much. He spoke about the process, which is very important. The process of public participation is lengthy; it is not about calling people. It is a process that involves feedback to the people. Hon. Jera Ochieng has said that we must ensure that the beneficiaries are involved and ensure



that they get the houses. Thank you, Hon. Themendu for capturing that, I have not been fully involved because if I am here talking about public participation. I can only mean that I have not been involved and there is lack of information. Hon. Katile, thank you so much for your contribution and telling us that public participation is a key component and the residents must be involved in the process. Hon. Perpetua spoke about the irreducible minimum; public participation has to happen. People must know how long and how lengthy the process is going to take. Thank you very much members, I urge you to pass this motion because it is very important.

I call upon the Clerk to ensure that this matter reaches the right offices i.e. the Governor's Office as soon as possible because like I had mentioned earlier, they are in the process of procuring developers and they are calling us for meetings with the developers, which is illegal. Public participation ought to come first. Clerk, I hope that you have taken that very seriously. I urge Members to support me. Hon. Speaker, thank you very much. I beg to reply.

*(Question put and agreed to)*

### MOTION

#### ADJOURNMENT IN ACCORDANCE WITH THE ASSEMBLY CALENDAR

**Hon Perpetua Mponjiwa:** Thank you, Hon. Speaker. I am privileged today on behalf of the Leader of the Majority Party to move the following motion:

THAT, pursuant to the provisions of Standing Orders 31 (3), this Assembly adjourns until Tuesday, 4<sup>th</sup> April, 2023, in accordance with the Calendar of the County Assembly (Regular Sessions).

**Hon. Deputy Speaker:** Hon. Mponjiwa, don't you have a seconder?

**Hon. Perpetua Mponjiwa:** Thank you very much Hon. Speaker. I hereby request Hon. Ochieng Jera to second this Motion.

**Hon. Samson Ooko:** Hon. Speaker, I rise to second this Motion because when the Committee sat to discuss the calendar of the House, it was well put that we should be having time to rest starting today to the 4<sup>th</sup> of April 2023. I second this Motion on behalf of the entire Assembly. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Member.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon Members, debate. I am seeing Hon. Kimemia.

**Hon. Antony Gathumbi:** I said mover.

**Hon. Perpetua Mponjiwa:** Thank you, Hon. Members. I would like to wish you a good rest, stay with your families, be good, sleep and drink a lot of water. I wish you all the best. I beg to reply.

### ADJOURNMENT

**Hon. Deputy Speaker:** Thank you, Hon. Members. This House stands adjourned until Tuesday 4<sup>th</sup> April 2023 at 2.30 p.m.

**The House rose at 4.25 p.m.**