



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 15th October 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 No. 37 (2), to ring the Bell for a record of 10 minutes, as the door is left open.

(Quorum Bell was rung)

Order, Hon. Members! We have realized quorum to transact the business of the day. I direct the Clerk to proceed.

COMMUNICATION FROM THE CHAIR

INAPPROPRIATE PARKING AROUND THE ASSEMBLY

Hon. Speaker: Hon. Members, good afternoon once again. I have a communication to convey this afternoon. This is in reference to parking.

Hon. Members, as you may recall, I issued a communication to this Assembly on the 13th February 2024, on administration of parking privileges accorded to Members and staff of the Assembly. The said communication was occasioned by a public interest lobby group called LRO Association which observed that Members of the County Assembly, members of staff and unauthorized persons park inappropriately along Wabera Street, Mama Ngina Street and City Hall Way causing obstruction and directly endangering the lives of pedestrians and motorists.

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Aggravated occurrences adversely inconvenience persons living with disability. And in this regard, I isolated and blamed parking boys who irregularly lure unauthorized persons to parking slots reserved for the Assembly. In this regard, I gave specific directions to the Clerk for execution, including enforcement on removal of parking boys.

Hon. Members, when the Assembly was facing challenges of parking, these occurrences were rampant. However, with the intervention of the Assembly leadership, our engagements with the County Executive led to the Assembly being allocated parking slots along Wabera Street, Mama Ngina Street and City Hall Way. This was expected to resolve the challenges Members and members of staff face, and avoid parking on roadside, pedestrian walkways, pavements and roundabouts. However, the trend seems to continue.

The persistence of inappropriate parking around the Assembly has once again drawn the attention of the public who have sued the Assembly for not only causing obstruction and exposing people and motorists to danger but also occasioning unnecessary traffic jam with the ripple effect around the Central Business District. Hon. Members, here is the case study in point. If you are a consumer of social media information, a clip has been doing rounds the X-platform where a scuffle occurred right outside the Assembly entrance where a vehicle associated with a leader in this Assembly was parked inappropriately and maybe used against the Assembly in the ongoing court case.

Hon. Members, my office has been working closely with the office of the Clerk to address the issue of parking around the Assembly. We have since gathered information that directly appoints the unfortunate conduct of Members of the Assembly who irregularly engage the services of parking boys, and this has greatly hampered enforcement that when unauthorized vehicles are parked in Assembly slots, Members and staff lack parking for their vehicles and consequently park on undesignated spaces in order to attend to business in the Assembly. Specifically, it has been observed that whenever the office of the Clerk, through the Directorate of Security Services, clamp unauthorized vehicles and arrest parking boys for irregular and illegal undertakings, Members of the County Assembly facilitate their release by virtue of their privileges and positions. This therefore can only be one thing, deliberate collusion and interference leads to the conclusion and court action.

Hon. Members, the Assembly accords you certain privileges to make it convenient for you to attend to your constitutional mandate, including provisions of parking stickers and parking spaces so that you are exempted from irregular County enforcement measures. However, these privileges are not absolute neither are they open for abuse since control mechanisms are provided for in the County Assemblies Powers and Privileges Act, 2017 and Speakers Rules. I call upon all Members to live up to your title of Honorable, and conduct yourself honorably. As the custodian of these privileges, I am called upon to uphold and enforce what is required to protect the integrity of this Assembly, and I will not shy away from this.

In this regard, for strict and immediate enforcement, I direct the clerk as follows:

1. That any unauthorized vehicle that is parked in any of the Assembly designated parking slots be clamped and towed away in line with County enforcement procedures;
2. That any Member of the County Assembly or staff found to have parked on the road, pedestrian crossing, pavement round about or any undesignated space to immediately be notified to park properly and report made to my office in writing;
3. That any person found either on their own or in collusion irregularly parking or ushering other persons who are unauthorized to park in Assembly designated parking slots, be arrested and processed for prosecution in our courts;
4. That Members found to interfere with the course of enforcement of the foregoing shall also be reported to my office forthwith for action under Powers and Privileges Act;
5. That the office of the Clerk designate officers to assist Members in finding parking and securing Assembly designated parking slots, and that the Clerk is hereby given latitude to engage enforcement organs of the National and the County Government for assistance in enforcing the foregoing directives; and
6. That progress report to be made to my office within 14 days of this communication on the progress of of the enforcement actions.

Hon. Members, since this matter has found itself to the courts, I am not merely announcing myself but I will take stern action. Therefore, I call upon all of you to cooperate with my office and that of the Clerk.

This notwithstanding, we are committed in securing a long-term in-house solution to the parking issues, including construction of an office block, and that the Select Committee on Liaison has recommended formation of an ad hoc committee to investigate and report on circumstances under which the Supreme Court parking was transferred to the Judiciary.

I thank you, Hon. Members. You are so guided.

(Hon. Peter Imwatok spoke off the record)

Hon. Speaker: Majority Leader, this is a Communication from the Chair. I will give you time. Office of the Clerk, Members are raising concerns on lack of water in the Assembly. Clerk, proceed.

