



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – Third Session

Tuesday 5<sup>th</sup> November 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 to allow us to transact the Business. Under Standing Order No. 37 (2) (b), I direct that the Serjeant-at-Arms rings the Bell for ten minutes, as he leaves the door open. Thank you.

*(Quorum Bell was rung)*

Hon. Members, after the Bell has been rung for 10 minutes and still we are struggling to attain the quorum, I direct the Serjeant-at-Arms, under same Standing Order No. 37 (2) to ring the Bell for a further 5 minutes. Thank you.

*(Quorum Bell was rung)*

Kindly, Hon. Majority Leader and Minority Leader, take the responsibility of mobilizing Members to come for the Business of the Assembly.

*(Hon. Peter Imwatok and Hon. Anthony Karanja left the Chamber)*

*(Loud consultations outside the Chamber)*

Serjeant-at-Arms, kindly find out what is happening outside the precincts of the Assembly.

Hon. Brian, after *mmeangusha mlima, sasa mnashikana?* Tell those people to get out of here.

*(Laughter)*

Clerk, we may proceed.

### COMMUNICATION FROM THE CHAIR

#### GUIDANCE ON EMERGING ISSUES REGARDING APPLICATION OF STANDING ORDERS AND TRANSACTION OF COMMITTEE BUSINESS

**Hon. Speaker:** Kindly be keen to get the clear picture of the subject matter, which actually has attracted some debate and concerns.

Hon. Members, I welcome you to this afternoon sitting and subsequently, I have the following Communication to convey:

Hon. Members, you will recall that during the sitting of Tuesday 29<sup>th</sup> October 2024, I guided the Assembly on the procedure for handling business before Committees, reiterating the provisions of Standing Order No. 94 which prohibits Members from referring to the substance of the proceedings of a Select Committee before the Committee has made its report to the County Assembly. Upon issuing of my guidance, the Hon. Robert Alai, MCA rose on a point of Order and argued that the provisions did not apply to Sectoral Committees. It was the contention of the Hon. Member that there was a difference between select committees and sectoral committees.

Hon. Members, at that time, I did indicate to the Hon. Member that all committees were select committees and therefore bound by the provisions of Standing Order No. 94. However, I thereafter received a letter dated 30<sup>th</sup> October 2024 from Hon. Robert Alai raising various misleading allegations on the very guidance I had issued and on the issue of resignation from Assembly Committees.

*(Hon. Peter Imwatok spoke off the record)*

Order, Hon. Majority Leader!

Hon. Members, whereas I would have ordinarily responded to the letter from my Chambers, I have reviewed the correspondence and found it prudent that due to serious legal, procedural and factual issues it raises, I need to address those issues on the floor of this Assembly and put to an end any speculations regarding the application of Standing Order No. 169 (3), Standing Order No. 94 and Part (22) XXII of our Standing Orders as follows: -

#### RESIGNATION FROM ASSEMBLY COMMITTEES.

Hon. Members, in a letter dated 7<sup>th</sup> October 2024, Hon. Robert Alai tendered his resignation from all Assembly committees. Standing Order No. 169 (3) anticipates that a Member might opt to resign from any committee upon which the resignation becomes effective once the Member tenders the resignation and no action is required of me to validate such resignation. In essence, a Member's resignation becomes effective once he or she submits the resignation letter

to my office and that of his or her Party Whip. However, the concerned party or coalition is required to fill the vacancy that arises within 14 days. Further, the party and the concerned Member must be alive to the provisions of Section 14 (4) of the County Governments Act, 2012 which provides: -

*“(4) The County Assembly shall in establishing committees under this section ensure that each Member of the county assembly is appointed to at least one committee.”*

To this end, Hon. Members, all Members of the County Assembly have a public duty to be at least in one Committee.

#### CATEGORIZATION OF ASSEMBLY COMMITTEES

Under the Commonwealth Parliamentary Practice, which we heavily borrow from, parliaments establish committees to conduct business on their behalf in order to effectively discharge their mandates. Assembly committees are the best and ideal avenues for the Assembly to play its roles more effectively, especially the oversight role. The committees report back to the Assembly on matters referred to them by the Speaker, Petitions received, or on any other matter within the scope of their mandate that they consider necessary for their consideration and reporting.

Further, under the Commonwealth parliamentary practice, all parliamentary committees are, by and large, select committees since they are constituted by the entire Assembly through a selection process that involves the consideration of a report of the Selection Committee, as provided for under Standing Order 171 (1) and (2). Indeed, the entire provisions of Part XXII of our Standing Orders speak to matters related to select committees. Under this part, the procedure of the Assembly allows for four kinds of Assembly committees i.e. Sectoral, Housekeeping, Investigatory/Watchdog/Financial Management and Ad Hoc Committees as follows: -

##### **i. Sectoral Committees**

The mandate of Sectoral Committees is in respect to the subject matter assigned by the Standing Orders and is exercised within the limits contemplated under Part II of the Fourth Schedule to the Constitution. Currently, the Standing Orders provides for the following Sectoral Committees: -

- a) Agriculture, Livestock and Fisheries;
- b) Environment and Natural Resources;
- c) Energy and Information, Communications and Technology;
- d) Transport and Public Works;
- e) Planning and Housing;
- f) Trade, Tourism and Cooperatives;
- g) Water and Sanitation;
- h) Culture and Community Services;
- i) Justice and Legal Affairs;
- j) Labour and Social Welfare;
- k) Health Services; and
- l) Children, Early Childhood Education and Vocational Training.

