



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Fourth Session

Wednesday 6th August 2025

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: Clerk, kindly confirm the availability of the quorum in the House.

Order, Hon. Members! It has been confirmed by the Clerk that we have the quorum to allow us to transact the business. You are much aware that we are a hybrid system where we have Members virtually and physically present. Clerk, call out the Order.

PAPER

REPORT OF COMMITTEE ON WATER AND SANITATION ON WORKSHOP ON CONSIDERATION OF NCW&SC ANNUAL BUDGET FOR FY 2025/2026

Hon. Speaker: Under Order No. 5, Hon. Members, we expect the report of the Sectoral Committee on Water and Sanitation on joint workshop held with Nairobi City Water and Sewerage Company on consideration of the company's annual budget for the financial year 2025/2026, from 30th June to 5th July 2025. The Chairperson Committee on Water, please.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. Mr. Speaker, I am sorry for the misconduct. Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today, Wednesday 6th August 2025:

The report of the Sectoral Committee on Water and Sanitation on joint workshop held with Nairobi City Water and Sewerage Company on consideration of the company's annual budget for the financial year 2025/2026 from 30th June to 5th July 2025.

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Thank you, Mr. Speaker.

(The Paper was laid on the Table)

Hon. Speaker: I hope the report is in circulation for the consumption of Members.

NOTICES OF MOTION

RESSETTLEMENT OF MATHARE 4A SQUATTERS AND IMPLEMENTATION OF SUPREME COURT DECISION ON OWNERSHIP AND ALLOCATION OF LAND LR. NO. 11344

Hon. Speaker: Hon. Members, under Order No. 6 on the Notices of Motion, the House expects a Notice of Motion from the Majority Leader, on the resettlement of Mathare 4A squatters and the Implementation Status of the Supreme Court decision on Petition No. 5 (E006) of 2022 on the ownership and allocation of land LR NO. 11344 (18169 and 18170). Hon. Majority Leader, I hope Members will be very keen on this because we expect vibrant contribution towards this Motion.

Hon. Peter Imwatok: Hon. Speaker, thank you for your guidance. Allow me to submit a Notice of Motion, as you have just read: The resettlement of Mathare 4A squatters and implementation of the Supreme Court decision on Petition No. 5 (E006) of 2022 on the ownership and allocation of land, LR. NO. 11344 (18169 and 18170).

WHEREAS Article 62(2) of the Constitution of Kenya, 2010 provides that public land shall vest in and be held by County Governments in trust for the people resident in the county, and may be administered on its behalf by the National Land Commission;

WHEREAS Article 60(1) of the Constitution outlines that the principles of land policy shall ensure the protection of human rights and secure land rights for all Kenyans, including marginalized and displaced persons;

FURTHER WHEREAS the defunct City Council of Nairobi and the Government of the Republic of Kenya, in response to a longstanding public interest concern, agreed to resettle squatters evicted in the year 1989 from Land Reference No. 209/1210, formerly a quarry and commonly known as Mathare 4A, to a parcel of land situated in Ruai under the Mathare 4A Resettlement Scheme-Ruai, specifically Land Reference No. 12979/1/R, as communicated in a letter Ref. TC(L) MNN/234/E/2005 dated 21st March, 2005 by the then Town Clerk, Mr. John Gakuo;

NOTING THAT in order to formalize this resettlement, the affected squatters formed a Community-Based Organization known as Mathare 4A-Resettlement Scheme-Ruai and later on registered a legal entity known as *Eastend Development Properties*, which was subsequently issued with allotment letters vide a letter dated 16th January, 2007, following a resolution passed by the full defunct City Council meeting of Nairobi on 27th January, 2006;

CONCERNED THAT after taking possession of the land, members of the Eastend Development Properties formerly known as Mathare 4A Resettlement Scheme-Ruai were forcibly

evicted following a claim over the land by the Nairobi City Water & Sewerage Company Limited, resulting in a protracted legal dispute. This culminated in ELC Petition No. 1243 of 2016, where the court issued restraining orders against eviction, a position supported by this Assembly in its report adopted on 28th September, 2016 tabled by the Sectoral Committee on Water and Sanitation;

AND WHEREAS despite the court orders and the resolution of this Assembly, the resettlement has not been realized. Instead, continued evictions have persisted, amounting to a sustained historical land injustice against the intended beneficiaries, who remain in deplorable and insecure living conditions while enduring expensive legal battles against state agencies;