PAPERS

Hon. Speaker: Clerk, I am not able to see the Speaker's Guide, so, I don't know who is supposed to lay what.

REPORT OF COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON WORKSHOP HELD FROM 5TH TO 8TH SEPTEMBER 2024

Hon. Speaker: The report of the Sectoral Committee on Justice and Legal Affairs on a workshop held from 5th to 8th September 2024. Hon. Akama, you may proceed.

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 15th October 2024:

The report of the Sectoral Committee on Justice and Legal Affairs on a workshop held from 5th to 8th September 2024 at Lake Naivasha Resort.

(The Paper was laid on the Table)

Hon. Speaker: Thank you, Hon. Akama. The Chairperson for Justice and Legal affairs, you have further Papers to lay?

Hon. Jared Ondieki: Not really. I have laid.

Hon. Speaker: Two?

Hon. Jared Ondieki: I had only one.

REPORT OF COMMITTEE ON LANDS, PLANNING AND HOUSING
ON WORKSHOP HELD FROM 26TH TO 29TH SEPTEMBER 2024

Hon. Speaker: This is a report from the Sectoral Committee of Lands Planning and Housing. Hon. Alvin?

Hon Alvin Palapala: Kindly protect me, Mr Speaker, from the Majority Leader.

Hon. Speaker: You are protected, Hon Chairperson.

Hon Alvin Palapala: Thank you, Hon. Speaker. Pursuant to Standing Order No. 196, I beg the lay the following Paper on the Table of this Assembly, today, Tuesday, 15th October 2024:

The report of the Sectoral Committee on Lands, Planning and Housing on workshop held from 26th to 29th September 2024 at Lake Naivasha Resort, Nakuru County.

(The Paper was laid on the Table)

REPORT OF COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
ON WORKSHOP HELD FROM 12TH TO 15TH SEPTEMBER 2024

Hon. Speaker: The report of the Sectoral Committee on Environment Natural Resources on workshop held from 12th. Hon. Matara?

Hon Cyrus Mubea: Pursuant to Standing Order No. 196, I beg the lay the following Paper on the Table of this Assembly, today, Tuesday, 15th October 2024:

The report of the Sectoral Committee on Environment and Natural Resources on workshop held from 12th to 15th September 2024 at Lake Naivasha Resort, Nakuru County.

(The Paper was laid on the Table)

STATEMENTS

Hon Peter Imwatok: I have a Statement; a real one, Mr Speaker.

Hon. Speaker: Yes, proceed.

Hon Peter Imwatok: Before I read my Statement, as a leader of this House allow me to say off the curve statements, not on your communication but on the interest on these Members.

Hon. Speaker, the citation that the Hon Members are indecent in parking our cars, we understand in the Republic of Kenya we are only the glorified social workers; people even hate our cars. We will not apologize for not having a parking space because previously the County Assembly of Nairobi had a parking space. I want to agree with your communication, you have said that the Liaison Committee is forming an ad hoc that will look into at what point our parking space changed hands.

As a leader of this House, what we will not take is somebody perambulating himself or herself outside there with frivolous application in courts saying MCAs are just MCAs; they should not even park. We are also human beings. Hon. Speaker, seated here are people with families. We are not paupers. That a citizen from somewhere just wakes up and goes to court that MCAs are uncouth and are not supposed to park in the streets. Who the hell does he think he is? We are not going to allow our names to be dragged in everything.

(Applause)

When we make decisions in this House, they say we have not made the right decisions. When we don't make decisions, they say we are quiet because we have eaten. Where will we park our cars so that we can come to this House? We are asking the Supreme Court to give us back our so that we don't park on the streets. Simple.

(Applause)

I would personally lead all Members of this House to park across all the streets so that Kenyans can know that the Supreme Court of Kenya stole our parking. Because they have taken us to courts, I am prepared to defy your communication. We will park in the entire roads of City Hall and no one can pass.

Hon. Speaker, we are elected by the people. These Kenyans wants to reduce us as if we are not human beings. Even parking a car is now a curse as an MCA of Nairobi. All MCAs elected here came here driving their cars. Or now they want to say we stole the cars and we should not park.

Hon. Speaker, I agree with you, but we are also human beings. We beg you to stay aback a bit, we will possibly we call a Kamukunji and tell everybody to come with his car and park on the streets. I am sorry for that, but that is a fact. As a third term MCA, I have faced a lot of challenges, ridicule and abuse by the public who do not want to understand. Look at this Gallery, there are more than 150 seats, where are the public to come and see what we do here, not just seeing us and saying, "*haka ni ka MCA. Haka ni ka MCA ka Pumwani.*" Come to the Gallery and look at what we do. Someone has gone to court to say MCAs are parking on the streets. That man must be a very idle man. We are the fathers of the City, and we must be given where to park or we will park anywhere, and that officer who will arrest an MCA's car, we will deal with him.

(Applause)

Hon. Speaker: Kindly, Majority Leader withdraw the word, “you will defy the orders of the Speaker.”

Hon Peter Imwatok: Sorry, Sir.

Hon. Speaker: That is not expected of a leader of your repute.

