



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 9th April 2024

The House met at 2.30 p.m.

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

PRAYER

QUORUM

Hon. Deputy Speaker: Clerk, do we have quorum?

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

Serjeant-at-Arms, ring the Bell for 10 minutes.

(Quorum Bell was rung)

Clerk, let us proceed.

STATEMENTS

Hon. Deputy Speaker: There is a Statement that was to be read on behalf of Hon. Ogeto. Is there anyone sent by Hon. Ogeto? Hon. Karani?

Serjeant-at-Arms, can you help? These machines are not working. I understand the Statement has not yet been approved, so, Majority Leader, check with the office of the Speaker. Hon. Karani, you have a request.

REQUEST FOR STATEMENT REGARDING LICENSING AND OPERATIONS
OF OTOGAS LPG RETAILER IN MASIMBA, LOWER SAVANA WARD

Hon. Patrick Karani: Thank you, Hon. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request a Statement from the chairpersons of the Sectoral Committee on Lands, Planning, and Housing, and the Sectoral Committee on Energy, Information, Communications and Technology regarding the licensing and operations of Otogas Liquefied Petroleum Gas (LPG) retailer within a residential area in Masimba, Lower Savanna Ward.

Hon. Speaker, the Petroleum (Liquefied Petroleum Gas) Regulations, 2019, as read together with the applicable provisions of the Physical and Land Use Planning Act (Cap 303), prohibit the establishment and operation of LPG storage and retailing facility within a residential area due to the inherent safety risks such a facility poses to the adjacent inhabitants, as witnessed in the recent Embakasi East Constituency fire tragedy in Mradi area, Utawala. However, despite these clear legal provisions, Otogas is currently operating a LPG retailing facility at Masimba area in Lower Savanna Ward, which is a densely populated area.

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

- i. Who authorized the construction and operations of the Otogas LPG retailing facility at Masimba Lower Savanna Ward; and
- ii. What are the measures being taken by the County Government to stop Otogas LPG retailer and other petroleum products retailers from operating within residential areas of the City?

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Do we have chairpersons of Planning and Energy and Communication committees to do an undertaking.

Hon. Fredrick Njogu: Thank you, Mr. Speaker. I request the Member give us two weeks to look into the matter.

Hon. Deputy Speaker: Have you taken an undertaking for yours and the Planning Committee?

Hon. Fredrick Njogu: Yes, Mr. Speaker.

Hon. Deputy Speaker: Okay. Hon. Karani, are you comfortable with the two weeks?

Hon. Patrick Karani: Much obliged.

Hon. Deputy Speaker: Hon. Rex Omolleh? Hon. Sospeter, are you standing on behalf of Hon. Rex?

Hon. Sospeter Mumbi: Yes, Mr. Speaker.

Hon. Deputy Speaker: Okay, go on.

REQUEST FOR STATEMENT REGARDING OWNERSHIP
OF LAND LR NO. 209/19786 IN NAIROBI WEST WARD

Hon. Sospeter Mumbi: 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 ownership and development of the parcel of land LR No. 209/19786 in Nairobi West Ward.

Hon. Speaker, Article 62 (2) of the Constitution of Kenya, 2010 provides that public land shall vest in and be held by a county government in trust for the people resident in the county.

Hon. Speaker, the parcel of land LR No. 209/19786 in Nairobi West, which is public land, was earmarked for the construction of a public market by the defunct Nairobi City Council. However, the construction of the market was suddenly brought to a halt, and a private developer took possession of the plot and commenced construction of residential apartments that have since been completed while others are ongoing. The private developer is alleged not to have proof of ownership of the plot and the necessary building approvals from the County Government.

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

- i. Whether the parcel of Land LR No. 209/19786 in Nairobi West is public land meant for the construction of public amenity;
- ii. Whether the parcel of Land LR no. 209/19786 in Nairobi West was transferred from public land to private land, and if so, to provide all documentation to show the sale and transfer as well as relevant minutes authorizing the transaction;
- iii. Whether the developer of land LR No. 209/19786 has relevant building approvals and permits from the County Government of Nairobi and copies of the said approvals and permits to be provided;
- iv. Whether there was approval of the change of user on the parcels of land LR No. 209/19786 from being a public market to residential;
- v. Whether the public was consulted in the change of user of the said parcel of land, provide evidence;
- vi. Whether a site inspection visit was conducted by the relevant authority before approval of plans on land (LR No. 209/19786) in Nairobi West ward;
- vii. Measures the County Executive is taking to ensure strict adherence to the planning and development guidelines, including public participation in future development; and
- viii. Actions the County Executive will take if it is found that the said parcel of land was transferred in an unscrupulous manner and the timeliness of the same.