*(Hon. Catherine Opiyo consulted loudly)*

Hon. Catherine, please move from that seat to another, please! I do not see the reason why you are supposed to converse while the Speaker is on the floor and communicating an important message to this Assembly. This is why you normally do not take matters seriously, for the benefit and gains of the Members we serve.

Indeed, Hon. Members, Standing Order No. 209 clearly provides that, and I quote: -

*“209. (1) There shall be select committees to be known as sectoral committees comprising of not less than fifteen and not more than seventeen members who shall be nominated by the Committee on Selection in consultation with County Assembly parties at the commencement of every County Assembly.”*

Hon. Members, kindly, under Standing Order No. 209, you need to underline the word, ‘there shall be Select committees to be known as Sectoral Committees.’

Kindly, proceed Hon. Members.

*(Several Hon. Members entered the Chamber)*

*(Applause and loud consultations)*

Order, Hon. Member! Please take your seat, Deputy Whip. Hon. Rex, please settle down. Hon. Members, I am sorry for that interruption, but what I would want you to be keen on is Standing Order No. 209 (1) that bring to rest of the case as raised by Hon. Alai about the select committees and the sectoral committees. Therefore, you need to work on your grammar and English literature properly.

Hon. Members, this emphasizes the fact that sectoral committees are select committees.

#### **ii. Housekeeping Committees**

Housekeeping Committees generally are concerned with the smooth administration of the Assembly. Currently, the main housekeeping committees are: -

- a) Assembly Business Committee;
- b) Liaison Committee;
- c) Committee of Powers and Privileges; and
- d) Procedure and Assembly Rules Committee.

#### **iii. Investigatory/Watchdog and Financial Management Committees**

Investigatory Committees are mandated to examine the financial affairs and accounts of the County Government departments including the County Assembly and County investments/enterprises. They fulfill their mandate by examining reports of the Auditor General and make recommendations to the Assembly for appropriate action to be taken. Currently, the Standing Orders provides the following as the Investigatory/Watchdog Committees: -

- (a) Public Accounts Committee(PAC);
- (b) Public Investments Committee(PIC); and
- (c) Finance, Budget and Appropriations Committee.

#### **iv. Ad Hoc Committees**

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Ad hoc Committees are formed through a resolution of the Assembly on a matter that does not fall under the mandate of any other select Committee. They are dissolved as soon as proceedings are concluded, report compiled and tabled.

APPLICATION OF STANDING ORDER 94  
AND SUPPRESSION OF OVERSIGHTS ALLEGED BY HON. ALAI

In my communication issued on the floor of the Assembly on Tuesday 29<sup>th</sup> October 2024, I conclusively addressed this matter. Nonetheless, I wish to reiterate that having established that all committees are select committees within the meaning of Part XXII of our Standing Orders, it follows therefore that Standing Order 94 applies to all Committees of the Assembly.

Further, as expressed in my communication to the Assembly cited herein, the purpose of the said Standing Order is not to gag Hon. Members, but to allow Committees, which are extension of the Assembly, to conclude considering business before them and submit their reports to the Assembly. In order to inform and attract debate from Hon. Members and allow them to conduct business objectively and independently without undue influence and from the point of information.

This also ensures that Members do not pre-empt debate on business before the Assembly, which is an established practice. Even so, nothing stops you or any other Member from appearing before the relevant Committee to raise issues and shares issues you might be having before the relevant committees.

Hon. Members, this guidance should therefore settle all matters raised herein with regards to resignation of members from committees and the application of standing order 94. I further direct that the Majority Party/Coalition take necessary steps contemplated under Standing Order 194 (3) with respect to Hon. Robert Alai's resignation while taking into account the provisions of Section 14 (4) of the County Governments Act, 2012.

I also wish to reiterate that as the Speaker, my role is to guide the County Assembly to ensure strict adherence to our Standing Orders and the law and to facilitate Hon. Members to execute their broad mandate, give Members an opportunity to articulate issues before the plenary and bring Members to order whenever they are out of order. Thus, as far as I am concerned, I have remained faithful to this doctrine even as I undertake that my office shall remain open to offer any assistance to all Hon. Members in relation to interpretation of our statutes, the constitution and the Standing Orders, as you may wish, Hon. Members.

You stand guided, Hon. Members. Thank you.

*(Hon. Peter Imwatok spoke off the record)*

Yes, Hon. Majority Leader, but not on the communication of the Chair please and not anything related to the communication.

**Hon. Peter Imwatok:** Hon. Speaker, I have Papers here to...

**Hon. Speaker:** No! Do not put the cart before the horse, please. Let you be guided by the Clerk.

*(Hon. Peter Imwatok spoke off the record)*

I have just given direction and it does not attract any... May be in private. Thank you, and you stand guided. Clerk, proceed.

## PETITION

### LACK OF CLEAN, RELIABLE AND ADEQUATE WATER SUPPLY IN SAVANNAH WARD

**Hon. Speaker:** Hon. Members, I have a Petition from the members of the public. I would like Hon. Majority Leader to read on behalf of Hon. Magoba. Is Hon. Magoba in the House? Please proceed.

**Hon. David Odhiambo:** Hon. Speaker, Sir, I request Hon. Ochieng Jera to read for me the petition, please.

**Hon. Speaker:** You ought to have given a notice at least two hours before the plenary. Kindly proceed, it is your baby.

**Hon. David Odhiambo:** Hon. Speaker, I don't have my glasses and---

**Hon. Speaker:** Okay, it is understandable.

**Hon. David Odhiambo:** Thank you.

**Hon. Speaker:** Can you then delegate to the Leader of Majority to read it on your behalf because it is a public Petition?