Hon Peter Imwatok: I withdraw that, Hon. Speaker. I said, “the Speaker to stay a bit behind *kidogo* so that we can be able – but I can’t defy your orders.

Hon. Speaker: Hon. Members, you know you will be on your own.

Hon Peter Imwatok: I will carry them along.

Hon. Speaker: I have made the communication and it is very clear.

Hon Peter Imwatok: The Speaker is blind to this.

Hon. Speaker: Thank you. Kindly proceed with your Statement.

Hon Peter Imwatok: I am reminded by the Chairman, Budget that the Speaker after communication is blind to whatever happens. We will deal with the Powers and Privileges within us and then we save our people as we proceed, but what we are not going to allow is the public to demean us to the limit of our vehicles. *Wazee, hiyo ni madharau.*

REQUEST FOR STATEMENT ON STATUS OF CAPITAL PROJECTS IN THE COUNTY

Hon Peter Imwatok: Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Transport and Public works regarding the status of capital projects in the County.

Hon. Speaker, Part II of the Second Schedule of the Constitution of Kenya, 2010 provides for the functions of the County Government accordingly. County transport, that includes county roads, is a function of the county government. Consequently, as one among its functions, this County Assembly has been allocated funds towards initiation or completion of all projects in the County.

However, there are numerous County projects that have either stalled, yet to be completed or to even commence for more than one financial year. For instance, in 2020, the Nairobi County Government and the National Government signed a Deed of Transfer of functions to the superintending agency called Nairobi Metropolitan Services (NMS). Among these functions, were aspects of mobility and works towards which the Assembly appropriated the budget therein.

Hon. Speaker, at the time when the NMS tenure elapsed, there were road projects that were initiated at various stages. However, several years down the line, there seems to be no value for money for the majority of the projects.

Ho. Speaker, in the Statement, the Chairperson should inquire into... Hon Speaker, protect me from Member of Nairobi West and Chairman of Planning. *Akili ni nywele, kama huna nywele?*

Hon. Speaker: You are protected, Majority Leader.

Hon Peter Imwatok; Thank you, Chair

Hon. Speaker: Hon Members, I expect you to take the business of this House seriously.

Hon Peter Imwatok: Hon. Speaker, before I withdraw, the word, “*Akili ni nywele, kama huna nywele?*”

Hon. Speaker: Thank you

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

- i. A list of projects that were initiated and undertaken by the NMS and budget allocated to each of the project;
- ii. Whether the Executive office of the President has handed over all the projects to the County Government, and if so, provide a list and their current status;
- iii. Whether the County Government and the Executive office of the President have agreed any legal frame work for handling any emerging issues as a result of contracts entered with in regards to the projects given that their budgets were approved by the Assembly and administered by Statehouse;
- iv. In case there are any stalled projects, provide reasons why there are unable to be completed in time, and measures the County is putting to complete them;
- v. The list and status of Nairobi County unexecuted projects that were abandoned when the NMS took over and when they took off; and
- vi. The steps that the County is taking to revive and complete the said projects

On this Statement, there are 66 roads in number that the NMS had initiated. To date, across the County, we don’t know the status. I can assure you that this is the highest acid test for this Committee. Hon Speaker, I beg to lay.

Hon. Speaker: Thank you, Hon Majority Leader. I hope you are not underestimating the capacity of the Transport Committee led by Hon Musango. Hon. Musango, kindly give undertaking what period of time you would want to respond.

Hon Musango Maithya: Hon. Speaker, we need 14 days after the recess.

Hon. Speaker: Hon Majority Leader, the Chairperson of Transport Committee is requesting for 14 days after recess.

Hon Peter Imwatok: When is the Chair going for recess?

(Laughter)

Chair, when are you going for recess so that I can count from that day?

Hon Peter Imwatok: I think it is better put when is the Assembly resuming.

Hon Musango Maithya: I think we are going for recess on 28th.

Hon. Speaker: When do we resume?

Hon Musango Maithya: Somewhere in February.

Hon. Speaker: February?

(Laughter)

You are not serious, Chair. Kindly approach the Clerk-at-the-Table.

Hon Musango Maithya: Hon. Speaker, I have been reminded on the dates we are returning back.

Hon. Speaker: Come up again, Chair?

Hon Musango Maithya: I need to be reminded on the date we are coming back after the CASA sports.

Hon. Speaker: Hon Majority, are you okay with the two weeks' window?

Hon Peter Imwatok: It is a matter of urgency. Chair, can't you put one week after we come back?

Hon. Speaker: That is if the Committee shall be running while we proceed on recess.

Hon Musango Maithya: I am requesting for 14 days.

Hon. Speaker: Thank you. Hon Redson Otieno? Serjeant-at-Arms, please supply Members with water. Hon Member for Gikomba, please be seated. Your thirst shall be quenched, just hold on a bit.

REQUEST FOR STATEMENT ON PROCEDURE FOR RECRUITMENT
OF NAIROBI CITY COUNTY PUBLIC SERVICE BOARD CEO

Hon. Redson Onyango: Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding procedure for recruitment of Chief Executive Officer (CEO) Nairobi City County Public Service Board, Mr. Nyagara Nyamwaya.

