



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 11th June 2024

The House met at 2.30 p.m.

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

PRAYER

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

QUORUM

Hon. Speaker: Hon. Members, the attention of the Chair has been raised for lack of quorum. I direct the Serjeant-at-Arms, under Standing Order 37 (2), to ring the bell for a record of ten minutes, as you leave the door open.

(Quorum Bell was rung)

Do we have the Hon. Whips or their deputies in the House? Any Member who can take the responsibility on behalf of the Whips? From the Azimio side, I direct Hon. Emmy to whip Members, and on the UDA side, I direct Hon. Rachael to do so.

Serjeant-at-Arms, kindly ring the bell for a further five minutes

(Quorum Bell was rung)

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

Clerk, we may proceed. Serjeant-at-Arms, there are Members at the door, allow them to come in.

(Several Members entered the Chamber)

PAPERS

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REQUEST BY THE NAIROBI CITY WATER AND SEWERAGE
COMPANY FOR AUTHORITY TO BORROW FUNDS

Hon. Peter Imwatok: Thank you, Hon. Speaker for giving me this opportunity. Hon. Members, good afternoon.

Hon. Speaker: Hon. Susan, please. Hon. Majority Leader, please proceed.

Hon. Peter Imwatok: Based on Hon. Susan's situation, we applaud her, good job so far. Hon. Speaker, I beg to lay the following Paper on the Table of this Assembly, pursuant to Section 142 of the Public Finance Management Act 2012; today, Tuesday 11th June 2024:

The request by the Nairobi City Water and Sewerage Company for the County Assembly's authority to borrow funds to finance the settlement of outstanding pension debt.

(The Paper was laid on the Table)

Hon. Speaker: The said Paper to be committed to the Budget and Appropriation Committee for further consideration.

The Chairperson of the Environment Committee to table the workshop report. Is he in the Assembly? Clerk, is the report ready? Vice Chair, do you have the report with you?

The Chairperson of the Committee on Justice and Legal Affairs to table workshop report. Do you have the report with you?

REPORT OF JUSTICE AND LEGAL AFFAIRS COMMITTEE
ON WORKSHOP HELD FROM 11TH TO 14TH APRIL 2024

Hon. Jared Ondieki: Thank you, Hon. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 11th June 2024:

The report of the Sectoral Committee on Justice and Legal Affairs on the workshop held from 11th to 14th April at Pride Inn Hotel, Mombasa County.

(The Paper was laid on the Table)

Hon. Speaker: Thank you. The Chairperson of the Sectoral Committee on Labour and Social Welfare, on the consideration of the Persons with Disabilities Amendment Bill. Vice-chair Labour Committee?

I think the leadership of this Assembly should take this Assembly seriously because we are not able to get the chairpersons of the various committees; it is quite uncalled for. Both the Majority Leader and the Minority Leader, if the chairpersons feel that this is a heavy task, let them be reminded that they are left with only 8 months before the reshuffle of the committee chairpersons.

As the Chair, I expect all the chairpersons and the vice-chairs to be present in the House, at least three quarters of them, if not all. Members of the Speaker's Panel as well. It is a high time for the leadership to reward those active Members who attend plenary on daily basis. It is very important to take note of that.

(Applause)

We have active Members here who attend the plenary on daily basis. Somebody like Hon. Alai has never missed the plenary; he is supposed to be given a substantive position. I am very serious on this.

(Applause)

If you can't give Hon. Racheal a substantive chair, then give her to be a vice –chair, please. Majority Leader, Minority Leader and the Whips, please take up this matter seriously.

Hon. Peter Imwatok: Hon. Speaker, I want to vehemently concur with you. Indeed, there are problems with some chairpersons; not all. I don't miss to see the following Chairpersons; Hon. Clarence Munga, Hon. Palapala, Hon. Maurice Ochieng, Hon. Jared Akama, Hon. Swaka; Vice-Chair Education Committee, Hon. Atito; Vice-chair for Justice and Legal Affairs, Chairman Budget; Hon. Wilfred Odalo, Vice-chair Environment; Hon. Mugo.

We need to agree with my counterpart with immediate effect, that is from tomorrow. We also need to agree with your office, Hon. Speaker, and also the Clerks' Office. Last time we said that there is no approval of any sitting when the Parliament session is on from Tuesday to Thursday.

Hon. Speaker, the Water Committee is currently in Mombasa and most of the Members there are Chairpersons and also the friends of committees. Hon. Speaker, your office should direct the Clerk's Office not to forward any invite that antagonizes the sittings of the House from Monday. The travel date should be Thursday and end on Monday.

My Whip is not feeling well and he has directed the Deputy Whip to start doing a job evaluation to all our committee chairs in terms of Assembly and committee participation. Chair, when it comes before your attention as you make a decision, allow us also to do our job.

It is so regrettable that a Member who sits here religiously has no position but comes to give the dignity of this House. Hon. Palapala, I like you, you are only busy for six hours but when the parliamentary time arrives, you will always be in a suit. Same with the most notable Chair of Health cum administrator, he will be busy from 6 o'clock with an envelope but will come for the plenary at 2.30 p.m. Same with His Worship the Mayor, he will be very busy at City Hall Annex but by 2.30 p.m., he will avail himself in this House. I want to appreciate His Worship, Hon. Odhiambo Majiwa and also Obonglobonglo, the man who is always in the Assembly. We are looking keenly on how to do this in the right way.

