



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Thursday 19th September 2024

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Paul Kados) in the Chair]

PRAYER

QUORUM

Hon. Deputy Speaker: Clerk, confirm if we have quorum.

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

I direct the Sergeant-at-Arms to leave the door open as he rings the bell for ten minutes.

(Quorum Bell was rung)

(Some Hon. Members walked out of the Chamber)

Hon. Members, we do not have quorum and you are walking out?

(A Hon. Member spoke off the record)

Hon. Member, you cannot request for a Statement online. Any Hon. Member who has a Statement must be in the Chamber.

Clerk, do we have quorum now?

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

COMMUNICATION FROM THE CHAIR

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USE OF ASSEMBLY PRECINCTS BY EAST
AFRICAN LEGISLATIVE ASSEMBLY MEMBERS

Hon. Deputy Speaker: Hon. Members, I have a communication to convey:

The Assembly is in receipt of a letter from the East African Legislative Assembly (EALA) dated 11th September 2024 which is legislative arm of the East African Community (EAC). In the letter, the regional Assembly informs of the intention of its Committee on Legal, Rules and Privileges to conduct an investigative hearing in Nairobi from 23rd to 28th September 2024 in Nairobi.

Hon Members, in that regard, the regional legislature has requested this Assembly to grant the Committee equipped spaces for the conduct of the said investigative hearing. Hon Members, just to refresh your minds, EAC is an 8 Member regional bloc to which Kenya is a partner member, and was established to widen and deepen co-operation among the partner states in political, economic and social spheres for their mutual benefit. EALA, on the other hand has been a long time crucial partner to our institution in capacity building in the areas of legislation, oversight and representation.

Consequently, Hon Members, and in view of the foregoing, I have held consultations with the Assembly leadership and there was concurrence to accede to the request, and as such, the Committee will be using this Chamber amongst other spaces to be identified within the precincts.

In this regard, the Leader of Majority will this afternoon be moving a Motion to alter our 2024 Assembly calendar in order to adjourn and accommodate the intentions of our partner. However, committees' businesses shall continue uninterrupted. May I remind all Members of the Assembly staff to always conduct themselves with decorum especially during the period the dignitaries from across the region will be using our precincts. Similarly, the Clerk is hereby directed to put in place measures to ensure that order around and within the Assembly is maintained, and to designate secured parking areas for the dignitaries, accompanying staff and any other witness.

DISRUPTION OF TICKETING SERVICES

Hon. Deputy Speaker: Hon Members, as you may recall, the communication I issued after the resumption from the long recess, I assure the assembly of the commitment of the County Assembly Service Board and the leadership towards the welfare of Members. This includes facilitation for attendance to official County Assembly business taking place within and outside the country. As you may have witnessed in the recent past, we have endeavored to a reasonable level to ensure that Members are not impeded by anything to participate in any forum I approved.

Hon. Members, the operation of the Assembly is highly dependent on the availability of funds based on which we are able to facilitate Members to attend workshops and participate in other activities outside the country. To achieve this, the Assembly engages service providers whose consistence is dependent on how often the County Assembly is able to pay them.

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However, in the recent past, the Assembly has been facing cash flow challenges whose effect is that we are unable to pay our service providers and suppliers on time as expected.

In this regard, the service providers responsible for provisions of air ticketing services have halted their services and this is adversely the programmes and activities of the Assembly since we have no receipts from the exchequer.

Hon. Members, accordingly, I am aware that the number of committees workshops are scheduled to take place in the coming weeks. Similarly, I am aware that several delegations are scheduled to attend to official activities outside the country. Therefore, in the view of the foregoing challenges facing air ticketing, I am constrained to approve any further processing of the said travels. Accordingly, all scheduled foreign travels are hereby suspended until the Assembly is able to pay the service providers, more so the service providers for air ticketing. I thank you, Hon. Members.

PAPERS

CONSIDERATION OF REPORT ON NAIROBI CITY COUNTY ALCOHOLIC DRINKS CONTROL AND LICENSING BOARD

Hon. Deputy Speaker: Hon. Chege Mwaura.