Hon. Speaker, Section 58 (1) (c) of the County Governments Act, 2012 on composition of public service board, the Act states that, a certified secretary of good professional standing nominated and appointed by the governor, with the approval with the county assembly, who shall be the secretary to the board.

Hon. Speaker, Section 34 of the Public Service Commission Act, 2023 provides for appointment of officers in an acting capacity and states that, an officer may be appointed in an acting capacity for a period of at least 30 days but not exceeding a period of six months.

Hon. Speaker, at the County Executive, Mr Nyagara Nyamwaya has been serving in the Nairobi City County Public Service Board as acting Board Secretary/CEO for more than six months, and that there are allegations that his designation to the said post was allegedly irregular.

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

- i. Whether the County Executive comply with the provision of Section 34 of the Public Service Commission Act, 2023 and County Public Human Resource Manual in designating the said officer in the said position;
- ii. Criteria followed in designation of the said officer to the position; and
- iii. Whether the said officer stands appointed to the position by operation of the law.

Hon. Speaker: The Chairperson of Labour Committee?

Hon. Allan Gathuku: Thank you, Hon. Speaker, I request for one week after the CASA games.

Hon. Speaker: That is in order

Hon. Allan Gathuku: Thank you.

Hon. Speaker: I hope, Hon Redson, you are okay with that?

Hon Redson Onyango: No objection.

Hon. Speaker: Thank you. Hon Oscar Lore on request for Statement? Hon. Geophrey Majiwa? Hon. Rex Omolleh.

REQUEST FOR SECURITY DURING ORGANIZED
PEACEFUL DEMONSTRATION TO PROTECT GRABBING
OF PUBLIC LANDS IN NAIROBI WEST WARD

Hon Rex Omolleh: Thank you, Mr. Speaker. I stand here under Chapter 5 of the Constitution of Kenya, which provides for the principle of land policy in the Republic of Kenya.

Specifically, Article 60 provides that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the following principles

1. Equitable access to land;
2. Security of the land;
3. Sustainable productive and management of the land resources;
4. Transparency;
5. Course of effective administration of the land;
6. Sound conservation and protection of the ecologically sensitive areas;
7. Elimination of gender discrimination in law, customs and practices related to land and property in land; and
8. Encouragement of communities to settle land disputes through recognized local community initiatives, consistent with the Constitution.

Hon. Speaker, Article 62 of the Constitution of Kenya, 2010 provides for what constitutes public land, which include land transferred to the state by way of sale, reversion or surrender.

Hon. Speaker, residents of Nairobi West Ward have been denied access to a public land, which is a playground in Nairobi West Hospital. The Swing Public Playground at Nairobi West Hospital is a public land earmarked for playground. The said land has been grabbed for many years by a private developer who has denied the residents of Nairobi West the right to use this public land.

Therefore, Hon. Speaker, the private acquisition and grabbing of public property spaces has become rampant within and outside Nairobi West Ward. The residents of Nairobi West Ward, through the established leadership and authorities, have vowed to mobilise and address the matter as envisaged under Article 37 of the Constitution of Kenya, 2010 on the right to assemble, to demonstrate, to picket and to present petition peacefully and unarmed. The residents demand that all public properties acquired illegally be reverted back to the public and public use.

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Hon. Speaker, the residents of Nairobi West ward have organized a peaceful and orderly demonstration to protect dishonest act of grabbing public lands thus denying the residents access to such facilities. The protest is scheduled to take place on Thursday 17th October 2024 from 9:00 a.m. at Swing Public Playground.

Therefore, Hon. Speaker, we ask for your support in providing us with the security. And it is on this basis that I make personal statement requesting for your assurance of my security during this period as I exercise my rights representing the responsibility on behalf of residents of Nairobi West Ward and Nairobi County as a whole. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Hon Member. May be you need to do an official communication to the office of the Speaker on the same so that we may consider.

Hon Chairperson, Committee on Lands, this is response to Statement requested by Hon Khalif regarding ownership of parcel LR No 32354 in South C Ward.

RESPONSE TO STATEMENT ON OWNERSHIP
OF LAND LR NO. 32354 IN SOUTH C WARD

Hon. Alvin Palapala: Thank you. Hon. Speaker, on 16th April 2024, the Hon. Abass Ibrahim Kahilf, MCA, rose on the floor of the Assembly pursuant to Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Lands, Planning and Housing for a Statement regarding the ownership and development of parcel of land LR No. 32354 (originally, LR. No. 20273) in South C Ward. The ownership of the parcel LR. No. 32354 in South C Ward:

- i. Whether there is an application Siesta Investments Limited to sub-divide the parcel of land LR. N. 32354 in South C Ward;
- ii. Whether the contested parcels have been paying to the County Government and for how long;
- iii. Whether the Change of user of a parcel affects the land registration number of the parcel of land; and
- iv. Measures that the County Executive is taking to ensure the contested parcel of land is solved amicably.