**Hon. Peter Imwatok:** Hon. Speaker, thank you for this chance. On behalf of my brother, we thank you for renewing the medical cover. Now we can get the specs that we require because both of us are suffering from the same condition.

Hon. Speaker without abdicating the duties of the people of Soweto, allow me to read this Petition on behalf of the Hon. Member and my bother Hon. Magoba. A public Petition pursuant to Standing Order No. 214 by the Soweto Residents Association regarding the Soweto community water project and sewerage by the Nairobi City County Water and Sewerage Sub-Sector and the Nairobi City Water and Sewerage Company in Nairobi City County.

WE, the undersigned citizens of Kenya, who are residents of Savannah Ward, Nairobi County;

DRAW the attention of the Nairobi City County Assembly to the following:

AWARE THAT Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County Government in the County Assembly.

THAT WHEREAS 143 (d) of the Constitution provides that every person has a right to clean and safe water in adequate quantities, and Part Two of the Second Schedule of the Constitution apportions water and sanitation functions to the county governments;

THAT WHEREAS Article 42 of the Constitution further provides that every person has the right to clean and healthy environment;

THAT WHEREAS in the recent years, parts of the County have been experiencing water shortage or complete lack of water;



THAT WHEREAS the residents of Lower Savannah Ward are undergoing undue suffering due to lack of clean, reliable and adequate water supply, the lack of water has affected the operations of thousands of households in the area. This poses a health hazard not only to the residents of Soweto and Lower Savannah but also across the County and beyond;

THAT, the Nairobi City Water and Sewerage Company Limited has made so many changes regarding the water projects in the area without public participation and citizens' engagement;

THAT WHEREAS the petitioners confirmed that efforts have been made to have the matter addressed by the relevant body, it failed to give satisfactory responses; and

THAT, all matters in respect of which the Petition is raised are not pending before any court of law or constitutional body;

NOW THEREFORE, your humble petitioners pray that the County Assembly of Nairobi City County Assembly intervenes and ensures that: -

- a) There is clarity on where the office was moved to the Eastern region from Soweto is legal and whether public participation was conducted on the same;
- b) The constant water rationing brought by the Nairobi City Water and Sewerage Company Limited is addressed;
- c) The menace of water pollution is curbed; and
- d) The residents of Soweto in Lower Savannah Ward and households and businesses are supplied with clean water in adequate quantities.

And we will forever pray.

Presented by the Hon. David Magoba, MCA Lower Savannah Ward on behalf of the residents of Soweto and by extension all residents of Nairobi, as attached. Hon. Speaker, I beg to lay the Petition.

**Hon. Speaker:** Thank you. Hon. Members, the Petition stands committed to the Committee on Water and Sanitation. I hope the Chair is present in the Assembly. Do we have the Vice-Chair or any Member of the Water Committee present who would like to take the responsibility?

**Hon. Samson Ooko:** Hon. Speaker, on behalf of the Chair and the Vice Chair, I am willing to take up the matter and bring a report after two weeks. I am privy to the information that we are going out in a few days, I will do everything to make it easy as quickly as possible. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Member, just to refresh your mind a bit, we have a timeline for petitions; a period of 45 days. You have a lot of time to consider the Petition, and on behalf of the Assembly do the necessary.

## PAPERS

**Hon. Speaker:** Hon. Majority Leader?

**Hon. Peter Imwatok:** Hon. Speaker, as you are aware we are in the Second Quarter of the financial year, before I lay this Paper, I have paramount constitutional papers that are supposed to

be laid. I wonder if the Constitution can be inferior to the Act because in the Constitution, the Bill of Rights comes first in regards to any Act enacted by the Parliament. Even the Human Rights Act is inferior to the Constitution. That takes me to the dictates of this House that, as I represent the people of Makongeni and also as the Leader of Majority, my first prima facie attitude is to represent the people of Makongeni Ward, as dictated by the Constitution under the Forth Schedule.

Hon. Speaker, when I succumb in writing that I do not wish to represent the people of Makongeni in any engagement in this County Assembly, that is tantamount to abdication of my duties as per the Constitution and not as per the Act. In this regard, I will be seeking guidance of the entire House, on behalf of the Speaker, whether it is right for me as a Member for Makongeni Ward to write to the Hon. Speaker or the Leader of Majority that I am not interested in representing the people of Makongeni. Is it a violation of the Constitution or the Act, Hon. Speaker?

On that note Hon. Speaker, I tend to believe that as a Majority Party, under Standing Order No. 194, we have communicated to all our Members that if you have violated the Constitution, you have violated the Standing Orders of our party and my party will take action. Therefore, my Whip, as it stands was in hospital but now he is back. Within 14 days, I hope that we are going to follow the Constitution to the letter and discharge one, Hon. Robert Alai from committees.

NAIROBI CITY COUNTY REVENUE  
AND FUND REPORTS AND FINANCIAL  
STATEMENTS FOR FIRST QUARTER OF FY 2024-2025

Hon. Speaker, pursuant to Section 166 of the Public Finance Management Act, 2012, I beg to lay the following Paper on the floor of the Assembly, today 5<sup>th</sup> November 2024:

The Nairobi City County Revenue and Fund Reports and Financial Statements for the First Quarter of the financial year 2024-2025.

Hon. Speaker, for the sake of our Members who are more enlightened on this, as you aware that from 1<sup>st</sup> of July to 1<sup>st</sup> of September 2024, the first quarter is done. This is a report that gives us indicators on how much the County Government has collected within the three months. In my records I am seeing over Kshs. 1 billion. The Finance Committee will delve into it and go deep into it with facts and figures. Whether this money hits our account or its available, or it has been expedited or what is the position.