Hon. Chege Mwaura: Thank you, Mr. Speaker. Pursuant to Article 229 (8) of the Constitution of Kenya and Standing Order No. 196, I beg to lay the following Papers on the Table of this Assembly, today, Thursday 19th September 2024:

The report of the Select Committee on Public Accounts on consideration of the report of the Auditor General on Nairobi City County Alcoholic Drinks Control and Licensing Board for the year ended 30th June 2022.

(The Paper was laid on the Table)

Hon. Deputy Speaker: You have another one?

CONSIDERATION OF REPORT ON PUBLIC PARTICIPATION IN NAIROBI CITY COUNTY BUDGET MAKING PROCESS

Hon. Chege Mwaura: Thank you, Mr. Speaker, I have some businesses courtesy of the Public Accounts Committee.

Pursuant to Article 229 (8) of the Constitution of Kenya and Standing Order No. 196, I beg to lay the following Papers on the Table of this Assembly, today, Thursday 19th September 2024:

The report of the Select Committee on Public Accounts on consideration of the special report of the Auditor General on public participation in Nairobi City County budget making process for the financial year 2021-2022.

(The Paper was laid on the Table)

REPORT ON FINANCIAL STATEMENTS FOR NAIROBI CITY
COUNTY ASSEMBLY SERVICE BOARD MORTGAGE SCHEME

Hon. Chege Mwaura: Mr. Speaker, I stand here again pursuant to Article 229 (8) of the Constitution of Kenya and Standing Order No. 196, I beg to lay the following Papers on the Table of this Assembly, today, Thursday 19th September 2024:

The report of the Select Committee on Public Accounts on financial statements for Nairobi City County Assembly Service Board Mortgage Scheme for the year ended 30th June 2019.

The Paper was laid on the Table)

CONSIDERATION OF REPORT ON COVID 19 ROLL OUT
FOR NAIROBI CITY COUNTY GOVERNMENT

Hon. Chege Mwaura: Mr. Speaker, again pursuant to Article 229 (8) of the Constitution of Kenya and Standing Order No. 196, I beg to lay the following Papers on the Table of this Assembly, today, Thursday 19th September 2024:

The report of the Select Committee on Public Accounts on consideration of the report of the Auditor General on COVID 19 roll out for the Nairobi City County Government.

The Paper was laid on the Table)

REPORT ON FINANCIAL STATEMENTS FOR NAIROBI CITY COUNTY
ASSEMBLY SERVICE BOARD CAR LOAN SCHEME FUND

Hon. Chege Mwaura: Mr. Speaker, pursuant to Article 229 (8) of the Constitution of Kenya and Standing Order No. 196, I beg to lay the following Papers on the Table of this Assembly, today, Thursday 19th September 2024:

The report of the Select Committee on Public Accounts on financial statements for the Nairobi City County Assembly Service Board Car Loan Scheme Fund for the year ended 30th June 2019.

(The Paper was laid on the Table)

CONSIDERATION OF ON COUNTY REVENUE FUND
FOR NAIROBI CITY COUNTY GOVERNMENT

Hon. Deputy Speaker: Is there any other?

Hon. Chege Mwaura: Yes. Finally, Mr. Speaker, pursuant to Article 229 (8) of the Constitution of Kenya and Standing Order No. 196, I beg to lay the following Papers on the Table of this Assembly, today, Thursday 19th September 2024:

The report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on the County Revenue Fund for the Nairobi City County Government for the year ended 2021-2022.

Thank you, Mr. Speaker.

(The Paper was laid on the Table)

NOTICES OF MOTION

Hon. Deputy Speaker: Hon. Mark Mugambi is not in? Okay, Clerk proceed.

(Notice of Motion dropped)

Hon. Chege.

Hon. Chege Mwaura: Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the committee on Public Accounts on the consideration of the report of the Auditor General...

Hon. Deputy Speaker: Are we reading from the same script? I do not think so. Hon. Chege, you have not followed the sequence, but you can proceed.