Hon. Speaker, the Committee wrote to the Ag. County Secretary on 25th April 2024 requesting him to furnish it with a comprehensive response to the issue raised by the Hon. Abass Ibrahim, MCA.

In this regard, Hon. Speaker, I wish to report to the Assembly as follows:

In his response to the Statement vide a letter Ref. UP/0772/32354/JWG dated 11th July 2024, the Ag. County Secretary informed the Committee that the Sector would only respond to issue No. (ii) and (iv) as follows:

On whether there is an application Siesta Investments Limited to sub-divide the parcel of land LR. N. 32354 in South C Ward; The Committee was informed that the Sector did not have a record of a submission of a development application for subdivision of the said parcel of land.

On whether the change of use of a parcel of land affects the land registration number; The Committee was informed that upon approval of change of use by the County Government, a resurvey is normally done by the Director of Surveys and new deed plans, survey plans or registry index maps (RIM) with new land registration numbers are issued.

At its meeting held on 7th August 2024, the Committee observed that the response was inadequate and failed to address all the issues that the Member raised in his Statement, thus, it was unsatisfactory. Consequently, it was resolved that the County Executive Committee Member responsible for Built Environment and Urban Planning (CEC Member), the Chief Officer responsible for Urban Development Planning and Hon. Abass Ibrahim Khalif, MCA be invited to a meeting of the Committee that was held on 20th August 2024. The objective of the meeting was to further deliberate on the foregoing Sector's report.

The Committee and Hon. Abass Ibrahim, MCA were satisfied with the responses and clarifications provided by the Sector regarding parcel LR. No 32354. However, the Committee directed the officers, led by the Chief Officer for Urban Development and Planning, to provide details on the original parcel of land LR.No. 20273 by Friday 23rd August 2024.

Hon. Speaker, in view of the foregoing directions by the Committee, the CEC Member provided the following report vide a letter Ref. UP/PIS/0266/32354/JWG dated 23rd August 2024:

- i) That LR No. 20273 measures approximately 1.591 Ha or 3.3913 acres and was registered on 23rd January 2014 under Joshua Kiptoo Toroitich. The use as the point of location was for light industrial purposes;
- ii) That on 19th October 2015, the property was transferred to ARJ Capital Ltd at a consideration of Ksh. 100,000,000;
- iii) That the Sub-Sector has no record of a submission of a development application for subdivision of the said parcel of land; and
- iv) No change of use was approved as per the County's records. However, further information available at the Ministry of Lands as per the survey plan F/R 638/113 dated 29th July 2019, the land LR. No. 20273 was renumbered to LR. No. 32354 and a new title issued and registered on 2nd September 2019 under ARJ Capital Ltd.

Hon. Speaker, the Committee was satisfied with the response given by the County Executive Committee Member. In addition, a copy of this response was shared with Hon. Abbas Ibrahim, MCA who was also contented with the report.

I hope he is in this House to confirm that he was satisfied with the report. I beg to table.

Hon. Speaker: Thank you, Hon. Member and the Chair for Planning and Housing Committee. Hon. Abbas Khalif? I have just seen Hon. Abass in the House; he left? Clerk, you will get time to get concurrence with Hon. Abass over the response that he had actually requested from the Committee. But again, Chairman, can you confirm whether Hon. Abas appeared before the Committee?

Hon. Alvin Palapala: Yes, I confirm that. Hon. Abbas came before the Committee but I was just wondering while reading the report, the Hon Member was not in the House.

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Hon. Speaker: The Hon. Member was in the House, so, maybe he did not raise the attention of the Speaker while leaving. The same will be communicated to him.

MOTION

PROTECTION OF MINORS FROM ECONOMIC EXPLOITATION

Hon. Speaker: Hon. Rosemary Masitsa.

Hon. Rosemary Masitsa: Thank you, Mr. Speaker...

(Motion interrupted)

STATEMENT

REQUEST FOR STATEMENT ON INFRASTRUCTURE STATUS OF UHURU PARK

Hon. Speaker: Hon. Majiwa, you had a request and it is quite unfortunate in the sequence of the Business, we had passed Order No. 7. You had a request directed to the Sectoral Committee on Culture and Community Services and it was listed as one of the Business today.

(Hon. Majiwa spoke off the record)

Hon. Speaker: Hon. Mayor, you want to address the Speaker while standing on the walkway?

Hon. Geophrey Majiwa: Hon Speaker, I was not notified that it is coming today because they did not tell me when they will bring it. I had some engagement outside here but I am told that my name was called while I was still outside. I would request if it can be brought tomorrow.

Hon. Speaker: By leave of Chair, do you have the request with you?

Hon. Geophrey Majiwa: The copy of the request I have but not here because I was not notified it was coming today.

Hon. Speaker: Can clerk share it with you so that we dispense with it today?

Hon. Geophrey Majiwa: Sure, thank you, Hon. Speaker.

Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Culture and Community Services regarding the infrastructure status of Uhuru Park.

Hon. Speaker, Paragraph 4 of Part II of the Fourth Schedule of the Constitution of Kenya, 2010 provides for the function and powers of the county government on public amenities to include county parks, beaches and recreation facilities. The County Government's role is to actively preserve and maintain parks and green spaces in urban environments.