COGNIZANT that the defunct City Council had clear and documented intentions to settle the said squatters on county land, as reflected in official correspondences and resolutions;

AND WHEREAS the Supreme Court of Kenya, in a landmark and final judgment in Petition No. 5 (E006) of 2022, held that the Nairobi City County Government holds valid and legal title to Land Reference No. 11344 (Original No. 41/3), measuring 5,639 acres in Embakasi, land previously claimed by the Kenya Defence Forces and other private entities and that has the authority to allocate and administer this land in the interest of Nairobi residents;

AND FURTHER WHEREAS following a public petition presented by representatives of Mathare 4A, this Honourable Assembly, through a report tabled on 18th October, 2023 by the Sectoral Committee on Planning and Housing, recommended that the petitioners, who have endured long-standing historical injustices, be considered for resettlement on the aforementioned Land Reference No. 11344 (Embakasi) under allotment number LR No. 18170 in alignment with the County Government's constitutional mandate and the Supreme Court's ruling;

NOW THEREFORE, this Assembly resolves as follows:

1. THAT, pursuant to Article 62(2) of the Constitution, the Supreme Court's decision in Petition No. 5 (E006) of 2022 and all other applicable provisions of the law, the Nairobi City County Government is mandated and empowered to allocate Land Reference No. 11344 in accordance with principles of equity, justice, and historical redress;
2. THAT, in consideration of the current occupation of a portion of Land Reference No. 11344 (Embakasi), the Kenya Defence Forces (KDF) be permitted to retain the area it presently occupies being LR No. 18169. The County Government to engage KDF on the terms for transfer of ownership of the land;
3. That, the remaining portion LR 18170 measuring approximately 405 ha be allocated to Mathare 4A Resettlement Scheme—Ruai (Eastend Development Properties) and other deserving communities/groups for purposes of residential settlement and community development.
4. THAT, the Nairobi City County Executive, in collaboration with the National Land Commission and other relevant government agencies, shall expedite the formal allocation and issuance of title deeds or other legal instruments to the identified beneficiaries within ninety (90) days from the date of adoption of this Motion.

5. THAT, the County Executive Committee Member responsible for Lands shall update this County Assembly within 21 days of adoption of this Motion on the progress made on its implementation.

Hon. Speaker, I beg to lay the notice of Motion.

Hon. Speaker: Thank you. Hon. Members, on the said Motion, I would want to steer correctly as a requirement and would want to revisit the formation of the County Government. When terms of reference calls Members to order and get their acts and facts right, you have a role to play. I would really want Members to put their foot forward in making sure that you take your position of leadership and representation as required. On this, you should not be seen as begging the Executive to implement the policies coming from this House. It is and should be a directive.

The Motion, as read out by the Leader of Majority, is coming at such a critical time when you need to lead in front as Members of the Assembly and take your place in the County Governments Act, as required by law. County Government is not a preserve of the County Executive. For some reason, for the past two or three years, this has always been seen as Members who are helpless, and without understanding your role and necessarily doing the right thing for the residents of Nairobi.

These members of Mathare 4A at some point got a hand of help from Germany, which bought land on their behalf at Kshs.540 million. This money has been lying somewhere, and it was advanced to the Government of Kenya for the relocation of these squatters. It is at your doorstep. It is within your powers to make sure that this is honored, Hon. Members. I want you to go and do your homework correctly. When this Motion will be appearing in the Order Paper, you will have something to contribute towards making sure that this is implemented. You stand guided Hon. Members.

(Applause)

IMPLEMENTATION OF COURT DECISION ON OWNERSHIP
AND ALLOCATION OF LAND LR NO. 10905 IN RUAI

Hon. Majority Leader you still have another notice of Motion.

Hon. Peter Imwatok: Allow me to present a second notice of Motion, which I request your leadership, Hon. Speaker, aware that we might be proceeding on recess, if you can be able to expedite this particular Motion. Tomorrow, I will explain at length on a day the House Business Committee recommends because those people who are suffering are our own brothers and sisters whose houses were demolished. Some of them were killed there and people are just taking us in circles. If you want to make money, do business, and not people's lives.

Hon. Speaker, I am sorry today I am reading two notices of Motion, all in the interest of the vulnerable in the society, also on the issue of land in Nairobi. If you are keen on what I am saying, I am talking about how this Assembly must cement itself on the rule of law.