ADOPTION OF REPORT OF NAIROBI CITY COUNTY ALCOHOLIC DRINKS CONTROL AND LICENSING BOARD

Hon. Chege Mwaura: Sorry about the mix up, Mr. Speaker. I will synchronize myself with the Table Office so that we are in concurrence. Having said that, I wish to request:

THAT, this County Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of Auditor General on the Nairobi City County Alcoholic Drinks Control and Licensing Board for the year ended 30th June 2022, laid on the Table of this Assembly, today, Thursday 19th September 2024.

ADOPTION OF REPORT ON PUBLIC PARTICIPATION IN NAIROBI CITY COUNTY BUDGET MAKING PROCESS

Hon. Chege Mwaura: Again, Mr. Speaker, I beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the Select Committee on Public Accounts on consideration of the special report of the Auditor General on public participation in Nairobi City County budget making process for the financial year 2021/2022.

ADOPTION OF REPORT ON FINANCIAL STATEMENTS FOR NAIROBI COUNTY ASSEMBLY SERVICE BOARD MORTGAGE SCHEME FUND

Hon. Chege Mwaura: Mr. Speaker, I beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the financial statements for the Nairobi City County Assembly Service Board Mortgage Scheme Fund for the year ended 30th June 2019.

ADOPTION OF REPORT ON COUNTY REVENUE FUND

FOR NAIROBI COUNTY GOVERNMENT

Hon. Chege Mwaura: Mr. Speaker, I beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on the County Revenue Fund for Nairobi County Government for the financial year 2021/2022.

ADOPTION OF REPORT ON COUNTY REVENUE FUND
FOR NAIROBI COUNTY GOVERNMENT

Hon. Chege Mwaura: Mr. Speaker, I beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the financial statements for the Nairobi City County Assembly Service Board Car Loan Scheme Fund for the year ended 30th June 2019.

ADOPTION OF REPORT ON COVID 19 VACCINE ROLL OUT
FOR THE NAIROBI CITY COUNTY GOVERNMENT

Hon. Chege Mwaura: Finally, Mr. Speaker, I beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on COVID 19 vaccine roll out for the Nairobi City County Government.

Thank you Mr. Speaker.

Hon. Deputy Speaker: Thank you. Clerk!

STATEMENTS

REQUEST FOR STATEMENT REGARDING ONGOING PANGANI
AND JEEVANJEE AFFORDABLE HOUSING PROJECTS

Hon. Deputy Speaker: Hon. Chege Mwaura.

Hon. Chege Mwaura: Thank you, Mr. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the ongoing Pangani and Jeevanjee affordable housing projects.

Hon. Speaker, the county governments have been mandated under the Fourth Schedule of the Constitution of Kenya, 2010 to oversee the county planning and development. As such, the county assembly is mandated to conduct oversight on the affordable housing projects that the county government is undertaking.

Hon. Speaker, the Affordable Housing Project is a key programme for the County Government that was launched in 2018, whose progress has been quite slow, with current reports indicating that the Pangani and Jeevanjee projects have stalled.

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

- i. The affordable housing contracts for the said estates awarded and to which companies;
- ii. The number of housing units for each of the estates contained in this contract, and number of completed units clearly stating those sold and those pending to be sold;
- iii. Current status of the projects and expected dates of completion as per the contracts;
- iv. The status of ownership of the title deeds of the Pangani-Jeevanjee lands in whose names the title deeds are, attach proof;
- v. Reasons as to why the completion of the projects are delayed;
- vi. Measure that the County Executive has put in place to ensure affordable housing projects within the City are realized within the stipulated timelines contained in the said contracts.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Chairman, Planning? Could we have a Member from Planning to make an undertaking? I can see Hon. Majiwa. Use the microphone in front of you

Hon. Geophrey Majiwa: One week after the recess, Hon. Speaker.

Hon. Deputy Speaker: Fair enough, thanks. Hon. Redson Otieno?

REQUEST FOR STATEMENT REGARDING ENCROACHMENT OF RESTAURANTS ALONG CORRIDORS OF BUILDINGS IN CBD

Hon. Redson Onyango: Thank you very much, 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 Lands, Planning and Housing regarding the encroachment of various restaurants along corridors of buildings in the Central Business District in Nairobi.