Whereas Uhuru Park is a recreational facility as well as a national symbol of independence, it is not clear whether the park is functional and open to the public.

Hon. Speaker, Uhuru Park was revitalized in 2022 by the now-defunct Nairobi Metropolitan Services (NMS) and officially reopened its gates after two years. Consequently,

H.E. Nairobi Governor Johnson Sakaja informed the public that the Kenya Defence Forces formally handed the park back to City Hall and is ready for use.

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

- i. The infrastructure status of Uhuru park including whether it is open to the public;
- ii. The number of staff working at the park and their job titles;
- iii. Measures the County Executive is taking to ensure that the park is fully operational and open for public recreational activities.

Hon. Speaker: The Chairperson of the Sectoral Committee on Culture and Community Services, Hon. Clarence Munga? The Vice Chair?

Hon. Samson Ooko: Sorry, Mr. Speaker, I had seen my Chair just a few minutes ago. Considering that the matter is urgent...

Hon. Speaker: Kindly confirm whether you are the Vice Chair or Member?

Hon. Samson Ooko: Hon Speaker, I am the Vice Chairman of Culture and Social Services Community.

Hon Speaker: Kindly Proceed.

Hon. Samson Ooko: Now that the matter is a heavy one, and Hon. Members will be out of the Assembly this week, can you kindly give us two weeks after we are back?

Hon. Speaker: That request is directed to the Hon. Majiwa.

Hon. Geoffrey Majiwa: Hon. Speaker, I don't see the need of two weeks after we are back, rather it is better to say one week after we are back because people will need to work with a lot of energy after rest. So, I do not see why we need two weeks after we have rested.

Hon. Speaker: It will depend on whether the House will approve the committee sittings while on recess, maybe that is the reason.

Hon. Samson Ooko: Hon Speaker, as a committee we want to be factual. We don't want to lie, that is why we don't need to come here and start saying we are not prepared. Kindly, Hon. Member, allow us two weeks after we have resumed.

Hon. Speaker: Thank you.

Hon. Geophrey Majiwa: Hon. Speaker, it is not cast on stone, even two weeks will come to pass.

Hon. Speaker: Thank you.

MOTION

PROTECTION OF MINORS FROM ECONOMIC EXPLOITATION

(Resumption of Motion earlier interrupted)

Hon. Speaker: Member for Makina, Hon. Rosemary Masitsa.

Hon. Rosemary Shitote: Thank you, Hon Speaker for giving me this opportunity to move my Motion. It is my first Motion since I was elected in Makina Ward. I beg to move...

Hon. Speaker: Hon. Member, you are serving your second term, are you talking of first term, second or both?

Hon. Rosemary Shitote: As elected Member.

Hon. Speaker: But you are a Member. Are you making reference to the first term or second?

Hon. Rosemary Shitote: Both, but since being elected, this is my first Motion.

Hon. Speaker: Thank you, kindly proceed.

Hon. Rosemary Shitote: I beg to move the following Motion:

THAT, aware that Article 53 of the Constitution of Kenya, 2010 provides that every child has the right to; inter-alia free and compulsory basic education; and, the right of all children to be protected from abuse, neglect, harmful cultural practices, all form of violence, inhumane treatment and punishment, and hazardous or exploitative labor;

FURTHER AWARE THAT Paragraph 9 of Part II of the Fourth Schedule of the Constitution, provides for pre-primary education and childcare facilities as a County function;

DISTURBED THAT children below the age of five years, often accompanied by parents or perceived guardians get subjected to street tussles and economic exploitations, depriving them the right to early education;

APPRECIATING the recent school feeding program introduced by the County Government in public schools dubbed "Dishi na County", which is aimed at encouraging and promoting enrolment of children to schools for a better and promising future;

DEEPLY CONCERNED that the presence of minors in the Central Business District and its environs is on the rise;

THEREFORE, this Assembly urges the County Executive to; -

1. Conduct a crackdown of all the minors idling, loitering aimlessly, begging or engaging in commercial activities in the Central Business District and its environs with a view to integrating the minors in school programs; and,
2. Introduce a street-to-school strategy program that would advocate for the protection of the minors' rights to education.

Hon. Speaker, in the streets of Nairobi we have got about 18000 minors, sixty per cent being boys and 40 per cent girls. Those minors have the risks to face abduction, engage in crime and get access to drugs. I beg Hon. Katile to second the Motion. Thank you.

Hon. Diana Mwangangi: Thank you. Mr. Speaker. Congratulations, Hon. Masitsa on your first Motion which makes a lot of sense to the residents of Nairobi County. Indeed, Mr. Speaker, it goes without saying that when you are walking down the streets of this city, it is not strange to come close to a child begging you for money, food or others being carried at the back of their mothers as their mothers beg. We believe that these children do not belong to the streets.

In a city of order and dignity, it should be a city that respects the rights of these children. They should have a right to education and be in school. The County is investing a lot of funds on these pre-primary schools and also in the Dishi na County Program so that the children can access education. So, when the County invests all these monies and still we have children on the street, Mr. Speaker, this becomes counter-productive measure by the County.