Can I go on?

Hon. Deputy Speaker: Yes, you can go ahead, but first we will request the Chairperson of Planning to do an undertaking before you move on to the next one.

Hon. Sospeter Mumbi: I think it is also touching on the same; issue of land.

Hon. Deputy Speaker: I do not think so. Let the Chairman of Planning do an undertaking. Chair, Planning? Do we have any other Member of Planning who can do an undertaking?

Hon. Nicholas Okwacho: Thank you, Mr. Speaker. On behalf of the Planning Committee, we ask for two weeks.

Hon. Deputy Speaker: Are you comfortable?

Hon. Sospeter Mumbi: Yes, Hon. Speaker, I am comfortable.

Hon. Deputy Speaker: Okay, go ahead.

REQUEST FOR STATEMENT REGARDING UNAUTHORIZED
DEVELOPMENTS IN NAIROBI WEST WARD

Hon. Sospeter Mumbi: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the alleged unauthorized developments in Nairobi County, and specifically in Nairobi West Ward.

Hon. Speaker, county governments have been mandated under Part II of the Fourth Schedule to the Constitution of Kenya, 2010 to oversee county planning and development, which includes approving the construction of buildings in consultation with other state agencies. As such, all building development plans must be approved by the county government and adhered to by all developers.

Hon. Speaker, it is alleged that a private developer is constructing on land LR.NO. 37/258/15 Block 103/2087 in Nairobi West Ward without clear approvals from the relevant authorities. It is further alleged that the construction works are shoddy and do not meet the required standards, which may pose a hazard to the residents.

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

- i. Whether the developer of LR.NO. 37/258/15 Block 103/2087 has genuine approvals from the County Government of Nairobi and details of the said approvals be provided;
- ii. Whether a site inspection visit was conducted by the relevant authority before approval of plans on LR.NO. 37/258/15, Block 103/2087 in Nairobi West ward;
- iii. Whether the County conducts inspections of approved constructions to ensure adherence to the approvals and that the constructions meet the required standards, provide a report of such inspections;
- iv. Whether the county receives periodic reports from the project engineers to ascertain adherence to approvals; and
- v. Measures the County Executive is taking to ensure all constructions undertaken in the County have genuine approvals and meet the required construction standards.

This is from Hon. Rex Omolleh, MCA, Member for Nairobi West Ward, Nairobi City County Assembly. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Hon. Nicholas, can you take an undertaking?

Hon. Nicholas Okwacho: Again, on behalf of the Planning Committee, we ask for four weeks due to the backlog of Statements from other Members.

Hon. Deputy Speaker: Are you comfortable with two weeks?

Hon. Sospeter Mumbi: Chair, looking at the Statement here, there is where it reads that, the construction poses a hazard to the residents. So, that in itself confirms that this is a matter of urgency. Therefore, for me, four weeks seems to be quite long.

Hon. Deputy Speaker: He had said two weeks, not four weeks.

Hon. Sospeter Mumbi: He said four weeks, Mr. Speaker.

Hon. Deputy Speaker: Are you comfortable?

Hon. Sospeter Mumbi: No.

Hon. Nicholas Okwacho: We can reduce it to three weeks.

Hon. Sospeter Mumbi: Three weeks is okay, Hon. Speaker.

Hon. Deputy Speaker: Okay, thank you. Hon. Nicholas, you have a Statement?

REQUEST FOR STATEMENT REGARDING BLOCKAGE OF
SEWERS AND DRAINAGES IN EASTLEIGH SOUTH WARD

Hon. Nicholas Okwacho: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the blockage of sewers and drainages in the County, especially in Eastleigh South Ward, occasioned among others by the non-collection of solid waste by the Nairobi City County trucks.

Hon. Speaker, the provisions of Article 42 of the Constitution of Kenya, 2010, as read together with Section 5 of the Nairobi City County Solid Waste Management Act, 2015 and the National Solid Waste Management Regulations, 2006 guarantee every person a right to a clean and healthy environment.

Hon. Speaker, the county is currently experiencing heavy rainfall...

Hon. Deputy Speaker: Use the other one that is working because you are not audible.