Hon. Speaker, Article 66 of the Constitution of Kenya, 2010 provides that the state may regulate the use of any land or any interest or right over any land. The interest of defense, public safety, public order, public morality, public health, or land use planning trespassing occurs when property owners enters the ground of the neighbors or builds a structure that extend past the lawful boundaries that separate both properties.

Hon. Speaker, Mint & Salt is a fast food restaurant located along Uchumi House off Moi Avenue, Agha Khan Walk in the Central Business District in Nairobi. It is alleged that the said restaurant extended its premise to the effect that it blocked the pedestrian walkway that runs along Uchumi House corridor off Agha Khan Walk.

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

- i. Whether there was any approval of the said restaurant; and
- ii. Measures that the County Government has put in place to curb such occurrence in the County.

Hon. Deputy Speaker: Who will take an undertaking on behalf of the Chair for Planning? Do we have any Member from the Planning Committee? Yes, Daktari.

Hon. Patrick Macharia: Mr. Speaker...

Hon. Deputy Speaker: Do you have your card?

Hon. Patrick Macharia: Sorry for that, Mr. Speaker.

Hon. Deputy Speaker: Members, please carry your cards with you because you keep blaming the HANSARD people.

Hon. Patrick Macharia: As guided, Mr. Speaker. Two weeks after the short recess. Thank you.

Hon. Deputy Speaker: Hon. Redson, are you comfortable?

Hon. Redson Onyango: No objection, Hon. Speaker.

Hon. Deputy Speaker: Thank you.

Hon. Redson Onyango: I have another one, Hon. Speaker.

Hon. Deputy Speaker: I see. Go on.

REQUEST FOR STATEMENT REGARDING STATUS
OF COUNTY LAND ALONG KIAMBU ROAD

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 Lands, Planning and Housing regarding the status of a parcel of land LR. No. 1508/1/2 along Kiambu road in Karura Ward.

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

Hon. Speaker, the County Executive is in the process of acquiring parcels of land that were to be surrendered to the County by private developers across the County.

Hon. Speaker, it is alleged that the parcel of land LR. No. 1508/1/2, which is 64 acres along Kiambu road opposite Four Ways Junction Estate in Karura Ward, was surrendered back to the County Government by a private developer. However, details about the status of the land are unknown.

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

- i. Whether the land LR. No. 1508/1/2 is among the several parcels of land that were earmarked to be surrendered to the County Government;
- ii. Status of the parcel of land LR. No. 1508/1/2, which is 64 acres along Kiambu road opposite Four Ways Junction Estate in Karura Ward; and
- iii. Plans the County Executive is taking to ensure all the surrendered lands are used for public amenities, including land LR. No. 1508/1/2 along Kiambu road opposite Four Ways Junction Estate in Karura Ward,

Hon. Deputy Speaker: Chair, Planning?

Hon. Patrick Macharia: Mr. Speaker, on behalf of the Chair for Planning who is in a function with the Governor, we will give a response two weeks after the short recess.

Hon. Deputy Speaker: Are you comfortable, Hon. Redson?

Hon. Redson Otieno: No objection, Hon. Speaker.

Hon. Deputy Speaker: Hon. Ndung'u?

REQUEST FOR STATEMENT REGARDING SAFETY
OF HIGH RISE BUILDINGS IN THE COUNTY

Hon. Joseph Ndung'u: 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 Lands, Planning and Housing regarding safety of high rise buildings in Nairobi City County, more so in Kiamaiko Ward.

Hon. Speaker, the development control guidelines put in place by the Physical Planning and Urban Planning Act, 2019 provides guidelines to be complied with before commencement of any construction works in the C. Most importantly, the vetting of the relevant development documents enables experts to make a determination on whether proposed structures meet requisite standards and whether the development can withstand different weather conditions and other phenomena.

Hon. Speaker, the month of May 2024 experienced unprecedented weather conditions that led to heavy rainfall accompanied by flooding in various parts of the County. The consequences of the floods led to the government determining that there was a need for the removal of illegal structures on riparian lands that eventually resulted in demolitions.