Hon. Speaker, I want to concur with you, we have a lot of work to do to lead this Assembly in a proper manner. From tomorrow, the Whips are directed to work with the office of the Clerk and give us a job evaluation of every Chair and Vice Chair. Hon. Majiwa has done very well as the Chair of the Implementation Committee, he does not miss parliament. There are times that I find him in the corridors without a suit but when it reaches 3.15 p.m., he has a suit, I do not know where he gets them from. That is a very good gesture from the Chair of the Implementation Committee.

Hon. Speaker, I want to reiterate that his House should not be taken for a ride by us as leaders. If I am not in the House, my counterpart should be there. Since the time my Whip went down with the road accident, I have insisted that I should be in the House. I want to apologize on behalf of the leadership. We are going to make it so hard and so stringent, this House should be given the seriousness it deserves. Thank you, Hon. Speaker.

Hon. Speaker: Like now, we have the case in question; the report of the Sectoral Committee on Labour and Social Welfare on the Consideration of the Nairobi City County Persons with Disabilities Amendment Bill, 2023. This Bill has a timeline and it happens that we do not have even a single Member of the Labour Committee in the Assembly.

(A Hon. Member spoke off the record)

Are you a Member of the Labour Committee? Can you lay the Paper? Clerk, assist the Member. Do we have any other Member of the Labour Committee? None.

Hon. Mark Mugambi: Thank you, Hon. Speaker. Allow me to convey the apologies of the Chair, he is currently committed with the UDA grassroots elections. I was with him in the morning and I had to come here and join you in the plenary. Some of the chairpersons and vice-chairs are there i.e. Hon. Samora Mwaura, the Vice Chair for the Ward Development Fund, and the Chair of the Labour Committee, Hon. Allan Maina. Kindly allow me to convey those apologies, they are not deliberately absent. Thank you.

Hon. Speaker: Thank you.

REPORT ON CONSIDERATION OF THE NAIROBI CITY COUNTY
PERSONS WITH DISABILITIES AMENDMENT BILL, 2023

Hon. Kamau Fiunifiu: Thank you, Hon. Speaker. Allow me, pursuant to Standing Order No. 135 (4), to lay the following Paper on the Table of this Assembly, today, Tuesday 11th June 2024:

The report of the Sectoral Committee on Labour and Social Welfare on consideration of the Nairobi City County Persons with Disabilities Amendment Bill, 2023. Thank you, Hon. Speaker.

(The Paper was laid on the Table)

Hon. Speaker: Thank you. Hon. Mugo.

REPORT OF ENVIRONMENT AND NATURAL RESOURCES COMMITTEE
ON WORKSHOP HELD AT LAKE NAIVASHA RESORT

Hon. Cyrus Mugo: Hon. Speaker, pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 11th June 2024:

The report of the Sectoral Committee on Environment and Natural Resources on the workshop held from 18th to 21st April at lake Naivasha Resort in Nakuru County.

(The Paper was laid on the Table)

BILL

Second Reading

THE NAIROBI CITY COUNTY PERSONS WITH DISABILITIES (AMENDMENT) BILL, 2023 (ASSEMBLY BILL NO. 7 OF 2023)

(Hon. Peter Imwatok spoke off the record)

Hon. Speaker: You have got a Statement? I am afraid, Hon. Majority Leader, you did not give me a notice of two hours.

(Hon. Peter Imwatok spoke off the record)

But it also needs the approval of the Speaker. If it is a matter of housekeeping, but not something which will divert the direction of the Business.

Hon. Peter Imwatok: Hon. Speaker, it is a matter of housekeeping because it also touches on our welfare and our lives. As much as we are Hon. Members, we have a life. What is happening currently in this city, it is important that we air it from here. The National Parliament has put its voice on it, but as the custodians of this city, I seek your guidance on this; that we also add our voice.

Hon. Speaker, it must go on record that this House is also feeling the pain of most Nairobians, those whose houses were demolished. Currently, as you can see from Lucky Summer, one of our Members in this House has been affected. Hon. Speaker, Nairobians have sacrificed to do small investments, and this cannot be wished away without a notice. Rain is not notice to the public in that when the rains exceeds, the Government walks in with the KDF to demolish premises. Mathare Valley, Lucky Summer, and Mukuru Kwa Njenga areas are in a crisis. As Parliament is speaking about this, it is also upon us also as a House to speak on it.

Yesterday, I traversed the areas of Chokaa and Kariobangi, and I must say that there is panic all over. The Constitution is clear that the priority of a government that cares for its citizens' is to give decent housing. These citizens never chose to live in these places, it is because of circumstances. Therefore, we call upon our National Government to give the people affected ample time to get alternative mode of living before demolishing. People have lost projects worth millions of shillings yet some of these houses were approved by the County Government for construction. We therefore cannot turn a blind eye and say let them die by themselves.

The conversation by the National Parliament a fortnight ago on the stoppage of the demolitions in Nairobi is a matter of essence and we must raise a voice and say that the National Government should stop the madness that is going on because our people are suffering. Hon. Speaker, with the current economic status, we cannot ignore these facts. I beg to sit, Hon. Speaker.