Therefore, just as Hon Masitsa has pointed out when she was moving this Motion, street to school program should be introduced. We are saying Street to School Program should be affirmed, introduced and implemented because what we believe is that the children do not belong to the streets, they belong to school.

When this Assembly approves this Motion, Mr. Speaker, we would have done justice to these voiceless children who have no one else to cry to but legislators of this great city. With that, I beg to second.

(Question proposed)

Hon. Speaker: Madam Lily Kidenda.

Hon. Lily Kidenda: Thank you, Hon. Speaker. I rise to support this Motion because it is deeply touching and close to my heart. First, I congratulate Hon. Masitsa for bringing this Motion. It is no news to many of us on what Hon. Masitsa has brought forward, and I want to say that it will not be an easy job, but we will have to tackle it brick by brick. A strategy need to be put in place like in the Boroughs that is part of what is been done in Nairobi County Assembly. If you drive from here towards the evening, the number of minors on our streets begging while some are being carried by other minors is heart breaking to say the least.

It is critical that this County starts this project as soon as yesterday; streets to schools. As we do this, I believe that there is more that need to be done than just removing them. We have to put infrastructure in place to make this possible and be ambitious not to start and then stop. I know attempts have been made and it needs to be structured in partnership with Members of this County Assembly and Members of the National Assembly so that it becomes a function of this nation to rescue our children.

The situation is critical, saddening and heartbreaking. I am really grateful that this Motion has been brought in this House, and I pray that as individuals we will put our hands together and minds, whatever it takes to make this possible. The County should provide safe places, schools, teachers and structures. Mr. Speaker, I beg to support. Thank you.

Hon. Speaker: Hon. Emily Oduor.

Hon. Emily Oduor: Thank you, Hon. Speaker. Congratulations to Mheshimiwa Masitsa. This is really great, I am so proud of you and I know you are going places.

As I stand to support this motion, children are the future, most of us here are aging and the people we expect to take over are the children. But what we are seeing are children begging on the streets, and if nothing is done within a very short time, these children will turn into armed robbers. For this County and country at large to have security, we need to take these kids to school. Some of them are homeless, that is why they are on the streets and are not able to go to school.

I appeal to the County Government to make sure that there are homes where these kids can feel comfortable and go to school on daily basis so that we secure their future. With those few remarks Mr. Speaker, I stand to support. Thank you, Hon. Masitsa once again.

Hon. Speaker: Hon Mande, please.

Hon. Scolastica Mande: Asante, Bwana Msemaji Mkuu. Nimesimama kuunga mkono Hoja ya Mheshimiwa Masitsa kuhusu watoto ambao wanarandaranda mitaani. Ukiangalia hali ambayo iko katika miji yetu, akina mama wanalazimisha watoto kuomba pesa. Bwana Spika, wakati ambao hao wamama wanatumia hawa watoto, wanawanyima haki zao.

Namshukuru Mheshimiwa Masitsa kwa vile amefanya hata mimi nikasimama leo katika Bunge sababu nimeona umefanya jambo la maana sana. Nimesimama kuunga hii Hoja mkono. Asante sana.

(Applause)

Hon. Speaker: Thank you. Hon. Martin Mwangi.

Hon. Martin Mwangi: Thank you, Hon. Speaker. I also stand to support the Motion. One of the reasons we have children in the streets is because there are people who are generous enough to give them money.

Hon. Speaker: Hon. Member, are you trying to blame people for their generosity other than the parents? Where are the fathers?

Hon. Martin Mwangi: Hon. Speaker, kindly hear me first before you pass your judgement. We have two categories of people in the streets; the needy – if you have noticed, there is normally an influx of children begging in the streets; and children who are sent by parents not because they are needy but because the people will be pitiful and give the children money and food.

One of the recommendations that I will give is that, the County Government should work with children organizations, for example, the Child Welfare Organization of Kenya that is funded by the government and can collect all the children that need education and feeding to ensure that they are in secure places.

The other thing, Mr. Speaker, we need also to pass laws that encourage charitable Kenyans not to give to the children directly but to give to institutions that support children. Instead of giving food or money to a child, it would be better if you give the money to institutions that support children and ensure that they go to school. With that, I beg to support.

Hon. Speaker: Hon. Jera.

Hon. Samson Ooko: Thank you, Mr. Speaker for the opportunity. First, let me thank Hon. Rosemary Masitsa for coming up with this Motion. Congratulations. This is a Motion that is touching many hearts. Kids are suffering outside here. Assume that it is during the rainy season or sunny days, kids are running in the streets and some of them are barefooted, you sympathize with them. Some of the women use their kids to borrow money in the streets. If you investigate further, you will find that many people hire kids because people will be sympathetic to these kids and give them money. This is a business managed by people hiding somewhere and must be stopped as soon as yesterday.

Hon. Speaker, I believe that if the National Government and the County Government work together, they can address this matter as soon as possible as a matter of urgency. This is a shame and a disaster. If it is possible, the National Government and the County Government can

start a serious campaign where we would be discussing about these street kids who are below five years, and then move to the other level of 10 years until we reduce the number of children moving around our streets and are not in school.