In Kiamaiko Ward, Hon. Speaker, there is a six-story building that sits on plots No. C20 and C21 at Huruma Fire Victims Scheme that developed cracks as a result of the heavy rains. The high rise structure has 120 units that are used as a hostel for local and international students. The owner has since attempted to reinforce the building, but with its structural integrity having been interfered with by the floods, it is seemingly unsafe for occupation.

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

- i. Whether the owner of the building followed proper procedure of development approval before commencement of construction of the building;
- ii. Whether the County Government carries out routine assessments of buildings in the County to determine occupational safety, especially in Kiamaiko Ward; and
- iii. A report on the occupation safety of the said building with an immediate evacuation and demolition notice should the County Government determine that the said building does not meet the safety standards in order to safeguard the lives of students.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Yes, Daktari. You are appearing on behalf of Chairman, Planning?

Hon. Patrick Macharia: Yes, on behalf of Chairman, Planning. I think it is good that we give three weeks after the recess because of the busy schedule of the Committee due so many statements that have been asked. Thank you.

Hon. Deputy Speaker: Hon. Ndung'u, are you comfortable?

Hon. Joseph Ndung'u: No objection, Mr. Speaker.

Hon. Deputy Speaker: Okay, thank you. Clerk!

PROCEDURAL MOTION

ALTERATION OF THE COUNTY ASSEMBLY CALENDAR

Hon. Deputy Speaker: Hon. Chege, on behalf of the Majority Leader.

Hon. Chege Mwaura: Thank you, Mr. Speaker. I wish to rise on a Procedural Motion.

THAT, pursuant to the provision of Standing Order No. 31 (4), this Assembly resolves to alter the County Assembly Calendar and adjourn until Tuesday 1st October 2024 at 2.30 p.m. (Regular Sessions).

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

Hon. Silas Matara: Thank you, Hon. Speaker for this opportunity. Before I second the Motion, I humbly urge your office together with the Board to ensure that the system of the Assembly is repaired or replaced to avert this issue of Members having challenges when they want to address you, Hon. Speaker.

Hon. Speaker, I rise to second this Motion on the alteration of the County Assembly calendar, having in mind that it is important that the Hon. Members are able to interact with the electorates and be able to conduct activities in their respective wards, and for the special elect to be able to interact with the special interest groups that they represent in this Assembly. With those few remarks, Hon. Speaker, I beg to second the Motion. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Members.

(Question proposed)

Hon. Deputy Speaker: Hon. Members! I can see there are no requests; can the mover reply?

Hon. Chege Mwaura: Thank you, Mr. Speaker. Maybe just for the benefit of the Members who are on Zoom, in the coming week, the East Africa Legislative Assembly will be in town and they will be operating from this Chamber. So, it is important that the Members of Nairobi can also interact with that regional Assembly should you wish to build your capacity on how east African issues are ran. Having said that, I also want to thank the Member here for allowing the Procedural Motion to go unchallenged. I beg to reply. Thank you.

Hon. Deputy Speaker: The Clerk should be directed that these machines are not doing us any favor. Members, you can agree with me that nothing is working. This should be taken into consideration.

(Question put and agreed to)

MOTIONCOMPENSATION OF AFFECTED
HOUSEHOLDS DURING DEMOLITIONS

Hon. Deputy Speaker: Jeremiah Themendu, are you going on with this Motion?

Hon. Jeremiah Themendu: I will go on with it, Hon. Speaker.

Hon. Deputy Speaker: Thank you.

Hon. Jeremiah Themendu: I will proceed, Hon. Speaker.