Hon. Speaker: I expected you as the Leader of Business to talk about this as it is quite critical. That would have called for the adjournment of this Assembly to discuss the state of the

County and allot the Business. I expect that to come from the leaders in an official way so that the Assembly allocates time to discuss the matter as it is within the confines of the Constitution of Kenya and the County Planning Act. It is the mandate of the County Government to approve buildings, disapprove and to demolish. So, these issues of multiagency should actually be interrogated and a decision made. Hon. Majority Leader, may you approach the Clerk's desk so that you are guided.

**NOTICE OF MOTION FOR ADJOURNMENT
UNDER STANDING ORDER NO. 36 (3)**

UNPROCEDURAL DEMOLITION OF PROPERTIES IN
INFORMAL SETTLEMENTS ALONG RIPARIAN LAND

Hon. Peter Imwatok: I am frustrated as a Nairobiian and moreso as a leader of this County. I was telling the Clerk that even reading the Standing Orders has become a challenge to me as from yesterday.

Hon. Speaker, under your guidance, allow me to take the guidance of the Clerk that I seek to adjourn this Assembly on definite matter of County importance under Standing Order No.36. Hon. Speaker if you are satisfied under Standing Order No.36 (3), upon the rise of 20 Members of this House who feel that what is happening in Nairobi is injustice. Under this Standing Order, I seek to adjourn the Assembly on matter of urgent County importance by requesting 20 Members to stand and support the cause.

(Several Hon. Members stood in their places)

Hon. Peter Imwatok: Thank you, Hon. Members. The entire House is agreeable with me. Hon. Speaker, can they sit?

Hon. Speaker: It is okay. Members can be seated.

Hon. Peter Imwatok: Thank you.

Hon. Speaker: You are now at liberty to move the Motion.

**MOTION FOR ADJOURNMENT UNDER
STANDING ORDER NO. 36 (3)**

UNPROCEDURAL DEMOLITION OF PROPERTIES IN
INFORMAL SETTLEMENTS ALONG RIPARIAN LAND

Hon. Peter Imwatok: Hon. Speaker, pursuant to Standing Order No.36 (3), I beg to move an Adjournment Motion to discuss unprocedural and abrupt demolition of properties in the informal settlements along the so-called riparian land.

Hon. Speaker, as I had said earlier and as a citizen of this country, the Constitution gives us all rights to decent living whether you live in Kileleshwa, Muthaiga, or Makongeni. The people of Mathare who pay for a mabati shelter for Kshs.1500 is their decent living. The Constitution puts upon the national and the county government as devolved units. If we were to follow the

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Constitution clearly then the issue on housing is a function of the county government. That is why under the Urban Act, 2017, the approvals, demolitions, unapproved houses, and making sure certificates are issued are based not with the national government but with the county government.

Hon. Speaker, I want to say that what we see happening in Nairobi is a massacre of our integrity. Our women and children are waking up in the morning with no place to sleep. I want to challenge the UDA Government by saying this; when the NMS was in this County, UDA were the first people to oppose it. I now wonder how the same KDF are back to demolish houses which were approved by the County Government of Nairobi.

One of our Members is deeply affected and has a burden of over 100 families under his watch, who do not have places to sleep. As I seek the indulgence of this House, the Executive should not keep quiet, neither is the Planning Sector and the Committee on Planning. This is the time for us to do a County oversight. Let us ask this Multiagency; who formed them, was the County involved, and what was the limit of the County involvement?

Hon. Speaker, it is wrong that today as a County Assembly we are doing a Regularization Bill while at the same time demolitions are ongoing. The era of National Government taking functions that belong to the County in an orthodox manner is not working currently. This is not about UDA or AZIMIO but about the people of Nairobi.

As I wind up, Hon. Speaker and allow my counterpart to make his comments, I will ask that we be our brothers' and sisters' keepers. Hon. Speaker, you must dedicate your time as the head of this institution and decide that the entire House is going to do oversight where demolitions are taking place. Is it being done in a humane way, is it by law, which criteria is being used to identify this in terms of meters? This has become an extortion. These Multiagency is extorting people while demolishing their houses. It is time we make a decision as a House, and we are ready to follow you.

I beg my counterpart to make his remarks as he seconds. Thank you.

Hon. Speaker: Thank you.

Hon. Anthony Karanja: Thank you, Hon. Speaker and Majority Leader for the timely direction on this serious matter. Hon. Speaker, this is the second time we are having a situation where the so-called Multiagency is demolishing people's investments in parts of Nairobi. I want to believe that as we discuss this matter, we do not just discuss it and go. We need to unmask who the Multiagency is because it is not an institution, neither is it a parastatal or an agency. I want to beg the question; is the Nairobi City County Government part of the Multiagency? Some of these building approvals are devolved functions which require Nairobi City County Government's involvement. I would wish that we take time in a structured way to look into the law and find out if this is violating the rights, interfering with people's livelihood and income, and if we are in a position to do something about it.

Hon. Speaker, I know the narrative and genesis of this issue was the recent rains, and so as we discuss this matter, we need to look at it carefully, soberly and balance between life and demolition. I am aware, as we all are, that so many people were swept by floods in the recent rains.

These rains have never been experienced in this country for the last 60 years. We have so many people that cannot be accounted for. So, as we look into this matter, we need to look at it and ask ourselves if the Government is doing this to protect lives or to harass and interfere with people's lives. We need to be clear about that so that we do not miss the point. I suggest to the Majority Leader that we urgently sit on this so that we unmask, summon them, listen to them, and let them give us the full scenario of what they are doing and how.