The notice of Motion is on implementation of the court decision in ELC No. 1235 of 2015 on the ownership and allocation of land LR No. 10905 in Ruai. I think the Hon. Member for Ruai is present.

WHEREAS Article 62(2) of the Constitution of Kenya, 2010 provides that public land shall vest in and be held by county governments in trust for the people resident in the county, and may be administered on its behalf by the National Land Commission;

AND WHEREAS Article 60(1) of the Constitution outlines the principles of land policy, which include equitable access to land, security of land rights, sustainable and productive management of land resources, and the protection of human rights, including the rights of marginalized and displaced persons;

FURTHER AWARE THAT the City continues to face challenges posed by landless persons and squatters, who scramble for unoccupied county land, often leading to violent confrontations, destruction of property, and social unrest;

NOTING THAT a dispute concerning Land Reference No. 10905 (Ruai) was subject to legal proceedings in Petition No. 1235 of 2015, which culminated in a court decision affirming that the land does not belong to any of the contesting parties and that it should revert to the Nairobi City County Government as unalienated land with full authority to administer and allocate it in the interest of Nairobi residents;

COGNIZANT THAT despite the court's determination, the County Government bears a responsibility to ensure equitable settlement and protection of land rights for affected communities;

NOW THEREFORE, this Assembly resolves as follows:

1. THAT, the Nairobi City County Executive, in collaboration with the National Land Commission and other relevant government agencies, shall expedite the allocation/regularization of ownership and settlement of the identified and deserving beneficiaries of Land LR No. 10905 (Ruai) within sixty (60) days from the date of adoption of this Motion;
2. THAT, the County Executive Committee Member (CECM) for Lands shall provide an update to this County Assembly on the progress of implementation within twenty-one (21) days from the date of adoption of this Motion.

Hon. Speaker, you may be surprised as to why I insist that the CECM in charge of Lands, under Lands Act, must present a report before all of us, not before a committee. I respect the Committee of Planning, where I sit, but I urge, through this Motion, that a CECM in charge of Lands should present a report before the entire House on who was given, when, where, how, and why it was given out?

Hon. Speaker, I just want to reiterate what you said before I sit down, this is a moment that Nairobi should feel us. I passed Ruai last week and found more than 3,000 people on the road. I thought it was a rally. Everybody is scrambling for a piece of County land. You are 124 people elected to bring order and sanity, just as the Hon. Speaker said, with or without the Executive. It

is time to put order. If the Executives is not aligning with this Assembly's resolutions, I am not forcing anyone.

When the debate comes, come with facts. If my motion is defeated, I say let the people of Ruai and Mathare 4A – There is an old man called Sigh who died many years ago because of Mathare 4A issue. In the First Assembly, he appeared before us. To date, he is in the grave still cry for his children that he left behind. Hon. Speaker, I beg to lay the notice of Motion.

Hon. Speaker: Thank you. The Motions, as laid, are now committed to House Business Committee for reallocation.

STATEMENTS

REQUEST FOR STATEMENT REGARDING STATUS OF REMITTANCE OF OUTSTANDING BILLS OWED BY NAIROBI CITY COUNTY EXECUTIVE TO LAPFUND

Hon. Peter Imwatok: (*Off the record*) ...I am going to oversight even the Clerk. He committed himself before the *Kamukunji* of Members that after we come back from recess, we will find new gadgets with laptops in this Chamber. *Ama mimi ndio nilisikia?* I have not seen them. Hon. Speaker, as the Chair of the Board, alert the Clerk that he might be the next.

Hon. Speaker, over the weekend, I was thinking about oversight. I want to apologize if I will get into your nerves in a wrong way, but I have to do my job as a Member for Makongeni Ward, and more so as the leader of this House.

Pursuant to Standing Order No. 47 (2) (c), I hereby request for a Statement from the Chairperson of the Select Committee on Finance, Budget and Appropriations regarding the status of remittance of outstanding bills owed by the Nairobi City County Executive to a Local Authorities Provident Fund (LAPFUND) relating to unremitted employees pensions contribution. Underline my words, “unremitted employees’ pension contributions” This includes us and the Clerk.

Hon. Speaker, the Nairobi City County Government has over a number of financial years accumulated a significant outstanding liability to LAPFUND due to unremitted statutory pension deduction on behalf of its employees. This situation not only affects the financial health of the fund but also threatens the retirement security of the affected employees. I will table tomorrow with the statistics.