Hon. Nicholas Okwacho: Let me start again. Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the blockage of sewers and drainages in the County, especially in Eastleigh South Ward, occasioned among others by the non-collection of solid waste by the Nairobi City County trucks.

Hon. Speaker, the provisions of Article 42 of the Constitution of Kenya, 2010, as read together with Section 5 of the Nairobi City County Solid Waste Management Act, 2015 and the National Solid Waste Management Regulations, 2006 guarantee every person a right to a clean and healthy environment.

Hon. Speaker, the County is currently experiencing heavy rainfall, which is negatively affecting the residents due to damaged sewer lines and floods, with fatalities being reported in some parts of the County. One of the causes of the flooding is uncollected garbage that has clogged drainages and interrupted the free flow of rainwater, leading to environmental and water pollution. The said pollution has affected the operations of businesses and thousands of households in the area, and has occasioned health hazards not only to the residents of Eastleigh South Ward but also across the County and beyond.

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

- i. Measures the County Executive is taking to restore the damaged sewer line;
- ii. Efforts being made to address the challenges of non-collection of garbage as a result of non-payment of solid waste contractors in the County; and

- iii. Measures the County Executive has put in place to ensure efficient and timely waste collection and disposal within the County to alleviate environmental degradation, including flooding during the rainy season.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Chairperson of Environment?

Hon. Silas Matara: Thank you, Hon. Speaker. Due to the seriousness of the issue raised by the Member, I request two weeks to be able to report to this Hon. House. Thank you.

Hon. Deputy Speaker: Hon. Nicholas, are you comfortable with two weeks?

Hon. Nicholas Okwacho: Yes, Mr. Speaker, I am comfortable.

Hon. Deputy Speaker: Okay. Clerk, proceed.

MOTION

MANDATORY MENTAL HEALTH ASSESSMENT OF ALL COUNTY EMPLOYEES

Hon. Deputy Speaker: Under Order No. 8, I think we have to defer it to Thursday since today we are discussing the Governor's Address. So, Mheshimiwa Ami, you are going to bear with us. Clerk, you can bring that Motion on Tuesday.

(Motion deferred)

Therefore, the Majority Leader, can we go directly to Order No. 9

MOTION

DEBATE ON THE GOVERNOR'S ADDRESS (DAY 1)

Hon. Peter Imwatok: Hon. Speaker and the entire House, allow me to Table the Governor's Address.

THAT, pursuant to the provisions of Standing Order 27 (5), the thanks of the County Assembly be recorded for the exposition of public policy contained in the Address of His Excellency the Governor, delivered in the County Assembly on Thursday 4th April 2024, laid on the Table of the Assembly on Thursday 4th April 2024.

Hon. Speaker, allow me to say a few words as I open this debate officially. History is upon us to appreciate our leadership and to appreciate the County Executive CEO, who is the Governor of the City, in his address on that particular day. More importantly, I want to us remind ourselves that we always have an Assembly to protect for posterity. As I said on that day, history has been put before this House. What we have never seen in this House is only the corpse of our late great friends who have been here with us.

In a nutshell, Hon. Speaker, we have made laws and acts in this House that have changed this County. Looking at the Governor's Address holistically, there is a lot to be desired, to be

learned from, to be adjusted, and a lot that calls all of us as a collective responsibility for the sake of the County.

Hon. Speaker, from the onset, let me put it this straight as the leader of this House, that personally I will do all the best I can to protect the sanctity and independence of this House from any other outside sources. I am a bit dismayed by the character exhibited by the Hon. Members of the Parliament of our great County. I want to be particular to my brother, Hon. Babu Owino, with honesty. I said as such and I wrote to him the same message; “In the spirit of devolution, the County Assembly of Nairobi MCAs are less equal leaders to devolution.” This Address, we are going to debate for three days. Every resolution of this House is binding to the people of Nairobi. So, demeaning the County Assembly of Nairobi to be ineptitude in exercising its duties, is farfetched.