A former colleague called me asking for help because his building that was built in 1969 has been demolished. I did not know where the offices of the Multiagency were, who to call or what to do. For the first time I was ashamed being the Minority Leader because I could not help him. Luckily, he was able to get a court order to stop the demolitions. But I feel for the people who do not have the muscle to defend themselves. The Multiagency has been portrayed as one that is doing selective demolitions.

I urge that we do not discuss this in one afternoon but sit down in a structured way and find a way of approaching it so that we are able to do it conclusively. I support the move to adjourn the debate so that we discuss this very important matter. Thank you.

(Applause)

Hon. Speaker: Thank you. Hon. Members, by the leave of the Chair, you will allow me to go through Standing Order No36 because the mover of the Motion was required to give notice under two hours, but because of the urgency of the matter, as the chair, I consider the request of the Leader of Majority.

(Question proposed)

Hon. Speaker: Hon. Members, it is now your time. Noting that there will be no question put at the rest of the debate, I will have the opportunity to direct the Committee on Planning and Committee on Justice to make sure that after the deliberations of the House will inform whether we need to address the press as the Assembly of Nairobi tomorrow at 10:30 a.m. This is a very serious issue which may affect elected Members for not being sensitive to the plight of the electorates. It is my suggestion as the Speaker that you take up the issue and bring Members to speed on the terms of reference in line with the Constitution so that as we give our press conference and we be in line with the confines of the law. You are so guided.

Hon. Members, it is your time to articulate your issues as per the request of the Majority Leader. Hon. Mark Mugambi.

Hon. Mark Mugambi: Thank you, Hon. Speaker. Allow me to take this chance to commend the Majority Leader for the Motion. I felt disappointed with the actions that befell our electorates in the slum areas. Through the videos I have seen circulating, we saw that at the same time they were demolishing Mathare, there was a building being constructed in Parklands by the riverside. I support what you have mentioned that the Committee on Planning should guide us on site visits. I am also not sure if these demolitions emanated from a meeting Hon. Alai and I attended at the Deputy President's meeting in Karen. If that is the case, there should not be a selective

demolition targeting the poor and ignoring the rich, Hon. Speaker, because I have not seen any demolitions taking place in Ngara, Parklands, and all those areas that border the Nairobi River. Mathare is not a special case, we have also seen houses submerged in water up to today even in Runda. So, let us not subject the slum areas to agony. These people have nowhere else to go as we demolish without having a proper settlement arrangement.

Since we are doing the slum upgrading, which falls under the Planning Committee, may we take note of those who have been affected and consider them when giving these houses so that we don't evict them from the riverbanks without offering an alternative. I saw a video circulating of an old Maumau woman who was crying. She said she normally is the first person to vote when it comes to elections; she has she has participated in every election circle since the election of President Mzee Jomo Kenyatta.

As leaders of this great city, we will do a great honor to try and stop the demolitions until the Multiagency gives us a program on how they intend to settle those families that they are evicting from their houses.

Hon. Speaker, the chair of Planning Committee should ask the Executive to provide this House with approvals for all those buildings that are along the riverbanks. We should be given a specific distance from which no construction ought to have been done so that we know the County Executive people who approved for these constructions, if indeed they have approvals for the same; that is from the upper class, the ones that have not been touched.

Hon. Speaker, I also had the privilege of visiting where Hon. Kiragu has mentioned. I heard there is a building that was demolished which was constructed a long time ago, and adjacent to it, stood another one that was not demolished. It beats logic what criteria they are using to demolish. If it is demolishing for the poor, let them also demolish for the rich; let them not leave others and affect some.

Hon. Speaker: Time out.

Hon. Mark Mugambi: Thank you, Hon. Speaker. I also stand in solidarity with our Hon. Member who had his premises demolished. As leadership and as Hon. Members, maybe we can arrange for visitation for our leader, as we visit their residences. There is no need for us having a press conference at the comfort of our Chambers, it would be better if we have it at the site where these Nairobians live. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Geophrey.

Hon. Geophrey Majiwa: Thank you, Hon. Speaker. Allow me to deviate a bit from the contributions of the previous Members. While I support the Motion, it is important to note that in this city there have been several developments taking place along the river.

Hon. Speaker, ownership of land in this country is categorized; we have land that belongs to the government, and land that belongs to private citizens. Therefore, any land that belongs to the government is a property of the public, or it is land that the government has set aside for a

particular reason. In this case, I want to categorize the riparian areas of the rivers as government land.

Hon. Speaker, there are rumors that there is a project coming along the rivers of Nairobi, and that is why the demolition is so brutal. I want to remind this House that there have been several developments in the city before where the government has had projects funded by even the European Union and the World Bank but there is always a budget for compensation to those parties that are affected. If you go to any place in this country where they are talking of slum upgrading, there is always an element of structure owners who are not the owners of the land. They are people who are squatters on government land for a good period of time and therefore they enjoy what is called adverse possession. This gives them absolute ownership of those areas. That is why when donors bring money into this country for any development of that nature, there is always an element of compensation.

Hon. Speaker, shortly after this demolition started, His Excellency the President visited these areas and pronounced that those who are affected will be given Kshs. 10,000 to allow them to relocate from those areas to other places that are safer. What the president did not mention is where this budget of Kshs. 10,000 is coming from. There must have also been a budget of compensation to the structure owners from those same areas. When you talk of demolishing a property that people are living inside, you cannot purport to pay those living inside and forget the owner of that structure. The owner of that structure is equally a Kenyan and a resident of this city.