THAT, aware that Chapter Four of the Constitution of Kenya, 2010 provides for the Bill of rights and freedom of every person in the Country, which include inherent dignity and the right to have that dignity respected and protected, right to clean and healthy environment, right to the highest attainable standards of health which includes the right to health care services, right to accessible and adequate housing, and to reasonable standards of sanitation, right to be free from hunger, and to have adequate food of acceptable quality; and right to clean and safe water in adequate quantities;

FURTHER AWARE THAT, Part II of the Fourth Schedule of the Constitution provides for the functions of County Governments which include County planning and development, County health services, water and sanitation services amongst others;

CONCERNED THAT, the recent inhumane demolitions in parts of the County targeting buildings and other structures in riparian lands have left several families in agony and devastation;

FURTHER CONCERNED THAT, the rights of the affected families have been infringed after being left in unhealthy environment, with improper sanitation and lack of clean water;

ACKNOWLEDGING THAT, Regulation 6 (c) of the Environmental Management and Coordination Regulations, 2009 provides that a person shall cultivate or undertake any development activity within full width of a river or stream to a minimum of six metres and a maximum of thirty metres on either side based on the highest recorded flood level;

NOTING THAT, the demolitions were undertaken haphazardly and in inhumane manner without proper assessment of the areas;

THIS ASSEMBLY urges the County Executive in conjunction with the relevant National Government Agencies to: -

1. Conduct a survey to establish the exact measures to be considered as riparian land for the affected families to rebuild their structures in appropriate areas;
2. Compensate the affected families whose structures were erroneously demolished; and
3. Relocate the affected families to alternative safer areas.

Hon. Speaker, the Constitution of Kenya, 2010 provides for the bill of rights and freedom of every person in the country, which include; inherent dignity and the right to have that dignity respected and protected, right to clean and healthy environment, right to the highest attainable standards of health which includes the right to health care services, right to accessible and adequate housing and to reasonable standards of sanitation, right to be free from hunger and to have adequate food of acceptable quality, and right to clean and safe water in adequate quantities.

Hon. Speaker, the lives of several residents of Nairobi City County were violated when the National Government, without adequate notice and a proper survey, descended on their

property in areas perceived to be riparian land in several parts of the County, mostly in informal settlements. Despite floods being witnessed in affluent areas such as Runda where houses were submerged, nothing was done to assess whether the houses were built on riparian land.

Hon. Speaker, some of the affected families were allocated the parcels of land by the defunct City Council with necessary allotment documents, and they have been paying the land rates religiously without default to date through the Housing Development Department.

Hon. Speaker, as the representative for our electorate, we are mandated to protect the rights and freedom of Nairobians. Even as we consider taking care of our environment as provided for in the Constitution, it disheartens to see your fellow human being who had a place to call home, now sleeping outdoors in makeshift homes made from polythene bags in a humanizing environment without proper standards of sanitation, and clean and safe water.

Hon. Speaker, the Constitution provides for public participation by the government on any decision that affects the citizens directly or indirectly. The recent demolitions were an infringement to the rights of the residents of Nairobi.

Hon Speaker, the National Government promised partly on the compensation of Kshs. 10,000, which was not honored to most of the affected families.

Hon Speaker, Regulations 6 (c) of the Environmental Management and Coordination Regulations, 2009 prohibits any person from cultivating or undertaking any development activity within the full width of a river or stream to a minimum of six metres and maximum of thirty metres on either side based on the highest recorded flood level.

In my preliminary research, I have observed that some of the affected families were far away from the river banks, as required by the law.

Hon Speaker, we are not against demolitions of structures that are in the riparian areas and near rivers or streams, but the manner in which such demolitions are done should be considered. There should be humanity, fairness, and transparency in the entire demolition and compensation exercise.

Hon Speaker, it is for this reason that I request this Assembly to resolve for the County Executive in conjunction with the Relevant National Government Agencies to: -

1. Conduct a survey to establish the exact measures to be considered as a riparian land for the affected families to rebuild their structures in appropriate areas;
2. Compensate the affected families whose structures were erroneously demolished; and
3. Relocate the affected families to alternative safer areas.

Even as we support the demolitions, it should be conducted in fairness, humanity and transparency.

Hon Speaker, I call upon Hon. Silas Matara to second this Motion.

Hon Silas Matara: Thank you, Hon Speaker for this opportunity. Let me take this chance to congratulate my colleague, senior Member, Hon Morefire, for this important Motion because it affects most if not all wards. The just ended demolitions affected Nairobians, especially the poor neighborhoods.