Hon. Speaker, I beg to lay this report for your further direction to the relevant committee.

*(The Paper was laid on the Table)*

**Hon. Speaker:** Hon. Majority Leader, further direction is that, the Paper laid is committed to the Budget and Appropriations Committee for interrogation and consideration. Hope the Chair is in the Assembly to take note.

**Hon. Peter Imwatok:** Hon. Speaker, all the Members of the Committee of Budget and Appropriations should look at it keenly, not like any report because it is for the interest of all the residents of Nairobi. That is why we need all the 85 wards represented in every respective committee.



NAIROBI CITY COUNTY REVENUE AND EXPENDITURE  
REPORT FOR PERIOD ENDED 30<sup>TH</sup> SEPTEMBER 2024

Hon. Speaker, allow me to lay another Paper. Pursuant to Section 166 of the Public Finance Management Act, 2012, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 5<sup>th</sup> November 2024:

The Nairobi City County Revenue and Expenditure Report for the period ended 30<sup>th</sup> September 2024.

The previous was on how the revenue was collected, this is a new report by the Budget and Appropriation Committee on behalf of this assembly. It shows how much we collected within this quarter from our own revenue source, from our revenue sharable share and how it was spent, it is a very critical report. When sometimes I hear a Member say that he is not willing to participate in a committee it sheds shivers to our hearts as to why we were elected. This is the reason we were elected. A committee is an extension of parliament, the Budget and Appropriation Committee looks at this afterwards they have to table these reports with a report, whether the Executive has collected this money, spent the money properly or not. Then auditors come in later through PAC after the expenditure.

Hon. Speaker, I beg for your guidance again to proceed and table this Paper before this House.

*(The Paper was laid on the Table)*

**Hon. Speaker:** The Paper laid is committed to the Budget and Appropriations Committee for consideration. Thank you.

### STATEMENTS

**Hon. Speaker:** Hon. Ochieng Jera, you have two statements requests, are you ready?

**Hon. Samson Ooko:** Yes.

**Hon. Speaker:** Kindly proceed.

### REQUEST FOR STATEMENT ON INSTALLATION AND MAINTENANCE OF LIGHTS IN THE COUNTY

**Hon. Samson Ooko:** 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 Transport and Public Works regarding installation and maintenance of lights in the County.

Hon. Speaker, Part II of the Fourth Schedule of the Constitution of Kenya apportioned the country's transport functions to the county government, which include street lighting. Further, Section 60 of the Nairobi City County Transport Act, 2020 requires that the County Government to install and maintain street lights on its roads. Further, in order to enhance security and encourage a 24 hours' economy, the County is by extension expected to install and ensure that the public lights are operational.

Hon. Speaker, in order to effectively execute these functions, the County Government has divided the County into regions and assigned officers. Therefore, on a monthly basis, the County Executive through the Electrical department prepares and disseminates a schedule for installation and maintenance work to elected Members. The schedule is however not implemented resulting in many streets and public lights lacking maintenance. In Lindi Ward, for instance, cases of insecurity have increased and the residents cannot do businesses and other activities because of fear. In addition, movement on our roads has been affected because of broken down lights. This situation has persisted for months despite the ward being scheduled.

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

- i. Reasons why the County Electrical department is not effective in conducting maintenance works in the wards in accordance with the monthly schedule, especially in Lindi ward;
- ii. List of engineers that have been allocated the responsibility of installations and maintenance of street and public works per region in the County;
- iii. The length of time that the said officers are expected to spend in a specific scheduled ward, and whether the allocated sufficient spare materials and equipment to carry out electrical works;
- iv. Report on why it takes long time for maintenance works to be carried out in some wards despite them being allocated dates in the monthly schedules, more so Lindi Ward; and
- v. The steps that the County is taking to restore broken down street lights/public lights in the County.

Hon. Speaker, my Statement is in regards to maintenance of street lights across the wards in the County of Nairobi. It is now four months and they have not come to my ward. Many lights have broken down and no work is taking place. Thank you.

**Hon. Speaker:** The Chairperson for the Transport Committee, kindly give an undertaking on the period of time that you need to respond to the concern raised by the Hon. Member.

**Hon. Musango Maithya:** Thank you, Mr. Speaker. We are requesting for 14 days so that we can do an investigation.

**Hon. Speaker:** Hon. Jera, is that in order?

**Hon. Samson Ooko:** Yes, Mr. Speaker.

**Hon. Speaker:** You have a further Statement request?

#### REQUEST FOR STATEMENT ON DISBURSEMENT AND ADMINISTRATION OF BURSARIES IN THE COUNTY

**Hon. Samson Ooko:** Once again, Hon. Speaker, thank you for the opportunity. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Children, Early Childhood and Vocational Education regarding disbursement and administration of bursaries in the County.

Hon. Speaker, Article 53 (1) (b) of the Constitution of Kenya, 2010 provides that every child has the right to free and compulsory basic education. Further, Article 55 (a) of the Constitution of Kenya, 2010 requires the state to take measures such as affirmative action to ensure the youth access to relevant education and training. To access this provision, and to contribute to the national government efforts, the County Government initiated the Bursary Affirmative Action system through the Bursary Fund.

Hon. Speaker, this system has been rolled out well in the past but has some unaddressed challenges. To be specific, delays in disbursement are the major concerns wherever cheques expire or are rejected for whatever reasons and returned to the County Executive by the respective MCAs. The same are never reprocessed. The budget regulations have not provided for remedy for this particular issue. This affects the intended beneficiaries continuing attendance of school.