In our mandate as legislatures, we have the responsibility to represent, oversight and legislate. Hon. Speaker, we have passed several budgets in this House for development and many other things. We pass a budget of close to Kshs. 50 billion here every year. I do not see any harm as legislatures and representatives of the people of Nairobi if we pass a budget of even Kshs. 2 billion in this House to compensate the people of Nairobi who were affected by this problem. This is because the government came up with it and the Executive kept quiet.

We also passed a budget here for disaster management and preparedness. Hon. Speaker, we are yet to be told how prepared we are as a County in terms of disaster. We need to know how prepared we are. It is my plea that this House finds it wise to pass a budget for compensating Members of Nairobi who have been affected by this issue of Nairobi rivers demolitions. If you look at the rivers in Nairobi, it is not only one river, and it is not only cutting from one corner and leaving the other; it is cutting from all the corners, and there are several rivers.

Hon. Speaker, if I remember very well, there was a time when Hon. Charity Ngilu was the Minister for Lands, and somewhere in Kitusuru, there were palatial buildings that were put along the river. She went there personally and made a lot of noise, and it was all over in the television. Finally, those developments were not removed, and they are there up to now as we speak. They were deeper into the river than the ones that have been demolished now. So, if the government can remove people selectively, it is only fair that they be given compensation for the destruction that has met them.

Hon. Speaker, I really do not concur with even visiting because we are legislatures; visiting will only amount to public relations. We should sit in this House and legislate how these people are going to be taken care of. Let us compensate them through the responsibility they have given to us as leaders in this city, so that next time the government thinks of demolition, the County Government will stand firm and say, “this we cannot allow because it will give us damages.” But because it is not giving the County Government damages, the County does not think they should stand firm and rebuke the National Government for doing this. In fact, some parts of the County Government are in that Multiagency or whatever it is. They are part of that group because they do not see any damages coming their way.

As representatives of the people who have been affected, let us think how we can use this House to consider our people who have been affected. Kshs. 10,000 is not enough compensation. Even relocating in this town from one house to another, Kshs. 10,000 cannot be enough. It is not even enough to pay a *mkokoteni* person to carry your stuff from one house to another. That money cannot be enough because the living standards have gone so high.

Therefore, Hon. Speaker, I beg this House to consider passing a budget for the compensation of those affected by these demolitions in Nairobi. I beg to support. Thank you.

Hon. Speaker: Thank you, Hon. Member. On the contents of speech under Standing Order No. 95, I direct to be expunged from the HANSARD Report, “*the action of the President and the title itself.*” Thank you.

Hon. Alai, please you may proceed.

Hon. Robert Alai: Thank you, Hon. Speaker. If there was a threat to devolution, then I think this is one of the biggest threats. The Nairobi Rivers Commission was gazetted last year under Gazette Notice No. 91. If you check on the objects of devolution under Article 174 of the Constitution, planning is clearly under the county government. It is unfortunate that the National Government can decide to form a commission that is not led by the Nairobi City County. They pretend they are cleaning the Nairobi River or removing illegal developments without the involvement of not only the Executive but also this Assembly. This has given an opportunity to grabbers to evict people and disinherit them of their pieces of land.

In my ward, I met a 78-year-old woman who inherited land from her father. She has seven sons; four of them are addicted to various kinds of substances, and they are being rehabilitated to be okay again. The destruction and eviction is rendering them homeless. Now, they are trying to look for a home to relocate to. Some people are telling them to go to rural areas; these people were born in Nairobi and they do not know anything to do with rural areas. This is their home; the only home they know is Waruku. The small amount of money they get from the rentals they built in the plot is around Kshs. 90,000 and is making sure that the four sons who are addicted to drugs are alive. What the government has done is a serious humanitarian crisis.

During one of the meetings that happened in April of this year which I attended at the residence of the Deputy President, I challenged Brigadier Muracia, who is leading the Nairobi Rivers Commission, to see if he was serious about the issues of eviction and restoring the Nairobi

River. The person who has built along the Nairobi River in my ward is his friend serving in the Engineering Brigade in the army, called Colonel Adari. I gave him the LR No. and told him to remove the illegal structure if he is serious with this. It is unfortunate that poor people have been rendered homeless but a person who has built on a land that was restored by former Environmental Minister John Michuki, the house has been left. It is built up to the middle of the river. If we were to visit anywhere, I would ask that we visit that place. Even without the Nairobi Rivers Commission, that is one of the worst things to have ever happened to Nairobi. Worst structure to have ever been allowed to be built in Nairobi.

Hon. Speaker, in March 2024, the Auditor General raised questions about the Nairobi Rivers Commission. She said that they were receiving salaries illegally. So, I think we have an illegal commission operating illegally and doing illegal actions. Everything they have done should be compensated by the government.

Hon. Speaker, I take heart with our colleagues who have been affected, and it is not only one, three have been affected by these demolitions. In some wards like Hospital, Mathare North, and Utali, almost a third of the structures have been demolished. People have been displaced. You know how the IEBC Act operates, it does not allow the moving of more than 10,000 voters from one ward to the other. So, it is unfortunate that for the first time you are going to see massive relocations of voters without actual change to the law or without adherence to the law.

Hon. Speaker, I support the move made by the Majority Leader to move this Motion because it is going to restore sanity and it is going to protect devolution.