I want to ask all Members of Parliament to stick to oversight of the Presidency. We can oversight the County, critic ourselves, and challenge ourselves on every aspect. But demeaning the County Assembly of Nairobi that they are unable to check the County Government or to debate this address, is farfetched. I want to caution my brother. It does not matter to me who wants to be the Governor of the City, what matters to me is that the 85 Members elected in this House have the Ward Development Fund that runs in their wards and they are paid. It does not matter who will be nominated in 2027, what matters is that I have more than 40 great leaders in this Assembly who are special elect. So, anyone who wants to demean this County Assembly in the name that we don't know what you are doing, then these Members of Parliament should first start by themselves. Do they know what they are doing when the country is suffering? I have never seen any Member of Parliament address the National Executive on these issues bedeviling the country. I know some of them are from my own party, but I want to assure this House that I only take instructions from one person, and that is Raila Amolo Odinga. Whether you are MP, a governor or senator, I don't take any instruction from you. This, I will say with a lot of humility.

I want this to get to Babu Owino that I don't take instructions from him, and I told him as such. I am a son of Teso, and I respect hierarchy, the Governor of the County, the Senator and the MPs. So, they must also respect the County Assembly of Nairobi. I agree Hon. Alai or Hon. Nickso to challenge me in this podium because this is a House of debate, but I don't expect a Member of Parliament to intrude into the affairs of the County Assembly of Nairobi. The Public Accounts Committee is much enabled. Hon. Alai is in the Committee. If a Member of Parliament decides to do oversight on a PAC report, what will Hon. Alai do? It is uncalled for. I call upon our colleagues in the National Assembly, we are also more qualified to be MPs. Don't try to threaten us.

Hon. Speaker, I want to close at that and open this debate. Let us look at it critically. What did the CEO of the County say that impacts positively? And correct ourselves where we have gone wrong so that the County can work harmoniously.

There is an issue I want to highlight, Hon. Speaker. Some people are trying to tell us that the County Government is two; there is only one County Government of Nairobi. The County Government led by the Governor of Nairobi and the one led by the Speaker of the County. We are

all dipping from the same pot; we have no autonomy. This also goes to COB, that as it is, there is no autonomy in the County Assembly of Nairobi or any other Assembly in the country. Therefore, let us work together and let us agree or disagree in our own House.

More importantly, I seek your support in making sure all the projects the Governor has started, we must all delve into it and make sure we oversight. If you are an elected leader, make sure your projects are running in your ward. That is what will make you be re-elected.

With those few remarks, allow me to ask Hon. Ami to second this Motion. Hon. Ami, you are welcome.

(Applause)

Hon. Deputy Speaker: You can use the next mic, Hon. Ami.

Hon. Ami Ambala: Hon. Speaker, I rise to support this Motion, and I totally agree with my colleague, our Majority Leader. The autonomy of the County Assembly needs to be respected. Equally, I also feel that as a House, we have a responsibility to the people of Nairobi to oversight the County Government, legislate as our role dictates, and not shy away from anything, whether from the County Assembly, the Senate, or whatever the case may be. We have equal rights under the Constitution. With that, I would like to support the Motion. Thank you.

(Question proposed)

Hon. Deputy Speaker: You can now debate. Hon. Matara.

Hon. Silas Matara: Thank you, Hon. Speaker for this opportunity to give my input and views in regards to the Governor's Address that he tabled in this House. First, I would like to extend gratitude to His Excellency the Governor for abiding by a requirement of the law and procedure of this House of giving a yearly address to this House. It is my prayer that in the subsequent years, he is going to live to the same spirit and be able to deliver annual speeches to this House.

Hon. Speaker, in his address to this House, there are several issues that as a representative of the people, I was happy about. I would like to commend my colleagues in terms of the support given to the Executive and also the Executive headed by the Governor towards making sure that Nairobi works. It is a perennial problem in the political space whereby elected leaders when they assume power, they only prioritize on projects that focus on their manifesto, and they end up neglecting projects that were previously instituted and commenced by their predecessors.

With that in mind, we have realized that the Governor went ahead to finish up the markets which had stalled and some had not initiated activities. When you go to Dandora, there is a stadium that had been initiated by the former H.E. Governor Sonko. He was on point in making sure that stadium is complete before commencing other stadiums. In the County, we have been having so many white elephant projects because elected leaders prioritize on their projects, that is one thing that I would like to commend the Governor for.

Secondly, Hon. Speaker, I heard him speak of plans, which I had started through a motion; renaming the Dandora Stadium to Mugabe Were Stadium. Worth noting is that he took recognition of the previous leaders and exemplary Nairobians who did exemplary work for Nairobi and making

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sure that those facilities are going to be renamed. This will go a long way towards recognition of individuals who have served Nairobi well.