Hon Speaker, the Motion captures an important element of our country; the Bill of Rights which is constitutional requirement. If we can lose everything else as country, Bill of Rights is something that needs to be protected by every state and government agency.

In that regard, Hon Speaker, this issue about demolitions in Nairobi happened selectively. You realize from the west of Uhuru Highway there were no demolitions, taking into consideration that the same rivers pass through those neighborhoods. When you go to the slums, they were doing it selectively. When there is a high-rise building, demolishing it becomes a problem. We have heard cases of landlords bribing those officers so that they avoid bringing down their buildings. But the officers were demolishing structures of the poor. So, that aspect of selective demolitions needs to be looked in to.

Another issue which is important, some of those buildings had approvals from the County. In implementation of this Motion, it is important that investigations should be undertaken by the Executive to discover how these people got approvals for development in riparian areas. When you put up a structure, you need approval from the National Construction Authority. It needs to be understood whether the said buildings had approvals from the National Construction Authority, and those officers should be held culpable of for any misgiving from their end by allowing developers to put up buildings.

Hon. Speaker, the demolitions brought a lot of agony and anguish to Nairobians. Children lost their education opportunities, schools and churches were demolished, and loss of businesses especially from the poor neighborhoods. It needs to be understood that in as much as it would have been the right thing to remove the occupants of those riparian spaces, it is important that it is done in a humane way, public participation is done, like *Mheshimiwa* said, and also given time to be able to remove those structures. After the demolitions, what is the County doing and National Government Agency doing in terms of restoration and prevention of a repeat of the same? People have started coming back and building in the same areas. It needs to be understood what the County is doing in terms of avoiding a repeat of the same mistake, and programs the County Government and National Government are putting in place to restore those environmental spaces.

What contributes towards flooding in Nairobi is a lot of paving and illegal constructions of public spaces which act as waterways. When it rains, it leads to flooding. What is the government doing in terms of demolishing structures which have been built in the open spaces or the green spaces that act as waterways during the rainy season?

Hon. Speaker, the County also needs to put in place emergency holding areas where people can be taken after demolitions and provided with basic amenities. It is important that those spaces are protected by the County, identified and clearly marked.

Finally, Hon. Speaker, there is an issue of auditing the process of demolitions. We need to know whether the County spent any money towards demolition and how much, so that we don't have a process that was used to justify pilferage of funds. With those few remarks, I beg to second the Motion.

(Question proposed)

Hon. Deputy Speaker: Hon. Members! Hon. Chege Mwaura.

Hon Chege Mwaura: Thank you, Mr. Speaker. I rise to support this Motion and commend the Member for bringing this important Motion. I also commend you, Hon. Speaker, for making sure that the business of this House continues even with the composition that we have. I also commend the Members who have stayed through because it is a privilege to serve in this floor. You can see that even after the main businesses have been dispensed, there are still Members who are keen to follow through until we finish. It is very commendable on your part and Members who are here.

Mr. Speaker, I listened to the moving notes of the mover and it is a very important piece of Motion that we need to agree with because what he is requesting is realistic. He is requesting that we look at the issues that they were measuring on and if there were reasons why we should compensate some members and their families whose properties were erroneously demolished.

Mr. Speaker, it is not right and it is not fair that the demolitions happened towards the east side of the City. Are we saying that the rivers never pass through Runda or Kitisuru? We saw in the TV houses in Muthaiga that were submerged completely. What happened? Were they demolished or was it only the ones on the eastern side that were affected?

Mr. Speaker, the County Government also needs to stand because Schedule Four of the Constitution gives them that right. They should be part of this conversation that is largely driven by the National Government.

Mr. Speaker, standards must be enforced and we must force the County Government to stick to its claims when the issues of the planning of the City are being done. Someone's house was demolished because of the floods that did not even affect that particular building. He is rendered homeless and the source of income is gone. What are we telling the people who are working hard to build buildings around Nairobi? Are you saying that there was no middle ground that we could get to? The County Government needs to come out very strongly, if not for anything else, so that we are able to have a conversation that for future, peoples' investments cannot be taken just like that.