Lastly, Hon. Speaker, I have read in the newspaper today that Athi Water is going to start supplying water to Nairobians. This is a calculated move. We have Nairobi Water; Athi Water is the regulator. When did the regulator become the supplier of the commodity? What we are seeing is the calculated destruction of devolution. I ask this House to stand firm because if Nairobi does not take the lead, and it is so big, bigger than 26 counties combined, I think the country is going to suffer. I beg to support, Hon. Speaker.

Hon. Speaker: Thank you. The Chairperson of the Planning Committee.

Hon. Alvin Palapala: Thank you, Mr. Speaker, I want to support the Motion of the Majority Leader. As the Chair of Planning, I condemn whatever is happening to the Nairobians. I want to...

Hon. Speaker: Hon Alvin, I know you as a loud person, so please.

Hon. Alvin Palapala: You are not hearing me? I can even talk without the microphone.

I wanted to support the Motion by Hon. Majority Leader and condemn whatever is happening. I was at a barbershop when I was showed pictures of the house of my colleague, Hon. Ringo, being demolished and he was locked in the house. It was very painful. I also saw an old mama crying as her house was being demolished. She had lived in that house for over thirty years.

I just heard Hon. Majiwa saying that there is compensation of Ksh.10, 000. Surely, Mr. Speaker, if you are compensating someone with Ksh.10, 000, it is not adding up with the demolitions that the National Government is carrying out. If you go to Parklands, Runda and

Kitusuru, there are houses there that have been built up to the river bank. I wish if they would start with those houses, then I would think they are fair enough.

As the Committee of Planning, we are going to make sure we look into whether the County Executive was consulted by the Multiagency. If they were not, then we are going to take the measures, as you have said. We can hold a conference then we see the way forward. I have a Committee that is strong and we will look into it. I condemn whatever is happening to Nairobians. Thank you.

Hon. Speaker: Hon. Swaka.

Hon. Kennedy Swaka: Thank you very much, Hon. Speaker. I would also like to add some weight on the Motion moved by our Majority Leader.

Hon. Speaker, it seems that there are two laws in Kenya; the law for the rich, and the law for the poor. What affects the rich, it is presumed that the status quo will always remain. The poor cannot defend themselves in courts or their voices heard, they will always remain being affected and suffer from intimidation.

As all these things are happening, I think as Assembly our voice can be heard on the position on this matter. But, what is the position of the Executive of the County Government of Nairobi, more so the Governor? Can he add the voice on this? We cannot allow the poor Nairobians to suffer the blow of the National Government in form of Multiagency. And if this Multiagency is really in existence, where is the Nairobi County Government and the County Assembly? We will not allow this. I will not keep quiet and see majority of Kenyans and especially Nairobians being affected and crying without anybody paying attention to their cry.

Hon. Speaker, it is a laughing matter to hear the National Government saying that they are going to compensate the affected people with Kshs.10, 000. What is Kshs.10, 000? Can it even buy a table in a house? The National Government should have a clear plan on how they need to evacuate these people and give them a notice to at least prepare before the demolition.

As we voice this, let the slums not only be targeted. I remember seeing in the media a hotel in Runda built just 10 metres from the Nairobi River. Up to now, it has not been touched. Same to other residential buildings in Runda, Karen and other areas. Why only specific places like Mathare, Ruaraka and other slum areas being targeted? This is not good.

When the leaders in the National Government were looking for votes, they convinced the people that they are going to defend the lower of the lowest. But we are now seeing arrogance from those leaders. If they really have a human heart, they should not do that. I urge the National Government led by his Excellency the President to have that humanity they had when they were looking for votes.

Hon. Speaker, the National Government should debate this issue to see how best they can come up with a flood mitigation plan, whereby it can even be fixed in the C.D.F so that at least when there are floods, we have a proper way on how we can evacuate the people who are on a riparian land. When they were building on a riparian land the National Government was there. Why did they allow it to happen? Same to County Government. When they predicted the heavy

rain, I saw the C.O.G saying that they are prepared to mitigate the floods, but look at what is happening. We will not sit down and listen and then keep quiet when the people are being affected. We urge each and every leader to put weight into this matter and stop the shenanigans done by the so called Multiagency. Thank you very much.

Hon. Speaker: Hon. Njathi Cecilia? You have called for gender. Maybe someone else has her card. Oh, it is you? That is impersonation. Kindly proceed, Hon. Atito.

Hon. Abel Atito: Thank you, Hon. Speaker, I am sorry for that mix up. I did not find my card and I wanted to contribute to this Motion.

I rise to support this Motion because it touches on something that I have been dealing with for the last one and a half months. I am grateful to our Majority Leader for coming up with this Motion because this is something that would have been left hanging.

In Utalii Ward where I represent, that is Mathare 4A, I can say it is a double tragedy because we first dealt with the floods which came at around 2.30 a.m. in the morning and killed over 12 people and destroyed properties. While we were still trying to sort out the bodies still lying at the mortuary, the National Government came knocking with bulldozers. Even right now as I am standing here, several families are still homeless in Utalii Ward, Mathare 4A. The saddest part of it is that this thing happened while children are in school. Those who are in boarding school will not find their homes when they come for midterm, which will be on 26th this month. They will be shocked when they will be told to join their parents in churches and tents.