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

- i. Whether the bursary fund administration has put in place criteria to be followed by the beneficiaries in case they experience challenges within the disbursement;
- ii. The criteria used by the fund administrators in processing the rejected or expired cheques that are returned by the beneficiaries, and how the amount is then utilized upon unsuccessful reprocessing; and
- iii. Steps that the county is taking to mitigate challenges that they face in the disbursement and administration of bursaries in the County.

Hon. Speaker, we have been receiving cheques and at some point Members find out that about 20 of them have issues. Some of them are not written correctly or even some are expired. Parents go to school and are returned back with the cheques, and we bring the cheques back to the County. For example, in my case, the cheques I returned to the executive last year have not been worked on or returned to me. A few weeks ago, we received another set of bursary cheques and I brought back another batch, but to date, they have not been given back to me to share with the parents of Lindi. Where do these cheques and monies allocated for the people of Lindi and other wards in Nairobi going to? Thank you, Sir, that is all I have to say for now.

**Hon. Speaker:** Vice Chair, Education? Yes, Hon. Kiogora.

**Hon. Erick Murigu:** Thank you, Mr. Speaker. I am a Member of the Committee, so, allow me to represent the Committee. Give us at least 14 days so that we give him feedback.

**Hon. Speaker:** Thank you, Hon. Member for taking up the responsibility on behalf of the Committee. Hon. Jera, I hope the 14 days are sufficient.

**Hon. Samson Ooko:** Yes, Sir, that is sufficient

**Hon. Speaker:** Thank you. Clerk, let us proceed. Hon. Majority Leader.

**Hon. Peter Imwatok:** Hon. Speaker, allow me with your guidance, it has come to our attention that the County Government and its subsidiary organizations, including Nairobi Water and the rest that their members of staff have not been going on annual leave, some for almost ten years. I wanted to see your guidance on how to go about it. Do we come up with a statement to compel all staff across the County be it the County Executive, the Assembly, Nairobi Water, Dandora Dumpsite, sewer dumpsite in Ruai to proceed on leave with immediate effect if you have

pending leave days? I am reliably informed that the directors and deputy directors of Nairobi Water Company never go on leave because of control of this company.

Hon. Speaker, I seek your guidance on whether we do a statement, or a resolution as a House on this matter. The Governor and his deputy also go on leave, so, who are these staffs who do not want to go on leave and why? My brother here read a statement about the issues connected to power in this county yet we have engineers who never go on leave. What is their motive yet there is no work done? I am also informed that from the Executive, there are some directors and their deputies who have never gone on leave.

**Hon. Speaker:** Hon. Majority Leader, you need to initiate a Motion that will have a resolution of the Assembly, and to be subsequently implemented.

**Hon. Peter Imwatok:** Thank you, Hon. Speaker.

**Hon. Speaker:** Clerk, proceed.

## MOTION

### AMENDMENT OF URBAN HOUSING RENEWAL AND REGENERATION POLICY

**Hon. Speaker:** Hon. Waithera Chege, kindly proceed

**Hon. Waithera Chege:** Thank you Mr. Speaker. I beg to move the following Motion:

THAT, aware that Article 43(1) (b) of the Constitution of Kenya, 2010 provides for the right of every person to accessible and adequate housing and to reasonable standards of sanitation;

FURTHER AWARE THAT Paragraph 8 of Part II of the Fourth Schedule to the Constitution of Kenya, 2010 provides for the functions of county planning and development including housing are vested in the county government;

NOTING THAT the Nairobi City County Government owns various estates in various parts of the County such as Jamhuri in Woodley, Ngara, Huruma, Jericho amongst others;

CONCERNED THAT most these estates are in dilapidated conditions and are lacking clear management framework;

ACKNOWLEDGING THAT the County has initiated the urban renewal program aimed at developing decent affordable housing units particularly in the County owned estates;

FURTHER ACKNOWLEDGING that the County developed the County Urban Housing Renewal and Regeneration Policy which provides for general promotion of housing;

THIS ASSEMBLY URGES the County Executive to amend the existing County Urban Housing Renewal and Regeneration Policy to provide for the management of County Government owned estates including maintaining best practices in estate management, maintain and update a comprehensive County Government Housing inventory and protect County Government ownership of its properties.

Thank you, Hon. Speaker for giving me a chance to debate this Motion, and before I do that, allow me to wish Kamala Harris success in the upcoming US elections. We are women and we would also want a woman to lead in this world.

(Applause)

**Hon. Speaker:** Hon. Waithera Chege, is that the policy and qualities of your candidate?

**Hon. Waithera Chege:** Gender agenda

**Hon. Speaker:** So what happens when male voters do not vote?

**Hon. Waithera Chege:** Life still continues; competition is the best but women are the majority, Mr. Speaker.

**Hon. Speaker:** You should have reminded the House that one of us is an observer in the US elections. Hon. Chege is a credited observer and he is already in the US for that reason.

(Applause)

**Hon. Waithera Chege:** Thank you, Mr. Speaker. This Motion is not only on time as we have been raising issues that have been happening in most of these estates. Old Ngara, New Ngara, Jamhuri Estate in Woodley, Ziwani, Bahati, Maringo, Jericho, Lumumba, Bondeni, Pangani Estate Bachelors Quarters, California Embakasi, Kariobangi North, Huruma Estate, amongst others are some of the estates that we are asking the County Government of Nairobi to make sure that they are not only renovated but also given some new paint work.