There is also another aspect of Ward Development Programmes. In the previous regimes, payment of Ward Development Projects was a problem. In this regime, the Governor the other day made a payment of over Kshs.600 million which is commendable, and we hope that he is going to increase the budget in the coming years and contractors paid so that they can complete all the projects that they have been contracted to do.

There is the issue of collaboration between the County and multilateral supporters in terms of having ECDE classes. We applaud for creating a leeway and having partners to support the County Government through such projects.

On employment opportunities, it is good that during his tenure, the Governor has been able to employ, which go a long way towards efficient delivery of services. Having competent workforce has been a big problem in the County.

Lastly, from the look of things – I normally say that you don't have to take a whole cup of tea to know that it has sugar – for the two years the Executive and this Assembly have worked together, things have been done despite the challenges that we are facing as a County and from the National Government. It is my hope and believe of Members of this House that in years that are remaining for this Third Assembly, he is going to make sure that we keep the promise that we made to Nairobians of making sure that Nairobi works. With those few remarks, I beg to support this Motion. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Joel Munuve.

Hon. Joel Kimanzi: Asante sana Mheshimiwa Spika kwa kunipa fursa hii ili niweze kuzungumza kuhusu hotuba ya Gavana wa Kaunti ya Nairobi.

Kwanza, nampa kongole kwa hotuba ambayo ilikuwa na ufasaha na ambayo aliisoma kwa njia mufti sana. Pia, nampa kongole kwa sababu ya ufadhili wa masomo ambayo alisema katika hotuba yake itafanyika kwa mihula yote tatu. Masomo ni muhimu sana kwa taifa letu.

Pili, namshukuru kwa sababu alisema ya kwamba ametafuta wafadhili ambao watasaidia kutengenza shule katika mfumo wa ECDE. Pia, akasema shule ambazo si za umma pia zitafadhiliwa kwa chakula cha mchana kupitia Dishi na County.

Lakini, Mheshimiwa Spika, palipo na mambo mazuri, pia kuna dosari. Alizungumza kuhusu kutia sahihi kwenye mkataba wa kubadilisha Hospitali ya Mama Margaret Kenyatta ambayo iko Kariobangi kutoka kwa *Kenyatta National Hospital* ili ikuje kwa Kaunti. Alifanya mambo haya bila kuhusisha umma, na Sheria inasema ni vizuri kushirikisha umma ili uamuzi uweze kufanywa. Mimi nina kazi tatu hapa, nilichaguliwa ili niweze kuwakilisha watu wangu, lakini wanalalama katika uwakilishaji wangu kwa sababu ya mambo yanayoendelea pale.

Ukiangalia katika kauli yetu, tuko na hospitali, na katika sekta ya afya hatuna pesa ya kutosha. Hiyo hospitali iko na vitanda mia nne. Watu wangu wa Kariobangi wamekuja kwangu kama mwakilishi wao na wakasema hawana imani na ile hospitali ikienda kwa Kaunti, imani yao iko kwa *Kenyatta National Hospital*. Kwa sababu watu hawakushirikishwa, ningependa

tusimamishe shughuli hii hadi wakati ambapo watu wa Kariobangi watahirikishwa kwa mujibu wa sheria.

Nikimaliza, nataka kusema maneno ya Kiongozi wa Walio Wengi ambayo alisema hapa; ni makosa Waheshimiwa wengine kusema sisi ni kama hatujaelewa kitu ambacho kimetendeka hapa. Lakini, Mheshimiwa Spika, ni jambo la ajabu mawakili kumi na moja wamelipwa shilingi bilioni 10.7. Hii imepita ile pesa Kaunti imekusanya ambayo ni shilingi bilioni 8.6. Haya ni mambo ya ajabu sana. Sijasikia Mheshimiwa ambaye amesimama na kuzungumzia maswala haya.

Kiongozi wa Walio Wengi, utaniwia radhi kwa vile ni aibu sana ukisikia kule nje watu wakisema ya kwamba sisi kama Wabunge wa Kaunti hatufanyi kazi yetu. Ningependa kuhimiza sisi sote kwa sababu siku moja historia itasomwa, na ikisomwa tunafaa kujiuliza kama wabunge waliokuwa hapa tulifanya kazi yetu au la. Ninaamini tumekuja hapa ili tuwakosoe wale, na kama kuna dosari tuseme, na kama hatutasema, hatutakuwa tumefanya kazi yetu. Asante sana, Mheshimiwa Spika.