Hon. Speaker, while it is acknowledged that the County Executive made a partial statement of this liability by the close of financial year 2024-2025, a number of critical issues remain unclear particularly... Hon. Speaker, I am being threatened behind here.

Hon. Speaker: Threatened by who?

Hon. Peter Imwatok: The Whip and the elder from Kisii land.

Hon. Speaker: Hon. Majority Leader, you are protected, but again don't get diverted.

Hon. Peter Imwatok: Hon. Speaker, when I started this Statement, I said I apologize to anyone who might be hurt by this. Hon. Whip, because you sit in the Budget Committee, is it the reason?

Hon. Speaker: Kindly, Hon. Whip, would you allow the Hon. Majority Leader to...

Hon. Moses Ogeto: Hon. Speaker, I was not trying to threaten him, but I was trying to say that it is boiling very well. I was consulting with my colleague, Hon. Akama.

Hon. Speaker: What do you mean by boiling?

Hon. Moses Ogeto: Today, Hon. Speaker, the staff of Nairobi County are demonstrating that there is un-submitted money to SHA and other authorities. That is why I am saying that it is boiling well. Thank you, Hon. Speaker.

Hon. Speaker: That is an incitement, Hon. Whip.

Hon. Peter Imwatok: Hon. Speaker, in fact my ears heard, “*huyu tutamboil.*” That we are going to boil him. That is why I told you my Whip want to boil me from behind, no wonder he is not seated here. I thought I am being boiled.

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

- i. The total outstanding amount owed to LAPFUND by the Nairobi City County Executive, clearly disaggregated into the principal amount original and remitted contributions, and accrued interest and/or penalties, if any;
- ii. The total budget allocation made in the financial year 2024-2025 for the purpose of settling the LAPFUND arrears per vote;
- iii. The criteria or formula used by the County Treasury or relevant department to determine the amount to be settled at the close of the said financial year, including whether the payment prioritized all the debts and interest. In short, I am trying to say what is the order of priority on these payments;
- iv. The total amount paid to LAPFUND within the last one year, indicating the dates of payments, payment tranches, amounts, and the specific period these payments were attributed to, and the vote line upon which the payment was derived from.

Hon. Speaker, I think that is all. I believe in the Committee of Budget, that is why, in my wisdom as the leader of this House, I refuse to sit in that Committee. I am seeking this on behalf of the staff. Now, we have added 4,328 staff through the Green Army. If we do not correct this, these staff members one day will ask us questions on the streets on what we did during our time. Hon. Speaker, I beg to lay the Statement.

Hon. Speaker: Hon. Members, before I commit to the request as requested by the Leader of the Majority, allow me to highlight a few areas of concern. If you are keen enough to get to understand the details as per the request, you may notice – I do not know whether you will bring that up at the committee stage – there has been bias in the administration of the debt management of the two entities that are actually tasked with managing the retirement benefits on behalf of the members of staff of Nairobi. It is the responsibility of this House to make sure that the deducted money is submitted in record time so that it may attract interest, and the retired generals get their money in a record time, as stipulated by the Constitution.

Hon. members, as you go to interrogate the same at the committee stage, it is only fair to get to understand how the County Government – I do not know which wisdom they have been using to advance up to more than one billion shillings to one entity, that is a LAPFUND. For a record period of more than five years, the LAPTRUST has never been paid even a single coin. So,

what informs the Executive to be paying LAPTRUST, not once, not twice, not thrice, under your administration, Hon. Members? That is food for thought and calls for action by this House to do what is rightfully within their constitutional mandate. You so stand guided, Hon. Members.

I now commit the request to the Committee on Budget and Appropriations. Kindly, Chairman, give an undertaking on the time you would want to respond to the concern raised by Hon. Majority Leader.

Hon. Wilfred Odalo: Thank you, Hon. Speaker. The matter before us is very weighty, and moreover, an issue from the Leader of the Majority must be handled with the ultimate care it deserves. Hon. Speaker, I am also...

Hon. Speaker: Chairman, do not forget the same Leader of the Majority is the leader of the Government Business, who actually needs to be compelled. At some stage, he will have to be compelled to appear before this House and explain to members what is really happening with his administration.

Hon. Wilfred Odalo: You are really on point, Hon. Speaker. I am also preempting that tomorrow we will be heading for recess. My only plea is that if that time comes, you allow the Committee deal with the matter over the recess time.

Hon. Speaker: Request granted.

Hon. Wilfred Odalo: Then the second week after recess, we give this House an answer.