The most critical issue for this Motion is coming up with the estate management framework. You realize that some of the best managed estates in Nairobi have the best committee members. I know that most of the estates managed by the County Government don't have management committees working around the clock to make sure that the estates are well managed. I am also not happy because I have not seen any Motion be implemented by the County Executive. I do not know where Hon. Nasra is because I was to ask that we be given the status of implementation of most of the Motions that have come before this House. I realized that the county attorney is not aware that we pass Motions on the floor of this House. Otherwise, we will be here wasting taxpayers' monies.

Having said that, Mr. Speaker, one of the duties of the estate management is to make sure that there is proper sanitation, drainage and adequate housing. We are going to lose revenue because people are going to move out of County estates to estates developed by private developers.

Mr. Speaker, as I look forward to that list of implementation of Motions to be brought to this House, allow me to invite Hon. Emily to second this Motion. Thank you.

**Hon. Emmy Isalambo:** Thank you, Hon. Speaker for giving me this chance. Before I continue, I would like to congratulate Hon. Chege for this timely Motion. As it is, the County needs it. The Governor said that Nairobi must work and these are some of the things we are looking at. Hon. Majiwa is the Chair for Implementation Committee and Hon. Nasra is for delegated.

Hon. Speaker, I think that the County has to look into this Motion, and if Nairobi has to work then the face of the County has to be reflected on any part of our County owned estates. If these houses are well maintained and renovated, then the rent will go up. I did not know that agriculture sector has houses in Kawangware, and those houses are in a very sad state. Without going into much, I support the Motion

**Hon. Speaker:** You second!

**Hon. Emmy Isalambo:** I second the Motion. thank you, Hon. Speaker.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, plenary. Hon. Majority leader, please.

**Hon. Peter Imwatok:** Hon, Speaker allow me to be the first person to support this Motion. I see my sister, Hon. Waithera Chege laughing. She did very well in the CASA games; she is a very good in volleyball. I admired her when she was on that attire.

Hon. Speaker, as I support the Motion, allow me to address one or two issues that my colleague has raised, a leader I respect so much. Hon Speaker you are aware that under your chairmanship we had a report that we are supposed to table before this Assembly that every Wednesday will be designated for the Executive to appear before us to give feedback on what we pass in this House.

As your vice chair, I want to plead with you that if possible, we bring that report of Rules and Procedures tomorrow or on Thursday before this House so that when Members are asking this implementation matrix's of particular resolutions, the respective CEC Member will be invited here to answer to them. Second to that, Hon. Waithera Chege you are aware that I am the Chair of Implementation Committee, that is why I asked the Speaker to help us, through his Committee of Rules and Procedures, to bring this before the House so that we all carry the burden of making sure the implementation of what we are asking in this Assembly is done.

All said and done, Hon. Speaker, this is a very important Motion and I want to incline myself into it. As much we are doing the urban renewal thing, we need to look at it critically. Does it encompass 20 years from now? Cairo in the years 1930s and 1940s looked like Jericho and Makongeni, but now, Cairo is a different city with a proper planning. I went to Kariobangi yesterday, there is good space for proper housing. Renovating this houses is not enough, we must do something, the only worry we have on this issue of urban renewal is, our people are afraid. Look at Pangani, the entire estate had 48 residents, what the County Government negotiated out of the entire land, which is in billions, is only 258 units of houses. It is not really value for what we gave out. I tend to agree with Hon. Waithera Chege that we need to look into this law again and do some amendments that can take the interests. If we have more than 10,000 units of houses that give revenue to the County Government of Nairobi, we will not go less than another 20,000 when we are doing urban renewal. We must look at the interests of the PPPs that are being entered by the County Government. If we go to Jericho, how many house are in Jericho? Like in Makongeni estate, there are 4,484 units. If Urban renewal is taking place in Makongeni, we are anticipating to have more than 20,000 units. The question is; out of 20,000, are we getting the 4,484 houses still under the custody of the scheme of the Kenya Railways? That is the negotiation we have to between the Kenya Railways and the developers. The same negotiations should be done with other estates in the County.

I beg to support, and thank you, Hon Waithera Chege for bringing this good Motion.



**Hon. Speaker:** Thank you. Hon. Gerald Irungu.

**Hon. Patrick Macharia:** I am not Gerad Irungu, my card is not working, so I opted to use his card. My name is Hon Patrick Mwangi Macharia, the MCA for Maringo Hamza Ward. Before I support the Motion, I want to state that I share a birthday with Hon Ndung'u. The birthday is today but you never wished us a birthday. I think from today, you should start wishing Members a happy birthday and you bring a cake just to motivate them.

Hon. Speaker, I want to support Hon Waithera Chege's Motion because I represent the people of Maringo, Hamza and Bahati, and half of my ward is owned by the County. The County houses there are neglected, dilapidated and decaying. If we don't take action on this, Nairobi is not going anywhere.

**Hon. Speaker:** Point of correction, Hon Member, it is not the Speaker to take action; it is the responsibility of the Hon. Members through the resolution of the House to take action. So, you stand guided.

**Hon. Patrick Macharia:** Thank you, Mr. Speaker, I stand guided and I believe you shall also support us on this. As we debate on this, housing in the Maslow's Hierarchy, is key. This is where the late former President Mwai Kibaki was the MP for Bahati where these houses are dilapidated. The former Prime Minister Hon. Raila Odinga lived in Jerusalem, a place called *Kwa Odinga*. As you go to my ward and ask *Kwa Odinga*, you will be shown the house.