Point of Information

Hon. Peter Imwatok: Mheshimiwa Spika, samahani kidogo, sijamwelewa mwenzangu.

Hon. Deputy Speaker: Hon. Majority Leader, have I given you permission to...

Hon. Peter Imwatok: Nataka *clarification* kutoka kwa mwenzangu kwa sababu amesema Kaunti hii tangu sasa imekusanya shilingi bilioni 8.2 ilhali Serikali hii imelipa mawakili shilingi bilioni 10.7. Hii ya juu imetoka wapi? Hauoni hiyo hesabu haingii, Bwana Spika?

Hon. Deputy Speaker: Can you sit down, Hon. Munuve? I don't want you to interrupt the Governor's Speech. Hon. Swaka.

Hon. Kennedy Swaka: Thank you very much, Mr. Speaker for this opportunity. First, I want to congratulate our able Governor who gave a very elaborate and understandable address touching on several issues for the past one year and a couple of months, he has been able to do and he also gave promises of what he expects to do.

When he said that he wants the County to be dignified, have hope and opportunities, I thought that if as a county we put his words into action, then the people of Nairobi are going to benefit. When we say a County of dignity, dignity is earned. For us as County Assembly to earn that dignity, Members should be given the opportunity to express themselves freely without threats, intimidations and witch hunt. This will give us the opportunity to oversight the Executive on what the Governor has addressed here. But if we continue killing the spirit of freedom of expression by intimidation and witch hunt, then people will think that we are not doing our work for the people of Nairobi. When we were campaigning, people had a lot of hope, and through electing us to represent them, we may express ourselves and their issues and it will be heard.

Having said that, here are a few things that our able Governor did well, that is, ensuring that 184,000 pupils benefit from the Dishu na County Program, this is a milestone. From the story that he narrated, some children take lunch while others go to a corner and 'chew air' just to be seen like they are having lunch. This is a very good thing that the Governor is doing, and we support him. He also indicated that this program is going to include even the children from informal

schools who are going to take their lunch in the public schools that are close to them. We know through research that has been done in this country that 63% of the children go to informal schools and only 37% go to public schools. When we are feeding the children in public schools, it means that we are not even reaching half of the pupil population who are going to school in Nairobi. I appreciate and urge our Governor to expedite on this and ensure that all school going children including those in private, public or informal schools benefit from this good program of Dishu na County.

The other thing he said that I appreciate, is the E-procurement. It was meant to bring transparency and accountability in the procurement sector of this County. We appreciate it, but it has a lot of delays that denies the people of Nairobi an opportunity to see the development that we are working so hard to see as a County Assembly, that our projects are captured in the budget. But they are taking a long time to be seen on the ground. I don't know how the Governor is going to address that issue. There was a time I used to say that development budget in this county is a scam. This is because the procurement process was taking long such that a financial year lapses without a project being commenced on the ground. The Governor should ensure that procurement is done as per the E-procurement, and transparent and accountable in processing tenders and supplies.

Finally, Mr. Speaker, on the issue of Unified Business Permit, as you know, it was difficult to acquire a license to operate business because of the many procedures that you had to undergo in order to acquire the several licenses that you needed to operate just a small business. This is going to benefit the people of Nairobi. Thank you very much and may God bless you.

Hon. Deputy Speaker: Thank you, Hon. Swaka. Hon. Members, I request you to stick to the time limit of five minutes when you are contributing to the Governor's Address. Hon. Patrick Mwangi.

Hon. Patrick Macharia: Thank you, Mr. Speaker. Mine is first to congratulate our Governor for leading us and giving us a superb state of the County address. As he said that he got a mixed up County where there was the NMS; some of the sectors had been moved to the NMS and some were in the County. There was confusion but he took his time building a team to support him both here in the Assembly and the Executive.

We in the Health Sector want to support the Governor because for a long time we never saw health professionals being employed in this County. In the recent days, we have seen the Governor employ in different cadres; over 30 dentists were employed, which was last done 30 years ago in this County. We want to commend the Governor for the good work he is doing and for the great County that he represents. People can now get affordable and quality healthcare near where they are.

On the issue of housing, I want to commend our Governor for stating clearly that the people who are tenants of the County, for example, the people I represent in Bahati and Maringo, and the people of Makongeni who are represented by the Majority Leader, in the urban renewal project that he is spearheading, they shall get houses at service charge only. Our people are happy because of this and are really waiting for this to be put on pen and paper. The associations that are there

should have this in writing so that even as their houses are being demolished, they are sure that they are going to get these houses for free. Thank you, Mr. Speaker for the opportunity that you have given me.