Finally, when it comes to enforcement, we were told that the Government is going to do walkways along the river so that it is easier to cross from one area to another. Where are we with regards to the walk ways that were supposed to be done next to the river so that people do not build again next to the rivers? The conversation needs to be brought to book so that we know who is doing this projects and where we are as far as these projects are concerned. Because, Mr. Speaker, leadership abhors a vacuum; if they see a vacuum, you will not stop a person who was having a problem. The number one basic need of a human being is shelter. If he is having a problem of paying rent and there is a space where he can construct a shack next to a river, he will do that and there is nothing much we can do until the next flood comes and we throw them out. So, this conversation is important, I wish that it is taken up after this by the Implementation Committee so that we know how the County Government is handling together with the National Government. With those few remarks Mr. Speaker, I beg to support. Thank you.

Hon. Deputy Speaker: Thank you. Any other Member? HANSARD people, check if there is any Member online and give them mic, Hon Ndung'u, you want to support? Give him the mic?

Hon. Joseph Ndun'gu: Thank you, Mr. Speaker for this opportunity. I would like to rise to support this Motion by Hon. Member for Kayole South Ward. It is true that the exercise was done in a very discriminatory manner because it affected mainly the informal settlements. Like in my case in Mathare Constituency, the demolitions began from Kiamaiiko Ward all the way to Mlango Kubwa Ward. But in Pangani Ward where we have high-rise buildings which some almost touches the clouds, they were untouched. It leaves us with a lot of bitterness as people of Mathare Constituency because we seem to be like children of a lesser god.

For that reason, it is true that there was an infringement of human rights as contrary to the Constitution. Though we have heard that there will be a second phase of demolition, I hope the buildings that we are talking about, of the untouchable, are also going to be demolished so that justice can be seen to be done.

The Government, Mr. Speaker, called it Flood Intervention Program at that point. I remember there was a certain Tuesday where we visited the Office of the Deputy President in preparation of the same, and that Monday, there was major flood incident in Nairobi where most of the houses that were built along the Mathare River were swept away and we lost more than 20 people in Mathare Constituency. Even in my ward, there are like two guys whom I know by name that have never been found. We do not their fate whether they are dead or not. We know that there was good intention by the Government to do a Flood Intervention Program, but the way the exercise was done was totally inhumane.

Mr. Speaker, I beg to support this Motion. Thank you.

Hon Deputy Speaker: The HANSARD people, anybody online?

Hon Deputy Speaker: I see there is no one else. Mover!

Hon. Jeremiah Themendu: Thank you, Hon Speaker. As I reply to this Motion, let me appreciate all Hon Members for the immense support and for noble ideas. Particularly, let me appreciate Hon. Silas Matara, Hon Chege Mwaura, Hon. Ndung'u from Kiamaiiko Ward. Let me remind you that I am Hon. Member for Kayole Central, not South. We all know that ...

Hon Deputy Speaker: Are you reminding the Speaker or who?

Hon Jeremiah Themendu: The Hon. Member here.

Hon Deputy Speaker: Okay, go on.

Hon Jeremiah Themendu: Hon. Speaker, we all know that our environment affects our health physically, mentally and spiritually, and we are mandated to preserve our environment and make it clean and habitable. Therefore, as we desire to have our rivers clean, we need to sensitize our electorates on the same.

Hon. Speaker, let me mention here that when we were campaigning at the time of electioneering period, we had promises that we made to the people. Among those promises is that we shall protect the lives and their property. What we witnessed the other day is that we

were to have public participation. Those people that elected us are our friends not enemies. We need to have a conversation with them or a discussion before we execute such decisions.

Hon. Speaker, I urge both National Government and County Government to come out and have a conversation with those residents who are affected. In my Ward, 65 per cent of residents are living below poverty levels. When you are subjecting those people who are not able to feed and educate their children to go and seek for alternative home, it is not humane.

I urge the Select Committee on Implementation to go sit down and make sure the Motion has been implemented to the latter. Thank you, Hon Speaker.

(Question Put and agreed on)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members the House stand adjourned until Tuesday 1st October 2024 at 2:30 p.m.

The House rose at 4.00 p.m.