I support my senior, Hon. Mayor who has proposed that this County should come up with a budget. If our people have been abandoned on the road, in tents, and in churches by the National Government, as a County, we should come up with a budget to compensate them. I happen to stay in the Mathare 4A slum. I was there when the bulldozers were destroying people's properties. Women and children were crying; it was so bad. On a broad day light, the security came with a lot of force that nobody could even protect their properties.

The leader of this country pronounced himself that these people will be given Ksh.10, 000, but that did not come. We have not seen that money in Mathare 4A, and if there is proof, then maybe we can get the records. People are still there, Mr. Speaker, and we deal with this matter every morning trying to support them, but we cannot. So, I stand to support the Motion and I agree with Mayor that Nairobi County should come up with a budget to compensate these people. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Hon. Nicholas Juma.

Hon. Nicholas Okwacho: Thank you, Mr. Speaker, I rise to support Motion by the Majority Leader. As an elected Member from Kiambu, which is affected by the demolitions, I want to condemn the act because it is being done in an inhumane way. There were no notices issued before carrying out the demolitions. Our people who have ownership documents and approvals from this County are suffering, and the Assembly is quiet. I want the Assembly to intervene. As a Member of Planning Committee, we are ready to do anything possible to help Nairobians from the agony they are going through. These demolitions are only in Eastlands areas;

we are wondering if the rivers are only in Eastlands and the upper part of the City have no rivers. To make the matters worse...

Hon. Speaker: I hope members of the press you are capturing that statement.

Hon. Nicholas Okwacho: We are the representatives of the people, and if they have problems, they run to us. They are coming to us but we are helpless. So, I don't know why we are in this House. As a Member of Planning Committee, we should organize for a site visit because the demolitions are being done unfairly; some houses are being demolished while others are left. Like in my ward, there are houses which have been left allegedly because of bribery.

I would like to ask this House to do an audit of the Disaster budget; how is it being utilized? In my ward, the County offered assistance only once yet I have four informal settlements. The affected families should be compensated, even if it is through the County budget.

Moving forward, we request that anything concerning Nairobi County – because this thing is only happening in Nairobi County – the County Government should be fully involved. I understand in the Multiagency there is no representative of Nairobi County; I don't know why.

Mr. Speaker, I support the Motion by the Hon. Majority Leader, and ask this House to act urgently. Even our colleague, the Hon. Member for Lucky Summer Ward he is in a lot of stress; his house worth more than Kshs. 50 million was demolished without notice. It is painful that as Members of this House, we can't even stand with one of our own. If the Motion could have been brought earlier, at least we could have saved him. Therefore, I urge this House to act speedily and know how we can help Nairobians who are suffering so much. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Hon. Clarence.

Hon. Clarence Munga: Thank you, Mr. Speaker for giving me an opportunity to support the Motion before the House. Allow me to raise my voice and condemn the demolitions taking place in Nairobi, being led by the Multiagency team. We are talking about the lives of people and their livelihoods being disoriented by the acts of this Multiagency team.

Mr. Speaker, you are wondering if Nairobi River passes through Kabiro Ward. I want to tell this House that I had a petition by landlords in Kabiro on the same issue. It is making people be afraid of what will happen to their property and whatever they have invested. They are coming up with the policy of saying no construction 30 metres from the river. The former Mayor has just said there are different categories of title. Where I represent, people have freehold titles. Freehold titles mean those are indigenous lands. When the subdivisions are being done, the County Government has a role to play in terms of ensuring that they approve the subdivision. A subdivision has been done and a title issued, then you claim the entire 30 metres yet the owner has a title deed that has been approved by this County Government. Where are we heading as a County? It will lead to litigation issues that are going to affect this County

There is this aspect of our people being well informed on what the Government wants, how many meters from the river, and which kind of the river. So, instead of our people panicking, the National Government should come up with a policy, do a public participation, and let the people be well informed on what the Government wants to do and what they want to achieve.

Mr. Speaker, I condemn the demolition that are being carried out by the Multiagency team with the strongest terms possible. I support this Motion. Thank you.

Hon. Speaker: Hon Akama.

Hon. Jared Ondieki: Thank you very much, Hon. Speaker for this opportunity. I rise to support and congratulate the Majority Leader for bringing this Motion in a timely way. I was a bit worried that as an Assembly and the people who are considered to be the city fathers and mothers, have not given their voice on this particular matter, which is very grave to Nairobians.

Hon. Speaker, I also want to congratulate the House; it looks like we are united in both sides of the divide in this matter. These are people who have elected us with hope that we will defend them and be their voice. Actually, that is what we are doing this afternoon. Let Nairobians know, especially those affected, that we stand in solidarity with them.

Hon. Speaker, since you have mentioned the Committee for Legal and Justice, we are noting each and every point that is being mentioned in this House. Look at the basic rights which are enshrined in the constitution; food, shelter and clothing, Hon. Speaker, it was in the common sense that the Government before carrying out this autocratic – I would call it autocratic because every moment a military is used against its people, know that there is a problem or there is something which is being hidden. This particular demolition is being headed by the military. How can a military be used against its people? That is a point of departure, and we should note this as a House.

Hon. Speaker, it is also the selective way in which this demolition is being carried out which is creating a lot of suspicion. It looks like this is a fight against the poor, because look at all the demolitions which have happened; does it mean that in this particular City only the poor are building on riparian land? We know and we have seen in the media that even people in Runda and these posh areas have also grabbed the riparian land. If it were justice, I think it needed to look like it is applying across. It is clear that we are not opposed to people being moved from the riparian, but the parameter in which this thing is being done is what this House must rise to condemn.