Hon. Deputy Speaker: Thank you. Hon. Majiwa.

Hon. Geophrey Majiwa: Thank you, Hon. Speaker. First, I take this opportunity to congratulate H. E the Governor for an elaborate statement that he gave us here. However, it is important to note that things are happening and are being said out there on what is happening and what is not happening. The truth of the matter is, as much as we would like to congratulate the Governor, there are other areas that things are not working well.

We are all leaders here, and the more we burry our heads in the sand and believe that everything is working well, we are not only lying to Nairobians but we are lying to ourselves. Even if we talk of payment of the WDF which was done the other day, it was done after a long time after contractors had ran away from the site and some of them had even abandoned work. It was probably because of the pressure put by the Majority Leader and it took a long time before payments could be made. It was not like there was no money, there was money because they have said that they have improved collection. One wonders why contractors are not being paid yet we are saying we are doing development in Nairobi? This is an area that as leaders we need to get concerned because we don't need to please ourselves by saying that things are working well. It is unfortunate. Our role here is to oversight, which we can do by saying the things that are not working well.

Mr. Speaker, we heard the Governor talking about pending bills, which are huge. What we are not getting clearly is, from the time this regime came to power and now, have we increased the pending bills? The government's policy is to ensure that we do not have pending bills at all, but if we found pending bills and instead of clearing them we are increasing them, then we are doing a disservice to the people of Nairobi.

Mr. Speaker, if we want to work together harmoniously with His Excellency the Governor, we must also be able to say the right things to his face because he is not an angel but a human being. There are things that can happen behind his back without his knowledge. If we are going to be the people who praise bosses without telling them when things are wrong, then we are not helping the residents of this City. I urge Members that we should learn to critique and say things as they are.

Mr. Speaker, we have departments that are supposed to be headed by chairmen, but if you listen to these chairmen talking outside here, none of them is enjoying those positons. They may want to cling to it but they are not enjoying but complaining throughout. You wonder when the chairmen are complaining, what of the ordinary Members? It is important that as leaders we oversight together so that we don't leave gaps where outsiders can see like we are not doing our job because they are seeing that we have been so quiet yet there are things that we need to talk about.

Mr. Speaker, it is only if we are going to be brave that we are going to change this City. If we live like cowards and we do not want to talk because we would be reported elsewhere, that if you say something another thing will not be done to you, we are going to make Nairobians suffer the most. We must take responsibility of the things that do not work well in this County and it is our responsibility to rectify those things. The Governor is a servant and he was given to us so that we can show him the right way.

Mr. Speaker, I want to plead with the Members of this County Assembly and the leadership to be brave enough to criticize things that are not going well because it is like a trend that people fear talking but when they get out of the Assembly, they talk too much. We are supposed to be talking inside this Assembly so that whatever we say is on record. But we have Members who have a tendency of talking outside here about big things that you wonder if they were corrected, how would Nairobi look like. Inside here they do not talk, I don't know whether it is because of fear of expressing themselves.

Mr. Speaker, from the Governor's speech, my concern is the way the pending bills are skyrocketing and we are not reducing it but instead we are increasing it. That is not the policy that the government expects us to carry on with. We are supposed to reduce it and if possible have nil pending bills. But if you look at the way things are happening now, contractors are not getting paid. As we speak, all garbage contractors are on strike – probably some of the members are not aware – because they have not been paid. They were paid the other day, which was very minimal to what they were expecting. So, they have decided not to go to work. If garbage contractors are on strike – we may be having a few trucks that we bought, but are trucks enough to do the garbage collection in Nairobi? They are not enough. One wonders why they are not getting paid yet they are working? Why are we running around with credit that does not have foundation? We have to ensure that people who are working for the residents of Nairobi get paid their money because they have families. You don't expect people to go to the bank to take loan facilities and come provide services yet you do not pay them. As long as a single contractor of Nairobi has not been paid, we have not done a good job. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Nasra.

Hon. Nasra Nanda: Thank you, Mr. Speaker, Sir. I rise to congratulate and also offer my comments on H.E the Governor Johnson Sakaja's speech. First, I would like to thank the Governor for his remarks and for highlighting the status of Nairobi. I would also like to thank him for his commendation to me and the Kenya Green Building Society in assisting Nairobi achieve Africa's first Green Government Office. Lastly, I would also like to thank the Governor for his wishes to the Muslim Community of this Assembly ahead of tomorrow's public holiday being Idd.