Hon. Speaker: Why don't you make it the first week?

Hon. Wilfred Odalo: Hon. Speaker, the matter before us, we need to have the input of the CEO and other outside entities, which needs seven days' notice. It was passed in this house some days back. Hon. Speaker, if the owner of the question allows, the second week after recess is...

Hon. Speaker: Hon. Leader of the Majority, the Chair is requesting the second week after recess. That is six weeks from now.

Hon. Peter Imwatok: Hon. Speaker, I have no objection to it provided we get the right answers, for the interest of these staff. I am so much moved by the Green Army whenever I meet them in the streets. But I am seeing their future in terms of their savings being bleak, like the old people who are dying on these staircases. Currently, LAPTRUST is contemplating not paying any retiree. For instance, Hon. Speaker, the Nairobi Water and Sewerage Company, by the end of this year, 77 staff members are retiring. In Nairobi County, we are expecting about 1,200 to 1,900 to retire by December. These people will be wagging in the corridors.

I wish, Hon. Speaker, you could have given the Chairman to work overnight so by the first week, or the first sitting of the second week, at least we get a response. Even if possible, the CEC Member of Finance can appear before us to explain these things in detail. How many staff are being guaranteed by LAPFUND? How many are being guaranteed by LAPTRUST? Which one is paid what and how? And this money when paid, which account are they paid for? Is there a debt collector? Hon. Chair, we want to know these things. I am seeing the Committee of Budget are running an audit today. Where are you running?

Hon. Wilfred Odalo: Majority, we are here, and we are guided.

Hon. Speaker: So, Chairman, it is the directive of the Chair that the first day of the second week after resumption from the recess, that is on Tuesday.

Under the Statements, Hon. Oyugi, are you ready to give response?

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. Mr. Speaker, the statement that I am about to respond to was sought by none other than yours truly, and it was long before I became a Member of the Water Committee, let alone being the Chairman. Mr. Speaker, with a lot of authority, I want to respond to the House that the issues that were bringing concerns were adequately addressed. So, I want to sum it up by saying that the concerns were addressed to the satisfaction of yours truly. Thank you.

Hon. Speaker: Is that the feeling of the House? Is the House in concurrence with the response of the Chair by Water?

Hon. Kennedy Oyugi: I can see Mheshimiwa Akama lamenting that I am responding to myself. Yes, indeed, I am responding to myself because I did seek this Statement long before I became...

Hon. Speaker: It is you?

Hon. Kennedy Oyugi: Yes, it is me who had sought the Statement long before I became a Member of the Water Committee.

Hon. Speaker: So, you are satisfied?

Hon. Kennedy Oyugi: Correct.

Hon. Speaker: Thank you. Let us proceed. What is it, Hon. Matara?

Hon. Samora Mwaura: Mr. Speaker, this is Samora, not Matara. I am standing as the Vice Chair of the WDF to make an announcement that with the authority of the Majority Leader, tomorrow the Committee is inviting all elected Members to the Chambers from 10:00 a.m. We have invited all the relevant officers to answer your pertinent questions pertaining to WDF payments, advertisements, and other matters. So, kindly show up. Thank you.

(Applause)

Hon. Speaker: Thank you. Clerk!

MOTION

OPERATIONALIZATION OF NAIROBI CITY COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION ACT AND DEVELOPMENT OF REGULATIONS TO BAN ADVERTS ON ELECTRICITY POLES, PUBLIC WALLS

Hon. Speaker: Hon. Members, as it appears in the Order Paper, Order No. 8 is a Motion by Hon. John Rex Omolleh. Hon. Rex Omolleh? Any Member holding brief on behalf of Hon. Rex Omolleh?

Hon. Members, as you may be aware, any Motion appearing in the Order Paper and there is no such advance notice to the Chair to act on behalf of the Member who was supposed to move the motion, there is a lacuna in our Standing Orders and laws. You need to consider what happens

with the Motion before the Assembly at the sitting hour and the mover of the Motion is not around. We need to work around that.

Hon. Members, and now that this Motion is appearing twice without a show of the mover of the motion, as the Chair, I direct that it be expunged from the records of the house.

(Applause)

(Motion withdrawn)

ADJOURNMENT

Hon. Speaker: Hon. Members, that brings us to the close of the business of the day. The Assembly stands adjourned to tomorrow, 7th August 2025 at 2.30 p.m.

The House rose at 5:35 p.m.