Hon. Speaker, I wish that this House passes this Motion so that our people may live in a better and conducive environment. Some of the houses have asbestos roofing, and time and again we have heard that asbestos cause cancer. These are the health hazards that we are exposing the Nairobians to. I wish that through the Cabinet Secretary of Housing, they facelift these houses by painting and changing those asbestos roofing. We are losing a lot of revenue because people from my ward and other places are not paying for these houses because even if something small like a glass breaks, the County cannot come and repair it.

Hon. Speaker, I wish that this House shall pass the Motion so that our people can get descent houses to live. These are areas where people like Musa Otieno resides. These are people who have presented Kenya in international sectors. He brings *Wazungus* and they see those places like museums. I believe the Motion has come at the right time. The County Government should start with immediate effect to renovate these houses. I support, Mr Speaker.

**Hon. Speaker:** Hon Sospeter.

**Hon. Sospeter Mumbi:** Thank you, Hon. Speaker for this opportunity. I rise to support this Motion and congratulate Hon. Waithera Chege. First, I support this Motion on the aspect of the structural design because if you look at the current structure as they are, somehow they don't resonate with the new technology that is there especially in the construction industry. By passage of this Motion, it will open that avenue where people will be to align the new structures to the current development.

Secondly, I support this Motion on the aspect on the leadership. Today in Nairobi, the future of this County and the country has strings attached to formidable residents' association. The way these estates are, in a way they lack that mandate because these houses are owned by the

County. So, in a way they feel like they don't have that authority of deciding how these structures will look and how that estate should be managed. By introducing this policy, it will give them an avenue to dictate on how they want to live and how they want to govern their estate. In short, this Motion will be able to create formidable residents' association and where we will have something called self-regulation. When it comes to issues of security, management of garbage collection and other utilities, at least we will be able to pick up such issues.

Hon. Speaker, I urge my colleagues to support this Motion because it will go a long way in opening a space where more houses can be accommodated, more residents and also creating a new picture for our County. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, my screen is clear, an indication that there is no further debate on this. For that reason, I ask the mover of the Motion to reply. Thank you.

**Hon. Waithera Chege:** Thank you, Mr Speaker, allow me to thank the Members, both those who spoke and those who didn't speak but they gave moral support. Therefore, I beg to reply.

*(Question put and agreed to)*

*(Applause)*

### MOTION

#### ENFORCEMENT OF NAIROBI CITY COUNTY SOLID WASTE MANAGEMENT ACT, 2015 REQUIRING BUSINESS OWNERS TO HAVE DUSTBINS AT THEIR PREMISES

**Hon. Speaker:** Hon. Rex Omolleh.

**Hon. Rex Omolleh:** Thank you, Mr. Speaker. I beg to move the following Motion:

THAT, aware that Article 42 of the Constitution of Kenya, 2010 provides for the right of every person to a clean and healthy environment which include the right to have the environment protected for the benefit of current and future generations;

FURTHER AWARE THAT Section 5 of the Nairobi City County Solid Waste Management Act, 2015 provides that every person within the County is entitled to a clean and healthy environment and has a duty to safeguard and enhance quality of the environment;

ACKNOWLEDGING THAT Section 4 of the said Act provides for the shared responsibility of all actors including the County Government, owners and occupiers of premises and contracted service providers in solid waste management;

FURTHER ACKNOWLEDGING THAT Section 22 of the Act states that every owner or occupier of any premises shall provide appropriate waste container and maintain it in accordance with the Act and shall cause all domestic waste from his or her premises to be placed in such container. The Section further provides that every such owner or occupier shall cause all waste containers in his or her premises to be placed and kept in approved place upon his or her premises or elsewhere as directed by an authorized officer so as to be accessible to the service provider that he or she subscribed to for the purpose of its removal;

CONCERNED THAT since the enactment of the Nairobi City County Solid Waste Management Act in 2015, to date, nothing in terms of operationalization of Section 22 of the Act has been done;

THEREFORE, this Assembly resolves that the County Executive Committee Member responsible for environment to move with speed and: -

1. Enforce the provisions of Section 22 of the said Act on all business premises and any other premises across the County; and
2. Develop Regulations pursuant to the provisions of Section 27 of the said Act and submit to the Assembly within sixty days after the adoption of this Motion for consideration and approval.

Hon. Speaker, I brought this Motion because we have noted with a lot of concern that there is a lot of garbage that is not being taken care of by owners of businesses. If these rules are regulated and this Act enforced, I believe that we will have less garbage across the streets and the roads of Nairobi. I ask Hon Eutyclus Mukiri to second the Motion.

**Hon. Speaker:** Thank you, the mover.

**Hon. Eutyclus Muriuki:** Thank you, Hon. Speaker. First and foremost is to congratulate the mover of the Motion, Hon. Rex Omolleh. It is not every day that you see Hon Rex Omolleh moving a Motion. That means this Motion is very important especially for this city. For us to maintain a city of dignity, just like we say cleanness is next to godliness, it is important for each establishment to have a dustbin and also responsible solid waste management. This Motion will go a long way towards reducing of littering. We know in this world we are living in a lot of diseases are brought by unmanaged waste. So, this is a Motion that will go a long way towards maintaining that we have a healthy population in this great city of Nairobi.

If taken seriously, waste management is a multimillion business. This can be a source of income for our youth. Mr. Speaker, I beg to second this Motion. Thank you.