Moving to the Governor's Speech, I would like to highlight a few areas that I feel could be improved or addressed by the Governor and his team. First being the boroughs, I understand that the boroughs system is meant to enhance services, revenue collection and ensure that there is a personal touch to service delivery. I would like to caution the Governor to ensure that as we implement the borough system, it should be done in such a way that it is not like copying and

pasting other jurisdictions. Nairobi is unique in that devolution is a very recent animal that we are trying to unlock. As we think about the borough system, we need to ask ourselves serious questions on how service delivery would look like in these six boroughs and why we need to divide our County into these boroughs.

Secondly, the Governor highlighted that they have been able to manage the statutory data of the County Government of Nairobi. I am grateful for this stride which no doubt is important and positive. However, I would also want to advise the Governor that as we come up with strategies, it is important that they are founded in law and regulations. Once again, I would like to urge the Governor to pay attention to the requirement under the Public Finance Management Act, 2012 which encourage and also provide for key requirements that need to be handled under the regulation.

Third, when it comes to the urban beautification program, one of the key things that have stood out for me, was the initiative to ensure that trees are being planted across the City. I would also like to highlight that with partnership with Hon. Anthony Kiragu, we would be championing the Public Spaces Bill. I urge the Governor to work with this Assembly to ensure that we green Nairobi at the ward level to ensure every ward is part and parcel of greening the city in a way that creates the Nairobi that we are proud of.

Hon. Speaker, when it comes to upgrading the sewerage network, I am happy to see that there is progress made in securing this with the Government of Korea. My recommendation is; as we are thinking about building Nairobi, we need to perhaps to consider suspending developments above what is provided for under the law until we get our acts right when it comes to sewerage issues. Currently whenever there is rain, the first people to be affected are those on developments, who also lose their lives because our sewerage system is unable to deal with the strain on the infrastructure.

(Applause)

When it comes to the Urban Renewal and Affordable Housing, with respect to informal resettlements, I am happy that the Governor is including informal settlements in his plan to ensure that Nairobi gets back its dignity. I would also like to propose to the Governor that as we think about informal settlements, we can also look at informal settlements as a hub of creating green jobs. When it comes to informal settlements, we should consider the bottom up approach as the way of managing solid waste, which is essentially the hustlers' opportunity.

Lastly, I want to highlight the issue around Uhuru Park. The Governor had indicated that Uhuru Park is open and available and it will be the landmark for Nairobi. Unfortunately, I am yet to see Uhuru Park being opened and I am wondering whether the opening is a formality. This is a question that I posed to the Governor and I look forward to be well guided if Uhuru park is owned by Nairobi, for Nairobi and with Nairobi. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you, Hon. Members. Since there is no other request, we still have three other sittings to discuss the Governor's Address.

COMMUNICATION FROM THE CHAIR**PUBLIC HOLIDAY TO MARK EID UL-FITR**

Hon. Deputy Speaker: I have a communication to make. Dear esteemed Members of the County Assembly of Nairobi, as the blessed month of Ramadhan comes to an end, I extend my warmest greetings to each and every one of you. Ramadhan is a time of spiritual reflection, self-discipline and heightened devotion for millions of Muslims around the world. It is a month of immense significance marked by fasting, prayer and acts of charity.

Hon. Members, the Cabinet Secretary for Interior and National Administration through a Gazette Notice 4339 dated 9th April 2024, has declared tomorrow, Wednesday 12th April 2024 a public holiday, pursuant to the provision of Section 21 of the Public Holidays Act, Cap 110 to mark Eid ul-Fitr. I therefore take this opportunity to wish our Muslim brothers and sisters across the country a wonderful Eid ul-Fitr full of blessings, peace and spiritual fulfillment. May it inspire us to be better leaders, neighbors and human beings.

Wishing you all a blessed holiday tomorrow filled with joy, abundance and the grace of the Almighty. Signed by the Hon. Speaker, Hon. Ken Okeyo Ng'ondi.

ADJOURNMENT

Hon. Members, the House stands adjourned till Thursday 11th April 2024 at 2.30 p.m. The House Business Committee to meet after the rise of the Assembly. Thank you.

The House rose at 4:05 p.m.