First of all, I saw that there was a notice of three weeks which was given to people to vacate. How do you expect this person to move and get a home and you have told them that you are going to compensate? I thought that before you even compensate people or helping people to move, you are supposed to first check these people and tell them to prepare themselves. To date, the Kshs. 10,000 which they were promised, no one has been given. I challenge that let us see even one person who has been given. Therefore, these are just gimmicks to derail Nairobians because thousands of them have been affected, meaning that we are creating an avenue of becoming homeless in this City, which is very dangerous.

Hon. Speaker, just as this House has pronounced itself, let be known that we stand in solidarity with the people and we shall take any measure to ensure that this issue which is happening in this City is not only stopped but also condemned so that it doesn't happen in any place within this country. Thank you so much. I support.

Hon Speaker: Hon. Emmy, then lastly, Hon. Hellen.

Hon Emmy Isalambo: Thank you so much, Hon. Speaker for giving me this opportunity to support this Motion that the Hon Majority Leader has brought on the floor.

First, we should think about the state of mind of these people whose properties have been destroyed. Did the government imagine how will they survive? Remember all these building have been built with either loans, or funds from friends or family. What measures have the government put in place for the banks or the institutions that have given loans to these people to be repaid. The banks will not wait; the interests will still go up yet this person has nowhere to get financial support.

There is a difference between a collapsed building and a demolished one. Both of them are calamities but one has a major impact on somebody's daily routine. That house carries all your memories, maybe you got married there or you were even born there. The affected have no confidence with the government.

As a legislature in Nairobi County, I want to know the measures that have been put in place for these people, especially those with mental illnesses. Before they did the demolitions, did they create mental awareness? With those few points, Mr Speaker, I stand to support the Motion. Thank you.

Hon Speaker: Thank you. Hon. Hellen, in under on minute please.

Hon. Hellen Okello: Asante sana, Bwana Spika, nimesimama kuunga mkono Mswada huu. Kwanza, niruhusu nimpongeze Kiongozi wetu wa Wengi kwa kuleta Mswada huu; inamaanisha kuwa anajali wale wanaoishi Nairobi. Tukimuunga mkono, tunasimama nyuma yake kidete kufahamisha watu wa Nairobi kuwa hawako pekee yao bali wako na sisi.

Bwana Spika, ni jambo la kuhuzunisha sana kuwa wanapobomoa nyumba, wanalenga wale ambao wana mapato ya chini. Kama vile ulivyosikia wenzangu, si wale wanaoishi katika vitongoji duni pekee ambao wamejenga maeneo haya, pia Runda tumeona watu wakitumia meli kwa sababu maji yamejaa kila mahali. Inamaanisha kuwa hao pia hawaruhusiwi kukaa hapo.

Naunga huu mjadala nikisema kuwa isikuwe faida kwa mtu binafsi, Bwana Spika. Labda kuna mtu ananua kubomoa ili aje aweke *slums*. Nikisema hivo, namaanisha kuwa ukienda Eastleigh, kuna ghorofa kubwa sana ambayo ilijengwa mahali maji ya *sewer* inafaa kupita. Hakuna sheria iliyofuatwa kuweka ghorofa hiyo. Kama ni sheria inafuatwa, watu wote wafuate; isiwe tu ya wale wa mapato ya chini. Wale wanajiona mabwenyenye wanaenda kujenga pale ambapo maskini hohehahe walichukua *loan* ili ajenge. Tusikubali watu wetu wa Nairobi waumie.

Kama mama mzazi, nimeskia leo kwa mara ya kwanza kuwa mwenzetu pia aliathirika. Ni jambo la kuhuzunisha kusikia amefungiwa ndani ya nyumba. Hakuna jambo lolote anaweza fanya kulinda familia na *voters* wake waliompigia kura. Tumekataa ubomoaji ambao unaendelea. Kama hawatafuata sheria basi wacha watu wote waharibu sheria, lakini tusiwaonee wale maskini ambao wanapata mapato ya chini. Kwa hayo machache, Bwana Spika, naomba kuunga mkono. Asante.

Hon. Speaker: Thank you, Hon. Members. This is the direction from the Chair: Hon Members, under Standing Order No. 187, I direct the committees on Planning and Housing, and

Justice and Legal Affairs to compel the key players in the multi-agency to appear before the committees.

Hon. Members, further communication on the same, I request, through the leadership, that the Committee of the Whole Assembly to conduct a site visit and carry out feasibility study on the state of the demolition, and come up with appropriate approach and subsequently bring to halt the ongoing demolition. This site visit should be conducted by Thursday. So, the leadership to liaise with the office of the Clerk for the purposes of concurrence on the facilitations, security, and the provision of the logistics. You so stand directed.

On the sequence of the Business of the day, I order the Order No.8 to be deferred and appear in the Order Paper tomorrow, alongside any other Business that shall be allocated by the House Business Committee. And I so direct the House Business Committee to sit at the rise of the Assembly.

ADJOURNMENT

Hon. Speaker: Hon. Members, we have come to the close of the Business of the day, and the House stands adjourned to tomorrow, Wednesday 12th June 2024 at 2:30 p.m. Thank you.

The House rose at 4:12 p.m.