As I support the Motion, these kids did not come to this world by themselves, they have parents. We are only talking about their mothers, if I had authority I would arrested these kids and do a DNA to know the real fathers because they have fathers somewhere. I am sure some of them are in this House and in other offices eating well while their kids are suffering in the streets of Nairobi.

Point of Order

Hon. Speaker: Yes, Engineer, under which Standing Order?

Hon. Carrington Heho: Mr. Speaker, I just want the Member to withdraw ‘that some of the fathers are in this House’. Kindly, it is unpalatable for the Hon. Members of this House.

Hon. Speaker: Hon. Member, you have made an allegation that needs to be substantiated.

Hon. Samson Ooko: Hon. Speaker, I have said that may be some of the parents could be in the Assembly or other offices. The reason why I said this is because...

Hon. Speaker: That is in order.

Hon. Samson Ooko: Thank you, Hon. Speaker.

Hon. Speaker: Proceed.

Hon. Samson Ooko: When I was saying that I saw some Members smiling, this prompted me say that. May be some of their kids are wandering in the streets.

Hon. Speaker, I wish to support this Motion and beg that we take a drastic action as soon as possible. Thank you.

Hon. Speaker: Hon. Emmy Isalambo.

Hon. Emmy Isalambo: Thank you, Hon Speaker for giving me this chance to speak. First, I would like to congratulate ‘Makina One’ for this Motion. It was long overdue because, as a House, we could have considered it when we entered.

As a parent, there are some things we ought to know before we indulge more. These children are suffering from starvation and lack of education. The harsh environmental conditions force these children to the streets. There is a UN law that protects the child, which says that, the government of that particular country should consider all these four factors that hamper a child from education. The Nairobi County introduced the ‘Dishi na County’ which has taken care of food. What is remaining is education, medical care and better living conditions. For those children in Nairobi, the parents live within the County. We can make education compulsory for all street children by sponsoring them. This way, they can be helped to explore their talents.

With those few remarks, I thank you Hon. Speaker and thank you so much Hon. Masitsa for bringing such a motion.

Hon. Speaker: Thank you, Hon. Member. Hon. Musango Maithya.

Hon. Musango Maithya: Thank you, Mr. Speaker. I am standing to support this Motion brought by Hon. Masitsa because I know it can be doable. We know that the 'Dishi na County' is working and the National Government are cleaning and opening the rivers in Nairobi, and this can be the second thing in our County to be done.

This is not just a motion but it is saving lives because it is like these children in the streets do not have a future. If this motion will be passed and funded by the County, I think it will save lives of these children and they will have a bright future. I support the Motion and congratulate Hon. Masitsa. Thank you.

Hon. Speaker: Thank you, Hon. Member. Hon. Hellen.

Hon. Helen Okello: Asante sana, Bwana Spika kwa nafasi ambayo umenipatia ili niweze kuunga mkono Hoja hii. Ni jambo la kuhuzunisha sana ukitembea kwa barabara na unakutana na watoto wanaofaa kuwa shuleni. Kwa nini hawaendi shule?

Kwanza, wazazi wao wamewaruhusu kutembea kwa barabara wakiombaomba. Kuna wale ambao si watoto wao, wanawatumia kuomba pesa. Ningetaka kusema kuwa hatua kali ichukuliwe kwao. Mtoto ambaye atapatikana kwa barabara akiomba achukuliwe na awekwe mahali kwa sababu elimu ni bure.

Pili, Gavana wetu ameweka mikakati ambapo watoto wanalishwa shuleni, kwa hivyo hatuwezi sema kuwa watoto hawasomi kwa sababu ya njaa. Sisi sote tunaolewa kuwa elimu ni mstakabali wa kesho. Wakati tunapowaona watoto wakiombaomba barabarani na tunaenda shughuli zetu, hao watoto watakuja kuwa hatari kesho. Kuna msemo ambao unasema kuwa, elimu ndio husawazisha maisha ya kesho.

Bwana Spika, tuchukue hatua, na pia nataka kumuunga mkono Mheshimiwa Ochieng Jera kwa kusema kuwa ijulikane akina baba wa watoto wako wapi. Utapata akina mama wameachwa na waume wao na hawasaidii kwa kulea hawa watoto na hata kuwapeleka shuleni. Bwana Spika, ni hayo tu kwa sasa. Asante.

Hon. Speaker: Asante sana. May the mover reply.

Hon. Rosemary Shitote: Thank you, Mr. Speaker. I want to take this opportunity to thank all Members who have contributed to this Motion. I also want to thank those Members who did not have a chance to contribute. I look forward to the implementation of this Motion especially from the Education Chair, I need her support. I beg to reply. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, that marks the close of the proceedings for today. The Assembly stands adjourned to tomorrow, Thursday 17th October 2024 2.30 p.m. I direct the sitting of the House Business Committee at the rise of the Assembly. Thank you, Hon. Members.

The House rose at 4.22 p.m.