**Hon. Speaker:** Thank you, Hon. Mukiri.

*(Question Proposed)*

**Hon Speaker:** Hon. Mumbi Sospeter, please.

**Hon. Sospeter Mumbi:** Thank you Speaker, may I begin by appreciating Hon. Rex for this good Motion. I have gotten a chance to somehow interact with the Environment Act. We have the best Act. Looking at this idea, allow me to give Members of this House a simple picture of how this Motion is important. The Act states that it is the responsibility of the landlord or a shopkeeper to ensure that they clean ten-meter radius of their facility. So, if you have a shop ten-meter radius, it means your bear responsibility of the landlord or the shopkeeper or the occupier. So, if this Motion is implemented, I tell you the issue of littering around the city will be a thing of the past.

The current situation is that landlords have neglected that mandate; they don't take charge in management of garbage. This is a mandate that has been left to the tenants. Take it in this

perspective, you have a flat of 40 units, with that flat the tenants have to connect directly with the service providers who manage wastes. That means everyone has to bring down their wastes and place it at the entrance, and mind you if any tenant fails to make the required payment to the service provider, there is that likelihood of the service provider not rendering service to that tenant. So, the tenant will look for someone who is not authorized by the County or licensed by the County to go and dispose the said waste on their behalf. That is how we end up having garbage along the roads and drainages. It explains why we are where we are as a County because of that disorganization.

If this Motion is to be realized, Hon. Members, we need to support. And if the County is serious on ensuring that Nairobians lives in a dignified way as captured in the address of the Governor, I feel we will make great strides and Nairobi will be a very good place. With that, Hon. Speaker, allow me to end there and support this Motion. Thank you.

**Hon. Speaker:** Hon. John Kaende.

**Hon. John Musila:** Thank you, Hon. Speaker, I stand here to support this Motion from Hon. Rex Omolleh. This Motion is for Nairobians. In my ward, Laini Saba, you see *mama mbogas* everywhere next to garbage.

**Hon. Speaker:** Kindly give good clearance from your microphone, please. Don't be too close to microphone.

**Hon. John Musila:** Hon. Speaker, this Motion will help us everywhere in Nairobi. We have seen garbage in every ward. In order to have clean environment, we have to implement this Motion in every ward. When we do that, I think Nairobi will be clean. I to support the Motion. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon Hellen Okello.

**Hon. Hellen Okello:** Asante, Bwana Spika, nimesimama kuunga mkono Hoja hii. Kwanza, niruhusu nimpongeze Mheshimiwa Rex Omolleh kwa kuleta Hoja hii kwa wakati ufaao. Bwana Spika, ombi langu ni kuwa, tusiangalie kwa nyumba pekee bali pia sokoni. Ukienda sokoni mahali kina mama na baba wetu wanauza mboga, utapata kuwa hali ambayo wanauza inatia maisha yao hatarani maana takataka zinatupwa kila mahali na hazichukuliwi. Kama tunaweza kuiga mfano wa nchi za nje kama Singapore, utapata takataka si takataka pekee bali ni pesa. Wameweza kugeuza takataka kuleta pesa. Tunaweza chukua fursa hii tutengeneze ikue ikituletea kipato sisi kama Kaunti ya Nairobi ili tuwe mfano kwa kaunti zingine. Pia, tunaweza tunga sheria itakoyoturuhusu sisi watu wa Nairobi kutengeneza mapato kutokana na takataka.

Pili, nikiangalia miaka ya hapo awali, Nairobi haungeweza kutupa hata *toothpick* kwa barabara, ungerusha na nyuma kuna askari anakushika. Nairobi ilikua safi. Naomba tuweze kurejesha Nairobi mahali ambapo ilikuwa. Nairobi ndio kaunti kubwa kushinda Kaunti zote. Kwa hivyo, tunafaa kuongoza kwa kuwa mfano mzuri. Tuko na wale ambao tuliowaandika kazi wanaoitwa 'Green Army'. Kama tunaweza wapatia hiyo kazi ili Nairobi iwe safi, basi naunga Hoja hii mkono. Asante.

**Hon. Speaker:** Thank you. Hon. Emmy Isalambo.

**Hon. Emmy Isalambo:** Thank you, Hon. Speaker. First of all, I stand to congratulate my brother and colleague, Hon. Rex Omolleh for a well-placed Motion. As Nairobians, we tend to buy things but we never ask ourselves where to dispose the remains after their usage. If we don't make it mandatory to put dustbins on business premises, then there will be litter everywhere which will in turn cause diseases.

If this Motion is passed by the Assembly, let the Executive know that there is huge need for mandatory dustbins all over even in estates, with different colours ear-marked for each area. If you see any dustbin, let us say blue, in a different place, the Executive is there to follow up. With those few remarks, I support the Motion.

**Hon. Speaker:** Thank you, Hon. Member. My screen is clear; I therefore call the mover of the Motion to reply.

**Hon. Rex Omolleh:** Hon. Speaker, I have just been reminded by Mheshimiwa Eutyachus here that even Assembly does not have a dustbin

**Hon. Speaker:** That is very critical and I hope that information is accurate.

**Hon. Rex Omolleh:** Yes.

**Hon. Speaker:** Within the precincts of the Assembly, we do not have dustbins? That is very critical. Kindly proceed, Hon. Omolleh.

**Hon. Rex Omolleh:** Hon. Speaker, I wish to thank all the Members for the support of this Motion. I am really proud to be part of this Assembly, and I hope that we will make Nairobi a clean and better City with an environment that is good for our children, now and future. Thank you very much for the support. Mr. Speaker, I reply.

*(Question put and Agreed to)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, you may be upstanding as we come to the conclusion of the Business of the day. For that reason, the Assembly stands adjourned to tomorrow, Wednesday 6<sup>th</sup> November 2024 at 2.30 p.m. I direct the Assembly Business Committee to sit at the rise of the Assembly.

*The House rose at 4:34 p.m.*